

# MAKUA BURNS OUT OF CONTROL

*Blaze at Makua underscores need for environmental review and better fire management*



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Makua, O`ahu — This week, a "controlled burn" at Makua Military Reservation (MMR) on O`ahu – intentionally set by the U.S. Army to clear vegetation – went out of control, burning at least 2500 acres, including areas occupied by federally listed endangered plants and animals, as well as scores of cultural sites eligible for the National Historic Register. The blaze jumped the Army's firebreak roads, burning to the ridges surrounding MMR, and crossed Farrington Highway at several locations. The fire – still burning as of mid-day today – demonstrates the inadequacy of the Army's Fire Management Plan, which was developed to protect the biological and cultural treasures at Mākua. It also underscores the need for careful review of the Army's activities at MMR under both the National Environmental Policy Act (NEPA) and Endangered Species Act (ESA), as advocated by Earthjustice and Wai`anae Coast community group Mälama Makua.

"This is like a bad case of deja vu," said Fred Dodge, Malama Makua board member. "In June 1995, another so-called 'controlled' burn charred nearly 2500 acres in the valley. The Army said it couldn't possibly happen again, that they had made improvements in firefighting. But this is even worse. The 1995 burn took place outside the firebreak roads; here, the Army couldn't even control a blaze set inside the firebreak."

Represented by Earthjustice, Malama Makua sued the Army in federal court in December 2000, challenging the Army's refusal to prepare an environmental impact statement (EIS) pursuant to NEPA for proposed live-fire training at MMR and related activities, such as yesterday's controlled burn. The settlement entered

in that lawsuit on October 4, 2001 requires the Army to prepare a comprehensive EIS. The EIS must address 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 and fire management activities.

The native forests at risk from live-fire training and related activities at MMR are home to over 40 endangered plant and animal species. The ESA requires careful review of potential impacts to these species and their habitat in consultations between the Army and the U.S. Fish and Wildlife Service (Service) . In September 1998, a notice of intent to sue from Earthjustice, sent on Malama Makua's behalf, prompted the Army to enter into formal consultation to ensure that its activities at MMR would not push these species to extinction. When that consultation concluded in July 1999, the Service emphasized that the Army must reinitiate consultation if new information reveals that the Army's activities "may affect listed species or critical habitat in a manner or to an extent not considered" previously.

"The last time the Army and the Fish and Wildlife Service consulted over Makua, the Service relied heavily on the Army's supposedly improved firefighting to conclude that Army activities would not push to extinction any of the more than 40 endangered species found there," explained Earthjustice attorney David Henkin. "While we will not know until the fires are finally extinguished whether this latest tragedy has wiped out any species, the events of the last two days abundantly illustrate the inadequacy of the Army's firefighting to protect endangered species and their habitat. The Army must immediately reinitiate consultation to ensure that this sort of thing never happens again."

## CONTACTS

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*Legal Case*

**RESTORING MAKUA VALLEY**