

# CITIZENS AND ARMY SETTLE LAWSUIT OVER LIVE-FIRE TRAINING AT MAKUA, HAWAI`I

*A settlement brings to a successful conclusion a three-year legal effort to compel the Army to prepare a comprehensive Environmental Impact Statement on impact of military training at Makua, O`ahu, Hawai`i.*



**OCTOBER 4, 2001**

Wai`anae Coast, O`ahu, Hawai`i — Malama Makua, represented by Earthjustice, and the U.S. Army filed a settlement today in the U.S. District Court for the District of Hawai'i, bringing to a successful conclusion Malama Makua's three-year legal effort to compel the Army to prepare a comprehensive Environmental Impact Statement under the National Environmental Policy Act for live-fire training exercises at Makua Military Reservation on O`ahu. In recognition of the potentially increased need for training as a result of recent events, the settlement allows the Army to conduct limited live-fire training during the preparation of the EIS.

Highlights of the agreement are:

- The Army will prepare an EIS that addresses existing and potential impacts to the unique cultural and biological resources at MMR, as well as potential soil, air, ground water and surface water contamination associated with live-fire training. The public will have ample opportunities to provide input on the potential impacts the EIS should address, alternatives to training at MMR that should be considered, and the adequacy of the Army's analysis.
- The Army will establish a \$50,000 technical assistance fund to enable the Wai`anae Coast community to hire independent experts to evaluate the studies to be carried out as part of the EIS process. This technical assistance will help the public ensure that the EIS addresses community concerns and will facilitate

public understanding of the potential impacts associated with live-fire training at MMR.

- To improve access to cultural sites at MMR and protect public safety, the Army will embark on a long-range process to clear unexploded ordnance (UXO) from MMR, beginning with an area extending 1000 meters (over 3000 feet) mauka (towards the mountains) of Farrington Highway. The Army will establish a dialogue with the public to identify additional, high-priority areas for UXO clearance.
- To respond to safety concerns about the transport of ammunition through Wai`anae Coast communities, the Army will move all explosives, grenades, mines, and artillery, anti-tank, and mortar rounds to MMR by helicopter when weather permits and helicopters are available. All transport of ammunition by land will avoid peak traffic hours and times when children are traveling to and from school.
- The Army will allow daytime public access to MMR for cultural purposes a minimum of two days a month, with the public permitted to camp at MMR for nighttime cultural observances a minimum of two times a year.
- The Army will be allowed to carry out the minimum number of company maneuver combined arms live-fire exercises (CALFEXs) that it believes are necessary for the 25th Infantry Division (Light) to meet its readiness goals: 16 CALFEXs in the first year following settlement, 9 CALFEXs in the second year, and, should the EIS not yet be complete, 12 CALFEXs in the third year. After the third year, no training would take place at MMR until the EIS is complete.

"Every settlement requires compromise, and both sides have come a long way to settle this case," explained Earthjustice attorney David Henkin. "The Army has committed to preparing the comprehensive environmental impact statement the Wai`anae Coast community has been demanding for years and will take important, unprecedented steps to address community concerns about cultural access and the removal of unexploded ordnance. For its part, Malama Makua will not stand in the way of limited training, which will let the 25th Infantry's 18 companies meet the division training standard during this time of national crisis."

"We appreciate that the Army will prepare an environmental impact statement and start the process of addressing legitimate concerns of Wai`anae Coast residents about threats to our culture, our precious and unique native ecosystems,

the safety of our keiki (children) and kupuna (elders), the air we breathe, the water we drink, and the ocean we rely on to put food on the table," said Sparky Rodrigues of Malama Makua. "We hope that today's agreement will open a new chapter in the relationship between the Army and the people of the Wai`anae Coast, one based on cooperation and mutual respect."

## CONTACTS

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*Legal Case*

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