

CITIZENS TO CHALLENGE ENVIRONMENTAL ASSESSMENT OF MILITARY TRAINING AT MAKUA, HAWAI'I

Malama Makua, represented by Earthjustice Legal Defense Fund, will return to court to challenge the US Army's claim that resuming live-fire training and related activities at Makua Military Reservation on O`ahu would have no significant impact on the more than 40 endangered species and dozens of sacred and cultural sites found at Makua and on neighboring communities.



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Honolulu, HI — Malama Makua, represented by Earthjustice Legal Defense Fund, will return to court to challenge the US Army's claim that resuming live-fire training and related activities at Makua Military Reservation (MMR) on O`ahu would have no significant impact on the more than 40 endangered species and dozens of sacred and cultural sites found at Makua and on neighboring communities. Yesterday, the Army issued a final Environmental Assessment (EA) and announced its finding of no significant impact (FONSI), which constitutes the Army's determination that an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) is not required and that it may resume training. Under a prior settlement agreement with Malama Makua, the Army must wait at least 30 days from the issuance of the FONSI to resume training. Malama Makua intends to file a motion for preliminary injunction so that a hearing can be scheduled in a timely manner prior to any resumption of live-fire training.

"The Army's claim that it can do live-fire training at Makua without significant impacts is an insult to the people of the Wai`anae Coast, who have witnessed the

devastation that military training inflicts," said Leandra Wai, president of Malama Makua. "We have seen our churches and heiau bombed, our native forests burned, our endangered species destroyed, the bones of our ancestors desecrated, our soil contaminated, our fishing grounds polluted, and a growing population of sick people. If that's not significant, I don't know what is."

The Army's NEPA regulations state that the Army must prepare an EIS for any proposed action that "has the potential to" significantly affect the human environment. An EIS is a detailed document that must discuss, among other things, the environmental impacts of the proposed federal action (including any ecological, aesthetic, historic, cultural, economic, social and health effects, whether direct or indirect) and any alternatives to the proposed action. The process for preparing an EIS would require the Army to take seriously community input and concerns when evaluating the impacts of training at MMR.

Preliminary review of the EA reveals that the Army carefully combed through past drafts to remove any language that might inform the public that resumed training at MMR would harm the more than 40 endangered species found there. For example, in the September 2000 draft of its EA, the Army conceded that "the potential impacts associated with activities at Makua to threatened and endangered species cannot be eliminated or minimized to insignificant or discountable levels." This statement was removed from the document released yesterday. Similarly, the Army apparently deleted the phrase "Likely to be Jeopardized by Military Training" from a list of endangered plants found in a U.S. Fish & Wildlife Service study attached to the EA. These deletions violate NEPA because they hide from the public potential environmental impacts associated with training at MMR.

"NEPA requires the Army to make full disclosure of all potential impacts from training at Makua so that, as a society, we can make an informed decision about whether training should resume there," explained David Henkin, staff attorney at Earthjustice Legal Defense Fund, which represents Malama Makua. "The Army has corrupted that process, packing their Environmental Assessment with half-truths and misleading statements that seek to bury the truth. This isn't disclosure; this is a cover-up."

No training has taken place at MMR since September 1998 when, in response to a letter from Malama Makua indicating its intent to sue, the Army resumed consultations with the Service under the federal Endangered Species Act.

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Malama Makua is a non-profit, community organization based on the Wai`anae Coast of O`ahu. Formed in 1992 to oppose the Army's open burn/open detonation permit application to the EPA, Malama Makua has continued to monitor military activities at MMR and has participated in a number of community initiatives to care for the land and resources at Makua.

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Legal Case

RESTORING MAKUA VALLEY