
APPENDIX B

PUBLIC INVOLVEMENT

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PUBLIC INVOLVEMENT

B.1 NATIONAL ENVIRONMENTAL POLICY ACT AND PUBLIC INVOLVEMENT

Under the National Environmental Policy Act (NEPA), federal agencies are required to consider the environmental impacts of proposed actions before acting on them. Actions that involve federal funding and permits, federal facilities and equipment, and those that affect federal employees are subject to NEPA. The proposal to train at Mākua Military Reservation (MMR) is subject to NEPA requirements, and an environmental impact statement (EIS) has been prepared.

B.2 PUBLIC INVOLVEMENT

Public involvement efforts for the preparation for the MMR training activities are described below.

A notice of intent (NOI) was published by the Army in the *Federal Register* on March 20, 2002. In the notification, the public was informed of scoping meetings to be held in the communities, and was given a mailing address and an e-mail address to which written comments could be sent. Comments were accepted through April 27, 2002, two weeks past the date of the last meeting. An additional extension for comments was given, when the transcripts were released for review. Comments on the NOI were accepted until May 28, 2002.

Before the analysis for the EIS began, public scoping meetings were held in the communities to allow for the exchange of information, and to gather public input on the proposed action. Two meetings were held on the following days at the following locations:

- April 9, 2002- Nānākuli High School; and
- April 13, 2002- Wai‘anae District Park.

To encourage public involvement, notices were placed in local newspapers announcing public scoping meetings, information meetings for related studies, the availability of drafts, and contacts for any comments. Also published in the newspapers were deadlines for comments and any extensions to those deadlines.

Other meetings that were held in conjunction with the MMR EIS were public informational meetings. Two meetings were held to inform the community about the Air Sampling and Analysis Plan Supporting the 2002-2003 Environmental Impact Statement on Military Training Activities, as well as the Hydrogeologic Investigation Work plan for soil, surface water, and groundwater. These meetings were held on July 16 and 18, 2002. At these meetings, technical information on the draft protocols for soil, water, and air sampling were discussed with the public. Meeting attendees were given the opportunity to have their comments recorded by a court reporter. Comments and concerns on suggestions for locations of the test units for air, noise, and water studies, and the suite of analytes to be tested were incorporated into the sampling and analysis plans. The local community also shared their knowledge of wind patterns and other area conditions that would help in determining locations for representative samples to be taken. Comments and concerns expressed at these meetings for the *muliwai* located on the beaches that front MMR resulted in another sampling and analysis plan for the *muliwai* sediment.

Public drafts of the sampling and analysis plans were made available to the public through community libraries, direct mailing, and a website devoted to the MMR EIS and other related documents (www.makuaeis.com). The public draft documents were placed in the following public libraries: Hawai‘i State Library; Wai‘anae Public Library; Wahiawā State Library; and Pearl City Public Library.

Two additional meetings addressed cultural site access and unexploded ordnance clearance. These meetings were held on September 24 and December 10, 2002. The purpose of these meetings was to identify high priority areas for clearing unexploded ordnance and to focus on increasing access to cultural sites. The Draft Prescribed Burn Environmental Assessment was presented at the September 24, 2002 meeting. Cultural sites that had been identified since the September 24 meeting were presented at the December 10, 2002 meeting. Members of the community were given the opportunity to make comments on their need for access to all cultural sites.

Subsequently, the Army prepared a Draft EIS. For public review of the Draft EIS, the US Environmental Protection Agency (EPA) published a notice of availability in the *Federal Register* on July 22, 2005, and the Army published a notice of availability in the *Federal Register* on August 3, 2005. The Army also issued a press release on the availability of the Draft EIS on July 22, 2005. In addition, the availability of the Draft EIS was announced in the July 23, 2005, issue of *The Environmental Notice*, published by the HDOH, Office of Environmental Quality Control.

The Army provided a public comment period for the Draft EIS of 60 days (from July 22 to September 21, 2005), then extended it an additional 15 days to October 6, 2005. Extension of the comment period was published by the EPA in a September 16, 2005, *Federal Register* notice.

Three public comment meetings were held on the island of Oahu on August 23, 25, and 27, 2005. Seventy one individuals or persons representing organizations provided oral comments for the Army's consideration. The Army also received written comments on the Draft EIS from approximately 38 individuals, organizations, and government agencies in the form of e-mails and written letters. The public comments and the Army's responses to them are included in Appendix K of the SDEIS.

Consistent with a 2007 Settlement Agreement, the Draft EIS was also made available for a second 60-day public comment period, from February 2 to April 3, 2007. The review period for technical experts retained on behalf of Mālama Mākua was extended an additional 16 days, to April 19, 2007. During a public comment meeting on February 24, 2007, the Army received oral comments from 10 individuals or persons representing organizations. Two individuals also provided written comments on the Draft EIS. The public comments and the Army's responses to them are included in Appendix K of the SDEIS. Responses to comments on studies are contained in Appendix G of the SDEIS immediately following each study.

The Army made several changes to the Draft EIS in response to public comments, including the evaluation of an additional training alternative at the PTA. The Army therefore published the EIS again as a supplemental draft to seek public comment on September 22, 2008. The 45-day comment period for the Supplemental Draft EIS (SDEIS) ended on November 3, 2008. Four public meetings on the SDEIS were held on the islands of Oahu and Hawaii, at Nanakuli High School, Waianae (October 6, 2008), Wahiawa District Park Recreation Center, Wahiawa (October 7, 2008), Auntie Sally's Kaleohano's Luau Hale, Hilo (October 8, 2008), and Waimea Community Center, Kamuela (October 9, 2008).

CEQ regulations provide for a minimum 45-day public comment period following publication of the SDEIS. During the meetings, the public was provided opportunities for presenting oral and written comments on the EIS. In addition, individuals and representatives of organizations and agencies submitted written comments to the Army without attending the public meetings.

A total of 71 individuals or persons representing organizations provided oral comments for the Army's consideration at the four public meetings. The Army also received written comments on the SDEIS from 120 individuals, organizations, and government agencies in the form of e-mails and written letters. The comments, as well as the Army's responses, are included as Appendix E of this Final EIS.

The Army published a Marine Resources Study on January 14, 2009 and initiated a 60-day public review and comment period in accordance with Settlement Agreements. On February 11, 2009, the Army held a public meeting and Nanaikapono Elementary School. Approximately 30 attendees were present at that meeting. Fourteen (14) speakers addressed the audience. The entire meeting was recorded. The Army also provided for a Native Hawaiian Translator, one court recorder that transcribed the meeting, and a court recorder to take private testimony, a Facilitator, and made available copies of the Marine Resources Study, and posters summarizing the study. The video and transcripts were provided to Mālama Mākua through their attorneys, Earthjustice. The transcripts of that meeting, and responses to comments from that meeting, are available as an appendix to the 2009 Marine Resources Study. That study is found as Appendix G of the Final EIS.

A list of public comment notices and opportunities provided throughout preparation of this EIS is found below:

- Public notice announcing public information meetings on MMR environmental studies protocols (July 3, 2002);
- Public information meetings on MMR environmental studies protocols (Wai'anae Recreation Center, July 16 and 18, 2002);
- Public information meeting on cultural access and Unexploded Ordnance Clearance Plan Brief (Wai'anae Park Recreation Complex, September 24, 2002);
- Press release announcing that the Army adopted public comments for sampling efforts to be conducted at MMR (October 18, 2002);
- Press release announcing that the Army proposed to conduct a prescribed burn (October 28 to November 2, 2002);
- Public meeting on cultural access (Wai'anae District Park Recreation Complex, December 10, 2002);
- Public notice announcing the availability of the Muliwai Sampling and Analysis Plan for public comment (December 17, 2002);
- Public notice announcing the availability of the Marine Resources Study and the Subsurface Archaeological Study for public comment (February 2, 2007);

- Public meeting on the Marine Resources Study, the Subsurface Archaeological Study, and the Draft EIS (Wai‘anae District Park Recreation Complex, February 24, 2007);
- Public notice announcing the availability of the supplemental Marine Resources Study for public comment (January 14, 2009); and
- Public meeting on the supplemental Marine Resources Study (Nanaikapono Elementary School, February 11, 2009).

Per CEQ regulations, after issuing the Final EIS, the Army may issue the ROD following a 30-day mandatory waiting period. The Army will adhere to these procedures for this EIS. Notices announcing the availability of the Final EIS will be published in the *Honolulu Advertiser*, *Honolulu Star-Bulletin*, *Midweek*, *The Environmental Notice*, and other local news outlets.

B.3 PUBLIC INVOLVEMENT MATERIALS

The following materials were included in the public involvement process and are presented in below:

- Notice of Intent, *Federal Register*, March 20, 2002;
- Public notice for EIS scoping meetings as published in the *Honolulu Advertiser*, March 27, 29, 31, 2002;
- Public notice for EIS scoping meetings as published in the *Honolulu Star-Bulletin*, March 27, 29, 31, 2002;
- Public notice for EIS scoping meetings as published in *Midweek*, March 27, 2002;
- Public notice for EIS scoping meetings as published in *The Environmental Notice*, April 8, 2002;
- Mākua Military Reservation Training Activities, Environmental Impact Statement Preparation (handout);
- NEPA & the EIS Process (handout);
- The Need for Mākua Military Reservation (handout);
- Settlement Agreement Summary (handout);
- Public Comment Form;
- Public notice for public information meeting for draft protocols of studies on July 16, 2002;
- Public notice for public meeting to identify high priority areas for clearing unexploded ordnance on September 24, 2002;
- Annual Report on Unexploded Ordnance Clearance, October 2001- October 2002;
- Public notice of public meeting to focus on increasing access to cultural sites on December 10, 2002;
- Update on Actions for Mākua Settlement Agreement and Environmental Impact Statement (EIS) Preparation as of December 10, 2002;
- Handout for Public Meeting on Cultural Access at Mākua, 10 December 2002;
- Media Release for Notice of Availability of the Supplemental Draft EIS, September 15, 2008;
- Press Release for Notice of Availability, September 19, 2008;
- Notice of Availability (Army page), *Federal Register*, September 22, 2008;

- Notice of Availability (Full Notice), *Federal Register*, September 22, 2008;
- Legal Notice for Supplemental Draft EIS, September 18, 2008;
- Article in Honolulu Advertiser for revision of Supplemental Draft, preparing for Final EIS, March 3, 2009;
- Supplemental Draft EIS Public Comment Attendance Sign-In Sheets, October 6, 2008
- Supplemental Draft EIS Public Comment Speaker Sign-In Sheets, October 6, 2008
- Supplemental Draft EIS Public Comment Attendance Sign-In Sheets, October 7, 2008
- Supplemental Draft EIS Public Comment Speaker Sign-In Sheets, October 7, 2008
- Supplemental Draft EIS Public Comment Attendance Sign-In Sheets, October 8, 2008
- Supplemental Draft EIS Public Comment Speaker Sign-In Sheets, October 8, 2008
- Supplemental Draft EIS Public Comment Attendance Sign-In Sheets, October 9, 2008
- Supplemental Draft EIS Public Comment Speaker Sign-In Sheets, October 8, 2008
- Public Comment Form Handout
- Summary of Potential Impacts Handout
- Supplemental Draft EIS Posters
- Media Release, Marine Resources Study, January 14, 2009
- Public Notices for Marine Resources Study Availability and Hearings, January 21, 2009
- Marine Resources Study Public Meeting Attendance Sheet, February 11, 2009
- Marine Resources Study Public Meeting Speaker Sign-in Sheet, February 11, 2009
- Public Comment Form Handout
- Marine Resources Study Posters

FOR FURTHER INFORMATION CONTACT: Martin Walsh, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a notice and letter to the Commissioner of Customs published in the *Federal Register* on August 24, 1989 (54 FR 35223), CITA directed the U.S. Customs Service to apply all otherwise applicable visa and quota requirements to textiles and textile products which are classified as components of a set. This directive applied to all items which, if imported separately, would have required a visa and the reporting of quota. Recently, there has been uncertainty concerning the continuing applicability of this directive. The letter published below reconfirms the previously published directive.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 15, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

This letter reconfirms the directive of August 18, 1989 that clarified the intent of the Committee for the Implementation of Textile Agreements on the applicability of visa requirements and quota reporting of textiles and textile products entered as components of sets under General Rule of Interpretation (GRI) 3 of the Harmonized Tariff Schedule (HTS).

Effective on March 18, 2002, the directive of August 18, 1989 is reissued as follows:

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended; all applicable visa and quota requirements will apply for textiles and textile products which are classified as components of a set. This rule applies to all items which, if imported separately, would have required a visa and the reporting of quota.

Effective on March 18, 2002, you are directed to prohibit entry for consumption or withdrawal from warehouse for consumption into the United States (i.e., the 50 states, the District of Columbia and the Commonwealth of Puerto Rico) of any textile item for which classification is claimed as sets under GRI 3 of the HTS, where a separate textile category currently exists or comes into existence requiring separate reporting of the components forming those sets.

Entry shall be permitted if all visa and quota requirements are met.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
D. Michael Hutchinson,
Acting Chairman, Committee for the Implementation of Textile Agreements.
[FR Doc.02-6804 Filed 3-18-02; 9:54 am]
BILLING CODE 3510-DR-S

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board

AGENCY: Department of the Air Force, DoD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92-463, notice is hereby given of the forthcoming meeting of the Task Force on the Threat of Asymmetric Attack. The purpose of the meeting is to allow the SAB and study leadership to review their progress on strategies for the conduct of asymmetric warfare. This meeting will be closed to the public.

DATES: April 1, 2002.

ADDRESSES: Frost & Associates, 660 Southpointe Court, Suite 210, Colorado Springs, CO 80906.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Ripperger, Air Force Scientific Advisory Board Secretariat, 1180 AirForce Pentagon, Rm 5D982, Washington DC 20330-1180, (703) 697-4811.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.
[FR Doc. 02-6679 Filed 3-19-02; 8:45 am]

BILLING CODE 5001-05-U

DEPARTMENT OF DEFENSE

Department of the Army

Preparation of Environmental Impact Statement (EIS) for Military Training Activities at Makua Military Reservation, Oahu, Hawaii

AGENCY: Department of the Army, DoD.

ACTION: Notice of intent.

SUMMARY: The Army proposed to resume consistent military training activities at Makua Military Reservation (MMR), Oahu, Hawaii, to provide for company level, modified live-fire exercises. In accordance with the Settlement Agreement and Stipulated Order between Malama Makua and the United States Department of Defense, filed 4 October 2001 (the "Settlement Agreement"), the Army will conduct a limited number of live-fire training exercises during the term specified within for the preparation of the subject

EIS. The Army needs to conduct a minimum of 18 company-level, combined arms, live-fire exercises per year. Other military components that have used Makua in the past include the Marine Corps, Army Reserves, and the Hawaii Army National Guard, which further increases the total number of required company combined-arms live-fire exercises (CALFEXs) per year. Conducting the required number of company CALFEXs is critical to maintaining the readiness of all military units assigned or stationed in Hawaii. Training at the company level is one of the key building blocks in the Army's progressive training doctrine where smaller units first train as smaller units and then train collectively as part of a larger unit. The training that a new infantry company commander receives during a company-level CALFEX is invaluable in teaching him the skills required to coordinate the combined arms support provided by helicopter, artillery, mortar, and combat engineer support teams when attacking an objective. These communication and coordination skills are essential later when several companies join together and train/fight as a battalion under the control of a battalion commander. The EIS will address, among other things, the potential direct, indirect and cumulative environmental impacts associated with the proposal to continue military training activities at MMR. The EIS development process will be conducted in accordance with the aforementioned Settlement Agreement and Stipulated Order.

ADDRESSES: Written comments may be forwarded to Mr. Calvin K. Mashita, U.S. Army Corps of Engineers, Honolulu Engineer District, Programs and Project Management Division, ATTN: CEPOH-PP-E (Mashita), Building 230, Fort Shafter, Hawaii 96858-5440.

FOR FURTHER INFORMATION CONTACT:

Makua training activities: Colonel William E. Ryan III, (808) 656-1289, fax (808) 656-1259; email

William.ryaniii@usace.army.mil or by writing to Director of Public Works, U.S. Army Garrison Hawaii (USAG-HI), Schofield Barracks, Hawaii 96857-5013.

EIS information: Mr. Calvin K. Mashita, (808) 438-8417; fax (808) 438-8865; email *calvin.k.mashita@poh01.usace.army.mil* or by writing to Mr. Mashita at the above address.

SUPPLEMENTARY INFORMATION: Proposed alternatives to be considered may include, but not be limited to, the following:

(1) *Alternative 1:* Modified Live-Fire Training at Makua Military Reservation

(Proposed Action). The Army would conduct company CALFEXs at MMR but with certain restrictions. In particular, the Army would eliminate the use of TOW missiles, incendiary munitions, and tracers. Under this alternative, the Army will not be limited to the current number of CALFEXs specified in the Settlement Agreement.

(2) *Alternative 2*: No action. The Army will not conduct live-fire training exercises at MMR, except for the limited number of modified CALFEXs authorized by the Settlement Agreement.

(3) *Alternative 3*: Conduct CALFEX Training at an Alternate Site. Personnel and equipment required for CALFEX Training would be transported to one of the following alternate sites:

(a) *Alternative 3A*: Pohakuloa Training Area (PTA) on the Big Island of Hawaii.

(b) *Alternative 3B*: Continental United States (CONUS).

(c) *Alternative 3C*: A replacement training facility at another Army installation on Oahu. The Army would construct another facility on Oahu that could accommodate the company CALFEXs.

(4) *Alternative 4*: Return to Training Less Restrictive Than the Proposed Action. The Army would train with less restrictions on the types of weapon systems and the numbers of training exercises. For example, the Army would resume the use of tracer ammunition.

(5) *Alternative 5*: Conduct Non-Live Fire Training at MMR. The Army would conduct training exercises at MMR but without any live firing of weapons or devises otherwise of an incendiary nature.

Scoping Process: Federal, state and local agencies, and the public are invited to participate in the scoping process for the completion of this EIS. The scoping process will help identify potential impacts and key issues to be analyzed in the EIS. Individuals or organizations wishing to participate in the scoping process are invited to participate in a scoping meeting to be held in the Waianae District, on the island of Oahu. Notification of the time and location for the scoping meeting will be published in local newspapers. Additionally, written comments on the scope of analysis are invited and will be accepted within 15 days after the scoping meeting.

Dated: March 15, 2002.

Raymond J. Fatz,
Deputy Assistant Secretary of the Army,
(Environment, Safety and Occupational Health) OASA(I&E).
[FR Doc. 02-6687 Filed 3-19-02; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

[Docket No. EA-260]

Application To Export Electric Energy; EPCOR Merchant and Capital (US) Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: EPCOR Merchant and Capital (US) Inc. (EPCOR) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before April 4, 2002.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Import/Export (FE-27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-0350 (FAX 202-287-5736).

FOR FURTHER INFORMATION CONTACT: Rosalind Carter (Program Office) 202-586-7983 or Michael Skinker (Program Attorney) 202-586-2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On February 7, 2002, the Office of Fossil Energy (FE) of the Department of Energy (DOE) received an application from EPCOR to transmit electric energy from the United States to Canada. EPCOR is a Delaware corporation with its principal place of business in Calgary, Alberta, Canada. EPCOR is a power marketer and will have title to any electricity exported to Canada.

EPCOR will purchase the power to be exported from electric utilities and federal power marketing agencies within the United States and arrange for the delivery of electric energy to Canada over the existing international transmission facilities owned by Basin Electric Power Cooperative, Bonneville Power Administration, Citizen Utilities, Eastern Maine Electric Cooperative, International Transmission Company, Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power

Company, Maine Public Service Company, Minnesota Power Inc., Minnkota Power Cooperative, New York Power Authority, Niagara Mohawk Power Corporation, Northern States Power, and Vermont Electric Transmission Company. The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by EPCOR, as more fully described in the application, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

EPCOR has requested that the Department of Energy (DOE) expedite the processing of this application so that EPCOR may assist in alleviating unexpected power shortages in the Canadian Province of Alberta.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Comments on the EPCOR application to export electric energy to Canada should be clearly marked with Docket EA-260. Additional copies are to be filed directly with Rob Imbeau, EPCOR Merchant and Capital (US) Inc., c/o EPCOR Merchant and Capital L.P., 505 2nd Street, SW, 8th Floor, Calgary, Alberta T2P 1N8 Canada AND Timothy J. Moran, Victor A. Contract, Skadden, Arps, Slate, Meagher & Flom LLP, 1440 New York Avenue, NW, Washington, DC 20005-2111.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at <http://www.fe.doe.gov>. Upon reaching the Fossil Energy Home page, select "Electricity Regulation," and then "Pending Procedures" from the options menus.

PUBLIC NOTICE

Scoping Meeting to Prepare an Environmental Impact Statement for Military Training Activities at Makua Military Reservation

The 25th Infantry Division (Light) and U.S. Army Hawaii announces it will be holding two scoping meetings to solicit public participation in the preparation of an environmental impact statement (EIS) for the proposed resumption of military training activities at Makua Military Reservation (MMR), Oahu, Hawaii. The proposed military training is to provide for company level, modified live-fire exercises at MMR's Company Combined-Arms Assault Course (CCAAC). The CCAAC, which was constructed in 1988, is the sole training facility at MMR, and is the only facility of its type on the island of Oahu. The principal user will be the Army's 25th Infantry Division (Light) headquartered at Schofield Barracks. Other military components that have used MMR in the past such as the Marine Corps, Army Reserve, and Hawaii Army National Guard may also use the CCAAC for required company combined-arms live-fire exercises (CALFEXs).

Conducting the required number of company CALFEXs is critical to maintaining the readiness of all military units assigned or stationed in Hawaii. Company-level CALFEXs will include combined arms support provided by helicopter, artillery, mortar, and combat engineer support teams. The EIS will address, among other things, the potential direct, indirect, and cumulative environmental impacts associated with the proposed military training activities at MMR.

Public scoping meetings will be held at and on the dates and times listed below. During each meeting, attendees will receive information on the Army's proposed use of Makua Military Reservation. Attendees will also have the opportunity to provide input on what they would like the EIS to address. Public comments will be accepted for a period of 15 days following the meeting dates and can be submitted in writing to the individual named below.

Location: Nanakuli High & Intermediate School
Cafeteria
89-980 Nanakuli Avenue
Waianae, Hawaii 96792

Date: Tuesday, April 9, 2002
Time: 6:00 p.m. to 10:00 p.m.

Location: Waianae District Park
Multi-Purpose Building
85-601 Farrington Highway
Waianae, Hawaii 96792

Date: Saturday, April 13, 2002
Time: 10:00 a.m. to 3:00 p.m.

Send written comments to or request additional information from:

Ken Mashita
U.S. Army Engineer District, Honolulu
Programs and Project Management Division
Environmental and Special Projects Branch
Building 252
CEPOH-PP-E
Fort Shafter, HI 96858-5440
Telephone: 808-438-8417
Fax: 808-438-7801
E-mail: Calvin.K.Mashita@poh01.usace.army.mil

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Send written comments to or request additional information from:

Ken Mashita
U.S. Army Engineer District, Honolulu
Programs and Project Management Division
Environmental and Special Projects Branch
Building 252
CEPOH-PP-E
Fort Shafter, HI 96858-5440
Telephone: 808-438-8417 Fax: 808-438-7801
E-mail: Calvin.K.Mashita@poh01.usace.army.mil

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Ken Mashita
U.S. Army Engineer District, Honolulu
Programs and Project Management Division
Environmental and Special Projects Branch
Building 252
CEPOH-PP-E
Fort Shafter, HI 96858-5440
Telephone: 808-438-8417 Fax: 808-438-7801
E-mail: Calvin.K.Mashita@poh01.usace.army.mil

The Environmental Notice

A SEMI-MONTHLY BULLETIN OF THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL

APRIL 8, 2002

Highway Improvement on Kaua'i

The State Dept. of Transportation proposes to improve Kuhio Highway between Hanama'ulu and Kapa'a to alleviate traffic congestion, accommodate projected traffic growth to 2025, provide an alternate emergency and evacuation route, and provide additional capacity when traffic is not flowing normally.

Alternatives include widening portions of the highway, construction of a bypass road ("relief route"), Transportation

Systems Management (TSM), or a combination of these. Possible impacts may include displacement of residents and/or businesses, visual effects, impacts to archeological sites and artifacts, to cultural sites, wetlands and parklands.

The EIS preparation notice submitted supercedes the EISPN published on September 8, 1992. Comments will be accepted until June 15, 2002.

For more information, see page 10.



BENJAMIN J. CAYETANO
GOVERNOR

OFFICE OF
ENVIRONMENTAL
QUALITY CONTROL
GENEVIEVE SALMONSON
DIRECTOR

The Environmental Notice
reviews the environmental impacts of
projects proposed in Hawaii

Other Resources
available at OEQC . . .

- *Guidebook for Hawai'i's Environmental Review Process*
- *Environmental Impact Study Resource Library*
- *Environmental Council Annual Reports*
- *Rules and Policies*
- *"How to Plant a Native Hawaiian Garden"*

OEQC

235 S. BERETANIA STREET
LEIOPAPA A KAMEHAMEHA
SUITE 702
HONOLULU, HAWAII 96813

Telephone (808) 586-4185
Facsimile (808) 586-4186

Moloka'i/Lana'i: 1-800-468-4644 ext. 64185
Kaua'i: 274-3141 ext. 64185
Maui: 984-2400 ext. 64185
Hawaii'i: 974-4000 ext. 64185

Makua EIS Public Scoping Meetings

The U.S. Army will be holding two scoping meetings on preparing an environmental impact statement for the resumption of military training activities at Makua Military Reservation (MMR) on Tuesday, April 9, 2002 from 6:00 P.M. to 10:00 P.M. at Nanakuli High School Cafeteria, and on Saturday, April 13, 2002, from 10:00 A.M. to 3:00 P.M. at the Wai'anae District Park Multi-Purpose Building. See page 11 for more.

Force Transformation EIS Public Scoping Meetings

The U.S. Army Corps of Engineers will be holding NEPA scoping meetings beginning on April 16, 2002, to engage public participation in the environmental impact statement for converting the 2nd Brigade, 25th Infantry Division in Hawaii'i into an Interim Brigade Combat Team. The conversion may have various impacts on Army installations and training lands in Hawaii'i. See page 12 for more.

FONSI for Land Acquisition at Pohakuloa

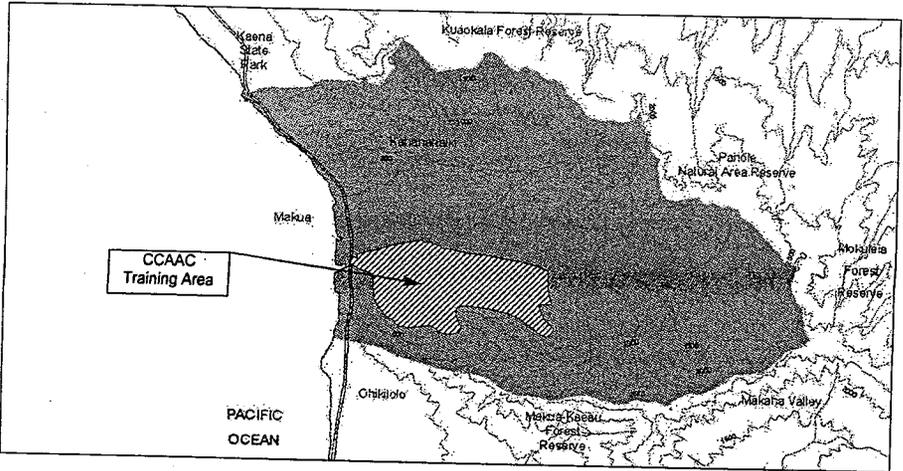
The Army has disclosed in a NEPA environmental assessment and finding of no significant impact (FONSI) that it wants to purchase 1,010 acres at the northern portion of the Pohakuloa Training Area at Pu'u Ke'eke'e and Pu'u Ka Pele (which is currently leased from Parker Ranch). There will be no change to existing land use or types of training there. See page 9 for more.

EIS Training in April

When are environmental assessments (EA) required? What types of projects are exempt? How to declare a project exempt? How to prepare EAs? Whats new at OEQC? If you are interested in learning the answers to the above questions, OEQC's latest training classes can help you. The classes will be held on Friday, April 12 from 1-3 p.m. and on Monday, April 22 from 1-3 p.m. at OEQC. To register, please call 586-4185.

MMR EIS PROCESS The primary purpose of preparing an Environmental Impact Statement (EIS) is to make known the environmental consequences of the military training activities at Mākua Military Reservation (MMR). The EIS will identify all of the possible positive and negative impacts on the environment, and evaluate how the negative impacts can be avoided or reduced. Public involvement is a key component to the EIS process in that it identifies the scope of issues to be addressed and significant issues related to the proposed action. Public scoping meetings will be held to explain the proposed action to the community and allow the public to contribute ideas and identify issues concerning the proposed activities.

Your input will be addressed in the scope of the environmental impact study and will serve as a guide in the preparation of the Draft EIS. After the draft EIS has been completed it will be made available for public review (45 day minimum) and comment. All comments received on the Draft EIS will be addressed and incorporated into the Final EIS.



PUBLIC SCOPING MEETING SCHEDULE

Tuesday, April 9, 2002
6:00 p.m. to 10:00 p.m.
Nānākuli High & Intermediate School
 89-980 Nānākuli Avenue
 Wai'anae, Hawai'i 96792

Saturday, April 13, 2002
10:00 a.m. to 3:00 p.m.
Wai'anae District Park
 Multi-Purpose Building
 85-601 Farrington Highway
 Wai'anae, Hawai'i 96792

Copies of materials related to the EIS will be available for public review at local repositories:

Hawai'i State Library
 478 South King Street
 Honolulu, Hawai'i 96813

Wai'anae Public Library
 85-625 Farrington Highway
 Wai'anae, Hawai'i 96792

Wahiawā Public Library
 820 California Avenue
 Wahiawā, Hawai'i 96786

Pearl City Public Library
 1138 Waimano Home Road
 Pearl City, Hawai'i 96782

Information Points of Contact

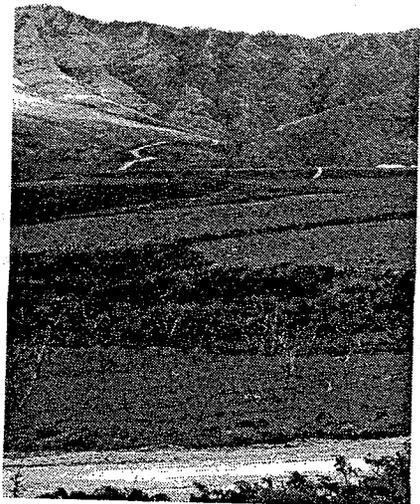
Ken Mashita
 U.S. Army Engineer District, Honolulu
 Programs & Project Management Division
 Environmental & Special Projects Branch
 Building 252
 CEPOH-PP-E
 Fort Shafter, Hawai'i 96858-5440
 Phone: (808) 438-8417
 Fax: (808) 438-7801
 E-Mail: Calvin.K.Mashita@poh01.usace.army.mil

Amy K.T. Lutey
 Community Relations Officer
 25th Infantry Division (Light) and
 U.S. Army Hawai'i
 PAO, Building 580
 Schofield Barracks, Hawai'i 96857
 Phone: (808) 655-2919
 Fax: (808) 655-9290
 E-Mail: amy.lutey@schofield.army.mil

Colonel William E. Ryan, III
 Director of Public Works
 U.S. Army Garrison, Hawai'i (USAG-HI)
 Schofield Barracks, Hawai'i 96857-5013
 Phone: (808) 656-1289
 Fax: (808) 656-1259
 E-Mail: william.ryaniii@usace.army.mil

MĀKUA MILITARY RESERVATION
 Training Activities

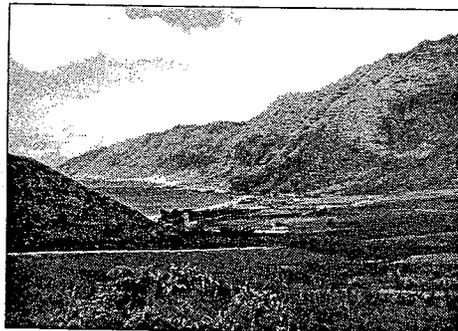
Environmental Impact Statement
 Preparation



SITE DESCRIPTION MMR is located 38 miles northwest of Honolulu and is situated in the Mākua-Kahanahāiki valleys near Ka'ena Point. The installation encompasses 4,190.47 acres, of which the Army owns 170 acres in fee simple, holds 1.64 acres by license, leases 782.35 acres from the State of Hawai'i, and has use of 3,236.48 acres of ceded lands. The State of Hawai'i lease, which expires in 2029 and includes the 782.35 acres along Farrington Highway, requires the Army to allow employees of the State of Hawai'i Board of Land and Natural Resources to enter the leased premises when necessary. Additionally, it also grants the right to develop public use of Kāneana Cave, including a foot trail and parking area associated with the cave. The terms of the lease also allows public access to Mākua Beach, which lies between Farrington Highway and the shoreline.

CULTURAL SITE HISTORY Mākua and Kahanahāiki Valleys are considered *wahipana*, or sacred lands by the community. The traditional and cultural use of Mākua was extensive: Historic records, oral histories, and archaeological studies dating back to the 19th century document extensive cultural heritage of the area, including both religious and domestic use of Mākua by native peoples.

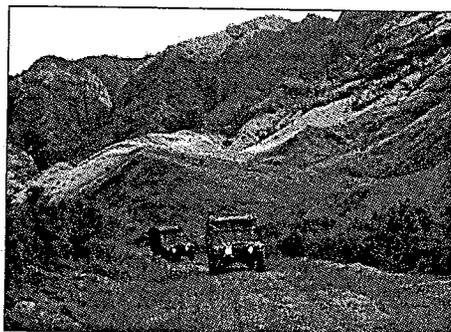
Mākua is associated with a number of legends, and traditional Hawaiian deities, and has religious and social value to local residents. Cultural resources include archaeological sites and historic resources, as well as community



values, religious practices, spiritual places, Hawaiian gathering rights and cultural uses of the natural environment.

MMR FACILITIES AND TRAINING The Company Combined-arms Assault Course (CCAAC) is the single training facility at MMR, and has been in place there since 1988. The principal Army user is the 25th Infantry Division (Light) (25th ID [L]), which is headquartered at Schofield Barracks, however the Marine Corps, Coast Guard, Air Force, The Army Reserve, and Hawai'i Army National Guard all use the site. Combined-arms Live Fire Exercises (CALFEXs) conducted on the CCAAC are a key element in the program of training for light infantry units and the Mākua CCAAC is the only facility of its type on O'ahu.

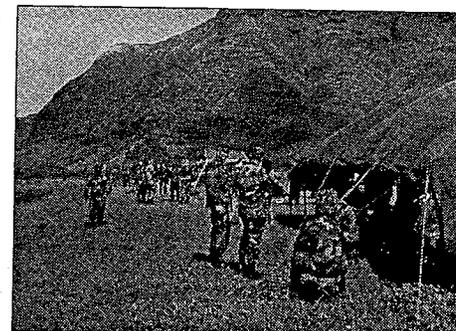
The total area used by the CCAAC, including parking, bivouac, ammunition storage, and staging, equals approximately 1,034 acres. All live fire is directed into the 457-acre grassy area within the southern fire-break road. In the highly utilized CCAAC, soldiers fire live ammunition at electronically operated "pop-up" targets and overtake mock-enemy objectives as they maneuver from objective to objective. All high-explosive, fire-causing ammunition is aimed to land within the confines of the fire-break roads.



The Army's Standard Operating Procedures (SOP) for training outlines safety precautions and fire minimization and suppression procedures that will be followed by range personnel and soldiers. It also provides procedures to protect biological and archaeological resources. Routine training in the main part of the installation occurs approximately 230 days per year. Other days are used for range maintenance and repairs, open houses, and the Army's ecosystem management program work. No military training activities, except for those that are approved by the U.S. Fish and Wildlife Service (USFWS) on a case-by-case basis, occur outside the firebreak roads.

RECENT DEVELOPMENTS In October 1998, Earth Justice filed a lawsuit on behalf of Mālama Mākua alleging the failure of the Army to prepare an EIS for military training activities proposed at MMR violates the NEPA and its implementing regulations. By court order no training was permitted at MMR until the lawsuit was resolved. As such, training was not conducted at MMR in FY 1999 and 2000.

In light of the events of 11 September 2001, a Settlement Agreement and Stipulated Order between Mālama Mākua and the United States Department of Defense was filed on 04 October 2001 whereby 13 stipula-

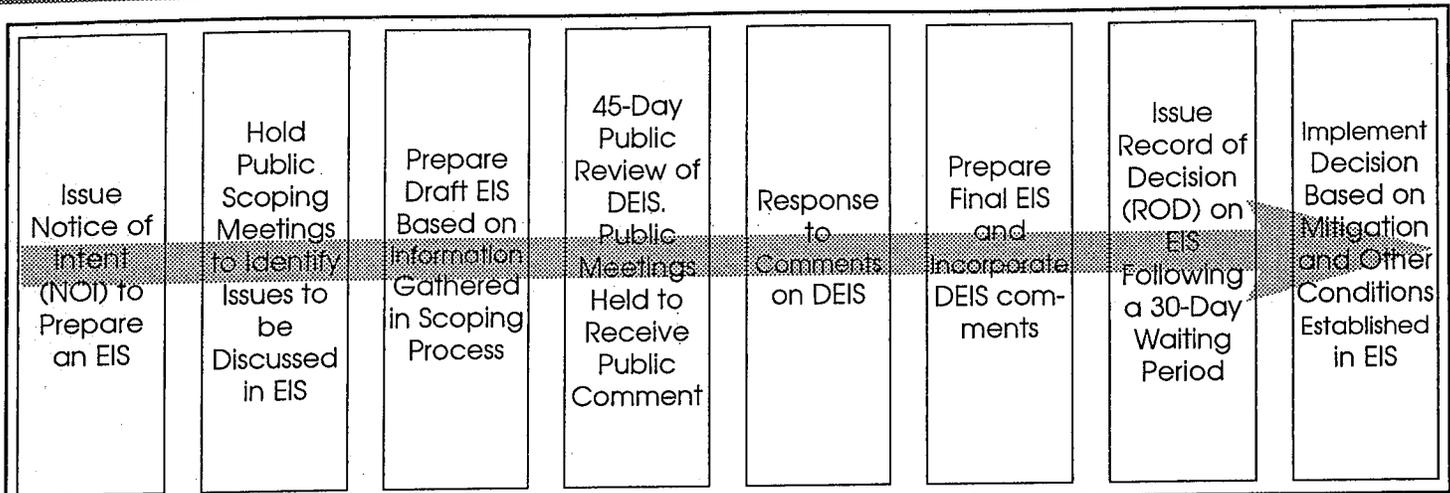


tions were outlined. Based upon the agreement, until the MMR EIS is completed and the Record of Decision (ROD) is published in the Federal Register in October 2004, the Army and other Department of Defense components will be permitted to carry out:

- Up to a total of sixteen (16) CALFEXs at MMR in the first twelve (12) months immediately following Court approval of the agreement.
- Up to a total of nine (9) CALFEXs at MMR in the second year
- Up to a total of twelve (12) CALFEXs at MMR in the third year

In accordance with the Settlement Agreement, the Army resumed live fire training on 24 October 2001. Since that date, a total of ten CALFEXs have been completed and three additional CALFEXs have been scheduled through 22 May 2002.

DESCRIPTION OF THE PROPOSED ACTION The Army would continue using the CCAAC at MMR to conduct CALFEXs, but would reduce use from its full capacity. In particular, the CALFEXs would not include use of TOW missiles, incendiary munitions, or tracers, which historically caused the greatest number of fires. All current environmental programs would continue, including natural and cultural resource management, wildland fire management, public involvement, and other programs. This action would allow the Army to execute its required training mission.



WHAT IS NEPA?

The National Environmental Policy Act (NEPA) is our basic national charter for protection of the environment. It establishes policy, sets goals, and provides means for carrying out the policy. The President, the federal agencies, and the courts share responsibility for enforcing the Act so as to achieve the substantive requirements of the goals.

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.

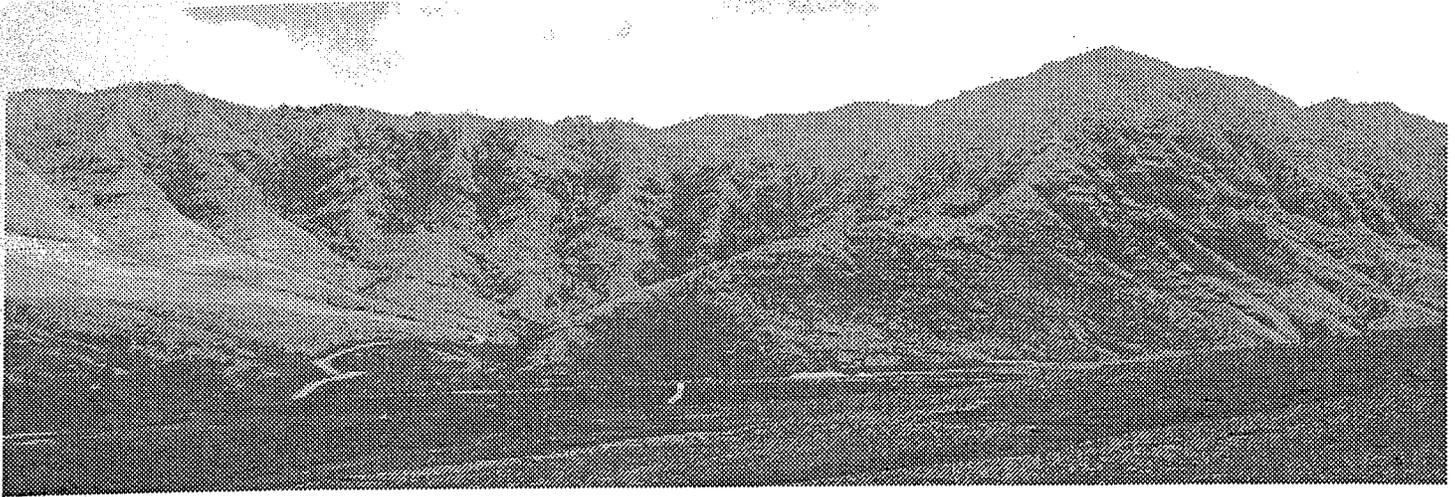
NEPA & THE EIS PROCESS



WHAT IS AN EIS?

The primary purpose of an environmental impact statement (EIS) is to serve as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment.

An EIS is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions.



The 25th Infantry Division (Light) (25th ID(L)) is stationed in and trains in Hawai'i to prepare itself for warfare in the unique environments of the Pacific Basin and Pacific Rim, including potential operational areas similar to Korea, Indonesia, and Southeast Asia.

To meet this objective, live fire and maneuver training is conducted at Mākua Military Reservation (MMR) on a regular basis. MMR is the only large area on O'ahu where units can maneuver and fire live munitions at the same time. The physical makeup of MMR is precisely what is needed for firing live munitions. The large cliffs and bowl shape of the valley safely act to contain any shrapnel, missiles, or bullets fired, as well as some of the noise. Furthermore, it is the only training area on O'ahu that will support limited attack helicopter gunnery training.

Other identified training location options, include using existing facilities on O'ahu, the Pōhakuloa Training Area (PTA) on the Big Island, or other installations in the continental United States. Unfortunately, these are not suitable or cost-efficient locations for this type of training. Other O'ahu installations lack the geographical features needed to safely execute training objectives, are too small in size, are situated in heavily urban-

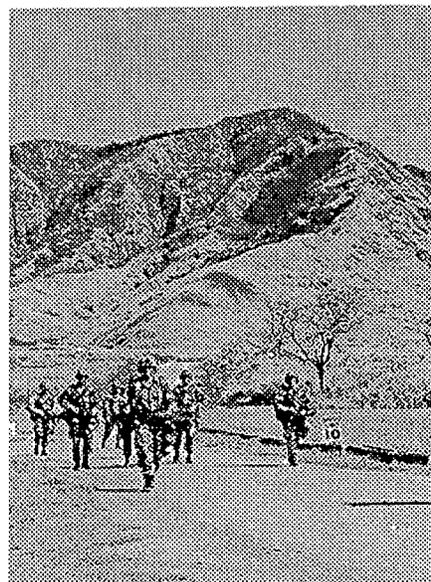
THE NEED FOR MĀKUA MILITARY RESERVATION

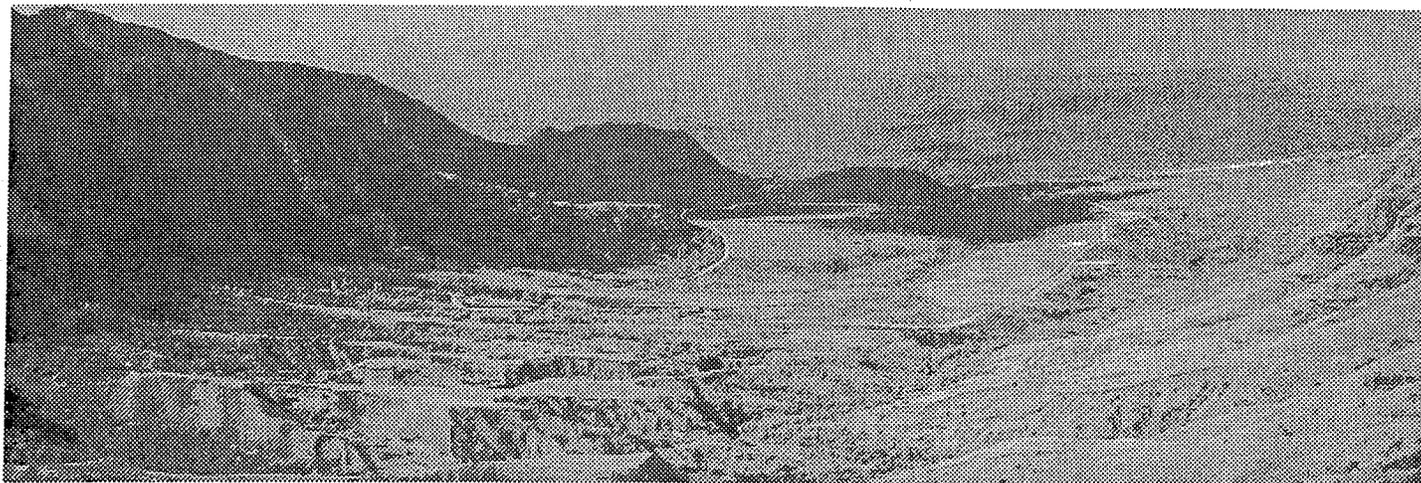
ized areas, or are fully occupied by buildings. With regard to PTA, the costs associated with transporting soldiers and equipment are prohibitive for long-term training and the unique terrain, predominately lava fields, limits the maneuverability of soldiers.

Similarly, utilizing training facilities in the continental United States would require large investments in transportation and deployment costs. Additionally, the topographic and climatic features at mainland installations do not match conditions found in the Pacific and would therefore not provide realistic training experiences for the 25th ID(L).

Overall, MMR is the military's best and most used local live fire training area because it:

- Supports limited use of ground, air, artillery, and missile munitions.
- Alleviates prohibitive travel costs for unit training.
- Contains an elaborate trench system (U-shaped trench with pop-up targets in bunkers for soldiers to shoot at) that has no equal in the State of Hawai'i.
- Replicates physical terrain features found throughout the Pacific rim.





AGREEMENT

REQUIREMENTS INCLUDE:

1. US Army to complete an EIS (within 3 years) in accordance with NEPA and its implementing regulations. EIS to address, among other things, the potential direct, indirect and cumulative environmental impacts associated with military training activities at MMR.
2. Prior to EIS completion, the US Army is permitted to carry out:
 - a. Up to a total of 16 Company Combined Arms Live-Fire Exercises (CALFEXs) at MMR in the first 12 months following approval of the Agreement;
 - b. Up to 9 CALFEXs at MMR in the second year;
 - c. Up to 12 CALFEXs at MMR in the third year.
3. Training shall cease in the event of any training-related fire outside

SETTLEMENT mālama AGREEMENT mākua SUMMARY

DATE:

October 4, 2001

PLAINTIFF:

Mālama Mākua,
A Hawai'i non-profit corporation

DEFENDANTS:

Donald H. Rumsfeld,
Secretary of Defense

and

Thomas E. White, Secretary of US
Department of the Army

of the south firebreak road that surrounds the Company Combined-Arms Assault Course (CCAAC). Training may resume after consultation under the Endangered Species Act. Training shall also cease in the event of any training-related damage to any archaeological or cultural sites at MMR and may resume after reporting damage to the State Historic Preservation Officer and executing all mitigation measures.

4. Copies of the completed EIS and Record of Decision (ROD) shall be delivered to plaintiff's counsel, Earthjustice Legal Defense Fund.

5. Public meetings shall be held as part of the NEPA scoping process and to receive comments on the draft EIS. Meetings shall be scheduled at times convenient for the working people of Wai'anae Coast.

6. Good faith efforts shall be made to obtain the services of a court reporter capable of transcribing the Hawaiian language. One copy of meeting transcripts shall be provided to Earthjustice Legal Defense Fund. An additional copy shall be provided to the Wai'anae Public Library.

7. The EIS shall include:

a. Studies to identify potential contamination of soil, surface water, and ground water, and of potential impacts on air quality, associated with training activities at MMR. A 60-day public comment period on the scope and protocol of these studies shall be provided.

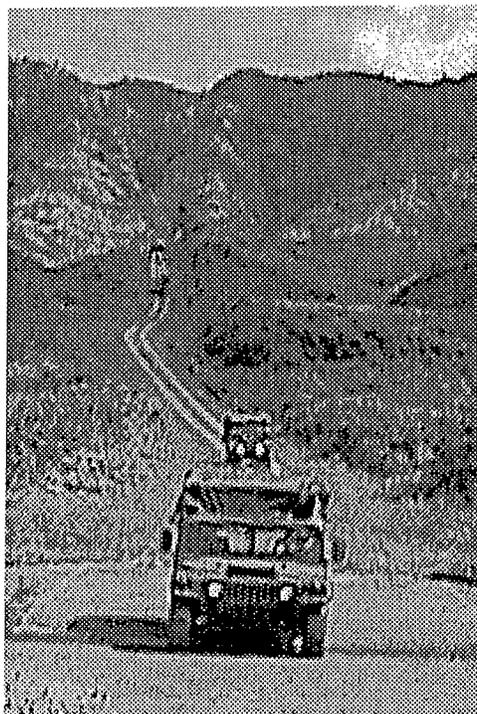
b. A Traditional Cultural Places (TCP) survey to assess cultural impacts.

c. Surface and subsurface archaeological surveys of all areas within the CCAAC training area, as well as surface archaeological surveys of all the Surface Danger Zone (SDZ) areas.

8. If the studies reveal the potential for off-site soil, air, ground water or surface water contamination, a long-term program will be implemented to monitor such contamination.

9. Seek approval for and make good faith efforts to obtain appropriate funds to clear unexploded ordnance (UXO) from the area within MMR extending 1,000 meters mauka from Farrington Highway. Other high priority areas shall also be identified for UXO clearance at MMR within one year of the date of the settlement. This will help to increase access to cultural sites. An annual report shall be prepared to describe progress in clearing UXO from MMR.

10. Mālama Mākua and other members of the Wai'anae Coast Community shall be provided with technical assistance, at a cost not to exceed \$50,000 to facilitate public participation in the NEPA process and help the community understand the technical issues of the process.



11. Transportation of explosives and ordnance to MMR shall be done by airlift whenever possible (based on availability and weather). When airlift is not possible, ground transportation by way of Farrington Highway will avoid the hours from 5:00 a.m. to 7:00 p.m.

12. At least one member of Mālama Mākua will be allowed access as an observer to each live-fire training exercise at MMR, post-training UXO cleanup, and post-training evaluation of damage to cultural sites.

13. Members of the Wai'anae Coast Community, including Mālama Mākua, shall be allowed daytime access (sunrise to sunset) to MMR to conduct cultural activities at least twice a month. Overnight access (from two hours before sunset on the first day until two hours after sunset on the second day) to MMR shall be allowed to conduct cultural activities on at least two additional occasions per year. All access is subject to certain safety requirements.