STATE AGENCIES

Letter S1 **Comments** **Responses**

LINDA LINGLE
GOVERNOR

RUSS K. SAITO
COMPTROLLER

KATHERINE H. THOMASON
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810

(P)1237.5

SEP - 9 2005

Mr. Gary Shirakata
US Army Corps of Engineers
Honolulu Engineer District, Building 230
Fort Shafter, HI 96858-5440

Dear Mr. Shirakata:

Subject: Draft Environmental Impact Statement
Military Training Activities at Makua Military Reservation

Thank you for the opportunity to review the information regarding the subject project. The project does not impact any of the Department of Accounting and General Services' projects or existing facilities and we have no comments to offer.

If you have any questions, please have your staff call Mr. David DePonte of the Planning Branch at 586-0492.

Sincerely,

for ERNEST Y. W. LAU
Public Works Administrator

DD:mo
c: Ms. Genevieve Salmonson, OEQC

Letter S2 **Comments** **Responses**

LINDA LINGLE
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
EPO-05-066

October 4, 2005

Mr. Gary Shirakata
US Army Corps of Engineers
Honolulu Engineer District, Building 230
Fort Shafter, Hawaii 96858-5440

Dear Mr. Shirakata:

SUBJECT: Draft Environmental Impact Statement for Military Training Activities at Makua Military Reservation, Oahu, Hawaii

Thank you for allowing us to review and comment on the subject document. The document was routed to the various branches of the Environmental Health Administration. We have no specific comments to offer at this time. However, our Standard Comments/areas of concern are listed below for your use and information.

Environmental Planning Office

To facilitate TMDL development and implementation, and to assist with our assessment of the potential impact of proposed actions upon water quality, pollutant loading, and biological resources in receiving waters, we suggest that environmental review documents, permit applications, and related submittals include the following standard information and analyses. Please note that these comments are also listed on our website: www.state.hi.us/health/environmental/env-planning/landuse/landuse.html. We suggest that you may review other Standard Comments on this website.

Waterbody type and class

1. Identify the waterbody type and class, as defined in Hawaii Administrative Rules Chapter 11-54 (http://www.state.hi.us/health/about/rules/11-54.pdf), of all potentially affected water bodies. Potentially affected water bodies means those in which proposed project activity would take place and any others that could receive water discharged by the proposed project activity or water flowing down from the proposed site. These waterbodies can be presented as a chain of receiving waters whose top link is the project site upslope and whose bottom link is in Pacific Ocean "oceanic waters," with all receiving waters named according to conventions established by Chapter 11-54 and the

Comments

Responses

List of Impaired Waters in Hawaii Prepared under Clean Water Act § 303(d). For example, a recent project proposed for Nuhelewai Stream, Oahu (a tributary of Kapalama Canal) might potentially affect Nuhelewai Stream, Kapalama Canal, Honolulu Harbor and Shore Areas, and the Pacific Ocean.

Existing water quality management actions

2. Identify any existing National Pollutant Discharge Elimination System (NPDES) permits and related connection permits (issued by permittees) that will govern the management of water that runs off or is discharged from the proposed project site or facility. Please include NPDES and other permit numbers; names of permittees, permitted facilities, and receiving waters (including waterbody type and class as in 1. above); diagrams showing drainage/discharge pathways and outfall locations; and note any permit conditions that may specifically apply to the proposed project.

3. Identify any planning documents, groups, and projects that include specific prescriptions for water quality management at the proposed project site and in the potentially affected waterbodies. Please note those prescriptions that may specifically apply to the proposed project.

Pending water quality management actions

4. Identify all potentially affected water bodies that appear on the current *List of Impaired Waters in Hawaii Prepared under Clean Water Act §303(d)* including the listed waterbody, geographic scope of listing, and pollutant(s) (See Table 5 at http://www.hawaii.gov/health/environmental/env-planning/wqm/303dpcfinal.pdf).

5. If the proposed project involves potentially affected water bodies that appear on the current *List of Impaired Waters in Hawaii Prepared under Clean Water Act §303(d)*, identify and quantify expected changes in the following site and watershed conditions and characteristics
   - surface permeability
   - hydrologic response of surface (timing, magnitude, and pathways)
   - receiving water hydrology
   - runoff and discharge constituents
   - pollutant concentrations and loads in receiving waters
   - aquatic habitat quality and the integrity of aquatic biota

Where TMDLs are already established they include pollutant load allocations for the surrounding lands and point source discharges. In these cases, we suggest that the submittal specify how the proposed project would contribute to achieving the applicable load reductions.

Comments

Responses

Where TMDLs are yet to be established and implemented, a first step in achieving TMDL objectives is to prevent any project-related increases in pollutant loads. This is generally accomplished through the proper application of suitable best management practices in all phases

of the project and adherence to any applicable ordinances, standards, and permit conditions. In these cases we suggest that the submittal specify how the proposed project would contribute to reducing the polluted discharge and runoff entering the receiving waters, including plans for additional pollutant load reduction practices in future management of the surrounding lands and drainage/discharge systems.

Proposed Action and Alternatives Considered

We suggest that each submittal identify and analyze potential project impacts at a watershed scale by considering the potential contribution of the proposed project to cumulative, multi-project watershed effects on hydrology, water quality, and aquatic and riparian ecosystems.

We also suggest that each submittal broadly evaluate project alternatives by identifying more than one engineering solution for proposed projects. In particular, we suggest the consideration of "alternative," "soft," and "green" engineering solutions for channel modifications that would provide a more environmentally friendly and aesthetically pleasing channel environment and minimize the destruction of natural landscapes.

If there are any questions about these standard comments please contact Jiacai Liu with the Environmental Planning Office at 586-4346. We would like to receive a copy of the Draft Environmental Assessment when it is completed.

Sincerely,

HAROLD LAO, ACTING MANAGER
Environmental Planning Office

c: EPO
CWB

Letter S3

Comments

LINDA LINGLE
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
EMD / CWB

08027PKP.05

August 3, 2005

Mr. Gary Shirakata
U.S. Army Corps of Engineers
Honolulu Engineer District, Building 230
Fort Shafter, Hawaii 96858-5440

Dear Mr. Shirakata:

Subject: Draft Environmental Impact Statement for Military Training Activities at Makua Military Reservation (MMR)

The Department of Health, Clean Water Branch (CWB) has reviewed the subject document and offers the following comments on Section 3.7, Surface Water Quality.

S3-1 1. The water quality analysis results were compared to the freshwater, **acute** water quality standards specified in Hawaii Administrative Rules (HAR), Chapter 11-54. However, it may be more appropriate for the results to be compared to the freshwater, **chronic** water quality standards since there has not been any recent activity in the area.

S3-2 2. This section states that none of the water quality samples taken at streams within the MMR exceeded the acute standards specified in HAR, Chapter 11-54. However, upon examination of the results in Appendix G-1, the results for aluminum, chromium, copper, nickel, and zinc frequently exceeded the acute standards.

S3-3 3. In addition to the parameters previously listed, selenium and heptachlor results exceeded the HAR, Chapter 11-54, freshwater chronic standards.

S3-4 4. Total suspended solids results often exceeded the HAR, Chapter 11-54, specific water quality standards for streams.

S3-5 5. Although the streams were not tested for nitrate+nitrite nitrogen, it can be deduced that the nitrate+nitrite nitrogen concentrations of the samples exceeded the HAR, Chapter 11-54, standards since the nitrate values alone exceeded the standards.

S3-6 6. The detection levels for each test method was not specified and therefore more samples may have exceeded HAR, Chapter 11-54, if the detection levels were above the water quality standard itself.

If you have any questions, please contact Ms. Kris Poentis of the Engineering Section, CWB, at 586-4309.

Sincerely,

DENIS R. LAU, P.E., CHIEF
Clean Water Branch

KP:np

Responses

S3-1
All of the streams in the Makua Valley are intermittent streams, and therefore would not be considered waters of the state. The HAR 11-54 water quality standards are the same as the Federal Ambient Water Quality Criteria for Freshwater. Use of both standards are for comparison purposes, with the focus on comparison being the Federal EPA Preliminary Remediation Goals. The acute standards are more applicable than chronic standards for MMR since the site is an active Army training range, rather than an unused, undeveloped valley.

S3-2
The EIS has been revised to reflect the data in Appendix G-1.

S3-3
The acute standards are more applicable than chronic standards for MMR since the site is an active Army training range, rather than an unused, undeveloped valley. The text in the EIS has been revised to reflect the data in Appendix G-1.

S3-4
All of the streams in the Makua Valley are intermittent streams, and therefore the water quality standards for suspended solids in HAR 11-54 do not apply to these waters. It would be virtually impossible to meet water quality standards for sediment in an intermittent stream, since one of the functions of a stream is to carry sediment downstream. For intermittent streams, this sediment transport function occurs episodically, when there is sufficient rainfall and runoff to create streamflow.

Comments	Responses
	(Cont.) S3-5 All of the streams in the Makua Valley are intermittent streams, and therefore would not be considered waters of the state. The HAR 11-54 water quality standards are the same as the Federal Ambient Water Quality Criteria for Freshwater. Use of both standards are for comparison purposes, with the focus on comparison being the Federal EPA Preliminary Remediation Goals. The text of the EIS has been revised to reflect data in Appendix G-1. S3-6 As part of this study, the method detection limits used by the laboratories were specified to meet the requirement of HAR, Chapter 11-54. Accordingly, reported compound levels above the guidelines would be listed as "hits" in the tables. To conserve space in the tables the method detection limits are not included in some of the tables.

Letter S4

Comments

LINDA LINGLE
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O.BOX 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
EMD/SDWB

July 21, 2005

Mr. Gary Shikata
U.S. Army Corps of Engineers
Honolulu Engineer District, Building 230
Fort Shafter, HI 96858-5440

Dear Mr. Shikata:

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT
MILITARY TRAINING ACTIVITIES AT MAKUA MILITARY
RESERVATION, HAWAII

Thank you for the opportunity to review and comment on the subject document. We have examined the draft environmental impact statement (DEIS) and have the following comments to offer:

S4-1 Figure 3-11, Water Sampling Locations, should be revised to show the locations of the six shallow monitoring wells installed by the USGS in 1962, the Ka'ena State Park Well, and the Air Force Well which are mentioned on page 3-83 of the DEIS.

S4-2 Was there any attempt to sample any of these wells?

If you have any questions, please call Stuart Yamada at 586-4258.

Sincerely,

Stuart Yamada

FOR WILLIAM WONG, P.E., CHIEF
Safe Drinking Water Branch
Environmental Management Division

SY:cb

Responses

S4-1
Figure 3-11 has been revised to include the six well locations.

S4-2
No. The USGS wells are listed as destroyed. The city park well is too far away, and groundwater in the vicinity of the US Air Force well is sampled using well MW-2. In addition the Air Force well does not meet Army standards for a monitoring well, since its access is not restricted or controlled.

Letter S5 **Comments** **Responses**

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 3, 2005

NAVUAMILITARYOAHU.RCM LD-NAV

Mr. Gary Shirakata
US Army Corp of Engineers
Honolulu Engineer District, Building 230
Ft. Shafter, Hawaii 96858-5440

Dear Mr. Shirakata:

SUBJECT: Draft Environmental Impact Statement for the 25th Infantry Division (light) and US Army Military Activity at Makua Military Reservation, Island of Oahu, Hawaii

Thank you for the opportunity to review and comment on the subject matter.

A copy of the document pertaining to the subject matter was distributed or made available to the following Department of Land and Natural Resources' Divisions for their review and comment:

- Engineering Division
- Division of Aquatic Resources
- Division of State Parks
- Division of Forestry and Wildlife
- Commission on Water Resource Management
- Office of Conservation and Coastal Lands
- Land-Oahu District Land Office

Enclosed please find a copy of the Division of Aquatic Resources, Commission on Water Resource Management and Engineering Division's comments and a copy of the Oahu District Land Office response.

The Department of Land and Natural Resources has no other comment to offer on the subject matter.

Should you have any questions, please feel free to contact Nicholas A. Vaccaro of the Land Division Support Services Branch at 808-587-0384.

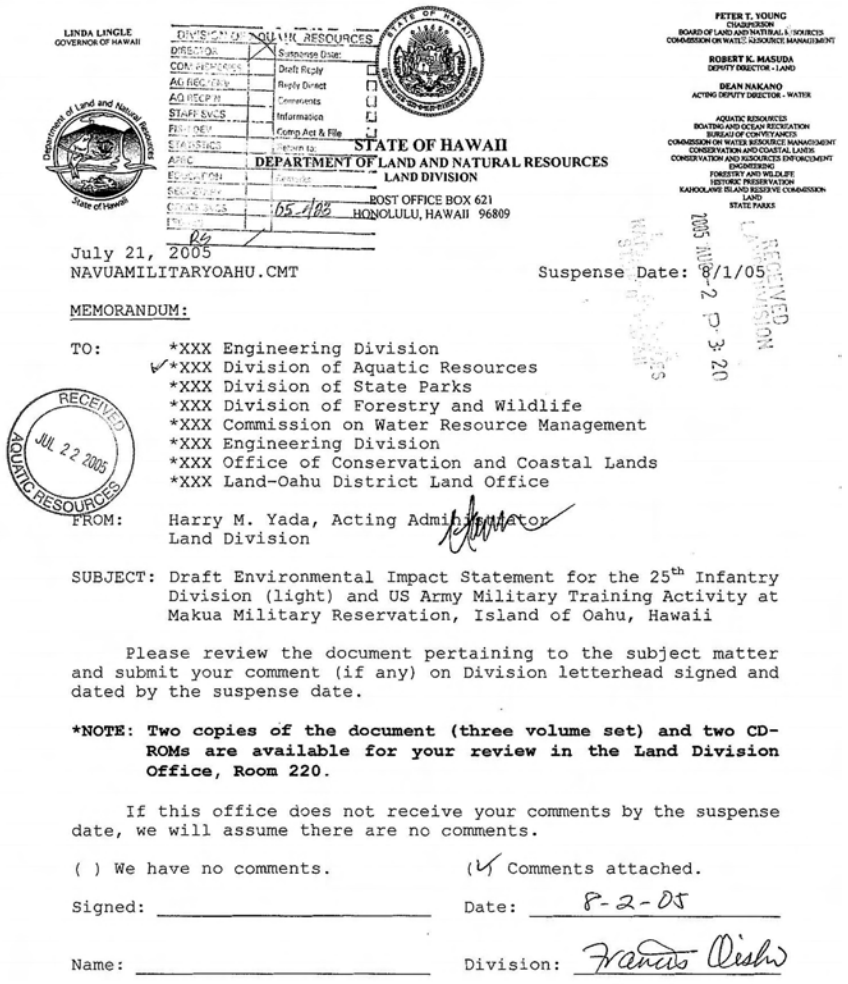
Very truly yours,

for Charlene E. Unoki

HARRY M. YADA
Acting Administrator

C: ODLO

Comments



LINDA LINGLE
GOVERNOR OF HAWAII

DIVISION OF AQUATIC RESOURCES
DIRECTOR
COM REPORTS
AQ RECP'N
AQ RECP'N
STAFF SVCS
FIRST DEV
STATISTICS
APRC
EDUCATION
SECRETARY
OFFICE SVCS
ETC
Suspense Date:
Draft Reply
Reply Direct
Comments
Information
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Return to:
Remarks
05-1/05

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

RECEIVED
LAND DIVISION
2005 AUG -2 P 3:20
NATURAL RESOURCES
STATE OF HAWAII

July 21, 2005
NAVUAMILITARYOAHU.CMT

Suspense Date: 8/1/05

MEMORANDUM:

TO: *XXX Engineering Division
✓*XXX Division of Aquatic Resources
*XXX Division of State Parks
*XXX Division of Forestry and Wildlife
*XXX Commission on Water Resource Management
*XXX Engineering Division
*XXX Office of Conservation and Coastal Lands
*XXX Land-Oahu District Land Office

RECEIVED
JUL 22 2005
AQUATIC RESOURCES

FROM: Harry M. Yada, Acting Administrator
Land Division

SUBJECT: Draft Environmental Impact Statement for the 25th Infantry Division (light) and US Army Military Training Activity at Makua Military Reservation, Island of Oahu, Hawaii

Please review the document pertaining to the subject matter and submit your comment (if any) on Division letterhead signed and dated by the suspense date.

***NOTE: Two copies of the document (three volume set) and two CD-ROMs are available for your review in the Land Division Office, Room 220.**

If this office does not receive your comments by the suspense date, we will assume there are no comments.

( ) We have no comments. (✓) Comments attached.

Signed: _____ Date: 8-2-05

Name: _____ Division: Francis Oishi

Responses

Comments

SUSPENSE DATE: August 1, 2005

STATE OF HAWAII
Department of Land and Natural Resources
Division of Aquatic Resources

MEMORANDUM

To: Francis Oishi, Acting Administrator
From: Richard Sixberry, Aquatic Biologist
Subject: Comments on Draft Environmental Impact Statement

Comments Requested By: Harry Yada - Land Division

Date of Request: 7/21/05 Date Received: 7/22/05

Summary of Project

Title: US Army Military Training

Proj. By: US Army Corps of Engineers

Location: Makua Military Reservation, Oahu

Brief Description:

The applicants proposed action is to conduct live-fire military exercises for the combat units assigned to the 25th light infantry division and other military units.

Comments:

S5-1 Significant impacts adverse to aquatic resource values are not expected from the activities proposed.

S5-2 The mitigation measures recommended for the project are adequate and would limit or prevent excessive impact to aquatic resource values. We suggest that those mitigation measures be incorporated, as conditions, into the permit process.

S5-3 Further, precautionary measures should include preventing chemicals (fertilizers, herbicides, pesticides, other toxic chemicals etc.), petroleum products, debris, cleared vegetation, eroded material, and other potential contaminants from entering the intermittent waterways or coastal waters.

Any future activities proposed along or near the shoreline should be submitted to the Department for review in advance.

Richard Sixberry
Aquatic Biologist

Responses

S5-1
The Army thanks you for your comment and appreciates your participation in this public review process. Your comment has been considered and has been included as part of the administrative record for this process.

S5-2
The Army thanks you for your comment and appreciates your recommendations and will consider them as it moves forward with the NEPA process. Your comment has been considered and has been included as part of the administrative record for this process.

S5-3
The Army's Installation Training Area Management program, which seeks to reduce erosion, would continue to be implemented as part of the proposed action. While the potential for contamination of water bodies has been identified in the EIS as low, the Army will review its proposed mitigation for additional precautionary measures.

Comments

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON

MEREDITH J. CHING
JAMES A. FRAZIER
NEAL S. FUJIWARA
CHIYOME L. FUKINO, M.D.
LAWRENCE H. MIIKE, M.D., J.D.
STEPHANIE A. WHALEN

DEAN A. NAKANO
ACTING DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

August 2, 2005

REF: NAVUAMILITARYOAHU.CMT

TO: Mr. Harry Yada, Administrator
Land Division

FROM: Dean A. Nakano, Acting Deputy Director
Commission on Water Resource Management

SUBJECT: DEIS US Army Military Training Activity at Makua Military Reservation , Oahu

FILE NO.: NAVUAMILITARYOAHU.CMT

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore, all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at *http://www.hawaii.gov/dlnr/cwrm*.

Our comments related to water resources are checked off below.

☐ 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.

☐ 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.

☐ 3. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

Permits required by CWRM: Additional information and forms are available at *www.hawaii.gov/dlnr/cwrm/forms.htm*.

☐ 4. The proposed water supply source for the project is located in a designated ground-water management area, and a Water Use Permit is required prior to use of ground water.

☐ 5. A Well Construction Permit(s) is (are) required before the commencement of any well construction work.

☐ 6. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.

☐ 7. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.

DRF-LD 04/15/2005

Responses

Comments

☐ 8. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.

☐ 9. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.

☐ 10. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.

☐ 11. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.

☐ 12. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.

☐ 13. We recommend that the report identify feasible alternative non-potable water resources, including reclaimed wastewater.

☒ OTHER:

S5-1 Punapohaku, Makua and Kaiahi watercourses are dry mauka of Farrington Highway therefore, they are not considered to be streams. It is our understanding that the Makua and Kaiahi muliwai will not be altered. Therefore, a stream channel alteration permit will not be required for the training activity.

If there are any questions, please contact David Higa at 587-0249.

Responses

S5-1
The Army thanks you for your comment and appreciates your participation in this public review process. Your comment has been considered and has been included as part of the administrative record for this process.

Comments

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 21, 2005
NAVUAMILITARYOAHU.CMT Suspense Date: 8/1/05

MEMORANDUM:

TO: *XXX Engineering Division
*XXX Division of Aquatic Resources
*XXX Division of State Parks
*XXX Division of Forestry and Wildlife
*XXX Commission on Water Resource Management
*XXX Engineering Division
*XXX Office of Conservation and Coastal Lands
*XXX Land-Oahu District Land Office

FROM: Harry M. Yada, Acting Administrator
Land Division

SUBJECT: Draft Environmental Impact Statement for the 25th Infantry Division (light) and US Army Military Training Activity at Makua Military Reservation, Island of Oahu, Hawaii

'05 JUL 22 AM08:04 ENGINEERING

Please review the document pertaining to the subject matter and submit your comment (if any) on Division letterhead signed and dated by the suspense date.

***NOTE: Two copies of the document (three volume set) and two CD-ROMs are available for your review in the Land Division Office, Room 220.**

If this office does not receive your comments by the suspense date, we will assume there are no comments.

( ) We have no comments. (✓) Comments attached.

Signed: Eric T. Hirano Date: 7/29/05

Name: ERIC T. HIRANO, CHIEF ENGINEER Division: Engineering

Responses

Comments

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LA/NAV

Ref.: NAVUAMILITARYOAHU.CMT
Oahu.497

COMMENTS

( ) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone ___.

S5-1 **(X) Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone D. The National Flood Insurance Program (NFIP) does not have any regulations for development within Flood Zone D.**

( ) Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ___.

( ) Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

( ) Mr. Robert Sumimoto at (808) 523-4254 or Mr. Mario Siu Li at (808) 523-4247 of the City and County of Honolulu, Department of Planning and Permitting.
( ) Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.
( ) Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
( ) Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.

( ) The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.

( ) The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

( ) Additional Comments:_____

( ) Other: _____

Should you have any questions, please call Mr. Andrew Monden of the Planning Branch at 587-0229.

Signed: _____
ERIC T. HIRANO, CHIEF ENGINEER

Date: 7/29/05

Responses

S5-1
This information has been incorporated into Section 3.7.2 of the EIS.

Comments

Responses

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 21, 2005
NAVUAMILITARYOAHU.CMT Suspense Date: 8/1/05

MEMORANDUM:

TO: *XXX Engineering Division
*XXX Division of Aquatic Resources
*XXX Division of State Parks
*XXX Division of Forestry and Wildlife
*XXX Commission on Water Resource Management
*XXX Engineering Division
*XXX Office of Conservation and Coastal Lands
✓ *XXX Land-Oahu District Land Office

FROM: Harry M. Yada, Acting Administrator
Land Division

SUBJECT: Draft Environmental Impact Statement for the 25th Infantry Division (light) and US Army Military Training Activity at Makua Military Reservation, Island of Oahu, Hawaii

Please review the document pertaining to the subject matter and submit your comment (if any) on Division letterhead signed and dated by the suspense date.

***NOTE: Two copies of the document (three volume set) and two CD-ROMs are available for your review in the Land Division Office, Room 220.**

If this office does not receive your comments by the suspense date, we will assume there are no comments.

(✓) We have no comments. ( ) Comments attached.

Signed: Cecil Santos Date: 7/26/05

Name: Cecil Santos Division: LAND

Letter S6

Comments

PHONE (808) 594-1888 FAX (808) 594-1865

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAI'I 96813

HRD05/1954

September 6, 2005

Mr. Gary Shirakata
US Army Corps of Engineers
Honolulu Engineer District, Building 230
Fort Shafter, HI 96858-5440

RE: Draft Environmental Impact Statement for Military Training Activities at Mākua Military Reservation, Mākua, Hawai'i.

Dear Mr. Shirakata,

The Office of Hawaiian Affairs (OHA) is in receipt of your July 18, 2005 request for comment on the above listed proposed project.

S6-1 OHA asks for an extension in reviewing the Draft Environmental Impact Statement (DEIS) for Military Training Activities at Mākua Military Reservation. As was requested by community members, including OHA beneficiaries, at the recent public meetings, OHA asks that the period for review be extended for at least 60 days. OHA feels that the length of the DEIS, coupled with the need for accurate and attentive review justifies this request.

Thank you for the opportunity to comment. If you have further questions or concerns, please contact Jesse Yorck at (808) 594-0239 or jessey@oha.org.

'O wau iho nō,

Clyde W. Nāmu'o
Administrator

Responses

S6-1
The Army extended the public review period from 60 days to 75 days. In response to comments, an additional 60 days were provided to the community to review the Draft EIS and associated studies related to marine resources and archaeological surveys, from February 2 to April 3, 2007. The technical experts retained on behalf of Malama Makua were provided 76 days for review of the marine resources study, archaeological study, and Draft EIS.

Letter S7 **Comments** **Responses**

PHONE (808) 594-1888 FAX (808) 594-1865

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAI'I 96813

HRD05/1954

September 26, 2005

Mr. Gary Shirakata
US Army Corps of Engineers
Honolulu Engineer District, Building 230
Fort Shafter, HI 96858-5440

RE: Draft Environmental Impact Statement for Military Training Activities at Mākua Military Reservation, Mākua, Hawai'i.

Dear Mr. Shirakata,

The Office of Hawaiian Affairs (OHA) is in receipt of your July 18, 2005 request for comment on the above listed proposed project. An extension for public comment was granted by the Army, extending the due date to October 6, 2005. OHA offers the following comments:

OHA has substantive obligations to protect the cultural and natural resources of Hawai'i for its beneficiaries, the people of this land. The Hawaii Revised Statutes mandate that OHA "[s]erve as the principal public agency in the State of Hawaii responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians; . . . and [t]o assess the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians" (HRS § 10-3). Keeping these responsibilities in mind, OHA has a series of general concerns and specific problems with the Draft EIS which will be addressed below.

Throughout this process, it is important to remember the Congressional intent behind the National Environmental Policy Act (NEPA); that it be used "to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment" (40 C.F.R. §1500.2(e)). A Federal agency is further required to "[s]tudy, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." (42 U.S.C. 4332(2)(E))

While the Army's regulation AR 200-2 implements NEPA for the Army, it is based entirely on the Code of Federal Regulations (40 C.F.R. 1500-1508), applicable to all Federal agencies.

Comments

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S7-1 A major theme to this letter will be the request for a revised and/or supplemental Draft EIS, as required by the aforementioned relevant statutes. "The draft statement must fulfill and satisfy to the fullest extent possible the requirements established for final statements in section 102(2)(C) of the Act. If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion. . . ." (40 C.F.R. 1502.9(a)) The agency's duties are qualified by the phrase "to the fullest extent possible," but these words do not "provide an escape hatch for foot-dragging agencies; it does not make NEPA's procedural requirements somehow 'discretionary.'" (*Calvert Cliffs Coordinating Committee v. United States Atomic Energy Commission*, 449 F.2d 1109 (D.C. Cir. 1972)) These duties are not excused by time or monetary constraints. This is because public review of the Draft EIS is supposed to

S7-1 create a better document in the form of the Final EIS. This document requires much improvement. Several major inadequacies are found in this Draft EIS which must be addressed by revisions and/or supplements.

ES-20 to 21 **Environmental and Socioeconomic Impacts:** "Significant and immitigable impacts on land use would result from impacts on recreational resources at Mākua Beach" and "slightly greater impacts on recreational resources at Mākua Beach due to use of additional high explosive weapons." *Native Hawaiian individuals and groups partaking in subsistence gathering do not do so on a "recreational" basis. The document simply dismisses the immitigable impacts as if they preclude only recreational activity. This fails to address the Army's legal obligation to consider impacts on traditional practices and native rights. As is proposed, OHA cannot condone the immitigable loss of*

S7-2 *environment, cultural resources or traditional practices. Issues of Environmental Justice, as found in National Environmental Policy Act (NEPA), are raised as well as the proposed training will likely have a negative impact on traditional gathering activities, which is often supplemental to monetary income. The poverty rate for surrounding Wai'anae was reported at 21.8 percent in the US DOC Census of 2000, indicating the low income status of the area's residents. In this capacity, the proposed training has the potential to increase the financial disparity of Native Hawaiiań families in the area.*

ES-23 **Noise:** "Significant and immitigable impacts are expected under Alternative 1 as a result of ordinance use." *The purpose of an Environmental Impact Statement (EIS) is to show*

S7-3 *mitigation possibilities. Stating that impacts are immitigable is not a good faith effort to comply with NEPA requirements.*

ES-27 **Biological Resources, Alternative 1:** "Impacts from ground training on sensitive terrestrial species and habitat would be considered significant and mitigable." *Alternatives 2 and 3 of this section state that impact levels would be the same as*

S7-4 *Alternative 1. Are these impact still considered significant and mitigable at the*

Responses

S7-1
The EIS was prepared in accordance with the National Environmental Policy Act and with applicable federal and Army regulations. Review of the Draft EIS by the US Environmental Protection Agency found the document to be adequate.

S7-2
In Section 4.10 of the Draft EIS, the Army assesses impacts to access to MMR. Although MMR is an active training complex, the Army allows access consistent with training, safety, and other applicable requirements. To the extent this comment addresses environmental justice impacts, the Draft EIS addressed those issues in Section 4.12.

S7-3
The EIS was prepared in accordance with the National Environmental Policy Act and with applicable federal and Army regulations. Review of the Draft EIS by the US Environmental Protection Agency found the document to be adequate. Further, the Army has identified mitigation measures that are available to reduce the impacts identified in the Draft EIS.

S7-4
Differences in the impact type and intensity with regards to environmental resources are desribed for each alternative. This addresses differences in the alternatives' use of tracers, munitions, and training days amongst other things

Comments

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Page 3

Alternative 2 and 3 level? This seems to conflict with statements concerning the incremental risks of wildfire and damage to cultural sites (see Section 3.9 and Page 3-249, 3.14.2). Levels of impact to the biological resources of Mākua must be spelled out in each step of the DEIS so that it is clear how additional munitions, particularly explosives and illumination munitions, will increase detrimental impacts to environmental and cultural resources. S7-4

ES-29 **Cultural Resources:** "Significant and immitigable impacts would result from decreased cultural access to ATIs and archaeological sites." *In keeping with our constitutional mandate, OHA objects to this.* S7-5

ES-30 **Hazardous Materials and Waste:** "Due to historic live-fire training at MMR, OXO is buried throughout the installation and could be unearthed through natural processes." *The unexploded ordinance from previous training and bombardment needs to be cleaned up prior to additional training. The Army must not only consider the safety of its soldiers, but also the future safety of the public as is inherent in access issues.* S7-6 S7-7

2-8 **No Action Alternative:** "The Army would consult with the USFWS and the Hawai'i State Historic Preservation Officer to ensure the Army's maintenance and stewardship requirements fulfill applicable statutory obligations regarding natural and cultural resources." *It is very important to include community members who have intimate knowledge about the cultural resources of Mākua. Cultural and lineal descendants, as well as the Office of Hawaiian Affairs, must be given an opportunity to be involved in the consultation process.* S7-8

2-19 **Preparation and Dry Fire:** "The unit leaders then brief every soldier in the unit on the importance of protecting endangered species and habitat and cultural sites and of preventing wildfires." *Specifically, what will the briefing entail?* S7-9

2-24 **Cleanup:** "Army personnel also conduct surveys of archaeological /cultural resources to determine if they have been disturbed." *If archaeological or cultural sites are determined to have suffered damage upon inspection, what protocol will be followed to address this? Will training cease at this point? Will the various individuals and Native Hawaiian Organizations (NHO's) be notified and consulted on a case-by-case basis?* S7-10

2-25 **Demolitions Training:** "The M039 cratering charge, filled with ammonium nitrate, is placed within the hole created by the shape charge. The typical maximum amount of ammonium nitrate that would be used at any one time would be up to 150 pounds…and possibly up to 300 pounds." *What is the definition of, and purpose for, a cratering charge? What will the effect be on the earth's hard pan? Historically, demolitions that* S7-11

Responses

S7-5
The Army thanks you for your comment and appreciates your participation in this public review process. Your comment has been considered and has been included as part of the administrative record for this process.

S7-6
As discussed on Page 2-24 of the Draft EIS, the Army proposes to conduct unexploded ordnance clearance following each training event, which may result in the removal of recent and historical unexploded ordnance.

S7-7
The Army implements numerous measures to address the safety of members of the public participating in the cultural access program.

S7-8
The Army has always included the community, including OHA, in its Section 106 consultations. The Army will continue to consult with any Native Hawaiians having lineal and/or cultural ties to Makua who wish to work with us in the identification, determination of significance and evaluation of sites at Makua.

S7-9
The briefing topics include: an overview of MMR; litigation background and Draft EIS; training purpose and need; natural resource protection; cultural resource protection; and wildland fire management program.

S7-10
If damage is detected, the range operations division is notified so training scenarios can be redirected to avoid further damage. A mitigation measure to this effect has been added to Section 4.10.3.

Comments	Responses
	(Cont.) S7-11 As the name suggests, a "cratering charge" is a charge placed in such a way as to create a crater. The size and depth of the crater would depend on the size of the charge and the characteristics of the soil or other materials where the charge is placed. The effect on soils would be similar to excavating a shallow hole. In general, water might pond in a depression in the land surface caused by a cratering charge. The charges used at MMR would be relatively small, and their effects would not extend to depths sufficient to alter the hydrology of the site. There is a single demolition pit at MMR at which all cratering training would occur. According to Army doctrine, the craters are filled at the end of each training event to a near natural state.

Comments

S7-11 *alter the hard pan have caused environmental harm that is virtually irreparable, i.e. bombing activities on Kaho'olawe.*

2-27 **Integrated Training Area Management:** "The ITAM program is the Army's formal strategy for ensuring sustainable use of training and testing lands… The Army manages its lands to minimize loss of training capabilities in order to support current and future training and mission requirements." *Does this mean sustainable use for continued*

S7-12 *military training and sustained use by the public and cultural practitioners after the Army is done using Mākua? Does the ITAM program address the future use of Mākua valley by the public?*

2-28 **Environmental Management Programs:** As part of the environmental management effort, the Army says it will "conduct Native Hawaiian consultation." *The Army has had*

S7-13 *a history of inadequate consultation with Native Hawaiian individuals and NHO's. What steps will be taken to create a useful, "good faith effort" consultation program? It is of utmost concern to OHA that the Army fulfill it legal obligations to consult with cultural and lineal descendants in this capacity.*

S7-14 2-29 to 35 **Alternatives to Accomplish Proposed Action:** *The listed alternatives on Table 2-4, as well as Table ES-2, are virtually the same and do not constitute valid alternatives.*

S7-15 *All proposed actions will have severe, irreversible impacts on the environment and cultural landscape except, of course, for the "No Action Alternative". OHA would like to see these changed to include actual alternatives, as slight variations of a single proposed action do not constitute a good faith effort to consider different options and approaches.*

2-32 **Alternative 3:** "Additionally, live-fire training proposed under Alternative 3 would use tracers, inert TOW missiles 2.75 caliber rockets, and illumination munitions." *These are*

S7-16 *the very munitions that have been restricted by the Settlement Agreement. Why then would the Army propose to use munitions that would be in breach of their own contract?*

3-151 **Cultural Resources:** "Errant inert TOW missiles and 2.75-caliber rockets could damage ATIs, resulting in physical damage and perceived loss of *mana* by Native Hawaiians." *As*

S7-17 *is stated several times in the document, the destruction of ATIs, Native Hawaiian historic and cultural sites, would have no tangible impact on Native Hawaiian culture, only a perceived loss of mana. Not only does this statement reify the hegemonic nature of the Army as it pertains to interactions with native people, but it is ultimately condescending and dismissive in nature. While our office concedes that respect for other cultures cannot be mandated, the Army must not trivialize the beliefs of our beneficiaries.*

3-166 **Cultural Resources:** "This issue deals with the spiritual affinity and important role that the natural environment plays in Hawaiian culture and the belief that it is not possible to

Responses

S7-12
The ITAM program's focus at MMR is to sustain military training use of the installation. The program does not address non-military future use of MMR.

S7-13
Since the 1992 amendments to the National Historic Preservation Action and associated changes to the Army's cultural resources program, the Army in Hawaii has had an excellent history of Native Hawaiian consultation. The Army will continue to honor its legal obligations to consult with Native Hawaiians.

S7-14
The EIS considered other alternatives in Section 2.5. The EIS now includes evaluation of an alternative in which training proposed for MMR would be conducted at the Pohakuloa Training Area, island of Hawaii (See Chapter 2 for a description of this alternative). This alternative was added in response to public comments received on the Draft EIS. Use of MMR, however, remains the preferred alternative.

S7-15
The EIS was prepared in accordance with the National Environmental Policy Act and with applicable federal and Army regulations. Review of the Draft EIS by the US Environmental Protection Agency found the document to be adequate. Also, please see response to Comment S7-14.

S7-16
The 2001 Settlement Agreement addressed training prior to the completion of the EIS.

S7-17
The sentence in Section 4.10.3 has been revised in the EIS.

Comments

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separate the people from the lands. This perspective also makes it inappropriate for Native Hawaiians to support any actions that could affect or disturb the land." *This is also OHA's position, as mandated.*

S7-18

3-214 **Army Management of Cultural Resources:** "…archaeological investigations conducted since the 1970s indicate that many of the archaeological sites, features, and deposits dating to the pre-contact era have survived in good to excellent condition." *The Army, by its own admission, considers Mākua valley an area with good to excellent archaeological and cultural resources, a rarity on O'ahu. As the Army, OHA, NHOs and Native Hawaiian individuals agree that Mākua valley is home to rich and cultural resources, implicating it as invaluable and unique, how can this be measured, in good conscious, as an ideal area for military training? Mākua's cultural richness alone would indicate that military training in the valley is inappropriate.*

S7-19

3-217 **Current Management Actions:** "The presence of unexploded ordinance in these areas makes surveying hazardous." *Portions of Mākua valley are already too dangerous for survey crews to enter. This raises serious concerns for our office as the Army is intending to escalate the contamination of the valley through the inevitable introduction of additional unexploded ordinance. It is of the utmost importance that these areas containing UXO be thoroughly cleared prior to future training in Mākua. From Kaho`olawe to Waikane Valley, the military has bombed and contaminated lands to virtually useless status, with lands too dangerous even for continued military training. For example, Waikane Valley was found to be too dangerous for the Marines to use for jungle training and has been fenced off indefinitely.*

S7-20

3-219 **Public Access:** "Cultural access must be requested three months in advance, and available dates may be restricted by training schedules." *These restrictions will become much greater under Alternatives 1, 2 and 3. This heightening of access restrictions will undoubtedly conflict with, and in essence, sack the intentions and spirit of the Ukanipō Heiau Programmatic Agreement (see also 4-143, 4.10.3).*

S7-21

S7-22 3-221 **Hazardous Materials and Waste:** *While the safety of military personnel is considered in this section, no mention is made of future public safety? What about exposure levels as it relates to future Native Hawaiian cultural practices? Will Mākua be even remotely safe for future public access?*

S7-23 The alternatives listed in the Draft Environmental Assessment do not thoroughly address all options to fulfill the Army's training needs. A more exhaustive approach, including other possible locations for training should be included in the final version of the document. Our office also asks that the cultural and environmental impacts from such training be clearly spelled out in

Responses

S7-18
The Army thanks you for your comment and appreciates your participation in this public review process. Your comment has been considered and has been included as part of the administrative record for this process.

S7-19
MMR and all of the alternatives contain cultural and natural resources of concern. The physical and geographic features, including its distance from highly populated areas, make MMR suited to military training and minimize the health and safety impacts of training on the community.

S7-20
The EIS was prepared in accordance with the National Environmental Policy Act and with applicable federal and Army regulations. Review of the Draft EIS by the US Environmental Protection Agency found the document to be adequate. As discussed on Page 2-24 of the Draft EIS, the Army proposes to conduct unexploded ordnance clearance following each training event, which may result in the removal of recent and historical unexploded ordnance.

S7-21
Because the heiau is geographically removed from the propoosed training alternatives, none of the actions outlined in the Draft EIS will impact access to Ukanipo Heiau and the stipulations in the Programmatic Agreement concerning Ukanipo Heiau. Text has been added to Section 4.10 to clarify this information.

S7-22
Currently, limited public access to identified cultural sites is allowed at MMR pursuant to a court order. The access is conducted with an escort and the military follows strict safety procedures when on the range to protect Soldiers and personnel, as

Comments	Responses
	(Cont.) S7-23 Please see the response to Comment S7-14.

Comments

S7-24 each step of the final text. OHA appreciates the Army's willingness to extend the period for public comment and looks forward to reviewing the Final Environmental Impact Statement.

Thank you for the opportunity to comment. If you have further questions or concerns, please contact Jesse Yorck at (808) 594-0239 or jessey@oha.org.

Sincerely,

Clyde W. Nāmu'o
Administrator

Responses

S7-24
The Army thanks you for your comment and appreciates your participation in this public review process. Your comment has been considered and has been included as part of the administrative record for this process.