

Letter I6

Comments

Response And Comments To The DEIS on Military Training Activities at MMR, HI

- I6-1 | 1. Draft EIS on Training in Makua, needs to include all alternative locations for training including those for short term as well as long term use. Therefore, incorporate the congressionally mandated report on all possible alternate sites to Makua.
- I6-2 | 2. It is important and necessary to include the effect and relationship of the proposed Stryker Brigade on proposed training in Makua.
3. Archeological study: this is apparently an inadequate study. Please refer to Malama Makua's consultant's report.
- I6-3 | 4. Draft Marine Resources Study
- a. Original S & A plan was flawed. Most recommendations by community and our consultants were not followed.
 - b. Nanakuli muliwae (known to local people as "stink pond") is a poor and unacceptable choice for the control muliwae. It's in an urban drainage area (e.g. from a four lane heavily used highway) as well as gets drainage from Nanakuli Ranch. Therefore it is obviously contaminated. This goes also for Sandy Beach. The area was used for military training in the past. You should have a better control muliwai, even if you have to go to an outer island - one where there is no history of military training, ranch, or urban area runoff. .
 - c. Limu study found high levels of arsenic. The next obvious test was not done, i.e., to determine percentage of inorganic (toxic) vs. percentage of organic (safe) levels. Will you do it ?
All limu samples need to be identified-- not only by scientific but also by local names. The limu sample was too small. Needs to be larger.
 - d. Were the field notes redone to be clearly legible? Were all tables and information included in the appendices?
 - e. Re fish catch: didn't include eels (puhi) which was strongly recommended in scopings. Need to do night fishing as well as diving both day and night. Fish sample was too small, only 34 gms. EPA recommends 258 gms. Analysis of fish samples should be segregated by species.
 - f. Molluscs (shellfish) and crustaceans are supposed to be included in this study; e.g. crabs in muliwai and urchins near shore and benthic organisms. Please do it.
 - g. "There was a potential hazard to benthic invertebrates from 2,3,7,8-TCDD in sediments in the south muliwai" (Page 6-3 near the bottom). It is unlikely that dioxin found in the muliwai came from "burning of household waste." More likely, is the burning that occurred in the former OB/OD site. Please refer to my testimony on February 24, 2007 and the photo I took of the OB/OD site in 1979 and exhibited at that meeting. That information should be included in the revision.

Responses

I6-1

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.

I6-2

Like any other unit, the Stryker Brigade Combat Team forces would have access to MMR for training, as discussed in Section 2.2. Those forces would be subject to the constraints and limitations that apply to all units using MMR.

I6-3

The Army appreciates you input. The complete Marine study and responses to the public's comments on that study are included in Appendix G-8.

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Response and comments to the DEIS on Military Training at MMR in Makua, HI
Page 2

Dioxin/furans were also found in the “Halliburton” study of the OB/OD site (1994, I believe). This is important information regarding the cumulative effects which are supposed to be included in the EIS. Please so note in your revised report.

h. Re: Draft Marine Resources Study (page 6-2) you state “there is no obvious pattern of deposition of explosive related chemicals.” Yet you stated that perchlorate was found in surface water and detected in six samples of fish from the muliwai. That appears to be a pattern to me. The dioxin/furans may not show “obvious pattern” but were widely distributed” in the environment tested. Therefore, there could be a less obvious and more subtle pattern.
You reported that xylene was detected in fish samples. This is disturbing and again raises more questions.
Your study has raised more questions than it has answered.
The critique by our consultants goes into more detail and needs to be addressed.

i. I quote from your Appendix C page 7 paragraph C.4.1:

”A significant number of organochlorine data were disqualified because They could not be accurately quantified. Additionally, nitroglycerine and RDX data from three samples were disqualified. This resulted in a reduced number of valid data with which to use in the project assessment”.

Your honesty is appreciated—I would expect nothing less. However, this appears to be a “significant” gap and deficiency in your data. This study needs to be redone!!!

We need more information and answers.

Sincerely,

Frederick A. Dodge, MD and Karen GS Young, NP
86-024 Glenmonger Street
Wai’anae, Hawaii 96792
Phone 696-4677

Responses

Letter I7

Comments

Responses

From: Lawrence G. Ebel [bud96792@hotmail.com]
Sent: Monday, August 22, 2005 12:59 PM
To: Makua EIS, POH
Cc: anne96792@hotmail.com
Subject: Makua EIS 8/22/05

I7-1|

Sir:
I wish to reiterate my previous testimony and add the following.
1. The army has my full support for the purpose of using Makua valley for training.
2. This additional lawsuit filed for Malama Makua, by David Henkin an attorney at earthjustice is in my opinion just another example of the pattern of obstructionist behavior and an extension of the sovereignty movement here in Hawaii.
3. The army is considered an occupying force by some in the sovereignty movement and as such must be harassed to the full extent the law allows.
4. The use of the EIS is justified by these hate groups that seek to undermine all efforts to protect the laws and values and citizens of the U S A.
5. If the lawyers did not get paid by directive of the courts, these frivolous lawsuits would not occur.
6. The incidence of fires this year on Oahu and in particular the west coast (the majority started by arsonists) has far out stripped the number for all of last year, over 700 so far. Yet it must be noted that the protection offered by the army has saved Makua valley from any damage. SO MUCH FOR THE SAVE MAKUA VALLEY MOVEMENT.
7. I don't think any other valley here on the Waianae coast has been saved from fire damage and subsequent destruction of native plant habitat and destruction of the so called archaeological sites.
The U S Army deserves credit for this.
8. I could go on in much more depth, as there is so much miss and false information being spread about the Makua valley, but enough already as they say.

Bud Ebel
84-854 Fricke St.
Makaha, Hi. 96792
bud96792@hotmail.com

I7-1

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.

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Comments

Responses

MARY A GLOVER MD
87-226 HOLOMALIA PL
WAIANA, HI 96792

18 Sept.2005

Mr. Gary Shimakata
Bldg. 230 Fort Shafter, Hawai'i 96858-5440

Dear Mr. Shimakata:

Please forgive mistypings; I couldn't get computer to behave.
This is about Mākua and also Hawai'i. Hawai'i could demonstrate

to the world how to live in peace sustainably. We have proved
that a true community of vastly mixed ethnicities can not only
exist, but prosper.

Serious threats to existence on this planet are increasing.
Are today's actions depriving our descendants the opportunities
and enjoyments we have had? We must focus _____ and do
the hard things if we care about them.

I8-1| Hawai'i may have been appropriate for military use at one
time, but not in today's world. ^{Of current draft EIS}
Volume 2 Appendix C analyzes Makua's
"size, location, and suitability for manoeuver training". Let's
be forward-looking and fair and analyze the size, location, and
suitability of a cleaned-up Mākua Valley to demonstrate sustainable,
peacefull existence to the world. For example:

as MMR	mainland	historical Mākua Valley
Limited space not contiguous with other military areas.	Capabilities of analyzing all of the contiguous 48 states	Name has many implications. Although by 1920, use had evolved into ranching and farming and fishermen,
Access from other military areas is by one highway which gets blocked unpredictably by accidents and heavy traffic most daylight hours.	For more appropriate topographic area to which recruits could be gathered at less cost (time and \$ than going to and from Hawai'i. An area could be found more suitable year-around and no concern about endangered species or disturbing or endangering nearby communities.	homes legends abound; careful research could enable our constructing a mental picture of the Valley as it was hundreds of years ago and could be again. For example in Marion Kelley's most "Cultural Hist. Report of MMR and Vicinity: Makua Valley" are references to times of the year when the stream came down into the sea and a spring on its south bank connected to the Valley. Within recorded history, it is recalled as having many trees--and climatologists say "rain-forests make rain".
Long dry season with danger of fires and heavy rains sometimes preventing training.		

I8-1

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

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MMR use cont'd

Historical/Reawakened

Before each CALFEX explosives are transported through populated areas and near several schools.

so with careful planning and replanting, enough water for sustainable living again, year-around.

The billions now spent on killing and creating havoc and environmental degradation--and the scientific brains and equipment on this--Wow! What a wonderful world we could have if these were switched to analyzing causes and eliminating the poverty which provokes unhappiness, unrest, frustration--and violence.

Sincerely,
M. J. [Signature] WJ
12:01 AM

Letter I9

Comments

Responses

September 19, 2005

Mr. Gary Shirakata
U.S. Army Corps of Engineers
Environmental & Special Projects Branch
Building 320
Fort Shafter, HI 96858

Dear Mr. Shirakata,

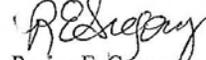
Thank you for this opportunity to testify on the Mākua Valley environmental impact statement.

I9-1

Clearly the "No Action" alternative would be best for the environment. As with Kaho'olawe, the military should clean up the land and give it back to the people of Hawai'i. The United States is a vast country with plenty of room for such exercises on its own territory.

Thanks for your consideration.

Sincerely,



Regina E. Gregory

I9-1

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.

Letter I10

Comments

Responses

From: Isaac D. Harp [Imua-Hawaii@Hawaii.RR.Com]
Sent: Friday, October 07, 2005 12:32 PM
To: Makua EIS, POH
Subject: Comments on the Makua Draft EIS

Dear United States:

Please understand that I am not anti-American, I am merely pro-Hawaii, and yes, there is a difference.

I10-1 I do not wish to play the game of the United States any longer. I refuse to comment on a document created by the United States that intends to support the further unlawful imposition on Hawaii by the United States military. Therefore, as a reminder I will point out the simple truth, which the United States also knows to be the truth.

Hawaii's citizens never voluntarily relinquished sovereign jurisdiction of Hawaii to the United States, as referred to under United States Public Law 103-150. Therefore, from the date of the signing of United States Public Law 103-150, the United States knowingly and willfully continues to promote the unlawful hostile United States military occupation of Hawaii, and it's expansion of intrusion.

I10-2 The unlawful hostile occupation does not provide the United States the lawful right (under any law) to expand their military activities in Hawaii either during times of peace or times of war. Therefore, under the color of honor and obedience of law, the United States must withdraw from Hawaii, and further, willfully repair the damages caused in Hawaii dating back to the year 1893.

Sincerely, Isaac D. Harp
Hawaii National
(Living Under Duress due to the Belligerent United States Occupation of Hawaii)
P.O. Box 437347
Kamuela, Hawaii 96743
(808) 885-8540

10/14/2005

I10-1

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.

I10-2

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.

Letter I11

Comments

Responses

I11-1

17 Aug 05

Dear Mr. Shirahata,

Re. Makuu Training & military reservation, I say keep the U.S. Army there! Let them do what they need to do for the protection of this land, and for all of America.

I am a grateful Navy veteran 6 years, and am very grateful for our U.S. Army doing for all of us.

Thank you & God Bless you all.

Sincerely,

Susanna J. Holtz



Miss Susanna Holtz
 Apt. C316
 85-175 Farrington Highway
 Waianae, HI 96792-2154

697-0040



I11-1

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.

Letter I12

Comments

Responses

From: Philip Hyatt [kawehi11@msn.com]
Sent: Tuesday, October 11, 2005 7:51 PM
To: Makua EIS, POH
Subject: DEIS-For the Record

Aloha,

I12-1 | Please enter this testimony from The Native Tenants' Hui to the others opposing the continued use of Makua by U.S. military occupation. The EIS is a fraud and nothing but a way to steal our identity as native tenants with 1/3 undivided vested rights in over four million acres of lands in Hawai'i and up the coast.

Over thirty years ago, Kaho'olawe called out and many of the young flowers emerged to stop the bombing of Kaho'olawe and eventually, Kaho'olawe was liberated from U.S. occupation in the 1980's. Surely, when the voices of our people hear Makua calling, it's time to pack it boys and get out of dodge...the jig is over. We love the American people...we just can't stand those Americans who try to cram democracy down our throats when infact, they are the ones doing the wrong things.

I12-2 | What's up with that? It's time the U.S. military sit down and figure out how we are going to end the occupation of Hawai'i by the U.S. in an amicable way...without wars and, without threats and without buying us out.

I12-3 | As a native tenant it is my responsible to say no to the EIS, because it's not pono and the U.S. military is not pono and if they continue to abuse us and our lands, we will not be responsible for their pains. We are not happy with the way Makua has been used and want the U.S. military to give that back to the people of Waianae to; grow food, tap water, develop schools of sorts, gather herbs, making it family friendly and 'ohana multi-use and community uses as well. Not just for cultural uses, but for educational used as well and economic developments classes to teach about economics by hands on experiences.

I12-4 | As a child, my uncle's Bal Kauihana and Samuel Mahiai and their families; immediate and extended, lived at Makua beach during the late 50's and 60's up until the 80's, when they and many other families were evicted from their homes in Makua. They took good care of the lands, grew their own squashes, beans, tomatos, herbs and a pig or two from time to time. As fishermen and automechanic background these families lived an independent lifestyle and never on welfare, found themselves homeless so the military could continue to abuse Makua as it saw fit. That really hurt us knowing that that beautiful peice of land is used for target and military practices.

I12-5 | We say again, stop the bombing and hostage holding of Makua ASAP and make other arrangements to bomb and train somewhere else.

Malama Pono,
 Rita K. Kanui,
 Native TEnant
 41-169 Poliala Street
 Waimanalo, HI. 96795

Me Kealoha Pumehana
 R. Kawehi Kanui

10/14/2005

I12-1

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.

I12-2

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.

I12-3

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.

I12-4

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.

I12-5

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.

Letter I13

Comments

Responses

From: Sparky Rodrigues [srodrigues@olelo.org]
Sent: Thursday, October 06, 2005 8:04 PM
To: Makua EIS, POH
Subject: Marion Kelly's comments.

Gary, forwarding Marion Kelly's comments. sr

Aloha, Sparky:
 Thank you for your message about Today being the final day to get information regarding our Makua Valley.

Please could you send in this message for me?

My name in Marion Kelly. I was hired by the Military to write the original Report on Makua.
 I wrote what I was given by the people who lived there in times past.

I even went to the Railroad Engineer who at the time lived far away and I interviewed him. He told me about the stopping in Makua to let someone off, or to pick up material that was destined for Honolulu.

I also interviewed the people who had lived in Makua Valley, those that were left after all the years that the Military had used the Valley.

I13-1 | I think it is time that the Military should return the valley to the people who lived there originally, the people whose land was taken away by the Military. Sixty four years have gone by and there is no need for the Military to hold on to such a productive valley.

The people who lived there had made it so very productive.

The time as come to right the wrongs, and to correct the mistakes that the Military made back in the early days of the war. There is now no need for the Military to have this valley. War is very different today from what it was then.

I13-1 | The Military must return the Valley to its residents, to the people who lived there and to the State of Hawai'i.

Thank you, and I hope you will do the right thing -- return the valley.

10/7/2005

I13-1

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.

Letter I14

Comments

86-226 Farrington Hwy.
Wai'anae, HI 96792

facsimile transmittal

To: United States Army Fax: (808)438-7801
 From: Poka Laenui Date: 10/4/2005
 Re: Response to EIS Military Training Activities at Makua Valley Pages: 4
 CC:
 Urgent For Review Please Comment Please Reply Please Recycle

I14-1| **The EIS has several inadequacies and is therefore incomplete. These inadequacies fall under 5 categories: a) Accessibility, b) Traffic, c) Storage of Weapons, d) Failure to consider psychological factors affecting the overall behavior and mental health of the community, and e) specific shortcomings in the provision of information. I therefore object to the action proposed as contemplated in the EIS.**

I14-2|

I14-3| 1) Accessibility: The organization and style of writing this EIS makes it impossible for the average member of the public to understand its content or evaluate the proposed action contemplated. The language is far too technical, the massiveness of the document makes it difficult for one to read the full content, and the topics selected for review and the method of review is skewed in such a way as to constitute a promotional rather than an evaluative document.

The average member of the public generally reads in the language of the 4th grade level. The comprehension of an average reader, however, can attain the level of a high school graduate. The reading capacity of a member of the Wai'anae community falls below the average for the general public, if we take the educational statistics publicly available.

I14-4| This EIS is written at a language level closer to the 10th grade and the techniques of persuasion employed are detectable probably at the 3rd year college level. As a result, it fails as an effective communication piece of writing for EIS purposes and instead satisfies only a promotional rather than an informative purpose. It serves the U.S. Army well. It fails to serve the general public's ability to participate in public comment on important environmental issues.

CONFIDENTIAL

Responses

I14-1
 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.

I14-2
 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.

I14-3
 The Army has funded technical experts to provide the community with the support needed to understand the technical issues associated with this project and to provide substantive input into the impact analysis process. In addition, the Army has provided information on the proposed action and alternatives and their effects on the environment in various forms throughout the Draft EIS (executive summary, tables provide concise data on the project and resources, and summary tables that provide brief overviews of the expected impacts).

I14-4
 To support the public's review of the Draft EIS, the Army has held informational meetings prior to the start of the review period, has maintained a project web site with background information on the project, and has made its resource specialists available during public meetings on the Draft EIS.

Comments

2) Traffic: The army has described a massive influx of military activity in the Wai'anae community. This community is tied together by one main roadway – Farrington Highway. Along this roadway travels all of its members coming into or leaving the community. On this roadway travels the community for its internal activities of local trade, social interaction, education, medical services, access to the public beaches, etc. Along this roadway travels all its emergency vehicles, be they for medical, fire, or police purposes. The roadway is the lifeblood of the community. It is congested at all times of the day, from as early as 5:30 a.m. to 6:30 p.m. It is not unheard of for one to travel from this community to Honolulu, or back, a distance of approximately 35 miles, taking as long as two hours.

I14-5 | The Army suggests that its sharing of the roadway would have minimal impact upon the community life because it would select only certain hours of the day at which it would travel. Yet, it has not identified any particular time of the day when this roadway is not heavily used. One would normally expect very heavy traffic during the morning and evening hours for workers going or coming from work to this “bedroom” community. Wai'anae also have a very heavy student transport population of scholars going outside of the community for education, i.e. private schools or colleges and universities. However, the traffic pattern is not so simple to understand. Following the morning work traffic, there is a heavy local school traffic, and following that, there is traffic of general economic and social intercourse. Even during the expected times of light traffic, i.e., 9:00 a.m. to 1:30 p.m., Wai'anae residents have experienced the same 2 hour type of traffic tie-up from Honolulu to Wai'anae over the last six months or more.

I14-6 | In the organization I am employed, the Wai'anae Coast Community Mental Health Center, the case managers to the seriously mentally ill are required to service consumers as far away as Kaneohe (State Hospital), Kailua (various treatment facilities), or Honolulu (Hospitals, prisons, care facilities) on a regular basis. This organization employs over 100 individuals in various capacities. The organization is already experiencing an almost impossible task of maintaining adequate services to those consumers outside of the community simply by the time it takes to travel to and return from those sites. Adding the increase of traffic congestion to the single roadway would place a tremendous burden on this organization in particular, and the general Wai'anae public, in general.

I14-7 | The present condition of Farrington Hwy. is not adequate to service the additional activity proposed by the U.S. Army without disastrous impact upon public transportation in the community.

I14-8 | The materials to be transported by the Army across Farrington Hwy. and the methods of transportation have not been adequately discussed. What are the types of weaponry to be transported? Will chemical agents be transported? Depleted uranium weapons? Nuclear weapons? Biological agents? When weapons are transported, will there be an interference in the traffic pattern? Will the Army close the roadways to civilian use? For how long? What about emergency vehicles? If the Army determines not to transport certain types of weapons because of the high risk, how will they transport such weapons to the Makua training site? If by air, where are the studies to reflect on the safety of such transport systems? If by sea, where are the studies to reflect the safety of such transport systems? Have there been adequate scenarios describing events of accidents, terror attacks, etc. and the impact of such transported weapons to the Wai'anae community?

Responses

I14-5
In Section 4.6 of the Draft EIS, the traffic analysis compared the estimated vehicle trips associated with training events at MMR to peak traffic periods along Farrington Highway and at the affected intersections.

I14-6
In Section 4.6 of the Draft EIS, the traffic analysis found that the increase in traffic volumes in the communities along Farrington Highway would be within the normal daily fluctuations in hourly traffic volumes.

I14-7
As discussed in Section 4.6 of the Draft EIS, the impact of additional traffic generated by the project at key intersections would not be considered significant, based on the current traffic volumes along Farrington Highway.

I14-8
The weapons systems used for the CALFEX are described in Table ES-1. The Army policies for transport of ammunitions are described on pages 3-66 to 3-69 of the Draft EIS.

I14-9
The Army policies for transport of ammunitions are described on pages 3-66 to 3-69 of the Draft EIS.

I14-10
Transportation of ammunition by helicopter includes safety measures, such as avoiding flying over heavily populated areas, using over-water routes, and ensuring secure storage of ammunition. No records have been found regarding accidents involving aircraft transporting ammunition in Hawaii. Transport by sea is not proposed.

Comments

Responses

(Cont.)

I14-11

Because there are no tactical or strategic facility targets at MMR, it is not expected to be a potential target for terrorists. Further, there is no indication of any terrorist activity in the Wai'anae community. There are standard accident studies, but none specifically for Wai'anae.

Comments

Responses

- I14-12 | 3) Storage: And what of storage of such weapons during and after the exercise? The EIS fails to address this question.
- I14-13 | 4) Psychological Factors: The Army's EIS failed to address psychological impacts of its contemplated activity upon the community. As a result, it is inadequate.

The Wai'anae community is one of the most complex in all of Hawai'i. It has a major Native Hawaiian community, and among the most active in the search for identity, historical justice from the injustice of American colonization, preservation of natural, religious, and historical-archeological sites, and for self-determination. The community has a large population of former U.S. military service personnel, many of whom continue to suffer from Post Traumatic Stress Disorders (PTSD) as a result of their association with the wars and military engagements conducted by the United States government. It also has a large population of seriously mentally ill. It has an equally large population of those most susceptible to mental illness due to the low social-economic condition of the community, the heavy use of alcohol and other drugs, and the limited availability of primary and mental health care for those in greatest need for such care. The children and youth population in the Wai'anae community are also highly susceptible to instability and mental illness for all of the reasons their adults are susceptible. The EIS has failed to look at the particularities of the Wai'anae community and instead have proceeded to treat the community as if it falls within middle America.

The practice of war at Makua, the heavy increased presence of military armament and personnel in the Wai'anae community, the possible presence of other foreign military in and about the community as participants of such war exercise, the constant reminder of bombings, destruction to civilian communities throughout the world, and the heightened awareness of terrorists, of suspicion, of military invasions will constitute such a psychological impact that its end result has not been anticipated or addressed. The EIS has failed to study the broad psychological impact upon this particular community. It has failed to address the impact this activity will have on children in their early years and as they mature into adults. It has failed to address the impact on those already suffering from a variety of psychological diagnosis from depression, mania, PTSD, phobia, etc.
- I14-13 | 5) Other Specific Concerns:
- I14-15 | a) The EIS gives an inadequate explanation of the historical-legal history of the Makua area in the hands of the military. It addresses the Army's authority under martial law after December 7, 1941, to take over the entire area for security and training operations. It does not distinguish the legitimacy of this authority in light of the U.S. Supreme Court's subsequent decision declaring martial law in Hawaii unconstitutional.
- I14-16 | b) The executive summary refers to the territorial governor's "consent" in conferring lands to the Army. There is no adequate discussion of the governor's authority to give such "consent" nor the form for which such "consent" was given. The action of the territorial governor may very well be contrary to the prior transfer of territorial lands from Hawaii to the United States. It is an issue which should have been explored to a greater extent.
- I14-17 |
- I14-17 |

- I14-12
Ammunition handling is described on Pages 2-18, 2-19, and in Section 3.11.4 (beginning on Page 3-224) of the Draft EIS. As mentioned in Section 4.11.3, The Army also has standard operating procedures for the safe handling and storage of ammunition during training events at MMR.
- I14-13
The assessment of psychological impacts on the civilian population is outside the scope of NEPA. The focus of NEPA is on the environment. Pursuant to CEQ Regulations 40 CFR Part 1500, "NEPA is our basic national charter for protection of the environment." "The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment."
- I14-14
Please see the response to Comment I14-13.
- I14-15
The military and legal history of MMR are discussed in Section 1.1 of the Draft EIS. The Draft EIS and its evaluation of the proposed action and alternatives are based on the current conditions at MMR.
- I14-16
A discussion of historical legal issues is outside the scope of this EIS.
- I14-17
Please see response to Comment I14-16.

Comments	Responses
<p>I14-18 c) It also refers to the territorial government’s grant of a revocable permit “to assist in the present war effort extending for the duration of the present war and six months thereafter.” The EIS simply declares that “It has remained under Army control ever since.” It leaves a wide gap of explanation as to the basis under which the Army has continued to control these lands from that period of six months following the end of WWII to the present time, a period of almost 60 years! In its statement that the federal government exercised its option to set aside lands for continued use following statehood, the EIS failed to address the mandatory return of lands five years after statehood contained in the Statehood legislation, and the subsequent extension of that period under Federal Legislation (PL 88-233). It failed to address the fact that these lands were indeed transferred to the State of Hawaii in 1964 or thereabouts, and the action taken to subsequently lease back to the military the Makua lands. Without an adequate review of this history, the EIS is inadequate and fails to give the general public necessary information for it to understand the historical significance of the current action contemplated.</p>	<p>I14-18 Please see response to Comment I14-16.</p>
<p>I14-19 </p>	<p>I14-19 Please see response to Comment I14-16.</p>
<p>I14-15 </p>	<p>I14-20 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.</p>
<p>I14-20 Conclusion: The Army should address the above concerns adequately before permitted to go forward. At this point in time, it has failed to produce an appropriate EIS upon which the public make evaluate and comment.</p>	