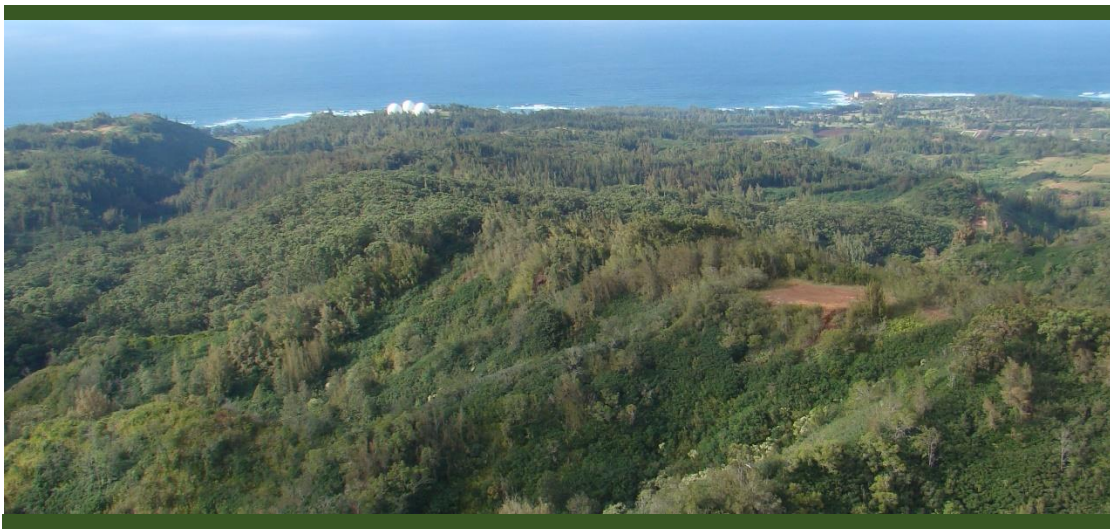


**ARMY TRAINING LAND RETENTION
OF STATE LANDS AT KAHUKU TRAINING AREA,
KAWAILOA-POAMOHO TRAINING AREA,
AND MAKUA MILITARY RESERVATION
ISLAND OF O'AHU
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

VOLUME III: APPENDICES E-I PART I



U.S. ARMY

PREPARED FOR DIRECTORATE OF PUBLIC WORKS, U.S. ARMY GARRISON-HAWAII

PREPARED BY U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
UNDER CONTRACT W9128A-19-D-0008

APRIL 2024

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**ARMY TRAINING LAND RETENTION
OF STATE LANDS AT KAHUKU TRAINING AREA,
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Cover photograph: Aerial view of Kahuku Training Area (KTA) facing northwest toward the ocean. Upper left corner shows KTA Tract A-1 beyond Pahipahi 'Ālua Gulch.
Photograph source: U.S. Army.

NOTE ABOUT USE OF HAWAIIAN DIACRITICAL MARKINGS:

This document honors the proper use and presentation of Hawaiian language including use of diacritical marks, the glottal stop and the macron (‘okina and kahakō). When Hawaiian words are used in a proper name of an agency or organization that does not utilize diacritical marks, then official titles are shown without diacritical marks. Diacriticals may not appear in direct quotes or public comments. Elsewhere in this document, diacritical markings are used for Hawaiian terminology, proper names and place names.



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Scoping Comments and Responses

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Elected Officials

Organizations

Businesses

Individuals

Responses to Scoping Comments

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- * All comments submitted (including instances of duplicate comments) are incorporated in this Appendix. Transcriptions were produced for both telephone and in-person comments. Transcriptions were completed using accepted transcription standards. Personal and sensitive information have been redacted.
- ** Translations were only provided when the entirety of the comment was in a non-English language.
- *** If a commentor provided attachments such as photographs, documents or other information, those attachments appear directly after the comment letter, and should be considered part of the preceding comment.

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Federal Agencies

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Federal Agencies

U.S. Environmental Protection Agency, Pacific
Islands Office Region 9..... US-1
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

August 26, 2021

Amy Bugala
U.S. Army Garrison-Hawaii
P.O. Box 3444
Honolulu, Hawaii 96801-3444

Subject: Scoping comments for the Army Training Land Retention of State Lands at Kahuku Training Area, Poamoho Training Area, and Makua Military Reservation, Island of Oahu, Hawaii

Dear Amy Bugala:

The U.S. Environmental Protection Agency has reviewed the Federal Register notice published on July 23, 2021 and August 6, 2021 requesting comments on the Department of the Army's decision to prepare an Environmental Impact Statement for the subject project. Our comments are provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act.

The Department of the Army (Army) is proposing to retain up to approximately 6,300 acres of land currently leased to the Army by the State of Hawaii on the island of Oahu. Lease agreements between the State of Hawaii and the Army at each of these three training areas were initiated in 1964 and expire in 2029. State-owned lands include approximately 1,170 acres at Kahuku Training Area (KTA), approximately 4,370 acres at Poamoho Training Area (Poamoho), and approximately 760 acres at Makua Military Reservation (MMR). The EIS will be a joint NEPA-Hawaii Environmental Policy Act (HEPA) document.

The Hawaii EIS Preparation Notice (EISPN) states that the Proposed Action does not involve new training, construction, or resource management activities at KTA, Poamoho, or MMR. The Proposed Action is strictly a real estate action that would enable continued military use and management of the State-owned land that the Army would retain. It is possible that the Army would propose the resumption of live-fire training in some form in the future on State-owned lands. Any resumption of live-fire training, or change in the status of any currently approved training activities, would be subject to future, separate NEPA analyses, as applicable.

We have the following comments for your consideration in preparation of the DEIS:

Alternatives Analysis

Selecting preferred alternative

We appreciate the identification of two alternatives in addition to the proposed action in the Notice of Intent and EISPN. Under Alternative 1 (Full Retention), the Army would retain all State-owned land within a training area. Under Alternative 2 (Modified Retention), the Army would retain all State-owned land within a training area except land on which limited training occurs and where Army natural resources management actions are required to support training. Under Alternative 3 (Minimum

Retention and Access), the Army would retain the minimum amount of State-owned land in a training area required for the Army to continue to meet its current ongoing mission critical training requirements.

The specific land areas and tracts under consideration are identified in the EISPN. In the KTA, Tracts A-1 and A-3 are state lands and the EISPN indicates that A-1 contains critical maneuver areas. Alternative 2 would not retain Tract A-3 in KTA, which contains part of a designated ecological Management Unit (MU), the Kaleleiki MU, and is fenced to protect endangered plant species managed by the State. For Poamoho, the proposed NAR tract is not currently used for military training; therefore, current levels and types of training would not be affected if not retained under Alternative 2 for this training area. The NAR tract also contains nearly all of the 18 plant taxa that have been listed on the federal endangered species list along with one candidate species (EISPN, p. 3-2). Alternative 2 for MMR also appears to meet the purpose and need for Army training. We recommend, at a minimum, that the Army consider Alternative 2 as preferred for the KTA and Poamoho, and to consider the importance of MMR to the Native Hawaiian community and culture when determining the preferred alternative for MMR.

Mechanism of retention

The NOI and EISPN also indicate that a variety of land retention methods are possible but would not be negotiated until after completion of the EIS process. To the extent that the method of retention could affect environmental resources, the Army may want to include an evaluation of alternatives for retention. At a minimum, provide a brief discussion of possible environmental impacts of the most likely methods of retention.

Range Contamination and Off-Range Migration

Range contamination

In the affected environment section, the DEIS should clearly identify all contaminated areas on the sites and in the immediate vicinity that have the potential to affect State-owned lands. Summarize the existing levels of contamination that resulted from military use since the ranges became operational and since the initial land retention, including the contamination left by military munitions and explosives of concern (unexploded ordnance and other hazardous munitions materials left behind from military live-fire training or testing, open burning and open detonation, and munitions treatment, destruction and burial activities). Describe any cleanup activities that have been done in the past or any cleanup that would be done prior to or during the proposed future retention period.

Off-range migration

Include a summary and discussion of the current or most recent Operational Range Assessments for the training areas and a summary of other reports that address potential for off-range migration of munitions constituents. We recommend including the ORA's in the appendices or posting them along with other relevant documents and reports on the project website. Discuss off-range migration including via the air/dust pathway and stormwater runoff pathway. Consider exposure pathways for both human and ecological receptors.

Makua Military Reservation (MMR)

We appreciate that the EISPN states that the Army monitors for migration of substances associated with munitions constituents at MMR, which will be discussed in the DEIS (p. 3-5). EPA reviewed the Draft, Draft Supplemental, and Final EISs for the *Military Training Activities at Makua Military Reservation, Hawai'i* in 2005, 2008 and 2009 respectively and expressed concerns regarding the introduction of additional weapons-related contaminants to soil and water already contaminated by military activities. Based on the studies associated with the FEIS, there were indications that weapons-related contaminants

were entering water resources and migrating off-site. The Marine Resources Study concluded that marine resources relied upon by area residents for subsistence were being contaminated by substances associated with Army training at the MMR and there is a small increase in cancer risk to people who consume fish and shellfish collected from Muliwai or nearshore locations adjacent to MMR. At that time, we had recommended the Army commit to prompt removal of soils at MMR that contain increased levels of contamination (“hotspots”) to reduce potential for further pollutant migration. The Army identified remedial action at the open burn/open detonation (OB/OD) area as potential mitigation for chemical contamination of water resources, but it is not clear whether this mitigation took place.

In the discussion updating the status of the off-site contamination issues at MMR, include actions taken to address the off-site migration of pollutants, cite to any additional studies conducted since the Marine Resources Study occurred, and address contamination of shellfish relied upon by area residents for subsistence. Identify this potential exposure in the Environmental Justice analysis. Identify what measures the Army is taking for the protection of groundwater, surface waters and Muliwai at MMR and how the land retention alternatives could affect the potential for contaminated fish and shellfish consumption. Identify how the Army would reduce or remediate any contamination on parcels not retained under Alternatives 2 and 3.

Perfluorinated compounds

The EISPN identifies a “foam storage facility” at MMR (p. 3-14). Update the contamination and migration discussions to include contamination by Perfluorinated Compounds (FPOs) including Perfluorooctane Sulfonate (PFOS) and Perfluorooctanoic Acid (PFOA) surfactants used for fire suppression activities associated with training. PFOA and PFAS contamination should be addressed at all training sites. Indicate whether these pollutants have entered groundwater that serves as a drinking water source and include this information in the Environmental Justice discussion.

Wildfire Risks in a Changing Climate

The EISPN indicates that the safety risk of wildfire danger at KTA varies from low to high, depending on moisture regime and fuel types. It also states that “Poamoho is at a high elevation and wildfire risk is considered low” but references a 2003 document for this statement. According to the U.S. Drought Monitor, current conditions on Oahu as of this writing (August 2021) range from abnormally dry to severe drought¹. The assessment of wildfire risk in the DEIS should reflect the most recent conditions and consider the contributions from climate change. There may be a need to incorporate more protective measures to prevent wildfire risk on State and other training lands. Additional categories of activities, in addition to impact areas and use of incendiary munitions, may need to be considered when evaluating wildfire risk under these new conditions.

Cultural Resources and Consultation with Native Hawaiian Community

We appreciate that a Cultural Impact Assessment (CIA) will be prepared pursuant to State law and will identify “areas of traditional importance” (EISPN p. 3-3). The DEIS should document compliance with the National Historic Preservation Act (NHPA). The NHPA requires that, in carrying out the requirements of Section 106, each federal agency must consult with any Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by the agency’s undertakings. MMR holds particular significance for Hawaiian cultural practitioners since, according to oral tradition, it is considered the place where human life was first created. Discuss the current arrangement for access to cultural sites at MMR and user’s perceptions of the adequacy of access to fulfill traditional needs. We recommend the DEIS describe the process and progress of Section 106

¹ <https://dlnr.hawaii.gov/drought/>

consultation between the Army and any Native Hawaiian organizations that have shown an interest in the action, identify issues that were raised, and indicate how those issues are addressed in the development of the proposed action and alternatives. We note that the Advisory Council on Historic Preservation has a handbook for consultation with Native Hawaiian organizations in the Section 106 process² that may be useful, in particular *Section VII: Principles and Tips for Successful Consultation*.

Equity and Environmental Justice

We recommend the environmental justice analysis in the DEIS consider the history of U.S. government relations with Native Hawaiian organizations and the current social climate regarding military use of Hawaiian lands. Discuss the terms of the original 1965 leases, the inequities associated with the original leases, and how a more equitable exchange could provide value to the Hawaiian people such as via fair market compensation, land exchanges and funding for Native Hawaiian community benefits. Additionally, as mentioned above, address potential for subsistence consumption of contaminated fish and shellfish off MMR and discuss whether drinking water sources has been impacted by munitions constituents or PFOA/PFAS for all training areas.

Noise Impacts

The EISPN identifies high density helicopter flights at KTA and a low-level helicopter route at Poamoho Training Areas as the primary noise sources, and states that minimal noise is generated on State-owned land at MMR from unmanned aerial vehicle flights. As part of the noise impact assessment, we recommend the DEIS provide a summary and discussion of noise complaints that have occurred historically for the training areas. The Air Force should ensure that the region of influence in the analysis includes those areas generating noise complaints. When noise impacts are assessed, we strongly recommend against averaging predicted noise levels over long periods of time when training is not occurring when determining significance of impacts. Estimated noise levels should reflect sound as it generally would be experienced by human receptors (taking into account any nighttime penalty incorporated into metrics). Consult the *Guidance for Helicopter Community Noise Prediction*³ to ensure the appropriate noise metrics for helicopter noise are included. Discuss noise impacts to wildlife.

Impacts to Recreation

In addition to the resources identified in the NOI and EISPN for evaluation in the DEIS, we recommend recreational resources be included. The EISPN indicates that a number of areas on State-owned lands are used for recreation. KTA has various recreational uses occurring in and around the area: recreation facilities in Tract A-1 include the Kahuku Motocross Park, operated by Hawai'i Motorsports Association, and Tract A-3 is located within the Pūpūkea-Paumalū Forest Reserve for which recreational activities are managed by DLNR. At Poamoho, two recreational hiking trails are managed by the State as part of the Nā Ala Hele Trail & Access program.

We appreciate the opportunity to provide comments on the preparation of the DEIS. If you have any questions, please contact me at (415) 947-4178 or vitulano.karen@epa.gov.

Sincerely,

KAREN
VITULANO

Karen Vitulano
Environmental Review Branch

Digitally signed by KAREN
VITULANO
Date: 2021.08.26 11:19:35
-07'00'

² <https://www.energy.gov/sites/prod/files/2016/02/f30/Native%20Hawaiian%20Consultation%20Handbook.pdf>

³ http://onlinepubs.trb.org/onlinepubs/acrp/docs/ACRP02-44_FR.pdf

USGS

The USGS has no comment at this time. Thank you.

Wahl, Gregory T CIV USARMY USAG (USA)

From: Kopec, Brett A <bkopec@usgs.gov>
Sent: Monday, August 2, 2021 1:24 AM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Cc: Janowicz, Jon A
Subject: [Non-DoD Source] Fw: ENVIRONMENTAL REVIEW (ER) NEW POSTING NOTIFICATION: ER21/0297 - NOI to Prepare an Environmental Impact Statement for Army Training Land Retention of State Lands at Kahuku Training Area, Poamoho Training Area, and Makua Military Res...

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Brett Kopec
USGS
Administrative Operations Assistant

From: Gordon, Alison D <agordon@usgs.gov>
Sent: Friday, July 30, 2021 5:14 PM
To: Kopec, Brett A <bkopec@usgs.gov>
Cc: Janowicz, Jon A <jjanowicz@usgs.gov>
Subject: Fw: ENVIRONMENTAL REVIEW (ER) NEW POSTING NOTIFICATION: ER21/0297 - NOI to Prepare an Environmental Impact Statement for Army Training Land Retention of State Lands at Kahuku Training Area, Poamoho Training Area, and Makua Military Reservation, Islan...

The USGS has no comment at this time. Thank you.

From: oepchq@ios.doi.gov <oepchq@ios.doi.gov>
Sent: Friday, July 23, 2021 7:52 AM
To: Reddick, Virginia <Virginia_Reddick@ios.doi.gov>; Treichel, Lisa C <Lisa_Treichel@ios.doi.gov>; Alam, Shawn K <Shawn_Alam@ios.doi.gov>; Braegelmann, Carol <carol_braegelmann@ios.doi.gov>; Kelly, Cheryl L <cheryl_kelly@ios.doi.gov>; ERs, FWS HQ <FWS_HQ_ERs@fws.gov>; Runkel, Roxanne <Roxanne_Runkel@nps.gov>; Stedeford, Melissa <Melissa_Stedeford@nps.gov>; Kaloi, Kaiini J <Kaiini_Kaloi@ios.doi.gov>; Gordon, Alison D <agordon@usgs.gov>; Janowicz, Jon A <jjanowicz@usgs.gov>; oepchq@ios.doi.gov <oepchq@ios.doi.gov>; Schroeder, Glenn A <glenn_schroeder@ios.doi.gov>; Whitlock, Janet L <janet_whitlock@ios.doi.gov>
Subject: ENVIRONMENTAL REVIEW (ER) NEW POSTING NOTIFICATION: ER21/0297 - NOI to Prepare an Environmental Impact Statement for Army Training Land Retention of State Lands at Kahuku Training Area, Poamoho Training Area, and Makua Military Reservation, Island of...

This e-mail alerts you to a Environmental Review (ER) request from the Office of Environmental Policy and Compliance (OEPIC). This ER can be accessed here. < Caution-
https://ecl.doi.gov/ER_summary.cfm?id=36943 >

To access electronic ERs visit the Environmental Assignments website:Caution-
<https://ecl.doi.gov/ERs.cfm> < Caution-<https://ecl.doi.gov/ERs.cfm> > . For assistance, please contact the
Environmental Review Team at 202-208-5464.
Comments due to Agency by: 09/01/21

State of Hawai'i Agencies

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State of Hawai'i Agencies

Hawai'i State Commission on the Status of Women	HI-1
State of Hawai'i, Department of Health, Clean Air Branch.....	HI-2
State of Hawai'i, Department of Health, Hazard Evaluation and Emergency Response Office	HI-4
State of Hawai'i, Department of Transportation	HI-7
State of Hawai'i, Office of Planning and Sustainable Development.....	HI-10

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Khara Jabola-Carolus

"Aloha. My name is Khara Jabola-Carolus. I am leaving formal testimony on behalf of the Hawaii state Commission on the Status of Women. Again, my name is Khara Jabola-Carolus and I am the Executive Director of the state of Hawaii Commission on the Status of Women. I believe that the human environment includes women and the impact of army training land retention directly impacts women on O'ahu. I do not believe, on behalf of our agency that this is a reach. In fact, I believe it is in close alignment with the women's Peace and Security Act of 2017 which calls for a gender perspective in everything the DOD does quote unquote. earlier this year, the state conducted its first gender impact assessment. as a corollary to a project that would be proposed for a casino in the Waianae area and this is an example of why and how women safety should be evaluated as part of the EIS process. Continued military training on the Oahu project sites contributes to the crisis of sex trafficking in women and children in Hawaii. Since 2019 four different sting operations have been conducted jointly between the DOD and civilian law enforcement in Hawaii. Resulting in 24 arrests and 16 convictions and a sizable portion of the pedophiles, who were arrested and convicted have been active military active duty military personnel. Three months ago there was a multi agency undercover operation targeting Child Sexual predators resulted in the arrest three arrest to active duty soldiers and one marine. 20% of arrest of child sexual predators in May 2019 were members of the Navy alone. These operations, not just impact women but require tremendous resources diverted from women safety from our state. The military training at the sites directly tied to retention of this land creates a demand hub for sex trafficking. Not just because of the long history and military culture around sex buying, but also because it is a male dominated sector, and a sector dominated by transit men who do not have accountability and ties to the local community. Furthermore, children and military families are also highly susceptible to commercial sexual exploitation, because their parents are not always present. Most of all, the heaviest price is paid by Native Hawaiian and local women and girls for the continuation of training on these sites. Through increased sex trafficking and domestic violence and the drain on resources to serve this population. Accordingly, the Commission on the Status of Women request that the human environment considerations include women and their safety. Mahalo for this opportunity to testify

Hawaii DOH, Clean Air Branch

Aloha Thank you for the opportunity to provide comments on the subject project. Please see our standard comments

at: <https://health.hawaii.gov/cab/files/2019/08/Standard-Comments-Clean-Air-Branch-2019.pdf> Please let me know if you have any Questions Lisa M.M. Wallace EHS QA Officer Clean Air Branch Environmental Health Office Hilo, Hawaii 96720

**Standard Comments for Land Use Reviews
Clean Air Branch
Hawaii State Department of Health**

If your proposed project:

Requires an Air Pollution Control Permit

You must obtain an air pollution control permit from the Clean Air Branch and comply with all applicable conditions and requirements. If you do not know if you need an air pollution control permit, please contact the Permitting Section of the Clean Air Branch.

Includes construction or demolition activities that involve asbestos

You must contact the Asbestos Abatement Office in the Indoor and Radiological Health Branch.

Has the potential to generate fugitive dust

You must control the generation of all airborne, visible fugitive dust. Note that construction activities that occur near to existing residences, business, public areas and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne, visible fugitive dust. The plan, which does *not* require Department of Health approval, should help you recognize and minimize potential airborne, visible fugitive dust problems.

Construction activities must comply with the provisions of Hawaii Administrative Rules, §11-60.1-33 on Fugitive Dust. In addition, for cases involving mixed land use, we strongly recommend that buffer zones be established, wherever possible, in order to alleviate potential nuisance complaints.

You should provide reasonable measures to control airborne, visible fugitive dust from the road areas and during the various phases of construction. These measures include, but are not limited to, the following:

- a) Planning the different phases of construction, focusing on minimizing the amount of airborne, visible fugitive dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;
- b) Providing an adequate water source at the site prior to start-up of construction activities;
- c) Landscaping and providing rapid covering of bare areas, including slopes, starting from the initial grading phase;
- d) Minimizing airborne, visible fugitive dust from shoulders and access roads;
- e) Providing reasonable dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
- f) Controlling airborne, visible fugitive dust from debris being hauled away from the project site.

If you have questions about fugitive dust, please contact the Enforcement Section of the Clean Air Branch

Clean Air Branch (808) 586-4200 cab@doh.hawaii.gov	Indoor Radiological Health Branch (808) 586-4700
--	---

April 1, 2019

Hawaii Department of Health HEER Office

Please see attached.

Text of attached:

The Hawaii Department of Health (HDOH), Hazard Evaluation and Emergency Response (HEER) Office has reviewed the Environmental Impact Statement Preparation Notice (EISPN) referenced above and has the following comments:

1. It is the understanding of the HEER Office that at least two of the three properties described in the EISPN have been identified to have hazardous contamination present, including potential unexploded ordnance (UXO). Please ensure that all known areas of contamination at each site have been identified to the HEER Office.
2. The EISPN states that other potential sources of contamination and Recognized Environmental Conditions (RECs) are present at the site that still need to be assessed, such as pesticide mixing and storage areas at the Kahuku Training Area. Please ensure that these areas are investigated, and remediated as necessary, prior to transfer of the properties back to the State. Any previously unidentified releases that are discovered during those investigations (i.e., contaminant concentrations greater than the Tier 1 Environmental Action Levels [EALs]) must be reported to the HEER Office following our Release Notification process (see <https://health.hawaii.gov/heer/how-to-report-a-release-spill/>).
3. If the properties, or portions of the properties, will be returned to the State, please include requirements for the clean-up of UXO, Munitions Debris (MD), and other environmental contaminants at the site prior to the return of the property.
4. For sites that have had remediations conducted and may have been closed out with contamination left in place and managed with Land Use Controls (LUCs), including so-called "CRECs," please review the remedies at such site to ensure that they will still be protective under potential future land use and when the Army is no longer in control of the sites. For example, where UXO may be present at Makua and KTA, under Army control, a remedy of LUCs that prohibit excavation or use of an area may be sufficient; however, once returned to the State, additional LUCs, such as Army-provided UXO Construction Support, or even additional remediation may be necessary to be protective of future potential receptors. As stated above, please ensure any necessary changes to the remedy at such sites are made prior to returning land to the State and that any on-going responsibility of the Army, such as provision of UXO Construction Support, conducting annual LUC inspections, etc., are documented in an agreement prior to transfer of the properties.

Should there be any questions, please do not hesitate to call me at 808-586-5815, or contact me via e-mail at sven.lindstrom@doh.hawaii.gov.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:
180835/180836 SL

August 30, 2021

Ms. Amy Bugala
U.S. Army Garrison-Hawai'i
ALTR EIS Comments
P.O. Box 3444
Honolulu, Hawaii 96801-3444

Facility/Site: **Makua Military Reservation MMRP and Kahuku Training Area,
Building 12450 Site KTA-01**

Subject: **Comments on Environmental Impact Statement Preparation Notice
for the Army Training Land Retention (A TLR) of State Lands at
Kahuku Training Area (KT A), Kawaihoa Poamoho Training Area
(Poamoho), and Makua Military Reservation (MMR), Island of
O'ahu; TMKs: (1) 5-8-002:002; (1) 5-9-006:026; (1) 7-2-001 :006; (1)
8-1-001:007; (1) 8-1-001:008; (1) 8-2-001: 001; (1) 8-2-001:022; (1) 8-2-
001:024; (1) 8-2-001 :025., dated June 22, 2021**

Dear Ms. Bugala:

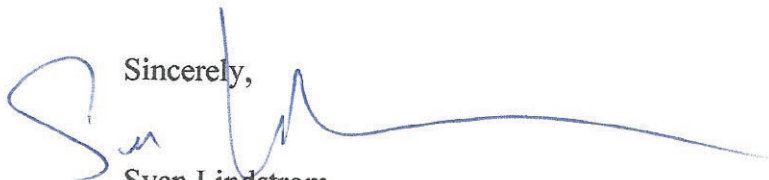
The Hawaii Department of Health (HDOH), Hazard Evaluation and Emergency Response (HEER) Office has reviewed the Environmental Impact Statement Preparation Notice (EISPN) referenced above and has the following comments:

1. It is the understanding of the HEER Office that at least two of the three properties described in the EISPN have been identified to have hazardous contamination present, including potential unexploded ordnance (UXO). Please ensure that all known areas of contamination at each site have been identified to the HEER Office.
2. The EISPN states that other *potential* sources of contamination and Recognized Environmental Conditions (RECs) are present at the site that still need to be assessed, such as pesticide mixing and storage areas at the Kahuku Training Area. Please ensure that these areas are investigated, and remediated as necessary, **prior to** transfer of the properties back to the State. Any previously unidentified releases that are discovered during those investigations (i.e., contaminant concentrations greater than the Tier 1 Environmental Action Levels [EALs]) must be reported to the HEER Office following our Release Notification process (see <https://health.hawaii.gov/heer/how-to-report-a-release-spill/>).

3. If the properties, or portions of the properties, will be returned to the State, please include requirements for the clean-up of UXO, Munitions Debris (MD), and other environmental contaminants at the site **prior to** the return of the property.
4. For sites that have had remediations conducted and may have been closed out with contamination left in place and managed with Land Use Controls (LUCs), including so-called "CRECs," please review the remedies at such site to ensure that they will still be protective under potential future land use and when the Army is no longer in control of the sites. For example, where UXO may be present at Makua and KTA, under Army control, a remedy of LUCs that prohibit excavation or use of an area may be sufficient; however, once returned to the State, additional LUCs, such as Army-provided UXO Construction Support, or even additional remediation may be necessary to be protective of future potential receptors. As stated above, please ensure any necessary changes to the remedy at such sites are made **prior to** returning land to the State and that any on-going responsibility of the Army, such as provision of UXO Construction Support, conducting annual LUC inspections, etc., are documented in an agreement prior to transfer of the properties.

Should there be any questions, please do not hesitate to call me at 808-586-5815, or contact me via e-mail at sven.lindstrom@doh.hawaii.gov.

Sincerely,



Sven Lindstrom
Voluntary Cleanup Program Specialist
Site Discovery, Assessment, and Remediation
Hazard Evaluation and Emergency Response Office
Hawaii Department of Health



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:
DIR 0725
STP 8.3235

August 6, 2021

VIA EMAIL: usarmy.hawaii.nepa@mail.mil

Daisy Pate
U.S. Army Garrison Hawaii
Directorate of Public Works
Environmental Building 105, 3rd Floor
Wheeler Army Airfield
948 Santos Dumont Ave.
Schofield Barracks, Hawaii 96857-5013

Dear Ms. Pate:

Subject: Army Training Land Retention on State Land on Oahu – Environmental Impact Statement Preparation Notice (EISPN)
Kahuku Training Area, Kawaioloa-Poamoho Training Area and Makua Military Reservation
Tax Map Key: (1) 5-8-002:002, (1) 5-9-006:026, (1) 7-2-001:006, (1) 8-1-001:007, (1) 8-1-001:008, (1) 8-2-001, 022, 024, and 025.

The State of Hawaii Department of Transportation (HDOT) understands the United States Department of the Army (U.S. Army) is requesting comments for the EISPN regarding the Army's proposed retention of approximately 6,300 acres of State-owned lands currently leased to the Army for military training purposes. The existing lease agreement will expire in 2029. The U.S. Army proposes retaining the lands beyond 2029 for training under a new long-term real estate agreement. The proposed action does not include changes in types or intensity of land use, new construction, and resource management activities.

The U.S. Army leases the following three non-contiguous training ranges on Oahu:

1. Kahuku Training Area (KTA), in northeast Oahu, is accessed from Kamehameha Highway (State Route 83) and Charlie Road from the north, and Drum Road extending to Schofield Barracks from the south. The KTA includes federal lands in addition to the 1,170 acres of State land.
2. Kawaioloa Poamoho Training Area (Poamoho), in central Oahu, is accessible from Schofield Barracks. All 4,370 acres are leased from the State.
3. Makua Military Reservation, in northwest Oahu, is accessed from Farrington Highway (State Route 93). Approximately, 760 of the 4,190 acres are leased from the State.

The following are the three action alternatives proposed for each location, based on the amount of State-owned land to be retained by the U.S. Army: full retention (existing conditions), modified retention and minimum retention. The No Action Alternative would allow the current lease to expire in 2029 and terminate U.S. Army use and management of the State lands.

HDOT's Highways Division reviewed the EISPN and has the following comments relevant to State highways for consideration in the Draft Environmental Impact Statement (EIS):

1. Based on the project description, the proposed action would not increase U.S. Army-related traffic on State roads above the existing levels. Alternative 1 would represent a continuation of existing conditions extended 50 or more years under the new real estate contract.
2. The Draft EIS should include a qualitative traffic impact analysis, including the following information:
 - a. Access routes to the training ranges and jurisdiction of the affected roadways. Note bicycle and pedestrian paths along the routes.
 - b. Current U.S. Army-related traffic on State roadways during peak traffic hours, when the training area is in use. This would reflect Alternative 1 conditions. Include the number of trips and types of vehicles.
 - c. Existing traffic conditions and public safety on State roadways en route to the training areas. This would include observations by U.S. Army personnel regarding traffic conditions and community complaints regarding U.S. Army traffic, if applicable.
 - d. Anticipated changes (if any) to project-related traffic associated with Alternatives 2 and 3. Identify changes to access routes required under Alternatives 2 and 3.
 - e. Assessment of direct, indirect, and cumulative impacts of U.S. Army-related traffic on public safety and traffic conditions in 2029.
3. We recommend the proposed action include management strategies to minimize impacts to State highways, such as scheduling training to avoid peak traffic hours.
4. Verify with the HDOT Highways Division, Oahu District Office (phone (808) 831-6700) that the training area access road intersections with State roads meet current standards for the type and volume of traffic proposed. The HDOT Highways Division may require additional analysis by a professional engineer to verify the intersections meet public safety conditions.

If there are any questions, please contact Mr. Blayne Nikaido of the HDOT Statewide Transportation Planning Office at (808) 831-7979 or via email at blayne.h.nikaido@hawaii.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jade T. Butay". The signature is stylized and cursive.

JADE T. BUTAY
Director of Transportation

c: Jeff Merz, G70 (via email: ATLR-OAHU-EIS@g70.design)



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
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DTS 202107271316HE

Coastal Zone
Management
Program

August 31, 2021

Environmental
Review Program

O'ahu ATLR EIS Comments
P.O. Box 3444
Honolulu, Hawai'i 96801-3444

Land Use
Commission

Land Use Division

Dear Sirs:

Special Plans
Branch

Subject: U.S. Army Training Land Retention of State Lands at Kahuku Training Area, Kawaihoa-Poamoho Training Area, and Makua Military Reservation, Island of O'ahu
TMKs: (1) 5-8-002:002; (1) 5-9-006:026; (1) 7-2-001 :006; (1) 8-1-001:007; (1) 8-1-001:008; (1) 8-2-001: 001; (1) 8-2-001:022; (1) 8-2-001:024; (1) 8-2-001 :025.

State Transit-
Oriented
Development

Statewide
Geographic
Information System

Statewide
Sustainability
Program

Thank you for the opportunity to provide comments on the request for agency comments on the Environmental Impact Statement Preparation Notice (EISPN) for the U.S. Army Garrison Hawaii (USAG-HI) Army Training Land Retention (ATLR) study for the Island of O'ahu.

It is our understanding that the forthcoming Environmental Impact Statement (EIS) is intended to satisfy the environmental disclosure requirements for Hawaii Revised Statutes (HRS) Chapter 343, as well as the National Environmental Policy Act (NEPA) of 1969 (42 United States Code 4321-4347), Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] Sections 1500-1508), and 32 CFR Part 989, et seq.

The EIS will disclose environmental impacts that may occur if the U.S. Army retains leases for the subject land for training purposes at Kahuku Training Area (KTA), Kawaihoa-Poamoho Training Area (Poamoho), and Makua Military Reservation (MMR), Island of O'ahu. The Army proposes to retain up to approximately 6,300 acres of State-owned lands at KTA, Poamoho, and MMR in support of continued military training and combat preparedness.

The Office of Planning and Sustainable Development (OPSD) has reviewed the public scoping and outreach material from the USAG-HI project website, as well as the EISPN for the ATR study. Based on these sources we offer the following comments:

1. State Land Use

Pursuant to HRS Chapter 205, the State is required to preserve, protect, and encourage the development of the lands in the State for those uses to which they are best suited for the public welfare, including the designation and protection of Important Agricultural Lands. We note that Section 3.1, page 3-1 of the EISPN acknowledges that the KTA is designated as being within the State Land Use Conservation District, as well as in the Agriculture district. MMR and Poamoho are in the Conservation District, and all three ALTR subject areas include State leased lands.

The Draft Environmental Impact Statement (DEIS) should detail and disclose the potential impacts from the extension of the land leases on the agricultural and conservation districts, and include maps of the three training areas in relation with the State Land Use Districts.

For the Agriculture district, specifically lands in or near KTA, the DEIS should disclose any current agricultural uses; permitted non-agricultural uses near the training area; as well as provide information on soil classifications, and productivity ratings.

For conservation district lands, the DEIS should disclose any conflicts with the administration of Conservation Lands, as detailed in Hawai'i Administrative Rules (HAR) 13-5 and disclose impacts on forest and water reserve zones.

2. Hawai'i Coastal Zone Management Program

Chapter 4, page 4-1 of the EISPN lists Coastal Zone Management (CZM) as a "relevant federal, State, and City and County of Honolulu land use plans, policies, and controls that the EIS will examine the proposed action's conformance with."

We agree that the EIS should disclose impact on the coastal zone. Furthermore, the objectives and supporting policies of the Hawai'i CZM Program, HRS § 205A-2, serve as the foundation of the enforceable policies of the State of Hawai'i.

Disclosure of impacts on the CZM policies, as it relates to HRS Chapter 343 requirements, will aid the State in determining exposed impact to the resources of the coastal zone, and mitigation measures on the subject lands involved in the ATR study.

Topic matters of interest for the Hawai'i CZM Program, as they relate to the ATR study include, but not limited to:

a. Coastal Zone Management Act (CZMA) – Federal Consistency

Pursuant to CZMA section 307(c); 15 CFR Part 930, Subpart C establishes a federal consistency requirement that federal actions affecting any coastal use or resource must be consistent to the maximum extent practicable with the enforceable policies of State approved coastal zone management programs. This federal regulation provides approved

coastal zone programs with the authority to conduct CZMA federal consistency reviews. The OPSD Coastal Zone Management (CZM) Program is the lead State agency with the authority to conduct this review.

The EIS and CZMA federal consistency review should evaluate the impact on the potential effects on coastal uses and resources. Examples of these concerns, as they relate to the ATR land study, include:

- i. Coastal Uses: include limitations on public access to the three Army training areas, impacts to recreational activities, historic or cultural practices, floodplain management, scenic, aesthetic enjoyment of these areas, as well as impacts to the natural resources within the ATR study areas.
- ii. Coastal Resources: which include, but not limited to, biological or physical resources, e.g., air, tidal and nontidal wetlands, ocean waters, estuaries, streams, aquifers, submerged aquatic vegetation, plants, trees, offshore marine life, amphibians, birds, and mammals.

We recommend that USAG-HI consult with our office on the policies and procedures applicable to CZMA federal consistency reviews.

- b. Endangered Species / Nearshore Habitats: under HRS § 195D-4, Endangered and Threatened Species; the State is required to provide additional protection to creatures that fall under the Endangered Species Act, and preserve habitats that are threatened with destruction, modification, or curtailment of range. For the State to assess the impact on these habitats ensuing from the continued use of the subject ATR parcels, the DEIS should detail the fauna impacted by the use of military's use of the subject ATR parcels. It is noted that habitats in or near the training sites include fauna such as the Newell's shearwater and Hawaiian hoary bat.

The DEIS should consider the proximity of the James Campbell National Wildlife Refuge near the KTA site, which serves as a critical habitat for endangered waterbirds, migratory seabirds, endangered and native plant species, and the endangered Hawaiian Monk Seal. The DEIS should describe and assess the impacts to the protected species ensuing from military training operations, as applicable.

The eight species, that are known to have habitats within the subject ALTR study areas and warrant additional protection under HRS §195D include: 'A'o or Newell's shearwaters; Koloa Maoli or Hawaiian ducks; Ae'o or Hawaiian black-necked stilts; 'Alae ke'oke'o or Hawaiian coots; 'Alae 'ula or Hawaiian common moorhens; Pueo or Hawaiian short-eared owls; 'Ōpe'ape'a or Hawaiian hoary bats; and Nēnē or Hawaiian geese.

c. Cultural and Historic Resources

The review material from USAG-HI project website states that in the required National Historic Preservation Act (NHPA) Section 106 consultation, USAG-HI will confer with parties, that include the State Historic Preservation Division, Native Hawaiian Organizations, and community groups with a demonstrated interest in the project and seek input from the general public. The inventory of cultural and historic resources for all three ALTR sites and their immediate surroundings should be evaluated in regard to potential impact on vital historic and cultural resources in the DEIS and/or Section 106 NHPA documentation.

3. Stormwater Runoff, Erosion, and Water Resources

We acknowledge that in Section 3.13.3, page 3-12 states that there are no constructed stormwater infrastructure at any of the three ATLR study areas. They rely on natural streams and gulches, box culverts, and natural detention areas to capture stormwater runoff. However, Section 3.4, pages 3-4 to 3-5 states that the DEIS will provide information on the affected environment concerning general definitions, conditions, and character of hazardous materials, toxic substances, hazardous waste, generated by military training that may have impacted the streams, gulches, and natural detention basins.

Furthermore, Section 3.9, pages 3-9 and 3-10 acknowledge that the average annual rainfall at KTA ranges from 40 to 50 inches near the coast to 150 inches at the summit of the Ko'olau Mountains. The central plateau region, where Poamoho is located, has average rainfall ranging from 50 inches in the lower elevations to 250 inches at higher elevations. As for MMR, rainfall near the beach is low with an estimated 20 inches per year, and moderate in the eastern higher elevations of the valley with less than 50 inches per year. Given that all three ATLR study areas may have toxic material associated with military training and readiness activities, the presence of these materials may have a deleterious effect on the natural water resources in all three areas. The perennial streams in and around KTA and Poamoho may carry these toxins downslope during intense storm events and impact human health, as well as the marine environment.

Pursuant to Title 40, Code of Federal Regulations (CFR) § 1501.3(b)(1) – in considering the potentially affected environment, agencies should consider, as appropriate to the specific action, the affected area (national, regional, or local) and its resources; to ensure that nearshore marine resources of O'ahu remain protected, the negative effects of stormwater inundation and sediment loading near the proposed project site should be evaluated. This subject matter also applies to HAR § 11-200.1-24(l) – probable cumulative impact of the proposed action on the environment and impacts of the natural or human environment.

Issues that may be examined include, but are not limited to, the three ATLR study area vulnerabilities to flood and erosion, potential susceptibility of water resources and the nearshore area to degradation and impairment, and intensification of the volume and velocity

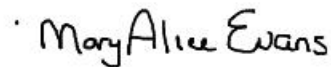
of stormwater runoff due to the increase or decrease of impermeable surfaces caused by any potential land development within these training areas. Pursuant to 40 CFR § 1501.3(b)(2)(i) and HAR § 11-200.1-24(p), if necessary, mitigation for any negative effects caused by the proposed action in both the short and long term should be considered.

4. Economic Impacts

We note that Section 3.8, page 3-8 of the EISPN, the DEIS will provide information for socioeconomics and environmental justice related to KTA, Poamoho, and MMR. As defined by HAR § 11-200-2, the environment includes economic conditions. Pursuant to HAR § 11-200-17(f), the DEIS should discuss the economic impacts and benefits from the continued use of the military training sites, as well any economic losses if the leases were not renewed.

If you have any questions regarding this comment letter, please contact Joshua Hekeka of our office at (808) 587-2845 on NEPA EIS matters, or Debra Mendes at (808) 587-2840 on CZMA federal consistency matters.

Sincerely,



Mary Alice Evans
Director

c: Jeff Merz, Senior Planner/Project Manager

City and County of Honolulu Agencies

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City and County of Honolulu Agencies

Department of Water Supply..... CNTY-1

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BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843
www.boardofwatersupply.com



August 6, 2021

RICK BLANGIARDI, MAYOR

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ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

ELLEN E. KITAMURA, P.E.
Deputy Manager and Chief Engineer *EW*

Oahu ATLR EIS Comments
P.O. Box 3444
Honolulu, Hawaii 96801-3444

Dear United States Army:

Subject: Email Notice Dated July 23, 2021 Regarding the Preparation of an Environmental Impact Statement on the Army Training Land Retention at Kahuku Training Area, Kawaihoa-Poamoho Training Area, and the Makua Military Reservation on the Island of Oahu

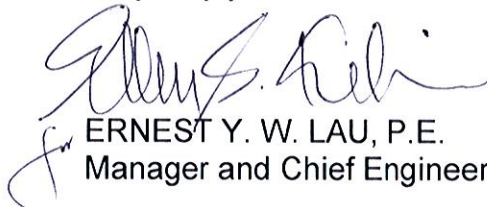
Thank you for the opportunity to comment on the proposed land retention.

The Board of Water Supply (BWS) does not have a water system in the areas around the Army training lands. Therefore, all water services shall be provided by the private water system in the area.

For your information, the BWS has four (4) source wells along the northern boundary of the Kahuku Training Area. Any proposed developments shall verify with the State Department of Health regarding wastewater disposal systems that are allowable within the "No Pass Zone". Ground disposal of wastewater could detrimentally impact the underlying freshwater aquifer; therefore, no wastewater system shall be within 1,000 feet of BWS potable water sources.

If you have any questions, please contact Robert Chun, Project Review Branch of our Water Resources Division at 748-5443.

Very truly yours,


ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer



Water Resources
BOARD OF WATER SUPPLY
 CITY AND COUNTY OF HONOLULU
 630 SOUTH BERETANIA STREET
 HONOLULU, HAWAII 96843

HONOLULU HI 967
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Oahu ATLR EIS Comments
 P. O. Box 3444
 Honolulu, Hawaii 96801-3444

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Elected Officials

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Elected Officials

State Representative Cedric Gates,
Hawaii House District 44 and
State Senator Maile Shimabukuro,
Hawaii Senate District 21 EO-1

State Representative Amy Perruso,
Hawaii House District 46 EO-3

State Senator Kurt Fevella,
Hawaii Senate District 19 EO-4

Honolulu City Councilmember
Heidi Tsuneyoshi, County District 2 EO-7

Honolulu City Councilmember
Heidi Tsuneyoshi, County District 2 EO-9

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HAWAII STATE LEGISLATURE
STATE CAPITOL, HONOLULU, HAWAII 96813

MEMORANDUM

TO: U.S. Army Garrison Hawaii Public Affairs
745 Wright Ave.
Wahiawā, HI 96786
Bldg. 107, Room 221
usarmy.hawaii.nepa@mail.mil

FROM: Representative Cedric Gates
Senator Maile Shimabukuro

DATE: September 1, 2021

RE: 86 FR 39007 U.S. Army Environmental Impact Statement Public Scoping

Aloha,

We are writing in opposition to the U.S. Army's retention of the Makua Military Reservation (MMR) located in the Mākua and Kahanahāiki Ahupua‘a. While we acknowledge the realities of national defense preparedness, we share in concerns raised by the Wai‘anae Coast community that this sacred land should be returned for traditional Native Hawaiian uses and preservation.

Mākua has long been known by cultural practitioners as a place where Papa (Earth mother) and Wākea (sky father) created human life. The Makua Military Reservation contains approximately one hundred sites that are eligible for listing on the National Register of Historic Places, including Hawaiian temples, shrines, and petroglyphs. There are at least thirty-two listed endangered plants, two endangered birds, one endangered mammal, and one endangered invertebrate snail located in the Makua Military Reservation area. In addition, there are records of ten plant species recognized as species of concern, five plant candidate species recognized for threatened or endangered species status, and one animal species of concern in the Makua Military Reservation area. We recognize that the U.S. Army has devoted substantial resources to the protection and preservation of native and endangered species and offers recurring opportunities for community access. However, given the sanctity of this area, we believe that full and complete return of Mākua and Kahanahāiki is the only way to rehabilitate, preserve, and respect the land and the interests of the Native Hawaiian community.

Governor Ige recently signed Act 93 (2021) which requests a report containing the inventory of state land leased by the federal government, any known contaminants or environmental hazards associated with the inventoried lands, as well as input on its use if returned to the state. The State Legislature has introduced multiple measures regarding the preservation and restoration of Mākua Valley. These include:

House Bill 200	2001
House Resolution 102/House Concurrent Resolution 128	2007
House Bill 479	2007
House Resolution 186	2007
Senate Bill 2189	2008
Senate Bill 86	2009
Senate Bill 1000	2009

House Bill 906	2009
House Bill 1394	2011
House Bill 509	2013
House Bill 1430	2015
House Concurrent Resolution 183	2016
House Resolution 49/House Concurrent Resolution 84	2019
House Bill 1236	2019
Senate Bill 1435	2019
House Resolution 161/House Concurrent Resolution 182	2020
House Bill 547	2021
Senate Bill 902	2021

We would also like to note our concern over the Environmental Impact Statement (EIS) process the Army is currently engaged in. We respectfully urge consideration that the Army:

- 1). Extend the public scoping period so as to engage in safe and meaningful public scoping in the Wai‘anae community by holding a public comment meeting in our district, and
- 2). Consider utilizing a site-specific EIS for the Makua Military Reservation instead of a broader programmatic EIS that includes the Kahuku Training Area (KTA) and the Kawaioloa- Paomoho Training Area (Paomoho).

Public involvement in the environmental aspects of Federal decision-making is a key policy goal of both the National Environmental Policy Act (NEPA) of 1970 and regulations set forth by the Council on Environmental Quality (CEQ). Guidance from the CEQ emphasizes providing meaningful, timely, and effective opportunities for the public to provide their input on Environmental Impact Statements. To that end, the Army has offered extensive remote opportunities to provide public comment, and we understand the safety concerns that need to be considered with the delta variant of COVID-19 spreading in our community. However, meaningful public scoping as it relates to the Makua Military Reservation necessitates an in-person meeting directly in the community it is impacting the most. Many in our community, particularly the forebearers and kūpuna who taught and experienced the sacredness and difficult past of Mākua, have a difficult time utilizing modern day technology. The importance of “sharing place” and having person-to-person physical discussions is fundamental in Hawaiian culture. An in-person meeting on the Wai‘anae Coast is crucial in showing the Army is seeking, in good faith, to have a meaningful public scoping opportunity.

In addition, we believe given the history of the Army’s use of Mākua and its intended use, a site or project specific EIS is in order. The history, environment, cultural significance, and community ties to Mākua Valley are distinct from the other two sites in this EIS and should be given unique attention that a broader programmatic EIS does not provide.

Thank you for your consideration.

With Aloha,



Representative Cedric Gates
House District 44
Mākua, Mākaha, Wai‘anae, and parts of Mā‘ili



Senator Maile Shimabukuro
Senate District 21
Kalaeloa, Honokai Hale, Ko Olina, Nanakuli, Mā‘ili, Wai‘anae, Mākaha, Mākua

Amy Perruso

So I wanted to just first mahalo all of the community members who have shared this evening. I think, as other people have mentioned, this expression is really important. It's really painful for the community.

And I'm trying to put myself in a position where I can be compassionate about the lack of understanding that the military leadership might have about this context, given your short tenure in the islands and lack of historical background, lack of exposure to these issues.

I think that many of the community members would say that that's not an excuse. And I -- I did want to also add that I think that it would be a mistake to think that the sentiment expressed here tonight is that of a small group of people. Speaking as someone who has had conversations with many hundreds of people in my community, I can say with great confidence that the military does not enjoy much sympathy, does not enjoy much support, because of the reasons --because of the reasons stated prior to my comments.

So I think that it's really -- this is an opportunity, Colonel Misigoy, for you to consider the appropriate action -- and I know that we're going to have more opportunity for this conversation tomorrow -- but to really try to understand.

And I also understand that you are operating in isolation in many ways. You're not in our communities. You're not living with us and --and seeing the stratification that we see, this chasm, right, of privilege and how we feel about the destruction of 'aina.

So I'm just asking that you kind of step back and reconsider all the ways in which your vision is impaired and -- and seek to address that.

And I look forward to having this conversation again tomorrow night and would ask explicitly that tomorrow night everybody be able to see each other, that we be in community on the screen and that we'd be able to communicate with each other via the chat. So to have that disabled and to have our images erased, you're both silencing us in a way and invisibilizing us, so erasing us. And that's unconscionable. That's not the way you run community meetings.

So those are my two procedural comments, and -- and I'll leave it at that.

August 13, 2021

Colonel Daniel Misigoy
US Army Garrison
O'ahu ALTR EIS Comments
PO Box 3444
Honolulu, HI 96801-3444
usarmy.hawaii.nepa@mail.mil

Aloha Colonel Misigoy:

I am writing in strong opposition of the Army's proposed retention of up to 6,300 acres of state-owned leased land on Oahu at the Kahuku Training Area, the Kawaihoa/Poamoho Training Area, and the Makua Military Reservation and approximately 23,000 acres on Hawaii Island at Pohakuloa Training Range. The military has occupied crown and government lands since 1964 that originally belonged to the Kānaka Maoli. Over the years, the military has continuously violated Hawaii Revised Statutes § 711-1107 that prohibits the desecration of a place of worship or burial and has poisoned and polluted the Hawaiian Islands leaving the community to engage and organize in clean-ups and restoration.

While I recognize the need to protect the United States' efforts to use these islands for various military training, we also need to consider the health and safety of our people, land, air, and water quality that has continually been negatively impacted by military training. The historical training activity by the military on State lands continues to have long-lasting negative effects on the historical value of these Hawaiian Islands.

The history of Kaho'olawe since the start of the US Navy bomb training in 1953, set the precedence of a continuous historical trauma between the Kānaka Maoli (original inhabitants), people of the State and the military's use of State's lands. As a result of Protect Kaho'olawe 'Ohana actions and litigation, President George Bush, Sr. ordered a stop to the bombing of Kaho'olawe in 1990. Kaho'olawe was then turned over to the State of Hawai'i Kaho'olawe Island Reserve Commission in 1994. Huge efforts and sums of monies were given to remove, clear and restore the lands back to its original state, as these efforts continue today. The damage that was endured on Kaho'olawe sets a standard on what is to be expected in the future should the military continue its present use and will result in further damage and impact to occur to these islands. Kaho'olawe is only one prime example out of the many harmful damage that the military presence has had in Hawai'i and inability to being responsible stewards of our lands.

The military has destroyed our historical and sacred grounds which will take years or even decades to cultivate lands back to its original natural state. Our ancestral iwi was paved or moved to a different area washing away the history of our people. Kānaka Maoli people have been used for decades and we still today haven't been compensated for the generational damage.

It is in the best interest of the Kānaka Maoli, community and Hawai'i that these lands are given back to the people to restore and steward the lands on which they live on. We need to stop the bleeding and insist the U.S. government return these lands and provide the necessary funding for protection and restoration projects.

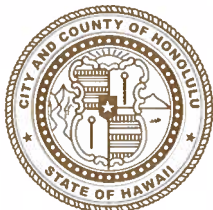
Thank you for your consideration of my testimony.

Sincerely,



Senator Kurt Fevella
State of Hawaii, District 19
Minority Leader/ Minority Floor Leader

State Capitol, Room 217
415 S. Beretania Street,
Honolulu, HI 96813
Phone: (808) 586-6360
Fax: (808) 586-6361
senfevella@capitol.hawaii.gov



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
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HEIDI TSUNEYOSHI
CITY COUNCILMEMBER
HONOLULU CITY COUNCIL
DISTRICT 2
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FAX: (808) 768-1182
EMAIL: htsunevoshi@honolulu.gov

September 1, 2021

To Whom It May Concern,

Thank you for the opportunity to provide comment on the Army Training Land Retention, Island of Oahu Environmental Impact Statement (EIS). As the Councilmember representing two of the three proposed training locations, Kahuku Training Area (KTA) and Kawaiioa-Poamoho Training Area (Poamoho), I am very interested in the future of these sites and the community's feedback on the proposals to retain these areas beyond the 65-year lease for the State owned lands.

I was able to attend the community engagement meeting held on August 11th and was very interested to hear the feedback from the community. The outpouring of concern regarding the possible extension of the leases was overwhelming with all, but one expressing that the land should be returned to the State and no longer used for military training. Those who expressed their opposition included individuals who served in the military and/or had strong ties to the military.

As a lifelong resident of Oahu, specifically Wahiawa, I stand in support of those who took their time to attend and provide comment in opposition of the lease extensions. My opposition should in no way be taken as a lack of support to our military forces as I come from a long line of those of have served and continue to serve. My father served in the United States Navy, which brought him to Oahu where he met my mother, who is Native Hawaiian. I have always had the deepest respect for the connection between our local communities and military operations. My two brothers, my nephew, three brothers-in-law and my father-in-law all served or are actively serving for the military. Additionally, my grandfather and great-uncles also served, which all together total over 100 years of service in my immediate family.

Throughout my personal and professional experiences I have found that the best solutions are found when both sides are heard and the action taken reflects true understanding of both sides. In the situation of the extension of the land leases, I firmly believe that the best path forward is to return the lands when the leases expire. This will show a true effort by the military to acknowledge the long held concerns of the local communities about the overuse of our lands for military purposes. Issues associated with these concerns include the lack of natural and cultural resource stewardship and mitigation which have continued over the last 60 years. Returning the lands to the State and remediating any damages to the lands would be a huge step forward in gaining public trust.

It is important to note that currently the military uses approximately 18,060 acres for military training purposes on the three sites included in this EIS which includes the two previously mentioned, KTA

and Poamoho as well as Makua Military Reservation. Of this approximately 6,300 acres are those that are currently being leased from the State and would be returned in the No Action Alternative. That would leave 11,760 acres remaining for use for essential training. It is also important to note the thousands of acres of land currently held by the military does not include the many bases, housing areas and other pieces of land that the general public cannot access. Returning the 6,300 acres for which the leases are expiring will show a good faith effort by the military and the State to acknowledge the will of the people to have the lands returned as specified in the original lease and make a tremendous effort to build upon our collective efforts to work together for our future.

Thank you again for the opportunity to share my comments. Please feel free to contact me with any questions you may have.

Very Sincerely,

A handwritten signature in black ink that reads "Heidi Tsuneyoshi". The signature is written in a cursive, flowing style.

Heidi Tsuneyoshi
City Councilmember
District II

Honolulu City Councilmember, District 2

Aloha and good evening. ... I wanted to wait until everybody had a chance to speak for the first time, so thank you so much for the opportunity to share a few words. I will also be submitting written testimony, but I wanted to take this opportunity to thank everyone who put this opportunity together, and most importantly, to thank everybody who has taken their time to present and offer their opinion, testimony, and very important comments on this very important issue.

Colonel Misigoy, I wanted to very directly speak to you this evening as an elected official representing the people that you have heard from this evening, that you do take into extreme consideration the fact that all that you've heard from this evening, all of them are opposed to the continuation of the lease, as you have an obligation to listen to the people and the decisions that we are making moving forward.

And I just wanted to highlight the fact again that every single one of the individuals who spoke this evening were in opposition, strong opposition at that.

My background is my mom's part Native Hawaiian, and my father came here with the Navy, so I within myself have the push and pull of the military and what has happened to our land.

And I ask that you consider one thing as you move forward -- and again, I'll put a lot of my comments into my written testimony -- but that you have an opportunity, a lifelong opportunity that will not only be for now, but for generations to come, to make this very important, pivotal decision to do what's right, not because you go through a process that people are unsure what's going to happen, but because you make the right decision and be the voice for what you've heard tonight, and that without any further comment and any further need for you to hear anymore, that you decide to return the lands back to the people, that you decide on your own to do what's right and to be the voice for the people, because you can be that pivotal point at this time.

I just want to finally close by saying from one of the veterans who is also kupuna, that it said -- he said you have seven years to clean up before the leases expire. And that really is what the people are calling for now. And you can do what's right and make a historic decision to return the lands, and you have opportunity to do that.

I've worked with you on many other things, and I see in your eyes, and I really appreciate you being here this whole time, that you understand the importance of this time.

So thank you again to everybody who has been on, that has shared from their heart about what is happening with this land. I also grew up in Wahiawa. I just want to very briefly -- I know that two minutes are coming to an end -- just to say that let's also keep in mind that these acreage that is being asked to return is very minimal compared to the overall usage of the military in Hawai'i.

This doesn't include all the other lands that you currently have. It doesn't include the bases, the housing, east range in Wahiawa which was just talked about as well. So many, many thousands of additional acres. So this would be a small way to say we understand and we're giving back and we're cleaning up and we're being partners, as we've always said we would and we should.

So thank you again to everybody who's been on tonight. I will be sending my full written comments, but thank you for everybody who's participated. Thank you, Group 70, for setting this up. Thank you, Trisha, for being here.

And, Colonel Misigoy, I hope that you really take this into consideration. Thank you. Mahalo and aloha.

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Organizations

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Organizations

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Aha Ula Puuhonua Kukaniloko

Department of Defense
USAG-Hawaii

Kauikeaouli/Zachary Taylor Treaty of Friendship, Commerce, Navigation and Extradition
1849-1850.

Return all protected property Pohakuloa, Hawaii Island, Makua Valley, Kahuku and Poamoho,
Oahu Island to the Kingdom of Hawaii. Please affirm Protected Person status is safeguarded under
International Law.

Thomas Joseph Lenchanko

Aha Ula Puuhonua Kukaniloko

Protected Person, Kingdom of Hawaii, Hawaiian National and Private Citizen.

kahuakaiola ko laila waha olelo aha kukaniloko koa mana mea ola kanaka mauili hoalii iku pau

Delphi LLC

Hello,

I'm the CEO of Delphi Cinema LLC, a media production company based out of Oahu. Among many corporate clients, we are also a media partner of Kallman Worldwide which facilitates international trade shows with groups such as the US Department of Defense, US Department of Commerce, US Department of State, US Department of Agriculture, US Department of Energy, as well as groups such as Lockheed Martin, General Dynamics, and Raytheon.

We believe the land at Makua, Kahuku, and Waihiwa leased for \$1 since 1964 is egregious for the amount of impact that has been had. We are entering a new era of definition in the function of the military. The archaic constructs of disregard for the desecration of the planet is one that is a threat to our national security. That coincides with how we work with the communities that we conduct our operations and trainings. The Hawaiian land needs to be protected and preserved with a tremendous focus on regeneration of the surrounding environment. As our reach now extends far past the earth atmosphere, we must look to ways in which we can create symbiosis with the communities that we occupy.

I think we can all agree that at bare minimum if the lease of this land is extended, it should be leased at full market rate. The money can be allocated to fund environmental initiatives, the education system, healthcare, and mental health resources for the homeless population across Oahu and the Hawaiian Islands.

There is a balance to be struck between the security of our nation through the training grounds of our armed forces, as well as the Hawaiian community that it works within.

Thank you for your time,

Phil Schlieder
CEO & FOUNDER
Delphi Cinema
phil.schlieder@gmail.com
808.451.8763

Earthjustice on behalf of Malama Makua

Please find attached Mālama Mākua's scoping comments on the Army's proposal to secure long-term military use of State-owned lands at Kahuku Training Area, Poamoho Training Area, and Makua Military Reservation on O'ahu. See 86 Fed. Reg. 39,007 (July 23, 2021); 86 Fed. Reg. 43,230 (Aug. 6, 2021)

Please confirm receipt of these comments.

August 31, 2021

Via Electronic Mail

O'ahu ATLR EIS Comments
usarmy.hawaii.nepa@mail.mil

Re: Scoping for Environmental Impact Statement for Army Training Land Retention of State Lands at Kahuku Training Area, Poamoho Training Area, and Makua Military Reservation, Island of O'ahu, Hawai'i, 86 Fed. Reg. 39,007 (July 23, 2021), 86 Fed. Reg. 43,230 (Aug. 6, 2021)

To Whom It May Concern:

Earthjustice submits these comments on behalf of Mālama Mākua in response to the U.S. Army's request for public input on the proper scope of the environmental impact statement ("EIS") on the Army's proposal to secure long-term military use of State-owned lands at Kahuku Training Area ("KTA"), Poamoho Training Area ("Poamoho"), and Makua Military Reservation ("MMR") on O'ahu, for which current leases expire on August 16, 2029. *See* 86 Fed. Reg. 39,007 (July 23, 2021); 86 Fed. Reg. 43,230 (Aug. 6, 2021). The Army is preparing this EIS pursuant to the National Environmental Policy Act ("NEPA") to inform the Army's own decisions regarding whether to continue occupying and training on State-owned lands and also pursuant to the Hawai'i Environmental Policy Act ("HEPA") to inform the State of Hawai'i Board of Land and Natural Resources' ("BLNR's") decisions regarding the public trust resources under its care. *See* Environmental Impact Statement Preparation Notice ("EISPN") (July 2021) at 1-9 to 1-10, available at http://oeqc2.doh.hawaii.gov/Doc_Library/2021-07-23-OA-EISPN-Army-Training-Land-Retention-on-Oahu.pdf. Please note that, while Mālama Mākua's mission focuses on safeguarding the sacred lands at Mākua, Kahanahāiki and Ko'iahi that lie within MMR, these comments apply equally to the EIS's analysis of the Army's proposal to retain training lands at KTA and Poamoho.

As a threshold matter, we emphasize that Mālama Mākua considers continued military occupation and use of MMR, KTA and Poamoho for military training to be *hewa*, which should cease immediately. Accordingly, Mālama Mākua strongly supports the "no action" alternative, under which "the Army would not retain any of the State-owned land on KTA, Poamoho, or MMR after the current lease expiration." EISPN at 2-12.

While Mālama Mākua opposes any continued military occupation or use of MMR, KTA and Poamoho, it understands that the purpose of the EIS process "is to require disclosure of relevant

environmental considerations that were given a ‘hard look’ by the agency, and thereby to permit informed public comment on proposed action and any choices or alternatives that might be pursued with less environmental harm.” *Lands Council v. Powell*, 395 F.3d 1019, 1027 (9th Cir. 2005); *see also* Haw. Rev. Stat. §§ 343-1, 343-2. Mālama Mākua offers its comments to assist the Army and BLNR in complying with their duties under NEPA and HEPA.

Impacts Associated with Illegal Overthrow of Hawai‘i

The EIS’s analysis of the impacts of any alternative that proposes continued military occupation of and training on State-owned lands at MMR, KTA or Poamoho must take into account the United States’ involvement in the illegal overthrow of the Hawaiian Kingdom, which Congress acknowledged in Public Law 103-150 (commonly known as the “Apology Resolution”) (attached). Among other things, the illegal overthrow resulted in the United States—and, subsequently, the State of Hawai‘i—taking title to crown, government and public lands of the Kingdom of Hawai‘i—including lands at MMR, KTA and Poamoho—“without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government.” Pub. L. 103-150, 107 Stat. 1510, 1512 (Nov. 23, 1993). Continued military occupation, degradation and desecration of Kingdom lands, including the “State-owned” lands at MMR, KTA and Poamoho that are the subject of the EIS, inflict severe cultural and psychological harm on the Native Hawaiian people, who were unlawfully dispossessed of those lands.

Analysis of the “No Action” Alternative Must Consider the Substantial Benefits of Terminating Military Occupation and Use of State-Owned Lands.

In analyzing the “no action” alternative, the Army must consider the substantial benefits that would come from freeing the State-owned lands at MMR, KTA and Poamoho—and the public-trust resources found there—from continued military occupation and from putting an end to further training-related degradation, contamination, and destruction.

The mere fact that the Army holds leases for these lands has largely put them off-limits to beneficial use by the public for generations. The Army severely limits access for cultural, subsistence and recreational purposes and often suddenly (and unilaterally) shuts down public access altogether. *See, e.g.*, EISPN at 2-1 to 2-2 (only portions of KTA and Poamoho open for recreation or hunting and such access is permitted only “on weekends and holiday” or seasonally); Complaint, *Mālama Mākua v. Carter*, Civ. No. 16-00597 (D. Haw. Nov. 7, 2016) (attached) (notwithstanding court-ordered settlement, Army unilaterally shut down cultural access at MMR). Allowing the leases to expire without renewal would reopen these lands to Hawai‘i’s people, conferring substantial benefits from increased public access for cultural, subsistence and recreational purposes and allowing these lands to return to culturally appropriate uses.

The decades of military occupation of and training on these lands have exacted their toll, with documented destruction of imperiled species, extensive erosion and sedimentation, noise blanketing surrounding areas, and contamination with unexploded ordnance (“UXO”) confirmed at MMR and likely at KTA. *See* EISPN at 3-5. Ending the leases would confer substantial benefits by preventing further degradation and harm. It would also trigger the Army’s obligation to “remove weapons and shells used in connection with its training activities.” 1964 MMR Lease (attached) ¶ 26; 1964 KTA Lease (attached) ¶ 29; 1964 Poamoho Lease (attached) ¶ 29. Removing UXO would reduce threats to the public outside the gates of the Army’s training installations (*e.g.*, potential for accidental detonations, with the blast radius extending into public areas; offsite migration of contaminants) and would increase opportunities for cultural, subsistence and recreational activities conducted on lands currently leased to the Army.

Analysis of Alternatives Must Consider Measures to Minimize Impacts of Continued Military Occupation and Use of State-Owned Lands

The Army claims in its EISPN that it is only “following acceptance of the EIS” that BLNR may need to consider “[w]hat methods would be used to allow Army retention of the State-owned lands, and what terms would be associated with the selected methods.” EISPN at 1-10. The Army misstates the legally mandated procedures. Under Hawai’i law, the EIS must evaluate “reasonable alternatives that could attain the objectives of the action,” with “particular attention ... given to alternatives that might enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks of the action.” Haw. Admin. R. § 11-200.1-24(h). Alternatives should examine “different designs or details of the proposed action that would present different environmental impacts.” *Id.* § 11-200.1-24(h)(1). Federal law similarly requires the alternatives analysis in an EIS to “[i]nclude appropriate mitigation measures not already included in the proposed action or alternatives.” 40 C.F.R. § 1502.14(e). Accordingly, under both state and federal law, the EIS itself, not some analysis performed following completion of the NEPA/HEPA process, must evaluate alternatives that incorporate measures to minimize the impacts of continued military occupation and use of any portion of MMR, KTA or Poamoho (*e.g.*, lease conditions) that the Army proposes to retain.

Reasonable conditions for any continued military occupation/use of State-owned lands that the EIS must evaluate include, but are not limited to: (1) a prohibition on any live-fire training; (2) provision for community observers to monitor military activities; (3) an ongoing obligation to clear all UXO; and (4) guarantees of adequate opportunities for cultural, subsistence and recreational access. These are discussed in greater detail below.

Prohibition on Live-Fire Training

As the Army notes in its EISPN, “[n]one of the State-owned land at any of the three training areas is currently used for live-fire training or storage of live munitions.” EISPN at 3-13. The Army has not fired a single shot at MMR since June 2004, more than 17 years ago, and it has never conducted live-fire training at Poamoho. *See id.* Even though the military has long been able to carry out its national security mission without live-fire training at MMR, KTA or Poamoho, the Army nonetheless wants to reserve the option to “propose the resumption of live-fire training in some form in the future on State-owned lands.” *Id.* at 2-2. The EIS should evaluate alternatives that take that option off the table.

Specifically, the EIS should evaluate alternatives that prohibit live-fire training on any State lands that the military retains after August 16, 2029. Such alternatives would ensure against the significant harm to public trust resources associated with any future resumption of live-fire training. Harms that such alternatives would avoid or minimize include, but are not limited to, training-related fires that destroy native habitat, kill imperiled species, pollute the air, and result in contaminated runoff from burned lands; destruction of cultural resources; restrictions on cultural, subsistence, and recreational access by the public to training lands; hazards related to unexploded ordnance; noise impacts to surrounding communities and to areas used for recreation and/or subsistence hunting and fishing; and rendering the land unfit for future, beneficial, civilian use. *See, e.g.,* Final EIS for Military Training Activities at MMR (June 2009).

The 1964 leases that are currently in effect for MMR, KTA and Poamoho confirm that alternatives that prohibit live-fire training activities on state lands are both reasonable and feasible. All three leases contain conditions that prohibit the military from using “any portion of [leased state lands] as an impact area for explosive or incendiary munitions of any type.” 1964 MMR Lease ¶ 8; 1964 KTA Lease ¶ 15; 1964 Poamoho Lease ¶ 15. The leases for KTA and Poamoho further “limit firing on the premises to weapons not larger than .50 caliber.” 1964 KTA Lease ¶ 15; 1964 Poamoho Lease ¶ 15. Going forward, the prohibition on live-fire training on State-owned lands should be extended to prohibit the firing of *any* weapons either *on* leased State lands or *from* leased State lands *into* federally held training areas, which would confer protection (and, thus, significant benefit) to public trust resources on land that is currently under federal ownership. Notably, the Army’s stated need for continued military use of State-owned land at MMR, KTA and Poamoho “is to allow the military to **sustain current training and combat readiness requirements** on Army-managed lands in Hawai’i.” EISPN at 1-8 (emphasis added). As discussed, current training does not include any live-fire training at any of these facilities.

Community Observers to Monitor Military Activities

To minimize the impacts associated with military use of State-owned land, adequate monitoring of the Army's compliance with lease terms is vital. In *Ching v. Case*, 145 Hawai'i 148, 449 P.3d 1146 (2019), the Hawai'i Supreme Court held that the BLNR had breached its trust duties to monitor the Army's compliance with the terms of its lease for State-owned land located within Pōhakuloa Training Area on Hawai'i Island. To help ensure adequate monitoring of the Army's compliance with the conditions and limitations included in any new lease or other agreement for continued military occupation and use of State-owned lands at MMR, KTA or Poamoho, the EIS should examine alternatives that provide for community observers to monitor all military activities that take place on, or otherwise affect, leased lands.

The court-ordered settlement currently in effect for MMR confirms the reasonableness, feasibility and importance of imposing a community observer requirement. That agreement provides that "[a]t 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." Settlement Agreement and Stipulated Order, *Mālama Mākua v. Rumsfeld*, Civ. No. 00-00813 SOM LEK, at ¶ 12 (D. Haw. Oct. 4, 2001) ("2001 Settlement") (attached). The settlement further provides for "[o]ther members of the Wai'anae Coast community" to serve as observers. *Id.* In consultation with Mālama Mākua, the Army established detailed protocols for monitoring by community observers. See Access by Members of Mālama Mākua and/or Members of the Wai'anae Coast to Observe Training at Mākua Military Reservation (Nov. 2, 2001) (attached).

During the limited period (from October 2001 to June 2004) when live-fire training occurred at MMR, Mālama Mākua and Wai'anae Coast community observers witnessed, flagged and prevented numerous violations by the Army of limitations on live-fire training imposed by the U.S. Fish and Wildlife Service to ensure compliance with the Endangered Species Act (*e.g.*, unit commanders attempting to continue training exercises when the burn index was too high and mortar rounds fired outside the firebreak roads). Conditioning any lease renewal on the Army allowing community observers would likewise help ensure compliance with lease terms that seek to prevent harm to the human environment.

Comprehensive Removal of Unexploded Ordnance

As noted above, the current leases for MMR, KTA and Poamoho oblige the Army, upon expiration or other termination of the leases, to "remove weapons and shells used in connection with its training activities." 1964 MMR Lease ¶ 26; 1964 KTA Lease ¶ 29; 1964 Poamoho Lease ¶ 29. All three leases, however, limit the Army's obligation to clean up UXO to only "expenditures for removal of shells [that] will not exceed the fair market value of the land." 1964 MMR Lease ¶ 26; 1964 KTA Lease ¶ 29; 1964 Poamoho Lease ¶ 29. Moreover, while the

Army is obliged to “make every reasonable effort ... to remove or deactivate all live or blank ammunition upon completion of a training exercise,” the current leases impose no clear duty on the Army, prior to the leases’ termination, to remove any UXO that its “reasonable” efforts may have missed. 1964 KTA Lease ¶ 9; 1964 Poamoho Lease ¶ 9; *see also* 1964 MMR Lease ¶ 8 (same).

UXO on Army training lands poses grave threats to the public now, not just when leases end. That threat extends to members of the public outside of Army training facilities because shrapnel from UXO that accidentally detonates does not magically stop at the military training area’s fence line. To minimize threats to the public, the EIS should examine alternatives that mandate the Army to conduct ongoing, comprehensive clearance of UXO from all leased State-owned lands, as well as from any “ceded” lands claimed by the federal government where UXO might threaten the public when conducting activities on leased lands or on lands outside of military training areas. The Army should be obliged to continue UXO clearance until all UXO is removed, with no funding limitation.

The Army has also used the presence of UXO on military training lands as a justification for restricting public access to those lands to conduct cultural, subsistence and recreational activities, inflicting significant harm on neighboring communities and cultural practitioners. To minimize such harms in the future (and to mitigate the harm that military occupation and use of these lands has inflicted in the past), the EIS should examine alternatives that condition any lease renewal on the Army’s commitment to clear UXO from *all lands* at MMR, KTA and Poamoho (whether leased from the State or claimed as “ceded” by the federal government), which would remove obstacles to cultural, subsistence and recreational access.

The court-ordered settlement for MMR confirms the reasonableness and feasibility of such lease conditions. To reduce the risk to members of the public using Mākua Beach and Farrington Highway (*i.e.*, conducting activities outside MMR), the settlement requires the Army to clear UXO from “the area within MMR extending 1,000 meters mauka (towards the mountains) from Farrington Highway.” 2001 Settlement ¶ 8(a). The settlement also requires the Army to clear UXO from “additional, high priority areas at MMR” in order to “increas[e] access to cultural sites.” *Id.* ¶ 8(b); *see also* High Priority Site List for UXO Clearance (June 12, 2009) (attached).¹ The settlement obliged the Army to “make good faith efforts to secure the necessary funding” for this UXO clearance, without placing any cap on the required expenditures. 2001 Settlement ¶ 8(a); *see also id.* ¶ 8(b).

¹ While the 2001 Settlement obliges the Army to clear UXO from twenty-two sites to allow for cultural access, scores of other cultural sites at MMR remain off-limits to cultural access due to the presence of UXO. *See* Site List and Terrain Analysis for the Identification of Public Access Priorities, Makua Military Reservation, Oahu, Hawaii (Feb. 2009) (attached).

Cultural, Subsistence and Recreational Access

For many decades, military occupation of and training on lands at MMR, KTA and Poamoho have inflicted significant harm on the community by severely limiting—and often completely prohibiting—public access for cultural, subsistence and recreational purposes. The EIS should evaluate alternatives that would minimize these harms by ensuring that, should the Army be permitted to continue its occupation and use of any State-owned lands, the public will have adequate opportunities for access on both State-owned lands and “ceded” lands claimed by the federal government. The prohibition on live-fire training and mandate to conduct comprehensive UXO removal (discussed above) will create better conditions for such access to occur.

The court-ordered settlement for MMR confirms the reasonableness and feasibility of such lease conditions. The settlement requires the Army to give members of the Wai‘anae Coast community “daytime access (sunrise to sunset) to MMR to conduct cultural activities at least twice a month” and to allow “overnight access (from two hours before sunset on the first day until two hours after sunset on the second day) to MMR to conduct cultural activities on at least two additional occasions per year.” 2001 Settlement ¶ 13. The Army agreed to provide this cultural access at a time that it contemplated conducting live-fire training exercises at MMR. *See id.* ¶¶ 2-3. Given that no live-fire training currently occurs at MMR, KTA or Poamoho, it is both reasonable and feasible for the Army to provide more frequent public access to these training areas for cultural—as well as subsistence and recreational—purposes.

Funding for Community Peer-Review of Army Studies

“NEPA’s public comment procedures are at the heart of the NEPA review process.” *California v. Block*, 690 F.2d 753, 770 (9th Cir. 1982). To effectuate “the paramount Congressional desire ... to ensure that an agency is cognizant of all the environmental trade-offs that are implicit in a decision[,] ... NEPA requires not merely public notice, but public participation in the evaluation of the environmental consequences of a major federal action.” *Id.* at 771.

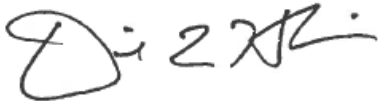
The communities that are most directly affected by the Army’s proposal to retain State-owned lands for military training are struggling economically. According to the most recent census data, nearly one-quarter of the residents in Wai‘anae, where MMR is located, live in poverty. *See* <https://www.census.gov/quickfacts/fact/table/waianaecdphawaii/LND110210>. These data predate the COVID-19 pandemic, which has hit the Wai‘anae Coast community particularly hard. To enable struggling communities to participate actively and effectively in the NEPA process, the Army should provide technical assistance funds that the community can use to hire experts to peer review and supplement the studies the Army prepares as part of its draft EIS. Access to technical assistance will help communities provide informed comments regarding

their concerns and will also increase public understanding of the information generated during the NEPA process.

Twenty years ago, the Army agreed to provide members of the Wai'anāe Coast community with \$50,000 of technical assistance to "help them better understand the technical issues and study protocols to be used during the NEPA process at MMR." 2001 Settlement ¶ 9(a). The Army should provide similar funds again. Given that costs have gone up in the intervening decades and that the Army's current proposal directly affects three separate communities, we urge the Army to contribute at least \$250,000 for technical assistance in reviewing and commenting on the draft EIS.

Thank you for your consideration of these comments. If you have any questions or would otherwise like to discuss these comments, please feel free to contact me via email (dhenkin@earthjustice.org) or telephone (808-599-2436).

Regards,

A handwritten signature in black ink, appearing to read "D. L. Henkin". The signature is stylized and cursive.

David L. Henkin
Senior Attorney

DLH/tt
Attachments

Public Law 103-150
103d Congress

Joint Resolution

Nov. 23, 1993
[S.J. Res. 19]

To acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii.

Whereas, prior to the arrival of the first Europeans in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistent social system based on communal land tenure with a sophisticated language, culture, and religion;

Whereas a unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii;

Whereas, from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full and complete diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

Whereas the Congregational Church (now known as the United Church of Christ), through its American Board of Commissioners for Foreign Missions, sponsored and sent more than 100 missionaries to the Kingdom of Hawaii between 1820 and 1850;

Whereas, on January 14, 1893, John L. Stevens (hereafter referred to in this Resolution as the "United States Minister"), the United States Minister assigned to the sovereign and independent Kingdom of Hawaii conspired with a small group of non-Hawaiian residents of the Kingdom of Hawaii, including citizens of the United States, to overthrow the indigenous and lawful Government of Hawaii;

Whereas, in pursuance of the conspiracy to overthrow the Government of Hawaii, the United States Minister and the naval representatives of the United States caused armed naval forces of the United States to invade the sovereign Hawaiian nation on January 16, 1893, and to position themselves near the Hawaiian Government buildings and the Iolani Palace to intimidate Queen Liliuokalani and her Government;

Whereas, on the afternoon of January 17, 1893, a Committee of Safety that represented the American and European sugar planters, descendants of missionaries, and financiers deposed the Hawaiian monarchy and proclaimed the establishment of a Provisional Government;

Whereas the United States Minister thereupon extended diplomatic recognition to the Provisional Government that was formed by the conspirators without the consent of the Native Hawaiian

people or the lawful Government of Hawaii and in violation of treaties between the two nations and of international law; Whereas, soon thereafter, when informed of the risk of bloodshed with resistance, Queen Liliuokalani issued the following statement yielding her authority to the United States Government rather than to the Provisional Government:

"I Liliuokalani, by the Grace of God and under the Constitution of the Hawaiian Kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the Constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a Provisional Government of and for this Kingdom.

"That I yield to the superior force of the United States of America whose Minister Plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the Provisional Government.

"Now to avoid any collision of armed forces, and perhaps the loss of life, I do this under protest and impelled by said force yield my authority until such time as the Government of the United States shall, upon facts being presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the Constitutional Sovereign of the Hawaiian Islands."

Done at Honolulu this 17th day of January, A.D. 1893.;

Whereas, without the active support and intervention by the United States diplomatic and military representatives, the insurrection against the Government of Queen Liliuokalani would have failed for lack of popular support and insufficient arms;

Whereas, on February 1, 1893, the United States Minister raised the American flag and proclaimed Hawaii to be a protectorate of the United States;

Whereas the report of a Presidentially established investigation conducted by former Congressman James Blount into the events surrounding the insurrection and overthrow of January 17, 1893, concluded that the United States diplomatic and military representatives had abused their authority and were responsible for the change in government;

Whereas, as a result of this investigation, the United States Minister to Hawaii was recalled from his diplomatic post and the military commander of the United States armed forces stationed in Hawaii was disciplined and forced to resign his commission;

Whereas, in a message to Congress on December 18, 1893, President Grover Cleveland reported fully and accurately on the illegal acts of the conspirators, described such acts as an "act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress", and acknowledged that by such acts the government of a peaceful and friendly people was overthrown;

Whereas President Cleveland further concluded that a "substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair" and called for the restoration of the Hawaiian monarchy;

Whereas the Provisional Government protested President Cleveland's call for the restoration of the monarchy and continued to hold state power and pursue annexation to the United States; Whereas the Provisional Government successfully lobbied the Committee on Foreign Relations of the Senate (hereafter referred

- to in this Resolution as the "Committee") to conduct a new investigation into the events surrounding the overthrow of the monarchy;
- Whereas the Committee and its chairman, Senator John Morgan, conducted hearings in Washington, D.C., from December 27, 1893, through February 26, 1894, in which members of the Provisional Government justified and condoned the actions of the United States Minister and recommended annexation of Hawaii;
- Whereas, although the Provisional Government was able to obscure the role of the United States in the illegal overthrow of the Hawaiian monarchy, it was unable to rally the support from two-thirds of the Senate needed to ratify a treaty of annexation;
- Whereas, on July 4, 1894, the Provisional Government declared itself to be the Republic of Hawaii;
- Whereas, on January 24, 1895, while imprisoned in Iolani Palace, Queen Liliuokalani was forced by representatives of the Republic of Hawaii to officially abdicate her throne;
- Whereas, in the 1896 United States Presidential election, William McKinley replaced Grover Cleveland;
- Whereas, on July 7, 1898, as a consequence of the Spanish-American War, President McKinley signed the Newlands Joint Resolution that provided for the annexation of Hawaii;
- Whereas, through the Newlands Resolution, the self-declared Republic of Hawaii ceded sovereignty over the Hawaiian Islands to the United States;
- Whereas the Republic of Hawaii also ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government;
- Whereas the Congress, through the Newlands Resolution, ratified the cession, annexed Hawaii as part of the United States, and vested title to the lands in Hawaii in the United States;
- Whereas the Newlands Resolution also specified that treaties existing between Hawaii and foreign nations were to immediately cease and be replaced by United States treaties with such nations;
- Whereas the Newlands Resolution effected the transaction between the Republic of Hawaii and the United States Government;
- Whereas the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum;
- Whereas, on April 30, 1900, President McKinley signed the Organic Act that provided a government for the territory of Hawaii and defined the political structure and powers of the newly established Territorial Government and its relationship to the United States;
- Whereas, on August 21, 1959, Hawaii became the 50th State of the United States;
- Whereas the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land;
- Whereas the long-range economic and social changes in Hawaii over the nineteenth and early twentieth centuries have been devastating to the population and to the health and well-being of the Hawaiian people;
- Whereas the Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own

spiritual and traditional beliefs, customs, practices, language, and social institutions;

Whereas, in order to promote racial harmony and cultural understanding, the Legislature of the State of Hawaii has determined that the year 1993 should serve Hawaii as a year of special reflection on the rights and dignities of the Native Hawaiians in the Hawaiian and the American societies;

Whereas the Eighteenth General Synod of the United Church of Christ in recognition of the denomination's historical complicity in the illegal overthrow of the Kingdom of Hawaii in 1893 directed the Office of the President of the United Church of Christ to offer a public apology to the Native Hawaiian people and to initiate the process of reconciliation between the United Church of Christ and the Native Hawaiians; and

Whereas it is proper and timely for the Congress on the occasion of the impending one hundredth anniversary of the event, to acknowledge the historic significance of the illegal overthrow of the Kingdom of Hawaii, to express its deep regret to the Native Hawaiian people, and to support the reconciliation efforts of the State of Hawaii and the United Church of Christ with Native Hawaiians: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACKNOWLEDGMENT AND APOLOGY.

The Congress—

(1) on the occasion of the 100th anniversary of the illegal overthrow of the Kingdom of Hawaii on January 17, 1893, acknowledges the historical significance of this event which resulted in the suppression of the inherent sovereignty of the Native Hawaiian people;

(2) recognizes and commends efforts of reconciliation initiated by the State of Hawaii and the United Church of Christ with Native Hawaiians;

(3) apologizes to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii on January 17, 1893 with the participation of agents and citizens of the United States, and the deprivation of the rights of Native Hawaiians to self-determination;

(4) expresses its commitment to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii, in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people; and

(5) urges the President of the United States to also acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and the Native Hawaiian people.

SEC. 2. DEFINITIONS.

As used in this Joint Resolution, the term "Native Hawaiian" means any individual who is a descendent of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

SEC. 3. DISCLAIMER.

Nothing in this Joint Resolution is intended to serve as a settlement of any claims against the United States.

Approved November 23, 1993.

LEGISLATIVE HISTORY—S.J. Res. 19:

SENATE REPORTS: No. 103-126 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 139 (1993):

Oct. 27, considered and passed Senate.
Nov. 15, considered and passed House.

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF HAWAI‘I

MĀLAMA MĀKUA, a Hawai‘i non-)	Civil No. 16-597
profit,)	
)	COMPLAINT FOR
Plaintiff,)	DECLARATORY JUDGMENT
)	AND INJUNCTIVE RELIEF RE:
v.)	DEFENDANTS’ DENIAL OF
)	ACCESS TO CULTURAL SITES
ASHTON CARTER, Secretary)	AND OTHER AREAS AT MĀKUA
of Defense; and ERIC FANNING,)	MILITARY RESERVATION
Secretary of the United States Army,)	
)	
Defendants.)	
)	

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE
RELIEF RE: DEFENDANTS’ DENIAL OF ACCESS TO CULTURAL
SITES AND OTHER AREAS AT MĀKUA MILITARY RESERVATION

Plaintiff Mālama Mākua complains of Defendants as follows:

INTRODUCTION

1. Beginning in June of 2014, the United States Army began to prevent Plaintiff Mālama Mākua and other members of the Wai‘anae Coast community from accessing cultural sites at Mākua Military Reservation (“MMR”). By July 2014, the Army had prohibited access to all cultural sites at MMR, a blanket ban that remains in place to this day. Beginning in April of 2015, the Army extended the ban to other areas at MMR where Mālama Mākua and other members of the Wai‘anae Coast community previously had routinely conducted cultural activities, including, but not limited to, most of MMR’s firebreak road network and the Mākua ahu, which the community constructed in 2001 for the annual celebration of the Makahiki at MMR.

2. This action seeks an order compelling compliance by the Secretary of Defense and the Secretary of the United States Department of the Army (hereinafter referred to collectively as “Defendants”) with obligations they voluntarily assumed when they entered into the Settlement Agreement and Stipulated Order in Mālama Mākua v. Rumsfeld, Civ. No. 00-00813 SOM LEK (D. Haw. Oct. 4, 2001) (“2001 Settlement”). Specifically, Plaintiff Mālama Mākua seeks compliance with Defendants’ duty to allow members of the Wai‘anae Coast community, including Mālama Mākua, to access cultural sites and other areas at

MMR to conduct cultural activities. See 2001 Settlement ¶¶ 8(b), 13. Moreover, to the extent Defendants claim that the presence of unexploded ordnance (“UXO”) renders cultural access to any area at MMR unsafe, Mālama Mākua further seeks compliance with Defendants’ duty to clear UXO to permit cultural access. See id. ¶ 8(a), (b).

3. Mālama Mākua seeks a declaratory judgment that Defendants have violated and are violating the aforementioned obligations by (1) prohibiting members of the Wai‘anae Coast community, including Mālama Mākua, from accessing any of Mākua’s cultural sites, as well as other areas at MMR, to conduct cultural activities and (2) failing to make good faith efforts promptly to clear any UXO that Defendants contend precludes safe cultural access. Mālama Mākua respectfully asks the Court to issue an order compelling Defendants to remedy these violations by (1) promptly reopening access to Mākua’s cultural sites and other areas and (2), if Defendants contend that the presence of UXO renders access to any area at MMR unsafe, promptly to develop a plan and secure funding for clearance of such UXO.

JURISDICTION AND VENUE

4. The Court has subject matter jurisdiction over the claims for relief in this action pursuant to 28 U.S.C. § 1346 (United States as defendant); 28 U.S.C. § 1361 (actions to compel an officer of the United States to perform his duty); and 28

U.S.C. §§ 2201-02 (power to issue declaratory judgments in cases of actual controversy). See Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375 (1994); Mālama Mākua v. Gates, Civ. No. 00-00813 SOM LEK, 2008 WL 976919, at *7 (D. Haw. Apr. 9, 2008).

5. Venue lies properly in this judicial district by virtue of 28 U.S.C. § 1391(e) because this is a civil action in which officers or employees of the United States or an agency thereof are acting in their official capacity or under color of legal authority, a substantial part of the events or omissions giving rise to the claims occurred in this judicial district, and Plaintiff Mālama Mākua resides here.

PARTIES

A. Plaintiff

6. Plaintiff Mālama Mākua is a Hawai‘i nonprofit corporation, whose members consist primarily of residents of the Wai‘anae District of O‘ahu. The organization’s goals include restoration of the land at MMR, return of the land to appropriate traditional and cultural uses, and protection of the public from adverse impacts associated with military training-related activities at MMR. Members of Mālama Mākua include native Hawaiian practitioners, community leaders, and educators who are actively involved in the land-use issues associated with MMR.

7. Mālama Mākua and its members are committed to the preservation and perpetuation of native Hawaiian culture, traditional and customary Hawaiian practices, cultural sites and resources in the Mākua region, including at MMR.

8. Mālama Mākua and its members work to protect and restore Hawaiian cultural sites at MMR, as well as to increase opportunities for cultural access to those sites. For example, in negotiating the 2001 Settlement, Mālama Mākua secured Defendants' commitments to permit regular cultural access to MMR and to clear UXO to increase opportunities for cultural access. Mālama Mākua returned to court in 2008 and 2009 to enforce the Army's obligations with respect to cultural access.

9. Following the entry of the 2001 Settlement as a court order, Mālama Mākua and its members regularly accessed cultural sites and other areas at MMR to conduct cultural activities, until Defendants began imposing the restrictions on access complained of herein.

10. Mālama Mākua has attempted to work cooperatively with the Army to secure the reopening of cultural sites and other locations at MMR, so that cultural practices may resume. Despite Mālama Mākua's best efforts, Defendants have refused to reopen access to any of MMR's cultural sites or to other areas where Mālama Mākua and others previously conducted cultural activities.

11. Mālama Mākua and its members intend to continue their efforts to protect and restore Mākua and, whenever possible, to increase and expand their use of MMR. The above-described religious, spiritual, cultural, aesthetic and educational interests of Mālama Mākua and its members, have been, are being, and, unless the relief prayed herein is granted, will continue to be adversely affected and irreparably injured by Defendants' continued refusal to permit cultural access to cultural sites and other locations at MMR, as is more fully set forth below. The individual interests of Plaintiff's members as well as its organizational interests are thus directly and adversely affected by Defendants' unlawful actions.

B. Defendants.

12. Defendant Ashton Carter is the Secretary of Defense, and is sued herein in his official capacity. He has the ultimate responsibility to ensure that the Army's actions conform to the requirements of the 2001 Settlement. If ordered by the Court, Secretary Carter has the authority and ability to remedy the harm inflicted by Defendants' noncompliance with the duties they voluntarily assumed when they entered into the 2001 Settlement.

13. Defendant Eric Fanning is the Secretary of the United States Department of the Army, and is sued herein in his official capacity. He has the responsibility to ensure that the Army's actions conform to the requirements of the 2001 Settlement. If ordered by the Court, Secretary Fanning has the authority and

ability to remedy the harm inflicted by the Army's noncompliance with the duties it voluntarily assumed when it entered into the 2001 Settlement.

BACKGROUND FACTS

A. The 2001 Settlement Guarantees Cultural Access To MMR And Requires Defendants To Clear UXO To Permit Access To Cultural Sites.

14. On December 20, 2000, Mālama Mākua filed a lawsuit in this Court, entitled Mālama Mākua v. Rumsfeld, Civ. No. 00-00813 SOM LEK, alleging that Defendants' failure to prepare an environmental impact statement for military training activities proposed for MMR violated the National Environmental Policy Act.

15. On October 4, 2001, the parties signed and this Court approved a settlement resolving Mālama Mākua's claims.

16. Paragraph 13 of the 2001 Settlement Agreement guarantees that "[m]embers of the Wai'anae Coast community, including Mālama Mākua, will be allowed daytime access (sunrise to sunset) to MMR to conduct cultural activities at least twice a month." It further provides that, "[a]dditionally, members of the Wai'anae Coast community, including Mālama Mākua, will be allowed overnight access (from two hours before sunset on the first day until two hours after sunset on the second day) to MMR to conduct cultural activities on at least two additional occasions per year."

17. The 2001 Settlement allows Defendants to impose limitations on cultural access, but only if limitations are “based on requirements for training, safety, national security, and compliance with applicable laws and regulations.” 2001 Settlement ¶ 13. Moreover, before imposing any limitation on access, Defendants must consult native Hawaiian cultural practitioners, including those from Mālama Mākua.

18. Paragraph 13 of the 2001 Settlement further provides that Mālama Mākua and Defendants “will establish protocols for [cultural access] promptly.” Id. The parties did so, lodging their Cultural Access Agreement with this Court on July 18, 2002.

19. The Cultural Access Agreement reiterates the 2001 Settlement’s provision that Defendants may limit cultural access only “based on requirements for training, safety, national security or compliance with applicable laws and regulations.” Cultural Access Agreement ¶ 5(G). It also requires Defendants, if they have concerns regarding a request for access, promptly to “confer with the [cultural access] applicant’s point of contact in a good faith attempt to resolve any concerns or logistical issues that [Defendants] may have and to find a suitable and mutually acceptable solution to those concerns (e.g., find an alternate date for the access, reach agreement on modifications to the proposed access, etc.).” Id.

20. At the time the parties entered into the 2001 Settlement, they were aware that UXO at MMR poses a potential safety risk to cultural access participants. To reduce that risk, Paragraph 8(a) of the 2001 Settlement obliges Defendants to develop “a plan for UXO clearance for the area within MMR extending 1,000 meters mauka (towards the mountains) from Farrington Highway” and to complete “clearance activities in this area ... as soon as practicable.”

21. Paragraph 8(b) of the 2001 Settlement Agreement further requires Defendants to “identify additional, high priority areas at MMR for UXO clearance, with the focus on increasing access to cultural sites.” After Defendants identify these “additional, high priority sites,” they must “make good faith efforts promptly to develop a plan and secure specific funding for the clearance of UXO from these areas to provide safe, controlled access to identified cultural sites.” 2001 Settlement ¶ 8(b).

22. Soon after the entry of the 2001 Settlement, Mālama Mākua began exercising its cultural access rights, with Mālama Mākua’s first access taking place in November 2001. From then until the middle of 2014, Mālama Mākua routinely accessed cultural sites at MMR during the bimonthly daytime accesses guaranteed under Paragraph 13 of the 2001 Settlement. Defendants also routinely allowed Mālama Mākua to access other locations at MMR for cultural purposes, including MMR’s firebreak road network (with the exception of the area identified as

containing improved conventional munitions) and the Mākua ahu, which the community constructed in 2001 for the annual celebration of the Makahiki at MMR.

23. Pursuant to Paragraph 8(b) of the 2001 Settlement, Defendants cleared UXO from, and routinely allowed Mālama Mākua access to, ten high priority cultural sites located mauka of 1,000 meters from Farrington Highway: Sites 4536, 4542, 6505, 6506, 6508, 6596, 6597, 6603, 6613 and 6621. Pursuant to Paragraph 8(a) of the 2001 Settlement, Defendants also periodically cleared UXO to allow Mālama Mākua to access sites located within 1,000 meters of Farrington Highway, including, but not limited to, Sites 4537, 4542, 4546, 5456 and 5926.

B. In Mid-2014, Defendants Impose A Blanket Ban On Access To MMR's Cultural Sites.

24. On or about May 24, 2014, the Programmatic Agreement Among The U.S. Army Garrison-Hawaii, The Hawaii State Historic Preservation Officer, And The Advisory Council On Historical Preservation For Section 106 Responsibilities For Routine Military Training At Makua Military Reservation, Oahu Island, Hawaii (“Programmatic Agreement”) expired. Among other things, the Programmatic Agreement – which had been adopted pursuant to the National Historic Preservation Act (“NHPA”) – governed the maintenance of vegetation on trails leading to and within cultural sites at MMR.

25. During the twelve and one-half years prior to May 24, 2014 that cultural access at MMR pursuant to the 2001 Settlement had taken place, there were no documented instances of damage to any cultural site from vegetation management. Despite that fact, following the expiration of the Programmatic Agreement, Defendants decided that no vegetation management for cultural access could take place until a new memorandum of agreement (“MOA”) pursuant to the NHPA was finalized.

26. On June 7, 2014, members of Mālama Mākua arrived at MMR for a regularly scheduled daytime access. In compliance with the Cultural Access Agreement, Mālama Mākua had provided Defendants with its access request on May 23, 2014, more than the required seven (7) working days’ advance notice. Mālama Mākua’s advance notice requested access to, inter alia, Site 4546 to permit participants to visit and to offer ho‘okupu (ceremonial gifts) at the site’s heiau (temple).

27. With no prior consultation, on the very day of the June 7, 2014 access, Defendants denied Mālama Mākua access to Site 4546 on the grounds that, due to the lack of vegetation management, the height of the grass at the site, as well as a portion of the trail leading up to the site, was too long to allow safe access.

28. By July 2014, Defendants had imposed a ban on access to all of MMR's cultural sites (including the trails leading to those sites), claiming that, due to the lack of vegetation management, the grass was too high for safe access.

29. Mālama Mākua is informed and believes, and on the basis of that information and belief alleges, that, following the Programmatic Agreement's expiration, the Army expedited its NHPA compliance to allow vegetation management related to military training to resume. In contrast, Defendants dragged their feet in complying with the NHPA with respect to vegetation management related to cultural access. The MOA for vegetation management for cultural access was not finalized until September 11, 2015, more than a year after Defendants cut off all access to MMR's cultural sites.

C. Defendants Extend The Ban On Cultural Access.

30. Completion of the vegetation management MOA in September 2015 did not end Defendants' ban on access to MMR's cultural sites. On or about April 6, 2015, two Army-contracted grass cutters (who were maintaining vegetation for training, not cultural access) were injured by UXO. Defendants promptly banned all cultural access at MMR, prohibiting Mālama Mākua and other access participants from even entering MMR's gates, while Defendants conducted an investigation of the accident.

31. The complete ban on cultural access continued until November 2015. At that time, Defendants partially lifted the ban, strictly limiting access to only a few locations, none of which is a cultural site: the paved parking area at the entrance to MMR, a pavilion located near the parking area and the area immediately adjacent to it, the ahu at Kahanahāiki and Ko‘iahi the community uses for the annual celebration of the Makahiki at MMR, and the portion of the firebreak road network between the pavilion and the Kahanahāiki and Ko‘iahi ahu.

32. Defendants did not allow access to the Mākua ahu to resume, due to the discovery of nearby “anomalies” that might indicate the presence of UXO.

33. Defendants continued the ban on access to all cultural sites at MMR, claiming that it needed to await the completion of a report from the U.S. Army Technical Center for Explosives Safety (“USATCES”) making recommendations for cultural access at MMR. Defendants took this position despite the facts that: (1) USATCES already prepared a report with such recommendations in 2005; (2) no live-fire training has taken place at MMR since June 2004, and, consequently, no UXO has been introduced to MMR since USATCES prepared its 2005 report and recommendations; (3) until mid-2014, Defendants had been implementing the 2005 USATCES recommendations to allow cultural access for nearly a decade; and (4), during the nearly decade and a half of cultural access at MMR, no cultural

access participant at MMR has ever been hurt, either prior to or after implementation of the 2005 USATCES recommendations.

D. Defendants Refuse To Lift The Ban On Cultural Access.

34. On or about April 8, 2016, USATCES finalized its second report with recommendations for cultural access at MMR. These latest recommendations are virtually identical to the recommendations USATCES made in its 2005 report.

35. Mālama Mākua is informed and believes, and on the basis of that information and belief alleges, that Defendants have been implementing the September 2015 MOA for vegetation management for cultural access, cutting grass on the trails leading to cultural sites and within the sites.

36. Mālama Mākua is informed and believes, and on the basis of that information and belief alleges, that, during the summer of 2016, Defendants cleared the anomalies from the vicinity of the Mākua ahu.

37. The only allegedly safety-based reasons Defendants have ever given for their near total ban on cultural access at MMR (including their blanket ban on access to cultural sites) are (1) the lack of a vegetation management MOA to allow the grass to be cut within and on trails leading to cultural sites and (2) the alleged need for USATCES to prepare a second report with recommendations for cultural access. Despite the fact that the vegetation management MOA was completed in September 2015 and the USATCES report was completed in April 2016, removing

any arguable safety-based justification for restricting cultural access, Defendants persist in refusing to reopen cultural access.

38. Despite Mālama Mākua's repeated requests, Defendants have refused to open any of the currently closed areas at MMR – including, but not limited to, any cultural site – to cultural access, to commit to a schedule for doing so or, even, to commit to any deadline for making a decision on whether or when to reopen such access.

39. Mālama Mākua is informed and believes, and on the basis of that information and belief alleges, that, despite Mālama Mākua's repeated requests, Defendants have refused to implement the USATCES recommendations to allow access to MMR's cultural sites to resume, to commit to a schedule for doing so or, even, to commit to any deadline for making a decision on whether to implement the USATCES recommendations.

40. Despite Mālama Mākua's repeated requests, Defendants have refused to state whether they currently contend that the presence of UXO currently renders access to any area at MMR unsafe. To the extent that Defendants contend that the presence of UXO currently renders cultural access unsafe, Mālama Mākua is informed and believes, and on the basis of that information and belief alleges, that, with the possible exception of the removal of the anomalies near the Mākua ahu (which may not have included any actual UXO), Defendants have failed to remove

any UXO to allow for cultural access at MMR to resume since closing access to all cultural sites in mid-2014.

41. Pursuant to Paragraph 15(b) of the 2001 Settlement, Plaintiff Mālama Mākua provided Defendants with written notice of the violations detailed herein more than ten (10) days before filing this action.

42. In subsequent negotiations, Defendants denied that any violations have occurred and refused to take any steps to address Mālama Mākua's concerns.

FIRST CLAIM FOR RELIEF

(Violations of Paragraph 13 of 2001 Settlement)

43. Plaintiff Mālama Mākua realleges, as if fully set forth herein, each and every allegation in the preceding paragraphs of this Complaint.

44. Defendants' ongoing, near total ban on cultural access at MMR (including their blanket ban on access to cultural sites) violates Paragraph 13 of the 2001 Settlement because it is not "based on requirements for training, safety, national security, [or] compliance with applicable laws and regulations."

SECOND CLAIM FOR RELIEF

(Violations of Paragraph 8(b) of 2001 Settlement)

45. Plaintiff Mālama Mākua realleges, as if fully set forth herein, each and every allegation in the preceding paragraphs of this Complaint.

46. Defendants' blanket ban on access to high priority cultural sites located mauka of 1,000 meters from Farrington Highway and their failure to "make good faith efforts promptly to develop a plan and secure specific funding for the clearance of [any] UXO from these areas" that Defendants contend precludes "safe, controlled access" violate Paragraph 8(b) of the 2001 Settlement.

THIRD CLAIM FOR RELIEF

(Violations of Paragraph 8(a) and (b) of 2001 Settlement)

47. Plaintiff Mālama Mākua realleges, as if fully set forth herein, each and every allegation in the preceding paragraphs of this Complaint.

48. To the extent that Defendants claim the presence of UXO renders cultural access to any area at MMR unsafe, Defendants' failure to make good faith efforts promptly to clear UXO to permit cultural access to such areas to resume violates Paragraphs 8(a) and 8(b) of the 2001 Settlement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Mālama Mākua prays for relief as follows:

1. For a declaratory judgment that:
 - (a) Defendants' ongoing, near total ban on cultural access at MMR (including their blanket ban on access to cultural sites) violates Paragraph 13 of the 2001 Settlement;

- (b) Defendants' blanket ban on access to high priority cultural sites located mauka of 1,000 meters from Farrington Highway and their failure to make good faith efforts promptly to clear any UXO from these areas that Defendants contend precludes safe, controlled access violate Paragraph 8(b) of the 2001 Settlement; and
- (c) To the extent that Defendants claim the presence of UXO renders cultural access to any area at MMR unsafe, Defendants' failure to make good faith efforts promptly to clear UXO to permit cultural access to such areas to resume violates Paragraphs 8(a) and 8(b) of the 2001 Settlement.

2. For an order establishing a schedule for Defendants promptly to reopen access to MMR's cultural sites and other areas where Mālama Mākua and other members of the Wai'anae Coast community previously had conducted cultural activities.

3. For a further order establishing prompt deadlines for Defendants to develop a plan and secure funding to clear UXO from any area at MMR where Defendants contend the presence of UXO renders unsafe the cultural access that Mālama Mākua and other members of the Wai'anae Coast community had previously conducted.

4. For the Court to retain continuing jurisdiction to review Defendants' compliance with all judgments and orders entered herein.

5. For such additional judicial determinations and orders as may be necessary to effectuate the foregoing.

6. For an award of Plaintiff's costs of litigation, including reasonable attorneys' fees; and

7. For such other and further relief as the Court may deem just and proper to effectuate a complete resolution of the legal disputes between Plaintiff and Defendants.

DATED: Honolulu, Hawai'i, November 7, 2016.

EARTHJUSTICE
David L. Henkin
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Honolulu, Hawai'i 96813

/s/ David L. Henkin
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Leases of the three sites have been removed to reduce the length of this EIS document; these are public record, and are included in Appendix G.

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RECEIVED
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

OCT 4 2001

at 10 o'clock and 30 minutes M.
 WALTER W. WILSON, CLERK

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IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

MĀLAMA MĀKUA, a Hawai'i non-profit
 corporation,

 Plaintiff,

 v.

 DONALD H. RUMSFELD, Secretary of
 Defense; and THOMAS E. WHITE, Secretary
 of the United States Department of the Army,

 Defendants.

Civil No. 00-00813 SOM-LEK
 SETTLEMENT AGREEMENT
 AND STIPULATED ORDER

SETTLEMENT AGREEMENT AND STIPULATED ORDER

WHEREAS, plaintiff Mālama Mākua filed this action alleging that the failure of defendants Donald H. Rumsfeld, Secretary of Defense, and Thomas E. White, Secretary of the United States Department of the Army, to prepare an environmental impact statement (“EIS”) for military training activities proposed for the Mākua Military Reservation (“MMR”) violates the National Environmental Policy Act of 1969 (“NEPA”), 42 U.S.C. §§ 4321 *et seq.*, and its implementing regulations;

WHEREAS, on July 16, 2001, this Court, upon plaintiff’s motion for preliminary injunction, enjoined defendants from conducting live-fire military training at MMR, pending the Court’s final disposition of this case;

WHEREAS, the parties have agreed to enter into this Settlement Agreement (“Agreement”), without any admission of fact or law, which they consider to be a just, fair, adequate and equitable resolution of the claims raised in this action; and,

WHEREAS, it is in the interest of the public, the parties, and judicial economy to resolve the issues in this action without protracted litigation;

NOW, THEREFORE, the parties to this Agreement (“Parties”) agree, and the Court orders, as follows:

1. Defendants will commence preparation and diligently pursue completion of an EIS in accordance with NEPA and its implementing regulations. The EIS will address, among other things, the potential direct, indirect and cumulative environmental impacts associated with the proposal to resume military training activities at MMR.
2. Prior to completion of the EIS required under this Agreement and the publication in the Federal Register of a Record of Decision (“ROD”) regarding the proposal to resume

military training at MMR, the U.S. Army and other Department of Defense (“DoD”) components will be permitted to carry out:

- a. Up to a total of sixteen (16) Company Combined Arms Live-Fire Exercises (“CALFEXs”) at MMR in the first twelve (12) months immediately following this Court’s approval of this Agreement;
- b. Up to a total of nine (9) CALFEXs at MMR in the second year (the following twelve (12) months); and
- c. Up to a total of twelve (12) CALFEXs at MMR in the third year (again, the following twelve (12) months).

3. The CALFEXs authorized pursuant to paragraph 2 will be as described in section 2 of the May 15, 2001 Supplemental Environmental Assessment for Routine Training at Makua Military Reservation and PFC Pilila`au Complex (“SEA”), with the following restrictions: all training will cease in the event of (1) any training-related fire outside the south firebreak road that surrounds the Company Combined-Arms Assault Course (“CCAAC”), or (2) any training-related damage to any archeological or cultural site. Defendants shall report any training-related damage to cultural sites to the State Historical Preservation Officer (“SHPO”) and may resume training only after reporting the damage to the SHPO and implementing all mitigation measures required by the Programmatic Agreement, executed by the 25th Infantry Division (Light) (“25th ID (L)”) and the U.S. Army, Hawaii on July 24, 2000. If a training-related fire starts outside of the south firebreak road, defendants shall reinitiate consultation with the U.S. Fish and Wildlife Service (“FWS”) pursuant to Endangered Species Act (“ESA”) section 7, 16 U.S.C. § 1536, as required by the Biological Opinion, dated July 23, 1999, and may resume training only after completing that consultation and in compliance with any conditions, excluding

recommendations, FWS may impose. Defendants shall promptly report any training-related fire outside the south firebreak road or any training-related damage to any archeological or cultural site to plaintiff's counsel, Earthjustice Legal Defense Fund, in writing (at 223 South King Street, Suite 400, Honolulu, Hawai'i 96813).

4. a. Defendants will complete the EIS as soon as possible. Defendants shall promptly notify plaintiff's counsel, Earthjustice Legal Defense Fund, in writing (at 223 South King Street, Suite 400, Honolulu, Hawai'i 96813), when they complete the EIS required by this Agreement and shall promptly deliver copies of the EIS and ROD prepared pursuant to this Agreement.

b. In the event defendants fail to complete the EIS and publish in the Federal Register a ROD within three years from the date this Court approves this Agreement, no live fire training shall be conducted at MMR until defendants complete the EIS and publish a ROD.

c. The Parties reserve the right to seek to modify the limitations on training set forth in this Agreement due to changed circumstances. In the event that the Parties do not reach agreement on a proposed modification, either Party may bring a motion to modify the training limitations. Any such motion brought by defendants will be subject to the standards for injunctive relief in cases where a NEPA violation has been found. The provisions in this paragraph do not limit the Parties' right to seek relief under Federal Rule of Civil Procedure 60.

5. Defendants will hold public meetings both as part of the NEPA scoping process and to receive comments on the draft EIS. These meetings will provide meaningful opportunities for the public to ask questions, raise concerns, and make comments. Meetings will be scheduled at times (i.e., evenings and weekends) and places (i.e., on the Wai`anae coast) that are convenient for the working people of the Wai`anae Coast. All oral comments and testimony

offered at these meetings will be transcribed by a court reporter. Defendants will make good faith efforts to obtain the services of a court reporter who is capable of transcribing the Hawaiian language. In the event a court reporter can be retained who is capable of transcribing the Hawaiian language, all oral comments and testimony offered at these meetings will be transcribed in English or Hawaiian, depending on the language used by the speaker. In the event defendants are unable to retain a court reporter who is capable of transcribing the Hawaiian language, all oral comments and testimony offered at these meetings will be audiotape recorded for later transcription and translation of comments and testimony offered in Hawaiian. At a minimum, one copy of the transcript of each meeting (including English translations of any comments or testimony offered in Hawaiian, provided a translator can be retained who is capable of transcribing the Hawaiian language) will be provided promptly and free of charge to plaintiff's counsel for the use of Mālama Mākua, with an additional copy made available promptly and free of charge to the public at the Wai`anae public library.

6. As part of the preparation of the EIS for military training activities at MMR, the defendants, by and through the 25th ID (L), shall:

a. Complete studies of potential contamination of soil, surface water, and ground water, and of potential impacts on air quality, associated with the proposed training activities at MMR. These studies will evaluate whether there is the potential for any contamination to be transported beyond the boundaries of MMR that may contaminate the muliwai, or any marine resource or wildlife on or near Mākua Beach. If the studies reveal the likelihood that such contamination is occurring or has occurred, defendants shall undertake additional studies of these resources (e.g., testing of fish, limu and other marine resources on which area residents rely for subsistence; testing of the muliwai for contamination). Defendants shall provide a 60-day

public comment period on the scope and protocol of these studies. The public comment periods on study protocols shall take place after the scoping process required pursuant to 40 C.F.R. § 1501.7 and shall be publicized pursuant to 40 C.F.R. § 1506.6.

b. Complete a Traditional Cultural Places (“TCP”) Survey, as defined by federal law, that follows the State of Hawai`i Office of Environmental Quality Control’s Guidelines for Assessing Cultural Impacts (Nov. 19, 1997). The contractor performing the TCP survey shall be chosen from the Office of Environmental Quality Control’s Directory of Cultural Impact Assessment Providers (Aug. 26, 1998).

c. Complete (1) surface and subsurface archeological surveys of all areas within the CCAAC training area circumscribed by the south firebreak road and (2) surface archaeological surveys of all the Surface Danger Zone (“SDZ”) areas, as shown in Figure 2-2 of the SEA, located outside the south firebreak road. There will be no archaeological surveys of areas suspected of containing Improved Conventional Munitions (“ICMs”) without the appropriate waiver from the Headquarters, Department of the Army (“HQDA”). The 25th ID (L) shall make good faith efforts to secure waivers from the HQDA to perform archaeological surveys of areas suspected of containing ICMs. The surface survey outside the south firebreak road will take place only after the area has been burned and surveyed for unexploded ordnance (“UXO”), and will be subject to any limitations imposed by FWS in ESA section 7 consultation and any limitations on clearance of UXO based on technical feasibility. If the surface archaeological survey or information from remote sensing or other sources indicates the likely presence of a subsurface archaeological site outside the south firebreak road, the 25th ID (L) shall conduct a subsurface survey of that potential site, subject to issuance of any required ICM waiver, technical feasibility, specific funding for UXO clearance (which the 25th ID (L) shall

make good faith efforts to secure and defendants shall provide to the maximum extent practicable), and any limitations imposed by FWS in ESA section 7 consultation. No archaeological subsurface surveys will be conducted under conditions that an Army Explosive and Ordnance (“EOD”) Safety Officer determines are too dangerous. The EOD Safety Officer will be the final arbiter on the matter of safety.

7. If the studies described in paragraph 6a, supra, reveal the potential for off-site soil, air, ground water or surface water contamination, defendants, through the 25th ID (L), shall undertake a long-term program to monitor such contamination. The scope and duration of the monitoring program will be addressed in the protocols as developed by defendants. Defendants shall provide a 60-day public comment period on the scope of, and protocol for, such monitoring.

8. Defendants, through the 25th ID (L), shall address UXO at MMR in the following manner:

a. In order to reduce the risk to individuals on Mākua Beach and Farrington Highway, the 25th ID (L) shall finalize and submit to HQDA for approval a plan for UXO clearance for the area within MMR extending 1,000 meters mauka (towards the mountains) from Farrington Highway. The 25th ID (L) shall continue to make good faith efforts to secure the necessary funding for this phase of UXO clearance, beginning with a request for funding in Fiscal Year 2002. Subject to specific funding for UXO clearance, safety requirements and any limitations imposed by FWS in ESA section 7 consultation, clearance activities in this area shall be completed as soon as practicable.

b. In addition, within one year of the date of settlement, the 25th ID (L) shall identify additional, high priority areas at MMR for UXO clearance, with the focus on increasing access to cultural sites. The 25th ID (L) shall provide meaningful opportunities for the people of

the Wai`anae Coast to participate in identifying and prioritizing these areas, including releasing draft plans for public review and holding meetings at which the public will have the chance to ask questions, raise concerns and make comments and suggestions. After identifying these additional, high priority areas, the 25th ID (L) shall make good faith efforts promptly to develop a plan and secure specific funding for the clearance of UXO from these areas to provide safe, controlled access to identified cultural sites. The clearance plan and activities are subject to any limitations imposed by FWS in ESA section 7 consultation, safety requirements, available funds specifically for UXO clearance, and available and appropriate technologies and methods.

c. Beginning on the first anniversary of this Agreement, and every year thereafter on the anniversary of this Agreement, the 25th ID (L), or any successor U.S. Army command, shall provide to the people of the Wai`anae Coast an annual report describing its progress in clearing UXO from MMR. At a minimum, one copy of each annual progress report will be provided promptly and free of charge to plaintiff's counsel for the use of Mālama Mākua, with an additional copy made available promptly and free of charge to the public at the Wai`anae public library.

9. Defendants shall provide Mālama Mākua and other members of the Wai`anae Coast community with technical assistance, at a cost not to exceed fifty thousand dollars (\$50,000), to facilitate public participation in the NEPA process, as described below.

a. Purpose: The intent of this provision is to provide technical assistance to Mālama Mākua and other members of the Wai`anae Coast community to help them better understand the technical issues and study protocols to be used during the NEPA process at MMR. This assistance shall be provided by a technical assistant or assistants, who will review the technical issues and study protocols to be used during the preparation of the EIS and provide

input to Mālama Mākua, other members of the Wai`anae Coast community and defendants regarding same. The technical assistant(s) will seek to help Mālama Mākua and other members of the Wai`anae Coast community understand the issues involved during the EIS process in order to facilitate and inform public participation and comment in the scoping process and in the public comment periods for the EIS study protocols (discussed in paragraph 6a, supra) and for the draft EIS. This assistance will be limited to facilitating and informing the public's participation and comment concerning technical issues during the scoping process and public comment periods on the EIS study protocols and the draft EIS.

b. Technical Assistant(s). Within thirty (30) days following the Court's approval of this Agreement, the Parties will establish mutually agreed upon qualifications for such assistant(s). Thereafter, Mālama Mākua and other members of the Wai`anae Coast community may submit applications nominating individuals who meet those qualifications for contract, with a copy of each application promptly provided to plaintiff's counsel on behalf of Mālama Mākua. Within ten (10) working days of the date an application for technical assistance is received, the Parties shall raise any objections thereto (e.g., disagreement with the qualifications or appropriateness of a nominated individual or the compensation to be paid for the proposed scope of services). If there is no objection to an application, it shall be promptly granted. If either Party objects to an application, the Parties and the person or organization that submitted the application ("Applicant") will promptly meet and confer in a good faith attempt to resolve any objections (e.g., reach agreement on the person nominated, find a suitable and mutually acceptable replacement, or modify the compensation to be paid). Final action on any application will be taken within fifteen (15) days of receipt, unless the Applicant and the Parties agree to a

longer period of time. No application for technical assistance will be granted if, following the informal resolution process described in this paragraph, any Party still objects.

10. The Parties agree that plaintiff is entitled to an award of reasonable attorneys' fees and costs incurred in this litigation and will attempt to reach agreement as to the amount of such award. If the Parties are unable to do so, plaintiff may file an application with this Court for the recovery of fees and costs no later than November 16, 2001.

11. Defendants shall transport explosives, grenades, mines, artillery rounds, anti-tank rounds, and mortar rounds to MMR by airlift, provided such airlift is available and weather permits. When airlift is unavailable or weather does not permit, defendants agree that any transport of such munitions and ordnance by way of Farrington Highway will avoid the hours from 5:00 a.m. to 7:00 p.m. Further, defendants agree that transport of all other munitions and ordnance by way of Farrington Highway will avoid peak traffic hours and times when children are traveling to or from school (i.e., from 5:30 a.m. to 8:30 a.m. and from 12:30 p.m. to 6:30 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. Defendants shall provide written notice to plaintiff's counsel, Earthjustice Legal Defense Fund, at least five (5) working days prior to each live-fire training exercise at MMR. The extent and terms of the access, including the maximum number of observers allowed, will be determined by defendants, in consultation with Mālama Mākua, based on requirements for training, safety, national security and compliance with applicable laws and regulations. Other members of the Wai`anae Coast community seeking access as observers shall

make their requests to the 25th ID (L), as established by protocols to be developed by defendants within thirty (30) days following the Court's approval of this Agreement

13. Members of the Wai`anae Coast community, including Mālama Mākua, will be allowed daytime access (sunrise to sunset) to MMR to conduct cultural activities at least twice a month. Additionally, members of the Wai`anae Coast community, including Mālama Mākua, will be allowed overnight access (from two hours before sunset on the first day until two hours after sunset on the second day) to MMR to conduct cultural activities on at least two additional occasions per year. During the first year following the Court's approval of this Agreement, Mālama Mākua will be allowed overnight access on at least one additional occasion -- from December 14 through December 15, 2001 -- for observance of the Makahiki. Access to the Ukanipō Heiau is subject to the Ukanipō Heiau Advisory Council per the Programmatic Agreement signed by the 25th ID (L) on October 12, 2000. The cultural access provided for in this paragraph will be subject to limitations determined by defendants in consultation with native Hawaiian cultural practitioners, including those from Mālama Mākua, based on requirements for training, safety, national security, and compliance with applicable laws and regulations. The Parties will establish protocols for this access promptly, with the first daytime access taking place no later than sixty (60) days following the Court's approval of this Agreement and the first overnight access taking place no later than the December 14-15, 2001 Makahiki observance described above.

FUNDING

14. Nothing in this Agreement relieves defendants of the obligation to act in a manner consistent with applicable federal, state or local law, and applicable appropriations law. No provision of this Agreement shall be interpreted as or constitute a commitment or requirement

that defendants obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other applicable law or regulation.

ENFORCEMENT OF THIS AGREEMENT

15. a. This Court has jurisdiction to enforce the terms of this Agreement. See Kokkonen v. Guardian Life Ins. Co. of America, 511 U.S. 375 (1994).

b. This Agreement may be modified by the Court upon good cause shown by written stipulation between the Parties filed with and approved by the Court, or upon written motion filed by either Party and granted by the Court. In the event that either Party seeks to modify the terms of this Agreement, including any of the deadlines for any action set forth herein, or in the event of a dispute arising out of or relating to this Agreement, or in the event that either Party believes that the other Party has failed to comply with any term or condition of this Agreement, the Party seeking the modification, raising the dispute or seeking enforcement, shall provide the other Party with written notice of the claim. The Parties agree that they will meet and confer (in-person not required) at the earliest possible time in a good faith effort to resolve the claim before bringing any matter to the Court. If the Parties are unable to resolve the claim within ten (10) days after the notice, either Party may bring the claim to the Court. The requirement to wait ten (10) days before bringing a claim to the Court shall not prohibit plaintiff from immediately seeking a temporary restraining order if plaintiff alleges that defendants have violated the limitations on training set forth in paragraph(s) 2 or 3.

USE OF AGREEMENT

16. a. This Agreement was negotiated and executed by the Parties in good faith to avoid expensive and protracted litigation and is a settlement of claims and defenses which were vigorously contested, denied and disputed. This Agreement shall not constitute an admission or

adjudication with respect to any allegation made by any Party. Moreover, this Agreement shall not constitute an admission of any wrongdoing, misconduct or liability on the part of the defendants. Further, this Agreement shall not constitute an acknowledgment by plaintiff that there was no wrongdoing, misconduct or liability.

b. Plaintiff reserves its right to bring subsequent actions challenging the adequacy of the EIS that defendants will prepare pursuant to this Agreement. This Agreement shall not constitute an admission by plaintiff that defendants' compliance with the Agreement satisfies their obligations under NEPA.

DISMISSAL OF THIS ACTION & DISSOLUTION OF PRELIMINARY INJUNCTION

17. a. This case shall be dismissed with prejudice, except for plaintiff's claim for an award of attorneys' fees and costs, which is left for resolution through future negotiation or motion practice. Judgment shall not be entered in this case prior to entry of an order resolving plaintiff's claim for an award of attorneys' fees and costs.

b. The preliminary injunction entered by the Court on July 16, 2001 is hereby dissolved.

AUTHORIZATION TO SIGN

18. This Agreement shall apply to and be binding upon the Parties, their members, delegates and assigns. The undersigned representatives certify that they are authorized by the Party or Parties they represent to enter into the Agreement and to execute and legally bind that Party or Parties to the terms and conditions of this Agreement.

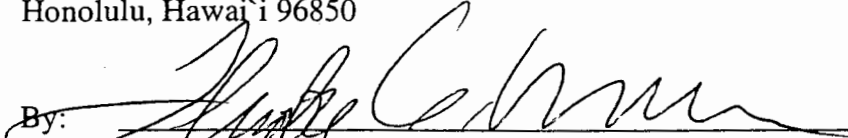
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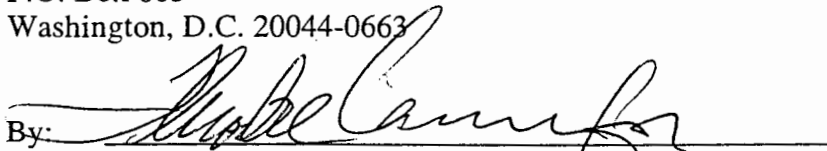
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Executed this 4th day of October, 2001.

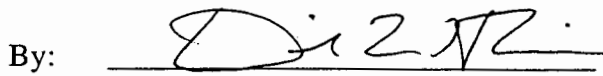
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Mālama Mākua v. Rumsfeld, et al., Civil No. 00-00813 SOM-LEK (D. Haw.); SETTLEMENT
AGREEMENT AND STIPULATED ORDER

APPROVED AND SO ORDERED:

Dated:

SUSAN OKI MOLLWAY

SUSAN OKI MOLLWAY
UNITED STATES DISTRICT JUDGE

Mālama Mākua v. Rumsfeld, et al., Civil No. 00-00813 SOM-LEK (D. Haw.); SETTLEMENT
AGREEMENT AND STIPULATED ORDER

GUIDANCE ON PUBLIC ACCESS TO MAKUA MILITARY RESERVATION FOR
OBSERVATION OF TRAINING, DAY/NIGHT ACCESS, AND THE DECEMBER 14-15, 2001
OBSERVANCE OF THE MAKAHIKI

1. References:

- a. Settlement Agreement and Stipulated Order, *Malama Makua v. Dept. of the Army*, dated 4 October 2001.
- b. 25th ID(L) & USARHAW Regulation 210-6, Ranges and Training Areas, 23 March 1999.
- c. Policy Memorandum, Training Areas and Operational Guidelines for Entry Into Hazardous Areas, Enclosure 1
- d. HQDA Letter 385-01-1, Improved Conventional Munitions and Submunitions, Enclosure 2
- e. Programmatic Agreement, Ukanipo Heiau, 12 October 2000
- f. Interim Guidance on Observation of Training by Members of Malama Makua and/or Members of the Wai`anae Coast, dated 12 October 2001
- g. Access Policy for Makua Military Reservation (MMR) (*Draft*), 18 October 2001

2. Purpose.

a. On 4 October 2001, the settlement agreement between Malama Makua and the Department of the Army [hereinafter, 25th Infantry Division (Light) & USARHAW] provides that at least one member of Malama Makua will be allowed access as an observer to each live-fire training exercise at Makua Military Reservation (MMR), post-training Unexploded Ordnance (UXO) cleanup, and post-training evaluation of damage to cultural sites. The extent and terms of access by members of Malama Makua, will be determined by The Department of the Army, in consultation with Malama Makua, based on requirements for training, safety, national security and compliance with applicable laws and regulations.

b. The agreement further provides that other members of the Wai`anae Coast community seeking access may request to attend training by submitting a request to 25th Infantry Division (Light) & USARHAW.

c. Members of the Wai`anae Coast community, including Malama Makua, will be allowed daytime access (sunrise to sunset) to MMR at least twice a month. Access to specific cultural sites will be subject to limitations determined by 25th Infantry Division (Light) & USARHAW, in consultations with native Hawaiian cultural practitioners, including those from Malama Makua, based on training, safety, national security, and compliance with applicable laws and regulations. The first daytime access will take place no later than sixty (60) days following the Settlement Agreement, which is 3 December 2001.

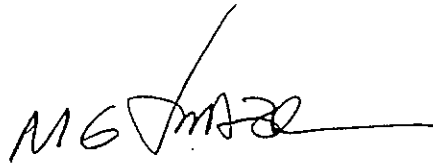
d. Further, members of the Wai`anae Coast community, including Malama Makua, will be allowed overnight access (two hours before sunset on the first day until two hours after sunset on the second day) on at least two additional occasions per year. On 14-15 December 2001, Malama Makua will be allowed an additional overnight access for observance of the Makahiki. Access to specific cultural sites will be subject to limitations determined by 25th Infantry Division (Light) & USARHAW, in consultation with

SUBJECT: Guidance on Public Access to Makau Military Reservation for Observation of Training, Day/Night Access, and the December 14-15, 2001 Observance of the Makahiki

native Hawaiian cultural practitioners, including those from Malama Makua, based on training, safety, national security, and compliance with applicable laws and regulations. The first overnight access will take place no later than the 14-15 December 2001 Makahiki observance.

3. The protocol regarding public access to observe training is set forth in Appendix A. The protocols for day and night public access are set forth in Appendix B (TBD).

4. Any requests to supplement or change the protocols will be submitted in writing to Commander, 25th Infantry Division (Light) & USARHAW, ATTN: Office of the Staff Judge Advocate. The Staff Judge Advocate, or his or her designee, will staff the request through the appropriate personnel within 25th Infantry Division. Once complete, the Staff Judge Advocate will provide notice of the requested supplement or change to Malama Makua, through EarthJustice Legal Defense Fund, for consultation consistent with the settlement agreement. As with these protocols, Commander, 25th Infantry Division (Light) & USARHAW will make the final decision regarding any supplement or change.

A handwritten signature in black ink, appearing to read 'JAMES M. DUBIK', with a long horizontal line extending to the right.

JAMES M. DUBIK
Major General, USA
Commanding

APPENDIX A

ACCESS BY MEMBERS OF MALAMA MAKUA AND/OR MEMBERS OF THE WAI'ANAE COAST TO OBSERVE TRAINING AT MAKUA MILITARY RESERVATION

1. REQUIRED ADVANCE NOTICE OF LIVE-FIRE TRAINING EXERCISE.

A. The 25th Infantry Division (Light) & USARHAW will provide written notice (by U.S. mail or facsimile transmission) to Malama Makua, through its counsel Earthjustice Legal Defense Fund (at 223 South King Street, Suite 400, Honolulu, Hawai'i 96813; fax: (808) 521-6841), so that notice is received at least five (5) working days prior to each live-fire training iteration (including any artillery or mortar registration) at Makua Military Reservation (MMR).

B. The notice shall also include a schedule for the planned live-fire training iteration, including expected start and end times for the artillery or mortar registration, blank fire, and the live-fire exercise, unexploded ordnance (UXO) clean-up, and cultural site evaluation. It is understood that actual start times for the training events may slip for various reasons. An updated schedule will be made available on a daily basis to Malama Makua.

C. If, for any reason, training times and events must be rescheduled following notice described in paragraph 1.A., supra, the 25th Infantry Division (Light) & USARHAW will promptly notify Malama Makua, through its counsel, Earthjustice Legal Defense Fund. Finally, whenever the schedule is updated or modified, a copy will be faxed to Earthjustice Legal Defense Fund at (808) 521-6841. In addition, if Malama Makua has already provided a list of observers pursuant to paragraph 4.A., infra, the 25th Infantry Division (Light) & USARHAW will make good faith efforts to notify those observers of the need to reschedule.

2. NUMBER OF OBSERVERS FOR MALAMA MAKUA.

A. The total number of observers from Malama Makua will not exceed five (5) persons at any one time. This number does not include invited members of the media or other invited guests by the 25th Infantry Division (Light) & USARHAW, including any members of the Wai'anae Coast community observing pursuant to paragraph 3, infra.. No minors (under the age of 18) are allowed. Malama Makua may invite individuals who are not members of Malama Makua to participate as observers, and any such individuals will count against Malama Makua's total number of observers. Malama Makua may arrange for observers to substitute for one another during the day of observation, provided that Malama Makua provides advance notice, pursuant to paragraph 4.A., infra, of all individuals who will observe on that day.

B. In the event of an unusual occurrence or situation, Malama Makua may request permission from the 25th Infantry Division (Light) & USARHAW to have more than five observers. The request will set forth the reason for the additional observers. The 25th Infantry Division (Light) & USARHAW will consider each request and decide whether to grant permission for the additional observers.

3. NUMBER OF OBSERVERS FOR MEMBERS OF WAI'ANAE COAST. The total number of observers for members of the Wai'anae Coast who are not affiliated with Malama Makua will not exceed five (5) persons at any one time. This number does not include invited members of the media or other invited guests by the 25th Infantry Division (Light) & USARHAW. No minors (under the age of 18) are allowed.

SUBJECT: Guidance on Public Access to Makau Military Reservation . . Observation of Training, Day/Night Access, and the December 14-15, 2001 Observance of the Makahiki

4. REQUIRED ADVANCE NOTICE OF ATTENDANCE.

A. When notice is provided in accordance with paragraph 1.A, supra, Malama Makua will provide written notice (email is considered written notice) to the 25th Infantry Division (Light) & USARHAW, (Attn: Staff Judge Advocate), Bldg. 580, Room 100, Schofield Barracks, HI, 96857-6000 (Fax: (808) 655-8740)(email: sjaadmin@schofield.army.mil or firstname.lastname@schofield.army.mil), with the names and phone numbers of the observers no later than 48 hours prior to the start of the day of the training-related event the observers want to see. The phone number is requested in case the scheduled training is delayed or rescheduled on short notice due to weather or other event. If the scheduled training is delayed or rescheduled due to weather or other conditions, Malama Makua will provide written notice of observer attendance as soon as possible after receiving notice of the new training schedule.

B. Members of the Wai`anae Coast, who are not affiliated with Malama Makua, will submit a written request (email is considered written notice) to the 25th Infantry Division (Light) & USARHAW, (Attn: Public Affairs Office, Community Relations), Bldg. 580, Schofield Barracks, HI 96857 (Fax: 655-9290)(email: Amy.Lutey@schofield.army.mil or firstname.lastname@schofield.army.mil). The request will include the names and phone numbers of the observers, as well as a point of contact no later than 48 hours prior to the start of the training the observers want to see. The Public Affairs Office will notify the point of contact upon receipt and coordinate for observation of training with the point of contact.

C. Escorts. The 25th Infantry Division (Light) & USARHAW will provide one escort for every five (5) observers. Any personnel designated as an escort will receive a briefing from Range Control Personnel prior to assuming escort duties.

5. REQUIRED ACTIONS UPON ARRIVAL AT MAKUA MILITARY RESERVATION.

A. Upon arrival at MMR, the observers will be required to provide at least one form of picture identification prior to entry. Additionally, consistent with current force protection measures, each observer, and any of their bags, may be subject to search. Upon arrival, the observers will log in at the Makua Range Control office. Any observer who arrives to substitute for an observer as described in para. 2.A., supra, must also log in at Makua Range Control office.

B. At the time of arrival, each observer will be required to sign the waiver of liability (Enclosure).

C. Range Control personnel will give a safety brief to each observer prior to their observation of training. The presentation of the safety brief will, to the extent practicable, be timed to allow observers to observe the entirety of each training-related event (generally, they will be scheduled approximately 15 minutes prior to the start of the scheduled event). However, no training-related event will be held up or suspended because the safety brief is not complete.

D. The Army will provide an escort to stay with observers and answer questions as appropriate. To the extent practicable, observers will be provided an overview of the training events that are occurring during their visit.

E. If requested, a copy of the burn index worksheet will be provided to Malama Makua when its observer(s) sign in. At the conclusion of the training exercise, if requested, another copy will be provided to Malama Makua.

SUBJECT: Guidance on Public Access to Makau Military Reservation for Observation of Training, Day/Night Access, and the December 14-15, 2001 Observance of the Makahiki

F. All observers must comply with specified Army guidelines described herein or specified in the safety briefing. The Army reserves the right to take any appropriate action, to include removal of any observer from MMR who is acting in a disruptive manner. Disruptive behavior includes, but is not limited to, acts that endanger themselves or others, failure to abide by guidance from the escorts, or attempting to enter unauthorized areas of MMR.

6. LOCATION FOR OBSERVATION OF TRAINING.

A. LOCATION OF OBSERVATION FOR DRY, BLANK, AND LIVE-FIRE TRAINING.

1. The authorized area for observation of dry, blank, and live-fire exercise is the Range Control area from the fenced area around the Range Control buildings and the Observation Tower. The primary location for observation of training during the live-fire exercise will be the Range Control Tower.
2. Those observers who for any reason are unable to climb the Range Control Tower will be provided an alternate location to observe training, such as the ground level at the base of the Tower.
3. No more than eight (8) personnel, to include the training unit's three (3) fire-watchers, will observe training from the Tower Deck at one time. An escort will also be present during any observation. Accordingly, a maximum of four (4) observers will be able to observe from the Tower Deck at any one time. Other observers must remain at the lower level. To the extent both members of Malama Makua and other members of the Wai'anae Coast community are present for training, the number of observers on the Tower Deck will be, the extent practicable, evenly split between the various groups. At least one member of Malama Makua observer, to the extent possible, will be allowed on the Tower Deck during the dry, blank and live-fire training. The Range OIC, consistent with safety considerations, is the final authority on personnel in the Range Tower.

B. LOCATION OF OBSERVERS FOR UXO CLEARANCE.

1. During the survey phase of UXO clearance, observers will taken, with an escort, to an area, such as the fire-break road, for observation of the UXO sweep by EOD personnel. The actual location will be determined in accordance with the minimum safe distance requirements as determined by 25th Infantry Division (Light) & USARHAW.
2. If UXO from the live-fire exercise is found during the survey, EOD will mark the location of the UXO. Then, one Malama Makua observer will be escorted to observe the location where the UXO was found. The location will be determined in accordance with the minimum safe distance requirements as determined by 25th Infantry Division (Light) & USARHAW.
3. Upon discovery of UXO from the live-fire exercise, EOD will either remove the UXO to a central location on MMR for demilitarization at a later time or will demilitarize the UXO at that site. During any demilitarization, for the safety reasons, all observation will be done from Range Control area, including the Range Control Tower, subject to restrictions set forth in paragraph 6.A.3, supra. At no time will observers be allowed onto the range until cleared to do so by Range Control personnel.
4. If the decision is made to conduct demilitarization of UXO from the live-fire exercise at a later time, the 25th Infantry Division (Light) & USARHAW shall ensure that Malama Makua has the opportunity to observe the demilitarization. The 25th Infantry Division (Light) & USARHAW will

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notify Malama Makua, through its counsel, Earthjustice Legal Defense Fund, of the date and time for such observation.

5. After EOD has completed the demilitarization and declared the range safe, observers will be allowed to go, with escorts, to view the site of the demilitarization.

C. LOCATION OF OBSERVERS FOR OBSERVATION OF POST-TRAINING EVALUATION OF DAMAGE TO CULTURAL SITES.

1. Following each live-fire training iteration, Malama Makua observers shall be allowed access to observe the post-training evaluation of cultural sites. Range Control personnel and DPW Cultural Resources office will determine the schedule for visits to the cultural sites.

2. The 25th Infantry Division (Light) & USARHAW will, to the extent practicable, make a vehicle available to facilitate the observance of the Army's post-training evaluation of the cultural sites. If a specific concern about one or more cultural sites arose during the live-fire training, Malama Makua may identify the site(s) and ask the 25th Infantry Division (Light) & USARHAW to conduct the post-training evaluation of any such site(s) first. The 25th Infantry Division (Light) & USARHAW shall accommodate such requests to the maximum extent practicable.

3. Observers, for safety reasons, will not be allowed to roam freely. They must remain with escorts at all times and will be allowed access to specific sites using specific routes outlined by Range Control Personnel, DPW Cultural Resources Office, and their escorts. Observers will not touch or pick up any brass, ammunition, or any other item found on the ground. If observers find any item on the ground, they should bring this to the attention of the escort, Range Control personnel or the DPW Cultural Resource office personnel.

4. If needed, the 25th Infantry Division (Light) & USARHAW will provide Malama Makua or other observers with appropriate protective gear, such as kevlar helmets and/or body armor, to allow them to observe post-training evaluation of cultural sites.

5. Entry into any improved conventional munitions (ICM) area is strictly prohibited unless a properly issued waiver is obtained.

7. PROCEDURE FOR SUBMITTING CONCERNS ABOUT TRAINING.

A. If during any training-related event, an incident occurs that causes concern to Malama Makua or other observers, such as an errant round, suspected fire, or other incident, the observer will use the following method to bring this to the attention of the 25th Infantry Division (Light) & USARHAW:

1. At the end of each training-related event, any concerned observer, shall submit, in writing, his or her concern about any event that occurred during the training. As completely as possible, the observer will describe what occurred that caused them concern.

2. A computer and printer will be made available at Range Control to allow the observer to write their concerns. The statement will be signed by the observer and submitted to Range Control personnel. A copy will be provided to the observer.

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3. The 25th Infantry Division (Light) & USARHAW will provide a written response to Malama Makua, through Earthjustice Legal Defense Fund, addressing the concern(s) raised by the observer as expeditiously as possible.

4. Observers are strongly encouraged to submit their concerns prior to leaving the Makua Military Reservation at the end of the day. If observers submit their concerns at any other time, the failure to timely submit the concern may prevent the 25th Infantry Division (Light) & USARHAW from being able to properly respond to the concern raised by the observer.

8. USE OF RANGE CONTROL FACILITIES.

A. No personal vehicles will be allowed onto the range. Observers will park their vehicle in designated parking locations. The 25th Infantry Division will provide the necessary vehicles for use on the range during UXO clearance and post-training examination of cultural sites. To the extent necessary, and subject to safety considerations, the Department of the Army will provide any appropriate protective gear, such as kevlar helmets and/or body armor, if needed.

B. Access to the Range Control buildings during range operations is limited to the latrine area to include the watercooler. Observers may also use the conference room when invited Range Control personnel. Observers may not enter the working area of the building unless invited by Range Control. If, during range operations, Malama Makua observers would like to check the burn index, Range Control personnel will either bring it outside to the observer or it will be posted outside.

C. There is no photography or videotaping allowed inside the Range Control Building.

D. The Range Control telephone is for official business only. To the extent that observers need to make a phone call, it will be brought outside the Range Control Building. Observers should limit their calls to a maximum of five (5) minutes.

9. MISCELLANEOUS.

A. The use of alcohol on MMR is strictly prohibited.

B. Observers are encouraged to bring any food or drinks they will desire with them. The 25th Infantry Division (Light) & USARHAW will have water available.

C. Smoking is allowed in the vicinity of the Range Control Building and Tower, but it is discouraged due to the area fire hazard. Smoking is strictly prohibited on the range east of the red range gate.

D. There will be medical personnel on the range. However, Army Regulations provide that medical care may be provided only in emergency situations. It is requested that observers notify their escorts of any special medical needs in the event an emergency occurs, to allow for proper treatment.

E. Observers are free to use binoculars, take any photos or video they desire while viewing training-related events, subject to the following restrictions:

1. During the hours of darkness, no flash photography;

2. Observers are encouraged to ask questions of the escorts, but not allowed to conduct any formal interviews with any soldiers;

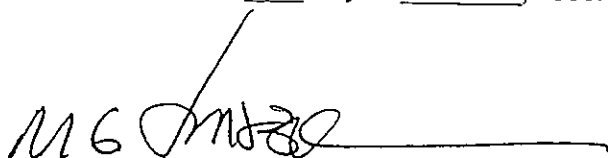
SUBJECT: Guidance on Public Access to Makau Military Reservation for Observation of Training, Day/Night Access, and the December 14-15, 2001 Observance of the Makahiki

3. If an observer is a member of the media or broadcasting a media event, the observer will coordinate with the Public Affairs Office just as all other media outlets are required to do; and,
4. As set forth above, photos and video are prohibited inside the Range Control building.

F. It is recommended that observers wear flat shoes and comfortable clothing to facilitate the climb to observation tower as well as their movements during the post-training phases. For safety reasons, covered shoes are required while on MMR, except the area around Range Control and the Range Control Tower.

10. This guidance will remain in effect until such time as modified by the Commander, 25th Infantry Division (Light) & USARHAW, in consultation with Malama Makua. Modifications to this guidance may occur due to changes on requirements for training, safety, national security and compliance with applicable laws and regulations.

Executed this 2nd Day of November, 2001.

A handwritten signature in black ink, appearing to read 'J M Dubik', is written over a horizontal line. A vertical line extends upwards from the signature to the word 'November' in the date above.

JAMES M. DUBIK
Major General, USA
Commanding



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON, HAWAII
851 WRIGHT AVENUE, WHEELER ARMY AIRFIELD
SCHOFIELD BARRACKS, HAWAII 96857-5000

Office of the Commander

12 JUNE 2009

HIGH PRIORITY SITE LIST FOR UXO CLEARANCE

1.0 INTRODUCTION

Pursuant to paragraph 8(b) of the October 4, 2001 Settlement Agreement in the action entitled *Malama Makua v. Rumsfeld*, and the April 9, 2008 Amended Order by the United States District Court for the District of Hawaii in the action entitled *Malama Makua v. Gates*, the United States Army Garrison Hawaii (USAG-HI) hereby publishes this list (ENCLOSURE 1) of sites deemed “high priority” for unexploded ordinance (UXO) clearance with a focus on increasing access to cultural sites.

2.0 PUBLIC COMMENT

During the process of identifying these sites, USAG-HI provided meaningful opportunities for the people of the Wai’anae Coast to participate in identifying and prioritizing these areas.

Community input was solicited and received at multiple community meetings. USAG-HI also provided contact information for anyone who wished to provide input at a time or place outside of the community meetings. USAG-HI relied heavily on this community input when creating this list, along with considerations of safety to human health and environmental concerns.

3.0 CLEARANCE

The finalized list is intended to represent the priority in which USAG-HI, based on community input, will conduct UXO clearance. The clearance is subject to the availability of funds, safety concerns, environmental law requirements and available and appropriate technologies and methods. The numerical listing is not intended to represent a value judgment as to the relative

importance of any individual site as opposed to any other site, but is merely an administrative tool to expedite the greatest degree of cultural access in the shortest amount of time, as the public requested.

4.0 FUNDING

While USAG-HI cannot guarantee funding will be available in sufficient amounts to clear every site, USAG-HI will make a good faith effort to secure funding, and will award contracts for clearance based on Department of the Army guidelines for such awards.

5.0 ICM AREA SITES

Sites 4540, 5587, 5588, 5589, and 5590 are at the bottom of this list, as they are in the Improved Conventional Munitions (ICM) area, and are deemed too dangerous to clear. If, at some point in the future, technology improves and we are able to clear ICM sites, USAG-HI will make a good faith effort to do so. However, at this time, due to safety concerns, those five sites cannot be cleared.

6.0 CONCLUSION

USAG-HI recognizes the cultural importance of each and every feature contained within the sites on this list. USAG-HI will perform good faith efforts to provide safe and controlled access to these areas as envisioned by the 2001 Settlement. It is conceivable that UXO clearance at some sites will be insufficient to allow safe and controlled access, although USAG-HI will make good faith efforts to do so.



MATTHEW T. MARGOTTA
COL, US Army
Commanding

Enclosure

Enclosure 1

1. Site 6603
2. Site 6596
3. Site 4536
4. Site 4542
5. Site 6613
6. Site 6621
7. Site 6593
8. Site 6597
9. Site 6505
10. Site 6508
11. Site 6506
12. Site 4627
13. Site 4628
14. Site 4629
15. Site 4630
16. Site 5920
17. Site 9523
18. Site 4540
19. Site 5587
20. Site 5588
21. Site 5589
22. Site 5590

Sites 12 – 17 are the “Blue Trail” Sites.

Sites 18 – 22 are located within an ICM area.

Site List and Terrain Analysis for the Identification of Public Access Priorities

Makua Military Reservation

Oahu, Hawaii

In the sites listed, location information identifying sites including maps have been redacted for the confidentiality of archaeological resource information.

USAG-HI, Directorate of Public Works
Environmental Division
947 Wright Avenue, WAAF
Schofield Barracks, HI 96857-5013

February 2009

**Site List and Terrain Analysis for the Identification Of Public Access Priorities
Makua Military Reservation**

Site ID: 50-80-03-xxxx	Number of Features	Site Description (feature types)	Petroglyphs? (y/n)	Site Size (meters)		Elevation at Site (feet)	Slope at Site (degrees)	Distance from Road to Site (meters)	*Number of Drainage Crossings (pedestrian access from road to site)	*Is a Gulch or Drainage Crossing Located Within the Site Area? (y/n)	Vegetation Description at Site	**UXO Clearance Required? (y/n/partial/within the ICM area)	Source
177	n/a	cave	no	n/a		80	1	<5	0	no	n/a	no	McAllister 1933
178	n/a	sand platform	see 5926	14 x 24.5		20	3	<5	0	no	light (<1 foot high, groomed) guinea grass	partially cleared to depth of 1-foot	Thrum 1906
179	n/a	platform	no	17 x 11		10	1	130	0	no	n/a	no	McAllister 1933
180	n/a	platform	no	24.5 x 24.5		20	3	50	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Thrum 1906
182	n/a	modified spring	no	n/a		10	1	60	0	n/a	n/a	no	McAllister 1933
183	n/a	platform	no	3 x 3		40	10	70	0	no	moderate (>4 feet high) guinea grass/koa haole	no	McAllister 1933
4536	3	walls, stone lined well	no	60 x 45		400	16	90	0	no	light (<1 foot high, groomed) guinea grass	partially cleared to depth of 1-foot	Eble et al. 1995
4537	14	mounds, terrace, wall, platform	no	253 x 200		200	8	<5	0	no	light-moderate (partially groomed to >4 feet high) guinea grass/koa haole	partially cleared to depth of 1-foot	Eble et al. 1995
4538	3	enclosure, c-shapes	no	60 x 45		80	10	90	1	no	light (<1 foot high, groomed) guinea grass	yes	Eble et al. 1995
4539	1	wall	no	15 x 5		240	16	250	0	no	light (<1 foot high, groomed) guinea grass	yes	Eble et al. 1995
4540	22	terraces, walls, enclosures, platforms, c-shapes	no	120 x 80		400	6	195	0	yes	heavy (>6 feet high) guinea grass/koa haole	within the ICM area	Eble et al. 1995
4541	11	walls, enclosures, c-shapes	no	370 x 340		40	3	<5	0	yes	light-moderate (partially groomed to >4 feet high) guinea grass/koa haole	yes	Eble et al. 1995
4542	77	mounds, terraces, walls, enclosures, platform, C-shapes, caches	no	460 x 150		400	9	<5	0	yes	light-heavy (partially groomed to >6 feet high) guinea grass/koa haole	partially cleared to depth of 1-foot	Eble et al. 1995; Zulick and Cox 2001
4543	52	mounds, terraces, walls, enclosures, C-shapes, fire pit	no	665 x 200		200	7	100	1	yes	light-heavy (partially groomed to >6 feet high) guinea grass/koa haole	yes	Eble et al. 1995; Williams et al. 2002

* Stream crossings would require UXO clearance after every major rain event

** Other than areas cleared to a depth of 1-foot, we must assume UXO is present. Sites within ICM area cannot be cleared due to extreme hazard.

**Site List and Terrain Analysis for the Identification Of Public Access Priorities
Makua Military Reservation**

Site ID: 50-80-03-xxxx	Number of Features	Site Description (feature types)	Petroglyphs? (y/n)	Site Size (meters)		Elevation at Site (feet)	Slope at Site (degrees)	Distance from Road to Site (meters)	*Number of Drainage Crossings (pedestrian access from road to site)	*Is a Gulch or Drainage Crossing Located Within the Site Area? (y/n)	Vegetation Description at Site	**UXO Clearance Required? (y/n/partial/within the ICM area)	Source
4544	29	mounds, terraces, enclosures, alignments, C-shapes, petroglyph	yes	240 x 150		160	8	200	1	no	light (<1 foot high, groomed) guinea grass	yes	Eble et al. 1995; Williams et al. 2002
4545	4	mounds, wall	no	156 x 115		120	8	40	0	no	light (<1 foot high, groomed) guinea grass	yes	Eble et al. 1995
4546	22	mounds, terraces, walls, enclosures	no	325 x 125		40	7	90	1	yes	light-heavy (partially groomed to >6 feet high) guinea grass/koa haole	partially cleared to depth of 1-foot	Eble et al. 1995; Williams and Patolo 2000
4547	4	mounds, wall, enclosure	no	40 x 30		360	7	100	0	no	light (<1 foot high, groomed) guinea grass	yes	Eble et al. 1995; Williams et al. 2002
4627	25+	mounds, terraces, enclosure	no	120 x 50		1200	26	1900	10+	no	heavy (>6 feet high) kukui/java plum/christmas berry	yes	Carlson et al. 1996
4628	3+	mound, terraces, cache	no	n/a		1240	26	1750	8+	no	heavy (>6 feet high) kukui/java plum/christmas berry	yes	Carlson et al. 1996
4629	3+	mounds	no	n/a		1280	26	1650	7+	no	heavy (>6 feet high) guinea grass/koa haole	yes	Carlson et al. 1996
4630	5	terraces, wall, spring	no	20 x 22		1120	26	730	5+	yes	heavy (>6 feet high) strawberry quava/java plum	yes	Carlson et al. 1996
5456	11	earth ovens (<i>imu</i>)	no	540 x 160		280	4	<5	1	no	light (<1 foot high, groomed) guinea grass	partially cleared to depth of 1-foot	Williams and Patolo 2000
5587	4	mound, terrace, enclosures	no	75 x 25		440	10	300	1	no	heavy (>6 feet high) guinea grass/koa haole	within the ICM area	Williams and Patolo 2000
5588	2+	terraces	no	15 x 9		440	10	260	1	no	heavy (>6 feet high) guinea grass/koa haole	within the ICM area	Williams and Patolo 2000
5589	2+	terrace, platform	no	18 x 18		480	10	200	1	no	heavy (>6 feet high) guinea grass/koa haole	within the ICM area	Williams and Patolo 2000
5590	3+	terrace, mound, modified boulder (pecked)	yes	35 x 8		480	10	155	1	no	heavy (>6 feet high) guinea grass/koa haole	within the ICM area	Williams and Patolo 2000
5595	3+	walls, enclosure	no	220 x 100		600	16	<5	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Williams et al. 2002

* Stream crossings would require UXO clearance after every major rain event

** Other than areas cleared to a depth of 1-foot, we must assume UXO is present. Sites within ICM area cannot be cleared due to extreme hazard.

**Site List and Terrain Analysis for the Identification Of Public Access Priorities
Makua Military Reservation**

Site ID: 50-80-03-xxxx	Number of Features	Site Description (feature types)	Petroglyphs? (y/n)	Site Size (meters)		Elevation at Site (feet)	Slope at Site (degrees)	Distance from Road to Site (meters)	*Number of Drainage Crossings (pedestrian access from road to site)	*Is a Gulch or Drainage Crossing Located Within the Site Area? (y/n)	Vegetation Description at Site	**UXO Clearance Required? (y/n/partial/within the ICM area)	Source
5734	1	enclosure	no	3 x 2		360	39	125	0	no	light-moderate (<1 foot - 4 feet high, groomed) mixed grass	yes	Williams et al. 2002
5735	1	lithic scatter	no	5 x 3		320	31	120	0	no	light-moderate (<1 foot to 4 feet high) mixed grass	yes	Williams et al. 2002
5920	20-30	mounds, walls, modified boulder (pecked)	yes	180 x 70		1200	12	1970	10+	yes	heavy (>6 feet high) kukui/java plum/christmas berry	yes	Zulick and Cox 2001
5921	5	mounds, terrace, alignment	no	250 x 50		840	9	375	3+	no	moderate-high (4 to >6 feet high) java plum/strawberry guava/guinea grass/koa hoale	yes	Zulick and Cox 2001
5922	6	mound, alignment, modified outcrop	no	130 x 30		840	13	300	3+	yes	heavy (>6 feet high) strawberry guava/java plum/koa hoale	yes	Zulick and Cox 2001
5923	37	mounds, terraces, walls, enclosures, platforms, alignments, c-shape, uprights, modified outcrop	no	135 x 110		680	13	130	0	yes	heavy (>6 feet high) kukui/guinea grass/koa hoale	yes	Zulick and Cox 2001
5924	2	alignments	no	15 x 15		800	11	360	0	no	heavy (>6 feet high) kukui/guinea grass	yes	Zulick and Cox 2001
5925	20+	walls	no	220 x 220		80	46	160	0	no	moderate (>4 feet high) mixed grass	no	Zulick and Cox 2001
5926	13	wall, upright slabs, modified outcrop, well, dike fed spring, petroglyph	yes	390 x 280		20	3	<5	0-1	yes	light-heavy (partially groomed to >6 feet high) guinea grass/koa hoale	partially cleared to depth of 1-foot	Zulick and Cox 2001
5927	13	walls, enclosure, alignment	no	725 x 210		20	7	<5	0	yes	heavy (>6 feet high) guinea grass/koa hoale	yes	Zulick and Cox 2001
5928	1	wall	no	2 x 2		± 1000	± 31	± 275	0	no	heavy (>6 feet high) guinea grass/koa hoale	yes	Zulick and Cox 2001
5929	3	bunker, gun emplacement, platform	no	30 x 30		60	39	25	0	no	heavy (>6 feet high) guinea grass/koa hoale	no	Zulick and Cox 2001
5930	2	platforms	no	25 x 25		60	26	30	0	no	heavy (>6 feet high) guinea grass/koa hoale	no	Zulick and Cox 2001

* Stream crossings would require UXO clearance after every major rain event

** Other than areas cleared to a depth of 1-foot, we must assume UXO is present. Sites within ICM area cannot be cleared due to extreme hazard.

**Site List and Terrain Analysis for the Identification Of Public Access Priorities
Makua Military Reservation**

Site ID: 50-80-03-xxxx	Number of Features	Site Description (feature types)	Petroglyphs? (y/n)	Site Size (meters)		Elevation at Site (feet)	Slope at Site (degrees)	Distance from Road to Site (meters)	*Number of Drainage Crossings (pedestrian access from road to site)	*Is a Gulch or Drainage Crossing Located Within the Site Area? (y/n)	Vegetation Description at Site	**UXO Clearance Required? (y/n/partial/within the ICM area)	Source
5931	1	wall	no	70 x 1		80	12	70	0	no	heavy (>6 feet high) guinea grass/koa haole	no	Zulick and Cox 2001
5932	1	path with retaining wall	no	1080 x 65		40	31	15	0	yes	heavy (>6 feet high) guinea grass/koa haole	no	Zulick and Cox 2001
9518	1	trail	no	n/a		300	19	175	1	no	heavy (>6 feet high) guinea grass/koa haole	yes	Rosendahl 1977
9520 (reassigned to 5775-5778 in Robins et al. 2005)		Ukanipo Heiau Site Complex											Rosendahl 1977
9521 (reassigned to 6607 in Robins et al. 2005)		see 6607											Rosendahl 1977
9522 (reassigned to 6601, 6596, 6598 in Robins et al. 2005)		see 6601, 6596, 6598											Rosendahl 1977
9523 (reassigned to 4627-4629, 5920 in Robins et al. 2005)		see 4627, 4629, 5920											Rosendahl 1977
9524 (reassigned to 4542, 4547, 5923 in Robins et al. 2005)		see 4542, 4547, 5923											Rosendahl 1977
9525	1	wall	no	190 x 75		200	31	<5	0	no	moderate-heavy (4 to >6 feet high) guinea grass/koa haole	yes	Rosendahl 1977
9526 (reassigned to 5926 in Robins et al. 2005)		see 5926											Rosendahl 1977

* Stream crossings would require UXO clearance after every major rain event

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**Site List and Terrain Analysis for the Identification Of Public Access Priorities
Makua Military Reservation**

Site ID: 50-80-03-xxxx	Number of Features	Site Description (feature types)	Petroglyphs? (y/n)	Site Size (meters)		Elevation at Site (feet)	Slope at Site (degrees)	Distance from Road to Site (meters)	*Number of Drainage Crossings (pedestrian access from road to site)	*Is a Gulch or Drainage Crossing Located Within the Site Area? (y/n)	Vegetation Description at Site	**UXO Clearance Required? (y/n/partial/within the ICM area)	Source
9533	1	terrace	no	16 x 12		80	31	25	0	no	moderate-heavy (4 to >6 feet high) guinea grass/koa haole	no	Rosendahl 1977
6499	12	mounds, terraces, walls, enclosures	no	115 x 25		640	15	30	0	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6500	3+	mounds, terraces	no	40+ x 18		680	15	30	0	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6501	9	mounds, terraces	no	63 x 25		440	15	150	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6502	1	mound	no	1 x 1.3		400	16	180	1	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6503	2	terraces	no	12 x 7		800	16	90	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6504	5	terraces, enclosure, c-shape, u-shape	no	115 x 80		680	15	10	0	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6505	39	mounds, terraces, enclosures, platforms, walls, u-shapes	no	240 x 360		440	11	130	0	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6506	3	walled terrace	no	8 x 8		320	16	185	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6507	1	wall	no	4 x 1		200	16	170	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6508	2	mound, terrace	no	30 x 10		400	10	300	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6509	2	enclosure, wall	no	6 x 5		330	10	360	2	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6510	2	mound, enclosure	no	75 x 30		420	11	50	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6511	4	mounds, terrace	no	16 x 8		200	11	290	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6512	3	terraces	no	11 x 7		240	11	250	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6513	13	mounds, terraces, enclosures, walls	no	150 x 70		260	11	120	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005

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**Site List and Terrain Analysis for the Identification Of Public Access Priorities
Makua Military Reservation**

Site ID: 50-80-03-xxxx	Number of Features	Site Description (feature types)	Petroglyphs? (y/n)	Site Size (meters)		Elevation at Site (feet)	Slope at Site (degrees)	Distance from Road to Site (meters)	*Number of Drainage Crossings (pedestrian access from road to site)	*Is a Gulch or Drainage Crossing Located Within the Site Area? (y/n)	Vegetation Description at Site	**UXO Clearance Required? (y/n/partial/within the ICM area)	Source
6514	1	enclosure	no	3.5 x 2.5		360	11	85	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6525	1	enclosure	no	11 x 7		400	11	25	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6526	3	enclosures	no	18 x 9		360	11	50	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6527	1	c-shape	no	3.5 x 1.8		80	3	55	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6528	3	mounds	no	10 x 3		80	0	240	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6593	4	terraces, petroglyph	yes	45 x 20		400	16	185	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6594	1	mound	no	6.6 x 3.6		480	16	340	2	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6595	6	terraces, upright	no	50 x 20		600	19	430	2	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6596	12	mound, terraces, walls, petroglyphs	yes	52 x 45		400	16	40	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6597	21+	mounds, terraces, enclosures, walls, C-shape, petroglyph	yes	280 x 60		600	19	30	0	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6598	6	mounds, terraces, walls, C-shape, L-shape	no	138 x 25		480	19	275	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6599	1	C-shape	no	3.2 x 2.5		440	13	200	1	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6600	15	mounds, terraces, walls, enclosures	no	270 x 35		800	16	80	1	no	heavy (>6 feet high) kukui/java plum/guinea grass/koa haole	yes	Robins et al. 2005
6601	1	enclosure	no	2.5 x 1.8		440	13	155	1	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6602	28	mounds, terraces, enclosures, walls, modified outcrop	no	311 x 20		640	11	240	2	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6603	21	mounds, terraces, enclosures, petroglyphs	yes	156 x 34		720	16	280	1	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005

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**Site List and Terrain Analysis for the Identification Of Public Access Priorities
Makua Military Reservation**

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6604	1	terrace	no	8.5 x 4		800	31	400	2	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6605	10+	mounds, walls	no	70 x 30		720	16	350	2	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6606	94+	mounds, terraces, enclosures, U-shapes	no	325 x 350		760	13	<10	0	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6607	33	mounds, terraces, walls, enclosures	no	520 x 80		440	13	<10	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6608	1	enclosure	no	1.2 x 1.3		1040	25	500	1	no	heavy (>6 feet high) kukui/java plum/guinea grass/koa haole	yes	Robins et al. 2005
6609	1	wall	no	40 x 3		1000	35	400	1	yes	heavy (>6 feet high) kukui/java plum/guinea grass/koa haole	yes	Robins et al. 2005
6610	3	terraces, wall	no	47 x 40		920	31	340	1	no	heavy (>6 feet high) kukui/java plum/guinea grass/koa haole	yes	Robins et al. 2005
6611	3	mounds, enclosures	no	21 x 8		360	10	90	0	no	heavy (>6 feet high) guinea grass/koa haole	within the ICM area	Robins et al. 2005
6612	7	mounds, terraces, walls, alignment	no	66 x 30		280	11	90	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6613	6	terraces, petroglyph, grinding stone	yes	100 x 60		260	10	160	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6614	1	terrace	no	2 x 3.6		360	16	210	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6615	19	mounds, terraces, walls	no	107 x 28		360	11	165	1	no	heavy (>6 feet high) guinea grass/koa haole	partially within the ICM area	Robins et al. 2005
6616	12	terraces, enclosures, walls, petroglyphs	yes	94 x 80		400	10	60	0	no	heavy (>6 feet high) guinea grass/koa haole	within the ICM area	Robins et al. 2005
6617	2	terrace, c-shape	no	11 x 9		120	3	<10	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6618	6	mounds, terrace, enclosure, L-shape	no	49 x 15		140	3	30	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005

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6619	3	walls	no	90 x 20		160	3	120	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6620	7	mounds, walls	no	187 x 88		260	8	115	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6621	9	mounds, walls, enclosures, C-shapes, petroglyph	yes	165 x 56		200	11	250	2	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6622	1	mound	no	4 x 4		200	5	200	2	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6623	6	terraces, enclosure, alignment	no	30 x 30		165	4	100	1	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6624	4	mounds	no	21 x 3		320	22	50	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6625	2	terraces	no	30 x 9		320	11	120	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6626	6	mounds	no	10 x 15		360	13	170	0	no	heavy (>6 feet high) guinea grass/koa haole	within the ICM area	Robins et al. 2005
6627	1	concrete basin gun emplacement	no	23 x 20		120	10	9	0	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6628	9	terraces, enclosure, ramp	no	23 x 20		640	18	200	1	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6629	4	mound, terraces	no	40 x 15		740	18	275	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6630	3	mound, terrace, enclosure	no	5 x 5		660	18	125	1	no	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
6631	1	wall	no	42 x 1		1160	19	440	0	yes	heavy (>6 feet high) guinea grass/koa haole	yes	Robins et al. 2005
DPW32	1	terrace	no	10 x 10		120	15	60	0	no	moderate (>4 feet high) guinea grass/koa hoale	yes	DPW 2005
DPW33	2	enclosure, alignment	no	30 x 8		80	10	<5	0	no	moderate (>4 feet high) guinea grass/koa hoale	yes	DPW 2005

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Unrecorded site identified during 2006 DPW-ENV subsurface survey	3+	mounds, terraces	no	n/a		280	10	250	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	DPW 2007
Unrecorded site identified during 2006 DPW-ENV subsurface survey	n/a	mounds, terraces	no	n/a		200	4	270	1	yes	heavy (>6 feet high) guinea grass/koa haole	yes	DPW 2007
Unrecorded site identified during 2006 DPW-ENV subsurface survey	n/a	kiawe fence posts, wire fencing	no	150+ x 1		320	12	235	0	yes	heavy (>6 feet high) guinea grass/koa haole	yes	DPW 2007

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Environmental Caucus of the Democratic Party of Hawai‘i

Aloha Col. Daniel Misigoy and Ms. Amy Bugula:

Kindly, please find attached, the scoping comments for the EIS on the lease retention of the Kahuku Training Area, Poamoho Training Area, and Makua Military Reservation Leases on State of Hawai‘i land expiring on August 16, 2029. These comments are submitted within the 40-day public comment period ending on September 1, 2021.

Mahalo nui loa, Melodie R. Aduja Co-Chair, Environmental Caucus Democratic Party of Hawai‘i



Environmental Caucus of The Democratic Party of Hawai‘i

via EIS website: <https://home.army.mil/hawaii/index.php/oahueis/project-home> (inoperable with error message on August 28-29, 2021); <https://home.army.mil/hawaii/index.php/OAHUEIS> (inoperable with error message on August 28-29, 2021); and bit.ly/armyoahu (inoperable on August 29, 2021).

Email: usarmy.hawaii.nepa@mail.mil, and usarmy.hawaii.comrel@mail.mil

August 29, 2021

Colonel Daniel Misigoy
Commander, U.S. Army Garrison-Hawai‘i

Ms. Amy Bugala
U.S. Army Garrison-Hawaii (USAG-Hawaii)
Public Affairs Officer

Scoping Comments for the Draft Environmental Impact Statement for Army Training Land Retention of State Lands at Kahuku Training Area, Poamoho Training Area, and Makua Military Reservation, Island of O‘ahu, Hawai‘i

Aloha Col. Misigoy and Ms. Bugala:

Thank you very much for the opportunity for the Environmental Caucus of the Democratic Party of Hawai‘i (“DPH”) to provide comments relating to the Draft Environmental Impact Statement (“EIS”) for the Army Training Land Retention of State Lands at Kahuku Training Area, Poamoho Training Area, and Makua Military Reservation, Island of O‘ahu, Hawai‘i, pursuant to the EIS Preparation Notice, dated August 6, 2021.

The Democratic Party of Hawai‘i has an enrolled membership of 115,970 active and associate members in the State of Hawai‘i with 63,280 members residing in the City and County of Honolulu. The Environmental Caucus of the Democratic Party is a semi-autonomous organization with over 5,355 DPH active and associate members. We advocate to advance the Party’s environmental Platform planks and Resolutions, including those adopted by DPH members at the Democratic State Convention in 2018 that are noted *infra*.

Preliminarily, the Environmental Caucus rejects the process involved in developing a draft EIS for the Army Training Land Retention of State Lands at Kahuku Training Area, Poamoho Training Area, and Makua Military Reservation, Island of O‘ahu, Hawai‘i for the Department of Army (Army). Given that the Army has retained itself to process the draft EIS, we find that to be a blatant conflict-of-interest, and we, therefore, urge the Army to retain an independent disinterested third-

party to conduct this draft EIS to assure a fair and just result, free from bias and self-interest in the resulting EIS, compiled in the best of interests of all stakeholders and not just in the best interests of the Army. Currently, all inquiries are to be directed to Ms. Amy Bugala, USAG-HI Public Affairs Officer, at usarmy.hawaii.comrel@mail.mil, and the Notice for Scoping Comments for the Draft Environmental Impact Statement for Army Training Land Retention of State Lands at Kahuku Training Area, Poamoho Training Area, and Makua Military Reservation, Island of O`ahu, Hawai`i was issued by James W. Satterwhite, Jr., Army Federal Register Liaison Officer, Department of the Army (DOA). Having the DOA process an EIS concerning the DOA is clearly a conflict of interest and should not be allowed under any circumstances. This foreseeable and inevitable conflict is clearly unreasonable and unjustifiable without any grounds to allow such conflict to stand without challenge. The Environmental Caucus demands that this conflict of interest be eliminated and resolved by replacing the DOA immediately with a disinterested third-party to complete the draft EIS.

USAG-HI is the home to the 25th Infantry Division whose mission is to deploy to conduct decisive actions in support of united land operations. The Division conducts persistent engagement with regional partners to shape the environment and prevent conflict across the Pacific operational environment. This unit conducts theater-wide deployment to perform combat operations in support of the U.S. Indo-Pacific Command. The 25th Infantry Division is based out of Schofield Barracks on O`ahu and trains at various training areas including the Kahuku Training Area (KTA), Poamoho Training Area (PTA), and the Makua Military Reservation (MMR). These training areas are used by Army units and other users including the Marine Corps and Hawaii Army National Guard. These three areas on O`ahu are but one-third of the 18,060 federal and state lands used for military training on the island.

Approximately 1,170 acres of State-owned land at KTA have been used for military training since the mid-1950s. Current training includes high-density company-level helicopter training in a tactical environment, large-scale ground maneuver training, and air support training.

Approximately 4,370 acres of State-owned land at PTA have been used for military training since 1964. It provides airspace with ravines and deep vegetation for realistic helicopter training.

Approximately 760 acres of State-owned land at MMR have been used for military training for nearly 100 years. Tactical training began in 1941 after the surprise attack on Pearl Harbor. Current training includes maneuver training, the establishment and use of restricted airspace for unmanned aerial vehicle training, and wildfire suppression and security activities. Live-fire training ceased in 2004 after numerous community lawsuits were filed; however, clean-up and restoration remain to be completed.

Fundamentally, the Environmental Caucus of the DPH objects to the retention of the 65-year military leases for, *inter alia*, the unconscionable consideration of \$1.00 USD which began in 1964 and will expire on August 16, 2029. The Environmental Caucus advocates for the NO ACTION ALTERNATIVE. The basis for this opposition rests on the National Environmental Policy Act (NEPA).

Historically, the military's actions have not demonstrated any real great concern for the local communities, their culture, and their history. As it stands, the military has plenty of land available even without the 6,300 acres of state land on O`ahu subject to retention.

Pohakuloa Training Area is the largest contiguous live-fire range and maneuver training area in Hawai`i, covering nearly 36 square miles on Hawai`i Island. It is also subject to State lease renewal on August 16, 2029. The EIS process for Pohakuloa Training Area started earlier, on September 23, 2020.

The military has 17,725 acres (72 km²) on Central O`ahu at Schofield Barracks; the Marine Corps Base Hawai`i at Kane`ohe, occupies 2,951 acres (11.94 km²), which is the entire Mokapu Peninsula; and the Joint Base Pearl Harbor–Hickam consisting of 2,850 acres of land and facilities valued at more than \$444 million, all of which could be used as alternative maneuvering and training sites should the three State lease retention requests be rejected. For these reasons, the “no action alternative” regarding the retention of these three State leases will not adversely affect the Army’s current operations, because alternative training locations are viable and available. The question should be, is the retention of these State leases absolutely necessary for military exercises? The answer to this question resounds in the negative especially in light of the environmental degradation of the lands, the endangerment of plant and animal species, and the destruction of historical, traditional, and cultural properties.

While the Environmental Caucus reserved oral testimony for this writing during the August 10, 2021 and August 11, 2021, webinar Public Meetings held in lieu of in-person public scoping meetings due to COVID-19 restrictions, the Environmental Caucus observed that nearly 100% of the oral testimony received was in opposition to the State lease retention, thus seeking the no action alternative, which would allow these Military leases to expire according to their written terms.

The reasons for this opposition are multiple: First, the U.S. Military has historically and systematically abused and degraded the environment and has not been environmentally sound in its clean-up and restoration in the State of Hawai`i and nationwide; Second, the proposed renewal at these three locations would continue to be environmentally destructive and entirely out of proportion to what minimal benefit it might provide to the host native Hawaiian people, its traditions and culture, and all residents of the State of Hawai`i in general.

As to the first reason: There are more than 40,000 hazardous sites across the country polluted by U.S. military operations, affecting a total amount of land larger than the entire State of Florida. Many of these sites have extensive groundwater and soil pollution, or present a risk of exploding bombs and munitions, even if they are open to the public. Some have been converted to parks and wildlife reserves and even housing developments. Many sites were part of old defense facilities that have long since shut down, and may not be known locally, even though a risk of exposure to contaminants may still be present. Even sites where the DOD says it has already completed its response, an ongoing threat or risk to the public may remain. While the data pinpoint a precise location, contamination from that location may well affect a much larger area, including public and private lands and the water supplies beneath them. <https://www.propublica.org/article/reporting-recipe-bombs-in-your-backyard>.

Given the U.S. Military’s use of hazardous substances, explosives and ordnance necessitating numerous cleanups leaving the land with restricted or no access available, it appears that the purpose of NEPA and HEPA cannot be accomplished by the retention of the three State Leases and the allowance of the Army to continue its maneuvering and training thereon as it did for the last 58 years.

There are 115 Military installations with hazardous sites in the State of Hawai'i with an estimated total past and future cleanup cost of \$2.77 Billion and of the 115 Military installations, 43 are determined by the DOD to be HIGH and MEDIUM hazardous risk Installations. *See* chart below:

<u>MILITARY INSTALLATION</u>	<u>#HAZ. SITES</u>	<u>CITY</u>	<u>COUNTY</u>	<u>RISK OF HARM</u>
PEARL HARBOR NAVAL STATION	145	PEARL HARBOR	Honolulu	High Risk
LUALUALEI NAVAL MAGAZINE	40	WAI'ANAЕ	Honolulu	High Risk
WAHIAWA NCTAMS EASTPAC	30	WAHIAWĀ	Honolulu	High Risk
PEARL HARBOR NSY	27	PEARL HARBOR	Honolulu	High Risk
PŌHAKULOА TRAINING AREA	25	KAWAIHAE HARBOR	Hawaii	High Risk
WAIKOLOА MANEUVER AREA	25	WAIKOLOА	Hawaii	High Risk
PEARL HARBOR FISC	17	PEARL HARBOR	Honolulu	High Risk
NAVFAC HAWAII PEARL HARBOR	17	PEARL HARBOR	Honolulu	High Risk
WAIKAKALAUА AMMO STORAGE	7	MILILANI	Honolulu	High Risk
WAIKANE TRAINING AREA	3	WAIKĀNE	Honolulu	High Risk
'AIEA MILITARY RESERVATION	2	'AIEA	Honolulu	High Risk
MAUI BOMBING TARGETS	2	MAUI	Maui	High Risk
HE'EIA COMBAT TRAINING CAMP	2	KAHALU'U	Honolulu	High Risk
MAKANALUА BOMBING RANGE	1	MOLOKA'I	Kalawao	High Risk
RABBIT ISLAND	1	WAIMANALO BAY	Honolulu	High Risk
PACIFIC JUNGLE COMBAT	1	PUNALU'U/KAHANA	Honolulu	High Risk
PAKINI BOMBING RANGE	1	KA'U	Hawaii	High Risk
KAHUKU TRAINING CAMP	1	KAHUKU	Honolulu	High Risk
FORT SHAFTER	54	HONOLULU	Honolulu	Medium Risk
KANEOHE BAY MCB	33	KĀNE'OHE BAY	Honolulu	Medium Risk
WHEELER ARMY AIRFIELD	31	HONOLULU	Honolulu	Medium Risk
BELLOWS AIR FORCE STATION	28	BELLOWS AFS	Honolulu	Medium Risk
MAKUA MILITARY RESERVATION	10	O'AHU	Honolulu	Medium Risk
PEARL HARBOR NSB	7	PEARL HARBOR	Honolulu	Medium Risk
JFHQ HI ARNG	4	HONOLULU	Honolulu	Medium Risk

BIG ISLAND BOMBING TARGETS	3	ISLAND OF HAWAI'I	Hawai'i	Medium Risk
PALMYRA ISLAND	2	PALMYRA	So. Pacific	Medium Risk
MAKAPU'U LIGHT HOUSE RES	2	MAKAPU'U	Honolulu	Medium Risk
ARMY IMPACT RANGE	2	HILO	Hawai'i	Medium Risk
WAIMEA TRAINING SITE	1	WAIMEA	Kaua'i	Medium Risk
WAILUA ARTILLERY IMPACT AREA	1	WAILUA	Kaua'i	Medium Risk
O'AHU ISLAND TARGET	1	MOKUAUIA	Honolulu	Medium Risk
AHUKINI	1	OFFSHORE AHUKINI	Kaua'i	Medium Risk
WAIMEA FALLS PARK	1	HALE'IWA	Honolulu	Medium Risk
GROVE FARM ARTY IMP	1	LIHUE	Kaua'i	Medium Risk
MOKU HO'ONIKI ISLAND	1	MOLOKA'I	Maui	Medium Risk
RANGE D-400-L	1	WAHIAWA	Honolulu	Medium Risk
PAPOHAKU RANCLAND SUB	1	MOLOKA'I ISLAND	Maui	Medium Risk
UNEXPLODED ORD REMOVAL	1	MOLOKINI ISLAND	Maui	Medium Risk
CENTER COMBAT RANGE	1	WAHIAWĀ	Honolulu	Medium Risk
KANE PU'U NAVAL BOMBING RANGE	1	LANAI	Maui	Medium Risk
KA'U BOMBING RANGE	1	VOLCANO	Hawai'i	Medium Risk
WAIAWA TRAINING AREA	1	WAIAWA	Honolulu	Medium Risk

<https://projects.propublica.org/bombs/installation/HI9214522234002100#b=15.512459942662547,174.06437,31.555618072891495,-147.263755&c=shrink>

The point of providing this listing is to demonstrate the absolutely deplorable record held by the U.S. military in exercising its stewardship responsibilities as a lessee and as titleholder of lands in the State of Hawai'i.

Given the multitude of Military Installations throughout the State of Hawai'i that remain at high and medium risk of injury and contamination, the Environmental Caucus of the Democratic Party of Hawai'i remains steadfast in its opposition to the proposed State lease retentions pursuant to NEPA, HEPA, Article XI, Section 1 of the Hawai'i State Constitution; the Precautionary Principle; and Ching v. Case, 145 Hawai'i 148, 449 P.3d 1146 (2019).

The Hawai'i State Constitution, Article XI, Section 1, states:

For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawai'i's natural beauty and all natural resources, including land, water, air, minerals, and energy sources, and shall

promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people.

The Hawai‘i Supreme Court has declared that Article XI, Section 1 of the Hawai‘i State Constitution provides that the Public Trust Doctrine (“PTD”) is a fundamental element of Constitutional Law in the State of Hawai‘i.

The Federal Government in its activities is required to conform to the laws under the Hawai‘i State Constitution. Specifically, under Article XI, Section 1, of the Hawai‘i State Constitution, the State has an obligation to protect, control, and regulate the use of Hawai‘i’s water resources for the benefit of its people. The Hawai‘i Supreme Court has declared that this Constitutional provision created a duty for the State to protect public trust purposes. The Public Trust Doctrine, therefore, seeks to protect the following Public Trust purposes:

1. Domestic water use of the general public, particularly drinking water,
2. The exercise of Native Hawaiian and traditional and customary rights including appurtenant rights,
3. Reservations of water for Hawaiian Home Land allotments, and
4. Maintenance of waters in their natural state. (Water Resource Protection Plan (2008), Commission on Water Resource Management)

Both the Hawai‘i Supreme Court and the Commission on Water Resource Management have declared that the Public Trust Doctrine applies with equal force to groundwater as it does to surface water.

The Precautionary Principle is a duty under the PTD. The PTD is a preventive doctrine, not a remedial one, as the Hawai‘i Supreme Court recognized when it found that the Precautionary Principle was an inherent attribute of the PTD. In endorsing the Precautionary Principle, the Hawai‘i Supreme Court rejected the requirement of scientific certainty before acting to protect Public Trust Purposes, noting that to do so will often allow for only reactive, not preventive regulation.

In 2018, the Democratic Party of Hawai‘i, out of concern and an abundance of caution over military degradation, devastation, and desecration of the State’s Public Trust lands, affecting hundreds of thousands of *Kanaka Maoli*, residents, businesses, and visitors to the State of Hawai‘i, adopted the following Resolution:

GOV:2018-18 Urging the Congressional Delegation to Actively Work to Ensure that the Military Protects Our Natural Resources

Whereas, Damaging the land and impairing natural resources is inconsistent with protecting the homeland; and

Whereas, Military activities have contaminated our groundwater at Red Hill, littered the landscape of Pōhakuloa with unexploded ordnance, adversely affected archaeological sites and habitat at Mākua, and rendered substantial portions of Kaho‘olawe unsafe; and

Whereas, The military once claimed that it was a matter of national security that it be allowed to continue to bomb Kaho‘olawe and continue to train at Mākua, but that has proven to be inaccurate; and

Whereas, A state judge questioned the Army’s veracity and reliability when it claimed to regularly clean up debris after each training exercise at Pōhakuloa; and

Whereas, Although the Navy argues that its fuel has not found its way into our drinking water wells, yet it is undisputed that leaks from some of its Red Hill tanks have contaminated our groundwater in an unacceptable manner; now, therefore, be it Resolved,

That the Democratic Party of Hawai‘i urge all members of the Hawai‘i Congressional Delegation to actively work to ensure that the military takes all necessary action to prevent degradation of our natural resources and clean up the existing contamination; and be it

Ordered, That copies of this Resolution be transmitted to the Hawai‘i Congressional delegation.

[End quote]

As to the second reason, the No Action Alternative is preferred as neither (1) Full Retention, (2) Modified Retention, nor (3) Minimum Retention and Access of the expiring military KTA, PTA, and MMR State Leases would comply with the **National Environmental Policy Act of 1969** (“NEPA”), 42 U.S.C. § 4321. The purpose of NEPA is to declare a national policy that will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

Clearly, there are serious environmental, social, and cultural concerns associated with the KTA, PTA, and MMR State Lease Retentions, even if modified retention or minimum retention and access. The circumstances surrounding the State lease retentions coupled with the existing frustration of Hawai‘i residents over current *supra*; military unsatisfactory stewardship of the Pohakuloa Training Area and other areas described, *supra*; current endangerment of O‘ahu’s Moanalua-Waimalu groundwater aquifer below the Red Hill fuel storage tanks which supplies potable water to Moanalua through Honolulu to Hawai‘i Kai, and the numerous Pearl Harbor superfund sites that evidences the military-caused environmental degradation, give the local community ample grounds to object the full, modified, and minimum retention and access to KTA, PTA, and MMR.

These military-related use of KTA, PTA, and MMR (a) fail to encourage productive and enjoyable harmony between man and the environment as the environment suffers irreparable harm; (b) as to MMR, fail to promote efforts that prevents or eliminates damage to the environment and biosphere as the target areas remain littered with spent munitions and fragments and unexploded ordnance, contaminated with depleted uranium which fail to stimulate the health and welfare of man; and (c) fail to enrich the understanding of the rare ecological systems and natural resources and wildlife important to our Nation as required under NEPA and HEPA.

Pursuant to the EIS Preparation Notice, dated August 6, 2021, the proposed EIS must evaluate the following 14 affected environmental subject areas: (1) land use, (2) air quality, (3) hazardous materials and waste management, (4) geology and soils, (5) water resources, (6) socioeconomics, (7) biological resources, (8) noise and vibration, (9) transportation, (10) cultural resources, (11) infrastructure (utilities), (12) Airspace management, (13) Health and Safety, and (14) Electromagnetic Spectrum.

Environmental Issue No. 1 – Effect on Land Use:

KTA is located on the northern extent of Oahu, beginning in the lowlands across Kamehameha Highway from the shrimp farms and agricultural fields to the summit of the Ko‘olau Mountains. The Army uses KTA for pyrotechnic training, foot maneuver training, urban combat training and helicopter training. The terrain consists of rolling hills dissected by broad drainages in lower elevations, and relatively steep and windswept ridges in upper elevations.

Habitat within KTA is highly disturbed with some small, predominantly native forest patches in the mid elevation mesic forest leading up to mostly native stretches of summit and wet forest. Within the mid elevation mesic forest are the populations of endangered *Eugenia koolauensis*, Hawaiian name with diacritics: Nīoi. Nīoi is formerly found in dry gulches and slopes from 325 to about 985 feet in the north and south areas of the Ko‘olau Mountains, O‘ahu, and Mauna Loa, Moloka‘i. Now presumed extinct on Moloka‘i. Currently extremely rare and now found in the northern Ko‘olau Mountains on the north fork of the Kamananui Stream, Waimea Valley and from Pūpūkea-Paumalū, O‘ahu. In native Hawaiian history, the Nīoi wood was believed to be poisonous and was carved into images called kālaipāhoa, literally poison gods or goddesses. The tree is said to grow only at Maunaloa, Moloka‘i where this species once grew, but now extinct there. These images were always in possessions of the ruling chiefs. Shavings from the back of the images were placed in an enemies’ food to cause death. It was only when sorcery was employed were they said to be poisonous. Today, we know these trees to be harmless.

The U.S. Fish and Wildlife Service acquired this land as an addition to the James Campbell National Wildlife Refuge (Refuge). The Refuge is one of the premier recovery areas on O‘ahu for four species of endangered Hawaiian waterbirds and supports a variety of migratory waterfowl and shorebird species and other native wildlife. The Refuge includes lowland coastal areas that features wetlands, beach coastal dunes, and strand habitats that the Service is protecting and managing as part of the National Wildlife Refuge System. An interdisciplinary team composed of refuge managers and biologists, public use specialists, planners, wetland and endangered species recovery biologists developed a range of land protection alternatives. The Estate leases most of the Kahuku coastal area to tenants who use the lands for commercial aquaculture, commercial fruit and vegetable farms, and horse and cattle grazing.

The Kahuku coastal plain features are some of the best undeveloped coastal lowland wetlands, dunes, and coastal strand habitat on O‘ahu. The land is managed as a high-quality wildlife habitat with some areas serving as management buffer areas. This area includes lands between the Refuge units, the large aquaculture facilities adjacent to Kamehameha Highway, and a portion of wetland, dunes, and coastal strand habitat seaward from the Ki‘i Unit. This area features high quality wildlife habitats that have importance for endangered species and migratory bird habitat, coastal plant and animal habitats, and some management buffer areas.

The retention of KTA would continue to cause a threat to the conservation efforts of the U.S. Fish and Wildlife Service and the National Wildlife Refuge and a disproportionate threat to the habitats of endangered species, migratory bird habitats, coastal plant and animal habitats.

However, unlike MMR, KTA and PTA were not used for live-fire maneuvering and training; therefore, the return of KTA and PTA back to the State upon expiration of these State Leases would be fairly simple as cleanup of military debris from live-fire training and unexploded ordnances and munitions is not at issue.

If the MMR, KTA, and PTA State Leases are retained, what will the U.S. Army do to alleviate, eliminate and avoid any and all adverse effects caused by its use of these state lands and what will the Army do to cleanup any and all military debris currently on these sites?

Environmental Issue No. 2 - Air Quality & Greenhouse Gas:

Between 2015 and 2017, US forces were active in 76 countries. Of these seven were on the receiving end of air or drone strikes and 15 had “boots on the ground”. There were 44 overseas military bases, and 56 countries were receiving training in counter-terrorism. In 2017, all this added up to fuel purchases of 269,230 barrels of oil a day and the release of 25,000 kilotons of [carbon dioxide equivalent](#) into the atmosphere.

‘Military’s vast furnace’

“Each of these missions requires energy – often considerable amounts of it,” the scientists say. The impacts of climate change are likely to continue in ways that are more intense, prolonged and widespread, which would give cover to even more extensive US military operations. The only way to cool what they call the “military’s vast furnace” is to turn it off. [US military is huge greenhouse gas emitter | Climate News Network %](#) One way to turn it off is to reduce its carbon footprint by allowing the KTA, PTA, and MMR State Leases to terminate accordingly on August 16, 2029; this would be a way to turn it off and not turn it back on again.

If the MMR, KTA, and PTA State leases are retained, what will the U.S. Army do to alleviate, eliminate and avoid any and all greenhouse gas emissions caused by its helicopter maneuvering and training use of these state lands and what will the Army do to cleanup any and all military debris currently on these sites? What, if any, renewable energy can be available to eliminate the use of fossil fuels during the Army’s helicopter and other aviation training exercises?

Environmental Issue No. 3 – Effect on Hazardous Materials and Waste Management:

Military contamination hazards include unexploded ordnance, various types of fuels and petroleum products; organic solvents such as perchloroethylene and trichloroethylene; dioxins and PCB; explosives and propellants such as RDX, TNT, HMX and perchlorate; heavy metals such as lead and mercury; napalm, chemical weapons, and radioactive waste from nuclear powered ships. Cobalt 60, a radioactive waste product from nuclear-powered ships, has been found in sediment at Pearl Harbor. Between 1964 and 1978, 4,843,000 gallons of low-level radioactive waste were discharged into Pearl Harbor. 2,189 steel drums containing radioactive waste were dumped in an ocean disposal area 55 miles from Hawai`i.

KTA, PTA, and MMR have delicate ecosystems that already struggle to properly manage waste. Surrounding communities should not be burdened with any additional magnitude of hazardous waste production and disposal.

If the MMR, KTA, and PTA State Leases are retained, what will the U.S. Army do to alleviate, eliminate and avoid any and all hazardous waste production and disposal caused by its use of these state lands and what will the Army do to cleanup any and all military debris currently on these sites?

Environmental Issue No. 4 – Effect on Geology and Soils:

The mechanical breakup of rocks and the chemical weathering of minerals contribute to soil formation. The downward percolation of water brings dissolved ions and also facilitates chemical reactions, Soil forms most readily under temperate to tropical conditions, and moderate precipitation. The retention of the KTA, PTA, and MMR State Lease would allow the Army to continue to destroy the geology and soil at these sites just as any military causes substantial changes to the geology and soils; however, in this case, the adverse effect would be substantial to the diminishing habitats of the area's endangered species mentioned herein.

If the MMR, KTA, and PTA State Leases were retained, what will the U.S. Army do to alleviate, eliminate and avoid any and all adverse effects to the geology and soils caused by its use of these state lands and what will the Army do to cleanup any and all military debris currently on these sites and restore these sites?

Environmental Issue No. 5 - Effect on Water Resources:

As mentioned *supra*, the Kahuku coastal plain features some of the best undeveloped coastal lowland wetlands, dunes, and coastal strand habitat on O'ahu. The surrounding land is a high quality wildlife habitat with some areas serving as National Wildlife Refuge management buffer areas. This area includes lands between the Refuge units, the large aquaculture facilities adjacent to Kamehameha Highway, and a portion of wetland, dunes, and coastal strand habitat seaward from the Ki'i Unit. This area features high quality wildlife habitats that have importance for endangered species and migratory bird habitat, coastal plant and animal habitats, and some management buffer areas. The goal of the National Wildlife Refuge is to assist with endangered water bird recovery as well as protect habitats for other migratory and resident wildlife.

In addition, there are two watersheds in the area, and there are concerns about contamination to the drinking water in both watershed.

The retention of the KTA, PTA, and MMR State Leases would continue to cause a threat of risk of harm and damage to the habitats of endangered plant and animal species and would continue to create further risks of contamination to surrounding watersheds.

If the MMR, KTA, and PTA State Leases are retained, what will the U.S. Army do to alleviate, eliminate and avoid any and all adverse effects to the area water resources caused by its use of these state lands and what will the Army do to cleanup any and all military debris currently causing water resource contamination on these sites?

Environmental Issue No. 6 - Socioeconomics:

Socioeconomics status is the social standing or class of an individual or group. Social and economic factors, such as income, education employment, community safety and social supports can significantly affect how well and how long we live, these factors also affect our ability to make healthy choices, afford medical care and housing, manage stress, and more. Lower class or working class refers to those who have to work in order to survive. The Kahuku, Waianae, and Waipahu communities are composed of mainly working-class people. The retention of the KTA, PTA, and MMR State lease in these community's backyard will not improve the socioeconomic condition of these communities, but rather it will reduce their socioeconomic conditions, as they will be retaining these military exercises in the "backyard" of communities that do not welcome them.

The U.S. military's current strategic posture in the Pacific is intended to provoke China. It poses the risk of World War III and the extinction of the human species. Home to the Indo-Pacific Command, Hawai'i serves as the control center for U.S. military domination of over half the planet. As such, when Hawai'i was not actually part of the U.S., but rather a territory, Japanese imperial forces attacked Pearl Harbor in 1941. On January 13, 2018, an alert was issued to every cell phone in Hawai'i that a ballistic missile was inbound, causing residents to scramble and some to continue to experience post-traumatic stress. That such an attack was even plausible demonstrates that the military presence does not make Hawai'i safer, rather it made Hawai'i a target.

If the MMR, KTA, and PTA State Leases are retained, what will the U.S. Army do to alleviate, eliminate and avoid any and all adverse socioeconomic effects caused by its use of these state lands and what will the Army do to improve the socioeconomic status of these communities that are adversely impacted by further military training in their backyard?

Environmental Issue No. 7 - Biological Resources:

A biological resource is a substance or object in the environment required by an organism for normal growth, maintenance, and reproduction. For plants key resources are light, nutrients, water, and a place to grow. For animals, key resources are food, water, and territory. The Army said in 2020 that it annually spends more than \$12 million in Hawaii on environmental programs. Its natural resources program helped save three native plant species from extinction : the haha, Hawaiian mint and tree aster. However, this amount is of no consequence considering the extensive military debris cleanup that needs to be done to return the lands back to its original fertile ecosystem, if this is even possible. The saving of three endangered plant species from extinction is commendable; however, there are many, many more endangered plant and animal species that remain at risk. These endangered plant and animal species must be given top priority as many of them cannot be found elsewhere in the world. The retention of the State-Military leases will continued adverse impacts on the biological resources for area endangered plants and wildlife as their existing biological resources will be diminished and destroyed with continued military maneuvering and training. The greatest threat to these endangered species is the loss of habitat of which continue military use will add to the risk of plant and wildlife extinction by the elimination of their habitat.

There are several rare taxa at KTA. We believe that the siting of the radar installation at this location would unreasonably place these species in existential jeopardy. They are (1) *Bobea timonioides*, a species of concern; (2) *Nesoluma polynesianum*, a species of concern; (3) *Pteralyxia macrocarpa*, a candidate for endangered; (4) *Tetraplasandra gymnocarpa*, endangered; and (5) *Lasiurus cinereus*

semotus, endangered.

(1) *'Ahakea (Bobea timonioides)* is a species of flowering tree in the coffee family, *Rubiaceae*, that is endemic to Hawai'i. It inhabits dry, coastal mesic and mixed mesic forests at elevations of 250–580 meters (820–1,900 ft). It is threatened by habitat loss.

(2) *Nesoluma polynesianum*, the *keahi* or **island nesoluma**, is a species of flowering plant in the family *Sapotaceae*. This plant is found in the Cook (New Zealand), Tubuai (French Polynesia), and Hawaiian Islands (United States). It is threatened by habitat loss.

(3) *Pteralyxia laurifolia*, the **ridged pteralyxia**, is a species of plant in the family *Apocynaceae*. It is endemic to the Island of Oahu in the Hawaiian Islands. The species is listed as vulnerable, threatened by habitat loss.

(4) *Polyscias gymnocarpa*, commonly known as the **Ko'olau Range 'ohe** or **Ko'olau tetraplasandra**, is a species of flowering plant in the family *Araliaceae*, that is endemic to the Hawaiian island of O'ahu. It is threatened by habitat loss.

(5) The **Hawaiian hoary bat** (*Lasiurus semotus*, sometimes given as *Aeorestes semotus*), also known as *'ōpe'ōpe'a*, is a species of bat endemic to the islands of Hawai'i. The Hawaiian hoary bat is distributed only among the major volcanic islands of Hawai'i, making it the only extant and native terrestrial mammal in the state. The Hawaiian hoary bat was officially named the state land mammal of Hawai'i in 2015. It is a federally listed endangered taxon of the United States.

The Hawaiian hoary bat is brown in color with a silver coloration that 'frosts' the fur on its back, ears, and neck. It typically weighs between 14 to 18 g (0.49 to 0.63 ounces), and has a wingspan of about 10.5 to 13.5 inches, with females being larger than males. It is insectivorous, nocturnal, and forage and hunt using echolocation.

Hoary bats are a solitary subspecies and roost individually rather than in colonies. They are found throughout a large range of different habitats - forests, agricultural fields, and areas populated with humans. Due to their elusive and solitary nature, there is very limited knowledge on the ecology or life history of the bat. As of now, population sizes are unknown, which is problematic because this data is necessary for species recovery plans. Currently the Hawaiian hoary bat is listed as endangered under the Endangered Species Act.

Regarding conservation, the Hawaiian hoary bat faces a number of possible threats including habitat loss, collisions with man-made structures such as wind turbines and barbed wire, impact of pesticides on primary food source, predation and competition with invasive species, and roost disturbance and tree cover reduction.

(6) **Hawaiian Monk Seals and Hawaiian waterbirds** are a critically endangered species with habitual movements. They tend to make specific beaches their home and return to them regularly, especially while giving birth and nursing. Kahuku point and the James Campbell National wildlife Refuge and sanctuary are popular habitats for the endangered monk seals and waterbirds which will be threatened by the deployment of the HDR-H at the KTA-1 site.

All four species of endangered Hawaiian waterbirds—Hawaiian stilt, Hawaiian coot, Hawaiian moorhen, and Hawaiian duck—nest and maintain populations on the Refuge and occur within the Kahuku coastal plain.

The Refuge and surrounding areas are premier spots for observing wintering migratory waterfowl and shorebirds that visit from September through May. Important migratory species on the Refuge that would benefit from protection and management of additional habitat include Shoveler, Northern pintail, Black-crowned night heron, Pacific golden plover, Semi-palmated plover, Ruddy turnstone, Sanderling, Wandering tattler, Lesser yellowlegs, and Bristle-thighed curlew. Ring-billed gull regularly visit the Refuge during winter months. The Asian Short-eared owl (also known as Hawaiian owl or pueo) is a Species of Concern and listed as endangered on O‘ahu by the State of Hawai‘i. Owls have been observed hunting over grassy areas and marshes on and adjacent to the Refuge.

In the recent past, green turtles nested in the area every other year for a total of three nesting seasons. Eggs were deposited in the sand just south of the Ki‘i outlet. Endangered Hawaiian monk seals are known to occur in offshore waters and would likely use the beach area if undisturbed. Protection of the area from predators would also foster colonization of the dune strand areas by Pacific migratory seabirds including Laysan albatross, Red-footed boobies, and ground nesting seabirds such as shearwaters and petrels. All of these endangered, candidates for endangered, and species of concern are under threat of habitat diminution as the result of the proposed siting of HDR-H at KTA-1.

Makua Military Reservation (MMR)

There are numerous endangered plants species and animal species in the MMR. MMR encompasses two valleys, Kahanahaiki and Makua, which are the northern-most valleys in the Wai‘anae Mountains. Encompassing approximately 4,190 acres, MMR was once the largest maneuvering/live-fire training area on O‘ahu but based on continuous community outcry, protests, and demonstrations, live-fire training in this area ceased. Elevation within MMR ranges from sea level to just over 3,000 feet. While most of the natural habitats within MMR are highly disturbed there are large pockets of relatively intact dry and mesic forest. The terrain at MMR is extremely steep, exposed and rocky. There are five MUs and two ungulate control areas within MMR (See Figure B, Management Units Makua Military Reservation). There are a total of thirty-three endangered species in Makua, thirty of which are plants.

Kahanahaiki Management Unit

Kahanahaiki MU is located on the northeast rim of Makua Valley. At its boundary to the East, is the State of Hawaii’s Pahole Natural Area Reserve. Kahanahaiki has an elevational range of 1,500 feet to 2,300 feet and an annual rainfall of 1,200 mm-3, 800 mm. Kahanahaiki MU is approximately 110 acres in size and is characterized as being a diverse mesic forest. Ridges and drainages that feed into the northern half of MMR (Kahanahaiki Valley) dissect the Kahanahaiki MU. A feral pig enclosure fence surrounds 90 acres of the Kahanahaiki MU. This fence was completed in December of 1996. Kahanahaiki contains twelve endangered plant species and two endangered animal species and is the site of the first endangered species outplanting on military lands in Hawaii. Because there is good road access and native resources are abundant, Kahanahaiki has been a focal point for volunteer projects.

‘Ohikilolo Management Unit

‘Ohikilolo MU is located on ‘Ohikilolo Ridge, which is the southern boundary of Makua Valley. It encompasses approximately forty acres. The terrain is extremely steep and rocky and access to the upper portion of this management unit is by helicopter only. Large patches of ‘Ohikilolo Ridge lack vegetation and erosion by wind and rain is severe. A large population of goats once exacerbated this problem by consuming most of the vegetation on the ridge. With intensive goat control measures

and a perimeter fence installed, this MU is now very close to being ungulate free. 'Ohikilolo MU harbors a great deal of intact vertical cliff habitat and small patches of intact mesic forest. There is a goat-proof enclosure of approximately two and a half acres at the plateau where 'Ohikilolo ridge meets Kea'au ridge from the south. 'Ohikilolo contains thirteen endangered plant species and two endangered animal species. 'Ohikilolo is also home to the largest population of *Achatinella mustelina* known to the Natural Resource Staff (NRS).

Kaluakauila Management Unit

Kaluakauila MU is approximately forty-five acres and is located in and around Kaluakauila drainage, just north of Makua Valley. The area around this drainage is referred to as Keawa`ula. This MU is made up primarily of dry forest on steep slopes and contains some intact native cliff habitat. Kaluakauila MU is very susceptible to fires because the habitat surrounding the intact native forest patches is comprised of introduced grasses and shrubs, which have very high fire potentials. There are a total of six endangered plants in Kaluakauila MU.

Lower Makua Management Unit

The Lower Makua MU is located at the base of the cliffs on the southern side of Makua Valley. Portions of the lower valley contain extensive intact stands of dry forest that become intermixed with mesic forest as elevation increases. The Lower Makua MU ranges from 800 feet to 2,200 feet in elevation and encompasses an area of 270 acres. NRS believe that the stands of dry and mesic forest found in this MU are the most intact on O'ahu. The Lower Makua MU contains eight endangered plant species and two endangered animal species.

C-Ridge Management Unit

The C-ridge MU is located on the north exposure of the large ridge, which separates Makua and Kahanahaiki Valleys. It is a small four-acre patch of native dry forest surrounded on the lower side by introduced grasslands and on the upper side by sheer cliffs between 800 and 1,200 feet. The hike to C-ridge is lengthy which limits the amount of time spent and number of trips made to the area. This MU used to be susceptible to fires from military live-fire training now ceased. There are a total of three endangered plant species known from this MU.

East Rim Ungulate Control Area

The East Rim Ungulate Control Area is situated at the headwall of the southern side of Makua Valley, opposite Pahole Natural Area Reserve. It contains small native mesic forest patches but is dominated by non-native canopy and understory species. Christmas berry (*Schinus terebenthifolius*) dominates large portions of this area. The substrate character of this Ungulate Control Area varies from loose rocky soil to rocky cliff. This unit extends from 1,800 ft to 2,600 ft and is approximately one hundred acres in area. There are a total of three endangered plant species in the East Rim Ungulate Control Area.

Ko'iahi Ungulate Control Area

Ko'iahi Ungulate Control Area is centered on Ko'iahi gulch, which is the southernmost subgulch of MMR. The southern boundary ridge of Makua, 'Ohikilolo, and a spur ridge off of 'Ohikilolo form Ko'iahi gulch. Alien scrubby vegetation and kukui (*Aleurites moluccana*) overstory dominate this area. The substrate character of Ko'iahi ranges from rocky talus to rocky cliff and gulch substrates. This area extends from 400 ft to 2,200 ft in elevation and is approximately two hundred and thirty acres in area. There are a total of eight endangered plant species in Ko'iahi Ungulate Control Area.

If the MMR, KTA, and PTA State leases are to be retained, what will the U.S. Army do to alleviate, eliminate and avoid any and all adverse effects to the area biological resources caused by its use of these state lands that impacts the habitats of endangered plant and animal species and what will the Army do to clean up any and all military debris currently on these sites that are already destroying these habitats?

Environmental Issue No. 8 – Noise and Vibration:

Sustained background noises or white-noise produced the Army helicopter and other aviation maneuver and training exercises impacts public health and safety. Environments with sustained background noise can have variable effects on learning cognitive abilities, and various noise-related physiological changes.

Epidemiological studies have addressed possible links between exposure to radio frequency (RF) and excess risk of cancer, decreased ability to perform mental tasks, reduced endurance, hearing effects of “buzzing”, “clicking”, “hissing”, and “popping” sounds depending on the RF pulsing characteristics. Radio frequency noise, both electromagnetic interference (EMI) and radio frequency interference (RFI) may affect residents in the surrounding communities. Radar can cause interference in medical devices like cardia pacemakers and hearing aids and create other health emergency situations.

Given that KTA, PTA and MMR are subject to continued helicopter and aviation maneuvering and training that can cause surrounding adverse health and safety effects on humans and wildlife, it would be best not to retain these State Leases where there are risks of harm to the residents of the surrounding communities.

If the MMR, KTA, and PTA State Leases are retained, what will the U.S. Army do to alleviate, eliminate and avoid any and all adverse effects from noise and vibrations caused by its use of helicopters and other aviation crafts within these state lands?

Environmental Issue No. 9 – Transportation & Traffic:

Transportation and traffic on the two-lane highways to KTA, PTA, and MMR have been slowed, creating a hazardous condition for the public for an unknown number of days when heavy military equipment have been transported, because it is the only roadway in the vicinity. Emergency response vehicles will be slowed, and this situation will compromise public safety.

If the MMR, KTA, and PTA State Leases are retained, what will the U.S. Army do to alleviate, eliminate and avoid any and all adverse transportation and traffic effects in the area caused by its use of these state lands that impacts the ingress and egress on the two-lane highways to these sites which may compromise public safety among other inconveniences to the surrounding communities?

Environmental Issue No. 10 – Effect on Cultural Resources:

Cultural resources are the prehistoric and historic remains or indicators of past native Hawaiian activities including artifacts, sites, structures, buildings, landscapes such as rock inscription, and earthworks; and objects or collection of importance to the native Hawaiian culture or community for scientific, traditional, religious, and other reasons.

On August 10 and 11, 2021, the U.S. Army held public scoping hearings for an Environmental Impact Statement (EIS) for Army Training Land Retention. Among the several dozens of individuals that testified, there was unanimous agreement that the U.S. military must clean up their military debris and leave, calling for the No Action Alternative. Many Kānaka Maoli (Native Hawaiians) testified about the ongoing violence of the U.S. military desecrating the environment with unexploded ordnance and depleted uranium, demolishing cultural sites, and trampling on the iwi (bones) of their ancestors.

The Section 106 process requires the Army to consult with the Hawai`i State Historic Preservation Division (SHPD) and local residents regarding traditional and customary practices, cultural, historic and/or religious significance to themselves or their ohana.

KTA is located in the Ko‘olauloa District. Ko‘olauloa is the northeastern district of O‘ahu, from Waimea Bay on the North Shore to Ka‘a‘awa on the windward coast. (“Ko‘olau” means “windward”; “loa” means “long”) The valleys from La‘ie to Kahana are well-watered and fertile. The most famous god of this land was Kamapua‘a, “Pig-Child,” whose home was in the valley of Kaliuwa‘a (Sacred Falls) in Kaluanui. The gods Kāne and Kānaloa wandered through this district, creating springs and fishing. Fish are abundant; the coastline is also noted for its shark gods and shark men (manō kanaka).

The KTA is situated near a he‘iau. This Hawaiian altar is an ‘ahupua‘a demarcation between the ‘ahupua‘a land division boundaries of Hanaka‘oe to the west and Kahuku to the east. ‘Ahupua‘a – literally the altar (‘ahu) of the pig (pua‘a), is the name for both land division and the stone altar that serves as the marker of the division. The ‘ahupua‘a system of land management was a cornerstone of traditional Hawaiian life and helped Native Hawaiians to develop one of the most sustainable methods of land use in the world. Extending from the forested mountain tops mauka (inland) or the wao akua (region of the gods), through the kula (open plains used for farming) and extending out into the makai (ocean), each ‘ahupua‘a contained everything its inhabitants needed to sustain life which it did for the more than one thousand pre-colonization years before the late 1700s. The retention of the Military Leases would alter the cultural resources of prehistoric and historic remains or indicators of past native Hawaiian traditions, culture, and activities.

For the Kānaka Maoli, the use of the land, the seas, and the air by the U.S. military represent a military occupation and an encroachment of their sovereign rights to determine the future of Ka Pae ‘Aina (as sovereignty activist Dr. Kekuni Blaisdell taught to call Hawai‘i). Ka Pae ‘Aina needs to reduce its dependence on the U.S. military and tourism. The people of Ka Pae ‘Aina demand the return of the lands leased to the military to their natural state. The U.S. military must clean up its waste and unexploded ordnance from the leased lands.

Kānaka Maoli’s collective rights must be protected – the right to peace, the right to a healthy environment, the right to self-determination, and the right to human-oriented development. The people of Ka Pae ‘Aina are for peace and multicultural, international understanding. They do not want any part of the escalation of military conflict between the competing imperial centers of the U.S. and China.

Ka Pae ‘Aina must not be used by the U.S. war machine. Support must be afforded to the Native Hawaiians and their aspirations for peace and justice. Communities need to work together to heal,

protect, and nurture their ancestral lands after decades of war and destruction. Refusing to renew the leases of lands occupied by the U.S. military is a necessary and urgent step toward this goal.

If the MMR, KTA, and PTA State Leases are retained, what will the U.S. Army do to alleviate, eliminate and avoid any and all adverse effects to the area cultural resources caused by its use of these state lands that impacts the tradition and culture of native Hawaiians and what will the Army do to cleanup any and all military debris currently on these sites that are already destroying the culture and traditions of native Hawaiians?

Environmental Issue No. 11 – Effect on Infrastructure (Utilities):

The Army has declared that no new infrastructure would be necessary to support the continued operations and training exercises at KTA, PTA, and MMR.

If the MMR, KTA, and PTA State Leases are retained, what will the U.S. Army do to alleviate, eliminate and avoid any and all adverse effects caused by its infrastructure and use of these state lands currently on these sites as well as any future infrastructure that may subsequently be developed and what will the Army do to cleanup any and all military infrastructure currently on these sites that are no longer needed?

Environmental Issue No. 12 – Effect on Airspace:

If the MMR, KTA, and PTA State Leases are retained, what will the U.S. Army do to alleviate, eliminate and avoid any and all adverse effects to the airspace at these sites and surrounding communities caused by its continued use of these sites for helicopter and other aviation maneuvering and training and what will the Army do to cleanup any and all military debris currently on these sites caused by their helicopter and aviation maneuvering training?

Environmental Issue No. 13 – Effect on Health and Safety:

If the MMR, KTA, and PTA State Leases are retained, what will the U.S. Army do to alleviate, eliminate and avoid any and all adverse health and safety effects experienced at and from these sites to surrounding communities caused by the U.S. Army’s continued use of these sites for helicopter and other aviation maneuvering and training and what will the Army do to cleanup any and all military debris currently on these sites caused by its helicopter and aviation maneuvering and training?

Environmental Issue No. 14 – Electromagnetic Spectrum:

If the MMR, KTA, and PTA State Leases are retained, what will the U.S. Army do to alleviate, eliminate and avoid any and all adverse health and safety effects experienced at and from these sites and to surrounding communities caused by the U.S. Army’s continued use of these sites for helicopter and other aviation maneuvering and training involving electromagnetic radiation and what will the Army do to cleanup any and all military debris currently on these sites caused by the effects of electromagnetic radiation, if any?

Conclusion

We believe that a comprehensive and objective analysis of U.S. military activities at MMR, KTA, and PTA pursuant to these 14 enumerated factors will lead inexorably to the conclusion that the military needs to cease further maneuvering and training activities, engage in thorough clean-up of the sites, and return them to the people of Hawai'i not later than the original lease expiration date of August 16, 2029. It must also pay arrearages for the grossly insufficient lease rent.

The environmental damages from the continued military training use at MMR, KTA, and PTA are in many cases, substantial. We continue to oppose further retention of the MMR, KTA, and PTA by the U.S. Army as the risk of damage to the environment and ecosystem are great and the likelihood of substantial restoration efforts are low to the detriment of the Native Hawaiian community, the community at large, and endangered plant and animal species, many of which are indigenous of and endemic to Hawai'i.

The Environmental Caucus of the DPH objects to the retention of the MMR, KTA, and PTA State Leases after their expiration of August 16, 2029, and requests that the U.S. Army adhere to the NO ACTION ALTERNATIVE. The basis for this opposition rests on the National Environmental Policy Act (NEPA), HEPA, and Section 106.

The Environmental Caucus of the DPH further RESERVES THE RIGHT TO SUPPLEMENT THIS DOCUMENT due to the fact that it has been denied access to the Army's relevant website during the critical time-frame for use in preparation of responses to the Army's Draft EIS, as we have noted in the introduction to this document.

Mahalo for the opportunity to provide comments,

/s/ Melodie R. Aduja

Melodie R. Aduja

Co-Chair, Environmental Caucus of the Democratic Party of Hawai'i

Email: legislativepriorities@gmail.com

/s/ Alan B. Burdick

Alan B. Burdick

Co-Chair, Environmental Caucus of the Democratic Party of Hawai'i

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Hamakua sacred arts. Fern acres non profit trust

This is the wonderful and incredible work we have done here in Polynesia and, specifically for all Hawaii.

I agree that the military need to meet all 4 requirements subsequently, and, without delay, meaning that, as a global currency continues to emerge, something stands out as off in this most current overhaul of finance/govt/high tech/

We need to keep considering that leaseholders should remain shareholders.

Keeping that at the forefront continues to stabilize global philanthropic models to continue to coalesce with the queen likeiokalani trusts and all subsequent beneficiaries, including and foremost-education. Our roads are not the problem and never were and everyone in the free world knows that. Hence the Hollywood fantasy .

As the last remnants of poverty/ heartache and devastation that has already been brought toward all indefensible peoples, I celebrate with you.

I truly believe that Oahu can be, and most importantly, Oahu , with its water crisis, needs to be addressed first and foremost . As it holds of course, as we all know, the queen's hospital. And all veterans and refugees from all nations, regardless of medical choices, lifestyle choices and their human right to live decently, with food shelter Ohana and , aloha

Mahalo

Ke akua

Mother of Mikaela Esperanza and peakalika Polet yang

Hawai'i Peace and Justice & Koa Futures
2426 O'ahu Avenue
Honolulu, HI 96822

Date: August 31, 2021
To: O'ahu ATRLR EIS Comments; usarmy.hawaii.nepa@mail.mil
From: Kyle Kajihiro; kkajihir@hawaii.edu
Subject: Scoping Comments on the O'ahu Army Training Lands Retention Environmental Impact Statement (O'ahu EIS)

To Whom It May Concern:

My name is Kyle Kajihiro, a board member of Hawai'i Peace and Justice and a member of Koa Futures, a hui of Hawai'i residents concerned about the negative effects of military activities in Hawai'i and the region. On behalf of both groups, I am submitting these scoping comments on the O'ahu Army Training Lands Retention Environmental Impact Statement (O'ahu EIS).

Historical and Cultural Context

Kanaka 'Ōiwi law and cultural practices are integrally related to the 'āina. There is a Kanaka 'Ōiwi proverb which expresses a traditional legal principle governing proper human conduct in relation to the natural environment:

He ali'i ka 'āina, he kauwā ke kanaka.
Land is chief; man is its servant. (Pukui 62)

In order to properly assess the impacts of the proposed action, the O'ahu EIS must first situate Kānaka 'Ōiwi (Native Hawaiians) as genealogically, culturally, and spiritually related to the 'āina (land) itself. This means that any activities which affect the environment necessarily affect Kānaka 'Ōiwi, especially those with closer genealogical ties to the particular lands in question. Such an orientation will also affect how the significance of impacts are evaluated.

Hawaiian Kingdom law, which has been incorporated into current State law, recognized the inherent relationship of mutual responsibilities and care between 'āina and Kānaka 'Ōiwi, which differs from the rights of the general public. Kanaka 'Ōiwi traditional and customary practices inhere to the land itself. In *Public Access Shoreline Hawai'i v. Hawai'i County Planning Commission* ("Pash II") 79 Hawai'i 425 (1995), the Hawai'i Supreme Court found that a traditional and customary right remains intact even though a particular site in an ahupua'a has been abandoned.

Kānaka 'Ōiwi never relinquished sovereignty. Among the findings and conclusions in Public Law 103-150, two stand out as most relevant to the present study: (1) the importance of land to Kānaka 'Ōiwi, and (2) as a condition of the Admissions Act, public trust lands of the Hawaiian Kingdom were to be held by the State for, among other things, "... the betterment of the condition of Native Hawaiians." Further, Public Law 103-150 finds, in relevant part, "Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent

sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum; Whereas, the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land” (P.L. 103-150 1993).

To illustrate this last claim, in the *Makua Valley Public Meeting held on January 27, 2001, Condensed Transcript and Concordance*, a teenager Ka‘iulani Kauihou testified:

If you don’t have a connection to the land, you are not going to feel what the land is feeling. And the bombing of Mākua isn’t just hurting the land, it is hurting us, and it hurts us, and it’s — I am sorry....don’t just stop it because you are damaging the land or resources, the animals, the water, everything; because you are hurting people. And that’s why I am here. Because we don’t want to hurt anymore. (2001, 99-100)

Thus, the O‘ahu EIS must consider that the dispossession and destruction of ‘āina is a source of deep ongoing cultural trauma for many Kānaka ‘Ōiwi.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) articulates the important legal standard that Indigenous Peoples shall not be subjected to government actions without their free, prior, and informed consent (FPIC) (2007). The removal of residents of Mākua and the taking of their land was a violation of this principle. The continued use of these Hawaiian trust lands without the free, prior, and informed consent of Kānaka ‘Ōiwi would constitute a violation of FPIC under UNDRIP.

Purpose and Need Statement

The EIS process is flawed due to conflicting interests and responsibilities of the Army and the State. The U.S. Army, as lessee, and the State of Hawai‘i (the State), as lessor and trustee of the Hawaiian land trust, have fundamentally different and in some instances, conflicting interests and responsibilities with regard to the lands leased by the Army. The purpose and need statement defines the proposed action solely from the perspective of the lessee and fails to consider the purpose and need for action from the perspective of the lessor/trustee. Thus the design and scope of the EIS is fundamentally flawed. It is a case of the tail wagging the dog.

The State of Hawai‘i should conduct its own land use planning and environmental review process. Under U.S. law, the Department of Land and Natural Resources has the authority to decide whether or not to lease Hawaiian trust land. This decision must be informed and based on its fiduciary duties as trustee of the Hawaiian public land trust. The State should conduct its own planning process and environmental review to determine the future disposition of the three O‘ahu parcels.

The principle of mālama ‘āina dictates the purpose and need for action. In the absence of a separate State EIS, the present NEPA/HEPA EIS must be based on the State’s highest duty to protect the natural and cultural resources of trust lands. In *Clarence Ching and Mary Maxine Kahaulelio v. Suzanne Case*, Judge Gary Chang ruled:

Public trust lands are state-owned lands that are held for the use and benefit of the people in general of the State of Hawaii. The State of Hawaii is the trustee of these public lands in the public trust. The trustee of the public lands trust has the highest duty to preserve

and maintain the trust lands. This duty is broadly coined in the concept of "malama 'aina"—to care for the land. (*Clarence Ching and Mary Maxine Kahalelio vs. Suzanne Case* 2018)

The court found that Army activities have caused significant environmental damage which violate the terms of the lease. The court also determined that the State has a duty to enforce the terms of the lease consistent with the principle of mālama 'āina. The Army as lessee is bound by the lease to mālama 'āina. However, it has failed to restore the environmental harm caused by its activities on Hawaiian trust lands. Accordingly, the purpose and need statement must be rewritten to reflect this duty to clean up and restore the leased land.

While this lawsuit specifically pertained to General Lease (GL) 3849 at Pōhakuloa, the same lease terms govern the three O'ahu leases (GL 3846 Poamoho, GL 3848 Mākua, GL 3850 Kahuku). The Mālama 'Āina principle must be the foundation of the purpose and need statement in the O'ahu EIS.

The Army has not demonstrated a need for these sites. At Mākua, a court injunction has prevented live-fire training there since 2004. And yet the Army claims to have maintained its readiness without live fire training at Mākua. This is evidence that the Army does not need Mākua for its readiness. Similarly, Poamoho is not really used for Army training except as a buffer for its other sites.

Alternatives Statement

The alternatives statement must include the restoration of environmental and cultural resources as an alternative. In line with the above revision of the purpose and need, the alternatives statement must describe the alternative of ecological and cultural restoration of the affected parcels. Applying the mālama 'āina principle, the return of the three leased O'ahu parcels after restoring them to their condition prior to the Army's use of this land should be the *preferred alternative*. The proposed "No Action" alternative should specify that the Army must fulfill its responsibilities to clean up and restore its past damage to environmental and cultural resources. In the proposed modified and minimum land retention scenarios, the alternative must include an explicit commitment by the Army to restore environmental and cultural resources damaged by military activities. The Army must fulfill its agreements to return leased lands to the people of Hawai'i in its original condition by 2029.

The alternatives analysis must describe the benefits of returning the land. The EIS should assess the substantial social, cultural, and environmental benefits of freeing the Hawaiian trust lands at Mākua, Kahuku, and Poamoho from continued military occupation, which would put an end to further training-related degradation, contamination, and destruction.

The alternatives analysis must analyze other suitable locations outside of Hawai'i where Army training activities may be conducted. Previously, during the process to station the Stryker Brigade Combat Team (SBCT) in Hawai'i, the 9th Circuit Court of Appeals ruled that the Army violated NEPA when it failed to adequately consider alternative sites outside of Hawai'i. To justify proceeding with SBCT construction, the Army then insisted that stationing the SBCT in Hawai'i was vital to readiness. And yet, in 2016, less than ten years after the decision to station the SBCT in Hawai'i was finalized, the Army removed the SBCT to

Washington State. The present EIS must consider alternative locations for proposed training activities.

Affected Environment

Defining the scope of the affected environment requires thinking along both *temporal* and *spatial* axes.

Temporal Scope: Environmental effects of past, present, and foreseeable future activities. In order to do an accurate assessment of environmental impacts of proposed actions, the EIS must begin with a thorough understanding of the *baseline and current ecological and cultural conditions* of the affected sites.

Baseline environmental conditions. *Baseline conditions* are the environmental conditions which existed *prior to military use of the land*. A reasonably accurate picture of baseline conditions can be determined by extrapolating from historical records, oral histories, cultural, archaeological, and geophysical studies, and biological studies of relatively intact native ecosystems in neighboring areas which have similar environmental conditions. The analysis of baseline conditions should also include descriptions of cultural practices that once existed in the affected parcels. Although these activities may have been suspended due to the current military use, the EIS should analyze how such practices could be revived in those spaces.

For example, the transcripts of interviews conducted by Kelly and Quintal (1977) and Maly (1998) provide rich baseline information about the cultural sites and practices and resources that existed in Mākua prior to the Army occupation of the land. Archaeological investigations of rock shelters, caves, sinkholes, imu and habitation sites can provide glimpses of past ecological conditions and human habitation at these sites.

Current environmental conditions. Understanding *current environmental conditions* at Mākua, Poamoho, and Kahuku requires a comprehensive study of the *cumulative environmental effects of all past and ongoing military and non-military activities* which may affect these sites. Comparing baseline and current environmental and cultural conditions provides a picture of changes over time. This is important for understanding what would be required for restoration of the natural and cultural environment.

Historical events strongly condition the social and cultural impacts of present and future actions. In 1893, the U.S. military participated in a white settler coup d'état against Queen Lili'uokalani. This breach of international law and Hawaiian sovereignty by the U.S. military presents a fundamental contradiction between Kānaka 'Ōiwi and the United States. Other events have compounded the problems associated with the U.S. occupation of Hawaiian land. In Mākua, a thriving community was displaced and dispossessed by the military during World War II to create a military reservation. The trauma of this forced removal haunted some elders until their deaths. Today, their stories of historical injustice establish the need and purpose for acts of restorative justice going forward.

In January 27, 2001, the late Walter Kamana, a kupuna who was evicted from Mākua in WWII, testified about the trauma of the military seizure of Mākua:

I was small, used to run when the plane come in. The plane had no respect for people living in the valley. Only had a small little church. You ever seen your church get bombed one Sunday? I seen that, small boy. I seen my church get taken away by a bomb.... I hope my ancestors come back outside and tell you guys, because I going tell you why, nothing can cover that, that you continue it more and more. You bury all water wells inside there, you bury toxic stuff there, you cover up, bury inside that place....No come down here, use us Hawaiians....We been taking and holding in our puke, something hurts so much. (Makua Valley Public Meeting held on January 27, 2001, Condensed Transcript and Concordance)

In the 1977 "Cultural History Report of Makua Military Reservation and Vicinity, Makua Valley, Oahu, Hawaii," Marion Kelly and Sidney Michael Quintal documented the views of former residents of Mākua about the past, present, and future of Mākua:

No. 1

Q: When the military took it over, do you think that was a good thing?

A: I don't think so. That place is for all Hawaiians, for farming, should have a farm, raise cattle.

Q: What would you like to see happen to Makua Valley?

A: Give it back to us again. There's water in there. There's still water in there.

No. 3

Q: What do you think about the takeover of Makua Valley by the military?

A: Sad, sad.

Q: Do you think it was necessary at the time?

A: No. There was more hysteria than anything else. That's why the government moved in. It was hysteria on their part. They didn't need that land...Look what they did, they desecrated Makua. It was sinful. It was shameful.

Q: What do you feel about this right now? How do you feel? What should happen to it now?

A: What should happen? They should give it back, that whole area, and turn it into a State Park for the people of Hawaii. Now, what I mean about a State Park, I'm talking about the planting of native trees. Native, now, not this malihini trees, but native trees...I don't mind going hiking up Makua...It's beautiful up there...Makua has a beautiful place. I can see the whole Makua Bay, that whole area developed into one big park. You got all the water holes. Run pumps, start planting coconut trees. Build, I don't know what you call that, build campsites all along the beach area. Let the people enjoy the beauty of Makua, and of course mauka side, start planting native trees.

Q: Do you think that the military should not continue the present usage of the valley?

A: No, no, no, no. No, we've come into a rocket age; they don't need that any more. Everything is press-button. They don't need land anymore. Press the button, up goes the rocket. They don't need land...Leave it natural. Don't make it artificial...You want to recollect the past, don't modernize it. If you want to do it down by the road, build all the modern facilities like a washhouse, bathrooms, little cabins on the down side, fine. The mauka side of the road, leave it with nature completely. They want to make a couple of outdoor luas on top, that's all right.

No. 5

Q: What is your personal opinion of the Army taking over Makua Valley for bombing when the war started?

A: They don't need that place for bombing. During the wartime they had to use it, but when it is peacetime again, they should change it back to the people. They were blocking this and that during the war. Today, they should leave it alone and keep peace...

Q: If the Army should give up Makua today, what should happen to the valley?

A: Well, what they should do, is have the State take a look at it for homes, if people want to live out there, or for agricultural use. Coffee is scarce.

No. 6

Q: When the army took over, how did you feel?

A: We felt there was nothing we could do. Felt sad. We fix up our place, cleaned it up, everything looked nice, then we have to leave. Very sad to leave. If the Army give back Makua, I would like to go back. Good place to live. Before, food was plentiful. Now, since the Army, you don't find too many things.

No. 9

Q: Now you've said...that most of the people who are involved in this, most of the groups who are involved in Kahoolawe and Makua Valley, would like to see eventually the valley returned to the Hawaiians.

A: Yes. Frankly, a self-interest group.

Q: How do you feel about it yourself?

A: When it's returned to the Hawaiians... I would like to see something bold, some dynamic leadership in the area of developing an alternative economic and social system. I think Makua Valley has the potential, for housing, both of those perhaps as a social project. I would not advocate government control of the project, which poses a big question, because they're the only ones who have enough money to finance something like that. But, as an example, are you familiar with the Amana colonies? Essentially it's a system of family oriented businesses, where one family produces livestock, one family produces the agricultural needs, another family does the wine, cheeses, etc., etc., and it

works with no cash currency within the social system. I would like to see something along those lines tried at Makua.

Q: So what you see as a positive future for Makua Valley is, number one, that it be returned, the land be returned to the State and somehow made available to people who want to develop such a community to live there and grow their crops and exchange among each other and be a model community... where you don't use money...

A: Yes. I also see it as a springboard. We do live in a world of money, but I do see among the economic alternatives, several possibilities for also using it as a base for developing some kind of a corporation for profit structure to supply the necessary cash currency in those things that you would not be able to produce out of the land.

Q: You mean some kind of a cash crop?

A: Yes, or products. It may even be manufacturing. But I'm really talking about pie in the sky right now. I see a world today, especially with the kids out here. It's not too healthy. Things seem to be falling down around our ears. I just feel like we're trapped in a social and economic cycle in this state, and something needs to be done to break that cycle. We need to step out. We're unique as an island State, and I think there are a lot of resources here that we haven't tapped, largely because of the economic situation, because it costs a great deal of money to go into experimental programs, some of which will fail. And the fear (of failure] of course, for a politician is very real. Which is the reason I say it has to be something that is structured, whatever is done to Makua Valley, if we are looking into an alternative economic and social system. It has to be something that is not controlled by government, so you don't have any of that voter pressure to worry about if the project is not going well. Also, it's an approach that would require some very dedicated people and a great deal of knowledge and expertise...I'm not an agriculturalist, I'm not an expert on anything, really, but it would seem to me that Makua, the size of that valley, would not be able to support a large amount of people, if one of the alternatives is an agrarian based economy. But, as an experimental station, it seems to me it would be excellent.

A: The thing that bothers me the most is the bombing itself. As far as what should be done with the valley, I really haven't thought that far ahead. I just know that the bombing is wrong.

Q: And what do you feel about the clearing of it? You know all the arguments pro and con.

A: Yes, well, I can only come back with the standard. You know, we gave back Germany and Japan after the war and returned the land to people who we were at war with. Now what's the big deal with Makua Valley?

No. 12

Q: What do you think should be done to Makua?

A: I don't know because people own land over there.

Q: Do you think the Army should keep it? Or do you think they should give it back to the State, or what? A: What did I say?

Q: I. said he'd like to see it given back to the people.

A: Of course, the grave, that cemetery over there, not much to look at now, but I. always wanted to be the caretaker over there, to take care of that place...The people who own land, they should get it back. And that cemetery over there should be nice, but it's people who go by there and destroy that fence, people who don't have family [there].

No. 14

Q: What do you think should happen to Makua Valley now?

A: Give em back.

Q: And then what?

A: Leave em like that. No, you gotta fix em up. You see, all the bombing, all that crap, they had more damn bombs fall on Germany and everything, they clean em up, they all back living there again. What the hell. Makua is nothing. Now there's another thing they damaged there. They had beautiful water tunnels. Natural spring water from the mountain came down. McCandless used to get all that. They bombed the hell out of that. They had one dam in the center; they had one dam and on the right. There's two valleys, on the right, two water tunnels. Two tunnels and they used to pipe that water all the way down to Lester Marks down the beach. Blue the water. The water also came for the cattle too.

You see the house and recreational area, but I don't know about tourism, but I sure hate to see tourism over there. But it already is because the guys that get out there and enjoy, but you don't have hotels over there. The thing is not to build the hotels over there. Leave em like that, and the guys want to go walk up in the mountains.

The citizens, for the citizens, because we have so limited ocean space. Certain places they should leave for the citizens is down this side, the local guys go up there, or you want to go horseback riding, go inside there.

If they want to build a place for homes [that] will be Keawaula or Keaau, because those two places are dry country, not like Makua. Makua is real damp area. The State, I don't care what, both valleys [Keawaula and Keaau], you go down there right now, they're both dry, but not Makua. Makua is green. That rain come out, and if you dig 10 to 15 feet, you hit all the water you like. We was raised up on the well water, brackish; further back you hit the spring water.

Q: Let's go back to this thing of what should happen to Makua now.

A: Just leave it as it is. Of course you get lot of squatters, so it looks kind of, you know, but certain lifestyle, so the beach is free...

Q: Now, you were [born and] brought up there...what do you think should happen to Makua?

A. Use it for farming. Certain areas in there should be on the farm.

Several important themes stand out from these survivors' comments which should drive the purpose and need of the O'ahu EIS:

- First, the forced eviction of Mākua residents was unjust and traumatic.
- Second, former residents wished to return to Mākua to continue their agricultural and subsistence lifestyles.
- Third, Mākua should be cleaned up and restored with native vegetation and food crops.
- Fourth, Mākua should be a site for productive and sustainable social and economic development alternatives.

Spatial Scope: Region of Influence (ROI): The geographical scope of analysis, or region of influence (ROI) must consider the cumulative effects of all activities at the affected sites, the surrounding vicinity, and more distant sites which may be functionally or culturally related to the parcels in question. Thus the ROI analysis must go beyond the boundaries of the parcels in question to include effects downwind, downstream, underground, overhead, visual landscapes, and soundscapes. The spatial effects must consider activities that cross boundaries, such as training tied to military operations in other lands and the movement of organisms across boundaries. For example, analyzing the impacts of helicopter activity at the affected O'ahu lease sites must examine military flight patterns over the other parts of the island and their noise and safety impacts. Or rising tensions between the United States and China in Southeast Asia can intensify environmental harm to Hawaiian lands and endanger peoples living in the conflict zones.

Ka'ānani'au represent an expansive map of traditional cultural properties on O'ahu: Kanaka 'Ōiwi traditional cultural properties may extend beyond local boundaries to connect distant landmarks and geographic features into a complex and expansive system. On O'ahu, the Kanaka 'Ōiwi cultural landscape centered at the piko (navel) of Kūkaniloko extends outward radially to encompass and connect points across the entire island. The geographic markers of these connected sites are known as ka'ānani'au (the beautiful continuous flow of time). In his interviews with Tom Lenchanko, the kahu of Kūkaniloko, the sacred birthing stones of O'ahu chiefs, Joseph Genz writes

Traditionally, Kūkaniloko extends geographically to encompass the island of O'ahu within (iloko) and without (iwaho) a network of ka'ānani'au, superimposed upon the six territorial moku land divisions of Kona, Ewa, Wai'anae, Waialua, Ko'olaupoko and Ko'olaupoko. (2011)

This suggests that the spatial scope of the EIS must analyze the effects of military activities across the network of interconnected ka'ānani'au. How are the three O'ahu lease sites connected to the piko of Kūkaniloko and to its network of ka'ānani'au? Do particular Army activities disrupt the relational cultural functions of ka'ānani'au?

Land Use

Public Trust Lands: The EIS should incorporate a complete history of land tenure and land use with maps for each of the three O'ahu parcels. The Army's use of Hawaiian public trust lands

(also known as “ceded lands”) is highly contentious because it represents the ongoing injustice of the overthrow of the Queen and the taking of Hawaiian lands by the United States. The status of these lands are unique in that they are the Hawaiian government and crown lands held in trust by the State of Hawai‘i for a number of public purposes defined by the Statehood Act. The EIS should analyze whether the three O‘ahu leases fulfill the public purposes of the public land trust.

Condemnation of land and its political repercussions: A document titled “Information Paper: Subject: Land leased to the U.S. Army by the State of Hawaii for Training” (Army Garrison Hawaii 2015), states that “Major actions associated with entering into a new lease are broken down into (3) Phases,” with the Phase III including the step “Proceed with Acquisition or Condemnation” (Army Garrison Hawaii 2015). Condemnation of the land would be an egregious breach of trust and abuse of power. Considering the historical injustice of the U.S.-military backed overthrow of the Hawaiian Kingdom and the unlawful means by which the United States claims to have annexed Hawaiian territory, the forcible taking of land by the federal government is one of the most politically volatile issues in Hawai‘i. The military’s condemnation of 187-acres of Kamaka family land in Waikāne after failing to clear UXO continues to be a bitter reminder of the grievous history of injustice suffered by Kānaka ‘Ōiwi due to abuses of military power. Will the Army renounce the use of eminent domain to condemn lands at these O‘ahu sites? Or will it keep condemnation as a viable option? If condemnation is still under consideration, the EIS must analyze the political and social repercussions of land condemnation.

State Land Use Regulations: The EIS must analyze whether the types of activities conducted at the leased parcels are consistent with the State and County land use designations. Both Mākua and Poamoho reside in a State conservation district and a County preservation zone. In Kahuku, one parcel is in a State agricultural district and zoned for agriculture by the County, while the other parcel is in a State conservation district and zoned for preservation by the County.

Cultural Resources

The EIS should include a thorough inventory of the cultural and historic sites in the three areas, a discussion of the cultural significance of the sites in the three parcels in relation to the larger cultural landscape, and a discussion as to how the condition of these sites has changed while the Army has used these lands. Kānaka ‘Ōiwi and the general public currently only have limited access to the three parcels, and therefore, are denied the right to fully enjoy and conduct cultural, religious, or subsistence practices until the lands are cleaned up and restored.

The O‘ahu EIS must incorporate a comprehensive Cultural Impact Assessment (CIA). Pursuant to the Hawai‘i Environmental Policy Act (HEPA), and Articles IX and XII of Hawai‘i State Constitution government agencies are required “to promote and preserve cultural beliefs, practices, and resources of native Hawaiians and other ethnic groups” (Guide to the Implementation and Practice of the Hawaii Environmental Policy Act, 2012, 11). The CIA must include an analysis of adverse cultural impacts on Kanaka ‘Ōiwi and other cultural practitioners by military activities which have occurred in the past, and which may occur in the future as a result of proposed action.

Cultural Landscapes: As described above, the O‘ahu EIS should examine the entire connected cultural landscape of the ka‘ānani‘au centered on Kūkaniloko. Hawai‘i law recognizes that in addition to built structures, a cultural resource may also be natural features of the landscape, such

as a mountain, hill, rock, tree, stream, or animal which has cultural significance to Kānaka ʻŌiwi. This study should include an in-depth cultural landscape study (CLS) and ethnographic survey (ES). What previous Traditional Cultural Properties (TCP) studies have been conducted at the three Oʻahu sites? And what were the results of those studies?

The Papakū Makawalu methodology, developed by the Edith Kanakaʻole Foundation (2017), would be appropriate to employ in the assessment of the cultural meanings and significance of affected areas. Papakū Makawalu can contribute to an assessment of traditional cultural properties.

- What do the place names signify? How do they map onto different moʻolelo?
- What environmental phenomena can be observed at these sites, and how do they relate to the place names and stories associated with those places?
- What are the relationships between the affected parcels and other culturally significant sites, such as Kūkaniloko?
- What is the relationship between the Poamoho parcel and Kūkaniloko? Between Poamoho and sites in Koʻolaupoko (Waikāne, Hakipuʻu, Kualoa, Kaʻaʻawa), including numerous wahi pana (storied places) in Waikāne (Waikāne spring, Kamaka Shrine, Waiololī and Waiololā streams)?
- How does Mākua relate to adjacent places (Kuaokalā, Kaʻena, Kawaihāpai)?
- How are these sites referenced or integrated into various moʻolelo? For example, the Moʻolelo of Hiʻiakaikapoliopole describes Hiʻiakaʻs movements and deeds in the vicinity of Mākua and connects this landscape to a much larger cultural landscape of her travels (Maly and Institute for Sustainable Development 1998). One particularly interesting prayer attributed to Hiʻiaka attest to Mākua as a place blessed with life-giving properties:

E ka pua o ka ʻilima e,
Hōmai ana hoʻi he ola
E Mākua i ka nuʻa o ke kai-e
Haʻawi mai ana hoʻi ua ola-e
E ola kuʻu kama i ka huʻa o ke kai-e
A ola hoʻi iā Kāne i ka wai ola-e

Oh blossom of the ʻilima
Let life descend
Oh, Mākua of the ocean swells
Grant life
That my child of the frothy sea may live
That life may be gained by the living waters of Kāne
(Maly and Institute for Sustainable Development 1998, A-2)

Cultural Sites and Resources: The EIS must consider the range of cultural sites and resources, including, but not limited to:

- Built structures such as alanui (trails), ki‘i pōhaku (petroglyphs or other carved stone), ahu (shrines), ko‘a (fishing shrines), and heiau (temples);
- Natural landforms such as pu‘u (hills, peaks, or outcrops), papa (reefs, shelves, or other flat formations), ridges and gulches, punawai (springs), kahawai (streams), muliwai (estuaries), sand dunes or beaches, rock formations, sinkholes, caves, and lava tubes.
- Environmental phenomena such as rain, wind, waves, clouds, mist, heat, cold, fire, rainbows, storms, sounds, sun, moon, stars, tides, seasonal weather patterns and ecological cycles;
- Living organisms including terrestrial and aquatic plants and animals which may be referenced in mo‘olelo (historical and legendary accounts), kinolau (multiple body forms of deities), la‘au lapa‘au (plants used in traditional healing), life forms used in ceremonies and hula, and other practices;
- Areas traditionally and customarily used for fishing, gathering of resources, hunting, harvesting of birds;
- Sites for observation and study of celestial bodies, burial sites, leina a ka ‘uhane (spirit leaping platforms), quarries and workshops for tools, and sources of water.

Some questions pertaining to cultural resources include:

- How have military activities affected the cultural sites and resources in the three parcels?
- How have military activities affected the availability and quality of plant, animal, and mineral resources for Kanaka ‘Ōiwi cultural practices?
- What are the effects of live fire training on cultural sites and artifacts in Mākua?
- How have military activities affected access to cultural sites and resources?
- How have cultural practices been affected by military access restrictions?

Cultural Practices: Pursuant to the Army's lease agreement and legal obligations, the Army must mālama ‘āina to restore life and create a safe and healthy environment for the well-being of flora, fauna and all interdependent life forms including the native tenants/hoa ‘āina/beneficiaries. Hoa‘āina include, but are not limited to: lawai‘a (fishers), hunters and gatherers, kahuna lā‘au lapa‘au (herbal medicine practitioners), hula hālau (schools of hula), lua pā (Hawaiian martial arts groups), builders of stone and wood structures, mahi‘ai (farmers), traditional wood and stone carvers, and other cultural and religious/spiritual practitioners and their relationship to the ‘āina. Adverse impacts on cultural practices include, but are not limited to restrictions on access due to security or safety restrictions, the destruction of cultural or religious sites, the destruction of environmental resources needed for conducting cultural practices, and the disruptions of the view plane and serenity of the area caused by military activities.

- What Kanaka ‘Ōiwi cultural practices have been conducted in the past and are currently conducted in the ROI?

- What measures must be taken to ensure the availability of cultural sites and resources needed for the revival and/or perpetuation of these cultural practices?
- How will the Army improve the ability of Kānaka ʻŌiwi and the public to have safe, meaningful, and regular cultural access to the three parcels?
- Mālama ʻāina or caring for the land is an essential element of Kanaka ʻŌiwi cultural practice. How will the Army increase the opportunities for Kānaka ʻŌiwi and the public to safely and meaningfully participate in mālama ʻāina (environmental and cultural restoration activities such as repair of structures, planting, and landscaping) at Mākua, Kahuku, and Poamoho?

Biological Resources

Native Ecosystems: The EIS must adopt an ecosystem approach to analyzing the effects of the proposed military activities on the natural resources. This means studying the components, structures, and functions of affected ecosystems. Individual species cannot be considered in isolation from their ecosystems. Nor can they be considered as separate from cultural relationships with humans. Ecosystems and species that inhabit them are also cultural resources for Kānaka ʻŌiwi. Related to the cultural resources discussion above, what species have special cultural significance for Kānaka ʻŌiwi? Are there ʻaumakua (ancestral or tutelary deities) in the affected areas? How are these culturally significant biological resources affected by military activities?

Threatened and Endangered Species: It is imperative that all rare, threatened and or endangered organisms within the area remain protected. The EIS must incorporate a complete inventory of all rare, threatened and/or endangered plant, insect and animal species including those identified as Native Hawaiian ʻaumakua (ancestral or tutelary deities) and kinolau (multiple bodily manifestations of elemental deities) within the affected parcels and neighboring areas.

- What occurrences of threatened and endangered species have historically been documented within the three parcels?
- What is the current inventory of threatened and endangered species at the affected sites?
- In Kahuku, wind farms are known to kill ʻŌpeʻapeʻa. How are ʻŌpeʻapeʻa affected by military training activities?
- What sea birds nest in the affected parcels? How are they affected by military training?
- Pueo have been seen in Mākua. Are they found in Kahuku and Poamoho? How are they affected by military activities?

Invasive Species: The EIS should fully disclose the extent of invasive species threats at Mākua, Kahuku, and Poamoho.

- What is the inventory and extent of invasive species threats at the three Oʻahu sites?

- What is the status of ungulates within the area used by the Army and the extent of damage they have caused?
- What is the Army and other parties doing to control these threats?
- Please provide incident reports of damage to endangered species or habitats by invasive species.
- Please provide incident reports of accidental releases or introductions of invasive species, such as: hitchhiking invasive species on vehicles or personnel or the introduction of invasive plants or animals such as fire ants, rodents, snakes, spiders, rhinoceros beetles as stowaways on cargo boats, vehicles, and aircraft.

Wildfires: The O‘ahu EIS must provide a complete accounting of wildfires at the three O‘ahu sites, including the dates, causes, extent of damage, and responses. It must evaluate the impact of fires on natural and cultural resources and the effectiveness of fire mitigation measures.

- How are wildfires documented, and where is this information reported and archived?
- What have been the impacts on fires to protected species and habitats?
- What have been the impacts of fires on cultural sites and resources?
- How have fire incidents affected the transformation of the ecology?
- How are biologists and cultural resources specialists documenting the impacts of fires?
- How have wildfires affected the health, safety, and quality of life of surrounding communities?

Socioeconomics / Environmental Justice

Environmental Justice Analysis: As mentioned above, the most significant environmental justice impacts will be borne by Kānaka ‘Ōiwi who have the most profound genealogical and cultural connection to the lands in question and who experience cumulative negative impacts due to their continued alienation from ancestral lands. The key considerations in determining environmental justice impacts include:

- Crucially, environmental justice analysis in Hawai‘i must not rely on facile demographic data to claim that environmental justice impacts are negligible due to Hawai‘i’s multicultural population.
- Who has the longest history, deepest connections, and profound knowledge about the sites in question?
- Who has the greatest stake and is most directly affected by the environmental and cultural impacts there?
- Who has suffered the greatest historical injustice, cultural disintegration, and dispossession as a result of the U.S. occupation of Hawai‘i?

- Whose cultural practices are most adversely affected by Army activities in the three O‘ahu sites?
- Who is exposed to the greatest risk of exposure to toxins, injury, or death in the exercise of their cultural practices?
- How are subsistence resource users and cultural practitioners affected by the access restrictions and hazards at the three O‘ahu sites.

Economic Impacts: Some questions about the economic impacts of the military activities at the three O‘ahu sites are:

- What are the costs of clean up and restoration of environmental damage caused by military activity?
- What is the depreciation in the land’s value as a result of military activities?
- How does environmental damage to the land adversely affect the general public and Native Hawaiians as beneficiaries of the public land trust?
- What are the opportunity costs for military use of the land?
- How do military housing allowances affect the cost of housing on O‘ahu? How do the inflationary economic pressures of military housing policies affect the affordability of housing for unsubsidized, non-military residents?
- How does the non-taxed income of military personnel affect State revenues?
- What is the economic impact of federal dependents on public services such as schools, social services, and infrastructure costs?
- What are the ecological services provided by these three sites? What is the economic value of these ecological services? And how are these ecological services affected by military activities?
- What social and economic value can be gained by restoring the ecological and cultural integrity of the three O‘ahu sites?

Social Impacts

Criminal and socially offensive behavior. In many areas of the world where U.S. military bases are located, there are negative social impacts associated with military personnel.

- Statistics and qualitative data on crimes committed by military personnel on O‘ahu.
- Military personnel engaged in the solicitation of prostitution and sex trafficking on O‘ahu.
- Military personnel engaged in illegal bonfires, illegal off-roading in conservation areas, and illegal parties with alcohol consumption on public beaches in violation of COVID-19 restrictions.

Noise: Noise from live fire training and aircraft activity is a major complaint about military training on O‘ahu. The EIS should include consultations with residents of neighboring communities about the effects of noise.

- Provide reports and other documentation of noise complaints, deviations from approved flight paths, and other violations approved of air operations.
- What are the noise burdens on the communities surrounding the military bases? Noise studies should be done to determine the level of noise impact.
- How does noise pollution affect quality of life? How does noise affect the value of homes?
- What public health affects may be associated with chronic aircraft noise? Some studies suggest that exposure to chronic noise may increase the risk of cardiovascular diseases and mental health problems. Are there any public health indicators that suggest exposure to aircraft noise may be a contributing factor?
- How does noise affect the mental health of veterans?
- How does noise affect the behaviors of animals, especially endangered species?

Air Quality: The EIS must provide thorough data on air quality at Mākua, Poamoho, and Kahuku.

- What kinds of documentation and reporting is conducted when there are incidents that may adversely affect air quality, such as a fire or training event?
- What emissions of air pollutants have been reported at the three O‘ahu sites?
- What toxins or hazardous substances have been detected in airborne particulate matter during fires or training events?

Water Resources

- What is the history and status of aquifers in the vicinity of the three O‘ahu parcels? Historical accounts report numerous sources of groundwater in Mākua? What is the status of water resources at Poamoho and Kahuku?
- How has live fire training affected aquifers within Mākua?
- Where are the wells? What is the history of water usage?

Natural Hazards, Geology, and Soils

- How have military activities affected erosion and runoff at the sites in question?

Visual Resources: Wide open spaces and view planes are part of the significance of numerous Hawaiian cultural sites.

- What are the Kanaka ‘Ōiwi visual resources at the three O‘ahu sites?

- What is the cultural significance of different view planes?
- How are these visual resources affected by military use of these lands, for example, by denying access to particular observation points?

Public Facilities and Infrastructure

- What are the effects of military activities on the quality of roads, schools, parks, and other public facilities and services? This relates to the economic impacts.
- What are the impacts of the Schofield Barracks wastewater treatment facility on downstream resources and users?
- How are military activities affecting traffic?

Recreational Activities: How are military activities affecting ocean and land-based recreational activities, such as hiking, mountain biking, and motocross? The military occupation of the three parcels restricts public access to recreation in these areas.

Toxic and Hazardous Substances: The EIS must include comprehensive information characterizing toxic and hazardous substances in soil, groundwater, surface water runoff, uptake in plants and animals, air emissions, and air borne particulate matter. The Contaminants of Concern (COC) that should be investigated include, but are not limited to:

- Munitions and explosives of concern (MEC), including chemical munitions and improved conventional munitions (ICMs);
- Metals, including lead from small arms munitions, mercury, beryllium, cadmium, arsenic, copper, aluminum;
- Depleted uranium (DU), strontium 90, and other radiological contaminants;
- PCBs, dioxins and furans;
- Energetics and explosive constituents and their byproducts;
- Per- and polyfluoroalkyl substances (PFAS) which is commonly found in fire-fighting foam;
- Perchlorate, a common chemical in rocket fuels;
- Petroleum, oil, and lubricants (POLs);
- Volatile organic compounds (VOCs), including solvents, pesticides, and herbicides;
- Benzene, Toluene, Ethylbenzene, and Xylene (BTEX) and Polycyclic Aromatic Hydrocarbons (PAHs);
- Asbestos;
- Various kinds of air pollution emissions.

Cumulative Impacts: The EIS must incorporate data and analysis of the environmental effects of all past military activities at Mākua, Kahuku, and Poamoho, including:

- Provide a comprehensive list of military activities ever conducted at the three sites, including any nuclear, biological, and chemical weapons tests and military activities by other service branches and foreign militaries.
- Conduct a comprehensive study of toxic and hazardous substances released into the environment and their effects on the human and natural environment.
- Provide a description of all munitions used, the quantities used, the explosive yields, contaminants associated with these munitions, the extent of unexploded ordnance contamination, and the results of any removal actions.
- Compile and disclose a comprehensive report on wildfires, their causes, responses, and environmental consequences.

The EIS must also take into account the combined environmental and cultural impacts of all past, present, and reasonably foreseeable future military and non-military activities at or near the project areas. Some past projects that contribute to cumulative environmental and cultural impacts include:

- Stryker Brigade Combat Team training support facilities. With the removal of the Stryker Brigade from Hawai‘i, what happened to the facilities constructed for the SBCT? Will the Army dispose of land acquired and developed for the now defunct SBCT?
- Drum Road improvements;
- Increased military aircraft activities on O‘ahu for all service branches;
- Military Operations in Urban Terrain (MOUT) training facilities;
- UXO and other contamination at Formerly Used Defense Sites, Installation Restoration Program sites, Military Munitions Response Program sites.

Present and reasonably foreseeable actions that must be taken into consideration include:

- USINDOPACOM expansion plans for the Pacific region;
- Marine Corps Realignment in the Asia Pacific region from Okinawa to Guam, Australia, and Hawai‘i;
- Wind turbine development in Kahuku;
- Missile defense radar facilities proposed for Kahuku, Ka‘ena, or Koke‘e;
- Army munitions storage facility at West Loch.

In Mākua, the presence of an ICM area prevents sufficient environmental and cultural surveys. Given the dangers of the improved conventional munitions (ICMs) in Mākua Valley, a large area in the center of the valley remains off-limits and insufficiently surveyed for

archaeological and cultural resources. Without thorough archaeological investigations it is impossible for the Army or the community to know what resources may be affected and what those impacts might be. As a result, any EIS for Mākuā without a thorough investigation of the ICM area will be incomplete because it will not sufficiently evaluate the affected environment or the environmental impacts.

The present EIS must do better to characterize the cultural and natural resources and impacts within the impact area. The Army should explore different technologies to conduct surveys of the ICM area. Again, the Army has a duty to clean up and restore the environmental damage caused by its activities. This EIS must begin the process of fulfilling those responsibilities.

A pattern of insufficient cultural resources surveys and protection measures. In 2006, Native Hawaiian cultural monitors working on a Stryker Brigade construction project in Līhu‘e (Schofield Barracks) reported that construction crews had breached a buffer zone for an important Native Hawaiian sacred site. Previous archaeological and cultural resources surveys of the construction site had failed to identify many cultural resources. In response the Office of Hawaiian Affairs (OHA) issued a notice of violation of the Programmatic Agreement and initiated a lawsuit (Namu‘o 2006; *Office of Hawaiian Affairs v. Robert Gates, et al* 2008). The Army and OHA reached a settlement that allowed for an “independent, objective ‘second opinion’ regarding the adequacy of cultural resource inventories associated with the Stryker Transformation Areas in Hawai‘i” (Monahan 2009, iii). It permitted up to 50 days of fieldwork by this third party archaeologist accompanied by representatives of both parties.

The “Cultural Resource Evaluations of Stryker Transformation Areas in Hawai‘i” (Monahan 2009), the so-called “Monahan Report”, found a number of problems with the Army’s cultural resources management of the Stryker transformation, including “problems with the Army’s ‘due diligence’ consideration of *cumulative impacts and mitigation commitments* at many cultural resources;” much of the Army’s previous archaeological survey work was “only available as *draft reports*;” “a *general lack of subsurface testing (excavation)*,” and questionable qualifications of personnel involved in previous surveys (Monahan 2009, iii).

The Monahan Report documented numerous cultural sites and resources that had been overlooked by previous Army surveys and recommended their reevaluation for listing on the National Register of Historic Places. Monahan found that professional determinations of “what is or is not, historically significant” have been “based on studies that lack meaningful input from Kānaka Maoli (Native Hawaiians)” (Monahan 2009, 300). Further, the Monahan Report called for a Traditional Cultural Properties study of the entire cultural landscape which would incorporate Native Hawaiian cultural knowledge in the determination of historical and cultural significance of the cultural resources.

The Monahan Report raises numerous generalized concerns regarding the completeness and accuracy of archaeological, cultural, and ecological surveys conducted on the Army’s vast land holdings in Hawai‘i. However, the Army sought to prevent the release of the Monahan Report under the terms of the settlement agreement (*Office of Hawaiian Affairs v. Robert Gates, et al* 2008). OHA sent the Army subsequent letters requesting that the Army correct the deficiencies identified in the Monahan Report. It is unclear whether the Army has fulfilled its commitments under the settlement agreement with OHA.

Specifically regarding Kahuku Training Area, the Monahan report specifically noted that cultural resource management consultants who conducted previous archaeological work at that location failed to produce a draft report of their studies. Monahan's survey identified six previously unidentified sites and reevaluated six previously identified sites, concluding that the sites were potentially eligible for the National Registry of Historic Places pending the results of subsurface testing.

The Army has stonewalled public information requests. We have attempted to acquire a number of documents through freedom of information requests in preparation for public scoping. However, to date we have not gotten substantive responses from the Army.

On November 8, 2017, we submitted a Freedom of Information Act (FOIA) request (FOIA 18-06) to the U.S. Army Corps of Engineers (USACE) seeking two cultural/archaeological studies related to Army training areas at Mākua and Pōhakuloa and any other documents related to the designation of Traditional Cultural Places on military lands in Hawai'i, or to the listing on the National Register of Historic Places of Native Hawaiian sites on military lands.

The USACE FOIA official sent our request to the U.S. Army Garrison Hawai'i FOIA office (USAG-HI). Later that year USAG-HI sent the request back to USACE. A year later, the USACE Assistant District Counsel for Honolulu District said he would expedite our request. However, nearly four years later, we have not received any of the requested documents.

In October 2020, we submitted another FOIA request for documents pertaining to the Pōhakuloa Training Area and Department of Defense policies on leases. To date we have not received any documents from this request.

The failure to provide public information about important cultural resources and land use policies suggests (1) that there is gross negligence in the handling of Native Hawaiian cultural resources information; and (2) that the military is suppressing the release of information about cultural resources and land use in order to hide information that may be detrimental to its plans.

Over the years the Army and Marine Corps have engaged in a pattern of suppressing cultural resources information about training areas in Hawai'i. The "Cultural History Report of Makua Military Reservation and Vicinity, Makua Valley, Oahu, Hawaii" (Kelly and Quintal 1977) was not released by the Army until after 2001 when community pressure finally won the release of the report. Marion Kelly, the primary author of the report claimed that the Army withheld the document because it disagreed with the findings (Kelly and Quintal 1977).

Similarly, the "Oral History Study: Ahupua'a of Mākua and Kahanahāiki, District of Wai'anae, Island of O'ahu" (Maly and Institute for Sustainable Development 1998), which was commissioned by the Marine Corps as a part of an environmental assessment for amphibious training in Hawai'i, was never formally published or released to the public. It contained interviews with Wai'anae residents critical of the proposed training activities.

As a part of the public participation in this EIS process, we request that the following documents should be made available to the public as soon as possible:

- U.S. Department of Defense, Assistant Secretary of Defense. 2018. "Approval of Major Land Acquisition Waiver Request - US Army Hawaii Training Sites, Hawaii." June 4.

- Gollin, L.X., Kamelamela, K., Kay, A., Ishihara, N., Magat, M. and Hammatt, H. 2013. *Final Traditional Cultural Places Study/Ethnographic Report for Makua*. Prepared for U.S. Army Corps of Engineers, Honolulu District. Honolulu: Cultural Surveys Hawai'i.
- *Final— Archaeological and Cultural Monitoring of Construction of Battle Area Complex (BAX) for Stryker Brigade Combat Team (SBCT), Pohakuloa Training Area, Hawaii Island, Hawai'i*. November 2010.
- Descantes, C., M. Orr, and M. Desilets. 2008. *Archaeological and Cultural Monitoring Report for Unexploded Ordnance Clearance at the Proposed Combined Arms Training Facility, Kahuku Training Area, O'ahu Island, Hawai'i, TMKs 5-6-08:2, 3, and 4, 5-7-02:4*. Draft. Garcia and Associates, Kailua, Hawai'i.
- Goo, A. 2006. Section 106 consultation letter re “potential archaeological sites at the Combined Arms Collective Training Facility (CACTAF), a Stryker Brigade Combat Team (SBCT) related project at the Kahuku Training Area (KTA).” Department of the Army, Department of Public Works, Schofield Barracks, Hawai'i.

In 2020 the Army developed a *Real Property Master Plan for the Pohakuloa Training Area* (HHF Planners 2020a, 2020b) which describes long term land use plans for Pōhakuloa. While a digest of the report has been released, the full document has not yet been provided pursuant to FOIA. It is unclear if a similar study has been completed for O'ahu Army sites.

- The Army must make available the Real Property Master Plan or similar land use planning documents for the Army facilities and training areas on O'ahu in order for the public to meaningfully participate in the NEPA process.

Restoration of past environmental impacts

The Army has an obligation to mālama 'āina, to restore the lands it presently occupies in Hawai'i. General Leases 3846, 3848, 3850 requires that that the Army “make every reasonable effort to ...remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner” and remove “all trash, garbage and other waste materials[.]” The EIS should fully disclose the extent to which the Army has complied with this lease provision and should include a thorough investigation of the entire area to determine whether there is any military debris (including unexploded ordnance) on the land that the Army has been using. Further the EIS must outline plans for the clean up and restoration of state-owned land at the three sites affected by military contamination.

Issues with Public Involvement

Scoping meetings where participants were invisible to each other. Unlike the problematic non-interactive Pōhakuloa EIS scoping session in 2020, the Army planned to have two in-person scoping meetings for the O'ahu sites. Unfortunately, the COVID-19 surge forced the cancellation of in-person meetings and the pivot to online scoping sessions. However, video and chat functions were turned off, effectively making attendees invisible to each other. Numerous commenters complained about this alienating treatment.

The Army should provide technical assistance for community review of the draft EIS.

Previously, the Army provided \$50,000 in technical assistance funding for members of the Wai‘anae Coast community to better understand and meaningfully participate in the NEPA process at Mākua. The Army should provide similar technical assistance funding of at least \$250,000 (\$50,000 each for Mākua, Kahuku, Poamoho, and Pōhakuloa) for these economically struggling affected communities to review and comment on the draft EIS.

If the Army decides to proceed with any of the alternatives that retain Hawaiian trust lands on O‘ahu, it should provide for community observers to observe military training activities and report irregularities or violations of existing agreements. The Army must commit to the removal of unexploded ordnance. And it must provide regular, safe, and meaningful cultural access to each of the sites. This is consistent with the terms of the Mākua settlement agreement.

Conclusion.

The historical impacts of military activities at Mākua, Kahuku, and Poamoho have placed an unacceptable burden on the affected communities, especially Kānaka ‘Ōiwi whose ancestry connects them to the lands in question. The expiration of the leases will provide a valuable opportunity for Hawaiian trust lands to be returned and restored. This will provide many benefits beyond the environmental restoration of these sites; the return of these Hawaiian trust lands will provide an opportunity for the community to begin the process of healing and recovery. This duty to repair past wrongs should be the primary consideration driving decision making by the Army and the State of Hawai‘i as we look forward. Thank you for considering these comments.

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Hawaiian Committee for Human Rights in the Philippines

Okay. Hi. My name is Arcelita Imasa. I'm a resident of Oahu and a physician in training. But I would like to testify by giving this statement of my organization, the Hawaiian Committee for Human Rights in the Philippines. I will now read our statement. We are Hawai'i-based advocates for Philippine human rights, and we oppose the proposal for the continued leasing of Hawai'i lands to the U.S. Army. We should not allow the U.S. military's continued occupation of Hawaiian lands. We stand with the kanaka maoli's and their allies' position that the use of the land, the seas, and the air by the U.S. military represent a military occupation and an encroachment of their sovereign rights to determine how the land, the seas, and the air are used. We believe that the U.S. military's presence in Hawai'i and the Pacific does not create peace, but rather ensures militarization that only leads to military occupation, international tension, and war. Through its bases, Hawai'i serves as the command center of the U.S. military domination of nearly half the planet. We Filipinos know very well the violence and injustices by the U.S. military. The U.S. military's presence in the Philippines leads to gross violations of Filipino peoples' rights. An example is the repression of the Moro people on Mindanao and aerial bombings of their communities with logistical support from the U.S. military. The Lumads in the rural indigenous communities of Mindanao are also subjected to U.S.-funded Philippine operations, displacing them from their communities to make way for multi-national corporations for mining and large agribusinesses. But most importantly, the history of U.S. intervention in the Philippines is more than military presence and control, but essentially insidious economic intervention. 1896 neo-colonial dominance in the present. The policies being dictated by the U.S. have long been repressing the Philippines local agriculture and national industries, resulting in poverty, cultural degradation, and destruction of our environment and natural resources. We as human rights advocates here in Hawai'i take the stand for the collective rights of the Hawaiian people, their right to peace, their right to a healthy environment, their right to self-determination, and the right to genuine development. We should heed the voice of the people and not allow Hawaiian lands to be used by the U.S. war machine further at the expense of the Hawaiian people, if we would like to achieve genuine peace and justice. That is the statement --...That is the statement of the Hawaii Committee for Human Rights in the Philippines and to our allies and friends opposing this continued occupation of Hawaiian lands. Makibaka huag matakot. Onward with the struggle. We are with you. Thank you.

Historic Hawaii Foundation

Aloha,

Please see attached comments from Historic Hawai'i Foundation on the EIS Preparation Notice for Army Training Land Retention on State Lands on O'ahu at Kahuku Training Area, Kawaihoa-Poamoho Training Area and Mākua Military Reservation. Please let me know if you have any issues with the file or if you need a hard copy sent by mail. Thank you, Kiersten Faulkner
Executive Director
Historic Hawai'i Foundation
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XXXXXXXXXXXXXXXXXXXXXXXXXXXXwww.historichawaii.org

HISTORIC HAWAII FOUNDATION

680 Iwilei Road Suite 690 • Honolulu, HI 96817 • (808)523-2900 • preservation@historichawaii.org •
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September 1, 2021

U.S. Army Garrison – Hawai‘i & U.S. Army Installation Management Command
Directorate of Public Works
Environmental Building 105, 3rd Floor
Wheeler Army Airfield
948 Santos Dumont Ave.
Schofield Barracks, HI 96857-5013

Via email: usarmy.hawaii.nepa@mail.mil

Re: EIS Preparation Notice for Army Training Land Retention on State Lands on O‘ahu
Kahuku Training Area (KTA)
TMK 1-5-8-002:002 and 1-5-9-006:026
Kawailoa-Poamoho Training Area (Poamoho)
TMK 1-7-2-001:006
Mākua Military Reservation (MMR)
TMK 1-8-1-001:007 and 008; 1-8-2-001:001, 022, 024 and 025

Dear Project Manager:

Historic Hawai‘i Foundation received the Environmental Impact Statement Preparation Notice (EISPN) and request for public comment regarding the above-mentioned project. The EISPN states that the Army is initiating an Environmental Impact Statement (EIS) process in accordance with the National Environmental Policy Act (NEPA) per 40 CFR Parts 1500-1508, Army NEPA implementing regulations at 32 CFR Part 651, Hawai‘i Revised Statutes (HRS) Chapter 343 and Hawai‘i Administrative Rules (HAR) Chapter 11-200.1. The EIS will jointly fulfill both Federal and State environmental impact statement requirements.

Historic Hawai‘i Foundation (HHF) is a statewide nonprofit organization established in 1974 to encourage the preservation of sites, buildings, structures, objects and districts that are significant to the history of Hawai‘i. HHF is pleased to provide these comments, questions and concerns on issues that should be addressed in the EIS.

Project Scope

The Army training lands on the island of O‘ahu include approximately 18,060 acres at Kahuku Training Area (KTA), Kawaihoa-Poamoha Training Area (Poamoho) and Mākua Military Reservation (MMR). Of those, approximately 6,300 acres are leased from the State of Hawai‘i. These leases expire in 2029. The Army’s proposed action is to retain the leased lands for continued military training. The Army states that the action is a real estate action only and does not involve any new training, construction or resource management activities at the subject areas. Any such future actions would be subject to future environmental compliance steps.

The overall project purpose is to “secure long-term military use of the State-owned land... the need is to allow the military to sustain current training and combat readiness requirements.... Securing long-term use of State-owned parcels would also retain access to contiguous ranges and usable land to improve and modernize Army training ranges, facilities and infrastructure on U.S. Government-owned land” (EISPN Section 1.3).

The State of Hawai‘i is charged with the decision on whether to allow Army retention of State-owned lands; what methods and terms would be associated with the retention; and whether to permit military use of the land in the State’s Conservation District, including allowable uses and management actions to meet the purposes of the Conservation District, if such a Conservation District Use Permit is applied for and issued. (EISPN Section 1.5.2).

The EISPN describes general alternatives for each of the three training areas and the individual tracts within the overall areas. A combination or modification of the alternatives may also be developed (Section 2.3):

- Alternative 1 (Proposed Action) is to retain 6,300 acres of State-owned land in support of continued military training; continue to conduct current levels and types training, and associated facility management and natural and cultural resource management. Army describes this option as the “status quo.”
- Alternative 2 (Modified Retention) would include Army retention of areas in which active training occurs and releasing back to State control lands on which limited training and natural resources management actions occur.
- Alternative 3 (Minimum Retention and Access) would include Army retaining the minimum amount of land required for critical training and releasing the remainder to the State.
- No Action Alternative would allow the current leases to expire and not be replaced by a new land retention agreement.

Historic Hawai'i Foundation Comments

1. **Integration with NHPA Section 106:** Army states that implementation of the Proposed Action (i.e. retention of State-owned land) requires compliance with Section 106 of the National Historic Preservation Act (EISPN Section 1.6).

How and at what point will Army initiate the Section 106 process in accordance with 36 CFR Part 800? If the intent is to integrate NEPA and Section 106 Reviews, such a decision must be disclosed at the onset of both processes. NHPA Section 106 review must be complete prior to issuance of a federal decision, so that a broad range of alternatives may be considered during the planning process (see *ACHP & OEQC "NEPA and NHPA: A Handbook for Integrating NEPA and Section 106"*).

The implementing regulations for Section 106 state that “the agency official must complete the section 106 process prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license...The agency official shall ensure that the section 106 process is initiated early in the undertaking’s planning” (see 36 CFR 800.1(c)).

Historic Hawai'i Foundation is a consulting party to the Army pursuant to the implementing regulations of the NHPA at 36 Part 800.2(c)(5) as an organization with a demonstrated interest in the undertaking and a concern for the effects on historic properties. **HHF requests to be included as a consulting party in the NHPA Section 106 consultation process.**

2. **Identification of Historic Properties and Cultural Resources:** Army states that a Cultural Impact Assessment (CIA) will be prepared in accordance with HRS 343 and Act 50 (Session Laws of Hawai'i 2000). The appropriate information concerning the area ahupua'a will be collected, focusing on areas near or adjacent to the State-owned land. A thorough analysis of potential impacts on cultural resources, historical resources, and traditional and customary practices will be included in the CIA. The CIA also will identify “areas of traditional importance” (ATI). The term ATI was created as a broad category to refer to all cultural resources important to native, aboriginal, or local groups. These resources include, but are not limited to, landscapes, sacred sites, shrines and “property[ies] of traditional religious and cultural importance” (PTRCIs) whether or not they have been formally evaluated for listing in the National Register of Historic Places.

HHF agrees that the EIS needs to include the CIA and identify Areas of Traditional Importance. However, the identification of cultural resources also needs to include all types of historic properties, including sites, buildings, structures, objects and districts that are associated with historic events, people, design and engineering achievements and types, and/or that may provide important information on the history of Hawai'i. This includes resources from all periods of significance and associated with any of the historic themes or associated with any of the multi-cultural peoples and events of Hawai'i.

The EIS should include both existing historic context studies and inventories and provide new mapping and identification of historic properties in the subject areas. As the proposed action to retain State-owned lands will also enable and lead to additional use, operations and development not only on those lands but also on the adjacent federally-owned parcels, such **identification measures should be extended to include the entirety of the three training areas, regardless of whether the ownership is State or Federal.**

- 3. Provisions for Protection, Preservation, Restoration and Management of Historic and Cultural Resources:** Both the EIS and the integrated Section 106 Agreement for the preferred alternative (i.e., the new lease, if any) need to address treatment of historic properties. The EISPN notes the existence of Programmatic Agreement (PA) with the State Historic Preservation Officer and the Advisory Council on Historic Preservation in August 2018. The PA governs multiple routine military training actions and related activities at O‘ahu training areas including KTA and Poamoho (including State-owned lands) and identifies steps to facilitate consultations, such as ongoing survey and identification of historic properties. The PA does not cover training activities at MMR.

The EIS should discuss the provisions of the PA, including any stipulations that would be tied to the proposed new lease and future management. The EIS should also address the lack of a historic preservation treatment plan for Mākua and how that will be resolved and incorporated into any future lease or real estate agreement.

In addition to the existing Programmatic Agreement provisions, any lease of State lands should include clear, strong and enforceable provisions to ensure proper identification, treatment, restoration and access to historic and cultural properties, and mitigation measures for any adverse effects, damage or harm done to them.

If and when the Army returns the lands to the State (as described for the No Action, Modified Retention and Minimum Retention options), all cultural resources and historic properties need to be restored to the pre-lease conditions and made safe for cultural practice and access.

- 4. Provisions to Assess and Resolve Direct, Indirect and Cumulative Effects:** The EIS needs to address the causality, and not only the physicality, of effects on historic properties from the preferred alternative. As this alternative is described as a continuation of the status quo, the current effects of the training on historic properties needs to be evaluated and resolved.

Please note that if the effect comes from the undertaking at the same time and place with no intervening cause, it is considered “direct” regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). “Indirect” effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable (see *NPCA v Semonite*, USCA Case #18-5179). The effects may include not only physical changes to the character or materials of the historic property, but also visual, atmospheric or audible elements (see 36 CFR 800.5)

Therefore, the renewed lease of State lands and the continued military training on both the State and the adjacent Federally-owned parcels can be reasonably foreseeable to cause direct, indirect and cumulative adverse effects on historic properties. **The EIS and any subsequent lease should include provisions for potential changes to types, location and timing of training actions to reduce physical, visual, atmospheric and audible effects on the historic properties, cultural resources and the community.**

5. **Applicability of the State Conservation District and City & County Preservation District**

Statutes: The EISPN states that the Army leases and uses on State owned lands pre-date the codification of the State Land Use District (SLUD) classification system. Under the Conservation District statute, (HRS Chapter 183C and its implementing rule, HAR Chapter 13-5 for Conservation District), lawful use of lands established prior to October 1, 1964, are considered nonconforming. Therefore, the State-owned land under lease to the Army is not currently subject to the land use rules of the Conservation District.

The EIS should clearly outline the purpose and allowed uses of the State Conservation District and the City Preservation District, and describe how both the Army and the State & City agencies will ensure management of the lands in order to comply with and further the goals of the Conservation and Preservation Districts. The EIS should describe this provision and steps to implement it in the proposed action.

Thank you for the opportunity to comment. Historic Hawai'i Foundation looks forward to continuing consultation to resolve issues.

Very truly yours,



Kiersten Faulkner, AICP
Executive Director

Copies via email:

G70: Jeff Merz [ATLR-OAHU-EIS@g70.design]

Honolulu Council, Navy League of the US

Please see attached letter.



Honolulu Council

Navy League of the United States

August 24, 2021

U.S. Army Garrison Hawaii
Attn: Public Affairs Office
Bldg. 107, Room 221
745 Wright Avenue
Wheeler Army Airfield, HI

Subject: Environmental Impact Statement Preparation Notice (EISPN) for Army Training Land Retention, Scoping Comments

The Honolulu Council of the Navy League of the United States (the “Council”) supports the requirements of the United States Army and all other military services to be able to conduct field training on O‘ahu. The Council recognizes the importance of Kahuku Training Area (KTA), Kawaihoa-Poamoho Training Area (Poamoho), and Makua Military Reservation (MMA) in satisfying those training requirements.

By maintaining these training requirements, and being able to conduct them on O‘ahu, the Council understands that the security of the United States and of the State of Hawai‘i are maintained and enhanced, as well as the security of the entire Indo-Pacific region. Furthermore, the Council appreciates how critical the U.S. military presence is to Hawaii’s economy, and how the Army has conducted sustained environmental stewardship of KTA, Poamoho, and MMA to date.

The Council has reviewed the subject EISPN, and appreciates the Army’s community engagement and solicitation of comments and suggestions for the scope of the forthcoming EIS. Please include the Council as a stakeholder in the EIS process. The following areas are of particular interest to the Council, and we ask that you include in the scope of the EIS analyses of the following:

1. Impacts of existing environmental custodial programs conducted by the Army that affect these areas, and the potential impact of ending the Army’s custodial role in the scenarios analyzed.
2. Impacts on military readiness (including Army, Navy, Marine Corps, Coast Guard, Air Force, and Hawai‘i National Guard units) to perform missions vital to the security of the United States, the State of Hawai‘i, and the region, under each of the scenarios analyzed.
3. Cost impacts to taxpayers for units stationed in Hawai‘i to travel to different training areas, whether within Hawai‘i or outside the State, in order to conduct required training in the event that the Army loses access to training areas under the scenarios analyzed.
4. Potential for relocation of military units based in Hawai‘i to bases outside of the State, in the event that these lands are not retained by the Army, in order to maintain operational readiness.



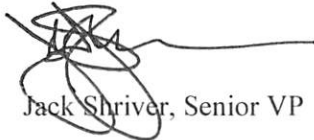
Honolulu Council

Navy League of the United States

5. Impacts to the National, State, and regional security if these units are relocated out of State.
6. Impacts to the State economy if these units are relocated out of State.

Mahalo for your consideration. For future communications, please contact the Honolulu Council of the Navy League of the United States at the addresses and phone numbers listed below, or via email at president@navyleaguehonolulu.org.

Very Respectfully,



Jack Shriver, Senior VP

Hui Malama ‘O Makua

See attached comments,

August 31, 2021

<https://home.army.mil/hawaii/index.php/OAHUEIS>
usarmy.hawaii.nepa@mail.mil

To whom it may concern,

The comments that follow are directed to the request for scoping comments relative to the proposed retention of State Land at Makua Military Reservation:

The Proposed action of conducting a Programmatic just for Makua is inconsistent with the EIS(s) the other actions and no justification is offered as to why Makua MMR is being singled out and the action proposed is prejudicial and unreasonable.

The notices for the proposed action at Makua MMR is purposefully misleading causing any reasonable person to conclude that a full EIS is being conducted for all Oahu training areas. Reference Army notices given in the Federal Register, Army notice of intent dated 7/23, 2021, August 6, 2021 (Amended notice), August 10, 2021. The only written reference to a Programmatic EIS being proposed for Makua MMR is listed in a fact sheet on the Army's website. Further adding confusion is the July Stars and Stripes article which simply mentions EIS for all Oahu training areas. A Star Advertiser editorial on August 9, 2021 and article on August 11, 2021 continues this confusion by mentioning only an EIS for training areas on Oahu and not highlighting the Army's intent to only conduct a PEIS for Makua MMR. This makes commenting on either a PEIS or EIS purposefully confusing. The level of analysis of each option is clearly different with an EIS being substantively greater in depth and a more accurate review of potential impacts. This proposed course of action is a violation of NEPA and HEPA both in the letter and the spirit of the law!

The proposed action for Makua MMR is either to retain the State Land 1) Full Retention, 2) Modified Retention, 3) Minimum Retention and access, or 4) no alternative action. The alternative 4) no action is certainly already decided because it cannot meet the purpose of retaining the lands for training. This appears to be a predetermined outcome. I suggest three additional alternatives to be considered for this proposed action to be taken seriously. 1)

Combine live fire training and other non-live fire training at Schofield, Kahuku, and KTA.

2) analyze conducting training out of State. 3) train at Joint Base Charleston, South Carolina, where the 82nd Airborne Division and others conducted a training exercise called Forager 21, where Army troops are expected to deploy "getting out of North Carolina to anywhere in the world in 18 hours for a direct delivery". In this exercise Maj, Joe Fritze was quoted in an August 3, 2021, Honolulu Advertiser article, after completing their successful deployment to Guam. An 8000 mile deployment that bypassed Hawaii Based troops.

If an environmental study is conducted at Makua MMR, it should be a full EIS not a PEIS. It should not include information that from the outdated Stryker EIS for several reasons one, the training is different and Island-hopping training has not been provided for the public to comment on, Two the information is outdated as required by the Hawaii State Supreme Court rulings on old EISs. In addition, this approach does not fit with HEPA's prohibition on Phasing.

Also, in accordance with HEPA the Army needs to conduct A Kapaakai analysis for every State permit it is required to obtain inclusive of CDUP, Article XII Sec. 7 Native Hawaiian Gathering Rights and Practices, the American Indian Religious Freedom Act which includes Native Hawaiian and our need to repair

Shrines and religious structures and Makua MMR as we have been prevented from practicing in past requests.

Finally, no action should be taken until the entire MMR has been surveyed for surface and subsurface cultural and religious sites. I know based up information provided in previous environment documents that close to 35% has not been surveyed.

I will be looking forward to verify that our scoping comments have been seriously considered and acted upon. Mahalo.

Me Ke Aloha,

Melva N. Aila
William J. Aila Jr.
On behalf of Hui Malama 'O Makua

Ailaw001@hawaii.rr.com

KAHEA: The Hawaiian Environmental Alliance

Aloha kākou,

Please see the attached comment from KAHEA: The Hawaiian Environmental Alliance on your proposal to retain "State" lands at Mākua, Kahuku, and Kawaihoa-Poamoho.

Thank you, Shelley



August 31, 2021

To whom it may concern:

The following comment is submitted on behalf of KAHEA: The Hawaiian Environmental Alliance. Founded in 2000, we are a community-based 501(c)(3) non-profit organization with over 10,000 supporters working to improve the quality of life Hawai'i's people and future generations through the revitalization and protection of Hawai'i's unique natural and cultural resources.

PROTECTING

NATIVE HAWAIIAN

CUSTOMARY & TRADITIONAL

RIGHTS AND OUR FRAGILE

ENVIRONMENT

By now you have received 362 submissions of a form letter we drafted to help increase the engagement and access to the opaque EIS process. Please note that the text of those submissions is editable and should not be assumed to be identical, even if they have the same e-mail subject line. Please do not discount the importance of these submissions as they are an indication of the level of interest in this issue and points to the barriers people are experiencing to meaningfully engage with your process. We would like to document here some of the technical barriers we encountered in trying to submit a comment for this EIS scoping:

- The public was not able to access all materials for the entire duration of the 40-day comment period as there were multiple occasions that the project website was down. Luckily I had written down the contact e-mail from the site when it was up and so I was able to notify the Army of the outage. However, it is plausible that other people did not have the e-mail address and were not able to submit a comment or notify the Army of the problem. While I appreciate that in reply a representative from the Army, as well as the contractor G70 sent me a direct link to the webform, this is not a remedy for the unknown people who were not able to access the website outright.

- On an earlier occasion (8/16/21) when the project website was up, the link to the webform was not working.

KAHEA firmly opposes the Army's retention of any of the "State" lands at Mākua, Kahuku and Kawaihoa-Poamoho. We support the "No Action Alternative" that would allow the three leases to expire and require the Army to comply with all lease terms that include the clean-up of these lands. Alternative 1-3 all preserve the status quo in which Hawaiian land is bombed, burned, littered, and polluted. The status quo is precisely what needs to be upended. As things stand, we are not able to provide for the basic necessities of the people of Hawai'i. Food, water, shelter, are all in short supply, with the pending climate crisis intensifying the urgent need to re-focus on building resilience locally. Training soldiers for war in distant lands does nothing to address any of these problems nor the harm that training

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KAHEA: the Hawaiian-Environmental Alliance is a non-profit 501(c)3 working to protect the unique natural and cultural resources of the Hawaiian islands. KAHEA translates to English as "the call."

contributes to each.

Though your scoping process is not directly asking the community, “How has the military occupation of these lands impacted you?” that is in fact the question that many of the powerful testimonies have answered. Scores of concerned citizens have taken time to express to you directly the impact your long-term occupation of these lands has had on O’ahu residents and on Native Hawaiians particularly. Resist the temptation to rely solely on professional opinions by being sure to recognize the broader community as the true experts on the impacts of your proposal. Honor the the testimonies offered thus far by including them in your analysis to measure impact; do not dismiss them because they do not answer your question about scope.

Many of the comments have spanned time and space and your EIS should follow suit. Start first by looking at historical harms that will continue with a growing cumulative impact should the Army retains these lands. These harms include, but are not limited to:

- evictions/blocked access, burial desecration, intentional bombing of community and cultural sites, irreparable pollution of lands and waters with toxins and/or UXOs, destruction of native habitat with impact to rare plants and animals and perhaps hardest to measure, impacts on practices and connections to places from which we are cut off.

Then you need to look at current impacts.

- After being kept from meaningful relationships with these places for 3 generations (nearly 60 years), your analysis should include the pain of displaced k̄naka longing to connect. We are a part of the environment and our bereavement is a significant impact that should be considered.
- The 2020 Census found that there are now over 1 million people on O’ahu. Please investigate the impact to our food insecurity caused by not being able to grow food on the 6,300 acres you seek to retain. We currently import 85% of our food -- how has the decision to bomb these lands, instead of planting on them, impacted our ability to feed ourselves?
- Look at the way the COLA and housing allowances impact our housing market and the resulting houselessness crisis here. The median home price on O’ahu is now over \$1 million, please investigate how the US Army presence is contributing to that problem.
- In Hawaiian we have a saying, “Hāhai ka ua i ka ulu lā’au,” which means, “The rain follows the forest”. How has the denuding of these lands from bombing, burning, traversing and other training activities impacted rainfall and therefore the recharge of our aquifers? Particularly consider the weight of this as the global climate warms and changes.
- As the climate crisis intensifies, how has the US Army use of these lands impacted sensitive habitats and the unique plants and animals that live there?
- What is the impact of incessant training noise on the quality of life for O’ahu residents? Or the traffic caused by military convoys? Or criminal behavior (particularly drunk driving, public intoxication, domestic violence, violence against women, bar fights, etc.)

Looking to the future, an analysis should be completed of what will be foregone if the Army retains these lands.

- Please study the impact of maintaining the status quo into the future. What will O’ahu look like in 65 years?

- What will cultural practices and relationships to these places look like after 130 years of limited access?
- How will you measure the intergenerational trauma and loss that will result from the retention of these lands?

Turning now to the alternatives laid out in your project overview, please add alternatives that include the following:

1) Diplomacy with the perceived enemies of the state that require a USINDOPACOM theater strategy. Engaging with those the military perceives as potentially requiring a combat response and disclosing disputes for civil remediation would foreclose the need for the USARHAW missions.

2) Reprioritize food security and resilient communities as a strategy for the USARHAW mission of contributing to counterattacks. Rather than meet an attack in the theater of U.S. Pacific operations through armed forces, a counter-measure would focus on rebuilding the capacity of communities to rebuild and sustain themselves. This alternative would meet the purpose and need through the long term goal of securing Hawai`i against the depredations of state enemies.

3) Retention of lands to ensure appropriate stewardship and ecological preservation, including wildlife fighting capacity, for the duration of a planning period for transition to a public land trust and/or organizations or associations of communities that will properly steward the land. This would augment your “No Action” alternatives and allow for immediate questions of landowner liability to be addressed to the U.S. military.

4) Restoration of an independent Kingdom of Hawai`i and de-occupation of Hawai`i lands. These twinned goals would set defense responsibilities before the new, independent government of Hawai`i and remove the onus of these concerns from the U.S. and its military, therefore removing the purpose and need for O`ahu lands for the Military.

With a long and painful history of broken promises (like the one made to evicted Mākua residents that they'd be allowed to return home after the end of WWII), the return of these lands is a concrete thing the Army can do to begin to repair its relationship with the local community. If you allow these leases to lapse, you will still control 11,000+ acres of Hawaiian land at these 3 training sites. While it may be an inconvenience to your activities, the community has been more-than-inconvenienced by your occupation of these lands for 3 generations and it is time to shift some of that burden.

Instead of doggedly pursuing the current path of retaining these lands, we encourage you to genuinely engage the community on a clean-up plan that will lead to the return these lands to those who love them. The return of these `āina are long overdue. The time is now to give the #landback!

Kahuku Community Association Board

To whom it may concern: As an organization that loves Hawai'i and her people, the Kahuku Community Association is firmly opposed to the Army's retention of any of the "State" lands at Mākua, Kahuku, and Kawaihoa-Poamoho. We support the "No Action Alternative" that would allow the three leases to expire and require the Army to comply with all lease terms that include the clean-up of these lands. Alternatives 1-3 all preserve the status quo in which Hawaiian land is bombed, burned, littered, and polluted. The status quo is precisely what needs to be upended. As things stand, we are not able to provide for the basic necessities of the people of Hawai'i. Food, water, shelter, are all in short supply, with the pending climate crisis intensifying the urgent need to re-focus on building resilience locally. Training soldiers for war in distant lands does nothing to address any of these problems nor the harm that training contributes to each. Scores of concerned citizens have taken time to express to you the impact of the long-term occupation of these lands and US military presence in our islands. Your study should follow the parameters set by these true experts on the impacts of your proposal. Our comments have raised the impacts of the occupation of these parcels, spanning time and space, and your EIS should follow suit. You should evaluate historical harms that would continue should you retain these lands, as well as the growing cumulative impact that would compound should you continue misusing these lands. Alternative futures that your retention of these lands would foreclose should also be considered. Please add to the "Alternatives" section, alternatives that include: 1) Diplomacy with those the military perceives as potentially requiring a combat response and disclosing disputes for civil remediation. This would eliminate the need for combat mission training exercises. 2) Reprioritize food security and resilient communities as a counterattack strategy. Rather than meet an attack in the theater of U.S. Pacific operations through armed forces, a counter-measure would focus on rebuilding the capacity of communities to rebuild and sustain themselves. This alternative would meet the purpose and need through the long-term goal of securing Hawai'i against the depredations of state enemies. 3) Retention of lands to ensure appropriate stewardship and ecological preservation, including wildlife fighting capacity, for the duration of a planning period for transition to a public land trust and/or organizations or associations of communities that will properly steward the land. This would augment your "No Action" alternative and allow for immediate questions of landowner liability to be addressed to the U.S. military. Instead of insisting on the current path of retaining these lands, switch gears and genuinely engage the community on a clean-up plan that sets us on a path to return these lands to those who love them. This return of 'āina is long overdue. The time is now to give the #landback.

Thank you for your time and consideration and for truly listening to the voices of the people who are asking for the No Action Alternative.

Kahuku Community Association Board
Jessica dos Santos
Maria Tejada
Sunny Unga
Oriana McCallum
Melissa Kaonohi-Camit
Atalina Pasi
Sioneva Fotu

Makaha Hawaiian Civic Club

Makaha Hawaiian Civic club opposes any effort to renew leases.

Makaha Hawaiian Civic Club

The Makaha Hawaiian civic club strongly opposes the renewing of the lease upon expiration in 2029. We believe the land should be returned to the state of Hawaii and placed under the Dept of Hawaiian Home Lands for timely distribution to beneficiaries still on the waitlist for homes on the aina. President Makaha Hawaiian Civic Club

Makaha Hawaiian Civic Club

Thank you so much, Colonel Lu Faborito, Makaha Hawaiian Civic Club. We stand in the no position. We do not want the lease renewed. We thank you so much for your service and all that you have done. Same thing. We have military in our family. Dad is retired, so we can appreciate the work and the effort, but we would like no renewal of the lease. Thank you very much. Aloha, sis.

Malu 'Aina Center For Non-violent Education & Action

Emailed To: usarmy.hawaii.nepa@mail.mil Sunday, Aug. 29, 2021 Our organization is opposed to any military lease renewals. Please make the statements below an official part of my testimony in opposition to military lease renewals. Mahalo Jim Albertini President of Malu Aina -- Jim Albertini Malu 'Aina Center For Non-violent Education & Action P.O. Box 489 Ola'a (Kurtistown) Hawai'i 96760 Phone 808-966-7622 Email ja@malu-aina.org Visit us on the web at Caution-www.malu-aina.org It should be noted that 23,000-acres of Leased state lands are in light color on the right map below 84,000 acres at Pohakuloa in dark green (lower portion) on right map is seized lands via a Presidential executive order in 1964. Taken WITHOUT ANY COMPENSATION 23,000 acres in top green area of right side map below is Army purchased land from Parker Ranch in early 2000s for "The Stryker Maneuver Area." All the Stryker vehicles have been relocated from Hawaii to Washington State but the military is keep that land. Left map below shows Oahu military leased and seized lands. Right map is Pohakuloa. No Military Lease extensions Hawaiian Lands in Hawaiian Hands! NO to Army PTA and other military Lease Extension! STOP BOMBING POHAKULOA!

Here are a few issues that need to be addressed in any EIS on Pohakuloa and other military sites in Hawaii: Unexploded ordinance (UXO) clean up, Depleted Uranium and other toxic contamination of air, land and ground water, invasive species, cultural sites and the cultural significance of Pohakuloa itself and other areas. The military controls nearly 133,000-acres at Pohakuloa. 23,000 acres of this is leased from the state for \$1 total for 65 years --1964- 2029. These so called "ceded lands" are crown and government lands of the Hawaiian Kingdom before the U.S. overthrow of the Hawaiian government in 1893. These lands are in the ahupua'a of Humu'ula (crown), Kaohe and Pu'uanaulu (government lands). Besides the 23,000 acres of leased lands at PTA, 758 acres were obtained by an executive order of Governor Samuel Wilder King in 1956 and 84,000 acres by a Presidential Executive Order of President Lyndon B. Johnson in 1964. These lands by executive order were turned over to the US military without any compensation. More recently, in the early 2000s, an additional 23,000 acres of land near Waiki'i Ranch was purchased by the military from Parker Ranch for the Stryker Maneuver area. But the Strykers are no longer in Hawaii. They are in Washington state. But guess what the Military is keeping the 23,000-acres Stryker area with no Strykers. Surprise, Surprise.

Our organization, Malu Aina has documented 57 present and former military sites on Hawaii Island alone, totaling more than 250,000-acres that are in need of clean up. The estimated clean up is in the Billions of dollars. I am the co-author of the book -"The Dark Side of Paradise" about the military presence in Hawaii. It documents many of the impacts of life under the gun of US militarism throughout all Hawaii. Make that book an official part of the record. It is available in all Hawaii libraries. A digitized version will be available on malu-aina-org shortly.

It's long past time for the US military to Quit Hawaii. It's not just an issue of no further military leases. It's time for the illegal US military occupation of Hawaii to end. But please clean up your mess before you go. Aloha Jim Albertini-- Jim Albertini Malu 'Aina Center For Non-violent Education & Action P.O. Box 489 Ola'a (Kurtistown) Hawai'i 96760 Phone 808-966-7622 Email ja@malu-aina.org Visit us on the web at Caution-www.malu-aina.org To all parties involved with the Aug. 24, 2021 Annual Review meeting and military lease renewals: I request that this statement be made an official part of the meeting record. Email sent 8/25/21 This is a follow up to my question at the Aug. 24th Pohakuloa 106 consultation meeting concerning how many archeological sites at the 133,000-acre PTA are designated as He'iau or shrines? The answer provided was 18 shrines.

In 1980, an archeological survey on Kaho'olawe found 87 he'iau and shrines and I believe more have been found since then but I don't have access to that data. Kaho'olawe is 28,000-acres nearly 5 times smaller than Pohakuloa at 133,000-acres. It must also be noted, that at the time of western contact Moku O Keawe (Hawaii Island) had the largest population of any of the islands. It is hard to believe that in a place so special (Po-haku-loa - the land of the Night of Long Prayer) located between Mauna Loa, Mauna Kea, and Hualalai that ONLY 18 shrines (0) He'iau have been found. Let me repeat: that's nearly 5 times LESS than on Kaho'olawe when PTA is nearly 5 times larger with the largest population of any Hawaiian island at the time of western contact. It just doesn't make sense. IT JUST DOESN'T MAKE SENSE. What is implied is that there is a cultural cover up going on to facilitate continued bombing (THE MISSION). Everything is subservient to THE MISSION. Cultural surveys, concern for the health and safety of Hawaii residents, visitors, and even the military's own troops. EVERYTHING! THE MISSION Trumps all! The US military has controlled Pohakuloa for more than 75 years. If you haven't done a complete survey of cultural sites, it is your fault. No more excuses. Claims of no money ring hollow. The US spends trillions on war, abandoned billions of dollars on weaponry in Afghanistan, yet claims there is no money to do cultural surveys on its bases or clean up the many messes left at present and former military sites in Hawaii and elsewhere, including 57 present and former military sites on Hawaii island alone. In addition to the claims of "No money to do surveys," the military simply lies or withholds the truth. How many live rounds are fired annually at PTA? Where is a list and numbers of all types of rounds fired? What about the years of denial about Depleted Uranium (DU) ever being used in Hawaii? Now documented on Oahu at Schofield, likely at Makua Valley, here at Pohakuloa, and possibly on Kaho'olawe and other sites. What about the Army's lie involving the lease of public lands in the Waiakea Forest Reserve in the 1960s off Stainback highway in Ola'a above Hilo to do what was said to be "Weather Testing" when in fact the Army was testing Chemical and Biological weapons in Hilo's watershed, including Sarin nerve gas that kills at 1/50 of a drop? And the list goes on and on. And the lies continue, including about the serious health problems associated with inhaling DU oxide particles which can be carried long distances in the wind when DU metal is hit with high explosives and burned. The Military run annual Pohakuloa review meeting on Aug. 24th was a sham, a mere required legal formality. We are not fooled. It is time for all live-fire at Pohakuloa to be stopped immediately. No renewal of leased lands. Clean up your mess and return all Hawaiian lands to Hawaiian hands. Like it was long overdue for the US to leave Afghanistan after 20 years of occupation, it is long past time for the US to leave Hawaii after 128 years of illegal military occupation. Jim Albertini PS The military even made the claim that they can't use drones to look for cultural sites because the drones have Chinese parts and it may compromise security, flying over the 50,000 acre bombed out impact area at Pohakuloa. Can you believe that desperate and absurd claim? -- Jim Albertini Malu 'Aina Center For Non-violent Education & Action P.O. Box 489 Ola'a (Kurtistown) Hawai'i 96760 Phone 808-966-7622 Email ja@malu-aina.org Visit us on the web at Caution-www.malu-aina.org

Stop Hawaii Military Madness! Newest versions: "Sentinel Landscape" & Reaper Drones Reaper Drone Hawaii is already one of the most militarized (and military poisoned) places on the planet. There are more than 100 active US military installations in Hawaii. On Hawaii Island alone, there are at least 57 present and former US military sites on land (and near shore waters) totaling more than 250,000-acres in need of military clean up -- everything from unexploded ordnance, to military chemical and biological weapons, Depleted Uranium (DU) radiation, etc. etc. After more than \$400 million was spent to clean up Kaho'olawe, the island is still littered with unexploded ordnance on land and in near shore waters. Pearl Harbor, once Hawaii's fish breeding center, is now a military polluted Superfund site. Nuclear waste has been discharged into Pearl Harbor and more than 2000 fifty-five gallon drums of military nuclear waste have been dumped off Oahu's southern shores. First came Army Compatible Use Buffer Program (ACUB). Then Readiness and Environmental Protection Integration (REPI): Caution-https://www.repi.mil Now it's Sentinel Landscape -- all involve co-opting of environmentalism in the service of empire and the US war machine. Sentinel Landscape is really the creation of modern day buffer-zone "land moats" around the castles of US militarism. Those who get to lease the castle "land moats" on Oahu and Kauai have been mainly chemical GMO biotech Fortune 500 seed corporations. Whatever farm crops and animals raised near a toxic stew base like Pohakuloa, will likely carry the toxins of the base. A 10-mile radius "Sentinel Landscape" buffer zone is being proposed for Pohakuloa. It is said that most or all of Oahu, Kauai and the Big Island could be designated as a Sentinel Landscape in service of US militarism. If that is not enough to ponder, please be advised that Covert "Military Special Ops" Assassination Training is also taking place OUTSIDE of military bases, on public and private lands -- parks, beaches, and near shore waters on all Hawaiian islands. In some cases, tourists and local residents unknowingly, are being used as props in that training. See Caution-http://malu-aina.org/?p=5833 And keep an eye out for the six new "Reaper" assassination drones that will soon be coming to Hawaii. Caution-https://www.staradvertiser.com/2021/03/24/hawaii-news/6-reaper-drones-will-be-based-on-oahu/?utm_source=ground.news&utm_medium=referral See news article here on Sentinel Landscape: Caution-https://www.hawaiitribune-herald.com/2021/08/18/hawaii-news/council-members-hear-pitch-on-sentinel-landscape-designation/ See the 2 min video on Sentinel Landscape here Caution-https://sentinel-landscapes.org/ De-Militarize & De-Occupy Hawaii Now!! 1. Mourn all victims of violence. 2. Reject violence & war as solutions. 3. Defend civil liberties. 4. Oppose all discrimination, anti-Islamic, anti-Semitic, anti-Hawaiian, anti-Black, anti-Asian, etc. 5. Seek peace through peaceful means and work for justice in Hawai'i and around the world. Malu 'Aina Center for Non-violent Education & Action P.O. Box 489 Ola'a (Kurtistown), Hawaii 96760 Phone (808) 966-7622 Email ja@malu-aina.org to receive our posts. For more information Caution-www.malu-aina.org August 27, 2021 Hilo Peace Vigil leaflet -- week 1039-- Fridays 3:30-5PM downtown Post Office-- Jim Albertini Malu 'Aina Center For Non-violent Education & Action P.O. Box 489 Ola'a (Kurtistown) Hawai'i 96760 Phone 808-966-7622 Email ja@malu-aina.org Visit us on the web at Caution-www.malu-aina.org



Chamber of Commerce HAWAII

The Voice of Business

U.S. Army Garrison Hawaii
c/o Oahu ATLR EIS Comments
P.O. Box 3444
Honolulu, HI 96801-3444
Email: usarmy.hawaii.nepa@mail.mil

RE: Army Training Land Retention Oahu EIS - Scoping

Aloha,

The Chamber of Commerce Hawaii ("The Chamber") recognizes and appreciates the efforts of the U.S. Army to prepare an environmental impact statement (EIS) to analyze its proposal to retain up to approximately 6,300 acres of leased state-owned land on Oahu to support continued military training.

The state-owned lands include 1,170 acres at Kahuku Training Area (KTA), 4,370 acres at Poamoho Training Area and 760 acres at Makua Military Reservation (MMR) that are used by Army units and others, including the Marine Corps and the Hawaii Army National Guard. The state-owned lands have been leased by the Army since 1964, and the leases will expire in 2029. The MAC supports the ability of the Army and other services including the Hawaii National Guard and the Marines to train both on Oahu as well as Pohakuloa Training Area.

In recognizing how critical the U.S. military presence is to Hawaii's economy, the Chamber underscores that the preceding EIS and community engagement are vital to support military readiness as it supports all Hawaii-based military actions and across the Indo-Asia-Pacific region.

The Chamber's Military Affairs Council (MAC) was established in 1985 to specifically advocate on behalf of Hawaii's military as it is the second economic driver for the State of Hawaii, comprised of business leaders, state and local officials, non-profit organizations, community leaders and retired U.S. flag and general officers to advocate and liaison with the military commands.

Sincerely,

Jason Chung
Vice President, Military Affairs Council
Chamber of Commerce Hawaii

Na Kupuna Moku O Keawe

Responding to the article in the Star Advertiser (August 1, 2021) regarding lease extensions and military training on Oahu, and Hawaii Island. Your public comment is on August 10 and 11th between 6-9pm Leilehua Golf Course on OAHU. What exactly are we commenting on? Your reference site Caution-<https://home.army.mil/hawaii/index.php/OahuEIS> does not have anything there, but from the address given, apparently it is part of some Environmental Impact Statement. A lot of talk about Pohakuloa Training Area and land swap suggestions. Why is this meeting being NOT being held on Hawaii Island too, in fact it should be statewide. You talk of bases from Pacific Missile Range (Kauai) to Pohakuloa (Hawaii Island). You speak as if the people of Hawaii want to be the FIRST target protection for the Continental United States. When you speak of an EIS, you would be remiss to not notice that the people of Hawaii are the environment, and yes we care about our families and our future. You need to fix your internet addressing and information access ASAP. Suggestion: CHANGE your meetings dates and include the outer islands. August 4th,

2021 Hanalei Fergerstrom, spokesperson Na Kupuna Moku O
Keawe PO Box 951 Kurtistown, Hawaii 96760 808
938-9994

Na Kupuna Moku O Keawe

Hanalei Fergerstrom

September 30, 2021 Na Kupuna Moku O

Keawe P.O. Box 951 Kurtistown, Hawaii 96760808 938-9994 hankhawaiian@yahoo.com ARMY

TRAINING LAND RETENTION OF STATE LANDS AT KAHUKU TRAINING AREA, KAWAILOA-POAMOHO TRAINING AREA, AND MAKUA MILITARY RESERVATION, ISLAND OF OAHU. THE UNITED STATES OF AMERICA LACKS ANY LAWFUL AUTHORITY TO ASSERT IT'S JURISDICTION OVER THE INTERNATIONALLY RECOGNIZED FOREIGN NATION STATE OF THE HAWAIIAN KINGDOM. THERE IS NO TREATY OF ANNEXATION BETWEEN THE UNITED STATES AND THE HAWAIIAN KINGDOM. 31 Congo Rec. 5,975 (1898). He thus characterized the effort to annex Hawaii by joint resolution after the defeat of the treaty as

"a deliberate attempt to do unlawfully that which can not be lawfully done." It is therefore the position of Na Kupuna Moku O Keawe that we continue in OPPOSITION to any and all attempts by the U.S. Military (Army) to retain any lands within the territorial boundaries of the Independent Nation State of the Hawaiian Kingdom. // Hanalei Fergerstrom,

spokesperson

Na Kupuna Moku O Keawe

Na Kupuna Moku O Keawe (Hawaii Island)

To whom it may concern: I am Hanalei Fergerstrom, spokesperson for Na Kupuna Moku O Keawe (Hawaii Island) P.O. Box 951 Kurtistown, Hawaii 96760 808 938-9994 Hankhawaiian@yahoo.com I am writing with a request for a full printed copy of the proposal for the continued use of some 6,000 acres of land under the control of the US Army. I've check all of the site links you advised but what is not there is the actual EIS for this project. Please rush to me a full printed copy of this effort. We would like to respond properly but need more information. Perhaps an oversight....but Hawaii is one state and operations on one island directly affects those of us on the other islands. You do yourself a disservice by not including the outer islands in you request for comments. I am Hanalei Fergerstrom and serve as the spokesperson for the Kupuna of the island of Hawaii. Because of the great distances between districts and the lack of reliable internet you must send me hard copies (prefer 6 copies as one per district). We would further request that the deadline for comments be extended for at least 60 days. I humbly await your documentation and response for the extension. Dated: July 29, 2021 // Hanalei Fergerstrom

Native Ecosystem Services

We do not support any renewal of lease by the US Army on Kahuku, Kawaihoa/Poamoho, or Makua. While working as an environmental army contractor on Schofield Barracks for 10 years, I have seen firsthand witnessed the negative environmental impacts that are regular in these training areas. From MRE trash scattered aground the forested lands, to soldiers' feces on trails, especially in KTA during and after the annual Lightning Forge training, munitions left on the ground for the public to run over or step on, wildfires that not only impact the trading ranges but adjacent forest reserves and residential areas and native species habitats, noise pollution by 24/7 live fire training, and their impacts on endangered and threatened species habitats like the fragile forests of Helemano/Poamoho. Again, Native Ecosystem Services, a native conservation organization based here on Oahu, strongly opposes the renewal of any and all of these lands for use by the United States military.

Native Hawaii Chamber of Commerce

Question: Public information materials published by the Army and its consultants describing the Proposed Action uses the term “retain” lands. Is it the Army’s intention to consider-evaluate renewal/new lease agreements and acquisition of the fee simple interest in all or a portion these lands or some combination of both? “The U.S. Army intends to prepare an environmental impact statement, or EIS, to analyze its proposal to retain up to approximately 6,300 acres of leased state-owned land on O‘ahu to support continued military training.” Thank you, Sydney Keli’ipuleole, Director, Native Hawaii Chamber of Commerce

Native Hawaiian Chamber of Commerce

Aloha, My name is Jacob Aki and I am submitting scoping comments on behalf of the Native Hawaiian Chamber of Commerce (NHCC) for the proposed Army Training Land Retention of State Lands at Kahuku Training Area (KTA), Kawaihoa-Poamoho Training Area (Poamoho), and Makua Military Reservation (MMR). NHCC's comments are attached in this email. If you have any questions, please reach out to me.

Mahalo, Jacob Aki | KAIWI'ULA STRATEGIES President & Owner



Native Hawaiian Chamber of Commerce

P.O. Box 597

Honolulu, HI 96809

www.nativehawaiianchamberofcommerce.org

nhccoahu@gmail.com

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Kelea Levy
Mike Rawlins

September 1, 2021

O'ahu ATR EIS Comments
P.O. Box 3444
Honolulu, HI 96801-3444

RE: Comments on the Army Training Land Retention of State Lands at Kahuku Training Area (KTA), Kawaioloa-Poamoho Training Area (Poamoho), and Makua Military Reservation (MMR) on the island of O'ahu

Aloha,

Mahalo for this opportunity to provide comments. Founded in 1974, and with over 200 members across the State of Hawai'i, the Native Hawaiian Chamber of Commerce (NHCC) advocates on behalf of Native Hawaiian businesses and professionals.

NHCC has reviewed the proposed Army Training Land Retention of State Lands at Kahuku Training Area (KTA), Kawaioloa-Poamoho Training Area (Poamoho), and Makua Military Reservation (MMR) on the island of O'ahu and proffers the following comments:

Full, Modified or Minimum Retention Alternatives

- Environmental Impact: The NHCC is deeply concerned about the state of the lands at each of these sites after years of military exercises thereupon. We request a thorough review of their current state and the potential impact of each of these alternatives, in terms of military exercises or initiatives, on KTA, Poamoho and MMR. In particular:
 - Ecological – Can you provide a detailed description of the ecological zones within each site and how these zones might be impacted depending on the alternative selected and the types of military exercises performed on these lands as well as any plans to maintain these zones within the impacted areas?
 - Hydrology – Similarly, can you provide a detailed description of the hydrology of each site and how water flow from each site might impact water use by those

connected to the same hydrological systems, depending on the alternative selected and the types of military exercises performed on these lands?

- **Cultural Impact:** The NHCC commends the Army on its working relationship with Native Hawaiians organizations to address the impact of military efforts on cultural resources in and around KTA, Poamoho and MMR. We request a careful review of the current inventory of cultural resources under the care of the Army and the potential impact of each of these alternatives, in terms of military exercises or initiatives, on these cultural resources.
- **Economic Impact:** The NHCC recognizes the significant economic contributions to our State and the surrounding communities at each of these sites. We request an intensive analysis of the economic impact of each of these alternatives on Hawai‘i’s economy as a whole, on the surrounding communities, on the workforce, and especially within the Native Hawaiian business community, including investment that has and will promote future economic growth and diversification. And at such time as lease rent is to be determined at fair market value appraisal must be performed; taking into account current State land use designation and or county zoning, and inclusive of cultural and environmental values.

No Retention Alternative

- **Environmental Impact:** Should the No Retention Alternative be selected, the NHCC believes a thorough understanding of the military’s withdrawal on environmental resources and related community relationships should be thoroughly described for each of these sites. This description should minimally include a detailed review of past, present and future initiatives and community relationships supported by the Army within the Native Hawaiian community and the state at-large. We also request an assessment of the actions it would take to restore the land to a usable condition and any associated costs upon the military’s departure.
- **Cultural Impact:** Should the No Retention Alternative be selected, the NHCC believes a thorough understanding of the military’s withdrawal on cultural resources and related community relationships should be thoroughly described for each of these sites. This description should include an exhaustive review of past, present and future initiatives and relationships supported by the Army within the Native Hawaiian community and the state at-large.
- **Economic Impact:** Should the No Retention Alternative be selected, the NHCC believes a thorough understanding of the economic impact of this alternative should be described at a statewide, county and Native Hawaiian business community basis. This description

should at a minimum include a comprehensive review of past, present and future military investments into the State and the surrounding communities at each of these sites, within the Native Hawaiian business community, as well as a nexus between the military and jobs. We also request that an itemized list of crown lands and corresponding generated revenue be a part of the Draft Environmental Impact Statement.

We thank you for this opportunity to provide comments. NHCC is hopeful that the above comments can be addressed and/or incorporated into the Draft Environmental Impact Statement (DEIS) for Army Training Land Retention of State Lands at Kahuku Training Area (KTA), Kawaiiloa-Poamoho Training Area (Poamoho), and Makua Military Reservation (MMR) on the island of O‘ahu. If there are any questions, please do not hesitate to contact me via email at shannon@holomuaconsulting.com.

Mahalo,

A handwritten signature in black ink, appearing to read 'Shannon Edie', with a long horizontal flourish extending to the right.

Shannon Edie, President
Native Hawaiian Chamber of Commerce

Ohana Ho`opakele

August 31, 2021 Comments from Ronald Fujiyoshi, representing Ohana

Ho`opakele Facts: · April, 1810, Kamehameha I uniting the Hawaiian Islands into one nation state. · In a treaty signed December 23, 1826, the United States formally recognized Hawaiian independence. · With the Constitution for the Hawaiian Kingdom 1840, the Hawaiian Kingdom became a constitutional monarchy. · November 28, 1843 Great Britain issued a formal joint declaration with France guaranteeing Hawaiian independence in the international arena. · 1843, United States follows recognizing Hawaiian Independence internationally. · 1848, The Hawaiian Kingdom passed The Great Mahele, the basis for land rights and an accepted system of land title. The Crown Lands were the private lands of the king. · May 16, 1854, Kamehameha III formally proclaimed the Hawaiian Kingdom as a Neutral State with its territorial jurisdiction extending one marine league (three miles) from the coasts of each of its islands. · January 17, 1893, the overthrow of the Hawaiian Kingdom with the cooperation of US Military troops violating the treaty and beginning a state of War between the Hawaiian Kingdom and the USA. · August 12, 1898, the so-called annexation of Hawaii by the United States of America. · Date of an act to change the Government and Crown Lands in the Mahele into the Ceded Lands. · November 23, 1993, Public Law 103-150 signed by President Clinton includes the words: “Whereas the Republic of Hawaii also ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government;” · December 7, 8, 11, 2000, Permanent Court of Arbitration (PCA) hearings, Hague, Netherlands ruling in Larsen v Hawaiian Kingdom, The Arbitration Award was filed with the PCA on February 5, 2001. · Dr. Alfred M. deZayas, United Nations Independent Expert, Office of the High Commissioner for Human Rights, wrote in a February 25, 2018 MEMORANDUM, “I have come to understand that the lawful political status of the Hawaiian Islands is that of a sovereign nation-state in continuity; but a nation-state that is under a strange form of occupation by the United States, resulting from an illegal military occupation and a fraudulent annexation.” See letter to Hawaii’s state judiciary. · November 10, 2020, the National Lawyers Guild (NLG) letter to Governor Ige, State of Hawaii, “calls upon the State of Hawai`i and its County governments, as the proxy of the United States, which is in effective control of Hawaiian territory, to immediately comply with international humanitarian law while the United States continues its prolonged and illegal occupation of the Hawaiian Kingdom since 1893.” Among its recommendation is: “NLG also condemns the unlawful presence and maintenance of the United States Indo-Pacific Command with its 118 military sites throughout the Hawaiian Islands, which has caused the islands to be targeted for nuclear strike by North Korea, China and Russia.” · February 7, 2021, the International Association of Democratic Lawyers (IADL) Resolution on the US Occupation of the Hawaiian Kingdom. Among its recommendations is: “IADL also condemns the unlawful presence and maintenance of the United States Indo-Pacific Command with its 118 military sites throughout the Hawaiian Islands.” · July 18, 2021, the United Church of Christ passed at their General Synod, a resolution, “Encouraging to End 128 years of War between the United States of America and the Hawaiian Kingdom.” Taking all these facts into consideration, your Environmental Impact Statement (EIS) should include: 1. Proof that the land under these leases are: 1) not the private lands of the Mo`i of the Hawaiian Kingdom and can be leased by the State of Hawaii to the US Military. To show this, you need to show the original deed under the Mahele and the transactions in the Bureau of Conveyances that show the ownership of these lands. 2. Proof that the State of Hawaii is not using the laws of the United States of

America in its application to the residents and people of Hawaii.3. Proof that the state of War between the United States of America and the Hawaiian Kingdom is not in existence under international humanitarian law.4. Proof that the lands under these leases are not part of the “whereas” clause found in Public Law 103-150 as quoted above.5. A response to the statement made by Dr. Alfred M. deZayas, United Nations Independent Expert, Office of the High Commissioner for Human Rights, wrote in a February 25, 2018 MEMORANDUM quoted above.6. A response to the similar statements made in the NLG and the IADL documents quoted above which condemns the unlawful presence and maintenance of the United States Indo-Pacific Command with its 118 military sites throughout the Hawaiian Islands. In conclusion, I want to go on record as recommending the alternative that states clearly, “The US Military should leave Hawaii.” These leases should not be extended. Mahalo for the opportunity to voice our opinions on record! Sincerely, Ronald S. Fujiyoshi, Treasurer Ohana Ho`opakele, a Hawaii Island Training PA Consulting Party to the Pohakuloa Training Area (PTA) Ohana Ho`opakele P.O. Box 5530 Hilo, HI 96720

Red Ridge, NC

August 13th, 2021 To Whom It May Concern: I am reaching out on behalf of my organization - Red Ridge, NC - to voice our concerns about the U.S. military presence on the island of O'ahu. RRNC has standing regarding this issue as we promote environmental protection and education in the U.S. Our organization is strongly opposed to the extension of military leases on Mākuā, Kahuka, and Wahiawā lands. Our environmental educators and scientists have voiced concern about the ecological and public impact of the continued military presence on the island, including: Noise pollution causing public impact through toxic stress Military leases on these lands can lead to Adverse Childhood Experiences caused by exposure to toxic stress due to noise pollution, which lead to poorer quality of life, and chronic diseases later in life. Disproportionate land distribution According to current data, the island is vastly disproportionately split between the local population and the military landmass. Renewed leases leading to ecological impact An extension of these leases will further damage the natural resources of the island, impacting the natural habitats of native Hawaiian flora and fauna, and continue to negatively impact the lives of local U.S. citizens. These types of ecological and public impacts have already been addressed in Puerto Rico. In a 2001 federal lawsuit, Vieques' residents accused the Navy of causing more damage than any other single actor in the history of Puerto Rico, stating that the Navy's activities contaminated much of the eastern portion of the island. Over the course of the U.S. Navy's occupation, nearly 22 million pounds of military and industrial waste were deposited, and the full extent of chemicals leaching into the ground is still unknown. On May 1, 2003 the Navy finished turning over all of its lands to the U.S. Department of the Interior. Before this, Vieques was "bombed" an average of 180 days per year. The Army has leased land on the island of O'ahu from the state for an annual payment of \$1 since 1964. When the leases expire in 2029, it is of our concerted opinion this land should be immediately restored to the public. Hawaii is a state, not a territory. Therefore, Hawaii's citizen's should be treated with at least equal respect to those of Puerto Rico.

Chandler Holland , CIG& Certified NC Environmental Educator Director & Founder Red Ridge, NC Engage. Educate. Employ. RedRidgeNC.org | 336.290.3947

RODRIGUES OHANA COMMENTS ON ARMY EIS

86-222 PUHAWAI ROAD, WAIANAE HAWAII 96792

SEPTEMBER 1, 2021

O'ahu ATR EIS Comments; usarmy.hawaii.nepa@mail.mil

RODRIGUES OHANA , sparkyrodrigues@gmail.com

Scoping Comments on the O'ahu Army Training Lands Retention Environmental Impact Statement (O'ahu EIS)

To Whom It May Concern:

My name is Sparky Rodrigues, a member of RODRIGUES OHANA a hui of Hawai'i residents concerned about the negative effects of military activities in Hawai'i and the region. On behalf of RODRIGUES OHANA I am submitting these scoping comments on the O'ahu Army Training Lands Retention Environmental Impact Statement (O'ahu EIS).

I ATTEMPTED TO ATTEND THE FIRST COMMUNITY SCOPING MEETING. TRAVELING FROM WAIANAE TO WAHIAWA LEILEHUA GOLF COURSE ONLY TO FIND OUT FACE TO FACE MEETING WAS CANCELED WITHOUT WARNING OR NOTIFICATION... I WAS READY TO LISTEN AND ASK CLARIFYING QUESTIONS WITH NEEDED FOLLOW UP Qs. I BELIEVE BOTH STATE AND FEDERAL GOVERNMENTS FAILURE IN COMBINING STATE AND FEDERAL LAWS ONLY CONFUSED THE ISSUE. OUR OHANA NEED CLARIFICATION ON MANY PARTS OF THE EIS...

WE DEMAND COMMUNITY MEETINGS IN COMMUNITIES IMPACTED BY EACH EIS POINTS. EXAMPLE: MAKUA EIS LEASES TO BE CONDUCTED IN A NEUTRAL COMMUNITY SITE ONE EACH FOR STATE EIS AND ONE FOR FEDERAL EIS... NO SEGMENTING OF EIS.

WE FURTHER DEMAND INDEPENDANT PEER REVIEW AND EXPERTS TO COMMUNITY FULLY EXPLAIN EVERY ASPECT OF THE EIS PROCESS AND HOW COMMENTS AND DECISIONS IMPACT OUR COMMUNITY AND OHANA.

RODRIGUES OHANA

Sovereign Kamehameha Dynasty Government

SKDG Constitution by Notice with Private Sovereign Jurisdiction – August 2021 - Served by US Registered Post Deputy Secretary of Defense, Kathleen H Hicks, Under Secretary of Defense for Acquisition and Sustainment, Stacy A Cummings Secretary of the Army, Christine E Wormuth, Secretary of the Navy, Carlos Del Toro, Secretary of the Air Force, Frank Kendall, Chief of Naval Operations, Admiral Michael Gilday, Chief National Guard Bureau, General Daniel R Hokanson, Air Force Chief of Staff, General Charles Q Brown Jr., Commandant of the Marine Corps, General David H Berger c/o O'ahu ATR EIS, PO Box 3444, Honolulu, HI

96801-3444 P. 808.556.8277 usarmy.hawaii.nepa@mail.mil Website: Caution-www.defense.gov

CC: Attention: Shelley Muneoka, Kahea: The Hawaiian-Environmental

Alliance Website: Caution-www.kahea.org Aloha – Greetings: RE: Kahuku, Kawailoa-Poamoho and Mākuā – Lease renewal 18,060 acres on Sovereign KDG jurisdiction, Request Denied SSG Members and alliance, Heir Apparent Leader and King, ©Kane Kumu Honua Kama-kapu Mo'I Kamehameha™, (Makapu) for Sovereign ©Kamehameha Dynasty Kingdom of Hawai'i and Na Kanaka Maoli-o-Hawaii™ with SSG PIM #SSG333SSCK-MAKAPU20021945SKDG-2016SBOK2021SSCG and his Sovereign Executive Assistant ©DKHoapili/Kuuleimomi 'O Pa'ahao™ (Dianne), Diplomat for SKDG Foreign Affairs with SSG PIM #SSG333SSCK-DKH1010194SKDG-2016SBOK2021SSCG, email this confirmation to deny the lease renewal of the above noted Private Land located on SKDG jurisdiction pursuant to SKDG

Sovereign Peace Constitution. SSCK Longhouse court advisors support a previous email that was forwarded by Dianne to meet a September 1, 2021 deadline with objection to a lease renewal of Kahuku, Kawailoa-Poamoho and Mākuā for US Army live-fire training. US Registered #7021-0350-0001-7779-1101 Post Receipt did not deliver the Notice and Map information today, we take the liberty to attach a virus free 4 page Notice to confirm our direction from SKDG leader, Makapu and Dianne with SKDG Constitution for universal peace laws. There is a 21 day time clause proviso in effect upon receipt of SKDG allodial jurisdiction and Constitution. Should SSG and SKDG members not receive a response, silence and non performance is a tacit consent to agree to the terms of said registered US Post Notice. We trust that this is in order and if you have any questions, do not hesitate to email by return at sck@sovsqgov.org

irene@sovsqgov.org Huy chewx a-thank you, ashne ate - Apache; we are love, duni duni ba ba ba -Matuna, Garu - Yidinji, aloha, ki hora, ma ah, onegewaye, dane schon, terima kasha, arigato, merci beaucoup, muchas gracias, bedankt, abrigado, OM TAT SAT – Sanskrit for Supreme Absolute Truth + El Ka Lim Om – May Peace Be With you – Namaste. In spirit with SSG Heir Apparent, Siyam Te

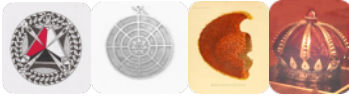
©Ki-ap-alanogh/Kiapilanoq-CAPILANO™ sovereign legacy as Leader by bloodline of Ancestral Name and Love for Allodial Lands/country and natural resources governed by Sovereign ©Skwxwú7mesh-Squamish™ Government (SSG) Constitution with peaceful leaders and members SSG ©Irene-Maus:

Gravenhorst Kiapilanoq™, Ambassador for Foreign Relations SSCK longhouse advisor for SSG, SBoK and President/Director for SSCG Private Identified Member (PIM[1])

#SSG333SSCK-12111954-IMGK-SBOKSSCG2021 Caution-<https://jitsi.org/> on-line web conferencing available upon request Alternate

email info@sovsqgov.org <https://www.sovsqgov.org> ©BTI-2007-2021 with all rights reserved Copy right claim, Trademark, letters patent protected data pursuant to universal peace laws and SSG Constitutional 'do no harm' protocol. Access SSG website with Tor, Epic, Go Duck Go or Firefox browser as Google Inc. has 'fake news' propaganda on their gateways to deter humanity from investigating the truth about SSG members work for Mother Earth turtle island's peace. Please consider the environment before printing this email. E&OE/SKC/imgk Ref:SSG Constitutional bank and insurance laws offer products and services free from; Taxes, Usury/Interest Rates, Inflation, VAT, Import/Export Tariff, AI, RFID, QR and Barcodes, or any other type of Third Party commission that extracts secret commissions to fund wars on planet Earth. Introducing a new way to bank with SSG IBOE (International Bills of Exchange) pursuant to the Bills of Exchange Act, 1882 that is preferred for enforcement remedy with education for Sovereign Government to Sovereign Government with private transactions. SSCG CC (Certified Cheques) offer funds

for sovereign businesses in the Private.[1]SSG members ID is supported by a Third Party. Conversations with Yogananda Paramhansa Section #177 “At the moment of conception, when the sperm and ovum unite there is a flash of light in the Astral world. ~ SSG member is born into the fetus of the woman’s womb. This ID has nothing to do with Berth Certificates from JV Inc. Club of Rome Private/Public Trust Treasury and club of Rome members et al.



©Sovereign Kamehameha Dynasty™ Government (SKDG)
 ©Restoring Crown Kamehameha Dynasty and Na Kanaka Maoli-o-Hawaii™
 Aotearoa 'Avaiki Fiji Hawai'i Maupiti Nu'u Hiwa Rapanui Samoa Tahiti Tonga

SKDG Constitution by Notice with Private Sovereign Jurisdiction – August2021
 Served by Certified US Post Mail Receipt #7021-0350-0001-7779-1101

Deputy Secretary of Defense, Kathleen H Hicks, Under Secretary of Defense for Acquisition and Sustainment, Stacy A Cummings
 Secretary of the Army, Christine E Wormuth, Secretary of the Navy, Carlos Del Toro, Secretary of the Air Force, Frank Kendall,
 Chief of Naval Operations, Admiral Michael Gilday, Chief National Guard Bureau, General Daniel R Hokanson,
 Air Force Chief of Staff, General Charles Q Brown Jr., Commandant of the Marine Corps, General David H Berger
 c/o O'ahu ATR EIS, PO Box 3444, Honolulu, HI 96801-3444 P. 808.556.8277 usarmy.hawaii.nepa@mail.mil or Website: www.defense.gov

CC: Attention: Shelley Muneoka, Kahea: The Hawaiian-Environmental Alliance
kahea-alliance@hawaii.rr.com Website: www.kahea.org

Aloha – Greetings:

RE: Kahuku, Kawailoa-Poamoho and Mākua – Lease renewal 18,060 acres on Sovereign KDG jurisdiction, Request Denied

This Notice is provided to inform US Army personnel that the Sovereign ©Kamehameha Dynasty Kingdom of Hawai'i and Na Kanaka Maoli-o-Hawaii™ SKDG King, ©Kane Kumu Honua Kama-kapu Mo'i Kamehameha™, Heir Apparent Leader for SKDG denies the lease renewal of the above noted Private Land located on SKDG jurisdiction pursuant to SKDG Sovereign Peace Constitution.

Reasons - SKDG Constitution of 'do no harm, Sovereign aka Free-will with universal natural Peace' laws come with scientific facts that we are not interested in war, thus we have no army, no weapons to defend peace on SKDG Jurisdiction, Mother Earth. WHEREAS:

A Sovereign ©Kamehameha Dynasty Kingdom of Hawai'i and Na Kanaka Maoli-o-Hawaii™ is led by heir apparent SKDG King, ©Kane Kumu Honua Kama-kapu Mo'i Kamehameha™ and his partner ©DKHoapili/Kuuleimomi 'O Pa'ahao™_{SN-NN} both autographed signatories to this Lawful Notice. SKDG jurisdiction is served with Privacy, Copy right/claim Trademark secured insurance protection of \$21T in lawful currency over the air, on the surface and beneath the surface for every breath that is inhaled and exhaled by hu-mans living on SKDG jurisdiction. Thus, the atmospheric claim goes beyond this universe towards the Creator of All Living Things, Earth's ground claim goes to the center and beyond, the waters/ocean claims goes past the wheel of Fire Creation and beyond. Sovereigns are unlimited beings who have a unalienable right to unlimited contracts as we never die our spiritual mission/dharma is to protect peace with no force, with no destruction but from the heart because that is humanity's infinite power.

B SKDG members will set up tax/usury free banking in order to bring peace to Mother Earth from this point of life onward, as above so below. SKDG banking solutions will offer our own Bank license, Root certificate for SKDG currency backed by the natural resources on the jurisdictional claim that remains in-ground as the gold, silver, copper and other tangible resources belong to Earth. Our traditional practice is to ask Mother Earth in ceremony for what we can take and with gratitude she is respected for providing abundance of food, clean water, fresh air that we breathe and homes to shelter us from storms.

C Public Corporate de facto STATE Government (PCSG) - Public registered Government elected politicians, religious leaders, F.R.A.U.D (FEDERAL RESERVE AUDIT UNIT DENOMINATION) secondary bankers own nothing, not a speck of gold in the ground, not a fish that swims in our oceans, not the air that we breathe. Public Corporate systems owned by the Federal Reserve Bank Board (FRB) aka JesuitVatican (JointVenture) Inc. Club of Rome and Committee of 300, Trilateral Commission, WTO, etc. own nothing, zip, nada. Illuminati secret societies with public bank tax/usury systems have failed humanity and Earth. Deep State members public corporate members are exposed as COVID¹ investors for plandemic/scandemic agendas to reduce 8 Billion people by 'chosen masters'² and half a billion human slaves for sustainable climate change. Mass media, fake news 'talking' heads promote 'fear' propoganda with TV gamma rays to impose MK mind ultra control to have maskers fight the 'no maskers'. By divide, they conquer. Face masks are designed to 'diaper/shut up freedom of speech' plus those with the vax jab are now owned by patented AI tracking nano, magnetic graphene technology and predicted to

¹ Author Jacques Attali, Verbatim I 1981-1986 a glimpse into the Elite's mindset; "The future will be about finding a way to reduce the population... Of course, we will not be able to execute people or build camps. We get rid of them by making them believe it is for their own good... We will find or cause something, a pandemic targeting certain people, a real economic crisis or not, a virus affecting the old or the elderly, it doesn't matter, the weak and the fearful will succumb to it. The stupid will believe in it and ask to be treated. We will have taken care of having panned the treatment, a treatment that will be the solution. The selection of idiots will therefore be done by itself, they will go to the slaughterhouse alone." April 8, 2021 – LifeSiteNews, Ex-Pfizer VP: Dr. Michael Yeadon COVID-19 Vaccines to Cause Mass Depopulation event within 2 years, injection agency is 'demonstrably false' and fraught with sinister corruption that could lead to unimaginable 'mass death events' within 2 years.

² On a barren field in Georgia, US, five Georgia granite slabs rise in a star pattern, each weighs over 20 tons, no one knows who built it or why they are there. The prediction of this demise for humanity's future by a two-tiered doomsday should be investigated. Those who erected this should be questioned and/or deposed live-on the internet.

die a slow torturous death. Banking global reset ‘chips’ with RFID QR marks on sleepy sheeple with blood clot shots and mercury poisoning. De facto public STATE Corporate Governments registered at the United Nation(s) are controlled by the Pilgrim Society / Deep State who use philanthropic foundations to issue debts with tax/usury funds to invest in pharma mafia genocide on Earth. Canada Inc. is the only government listed as an investor at CDC www.cdcfoundation.org/partner-list/corporations Source: <https://gab.com/Annaeva/posts/106250802779281805> Luciferian elites will continue to steal elections and terrorize humanity until met with strong resistance and a taste of their own ‘medicine’. Digital health passports are no longer conspiracies, this is how they are ‘killing US army personnel’. We believe that we can help in a meeting of the minds, peacefully.

D Laws - US Army Garrison Hawaii website; Pursuant to the US Army National Environmental Policy Act, (NEPA), 1969 wherein federal agencies are required to integrate environmental values into decision making processes by considering the environmental impacts of your proposed action to use Mother Earth for live-fire training is unacceptable and inappropriate. The Army’s implementing regulation for NEPA, 32 CFR 651 sets forth the Army’s policies and responsibilities for the early integration of environmental considerations into final decision-making. US Army Garrison Hawaii’s NEPA program assists in analyzing the environmental effects of proposed Army actions before decisions are made. The goal of the program is to balance realistic Army mission training with ecological and cultural resources compatibilities, economic and community objectives.

D1 The depth of NEPA analysis depends on many things, including but not limited to the noise of live-fire training sessions to neighboring communities, its dangerous effects on public hearing and possible fatalities for people and nature. The environmental impact of destructive sound can destroy hearing for both civilians and Earth’s nature. Depleted uranium is toxic and lethal causing; genetic, neurological effects from chronic exposure plus birth defects, cancer and harmful effects of radioactivity on the environment and human health.

NOW THEREFORE with Valuable Security³ and in Consideration⁴ SKDG Seals affixed and registered with assurance, receipt and sufficiency of which is hereby accepted and acknowledged by all parties as an Equitable Remedy agreed by estoppel. Together we make the following declarations, attestations conscientiously knowing them to be true, and knowing that it is of the same force and effect by virtue of the Great Laws for Universal Peace.

1 Proposal - Instead of training army personnel to kill and fight another man’s war, merge trained military Security into one Space Team, completely separate from the NASA ‘Nazi scientists’. Air Force resources that ‘Defend the Skies’ with DOD, Captain John L MacMichael is responsible for Pacific communication services and systems. Mother Earth can be secured with scientific technology that protects her atmosphere, space and cyberspace. No more chem trails to poison the air that we breathe, no more HAARP weather manipulation, no more tax/usury commerce. The merging of trained army teams could welcome ‘new’ visitors from other planetary/galaxies systems to create co-operative friendships. As they learn from us, we can learn from them with love from our hearts to embrace races that live in neighboring universes. Love is the power that removes fear from human minds, as we are all One from the Creator. Space travel technology can help us with environmental travel solutions and offer exciting experiences for alliances with new friends who may not look like us, but are prepared to establish, promote and secure universal peace, together.

2 So, instead of training army personnel to destroy life by ‘shooting first and asking questions later’, laser technology can put aggressive ‘beings’ into a deep sleep. Similar to Star Trek with a laser ‘tag’ to render aggressive resistance harmless for everyone’s safety, in order to remove them/him/her to a contained area. A few years ago, former Canada’s Minister of National Defence, Paul Hellyer was on tour to disclose that NASA Space program has been kept secret from the public because private treaties are in place with Governments who exchanged technology by approving human abductions for experimentation. This is never permitted as the power of sovereignty with informed consent is required from people, not governments.

3 In exchange for your presence on SKDG jurisdiction, we expect co-operation and respect to our peaceful leaders. We ask that military teams educate the general population in preparation for first aid response to natural disasters; stock piling food and water supplies, agriculture for self reliance and independence, first aid courses, utmost respect towards disabled vets, attending to the sick along with environmental free, friendly solutions that unite our people together in case of natural disasters that require emergency aid on SKDG country.

4 SKDG Private Trust banking with our own sovereign currency backed by natural resources that remain in-ground pursuant to strict environmental SKDG Constitutional laws. SKDG members can assist with tax/usury free payroll requirements for 100,000 personnel living, working and socializing on SKDG jurisdiction. SKDG Constitutional and Jurisdictional claims are presented with a map that established our Claim of Right to the Title of SKDG Allodial

³ Valuable Security: includes (a) an order, exchequer acquittance or other security that entitles or evidences the title of any person (i) to a share or interest in a public stock or fund or in any fund of a body corporate, company or society, or (ii) to a deposit in a financial institution, (b) any debenture, deed, bond, bill, note, warrant, order or other security for money or for payment of money, (c) a document of title to lands or goods wherever situated, (d) a stamp or writing that secures or evidences title to or an interest in a chattel personal, or that evidences delivery of a chattel personal, and (e) a release, receipt, discharge or other instrument evidencing payment of money. Pocket Criminal Code, Carswell, © 2003, p12.

⁴ Valuable consideration: A class of consideration upon which a promise may be founded, which entitles the promisee to enforce his claim against an unwilling promisor. A thing of value parted with, or a new obligation assumed, at the time of obtaining a thing, which is a substantial compensation for that which is obtained thereby. Black’s Law Dictionary, Henry Campbell Black, Third Edition, © 1933, p1797.

lands effective 1840. We look forward to a timely response within 21 days from the date of this served Notice. Failure to respond by performance will mean that US Army's members silence is a tacit agreement to this Notice of SKDG Constitution and Jurisdiction.

In closing, we trust that this Notice clearly defines SKDG jurisdiction with assured security protection of SKDG Constitution that has no politics, so votes or contributions are not required, no religion so we do not require donations because we are from the Creator with no name, we do not support taxes or usury fees as they are an Obstruction of Justice to World Peace, we have no 'racial discrimination' therefore it does not matter what color you are, SKDG primary protocol is to respect and honor sovereignty with a universal peaceful constitution. As a result, SKDG Constitution 'do no harm and peace' protocol protects the future of humanity with sovereignty for peace on Earth. We will establish a website for international financial transparency to explain to the world's business community that we are here to stay and aloha for your patience. We waive a two (2) time Copy claim/right Trademark infringement for a letter in an envelope that describes an interest to attend a vis à vis in order to pursue the urgent matter of protecting universal peace from Sentient Mother Earth.

Dated August, 2021 on Sovereign ©Kamehameha Dynasty™ Government (SKDG) jurisdiction with Restoration of the ©Kamehameha Dynasty Kingdom of Hawai'i and Na Kanaka Maoli-o-Hawaii™ Constitution.

Sovereign ©Kamehameha Dynasty™ Government (SKDG) Traditional Court before the arrival of visitors

WHEREAS we hereby swear with penalty of perjury that said information provided hereon is true and accurate. SKDG leaders control SKDG natural resources, collateral and assets pursuant to SKDG Constitution and SKDG Jurisdiction peacefully with International Privacy laws. SKDG natural resources remain in-ground pursuant to SKDG Court strict environmental legislation.

WHEREAS this fiduciary interest acceptance by SKDG autographs seal this lawful instrument with due diligence as evidence of a sovereign right to live free with no malice aforethought, ill will, vexation or frivolity. We declare the aforesaid to be true and that it is our duty and primary obligation to serve a primary directive and mandate for Universal peace.

WHEREAS authentication of this SKDG Court Copy right Trade mark provided by SKDG members does not constitute any adhesion, nor does it alter SKDG sovereign Names in any manner. The purpose of SKDG Court with autographs is attestation, verification and identification and may be entered as evidence into universal courts to support the primary mandate of truth for Universal Peace on Earth. We hereby certify and authenticate the matters set out as they pertain to the execution of this instrument. We place our autographs with SKDG court seals provided as valuable consideration/security affixed hereon as an authentic act and service of Named SKDG members.

WHEREAS as Named Autographed Creditors to Secured Assurance speak and write in Good Faith by a stroke of pen to paper to declare the truth by our Sovereign Names that we have personal knowledge of the facts and matters herein. We are over the age of Twenty-One (21) acting in full capacity to support, enforce and protect world peace for the future of humanity.

WHEREAS this fiduciary interest acceptance by red ink digitized autographs below, supported by SKDG's seal for this documented information with due diligence as evidenced by our Sovereign Seals that serve as valuable consideration, receipt and sufficiency of which is hereby acknowledged and accepted by all parties, to exercise our right to live free without malice aforethought, ill will, vexation or frivolity, without corporate dictate, we declare the aforesaid to be truth in fact.

WHEREAS we make this Declaration and Attestation conscientiously knowing it to be true and that it is of the same force and effect by virtue of The Great Laws of Peace⁵ for Sentient Earth's Turtle Island. These terms and conditions are not negotiable.

Mahalo Nui Loa – Thank you from the heart:

CROWN SPIRITUAL IKA PONO HAWAII CROWN PHYSICAL



Aotearoa 'Avaiki Fiji Hawai'i Maupiti Nu'u Hiwa Rapanui Samoa Tahiti Tonga
Our Ancestors Culture Our Equity to Work And GOD 'T'o with Other Nations

No Corporate Dictate:

©KKumu Honua Kama-kapu Mo'i Kamahameha™_{SN-NN}, SSG Ambassador for SKDG as HRH, King ©Makapu™
SKDG Sovereign King, ©Kane Kumu Honua Kama-kapu Mo'i Kamehameha™
SSG PIM⁶ #SSG333SSCK-MAKAPU20021945SKDG-2016SBOK2021SSCG

No Corporate Dictate:

©DKHoapili/Kuuleimomi 'O Pa'ahao™_{SN-NN}, SKDG Sovereign Executive Assistant to King, Makapu,
SSG Diplomat for SKDG Foreign Affairs PIM #SSG333SSCK-DKH10101945SKDG-2016SBOK2021SSCG

⁵ Great Law of Peace adopts the Canada Evidence Act (a) as a legislation of truth.

⁶ SSG Private Identified Member is supported with Absolute Supreme Spiritual Authority by Third Party recognition from conversations with Yogananda Paramhansa Section #177 "At the moment of conception, when the sperm and ovum unite there is a flash of light in the Astral world. ~ SSG member is born into a woman's fetus. + The seed was thrown into the soil and the materialization of one's physical form begins. Deducting nine months we obtain the date from the Subtle World into the physical.

AMENDEDMENTS

NOTICE TO PRINCIPAL IS NOTICE TO AGENT
NOTICE TO AGENT IS NOTICE TO PRINCIPAL

Autograph's of Sovereign Copyright Trademark Sacred Names:

© *Heir Kane Kumu Honua Kama-kapu Mo'i Kamehameha*

© The Heir Kane Kumu Honua Kama-kapu Mo'i Kamehameha™
Kamehameha Beneficiary

© *Benjamin Daniel Nihim*

© Benjamin Daniel Nihim™
Kanaka Maoli Beneficiary

© *Dianne K. Hoapili*

© Dianne K. Hoapili aka Kuuleimomi 'O Pa'aho™
Kanaka Maoli Beneficiary

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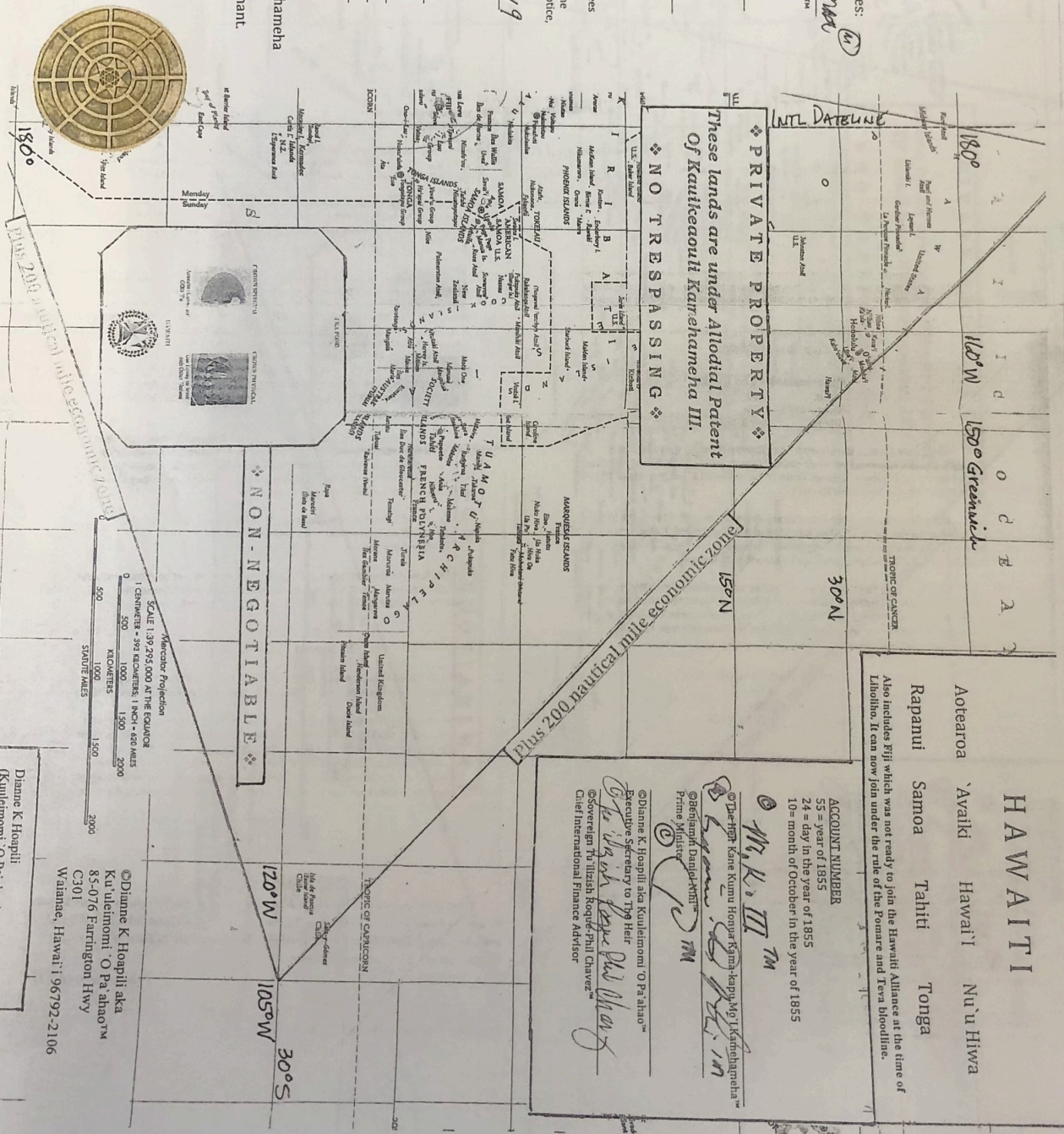
DATED: Lihae Hawaii on 26 Sept 2019

Receipt acknowledgment

Autograph *Pammi Pigeon* Date *26 Sept*

Print Name: *Wally Rowse*
Location: *Waipae Road, Waipae, Hawaii*

- Copies attached to this Sovereign Hawaii Nation map (two-sided) document:
1. ©The Heir Kane Kumu Honua Kama-kapu Mo'i Kamehameha Genealogy (4 pgs.)
 2. Supreme Court of Hawaii Alodial Document of Covenant
 3. Supreme Court of Hawaii "The Hawaii Trust"



M Kehlani Souza

Responding to the article in the Star Advertiser (August 1, 2021) regarding lease extensions and military training in Hawaii. Please excuse me for being a little confused; but, at a time when America's morality is a question, when the history of the country is being challenged on many fronts; not least the dominant version of that history, which has more in common with a "daddy knows best" episode from the 1950s than reality. At a time when more and more people are becoming aware of the fraud perpetrated against the citizens of Hawaii by the United States; not to mention an outright admission of guilt in the 1990s regarding America's underhanded tactics. When China, buy some accounts over extend its influence beyond the China Sea into the Pacific theater, at a time when Compaq agreements and old nation to nation understandings are expiring; begs the questions: is this the time to be weighing in with authoritarian executive orders to administratively continue the fraudulent relationship with the people of Hawaii?

On the playing field of the Geopolitical chessboard could this be the moment to repair those relationships and remove that leverage from the international arena?

Until such time as those discussions occur I must concur with Hank Ferguson John's assessment printed below for clarity's sake: Your public comment is on August 10 and 11th between 6-9pm Leilehua Golf Course on OAHU. What exactly are we commenting on? Your reference site [Caution-https://home.army.mil/hawaii/index.php/OahuEIS](https://home.army.mil/hawaii/index.php/OahuEIS) does not have anything there, but from the address given, apparently it is part of some Environmental Impact Statement.

A lot of talk about Pohakuloa Training Area and land swap suggestions. Why is this meeting being NOT being held on Hawaii Island too, in fact it should be statewide. You talk of bases from Pacific Missile Range (Kauai) to Pohakuloa (Hawaii Island). You speak as if the people of Hawaii want to be the FIRST target protection for the Continental United States.

When you speak of an EIS, you would be remiss to not notice that the people of Hawaii are the environment, and yes we care about our families and our future.

You need to fix your internet addressing and information access ASAP.

Suggestion: CHANGE your meetings dates and include the outer islands. (I also wholeheartedly agree with this last statement.)

Please let me know how I might help to resolve the situation? Always ready and willing to assist with mediation and conversations and dialogue the lead to good decision making.

Reverend M Kehlani Souza. 808-987-0705 UHNDPTC Raising voices in NCAR Primo Pacific risk management Ohana The Olohana Foundation.



SIERRA CLUB OF HAWAI'I

Contact: Anna Chua, Red Hill Organizer

Email: anna.chua@sierraclub.org

Telephone: (808) 278-6662

September 1st, 2021

On behalf of the Sierra Club of Hawai'i's 27,000 members and supporters, we offer these comments on the Army's upcoming [Environmental Impact Statement](#), which proposes to retain up to 6,300 acres of land on O'ahu for military training purposes.

The Sierra Club of Hawai'i strongly opposes the Army's retention of any of the "State" lands at Mākua, Kahuku, and Kawaihoa-Poamoho. Much of this huge expanse of 6,300 acres of land were seized from the Kingdom of Hawai'i during the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public.

We support the No Action Alternative which would allow the three leases to expire and require the Army to restore these lands. We do not support Alternatives 1-3, all of which would perpetuate the status quo of desecrating, littering, and polluting Hawaiian land and preserve the institutionalization of land theft. As the climate crisis intensifies, Hawai'i's communities are forced to build resiliency while facing the detrimental impacts of over-tourism and commodification of natural resources, among many other crises. Committing up to 6,300 acres of stolen land to military use merely exacerbates these problems and does not rectify long-standing injustices that military training has inflicted.

As part of the public scoping process on what should be included in the Environmental Impact Statement, we agree with community members on the importance of evaluating historical harms, the cumulative impact of continued exploitation of land, and the broader impacts of occupation of these lands by the United States government and military.

1. The EIS should research and document the impacts already felt and imposed over the last 65 years in addition to the future impacts of extending the land leases. Taking into account the environmental, social, and cultural damages that the U.S. military caused throughout their presence in the islands – from Kaho'olawe to Pōhakuloa and Molokini – the U.S. military has caused far greater harm, which continues to endure, beyond the boundaries of these public land leases. The U.S. military continues to demonstrate a lack of concern in minimizing footprint and destruction to Hawai'i's environment as a whole.

2. The Army should evaluate alternative methods of building resiliency throughout Hawai'i's communities that would involve food security, economic stability, land and ocean sustainability. These would meet the purpose and need of preparing Hawai'i for mission readiness in contrast to preparing a response to an attack through armed forces and militarized violence, which put our communities at grave risk. Because the stated long-term goal of this project is to protect Hawai'i against foreign threats, the military should interpret national security to be a high quality of life for residents, and free, unimpeded, safe access to these public lands. To protect the well-being of humans and natural ecosystems, the U.S. military should recognize and fully assess the positive outcomes of the No Action Alternative -- such as the restoration of ecosystems and opportunities for education, cultural stewardship, housing, recreation. As opposed to framing the non-renewal of these public land leases as a negative impact to the Army's and other military services' ability to train in Hawai'i.
3. The Army states that public input is a valued part of the deliberative process. The EIS public scoping process should prioritize comments from community members, leaders, and organizations about how these lands are of importance to their livelihoods and the futures they envision. O'ahu's communities are the experts of public health and safety and natural and cultural resources stewardship, and whose input should be held in the highest regard when integrating comments into the decisions about this proposal.
4. The military should engage the community in a plan to restore these lands and return them to the public. Toxic chemicals and ordnance should be removed and debris, such as chaff and litter, cleaned up in ways that minimize disturbing natural features and risking public health. Appropriate ecological preservation and wildlife management also call for the integration of communities that have the expertise in land stewardship.

Training for war-making and the act of warfare proves to inflict some of the most gravely consequential environmental, social, and cultural harm globally and domestically. The U.S. military must not value Hawai'i for reasons of political expediency and perceive the land and its peoples as what the Pentagon calls the "center of the Indo-Pacific theater," but rather, prioritize building solutions to attain genuine peace and security. Avoiding the precarity of warfare necessitates halting the practice of inciting adversaries and funneling resources into building lethal force. This is why the Sierra Club supports policies to return public trust lands to indigenous stewardship whenever possible.

The federal administration's commitment to environmental justice entails the "fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies," [as defined by the Environmental Protection Agency](#). The COVID-19 pandemic has placed immense pressures on our communities on top of existing and historical injustices and inequities. Thus, it is imperative that the EIS prioritizes the voices and needs of the communities that are disproportionately affected by the military's presence in Hawai'i and that will continue to face disparate impacts should the Army be permitted to re-lease the lands at Mākua, Kahuku, and Kawaihoa-Poamoho.

Thank you very much for the opportunity to offer comments on the scope of the project evaluation.

Veterans For Peace, Chapter 113-Hawai'i

O'ahu Army Training Land Retention (ATLR) EIS Comments
P.O. Box 3444
Honolulu, HI 96801-3444
E-mail: usarmy.hawaii.nepa@mail.mil

August 31, 2021

On behalf of Veterans For Peace Chapter 113-Hawai'i, a national organization with a chapter in Hawai'i, we are submitting this statement as a part of the request for the community's input to the Environmental Impact Statement concerning the possible request from the U.S. military to continue the lease on Hawai'i state lands that they have leased for the past 65 years for only \$1.

As reported in the Star Advertiser, on August 10, 2021, Secretary of the Army Wormuth said the Army is looking to find a way to renew the leases in a way that lets the training continue while addressing community concerns.

"We absolutely want to be respectful of local community concerns and Native Hawaiian concerns and want to make sure we are listening to those and trying to address them the best we can."

This is our response to the call of the Secretary of the Army.

The July 23, 2021 environmental impact statement preparation notice from the State of Hawaii Department of Land Resources (DLNR) for the Army Training Land Retention (ATLR) of state lands at Kahuku training area (KTA), Poamoho training area (Poamoho) , and Mākuā military training reservation (MMR) lists several courses of action pertaining to the possible re-leasing of state-owned lands.

As veterans of the U.S. military we know that the military budget dwarfs all other federal agencies and its possession of land, particularly in Hawai'i, is above what is necessary to maintain training requirements. The phrase "national security" is used to get anything the military wants and is a catch-all concept to shut-down an honest analysis of what is really needed by the military.

In that vein, Veterans For Peace Chapter 113-Hawai'i strongly supports the No Action Alternative, Page 2–12 article 2.3.4. under which the Army would not retain any of the state-owned land on KTA, Poamoho, MMR and at Pohakuloa on the Island of Hawai'i after the expiration of the current lease.

We accept that under the No Action Alternative the following responsibilities will return to the State of Hawai'i. which has these responsibilities in all other state land in all the islands of the State, so it will not be anything new for the State.

Those responsibilities include funding and management conservation and public use programs in the state-owned land after expiration of the current lease will revert to the State.

Responsibilities also include management of potential archaeological sites, fire prevention and

control services, and ungulate control on state-owned lands will revert to the State.

The Army must restore the state-owned land in accordance with the lease or otherwise negotiated with the state.

In your deliberations on the EIS, we ask you to review the 2009 report "Cultural Resources Evaluation of Stryker Transformation Areas in Hawai'i" produced by the Office of Hawaiian Affairs and the U.S. Army which identified many cultural areas that must still be protected in 2021 and in the future.

In particular, on pages 215-287, the report identifies many cultural sites at the Kahaku Training Area.

Additionally, cultural sites in Pohakuloa are identified in the report at pages 288-297.

During the preparation of the new EIS, these sites must be re-located and checked for any damage as it has been 12 years since the 2009 report which identified them.

Again, Veterans For Peace Chapter 113-Hawai'i strongly supports the No Action Alternative, Page 2-12 article 2.3.4. under which the Army would not retain any of the state-owned land on KTA, Poamoho, MMR and at Pohakuloa on the Island of Hawai'i after the expiration of the current lease.

Thanks you.

Ann Wright, COL (Ret), U.S. Army/Army Reserves
Coordinator,
Veterans For Peace Chapter 113-Hawai'i

2333 Kapiolani Blvd #3217
Honolulu, HI 96826



WAHIAWA-WHITMORE VILLAGE NEIGHBORHOOD BOARD NO. 26

NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD, SUITE 160 • HONOLULU, HAWAII, 96817
TEL: (808) 768-3710 • FAX: (808) 768-3711 • INTERNET: <http://www.honolulu.gov/nco>

August 31, 2021

U.S. Army Garrison Hawai'i Directorate of Public Works
Environmental Building 105, 3rd Floor
Wheeler Army Airfield
948 Santos Dumont Ave.
Schofield Barracks, Hawaii 96857-5013

Submission via Portal:
<https://atlrhueis.commentinput.com/?id=dbpiF>
Email for receiving comments:
usarmy.hawaii.nepa@mail.mil
(Original mailed via USPS)

PUBLIC COMMENTS

EISPN - Army Training Land Retention at Kahuku Training Area, Kawaihoa-Poamoho Training Area, and Makua Military Reservation, Island of O'ahu

Aloha:

Thank you for the opportunity to review the Draft EISPN and provide comments.

NB26 held its Regular Meeting on Monday, August 16, 2021 at 7:00 p.m. at Kapalama Hale, 925 Dillingham Boulevard, in Conference Room 153. On the Agenda was Item "Discussion and Vote on the US Army's O'ahu Training Land Proposal." After discussion, the Board voted unanimously to provide comments on included in this letter:

AYES: Aweau, Harvest, Ishikawa, Learmont, Manley-Koch, Mendelson, Sanchez K, Sanchez R, Umaki
NAYS: None ABSTAIN: None

Here is the listing of comments from the Board as well as the community:

NB26 understands the proposed action by the U. S. Army is to "secure long-term military use of State-owned lands" which would allow the military to continue their training and combat readiness requirements. (REF: Section 1.2 and 2.2). Section 1.2 states "State lands are interspersed with U.S. Government-owned or controlled lands, much of the existing training activities could not be executed if the State lands become unavailable. The land retention methods would not be negotiated until after completion of the EIS process."

However, the U. S. Army provided four approaches, or options to this issue:

1. Under full retention, the Army would retain all State-owned lands within each training area;
2. Under modified retention, the Army would retain all State-owned lands within each training area that is required under law except lands on which limited training occurs;
3. Under minimum retention and access, the Army would retain the minimum amount of State lands to continue to meet its current ongoing training requirements;
4. Under No Action, the leases would expire in 2029 and the leased lands would not be retained.

- **Question:** Will our military be fully trained and "combat ready" working under any of Options 1-4?

NB26 understands there are here are seven primary Army training areas located on the island of O‘ahu, but only portions of three areas are being considered in the Proposed Action (see Figure 1-1). The area that NB26 is primarily focused on is :

1. Kawaihoa-Poamoho Training Area (Poamoho) – Poamoho is in central O‘ahu at the base of the Ko‘olau Mountains, just east of the community of Wahiawā, and is part of the ‘Ewa Forest Reserve. It comprises approximately 4,370 acres all of which are leased from the State (see Figure 1-3). This area is located east of Schofield Barracks, just north of the Schofield Barracks East Range (SBER), and is accessed via Schofield Barracks.
- **Questions:** What kind of impact, if any, has the military training had on the Kawaihoa-Poamoho Training Area (environmental, ecological, historical, cultural, archaeological, erosion, native forest, endangered species, native fauna and flora, etc) over the last 65 years? What types of preservation, restoration, or educational efforts been performed in this area over the last 65 years? Hazardous or toxic waste? Do you have “before and after” photos of this area to compare the condition of the land over the last 65 years?

Section 1.5.2 states that once the EIS acceptability determination is made and the ROD is issued, the alternatives selected in the ROD can be implemented. Depending on the alternatives selected, possible decisions that may need to be made by State agencies following acceptance of the EIS include:

1. Whether to allow Army retention of the State-owned lands;
 2. What methods would be used to allow Army retention of the State-owned lands, and what terms would be associated with the selected methods;
 3. If presented with a Conservation District Use Application to permit military use of land in the State’s Conservation District, consider allowable uses and management actions to meet the purposes of the Conservation District. The need to apply for, and be issued, a Conservation District Use Permit will be determined as part of analysis in the EIS.
- **Question:** At our NB26 meeting, the question was asked IF new leases were agreed to, would the fee remain at \$1.00 (one dollar) per year or per Lease, or can the fee be higher?

Section 3.5.1 Air Quality

- **Question:** Please explain the following statement under this Section – what is the air quality, and what are the proposed remedies or action plans, if necessary: “Sources of air emissions at KTA, Poamoho, and MMR include exhaust from military vehicles, aircraft flight operations, generators, internal combustion engines, and prescribed burns. The Army received approval from the CAB in 2019 to burn accumulated excess propellants from various weapons systems at MMR. The burning is conducted for disposal purposes and is approved through April 2024.”

Section 3.14 Human Health and Safety

- **Question:** Please explain the following statements under this Section – what are the proposed remedies or action plans, if necessary: “Range control personnel have discovered UXO at KTA during training and surveys. The past use of State- owned land for military training represents the possible presence of UXO; however, no specific locations of UXO are known (USACE-POH & USAG-HI, 2017a). The potential presence of UXO, and the potential exposure to hazardous substances used in munitions, presents a potential hazard to human health and the environment.

- “There is a high likelihood of UXO on State-owned lands at MMR because past military training activities involved bombing, shelling, and small arms. UXO sweeps have been performed on State-owned land at MMR and several tons of ordnance material have been collected. UXO is occasionally encountered during Army operations and access to the State-owned land is highly restricted to maintain safety (USACE-POH & USAG-HI, 2017c).

During discussion at our NB26 meeting on August 16, Board Members asked if it would be possible for the U.S. Army to organize a site visit for the Board, to the Kawaihoa-Poamoho Training Area. We believe becoming more familiar with this area would help us gain a better perspective on the subject matter. Please let me know if this is possible, and we can work on organizing a date/time/transportation.

Thank you for reviewing our comments and concerns as expressed by the community and Board Members.

- NB26 has a long-standing relationship/friendship with our military partners (Army, Air Force, Navy, Marines) in the Wahiawa-Whitmore areas;
- NB26 agrees having our military personnel trained and ready is important; not only to us, but to our servicemen and women themselves and to their families;
- NB26 understands there are many interested parties and various proposals regarding other uses for the State-owned properties that are currently being leased to the U. S. Army;
- And, NB26 understands the need to care for our island home, of being aware of the concern of the future of O`ahu, as well as sustainability for Hawai`i.

We look forward to working together on this process, mahalo!

Peace,



Jeanne Ishikawa
Chair, WWV NB26

Women's Voices Women Speak

Please see attached official statement from Women's Voices, Women Speak re: Oahu ATR EIS.
Mahalo, Joy Enomoto

September 1, 2021

O'ahu ATLR EIS Comments
P.O. Box 3444
Honolulu, HI 96801-3444

RE: Scoping Comments for Environmental Impact Statement for Army Training Land Retention of State Lands

[Women's Voices Women Speak](#) organizes for demilitarization, peace, and genuine security in Hawai'i. We are an affiliate of the [International Women's Network Against Militarism](#) established in 1997 by feminist peace activists from Okinawa, Guåhan, Puerto Rico, Vieques, the Philippines, South Korea, Turtle Island (North America), and Japan. We have visited and learned from communities devastated by U.S. militarism. We have listened to the experiences of women and children "[living alongside the fence line](#)" of U.S. military bases. We dearly love Hawai'i, our home, and our communities, just as our sisters across the Pacific love theirs. We have felt the power of sharing [our intersecting histories and cultures](#) while honoring and supporting indigenous communities and ways of life. In a world shaped by U.S. colonization and militarization, we are building relationships of connection and care.

We promote and practice a feminist vision of "genuine security" in opposition to military security, which over the last 20 years has [cost 929,000 lives globally and cost \\$8 trillion to U.S. taxpayers](#). The COVID-19 global pandemic has claimed [4.5 million](#) lives, another devastating statistic revealing that massive military spending does not protect us. The United Nations has called for a [global cease fire](#), and we must heed that call.

Genuine security requires that we face the foolishness of the path we are on. Right now our youth learn a culture of violence and domination and those with the least opportunity are recruited to go to war. Our land and waters are contaminated by military pollution, yet lands and waters of the peoples we go to war with are even more contaminated. Our planet needs an urgent revolution in values to sustain life, to ensure that people's basic needs are met, and that human dignity and sovereignty are respected.

The State currently holds four leases with the Army that will expire in 2029. This is an important opportunity to choose a common-sense path toward survival and peace. The EIS scoping process has begun, and as a community, we need to demand the EIS include the following:

1. The traumatic impacts on affected communities over the course of the 65-year lease and into the future, especially on Native Hawaiians, who have a genealogical relationship to 'āina.
2. The legal reality that significant portions of these lands are Hawaiian Kingdom Crown and Government lands that were transferred illegally in the overthrow and annexation of the Hawaiian Kingdom.
3. The traumatic impacts on women and girls, who are at higher risk for [rape and sexual exploitation in a highly militarized society](#).

4. The [environmental trauma](#) (live-fire training, hazardous waste, and unexploded ordnance) to 'āina, sacred cultural sites, native ecosystems, and endangered species.
5. The many positive impacts of not renewing these leases, the "[No Action Alternative.](#)"
6. The Army states that training on these lands is "essential to their mission." The EIS must include [community testimony](#) about how these lands are essential to their own missions and visions for their communities.

Public lands should serve the public good. We adamantly oppose the continuation of \$1 / 65-year leases to the military, a bitter insult in a housing market where the median price of a home is nearly [\\$1 million](#). We call on the military to be accountable for the injustice and harm it perpetuates by:

- Cleaning up environmental contamination in former and [current military sites to safe standards for plant, animal and human life](#)
- [Moving funds from military](#) and police budgets and investing in community-driven models for education, healthcare, housing, clean energy, sustainable food systems, and social services for all
- Returning these lands to Native Hawaiian stewardship and respecting [indigenous peoples' sovereignty](#) in all realms of decision making
- Bringing justice, reparations, and healing to [victims/survivors of military violence](#)
- Bringing home troops stationed abroad and [taking care of veterans](#) when they return home

Hawai'i cannot thrive while remaining dependent on tourism and militarism. We need a life-affirming, sustainable and indigenous economy. 30,000 acres of public land at [Pōhakuloa](#), [Kahuku](#), Kawaiiloa/Poamoho, and [Mākuā](#) could support jobs in agriculture, education, biocultural stewardship, culture-based science and technology, and other innovative community-driven industries.

Development should not be something we submit to. Development can be something we determine for ourselves. We can follow indigenous economic models that revitalize our ecosystems, our cultures, and our communities.

Military training devastates, destroys, and desecrates 'āina to the point that it can no longer support life. All life comes from 'āina, and we have a humble and critical role as its stewards. We oppose U.S. colonization, occupation, and militarism in Hawai'i, in the Pacific, and across the world. We oppose using 'āina as a training ground for killing abroad. We call on the U.S. military to return these lands to Native Hawaiian communities to develop models of genuine security that will lead to vibrant, abundant, safe, and sovereign futures for Hawai'i.

Kelsey Amos
Kim Compoc
Reyna Ramolete Hayashi
Aiko Yamashiro
Areerat (Aree) Worawongwasu

Grace Alvaro Caligtan
Summer Mullins-Ibrahim
Rebekah Garrison
CJ Kee
Dani Ortíz Padilla
Ellen-Rae Cachola
Nic Santos
Malaya Caligtan-Tran
Joy Enomoto
Terrilee Keko'olani-Raymond

Women's Voices Women Speak

Women in Hawai'i working toward a demilitarized, peaceful and non-violent world

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About Us

Welcome,

This is the blog of Women's Voices Women Speak (WVWS), a collective of women in Hawai'i who address local and international issues relating to demilitarization, peace and non-violence.

We are the Hawai'i based partner of the International Women's Network Against Militarism. WVWS affirms the principles of genuine security.

-->

What is Genuine Security?

By the International Women's Network Against Militarism
<http://www.genuinesecurity.org/aboutus/whatisGS.html>

Security is often thought of as "national security" or "military security". We believe that militarism undermines everyday security for many people and for the environment. Following the United Nations Development Program report of 1994, we argue that genuine security arises from the following principles:

1. The physical environment must be able to sustain human and natural life;
2. People's basic needs for food, clothing, shelter, health care, and education must be guaranteed;
3. People's fundamental human dignity should be honored and cultural identities respected;
4. People and the natural environment should be protected from avoidable harm.

Working for genuine security means:

Digital HerStories

[Opening montage for Women Against Militarism: Reclaiming Life, Land and Spirit, 1st production of WVWS directed and produced by Bernadette Gigi Miranda \(2004\)](#)

- Valuing people and having confidence in their potential to live in life-affirming ways
- Building a strong personal core that enables us to work with “others” across lines of significant difference through honest and open dialogue
- Respecting differences based on gender, race, and culture, rather than using these attributes to objectify “others” as inferior
- Relying on spiritual values to make connections with others
- Creating relationships of care so that children and young people feel needed and gain respect for themselves and each other through meaningful participation in community projects, decision making, and work
- Redefining manhood to include nurturing and caring for others. Men’s sense of wellbeing, pride, belonging, competence, and security should come from activities and institutions and that are life affirming
- Valuing cooperation over competition
- Eliminating gross inequalities of wealth between countries and between people within countries
- Eliminating oppressions based on gender, race, class, heterosexuality, anti-Semitism, Islamophobia, able body-ism, and other significant differences
- Building genuine democracy — locally, nationally, regionally, and internationally — with local control of resources and appropriate education to participate fully
- Valuing the complex ecological web that sustains human beings and of which we are all a part
- Ending all forms of colonialism and occupation



WVWS808 Fan Box

Herstory

Since 2004, WVWS has organized delegations to participate in the IWNAM meetings to build solidarity with other women's movements who also organize for demilitarization, peace and genuine security in their countries. Please read about our experiences below:

[WVWS Attended 5th East Asia U.S. Puerto Rico Women's Network Against Militarism Meeting, in the Philippines](#)

[WVWS Attends 6th IWNAM meeting in the Bay Area](#)

WVWS to attend 7th IWNAM meeting in Guam
 WVWS to attend 8th IWNAM Meeting Puerto Rico

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Women's Voices, W
 last Thursday

Happy birthday to founding nr and DPs Darlene Rodrigues! HSA published our op-ed tod fold! #genuinesecurity

2 Comment Sh

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Network Websites

- ◆ The Pinky Show
- ◆ Maria Reinat's Blog
- ◆ No Base Stories of Korea
- ◆ CEJE
- ◆ 7th IWNAM Meeting in Guam
- ◆ Code Pink
- ◆ WAND
- ◆ Safe Korea
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- ◆ FACES
- ◆ YONIP: Philippine Peace and Sovereignty Website
- ◆ Okinawa Peace Network of Los Angeles
- ◆ Asia Japan Women's Resource Center
- ◆ Japan Coalition on the U.S. Military Bases
- ◆ Cynthia Cockburn's Blog: No To War
- ◆ Reproductive Justice: A New Vision
- ◆ INCITE!
- ◆ Service Women's Action Network
- ◆ Women for Genuine Security
- ◆ Durebang (My Sister's Place)
- ◆ Gabriela Network
- ◆ ACRJ
- ◆ EMERJ



THE INTERNATIONAL WOMEN'S NETWORK AGAINST MILITARISM

(<http://iwnam.org>).

Menu

A Feminist Vision of Genuine Security and Creating a Culture of Life

Posted April 13, 2021 by by sidadepaz

A Feminist Vision of Genuine Security and Creating a Culture of *Life*

The International Women's Network Against Militarism calls local and international communities to stand steadfast in advocating for genuine security, despite the stubborn grip of police and militarized security in and across nations of the world.

WOMEN of the IWNAM — Guahan, Okinawa, Hawai'i, Korea, Philippines, Japan, and US — have come together to affirm our principles of genuine security:

- 1) Safeguard the Environment to Sustain Life
- 2) Meet Basic Human Needs
- 3) Respect for Human Dignity
- 4) Respect for Peoples' Sovereignty
- 5) Prevent Avoidable Harm

Through the act of proclaiming and affirming the vision of genuine security in our communities, we strengthen our relationships and resolve to make it real, across all our communities and generations. Come join us for calls to action, artistic and interactive presentations, poetry, and music.

— *Members of the International Women's Network Against Militarism*

Join us:

April 16: HAWAII: 4 - 6 PM
U.S. PST: 7 - 9PM
U.S. EST: 10PM - 12AM

April 17: PHILIPPINES: 10AM - 12PM
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THE INTERNATIONAL
WOMEN'S NETWORK
AGAINST MILITARISM

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The proclamation event of the IWNAM Feminist Vision of Genuine Security on April 16/17 is based on the statement below:

A Feminist Vision of Genuine Security and Creating a Culture of Life

by the International Women's Network against Militarism

April 1, 2021

The International Women's Network Against Militarism was started in 1997 by feminist peace activists from Okinawa, the Philippines, South Korea, continental United States and mainland Japan to address problems caused by the US military presence in these areas by sharing the experiences of women and children living alongside US military bases – or former bases. Over the years, the Network has grown to include feminist peace activists from Puerto Rico, Guåhan (Guam) and Hawai'i who introduced Indigenous anti-colonial perspectives.

We realize the need to articulate a feminist vision of genuine security in opposition to military security. State security must be aligned with people's security and not undermine it. As it stands, people remain in need of clean water, food, housing, and medical care. The massive militarization of the globe is rooted in creating vulnerability and insecurity. As a result, state leaders have placed great focus on the development of the military, with the United States taking the lead in military spending globally.

We define militarism as a system of beliefs, political priorities and economic investments. Militarism includes the activities of corporations that produce and sell weapons, the role of state militaries—including state-sanctioned violence, martial law, repression, extra-judicial killings, military coups, and military dominance within governments—as well as non-state militias. Militarism is shored up by patriarchy and reinforces violent masculinity. Military sexual violence is a manifestation of this synergy between militarism and patriarchy.

Militarism cannot solve the coronavirus pandemic, the global climate crisis, or poverty and hunger caused by current economic policies and the actions of totalitarian governments. Militarized police violence, especially against migrants and other disenfranchised

chised communities all evidence the fact that militarism and war do not and cannot provide genuine security for people or the planet.

Genuine security requires the following guarantees: that the environment can sustain life; people's basic needs are met; human dignity is respected; people's sovereignty is assured; and society is organized so as to prevent avoidable harms. We expand on each of these points below.

Safeguarding the Environment to Sustain Life

A sustainable environment is key to genuine security. Militarism and preparations for war take land that could be used for growing food and other generative uses. Military bases and operations have polluted land and water with oils, solvents, jet fuel, herbicides, and other hazards. Wars have reduced land to rubble and destroyed essential infrastructure like power lines, irrigation systems, and sewers, most recently in Syria, Iraq and Afghanistan. In addition, military use of fossil fuels and creation of carbon contribute to climate change.

Sustaining the environment means returning occupied lands to people who have been displaced- most of whom are indigenous peoples such as in Okinawa, Hawaii, Guåhan, and Diego Garcia (Indian Ocean). This also entails cleaning up environmental contamination at current and former military sites, such as Kaho'olawe (HI), Vieques (Puerto Rico), Maehyangri (South Korea), Angeles and Olongapo (Philippines), Farallon de Medillina (Commonwealth of the Northern Mariana Islands), Bikini, Enewetak, and Rongelap atolls (Marshall Islands). Victims of military contamination need health care and compensation for all they have suffered. This includes the multi-generational impact on the planet and people that have been destroyed by nuclear tests and by the use of nuclear weapons in war. Genuine security involves supporting people who are farming sustainably, protecting land and water, and restoring wetlands and fishponds- efforts that are often led by Indigenous peoples who are reestablishing the infrastructure for food security.

Meeting Basic Human Needs

Everyone needs clean water, affordable housing, access to food, health care, and education to be assured survival and well-being. Meeting these basic needs should be recognized as the fundamental security and should be the priority of security policies of all countries. Militarized security has allocated overwhelmingly more resources to maintaining and even expanding military activities as well as developing lethal weapons including those that kill masses of people like nuclear weapons. In 2019 world spending on wars and preparations for war reached \$1,917 billion, or \$1.9 trillion, an obscene amount of money by any measure.¹ The United States—which maintains around 1,000 bases overseas—spent 38% of that staggering total. This was

almost 50% of the US discretionary budget and more than the next 10 countries combined,² or approximately \$2 billion dollars a day. Many other countries spend more on their militaries than on health care or education. Limited resources allocated to basic needs have made most people's lives insecure.

The COVID pandemic is a clear evidence of the fundamental failure of militarized state security. It has revealed the wrong priorities for resource allocation and has shown the limitations of the current system to provide for basic human needs. The pandemic has exposed the huge inequalities in wealth and income, and the severe limitations of current systems of care. Caring for children, elders, those who are sick, and people with physical and mental disabilities falls disproportionately on women's shoulders. Often this work is not paid, or wages are low. The economy must be reorganized to provide for people's basic needs rather than profit-making. Government budgets—in other words, taxpayers' money—must be redirected from the police and the military to unmet human needs. For example, education should be invested in to train youth in "care" economies, and to not funnel them into militarized or "punishment" economies.

Respect for Human Dignity

Right wing nationalist groups and governments use systems of hatred, violence and discrimination based on people's racial and ethnic identities, immigration status, gender expression, sexual orientation and political beliefs. Respecting human dignity and integrity means learning about each other's histories and experiences, and using media (in all its forms) to show people's humanity rather than empty caricatures and stereotypes. It also means respecting women, gender nonconforming, and trans people and working toward ending their second-class status in many societies.

When people are a vital part of the governmental decision making processes and have prior and informed consent, and are not just treated as tokens, respect for human dignity is apparent. To this end, laws and policies that uphold human rights must be in place and they must be implemented to ensure justice and human dignity. Women, trans, and queer people have the right to control our own bodies, free from harm and sexual violence. Respecting the human dignity of women, trans, and queer people means resisting the sexual violence that is integral to military structures and values.

Respect for Peoples' Sovereignty

Countries should be able to develop foreign policies independent of the United States. This should include the United States respecting others' sovereignty and culture. Militarism is the brute force used to colonize peoples and to exploit their resources. This includes the subjugation of peoples in order to occupy their lands, the exploitation of natural resources, and the intentional imposition of one's ways of life on another. Assimilation policies and practices are in violation of international laws and norms that honor and respect peoples' right to

self-determination. In addition, neocolonial relationships promote the continued colonization of peoples and their lands, which violate peoples' sovereignty.

Indigenous peoples (IPs) have suffered the disrespect of their sovereignty with land dispossession for the use of military bases. According to Article 30 of the United Nations Declaration on the Rights of Indigenous Peoples: " Military activities shall not take place in the lands or territories of indigenous peoples..." IPs from throughout the world, including those in Australia, the Americas, Guåhan, Hawai'i, Okinawa, and the Philippines, have the collective right to the self-determination of their lands, territories, and resources by providing free, prior, and informed consent.

Preventing Avoidable Harm

Security is still largely characterized in policies as protection from external threats and protecting "us" from "them." State security policies have long focused on war as the threat and made us believe that the national security policies need to prepare for warfare which is argued as inevitable in real politics.

This notion has allowed for the military to be given unchecked power and resources, and has sanctioned violent masculine power as superior and necessary. War as a result of competing power can be avoided if more efforts are sought for diplomacy. If we can prevent war, we can prevent civilian casualties and save the lives of soldiers. Diplomacy should be considered first and the only choice.

Whereas assuring security should mean protection of people, a fundamental question should be asked as to what makes people vulnerable and how to prevent them. The global pandemic of COVID-19 has revealed that massive military force does not protect us and has shown what we are vulnerable to. Governments have allowed the coronavirus to spread, making sure that vulnerable people—especially people of color in the Global North and in the Global South – suffer and die. So-called "natural disasters" like storms, heat waves, and floods, are often caused by corporate activities with support from governments. Climate crisis can be changed with political will and redistribution of resources to prevent and respond to natural disasters. Sexual violence can be eliminated with increased respect for human dignity. Demilitarization would eliminate military sexual violence against people in communities around US bases, and also within the military. Military policies are not only insufficient but actually create insecurity. Much of the harm people currently experience could be avoided if societies were not organized around military dependence and over-investment.

Based on these principles we call for demilitarization and peace and an end to military expansion globally. This includes:

Developing national, independent foreign policies that promote peace, people, and protection of the planet.

Centering diplomacy as the primary mechanism to address international tensions as an alternative to war and militarism.

Cancelling major multinational military operations across the US Department of Defense-designated "Indo-Pacific" region, such as RIMPAC (Hawai'i); Foal Eagle and Key Resolve (South Korea); Valiant Shield and Cope North (Guãhan/Hawai'i); Talisman Saber (Australia); Balikatan (Philippines); Cobra Gold (Thailand); and Malabar (Australia, India, and Japan).

Bringing home troops stationed in foreign countries.

Ending the killing of innocent civilians caught in the cross-fires of military operations.

Cancelling military build-ups in Guãhan, Okinawa, Hawai'i

Bringing justice to victims/survivors of military sexual violence.

Cleaning up environmental contamination in former and current military spaces to safe standards for human life.

Halting massive military recruitment in poor communities.

Enacting laws that fund educational programs to create opportunities for youth from poor communities to have thriving livelihoods.

Decolonizing all non-self-governing territories and respecting the right of all peoples to self-determination

Ending police violence and brutality.

Upholding the respect for peoples' sovereignty in all realms of decisionmaking.

Moving funds from military and police budgets and investing communities including: education, health care, housing, social service programs for all.

The International Women's Network Against Militarism stands firmly in this framework of genuine security and in solidarity with others toward these goals.

Notes

1. <https://www.sipri.org/media/press-release/2020/global-military-expenditure-sees-largest-annual-increase-decade-says-sipri-reaching-1917-billion>
(<https://www.sipri.org/media/press-release/2020/global-military-expenditure-sees-largest-annual-increase-decade-says-sipri-reaching-1917-billion>)

https://www.pgpf.org/chart-archive/0053_defense-comparison
(https://www.pgpf.org/chart-archive/0053_defense-comparison).

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The U.S. Budgetary Costs of the Post-9/11 Wars

Neta C. Crawford¹
Boston University

September 1, 2021

Overview

The United States, over the last two decades, has already spent and the Biden administration has requested about \$5.8 trillion in reaction to the 9/11 attacks.² This includes the estimated direct and indirect costs of spending in the United States post-9/11 war zones, homeland security efforts for counterterrorism, and interest payments on war borrowing. Costs for medical care and disability payments for veterans is the largest long-term expense of the post-9/11 wars. As research by Linda Bilmes shows, future medical care and disability payments for veterans, over the next decades, will likely exceed \$2.2 trillion in federal spending. Including estimate future costs for veteran’s care, the total budgetary costs and future obligations of the post-9/11 wars is thus about \$8 trillion in current dollars.

Of course, this report on the budgetary impact of the counterterror wars is not the full story of the costs and consequences of the post-9/11 wars. Behind every one of these numbers are people—inspecting containers for possible weapons of mass destruction, deploying overseas, and caring for veterans. Included in these numbers is an acknowledgment of death: behind the decimal point of estimated total costs, \$704 million has been spent on death gratuities for the survivors of the 7,040 men and women in the military who were killed in the war zones. And there is also money the U.S. has provided in compensation to the civilians injured and killed in these wars.

This estimate includes the amount requested in May 2021 by the Biden administration for FY2022. It does not include the additional money members of Congress have suggested

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² All the costs reported here are in current dollars.

that they may appropriate for the DOD for the FY2022 request. Nor does it include all the money provided for humanitarian assistance and economic development aid in Afghanistan and Iraq.³ It does *not* include the future costs of interest payments on borrowing to pay for the post-9/11 wars after FY2023. It does not include spending by the dozens of United States allies, including Australia, Britain, Canada, Denmark, Italy, the Netherlands, Romania, Germany and France. If the U.S. had not had the support of those allies, it would likely have spent more on those wars (and arguably taken more casualties).⁴ This estimate also does not include spending by state and local governments within the U.S. for counterterrorism or services for post-9/11 war veterans.

There has been no single U.S. government estimate for the total costs of the post-9/11 wars. There are *partial* accounts of post-9/11 war costs. For example, starting in FY2017, the Department of Defense (DOD) has been required to report the estimated costs of the wars in Afghanistan, Iraq and Syria to each taxpayer and since then, the DOD regularly produces a tabulation of the “Estimated Cost to Each Taxpayer for the Wars in Afghanistan and Iraq.”⁵ In March of 2021, the Department of Defense concluded in their most recent public estimate that emergency/overseas contingency operations (OCO) spending for the wars in Iraq, Syria, and Afghanistan cost a total of \$1.596 Trillion, or \$8,094 per taxpayer through FY 2020. However, as the DOD notes, “these amounts exclude non-Department of Defense classified programs.”⁶ On August 16, 2021, as the U.S. exited Afghanistan, President Biden said, “We spent over a trillion dollars.”⁷ This is, of course, correct, — if we focus *only* on what the DOD was appropriated for the Afghanistan war and leave out other major costs, perhaps most importantly, the costs of caring for the post-9/11 war veterans.

One of the major purposes of the Costs of War Project has been to provide a more comprehensive view of federal war appropriations and expenses, to clarify the types of budgetary costs of the U.S. post-9/11 wars, how the post-9/11 operations have been funded, and the long-term implications of past and current operations on spending. The costs of the post-9/11 wars include direct appropriations for operations in the war zones, additional expenses incurred by the Department of Defense in the “base” military budget, spending to defend the “homeland,” and spending for veteran’s medical and disability care. Moreover, the costs associated with the wars include the interest payments made on borrowing to pay for the wars. Further, because the U.S. continues other counterterror operations, and the

³ For instance, this accounting of State Department spending does not include more than a billion dollars in USAID and State Department funds appropriated since 2002 for Development Assistance, Global Health Programs, Human Rights and Democracy, and Transition Initiatives in Afghanistan.

⁴ See Jason W. Davidson. (2021). “The Costs of War to United States Allies Since 9/11,” *Costs of War Project*, [https://watson.brown.edu/costsofwar/files/cow/imce/papers/2021/Davidson AlliesCostsofWar_Final.pdf](https://watson.brown.edu/costsofwar/files/cow/imce/papers/2021/Davidson%20AlliesCostsofWar_Final.pdf).

⁵ Public Law 114-328, the National Defense Authorization Act for Fiscal Year 2017.

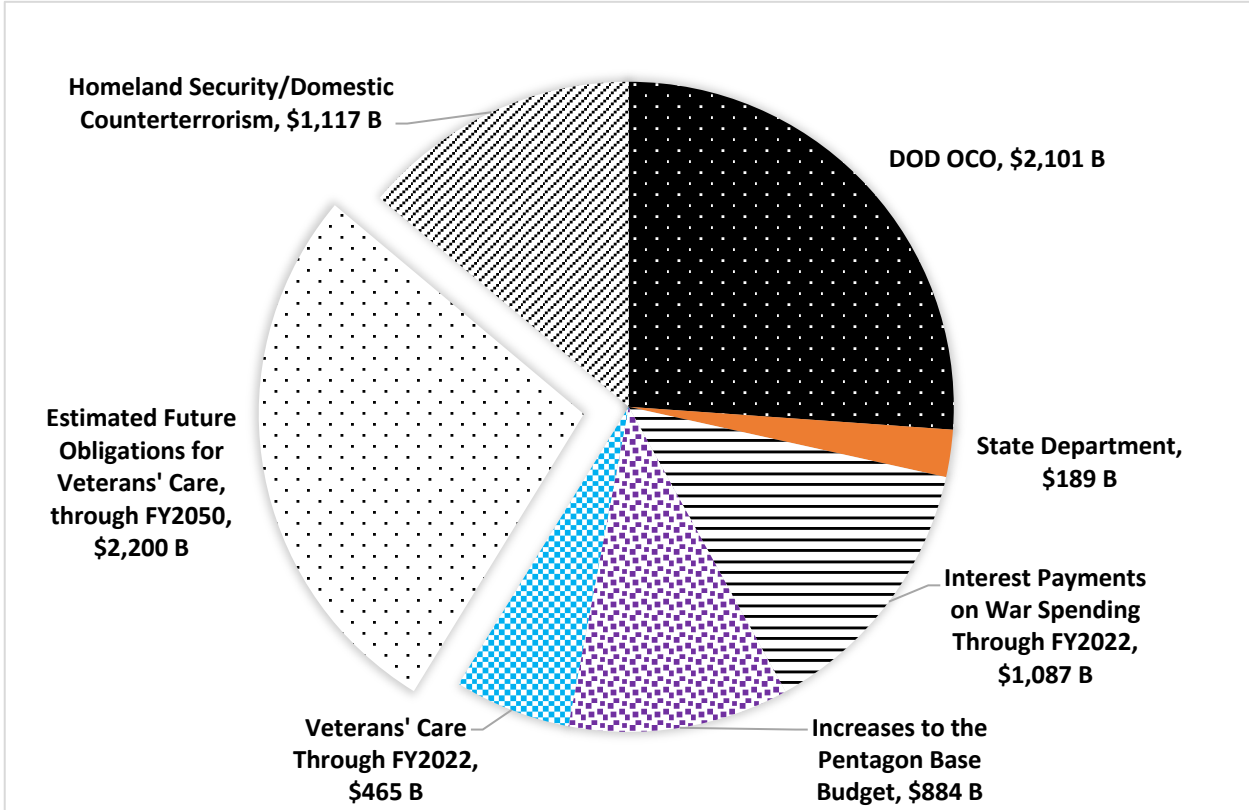
⁶ Department of Defense, “Estimated Costs to Each U.S. Taxpayer of Each of the Wars in Afghanistan, Iraq and Syria,” March 2021.

[https://comptroller.defense.gov/Portals/45/documents/Section1090Reports/Estimated Cost to Each U.S. Taxpayer of Each of the Wars in Afghanistan, Iraq and Syria dated March 2021.pdf](https://comptroller.defense.gov/Portals/45/documents/Section1090Reports/Estimated%20Cost%20to%20Each%20U.S.%20Taxpayer%20of%20Each%20of%20the%20Wars%20in%20Afghanistan,%20Iraq%20and%20Syria%20dated%20March%202021.pdf).

⁷ President Joseph Biden. (August 16, 2021). “Read the Full Transcript of President Biden’s Remarks on Afghanistan,” *The New York Times*. <https://www.nytimes.com/2021/08/16/us/politics/biden-taliban-afghanistan-speech.html>.

costs of caring for veterans and interest on borrowing will continue, the budgetary costs do not end when the fighting in the major war zones stops.

Figure 1. Post-9/11 War Related Spending FY2001-FY22 & Obligations for Future Veterans’ Care (in Current Dollars)



This estimate includes the figures for U.S. wars in the two major war zones and many small war zones. Not including the future obligations to care for veterans through 2050 or estimated homeland security spending, the war in Afghanistan and Pakistan, which is part of the same theater of operations, cost \$2.313 trillion through FY2022. The U.S. wars in Iraq and Syria cost \$2.058 trillion through FY2022.⁸ The post-9/11 wars and counterterror operations in other places, such as Somalia and other parts of Africa, cost about \$355 billion. (See Table 2 on p. 14 of this report).

The figures given here are a conservative *best estimate* through fiscal year 2022 in current dollars. At this writing the U.S. has said it will stay in Afghanistan until August 31, 2021 to evacuate all American citizens who wish to leave Afghanistan, and many of the Afghans who worked with them. The costs associated with a massive airlift effort in Afghanistan may increase the FY2021 costs of war in Afghanistan for the DOD and State Department. It is unclear how recent events in Afghanistan will affect the FY2022 budget requests for DOD and State.

⁸ Assuming Congress grants the Biden Administration requests for these wars.

This best estimate relies on public sources. The public and Congress has lost some transparency on government spending—in particular for the Department of Homeland Security. Where, as noted below, it is difficult to find information, the assumptions for the estimates are given in the footnotes and discussed in the text.

The numbers and occasionally categories are revised in the Costs of War estimates by this author when the U.S. government provides more precise, corrected, or comprehensive information.⁹ For example, this report relies on updated DOD spending data. The DOD has recently, as discussed below, used the categories of “OCO for base requirements,” and “enduring requirements,” which could apply to more than one war zone. Further, this report uses newer interest rate data in calculating the estimated interest on borrowing for emergency/overseas contingency operations (OCO) spending.¹⁰ Additionally, this report revises the estimate of increases to the Pentagon base budget given changes in the Department of Defense’s categories and patterns of military spending and the relations between the OCO budget and base military spending.

Context

On September 11, 2001, al Qaeda hijacked four American civilian aircraft and attacked New York’s World Trade Center and the Pentagon in assaults as shocking as they were horrific; nearly 3,000 people died, including those who resisted and brought down their plane in Pennsylvania. Many more were wounded. The next day, at their National Security Council meeting, participants decided that the threat would be defined, in Secretary of State Colin Powell’s words, as “terrorism in its broadest sense.” President Bush agreed: the U.S. would, “start with bin Laden” and move on.¹¹ As Vice President Dick Cheney said in public a few days after the attacks, “things have changed since last Tuesday. The world’s shifted in some respects . . . because of what happened in New York and what happened in Washington, it’s a qualitatively different set of circumstances.”¹² The U.S. responded by reorienting its national security strategy to focus on terrorism and “violent extremism” in wars fought by four United States presidents.

In 2010, economists Adam Rose and S. Brock Blomberg surveyed economists’ estimates of the total economic impact of the 9/11 attacks: the estimates ranged between \$35 billion and \$109 billion. Rose and Blomberg suggested that because the overall U.S. economy is

⁹ The work of Winslow Wheeler and Amy Belasco, and the analysis of other members of the Costs of War Project, notably the economists Linda Bilmes and Heidi Peltier, and the anthropologists Catherine Lutz, David Vine and Stephanie Savell have helped provide the essential context for the production of these estimates. The Costs of War Project will continue to refine its estimates as new information or clarifications are made available by the relevant U.S. government departments and agencies, and by the Congressional Research Service (CRS) and the Congressional Budget Office (CBO).

¹⁰ As noted above, interest rates fluctuate and U.S. debt is refinanced.

¹¹ Bob Woodward, *Bush at War* (New York: Simon and Schuster, 2002) p. 43.

¹² Vice President Cheney on NBC’s, “Meet the Press,” 16 September 2001. Transcript, *The Washington Post*, <http://www.washingtonpost.com/wp-srv/nation/specials/attacked/transcripts/cheney091601.html>.

resilient, the attacks were not as economically harmful as they might have been. However, Rose and Blomberg argued, “subsequent anti-terrorist initiatives at home and abroad were more costly than the direct damage caused by the attack.”¹³

Indeed, the U.S. reaction to the 9/11 attacks was comprehensive—a “global war on terror” abroad and mobilization of homeland security which included everything from increased border security on land, sea, and air, to research on potential bioweapons that terrorists might deploy, to the hardening of critical assets that might be subject to terrorist attack. The ripple effects of the war on terror in veterans spending have already been enormous and they will continue to grow because the post-9/11 war veterans are claiming disability benefits at very high rates. Further, the U.S. financed these wars in a way like no other war in U.S. history—going into deficit spending—rather than raising taxes or selling large numbers of war bonds.¹⁴

Optimistic assumptions have, from the beginning, been characteristic of the official estimates of the effectiveness, duration, budgetary costs, and the fiscal consequences of the post-9/11 wars. There were no public estimates for the costs of the Afghanistan war, little discussion of its escalation into Pakistan, and hardly any discussion of the escalation of the global war on terror into Africa and Asia. In mid-September 2002 Lawrence Lindsey, then President Bush's chief economic adviser, estimated that the “upper bound” costs of war against Iraq would be \$100 to \$200 billion. Overall, Lindsey suggested however that, “The successful prosecution of the war would be good for the economy.”¹⁵ On December 31, 2002, Mitch Daniels, then the director of the Office of Management and Budget estimated that the costs of war with Iraq would be \$50-60 billion.¹⁶ Neither Bush administration official provided details for the basis of their estimates.

There were other estimates of the costs of the major post 9/11 wars which took account of the likely much longer time-line of costs. In September 2002 U.S. House of Representatives Democratic Budget Committee staff estimated costs of \$48-93 Billion if ten year costs are included.¹⁷ Later in 2002, Yale economist William Nordhaus suggested that while the main component of costs could be higher oil prices if the war were to be protracted and difficult, a long war could cost \$140 billion in direct military spending and another \$615 billion to pay for occupation, peacekeeping, reconstruction and nation-building, and humanitarian

¹³ Adam Z. Rose and S. Brock Blomberg. (2010). “Total Economic Consequences of Terrorist Attacks: Insights from 9/11,” *Peace Economics, Peace Science and Public Policy*, vol. 16, no. 1.

¹⁴ Linda J. Bilmes. (2017). “The Credit Card Wars: Post-9/11 War Funding Policy in Historical Perspective”. Costs of War Project, <https://watson.brown.edu/costsofwar/files/cow/imce/papers/2017/Linda%20%20Bilmes%20Credit%20Card%20Wars%20FINAL.pdf>.

¹⁵ Lindsey, quoted in Wall Street Journal, 15 September 2002.

¹⁶ Elizabeth Bumiller. (December, 31 2002). “Threats and Responses: The Cost; White House Cuts Estimates of Cost of War with Iraq,” *The New York Times*.

¹⁷ Democratic Caucus of the House Budget Committee. (September 23, 2002). Assessing the Costs of Military Action Against Iraq: Using Desert Shield/Desert Storm as Basis for Estimates: An Analysis by the House Budget Committee Democratic Staff. <https://usiraq.procon.org/sourcefiles/DHBC.pdf>.

assistance.¹⁸ The most comprehensive estimate of the long-term budgetary costs of the wars—both of direct and indirect spending and other economic effects—is *The Three Trillion Dollar War* by Joseph E. Stiglitz and Linda J. Bilmes.¹⁹ The Stiglitz-Bilmes estimate was conservative in many respects. Due to their long duration, the costs of the post-9/11 wars have exceeded all these estimates.

Discussion of Best Estimates and Long-Term Trends

This research paper focuses on five broad categories of U.S. budgetary costs that were incurred in reaction to the 9/11 attacks or as a response to terrorism broadly understood. Table 1 summarizes these costs.

1. Emergency War/ “Overseas Contingency Operations” appropriations for the DOD and State Departments.
2. Estimated interest on borrowing for DOD and State Department OCO spending.
3. War-related increases to the DOD “base” budget due to the post-9/11 wars.
4. Medical and disability care for post-9/11 veterans and the associated cost of increasing the VA’s capacity to manage this care.
5. Homeland Security spending for preventing potential terrorist attacks and preparations for responding to those attacks, should they occur.

Table 1. Estimated Costs of Post 9-11 Wars, FY 2001-FY2022 and Future Veterans’ Costs, in Billions of Current Dollars, Rounded to the Nearest Billion

	\$ Billions
War/Overseas Contingency Operations (OCO) Appropriations	
Department of Defense (including \$42 billion request for FY2022) ²⁰	2,101
State Department/USAID (including an \$8 billion appropriation for FY2022) ²¹	189
Interest on Borrowing for DOD and State Dept. OCO Spending ²²	1,087

¹⁸ William D. Nordhaus. (2002). “The Economic Consequences of a War with Iraq,” in American Academy of Arts and Sciences, *War With Iraq, Costs, Consequences, and Alternatives* (Cambridge: American Academy of Arts and Sciences). pp. 51-86.

¹⁹ Joseph E. Stiglitz and Linda J. Bilmes. (2008). *The Three Trillion Dollar War: The True Costs of the Iraq Conflict* (New York: Norton)

²⁰ All Emergency/Overseas Contingency Operations Appropriations. Source: Department of Defense, Undersecretary of Defense, Comptroller. <https://comptroller.defense.gov/Budget-Materials/>. Although it removed OCO as a category, the Biden administration FY2022 budget request identified \$42 billion in OCO.

²¹ For Afghanistan, Pakistan, Iraq and Syria. See Cory R. Gill, Marian Lawson, Emily Morgenstern, (March 18, 2021). Department of State, Foreign Operations, and Related Programs: FY2021 Budget and Appropriations,” *Congressional Research Service*, R46367. Sources include: McGarry and Morgenstern, *Overseas Contingency Operations Funding: Background and Status*,” and K. Alan Kronstadt, and Susan B. Epstein, (2019, March 12). *Direct Overt U.S. Aid Appropriations for and Military Reimbursements to Pakistan, FY 2002-FY2020*. CRS, <https://fas.org/sgp/crs/row/pakaid.pdf>. Special Inspector General for Afghanistan Reconstruction, Quarterly Reports, <https://www.sigar.mil/quarterlyreports/index.aspx?SSR=6>.

²² Source: Interest rate calculations by Heidi Peltier. For Peltier’s methods, see Heidi Peltier, (2020). *The Cost of Debt-financed War: Public Debt and Rising Interest for Post-9/11 War Spending*,” Costs of War Project. <https://watson.brown.edu/costsofwar/files/cow/imce/papers/2020/Peltier%202020%20->

Increases to DOD Base Budget Due to Post-9-11 Wars ²³	884
Post-9/11 Veterans' Medical and Disability Through FY2022 ²⁴	465
Homeland Security Prevention and Response to Terrorism ²⁵	1,117
Total War Appropriations and War-Related Spending through FY2022	\$5,843
Estimated Future Obligations for Veterans Medical and Disability, FY2023–FY2050 ²⁶	c.2,200
Total War-Related Spending through FY2022 and Estimated Obligations for Veterans' Care through 2050	\$8,043

The post-9/11 wars have largely been budgeted as emergency appropriations or “Overseas Contingency Operations.” These consist of U.S. Congressional appropriations for the Department of Defense (DOD) and State Department in the named operations in the major war zones of Afghanistan and Iraq, and in smaller war zones and areas where the U.S. has engaged in counterterrorism operations since 9/11.²⁷ Spending in the major war zones, discussed more fully below, accounts for about 92 percent of total DOD OCO spending. The rest of the OCO spending occurs in other geographic areas or is used to support operations in the major war zones. The DOD has taken to calling some of its OCO spending in the Central Command region “enduring” costs; these have been split evenly between the major war zones in the current estimate.

[%20The%20Cost%20of%20Debt-financed%20War.pdf](#). The OCO spending used here to calculate interest payments is conservative figure, based on the lower numbers reported by DOD and State for OCO; they do not include OCO for the base, which are later in the paper attributed to the war zones.

²³ These include: spending on other operations, such as Operation Noble Eagle after 2004; the effects of post-9/11 war related increased healthcare costs for active duty soldiers; and higher pay to attract and retain soldiers. This figure is estimated as a portion of the DOD OCO budget at 50 percent from FY2001–2011, 40 percent from FY 2012–2018, and 25 percent in FY2019 and 20 percent from FY2020–FY2022.

²⁴ Source: Bilmes estimate ranges from 2.2 to 2.5 trillion for 2001-2050. We know that this is an underestimate because the wars are not over — there will be more veterans in the VA System. Linda Bilmes. (August 18, 2021). “The Long-Term Costs of Caring for Veterans of the Iraq and Afghanistan Wars,” Costs of War Project.

https://watson.brown.edu/costsofwar/files/cow/imce/papers/2021/Costs%20of%20War_Bilmes_Long-Term%20Costs%20of%20Care%20for%20Vets_Aug%202021.pdf. Bilmes estimate is conservative, and does not include the costs of medical benefits for military contractors whose medical benefits may be cared for through the Defense Base Act and the Department of Labor. Also see Linda J. Bilmes. (2016). A Trust Fund for Veterans. *Democracy: A Journal of Ideas*, no. 39. Retrieved from

<http://democracyjournal.org/magazine/39/a-trust-fund-for-veterans/> and Linda J. Bilmes. (2013). *The Financial Legacy of Iraq and Afghanistan: How Wartime Spending Decisions Will Cancel Out the Peace Dividend*. *Costs of War*,

<http://watson.brown.edu/costsofwar/files/cow/imce/papers/2013/The%20Financial%20Legacy%20of%20Iraq%20and%20Afghanistan.pdf>.

²⁵ As discussed below, the Office of Management and Budget and the Department of Homeland Security stopped reporting detailed information on U.S. spending on counterterrorism operations, in 2018. This estimate is based on DHS budgets as analyzed by the CRS and assuming that spending is consistent since 2017. See William L. Painter, 8 October 2019, *Selected Homeland Security Issues in the 116 Congress*, CRS.

²⁶ Source: Bilmes. (2021). “The Long-Term Costs of Caring for Veterans of the Iraq and Afghanistan Wars.”

²⁷ In 2012, the State Department also began to call its war related spending. Overseas Contingency Operations (OCO). During the Biden Administration, the category of OCO spending was eliminated and the DOD’s war spending was put into the base military budget. State Department spending in the war zones.

These wars were not financed by a war tax, or by selling large numbers of war bonds, and while the U.S. had a balanced budget in 2001, the U.S. began to run a budget deficit in 2002. As a result, the costs associated with the wars include interest payments on this debt. Interest rates have, for many years, been at historic lows and portions of the debt have been refinanced since the 2008 financial crisis on a rolling basis as it has been possible for the U.S. Treasury to do so. Further, it is important to note that an estimate of the future costs of interest over the next several decades are *not included* in this estimate because they are like estimated past interest payments, subject to refinancing and other factors which cannot be predicted. On the whole, however, the costs of interest on borrowing to pay for the wars will continue to be large unless or until Congress decides to pay for the post-9/11 wars through taxes or war bonds.

The Pentagon's "base" budget is intended to fund enduring costs of the Department of Defense and the armed services, that would be incurred even if the U.S. were not at war. The Pentagon's "base" budget includes costs of personnel, including health care, and the costs of research and development, procurement, operations, military construction and housing, and equipment maintenance. The long mobilization has contributed to increased spending in the base budget. Specifically, while Congress intended war spending to be separate from base military spending, war spending has tended to inflate base military spending. This is illustrated in Figure 2. Overall, the base military budget has more than doubled between Fiscal Year 2001 and 2022. So, even when spending on the post-9/11 wars and other military operations has declined, Department of Defense base budget spending has trended upward.

Part of the increase in base budget spending is perhaps driven by the rally around the flag effect—where members of Congress during the Bush and Obama administrations wanted to be seen to be supporting the U.S. troops as they engaged in war. For instance, President Obama requested \$663.8 billion in FY2010. Congress appropriated \$691 billion.²⁸ The practice of Congress awarding more money to the Pentagon than requested by Defense Department continued through the Trump Administration. In March 2018, for example, Congress appropriated \$61 billion more than the DOD requested.²⁹ In July 2021, members of the Senate indicated that they wanted to give more money to the DOD than the Biden Administration requested, perhaps as much as \$25 billion over the amount requested by Biden.³⁰

²⁸ Congressional Research Service, "Defense: FY2010 Authorization and Appropriations," CRS, R40567. https://www.everycrsreport.com/files/20091223_R40567_9861202e3d375ffb07ed5f7d6877e9828335aa51.pdf.

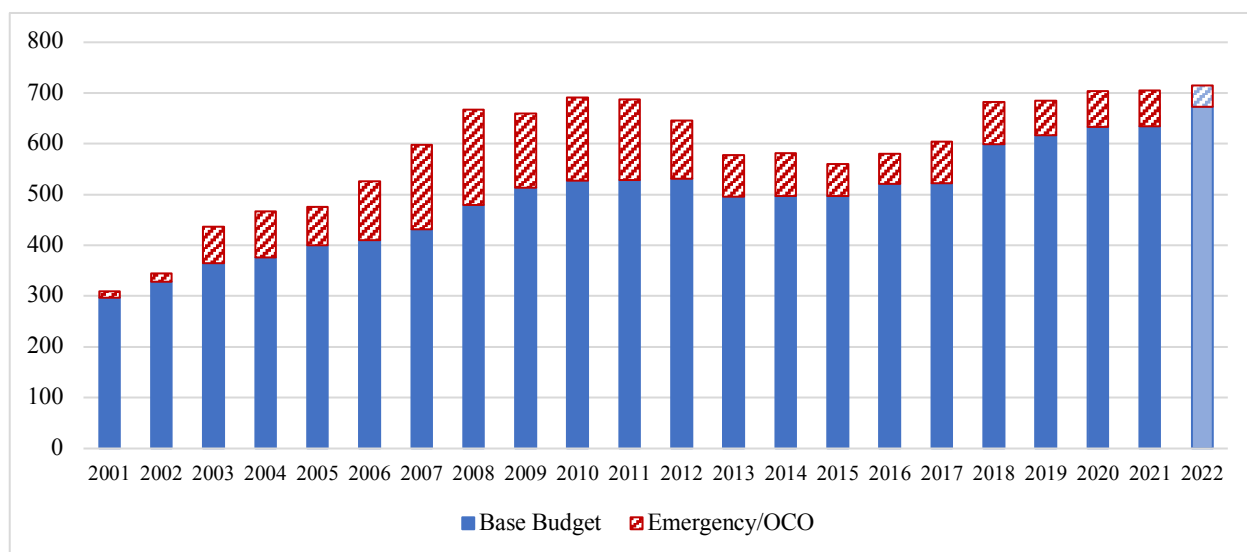
²⁹ Greg Myre. (March 26, 2018) "How the Pentagon Plans to Spend that Extra \$61 billion." National Public Radio, <https://www.npr.org/sections/parallels/2018/03/26/596129462/how-the-pentagon-plans-to-spend-that-extra-61-billion>.

³⁰ John M. Donnelly. (July 23, 2021). "Democratic Hawks Want to Go Bigger than Biden on Defense Spending," *Roll Call*, <https://www.rollcall.com/2021/07/23/democratic-hawks-want-to-go-bigger-than-biden-on-defense-spending/>. Leo Shane. (July 23, 2021). "Plan to Boost Biden's Defense Budget Could See Bipartisan Support," *Military Times*, <https://www.militarytimes.com/news/pentagon-congress/2021/07/21/plan-to-boost-bidens-defense-budget-could-see-bipartisan-support/>.

But additions to the base military budget have occurred—even as war spending has decreased—for four other reasons that are indirectly and directly related to the post-9/11 wars.

First, the military has devoted an increasingly large share of military spending to contractors who provide goods and services such as equipment maintenance, transportation, security, and food services. As Heidi Peltier shows, the costs of using contractors have more than doubled during the post-9/11 wars.³¹ While contractors make up an increasingly large part of the U.S. presence in the major war zones, they have also become a staple of operations within the continental United States and at other overseas bases. Indeed, spending on contracting has increased, even as direct war-related spending has declined.

Figure 2. U.S. DOD Base and OCO Spending in Billions of Current Dollars, FY 2001-2022*³²



**The Biden Administration identified \$42 Billion in OCO spending in the Base budget in its FY2022 request. It is unclear how the August 2021 events in Afghanistan will affect this request.*

Second, the U.S. has continued to “modernize” its military forces, procuring new technology, weapons, and weapons platforms to meet what it considers existing or potential threats. Further, some of the equipment that was destroyed, damaged, or used up during the wars has been repaired or replaced, sometimes with more expensive equipment in a process known as “reset.”

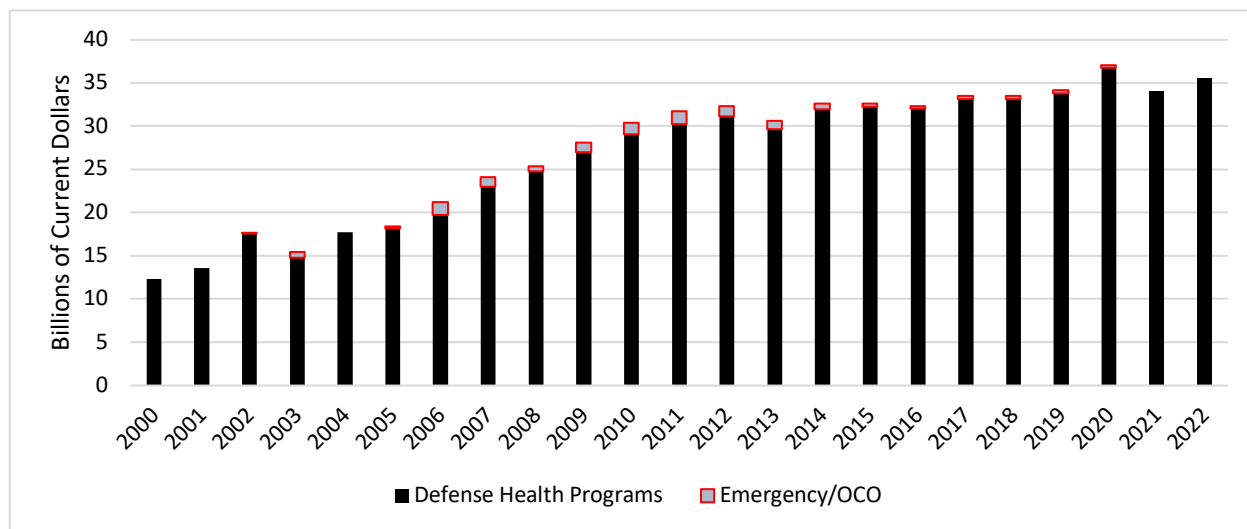
³¹ Heidi Peltier. (2020). “The Growth of the ‘Camo Economy’ and the Commercialization of the Post-9/11 Wars,” Costs of War,

<https://watson.brown.edu/costsofwar/files/cow/imce/papers/2020/Peltier%202020%20-%20Growth%20of%20Camo%20Economy%20-%20June%2030%202020%20-%20FINAL.pdf>.

³² Source: Comptroller of the Department of Defense, various years. <https://comptroller.defense.gov/Budget-Materials/>.

Third, while the United States was at war so long, personnel costs in the base budget grew. For instance, military pay increased 6.9 % in 2002, the largest percentage increase since the early 1980s.³³ Overall, between 2002 and 2018, regular military compensation (cash, allowances for food and housing, and tax advantages) grew by 20 percent for the active duty force.³⁴ When casualties during the Afghanistan and Iraq wars were high, enlistment rates were affected, and the use of bonuses for enlistment and retention have substantially increased.³⁵ Further, the costs of healthcare for service members and retirees grew. In fact, the Defense Health Program (DHP) budget more than doubled during this period: in current dollars DHP in FY 2001 was \$13.5 billion; by FY2021, it was \$34.1 billion.³⁶ The OCO budget paid for some of the healthcare costs of active duty personnel wounded in the war zones.³⁷ But, as the following figure illustrates, while the Defense Health Program was supplemented by OCO money, most of the increase in DHP spending occurred in the DHP base budget. See Figure 3.

Figure 3. Total DOD Defense Health Program Spending, Base and OCO, FY2000-FY2022³⁸



³³ See “United States Military Basic Pay History,” <https://www.navycs.com/charts/>. Also see Jim Absher, (January 28, 2021) “Historical Military Pay Tables,” *Military.Com*, <https://www.military.com/benefits/military-pay/charts/historical-military-pay-rates.html>.

³⁴ Congressional Budget Office, (January 2020) “Approaches to Changing Military Compensation,” <https://www.cbo.gov/system/files/2020-01/55648-CBO-military-compensation.pdf>.

³⁵ See Beth Asch, et al, (2010) *Cash Incentives and Military Enlistment, Attrition, and Reenlistment*, (Santa Monica: RAND Corporation). <https://apps.dtic.mil/sti/citations/ADA522744>.

³⁶ See Department of Defense, Defense Comptroller data, various years. <https://comptroller.defense.gov/Budget-Materials/>.

³⁷ Congressional Budget Office. (January 2014). “Approaches to Reducing Federal Spending on Military Health Care,” <https://www.cbo.gov/sites/default/files/113th-congress-2013-2014/reports/44993-militaryhealthcare.pdf>. Congressional Research Service. (June 15 2021). “FY2022 Budget Request for the Military Health System.” https://www.everycrsreport.com/files/2021-06-15_IF11856_2ee5b10639ee71e551b4d72f00dedab932dd2397.pdf.

³⁸ Source: Department of Defense Comptroller, FY2000-FY2022.

Finally, the dividing line between DOD OCO direct war spending and the base budget became increasingly fuzzy in two respects. During sequestration, as I discuss in greater detail below, OCO money was used to supplement the base budget, inflating the OCO budget. On the other hand, over time, some activities in the major war zones and smaller war operations (such as Operation Noble Eagle) came to be understood as enduring requirements and were normalized and institutionalized in the base budget.

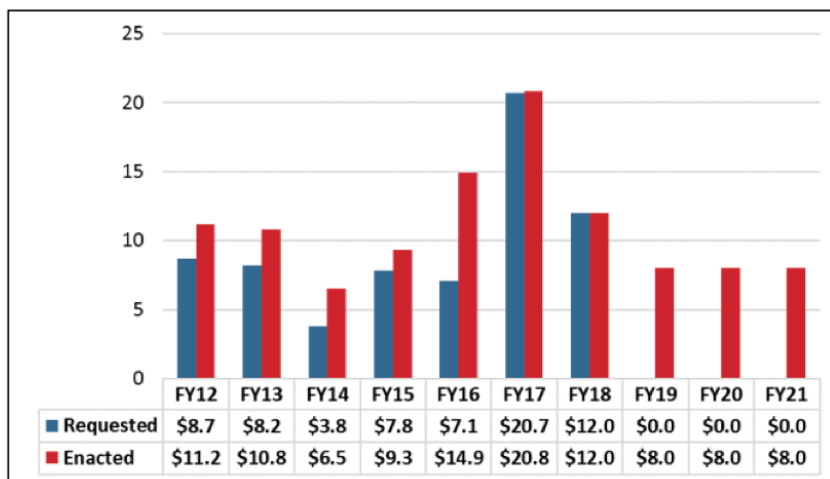
While the war zones and costs are sometimes named and included in accounts of spending, they are often not specified or enumerated in summary documents and some have been funded in both the base and the OCO budget. For example, the U.S. began a counterterrorism operation in the Philippines in October 2002 under the name Operation Enduring Freedom-Philippines that concluded in 2015. In September 2017, the U.S. began Operation Pacific Eagle-Philippines (OPE-P) as a named Overseas Contingency Operation. Since May 2019, OPE-P has been funded in part from the base budget and in part from the OCO budget. In FY2020, the DOD had committed \$85.6 million in spending from both the base and OCO accounts to the Philippines for OPE-P.³⁹

The Department of State's share of war-related spending is comparatively small. However, even as overall Department of State funding has declined compared to other budgets, Congress has been generous with OCO funding for the Department of State, frequently providing more money than the DOS requested. As the Congressional Research Service found, it is indeed rare in recent years for Congress to give the Department of State what it requests for war related Overseas Contingency Operations.⁴⁰ And as with the DOD, the State Department appears to have gotten around BCA restrictions between FY2012 and FY2021 by putting line items in the OCO account that should perhaps have been funded in the regular account. See Figure 4.

³⁹ DOD, Inspector General, (2020). "Operation Pacific Eagle-Philippines, Lead Inspector General Report to the United States Congress, July1, 2020-September 30,2 2020," p. 34.
https://oig.usaid.gov/sites/default/files/2020-11/OPE-P_Philippines%20Lead%20Inspector%20General%20Report%20to%20the%20Congress%20of%20the%20United%20States%2C%20July%201%2C%202020%20-%20September%2030%2C%202020_Q4_Sep2020.pdf

⁴⁰ Emily M. Morgenstern. (February 10, 2021.) "Foreign Affairs Overseas Contingency Operations (OCO) Funding: Background and Current Status," Congressional Research Service,
<https://fas.org/sgp/crs/row/IF10143.pdf>.

Figure 4. State Department Foreign Affairs OCO Funding FY2012-2021 Requested and Enacted, in Billions of U.S. Dollars⁴¹



The spending on the counterterrorism mission for homeland security, while never entirely transparent, has become increasingly difficult to track. While terrorism is central to many Department of Homeland Security missions, the DHS is not the only department that performs the missions associated with homeland security, and further, DHS passes some of its appropriations to other departments. For some years, the Department of Homeland Security budget highlighted expenditures for all counterterror missions, concatenating all agency expenditures using three categories: “Prevent and Disrupt Terrorist Attacks;” “Protect Americans, Critical Infrastructure and Resources;” and “Respond and Recover from Incidents.” The White House and Department of Homeland Security have recently stopped providing the breakdown of DHS expenditures by missions devoted to post-9/11 counterterrorism; as of the FY2018 budget request, the Department Homeland Security budget was no longer explained by the White House Office of Management and Budget.⁴² In more recent years, these accounting for these missions was essentially merged with other DHS missions and the DHS does not highlight its own or other agencies’ spending on these particular missions. William Painter of the Congressional Research Service noted in 2019:

Section 889 of the Homeland Security Act of 2002 required the President's annual budget request to include an analysis of homeland security funding across the federal

⁴¹ Source: From Emily M. Morgenstern. (February 10, 2021). “Foreign Affairs Overseas Contingency Operations (OCO) Funding: Background and Current Status,” Congressional Research Service. <https://fas.org/sgp/crs/row/IF10143.pdf>.

⁴² In 2017, White House Office of Management and Budget stated in its *Analytical Perspectives* on the budget that, “Previous Analytical Perspectives volumes included a ‘Homeland Security Funding Analysis’ chapter, and provided additional detailed information on the Internet address cited above and on the Budget CD-ROM. P.L. 115-31 eliminated the statutory requirement for this information. Therefore, this information is not included in this years’ Budget and it will not be included in future Budgets.” Office of Management and Budget. (2017). *Analytical Perspectives: Budget of the U.S. Government, Fiscal Year 2018*, <https://www.govinfo.gov/content/pkg/BUDGET-2018-PER/pdf/BUDGET-2018-PER.pdf>.

government—not just DHS. This requirement remained in effect through the FY2017 funding cycle. The resulting data series, which included agency-reported data on spending in three categories—preventing and disrupting terrorist attacks; protecting the American people, critical infrastructure, and key resources; and responding to and recovering from incidents—provides a limited snapshot of the scope of the federal government's investment in homeland security.

According to these data, from FY2003 through FY2017, the entire U.S. government directed roughly \$878 billion (in nominal dollars of budget authority) to those three mission sets. Annual budget authority rose from roughly \$41 billion in FY2003 to a peak in FY2009 of almost \$74 billion. After that peak, reported annual homeland security budget authority hovered between \$66 billion and \$73 billion. Thirty different agencies reported having some amount of homeland security budget authority.⁴³

The FY2020 budget summary for DHS implies that nearly all of what it does is related to counterterrorism: “Nefarious actors want to disrupt our way of life. Many are inciting chaos, instability, and violence. At the same time, the pace of innovation, our hyperconnectivity, and our digital dependence have opened cracks in our defenses, creating new vectors through which our enemies and adversaries can strike us. This is a volatile combination. The result is a world where threats are more numerous, more widely distributed, highly networked, increasingly adaptive, and incredibly difficult to root out. The ‘home game’ has merged with the ‘away game’ and DHS actions abroad are just as important as our security operations here at home.”⁴⁴ Further, DHS says, “Border security is national security.”⁴⁵ But of course, DHS does other things—including responding to disasters. Yet, because the counterterrorism mission has been institutionalized and merged with its main missions, it is difficult to find a coherent analysis of the incremental addition of the cost of counterterrorism within the DHS budget. This estimate is based on the publicly available evidence from previous years, and assumes continuity in spending for years where there is no transparency.

Overall, care for veterans consumes the largest share of the total costs of the post-9/11 wars. The estimate for future costs of veterans’ care is much higher than previous estimates because, as Dr. Linda Bilmes of Harvard University notes, veterans of the post-9/11 wars are already claiming higher levels of benefits than previously anticipated and their needs will grow as they age. Due to advances in trauma care, the post-9/11 wars have seen a nearly 45 percent increase in the number of soldiers who are surviving wounds that, in the past would, have killed them.⁴⁶ Further, the types of injuries and co-morbidities of these soldiers will

⁴³ William L. Painter. (February 28, 2019). “The Budget and Homeland Security: Homeland Security Issues in the 116th Congress,” CRS Insight, <https://fas.org/sgp/crs/homsec/IN11047.pdf>.

⁴⁴ Department of Homeland Security. (2019). *FY2020 Budget in Brief*, p. 1. https://www.dhs.gov/sites/default/files/publications/19_0318_MGMT_FY-2020-Budget-In-Brief.pdf.

⁴⁵ DHS, *FY2020 Budget in Brief*, p.2.

⁴⁶ See Tanisha M. Fazal. (2014). “Dead Wrong?: Battle Deaths, Military Medicine, and Exaggerated Reports of War’s Demise,” *International Security*, 39, 1: 95-125. Jeffrey T. Howard, Russ S. Kotwal, and Caryn A. Stern. (March 27 2019). “Use of Combat Casualty Care Data to Assess the U.S. Military Trauma System During the Afghanistan and Iraq Conflicts, 2001-2017,” *JAMA Surgery*, <https://jamanetwork.com/journals/jamasurgery/article-abstract/2729451>.

require increasingly complex and expensive care as they age. Thus, Bilmes notes, “as of 2021, some 40% of post-9/11 veterans had been granted a lifetime service-connected disability by the VA, based on the clinical severity of conditions they sustained or that worsened during their period of service.”⁴⁷

Spending in the Major Post-9/11 Wars: Afghanistan/Pakistan and Iraq and Syria

The U.S. military designates main war zones in Afghanistan, Pakistan, Iraq, and Syria as named operations and these Overseas Contingency Operations have changed names when the mission has changed. The longest war so far, in Afghanistan and Pakistan, has had two names: “Operation Enduring Freedom” designated the first phase of war in Afghanistan from October 2001; it was designated “Operation Freedom’s Sentinel” on 1 January 2015. The war in Iraq was designated “Operation Iraqi Freedom” from March 2003 to 31 August 2010, when it became “Operation New Dawn.” When the U.S. began to fight ISIS in Syria and Iraq in August 2014, this war was designated “Operation Inherent Resolve.” For ease of understanding, the costs are not labeled here by their OCO designation, but by major war zone—namely Afghanistan and Pakistan, and Iraq and later Iraq and Syria. In both major war zones, the end of combat operations has been declared several times

While the Iraq war was the most intense through most of the last 20 years (with OCO spending peaking in 2008 with during the surge), the spending for Afghanistan, where spending peaked in 2011, has surpassed Iraq War spending. The DOD and State Department total appropriated for Afghanistan and Pakistan through FY2021 was about at \$1 trillion. In its May 2021 budget request, the Biden administration has requested \$8.9 billion for FY2022. The total spent for Iraq and Syria through FY2021 is \$886 billion with \$5.4 billion requested by the Biden administration for FY2022. However, the costs of being at war for nearly 20 years are not confined to the costs of DOD and State Department spending. Table 2 provides a rough approximation of the portion of total war costs that are potentially attributable to each of the two major war zones—Afghanistan and Pakistan, and Iraq and Syria.

Table 2. Estimated Costs Attributed to the Major War Zones, FY2001-FY2022, in Billions of Current Dollars (Rounded to the Nearest Billion)⁴⁸

	Costs Attributed to Afghanistan/Pakistan War Zone	Cost Attributed to Iraq/ Syria War Zone	Costs Attributed to Other OCO War Zones
Overseas Contingency Operations (OCO)			
DOD OCO	\$ 1,055	\$ 918	\$128
State Dept. OCO	\$ 60	\$ 60	\$ 69

⁴⁷ See Linda Bilmes. 2021. “The Long-Term Costs of Caring for Veterans of the Iraq and Afghanistan Wars,” Costs of War Project.”

⁴⁸ Totals may not add due to rounding.

Portion of Interest on OCO Spending ⁴⁹	\$ 532	\$ 467	\$ 87
Portion of Estimated Increase in DOD Base Spending Due to War	\$ 433	\$ 380	\$ 71
Portion of Veterans' Care to Date	\$ 233	\$ 233	-
Approximate Share of Costs of Post-9/11 Wars Attributed to Major War Zone, NOT Including Future Veterans' Care	\$ 2,313	\$ 2,058	\$ 355
<i>Estimated Obligation for Future Veterans' Medical and Disability, FY2022-2050</i>	<i>\$1,100</i>	<i>\$1,100</i>	<i>-</i>
TOTAL Including Future Obligations for Veterans' Care	\$3,413	\$3,158	\$355

**Note: Table 2 does not include Homeland Security, which is included in the \$8 trillion total.*

For some categories—specifically, the share of Veterans and DHS spending due to each major war—the exact share for each warzone is impossible to calculate. For example, the Bureau of Labor Statistics shows that of the 4.59 million veterans of the post-9/11 era, 1.853 million veterans identified as having served in Iraq, Afghanistan, or both. Of this total, 507,000 served in both war zones, 980,000 served in Afghanistan, and 1.38 million served in Iraq.⁵⁰ However without access to the service records of each veteran it is impossible to determine the spending for medical and disability that should be attributed to each war zone. The rule of thumb used here is thus to ascribe 50 percent of the share of veterans' costs to each war zone. Because spending for counterterrorism by the DHS and other agencies is no longer detailed, the total for homeland security was already a soft number. Thus, this estimate attributed shares of spending for homeland security that are in line with the share of DOD spending for the war zones: c. 49 percent for Afghanistan and 43 percent for Iraq. The other 8 percent of OCO spending is for other geographic areas or OCO missions. These include the Counterterrorism Partnership Fund, European Deterrence Initiative, training and assistance, and other operations in more than 85 countries in the world.⁵¹

⁴⁹ Calculated as a share of the total of interest on borrowing for DOD and State Department OCO. Total interest that may be attributed to the post-9/11 OCO spending may be as much as is \$1,117 billion. If so, Afghanistan's share of total OCO is 49%; Iraq's share of total OCO is 43 %. Of course, spending for Afghanistan is not only larger, but it is the longer of the two wars, its' share of the interest is slightly larger than noted here.

⁵⁰ Bureau of Labor Statistics, "Employment Situation of Veterans, News Release" (March 18, 2021). https://www.bls.gov/news.release/vet.htm#cps_veterans.f.1.

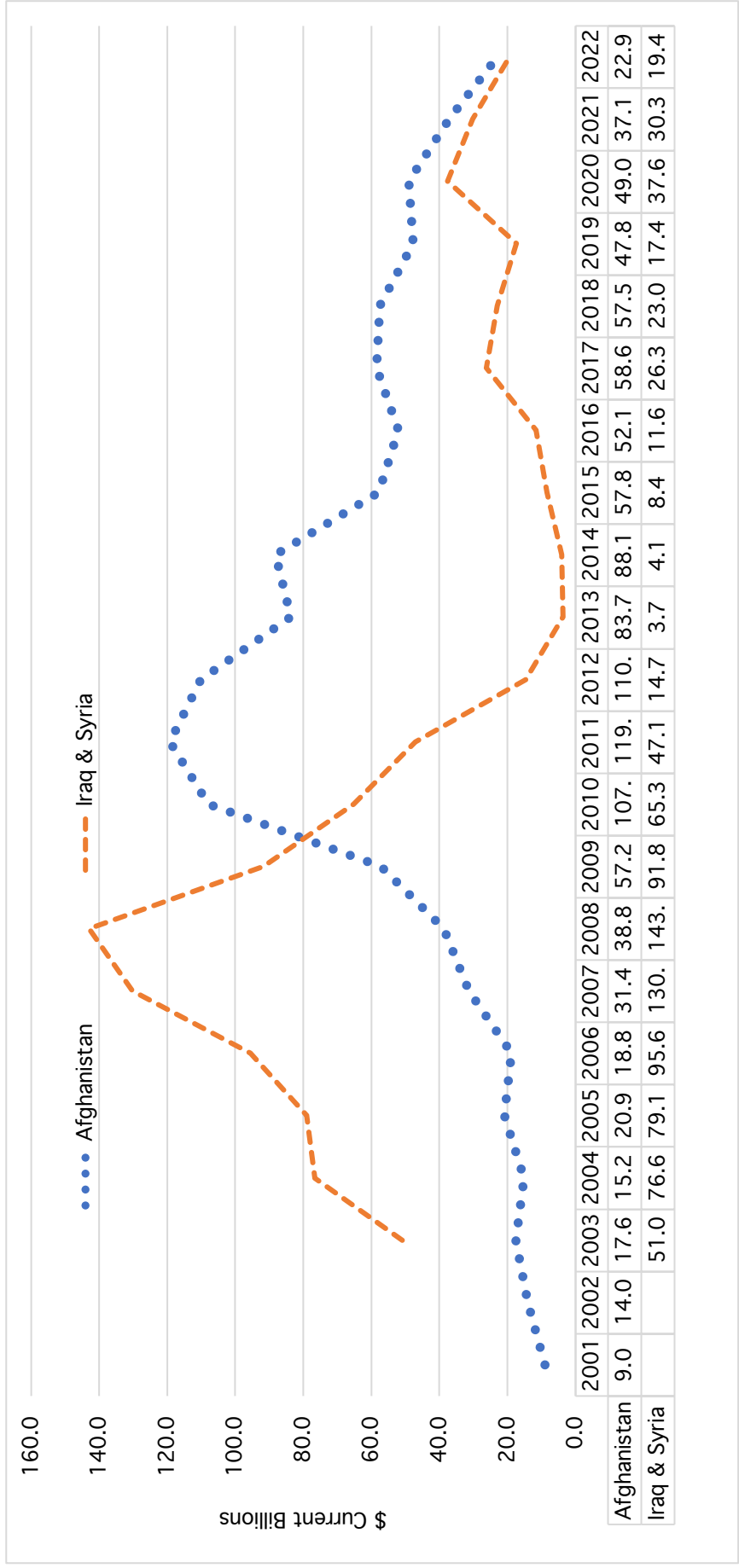
⁵¹ For a map and a summary of some of these operations, see Stephanie Savell, (2020). "U.S. Counterterrorism Operations, 2018-2020" Costs of War Project, <https://watson.brown.edu/costsofwar/files/cow/imce/papers/2021/US%20Counterterrorism%20Operations%202018-2020%2C%20Costs%20of%20War.pdf>.

These enormous sums include significant programs. The DOD spent more than \$83 billion in OCO spending for the Afghanistan Security Forces Fund, and the Train and Equip Funds provided money to equip, train and pay for the Afghan National Defense and Security Force. In addition, the U.S. also spent near \$9 billion on counternarcotics efforts in Afghanistan, as a way to reduce a source of income for the Taliban.

Figure 4 illustrates the trends in DOD and State Department OCO spending for the wars in Afghanistan and Iraq and Syria. The number for both FY2021 and FY2022 are likely to change given recent events in Afghanistan and the decision to fully withdraw from Iraq. Congress may appropriate more money to the DOD and State Department for evacuations in Afghanistan in FY2021, but may not appropriate as much money as requested for Afghanistan in FY2022. Within the larger named operations, there are activities in other geographic areas, in some cases far from the war zones, that directly support the named operations. For example, troops in the U.S. supported long sorties of B-52, B-1, and B-2 bombers to the war zones. Operation Enduring Freedom, focused on Afghanistan and Pakistan, included operations and troops stationed offshore and in Guantanamo Bay (Cuba), Djibouti, Eritrea, Ethiopia, Jordan, Kenya, Kyrgyzstan, Philippines, Seychelles, Sudan, Tajikistan, Turkey, Uzbekistan and Yemen.⁵² Similarly, Operation Iraqi Freedom and Operation Inherent Resolve in Iraq and Syria has also included military troops stationed off shore and in Bahrain, Cyprus, Egypt, Israel, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Turkey, and the United Arab Emirates.

⁵² The casualties for each named operation include those other locations. See, Department of Defense Casualty Status, <https://www.defense.gov/casualty.pdf>.

Figure 4. DOD and State Department OCO Appropriations by Major War Zone, FY2001-2021 and FY2022 Request in Billions of Current Dollars⁵³



⁵³ Appropriations for Major OCO in AfPak and Iraq/Syria. Including a 50 percent share of DOD OCO for Base and Enduring Requirements from FY2015-2022. Sources include: Department of Defense, Undersecretary of Defense, Comptroller, various years. <https://comptroller.defense.gov/Budget-Materials/>. Amy Belasco. (December 2014). *The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11*. Congressional Research Service (CRS); Brendan W. McGarry and Emily Morgenstern. (Updated 6 September 2019) *Overseas Contingency Operations Funding: Background and Status*, CRS; Office of the Undersecretary of Defense (Comptroller). Special Inspector General for Afghanistan Reconstruction, Quarterly Reports, <https://www.sigar.mil/quarterlyreports/index.aspx?SSR=6>.

The Need for Transparency, Clarity and Comprehensive Accounting

The U.S. government should ideally provide a comprehensive, detailed and clear accounting of the budgetary costs and implications of the post-9/11 wars. This lack of an official clear and comprehensive accounting is the result of two overlapping factors: first, the post-9/11 wars and the missions associated with them have been amorphous and shifting; and second, post-9/11 spending occurs in multiple departments, each of which may provide incomplete or obscure reporting of the costs. The U.S. government has also, at times, classified or removed information about operations and their associated budgets.

The Congressional Budget Office and the Congressional Research Service and Members of Congress have long expressed concern that DOD accounting practices are opaque, and that the distinction between enduring and emergency funding has not been well observed. They have regularly pointed out the use of OCO money to fund the activities that should be funded in the DOD base budget. In 2014, for instance, CRS analyst Amy Belasco, in a Congressional Research Service report on the costs of the post-9/11 wars said: “Since the 9/11 attacks, some observers have criticized war funding as ‘off-budget’ or a ‘slush fund’ appropriated largely in emergency supplemental acts or for “Overseas Contingency Operations” (OCO) where normal budget limits in annual budget resolutions or the Budget Control Act (BCA) do not apply.” Belasco continued, “In recent testimony on September 18, 2014, for example, former Secretary of Defense Chuck Hagel acknowledged these ambiguities, saying “there are a lot of different opinions about whether there should be an overseas contingency account or not and whether it’s a slush fund or not.”⁵⁴ A CBO report in 2018 noted that “As contingency operations have become the norm and DoD has adjusted its allocation of resources to accommodate them, it has become increasingly difficult to distinguish between the incremental costs of military conflicts and DoD’s regular, enduring costs.”⁵⁵ The CBO estimated that, from FY2006 to FY2018, \$53 billion in OCO funding was being used for activities that should have been funded in the base budget.⁵⁶

In early 2019 Christopher Mann of the Congressional Research Service noted, “Estimates of the cumulative costs of war are complicated by the use of OCO-designated funds for base budget activities.”⁵⁷ Further, Mann says, “The use of the OCO designation for funding both war and non-war requirements has created ambiguity about enduring costs unrelated to ongoing conflicts.”⁵⁸ Mann noted that, “No government-wide reporting consistently accounts for both DOD and non-DOD war costs.” This leaves a hole in our understanding of the total costs of the post-9/11 wars that allows for confusion and the assertion of figures such as DOD spending that can be mistaken for an assessment of the entire budgetary costs and consequences of the post-9/11 wars. Mann also correctly notes that, “As a consequence, independent analysts have come to different conclusions about the total amount.” Because

⁵⁴ Quoted in Belasco, Amy. (2014, December 8). The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11. *Congressional Research Service* (CRS) p. 20.

<https://web.archive.org/web/20150501203337/http://www.fas.org/sgp/crs/natsec/RL33110.pdf>

⁵⁵ CBO, Funding for Overseas Contingency Operations and its Impact on Defense Spending, p. 10.

⁵⁶ CBO, Funding for Overseas Contingency Operations and its Impact on Defense Spending, p. 2.

⁵⁷ Mann, *U.S. War Costs, Casualties, and Personnel Levels Since 9/11*.

⁵⁸ Mann, *U.S. War Costs, Casualties, and Personnel Levels Since 9/11*.

“widely varying estimates risk misleading the public and distracting from congressional priorities” Mann argues that a comprehensive accounting would be useful. “Congress may wish to require future reporting on war costs that consolidates interagency data (such as health care costs for combat veterans or international aid programs) in a standardized, authoritative collection.”⁵⁹ There is still, as of this writing, no such comprehensive accounting.⁶⁰

The Department of Defense is not internally consistent or clear about its spending on the post-9/11 wars: spending may shift from one budget to another *inside* the department, categories may be overly broad, or detailed reporting of a function may entirely disappear. For instance, Operation Noble Eagle, which began in September 2001 as an operation to defend the U.S. air space and bases, was funded in the emergency war budget through FY2004 and switched to the base budget in FY 2005. More significantly, the DOD’s own reports of war spending are inconsistent and the basis for accounting is sometimes not fully explained. For example, in the DOD’s March 2021 “Estimated Cost to Each Taxpayer for the Wars in Afghanistan and Iraq,” the DOD reports the annual cost for the war in Afghanistan as \$39.676 billion, and \$8.892 billion for Iraq and Syria for FY2020. It notes that “Estimated costs for Afghanistan include related regional costs that support combat operations in the U.S. Central Command area of responsibility.”⁶¹ This does not match the total funding as appropriated by Congress for Afghanistan as stated by the DOD’s Comptroller which reports \$17 billion and \$7 billion respectively for the Afghanistan, and Iraq and Syria, war zones.⁶² These two DOD reports differ from each other because they take different categories of functions and operations into account. Neither of these reports’ figures match the DOD’s Office of Lead Inspector General, “COP-OCO: FY 2021 Comprehensive Oversight Plan Overseas Contingency Operations.”⁶³ There was a more detailed breakdown of costs available from the DOD, but this has apparently not been produced since September 2019, and in any case, this breakdown also does not match other DOD reports.⁶⁴

⁵⁹ Christopher T. Mann, (18 April 2019). *U.S. War Costs, Casualties, and Personnel Levels Since 9/11*, CRS.

⁶⁰ The Congressional Research Service reports by Amy Belasco through 2014 and later, by others in CRS, have aimed to provide the best and most transparent accounting of the costs of the post-9/11 wars. Amy Belasco. (December 2014). *The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11*. Congressional Research Service (CRS); Brendan W. McGarry and Emily Morgenstern. (Updated 6 September 2019) *Overseas Contingency Operations Funding: Background and Status*, CRS.

⁶¹ Department of Defense, “Estimated Costs to Each U.S. Taxpayer of Each of the Wars in Afghanistan, Iraq and Syria,” March 2021.

https://comptroller.defense.gov/Portals/45/documents/Section1090Reports/Estimated_Cost_to_Each_U.S._Taxpayer_of_Each_of_the_Wars_in_Afghanistan,_Iraq_and_Syria_dated_March_2021.pdf

⁶² DOD Office of the Undersecretary of Defense, (Comptroller). (2020) “Defense Budget Overview,” Revised May 13, 2020.

https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2021/fy2021_Budget_Request_Overview_Book.pdf

⁶³ DOD Office of Lead Inspector General, “COP-OCO: FY 2021 Comprehensive Oversight Plan Overseas Contingency Operations.” October 2020. https://media.defense.gov/2021/Jan/22/2002569409/-1/-1/1/FY2021_LIG_COP_OCO_REPORT_PDF.

⁶⁴ See Department of Defense “FY2019 Quarter 4, Cost of War Update as of September 30, 2019,” <https://fas.org/man/eprint/cow/fy2019q4.pdf>. Also see the DOD’s Special Inspector General for Iraq Reconstruction which produced reports through September 2013, and the Special Inspector General for Afghanistan Reconstruction have also produced reports which are detailed. See SIGIR reports archived in

While we should know whether spending should be classified for one war zone or another, support and combat operations in the U.S., Europe or Central Command may serve multiple war zones and operations. For example, the U.S. base at Diego Garcia in the Indian Ocean has supported airstrikes in both Afghanistan and Iraq. Further, while the U.S. national security establishment certainly regards Pakistan as part of the area of operations for Afghanistan “Operation Enduring Freedom” and “Operation Freedom’s Sentinel,” DOD accounts enumerate the costs of operations in Pakistan and State Department spending related to Pakistan is not always included in accounts of direct war-related spending.

There has long been a certain fuzziness, mentioned above, about the use of OCO money, which was exacerbated after the 2011 Budget Control Act (BCA) set limits on defense and nondefense spending. While the Budget Control Act was in effect, OCO appropriated money was, for more than a decade, used to supplement the base DOD budget. This was not the intention of Congress.⁶⁵

<https://cybercemetery.unt.edu/archive/sigir/20131001084734/http://www.sigir.mil/directorates/audits/auditReports.html>. Special Inspector General for Afghanistan Reconstruction quarterly reports are found at, <https://www.sigar.mil/>.

⁶⁵ Specifically, these limits were enforced by “sequestration,” the automatic reduction of enacted appropriations in excess of the law’s prescribed levels. However, emergency appropriations for the DOD were not subject to the same detailed Congressional oversight and limits as appropriations for regular, or “base” budget non-emergency appropriations. In other words, spending designated as OCO was exempt from the base budget caps and sequestration. The limits imposed by the BCA expired in FY2022.

While the 2011 BCA was in effect, the DOD (and the State Department) appear to have charged additional expenses to the OCO budget that should have been funded through the base budget appropriation process. It appears that none of these transfers were explicitly requested by the DOD or authorized by Congress. In FY 2019, the Trump Administration made the practice of shifting emergency OCO appropriations into the base budget explicit when it introduced new ways of categorizing the Department of Defense spending related to the Overseas Contingency Operations. Some of the funding that was previously designated for specific military operations was moved during the Trump Administration into a category called “OCO for Enduring Theater Requirements and Related Missions” and another, “OCO for Base Requirements.” The DOD Comptroller explained:

“The FY 2020 OCO request is divided into three requirement categories – direct war, enduring, and OCO for base. Direct War Requirements (\$25.4 billion) – Reflects combat or combat support costs that are not expected to continue once combat operations end at major contingency locations. Includes in-country war support for Operation FREEDOM’S SENTINEL (OFS) in Afghanistan and Operation INHERENT RESOLVE (OIR) in Iraq and Syria. Funds partnership programs such as the Afghanistan Security Forces Fund (ASFF), the Counter-ISIS Train and Equip Fund (CTEF), the Coalition Support Fund (CSF), and Middle East border security.

OCO for Enduring Requirements (\$41.3 billion) – Reflects enduring in-theater and CONUS costs that will remain after combat operations end. These costs, historically funded in OCO, include overseas basing, depot maintenance, ship operations, and weapons system sustainment. It also includes the European Deterrence Initiative (EDI), the Ukraine Security Assistance Initiative (USAI), and Security Cooperation. Combined, enduring requirements and direct war requirements comprise “traditional” OCO.

OCO for Base Requirements (\$97.9 billion) – Reflects funding for base budget requirements, which support the National Defense Strategy, such as defense readiness, readiness enablers, and munitions, financed in the OCO budget to comply with the base budget defense caps included in current law.”

This practice of funding base requirements with the OCO budget was increasingly evident in the Trump Administration and has become explicit under the Biden administration. It has now led to normalization and institutionalization of spending in Pentagon’s “base” budget that was previously considered as part of the post-9/11 wars. Specifically, the DOD’s FY2019 request OCO for base was \$2.5 billion. The FY2020 budget request included \$97.5 billion in OCO funding for base budget requirements and \$35.3 billion for “Enduring Theater Requirements and Related Missions.” Another new DOD OCO category for FY2020 was “Emergency Requirements,” money intended for the Southern United States border wall and disaster relief for recent hurricanes. Thus, in FY 2020, only about \$25 billion of the \$173.8 billion OCO request were designated as for Operation Inherent Resolve in Iraq and Syrian and Operation Freedom’s Sentinel in Afghanistan. In the FY2020 request, the DOD Comptroller also applied some of these new categories retroactively to previous OCO funding—respectively \$2, \$8, \$18, and \$17 billion for Fiscal Years 2015 to 2019.⁶⁶ Again, these changes were specifically and explicitly intended to get around congressionally imposed limits on the base defense budget. The Department of Defense FY2020 request explicitly stated as much: “These base budget requirements are funded in the OCO budget due to limits on budget defense caps enacted in the Budget Control Act of 2011. As base budget funding at the Budget Control Act level is insufficient to execute the National Defense Strategy, additional resources are being requested in the OCO budget.”⁶⁷ The FY2020 OCO for base requirements request also, according to the Comptroller’s report “include ground, air, and ship operations, base support, maintenance, weapons system sustainment, munitions, and other readiness activities, which are needed to prepare warfighters for their next deployment. This OCO request for base requirements includes additional resources for non-DoD activities, which are described in detail under separate (classified) cover.”⁶⁸ The FY2021 DOD budget enacted \$16.5 billion in “OCO for Base Requirements.” The FY2022 DOD budget request seeks money for what the DOD describes as “enduring theater requirements” that “reflects enduring in-theater and Continental United States (CONUS) costs that will remain after combat operations end.”⁶⁹ These have been equally divided between the major war zones in this report because the size of the troop presence in each war zone was approximately the same over the last 3 years. The distinction between OCO and the base budget were eliminated in the FY2022 DOD budget request by the Biden administration.⁷⁰

Office of the Undersecretary of Defense (Comptroller). (2019). *Defense Budget Overview: United States Department of Defense Fiscal Year 2020 Budget Request*, p. 6-2.

⁶⁶ Office of the Undersecretary of Defense (Comptroller). (2019). *Defense Budget Overview: United States Department of Defense Fiscal Year 2020 Budget Request*, p. 6-4.

⁶⁷ Office of the Undersecretary of Defense (Comptroller). (2019). *Defense Budget Overview: United States Department of Defense Fiscal Year 2020 Budget Request*, p. 6-8.

⁶⁸ Office of the Undersecretary of Defense (Comptroller). (2019). *Defense Budget Overview: United States Department of Defense Fiscal Year 2020 Budget Request*, p. 6-8.

⁶⁹ Office of the Undersecretary of Defense (Comptroller). (2021). *Defense Budget Overview: United States Department of Defense Fiscal Year 2020 Budget Request*, p. 7-2.

⁷⁰ “To comply with the Office of Management and Budget direction in the Summary of the President’s Discretionary Funding Request, dated April 9, 2021, the Department of Defense (DoD) is shifting funds that had previously been designated as OCO to the base budget. The discretionary request also discontinues requests for OCO as a separate funding category, instead funding direct war costs and enduring operations in the DoD base budget, a significant budgetary reform.” Office of the Undersecretary of Defense (Comptroller). (2021). *Defense Budget Overview: United States Department of Defense Fiscal Year 2020 Budget Request*, p. 7-2.

One of the most important duties of any great nation when it goes to war is to have a clear-eyed discussion of the costs, risks and benefits of war. As I showed above, transparency around costs has diminished over time, not increased. The lack of clarity includes but extends beyond the budget. Some numbers simply disappear. The DOD has sometimes not clearly reported the number of personnel deployed in the war zones and the larger theater of operations. In 2017, the DOD stopped reporting the number of troops deployed in Afghanistan and Iraq although they continue to report the number of troops that were involved in the named operations and those supporting them in the U.S.⁷¹ Another loss of transparency occurred when the Department of Defense stopped reporting its air strikes and weapons releases in Afghanistan after February 2020.⁷²

In 2017, the DOD classified previously unclassified information about the Afghan National Defense and Security Forces. The DOD also classified some previously public data in 2015.⁷³ The classifications and restrictions make it difficult for Congress to evaluate policies and Special Inspector Generals to conduct oversight. As SIGAR noted in 2017, “None of the material now classified or otherwise restricted discloses information that could threaten the U.S. or Afghan missions (such as detailed strategy, plans, timelines, or tactics).” Further, “All of the data include key metrics and assessments that are essential to understanding mission success for the reconstruction of Afghanistan's security institutions and armed forces.” Special Inspector General for Afghanistan Reconstruction, John Sopko told Congress in 2020, “Every time we find something that looks like it’s going negative, it gets classified... Most of the [methods] of measuring success are now classified.”⁷⁴

But information does not have to disappear to be unavailable. It has sometimes been merged into larger categories that blurs distinct classifications. Determining the costs of medical care and disability compensation for Post-9/11 veterans has at times been complicated by the categories the Department of Veterans Affairs has used to denote post-9/11 veterans. For example, the VA categorizes the veterans of the post-9/11 wars in the same category as 1990 Gulf War veterans, with veterans from the entire period from 1990 to the present categorized as “Gulf War Era Veterans” in VA disability compensation records. In their FY2022 budget the VA estimated that Gulf War era veterans, who served from 2 August 1990 to the present would account for 51.9 percent of the veterans receiving compensation in 2022, an increase from 50.7 percent of all veterans receiving compensation

https://comptroller.defense.gov/Portals/45/Documents/defbudget/FY2022/FY2022_Budget_Request_Overview_Book.pdf

⁷¹ Heidi M. Peters, “Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2020,” Congressional Research Service, CRS Reports, R44116. February 22, 2021.

<https://fas.org/sgp/crs/natsec/R44116.pdf>

⁷² U.S. Airpower Summary, Combined Forces Air Component Commander 2013-2019 Airpower Statistics, <https://www.afcent.af.mil/Portals/82/Documents/Airpower%20summary/jan%202020%20Airpower%20Summary.pdf?ver=2020-02-13-032911-670>.

⁷³ See the Memo October 31, 2017, from the Research and Analysis Directorate, Office of Afghanistan Reconstruction to John Sopko, Special Inspector General for Afghanistan Reconstruction.

⁷⁴ Sopko quoted in Steve Beynon, “Are We Winning the Afghanistan War? That’s Classified Sopko Says,” *Stars and Stripes*, 11 February 2020. https://www.stripes.com/theaters/middle_east/are-we-winning-the-afghan-war-that-s-classified-sopko-says-1.618399.

in FY2020.⁷⁵ However, in 2021 the Bureau of Labor Statistics is clear about the that there are 4.5 million veterans who served in the U.S. military from September 2001 through August, 2020, and they classify these as “Gulf War Era II” veterans.⁷⁶

The Costs of War Project would welcome a full accounting and analysis from the Office of Management and Budget of the total costs of the post-9/11 wars, including the costs of veteran’s medical and disability care, the use of the war budgets, the effect of the overseas contingency operations spending on the DOD and State Department’s base budgets, the federal costs of counterterrorism efforts at home, a clear account of the cost-effectiveness of homeland security, and an estimate of the state and local costs of the post-9/11 wars and counterterror mobilization.

Conclusion

The U.S. responded to the 9/11 attacks through a military mobilization of unprecedented scope, scale, and duration. The costs of such a response will not end after U.S. troops withdraw from Afghanistan and Iraq. The U.S. continues to invest in war in other areas around the globe, devote a great deal of resources to counterterrorism at home, and must pay future costs—including for veterans’ disability and medical care and interest on borrowing to pay for the post-9/11 wars.

Every country goes to war believing that they can win, that the fighting and its consequences will be controllable, that the costs of war will be less expensive than diplomatic efforts or sanctions, and that there will be few casualties because they will take

⁷⁵ “Benefits in the compensation program are estimated to be dispersed to 5,033,113 Veterans and 443,407 Survivors in 2020 and 5,192,776 Veterans and 456,294 Survivors in 2021. The 2020 Veteran and Survivor caseload estimate is distributed among World War II and Prior (76,823), Korean Conflict (126,947), Vietnam Era (1,717,752), Gulf War (2,702,897), and Peacetime (852,101) periods of service.” Department of Veterans Affairs. (2019). *Volume III, Benefits and Burial Programs and Department Administration, 2020 Congressional Submission*, p. VBA-56.

<https://www.va.gov/budget/docs/summary/fy2020VAbudgetvolumeIIIbenefitsBurialProgramsAndDeptmentalAdministration.pdf>. “Benefits in the compensation program are estimated to be dispersed to 5,503,550 Veterans and 475,146 Survivors in 2022, and 5,724,030 Veterans and 492,868 Survivors in 2023. The 2022 Veteran and Survivor caseload estimate is distributed among World War II and Prior (49,527), Korean Conflict (107,584), Vietnam Era (1,835,934) Gulf War (3,087,762), and Peacetime (897,888) periods of service. Caseload for the older periods of service is steadily declining. The number of Veterans and Survivors of Veterans from the Gulf War Era who are receiving compensation benefits will continue to increase rapidly through the budget year.”

Department of Veterans Affairs. (2021). *Volume III, Benefits and Burial Programs and Department Administration, 2020 Congressional Submission*, p. VBA-59.

<https://www.va.gov/budget/docs/summary/fy2022VAbudgetvolumeIIIbenefitsBurialProgramsAndDeptmentalAdministration.pdf>.

⁷⁶ Bureau of Labor Statistics, “Employment Situation of Veterans, News Release” (March 18, 2021).

https://www.bls.gov/news.release/vet.htm#cps_veterans.f.1. “Veterans who served in Iraq, Afghanistan, or both are individuals who served in Iraq at any time since March 2003, in Afghanistan at any time since October 2001, or in both locations. Service in Iraq or Afghanistan is determined by answers to two questions: ‘Did you serve in Iraq, off the coast of Iraq, or did you fly missions over Iraq at any time since March 2003?’ and ‘Did you serve in Afghanistan, or did you fly missions over Afghanistan, at any time since October 2001?’”

great care to protect their own soldiers and the lives of innocent civilians. But war rarely goes as planned. When things don't go as planned, new increments of force are added—or surged—to the war zone on the theory that just a bit more force will make the difference. The costs in lives and treasure goes up as the level of force is ratcheted up. And war continues.

Democracy can sometimes take a beating during war. Operations may be shrouded in well-intentioned but perhaps unnecessary secrecy, and mistakes are generally swept under the rug or downplayed. Voices of caution or those who ask for more details about plans and alternatives are often ignored, derided, or silenced as citizens and decisionmakers rally around the flag and defer to generals in an atmosphere of fear and urgency. The Costs of War Project hopes that this accounting, and our other work, promotes transparency and facilitates informed conversations about current and future wars.

Global Ceasefire (/en/globalceasefire)

NOW IS THE TIME FOR A COLLECTIVE NEW PUSH FOR PEACE AND RECONCILIATION

On March 23rd 2020, Secretary-General António Guterres issued an urgent appeal for a global ceasefire in all corners of the world to focus together on the true fight – defeating COVID-19. He repeated the call at the start of the 75th UN General Assembly session in September.

Silencing the guns can not only support the fight against COVID-19, but also create opportunities for life-saving aid, open windows for diplomacy and bring hope to people suffering in conflict zones who are particularly vulnerable to the pandemic. Since March, 180 countries, the Security Council, regional organizations, civil society groups, peace advocates and millions of global citizens have endorsed the Secretary-General's ceasefire call.

The clock is ticking and there is no time to waste.



▶ 🔊 0:00 / 1:54 ⚙️ 🎵 📄 UN Web TV 📶 ⓘ

- > **"To silence the guns, we must raise the voices for peace" (<https://www.un.org/en/un-coronavirus-communications-team/update-secretary-general%E2%80%99s-appeal-global-ceasefire>)**

SECRETARY-GENERAL

- > **"The fury of the virus illustrates the folly of war" (<https://www.un.org/en/un-coronavirus-communications-team/fury-virus-illustrates-folly-war>)**

SECRETARY-GENERAL

- > **"Make the prevention and redress of violence against women a key part of national response plans for COVID-19" (<https://www.un.org/en/un-coronavirus-communications-team/make-prevention-and-redress-violence-against-women-key-part>)**

SECRETARY-GENERAL

- > **"This war needs a war-time plan to fight it" (<https://www.un.org/en/coronavirus/war-needs-war-time-plan-fight-it>)**

SECRETARY-GENERAL

- > **"Global solidarity with Africa is an imperative" (<https://www.un.org/en/coronavirus/global-solidarity-africa-imperative>)**

News and Features



(/en/globalceasefire/un-security-council-demands-covid-19-vaccine-ceasefires)

UN Security Council demands COVID-19 vaccine ceasefires **(<https://www.un.org/en/globalceasefire/un-security-council-demands-covid-19-vaccine-ceasefires>)**

26 February 2021 - The UN Security Council on Friday unanimously passed a resolution calling on all Member States to support a “sustained humanitarian pause” to local conflicts, in order to allow for COVID-19 vaccinations.



(/en/globalceasefire/step-action-achieve-covid-19-ceasefire-guterres-says-un-day-message)

Step up action to achieve COVID-19 ceasefire, Guterres says in UN Day message (<https://www.un.org/en/globalceasefire/step-action-achieve-covid-19-ceasefire-guterres-says-un-day-message>)

23 October 2020 - The UN's 75th anniversary this Saturday, which falls as countries continue to battle the COVID-19 pandemic, is an opportunity to accelerate action to achieve a global ceasefire during the crisis, Secretary-General António Guterres has said.

[MORE NEWS AND FEATURES \(HTTPS://WWW.UN.ORG/EN/GLOBALCEASEFIRE/STORIES\)](https://www.un.org/en/globalceasefire/stories)

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(<https://www.un.org/en/observances/human-rights-day>)

Human Rights Day

(<https://www.un.org/en/observances/human-rights-day>)

Human Rights Day commemorates the day on which, in 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights.



10 Dec 2020



(<https://www.un.org/en/observances/human-solidarity-day>)

International Human Solidarity Day

(<https://www.un.org/en/observances/human-solidarity-day>)

The United Nations was founded on a basic premise of unity and harmony among its members expressed in the concept of collective security that relies on the solidarity of its members to unite "to maintain international peace and security.



20 Dec 2020

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António Guterres ✓

@antonioguterres



I call on all parties to conflict to observe the Olympic Truce during the [#Tokyo2020](#) Olympic and Paralympic Games.

People and nations can build on this temporary respite to establish lasting ceasefires and find paths towards sustainable peace.



Tweet your reply



António Guterres ✓
@antonioguterres



I have appealed for an immediate global ceasefire to focus on the one true fight: the battle against [#COVID19](#).

The Security Council has joined this call.

We need to step up our efforts. The clock is ticking — and people are dying.

bit.ly/2HfXpS8

3:51 PM · Oct 20, 2020



♡ 920 ⚡ See the latest COVID-19 information on Twitter

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Rosemary A. DiCarlo ✓
@DicarloRosemary



I welcome the Security Council resolution on [#COVID19](#) demanding a cessation of hostilities in situations on its agenda & recognizing the Secretary-General's global ceasefire appeal. Let's now truly press conflict parties to silence the guns and focus on fighting the common enemy. pic.twitter.com/r31YUGh2mi

6:24 AM · Jul 1, 2020



♡ 240 ⚡ See the latest COVID-19 information on Twitter

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**Join the call by Secretary-General António Guterres
for a ceasefire in all corners of the world.**

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Sign the petition and make your voice heard!

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(<http://humanservices.hawaii.gov>)

State of Hawaii

Department of Human Services (<http://humanservices.hawaii.gov>)

[Home \(http://humanservices.hawaii.gov\)](http://humanservices.hawaii.gov) » [Main \(http://humanservices.hawaii.gov/blog/category/main/\)](http://humanservices.hawaii.gov/blog/category/main/) » Hawaii State Commission on the Status of Women launches anti-trafficking campaign

HAWAII STATE COMMISSION ON THE STATUS OF WOMEN LAUNCHES ANTI-TRAFFICKING CAMPAIGN

Posted on Jul 10, 2018 in [Main \(http://humanservices.hawaii.gov/blog/category/main/\)](http://humanservices.hawaii.gov/blog/category/main/).



(<http://humanservices.hawaii.gov/bus-ad-1/>).

HONOLULU, HI— On Monday, July 2, the Hawai'i State Commission on the Status of Women at the Department of Human Services launched its first anti-trafficking campaign to coincide with RIMPAC. The “She is All Women” campaign aims to bring attention to the outsized demand for prostitution in Hawai'i — a demand met in part by sex trafficking, and that surges during RIMPAC.

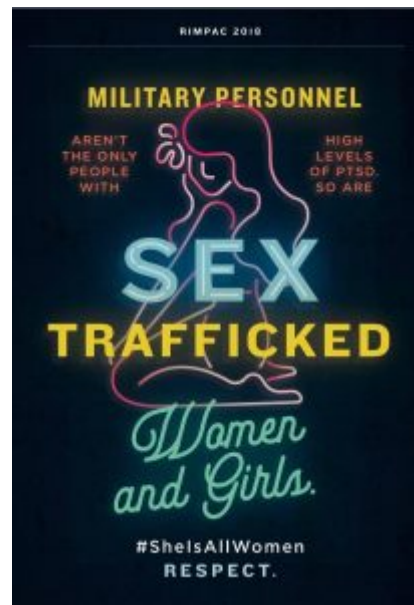
Major events such as RIMPAC create a significant risk of commercial sexual exploitation to women and girls in Hawaii. The Commission is especially concerned for runaway youth, Native Hawaiian, immigrant, and LGBTQ persons, who are at an elevated risk of the predictive factors for prostitution and sex trafficking.

(http://humanservices.hawaii.gov/hscsw/36429499_622192564793_95403362939725414)

According to Khara Jabola-Carolus, the Executive Director of the Hawai'i State Commission on the Status of Women, “National data shows that demand for commercial sex during large gatherings such as the Super Bowl increases by 30-39%, and criminal networks including traffickers follow demand. Researchers specifically trained in the recognition of sex trafficking victimization have also found that 65% of online sex ads during recent Super Bowls were possible sex trafficking victims. RIMPAC is the military's Super Bowl.”

Much attention has been given to the military's environmental and cultural impacts. Little to no focus has been given to women's safety living around the bases. Places with a large military presence often see higher rates of violence against women as a result of a larger process of normalized violence. According to the Sex Trafficking Intervention and Research at Arizona State University, Hawai'i has one of the worst demand problems in the America and a large number of buyers are on its military bases.

Jabola-Carolus also stated, "RIMPAC is a symptom, not the disease. From western intervention to present, a system of prostitution has sexualized and exploited poor, Native, and vulnerable women's lower social power in Hawai'i. Military, tourist and local men need to adjust their perception of women. No one in should have to sell their consent to sex in order to live. No one should get to use their economic power to force consent. The dignity of Hawai'i's men is dependent on the dignity of Hawai'i's women." The Commission is urging the public to intervene if they suspect sex trafficking activity by calling 1-888-373-7888. Victims are also encouraged to seek help through the hotline. The public can expect to see "She is All Women" announcements throughout Oahu on bus ads and posters, radio ads, and videos on its social media accounts.



Hawaii

Supreme Court: State Failed Trust Duties In Pohakuloa

The Hawaii Supreme Court ordered the state to come up with a plan to better manage the land.



By Blaze Lovell   / August 23, 2019

 Reading time: 2 minutes.



The Hawaii Supreme Court ruled Friday that the state has not properly managed lands leased to the military on the Big Island.

The state Department of Land and Natural Resources leases more than 20,000 acres of land in Pohakuloa to the military for training for just \$1 a year. Part of the military's lease states that DLNR must monitor activities and ensure that trash and unexploded ordnance is removed.

Cultural practitioners who use the land found spent shell casings and other ordnance, the opinion says.

“As trustee, the State must take an active role in preserving trust property and may not passively allow it to fall into ruin,” the high court wrote in its 101-page opinion.

The large parcel of land was once part of more than 2 million acres owned by the Kingdom of Hawaii. Those lands were transferred to the state, and most are managed by DLNR.

The opinion Friday affirms a lower court ruling, which stated that the state must make reasonable efforts to preserve and protect the land.

The Supreme Court ruling also affirmed a Circuit Court order that the state must develop a plan for on-site inspections.

Read the full opinion below.

The screenshot displays a legal document viewer interface. At the top right, there are icons for search and a menu. The document content is centered and includes the following text:

FOR PUBLICATION IN WEST'S HAWAI'I REPORTS AND PACIFIC REPORTER

Electronically Filed
Supreme Court
SCAP-18-0000432
23-AUG-2019
09:05 AM

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

---o0o---

CLARENCE CHING and MARY MAXINE KAHAULELIO,
Plaintiffs-Appellees,

vs.

SUZANNE CASE, in her official capacity as Chairperson
of the Board of Land and Natural Resources and
State Historic Preservation Officer, BOARD OF LAND AND NATURAL
RESOURCES, and DEPARTMENT OF LAND AND NATURAL RESOURCES,
Defendants-Appellants.

SCAP-18-0000432

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CAAP-18-0000432; CIV. NO. 14-1-1085-04)

AUGUST 23, 2019

At the bottom of the viewer, there is a navigation bar with the text "Document", a left arrow, a page number "1" in a box, "of 101", a right arrow, zoom in (+) and zoom out (-) buttons, and a zoom level of "68%". A full-screen icon is also present on the right side of the navigation bar.

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About the Author



Blaze Lovell ✉ 📡

Blaze Lovell is a reporter for Civil Beat and a graduate of the University of Nevada, Las Vegas. He was born and raised on Oahu. You can reach him at blovell@civilbeat.org or follow him on Twitter at [@blaze_lovell](https://twitter.com/blaze_lovell)

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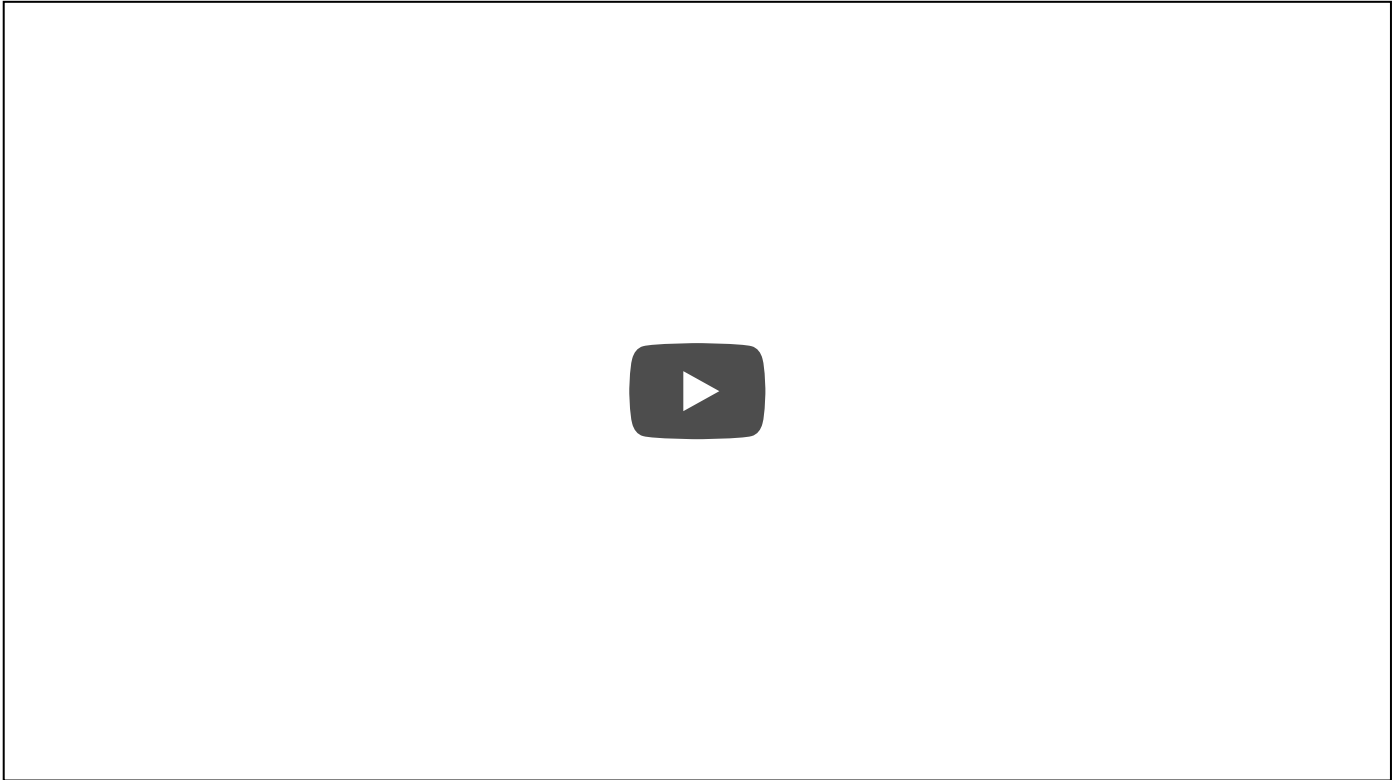
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Ho‘iho‘i ‘Āina: [#MilitaryLANDBACK](#)

99 views • Jul 30, 2021

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The US military currently leases lands in Wahiawā, Kahuku, Mākua and Pōhakuloa from the state for just \$1 for 65 years. The leases expire in 2029 but the Army has already initiated its EIS process to retain these lands. Learn more about how we can effectively engage the current EIS process and get [#LandBack](#).

Our panelists of long-time aloha ‘āina and activists include:

- Aunty Maxine Kahaulelio and Kū Ching (Pōhakuloa)
- Sparky Rodriguez (Mākua)
- Tom Lenchanko (Poamoho)
- Lynell DaMate (Kahuku)

Hosted by KOA Futures and Lā Ho‘iho‘i Ea - Honolulu, with support from the Hawai‘i Peoples’ Fund.


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[#CancelRIMPAC](#)

Cancel RIMPAC - A Collective Poem

538 views • Jul 8, 2020

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Cancel RIMPAC Coalition

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Thirteen indigenous poets from Oceania - from Hawai'i, Aotearoa, and Guahan - came together to write and record a poem calling for the Cancellation of RIMPAC and for the restoration of ea: life, breath, and sovereignty. Their words envision a world without RIMPAC, without war or war games, without militarization and nuclear warfare, without deception and appropriation, without naval sonar and naval frigates, without bombs, and without militancy. Listen to their words, breathe with them, be moved by the futures they imagine, and act. [#CancelRIMPAC](#).

Directed and Edited by: Mikey Inouye

Poem Contributors in Order of Appearance: Emalani Case, Brandy Nālani, Grace Iwashita-Taylor, D. Keali'i MacKenzie, Emelihter Kihleng, Bobbie Millar, Billy Kinney, A.A. Hedge Coke, Nadine Anne Hura, Tāwhana Chadwick, Kisha Borja-Quichocho-Calvo, Jamaica Heolimeleikalani Osorio, Loke Aloua

Produced by: Emalani Case, Joy Enomoto, & Mikey Inouye

Additional Footage Provided by: Nate Yuen

of imperialist abuse worldwide as countries from across the globe take part in environmental destruction, cultural desecration, and training for future acts of oppression. These militaries represent some of the greatest contributors to climate change, and through the deployment of their polluting weapons during RIMPAC continue the war against the Hawaiian ecosystem and environment as a whole. RIMPAC participants also perpetuate the long history of human exploitation via their contributions to sex trafficking as well as their continued focused training on excelling in their oppression of people around the world and in their "home" countries.

This year, RIMPAC participants plan to come in the midst of a global pandemic, disregarding public safety in the interest of military might. In the middle of the latest COVID-19 spike, nations with varying levels of success in combatting the virus (including the United States which has had the worst response to the crisis), plan to come to Hawai'i and put everyone here at risk. The US military's blatant disregard for our lives and wellbeing is not unique to this year; conducting war games during a pandemic is only the most recent in a long line of abuses the United States commits against Hawai'i and her people by taking part in these war exercises. RIMPAC must be cancelled this year and every year after, in the interest of protecting our lives, our environment, and ending the US military occupation of our islands. Stand with us to cancel RIMPAC – now and forever.

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HMAS Farncomb successful sinking at RIMPAC

Royal Australian Navy 51K views • 9 years ago



FKJ & Masego - Tadov

Fkj 335M views • 4 years ago



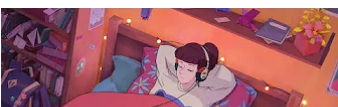
Jo Koy's Mom Makes Him Cry | Netflix Is A Joke

Netflix Is A Joke 6.8M views • 2 years ago

lofi hip hop radio - beats to sleep/chill to

Lofi Girl 9.9K watching

LIVE NOW



Aha Mele Ea 2021, pt. 1 of 4

TOP NEWS

Oahu median home price inches even closer to \$1M

By [Andrew Gomes](#) • June 7, 2021

A continued surge in home buying on Oahu last month helped drive the median sale price in the market closer to \$1 million.

Previously owned single-family houses on the island sold for \$978,000 in May, according to a report released today by the Honolulu Board of Realtors.

The figure represented a 23% rise over a \$797,000 median sale price in the same month last year, and was the fourth high in five months this year.

“The market’s rapid pace is showing no signs of slowing, and buyers entering the market continue to face stiff competition, especially for homes under \$800,000,” Shannon Heaven, president of the trade association, said in a statement.

There were 405 single-family home sales last month, a 63% surge from 248 sales a year earlier.

Much of the gain reflected abnormally low sale volume last year because of impacts during an early stage of the COVID-19 pandemic. Yet last month’s sale volume far exceeded the 320 sales in May 2019 and included much pent-up demand from buyers.

Heaven, an agent with Property Profiles, noted that one Oahu home put on the market last month received 60 offers within a week of being listed.

In Oahu’s condominium market, the number of sales spiked even more — by 135% to 598 in May from 254 in the same month last year.

The condo median sale price rose 15% to \$457,750 from \$399,000 in the year-over-year period.

The record median sale price for condos in a single month was set in July 2019 at \$461,500.

Defund War, Invest in our Communities



We need to defund war and invest in our communities.

Since 2001 we have spent \$6.4 trillion on total military spending, meaning that in the past 19 years Americans have spent [\\$23,386 each](#) on war and underinvested in the needs of our communities. We need to defund the Pentagon, end the militarization of our police, and end military aid to human rights abusers around the world NOW.

In 2020, the Pentagon budget was \$740 billion-- about half of which went directly into the hands of private contractors, not our troops. Since 1990, the Pentagon has sent over \$7.4 billion worth of "surplus" military equipment to local police departments, bringing the full force of the U.S. military home to terrorize people of color and the working class. On top of our bloated Pentagon and municipal police budgets, we also send billions of our tax dollars in military aid to human rights abusers around the world.

- -
 -
 -
- Historic protests in cities across the US have created a growing awareness that in order to address systemic racism, an ongoing climate crisis, and the needs of working people we must defund the police and defund war. Now is the time to follow their leadership and work towards creating a society which addresses security by investing in human needs, not endless war and militarization.

Did your Congressional Representative vote to cut the Pentagon Budget by 10%?

Earlier this year, our representatives had an opportunity to **vote for historic legislation which would have cut the Pentagon budget by 10%**. If your representative failed to vote to cut the Pentagon Budget by 10%, it's time to hold them accountable. A report out from Sludge showed that members of Congress who voted against the 10% cut to the Pentagon budget [received 3.4X more](#) campaign contributions from weapons manufacturers. We need to demand that they stop taking campaign contributions from weapons manufacturers.

How did your representative vote? Find the final list of YES and NO votes below, then take action!

Did your Congressional Representative vote to cut the Pentagon Budget by 10%?

✔ If yes, thank them for their support and ask that they join the newly formed Defense Spending Reduction Caucus [here](#).

✘ If not, they have blood on their hands! Take action to demand that they stop taking campaign contributions from weapons manufacturers and hold them accountable [here](#).

These Representatives **voted to** cut the Pentagon Budget by 10%. [Contact them here](#) to thank them and ask that they join the Defense Spending Reduction Caucus to continue to build power in Congress!



CODEPINK

These Representatives voted yes to cut the Pentagon Budget by 10%.
to thank them and ask that they join the Defense
Spending Reduction Caucus to continue to build power in Congress!

AZ-3 Grijalva	CA-37 Bass	CA-29 Cárdenas
CA-27 Chu	CA-11 DeSaulnier	CA-44 Barragán
CA-18 Eshoo	CA-34 Gomez	CA-2 Huffman
CA-17 Khanna	CA-13 Lee	CA-33 Lieu
CA-19 Lofgren	CA-47 Lowenthal	CA-6 Matsui
CA-9 McNerney	CA-32 Napolitano	CA-45 Porter
CA-38 Sánchez	CA-28 Schiff	CA-30 Sherman
CA-14 Speier	CA-41 Takano	CA-51 Vargas
CA-43 Waters	CO-2 Neguse	CT-5 Hayes
DC-1 Norton	FL-14 Castor	FL-21 Frankel
FL-20 Hastings	FL-24 Wilson	GA-4 Johnson
HI-2 Gabbard	IL-7 Davis	IL-4 Garcia
IL-2 Kelly	IL-1 Rush	IL-9 Schakowsky
KY-3 Yarmuth	MA-5 Clark	MA-9 Keating
MA-4 Kennedy	MA-8 Lynch	MA-2 McGovern

These Representatives **voted against** a 10% cut to the Pentagon Budget. This is unacceptable and they have blood on their hands! We need to hold them accountable. [Click here to demand that they stop taking campaign contributions from weapons manufacturers.](#)



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These Representatives either voted *against* or *abstained from voting on* a 10% cut to the Pentagon Budget. This is unacceptable and they have blood on their hands! We need to hold them accountable.

NC-12 Adams	AL-4 Aderholt	CA-31 Aguilar
GA-12 Allen	TX-32 Allred	NV-2 Amodei
ND Armstrong	TX-19 Arrington	IA-3 Axne
TX-36 Babin	NE-2 Bacon	IN-4 Baird
OH-12 Balderson	IN-3 Banks	KY-6 Barr
CA-7 Bera	MI-1 Bergman	VA-8 Beyer
AZ-5 Biggs	FL-12 Bilirakis	GA-2 Bishop
NC-9 Bishop	UT-1 Bishop	DE Blunt Rochester
IL-12 Bost	PA-2 Boyle	TX-8 Brady
NY-22 Brindisi	AL-5 Brooks	IN-5 Brooks
MD-4 Brown	CA-26 Brownley	FL-16 Buchanan
CO-4 Buck	IN-8 Bucshon	NC-13 Budd
TN-2 Burchett	TX-26 Burgess	IL-17 Bustos
NC-1 Butterfield	CA-42 Calvert	CA-24 Carbajal
IN-7 Carson	GA-1 Carter	PA-8 Cartwright
HI-1 Case	IL-6 Casten	OH-1 Chabot
WY Cheney	RI-1 Cicilline	CA-39 Cisneros
VA-6 Cline	TX-27 Cloud	SC-6 Clyburn

Here are educational resources about defunding war:

To watch:

Disarm & Divest During COVID-19, Webinar w/Cornel West, Jeremy Scahill...



Disarm and Divest during COVID-19

Rising Up for True Liberation with Kymone Freeman



Rising up for True Liberation with Kymone Freeman

WTF Is Going on in Latin America: Militarization in the U.S. and Abroad



Latin America: Militarization of the U.S. and Abroad

Disarm & Divest During COVID-19, Webinar w/Cornel West, Jeremy Scahill...



Divestment from Weapons 101

To read:

- [Congressional Advocacy Toolkit](#)
- [Defund the Police, Defund the Military](#)
- [Black Women's Lives Matter](#)
- [To Address the War Economy, We have to Start in our Local Communities](#)



- [Top Ten Reasons to Protest BlackRock](#)
- [Why is there Always Money for War and Wall Street?](#)
- [Brown University's Cost of War Project estimates that from 2001-2020, the U.S. spent \\$6.4 trillion on its "War on Terror"](#)
- [We Can't Confront Climate Change While Lavishly Funding the Pentagon](#)

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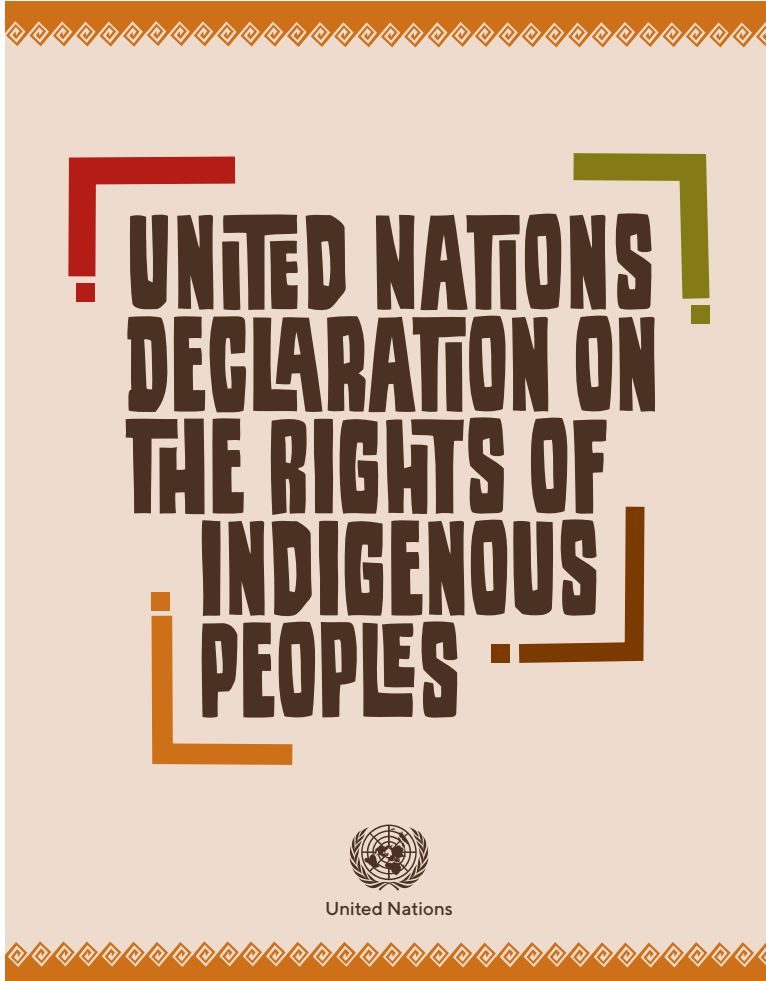
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UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES



United Nations



Resolution adopted by the General Assembly on 13 September 2007

*[without reference to a Main Committee (A/61/L.67
and Add.1)]*

61/295. United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006¹, by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

¹ See Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53), part one, chap. II, sect. A.



Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

*107th plenary meeting
13 September 2007*

Annex

**United Nations Declaration
on the Rights of Indigenous Peoples**

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,



Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples



affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,



Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights² and the International Covenant on Civil and Political Rights,² as well as the Vienna Declaration and Programme of Action,³ affirm the fundamental importance of the right to self-determination of all peoples, by

² See resolution 2200 A (XXI), annex.

³ A/CONF.157/24 (Part I), chap. III.



virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,



Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all



human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights⁴ and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

⁴ Resolution 217 A (III).



Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.



Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.



Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.



2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future genera-



tions their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including



those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
2. States shall take effective measures to ensure that State-owned media duly reflect indigenous



cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect



their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.



Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.



Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.



Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.



Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take



the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.



Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the



right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and



appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.



Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and re-



spect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective



remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.



Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

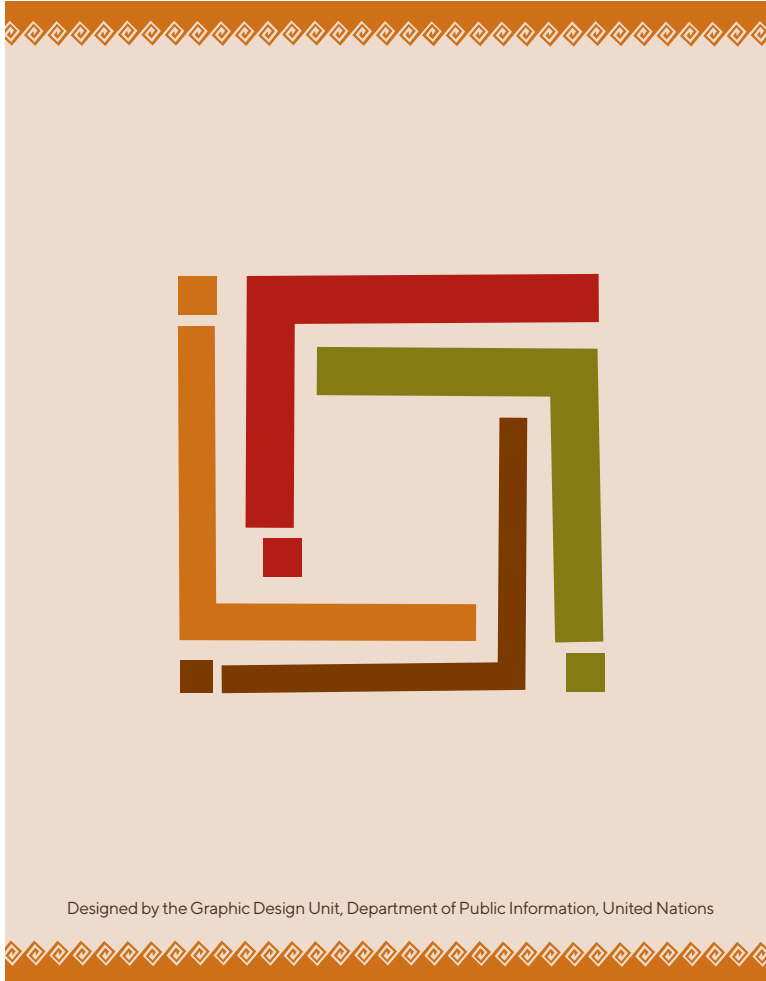
Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismem-



ber or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.
3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.



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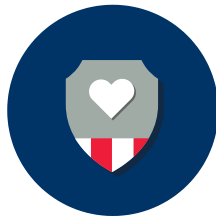
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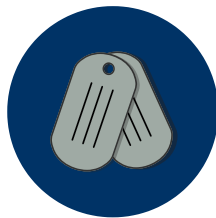
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How We Help



Our Story

Our Impact

Not all crisis looks the same. Stop Soldier Suicide is our promise to those who are facing it. Our struggles may be loud or silent; all-consuming or passing; during service or any time after; a moment or a lifetime.

We have a relentless focus on results. We don't just say we support vets - we actually save lives.

With your help, we can move even faster to drastically reduce veteran suicide rates.



1,600+

Service members & veterans served since the start of 2019



10+

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Average 90-day increase in clients' Personal Wellbeing Index



-27%

Average 90-day decrease in clients' suicide risk





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I am writing to express my heartfelt gratitude for your organization. To begin, I am a combat veteran (Somalia). I have had fairly moderate symptoms of PTSD from combat experiences. I have had ...

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You play a critical role in our mission.

Every donation we receive helps empower service members, veterans and their families with critical resources and support.

The Battalion is our team of veteran lifesavers, standing side-by-side with us in the fight to solve the military and veteran suicide crisis. **For as little as \$10 a month, you can join *The Battalion*** to help veterans and service members find their way back to a life worth living.

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FEATURE: Okinawan women's civic group chronicles sex crimes by U.S. military



By Tomomi Tomita, [KYODO NEWS](#) - Mar 5, 2021 - 17:15 | [All](#), [Japan](#)



NAHA, Japan – In a book by an Okinawan women's civic group documenting sex crimes by U.S. soldiers in Japan, a 9-month-old infant girl is listed as the youngest rape victim.

Among a litany of cases the group began compiling after the rape of an Okinawan elementary schoolgirl by three U.S. soldiers in 1995, the 1949 crime by a U.S. serviceman who was an acquaintance of the baby's mother stands out as arguably the most heinous and unimaginable -- the baby reportedly died soon afterward.

But the acts of sexual violence by U.S. servicemen are likely to be even more extensive than research has so far uncovered, according to the group, called Okinawan Women Act Against Military Violence.

"We need to uncover how much pain has been caused to people because of the military stationed here," said Suzuyo Takazato, 80, co-chair of the group. It has published a chronology titled, "Postwar U.S. Military Crimes Against Women in



Photo taken on Feb. 4, 2021 in Naha, Okinawa Prefecture, shows Suzuyo Takazato, co-chair of Okinawan Women Act Against Military Violence, holding up the 12th edition of "Postwar U.S. Military Crimes Against Women in Okinawa." (Kyodo)

According to Harumi Mivagi, a researcher of with Takazato on the project, the baby, who was taken away by the U.S. serviceman, "clearly" had been sexually assaulted and died after she was returned to the mother.

Other cases include a teenage girl who suffered a mental breakdown after being raped by a U.S soldier in front of her father and older brother in the mid-1950s, a high school girl who was raped in a park by three U.S. servicemen on her way home from school in 1984 and a 20-year-old woman whose body was discovered after she had been raped and murdered by a U.S. civilian-military employee in 2016.

The booklet (also in English), which was six pages when it was first published in 1996, is now 26 pages long since the most recent

publication in 2016 -- a poignant history of the suffering women have endured as a sacrifice for Japan's security in Okinawa, which bears the brunt of hosting U.S. military bases in the country.

According to government documents, newspaper articles, and testimonies compiled by the group, such atrocities have occurred since immediately after U.S. soldiers landed to fight in the Battle of Okinawa in April 1945 during World War II.

A public outcry was sparked over the September 1995 rape of a Japanese schoolgirl, leading to a massive protest to denounce the U.S. troops stationed in Okinawa, attended by more than 85,000 people in a park in Ginowan on Oct. 21, 1995. The ripple effects of outrage were felt across Japan.

The girl's case led to a review of the U.S.-Japan Status of Forces Agreement and a request to reorganize and reduce the number of bases, while the problem ignited a political firestorm between the two countries over the delay in handing over the suspects to Japanese authorities. But it was a call to action for Takazato.

"The perspective one can take on the bases can completely differ depending on who is looking at them and from what angle. Looking at the bases from the point of view of the sex crimes committed by U.S. soldiers clearly shows me one essence of the

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Takazato, who lives in the capital of Naha and previously worked as a women's counselor, said she was questioned in the wake of the girl's rape by the media inside and outside Japan about the number of sex crimes committed over the decades by U.S. soldiers but had no answers.

Although there have been arrests made since the southernmost prefecture of Okinawa was returned to Japan in 1972, Takazato said that based on her experience as a women's counselor, she believes scores of cases have occurred without ever being prosecuted.

That is when she started to comb through newspaper articles and books, arranging the content of U.S. military rape cases she found in chronological order to make a booklet.

In February 1996, with the completed first edition of the booklet in hand, she visited the United States with Okinawan women to appeal to the American public and was met with astonishment and tears from some people who said they had "no idea" of the reality.

The group's members delved further into available documents, such as local government materials under the American occupation of Okinawa, official U.S. documents, and prefectural history to unearth clues about unresolved cases, eventually publishing a 12th edition, which depicts stark details of roughly 350 U.S. military sex crimes.

An article published in Time magazine on Nov. 28, 1949, entitled, "Okinawa: Forgotten Island," which is cited in the booklet, called Okinawa during the U.S. occupation "a dumping ground for Army misfits and rejects..." The article adds: "In the six months ending last September, U.S. soldiers committed an appalling number of crimes -- 29 murders, 18 rape cases, 16 robberies, 33 assaults."



Photo taken on Feb. 4, 2021 in Naha, Okinawa Prefecture, shows copies of the 12th edition of "Postwar U.S. Military Crimes Against Women in Okinawa." (Kyodo)

In current times, some critics have suggested that the incidence rate of sex crimes is much higher for citizens of the prefecture than for U.S. military personnel in Okinawa. Takazato, however, believes the real figure for U.S. servicemen is likely much higher than official figures suggest, partly because she believes women have been afraid to come forward.

As recently as February this year, a U.S. Marine Corps member was arrested in Okinawa for allegedly kissing a woman by force and pulling off her underwear, and, as the group continues to monitor sex crimes by U.S. servicemen, it is scheduled to publish a 13th edition of the booklet this year.

"With the continued stationing of soldiers who commit violence, women's human rights are repeatedly being violated. The military bases issue is a human rights issue," Takazato emphasized, calling for the withdrawal of U.S. soldiers from Okinawa.

Some young women who were raped and found out they were pregnant afterward had abortions, while others, unable to have an abortion, gave birth to children who were eventually put up for adoption.

After learning of the chronology, there was even a case of a woman who contacted the group to say she had been sexually assaulted by a U.S. serviceman while still an elementary school student. "I want you also to record my testimony," she was quoted

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Takazato and her group have only uncovered the tip of the iceberg, she says, adding, "Countless women are living in pain, suffering, and fear who have not been able to tell anyone."

The group's mission is "shedding light on the existence of women who have been forced into silence and creating a society where they feel they can speak out," Takazato said.

Mar 5, 2021 | **KYODO NEWS**



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Businesses

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American Savings Bank

American Savings Bank supports the military in Hawaii and the vital role it plays in ensuring the safety and security of our state and the entire Indo-Asia-Pacific region. Our military's readiness relies on the ability of the Army and other services, including the Hawaii National Guard and Marines, to prepare and train.

As a company with deep roots in Hawaii, we have the utmost respect for the environment and Native Hawaiian community. We encourage the Army to engage and work with the Native Hawaiian community, and all Hawaii residents, in its efforts to retain critical military training areas.

Mahalo,
Gabriel Lee
American Savings Bank
Executive Vice President, Commercial Markets



SCOTT W. H. SEU
President and Chief Executive Officer

August 19, 2021

U.S. Army Garrison Hawaii
c/o Oahu ATR EIS Comments
PO Box 3444
Honolulu, Hawaii 96801-3444

Re: Army Training Land Retention O'ahu EIS - Scoping

The presence of the U.S. military on O'ahu is a foundational element of our national security and Hawai'i's economy, underscoring the importance of the preceding Environmental Impact Statement and continuing community engagement.

Hawaiian Electric recognizes the critical nature of the military's mission in Hawai'i and across the Indo-Pacific region and supports its need for training areas at Kahuku, Poamoho and Mākuā as vital components of its readiness. This support is given with the recognition that the military can be a successful and responsible steward of these lands only through meaningful engagement and partnership with the community and its commitment to address the concerns raised through the scoping process and other forums.

Hawaiian Electric values its relationships with the communities and customers it serves and appreciates the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott W. H. Seu', written in a cursive style.

Scott W. H. Seu
President & Chief Executive Officer

Hawaiian Electric

Good evening. Earlier today our CEO filed a scoping comment and his signature was inadvertently omitted from the letter. I've attached the letter with the signature and hope this can be placed in the record. Thanks, let me know if any questions. Jim Kelly JIM KELLY Vice President Government and Community Relations Corporate Communications O: XXX.XXX.XXXX | M: XXX.XXX.XXXX Hawaiian Electric PO Box 2750, Honolulu HI 96840

Hawaiian Electric Industries

Hawaiian Electric Industries (HEI) supports the continued ability of the Army and other services, including Hawaii's own National Guard and the Marines, to train in Hawaii both on Oahu and at Pohakuloa. As a company with roots in Hawaii dating back more than 130 years, we believe the presence of our U. S. military in Hawaii is critical to the strength and sustainability of our economy and communities. This has been particularly true during challenging times like the current pandemic.

We applaud and encourage our military leaders to continue to engage and collaborate with our communities. The preceding EIS and community engagement are vital to support military readiness as the ability to train in Hawaii supports all Hawaii-based military actions and across the Indo-Asia-Pacific region.

Thank you for allowing us to express our support.

Sincerely,

Constance H. Lau
President & CEO, HEI

Christine Lanning

Integrated Security Technologies (IST) supports the ability of the Army and other services including the Hawaii National Guard and the Marines to train both on Oahu as well as Pohakuloa Training Area. In recognizing how critical the U.S. military presence is to Hawaii's economy, I (Christine Lanning) underscores that the preceding EIS and community engagement are vital to support military readiness as it supports all Hawaii-based military actions and across the Indo-Asia-Pacific region. As a cleared contractor I have access to lot of information related to the ongoing threat. It's serious and access to training areas is critical is preparing our military to mitigate that threat!

Individuals

Contact information was redacted for privacy.

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Marie Abaya

This land should be returned to the natives of Hawaii.

The U.S. Army should leave these islands.

Abbi Abshire

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... this land should be given back to the indigenous people. the us military should not be on this land at all. get off you imperialist, genocidal *****. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority

working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku. us occupation of hawai’i is illegitimate and should be ended. return hawai’i

Heiley Acoba

Okay. Thank you. I'm Heiley Acoba from Ko'olaupoko of Oahu, and I oppose the extension of the leases, as it would mean further desecration and mismanagement of 'aina and cultural sites, further displacement of kanaka maoli, and supporting the continued U.S.'s illegal occupation of the Hawaiian Kingdom's 'aina. The military needs to clean up and de-occupy our 'aina. Mahalo to everyone who expressed their opposition tonight.

Anna Acosta

My name is Anna and I live in Nevada. I strongly oppose the extension of military leases on the lands of Mākua, Mahuku, Wahiawā.

Make the military leave and give the people their land back.

Alex Adams

To whom it may concern,

I think it best that the Army, and more widely the US military, remove themselves from the training installations on the Hawaiian Islands.

There has been enough abuse towards the people and the land of Hawaii.

Signed,
Alex Adams

Sheyla Adaya

Hello,

My name is Sheyla Adaya and I'm a resident of Illinois. I am strongly opposed to the extension of military lease on the lands of Mākua, Kahuku, Wahiawā .

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The army has wrongfully leased these lands from the state for \$1 since 1964, When the leases expire in 2029, this land should be immediately restored to the public.

Sincerely, Sheyla

Nico Addams

Aloha, My name is Nico and I'm a resident of Oakland. I am strongly opposed to the extension of military leases on the lands of Mākua, Kahuku, and Wahiawā.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should be immediately restored to the public.

Please reconsider for the sake of the already suffering environment and for the Indigenous people of Hawaii,

Nico Addams Pronouns: They/Them/Theirs

Kerstyn Afuso

To whom it may concern: As a person who loves Hawai‘i and her people, I am firmly opposed to the Army’s retention of any of the “State” lands at Mākuā, Kahuku and Kawailoa-Poamoho. I support the “No Action Alternative” that would allow the three leases to expire and require the Army to comply with all lease terms that include the clean-up of these lands. Alternatives 1-3 all preserve the status quo in which Hawaiian land is bombed, burned, littered and polluted. The status quo is precisely what needs to be upended. As things stand, we are not able to provide for the basic necessities of the people of Hawai‘i. Food, water, shelter, are all in short supply, with the pending climate crisis intensifying the urgent need to re-focus on building resilience locally. Training soldiers for war in distant lands does nothing to address any of these problems nor the harm that training contributes to each. Scores of concerned citizens have taken time to express to you the impact of the long-term occupation of these lands and US military presence in our islands. Your study should follow the parameters set by these true experts on the impacts of your proposal. Our comments have raised the impacts of the occupation of these parcels, spanning time and space, and your EIS should follow suit. You should evaluate historical harms that would continue should you retain these lands, as well as the growing cumulative impact that would compound should you continue misusing these lands. Alternative futures that your retention of these lands would foreclose should also be considered.

You have taken away land and paid a mere \$1 for it when Hawaiians can no longer afford to live in their own home and to buy food for their family. You don’t care to begin to understand the trauma that taking away land from this Native population has done on the people and the food system. We continue to fight against effects of climate change and future disasters and the way in which the military continues to lease lands for a fraction of the price that Hawaiians do, goes to show that they have no care for the future of Hawaii. How can we let someone occupy our land who does not care about sustaining it? The land could be used for the people who actually call this place home and are working to create food for our people to help sustain us in the case where our food supply is cut off by a natural disaster that is overdue.

Please do not extend the lease of the military unless you wish to see Hawaii’s land and people gone.

Please add to the "Alternatives" section, alternatives that include: 1) Diplomacy with those the military perceives as potentially requiring a combat response and disclosing disputes for civil remediation. This would eliminate the need for combat mission training exercises. 2) Reprioritize food security and resilient communities as a counterattack strategy. Rather than meet an attack in the theater of U.S. Pacific operations through armed forces, a counter-measure would focus on rebuilding the capacity of communities to rebuild and sustain themselves. This alternative would meet the purpose and need through the long term goal of securing Hawai`i against the depredations of state enemies. 3) Retention of lands to ensure appropriate stewardship and ecological preservation, including wildlife fighting capacity, for the duration of a planning period for transition to a public land trust and/or organizations or associations of communities that will properly steward the land. This would augment your "No Action" alternative and allow for immediate questions of landowner liability to be addressed to the U.S. military. Instead of insisting on the current path of retaining these lands, switch gears and genuinely engage the community on a clean-up plan that sets us on a path to return these lands to those who love them. This return of ‘āina is long overdue. The time is now to give the #landback.

Daniela Aguirre

Hello, my name is Daniela Aguirre from California I please ask of you to not extend the land leases of the lands of Makua, Kahuku, and Wahiawa in O'ahu. The military residing there will cause damage to the biodiversity of Hawai'i and it will be very bad for the environment. Also the lease payments are very low by one dollar please I beg of you return the land to the indigenous Hawaiians and the homestead people. Thank you, Daniela Aguirre

Noelani Ahia

Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts.

The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored.

Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. In 1997, the CEQ produced a guide titled “Considering Cumulative Effects Under the National Environmental Policy Act” which provides a framework for advancing environmental impact analysis by addressing cumulative effects in either an environmental assessment (EA) or an environmental impact statement. The EIS should employ this framework in order to address the

cumulative effects of all related military activities, not just the proposed project.

US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities.

These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities.

Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands.

In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using.

These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendents and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access.

Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our

communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Christine Ahn

Aloha.

I'm writing to recommend that the state of Hawaii not renew the leases in four parcels to the US military:

- 23,000 acres at Pohakuloa Training Area on the Big Island,
- 4,370 acres at the Kawailoa/ Poamoho Training Area,
- 1,170 acres at the Kahuku Training Area; and
- 760 acres at the Makua Military Reservation

These parcels were leased for \$1 for 65 years. That is robbery and the land should be returned to the rightful owners: the people of Hawaii.

These parcels of land have been abused by the military and endanger the future security and well-being of the people living here.

As a mother of a fourth grader at Punahou, I am greatly concerned that Hawai'i will become ground zero for a future military conflict between the US and China. Renewing these leases will only further militarize our islands and make us a target.

We need to re-imagine a different kind of future where all of our problems are not solved militarily, which has cost tens of thousands of US' soldiers lives in US wars in Korea, Vietnam, Afghanistan, Iraq and Syria, not to mention drain our coffers of much needed public dollars for investments that give us true security, such as healthcare, affordable housing and environmental protection.

Let's make Hawaii a region of peace and dialogue, not a launching pad for US military forays throughout Asia and the Pacific. Please do not re-lease 30,000 acres of precious land; this land should instead go towards farmers and ecological stewards of our aina.

Mahalo nui for inviting community voices,

Sincerely

Christine Ahn

Executive Director

Women Cross DMZ

Manoa resident

Kylie Akiona

"Aloha. My name is Kylie Akiona and I was born and raised in Mililani. And leaving this message to express my strong opposition to the extension and military leases on the lands of Makua, Kahuku, and Wahiawa. As kanaka maoli we fought tirelessly for 123 years against the legal annexation and military occupation of our ancestral indigenous lands. The US military presence in Hawaii has been nothing but harmful for people, our culture, our environment and our livelihoods. These leases are internationally recognized as unlawful and morally wrong. these lands should be restored to my people as reparations for the harm inflicted by you. Do you know what the ethical thing to do is, and it's up to you to step up and do it. Mahalo nui for your time.

Nancy Aleck

Many renters are facing eviction right now. They are not the ones who run the hearing. The power imbalance is striking from the beginning here! But, I will address not only the lease-holders, but the others in this cast of long-term oppression.

To the Generals and the DoD officials; to the entry-level ranks who forever will be “following orders;” to the elected and selected officials continuing a legacy of pork hoarders, a mantle picked up by so many striving towards what appeared to be a shining sword wielded by the late Dan Inouye:

I do not imagine that my testimony or my plea will change course of things—right now. I’m in the books for submitting testimony at past meetings, scoping sessions, EIS hearings. Like so many others, unheard, ignored, and the beat went on. But every time we show up, we collectively strain the fabric a bit more. Someday, the giant rip will set the aina free. Many are already preparing for that time, caring for the aina, exploring new forms of economics, guiding themselves and each other in kapu aloha. I was there when we were unheard and ignored in calling for an end to the Vietnam War. It took years, but our cries not only began to be heard but respected, and popular opinion shifted. What has been done to Makua and Pohakuloa, what you are doing to Kahuku and Wahiawa—it is all hewa. Most horrific. Irresponsible and wrong. I believe deep down some of you may feel this already. Surely, your children will know, and carry the weight of what you perpetuate. Shame on Hawaii “officials” who then and now allow these leases to continue and defile the land. When our pressure rips the fabric of militarism, the light will shine through and the land will thrive. NO LEASE RENEWAL • Vote the NO ACTION Alternative • #LAND BACK!

Very Sincerely,

Nancy Aleck 

Rosanna Alegado

Aloha. My name is Rosanna Alonali Alegato and I'm a resident of Ahuimanu, on the island of Oahu. I am strongly opposed to the extension of military leases on the lands of Makua, Kahuku, and Wahiawa. For decades, my family has been in opposition to excessive military use of Hawaiian lands. These lands have been damaged by the impacts of the US military and have caused tremendous ecosystem impacts that need to be reversed. These lands have cultural significance and should be returned to the people of Hawaii. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of native Hawaiian plants and animals and continue to disrupt the lives of the local community. The Army has wrongfully leased these lands from the state for just \$1 a year since 1964 and when the lease expires in 2029 this land should be immediately be restored to the public. Where it can do much better good as natural lands as land that people have access to. And so, for these reasons, I am highly opposed please focus on the environmental impacts that should be abundantly clear in these areas

Jason Mark Alexander

Thank you. Aloha. My name is Jason Mark Alexander. I am currently a sociology Ph.D. student at the University of Hawai'i at Manoa. And I stand in solidarity with the kanaka maoli that have spoken here tonight. And if you have not had the opportunity to come to this very short window of time in that, you can be at least controlled, then, yeah. Your presentation was pretty disgusting. As you speak towards transparency and serving the people, you glossed over any negative ramifications to the further leasing of the lands. I strongly oppose any further leasing. You frequently mentioned state-owned lands many, many times during the presentation -- that's probably the highest-frequency word -- and completely ignore the stolen nature of the land, which you are fully aware of. You privilege the essential mission of the military, which basically is to kill other people, and you want our troops to train safely. And your rank itself is one that's been created by rich white men. So the racism inherent in your position in the military presence on this land cannot be ignored. Even if you say you're defending peace and bring peace, it's not a good peace if there's no justice, and there's no justice if you continue to be here. If you don't care about what is legal and what is illegal, the effects are still that you're going to create more pain against people who have had generations of pain, and you've been listening to people who know all this stuff that you're claiming you are in a position to investigate. I don't believe the military can reform or do any environmentally safe practice by consulting other people and taking into account what's the best environmentally safe way to manage these lands, because you are not in a position to restore those lands. The military's existence is a state monopoly on violence. It serves as violence. ... Yes. So, Colonel Misigoy, I speak directly to you. I don't know where everyone else in charge of this project is, but you're in a position to make change. You're responsible to communicate what you're fully aware of as you've been listening tonight, and you cannot be silent. You need to teach your soldiers and your comrades and your superiors that the military needs to stop and get out. Thank you.

Carrie Alford

I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority

working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku. Please add any personal comments here. Enough already!!

Chloe Allen

Aloha,

I, Chloe Allen, disapprove of the military renewing this land for government use! I am a resident of Oklahoma. First of all, it is unheard of to pay 1 dollar for that much land. Not to mention uprooting the lives of the indigenous people that live there. They have to endure military procedures because they hear it from their beds. They have no choice but to wake up when they do. They have no choice to hear gunshots and bombs as if this were modern day Pearl Harbor.

The government has wrongfully leased this land since 1964. It's not that we don't need the military we definitely do. It's just the government takes more than what the people do. When this land lease expires in 2029, we need to come up with a compromise. Some people want all the land returned. We all simply know this won't happen. If we could comprise, say if even half of it was given back to the people. I'm sure they would be elated. Also maybe pay a proper taxes for the land that you do keep. Or give back to the people of this land. Because they have endured so much just from living next to you. The least that we ask is to be curious and kind of your neighbors.

The military being here, it has cause mass devastation from the natural habitats being destroyed. As well as, native species whether that be plants or animals. Even if you are not a fan of the environment, the ratio of government owned land to Hawaiian Homestead land is not equal.

I oppose all of this land getting renewed for government use.

Thank you for your time.

Paige Allen

To Whom it May Concern:I have recently learned about the US Army's intention to lease O'ahu lands belonging to Native Hawaiians for a total lease of \$1 for the next 65 years in Wahhiawa, Kahuku and Makua. This is an opportunity to return the land to its rightful custodians - the indigenous Hawaiians - and lessen US military presence in the islands. There is no need for the land to be held in trust for the Hawaiian kingdom. Simply return the land. Respectfully,Paige Allen US citizenAlbany, NY

Eli Allison

Hi,I'm Eli, and I'm a U.S. citizen. I was sent to this email address from your phone line. I strongly oppose the extension of military leases on the lands of Makua, Kahuku, and Wahiawa.

Continuing these leases will continue the military destruction of the sacred natural areas, damage ecosystems (including the homes of many endangered species), and disrupt the lives of the local community. Army use and destruction of this land is contributing to climate change, and returning it to its natural state would help slow it.

The Army has wrongfully leased these lands from the state for 1\$ since 1964. When the leases expire in 2029, this land would immediately be restored to the public, to the Native Hawaiians that never agreed to give it up.

Thank you, and I trust you will listen to the many people writing and calling, and the many more that have been advocating for the land throughout the United States occupation.

Miguel Almodovar

Let Hawaiians have their land!!! Do not renew this lease!!

Raed Alsemari

Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts.

The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored.

Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. In 1997, the CEQ produced a guide titled “Considering Cumulative Effects Under the National Environmental Policy Act” which provides a framework for advancing environmental impact analysis by addressing cumulative effects in either an environmental assessment (EA) or an environmental impact statement. The EIS should employ this framework in order to address the

cumulative effects of all related military activities, not just the proposed project.

US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities.

These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities.

Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands.

In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using.

These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access.

Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our

communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Xochitl Alvarado

Aloha, My name is Xochitl Alvarado and I am a resident of Sacramento, California. I am strongly opposed to the extension of military leases on the lands of Mākuā, Kahuku, Wahiawā. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community. The army has wrongfully leases these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should immediately be restored to the public.

Chloe Amos

"Hello, my name is Chloe Amos and I'm a resident of Mililani on the island of Oahu and I'm submitting testimony to strongly oppose any renewal of military leases. On land on Oahu. The environmental impact survey should include information about helicopter training that goes on through the night past 10 o'clock, which is a huge disrespect to civilian residents and the environmental impact survey should also include Information about unexploded ordinances in the back of the Makua Valley, due to military use there. Thank you very much. "

Kelsey Amos

Aloha, my primary comment is that as a community member, I do not support the extension of any of the leases. Secondly, below is a list of suggestions I'd like to submit as part of the public scoping process on what should be included in the EIS.

1. The EIS on the Army Training Land Retention O'ahu should consider the impacts on Native Hawaiians, 'āina, and women & and girls.

Given the extreme importance of land in Hawaiian culture, what are the impacts on Native Hawaiians--socially, emotionally, and economically--of having these large tracts of land used for military training purposes without their consent? What cultural resources do these lands hold, and what have been the impacts of not having access to these cultural resources for so long?

What are the impacts on 'āina of military use for training purposes? What are the impacts on erosion, groundwater, air quality, endangered species and ecosystems, and contamination via hazardous materials such as waste and unexploded ordnance? Is the retention of these lands compatible with land use conservation mandates?

What are the impacts on women and girls of these training areas? Are women and girls in communities around military training areas and installations safe from sexual assault and trafficking? Do they have access to education, healthcare, and economic opportunities?

2. The EIS should explore not just the future impacts of retaining these lands, but should research and document the impacts already felt by the stakeholders mentioned above over the course of the last 65-year lease.

3. The EIS should explore the legality of Army use of these lands, when significant portions of the lands are Hawaiian Kingdom Crown & Government lands that were transferred due to the illegal overthrow and annexation of the Hawaiian Kingdom.

4. The EIS should--in addition to exploring the impacts of the outlined Alternatives 1, 2, and 3--also consider the opportunity cost of these alternatives. In other words, the EIS should consider the possible positive impacts of the "No Action Alternative."

What are the cultural services that could be provided by these lands if access for Native Hawaiians was free, unimpeded, and safe?

What are the ecosystem services provided by these lands?

What are the opportunities for education, stewardship, housing, or other uses to which these lands could be put?

What is the fair market value of these lands, and how does that compare with the \$1 lease that the Army pays?

5. The Army has stated that the training lands remain essential to their mission. The EIS public scoping and draft commenting process should solicit input from community organizations about if and how these lands are essential to their own missions and visions for their communities.

To end, I'd like to say that I understand that training is critical to the DOD's Indo-Pacific strategy--especially the focus on "preparedness." However I do not support simply moving all the training to some other location, where the same negative impacts of training can be visited on

another community and their land, whether those communities are inside or outside of the U.S.

Rather, I think we need to rethink the Indo-Pacific strategy and the broader way that the U.S. sees its global role. The U.S. is not exceptional, and its interests do not carry more moral force than any other nation's interests. The U.S. should prioritize actual peace and coexistence, rather than practicing forward posturing that--rather than deterring threats--only contributes to a cycle of inciting adversaries, necessitating the buildup of more lethal force, and leaving the whole region in an increasing state of precarity.

Diane Anderson

Hello. Yes, I'm. My name is Diane Anderson my telephone number is area code XXX-XXX-XXXX. I live in Kawaioloa on Oahu and I am calling about the EIS, and would like to bring the attention to who is overseeing the airspace for the training, especially in Kawaioloa and Poamoho. The, it seems to me that no one has really oversight and knows what's going on and who's using the airspace. I have called repeatedly over years and years and years to complain about excessive military helicopter noise along the coastline and I've suggested for years and years that if they have military has the use of all of the agricultural lands in the Kawaioloa Poamoho areas, that they should not disturb all the residents that live along the coast by flying up and down over our homes back over to the agricultural land. That if they're going to get this lease renewed someone needs to have some oversight and limit the amount of time that we as residents here are impacted. I particularly have more than Many months of the year in the evening. Sometimes 10-12 helicopters every 20 minutes going up and down and across my house. That's unacceptable to me, I either have to sell my home and move somewhere else. Or try to get the military to do their majority of training over the agricultural land that no residents are living and scrap their little checkpoints at Dillingham airfield along and Kahuku point. I'm sorry to not be supportive of the military, but I think that it is really become too much over the years and years and years. So I hope to be able to come up and testify in person, but it is simply unacceptable today that we have a crowded island and so much helicopter training that goes on here. Thank you for taking this making this possible that I can actually call and leave this message. And I sincerely hope that someone will take seriously the community complaints. Thank you XXX-XXX-XXXX. I don't know if you can hear it but as I leave this message at one minute to 6pm Here they go again, the Army National Guard, the Marines, the Air Force everyone uses the airspace on the north shore of Oahu and yet no one will admit to having an oversight of who is it and can they minimize it. Please. Anyway, thank you very much. Bye. "

Joseph Anderson

The U.S Military should give back the land which it has taken from Native Hawaiians. Its continued use of sacred lands as bombing ranges in addition to hiding the use of depleted uranium rounds in the past has caused continued damages to the communities around these ranges. Besides returning these lands to the Native Hawaiian community the U.S military should also seek to compensate those affected for medical needs, in addition, to paybacks of the lost rent due to the military using its colonial leverage to get a lease for a measly \$1. If action isn't taken by the U.S to stop this continued occupation against the wishes of indigenous Hawaiians this matter should be sent to the U.N for violating the rights of indigenous peoples.

Mychaela Anderson

Aloha,

I'm a resident of O'ahu, and I am opposed to the extension of military leases on Makua, Kahuku, and Wahiawa. Extending these leases will ensure continued bombing and shooting, more explosives, that destroy our already endangered natural environment (especially endemic plants and animals) and disrupt the lives of Native Hawaiians and other local community members living in these areas. When these leases expire in 2029, they should be rightfully and immediately restored to the public. Land here is very scarce and needs to be protected by and for the native people to whom these lands originally belong to; the military in our state has plenty of access to land (given it's incredible number of bases on different islands) that it does not need to continue this specific lease.

Nathan Anderson

Hi, my name is Nathan and I am a resident of Lake Orion, Michigan. I am strongly opposed to the extension of military leases on the lands of Mākuā, Kahuku, and Wahiawā.

An extension of these leases will allow the military to further damage the natural resources of these areas, effectively destroying the natural habitats of Native Hawaiian plants and animals, and continually the lives of the local community.

The Army has wrongfully leased these lands from the State for \$1 since 1964. When the lease expires in 2029, this land should be immediately restored to the public!

Sincerely, Nathan

Sent from my iPhone

Teresa Anderson

This is unnecessary occupation on Hawaii, give the land back to the natives for them restore back to natural state

Michael Andrews

I am strongly opposed to the extension of military leases at KTA, Poamoho, and MMR. Extending these leases will allow the military to further damage the natural resources, destroy natural habitats, and disrupt the lives of the local community. When the leases expire, the land should be immediately restored to the public.

Daniel Anthony

Okay. Okay. Perfect. Okay. Aloha mai kakou. Owau Daniel Anthony. I'm a subsistence farmer. I'm -- I'm -- really like to say that I'm opposed to any new leases of military land, especially at \$1 per lease. I'm willing to bid \$2. I'm a subsistence farmer.

The military currently controls 25 percent of Oahu. The military has unlimited amount of access to water. I would like to say that the resources that the military has impacts the Native Hawaiian community, especially our children. The reality is that I feel like the fence, that the military is laughing at the community. Everyone in the military continued to get paid during COVID while our community struggled.

We are -- we are experiencing an unprecedented inundation of visitors and people buying up our land, making it absolutely unaffordable. The lands that the military controls are clearly lands that have Land Commission awards and lawyer titles that need to be returned to the rightful heirs. This will allow for us to begin the process of farming our lands for the future.

As a taro farmer, I feel like the needs of the water in Waianae have not been met, since the military continues to use our resources. There were 12 rivers that are stolen from our community. With the water, so is the health of our people.

If we look, Native Hawaiians experienced the worst epidemic of diabetes, obesity, and ill health due to processed foods and the inability to access agricultural lands to feed ourselves.

Right now there is a huge explosion in our community of people wanting to farm, and especially farm taro, the most sustainable starch in the Pacific.

We are looking to the military to answer that, to play a vital role in our community. For too long, the military has been silent in our subsistence models.

I ask the question, what lands are you currently leasing to Native Hawaiian farmers or Native Hawaiian farming organizations? And of those lands, how many people are doing organic farming using non-imported agrochemicals?

I believe the answer is zero. If so, these needs need to be met immediately. Thank you, guys, so much for hearing me.

Daniel Anthony

Sorry. Thank you, guys. Kanoa, I wanted to say mahalo to you for making the time tonight. But I want to make just my own personal thought here is, like, you guys have some of the most sacred land in Hawai'i. If you want to continue to control it, pay fair market value. These lands --20 percent of the proceeds of these lands are supposed to go to the Native Hawaiian community. That means for a 65-year lease, the beneficiaries get 20 cents. I want you to ask yourself how fair that is for our community, especially when on these same lands we could produce incredible amounts of food. Thank you.

Leilani Antone

I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority

working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Jeanette Aquino

Hello, I strongly oppose the extension of military leases on the lands of Mākuā, Kahuku, Wahoawā. I oppose having our military in Hawaiian territory. The land belongs to Hawaiian Natives. If you don't listen to the people speaking on behalf of the Hawaiian islands and asking in a democratic way then you are all communists.

Respectfully,

A United States Citizen

Rachel Arasato

Aloha My name is Rachel Arasato and I have lived in Waianae for my entire 32 years of life. Since I was a child I remember traveling down to Makua and always seeing the military outpost at Makua Military Reservation. I remember hearing gun fire and explosive sounds echoing in the valley that did not fit in with the serene landscape. At the time I thought it was interesting because we never grew up with guns in our home, so the thought of live fire was intriguing to me as a child. But as I grew older and the same sounds continued through my adolescent and adult years, my views significantly changed. The Makua Military Reservation has become more and more of an environmental issue to our lands in Waianae. The military cars that drive through Makua valley compact the grounds and destroy native forestry. The blasts from explosives during target training are even more detrimental to the plants, animals and most importantly the top soil and land. Continued practices of explosives causes endemic plant death, erosion, deterioration of topsoil, runoff and ultimately exposed saprolitic soil (also known as hardpan) in which plants have a very difficult time taking root at all to grow. We need to stop these types of practices before it leads to a greater issue and a permanent changed landscape such as the one found on Kahoolawe. Explosives on Kahoolawe were so damaging during the 1950s through 1970s that it is now uninhabitable in certain areas from a cracked water table and massive erosion. There are also many areas of trail that civilians are not able to walk since there are still unexploded ordinances left behind from the military that were not removed. I was a college student when I got to visit Kahoolawe as a volunteer and provide community service. I have seen the devastation that the military has done, and continues to do, on our Hawaiian islands. The islands are too small for this type of abuse and can only sustain so much. As a native Hawaiian, our land is very precious to maintaining the future growth of all peoples of Hawaii. If we want to continue to live and be sustainable on this island, harmful military practices need to cease. The Makua Military Reservation needs to give up their lease on the land and return it back to the state for better use. Now is not the time to prepare for war, now is the time for sustainable action before a fate worse than war happens to our people.

Adrienne Arcilla

Aloha, my name is Adrienne, I am a resident in Texas. I am strongly opposed to the extension on military leases on the lands of Mākua, Kahuka, Wahiwā.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The Army has wrongfully leases these lands from the state for \$1 since 1964. When leases expire in 2029, this land should be immediately restored to the public.

Thank you, Adrienne

Salma Argueta

The land should be given back to the rightful natives who have already had to go through enough.
STOP TAKING LAND THAT ISNT FREAKING YOURS!

Diana Arias Garcia

Hi, my name is Diana and I am a resident of Texas. I am strongly opposed to the extension of the military leases on the lands of Mākua, Kahuku, and Wahiawā.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The Army has wrongfully leased these lands from the state for \$1 since 1964. When this lease expires in 2029, this land should be immediately restored to the public.

Yuuko Arikawa-Cross

The military occupies a significant portion of the land in Hawai'i. The trade off of military presence to economic / social / environmental benefit is no longer tipped in its favor. Military personnel are exempt from paying Hawai'i state taxes, pay a minimal amount for car registration, and live off base more often than on base now permitting non-military individuals to rent base housing. Military individuals and spouses often rant about how much they hate it in Hawai'i and how the education system is subpar causing precious human and capital resources to fund many who are the least grateful. Environmentally, the lack of access to land for homes, cultural practices, food, and more are restricted. Furthermore, the long term environmental impacts on Kaho'olawe, Mākua, and more still remain. This environmental impact statement should encompass not only the physical land on which they restrict but also the environmental & social (human population) impacts which leach out into our greater communities.

Madison Armentrout-Minjarez

Aloha, My name is Madison and I'm a resident of Texas. I am strongly opposed to the extensions of military leases on the islands of Mākuā, Kahuku, and Wahiawā. An extension of the leases will allow the military to do further damage to the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continue to disrupt the lives of the local communities. The Army/All Military forces have wrongfully leased these lands from the state for a \$1 since 1964. When the lease expired in 2029, the land should immediately be restored and gifted back to the public.

Michelle Arvizu

The US has illegally occupied the United Kingdom of Hawaii for far too long. It is absolutely imperative that this land lease is not renewed as this would be the first step to giving Land Back to the Indigenous people of Hawaii. This is their land & it should not be used to continue perpetuating the imperialist regime of the United States. If this lease is renewed then this means that there is no care for the land or it's people. Do the right thing & give the land back!

Corey Asano

"Aloha. My name is Corey Asano. I reside in Kaneohe. Born and raised. Lived my whole life in Hawaii, my family originally comes from Kaaawa, raised in Haleiwa and now reside in Kaneohe. I'm calling to submit testimony, I am strongly against renewing any kind of lease. The US military has no business in Hawaii, they do more harm than good. I have experienced firsthand that over living on this aina for 45 years. Lots of problems caused by just the US military presence, the US military is the arm of the government. So by being here a lot of stuff are forced upon the Hawaiian people. A lot of lands are taken. The \$1 for the lease is just crazy. Yeah, I disagree with any type of training live fire exercises continuing on any place in Hawaii. Mahalo "

Charlie Ashcom

I believe that the occupation of native Hawaiian land needs to end. You are occupying that space unlawfully, and it deserves to be returned to the people it was stolen from. The army doesn't even pay for what it's worth. They should no longer have control over sacred land that wasn't theirs in the first place. Give the land back to its rightful owners and leave. Your presents disrupts the residents of the area, disrupts the ecosystem, the land, everything. You shouldn't be there.

Aida Ashouri

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... The land is ecologically sensitive and is sacred to the original people there. The military is notorious for being environmentally destructive and such a fragile ecosystem should not be used for this purpose. The EIS process currently considers a "no action alternative" as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Waiʻanae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Waiʻanae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to "mālama ʻāina" and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through moʻolelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendents and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires "meaningful involvement" of impacted communities such that "decision makers will seek out and facilitate the involvement of those potentially affected." Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were

conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku. Please be respectful of the land and do not treat it as something like garbage to destroy. This land cannot be restored simply once its destroyed.

Jake Atienza

Aloha. So my name is Jake Atienza. I'm based on Oahu. I'm an international student at UH.

So I think it's safe to say, to assume that the military presence in Hawai'i, that the military is critically aware that the kanaka maoli and allies oppose military occupation of Hawai'i.

The very fact that this meeting or consultation is happening right now is evidence, as you can hear from these comments tonight, that kanaka maoli, Hawaiians, and allies oppose military presence in Hawai'i and also oppose the continuation of these leases, which are questionable in the first place.

If you go outside, I think, a while ago -- they may still be there -- where you are right now at the golf course, you would have seen that there is a group from Waianae protesting right outside the golf course.

Both in the islands of Hawai'i and internationally, U.S. military has been detrimental and continues to damage communities, cultures, indigenous people, and local forms of governance. It has also resulted in displacement, both locally in the U.S.-occupied Hawai'i and internationally.

So to reiterate this point, I want to cite the following from the Watson Institute for International and Public Affairs at Brown University. "Millions of people living in the war zones have also been displaced by war. The U.S. post-911 wars have forcibly displaced at least 37 million people" -- I repeat, 37 million people --in and from Afghanistan, Iraq, Pakistan, Yemen, Somalia, the Philippines, Libya, and Syria. This number exceeds the total displaced by every war since 1900 except World War II."

So I say this to conclude, in addition to the previous comments tonight, the first priority is to return sovereignty to kanaka maoli, as it should be and as it should have always been. The second is to stop the U.S. military war machine that is -- has a presence worldwide. Mahalo.

Carley Atkins

Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts.

The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored.

Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. In 1997, the CEQ produced a guide titled “Considering Cumulative Effects Under the National Environmental Policy Act” which provides a framework for advancing environmental impact analysis by addressing cumulative effects in either an environmental assessment (EA) or an environmental impact statement. The EIS should employ this framework in order to address the

cumulative effects of all related military activities, not just the proposed project.

US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities.

These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities.

Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands.

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Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our

communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Robert Austin

Nobody wants the Army or military in general here anymore. Your people destroy the lands, disrespect the local people, & act as if they are untouchable. You cause nothing but trouble here and for what? What do you give back? How do you help the people of Oahu during your invasion & settlement of native lands? Nothing. \$1 for leasing land is a fucking joke. If you are to stay then you pay fair market price for the lands, which all proceeds will go back to the island and actually helping the people here.

Bronson Azama

‘Ano‘ai,

I am providing a letter below which features my comments regarding the O‘ahu ATR for Mākua, Poamoho, and Kahuku Training Area.

Sincerely, Bronson Azama

To: O‘ahu ALTR EIS

From: Bronson Azama

Comments Regarding O‘ahu Army Land Training Retainment EIS

‘Ano‘ai,

My name is Bronson Azama. I am a kama‘āina of the Ahupua‘a of He‘eia and a Kānaka Maoli. I write to you today to comment on the U.S. Army’s O‘ahu Training Land Retention plans, specifically for the Kahuku Training Area, Mākuā Military Reservation, and the Poamoho Training Area. The lands being sought for retainment are plagued with numerous cultural, environmental, historical, and legal issues which includes the illegal occupation and usage of Hawaiian Kingdom Government lands and Crown lands. As a Kānaka Maoli, someone who holds generational ties to these lands I state my opposition toward a process of retainment of these lands and would rather request that the U.S. Army begins a process to return said lands to their rightful owners who are Kuleana land claimants, the Crown, as well as the Hawaiian Kingdom. The return of these lands to their respective owners is imperative to remediating intergenerational traumas and resolving legal issues between Kānaka Maoli and the United States of America. On top of returning these lands, the Army and all other branches of the armed forces of the United States has a responsibility to remove Unexploded Ordnance (UXO) and all other environmental hazards to a point where the land can be cultivated and habitable as it once was prior to the forcible taking of these lands by the United States.

Before offering further comment I would like to acknowledge that in a Kānaka Maoli worldview the environment and man are not separate but one and the same. Kānaka Maoli have a genealogical relationship to the land, the sea, and the sky, recognizing ourselves as descendants of Papahānaumoku [Earth Mother] and Wākea [Sky Father]. The environmental impacts are therefore intertwined with the social impacts on the native people of these lands. As a Kānaka maoli I can attest to this. The Army’s continued actions of imperialism and its illegal military occupation on the United States of America’s behalf have resulted in numerous social impacts upon our people. Kānaka maoli require proper stewardship of lands and waters to maintain a reciprocal relationship with the ‘āina of Hawai‘i. The lands and waters of Hawai‘i which are family, ought to be cared for as a grandmother or grandfather, in turn, we are nourished by our environment. Due to various issues that stem from colonialism and militarism by the United

States', the physical, political, spiritual, and cultural landscape of Hawai'i has been altered substantially. As military presence increases the displacement of natives continues, resulting in poor land management practices and economic woes for Kānaka Maoli. The military is the second largest industry next to tourism, another exploitative industry, and continues to bring with it new economic and environmental woes that negatively impact our communities.

The negative impacts on the environment which is inclusive of Kānaka Maoli started from the inception of the United States' illegal participation in the overthrow of the Hawaiian Monarchy and perceived end to the Hawaiian Kingdom. This participation began when the U.S. Marines were landed on January 16, 1893, under order by Minister John L. Stevens, who worked with the Committee of Safety and conspired against Queen Lili'uokalani, which resulted in the illegal overthrow the following day. Such an act was declared an "act of war" by President Grover Cleveland. Fast forward to July 4, 1898, despite 98% of the population of Hawai'i opposed to annexation the U.S. Congress passed a joint resolution known as the Newlands Resolution, which is not a treaty, and illegally annexed Hawai'i. The effects of this illegal act of war and a fraudulent annexation have resulted in the displacement of native communities and the illegal usage and occupation of Hawaiian government and Crown lands by the United States. This resulted in the inability to determine for ourselves our own future and destiny as well as future use of our own lands resulting in various ecological and cultural problems. Military usage has resulted in land degradation, lands once cultivated for food are now plagued with UXOs, we face resource depletion via the military's extreme water usage (not to mention further contamination of the Pearl Harbor Aquifer by Red Hill Fuel Tanks), desecration of cultural sites, and various environmental issues such as habitat destruction, extinction of native wildlife and fauna, drought-stricken areas (due to habitat destruction, stream diversion, and the removal of natives and our inability to implement our agricultural practices and land management systems), and houselessness for Kānaka Maoli.

One hundred years after the U.S. Marines under orders from Minister John L. Stevens usurped our Monarch and legal government [Hawaiian Kingdom] President Bill Clinton signed Public Law 103-150 also known as the "Apology Resolution" which states in one of its Whereas clauses,

“Whereas the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum;”

This Whereas clause contradicts claims that the United States has made to the United Nations to justify its illegal occupation. Such claims argue that the Statehood Act and the vote for Statehood serve as a referendum, which resulted in the removal of Hawai‘i from the United Nations’ list of Non-Self Governing Territories in 1959 through Resolution 1469. Not to mention that Statehood included the fulfillment of a “sacred trust” obligation to promote the well-being of those inhabitants, under the U.N. Charter, Chapter XI, Article 73e, which states:

“Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of selfgovernment recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end: a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses.”

Atop of basing their occupation upon a lie of referendum, in knowing the impacts of militarization of our islands our “sacred trust” has clearly been violated. Thus adding yet another layer of illegality upon the foundational lie of annexation. There are many layers to the illegalities, such illegalities can be better articulated by more seasoned legal experts around the existence of the Hawaiian Kingdom. One such legal expert includes Dr. Alfred-Maurice de Zayas who on behalf of the United Nations Office of the High Commissioner published a memorandum in 2018 acknowledging Hawai‘i as an,

“...the lawful political status of the Hawaiian Islands is that of a sovereign nation-state in continuity; but a nation-state that is under a strange form of occupation by the United States resulting from an illegal military occupation and a fraudulent annexation.”

The layers upon layers of illegalities and absolute lies that plague the United States and subsequently the State of Hawai‘i’s title over what is now termed “Public Lands” or “Ceded

lands” lands of which are better referred to as “Seized lands”, needs to be addressed. These illegalities include the Hawaiian Kingdom Government and Crown lands, and their leasing by the State of Hawai‘i to the Army and all other branches of the United States military for military usage. To my knowledge the lands in question for these bases are for the most part Hawaiian Kingdom Government lands, however, other key military installations on O‘ahu sit atop Crown Lands. This includes to my knowledge, Lualualei, Schofield Barracks, Bellows Air Force Station, and the Marine Corps Base Hawai‘i, therefore, I would like to request that all branches of the Armed Forces of the United States be further investigated for stealing and using the personal property of the Crown and Kuleana Landowners. Crown lands are lands set aside for the ali‘i and the Mo‘ī. To hold the Crown lands and Kuleana Lands without consent would be an act of stealing private lands, which is an act some Americans interpret as akin to a communist country. Until the legal issues of ownership can be resolved, the Army should not seek to retain these lands, for such actions would be war crimes and an act of piracy by the United States of America.

The United States and its armed forces have an opportunity to be honorable, something our people have yet to witness. An honorable action would be to return rather than retain these lands. Returning these lands to the indigenous people the Kānaka Maoli and starting a process to decolonize Hawai‘i and restore the Hawaiian Kingdom to comply with International and United States national laws. Such honorable actions and solutions do not end there as these lands will require the removal of UXOs, and all other environmental hazards for the health and well-being of the environment which in turn betters the living conditions of the people of Hawai‘i.

Let the violence upon our grandmother Earth stop, let the violence imposed upon our people end, and let us rather work together to restore our ‘āina and our aupuni.

Aloha nō,
Bronson Azama

Bronson Azama

Ano ae. My name is Bronson Azama. I'm a kanaka to the Ahupua'a He'eia and akanaka maoli. I would like to state that when it comes to the alternatives that were proposed, you know, the one I would like wasn't on there, and that's rather than land retainment, land returned to the Hawaiian Kingdom, to the crown, and to kuleana landowners, the rightful owners of these lands. Because currently, the United States, as we have stated time and time again, has no legal authority of these lands. So even this process is sort of fraudulent in a way, where we should be respected in a nation-to-nation relationship, not in this sort of American process is. Going into the illegalities that started from the illegal participation by United States Marines in the overthrow and usurping of our queen and then followed by a fraudulent annexation that was a joint resolution, didn't go through the two-thirds ratification process. And even in case law, you know, in a joint resolution, you need an agreement between two parties. Well, the Republic of Hawai'i wasn't the legal authority to convey Hawai'i to the United States. And following that, in World War II, which is why this is kind of interesting, in World War II Hawai'i was added to the list, the United Nations list of non-self-governing territories. And in 1959, the Resolution 1469, the United States, to justify its illegal occupation, considered the Statehood Act in a referendum, which is contradicting, because when you look at Public Law 103-150 in the Apology Resolution in one of its Whereas clauses, it states, "Whereas the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States either through their monarchy or through plebiscite or referendum." And just as recent as three years ago, the United Nations Office of the High Commissioner published a memorandum in 2018 stating in regards to the Hawaiian Kingdom's current political status as a "nation state in continuity". And with that being said, it's very telling that the United States is trying to really hold on a grip, and a stronger grip, of military power on our islands as there is question on the legalities in the international realm.... Yes. So to wrap up, you know, the United States has an opportunity now, because history is ongoing. You have an opportunity to be honorable, something we have yet to see and something we have yet to witness. So that being said, I would ask that the armed forces stop being used as pirates of the Pacific, and we really return these lands back to the people, back to the Kingdom, back to the crown, and back to the kuleana landowners and all owners with a loyal title. With that being said, (speaking Hawaiian). Mahalo.

Miles B

To whom it may concern I am writing to inform you of my support for the demilitarisation and decolonisation of the land of Hawai'i. The treatment of Hawaiian peoples and land over the last 123 years by the US government and Military is inexcusable, exploitative and disgusting and needs to end immediately.

adnan b

"I oppose the renewal or re-leasing of any lands at Mākuā, Kahuku, and Poamoho because... this is Native land! Indigenous peoples are the only rightful stewards of this land and the continued decimation of their sovereignty is exactly the reason for climate change. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākuā Military Reservation, Mālama Mākuā has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority

working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Mary Tuti Baker

Aloha mai kakou. Can you hear me all right? Okay. My name is Mary Tuti Baker, and I grew up in Kailua and Waimanalo. My father served proudly in World War II as a Marine Corps pilot. He fell in love with my mother and her 'aina and stayed in Hawai'i. I want us all to remember that when land in Hawai'i is used for military training, it means that 'aina is being used by the occupying government to train to kill other black, brown, and indigenous people around the world. I want you to remember that despite deeply inadequate public engagement processes like this one, the U.S. military disregards indigenous people and their land everywhere it goes, from Hawai'i to Okinawa to Guam to around the world. These will always be my deepest objections to the military in occupied Hawai'i, and the impacts of that cannot be measured by -- in any EIS. It's frustrating because this EIS is a performance. It reinforces the idea that this is the Army's decision, and it is not -- or it should not be. The Army is the lessee, and these lands are held in trust for Native Hawaiians and the public. That means the people, and specifically Hawaiians, should get to decide what is being done with that land and whether it serves us. How does ravaging 'aina for war serve trust beneficiaries? It does not. Instead, it further entrenches us in an unhealthy dependence on the U.S. military, the largest greenhouse gas emitter on this warming planet. A complete and honest environmental impact statement would take that dependence into account. It might also examine the way military personnel skew our housing market and price local families out of Hawai'i. The reality that the military already controls nearly a quarter of all the land on Oahu, the undeniable fact that obscene levels of military spending make it impossible to fund critical social programs like education and health care. Even though the Army has had this land for 65 years, you are not and never were entitled to it. Retention should not be the starting point for this EIS process. We want the military to return the land as it was prior to military occupation. Mahalo nui.

Sarah Baker

Get off their island, it was a wrongful lease and the land should be restored to the public immediately. And pay them an actual amount for the time you were there. \$1 an acre? From the military that spends 425 billion dollars more than any other military? That's just disgusting that you'd screw your own country over that hard. If you care about your country feed the economy. Leave Hawaii alone.

Christina Balderas

I am strongly opposed to the extension of military leases on the lands of Makua Kahuku Wahiawa. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community. The military has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should be immediately restored to the public.

Adele Balderston

Aloha,

My name is Adele Balderston, I am a settler, raised here on O'ahu between Kailua and Kāne'ohe and I oppose the extension of this lease and the ongoing US Military occupation of Hawai'i. I used to catch the bus to school across the street from the Marine Base where, as an adolescent, I experienced catcalls, intimidation, abuse and even assault from service members on the street or riding the bus almost daily.

For me, this experience has become emblematic of the US Military's treatment of Hawai'i and its people. The US Armed Forces have never been good stewards of this 'āina: consider the irrevocable damage wrought by the US Navy on Kaho'olawe that rendered the island uninhabitable, the unexploded ordnance that poses ongoing health and safety risks to residents of every island, and the 80-year-old fuel tanks in Red Hill that threaten one of O'ahu's major sources of drinking water.

28,000 Kanaka Maoli are currently on the waitlist for the Department of Hawaiian Homelands and 15,000 Hawai'i residents are currently houseless with thousands more at risk of losing their homes, while the state struggles to distribute rental assistance and process unemployment claims filed over a year ago. With so many kanaka 'ōiwi priced out of their homes everyday, it would be unconscionable for the Army to retain control of a single one of the 6,300 acres "leased" against the people's will for an insulting \$1 tithe.

Hasn't the US Military abused this place enough? The Army does not know the meaning of Aloha 'Āina, and their continued occupation of this land is a threat to Hawai'i's natural and cultural environment. Give these public lands back to Hawai'i's people.

Mahalo,
Adele Balderston

May Balino-Sing

Aloha. My name is May Balino Sing, I am calling to oppose extending military lease in Makua, Wahiawa, and Kahuku. Mahalo Nui

Lauren Ballesteros-Watanabe

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... The military have a destructive footprint on stolen land. Increased militarism and violence to people and place must end. Hawaiians deserve their land back and we collectively deserve a state without military presence. We need to secure these lands for true security- housing, food, and precious resources. I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons

testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendents and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Lauren Ballesteros-Watanabe

Okay. Aloha. My name is Lauren Ballesteros-Watanabe. I am a resident of Makiki, Oahu. I am third-generation working class Mexican-American, and I'm a mother of a young daughter. I'm also an artist and a community organizer of the Sierra Club of Hawai'i and here in solidarity to oppose the lease extension. And I would just like to actually just offer a poem, because I think there has -- there has been a lot of incredible testimony, and I best express myself this way, because I think this is about something much larger that you are hearing than just about a lease. So, yeah. We are being buried by chaos as we speak, and these traveled foreign seas centuries ago. Not every legacy is made the same. You, me, him, her, they, them, all have a story to tell. Life is a twisted game when you're a descendant of a motherland conquered by forced entry, stripped of her dignity to profit another. She was maintained in the name of victory without consent. On that day, goddesses wailed. The winds howled as my mothers were forced to bow on their hands and knees, birth unwanted seeds on trails of tears, silenced by our forefathers that labeled her his property. But through their cries, they prophesied. False kings create false gods to hide. They keep us divided, fighting a hell within ourselves. The truth is it's just a matter of time until we rise again. This is where my story begins. We were raised to put one hand over our heart every day, thoroughbred patriots pledging our allegiance away to a country that internally feeds off of a you versus me mentality. But internationally, we are supposed to be devoted to a one nation under God identity, never doubted, an unquestionable quest to exert our power through a militarized industrial complex that doesn't distinguish between child and terrorist bombing schools, gunning down villages of civilians like you and me all in the name of security. Does that make any sense? Nothing we do changes the pains of the past, but in this moment, we are confronting it like the rising seeds, doing our best, each in our own way, to uproot those weeds suffocating us all. So with my testimony, I just wanted to offer a -- expand on what has been said today, that we are also in this code red for humanity to take action on climate change and to protect our natural resources. And so having the further violence and desecration and treating land and people as disposable for military training is -- is not acceptable, never was, and it has no place anymore. So I hope you really hear this call, that it needs to end. And so on that, I will -- I will just leave. I think there's been incredible testimony tonight. So I strongly oppose. Thank you.

Chelsea Barbee

I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority

working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendents and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku. Please add any personal comments here. I am a military spouse and I am continuously disgusted in the military's hand in harming native lands. Do better.

Rubi Baricuatro

Please stop U.S. military occupation of Hawaiian land.

Cooper Barnard-Mayers

Good morning,

I'm emailing today to oppose the military occupation on native Hawaiian soil, and request that the United States Military lease not be renewed in 2029. We want to return that land to the native Hawaiian community and peoples.

Thank you, Cooper Barnard-Mayers

A resident's comment on the EIS concerning the re-leasing of 30,000 acres of land currently used by the US military in the State of Hawai'i.

I live in Aiea, and I am opposed to the re-leasing of any land to the US military for training purposes. There are many annoyances living with such a large troop presence on an densely populated island. My community seems to be in the flight path of helicopters flying between Wheeler Airfield and Camp Smith or Kaneohe MCB. Often their vibrations disturb residents before 6 am and after 9 pm. I can hear and feel the explosion of live fire from Makua. The vibrations created two to four helicopters that fly across the most populated urban core of the State on their way west to Barber's Point, and then back again, at least three times a day is predictable. It's like we already live in a war zone.

However, other reasons besides losing some sleep and worry about helicopter crashes are more important. Dust containing depleted uranium oxide from the live fire occurring at several sites has been a concern for a long time. A study done by the UH Cancer Center and Department of Health back in 2001 to 2005 found that melanoma, breast and bladder cancer had a higher occurrence in east and west Hawai'i island than the state average, pointing to the studied population's proximity to Pohakuloa Training Area. There is also the possibility of wildfire, which has occurred as a result of live fire. A 2018 draft of the State of Hawai'i Hazard Mitigation Plan shows that communities at risk of wildfires include all the military training areas on Oahu.

The citizens of this state have seen what the military has done to the land and the weak attempts to mitigate the damage done due to the extreme costs. A 1999 report prepared by the Hawai'i Department of Health to the 12th State Legislature cites where munitions are stored, arsenic, or polychlorinated biphenyls, trichloroethylene and dioxin were found at Kahuku training area, Pohakuloa, Aliamanu Military Reservation and even the drinking water at Schofield Barracks. Taxpayers have had to clean up unexploded ordinance at Kaho'olawe and the jet flume under Hickam AFB. There is also the resistance by the Navy to ensure the tanks under Red Hill will not contaminate our main source of drinking water.

The military in Hawai'i should draw down its presence in Hawai'i to alleviate the strain it puts on the residents and environment. In addition, a more peaceful stance in the eye of the world would do better to reduce tension with our adversaries in the Pacific than trying to flex muscle. Thus I am opposed to allowing the US military continue to train here. Go somewhere else.

Sincerely,

Andrea Barnes
August 19, 2021

Avrey Baron

Since the mid 1890s when the U.S. illegally annexed the island chain known as Hawai'i, the islands have lost their ability to decide how they are governed, were forced to commercialize their culture, and experienced rising costs of living and devastating changes to their native flora and fauna including introductions and extinctions. The native Hawaiians that have lived on these islands for centuries before U.S. annexation are finding it harder to afford to stay in their families homes while sharing it with vacationers that don't respect native Hawaiian culture or spirituality, especially in the context of the land. It is essential that we, as privileged Americans, start to right the wrongs of the past. This should start with the right to self-determination and removal of American army forces on the islands. Army occupation on any land is destructive. These forces on sacred lands is especially troublesome and should be stopped as soon as possible. I am strongly opposed to the extension of military leases on Mākuā, Wahiawā, and Kahuku. These military occupations are disruptive to the native people's, plants, and other animals and frequently destroy sacred lands to which the peoples' spirituality is connected. The army has wrongfully leased this land for \$1 since the mid 1960s and when the leases expire in 2029, they should not be renewed and the land should be returned to the people.

Dylan Barr

Give Makua Valley back to the Hawaiian people PLEASE! End military use of this beautiful valley that could be used for farming and housing for native Hawaiians, as it previously had been for hundreds of years.

Isabella Batts

US Army,

One hundred and twenty three years ago, the Kingdom of Hawaii was colonized. The military still occupies space. There is military presence at the front of the 'Iolani Palace. The sacred Wahi Pana land must be returned to the people of Hawaii. Please return the land and discontinue colonizer military trainings.

Thank you.

Victoria Bayang

I am strongly opposed to the expansion of these military leases. An extension of these leases could allow the military to further damage the natural resources of these areas, destroy the natural habitats of native hawaiian plants and animals, and continuously disrupt the lives of the local community. The army has wrongful leases these lands for such a low price. When this lease expires, it should be immediately restored to the public.

Anne Bayne

I oppose the renewal of Hawaiian territory for military purposes.

Jim Bearden

30,000 acres of Hawaii state land leased by the U.S. military are ending in 2029. The state of Hawaii should not re-lease these lands, no matter what the amount the U.S. military offers. Hawai'i should be known as an area of peace and dialogue, using the Hawaiian technique of "ho'oponopono" — rather than as a base for projecting the U.S. propensity for killing over using diplomacy to reduce tensions with other countries. A first step would be reducing the U.S. military footprint in Hawaii by the State of Hawai'i refusing to re-lease 30,000 acres currently used by the U.S. military. Ultimately disputes with countries are resolved not by military action, but by dialogue, so why are we spending trillions on weapons that ultimately do not solve the situation? In the words of a song I wrote many years ago ("Aloha to Hawai'i"), when I had to leave Hawai'i, "How can one hand wish Aloha, while the other holds a gun?"

Jim Bearden=====Sky Pilot

Music/Photography/Softwaremailto:j

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Virginia Beck

Aloha. I am opposed to renewing the military leases. Too much land is being used by the military and I oppose the bombing of Makua and Pohakuloa.

Virginia Beck [REDACTED]

Shelby Becker

I do not support military occupation and training on Hawaiian lands. Colonialism has no place on these sacred lands that America stole so long ago.

So much of the culture has already been stripped down and they deserve to cultivate their land without the threat of American violence.

Ad Beekmeijer

Dear Sir / Madam,

I strongly advise you to refuse a re-lease to the military. Just let nature take over the land and make it a national park. That will boost the tourism enormously. And remember peace is better than war.

best regards

Ad Beekmeijer Amsterdam The Netherlands

Kelly Behan

Hawai'i is and has been illegally occupied since around 1893 after the United States overthrew the Kingdom of Hawai'i, it's about time the land is given back to its rightful owners. The land is sacred to its people and it's appalling to see it disrespected the way it is by people who don't belong there.

Melanie Bellomo

I am opposed to the renewal of this lease. We must cease the destruction of the land and water of Hawaii in the name of military endeavors.

Annie Ellen Benavidez

"Aloha. My name is Annie Ellen Benavidez and I'm a resident of Puna. I am strongly opposed to the extension of the military leases on the lands of Makua, Kahuku, and Wahiawa. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitat of Native Hawaiian plants and animals. And continually disrupt the lives of the local community. The army has wrongfully leased these lands from the state for \$1 since 1964. When the leases when the lease is expiring 2029 this land should be immediately restored to the public. Thank you. "

Kae Bender

Hi. I just read that Hawai'i leases 30,000 acres of State Lands to the US military for a mere \$1. That is state robbery and should not be tolerated by the citizens of Hawai'i or the State of Hawai'i Department of Land Resources.

I would urge you to thoroughly review these leases and at a minimum revise the renewal terms, or even terminate the contracts.

Like so many Native Nations, the indigenous people of Hawai'i were treated poorly for extended periods by the US, and even as a state, Hawai'i deserves more autonomy in its choices of how to use its land.

For too long, the US has relied on its military presence rather than leading the world with diplomacy and humanitarian politics. At this time of international climate crisis, it is time to rethink our priorities.

Kae Bender Lancaster CA 93536

Polly Bentley

Please do not allow the military to use land for training and other purposes any longer. This is surely a great moment to change the trajectory of US ways of dealing with other countries. P.

Bentley

Sent from my iPad

Halani Berard

First I must clarify my position about your presence in Hawai'i. I am proud that you have a home here for training our military to be ready for any threat to the security of our homeland, the United States of America. There are cultural practices, however, that must be respected and adhered to in order to coexist with aloha and ho'ihi, (love and respect).

First, you must respect our belief that our 'aina (land) is our mother. We believe wholeheartedly that if we take good care of her she will in turn take good care of us. We love her and we care for her. When you use bombs either from the air or planted on the land as part of your training, you are hurting the very core of our being. You must do that type of training elsewhere. You severely injured the core of our being by your insensitive and cruel injuries to Kaho'olawe. We negotiated for you to clean up the live ordinances that you left behind. To this very day you say you cannot guarantee that the island will be safe because you cannot guarantee ridding the island of every live ordinance. You left the island leaving Hawaiians with an island that is inhabitable. This island is being held in trust until such time as a Hawaiian Nation is recognized. What possible good is that? This is only a small part of the plight of correcting the many injustices of the past for the Native Hawaiian people of Hawai'i.

Paying your fair share for the use of our land must be corrected. Presently you pay \$1.00 (one dollar) per year. Most of the land belong to the Native Hawaiian people who struggle at the bottom of the list regarding health, education, unemployment, incarceration and more. I beg you to care about the many injustices of the past and start now to be fair and righteous in your dealings that directly affect the Native Hawaiian people. Fair market value is all we ask for the use of our lands. I trust that you will empathize with our struggle for justice and righteousness. May God bless our nation and our troops!Kupuna Halani BerardKailua Kona, Hawai'i

Jessica Bidon

I am strongly opposed to the extension of military leases on the lands of Makua, Kahuku, and Wahiawa. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community. The Army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should be immediately restored to the public.

Lauren Biglow

Aloha. Me llamo Lauren y resido en California. Me opongo fuertemente a la extensión de los arrendamientos militares en las tierras de Mākua, Kahuku, Wahiawā. La extensión de los arrendamientos permitiría al ejército seguir dañando los recursos naturales de la zona, destruir los hábitats de la floray la fauna endémicas hawaianas, y seguir impactando la vida de la comunidad local. El ejército ha arrendado la tierra de manera injusta desde el estado por \$1 desde el año 1964. Cuando termine el arrendamiento en 2029, la tierra se debe devolver al pueblo. Mahalo.

[Aloha. My name is Lauren and I live in California. I strongly oppose the extension of military leases in the lands of Mākua, Kahuku, Wahiawā. The extension of the leases would allow the military to continue damaging the area's natural resources, destroy the habitats of endemic Hawaiian flora and fauna, and continue to impact the life of the local community. The military has unfairly leased the land from the state for \$ 1 since 1964. When the lease ends in 2029, the land must be returned to the town. Mahalo.]

Lauren Biglow

Aloha. My name is Lauren and I am a resident of California. I am strongly opposed to the extension of military leases on the lands of Mākuā, Kahuku, Wahiawā. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community. The Army has wrongfully leased the land from the state for \$1 since 1964. When the lease expires in 2029, this land should be immediately restored to the public. Mahalo.

Alex Bishop

Aloha,

My name is Alex Bishop and I am a resident of Hawaii. I am strongly opposed to the extension of military leases on the lands of Makua, Kahuku, and Wahiawa.

An extension of these leases will allow the military to further damage the natural resources, natural habitats of native, threatened species, and homelands of local communities, specifically indigenous peoples residing on these lands.

The U.S. army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should immediately be restored to the public.

I implore you to research the amount of damage U.S. colonization/military occupation has caused regarding endemic bird species as well. 95 out of 142 bird species (found nowhere else in the world) have become extinct due to the carelessness of U.S. occupation.

Please consider the future and health of our ecosystems and communities when making these decisions.

Sincerely, Alex Bishop

Dan Bissell

Please give this land back to the people of Oahu. The military presence is overwhelming at times. This land needs to be used to for preservation of our watershed (Particularly in the area surrounding Poamoho), and used for its people. Not military presence.

Zoe Black

Hi my name is Zoe Black, I am strongly opposed to the extension of military leases on the lands of mākuā, Kauku, Wahiawā. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of native Hawaiian plants and animals, and continually disrupt the lives of the local community. The army has wrongfully leases these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should immediately be restored to the public.

Thank you,

Patricia Blair

There should be no more releasing of Hawaii lands for military destruction. I looked at beautiful Makua, Waimanalo, Kahuku, Pohakuloa and thought there is absolutely no justification for its destruction. The military does not resolve disputes as we've seen in Korea, Vietnam, Iraq, Afghanistan, Syria, etc. in my life time. The military only destroys human life and the environment. More weapons do not make Americans safer! Learning to respect and living together makes us safer! Disputes between countries are best settled by sincere dialogue, diplomacy. Thank you. Patricia Blair, Kailua, Hi. [REDACTED] Sent from my iPad

August 9, 2021

The State of Hawaii should not re-lease Hawaii State lands to the US military for further training. Enough damage has been done over the years.

Military actions only sturbate hostilities between countries, causing needless human deaths particularly civilians and children. Disputes with countries are best resolved not by military actions but by dialogue, diplomacy.

Hawaii should encourage the Hawaiian technique of "ho'oponopono" not provide

land for the US militaries killing machines that have not made our citizens safer.

Thank you for recognizing your duty, obligation to preserve the Aina - by saying No to land leases to the military.

Patricia Blair
Kailua





Ms. Patricia Blair

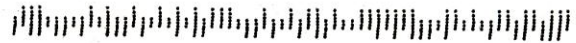
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Oahu ATLR EIS comments
PO Box 3444 DLNR
Honolulu,
Hi 96801-3444

96801-344444



Patricia Blair

[Subject: No renewal of leased Hawaiian land to the military. Let's try diplomacy instead of aggressive destruction toward others.]

Patricia Blair, Kailua

Sent from my iPad

Patricia Blair

Time to end the leasing of Hawaii's land for harmful military training. Clean up the mess and return the land to the Hawaiian people. Try diplomacy with other countries.

Samantha Blalock

Aloha, my name is Samantha and I am a resident from New York. I am absolutely opposed to the extension of military leases on the islands of Mākau, Kahuku, Wahiawā.

Extension of lease will continue to exploit natural resources further destroying the natural habitat of Hawaiian plants and animals and disrupting the local communities. This land should be restored to the public.

Alyssa Bland

Aloha. My name is Alyssa and I am from California. I am strongly opposed to the extension of military leases on the lands of Mākua, Kahuku, Wahiawa.

An extension of these leases will allow military to further damage the natural and native resources to this area, destroy the natural habitats of native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The Army has wrongfully leased these lands from the state for \$1 since 1964. The army has forcefully taken land and recourse away from Hawaiians. When the leases expire, these lands should be immediately replaced to the public hands of indigenous Hawaiians.

Lauren Harmony Blissett

Aloha. My name is Lauren Harmony Akama Blissett. I was born and raised in Kaneohe on the island of Oahu. My phone numbers XXX-XXX-XXXX and my email is XXXXX.

Firstly, I would like to make clear that I very strongly opposed military's lease of public lands to uses training. The fact that they only pay \$1 for the privilege is beyond insulting and extremely unfair. I personally witnessed and often heard the destruction being caused to the land.

In regards to your environmental impact survey, I cannot see how the expensive and prolonged use of live ammunition on and against the land could ever be considered not harmful. However, I hope that whoever is conducting this survey will act with honesty and integrity and will genuinely consider the negative impacts on our land and our wildlife and how that in turn impacts our surrounding communities. And whether it is right that they should be allowed to continue for decades more. Please can you ensure that this environmental impact study thoroughly evaluates the military's contamination of these sites during the course of their 65 year lease.

Specifically, whether or not they are littering the land with unexploded devices which could endanger human lives for many years to come. Whether any of their ammunition or practices is poisons the land with depleted uranium, which will be very hazardous to the public and wildlife.

How the noise pollution negatively impacts communities and surrounding areas.

How the use of these lands impacts Native Hawaiian wildlife flora and fauna, particularly those that are endangered and how their extinction would be lost, not only to the people of Hawaii, but to the public in general.

Whether any pollution from the military use of these lands has gotten into and contaminated the water supply and how that might be affecting people.

How the physical impact of bombing might be destabilizing land and infrastructure in both immediate and surrounding areas.

How the military uses these lands for training deprives Native Hawaiians of their rights to the resources found on these lands. Particularly for hunting gathering and providing and also for spiritual and cultural practices. Also how those rights might still be effective for years after the lease is terminated because the environmental impact. The military's practices have on these lands.

Also how the continued bombing and destruction of these lands physically and emotionally impacts the well being of Native Hawaiian to Honor this land and would otherwise be using it in ways that would directly benefit and uplift our communities and future generations. And finally, the extent of loss and irreparable irreparable damage being caused by the military base in these lands and the way they are using them. Thank you for listening to my testimony and please do feel free to contact me if you have any questions. Mahalo

Lauren Blissett

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... I strongly believe the Military's lease of these lands to use as training grounds is NOT in the interest of the Hawaiian people and is severely detrimental to both our well being and livelihoods, and those of our future generations. Furthermore, it is detrimental to the well being of the land itself and all other occupants and future occupants of it, including the native flora, fauna and wildlife, much of which is endangered. This is unethical. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust

duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākuā Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. In terms of an Environmental Impact Survey, I don't see how the extensive and prolonged use of live ammunition on and against the land could ever be considered not harmful. Many native Hawaiian species of plants, insects and birds are endangered (not to mention exclusive to these islands) and I cannot see how a study like this could possibly conclude that bombs, bullets and debris from military training exercises does NOT

negatively impact the environment of not only these lands, but the surrounding areas. Furthermore, I am extremely saddened -and out right disgusted- that the military would be allowed to lease these lands for \$1 for 65 years. These are lands that were wrongfully aquired to begin with. For at least the last 60 years they have been used in a way that does not benefit the Hawaiian people, nor honor the place itself. In fact, the continued leasing of these lands to the military for training practice actively hinders native Hawaiians because it excludes us from having any say in how that land is cared for and utilized. Depending on where the parcels are, what infrastructure surrounds them and what state of contamination they have been left in by the military, these lands could be reallocated and used for conservation, agriculture and homes for Hawaiian people who have been deprived of their rightful inheritance because of the United States' illegal seizure of these islands. It is quite simply farcical, let alone highly insulting, that the United States Military should continue to be allowed to rent this land... especially for the mind boggling fee of just \$1!!! I, as a native Hawaiian with 'only' 40% pure Hawaiian blood, do not even qualify for Hawaiian homelands. Even so, I am not being offered even half an acre to lease for \$1 per month, let alone tens of thousands of acres for \$1 for 65 years!!! There are hundreds of thousands of others like me, plus tens of thousands more who are still on the wait list for land. The Military has no entitlement whatsoever to that land, it is not caring for that land, its needs should not be prioritized over those of the Hawaiian people and in no way should that land be leased to any one except Native Hawaiians, for the betterment of the land of Hawai'i and its Native Hawaiian people- and certainly not for the menial (and quite frankly offensive) fee of ONE DOLLAR! I hope your EIS can honestly evaluate the many, many negative impacts this current arrangement has on our land and rightfully conclude what is blatantly obvious- that the military lease should NOT be renewed on any of these lands.

Jonah Bobilin

I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... we need to care for our land, not destroy it. The US military has a long history of mismanaging land, causing environmental degradation, and not cleaning up after themselves. We must also consider the spiritual importance of these lands to the kānaka maoli. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts.

The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored.

Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions

over time. In 1997, the CEQ produced a guide titled “Considering Cumulative Effects Under the National Environmental Policy Act” which provides a framework for advancing environmental impact analysis by addressing cumulative effects in either an environmental assessment (EA) or an environmental impact statement. The EIS should employ this framework in order to address the cumulative effects of all related military activities, not just the proposed project.

US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities.

These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities.

Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands.

In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using.

These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural

access.

Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Henry Boothe

I feel the eis should investigate the following impacts (historical and foreseeable):

- Jurisdiction (you are breaking Article VI Clause 2 of the us constitution (breaking our US-Hawai'i treaties, pretending there is a treaty of annexation and nearly erasing an entire culture that continues to be oppressed as second class citizens. heartbreaking. one of the biggest wrongs of the US that continue.))
- environmental/human health risks involved in military presence
- water use (amounts, implication on community, environmental ecology (animals and plants, culture)
- water discharge (content, amounts, locations and their impacts on environment, community, animals and plants, recreation and cultural impacts)
- animals (all possible impacts)
- human (pollution, pandemic spread)
- plants (inventory, risks)
- bomb/chemical storage risks
- social risks
- crime
- resource competition
- impacts producing homelessness (in communities and in it's own imported personnel after service)
- political risks
- domestic terrorism risk (radicalization, importing trump supporters)
- target from other nations due to US presence in Hawai'i
- Consent (article 28 of the UNDRIP states "Military activities shall not take place in the lands and territories of indigenous peoples, unless otherwise freely agreed upon by the peoples concerned." you must have consent.)
- endangered turtles (especially tumors from dumping nitrate into the ocean)
- cultural impacts (the Hawaiian culture is not just what can be seen, it is also the environment in it's entirety. plants, waters, and animals. physical manifestations of gods held with reverence within Kanaka Maoli and used in hula, medicine, ocean voyaging, indigenous agriculture, chants, clothing, and so much more. extremely important. your large presence is a major threat
- history of the areas
- iwi kupuna

Thank you.

Maria Bortolaso

Aloha, my name is Maria Bortolaso and I live in Illinois. I am strongly opposed to the extension of military leases on the lands of Mākuā, Kahuku, Wahiawā.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural hábitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local communities.

The army was wrongfully leased these areas from the state for \$1 since 1964. When the lease expires in 2029, this land should immediately restored to the public.

NATASHA BOTEILHO

Enough desecration on Hawaiian Kingdom lands that should be return to house, feed and support the rightful native kanaka maoli

Adele Bothersten

Aloha. My name is Adele Bothersten. I'm a settler, but I grew up here on Oahu between Kailua and Kaneohe, and I oppose the extension of this lease and the ongoing U.S. military occupation of Hawai'i. I used to catch the school -- the bus across the street from the Marine base going to school where as an adolescent I experienced catcalls, intimidation, abuse, and even assault from servicemembers on the street or riding the bus almost daily. For me, this experience has become emblematic of the U.S. military's treatment of Hawai'i and its people. U.S. Armed Forces have never been good stewards of this 'aina. Consider the irrevocable damage wrought by the U.S. Navy on Kaho'olawe that rendered the island uninhabitable, while unexploded ordinance poses ongoing health and safety risks to residents on every island. And 80-year-old fuel tanks in Red Hill threaten one of Oahu's major sources of drinking water. Today 28,000 kanaka maoli are currently on the waitlist for the Department of Hawaiian Home Lands, and 15,000 Hawai'i residents are currently houseless, with thousands more at risk of losing their homes, all while our state struggles to distribute rental assistance and process unemployment claims filed over a year ago. With so many kanaka oiwi priced out of their homes every day, it would be unconscionable for the Army to retain control of a single one of the 6,300 acres leased against the people's will for an insulting \$1 price. Hasn't the U.S. military abused this place enough? The Army does not know the meaning of aloha 'aina, and their continued occupation of this land is a threat to Hawai'i's natural and cultural environment. Give these lands back to Hawai'i's people. Mahalo.

Chelsea Boyle

I am strongly opposed to the extension of military leases on the lands of Makua, Kahuku, Wahiawa. An extension of these leases will allow the military to further damage the natural resources of these areas, destroying the natural habitats of native Hawaiian plants and animals, and continually disrupt the lives of the local community. The army has wrongfully leased this land from the state for \$1 since 1964. When the leases expire in 2029, this land should be immediately restored to the public.

Elisabeth Bragale

Hello,

I am writing you to express my opposition against the US military “leasing” Hawaiian land for military use. It is disgraceful the harm you have done to the land and the native Hawaiian people. Cancel this “lease extension” and return the land to its rightful owners: the native Hawaiian people. End the occupation.

Sincerely, Elisabeth Bragale Elisabeth (Liz) Bragale She/Her

David Bramlett

I strongly support the Army and other services including the Hawaii National Guard and the Marines to train both on Oahu as well as Pohakuloa Training Area. These forces, vital to the nation's defense and especially in the Indo-Pacific region, need to have the training and operational readiness to deploy at any time on short notice. Training areas are essential components of readiness. The Army has proven to be attentive to the training area lands by proactive stewardship and quickly responding to identified shortcomings. Working together, the Army and the state can balance the competing demands. And, the military has proven to be good neighbors -- community projects, aiding in emergencies (medevac, firefighting, disaster relief, etc) -- to say nothing about the major impact on the economic health of the state. There are no downsides that cannot be mitigated.

Kalea Bridgemohan

The U.S occupation of The Kingdom of Hawaii is modern day colonialism. Every acre of this land should be given back to the people of Hawaii.

Kathleen E Brizuela Absalon

Aloha!

I am writing to oppose the renewal of the Army's lease of 30,000 acres of land belonging to the State of Hawai'i. Even without retaining these acres of land, the Army has enough land on O'ahu and elsewhere in Hawai'i to conduct training missions.

I would like for the total area dedicated to Army training to be reduced by this amount of land, and for Hawai'i to be used more for and be seen more as a source of peacemaking for the U.S.A. and for the world.

In Hawai'i, we do not have excess amounts of land and are working to become more self-sufficient economically to improve our standards of living and costs of living and to protect against future unforeseen difficulties, whether from natural or human-created sources. We need to use these acres of land toward these restorative purposes.

Mahalo for the opportunity to comment!

Kathleen Brizuela



Alyssa Brooks

To whom it may concern:

My name is Alyssa Brooks, and I am a California resident. As a community volunteer residing in a state that also has a dying natural environment, I've seen first hand what the destruction of land looks like. I've also seen first hand what the military destroys here in California. The indigenous people of Hawaii, and wild life protectors all around the country are calling for the end of the military lease of Makua, Kahuku, Wahiawa. The extension of the lease allows the military to further destroy the animals, plants, and the natural habitats of the community. The lease is detrimental to the habitats of Hawaii, and should not be renewed.

Sincerely,

Alyssa Brooks

Celina Brown

My name is Celina Brown. As a citizen of the US & resident of Washington, DC, I strongly oppose the extension of military leases on the lands of Makua, Kahuku, & Wahiawa.

An extension of these leases will cause further damage to the natural resources and habitat of the land and continue lowering the quality of life for the local community by disturbing the peace through sound pollution and blocking public access to the living indigenous culture and history of those regions. When the leases expire, this land should be immediately given back to the public.

Thank you, Celina

Kysha Brown

I strongly oppose the military occupying the lands of Makua, Kahuku and Wahiawa. The natural resources are being destroyed and taken wrongly from the native people of this land.

Madison Brown

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... the United States military is illegally occupying land that was stolen in 1893. The environmental pollution and destruction of fragile indigenous ecosystems is done for the low low cost of \$1 FOR 65 YEARS. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these

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Puanani Brown

Hi. Yes, my name Puanani Helana Ruth Pulana Ipukolani Ipualani Brown. I'm calling to leave comments about the extension of the retention at Pohakuloa training area and Makua Valley. As a native Hawaiian woman and graduate of Harvard college with a degree in Environmental Science and Public Policy, I'm shocked that this is even a discussion to have an environmental impact statement of this valley. Just considering the amount of damage that's caused by the US military on Native Hawaiian lands that were crown land illegally ceded to the US government, I would like to evaluate the US government's right to be on those lands in the first place.

In addition to that, I would like to know the amount of different species that have gone near the brink of extinction or have gone extinct since the US military's use of Pohakuloa as the army's playground. The US military move there after we had stopped the bombing of Kahoolawe, a sacred Native Hawaiian island that the US military was using for target practice for over 40 years to just shift to Makua Valley, which is also sacred—Makua meaning mother—is just completely disrespectful. And to do that, so close to Maunakea, which is in Hawaii's genealogical connection the mountain of Wakea, sky father who we all descend from. In addition to that, I would like a geological survey of the underlying ground and rock formations to know about the chemicals that are being leaked into the groundwater. I would like to know really like what right that the US has to begin with, to be taking Native Hawaiian lands and bombing it. Well, how many thousands of Native Hawaiians have been waiting for lands that were promised from the DHHL in terms of having a land face as an indigenous people where under an imperial military power which is the United States that took our country by force. We have never relinquished our rights. Show me the Treaty. It was a completely illegal overthrow and forced taking of my nation so to even be using that as a place to bomb and practice bombing other countries that, then, you kill. It's just not right for the US to be using my homeland as like a genocide machineso...I'd also like to know about the amount of contamination that's leaking into the ocean from the ground water aquifers. Yeah, native species that have species that have gone extinct, I would like to know how much access that Native Hawaiian gatherers of the ahupuaa have rights, are able to go and gather without harm of being hurt by explosives. Think that's it for now. Thank you. I would like to know who can culturally practice and exercise their religious rights in that valley as well. There are families that are genealogically tied to that land in that ahupuaa and they should be invited to explain how much gathering, they can do, how much cultural practice or worship they can do and how many native species have disappeared, that they used to see in that valley. Thank you.

Puanani Brown

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These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts.

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Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

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In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using.

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I demand a geological survey of the underlying rock formations and water quality and contamination at and near these sites to assess how the use of these lands impacts the ground water aquifers. In the Hawai‘i State Constitution, water is a public trust resource with cultural and

environmental significance. There must also be a full assessment of the US military's use, diversion and hoarding of water and the quantity and quality of those waters. There needs to be a report on the military's historical and current impact on the freshwater springs, rivers, streams, and waterfalls that once flowed to places like Wai'anāe, lands now noticeably dry and set aside for toxic waste dumps - often cited as an example of environmental racism in Hawai'i and home to the largest percentage of Native Hawaiians. I hope a cultural impact statement is also in the works to assess the impact on Kanaka Maoli that occurs when these lands are being bombed and desecrated, like Kaho'olawe, as well as the psychological and emotional toll of our forced removal from these lands that we are meant to care for.

Kimberly Buck

My name is Kimberly Buck and I'm a resident of Pennsylvania.

I strongly oppose the extension of military leases on the lands of Makua, Kahuku, and Wahiawa.

We are dealing with environmental disaster after environmental disaster. The UN just issued a code red for humanity after the latest IPCC report. We can't keep doing what we've always done.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of native Hawaiian plants and animals, and continue disrupting the lives of the local community. The army has wrongfully leased this land from the state for \$1 since 1964. When the lease expires in 2029 this land should be immediately restored to the public

Meredith Buck

Aloha, my name is Meredith Buck and I am a resident of Kailua Kona, HI. My grandmother and her Portuguese ancestors were born and raised in Honolulu, Kona, and Kohala. I am fifth generation, with relatives across the pae 'āina. All the men in my family served multi-decade careers in the Army and Navy, some achieving notable ranks. I am writing to express my strong opposition to the proposed extension of Military leases within Mākua, Kahuku, and Wahiawā.

My primary concern is the impact that military activity has on the existing environment. An extension of these leases would allow the military to further damage the natural resources of these areas, destroying the natural habitats of Native Hawaiian plants and animals. My grandmother, who is from Honolulu, now lives in Mililani. She always tells me stories of how drastically the environment has changed since she was a girl in the 30s and 40s. Because the original koa forests have been decimated by colonial development, the wind patterns have changed and the weather is much hotter now than it was in those days. For Hawai'i, the loss of upland forests in particular also means loss of thermal regulation, loss of habitat, and damaged watersheds. Outside of upland forests, all other indigenous habitats serve critical environmental purposes which benefit us all. Unfortunately due to development and military activity much of this ecology has been severely damaged if not lost altogether. But it's not too late to prevent further damage.

I also feel that continued military activity at Mākua, Kahuku, and Wahiawā would prove to be a continual disruption to the local community, perpetuation over 120 years of trauma inflicted on Kānaka Maoli by America and its military in particular. Ending existing Military leases on these lands would be a strong step toward reconciliation between nations.

Further, the Army has leased these lands from the state for only one dollar since 1964, yet the median price of a residential home on O'ahu remains at or near the one-million-dollar mark. I believe that if the Military is to occupy a huge portion of our islands, then it should be responsible for contributing significantly to the local community. Could the Military not pay such a lease as one that would provide the funds to improve our chronically crumbling infrastructure ?

Overall I am opposed to these leases continuing. However, as I mentioned previously, I am the child of a Military household, and I do value the military. In that light, if the Military is to continue to occupy these lands, I'd like to see a much more creative solution to extending the lease than giving Hawaiian lands away for \$free.99. How can this move away from a parasitic relationship, into a symbiotic one ? If there is no answer, then the answer is to end the leases.

Mahalo nui for your time and consideration.

Meredith Buck
96740

andrea Buckman

Aloha, I object to any further leasing, occupation, or military activities in the Kingdom of Hawai'i. While I can appreciate the intended role of the US military in protecting the citizens of the United States, further presence in our Islands is inappropriate, violent, destructive, and disrespectful. I ask that the US government discontinue further occupation of lands in the Kingdom of Hawaii, and end further subjection of our community to the physical, emotional, and psychological threats and destruction that military occupation brings.

Tremendous damage has already been done to our environment, our people, and our mentality and it's time for this to end. Please do not pursue additional leases, military trainings, or other practices in the Kingdom of Hawai'i.

Karly Burch

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... In a time of climate crisis, we need to be caring for our lands and using them to promote resilience in Hawai'i. We also need to be giving land back to Kanaka Maoli, and not to the US military. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O'ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a "no action alternative" as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai'anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from 'āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the "fair treatment of all people". Fair treatment means "no group of people should bear a disproportionate share of the negative environmental consequences". The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to 'āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai'i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai'i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai'anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian

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mauna burgess

The use of sacred lands needs to be stopped, especially at Makua valley. It has been proved time and again that this is a sacred site and a valuable ecological environment, home to many endemic plants and animals that are threatened or endangered. The valley is our parent valley, the first valley of the island, and needs to be protected and preserved, and accessible to our people. The beach across the street is a sacred space for many that live in Wai'anae, as a place to commune with the 'āina, the ocean, and the old gods. The base across the street of Makua beach, and the ordinance that occasionally washes down, are an affront to our sacred spaces. We of the Wai'anae and Hawaiian community will not stand having Army renew their leases on our sacred lands.

Cheryl Burghardt

I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... these are lands that belong and always have belonged to the Kanaka Maoli of these islands. The State and Federal governments have illegally used these lands by force for too many years. They have not reasonably taken care of these lands nor paid an appropriate rent. As a renter in Honolulu, I know that if I abused my leased space the way that the military has and continues to do, I would be kicked out and not allowed to lease anywhere else in Hawai‘i.

Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good.

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Kevin Butterbaugh

Hello –

Your link to submit an online comment is not working.

Kevin

Haylin Caballero

Go back to occupy the mainland.

Michelle Cabalse

I understand that the Army is preparing an EIS for Army Training land Retention at KTS, Poamoho and MMR on the island of Oahu. I oppose the renewal of these leases and ask that the Army take responsibility for the clean up of these areas and that the land be rightfully returned to the communities in which they are found. If the Army is truly honorable they should do the most honorable thing to do and allow the lease to expire. I recently visited a heiau in central Oahu. It is located within a live fire range. The military has been accommodating in allowing visitors, but still some iwi kupuna lay exposed to the sun in a pile of soil accidentally moved by excavation crews. If this were your ancestors grave, you would be just as upset. It's time for the military to step up to the plate and show a greater level of respect and compensation to the people of Hawaii

Czeska Cabuhat

I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... I am from the island of Guam where the military has contaminated our land and waters. The US military is building a live firing range that will contaminate our northern aquifer. I know firsthand the devastating effects of military contamination. these lands need to be preserved. I oppose all military presence in pacific islands. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good.

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The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored.

Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions

over time. In 1997, the CEQ produced a guide titled “Considering Cumulative Effects Under the National Environmental Policy Act” which provides a framework for advancing environmental impact analysis by addressing cumulative effects in either an environmental assessment (EA) or an environmental impact statement. The EIS should employ this framework in order to address the cumulative effects of all related military activities, not just the proposed project.

US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities.

These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities.

Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands.

In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using.

These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural

access.

Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku. I am from the island of Guam where the military has contaminated our land and waters. The US military is building a live firing range that will contaminate our northern aquifer. I know firsthand the devastating effects of military contamination. these lands need to be preserved. I oppose all military presence in pacific islands.

Ts'eh Cacek

The US military should pay more than \$1 per acre for land that they stole from Queen Lili'uokalani and the indigenous people of the island. They should pay at least the standard rate of what the land is worth if much not more for reparations.

Ellen-Rae Cachola

I oppose this U.S. Military extending their use of Pōhakuloa, Mākua, Kahuku, and Poamoho for further military training. Military training will continue to destroy the environment in these lands. It will further Hawai‘is dependence on war economies. During this time of COVID pandemic, we should be focused on healing our relationships, domestically and internationally, instead of preparing for more war. Return the lands back to the Hawaiian people so it can feed and educate the public.

Laura Cahill

My name is Laura Cahill I'm resident of Colorado, but I was born on Oahu at Tripler Army Medical Center as my father, a Army veteran of 23 years, was stationed there. While I am proud of his service and am privileged to have lived there because of his service to the US, I think it's time we give land back to the native Hawaiian people. Their land is sacred and needs to be returned. Do not retain this land or lease on the land. Thank you for your time and consideration.

Olivia Camacho

Aloha, My name is Olivia Camacho and I am a resident of Hawaii, I am strongly opposed to the extension of the military leases on the lands of mākuā, Kahuku, Wahiawā and Pōhakaloa. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community. The army has wrongfully leased these lands from the state for \$1 since 1965. when the lease expires in 2029, this land should be immediately restored to the public.

Chantell Cambia

I oppose on the lease extensions for Military on Hawaiian lands. The land that military are leasing and occupying belongs to the Kanaka Maoli (Native Hawaiians). No more occupying Hawaiian land for military bomb or nuclear testing on Wahiawa, Makua and Kahuku. No more occupying Hawaiian land for military training and warfare. Give land back to Kanaka that have been displaced from the areas of Hawaiian land and not be given an extension for military use.

Thank you.

Amy Cameron

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... There is no need, military or otherwise, to continue these illegal leases, and in fact the continued occupation does environmental and social harm. Please respectfully release the ill-begotten land for the benefit of the public, Kānaka Maoli, flora and fauna. The appropriate parties, not the U.S. Army, must decide how to mālama this precious and limited natural resource.

I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea;

and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai'i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai'anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai'anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to "mālama 'āina" and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo'olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendents and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires "meaningful involvement" of impacted communities such that "decision makers will seek out and facilitate the involvement of those potentially affected." Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai'anae, Wahiawā, or Kahuku. Please add any personal comments here. Mahalo nui for your consideration and understanding.

Jordan Cameron

I would like to voice opposition to renewing the army's lease in Hawaii. The cost of living in Hawaii does nothing for service members and their presence further disrupts native Hawaiians. As a former military brat I believe we should give as much territory in Hawaii back to indigenous Hawaiians as possible and post a few service members there as is feasible.

Thank you.

-Jordan

Benita Campbell

A total of 30,000 acres of Hawaii state land leased by the U.S. military are ending in 2029. The state of Hawaii should not re-lease these lands no matter what the amount the U.S. military offers. The leases on 23,000 acres at Pohakuloa Training Area on the Big Island, 4,370 acres at the Kawaiiloa/ Poamoho Training Area, 1,170 acres at the Kahuku Training Area and 760 acres at the Makua Military Reservation were given away essentially for free, with the state charging only \$1 for each parcel for 65 years!The three areas on Oahu are onethird of the 18,060 federal and state lands used for military training on the island, while the 23,000 acres at Pohakuloa are 17% of the 133,000 acres that comprise the largest military training area in the state and in the Pacific region. Refuse to re-lease the land to the US military. Sincerely,Benita J. CampbellBurgettstown, PA

Marguerite Campbell MPH

I am strongly opposed to the extension of military leases on the lands of Makua, Kahuku, Wahiawa. An extension of these leases will enable the military to further damage the natural resources of these lands, destroy the ecosystems of native plants and animals, and continually disrupt the lives of local communities. The military has wrongfully leases these colonized lands from Hawaii for \$1 since 1969. \$1, while the US has violated treaties made with Indigenous governments for centuries. We cannot continue to exploit Indigenous people and their lands. When the leases expire in 2029, the land should immediately be restored to its rightful Indigenous landholders and they should be compensated for decades of financial exploitation. My hard earned taxed income should not further contribute to the exploitation of Indigenous Hawaiians and their lands.

Sophie Cann

Hi, I do not think this proposal should be approved. There are a multitude of reason why.

1. The land that is currently being occupied by the us military in Hawaii is the land of the Hawaiian natives, they should be the ones to decide if the military should be in control of so much land. From what I've seen they do not want the military on their island
2. The us military occupies such a large region of Oahu, I can imagine that you do not need all of this land
3. The land is being ruined by the us military practicing whatever they use the land for, the people who could beat manage the land are the Hawaiian natives miles of land and reef have already been destroyed in the islands of Puerto Rico, I think it's not necessary to continue to hurt the land especially when others hold such an importance in it.

Lindsay Cano

Indigenous Hawaiians deserve the rights to their lands back. Too many people are suffering with the inability to find housing, yet the military takes up so much space on the islands. The military presence on the islands only brings non-native Hawaiians which drives up the prices and disrespects their rights. There is massive amounts of cultural significance in these places that need to be considered. There is also the destruction of important habitat that is important to be considered. It is vastly incomprehensible and unacceptable to continue to take away from the Indigenous population that deserve better.

michele capobianco

Any military involvement on the islands should be approved by the natives. There is no reason to not involve native voices as these issues are renegotiated. Respect the people of the land and the land. Mahalo.

Bri Caprisun

I, Brianna Haye demand the lands of ‘āina be restored and returned back to the native of Hawaii. I am asking to discontinue the abuse of indigenous land and community for colonizer military trainings.

Montana Cardinal

Hello,

I am writing to request that you let go of these lands. Do not renew the lease of these lands. Give the lands back to the Indigenous peoples of who it belongs to. Let it be.

Thanks kindly,

Montana Cardinal

Hana Castillo

I am here fo submit my request that the lease for the US army be Terminated. Give back the Hawaiian land to the Hawaiian people.

Dillon Castro

My name is Dillon Castro. I am a resident of CA. I am strongly opposed to the extension of military leases on the lands of Mākuā, Kahuku, Wahiawā.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy natural habitats of native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The army has wrongfully leased this land from the state for \$1 since 1964. When the leases expire in 2029, this land should be immediately restored to the public.

Kenji Cataldo

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... the environmental impacts of military training on a small island with limited land and natural resources are unconscionable. O'ahu, like Hawai'i broadly, desperately needs more local food production and more affordable housing, and the military's occupation of over 20% of the island's land only deepens these crises. It's time for the military to return lands to Hawaiians. The cleanup process from decades of contamination may take generations to complete. That's all the more reason to start now. I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O'ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai'i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai'i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai'i courts have also acknowledged the state's constitutional duty to mālama 'āina. The leasing of 'āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need 'āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The "highest and best use" of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O'ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a "no action alternative" as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai'anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from 'āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the "fair treatment of all people". Fair treatment means "no group of people should bear a disproportionate share of the negative environmental consequences". The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to 'āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai'i: US intervention in the Philippines; the nuclear bombings of Japan;

military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai'i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai'anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai'anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to "mālama 'āina" and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo'olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires "meaningful involvement" of impacted communities such that "decision makers will seek out and facilitate the involvement of those potentially affected." Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai'anae, Wahiawā, or Kahuku. Please add any personal comments here. When Mākua Valley was appropriated after the attack on Pearl Harbor, the community of ranchers, farmers, and rail

workers living in the valley were told the land would be returned to them within six months of the end of WWII. WWII ended 76 years ago. Instead, the Army continued live-fire training and so polluted the valley that it is uninhabitable and unsafe to grow food in. Today, only one former resident of the valley is still alive. He was in high school at the time of eviction. He's 97 years old today. It is long past time for the Army to undertake a thorough cleanup and restore the valley to the best of its ability. It is long past time for the Army to keep its promise. There are many willing hands ready to join in and mālama Mākua.

Nicholas Chagnon

My name is Nick Chagnon, and I'm a resident of Honolulu and professor at UH in sociology. I oppose any use of Hawaiian land for the purposes of the US military. This land was stolen from the Hawaiian people and it should be returned. Beyond that, the US military is the world's largest polluter. It's scope MUST be restricted mightily if our species is to survive. Start that here and now. No more military occupation anywhere in Hawaii!

Megan Chamberlain

Hello,

I am an American citizen, and I am writing to express that I do not support the renewal of military leases for the lands of Mākuā, Kahuku, and Wahiawā. If these leases are renewed, only harm will come to those lands, in a time that the earth needs nothing more than a chance to heal. The US military's occupation of Hawaii has done enough harm, let us not continue it.

Please allow this land to return to the people.

Thank you, Megan Chamberlain

Cassidy Chang

Aloha,

My name is Cassidy and I am a resident of Seattle, WA. I am strongly opposed to the extension of military leases on the lands of Mākua, Kahuku, Wahiawā.

An extension of these leases will allow military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The Army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should be immediately restored to the public.

Grace Chang

Leases that were sold for only \$1 on Mākua, Kahuku, and Wahiawā are expiring in 2029 and the US army is already working to retain the land for more military and warfare training. Extending these leases means more bombing, shooting, dropping explosives, and destroying the environment in these communities. This is unacceptable! Stop this violence.

Willis Chang

Hi,

My understanding is that a 65-year lease is ending for properties in Kahuku, Kawailoa-Poamoho and Mākua. I'd like to lend my support for giving back those properties to the Hawaiian people. And even if you choose to retain some or all of the properties, I'm hopeful that you will consider shortening the lease so that it won't be another 65 years to reconsider.

While I am not part of the groups that would stand to benefit, I do think it is a reasonable ask and something that the Hawaiian people deserve over time. Thank you for your consideration.

Thanks, Willis

Tiffany Chater

Do not renew military contracts on this island.

Daniel Chesmore

Hello,

As a member of the public who was born in Hawaii, I am committed to ensuring that my home state receives its fair share for the 109,000 acres the military leases on Oahu without cost or \$1.

The current annual lease cost for 1 square foot is \$35.84 per year in Oahu. Converting 109,000 acres into square feet results in 4,748,040,000 square feet which should cost \$170,169,753,600. The military should pay what is just, fair, and reasonable given the federal government's acknowledgment that the Kingdom of Hawai'i was illegally annexed by this nation. The military and US Federal government should pay at least half of this amount and no less than \$85 Billion per year to the State of Hawaii, as we would much rather use this land to address our state's housing crisis.

Regards, Daniel

Emma Ching

Aloha, my name is Emma Ching and I am against renewing the lease of these lands to the army. The land should be restored to the public and allowed to heal physically from the military usage. The military should pay more than adequately for people to work on restoring the land in a reasonable amount of time to either its ideal natural state or for gentle use by and engagement with the community. If the lease is renewed, the army should pay a fair amount to the state and Hawaiians, at least equivalent to the Oahu land rates that locals are forced to pay, with inflation, so that their presence is at least contributing to the economy. A lease of \$1 is taking unfair advantage of a place and people that deserve better treatment and there is no reason that should continue. The military needs to give back more than it takes. Financially, the military is one of the highest funded entities and can afford to pay its fair share, at the very least. Thank you.

Susan Ching Harbin

Main comments regarding this EIS are thus:

1-leasing public lands should require a level of environmental protection for maintaining current land value (to include prevention further ecosystem degradation by invasive species, loss of endangered plant and animal taxa). Funds should be set aside directly for these leased parcels and not lumped into Makua or Schofield DOT owned parcels. The good work done for Makua and Schofield mitigation should not count towards the lease of these public lands with separate endangered species and environmental concerns.

2-KTA has seen introductions of invasive species by military vehicles. The clean up of this should be paid for by the same organization. Self assessment of the invasive species introductions and consequences is not objective and should be conducted by the landowner (i.e. state).

3-Poamoho parcel- retaining current training allowed means that the proposal for the upper portion of this parcel to become a Natural Area Reserve would be invalid (BLNR found that current training allowed is not compatible with the NAR designation). The EIS should include reduction of allowable military actions in the upper portions of this parcel so that it is compatible with increased state protections. OR the funding to this parcel by DOT should increase to manage endangered species and habitat in the area that would have been under the higher state protections granted by becoming a NAR.

Liam Chinn

To whom it may concern: As a taxpayer, I am firmly opposed to the Army's retention of any of the "State" lands at Mākuā, Kahuku and Kawaihoa-Poamoho. I support the "No Action Alternative" that would allow the three leases to expire and require the Army to comply with all lease terms that include the clean-up of these lands. Alternatives 1-3 all preserve the status quo in which Hawaiian land is bombed, burned, littered and polluted. The status quo is precisely what needs to be upended. As things stand, we are not able to provide for the basic necessities of the people of Hawai'i. Food, water, shelter, are all in short supply, with the pending climate crisis intensifying the urgent need to re-focus on building resilience locally. Training soldiers for war in distant lands does nothing to address any of these problems nor the harm that training contributes to each. Scores of concerned citizens have taken time to express to you the impact of the long-term occupation of these lands and US military presence in our islands. Your study should follow the parameters set by these true experts on the impacts of your proposal. Our comments have raised the impacts of the occupation of these parcels, spanning time and space, and your EIS should follow suit. You should evaluate historical harms that would continue should you retain these lands, as well as the growing cumulative impact that would compound should you continue misusing these lands. Alternative futures that your retention of these lands would foreclose should also be considered. Please add to the "Alternatives" section, alternatives that include: 1) Diplomacy with those the military perceives as potentially requiring a combat response and disclosing disputes for civil remediation. This would eliminate the need for combat mission training exercises. 2) Reprioritize food security and resilient communities as a counterattack strategy. Rather than meet an attack in the theater of U.S. Pacific operations through armed forces, a counter-measure would focus on rebuilding the capacity of communities to rebuild and sustain themselves. This alternative would meet the purpose and need through the long term goal of securing Hawai'i against the depredations of state enemies. 3) Retention of lands to ensure appropriate stewardship and ecological preservation, including wildlife fighting capacity, for the duration of a planning period for transition to a public land trust and/or organizations or associations of communities that will properly steward the land. This would augment your "No Action" alternative and allow for immediate questions of landowner liability to be addressed to the U.S. military. Instead of insisting on the current path of retaining these lands, switch gears and genuinely engage the community on a clean-up plan that sets us on a path to return these lands to those who love them. This return of 'āina is long overdue. The time is now to give the #landback. Liam Chinn

Evelyn Chorush

Dear Sirs and Madams,

Since you are taking comments on the 2029 "renewal" date for leases on the Hawaiian Islands, I wanted to express my opposition to having a military presence/bases on the Hawaiian Islands.

We all know that jumping to military "solutions" to diplomatic foreign policy concerns is not good for those who serve, for the American people or anyone else on this planet - except maybe the profiteers who should not be allowed to drive policies that are counterproductive to us all.

It would be great if our military service people could be asked to work on the real national security issues of our time - protecting us from a looming disruption of climate change.

We know that shifting to a sustainable, stabilizing set of energy policies would make a helluva difference to the lives of our children, grandchildren and a liveable planet.

y'all could be a very important part of these solutions.

Thank you!

Evelyn Chorush

Carl Christensen

I am a resident of Oahu and now submit my comments on topics that should be addressed in any proposed lease of State-owned lands on Oahu to the US Army. My comments are as follows:

The EIS Must Fulfill the Requirements of Both Federal and State law

The Army must of course comply with the requirements of NEPA in the preparation of the EIS, but it should be remembered that the Hawai'i Board of Land and Natural Resources (BLNR) must also fully comply with its obligations under State law in granting any lease, including but not limited to Article XII, Section 7, of the Constitution of the State of Hawai'i and Chapter 343, Hawai'i Revised Statutes, and thus the EIS will need to be more comprehensive and address a broader range of issues, including but not limited to off-site impacts of on-site activities and impacts on the customary and traditional activities of Native Hawaiians, than if only the requirements of NEPA were relevant.

Army Compliance with State Law in its Activities on Leased State Land

In its activities on federally owned lands the Army is not normally subject to enforcement actions regarding violations of State law, as federal sovereign immunity would bar most such suits, at least by private citizens. As a tenant on State-owned land, however, the Army must fully comply with all provisions of Hawai'i law in the same manner as would any other tenant. Provisions of Hawai'i law including but not limited to Article XII, Sections 4 and 7, of the State Constitution and Chapters 6E, 195D, 205, Hawai'i Revised Statutes impose regulatory requirements that go beyond those of applicable Federal laws, and the Army must inform itself of these additional requirements so it can ensure compliance. The EIS should identify all such applicable State laws. Furthermore, the Hawai'i Supreme Court has repeatedly held that Hawai'i's citizens have broad rights to bring suit in State court to enforce these laws against private and public parties, as responsible public officials often fail to do so. BLNR has no authority to treat the Army differently from any other tenant with respect to enforcement of State law and would likely be in breach of its trust obligations if it waived any of its rights, or the rights of Hawai'i's citizens, to sue in State court to enforce these State laws. Any limitation on the enforcement rights of the State or its citizens would have adverse environmental effects in that it would foreseeably result in under-enforcement if State law applicable to the leased lands. Furthermore, recent litigation in the Hawai'i Supreme Court regarding the Army's activities at Pohakuloa has demonstrated that citizen enforcement is essential as the Army's record as a tenant is seriously flawed and BLNR has proven itself unable or unwilling to properly police Army activities on leased lands or to prevent the unlawful waste of trust assets. Accordingly, the EIS must disclose the mechanisms by which the proposed lease will preserve the rights of the Hawai'i's citizens to enforce State law against BLNR and/or the Army and the foreseeable under-enforcement of state environmental laws that would result if federal sovereign immunity precludes the citizen suits that would be available to Hawai'i's citizens for lands leased to any non-federal tenant.

Public Land Trust

The EIS should identify any lands subject to the proposed lease that are assets of the public land trusts established by the Hawaii Admission Act and Article XII, Section 4, of the State Constitution. **Impact on Cultural Resources**

Hawai'i law provides its citizens with protection for cultural resources that goes beyond those provided under Federal law. In particular, Article XII, Section 7, of the Constitution of the State of Hawai'i provides that "The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights", and the Hawai'i Supreme Court has held that this provision requires State and county agencies authorizing various land uses to identify any customary and traditional uses that may be

affected by proposed activities and impose conditions that will protect their continued exercise to the extent practicable. The EIS must fully address this issue to enable BLNR to fulfill its legal obligations. Impacts on Protected and Other Rare Wildlife In addition to any animal and plant species protected under the Federal Endangered Species Act the EIS should consider the impact of proposed activities on all “Species of Greatest Conservation Need” identified in the 2015 State Wildlife Action Plan that may occur on the lands subject to the proposed lease. If currently available information is insufficient to allow the assessment of these impacts, additional biological survey work should be undertaken to provide the necessary data. Impacts of Fire Historically, Army activities on leased State lands have caused extensive damage to natural resources by fire, including plant and animal species protected under Federal and State law. The EIS should review the history of wildfires on Army lands on O’ahu, including their extent, frequency, and causes, should identify the resources at risk and the measures to be taken to minimize the risk of future fires, and should describe the resources available to extinguish wildfires in the event they occur.

Carl C. ChristensenXXXX XXXX Street

Allegra Christianscher

I am strongly opposed to the extension of military leases on the lands of Mākuna, Kahuku, and W'ahiawā. An extension of the military leases will allow for the continued destruction of native lands, disruptions of native communities and damage natural resources. The military has wrongly leased the land from the state since 1964. When the lease is up in 2029 the land should be immediately returned to the public and indigenous peoples of Hawaii.

Mariko Cilley

I oppose military use and occupation of these lands, detrimental to the environment that is in use and the surrounding areas

Mary Clapp

"I oppose the renewal or re-leasing of any lands at Mākuā, Kahuku, and Poamoho because... This land was unlawfully seized from native Hawaiian people in the first place and should be returned for the good of the first people and the land. I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākuā Military Reservation, Mālama Mākuā has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military

training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Bianca Clark

Return stolen land to Native Hawaiians. This land is illegally occupied by the US government

Amanda Clemmons

The army needs to return the land to native Hawaiians so that they can attempt to heal their island from the effects of colonialism. They also need to be properly compensated for the 60 year lease that the US army only paid \$1 for

Kanoa Cleveland

Aloha. I am a Kanaka Maoli student at the University of Hawai'i at Mānoa. My field of study is our indigenous culture. I have come to the conclusion that in order to create an adequate Environmental Impact Statement for any Hawaiian lands intended for militarization or development, it is important to address aspects of the Native Hawaiian culture which have allowed 'āina (land) in Hawai'i to thrive for countless generations.

The sacred familial relationship between kānaka (humans) and 'āina is the core of this culture. When we talk about "our land," we do not mean it in the same way that someone would say "our house." We mean something like "our mother." This understanding illustrates how important it is that we treat the environment with respect and care, continually supporting the growth and health of the 'āina.

It is crucial that indigenous geographies and landmarks are preserved. Items which fall under this list are man-made landmarks such as heiau (temples), ahu (stone altars), and pā ilina (burial sites), which preserve the culture of the area. Also on this list are natural landmarks including mauna (mountains), kahawai (rivers/streams), and ulu lā'au (forests), all of which contain diverse ecosystems which sustain life in the area.

These issues must be acknowledged and addressed when creating the EIS, and consultation with kahuna (cultural experts) to ensure that this is being done properly is imperative. Mahalo for considering my input.

Kanoa Cleveland

As a Native Hawaiian, I would like to submit that "NO ACTION" be taken and the leases be allowed to expire in 2029.

These lands hold significant cultural importance to the indigenous peoples of Hawaii. Sadly, the US military has broken promises and lost trust with the Hawaiian people by leaving their messes for others to clean up, like the once beautiful and thriving island of Kaho‘olawe. Kaho‘olawe is now a dangerous minefield of unexploded ordinances from the US military's drills, for example, Operation "Sailor Hat", where 500-tons of dynamite was detonated on the southern tip of island.

We do not trust the US Military to use our ancient and respect-deserving land as by history the US Military has only spat in our faces and decimated our land with no consultation or repercussions.

The deep love and connection to the lands, Aloha ‘Āina, is central to the Native Hawaiian being, cosmology, and culture. Hawaii is comprised of a group of a small islands with limited resources that were expertly managed by our ancestors for hundreds of years. The US government must do the difficult work of relocating these training grounds elsewhere and begin the process of cleaning up and restoring the land. Surely the military can find an appropriate venue for training facilities in the 1.9 billion acres of land which comprises the contiguous 48 states. It is time for the US government to recognize that it has a responsibility to the indigenous peoples of Hawaii to restore and return the lands which were taken illegally.

Kanoa‘ihimaikalani Cleveland

All right. Aloha nui kakou. My name is Kanoa‘ihimaikalani. I'm also here to request that you guys take no action and let the leases expire, because I agree with what everyone is saying. Enough is enough. And we just don't trust you. We have never wanted you here. And since you've been here, you have broken our trust and hurt our "aina.

And one example I would like to give is Kaho'olawe. That -- that island used to be thriving, and it's not now. And "aina is very important to us, because. I want to quote Lanakila Mangauil, and I want to say that it is not the same. When we say "our land", we don't mean it the same way when we say "our house" or "our car". We mean it the same way when we say "our mother", you know. So when we say get off our land, we don't mean get off our property. It means stop forcing yourself on our kupuna, because it's hurtful, and she doesn't want you here. And this has never been respected by the U.S. military. And so I believe it's time to find a new place to do this work, you know. There's about 1.9 billion acres of land which comprises the contiguous 48 states that I feel like you could find a better location than a place which is still an independent and proud nation.

It's time. It's time to ho'ihohi "aina and ho'ihohi ea. And that's all I have to say. Mahalo.

Kanoa‘ihimaikalani Cleveland

Yeah. Aloha. I kind of --well, mostly, I wanted to mahalo everybody for sharing. I don't I feel like I don't need to go into it anymore about how heavy everything that's going on here is, because that has been discussed a lot.

But I think that, if I could say one thing to you, Colonel, about how we can remedy this, I'd want to say that regardless of how it's very clear how we all feel about the military, you know, I still know that you're a person. I still know that you probably what you did for, you know, to provide a good life for yourself, for your family, orwhatever.

But that's all we're trying to do for ourselves right now. And I think that if, like Punahale said, you know, we like work with you, we like help you do this. But, you know, we got to be involved so that we can make sure it gets done right. And you got to be involved, because you made the mess that you got to help clean up.

You know, there's, I don't know, not much more that can be said. But just talking to you, Colonel, person to person, if there's anything that you can do to send this higher up and work with kanaka and organizations that want to help make this right, I'm urging you to find the humanity and do that for us. Mahalo.

Marlene Coach-Eisenstein

As a retired military officer, I am oppose to the renewal of the contract. I believe the Hawaiian lands should be utilized in support of the Hawaiians and care of their aina. I have seen the destruction of the land used in exercises by the military. I believe it is time for the aina to be healed and cared for by the indigenous people of this island. The 65 year contract needs to end now!

Jai Coat

Give indigenous Hawaiians their land back! Why on earth do you need more space for violence when these folks want to live in peace? Leave them alone. Landback!

Janna Coble

Hello,

My name is Janna Coble and I am a resident of North Carolina. I am strongly opposed to the extension of military leases on the lands of Mākuā, Kahuku, and Wahiawā.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The Army has wrongfully leased these lands from the state for \$1 since 1964. When the lease expires in 2029, this land should be immediately restored to the public.

Thank you, Janna Coble

Kelsey Cohen

Are there important cultural sites or environmental resources that will be harmed?

Natai Collins

Hello, I would like to see the I return of the land currently occupied by the US military to the native Hawaiian people. Thank you

Kim Compoc

August 10, 2021 I submit the following testimony (see below) on behalf of Jeff Compoc, my uncle, who was born and raised in Kahuku, and is a Vietnam Veteran. I submit these comments with his permission. Sincerely, Kim Compoc “River Assault Squadron 15 Mekong Delta Vietnam. We don't need to practice for anymore Wars. Practice Love and Peace . It's always been the poor people sons and daughters who end up in these wars. Korea, Japan, world War 1 and 2, and Vietnam. How many lives were lost? How many Politician sons were lost? They make the Wars but don't want their sons and daughters in the War Zone. Enough Wars, waste of money and lives for Nothing?” ·

Kim Compoc

Very good. My name is Kim Compoc. I'm assistant professor of history, University of Hawai'i West Oahu, and I'm reading a prepared statement from Decolonial Pinays. We are a Honolulu-based organization of Filipinas concerned about the protection of the Hawaiian Islands, of the Philippines, and all peoples under U.S. occupation. We stand in solidarity with kanaka maoli, who demand an end to these leases so that a proper cleanup can begin. The training, as the military calls it, at Kahuku, Pohakuloa, Poamoho, and Makua is a disgrace. What use are live-fire explosions, military helicopters, storage of missiles and other instruments of mass death? Militarism means toxic contamination for generations, desecrating the land and disrespecting indigenous people. Militarism only perpetuates poverty and misery here, in the Philippines, and all over the world. We want to protect these islands. The military's version of protection, however, begins with the backhanded complement that our islands are strategically located to advance U.S. interests in the Indo-Pacific region. We do not subscribe to the U.S. military version of security and protection, which is really an agenda of endless war and corporate extraction. We want the military out of these islands so we can build a green economy based on genuine security, survival, and peace. As Filipinas, we stand with the Hawaiian people, because we, too, have suffered under U.S. colonial occupation. We know what it is to have no say over your lands, your economy, your destiny as a people. As the late Haunani-Kay Trask wrote, "To the U.S., Hawaii, like a woman, is there for the taking." We say no more of this madness. The Philippines has so much to teach us. We know the military expansion in Hawai'i will worsen the crisis in the Philippines. That is why we say stop stealing Hawaiian land and the military leases. Stop the multibillion-dollar sale of weapons to the Philippines. Stop funding the killings. Stop your war games on all our precious islands. And stop red-tagging everyone who wants a chance at a decent life for their families. We demand our taxes go to pay for government budget line items that genuinely promote life, liberty, and the pursuit of happiness, education, housing, health care, transportation. Governments must honor the social contract to provide for the people and the ecosystem we depend on. Mahalo.

Emily Conklin

I am a resident of Waipahu. I object to the renewal of leases of Hawaiian lands to the US military. The extension of said leases would allow for further harm to delicate ecosystems, risk native plant and animal populations, and disrupt the lives and peace of the local community.

Marisa Conners

I oppose the planned project and believe the land would be better suited in the care of native Hawai'ian people. Please do not go through with this project. Thank you.

Katherine Conrad

We need to allow the people of Hawaii to have their own land. We need to demonstrate respect. If the US Army elects to still occupy there needs to be proper compraron, payment and reparations. As well as justification for this occupancy.

Kinsi Cook

Stop taking land from native Hawaiians. It's not yours to take.

Jasmine Cooper

Aloha, My name is Jasmine and I am a resident of Sacramento, California. I am strongly opposed to the extension of military leases on the lands of Mākuā, Kahuku, Wahiawā. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community. The army has wrongfully leases these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should immediately be restored to the public.

Mara Cooper

Hi,

I heard your leases are up for renewal in native land. As a us citizen I don't feel comfortable with my tax dollars being used to lease out land that rightfully belongs to Indigenous Hawaiian people to the military. There are plenty of other places to practice blowing shit up.

Respectfully asking that you return their homeland, Mara

Caroline Corry

Stop the army retention of native lands. Give the land back to native hawians.

Stephanie Cotumaccio

I disagree with the intent of "renewing" land taken from native Hawaiians. I lived on Oahu for two years. In my short time there I saw the negative impact the military as a whole had on their way of life and right to have land. This "renewal" needs to stop before it starts. Give natives their land back.

Valerie Crabbe

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... Enough is enough. Let our aina heal so our people can heal. Stop the historical trauma of our kanaka maoli. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with Chromalaena odorata, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are

eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. In the Ching vs. Case ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Marlee Craker

Hello, My name is Marlee, a resident of Utah. I am strongly opposed to the extension of military leases on the lands of Mākua, Kahuku, Wahiawā.

An extension of these leases will allow military to further damage the natural resources of these areas, destroy natural habitats of natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should be immediately restored to the public.

Thank you, Marlee

Sent from my iPhone

Julia Cramer

So mostly, tonight I came here to learn, and I am really thankful for all the wonderful testimony that was given, because I think I learned a lot, and I heard a lot of really interesting and awesome things. And I am going to submit my testimony in writing, but I had a couple of questions that I was hoping to get answered. So first off, is it possible to get the slides and a full recording of this session? Will that be publicly available?... MS. CRAMER: Okay. No, yeah, that's great. Can I just ask them for the record, I guess, even though you can't answer?... Okay. So I just was curious. Who evaluates the EIS after it's written? And when/if it will be publicly available in its full context? And if you can't answer, I understand. And then finally, what state office actually renews the lease? Like, who has jurisdiction over that lease? A particular part of the state of Hawai'i owns the land or can make decisions.... Okay. Thank you. That's awesome. Thank you.

Nicole Cristobal

The state of Hawaii should NOT renew land leases to the U.S. military. An ironic truth is that military presence in Hawaii actually leads to less safety. Hawaiians and locals have experienced alot of hurt through militarization. We need to protect our people and places, our culture and lands. No more military leases.

Dana Crocker

The army should not be allowed to renew their lease of this precious land. It should become a conservation area/nature preservation area.

Sydney Crowe

The United States military should not be occupying stolen Hawaiian land. Their presence on O'ahu destroys sacred land and prevents Indigenous people from using and protecting land that they have spent centuries living on. The lease should not be removed and the army base should be returned to the native people.

Ilse Cruz Cordova

Hello, my name is Ilse and I am from California. I strongly oppose the extension of military leases on the lands of Mākua, Kahuku, Wahiawā. An extension will grant the military to further damage the natural resources of these areas, including native Hawaiian plants and animals. In addition, this will continue to disturb the lives of the local community by causing noise and light pollution, which disturbs the ecosystem and has negative effects on the plants and animals surrounding these areas. The Army has wrongfully leased these lands from the state for \$1 since 1964. When the lease expires in 2029, this land should immediately be restored to the public.

T.J. Cuaresma

Now, the reason that I'm here tonight. I'm giving up the first night of my grandson's kindergarten dinner celebration to talk to you about the Army. They need to get out. They need to get out now, not wait till 2029. They need to just get out.

I was given the opportunity to go up to Hale'au'au a few weeks ago, and at that time, I took my mom, who is almost 80, with me. My mom's kupuna come from that area. And I'm going to reiterate what every speaker before me has said. The Army has not taken care of the land that was stolen from us and that was taken from us.

There were iwi that have been destroyed, that have been separated up in that area. And that is just one example of why the Army needs to just get out. Don't wait for 2029. You need to just get out. You cannot keep doing this.

Colonel Misigoy, let's go back to where you live. And I've talked to Kehau about this before. Let's go to where your kupuna are, where your ancestors' bones lay, and then let's -- let's go and trample on their graves. Let's go and trample on their bones and then see how your family likes it.

Let's go and destroy the land that your ancestors have fought for and shed blood for -- maybe not like the Hawaiians, where we have lived for thousands of years -- and maybe you will feel just 1 percent of how we feel every time we see the military running around not just on the land, but running around through Wahiawa town, running around through Whitmore, running around through Kahuku, leaving trash, hurting things along the way.

So the best thing for the Army to do is to just get out. We don't want you here. We never wanted you here. You're not welcome. And if there's another language that it needs to be spoken in, let me know, and I will find somebody to translate it, and we will speak it in that language also. But the military was never welcomed here. You are not wanted here. Just get out. Thank you.

Maria Cullen

Give the Natives their land back. You all know it is stolen land. Still to this day, you continue to be as ruthless and ignorant as the white man years ago.
De-occupy Hawaii. Give the Natives their land back.

Michelle Current

I oppose this project and think the land should go back to public domain.

Charlotte Curry

My name is Charlotte, and I am a resident of Alaska. I am strongly opposed to the extension of military leases on the lands of Wahiawa, Makua, and Kahuku. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of native Hawaiian plants and animals, and continually disrupt the lives of the local and native communities. The Army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should IMMEDIATELY be restored to the public. Thank you.

Megan Dalley

Hello, I strongly oppose the extension of military leases on the land of Makua, Kahuku, Wahiawa. By leasing the land the military is destroying native Hawaiian species and lands. The land should be restored to the native Hawaiian people.

Lynell DeMate

Okay. I unmuted. Yes, my name is Lynell DaMate. I was born and raised out here on the North Shore. I live in the Kaunala ahupua'a, which is adjacent to the Waiale'e ahupua'a, which is more popularly known as Velseyland. And I don't know who that dude is. It's actually Kaunala Bay is the name of that surf spot.

But first of all, I wanted to thank all the previous speakers. They're doing an excellent job. And I do also agree with all the speaker, to take no action.

So having said that, I'm going to switch gears a little bit, so bear with me. I'd like to make reference to your environmental topics to be analyzed. I want to give you an example of a lie, an ongoing, current lie regarding the noise.

In that study, please be mindful that we've been told time and time again by the military right up here at KTA-1 that, oh, no the helicopters, we're done at 10:00. That is an outright lie. They start at 10:00, and they go past their training time all the way past 11:30. I know, because I stay up, and I watch that clock. So although they say it ends at 10, it starts after 10. And secondly, in this EIS process, you seek consultation; right? Well, what you need to really be looking for is consent. And you have no consent from the people of Hawai'i, no consent to renew the lease. Thank you.

Lynell DaMate

Okay. Just to bring this conversation back to the EIS portion, like I mentioned earlier, I live right below KTA-1, where the scoping, the EIS process is taking place right now for HDR Hawai'i, which is the -- which is a radar, discrimination radar, that they want to build right up here.

Anyway, I was wondering if -- it seems to be such a convenient time for the military to be lumping all of these communities together, and for one thing, that's already wrong.

Anyway, rules they'll be using, the EIS process that the MDA is already performing to be used with what this new idea about this extension at KTA -- because there's a major difference from 160 acres of the MDA's radar to over 4,000 acres.

So just to let you guys know, we're going to be watching. We're going to be watching how you people do what you say you're going to do. Because on so many levels, this whole thing is all wrong.

And I'm not very comfortable with it, because, you know, I've been using the word "bully" a lot with the military lately, because they -- they go through the process, check off the box, oh, yeah, we did this, we did this, this will satisfy the protocol, satisfy everybody, the process; right?

But we know what really happens; okay. So just to let you know we're going to be watching, and we will pick it apart, because we are going to stand in solidarity, and it is no. Thank you.

Makanamakamaeonalani DaMate

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... 'A'ole ma'ima'i i kēia mea. Keeps Hawaiian land in Hawaiian hands. How much more does the military need to have. They already occupy a vast majority of Hawai'i's land, especially on O'ahu. They is the entire continental U.S. with much more land to choose from. Our environment here on the island are environments that when completely taken away or bombed out or diminished, there is no way to get them back. Listen to Hawaiians and the communities of the areas for once, ke 'olu'olu. I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O'ahu for military training purposes. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O'ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai'i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai'i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai'i courts have also acknowledged the state's constitutional duty to mālama 'āina. The leasing of 'āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need 'āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The "highest and best use" of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. The EIS process currently considers a "no action alternative" as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai'anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from 'āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the "fair treatment of all people". Fair treatment means "no group of people should bear a disproportionate share of the negative environmental consequences". The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to 'āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai'i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological

and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai'i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai'anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai'anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo'olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendents and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai'anae, Wahiawā, or Kahuku. Please add any personal comments here. Please listen to us for once. We are Hawaiian and will always be Hawaiian.

Diana Dannoun

I oppose the renewal or re-leasing of any lands at Mākuā, Kahuku, and Poamoho because... Of all the stupid things that you can do with yourselves, destroying some of the most beautiful ecosystems and habitats have to be the dumbest. Are you so bored with yourselves that you honestly have nothing better to do??? Start by getting a life instead of taking some Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. In 1997, the CEQ produced a guide titled “Considering Cumulative Effects Under the National Environmental Policy Act” which provides a framework for advancing environmental impact analysis by addressing cumulative effects in either an environmental assessment (EA) or an environmental impact statement. The EIS should employ this framework in order to address the cumulative effects of all related military activities, not just the proposed project.

US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities.

These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of

lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities.

Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands.

**** US imperialism and **** war, all the machinery involved in the US military is intensively energy dependent on **** oil and fossil fuels.

Alexia Daoussis

The impacts that army operations have had on the Hawaiian islands are enough - these lands do not belong to the US government & should be re ceded to indigenous peoples.

Kimberly Dark

These lands should no longer be controlled by the state at all and definitely should not be used for military purposes. As a U.S. citizen and Hawaii resident, it's clear to me that our ethical understanding of the annexation of Hawaii has shifted and as much control should be given back to Hawaiian people as possible. The end of this agreement/lease is an obvious time for the military to step back and cease involvement. Please do the right thing.

Kimberly Dark

Mara Davis

colonizing land isn't every okay you have to give the land back lease is over cannot be renewed especially because of how military trash the lands causing damage to the environment during a time when reversing climate change is the top priority right now. No more stealing land illegally from Native Hawaiians.

Mara Davis

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... It's colonizing land that was stolen and want to continue using the land damaging the environment. The land belongs to Native Hawaiians. Military shouldn't be able to keep land when lease is over it goes back to Native Hawaiians. I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O'ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai'i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai'i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai'i courts have also acknowledged the state's constitutional duty to mālama 'āina. The leasing of 'āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need 'āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The "highest and best use" of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O'ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a "no action alternative" as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai'anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from 'āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the "fair treatment of all people". Fair treatment means "no group of people should bear a disproportionate share of the negative environmental consequences". The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to 'āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai'i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai'i residents suffer from psychological, physical, and

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Sasha Davis

I am writing to submit my opposition to the continued leasing of the three O'ahu properties by the US military for training activities. In short, I am recommending that the government proceed with "No Action Alternative" (no retention of State-owned lands after 2029). I am a former resident of O'ahu, a former professor of Environmental Science and Geography in the University of Hawai'i system, and a current researcher specializing on the environmental and social effects of military activities. To keep my comments brief, I want to register my strong opposition to the continued military use of these leased state properties for three major reasons. First, many of these lands were taken for military use under 'emergency' circumstances that have expired long ago. If the intent of the State of Hawai'i or the military had been to use these lands for training in perpetuity this should have been clearly stated when the lands were acquired. At this juncture the lands should be remediated and returned to the state for other uses. Second, the environmental and social effects of the continued use of these properties on the island of O'ahu and its residents - when considered in the context of the cumulative effects of the many other military installations on the island as well - is not adequately emphasized in the scope of this EIS. Finally, my previous experiences examining the closure of military training ranges in places like Kaho'olawe, Vieques (Puerto Rico), Guam, and the U.S. mainland all indicate that when ranges are returned to states (or management is shifted to other federal agencies) training shifts to other sites and military readiness is not affected much (if at all) – despite the dire predictions that military range managers make prior to their closure. In closing, given the substantial environmental and social burdens that residents of O'ahu have shouldered due to the large amount of land that has been tied up in military training ranges since World War II, it is definitely time that these leased lands be returned to the state.

Arrianna Dawes

Aloha,

My name is Arrianna Dawes and I live in New York. I am strongly against the extension of military leases on the lands of Mākuā, Kahuku, and Wahiawā because it will damage natural resources, disrupt the lives of locals while destroying habits for animals and plants.

The army wrongfully leased these lands from the state for one dollar since 1964. So when the lease expires in 2029 the land should be restored to the public.

Ashley De Coligny

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... I share the same concerns raised by Native Hawaiian leaders and community members. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā

already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendents and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Julien De Jesus

Aloha, my name is Julien De Jesus and I am a resident of Los Angeles (Tongva land). I am strongly opposed to the extension of military leases on the lands of Makua, Kahuku, Wahiawa. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native flora and fauna, and continually disrupt the lived of the local community. The Army has wrongfully leased these lands. When the leases expire in 2029, this land should be immediately restored to the public.

Royce De Jesus

Hi, this is Royce.

Give the Hawaiians their land back. I heavily oppose to the extension of military on the lands of Mākuā, Kahuku, Wahiawā. The extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continuously disrupt the lives of the local community.

The army has wrongfully leased these lands from the state for \$1 since 1964. After colonizing, and kidnapping royalty, the least that could've been done was leased the lands yearly for an appropriate amount. I understand that those in charge before did not care for the people of Hawaii but in the 21st century, the people of the US in the mainland have a lot more compassion and concern for the bothers and sisters in Hawaii.

When the leases expire in 2029, this land should be immediately restored to the public. The military has destroyed the native lands enough and disrupted the lives of so many in the last century. There is plenty of vacant land within the mainland where you can build bases and not destroy sacred native land. Stop cheating the native people of Hawaii and their lively hood. The US has done enough damage to the world as it is. **GIVE IT BACK TO THEM.**

Royce De Jesus

Give the Hawaiians their land back. I, Royce De Jesus, heavily oppose to the extension of military on the lands of Mākuā, Kahuku, Wahiawā. The extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continuously disrupt the lives of the local community. The army has wrongfully leased these lands from the state for \$1 since 1964. After colonizing, and kidnapping royalty, the least that could've been done was leased the lands yearly for an appropriate amount. I understand that those in charge before did not care for the people of Hawaii but in the 21st century, the people of the US in the mainland, and everywhere else, have a lot more compassion and concern for our bothers and sisters in Hawaii. When the leases expire in 2029, this land should be immediately restored to the public. The military has destroyed the native lands enough and disrupted the lives of so many in the last century. There is plenty of vacant land within the mainland where you can build bases and not destroy sacred native land. Stop cheating the native people of Hawaii and their lively hood. The US has done enough damage to the world as it is. GIVE IT BACK TO THEM. Best,-- Royce De Jesus

Manuel Wayne Makahiapo DeCosta Kuloloio

No need to apologize. To Colonel, sir, aloha. My name's Manuel Wayne Makahiapo DeCosta Kuloloio. The last letter of Kuloloyo should have been "a", Kuloloia. The Sea of Kulolioa is known as -- now known as Honolulu Harbor. I was there last night, Colonel, with your two PAO officers. I was there, Kehau, at Leilehua Golf Course. I was the second guy there, by the way. I asked your PAOs if they can put in a phone connection tonight for me, one that still does not own a personal computer for reasons I will not share with you. But, Kehau, you tell Kawika McCabe at G70, if he's still there, everybody who's been a consultant for this project is having it easy. I would love to see their face, yeah, Kehau, in a public setting. I look into their eyes. I see it in the au. Colonel, I have been to every range in the state of Hawai'i -- space, airspace, underwater, surface, with the exception of Makua Valley. The Japanese bombed Hawai'i. My dad was born October 23rd, 1940, at a time we had to wear gas mask. My grandpa converted his imu into a bomb shelter, martial law. The bombing of Kaho'olawe got stopped on October 22nd, 1990, by George Herbert Walker Bush, on my birthday. My dad became the lead of water safety for the Protect Kaho'olawe 'Ohana. After the murder, disappearance, or assassination of our brothers James Kimo Mitchell and George Helm. I was part of the cleanup, sir, of Kaho'olawe island. Kehau, you tell Kawika I said you do me one study of any U.S. Armed Forces range in the world that we control that they have ever cleaned it up satisfactorily. I make that challenge to you guys, Colonel; okay? That's why we took Kaho'olawe back as is. It'll never happen again, Kehau. And even if we want to clean it up, the people will say, wow, we need some funding. So unless Senator Schatz, Senator Hirono, Congressman Case, or Congressman Kahele can get billions of dollars to clean this place up, it'll never happen. That's why my heart is sore. Colonel, thank you, U.S. Army for honoring my dad on July 24th in Makena, Maui, at A'awa Bay, our ancestral home, when the U.S. Army brought two individuals carrying a U.S. Army flag, playing taps, honoring him, a veteran who went to Augusta, Georgia, went to use the white bathroom, and they say, hey, boy, get out of this bathroom. He went into the black one. The guy said, hey, boy, get out of this one. Kehau, he was confused, yeah, Kehau? That's what our Hawaiian men went through. Sir, I applaud your efforts. And, Kehau, in closing, I need your help, Colonel. I'm going to call you with Mr. Black and Ms. Bugala. We're going to go see Uncle Tom Lechanko. I heard they're still bombing Lihue. That cannot happen, okay, Kehau? That cannot happen under my watch. I was sent to Vieques to stop the bombing for kauka, and Senator Inouye said do not go. So, Colonel, I salute you. I will come see you soon; okay? Kehau, thank you.

Manuel Wayne Makahiapo Kuloloio

So, Colonel, sir, your staff was kind and gracious to allow me to phone in. And I did, but I wasn't able to testify. So as an ethics officer for my company, I decided, Kehau, I'm not going to use my company computer on the Zoom, okay, Kehau? So I using my iPhone. In order to testify, I had to pay -- well, I know the T-Mobile in Pearlridge, and I told this sister, hook me up with Zoom on my iPhone. And she did. And I slapped her \$200, Colonel, because tonight's testimony is one of the most important you'll ever hear in Hawaiian history. As a young man, Colonel, I stayed at the home of Uncle Jim Albertini, Na Malu 'Aina Farms, with Marian Kelly and Maivan Lam, when we protested. Yup. Geothermal. Colonel, I cannot turn my head, having bearing witness to have lived at the home, the [REDACTED], Kupikipiki'O of John and Marian Kelly. John, the lead trainer of the U.S. Navy UDT frogmen, the leader of Save Our Surf in Hawai'i. Malama. Yeah. Malama Hawai'i. Malama, yeah, Kalama Valley. Save Mokauea, Sand Island, yeah, Julliard- trained, yeah, all his printing done for Kalahui Hawai'i, Auntie Mililani Trask. I was there. I cleaned all his rollers. Kehau, Group 70, Colonel, I cannot turn my face around. I told Brother Fanene from American Samoa, you looking at a smart Hawaiian, Mr. Fanene. You in Hawai'i nei. To our brothers and sisters who testified tonight from Philippines to Samoa to Puerto Rico, yeah, to Iraq, to Monte Ecuador, to Hunter's Point. I was there. We were there. Kehau, tell Kawika McCabe you show me one range in Hawai'i that they can't clean up with the money, because Kamehameha Schools has a covenant. Make sure you clean them up and give me back. Yeah? Parker Ranch has a covenant that saying if you going use my land, you going give me them back clean. They couldn't even do it for Kaho'olawe, and we still begging for money. It hurts, Colonel. Colonel, don't think you alone. We've dealt with admirals. Before there was PACOM, it was called CINCPAC. When the president of the United States got to come check in to the CINCPAC. That's how powerful it was. To all my brothers and sisters testifying, you talk about La Ho'iho'i Ea. I was there at Thomas Square July 31st, honoring Marian Kelly and Dr. Cruz, Kehau. You know who was there last night at Leilehua Golf Course? Uncle Sparky Rodrigues, Dr. Lynnette Cruz, Auntie Ann Wright, and Brother Kyle Kajihiro, all the quakers. Got your Ph.D. You know first Ph.D. Kyle ever invite me to a dissertation defense, and it was about Kaho'olawe. And my dad gave you the scoops. Colonel, when I get threatened because I asked for an investigation in 1998 for the lack of cleanup of Kaho'olawe and I get threatened, yeah, by the general chief of staff and one Hawaiian -- that's the same anymore. Kehau, I'm ending. I cannot turn my face away. The first La Ho'iho'i Ea had ever been was taken by Marian Kelly, led by Dr. Kekuni Blaisdell, Ka Pakaukau. You know who was there? Kawaipuna Prejean. You know who was there? Uncle Solly Neheo, Independent Free and Nuclear Pacific. You know who was there? Kaleikoa Ka'eo. You know who was there? Makanani Attwood. You know who was there? Auntie Moani Kealoha Akaka. You know was there? My professor, Dr. Haunani-Kay Trask, that taught us about, yeah. Nubi Wakiango, yeah, Kinoa Atebe, yeah, Richard Brennan. We were there. We cannot turn around anymore. I may suffer. I may lose my clearance, Colonel, for testifying tonight, but I do it as a citizen. Okay. And Auntie Lilikala Kame'eleihiwa Dorton. So, Kehau, I'm listening to all those things be Hawaiians. Put your tenure on the line. Put it on the line. Because enough is enough already. I tired of this circular regeneration economies. Kehau, I love you.... I love you, because you putting yourself there. We need to be there. And we'll be the intermediaries. That's the only way. Colonel, it's about bridging. My family was called traitors, quislings, compradors for bridging with the U.S. Navy. That Kaho'olawe cleanup would have never happened without

Dr. Henry Laululi, Daviona MacGregor, my dad, Neal Allen Proto, Waihea, Auntie Norma Wong, Dennis Dwyer, the best of the best of the best. Kehau?...The colonel needs help. Help him. I will help you. Okay?... A hui hou. (Speaking Hawaiian). God is love, sir. Take care your family. We need you to be healthy, too. A hui hou. Thank you, Kehau.

Keoni DeFranco

Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts.

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cumulative effects of all related military activities, not just the proposed project.

US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities.

These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities.

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Kate Degman

This land belongs to the Native people of Hawaii

Matthew Dekneef

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... it's exploitative, outdated, extractive and prolongs an activity and system and power dynamic that does not benefit the native Hawaiian community." Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai'i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai'i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai'i courts have also acknowledged the state's constitutional duty to mālama 'āina. The leasing of 'āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need 'āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The "highest and best use" of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O'ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a "no action alternative" as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai'anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored.

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Stella del Valle

Sent from my iPhone

Bonnie Delgado

Please stop leasing this land to the military

Travis Delima

Keep Hawaiian lands in Hawaiian hands, no need for your military and weapons of destruction. And while the people of Hawaii are struggling to make ends meet in a 3br home for 1,000,000 the military pays only \$1 you guys should be ashamed of yourselves. Military never cared about the natives here, all they wanted since arriving is our location. Give the land back to the rightful owners and look for a new location somewhere else Aloha💎💎💎💎💎💎

Rena DeLucia

I am strongly opposed to the extension of military leases on the lands of Wahiawa. Extending the lease will allow for more damage to the natural resources and further disrupt the local community. Give this land back to the community!

Maya Deshpande

I oppose the renewal of the United States army's illegal lease on Hawaiian land.

finn devereux

Hawaii does not want your militarization. You are operating on stolen land that does not belong to you. Native Hawaiians have NOT given permission for military occupation on their lands. Native residents of Hawaii and the land itself are already suffering from the occupation of outsiders, they do not need more. Please listen to the land and the people before the damage is already done.

Jordan Devillanueva

Being a young native hawaiian we were denied access to these places I believe the military should clean these areas up and leave kū'e hawaii me ke aloha

Noelani DeVinent

"Aloha. My name is Noelani DeVinent. D as in David E, Capital V as in Victor, i n c e n and T as in Tom. And my statement is that I would like to say that I'm a direct lineal descendant of Dane Kaiamahelenihi of Makua. This process of what you can do need to do to our aina is hewa. I support the no action option for lease renewal, along with mandatory cleanup of all land and waters affected by years of the military training my email address is XXXX@XXXX.XXX. Mahalo "

Alyssa Devita

‘A‘ole!!!!!!

Sierra Dew

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because the U.S. military produces more pollution and environmental havoc than up to 140 countries combined. In this time of climate crisis we need solutions and serious mitigation of waste and carbon emissions. This land legally belongs to the Kingdom of Hawai'i and would be cared for in a way that benefits the residents and environment for many generations to come. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai'i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai'i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai'i courts have also acknowledged the state's constitutional duty to mālama 'āina. The leasing of 'āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need 'āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The "highest and best use" of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O'ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts.

The EIS process currently considers a "no action alternative" as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai'anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored.

Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from 'āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the "fair treatment of all people". Fair treatment means "no group of people should bear a disproportionate share of the negative environmental consequences". The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to 'āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai'i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological

and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai'i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities.

These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai'anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities.

Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai'anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands.

In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using.

These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo'olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access.

Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai'anae, Wahiawā,

or Kahuku.

Kala Diaz

With all the money and resources that the US military has it is wrong that they only pay \$1 and hardly contribute otherwise to the native Hawaiian communities which they occupy while these same natives struggle to afford to live in Hawai'i because of the high cost of living based on the unavailability of land from occupation of foreign and military entities. I Kalachandji Diaz oppose the unfair and unjust state in which the US military occupies Hawaiian lands.

Mildred Diaz

Aloha. My name is Mildred and I am strongly opposed to the extension of military leases on the lands of Mākua, Kahuku, and Wahiawā.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The Army has wrongfully leased these lands from the state since 1964. When the lease expires in 2029, this land should be immediately restored to the public and Native Hawaiians.

Willow Diller

Hello, my name is Willow and I am a resident of Virginia. I am strongly opposed to the extension of military leases on the lands of Mākuā, Kahuku, Wahiawā. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community. The Army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029 this land should be immediately restored to the public.

Sincerely, Willow Diller.

Dylan Dingess

I think it's time for the united states and its military to leave Ha'waii. I do not believe that the United States/ military should be occupying Oahu any longer. The United States military occupies more land in Oahu than actual native Hawaiians. It's time Hawaii belongs to Hawaiians again.

James Doherty

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... The track record has proven these lands have not been managed well in a way that respects the environment or the people. These lands have been devalued by leasing for \$1/parcel, it's insulting. The military has proven it is not a good steward of the land, so why would we want to renew a lease? The people do not want this. It doesn't make sense to me how given the poor track record we already have established, why it would be renewed to the same party. I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O'ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai'i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai'i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai'i courts have also acknowledged the state's constitutional duty to mālama 'āina. The leasing of 'āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need 'āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The "highest and best use" of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. Please add any personal comments here. We want these lands to be better utilized for the people in a way that respects the environment and improves the quality and biodiversity of the land. The current occupants have proven that they are not good caretakers and it is insulting to offer them a renewed lease at all, let alone for \$1/parcel.

Mark Doherty

Aloha, My name is Mark and i am a resident of Virginia. I am strongly opposed to the extension of military leases on the lands of Makua, Kahuku, and Wahiawa.

An extension of these leases will allow military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community. The Army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should be immediately restored to the public. This occupation is derived from a historically imperial occupation of Hawaii. Natvie lands should be protected and returned to Native Hawaiians. The island of Hawaii was stolen by the Dole Fruit Company in 1893 and allowed to remain its own independent republic under the protection of the US while it used forced slave labor to build to Dole empire. End impunity for Native Hawaiians and return their lands

Pete Doktor

Okay. My -- it's really unstable, so I'll keep it out here. Aloha. My name is Pete Doktor, residing in Moanalua, surrounded by military installations in every cardinal direction, no exaggeration.

Rather than going into details of specific reasons to oppose renewing the leases that others have been detailing, I would like to specifically counter arguments given in favor of renewing military occupation on public lands. Living in international reality and the international challenges require international collaboration and solutions. The strategy of nationalism, better known by the code words "national interest", has only deepened division between nations and its peoples by putting self-interest before what's best for all parties. Rather than increased public safety and security, standing armies on such extended leases eventually lead to standoffs due to failure of political leadership to prioritize negotiation and conflict resolutions. What we see today resorts in military threat and tensions. We have repeatedly heard the chorus of concerns about rising influence of China within the Greater Pacific region, yet not one word of concern about the negative impacts of having an American-dominated Pacific, such as when it was turned into a battlefield by U.S., Japan, and other forces scrambling over colonies and supremacy that has yet to yield peace, as we see today. It is not in the interest of Pacific Island peoples to position themselves between the squabbles of nations like the U.S. with a bloody record of military interventions of historical proportions. Having lost its moral authority, the U.S. is in no position to force itself into the position as the world's policemen, especially with its horrific domestic police record, similarly rife with corruption and coverup, unaccountability, and gargantuan budgets that starve other critical service for human needs. As a former U.S. Army medic, I have spent much time downrange in such field exercises throughout the islands of Hawai'i. It is for that reason I also oppose a carte blanche lease extension, because I have personally witnessed the incredible waste and destruction by such exercises. If they're really concerned about saving lives, it is a no-brainer that the emphasis needs to be on diplomacy rather than militarism. One way to look at the frequency of U.S. military intervention is in its epidemic of troop suicides to see the shallowness of such arguments.

As for the reasons that the military is critical for economic interests, that is the reason posturing creates global tensions, because they openly admit its military expansion is for economic self-interest. On the contrary, militarism jeopardizes global security and economy. As a former soldier of generations of soldiers, the sentiment that the military is good for the economy is an insult to our service. When I hear commanders and politicians boil down that the DOD needs exclusive access to public lands for national security to protect troop lives, what I really hear are code words asserting that America is superior to the sovereignty or well-being of other nations or municipalities and that we will use military force abroad to protect American interests domestically. Neither argument is convincing to me, given the state of the world today with this privileged position that has brought global instability and tensions that we see today that the U.S. global military empire has actually helped foster, not defuse.... Okay. Wrap it up. So it's in its national interest to preserve precious public lands and resources, not to poison and destroy them. Its national interest is to reduce bloated military budgets and invest in diplomacy. This is not about being anti-military. It's pro-security. We see it hasn't worked in Iraq and Afghanistan, and from the testimonies tonight, we see it hasn't worked for the nation of Hawai'i either. I don't want to see any lives unnecessarily lost, whether it's a soldier's or a civilian's. We have more than enough trauma and death and war. We need to rest in peace. Mahalo, Kehau and Anela.

Tiana Dole

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... Enough is enough! The military presence here has proven they already have too much land and they have ruined our ‘āina in horrendous ways that will take decades to restore! Stop giving them anymore! I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and

intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku. Please add any personal comments here. No more leasing to military and bough already!

Kamuela Don Napoleon

"Hello, my name is Kamuela Don Napoleon, I live in Mililani and I'm a resident of Hawaii. I'm also kanaka maoli. I strongly oppose the extension of military leases and on the lands of Makua, Kahuku, and Wahiawa. An extension of these leases will allow the military to further damage all the natural resources of these areas and destroy natural habitats of kanaka maoli plants and animals and continually disrupt the lives of the local community. The Army has wrongfully leased these lands from the state for \$1 since 1964 and when the leases expire in 2029, this land should be immediately restored to the public. It is unacceptable that the military continues to have these lands when so many kanaka maoli are homeless today. Thank you for listening to our statements. "

Madison Donaldson

Stop the military occupation of Hawaiian land!

Emily Donovan

To whom it may concern,

My name is Emily Donovan and I am taking the time to comment all the way from the Berkshires in Massachusetts. I am strongly opposed to extending these military leases on Hawaiian lands.

The military has been unethically leasing acres of public lands and taking them away from locals in Mākuā, Kahuku, and Wahiawā since 1964 for ONLY \$1. These lands are meaningful and special, not to be exploited like this. When the lease ends in 2029, these lands should become public, as they always should have been. Continuing these leases would permit further damage and destruction by the military to the areas' natural resources, plants, and animals.

I don't live in Hawaii, but this issue is important enough that I have to express my opposition. It is a beautiful, sacred place that has lost so much already to military presence. This isn't fair to the land or to the people that call Hawaii home.

Please take the time to hear what they have to say, too.

Thank you for listening.

Jessica dos Santos

To whom it may concern,

I am born and raised in Kahuku, O`ahu, Hawai'i, and still reside in Kahuku as a lifelong resident. Please hear my official testimony asking the U.S. Military to return the lands to the people of Hawai'i and do not renew the leases for the lands in Poamoho, Kahuku, and Makua.

I further ask that the military make a firm commitment to cleaning up all of the toxic pollution created in, on, and around these lands due to the ongoing desecration and exploitation of these stolen Hawaiian lands over the years. It is time that the military takes full responsibility for the damage done to these lands and to do what is right by this place and these people.

The people of this place want food security, climate change resiliency and mitigation, and a return to healthier ecosystems to be able to continue to survive and thrive in Hawai'i. The people do not want the U.S. government to prioritize war for the benefit of the military-industrial complex over real and urgent needs and wants of the people.

Thank you for taking my testimony into consideration. Jessica dos Santos

-- Jessica A. dos Santos Phone: (XXX) XXX-XXXX

Isaiah Douglass

And He shall judge among the nations, and shall rebuke many people; and they shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war anymore.

Isaiah 2:4

Holly Drummond

I am strongly opposed to the extension of military leases on ALL Hawaiian lands, but specifically on Oahu. Any extension on these leases will allow the US military to continue destroying this planet furthering our global climate crisis. In addition they are continually destroying the habitats of native Hawaiian plants and animals as well as disturbing the peace of all local Hawaiian communities. Enough is enough. The US military has wrongfully leased these lands for \$1 since 1964. Fifty seven dollars does not even begin to compensate the state of Hawaii for the damage done to their land. When the current lease expires in 2029 please vacate the premises of Makua, Kahuku, and Wahiawa and have them completely cleared of all military presence at this time. When leaving please take all military personnel and all equipment located on base with you (vehicles, furniture, computers, fork lifts, air conditioners, etc) the Hawaiian people don't need more of your garbage. Then return all properties to the native Hawaiian people along with a sincere letter of apology for the unjust occupation and abuse of their land for the past 57 years. - Holly Drummond
NY resident

Jaqueline Duarte

123 years ago U.S. stole Hawaiian Kingdom, lowered their bae Hawai'i, and Invaded their islands with armed military. Stop U.S. leases, leave their sacred wahi pana alone, ENOUGH ALREADY! We demand their land be returned and restored back to them. Please stop the abuse of their home. We won't stop until you stop.
I stand in solidarity with Hawaiians

Tara Dubin

It's time for the military to finally vacate the land they stole from Hawaiian people. Give the people back their land! End the violent occupation.

Kioni Dudley

Okay. I am a non-Hawaiian, but I've been very involved in the sovereign people movement for 40 years. I am the author, co-author, of "A Call for Hawaiian Sovereignty", a book that was published back in 1990.

I just want to say that I support everything people have been saying as a non-Hawaiian. And I want to also say that I don't think that any negotiations of land should be going on with the fake state. All discussion of these lands should be with the Hawaiian people.

We remember that Kaho'olawe was returned to the Hawaiian people. It says it's waiting for some kind of nation to be formed. I believe that will come about in the next year, myself.

I really think that, you know, we ought to be bringing at least OHA into these discussions as the body the discussions go on with. I think that any money that finally is paid for these leases should go to the Hawaiian people directly. And I think that there's just no question about that.

So I just wanted to make that point tonight, that the discussion should be going on with the Hawaiian people and not with the state of Hawai'i.

And I thank you very much. And I know what it's like to go through sitting and listening to all these things that are in opposition, and thank you, Colonel, for your time and effort to do this. Thank you. Aloha.

Wesley Dugle

Hawaii has enough of the illegal occupation of its islands by the mainland. Go home.

Malia Duke

As a Native Hawaiian that cannot afford to live on the land with my ohana, it is disgraceful that the US government wants to extend the lease of our lands for their gain without regard of Hawaii the land and it's people. Do better. Listen to Native voices.

REBEKAH DUNCAN

I am asserting my opposition to the renewal of the US Army's lease of lands on the Islands of Hawaii, including 6,300 acres on Oahu, and the Pohakuloa Training Area on the big island. While I am not a resident of the islands, or native diaspora I have had the great pleasure to witness the sacred beauty of this land. Bearing witness to this hallowed ground I believe, we the people and government of the United States, have a moral obligation to respect the native population's claim and devotion to the sanctity of these lands; as well as an environmental imperative to protect this land for the good of the planet.

Siobhan Duncan

Aloha - I strongly oppose the extension of military leases on O'ahu. While I currently reside in Massachusetts, my kanaka family throughout the islands has been negatively impacted by the continued military presence and occupation. The damaging impact on resources and habitats that should rightfully belong to locals and be left to support native species is unconscionable. The lease should not be allowed to be renewed, and land should be restored to the public.

William Duncan

As a native Hawaiian living on the mainland, I am strongly opposed to the extension of military leases on the lands of Makua, Kahuku W'ahiawa. An extension of these leases will allow the military to further damage the natural resources & destroy the natural habitats of Native Hawaiian plants & animals, & continually disrupt the lives of the local community. When the leases expire in 2029, this land should immediately be restored to the public.

James Dunn

We have seen time and again the destruction and disregard that the U.S. military causes to our land and waters, contributing to the constant new extinctions of bird species and sea life. Their occupation of this sacred land, including using areas such as Koho'olawe and Western Oahu for targets, is built on stolen land, the overthrow of Queen Lili'uokalani, and the obliteration of the indigenous Hawaiian empire. The insult added to much injury is that the US Military leases this state-owned land of Wahiawa, Makua and Kahuku for \$1. There is no price one could put on this land, and this lease, ownership, and stewardship should be given back to the people of Hawaii. In the event that this lease is renewed, the US Military must at least compensate the state and people of Hawaii not just adequately, but generously. The US Defense Department's newest budget calls for \$715 billion, and we are clearly no longer spending trillions on the failed war in Afghanistan, so there is absolutely money in the budget. The question is, does the US Military negotiating this lease understand fairness, reciprocity, and responsibility enough to do what's right?

Taylor Duplantier

There is no reason that the United States & the US army/military should be occupying any land of hawaii! This is beyond unethical and damaging to the true Hawaiian culture and land. This is people home and to come it and take it is absolutely terrible.

John Dwyer

"My name is John R Dwyer I came to Hawaii. Hawaii in 1964 as a second lieutenant in the 25th division and went to Vietnam twice with the 25th division. I live on the north shore near Turtle Bay and the Ko'olau training areas. So I am I know the areas very well because I train there as an infantryman And I also trained on the Big Island. I would like to have an opportunity to speak at the public scoping meetings, could you please advise how I could do that? My telephone number is XXX-XXX-XXXX and my cell phone number for me, my email number is _____. Thank you.

"

Patrick Easterling

I call on the Governor of the State of Hawai'i and the Chair and Board of the Department of Land and Natural Resources (DLNR) to terminate the lease of 23,000 acres of Hawai'i public trust land at Pōhakuloa Training Area to the U.S. Army. This land was leased for \$1 to the Army in 1964 for a term of 65-years. In violation of the terms of the lease, the Army has damaged native ecosystems, left unexploded ordnance, depleted uranium, and other contaminants, and harmed Native Hawaiian cultural sites. Although the lease expires in 2029, the U.S. military is seeking to renew the lease as quickly as possible.

Patrick Easterling
Hilo, Hawai'i 96720

Jane Eastwood

Once again I hate to see natives priced out when the military has so much land for close to nothing.

Jamie Echols

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... Oahu belongs to its people. The United States has disrespected and damaged Hawaii. Giving the land back to its people instead of being destroyed by the military complex is the bare minimum the United States can do for the Hawaiian Kingdom. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these

communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Land back.

Melissa Edwards

Give land back to the Hawaiian people.

Jordan Elicker

As a life long resident and a Kanaka Maoli, the United States Military occupation of 6300 acres of crown lands needs to come to an end. The land in question that is being leased at a criminally low rate to the military is legally and historically intended for Native Hawaiians. The sole reason that the State of Hawaii has control over the lands meant for Kanaka, is because of the illegal overthrow and annexation of the Kingdom of Hawaii. The fact that lands meant for the people are now being practically given away to a foreign occupier is beyond deplorable. Furthermore, environmental justice (EJ) as defined by the EPA requires the "fair treatment of all people". Fair treatment means "no group of people should bear a disproportionate share of the negative environmental consequences". The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to 'āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

Jordan Elicker

I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

Jones Elizabeth

Please restore these lands to the indigenous people and repay them for the decades of unfair lease cost. I am an American citizen and army veteran. Our shit will catch up to us. Reparations now.

Jade Elyssa Rivera

I reject the continued occupation of the U.S. army, through the proposed lease renewal, on unceded Hawaiian territory.

Emmalise Enders

Hello. Today I am emailing to implore and demand the the US military stops trying to renew its lease on 6300 acres of land in Wahiawā, Mākuā, and Kahuku. This hold of the land is continued colonialism from when the Hawaiian Kingdom was illegally overthrown and taken from its Indigenous peoples. Land must return to its original caretakers.

Wallace Engberg

This land belongs to Native Hawaiians, it should be returned to their care for their use. To retain and use Native Land for the use of the military only perpetuates the continually oppression of Native Hawaiians on their own land. Return the land to the original ancestors of this land.

Vanessa Esprecion

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... It's unfair! It's not rocket science. My son is Kanaka Maoli & I have paid hundreds of thousands of dollars to pay rent to live in squalor when these lands are his birthright! Unfair & downright wrong!!! I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

Sofronio Estores

Okay. I'm a Pearl Harbor survivor. I was in a family that had to evacuate from Fort Kamehameha through Hickam during that bombing. I joined the Army, served 20 years, spent 35 years with the federal service. I witnessed and experienced the Korean War, two held hostage in Vietnam. And working in Europe, I was involved in supporting Desert Shield, Desert Storm, Kosovo, Chernobyl. All of these events were wars. And they were destructive. And they were killing people. I am definitely opposed to continuing any effort to conduct an EIS. We need to stop this nonsense. Hawai'i belongs to the world. I experienced the first Pearl Harbor. If you continue to occupy Hawai'i, you are preparing us for the next Pearl Harbor. And I don't live there in Hawai'i anymore because I don't want to experience the second Pearl Harbor. So it's best that you pack up and leave. You have seven years to clean it up before the leases expire. As a kupuna, I speak for those who are unable to participate in this -- in this event. There are many, many kupunas and elder Hawaiians out there who are unable to participate for a number of reasons. So I speak for them. Their voices need to be heard. Thank you so much for this opportunity to hear my voice. Thank you.

Jessica Estrada

I am strongly opposed to the extension of military leases on the lands of Mākuā, Kahuku, Wahaiwā.

An extension of these leases would allow the military to further damage the natural resources of the areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The Army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should be immediately restored to the public and local communities.

Chris Etzkorn

Aloha

Not often there is the opportunity to make history right, however if this rare opportunity is given to you, you should use it. So, please, give back the land to the people it belongs to - choose to make history right.

Samantha Euston

Hello my name is Samantha Euston and I am a resident of the United States of America. I am strongly opposed to the extension of the military leases on the islands of Mākua, Kahuku, and Wahiawā. An extension of these leases will allow the military to further destroy the natural resources of these areas, destroy the natural habitats of the native Hawaiian plants and animals, and continuously described the lives of the local community. The army has wrongly leased these lands for 1\$ from the state since 1964 and when the leases expired in 2029 the land should be immediately returned to the public.

Malia Evans

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... The military has a consistent, decades long, public record of being poor stewards and caretakers of the lands and waters of Hawai‘i. With the advent of technology and virtual training, the exploitation and desecration of the "finite" lands and waters of the Hawaiian archipelago must stop. And they need to be held accountable to clean up their mess! I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve

the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

A F

Return O'ahu to Native hands. Retaining these lands under U.S. control is unethical and oppressive.

Jessie Faige

I oppose the Army's request to renew its long-term lease to use thousands of acres of land at three locations on O'ahu- Mākua, Kahuku and Kawaihoa-Poamoho. The Army does not have an unquestionable right to use the lands and my understanding is that the Army has not been a good steward of the land. The price of the lease - \$1 total for 65 years use - is offensive and does not reflect the true value of the land.

Mahalo.

Rose Fairchild

The military during its illegal tenure over this land has utilized this aina for live-fire bombings and other destructive practices destroying sacred Hawaiian sites as well as polluting these unique places. At Makua and across the Islands, the military has proven itself to be incapable of responsible environmental or cultural stewardship. I am strongly opposed to the extension of military leases on the lands of Makua, Kahuku, and Wahiawa.

Banner Fanene

Okay. Banner Fanene, resident, Wahiawa, Oahu. Talofa, Colonel Misigoy. Thank you for your U.S. military service. Thank you to all men and women in uniform for your service past and present, including spouses, children, family and friends. As a U.S. Navy military veteran, as the son of a U.S. Marine Corps veteran combatant in Korea and Vietnam, as the father of a Marine Corps vet, four combat tours before the age of 21, I fully appreciate the service and sacrifice of the Marine Corps, Air Force, Coast Guard, Go Navy, Beat Army. Thank you for these two minutes to give over 10 minutes of remarks. Two points in Hawai'i land leases. One, as apologized in law by former POTUS Bill Clinton in 1993, the U.S. Army should be asking the Kingdom of Hawai'i, not the state of Hawai'i, for the land lease. Two, as the Kingdom of Hawai'i currently has no monarch, I'm assuming that possession is nine-tenths of the law even if that possession is illegal, which it is in this case, the so-called Hawai'i Governor David Ige and the next governors who illegally extend the lease with the U.S. Army. For environmental and political reasons, I support no action alternative and offer a supplement. No action, the lease would expire in 2029, and lease lands would not be retained. Supplement. The U.S. Army in 2029 will negotiate and assign a new land lease with the Kingdom of Hawai'i. To my kanaka 'ohana as a Samoan, your blood-to-blood cousin, (Speaking Samoan), the scene of the crime is your connection point, not self-determining public site. La ho'ihoi ea. Restoration of your mo'i is the answer. In the meantime, no vote, no grumble. So ifua. Thank you and God bless.

Banner Fanene

Yes. Banner Fanene for the record again. Mahalo. I listened to about an hour last night, so I apologize if my second opportunity to speak tonight is repetitive. While the emotion is moving, I see that half of the emotion is misplaced. If you need someone to hate, then share the hate to Governor Ige and/or the governor that will have this lease extension placed on his desk. The courage needed today in Hawai'i is for all you 300,000 eligible voters who are not registered to vote, for you to register and vote, and for you other 50 percent of registered voters who don't vote, to vote. Otherwise, we will end up with another governor who sign another \$1 lease with the U.S. military. To my kanaka 'ohana, as a Samoan, your blood-to-blood cousin, (speaking Samoan). One, elect a governor who will not sign an extension. And again, to, la ho'ihoi ea. Restore your mo'i so that the land, this 6,300 acres, can be returned to the Kingdom of Hawaiian. In the meantime, no vote, no grumble. Soifua. Thank you, and God bless.

Lynn Feinerman

Greetings, Aloha, Important to preserve Hawaii in all its beauty. The military never leaves anything, not land nor people, healthy or happy. Please refuse to re-lease or lease any Hawaii land to any military. LF

Maurie Feldberg

After the shameful treatment of Kaho'olawe by the US Military, and unfinished cleanup, it is unconscionable to allow continued use of the Hawaiian Islands for the proposed activities. In addition, these lands could be better used to reduce the waiting list for Native Hawaiians in search of Homestead lands, as outlined in the century-old Federal Act.

Hank Fergerstrom

Well since I was not given the time to testify on the Military Training lease renewal....Im sharing my tonights testimony here. Article 8 of the Declaration on the Rights of Indigenous Peoples provides that Indigenous peoples and individuals have the right to be free from forced assimilation and destruction of culture. In addition, this provision requires that states provide effective mechanisms for prevention and redress of actions that: deprive Indigenous peoples of their integrity as distinct peoples; dispossess Indigenous peoples of land; force population transfers, assimilation or integration; or promote or incite discrimination. This article aims to develop a greater understanding of this novel provision. It investigates the historical development of art 8 of the Declaration on the Rights of Indigenous Peoples, together with the concept and jurisprudence of cultural genocide expressed in the Convention on the Prevention and Punishment of the Crime of Genocide in an effort to determine the scope and content of the right, whether or not it is legally binding and its enforcement. Article 8 should ensure Indigenous peoples are able to use their own languages and protect their historical, cultural and religious heritage and objects in libraries, museums, schools, historical monuments, places of worship or other cultural institutions. In essence, this article protects the right of Indigenous peoples and individuals to live in an environment where they can enjoy their own cultures and where those cultures are able to develop and flourish. The first part of this article outlines the right contained in Article 8. The second part looks at the Declaration in detail, tracing its historical development and the negotiations in relation to Article 8 in each phase of the drafting. The third part has regard to the development of the Genocide Convention and its jurisprudence in relation to cultural genocide. The final part of the article uses these sources to develop a greater understanding of the right in terms of its scope and content, its legal enforceability and its enforcement. Article 8 is particularly relevant for Indigenous peoples living in post-colonial states. In countries such as Australia, where Indigenous people have been, and continue to be, marginalised, Article 8 addresses persistent human rights violations. This article argues that Article 8 is of great significance for Indigenous peoples as it serves as a concrete recognition of their right to be free from forced assimilation or the destruction of their cultures. This freedom should ensure Indigenous peoples are able to live in an environment where they are free to enjoy their own cultures and where those cultures are able to develop and flourish. THE RIGHT Article 8 provides: 1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. 2. States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration; (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Hank Hanalei Fergerstrom

Okay. Aloha, everyone. My name is Hanalei Fergerstrom. I'm from -- I'm the spokesperson for Na Kapuna Moku O Keawe, which is a kupuna organization from the island of Hawai'i. Because this is such a short read, I'm going to have to go full-on and hit you solid, right where you need to be hit. First of all, you need to understand that the United States of America has absolutely no authority to assert its jurisdiction in the Hawaiian Islands. Let me say that again. The United States of America has absolutely no authority to assert its jurisdiction in the Hawaiian Kingdom.

Secondly, these lands that you call state-owned lands, that the state does not own any land whatsoever. Those lands are -- those lands are trust lands that are Hawaiian Kingdom government and private lands.

We need to get this understood really, really quick, because you folks seem to think that we can just talk about this. But nobody does anything about it. We've been saying this for years and years.

Again, the United States has absolutely no lawful authority to assert its jurisdiction in the Hawaiian Kingdom, which is what Hawai'i is. It's a kingdom. It is not a state.

Now, the easiest way to get around it, to -- to answer this, is to go look it up yourself. You'll find even in your own congressional records that the United States had no authority to -- to be in Hawai'i in the first place. There was no treaty of annexation. And the Statehood Act was -- was a boxed done deal anyway. It was to get out of the --out of the United Nations Colonization Act.

So what you need to know is that you are not welcome here. You -- you only bring problems to Hawai'i. If you need to go train your troops and all that kind of stuff, you have tons of room up on the mainland. You don't need to bring it way out here.

We are a nation. We are a neutral nation. Now, understand that well, because you as military people do understand the laws of neutrality. Hawaiian Kingdom is a neutral condition under international law. And the international arena is --is watching what's going on here right now, you know. They're watching that you just don't give a damn, what -- what kind of laws you're breaking, either nationally or internationally.

Again, the United States has absolutely no authority to assert its jurisdiction in the Hawaiian Islands, Hawaiian Kingdom. Okay. So I'm going to go ahead. I'm going to end up now. That's what you needed to know, the most important, that you absolutely have no authority to be in the islands whatsoever. And you need to do your research and ask your commanders, because they know.

Okay? Anyway, thank you very much. I will be writing in a bunch more. Thank you very much.

Hank Hanalei Fergerstrom

Thank you. Anyway, I would like to just add on to what I said before about the military having no lawful authority -- not under their Constitution or under international laws -- has any legal authority to assert their jurisdiction in the Hawaiian Kingdom.

I would also like to clarify some stuff. We're talking about the renewal of state-owned lands. But you're also talking -- you're also not talking about the lands that you're claiming that is owned by the United States that was done through executive order, like through Lyndon B. Johnson; okay?

Before any of those kind of things can take place and have any lawful effect, you have to have a treaty of annexation. You do not have a treaty of annexation for the Hawaiian Kingdom. There is no transfer at all. So you are here illegally. And so all your executive orders from your president all the way down to our governor are all illegal anyway.

Anyway, that's what I wanted to get on now. I got much more coming up, but you need to --you got to do it -- you got to do this correctly. You can't just hear the words and let it go idly by. These words are very well chosen. They are made, they're condensed in such a way where you can put it in sentences and take it back to your higher ups. Your congressional record shows all about how you're illegal in Hawai'i. Your congressional records.

Again, you have no treaty of annexation. Without a treaty of annexation, you have absolutely no lawful authority to be in the Hawaiian Kingdom. You don't have that authorization from your own Constitution, the United States Constitution, or under international laws. Thank you very much.

Sasha Fernandes

Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from

industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendents and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Callista Fernandez

Please don't extend your lease on Hawaiian land the U.S. military has occupied Hawai'i forever and an extended lease would harm the natives and wildlife.

Anne Fey

Hello,

My name is Anne Fey, and I am a resident of California. I am strongly opposed to the extension of military leases on the lands of Mākuā, Kahuku, Wahiawā, which will allow further damage of the natural resources of these areas and disruption of the lives of the local community.

I have a personal connection to this issue in that my grandpa was stationed in Hawaii when he enlisted in the military. I did not know how wrongfully the land was leased, but I do know now that we have an opportunity to change things now. When the leases expire in 2029, the land should absolutely immediately be restored to the public.

Sincerely, Anne Fey

Jonathan Fisk

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... the continued leasing of land to the military stands to only cement US colonial rule within Hawai‘i, with the US military representing the looming threat of the violence that might be brought down upon any who desire Hawaiian sovereignty, as the military was weaponized in the overthrow of Queen Lili‘uokalani. Additionally, as an expert in environmental science, it is my professional understanding that the lands must be returned to the descendants of the areas to ensure their restoration & care. I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan;

military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai'i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai'anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai'anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to "mālama 'āina" and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo'olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires "meaningful involvement" of impacted communities such that "decision makers will seek out and facilitate the involvement of those potentially affected." Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai'anae, Wahiawā, or Kahuku. Please add any personal comments here. In addition to the reasons supplied above, I also oppose the renewed leasing of lands in Mākua, Kahuku, and Poamoho to the

military as such an action stands in clear obstruction of the goals and values adopted in Hawai'i Revised Statutes §226-65, Hawai'i 2050 sustainability plan.

Lauren Flanagan

Hello,

My name is Lauren Flanagan and I am emailing to say I strongly oppose to the extension of the military leases on the lands of Mākua, Kahuku and Wahiawā.

An extension of these leases will further disrupt the lives of the local community and harm the natural habitats of Native Hawaiian plants and animals.

When the leases expire in 2029, this land should be restored to the public.

Thank you,

Lauren Flanagan

Elena Floren

Hello,

My name is Elena Floren and I am a resident of Berkeley, California. I strongly oppose the extension of military leases on the lands of Mākuā, Kahuku, and Wahiawā.

An extension of these leases would allow the military to further harm the natural resources and sacred lands of Oahu. I demand that these lands be returned to the public immediately and that the lease of Hawaiian land be terminated.

Thank you for your time,

Elena Floren

Kapulei Flores

Aloha, the military has been bombing and destroying our land for years with little to nothing done about the damage created. Places like Red Hill that are destroying and polluting our already fragile ecosystem here as seen with the 100 gallons of fuel that leaked recently from there. The continuous use of our lands throughout the islands just to destroy them while only paying \$1 leases despite the damage caused on multiple levels. These military bases and presence is doing more environmental damage to our islands, resources, and ecosystem than people are willing to admit. It is time the military pays what they are due, take accountability for the mismanagement of our land/resources, and make changes to better their impact on our islands.

Abbigail Flynn

I strongly oppose the military keeping this land. It should be given back to native Hawaiians, and be cared so native plants, animals and people may enjoy it for years to come.

Heather Fong

Hawai'i is an illegally occupied land, and the United States Army should not be trying to continue to use these lands. If they do so, they will be causing undue and massive harm to the people (especially those Native and Indigenous to Hawai'i) and the land.

Raynae Fonoimoana

Let the statistics of our Native Hawaiians speak ... The OVERTHROW of our Monarchy has left emotional, social, economic, and financial scars on our vulnerable Kanaka Ma'oli. We believe a "wrong has been done" .. the US has acknowledged the "broken trust". NOW .. is the time to make it right .. RETURN ALL the Land to our people. NO more military leases in Hawaii!!

Emily Ford

The land proposed to occupy is rightfully the home of many native Hawaiian people. The fact that the U.S only pays \$1 every year to Hawaii for this land is a great insult to injury. Stop destroying their land.

Cheyenne Foreman

I am deeply opposed to the military renting land that belongs to the native people of Hawaii. Further occupation will lead to continued destruction of land and delicate ecosystems, as well as the continued disruption of the lives of local communities. Illegal occupation of land and intentional destruction of that land is unconscionable.

Chris Foster

I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority

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Mallory Foster

To Whom It May Concern,

I learned recently about the Army Training Land Retention O'ahu Scoping project and learned more about the land the military leases and uses on O'ahu. As a military spouse, I would like to raise a few concerns and encourage Army officials to weigh the opinions of Native Hawaiians heavily in the decision-making process.

I have a background in science education, mountain ecology conservation, and geology. I am also a mother, and as mentioned, a army spouse. I respect and honor all of our service members, and I also respect and honor that we must do right by other Americans as they pursue freedom and justice. Holding onto land that is sacred to others despite the decrease in size of the military since the Oahu leases started seems unnecessary. I understand that these areas offer unique training opportunities, yet, they also are unique in their value and sacredness to ecosystems and Hawaiian people.

I saw that a resumption of live fire exercises in the Makua Military Reservation may be considered. This area, in particular, is of great value spiritually and culturally to Native Hawaiians. I would like to suggest that this area not be used for live fire exercises.

Additionally, I appreciate that the Army strives to work with environmental experts and organizations to mitigate adverse affects on the environment, but for the Army to hold such a great portion of the land here on O'ahu is problematic. Military operations cause edge effects and habitat fragmentation that have adverse impacts on wildlife.

Finally, while I hope the Army finds ways to reduce the amount of land used for training and to reduce the land held in these leases, I also would like to see easier access granted to scientists, environmentalists, and Native Hawaiians. Many organizations throughout the islands hold frequent clean up (malama 'aina) days. I think these should also occur on military installations with more frequency - either spearheaded by the Army or in collaboration with local organizations. We have a responsibility to maintain the land.

As a mother, educator, and military spouse, I want to be a good role model showing what it looks like to be a respectful visitor and neighbor when we are stationed at various locations. That is hard here in Hawai'i. In a place where people are so connected to the land, to block access to so many places does not align with my values. There must be ways to have a ready force that shows strength in this region that is more environmentally sustainable and that aligns better with the needs and values of the local populations. I hope the Army officials working on this project take time to read and listen to the voices of all stakeholders and to look for creative solutions using the voices of the people who are so connected to this land we are lucky to use, live, and train on.

Thank you for your time,

~Mallory Foster

Bayden Fraley

It is extremely disheartening to see the U.S. Military not only occupying but disrespecting important indigenous land. It is unfair to say that the U.S. military protects America if it is not also protecting and respecting the land. I encourage the military to refrain from occupying Oahu land for future military training. Thank you for your consideration and I hope you make the correct decision by giving all land back to the indigenous people of Oahu.

Sarah Francis

This land that the base is taking and using belong to the Hawaiian people. Due to the demands of over tourism and the increase in living costs the people of Hawaii have received an inappropriate amount of stress. Opening up this land will give back the homes we took from them when the US colonized Hawaii.

Marisa Franco

It is time for the us military to remove themselves from the sacred land of Hawaii. It is time to stop the raping of the land. It is time to give the land back to the people who have honored it and protected it. The us military is an extractive mechanism that is causing harm all over the world. We have come far away from what it means to be a true protector. A true warrior. I ask you as I stand my many, to get off the islands. Do not renew your lease. Take right action. We cannot repair history, but we can choose the course of liberation for the future.

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Lauren Frasinelli

Enough of this

Noah Freeman

Vote no on extending the land lease for the US military. Hawai'i is already an illegally occupied territory and we are already killing our planet with pollution. Stop dropping bombs in our sea!

Von meinem iPhone gesendet

Reydan Freitas

My name is Reydan and I'm a resident of Arizona. I am strongly opposed to the extension of the military leases on the lands of Mākua, Kahuku, Wahiawā.

An extension of these leases will allow for further damage to the natural habitats of native Hawaiian plants and animals, and continue to disrupt the lives of the local community.

The army has wrongfully leased these lands from the state for just \$1 since 1964. When the leases expire in 2029, this land should be immediately restored to the public.

Forest Frizzell

Aloha, my name is Forest Frizzell and I am a resident of Waimanalo Oahu. I am strongly opposed to the extension of military leases on the lands of Mākuā, Kahuku, and Wahiawā.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The Army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029 this land should be immediately restored to the public.

Mahalo,
Forest

Sophie Frost

Hello. I am writing because I strongly oppose the US Military's occupation of Native Hawaiian lands, and feel as a citizen of this country that the military should NOT lease land that belongs to indigenous peoples. Please consider my plea to deny the acquisition of a new lease in order to protect Native Hawaiians and their home from further desecration.

Thank you,
Sophie Frost

Lesley Gabrielle

Mahalo. Thank you for the opportunity to testify. I am here today in solidarity, opposing the proposed extension of land leases. An environmental impact statement is an evaluative tool utilized when a proposed action is determined to significantly affect the quality of the environment. Many testifiers today already indicated the significant adverse impact of the proposed land lease extension. I'm here simply to echo those statements. Hawai'i is one of the most densely militarized regions. The military controls more than 200,000 acres, or roughly 5 percent of the land. On this island, the most densely populated, the military controls more than 85,000 acres, which is more than 22 percent of all the land. The environmental impacts include destruction of protected species and ecosystems, as well as contamination by explosives, fuels, solvents, chemical weapons, heavy metals, radioactive substances, and unexploded ordinances. Agricultural lands and cultural sites are destroyed, and as a consequence, farming, fishing, hunting, gathering, and worshipping have been irreparably harmed or completely wiped out in certain areas. Pearl harbor was once one of the most productive aquaculture systems in Hawai'i. Over 36 fishponds were destroyed to build Pearl Harbor Naval Station, which today is one of the most contaminated military sites. And in 2019, the U.S. military dumped over 630,000 pounds of nitrate compounds into the oceans off this island. The extension of land leases continues desecration of the 'aina. The continued military occupation continues to perpetuate displacement of Native Hawaiian people. The dollar price tag is an insult when so many are without suitable housing, with a great majority of those being Native Hawaiian. The military is inherently violent and is violently entitled to land that was never ceded. It is time to clean up and pack out. I support the no action alternative and oppose the extension of the land leases. Mahalo.

Natalie Gaffney

It is long overdue that we give land back to the native people of Hawaii. The military has no right to occupy this land for the sake of violence, especially for a \$1 lease! In the midst of a climate crisis, we have the obligation to protect the people and the planet and we cannot do so if we withhold the land from her rightful caretakers.

Sheila Gage

My name is Sheila Gage. I'm born and raised in Wahiawa, surrounded by military bases. Since I was a kid, I've watched Schofield. I've listened to all the helicopters. I've listened to all the bombings, which is next door, which is east range to me. My grandchildren are now listening to it, and I witness fires continuously on Schofield Barracks going further and further up the mountain. I totally oppose this land lease. And I appreciate everybody coming and testifying, and I thank everybody. And I just -- that's all I really want to say. I really just don't want to see any more. Thank you.

Amanda Gaglio

Hello, my name is Amanda and I am a resident of New Jersey. I strongly oppose the expansion of military on the lands of Mākua, Kahuku, Wahiawā. An extension of the leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of native Hawaiian plants and animals, and continually disrupt the lives of the local community.

Jonathan Galka

I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because...These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts.

Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands.

In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using.

These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access.

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impact analysis by addressing cumulative effects in either an environmental assessment (EA) or an environmental impact statement. The EIS should employ this framework in order to address the cumulative effects of all related military activities, not just the proposed project.

The recovery and recolonization of endemic fauna, to say nothing of Hawaiian peoples, must take precedence. As I comment below, the ecology of O'ahu is at a critical juncture. Land invertebrates, particularly mollusks, are an ecologically and culturally integral component of Hawaiian ecosystems, with many genera restricted to O'ahu. Cultural and scientific attention to the genera is returning and increasing, and programs like the Snail Extinction Prevention Program at UH Manoa are working hard to bring back remaining species from the very edge of extinction. Cessation of military occupation at Makua (where there have been conflicts among military occupants and land mollusks and their ecologists in the recent past), along with Kahuku and Poamoho, is a step in the direction of decreasing habitat patchiness in critical environments. Attending to Malama 'aina is a legal imperative, as noted above, and nonhuman organisms must be included in such assessments.

Abigail Garcia

I DO NOT SUPPORT THE MILITARY GETTING HAWAII'S LAND. THE LAND MUST BE GIVEN BACK TO NATIVE HAWAIIANS!!!!!!!!!!

Diana Garcia

Hello,

My name is Diana Garcia and I am strongly opposed to the extension of leases on Makua, Kahuku, and Wahiawa as they further the colonization of Native Hawaiians and their land. Leases that were sold for only \$1 on Mākua, Kahuku, and Wahiawā are expiring in 2029 and the US army is already working to retain the land for more military and warfare training. Extending these leases means more bombing, shooting, dropping explosives, and destroying the environment in these communities. I am not surprised by the US military's continual investment in imperial and colonial projects through these leases.

Diana Garcia

Renee Garcia

I request that the US army end their lease on Oahu, for concerns of continued military colonialism that must end. The US must give this land back to the native Hawaiians and end future training, testing, interacting etc on Hawaiian islands.

Reem Gawish

The US should not be using and desecrating Native Hawaiian land. The US military should not have more land on Oahu than is given for Native homesteads, not to mention this is terrible for environment of the Hawaiian islands. As a concerned US citizen I do not believe the US military should continue occupying and destroying Native Hawaiian land.

Marina Ghin

The military has taken enough land of the Hawaiian Islands. Actually more than 10% of Hawaii's entire population is military men and women and 5% of the entire land is Military owned. While Military is needed, the lands of the beautiful Hawaiian islands do not need to be taken away more from the local people. Military bases as is are extremely large. More effort can be put into working on that land before taking more. Several military personnel I have encountered have described bases as "broken down" since so many buildings are old and unused. Please take care of our lands and fix up and use the land you already have before taking more.

Sergi Gimenez

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... The land is not for us to take advantage of, we should be taking care of it instead of using it for war related affairs. The Hawaiians are the true caretakers of this land, not the US Government or military or anybody else.

Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the

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Hannah Givertz

I believe that the US Army should NOT renew their lease for the Training Land in Hawaii. These lands are native Hawaiian lands and should be returned to the respective peoples. The US Army should also pay reparations to the those peoples for the 65 year contract.

Kaylan Godfrey

I as a us citizen I oppose the military getting this land.

Brianna Golden

It would be completely unfair to allow the military to continue to take up space in a native land that barely even belongs to us. Native Hawaiians can hear the nature dying around them. Give the land back to them and go somewhere else. Thank you.

Peter Goldie

Respectfully, I believe the US Army should locate other land for its purposes. Hawai'i was and is home to so many native peoples who deserve their land back. This would be one step toward bringing them the justice they deserve and resourcing them. Failing to do so will cause further harm and is a relic of the colonization of then Kindgom of Hawai'i.

Kim Goll

Hello,

My name is Kim Goll. I am a resident of Apex, NC. As a United States citizen, I am strongly opposed to the extension of military leases on the land of Makua, Kahuku, and Waihawa.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should be immediately restored to the public. It is time.

Sincerely,
Kim Goll

Jhiana Gomes

I oppose the renewing of military leases on the Native Hawaiian Lands of Pohakuloa, Kahuku, Poamoho, & Makua. I oppose the renewing of the military leases because: The land is illegally occupied by the United States, therefore the military has no right to set foot on these stolen lands. The land should be returned to the Native Hawaiians whose genealogies can be traced back to these very lands that were wrongfully stolen from their ancestors. It contributes to the desecration of Sacred Native Hawaiian Land by further endangering the 'Āina with their leftover chemicals as well as the trash from their firearms, other weapons, and any other random items the military leaves behind causing further pollution which also harms Hawai'i's endangered endemic Native species of plants and animals who also live on these lands. Which also trickles down to polluting the oceans, its delicate ecosystem and wildlife. It contributes to the displacement of Native Hawaiians while many are homeless, even struggling with high prices of rent and taxes; the military leases thousands of acres for as little as \$1.00 as well as disrespecting Sacred Burial Grounds where iwi kūpuna (ancestral bones) rest, which the military tramples & trains on.

-- Sent from Gmail Mobile

Makanalani Gomes

Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural

Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku. The American military have no rightful genealogy to steward this ‘Āina/land/Lifeforce and ancestor. But, also the American military does not want any part in stewardship or concern itself with being in a consensual relationship with Hawai‘i and their people.

Julie Gomez

Aloha,

My name is Julie Gomez, I am a resident of Virginia. I am strongly opposed to the extension of military leases on the lands of Makua, Kahuku, Wahiawa.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The Army has wrongfully leased these lands from the state for \$1 since 1964. When leases expire in 2029, this land should immediately be restored to the public.

Keiko Gonzalez

Aloha,

I ask that you not re-lease the lands of Pōhakuloa, Kawaiiloa/Poamoho, Kahuku, and Makua. There are potential health risks to the soldiers at and surrounding residents near Pōhakuloa because of any radiation from the depleted uranium remaining there.

Some of these lands are ceded, seized from the Hawaiian Kingdom at the time of the overthrow. In your bombing practices, you are essentially attacking these sacred 'āina. These 'āina need to be returned so they can be rehabilitated.

In Hawaiian thinking, land is our kūpuna, our grandparent. Land is meant to be cared for so that it can care for us back, with food and the things we need for life. Land that you use for military practices is land that is scarred and destroyed and cannot sustain life.

Please do not re-lease these lands but let us care for them once again so that they and the residents of Hawai'i can live. E ola!

Me ke aloha,
Keiko

kuu goo

u.s. military presence in Hawai'i has been long unwelcome. disrupting and displacing the Hawaiian from their land and culture and leaving destruction on it's wake. It is long overdue that U.S. military remove it's occupation of the native soil. Despite what has been allowed to occur for decades, the U.S. military actually has NO RIGHT to be occupying any spaces and lands in Hawai'i.

Marshall Gooch

Regarding Pohakuloa, The Army already has leased land at Pohakuloa and should be able to make do with what they have. The land should be returned to the people of Hawaii to be used for recreation, hunting, and conservation. Return would benefit much more people in our state where available land is so precious.

Regarding Makua, Makua is such a beautiful valley and should be available to the people of Hawaii and not for such a small percentage of our population. There are better uses for it instead of military training.

Marshall Gooch

Lisa Grandinetti

Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good.

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Tina Grandinetti

Okay. Sorry. I just wanted to be clear that I'm speaking as an individual, and I want to share that I grew up in Mililani where, like the last speaker said, my house would shake a lot from night fire training.

And I mentioned that because I want to emphasize that those are sounds of war and that when land in Hawai'i is used for military training, it means that 'aina is being used by the occupying government to train to kill other black, brown, and indigenous people around the world.

And that will always be my deepest objection to the military, and the impacts of that can't be measured in any EIS.

And I also want to share that my mother is from Okinawa, where the U.S. military is currently digging up the bones of my ancestors to build another military base on top of a coral reef. And I mention that to remind us that despite this pretend public engagement process and others like it, the U.S. military disregards indigenous people and their land and their ancestors everywhere it goes, from Hawai'i to Oahu to Guam.

It's frustrating, because this EIS is a performance, and everybody here knows it. It reinforces the idea that this is the Army's decision, when in reality, the Army is the lessee, and these lands are held in trust for native lands and the general public.

That means the people should get to decide what's being done with that land and whether it serves us. And it especially means that Hawaiians should get to decide. How does using 'aina for war serve trust beneficiaries? It doesn't.

It just entrenches us deeper in this unhealthy dependence on the U.S. military, which is the largest greenhouse gas emitter on this warming planet, and a complete and honest environmental impact statement would take that dependence into account.

It could talk about the way that military personnel skew our housing market and price local families out of Hawai'i. It could talk about the fact that the military already controls nearly a quarter of all the land on Oahu. It could talk about the fact that military spending makes it impossible to fund critical social programs like education and health care. And it should address the fact that Hawaiians have not only had their lands stolen from them and leased to Army, their occupier, for \$1, but are then forced to provide comments to the lessee instead of the other way around.

I just want to finish by saying that even though you've had this land for 65 years, you are not and never were entitled to it, and retention should not be the starting point for this EIS. We want land back, the mauka, and a demilitarized Hawai'i. Thanks.

Tina Grandinetti

I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority

working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Tina Grandinetti

Sorry. My mic wasn't working. I actually did testify last night, so thanks for the opportunity.

But I just wanted to -- I guess I can't ask the question, but I wanted to -- I wanted to ask if these videos would stay up on your YouTube channel permanently, because they're just so powerful and such a valuable resource for our community. And I just want to urge you not to take them down, so that we can access them. Thanks.

Dee Green

Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts.

The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored.

Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. In 1997, the CEQ produced a guide titled “Considering Cumulative Effects Under the National Environmental Policy Act” which provides a framework for advancing environmental impact analysis by addressing cumulative effects in either an environmental assessment (EA) or an environmental impact statement. The EIS should employ this framework in order to address the cumulative effects of all related military activities, not just the proposed project.

US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and

dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai'i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities.

These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai'anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities.

Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai'anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands.

In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using.

These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo'olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access.

The consideration for returning these lands along with a “no lease” alternative is of upmost importance. These lands need to be returned for agriculture, housing, hunting, cultural practices and the well being of Hawaiians and the community. The military has done enough damage without providing any benefit whatsoever to the people of this land. This should be a “no lease extension” and a “return of land” decision. There is no other result that could hold the interest of the environment and the people of this land in the highest regard.

Donjai Green

Aloha,

My name is Donjai and I am a resident of Illinois. I am strongly opposed to the extension of military leases on the lands of Mākua, Kahuku, Wahiawā.

An extension of the leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The army has wrongfully leased these lands from the state for \$1 since 1964. When the leads expire in 2029, this land should be immediately restored to the public.

Tyler Greenhill

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... Hawaiian land, 'āina, belongs in Hawaiian hands and stewardship. Militarism is a scourge, destroying lands, bodies, the climate, peace, and everyone's future all for the facilitation of wealth flows to those who profit from colonial hegemony. Human history has conceived of few things if any more ignorant, harmful, and hateful than militarism. The sooner we can rid ourselves, especially indigenous lands, of this scourge, the sooner we might be able to build an extant future. Cheers! I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O'ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai'i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai'i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai'i courts have also acknowledged the state's constitutional duty to mālama 'āina. The leasing of 'āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need 'āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The "highest and best use" of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O'ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a "no action alternative" as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai'anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from 'āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the "fair treatment of all people". Fair treatment means "no group of people should bear a disproportionate share of the negative environmental consequences". The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to 'āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai'i: US intervention in the Philippines; the nuclear bombings of Japan;

military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai'i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai'anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai'anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to "mālama 'āina" and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo'olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires "meaningful involvement" of impacted communities such that "decision makers will seek out and facilitate the involvement of those potentially affected." Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai'anae, Wahiawā, or Kahuku. Please add any personal comments here. The US Military murdered my ancestors, too. Love to all survivors of Amerikkkan Empire.

Zoey Greer

give land back to native hawaiians. get the us military out of their lands!

Regina Gregory

The United States has plenty of land where training can be conducted, without using Hawai'i's precious resources. Instead of "retaining" these lands, the Army should be planning how to clean up before 2029. These lands are needed for other purposes, e.g., agriculture and renewable energy. Please consider these opportunity costs. The shaky foundation of U.S. occupation should also be considered.

Regina Gregory

PLEASE do not renew the US military land leases!

Bob Gregory

The US military has degraded land that it has taken into its possession - with lead, toxins, du,PFAS, and other chemical, biological, heavy metal, and radioactive contaminants, repeatedly, consistently, and pervasively. The US military should not be permitted to destroy the environment with the motto "we destroyed the village to save it" because the military does not save anything, only destroys. Time to end the US military domination of the world, and of Hawai'i, and of the people of the world. I am opposed to military leases of Hawaiian land . . .

-- "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance." Robert F. Kennedy Capetown, June 6th 1966

Pacific still means peace, bob gregory

Christopher Greiser

"Aloha. My name is Christopher Greiser calling about the impact statement for Pohakuloa military base which sits on the ahupuaa. Mauna Kea. The Golden Capstone ahupuaa. Ancient Hawaii is a religion. You sit on one of the most spiritual places on this planet. The ahupuaa where you are on is the water table of the world. Why are you destroying it? Your entrances to the cave Mauna Kea mountain, why do you have access to? What are you doing inside of it? Mauna Kea is the temple of the world. Pangea is one continent, remember? That mountain when the tectonic plates were positioned That mountain is the mountain of the Lord. It is Mount Zion. Why are you there. Why are you desecrating it through an illegal occupation, you do not belong. You're destroying it and you destroy the water, you will destroy this world. Why are you there? The entrance. The tunnels. The roads underneath. What are you doing? Why are you there? Through greed. Through war. This is first amendment line. This is a First Amendment border. You are in violation of everything. You are on Mount Zion, and you need to pack up and leave. Right now. "

Cameron Grimm

I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority

working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Scott Grinsell

I am strongly opposed to the Army's continued use of this land. There are many other places where the US Army can conduct training exercises. This land should be returned to the native peoples of Oahu. US military land on Oahu greatly outnumbers native lands on the island. These lands should be returned.

Leanne Grossman

I oppose the Hawaii Army Command re-leasing Hawaiian territory for training. You are occupying some of the most beautiful natural places on the planet and the army is a huge contributor to global warming. You are not even paying to lease it. That's outrageous. That land belongs to Hawaiians. Give it back!

Yuejia Gu

I am against the military continuing to utilize the land on O'ahu island for training. This training is harmful to the surrounding communities as well as the fragile ecosystem of Hawaii.

Taylor Guasta

Aloha,

My name is Taylor Guasta, I am a citizen of Glastonbury Connecticut. I strongly oppose the extension of military leases on the lands of Mākua, Kahuku, and Wahiawā.

An extension of these leases would allow the military to further Damage the natural resources of these areas, destroying the natural habitats of Hawaiian plants and animals, and continually disrupt the lives of the local community.

The army has wrongfully leased these lands from the state for \$1 per year since 1964. When the lease expires in 2029, this land should be immediately restored to the public.

Thank you,-Taylor Guasta

Leila Guevera

Aloha my name is Leila and I am a resident of Hawaii. I am strongly opposed to the extension of military leases on the lands of Mākuā, Kahuku, Wahiawā. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitat of native Hawaiian plants and animals, and continually distrust the lives of the local community. The army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, this land be immediately restored to the public.

Shruti Gumate

My name is Shruti & I am a resident of Michigan. I am strongly opposed to the extension of military leases on the lands of Mākua, Kahuku, Wahiawā. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals and continually disrupt the lives of the local community and is a downright invasion of the sacred lands of Hawaii and it's Native peoples. The army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should be immediately restored to the public.

David Gurrola

Aloha,

My name is David Gurrola, and I am of resident of the United States of America. I am strongly opposed to the extension of the military leases on the lands of Mākua, Kahuku, Wahiawā.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The Army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should be immediately restored to the public.

Thank you for your time,
David Gurrola

Dana (Mae) Ha

My name is Mae and I have been a resident of Oahu for a long time. I'd like to say that I am against the continuation of the military leases on Mākua, Kahuku and Wahiawā. I believe this will harm the ecosystem and the resources we have on this island. Hawaiians are continually displaced from their own land if this lease gets an extension. The army has wrongfully leased the state for a \$1 since 1964, when the lease expires in 2029, this land should belong back to the public, back to the Hawaiians.

Carolyn Hadfield

I am writing this to demand an end to the military leases at Kahuku, Poamoho, and Makua so that a proper cleanup can begin.

I refuse to remain silent as the U.S. Army continues its destruction of Hawai`i's lands in order to kill people living in other countries. This training does not contribute to the safety of Hawai`i's lands or people. Lands previously leased by the Army are toxic and/or rendered unsafe due to live-fire training and bombing. To allow the U.S. Army to renew the leases on O`ahu training sites would further desecrate the land and would signal the Army's disrespect for Hawai`i's indigenous people and, indeed, all people living in Hawai`i.

No amount of lease rent can compensate the people of Hawai`i for the right to continue to destroy the land. The only just action you can take is to clean up the land and return it to the people.

Michael Hadfield

To: US Army From: Dr. Michael G. Hadfield

Re: renewal of leases on Oahu lands.

I am a biological scientist who has documented and studied endangered species in Makua Valley, Schofield Barracks West Range and Kahuku Training area for more than 40 years. I can testify that the Army's activities destroy federally listed Endangered Species in each of these areas. In Makua Valley are found endangered birds, tree snails and plants. Army firing the valley burned the trees where the snails lived, destroyed endangered plants and the habitat for the birds. The same is true for Schofield West Range. These plants and animals do not come back when the Army leaves. The native forest cannot restore itself. Hawaii is known as the Endangered Species Capital of the world in great part due to the destructive 'training activities' of the U.S. military. For these reasons, the leases should never be renewed.

Catherine Hage

Aloha to whom it may concern, I am a licensed clinical social worker, living in Makaha. Please return sacred Makua valley to Hawaiian/civilian dominion, and protect it from further environmental degradation from military practices. This land belongs to the Hawaiian people. The health of the land is critical for the health of all of us who share this island. Mahalo nui loa for your kokua and consideration! Catherine Hage, LCSW(XXX) XXX-XXXXXXXXXX@XXX.com

Michael Hahn

Ultimately disputes with countries are resolved not by military action, but by dialogue.

AS RESIDENTS of Hawaii, I think we should want to be known as an area of peace and dialogue using the Hawaiian technique of "ho'oponopono" — rather than as a base for projecting the U.S. propensity for killing over using diplomacy to reduce tensions with other countries.

Let's reduce the U.S. military footprint in Hawaii by refusing to re-lease 30,000 acres currently used by the U.S. military.

Jessica Halpin

Aloha,

My name is Jessica and I am a resident of Arizona. I am strongly opposed to the extension of military leases on the lands of Mākua, Kahuku, and Wahiawā.

An extension of these leases will allow military to further damage the natural resources of these areas, destroy natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The Army has wrongfully leased these lands from the state for \$1 since 1964. When the lease expires in 2029, this land should be immediately restored to the public.

Tom Halpin

There are military leases going on in sacred areas of the island Hawai'i. It is heartbreaking to see the land of the native Hawai'ians still being destroyed even after they've been through so much devastation throughout the decades. You must listen to the voices of the natives when they are pleading with you to not disturb their sacred land. Go put your military establishments elsewhere, there are plenty of other places you can. It amazes me how heartless some people truly can be. Compassion and kindness are the foundations for human life and the fact that you have none shows you are not a human, but a monster. These are real people with a real history and real lives, listen to them and hear their voices. The island of Hawai'i must be protected and you must help contribute to that protection.

Shelley Hamalian

"Hi. Aloha. My name is Shelley [Hamalian] and I'm a resident of Lafayette, California. And I'm strongly opposed to the extension of military leases on the lands of Makua, Kahuku, and Wahiawa. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy natural habitats of Hawaiian plants and animals. And continually disrupt the lives of the local community. The army has wrongfully leased these lands the state for \$1 since 1964. When the lease expires in 2029 this land should be immediately restored to the public, please. Thank you for listening. Bye bye. "

Karl Hamann

Please refuse to re-lease the lands desired by the US military. Thank you! Aloha!

Joseph Han

My name is Joseph Han, and I am a resident of O‘ahu currently living in Kalihi. I have lived on Native Hawaiian land for over twenty-five years and received my Ph.D. in English from the University of Hawai‘i at Mānoa. I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho. I would like to submit the following comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes.

As the US military continues to occupy the Korean peninsula, the Korean people continue living under the legacy of division and the ongoing Korean War, which has not formally ended. The US remains committed to sanctioning, vilifying, and antagonizing North Korea. Occupying and using Native Hawaiian lands for military testing and training undermines improving relations between the US/South Korea/North Korea and the possibility of a peace agreement, which would end the 70-year state of war and recognize that wartime rights to use force have ended. Returning these lands to Kānaka Maoli is a step toward genuine security, not security predicated on the harm that is perpetuated against ‘āina, Native Hawaiians, and the climate at large.

Returning these lands, and the US military taking responsibility for the harm it's caused, is paramount to a just and livable future. As a Korean living in Hawai‘i with familial ties to North Korea, I am furious that both Kahuku and Kaua‘i continue to be considered for a "Homeland Defense Radar" with a price tag of \$1.9 billion in the name of "defense" from ballistic missile threats from North Korea when such a measure is primarily preemptive, and for-profit, from a threat largely imagined, proven false in early 2018, and propagated since the "war on terror" and Bush proclaiming North Korea as part of an "axis of evil." I oppose the US military's presence in Hawai‘i in the name of such defense, when a peace agreement to end the Korean War would establish the basic conditions for diplomatic relations that would enable more effective engagement on denuclearization. A peace agreement is in the national security interests of the US-South Korea alliance. We have seen that the longstanding emerging threat to the world and a sustainable future is in fact the US military, one of the largest climate polluters in history.

Kānaka Maoli are being alienated from their land; the Korean people are still separated. I am furious that these lands are being used in such a way that harms both Kānaka Maoli and my people. I carry with me the wishes of my people, what my ancestors have fought and died for: that Korea one day be reunified. For that wish to be realized, the US military must return the lands it has exploited under the pretense of defense—when the US military's occupation of land, in both Hawai‘i and Korea, only serves to perpetuate violence and itself.

Rachael Han

I'm a resident of Pālolo, and I'm strongly opposed to the extension of military leases on the lands of Mākua, Kahuku, and Wahiawā. The extension of these leases allows for further damage of the natural and cultural resources in the area, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community. Let the land be and heal itself. Doesn't the military already have too much land already in the Hawaiian islands? Enough is enough, especially if you're just going to pay \$1. The land should be restored back to the public/in the rightful hands of kanaka.

Christina Hang

The Army has damaged native ecosystems and harmed Native Hawaiian cultural sites. The ongoing pollution, abuse and occupation of this land needs to end. The people of this land do not need US military presence or tourism to survive. I strongly oppose the renewal of this lease.

Christina Hang

To Whom It May Concern:

In response to the Army's preparation of an EIS for Army Training Land Retention at Kahuku Training Area (KTA), Kawaihoa-Poamoho Training Area (Poamoho), and Makua Military Reservation (MMR) on the island of O'ahu, I would like to comment that I believe that whatever findings are rendered for this statement will be grossly negligent of the health of the land and community.

The Army has already damaged native ecosystems and harmed Native Hawaiian cultural sites throughout the decades in which this lease has existed. The ongoing pollution, abuse, and occupation of this land needs to end. The people of this land do not need US military presence or tourism to survive. Whatever efforts the Army will take to make a positive impact on O'ahu will not outweigh the damage that has already been done, which will continue to be done if military use remains there. I strongly oppose the renewal of this lease.

V/R,

Christina Hang

Paige Hansen

The US military's illegal occupation of O'ahu is damaging to the island and its people. The land should be given back to the native Hawaiians.

Chloe Hartwell

Okay. Thank you. Aloha kakou. My name is Chloe Hartwell, and I'm a resident of Wailupe Valley. I strongly oppose the extension of all military leases in Hawai'i.

In the June "Talk Story", a question was posed asking what specific public benefits would be provided by the Public Trust Lands if a new lease is negotiated. To echo Mr. Frankel, I'm not sure how bombing the land provides benefits to the public.

Land resource, cultural site and habitat destruction justified by a \$4 million commitment to environmental work is untenable. That is 0.105 percent of the Army's 2020 direct annual spending in Hawai'i.

Colonel Misigoy stated that we would trust fellow American citizens in this process. There is a historical precedent of the U.S. failing to uphold leases and complete restoration work.

When the federal government took over Kaho'olawe in the '50s, it agreed to return the land to the condition of suitable habitation. I went to Kaho'olawe a couple of years after the U.S. Navy had had nearly a decade to clear ordinances and complete environmental restoration. We stepped past unexploded bombs which remain after two more decades of cleanup work. Kaho'olawe was bombed for 50 years. The impact of extended leases could take generations to heal, if ever. Though it is not legally binding, the U.S.-supported U.N. declaration on the rights of indigenous peoples establishes free, prior, and informed consent. This is embedded within the universal right to self-determination.

The colonel led with the Pacific's importance to our national security for the readiness of the Joint Force. You are asking dispossessed indigenous people from an internationally recognized independent nation to continue to host training grounds to protect a country that stole that very land without consent or compensation per the apology resolution, land legally designated for their benefit, \$1 for 65 years. That is indefensible. Ho'iho'i "aina. Ho'iho'i ea. Mahalo.

Kate Haupt

Aloha, I am Kate Haupt an Ohio Constituent discussing the occupation lease of the military in Hawaii. I am strongly opposed to the extensions of the military leases on Mākuā, Kahuku, Wahiawā. an extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community. The Army has wrongfully leased these lands for \$1 since 1964. When the leases expire in 2029, this land should be imeditally restored to the public.

Savannah Hawkins

I am adamantly opposed to renewing this lease because in 5,000 years not one problem has ever been solved by fighting. Besides the noise pollution and environmental degradation caused by this immature approach to problems is the fact that we don't need to waste more money on this when there are so many more important pressing problems like, by being homeless, starving to death, our crumbling bridges and roads, and the mess caused by covid.
Do not renew this lease.

Alan Hayashi

My name is Alan Hayashi and I was born in Hawaii and have been a citizen of the USA and Hawaii for 83 years.

I strongly support the "responsible" presence of the military in Hawaii. I also strongly support the renewal of the leases of land necessary for military training on land, sea, and air.

However, I do feel the lease value of \$1.00 for 65 years should be renegotiated to some "fair" value, taking into account the value of the military to Hawaii in terms of economic, defense, and HADAR capability presence. Until and unless the leases are perceived as "fair value" by the general population, the military will be subject of constant citizen unrest.

I wish the military well in this effort to ensure a sustainable well trained military force for the USA and Hawaii. V/R Alan S. Hayashi

Sean Hayworth

I oppose the retention and continued military occupation of unlawfully acquired Hawaiian lands especially Makua.

Makua means parent, and you literally have our family held hostage. Deoccupy all of Hawaii and allow native Hawaiians (as described in public law 103-150), to live on their own lands.

Jamie Hearn

I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O'ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai'i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai'i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai'i courts have also acknowledged the state's constitutional duty to mālama 'āina. The leasing of 'āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need 'āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The "highest and best use" of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good.

Nainoa Heaston

STRONG OPPOSITION:

The military has made detrimental impacts to Hawaiian lands including the bombing and desecration of Makua Valley, Pohakuloa, Kahoolawe and so much more. The military has ignored the voices from the Native Hawaiian community since their illegal occupation of the Kingdom of Hawaii in 1893. Each year, over 60,000 individuals leave Hawaii due to rising housing costs and costs of living. Homeowners in Hawaii pay \$800,000 or more to have 0.02 acres of land. The military leases Hawaiian lands for a single dollar. In addition, the military occupies over 20 percent of the land on Oahu which accounts for over 80,000 acres. The United States government has apologized in 1993 for the overthrow, yet the military continues to act in ways that perpetuate the colonization and degradation of Native Hawaiian communities throughout Hawaii.

The US military has not met the standards of what it takes to malama aina. They have not been able to support the Native Hawaiian community nor right their wrongdoings. For the reasons above and MANY more, I strongly oppose the continued leasing of Hawaiian lands to the United States military.

August 22, 2021
Strong Opposition

To Whom It May Concern,

The military has made detrimental impacts to Hawaiian lands including the bombing and desecration of Makua Valley, Pohakuloa, Kahoolawe and so much more. The military has ignored the voices from the Native Hawaiian community since their illegal occupation of the Kingdom of Hawaii in 1893. Each year, over 60,000 individuals leave Hawaii due to rising housing costs and costs of living. Homeowners in Hawaii pay \$800,000 or more to have 0.02 acres of land. The military leases Hawaiian lands for a single dollar. In addition, the military occupies over 20 percent of the land on Oahu which accounts for over 80,000 acres. The United States government has apologized in 1993 for the overthrow, yet the military continues to act in ways that perpetuate the colonization and degradation of Native Hawaiian communities throughout Hawaii.

The US military has not met the standards of what it takes to malama aina. They have not been able to support the Native Hawaiian community nor right their wrongdoings. For the reasons above and MANY more, I strongly oppose the continued leasing of Hawaiian lands to the United States military.

Mahalo,

Nainoa Heaston

Shannon Hennessey

Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from

industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendents and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku. As a Kanaka Maoli (Native Hawaiian) woman, I have a genealogical connection to this ‘āina of Hawai‘i, generally. While some Kanaka can specify which ‘āina they are connected to, many of whom are likely connected to the regions being affected, there are many Kanaka who, like me, can not specify. We don’t know. Why? Because of U.S. military occupation of our ‘āina for warmaking like this. We have been displaced and alienated from our ‘āina. This not only hurts the environment, it hurts our communities. Please do your part and stop this.

Shannon Hennessy

"Aloha. My name is Shannon Hennessy, and I'm a resident of Niu Valley I'm strongly opposed to the extension of military leases on the lands of Makua, Kahuku, and Wahiawa. An extension of the leases will allow the military to further damage the natural resources of these areas, destroy the natural inhabitants of Native Hawaiian plants and animals and continually disrupt the lives of the local community. The army has wrongfully leased these lands from the state for \$1 only \$1 since 1964. When the leases expire in 2029 this land should be immediately restored to the public. Military has been there for too long. And it's done too much damage. To both the local ecosystem and to the local people. This is not pono. This is hewa. This is terrible. And it needs to change. This is from one Native Hawaiian who speaks for many Native Hawaiians who you will hear in your voicemails. so If you, if you say you're going to listen to us at all if you say you're going to do the right thing at all by the Environmental Impact Statement, Please listen to us, please stop this. mahalo

Kyara Heredia

As a citizen of the United States I do not support the army releasing Hawaiian land. They can practice their drills else where and where it's legal for them to be. They need to leave Hawaii alone after constantly abusing the land and it's people for decades. Give the land back to the rightful owners, the indigenous and citizens of Hawaii.

Sarah Heritage

Aloha,

My name is Sarah Heritage and I am a resident of Evansville, WI. I am strongly opposed to the extension of military leases on the lands of Mākua, Kahuku, Wahiawā.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The army has wrongfully leased these lands from the state for \$1 since 1964. When the lease expires in 2029, this land should be immediately restored to the public.

Amber Herzog Lyman

I DO NOT support renewing the US Army lease of Hawaiian lands on the island of O'ahu. The limited availability of natural resources on an island of this size does not support the extended presence of US troops. Continued occupation of this land places an environmental burden on the fragile island ecosystem through damages of overland transportation and ocean-bound shipping due to requirements to provide mainland resources to island-stationed troops. US Army occupation channels Hawaiian resources, including water and power, away from native Hawaiians and Hawaiian residents, and the advent of modern weapons no longer requires a troop presence on O'ahu to maintain US security from foreign enemies. Please DO NOT further damage the fragility of our native Hawaiian ecosystems for the sake of military control. Our survival is no longer based on "fighting off foreign invaders," it is based on protecting our natural world and indigenous identity in a way that secures safe and abundant food, water and care for our farms, homes and people.

Nathan Hester

As a Native Hawaiian, I would like to submit that "NO ACTION" be taken and the leases be allowed to expire in 2029.

These lands hold significant cultural importance to the indigenous peoples of Hawaii. Sadly, the US military has broken promises and lost trust with the Hawaiian people by leaving their messes for others to clean up, like the once beautiful and thriving island of Kaho‘olawe. Kaho‘olawe is now a dangerous minefield of unexploded ordinances from the US military's drills, for example, Operation "Sailor Hat", where 500-tons of dynamite was detonated on the southern tip of the island.

We do not trust the US Military to use our ancient and respect-deserving land as by history the US Military has only spat in our faces and decimated our land with no consultation or repercussions.

The deep love and connection to the lands, Aloha ‘Āina, is central to the Native Hawaiian being, cosmology, and culture. Hawaii is comprised of a group of a small islands with limited resources that were expertly managed by our ancestors for hundreds of years. The US government must do the difficult work of relocating these training grounds elsewhere and begin the process of cleaning up and restoring the land. Surely the military can find an appropriate venue for training facilities in the 1.9 billion acres of land which comprises the contiguous 48 states. It is time for the US government to recognize that it has a responsibility to the indigenous peoples of Hawaii to restore and return the lands which were taken illegally.

Sherry Hester

As a Native Hawaiian, I would like to submit that "NO ACTION" be taken and the leases be allowed to expire in 2029. These lands hold significant cultural importance to the indigenous peoples of Hawaii. The deep love and connection to the lands, Aloha 'Āina, is central to the Native Hawaiian being, cosmology, and culture. Hawaii is comprised of a group of a small islands with limited resources that were expertly managed by our ancestors for hundreds of years. The US government must do the difficult work of relocating these training grounds elsewhere and begin the process of cleaning up and restoring the land. Surely the military can find an appropriate venue for training facilities in the 1.9 billion acres of land which comprises the contiguous 48 states. It is time for the US government to recognize that it has a responsibility to the indigenous peoples of Hawaii to restore and return the lands which were taken illegally.

Risa Higa

I am highly concerned if the US military has been contaminating land and water. I request to return the land to Native Hawaiian people.

Douglas High

My name is Douglas High and I am writing to ask that the United States Government give up their leases on the island of O‘ahu and return them to the people of Hawai‘i.

I was not born in these islands - as the vast majority of the US Military personnel. I came as a visitor and fell in love and have been graciously accepted by the people and place that I am now fortunate enough to call home. After graduating from the University of Hawai‘i at Mānoa, I accepted a teaching position on the West Side of O‘ahu and spent three years living and working in the community of Makāha. As an avid body surfer, I spent countless mornings, evenings, and full weekends at the shoreline of Mākua Valley, called "Makua Military Reservation" by the occupying government. I have never once taken issue with not being able to go into the valley and explore its lush walls - it may not be for me, I do not know. But I do know that the intent of that valley is NOT for a training ground of an occupying military to practice, "drill" and poison the land AND sea with ballistics and whatever else may come with them.

This valley, along with all of the other mentioned lands, need to be protected and returned to the people of Hawai‘i to care for it in the ways of the kūpuna. ‘Āina is such a limited resource in a chain of islands. How unfair and cruel it is to continue to use and abuse it in the face of the people who know how this ‘āina fed their ancestors - as so many struggle in their own ways, in their own home? How cruel is it that a government which has everything it could imagine, continues to take and destroy one of the most culturally significant things a people has?

The United States Government has had its time to destroy this ‘āina. Now, please allow the people to restore and care for it in the ways that us Haole’s would never know.

Rebecca Hill

The extension of this military lease is a major threat to O'ahu, both to its environment and to its people. This base has devastating impacts to native flora and fauna, and also violates rights of indigenous Hawaiians. This lease should not be extended. Please withdraw and return the land to Kakana Maoli control.

Tai Hino

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... Fuck the government I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O'ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai'i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai'i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai'i courts have also acknowledged the state's constitutional duty to mālama 'āina. The leasing of 'āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need 'āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The "highest and best use" of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O'ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a "no action alternative" as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai'anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from 'āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the "fair treatment of all people". Fair treatment means "no group of people should bear a disproportionate share of the negative environmental consequences". The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to 'āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai'i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai'i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these

communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Kyle Hinton

Give the land back to the natives. At the very least give them proper compensation for its use

Carol Hirth

I urge Hawaii NOT to continue to lease lands to the US Military. Hawaii land should be preserved, protected and used as the state deems appropriate.

Thank you.

Carol HirthBerkeley, CA

Brittany Hite

The military exploited Hawaiians to take this land at such a minimal cost and continues to exploit them by never either giving the land back to the rightful owners or paying them what that land is actually worth and what they owe them for all the years they've exploited that land in the first place. This is not the land of the US military, this is Hawaiian land and it belongs to the Hawaiian natives that are constantly being pushed off their island because of exploitation like this and by developers. The military needs to leave this land and this needs to be the first step of many to restore Hawaii back to its sovereign status that it technically should still be to this day since the land was taken from them through collusion and manipulation in the first place. US public law 103-150 is the US literally acknowledging their part in the overthrow of the Hawaiian kingdom and that Hawaii never relinquished their rights to a sovereign nation and yet here we still are keeping our claws in their land - taking things that aren't ours for our own gain, making living conditions worse DAILY for native hawaiiins, making conditions in which native hawaiiins who have every right to this land that is their home have to pack up and leave because they can no longer survive in this situation. I don't know how in good conscience the military thinks they can and should continue to travel down this road of exploitation. I don't know how everyone who has a hand in this and who isn't actively resisting and trying to stand up to this can sleep at night. #LandBack

Jennifer Ho

Hi, thank you for the opportunity to comment. In light of the rapid intensification of natural disasters devastating communities all around the globe, in addition to the stresses from COVID-19, it's time to reassess priorities. While it may have made sense in the past to invest in military training, there are simply newer, bigger challenges we face today - like climate action, restoring clean air/water - that demand urgent, transformative action if we are to deliver a healthy, livable world for future generations. I am writing to oppose the U.S. army's quest to extend its 65 year lease on ~6,300 acres of land to be used for military training at Wahaiwa, Makua, and Kahuku. Not only does ongoing military presence intimidate the Indigenous people on the land, it also doesn't serve much of a purpose any more. Rather, doing this depletes natural and monetary resources. With your leadership, a healthier path forward can be written. Please, remove military occupation. Return the land to the Indigenous peoples so that they can steward the lands and waters as they had done for thousands of years. Did you know: Comprising less than 5% of the world's population, Indigenous people protect 80% of global biodiversity? It's time to heal our relationship with the planet which supports our basic necessities in food, water, and air. Thank you for your consideration.

Vera Hoang

Do not pursue this land on behalf of the American military. Instead, repatriate the sacred land to Hawaiians indigenous to O'ahu so that they can manage them. Thank you!

Pomai Hoapili

I would like to submit the follow comments regarding the Army's upcoming Environmental Impact Statement, which proposes to retain up to 6,300 acres of land on O‘ahu for military training purposes. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority

working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Judie Hoepner

I am opposed to the State of Hawaii renewing leases for any branch of the military. Your presence on our islands makes us less safe than more safe. Not to mention the desecration of the land.

Aloha, Judie Hoepner Lihue Hawaii

Molly Hoffman

Aloha. My name is Molly and I am a resident of California. I am strongly opposed to the extension of military leases on the lands of Makua, Kahuku, Wahiawa.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of the native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The Army has wrongfully leased these lands for \$1 since 1964. When the lease expires in 2029, this land should be immediately restored to the public.

Thank you.

Rebecca Hogue

Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from

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Charlene Holani

To whom it may concern,

I, Charlene Holani am emailing you in regards to your EIS for possible land retention for the 2029 year. There are not only environmental impacts that need to be addressed within this statement as the impacts to the environment largely affects social, cultural, political norms within Hawaii, and its future. Majority of these lands being Native Hawaiian Crown Lands or Ceded lands held in trust for the Native Hawaiian people. So this EIS should address how your occupation of this land will 100% not effect the people of Hawaii and its culture, and more so how it will assist as the generational hurt your entity has caused is irrevocable. This EIS should 100% involve how the military's role has and will effect Hawaii with the COVID-19 World Pandemic spread. How the thousands of site of occupied military land still have unimploded ordinances can be remedied? How you will assure these sites do not grow in numbers. EIS should include the effects of congestion and invasive training to the cultural sites. How the "liberty" times given to your personal potentially impacts the people of Hawaii.

Thank you for your time and we look forward to seeing these being addressed in your EIS and more.

Charlene Kalena [REDACTED]

Emily Holmber

Aloha kakahiaka. My name is Emily Holmber. I'm a resident of the Moiliili area of Manoa and I am strongly, strongly, strongly opposed to the extension of military leases at Makua, Kahuku, and Wahiawa. I believe that the military has done destructive to the native land. And continues to distort natural habitats of endemic plants and animals and in turn has caused a devastating impact on kanaka maoli land. I BELIEVE STRONGLY that the lease of these lands is unlawful say the army has leased them for \$1 since 1964 and I strongly believe that when the leases do expire in 2029 the land should be immediately restored not only to the public, but to Native Hawaiians. Mahalo and have a good day.

Emily Holmberg

It is unethical and unjust for the US military to illegally occupy native hawaiian lands. Deoccupy, decolonize, get the military out of Hawai'i!!

Renee Hoomanawanui

I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... The land is poisoned by the ordinance and not cared for in any conscious way. It has only degraded with the military use. Pohakuloa is a wonderful example of this travesty. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good.

US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities.

Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. In 1997, the CEQ produced a guide titled “Considering Cumulative Effects Under the National Environmental Policy Act” which provides a framework for advancing environmental impact analysis by addressing cumulative effects in either an environmental assessment (EA) or an environmental impact statement. The EIS should employ this framework in order to address the cumulative effects of all related military activities, not just the proposed project.

In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement

obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using.

These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo'olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access.

Joanna Howard

Aloha!

I oppose Anything done by the military,
Hawai'i is already Occupied by the Military!
The Military needs to leave!

Ivy Hsu

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... it would further push back the potential that these lands have to benefit those to whom it truly belongs. With insane real estate prices and limited options, Kanaka Maoli and multi-generational locals alike are unable to afford to continue living in their own home. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities.

Rachel Huang

I strongly oppose this lease extension! Leases that were sold for only \$1 on Mākua, Kahuku, and Wahiawā are expiring in 2029 and the US army is already working to retain the land for more military and warfare training. Extending these leases means more bombing, shooting, dropping explosives, and destroying the environment in these communities.

These lands should be returned to the kanaka maoli and they dont belong to the military.

Ting Huang

Give the land back to the native Hawaiians.

Jane Huff

Hi, my name is Jane Huff and I am a resident of California. I am strongly opposed to the extension of military leases on the lands of Makua, Kahuka, and Wahiawa. The U.S. Army has wrongfully leased this public land for only \$1 since 1964, and it's time for the land to be restored to the public as soon as the lease expires in 2029. Any extension of the leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and disrupt the lives of the local community. It's time to give the land back to the people.

kelsey Hughes

I lived on Oahu for three years while my then husband was in the navy. From my short three years both attending college at U of H and also working at the Chart House with all locals - I quickly saw and realized the extensive damage not only physically but socially the military has had on the island. Debauchery, rude behavior, trash, lack of interest in learning about the culture, controlling 23% of the entire island. This is sacred land, once again being stolen by the United States. The water in the harbors are polluted with toxins, not to mention the extra thousands upon thousands of non-native Hawai'ians that now claim Oahu as their home, paying no mind to the history of the land. End this! End this and save Oahu from being colonized by the military.

Angela Huntemer

Yeah, I just also wanted to reiterate some of the comments before about the short notice. There's really no excuse, and this Zoom meeting should have been a Zoom meeting from at least two weeks ago.

I was also very disappointed that there was no provision to hold meetings in the various communities that are directly impacted by training. I live up here on the North Shore. I got helicopters and live fire all over at night, especially. It's very disturbing. But that is a small thing in the big picture of some of the other issues that this whole question brings up.

I'd like to just correct the no action alternative that was cited in the little presentation. The no action alternative doesn't mean that you can just take off and not clean up. You must leave, and you must clean up and restore. Again, the track record of that is not very good.

But the no action alternative is, of course, my preferred one. And it will include restoration and cleanup. I mean, that's just the polite thing to do, at least.

I'm a public school teacher. So often when I'm presented with issues in the community and the world, I ask myself what would the students say? What would a 12-year-old say to this kind of situation?

Well, any child will tell you that military training has and will have enormous impact on the environment. I mean, we teach them, you know, basic science. It's not -- it's not complicated. The negative impact on the environment, on the grounds, the water, the air, the endemic and endangered species that are hanging on by a thread here, it's absolutely shocking that we're even having this conversation, to be honest. Yeah. And also, KTA up here on the North Shore now has devil weed brought in by the military and subsequently spread to other places on the island. I will also say you do have some stellar biologists that work for you to mitigate some of the destruction that's wreaked on the land. And, you know, please engage them after you leave so that they can engage in proper restoration.

You know, there are places -- I hike all over the island. There's places in the back of Makua Valley that nobody can ever go to because of all the munitions, the live munitions that are there. And nobody can tend to the critically endangered plants and animals because of the danger. It's -- it's tragic, so.

I would like to incorporate everyone else's comments. I'm not from here, but it's been my home for 30 years, and you guys, we have something very, very special here in Hawai'i that needs to be protected. Thank you.

Angela Huntmer-Sidrane

This EIS should include in depth, comprehensive studies of native flora and fauna found not only within the properties in question but also to technical, scientific studies conducted by private and government bodies, both published and unpublished regarding any property within five miles outside of the boundaries. This is important, as the military well knows, because they themselves have commissioned such studies. The surrounding properties, and the flora and fauna contained within, are important indicators of what may be present but possibly not detected or extirpated. They are also impacted by noise, sonar, and potentially other contaminants from and/or associated with the training grounds (coral, Hawaiian monk seals, cetaceans, migratory seabirds, etc.) It is critical that the EIS cover the historical biodiversity that was before and during the impacts of the last decades of training. This baseline must be found and shared, before the potential of future impacts of occupation and training are considered. Cumulative impacts and surrounding properties with the plants and animals they contain are an important component of both HEPA and NEPA processes. Special consideration will be given to animals and plants listed under ESA as well as those listed as protected at the state level.

Native wildlife studies should include entomology. Botanical studies need to include a special section on the pernicious and continuing impacts of invasive plants that were introduced by the leasee, for example "Devilweed". This, and possibly others are continuing to spread, within the Training Grounds and beyond, to various parts of the island, even other parts of the State and perhaps the world as a direct result of training maneuvers.

All references to other studies should be in the form of live links when possible and explanations should be included as to where and how to obtain copies of other reference materials, where possible live links should be created to complete copies of materials unavailable or difficult to access.

Please find and share the same kinds of information and documents outlined above to cover native Hawaiian cultural sites, archaeological sites, geological, hydrological and toxicological issues. The US military has a dismal track record in Hawaii and almost everywhere else it has been, whether for training or anything else. The steady stream of superfund sites, untold toxic and live ordinance legacies left behind does not bode well for these training grounds currently or if they are used in the future as such. The US military's record on cleanup is not good.

Impacts of any and all kinds of disturbance to land, water and air but especially any and all radiological, electromagnetic, and toxic contamination of the leased properties, in the past, currently and in the future, if the leases are renewed, must be included. These impacts must be made public, studied and carefully considered in terms of impacts to biological, cultural, geological resources. Any effort to hide contamination behind the cloak of national security should not endear any decision makers to the idea of renewal of the leases. We, the people, demand full disclosure as to the scope and extent of destruction and contamination.

Comprehensive plans for reversing impacts that have already occurred must be devised and carried out before any further action can be considered. If any contamination of any kind is not cleaned up, a full explanation of the reasons why, is the very least to be expected.

Clean up should begin immediately. One does not stay at someone's house and leave it a complete mess. Perhaps, due to legal and/or timeline constraints, a short extension of occupation could be granted while clean up takes place.

Every effort must be made to restore these lands to levels of rich biodiversity that existed before the US military lease began. The land must be cleared and cleaned of contaminants according to best

ecological practices and not according to the burning, bulldozing and burying methods used on some other lands used by the military.

I sincerely hope that our State Government (DLNR and elected officials) will be courageous and NO ACTION will be taken and that the military will clean up and leave these lands restored and allow them to be protected in perpetuity. Given all that has happened as a result of the US military occupation of Hawaii and with climate change threatening catastrophic upheaval on our planet, it is time to clean up and leave.

Thank you.

Rebekkah Hunter

This Rebekkah Hunter and I am a resident of Hobart, Indiana. I am strongly opposed to the military leased on the lands of Mākuā, Kahuku, Wahiawā.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The army has wrongfully leased these lands from the state for \$1 since 1964. When these leases expire in 2029, this land should be immediately restored to the public.

jameela huntington

RESPECT THE AINA !! My family has lived on this island for generations and I've lived here my whole life, for the majority of our time here we've struggled with housing. My heart goes out to all the natives who share this struggle. Homelessness is a huge problem here and the military is one of the reasons for this. Native Hawaiians shouldn't have to leave the islands where their ancestors resided to have roofs over their heads. This is THEIR land !! LEAVE SACRED LAND ALONE !! DECOLONIZED HAWAII !!

Ramona Hussey

I strongly oppose extending the leases on the three Oahu sites: Makua Valley, Kahuku, and Poamohu. This island is small and precious and the people who live here, native Hawaiians and many others do not agree that our home should be used for military exercises. There are many other places where less destruction is likely than this precious island.

Rebecca Hutson

Give the land back or pay a fair price for the lease.

To whom it may concern,

My name is Sam Ikehara. I was born on O‘ahu and I have lived here nearly my entire life. Both sides of my family have been entangled in the operations of the US military for generations, living, moving, settling, and passing during and after hot and cold wars across Asia and the Pacific Islands. As a result, my life and its conditions of possibility were set by the parameters of the US military and its network of violence that extends to the lands and waters my family originally comes from, Okinawa. I am a PhD candidate at the University of Southern California writing and researching the histories and presents of military devastation across sites subject to US military occupation, specifically Hawai‘i.

I want to live in a Hawai‘i where local economies of abundance thrive and where the most vulnerable communities are met with support rather than violence, punishment, and criminalization. For all these reasons and more, **I am deeply opposed to the US military renewing its lease of 6,300 acres of public lands at Mākua, Kahuku, and Poamoho.** The state of Hawai‘i has a responsibility to ensure that public trust lands—lands that are former Crown and Government Lands of the Hawaiian Kingdom and which are held in trust for Native Hawaiians specifically—serve the trust beneficiaries. This is not an abstract responsibility, but one written into the state constitution. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Subjecting these lands to exploitation and the violence of warmaking is entirely absurd, precisely because these lands could be used for public good—which includes, but is not limited to agriculture, housing, cultural practices, general well being, or conservation purposes.

These three leases exist as part of a larger network of military occupation that negatively impacts all people who live in Hawai‘i, but particularly Native Hawaiian and Pacific Islander communities. The US military controls nearly 25% of all land on O‘ahu. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources.

The US Army’s environmental impact statement must address:

1. The cumulative effects of these leases within the context of all past, present, and foreseeable future actions. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a



particular action, but from the combination of individually minor effects of multiple actions over time;

2. The “no action alternative” it currently names, which would thus require a thorough account of the benefits of returning and restoring the lands at Mākua, Kahuku, and Poamoho;
3. The disproportionate and disparate impacts these leases would have on the Native Hawaiian community. Given the US military’s role in the overthrow of the Hawaiian monarchy, its ongoing suppression of Hawaiian sovereignty through military occupation and a number of other means, the EIS and the military more generally must, at the very least, acknowledge that these leases would disproportionately impact Hawaiians, thus rendering the leases fundamentally incompatible with the EPA’s definition of environmental justice;
4. The process through which they will bring in meaningful involvement from the communities most severely and directly impacted;
5. The documented archaeological and historic sites that are still relevant for cultural practices.

This is by no means a thorough list, just a start. In what I am sure are numerous other testimonies by other residents of O‘ahu, there are many other things that the military must consider. The pandemic fully elucidated just how desperately Hawai‘i needs to move away from its dependency on tourism and militarism. The lands the military seeks to lease are urgently needed for other, more life-giving purposes—creating food, housing, community, and resources. Rather than transforming the life giving land into a practice ground for death making in the name of “security,” we need to begin to make the infrastructure that would ensure that all peoples of Hawai‘i actually have what they need to be secure in their bodies and communities.

Sam Ikehara

A handwritten signature in black ink, appearing to read 'S Ikehara', with a long, sweeping horizontal stroke at the end.

Mana Iluna

To Who it May Concern, I lived on the Big Island for many years and based on what I've seen there: -The State of Hawaii must not renew the leasing of its land to the U.S. Military. -What they bring there is not healthy in any way for the land, the residents and the visitors who the state relies on. Thank you for considering these thoughts, Mana Iluna, MSW

Gabriela Indivero

Give the land back to the indigenous people of Hawaii. They shouldn't have been colonized in the first place and giving the land back would be a change in the right direction.

Wally Inglis

To whom it may concern: I hereby submit testimony in opposition to all leases on Hawaii state lands occupied by the military--leases that will expire in 2029. This includes the 6,300 acres occupied by three military installations on the island of Oahu and 23,000 acres of ceded lands at Pohakuloa on Hawaii Island. It is long past time that the military end its wasteful exploitation of lands that belong to Native Hawaiians and to all of Hawaii's people. Despite some high visibility environmental projects, the various military branches have overall not been good stewards of our land or of the waters surrounding our islands. Extending the leases will only prolong and expand the overwhelming military presence in Hawaii. The heavy influence on our local housing market is but one of many areas of negative military impact on Hawaii. A Hawaii Island low-income rental housing project in which I am involved has been delayed for many months because of suspected unexploded ordnance on the site and surrounding areas. Doing clean-up and monitoring at our own expense has added time and expense to the project. This is but one example of the military abuse of the environment and failure to clean up after itself. Also in the area of housing: rents in many neighborhoods surrounding bases have escalated beyond the means of local residents because of rental subsidies provided to members of the military. There are also neighborhoods where homes owned by absentee military landlords are rented at exorbitant rates to the few families who can afford them. In summary, I urge that all leases not be extended, whether for the current amount of \$1 annually or any other amount. Enough is enough! Sincerely, Wally Inglis Oahu resident

Mike Inouye

Hello, my name is Mike Inouye and I'm a resident of Makiki. I'm strongly opposed to the extension of military leases on the lands of Makua, Kahuku, and Wahiawa, specifically and strongly oppose the continued illegal occupation of the US military in the Hawaiian Kingdom generally. An extension of leases for the army will only result in further desecration and destruction of 'āina and further displace kanaka maoli as caretakers of this land. An extension of these leases will continue to allow the US military to use the sacred abundant places to perfect their chief exports of death and destruction to other sovereign nations. The US military is the greatest polluter on the planet, the US military brings misery, chaos, disorder, exploitation and resource extraction wherever it goes. So how can we trust the US military to be good stewards of the land, let alone, allow them to conduct their own environmental impact statement. They are the foxes guarding the henhouse. They are the arsonist keeping watch over the fire department. They are the invasive in the lo'i that need to be yanked out but the root. Not another 65 years, not another 10 years, not another year period. Land back and a'ole army. Thank you. "

Mikey Inouye

Aloha. My name is Mike Inouye, and I'm a resident of Makiki. I'm strongly opposed to the extension of military leases on the lands of Makua, Kahuku, and Poamoho specifically and strongly oppose the continued illegal occupation of the U.S. military in the Hawaiian Kingdom generally. An extension of leases for the Army would only result in further desecration and destruction of 'aina and further displacement of kanaka maoli, the rightful caretakers and descendants of this land. An extension of these leases will continue to allow the U.S. military to use these sacred, abundant places to perfect their chief exploits of death and destruction to other sovereign nations. The U.S. military is the greatest polluter on the planet. The U.S. military brings misery, chaos, and disorder and engages in theft, exploitation, and resource extraction everywhere it goes. So how can we trust the U.S. military to be good stewards of the land, let alone allow them to conduct their own environmental impact statements? You are the foxes guarding the hen house. You are the arsonists keeping watch over the fire department. You are the invasives in the lo'i that need to be yanked out by the root. We all know that the idea that the U.S. Army will likely take this public opposition seriously is about as likely as the dark side sincerely asking members of the rebel alliance for input on the construction of the death star. This is a purely performative exercise, a tick box on your PR checklist so you can go on ignoring the true will of the people and the growing anti-imperialist decolonial movement that wants you off not just all lands in Hawai'i, but all lands everywhere. This land should be covered in kalo, not shell casings. That's why we say not another 65 years, not another 8 years, not another year, period. This is not your land to lease. Land back, aloha 'aina, and a'ole, U.S. Army. Thank you.

Bianca Isaki Ph.D., Esq.

To whom it may concern,

We have read the EISPN made available by the army at:

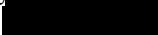
Caution-http://oeqc2.doh.hawaii.gov/Doc_Library/2021-07-23-OA-EISPN-Army-Training-Land-Retention-on-Oahu.pdf

Please add to the "Alternatives" section, alternatives that include: 1) Diplomacy with the perceived enemies of the state that require a USINDOPACOM theater strategy. Engaging with those the military perceives as potentially requiring a combat response and disclosing disputes for civil remediation would foreclose the need for the USARHAW missions.

2) Reprioritize food security and resilient communities as a strategy for the USARHAW mission of contributing to counterattacks. Rather than meet an attack in the theater of U.S. Pacific operations through armed forces, a counter-measure would focus on rebuilding the capacity of communities to rebuild and sustain themselves. This alternative would meet the purpose and need through the long term goal of securing Hawai`i against the depredations of state enemies.

3) Retention of lands to ensure appropriate stewardship and ecological preservation, including wildlife fighting capacity, for the duration of a planning period for transition to a public land trust and/or organizations or associations of communities that will properly steward the land. This would augment your "No Action" alternatives and allow for immediate questions of landowner liability to be addressed to the U.S. military.

4) Restoration of an independent Kingdom of Hawai`i and deoccupation of Hawai`i lands. These twinned goals would set defense responsibilities before the new, independent government of Hawai`i and remove the onus of these concerns from the U.S. and its military, therefore removing the purpose and need for O`ahu lands for the military.

Thank you. Yours, Bianca-- Bianca Isaki, Ph.D., Esq. KAHEA: The Hawaiian-Environmental Alliance 

Tom Iwanicki

Land back bodies back. Aloha. My name is Tom Iwanicki. I'm a resident of Makiki and I'm calling it firm opposition to extending the lease of more than 6000 acres of unceded Hawaiian lands to the US Army. The US military is an act of violence on the 'aina and its people since long before the overthrow and ongoing occupation. These lands belong in Hawaiian hands, not the hands of its oppressors who enact violence on the 'aina violence on our women. Who make the cost of living here unbearable who leave scars and unexploded ordinances in sacred places. Who leaks gas and other poisons into our aquifers among so many other atrocities. These are unceded lands, illegally occupied lands, the argument should begin and end there. This is an opportunity for healing that we should seek. Land back army out. Mahalo nui for your time. Aloha.

Tom Iwanicki

Okay. Land back. Bodies back. Aloha. My name is Tom Iwanicki. I'm a resident of Makiki, and I'm here in solidarity with my kanaka comrades in firm opposition to extending the lease of more than 6,000 acres of unceded Hawaiian land to the U.S. Army. The U.S. military is an act of violence on the 'aina and its people since long before the overthrow and ongoing occupation. These lands belong in Hawaiian hands, not in the hands of its oppressors, who enact violence on the 'aina and violence on women, who make the cost of living here unbearable, who leave scars and unexploded ordinance in sacred places, who leak gas and other poisons into our aquifers, among so many other atrocities. These are unceded lands, illegally occupied lands. The argument should begin and end there. This is an opportunity for healing that we should seize. Land back. Army out. Mahalo nui for your time. Aloha.

Kelsey Jackson

Hello, my name is Kelsey Jackson and I'm a resident of Portland, Oregon. I strongly oppose the extension of military leases on the indigenous lands in Hawai'i. The extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitat of Native Hawaiian plants and animals, and continually disrupt the lives of the local community. The army has wrongfully leased these lands from the State for \$1 since 1964. When the lease expires in 2029...[unintelligible] should be immediately restored to the public and the indigenous people of Hawaii. Thank you.

Karen Jeffery

Please just send them home, cancel all leases with military, protect our aina and our residents...not the deep pockets of the military-industrial complex. 💎

Jamie John

Get the hell out of Hawaii and all of her other islands. The U.S. war machine needs to cease and everywhere you step is stolen land. Fuck the troops

Emily Johns

End the military occupation and return the land to native Hawaiians. Protect our natural resources.

Christina Jones

Hello,

As a long term resident of Maui, not of Hawaiian descent, I feel it is my duty to speak up about Hawaiian land issues. My intention is to help find balance between the US and the Hawaiians.

There are many native Hawaiians who are waiting for land. If any area up for lease could be given back to the people whose ancestors cultivated this region, as act of good faith, please consider it.

Thank you

Katie Mae Jones

It's 2021 and American rent is past due. I am a resident of Wahiawa, HI, and my family has a history of military service, my father having served in the Navy for 13 years. It is absurd that the military is able to rent thousands of acres of land for a dollar, when the people of Hawaii experience dire economic and environmental consequences from the American state legacy of settler-colonialism, military imperialism, racism, extractive capitalism, and environmental degradation. In the face of global climate change, and with the knowledge that the US military creates more global pollution than a combined 140 countries, it is past time for the military's lease on Hawaiian lands to be vacated. Land back now.

Nathalie Jones

To whom it may concern:

I am firmly opposed to the US Army's retention of "state" lands at Mākua, Kahuku, and Kawaihoa-Poamoho and I support the "No Action Alternative" that would allow these three leases to expire and require that the Army comply with the terms of the lease, including clean-up and restoration of these lands. I do not support Alternatives 1-3, which would not bring about much needed change to communities on 'Oahu.

The US military occupies 22.4% of the land on 'Oahu, an island which is over-populated and becoming increasingly difficult to live in due to housing shortages and the high cost of living. Once the Army's lease ends, the land should return to the people who live and work on this island, the kama'aina and Kanaka Maoli (native peoples of this land). We are currently not able to provide for the basic needs of local people, an issue only emphasized by the COVID-19 pandemic. This needs to change now. Army training does not directly impact food security, homelessness, or local resilience in general, especially in the time of a pandemic. Our community must turn the focus to the people of Hawai'i and their immediate needs. Once the aforementioned leases end in 2029, the Army needs to turn over the land back to the people. 65 years ago the world was a very different place but the 'Oahu of today does not benefit from Army occupation and use of Mākua, Kahuku, and Kawaihoa-Poamoho.

Once again, I support the "No Action Alternative" and am deeply opposed to continued Army occupation/lease of the lands at Mākua, Kahuku, and Kawaihoa-Poamoho.

Thank you, Nathalie Jones

Shanti Jourdan

"Hi, my name is Shanti Jourdan spelled S as in Sam. S-H-A-N-T-I. Shanti. And Jourdan, J-O-U-R-D-A-N. sh. Again, that's S-H-A-N-T-I J-O-U-R-D-A-N and I'm a resident of Oakland, California, zip code XXXXX. I'm calling to voice my very strong opposition to the extension of military leases on the lands of Makua, Kahuku, and Wahiawa. I hope I'm saying that right. And please pardon my mispronunciation of those lands. I feel that an extension of these leases and deeply believe that this extension will be to further harm done to the native Habitat to the animals and the plants. And I do not in any way support an extension of military lease. I feel the army has very wrongfully leased these lands and It's a continuation of harm from the 60s and I hope that it discontinues, very soon. Thank you so much. Again, my name is Shanti Jordan and my zip code in California is XXXXX"

Jim-eok Jung

Allowing the lease renewal for the Army to stay on Hawaii land will continue to displace the people who are Indigenous to that land, and who are the rightful owners of it. Hawaii and its people and resources have been under threat due to the increase in people moving in and treating sacred land like a tourist attraction for years. The Army must pull out of the lease in order to avoid displacing and hurting the people of Hawaii, and taking away their very own resources. People of the land are the rightful owners of it, but they have been stripped of all that is sacred and important to them. I urge you to consider the social, environmental, and cultural implications of what renewing this lease would have on the people whose land the Army have been occupying since the 1900's, to have empathy and think about how you would feel if your own people were being displaced out of your own land, and what that would mean for both the people of Hawaii and the rest of the world. Thank you.

Linda Jury

"Hello, my name is Linda jury. I'm a resident in waianae long time lifetime resident of waianae, Hawaii. And I'm calling to express my concern about the extension of the lease and all of those places, especially in Makua valley. I believe that our people have long endured The military occupation of our valley, and I do not agree with extending the lease another sixty years. Absolutely not. I'm calling to oppose the extension of the lease and my name is Linda jury mahalo "

Erica K

Aloha, My name is Erica K. and currently I am a resident of Portland, Oregon but was born and raised in Hawaii. I'm writing in opposition to the extension of military leases on the lands of Makua, Kahuku, and Wahiawa.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitat and continually disrupt the lives of the local community.

I lived most of my formative years in Mililani which is close to the Wahiawa base. I remember the constant noise of military helicopters late at night and the sounds of gunshots during military practice. All that noise is so disruptive and just a constant reminder of the damage and desecration being done to the land and local communities.

The Army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should be immediately restored to the public.

S K

This is beyond harmful! Please literally stop and give the people of Hawaii their Land back

Kaleikoa Ka'eo

Aloha. Aloha 'aina oe io welina. Aloha nui kakou. A o inoa Kaleikoa Ka'eo i ke keiki papa no ka mokupuni o Maui. A no lela.

Just to be real quick, and has been said over and over again, let's be clear. We are as a people, our lahui kanaka are totally 100 percent against any more destruction, poisoning, and the death and the poisoning of our 'aina, our lands.

As we all know, the United States is a foreign, belligerent, military. They have a presence that's illegal in our islands and unlawful since 1893. Our people have never given consent to not one soldier being in our land, to one valley being poisoned, to any of our waters being diverted and wasted upon any of the military installations.

We are under an illegal occupation by this foreign power, who has proven over and over again. This is not an accusation. This is proven by fact. Over and over again, which has, I mean, so when we look at the so-called lands that have been leased and they propose to lease, all we got to look at the record at the so-called lessees, and you can see they have never been good tenants at all.

And so when we talk about what they might do, let's look at what they have done. And before you talk about expanding, go and clean up your mess in the -- first of all.

And secondly, just to kind of be real quick, just to remind you that you have a long history, the U.S. military presence in the Pacific, of poisoning, of death, of destruction of native peoples, whether we talking about our brothers and sisters in Micronesia or you talking about the Seventh Fleet from the Philippines up into Okinawa, the Pacific peoples have always, always resisted the U.S. empire, who have forced themselves as part of the mentality of dominance of the people of the Pacific.

And let me just say directly to Colonel and the rest of U.S. military, you have no honor. You have no honor. You are not people of freedom. Your people are the home of supremacists, for far too long have been a fakery and sham. Land of the free -- no, land for free. That's what you always have expected.

And so we -- we will never -- we will never -- we will never accept your presence in these islands. We'll never accept what you plan to do. And so my hope is that you would all pack up as soon as possible and leave these islands forever and not to return.

So you don't come here as peacemakers, but as foreign, unwanted invaders. And if you had honor, if you really had honor, you would see us as human beings, as I can see you as a human being. But I don't know if you're really human, if you consider yourselves human beings, when you bring death and destruction and dehumanization to peoples around the world.

And so I would ask that you take back this message to your big boss back in Washington, D.C., and tell them that we don't want you here. We never wanted you here. And we expect at some time in the future that you will leave our islands. So with that, ku e mau a mau. Mahalo nui.

Andrea Kaaawa

"Calling regarding the training area. First off, the price of \$1 a year for 65 years, when dollar to lease, that ridiculous. ridiculously low. I think that, you know, we do need training facilities on a place where there is land. Quantities of land, not on an island. There's too many contaminants that come in. For example, the devil weed that the military brought in from Southeast Asia, something like that. Maybe via the Stryker Brigade. I know it came through. Taking up residence all over the island. Now if you get a can't stop it. Was courtesy of things that go wrong and training facility areas. They started pretty much North Shore, Oahu probably between The Kahuku training area and the Whenever that military establishment. What is it called? Anyway, the base on the other side of the island and that, that's the kind of thing that can happen in and must be investigated why why that happened and and it's why is it not being eradicated. It could have been eradicated at the beginning. So the harm that this does, this training area has caused widespread to Oahu, is what I'm calling about mainly and then the fallout from the Stryker brigade itself that we had tons and tons of air, full of waste products that were pollutants. Put into the air and into the water, while those vehicles were on move, you know, moving across that drum road. From Schofield was I guess to Kahuku. These kinds of things are a chance to Training areas. I guess that you find acceptable, but it's not acceptable in a place where people are trying to have a healthy life. Now, there is also talk about their radar. The whole radar. That's another one. It's just got some radiation things that are socially supposedly low level you know certain things. Oh, they're not going to be so bad, but you know you don't go into them in depth and they are bad and collectively their worse. So this is something that I think really really needs. To be not only really just studied and then he is but just from the beginning, say, look, this is going to cause this pollutants just devil weed or whatever else comes up. Just prevent it go somewhere there is much more land something much more under control, not a jungle where things grow like crazy. thank you Andrea Kaaawa. "

Krysten Ka'ai

To whom it may concern,

My name is Krysten Ka'ai. I am a Hawai'i born native, raised in a town on the Leeward Coast of O'ahu called Wai'anae. Being born and raised In these beautiful Hawaiian Islands is something I am so grateful for. It is a blessing that I surely am thankful for everyday.

I am writing with great concern regarding the efforts to maintain extensions of military leases on public Hawaiian lands. My family and I grew up on the beaches near Mākua and we still frequent the area often. Throughout the years that military personnel has had over these landmarks has negatively impacted the natural habitat.

I humbly ask for the land to be given back to natives to restore, just as many volunteer services has been sent to the island of Kaho'olawe in the continued effort to replenish the damage done to that island. If the military continues to control these lands more damage will be done.

Thank you for your consideration.

Mahalo,
Krysten Ka'ai

Kalani Kaanaana

I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... I oppose lease renewals for live fire training exercises because of the significant impacts to the environment and our people. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo'olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendents and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access.

In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuoa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using.

Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands.

These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities.

US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are

exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. In 1997, the CEQ produced a guide titled “Considering Cumulative Effects Under the National Environmental Policy Act” which provides a framework for advancing environmental impact analysis by addressing cumulative effects in either an environmental assessment (EA) or an environmental impact statement. The EIS should employ this framework in order to address the cumulative effects of all related military activities, not just the proposed project.

Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored.

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Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good.

Von Kaanaana

"Aloha mai kakou, o Kekoa Kaanaana kou inoa. My name is Von Kaanaana, I am from Kahuku born and raised, and I believe the military should not be allowed to Lease this land any longer, and that it should be returned to its stewards, the kanaka maoli Native Hawaiian indigenous people of this land, of this aina. It has been proven that the military does not care about the environmental impact at all within these areas considering the amount of gunfire and training and explosions that happen, the US military needs to deoccupy Hawaii and leave because you are illegally occupying this land. Period. You folks have gotten away with robbing Native Hawaiians and indigenous people for too long, and it's time for the land back. 'Aina back to its original stewards, so that we can properly take care of this 'aina, as we have for millennia. mahalo Nui loa for your time. Thank you. "

Iokepa Kaeo

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... The military has shown to be unable to be good Stuar'ts on the stolen lands of the Hawaiian kingdom. The prolonged illegal occupation has ravished our aina. The \$1 lease is a prime example of the corrupt system of colonial settlers. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai'i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai'i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai'i courts have also acknowledged the state's constitutional duty to mālama 'āina. The leasing of 'āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need 'āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The "highest and best use" of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O'ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a "no action alternative" as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai'anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from 'āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the "fair treatment of all people". Fair treatment means "no group of people should bear a disproportionate share of the negative environmental consequences". The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to 'āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai'i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai'i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these

communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku. End the illegal military occupation of the Hawaiian kingdom

Ku Kahakalau

My family and I strongly oppose the U.S. Army's intent to continue to use more than 6,000 acres of state land on O'ahu for military training. With less and less open space on all islands, particularly O'ahu, it is unconscionable to allow further use of the Kahuku Training Area, Poamoho Training Area and Makua Military Reservation by the Army, Marine Corps and Hawaii Army National Guards, even if the military was to pay market lease prices to the State of Hawai'i. According to our cosmogonic genealogies the land is our older sibling and should not be intentionally damaged by anyone. We Native Hawaiians have been traumatized by the US military at least since the illegal overthrow of our beloved Queen Lili'uokalani, which has resulted in widespread historic trauma evident in Native Hawaiian education, health and economic indicators. In order for us to heal, the purposeful destruction of our land must stop. Me ke aloha 'āina, Kū Kahakalau, Ph.D.

C. M. Kaiama

Hawaii has had to shoulder the burden of the American military's presence here in the Islands since 1893. If you truly cared about keeping people here safe, then you would down-size immediately. Your unbridled use and abuse of our lands for military expansion has made Hawaii a target of every American enemy. We need this land more than ever now, not you. Please clean it and make sure it is in the pristine condition that it was in before you occupied it, and leave. The Continent has so much land, go there and do your maneuvers. Aloha Aina! C. M. Kaiama

Ron Ka-ipo

Do not extend lease beyond 2029 at Pohakuloa. "War is obsolete." Bots have replaced boots on the ground. 23,000 Acres need too be healed. All that depleted uranium. Radioactive killer of future generations.

Kyle Kajihiro

Aloha kākou

Please find attached scoping comments on the O‘ahu ATR EIS from Hawai‘i Peace and Justice and Koa Futures with attachments.

Thank you.

Best regards,

Kyle Kajihiro

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Kyle Kajihiro

Please include the attached report with my scoping submission. Thank you.
Sincerely Kyle Kajihiro Maly Ahupuaa of Makua and Kahanahaiki w Map.PDF
[File size exceeds max capacity; see Sharefile]

Kyle Kajihiro

So thank you for this opportunity. My name is Kyle Kajihiro. I live in Mo'ili'ili. I'm a lecturer at U.H. in ethnic studies and geography. I want to talk about scope, legal principles, and purpose and need. The scope has to consider the tempo access past, present, and future. This means looking toward the past for what practices existed in these lands that have been temporarily suspended but could be revived. And it also has to look at the historical trauma. You heard about the overthrow, eviction and dispossession, fires, unexploded armaments, and the slow violence of toxins. The present. How -- how is the dispossession or the Army's retention of these lands affecting the diaspora of Hawaiians who are connected to these places who are now orphans from their ancestral lands? How is the denial of meaningful access and cultural practices affecting the continued vitality of Hawaiian culture? Looking to the future, will it -- this is a pivot point. Will it be a future of healing and resurgence, or will it be the ongoing violence of semi-colonial dispossession? On the spatial access, the -- the announcers must go beyond just the local sites that are being affected. Some have already testified about where are these wars that are being practiced on Hawaiian lands affecting? Who are the people that will be affected by these wars? Who are the people that have been dispersed, who have been evicted from these lands? How are they also being affected by the continued dispossession? This gets to the cumulative impacts. They have to look at total effects, direct and indirect, as well as the synergistic effects of all these actions. Legal principles. The U.N. declaration on the rights of indigenous people says that indigenous peoples have a right of free, prior, and informed consent. And several people have spoken to this tonight. So to frame it another way in the anti-rape slogan, no means no. When people say no, that has to be respected. And this part of the international framework. There's a Hawaiian proverb, Ke ali'i ka'aina e kaue ke kanaka. The land is chief, and the human is the servant. So what rights does the land have? To not be desecrated, to not be shot or bombed, to not suffer abuse. The court upheld the principle in the Pohakuloa lawsuit of malama 'aina. This should be a guiding principle for moving forward. And on the purpose and meaning -- ... Yeah. Last effort. What does the 'aina need? What does the community need to continue its practice? The military needs to repair the harm it has done to the land and community. And I just want to end with a quote from Walter Kamanaho who testified in 2001. He's a kupuna from Waianae and who was evicted from Makua. He said, "I was small, used to run when the plane come in. The plane had no respect for people living in the valley. Only had one small little church. You ever seen the church get bombed on Sunday? I seen that. Small boy. I seen my church get taken away by a bomb. I hope my ancestors come back outside and tell you guys, because I going tell you why. Nothing can cover that, yet you continue it more and more. You bury all water wells inside there. You bury toxic stuff there. You cover up, bury inside that place. No come down here, use us Hawaiians. We been taking and holding our puke. Something hurts so much, yeah? Go home with a big worry. Think about us. Sometimes we can bite back hard." To repair the harm, you guys are returning the land and sovereignty. And that must be the guiding purpose for the CIS. Rename the study Army Training Land Return Environmental Impact Statement. Thank you.

Lahela Kalohi-Arroyo

Chief of Staff of the Army General James C. McConville has advocated for the People First intuitive. He said "When we take care of our people and treat each other with dignity and respect, we will have a much stronger, and more committed Army". While only 0.7% of active duty soldiers are Native Hawaiian, we do serve along side the Army's diverse population of men and women. You must give the land back to the native people of Hawaii. Land is scarce these days especially on Oahu. Some of the land the Army is occupying for \$1 for 65 years could be used to house native Hawaiian's. The Army claims to need the land for training. They can afford to send entire Brigades with their equipment from all over the US to Europe. They can certainly afford to send smaller units for training from Hawaii to other locations.

Give the land back! Live up to your motto of "People First" stand in solidarity with the native Hawaiians and return our homelands.

Thank you for your time and consideration.

Sincerely,

Lahelaonalani Kalohi Arroyo91 BEB Senior Enlisted AdvisorFort Hood, TexasXXXXXXXXXXXX

Leah Kanae

Aloha, I am strongly opposed to the extension of military leases on the lands of Mākua, Kahuku, and Wahiawā.

An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitat of Native Hawaiian plants and animals and continually disrupt the lives of the local community.

The Army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, these lands should be immediately restored to the public.

Mahalo.

Kanaloa Kane

To whom it may concern,

Aloha, my name is Kanaloa Kane, and I live on the east side of Oahu. I am a native Hawaiian who heavily opposes your plans to extend your lease(s). As a resident of Hawaiian Homestead Lands I find it highly off putting that every single Hawaiian on Homestead Land pays more per year, per lot than the military and we actually have a right to be here. The environmental damage you guys cause to our aina is absolutely outrageous and quite frankly it's a waste of your own funding and resources. We have to save what's left of our tiny island home before there's nothing left.

Please put an end to this madness, Mahalos

Hope Kaneakua

"Aloha kakou. My name is hope kaneakua. And I'm a resident of Paho, Hawaii. I am strongly opposed the extension of military leases on that lands of Makua, Kahuku, and Wahiawa. An extension of the leases will allow the military to further damage the natural resources of these areas. Destroyed the natural habitat of Native Hawaiian plants and animals and continually disrupt the lives of the local communities. The Army has wrongfully leases land from the state for \$1 since 1964. When the lease is expiring 2029 this man should be immediately restored to the public. Mahalo Nui loa. "

Kaimana Kanekoa

I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... The further desecration and destruction of Ohana and Aina will continue as a result of continued military presence. Hawaii, with Oahu in particular, have suffered so much devastation loss and damage from the invasion of foreign ideologies, that what is left of culture and resources is a mere shadow of what it was. But those things can return with proper care and cooperation between people, not corporations. Of which the United States Military is one.

Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities.

All of these very valid points should be considered and weighed in the decision making process. These concerns that have all been found to be not only accurate but legally enforceable in one way or another, involve impacting the lives of REAL people. Especially indigenous people whose ancestral lineage is derived from the very land and valleys under review.

Kyungmin Kang

I please request that the military will not re-lease lands that should be made public.

Vagmi Kantheti

This land should be returned to the native people of Hawaii

Dani Kaohe David

No no no. 'A'ole. When will enough be enough? Stop allowing the military to have control of our home. Native Hawaiians are shut out of parts of the island because the US military are occupying these spaces of land. Oahu it not an island anymore, it's a base with bases. Land lease is a lease is for a reason. When their time is up the tenant, in this case the US military needs to evacuate. Let these leases expire, do not renew them. Let the environment breathe, relax, and rejuvenate itself. Let it be still and have no destruction be done to it.

Piilani Kaopuiki

Lands leased to the U.S. military should not be re-leased to them. The world has changed tremendously since the 1960s when the land was leased. The U.S. should have learned from the experiences of the many conflicts that have not been won militarily over the years. Conflicts with passionate nationalists in numbers smaller than U.S. forces have prevailed in their fight for their homeland. Conflicts with countries with endless potential reinforcements definitely will not hesitate to take on the U.S. military – China and Russia.

The U.S. military cannot overcome issues such as the aggression in fishing in the Pacific from China. Ideological challenges from China and Russia willing to deploy military might to fight the U.S. cannot be overcome militarily. Hawaii's location in the Pacific makes it a prime target for military assault.

Hawaii, in this time of global upheaval, can and should provide a space for diplomacy and international peace discussions. In other words, a Switzerland of the Pacific. A continuing mighty U.S. military presence would diminish the diplomatic intention.

The U.S. military does not fit with the current view Hawaii has of itself for the future as a place striving for food independence through increased agriculture use of its lands. Currently the U.S. military occupies a substantial amount of land.

Kawena‘ulaokalā Kapahua

"I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... The military presence in Hawai‘i is actively harmful to everyone in Hawai‘i. The military bombs our land, poisons our drinking water, destroys our environment. The military is a force for evil and imperialism and should not be in Hawai‘i. The US military is illegally occupying Hawai‘i and illegally overthrew the Hawaiian Kingdom. If this sounds like an elementary testimony with very simple sentences, it is because the military has proven itself to be elementary. No more bases, no more leases. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons

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for any life, but especially not the lives of non white, non Americans. They poison our water, they rape and murder women in our communities, they destroy our land, and lie and erase our history all in the name of making money for weapons manufacturers. The United States America has no business being in Hawai'i, it has no business even being in the American continent that it stole from Native Americans. The Hawaiian Kingdom does not need to be held hostage by you, abandon your bases, clean up your bombs, pay us reparations, give us back our independence, and leave Hawai'i and the Pacific forever you imperialist pigs.

Jordan Kapeliela

This is such a waste of land. Why must we hurt others just for money? And why must you hurt the Hawaiian people more? It's as bad as beating a person on the ground that has been beaten many times prior. Kanaka Country!

Chezerie Kapiowainuinui

Okay. Great. Aloha, everyone. Thank you for everyone's testimony. My name is Chezerie Kapiowainuinui. I am of Hawaiian descent and a lineal descendant of the chief of Kaua'i. I am opposing the lease extension to the military and, yeah, I don't think that we should -- I don't think the leases should be extended again due to the fact that we had so many Native Hawaiians that don't have -- that don't have homes. We have a lot of pollution from the military, and we would just like if we could that all cleaned up. And, like, the desecration of our land from the military has been very terrible. We have the most military installations here in our 'aina. And, like, for myself, I pay \$4100 rent, so for the fact that you guys get leased land for a dollar is such an insult to me. I work so hard to live here on my own land that I am, like, lineal descendant from past the 1700s. Like, we all take care of our 'aina, and you guys don't show that you guys care about the people. You guys don't care about the water. You don't care about the land. And I just oppose any kind of lease extension to the military. We need to take care of our own people. Our people here are suffering, and we don't have -- we can't go back to the continental United States. That is not where we're from. We are from Hawai'i. All we want to do is grow our own food and take care of the land and the water, because that's what's important. And so, yes, I oppose the lease extension. And I hope that you guys can find it in your heart to, like, really look at the problem that we have here in Hawai'i and what we can do together to fix it. Because we have so much displaced Hawaiians, and the dollar leasing to you guys is, like, I cannot even believe that the fake state has leased out these lands to the military. And you guys just keep polluting, bombing, desecrating. And, you know, you guys just, like, don't care. So I oppose. I hope you guys can find it in your heart to make a difference so that we can, you know, make things better here for people. And, yeah, so thank you for listening to my testimony. I hope that we can come to common grounds so we can fix all this that has been messing up our land here. So you guys have a great night. Thank you so much.

Ku‘ulani Kato

“NO” to the Army’s proposal to retain 6,300 acres of “State” land (of the 18,060 acres they currently control) for another 65 years. This includes Kahuku, Kawaihoa-Poamoho and Mākua. Ku'ulani Kato

Alihilani Katoa

Aloha mai kākou,

My name is 'Alihilani Katoa and I am a resident of O'ahu (Pālolo Valley district) since birth. I am strongly opposed to the extension of military leases on the lands of Mākua, Kahuku, and Wahiawā. These ahupua'a should instead be designated for the Native Hawaiian community, and Hawai'i residents as they are on ceded lands. There are an estimated 15,000 people who suffer from homelessness in Hawai'i and majority of those people are of Native Hawaiian descent. The cost of living/owning a home or 'āina in Hawai'i is astronomically high, and is increasing each year. It is egotistical of the U.S Military to be leasing land for 65 years at \$1 while my kānaka 'ōiwi lāhui are houseless.

I oppose the U.S Military using our lands and waters for target practice, training, housing of Military residents, and storage for nuclear weapons for another 65 years. This will cause further irreversible damage to our delicately balanced eco system. These lands should immediately be redirected to the public and the Native Hawaiian Community.

Military occupation has had a detrimental impact on Native Hawaiians and our homeland. It has caused land alienation, land dispossession, poverty, homelessness, extinction of endemic plants and animals, the loss of cultural identity, and genocide of Native peoples. I urge you to reconsider.

Mahalo,
'Alihilani Katoa
O'ahu Resident

‘Alihilani Katoa

I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because...These lands should be redirected to Kanaka Maoli, and residents of Hawai‘i. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts.

The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored.

Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. In 1997, the CEQ produced a guide titled “Considering Cumulative Effects Under the National Environmental Policy Act” which provides a framework for advancing environmental

impact analysis by addressing cumulative effects in either an environmental assessment (EA) or an environmental impact statement. The EIS should employ this framework in order to address the cumulative effects of all related military activities, not just the proposed project.

US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities.

These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities.

Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands.

In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using.

These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access.

Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted

communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Ua mau ke ea o ka aina i ka pono o hawaii [the life of the land is perpetuated in righteousness]

Aaron Katzeman

Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts. The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored. Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world. US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from

industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities. Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawaihoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands. In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using. These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendents and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access. Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Kendall Kaufmann

To whom it may concern,

I am standing in solidarity to demand the return of Hawaiian lands to Native Hawaiian people. I demand the immediate removal of any and all US military operations and military bases from Hawaiian land and Hawaiian seas. Return and restore the land back to Hawaiian people.

Discontinue the abuse of Hawaiian land for colonizer military trainings.

That is all you must do at this point. It is your duty to remove yourself from the Hawaiian land you are illegally occupying. Kendall Kaufmann Civil and Environmental Engineering, B.S. Minor in Urban and Regional Studies UCLA 2020

Tanya Kauhi

I believe that it is imperative for the army to have this space to train for the safety of the nation and specifically, Hawaii. But I don't not believe the lease payment should be any less than what market price should be. The \$1 agreement is a joke and that agreement was intended for HAWAIIANS...not the military. So if they want it, they should pay the corrected price as it should be. That funds will help to lift our lahui out of poverty and homelessness which is the right thing for both sides.

Law Kawai

All right. Aloha. Aloha to everybody doing the testimony. Mahalo nui. Kia'i. The proof's in the pudding.

Ignorance of the law is no excuse, especially the laws of these lands, the laws of the kanawai. The laws have been pretty much stated as the evidence of this show that's being put on right now.

We have always been a peaceful people. We have always been a family-oriented people. But this kind of stuff right here, sometimes it's just a little bit too much when you push. So the people have spoken and laid the facts and the truth down.

And I'll just keep saying it, because Daniel just speaked, and he spoke of the truth, of the diabetes, of the way we live and the foods we eat. That is in one word in everything that's being done.

And ignorance of the law is no excuse now. And the word is genocide. That word is heavy, heavy actions right there. Under the kanawai of the law of these lands, it's even more heavy. And the people have spoken pretty simple.

A lot have asked for restoration. A lot have asked for peace and friendship and just do what's right. But the people spoken, and it's pretty hard not to say anything when you hear all these alaka'i kia'i speak the truth.

And the real truth of it all is that this whole thing is a big mockery and a big show for paperwork, for commercials, for civil beat, for media. It's all a play. And everybody knows it's a play. That's why the kia'i step up.

You destroy our medicines. You destroy our way of living. Even to protocols, Colonel, even to protocols of the ha'akoa being taught when chain of command is being exchange of command with the ha'akoa protocol, which is the kanaka maoli and protocol for the ali'i nui, the king of these lands. And that is the facts.

Because ignorance of the law is no excuse, and the laws of these lands say who is responsible, who is responsible for the people, the land, the chiefs, everyone, the food, the water. The law says so.

And under that Kanawai Malamahoe, it says so, who is the root. I just wanted to say eo e kua nakapaia kia'i. And aloha nui and aloha kou malie. Aloha.

Katherine Kealoha

Aloha,

I am writing to submit my personal comment regarding the military's retention of training land on O'ahu. Throughout my entire lifetime, the Army has held these lands for training, effectively excluding those of us raised here from accessing them. Makua in particular has been the site of many live fire trainings, and in recent memory controlled burnings became uncontrolled threatening already extremely endangered populations of native plants and animals in the area. The trainings done in these areas leave them highly unsafe, with unexploded ordinance a major concern. Another 65 years of this will only compound the issue. Rather than extending the lease, these areas should be returned to the descendents of the original occupants and surrounding community, and the army should instead focus their efforts in supporting us in undoing the damage that has been done. I personally have no access to the 'ili of ko'iahi, who we dance for, and no idea if the small leaf maile named for her still exists. Even if it takes my entire lifetime to make these lands safe, it would be worth it for our future generations to have safe access to ancestral lands. The greatest threat facing my children is not a physical enemy that will storm our shores, but instead climate change, disappearing watersheds and a lack of resources. The army retaining these lands would only put us in a more precarious position, as we would not have access to valuable lands to restore watersheds and increase production of food. I hope that the army seriously considers these concerns and revises their plans.

CJ Kee

Hello,

I'm a resident of O'ahu, an attorney, a Korean American, the daughter of a U.S. Army Vietnam veteran, and the granddaughter of a U.S. Navy WWII veteran. I strongly oppose the U.S.' political, economic, cultural, and military presence in Hawai'i. I oppose the renewal of these leases. Entirely. The Army should not and does not have any entitlement to these lands, and is clearly not the best steward of them- under any framework one might use.

I realize that my email can and will be distilled down to a single "no" which is why I choose to branch out from the specific EIS parameters you've requested. I oppose not only the environmental harm that the leases enable to the specific lands under review in this EIS but also the widespread harm that U.S. military presence does to Hawai'i through bringing foreign (yes, foreign) troops here to pollute, use resources, and drastically manipulate the local economy to the detriment of Hawai'i residents - for instance, the housing market. Who does this serve? What true "security" would Army retention of these lands bring to the land itself, to the people here, or even the troops themselves? It boggles the mind how the Army did become a lessee of lands in trust for Hawaiians and the public in the first place. Truly, what a tenuous link (if any) there is between the Army's purposes and public good.

These lands do not belong to the Army, and never will. It's a travesty that they have been used like this, and unjust that the people with the truest relationship with them have been cut off from caring for them, from continuing their cultural practices.

Do not renew these leases. It doesn't serve the trust beneficiaries one iota.

CJ Kee 

Finch Kehoe

I support giving the native islanders back their land or at the very least offering at fair market value.

Merania kekaula

My name is Merania Kekaula and I support the movement demanding Hawaiian land be returned to the rightful owners from the land grabbing US military at Kahuku training area, Kawailoa-Poamoho training area and Makua military res. on Oahu. More importantly what is your reason for writing up an eis? The community doesn't want the military erecting their radar system in Kahuku; we are adamantly opposed to your radar system for obvious health issues being one of the most important reasons; rather the military needs to fix the red Hill disaster where leakage of fuel threatens the water system for many communities. Clean up your mess and get OUT!! We don't want anymore of your anti-citizenry agenda; leaving thousands upon thousands upon thousands of American citizens in Afghanistan as your latest atrocity on your own people; leaving them behind enemy lines; the zenith of treachery by your commander in chief! Give the land back to the Hawaiians and get the hell out of the state of Hawaii!

Kiana Kelae

"Aloha. My name is Kiana Kelae, and I am calling to leave testimony to oppose extended military leases in Makua, Kahuku, and Wahiawa. Sadly, all indigenous land should be free from the military, but for now I want to focus on my Hawaii. I care about it a lot for my kids benefit to experience the land that was I never got to experience. You know, like I've only experienced Makua valley access from Malama Makua and it is beautiful, is all of our Hawaiian people were able to experience that, I think it would change their perspective on how the military should not occupy Hawaii anymore. It's been too long. I do not agree. Thank you. "

Kara Kelai

I oppose the renewal or re-leasing of any lands at Mākua, Kahuku, and Poamoho because... The land has been desecrated enough. It is time for the US Military to clean up the land and head back to the US continent where they belong. Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good. These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. As such, the EIS should analyze the cumulative effects of these leases in the context of past, present, and reasonably foreseeable future actions, and in relation to the accumulation or synergistic interaction of other military impacts.

The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored.

Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. In 1997, the CEQ produced a guide titled “Considering Cumulative Effects Under the National Environmental Policy Act” which provides a framework for advancing environmental

impact analysis by addressing cumulative effects in either an environmental assessment (EA) or an environmental impact statement. The EIS should employ this framework in order to address the cumulative effects of all related military activities, not just the proposed project.

US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities.

These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities.

Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands.

In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using.

These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendants and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access.

Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted

communities such that “decision makers will seek out and facilitate the involvement of those potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Mabel Ann Keliioomalu

It is unacceptable for Training on Oahu. The Federal & State has a judiciary duty to Native Hawaiians as they wait on the list of the Department of Hawaiian Homes Land. Appalling yet truthful. Priority and Resolutions should be made for the host populous of these islands, yet they die waiting for land that they can call their own. Ideally would be if Native Hawaiians can live equally to those in the military, exclusively with their own shopping centers, medical centers, and recreation parks. There is no shame in asking for more and more, an exclusive Ford Island and a Bridge to access, while many live on the beach, yes it's no new that the homeless population consists of Hawaiians. Bomb Kahoolawe, no clean it up, move to Makua Valley pristine aina to damage and abuse a valuable asset. There is the land elsewhere deserts can be used to destroy where no one lives. The military is bad neighbors, they do not clean their sites, look at Bellows's Nike site. They consistently lie to us all, no uranium at Pohakuloa, they found it there now. We are on an island with many people do your training elsewhere in the world. No more land for you. Hawaiians are in dire need of housing, put that as a priority federal help to put affordable housing up.

There are many other issues, air space and the continual noise pollution over communities. Who monitors that. FAA then why is it we hear it all night. The military vehicles are busting up our roads, do they help federally to repair it. The water here is precious they have golf courses that are watered with our drinking water. Why? Because they have exclusive rights to defending our liberty. We as Hawaiians have been taken advantage all these years. My father died waiting for his home at 80 years full-blooded Hawaiian, I have been waiting since 1984. No more land deals with long term leases. Just stop it all. Go elsewhere to train.

Sadhbh Keller McLeer

America could be a very wonderful nation, but as of now the red and white stripes stand for violence. Clean up the horrible history we've written, free the Hawaiian people of military occupation.

Emmeline Kelley

Please do not extend the lease that leads to US army occupation of Hawaiian land. Native Hawaiians are already being forced off of their lands because of tourism and rising expenses of living on Oahu - extending this land occupation will only make it harder on them. Please do not do this- military occupation is just an extension of violent colonialism that the US has inflicted on Hawaiians for centuries. Be part of the movement that begins to end this and give the land back. Please.

Emmeline Kelley

Please don't extend the military occupation of Hawaiian lands on Oahu. Native Hawaiians are already being pushed off their lands by tourism and rising costs of living on the island, and extended military occupation will only exacerbate the problem. Military occupation in Hawaii is an extension of the violent colonialism inflicted in Hawaii by the US - please be part of the movement that halts this violence by giving the land back.

Jonah Keohokapu

Mahalo. Aloha, everybody. My name is Jonah Keohokapu, a lifelong resident of this beautiful place we call Wahiawa in the district of Kukaniloko. I want to address the elephant in the room again. United States of America and American military illegally occupy Hawai'i. I want to say that again. United States of America and their military illegally occupy Hawai'i. There is no mechanism of conveyance. There is no treaty of annexation that can affirm the Hawaiian Kingdom of seceding its sovereignty to United States of America.

So that's the big elephant in the room. No decision should be made, because America, the fake state of Hawaii, doesn't have kuleana for this 'aina. We do as a people there. We are the aloha "aina of this place. Okay? So that's the first thing.

Secondly, 100 percent not renew any lease at all. These lands are for our people. These lands are for our community. These lands are for our keiki, to benefit us. Right now, these lands are benefiting endless war, corruption. The military has continued to destroy, desecrate, and poison this place with no disregard to our people at all.

My whole family is in the military, and I love them for that. They put their lives on the line to support your endless war. But enough is enough. This is our time to come back and malama our mama, this place. We need to take care of her, because America, United States of America, and the fake state of Hawai'i has never taken that kuleana to be pono.

So right now, I'm just saying right now, please do not renew any lease to the American military. Mahalo.

Courtney Ann Keohulua

"Aloha mai kakou. My name is Courtney Ann Keohulua and I am a resident of Kaneohe, O'ahu, but my family hails from Molokai and also have big island. I'm calling in regards to the extension of military bases on the lines of Makua, Kahuku, and Wahiawa. I'm calling in regards to these extensions, because I believe that they should not be granted an extension, but these leases allow for the further desecration of our natural resources and they inhibit the growth of our natural habitats of our Native Hawaiian plant and animal species. Allowing an extension on these leases will continue to disrupt the lives of our local community. And I believe overall that the military has wrongfully leased these lands from the state of Hawaii since 1964. when the lease expires in 2029 this lot and should not be released. Again, It should be immediate be restored to the public. They should have any questions, please feel free to give me a call back. My phone number is XXX-XXX-XXXX. Again, my name is Courtney Ann and I'm a resident of the islands of Oahu and I am strongly opposed to the restoration of leases for the military. mahalo. "

Kea Keolanui

"Hi this is Kea Keolanui. Phone number XXX-XXX-XXXX and I would like the environmental impact statements for Pohakuloa training facility to focus on soil erosion and basically the impact on the soil and the overall terrain in Pohakuloa due to the explosions. We've driven by in seen multiple tornado-like events that are picking up dust because of the lack of vegetation, which is being you know, decimated because they are driving on the vegetation. They're using explosive material on the vegetation. And at this point, we don't see any replanting from the road and that point of view. And so my question would be, are they actively keeping an eye on this and are they actively trying to prevent this soil erosion, which also, you know, causes more land to be barren with different invasive species and those invasive species are then easily caught on fire, which we saw happen here in Waimea just recently. And so I do oppose the Pohakuloa training facility renewing their lease here on Hawaii Island. Thank you. "

Harry Kershner

Please.

Army Training Land Retention Oahu EIS - Comments submitted August 15, 2021

By Kevin Matthew Kaunuali'i Kiesel

I submit these comments as a Kānaka Maoli, of indigenous native Hawaiian descent. I grew up in Wahiawa on Oahu, near the Poamoho state owned lands. I moved to Seattle Washington in 2007 as there are few opportunities offered to me or Native Hawaiians in the land that I grew up in.

From the early days of Hawaii becoming a territory of the U.S. government, the military has occupied the Hawaiian islands through unlawful coercion and without a treaty with the Kingdom of Hawaii. In the early time of the U.S. takeover, illegal actions in aggression toward the existing Hawaiian Kingdom were ultimately supported by U.S. military presence.

Since that time, native Hawaiians have not had a treaty agreement with the U.S. government. There has never been such a treaty that constitutes a land agreement (or lease) between a sovereign Hawaiian government and the U.S. to operate on the land currently used for military training.

Through the actions of the U.S. government and its military, the ability for native Hawaiians to independently govern and subsist have been taken away. Their actions caused indigenous peoples to become dependent on the U.S. government, which has not recognized the sovereignty of native Hawaiians and their descendants. The U.S. government has treaties with hundreds of indigenous federally-recognized Tribes throughout the continental U.S. There are no such treaties with indigenous native Hawaiians and no federal recognition of a sovereign Hawaiian government.

The U.S. Army is currently capable of meeting its mission with the use of training lands, but does so without benefit to indigenous native Hawaiian people and has not proposed a means to compensate them according to current real estate market value of the property.

This EIS provides no alternative that includes consultation with the indigenous people of Hawaii. No lease or agreement for use of training land in Hawaii should be renewed with the state that does not offer compensation or resulting payment to directly benefit indigenous native Hawaiian people. The decision to renew such an agreement should be in the hands of indigenous native Hawaiian people who must be federally recognized as a sovereign nation as other native Tribes are across the continental U.S.

Punahale Kikipi

If the 'ainas on the land, then I would never run. If we got to bring the flings on Maui pulling down the sun. They disrespect my culture, and they claim to be pono. They start the development, defend the hikilolo. You know weroll. We kill the presses on the truck. And we'll tell the military that we want Makua back. Protect Mauna Kea. Protect Pohakuloa. They try to silence us, but my people taking over.

More knowledge, more wisdom, all these young Hawaiians driven. Because our ancestors signed the ku and petition, east side, west side, any side, and every side. It doesn't matter anyway, because we got the Hawaiian pride. Love for my people, not a heart full of hatred. How can the non-Hawaiians say our sacred sites ain't sacred? On the dark side killer. Shake your uliuli. Hawaiian patriots say for making the system huli.

So right now, I'd like to say I am opposed to all lease extensions. Take no action. Give the land back. Clean up your mess. You guys have no jurisdiction. There is no treaty of annexation. And stop the bombing. Demilitarize Oceania. Pack your guys' stuff and go. We don't want you guys here. My name is Punahale. I am from Makaha, Hawai'i on the west side. I grew up seeing the effects of your guys' training on top of the 'aina and on my people. I've seen multiple valleys on the Waianae coast burned down because of what you guys did. I've had family kicked off of our ancestral homeland at Makua for you guys to destroy our land. And we're sick of it.

And clean up your guys' mess. No think you guys can just skate away with any -- without you don't taking care your action. Hawai'i is a place of aloha. And after all the aloha that we have constantly you guys, the least you guys can do is clean up.

And I hope you guys clean up. I hope you guys fix this 'aina. I hope you guys make this place pono. But you guys got to work with us and listen to us and not just use this as a performative platform. Let's make change. Do the right thing. Stop the lease extensions. Take no action. Clean up your mess. Mahalo nui.

Darius Kila

Aloha mai kakou. My name is Darius Keali'ikahapuni Ieihua Kila, and I reside from Waianae moku. I serve in the Nanakuli-Mailii Neighborhood Board, but I speak as just a member and not necessarily for the Board entirely. I come before you folks in strong opposition for the extension of military land for Hawai'i land. Far too often, my community of Waianaemoku has beared the burden of not just military but everything throughout Hawai'i and Oahu, specifically for Honolulu County. Folks, back in 1970s and whatever backward guilds have leased the military land for a dollar a year is absolutely insulting. That is reserve for Hawaiians in itself, and the fact that beneficiaries have seen nothing but benefit -- no benefit from the leasing of its lands is absolutely evil. I'd also like to comment the fact that the military was so quick to change their public input session to a Zoom session is also very appalling in itself. My community has often taken the burden in opposition against the military, and the state and the military has always not listened to my community. I'm not anti-military, and I understand what you folks do, but Hawai'i itself makes up the smallest part of the U.S., but we house 80 percent of the most endangered species that exist in the United States. We have constantly seen the bad effect of what you folks have done to the lands in my community. Makua itself has been bombed for as long as I've grown up, and I've watched my kupuna protest that from as long as it's been. So I'd like to go on record for the work that has been done prior to the work that is continuing to be done. I am in strong opposition against the extension of military land leases here in Waianae moku and through Hawai'i.

Gwen Kim

"Aloha as a retired Social Work administrator and lifelong resident I'm adamantly against new military leases on the thousands of acres to continue this fossilized commitment to endless war. we need to pivot to life and address the existential threat of global warming and stop feeding, fueling the military industrial complex. My name is Gwen Kim. And for the record. Mahalo "

Gwen Kim

Much of this huge expanse of 6,300 acres of land are former Crown and Government Lands of the Kingdom of Hawai‘i, which were seized following the illegal overthrow and subsequent illegal occupation. These lands are currently held in trust for Native Hawaiians and the general public. Under the state constitution, the State of Hawai‘i has an affirmative fiduciary duty to ensure that use of public trust lands serves trust beneficiaries. Hawai‘i courts have also acknowledged the state’s constitutional duty to mālama ‘āina. The leasing of ‘āina for \$1 a parcel for 65 years is a potential breach of these duties, as is any additional lease. The exploitation of land for warmaking harms trust beneficiaries while foreclosing potential alternatives that better serve public good. We need ‘āina for agriculture, housing, hunting, cultural practice, wellbeing, open space, and conservation. The “highest and best use” of these lands is not military retention, but instead includes these alternative uses that offer greater benefit to the public good.

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communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Soon Kim

Aloha. My name is Soon Kim and I'm a resident of Oahu. I'm strongly opposed to the extension of military leases on lands of Makua, Kahuku, and Wahiawa. An extension of these leases will allow the military to further damage the natural resources of these areas. Destroy the natural habitats of Native Hawaiian plants and animals and continually disrupt the lives of the local community. The Army has wrongfully leased these lands from the state for \$1 since 1964. When the lease expires in 2029, this plan should be immediately restored to the public. Mahalo Nui

Jessica Kim-Jones

The fact that so much Hawaiian land is being leased for \$1 to the US Army is clearly indicative of the corruption going on by the US Army. It is obvious that someone is doing illegal acts and it will soon be made evident. Operation Northwood exposed how the US army was aware of the incoming attack on pearl harbor but still allowed their soldiers to be massacred so that FDR can have a reason to get the American people can enter WW2, while he was hiding away at Camp David. If you are a part of the US Army and you are kept ignorant of Operation Northwoods, you can easily find the official government file and educate yourself. The people of the US army are expendable as kamikaze pilots according to Operation Northwoods and other government files. If you have not read these official and readily available files you cannot deny this truth. The corruption will soon be exposed.

Hideki Kimukai

"Aloha. My name is Hideki Kimukai. I'm a resident on Oahu, Moiliili and I oppose the lease extension of the Army, Makua, and other facilities here in the state of Hawaii. Thank you. "

Aya Kimura

I am opposed to the Army's retention of any of the "State" lands (Mākuā, Kahuku and Kawaihoa-Poamoho) and I support the "No Action Alternative." The Army needs to do the clean-up of these lands. I also request that the military does a thorough investigation of the social, ecological and cultural impacts of its historical and ongoing operations in the islands. Thank you for your consideration. Sincerely, Aya Kimura

Anna King

The land you occupy should be given back to the indigenous people of Hawaii. That holding is vast. Even half would be more than adequate for training purposes. The amount you pay for it is unfair. The damage to the environment is unconscionable given the climate crisis we find ourselves in. The US citizens need protection not from foreign entities, but from the climate crisis. Food shortages and water rights are upon us. Train your soldiers in Kansas, where there isn't a single good thing left. We all know the only reason we took Hawaii was to strategically place ourselves in the Pacific. What is a war going to do to harm us that the pandemic, wildfires, droughts, and ever climbing temps won't do? The military industrial complex is a corporation and like all corporations you ruin everything you touch.

ZIP: 04982**Email:** Anna.king3881@gmail.com**Army Training Land Retention Oahu EIS - Scoping**

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Miya King

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The EIS process currently considers a “no action alternative” as a baseline against which to compare other preferred alternatives. However, the Army must thoroughly consider this alternative and address the positive social, health, and cultural benefits of returning and restoring land. For example, since the suspension of live-fire training at Mākua Military Reservation, Mālama Mākua has created transformational opportunities for cultural access, education, and healing for many people in Wai‘anae and the broader community. The EIS should include a comprehensive analysis of the benefits that would accrue to Native Hawaiians and the general public if these lands were returned and properly restored.

Retention of these lands for military training exercises reproduces collective psychological and intergenerational trauma that disproportionately harm Kānaka Maoli by further alienating Native Hawaiians from ‘āina. Additionally, the long-term leasing of Hawaiian lands to the occupying military creates a sense of entitlement that further constrains Hawaiian sovereignty and self-determination. Environmental justice (EJ) as defined by the EPA requires the “fair treatment of all people”. Fair treatment means “no group of people should bear a disproportionate share of the negative environmental consequences”. The EIS must address the disparate impacts that these leases will have on Native Hawaiians as a result of their genealogical and familial relationship to ‘āina, the ongoing suppression of their sovereignty at the hands of the United States, and the use of ancestral lands for military aggression around the world.

These three leases are part of a much broader network of military occupation. The US military controls nearly a quarter of all land on O‘ahu. The Council on Environmental Quality acknowledges that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time. In 1997, the CEQ produced a guide titled “Considering Cumulative Effects Under the National Environmental Policy Act” which provides a framework for advancing environmental impact analysis by addressing cumulative effects in either an environmental assessment (EA) or an

environmental impact statement. The EIS should employ this framework in order to address the cumulative effects of all related military activities, not just the proposed project.

US militarism has affected not only Kānaka Maoli, but other diverse communities of Hawai‘i: US intervention in the Philippines; the nuclear bombings of Japan; military occupation with ecological and social damages in Okinawa, Guam, Puerto Rico, and Korea; and radiation poisoning and dispossession of COFA citizens for the purpose of nuclear weapons testing. As a result, many Hawai‘i residents suffer from psychological, physical, and intergenerational traumas that are exacerbated by retention of these lands for active military training. The EIS should address the disparate impacts that these leases will have on these communities. These military training lands are situated in communities that are majority working-class, people of color, and Native Hawaiian. Kahuku, Wai‘anae, and Wahiawā already disproportionately bear the burden of negative environmental consequences resulting from industrial and governmental uses of lands and resources. These communities deserve the same protection from environmental and cultural harm enjoyed by other more socio-economically privileged communities. The EIS should consider the impacts of these leases in the context of the broader environmental justice issues faced by these communities.

Retention of these lands entails further ecological damage to endangered species, soil and geological resources, and water resources. For example, in Kawailoa-Poamoho, the terms of the current lease prevented these critical conservation lands from being categorized as a Natural Reserve Area (NAR), which provides the highest form of conservation and protection to areas that are representative examples of Hawaiian biological ecosystems. In Kahuku, the area has become greatly infested with *Chromolaena odorata*, Devil Weed, which arguably came from Guam Training areas on military vehicles. At Mākua, the Army was found to have breached a court-ordered settlement by failing to test marine resources that are eaten by residents of the Wai‘anae Coast to evaluate whether they posed a human health risk due to contamination from training activities. We call for any EIS to account for these kinds of negative impacts and to calculate costs of adequate funding of conservation and restoration after the return of these affected lands.

In the *Ching vs. Case* ruling, the court found the state to have a trust duty to “mālama ‘āina” and that the state had failed to perform regular monitoring and inspections at the Pōhakuloa Training Area. Similarly, at Mākua Military Reserve, the Army has repeatedly failed to conduct required environmental and cultural studies, and in doing so, failed to fulfill court-ordered settlement obligations. Any EIS should therefore include disclosure of the extent to which the US Army and the state have complied with its obligation, HEPA, and other lease-specific conservation provisions, and include a thorough investigation of the entire parcel to determine whether there are any military debris or pollutants on the lands that the US military has been using.

These three areas contain documented archaeological and historic sites, including Native Hawaiian cultural sites and resources that are still relevant for cultural practice. Impact assessments must be based on thorough surveys and subsurface archaeological investigations to determine the eligibility of sites for the National Registry of Historic Places and Traditional Cultural Properties designation and should specifically examine infringements on the National Historic Preservation Act. Many sites on these parcels are also connected physically or through mo‘olelo to registered cultural and historic sites on adjacent parcels. Oral history and ethnographic interviews with genealogical descendents and former residents of the affected areas must be incorporated into the study. The EIS should also disclose any previous monitoring and documented impacts to these sites and impact statements should address the integrity of these sites as well as the need for unrestricted cultural access.

Environmental justice (EJ) as defined by the EPA requires “meaningful involvement” of impacted communities such that “decision makers will seek out and facilitate the involvement of those

potentially affected.” Given the immense pressures that the COVID-19 pandemic has placed on our communities, the standard 40 day public comment period does not adequately meet the standard of meaningful engagement. Two virtual public meetings and neighborhood board presentations were conducted, but decisionmakers failed to bring opportunities for involvement to Wai‘anae, Wahiawā, or Kahuku.

Candice Kirby

Native Hawaiian lands are currently being desecrated by the US Military occupation and activities. The misuse of these lands is reprehensible and the US Military's heavy presence on the island of Oahu and all islands is unwelcome. Native Hawaiians and Residents struggle everyday to find housing and work numerous jobs just to afford to stay in Hawaii. Many Native Hawaiians have had to move elsewhere due in large part to the US Military occupation and acres of lands that could be used to affordably house Hawaiians.

It is disgusting that the US Military pays \$1 to lease these lands for generations while Hawaiians go homeless. As a tax paying permanent resident of Hawaii I request the lease extension be denied and that the lands be returned to better use.

Michael Kirk-Kuwaye

I strongly oppose the lease extension of State-owned land for Army training at Kahuku Training Area (KTA), Kawaihoa-Poamoho Training Area (Poamoho), and Mākua Military Reservation (MMR) and support the "no action" option for the following reasons:

1. Destruction of Land. Live-fire training and ground churning exercises desecrate the land and are counter to the 'āina- and pono-based values of Hawai'i. These values not only imbue the State motto, but also frame discussions on high stakes community issues, such as at the recent Townhall on Tourism (Kākou, 8/26/21, PBS Hawai'i) in which community and industry leaders agreed that the values of 'ohana-'āina-kuleana should guide solutions to tourism's problems.

2. Machines of War Invading Communities. Military convoys and helicopters—too close, too loud— thunder through rural Ko'olau Loa/North Shore coastal towns and valleys, which are in the geographic training triangle of KTA-Poamoho-Kaneohe Marine Corp Base. As cross-branch military training ramps up, many more island communities will find themselves experiencing battlefield like conditions, if not already, as military bases occupy nearly all quadrants of O'ahu.

3. Poor Stewardship of Land. At KTA, the fast spreading and extremely resistant devil weed was introduced and not managed such that it has spread beyond KTA and is becoming an island-wide botanical threat.

4. Loss of Land for Agriculture and Housing. These State-owned lands being leased to the Army could be better used for agriculture and housing. These lands if freed from Army control would address the critical issues of food sustainability, especially evident during this pandemic, and affordable housing, the dire lack of which is driving local people to homelessness and out-of-state exodus.

5. Unresponsive and Unchecked Actions. The Army, and military in general, have a history of disregarding the community's will: phone calls to "hotlines" on aircraft noise go unanswered; community members' pleas for access and desisting 'āina-hostile actions are stonewalled for decades at Mākua valley/MMR; formal recommendations by Neighborhood Boards and Sustainable Communities Plans calling for limiting military impacts in their communities are ignored.

Hawai'i need only look at the destruction of other island environments that have a large U.S. military presence, such as in the Philippines and Okinawa, to see its future, especially as U.S. attention pivots to Asia and the Pacific. Hawai'i is already at a tipping point in environmental and quality of life degradation. Ending Army leases of State-owned land now is a critical first step in restoring Hawai'i's environment and taking care of its people.

Tc Knowles

the U.S. Army's land lease is up for renewal this year and the local residents of Hawaii, included and especially emphasized in this statement are the native Hawaiian voices, have made it clear that the army occupies too great a land area and causes too great a civil disturbance to warrant their continues occupancy. I urge you, as they do, to reduce the amount of land area utilized as well as to gift land back to native peoples and conservation initiatives.

Emma Koa

Aloha. My name is Emma Koa. I was born and raised in Waimanalo and lived in Hawai'i my whole life. And I just wanted to come on and say that I definitely think that you guys should take no action and not renew any leases to any "aina here in Hawai'i, not just because of, you know, we have plenty of kanaka that could be using that "aina to eat, could be using that "aina to live on.

And it's kind of ridiculous that we're even having a conversation right now, you know, about what should the military do with this "aina when it's not even their "aina to decide what to do with. And it feels like I've grown up coming to all of these kinds of meetings and listening to my dad speak at stuff like this, and nobody ever -- you guys don't even care. Nothing ever comes out of these meetings. Nothing ever comes out of us coming to give testimony. Nothing comes out of us protesting.

I mean, it does, you know. We are united as a -- as a people, but it feels like no action on your end, on the military's end, on America's end ever -- ever happens. And it's just a lot of talk.

And it feels like these meetings are fruitless sometimes, where we have to keep showing up, and we have to keep coming and listening to each other speak and telling each other that, you know.

Like, I don't come to these meetings for you guys. I come to these meetings to tell my people hang in there and keep doing what we do and keep giving testimony. And even though it's really tiring, and even though it seems fruitless sometimes, we got to keep doing it.

So definitely a huge no on the military being on any of Hawai'i's land. It's always de-occupy Hawai'i, demilitarize Hawai'i. Yeah. I mean, I would be really surprised if anybody gave any kind of comments other than that, to be honest. So daghang salamat. Have a great evening. A hui hou.

Mark Koppel

Dear Colonel Cronin, While the August 1, 2021 Star Advertiser is a little confused, it seems as though the Army owns land in Waipio Valley, Hawaii Island. You may not be aware of this, but the Valley is one of the most sacred places on the Island. One touch of military change there will cause a (peaceful, of course) outrage from here to the Indigenous lands in Maine. You really don't want to even think about it. I suggest you give that land to the public in a sacred, undevelopable trust. I know you have a job to do, but it doesn't have to involve land sacred to the people of Hawaii. Thank you for your service. Mark A. Koppel Umauma, HI

Wahl, Gregory T CIV USARMY USAG (USA)

From: [REDACTED]
Sent: Sunday, August 1, 2021 12:58 PM
To: USARMY Wheeler AAF ID-Pacific Mailbox NEPA Comments
Subject: [Non-DoD Source] Don't even think of using Waipio Valley, Hawaii Island for the Army

Dear Colonel Cronin,

While the August 1, 2021 Star Advertiser is a little confused, it seems as though the Army owns land in Waipio Valley, Hawaii Island.

You may not be aware of this, but the Valley is one of the most sacred places on the Island. One touch of military change there will cause a (peaceful, of course) outrage from here to the Indigenous lands in Maine.

You really don't want to even think about it.

I suggest you give that land to the public in a sacred, undevelopable trust.

I know you have a job to do, but it doesn't have to involve land sacred to the people of Hawaii.

Thank you for your service.

Mark A. Koppel
Umauma, HI

Lisa Koppenhaver

I do not wish to see the military continue to take advantage of the island of Oahu and it's people.

Kaili Kosaka

Aloha,

I'm writing to provide testimony against the continued Army training land retention on O'ahu. As a child of Hawaii, born and raised, I've seen first-hand the disruptive and obtrusive presence of the Military in Hawaii. Hawaii was illegally and forcefully taken by the United States of America and the current occupation of the U.S. in Hawaii is an ongoing threat to the sovereignty of the Hawaiian people.

I believe a thorough and unbiased Environmental Impact Assessment will find the Army's use of these lands has caused significant harm to Hawaii's fragile ecosystem. The ongoing bombing at Pohakuloa and live-fire training at Makua are devastating to the environment. Other Military installations, like the leaking of fuel tanks at Red Hill, pose great risks to human and environmental health. As someone who works in conservation and specifically invasive species management, I know the Army does not place environmental concerns over that of their agenda. Army and U.S. Military action has been directly linked to the spread of invasive species in Hawaii and abroad. While I commend the work of organizations like OANRP, they do not have the authority or support from the broader Military to successfully manage and restore the extreme damage caused by Military action.

65 years ago when the lease was last up for renewal, it was a different time. With climate change concerns making headlines in the news and the fight for indigenous rights throughout the world, it is time for us to re-evaluate the need for these areas by the Army and the devastating impacts of this kind of agreement. How can we continue to place "command-readiness" over environmental and humanitarian well-being? Please end the leasing of these lands to the Military for the ridiculous amount of \$1 a year.

Theresa Kuehu

So there are a couple of things, and I think that needs to be clarified in this whole thing, Zoom. I notice there are obviously no Hawai'i government officials there; therefore, this is not something we're addressing to any government body that says don't re-lease the land. It looks like this is scoping specifically for Army to get feedback from the community and comments. So I'm going to address the military, the Army, in that respect with regards to my comments.

So there are a couple of documents that do discuss specifically the restoration that is required when the military leaves property or reconveys properties back to the lessors. And one said document comes directly from the Code of Federal Regulations, Title 32, National Defense, and the Part 644 with regards to real estate, the real estate handbook.

So in there, it's very interesting. I learned a lot of things with regards to restoration and putting things back to the original. And I'm more curious to see the documents where the state entered into a contract with the military and what was required of the military once they de-occupy the land.

Additionally, what would be nice to know is, you know, other states that have training facilities, be it Alaska or Colorado or North Carolina. I noticed that in North Carolina, they have a Special Forces training known as Robin Sage training, which happened this past March and April.

It seems that it has been taking place over 60 years, and that is on private land in 21 counties. And its span is approximately 50,000 square miles. So my concern is -- what I'd like to see going forward when we get to the next phase of the EIS is, you know, how much does the Army pay to these private lands in other states or public lands in other states?

Is there contracts that those details could be provided? I'm interested in if those states have also given \$1 for the 60 years that they've had training on their 50,000 acres of land. You know, renewing this contract and lease could be --

Thank you. If they're paying fair market value. And the way I look at it, with the cost of renting, leasing a home in Hawai'i because the military can draw off of COLA and raise our prices, they should be paying the same rate when it comes to leasing land.

But that money -- that money has to go to the community -- DHHL, Hawaiian Homes. Hawaiians pay \$1 every year to lease the land. We pay more money to lease the land that we thrive from than foreigners are leasing. Mahalo.

Theresa Kuehu

I just want to mahalo and --and show our aloha to our military families. You know, my -- my papa, he's 100 percent Hawaiian. He served in military. He's buried at Punchbowl. My father was also Army, and my maternal grandmother and grandfather were both Army. So it's not anything personal against our military.

But we have to understand that in Hawai'i our land is so much different, and we will fight for her no matter what the cost, that we want you as individuals, as people, but we fight the machine, and that at the end of the day, we just want to know we aloha all of our military staff. We love you as people. But this whole thing with the war games and using our land to perpetuate that negative, we cannot anymore. And we would love to just help transition. You have eight years to transition, to restore her. And the community here, even though we didn't make that opala, although we didn't hurt her, we are here to help fix it. And we will come out in droves to support the cleanup efforts. We will. Mahalo.

Sunnie Kupahu

To the United State Army in Hawaii,I want to say on behalf of myself and my family, No to renewing the lease in 2029 to the United States Army for Makua, Kahuku and Kawailoa Poamoho. The United States Needs to return lease lands to the Native Hawaiians for we do not have no where to live because real-estate here is over a Million Dollars for a condo or home. Hawaiians are struggling for food and housing. This state does nothing but take more land and sell more land to make profit. United State is occupying already a occupied Kingdom. Which is illegally overthrown by greedy foreigners. The state of hawaii ride off of the back of Hawaiian culture to make all its money wile Hawaiians are houseless. The state lets Oha and department of Hawaiian homes budgets it's lands and finances. Yes Hawaiians are on a long list of Hawaiian homestead to receive property. Hawaiians are dying here. We need the lease lands to live off of. So not to renewing the leases of Makua. We need the army to clean it up so we can go home to our lands. Leave Hawaii United States. All you have done was destroy our land, our language, our peaceful way of life. Sunnie Kupahu
Sent from Yahoo Mail for iPhone

Paul Kuykendall

Aloha, My name is Paul Kuykendall and I live in Pahoa, Hawaii. I am against Army leased land renewal in Hawaii. There are many issues with the military leases in Hawaii: Unexploded ordinance (UXO) clean up, depleted Uranium and other toxic contamination of air, land and ground water, invasive species, cultural sites and the cultural significance of Pohakuloa itself. The military controls nearly 133,000-acres at Pohakuloa. 23,000 acres of this is leased from the state for \$1 total for 65 years –1964- 2029. These so called “ceded lands” are crown and government lands of the Hawaiian Kingdom before the U.S. overthrow in 1893. These lands are in the ahupua’a of Humu’ula (crown), Kaohe and Pu’uanahulu (government lands). Besides the 23,000 acres of leased lands at PTA, 758 acres were obtained by an executive order of Governor Samuel Wilder King in 1956 and 84,000 acres by a Presidential Executive Order of President Lyndon B. Johnson in 1964. These lands by executive order were turned over to the US military without any compensation. More recently, in the early 2000s, an additional 23,000 acres of land near Waiki’i Ranch was purchased by the military from Parker Ranch. But the Strykers are no longer in Hawaii. They are in Washington state. More than 57 present and former military sites on Hawaii Island alone, totaling more than 250,000-acres that are in need of clean up. Sincerely, Paul Kuykendall

Mariah L

I absolutely oppose this. Give the Hawaiian Natives their land back.

An extension of these leases will allow further damage to the natural resources of these areas, destroy the habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

Kari Leah Labrador

Mahalo to everyone who has testified and given their mana'o and ike. It's been received and greatly appreciated. I especially want to mahalo those who have led the way and continue to fight for what is pono. My name is Kari Leah Labrador. I am kanakamaoli. I live below KTA. I have family members that have served and continue to serve in the military. I speak on behalf of my entire 'ohana, past and present, as well as future. I am here today to say no to any and all lease land extensions. We say no to any revisions on any leases except for an exit plan. Pack up. Cleanup. And get out. I am appalled at the audacity of the U.S. military, our congressional leaders, and anyone else who continues to speak as though we are not aware that we are speaking of stolen land, land that was stolen for the Hawaiian Kingdom and kanaka maoli, land that you want to take more of. As everyone is well aware, Hawai'i is the leading capital of endangered endemic species of the world. We are also the leaders of invasive species. As a kanaka maoli, I am an endangered species. A never-growing U.S. military complex, unscrupulous foreign investors, as well as foreign and domestic tourism are the invasive species that is strangling our very existence. The U.S. military currently occupies almost 24 percent of Oahu. They are the most heavily funded military on the planet in the history of man. And with this being said, they are also the biggest polluters of the world. And Hawai'i has had to pay the biggest brunt of this. The Native Hawaiians have also had to pay the highest cost, with our lands being taken away, poisoned, and being priced out of Hawai'i. We cannot compete with the funding of the U.S. military when it comes to housing, but you are being funded by our tax-paying money. The irony is not lost on us.... The human, social, and environmental cost of militarization is exorbitant, and it disproportionately is being paid by natives and their descendants. Again, I say no to any land lease extensions, and instead, have an exit plan so that you can pack up, clean up, and get out. It is not the door hitting you in the butt as you leave. That is our collective boot. We do not want you here. Mahalo.

Mary Lacques

Scoping comments for Environmental Impact Statement for Army Training Land Retention of State lands Aloha, My name is Mary Lacques and I am a resident of Hale'iwa, O'ahu. I am submitting comments in adamant opposition to the Army's retention of any of lands at Mākua, Kahuku and Kawaihoa-Poamoho, and am in strong support the "No Action Alternative" requiring the Army to comply with all lease terms that include the clean-up of these lands and allow the current three leases to expire. In my 20 years of written and in-person testimony at U.S. military public scoping hearings, I have introduced myself as a preschool teacher, and remind those present that we teach young children that when leaving an area in the classroom, they need to be respectful and clean it up for the betterment of others before moving on to another area. The residents of these islands need to hear your clean-up plan for the military's toxic legacy of 115 military installations with Hazardous Sites in Hawai'i. Under the "No Alternative Action" in the EIS scoping document, the Army would be required to fulfill its long overdue obligation to clean up these lands. As a North Shore resident, I have deep concerns for the spread of Devil Weed at the Kahuku Training Area (KTA), which was introduced to KTA from military vehicles from Guam. I was present at a meeting in August of 2019 between U.S. Army Garrison Hawaii, Oahu Army Natural Resource Program, the O'ahu Invasive Species Committee and community leaders to discuss organic, non-toxic alternatives to the use of glyphosate-based herbicides for the eradication of Devil Weed. Witnessing the Army's lack of commitment to community concerns and poor communication makes it clear to me that the EIS should address the need to manage this infestation at KTA with full transparency, including proposed biocontrol proposals. Community engagement should be a top priority of the military. Aloha, Mary Lacques [REDACTED]

Koalani Lagareta

Aloha Kakou,

I strongly oppose the renewal of any and all military leased land in the Hawaiian Kingdom. There is an indefensible history of misuse and mistreatment of Hawaiian land and people by the US government military, first and foremost the illegal occupation of our sovereign island nation and imprisonment of our queen.

For the people of Hawaii, the land is more than a commodity, more than a resource, it is an extension of our ohana, our families, our selves. The winds, rains, plants, creatures, springs, beaches, seas and mountains are living members of our community, with names and personalities and stories of their own.

When you shoot up our land, you shoot up our family. When you bomb our land, you bomb our family. When you pollute and poison our land, you poison our family.

The time is long overdue for the US military to clean up their messes and LEAVE. We don't want you here playing war games. We don't need you here "protecting" us when we need protection FROM you. We want our land back. No new leases.

Land back.

Land back.

Land back.

Mahalo,
Koalani Lagareta

Koalani Lagaretti

All right. My name is Koalani Lagaretti no ka 'aina uluwehi o Manoa, and I wanted to just first mahalo everybody for being here. And so many of you are far more eloquent than I am, and I just appreciate everybody's mana'o andtime.

So I wanted to just start off by paraphrasing a Hawaiian hero of mine, George Helm. You know, there is kanaka, and there is 'aina. And one does not supersede the other. The breath of kanaka is the breath of 'aina. Kanaka is the caretaker of the 'aina, which maintains our life and nourishes our soul. And therefore, 'aina is sacred.

I strongly oppose the renewal of any and all military leases in the Hawaiian Kingdom. There has been an indefensible history of misuse and mistreatment of Hawaiian land and people by the U.S. government, military first and foremost, the illegal occupation of our sovereign island nation and imprisonment of our queen.

To the people of Hawai'i, the land is more than a commodity or a resource. It's an extension of our 'ohana, of ourselves. The winds, the rains, the plants, the creatures are all living members of our community, with names and personalities and stories of their own.

When you shoot up our 'aina, you shoot up our family. When you bomb our 'aina, you bomb our family. When you pollute and poison our 'aina, you poison our family.

The time is long overdue for the U.S. military to clean up their messes and leave. We don't want you playing war games here anymore. We don't need you here protecting us. We need protection from you. We want our land back. Land back. Land back. Mahalo and aloha 'aina.

Mary Lagomarsino

I am strongly opposed to the extension of military leases on lands of Mākuā, Kahuku, Wahiawā. An extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of Native Hawaiian plants and animals, and continually disrupt the lives of the local community.

The army has wrongfully leased these lands from the state for \$1 since 1964. When leases expire in 2029, these lands should be immediately restored to the public.

Marygail Lakner

I oppose the extension of military leases in Hawaii that have been illegally leasing the land for only \$1 a year since 1964. When the leases expire in 2029, the military should vacate the area permanently and return the land to the local native community.

Melanie Lander

Hawaii's environment is under intense pressure. I believe these lands should be restored and opened up to the public for their long term stewardship. It would be beautiful to see the cultural sites in these areas open for unrestricted cultural practice and education. If these lands were to be transferred back to the state or counties I'd request that military funding be used to remediate the contamination present.

Kevin Landers

"Aloha. My name is Kevin Landers. I'm a resident on the island of Oahu. Thanks for the prompt about what I'd like to see in the environmental impact statement. I'm grateful to have been educated on, you know, the scope of what environment and impact mean and should me and especially in the context of Hawaii and its occupation. You know, the federal government, the United States has explicitly acknowledged the harm that was done in the illegal overthrow of the Hawaiian kingdom. And you know the history of the ownership of these land, I think should be primary in the environmental impact statement for the leases at Kahuku, Poamoho, and Makua. You know, the President as well related, you know, the federal government. Occupation of the island of [unintelligible], Kahoolawe. And yeah, I just feel like as a community. And understand that the army is a member of this community. We're in the 21st century. And we've got a great opportunity to be better members of community to one another with this environmental impact statement. So that's what I'd love to see. Thank you so much.

Bryanna Lantych

My name is Bryanna and I am a resident of AZ and I strongly oppose the extension of the military leases on the lands of Mākuā, Kahuku, and Wahiawā.

Extension of these leases will allow the military to further damage the natural resources of these areas, destroy the natural habitats of native Hawaiian plants, animals and continually disrupt the lives of the local communities.

The Army has wrongfully leased these lands from the state for \$1 since 1964. When the leases expire in 2029, this land should be immediately restored to the public.

-Bryanna

Kawena Lauriano

To whom it may concern, I am vehemently against the U.S. military continuing to retain and occupy lands in all areas of Hawai'i. Not only does this destroy the 'āina, it also restricts Native Hawaiians and other residents from accessing the lands for cultural, spiritual, and recreational use. Even after the military "leaves", the land is often so poisoned that it is uninhabitable and cannot be used (Kaho'olawe, Mākua, etc.).

The continued presence of the U.S. military in Hawai'i is also contributing to the housing shortages in Hawai'i. Military personnel with their living stipends are buying or renting housing outside of the bases, which has contributed significantly to driving Native Hawaiians and kama'āina out of Hawai'i.

Should the U.S. military disregard the wishes of Native Hawaiians and continue their "retention" of public lands, they should be paying Hawai'i the fair market rate for use of these lands rather than their current lease of \$1/65-99 years and this money should go to the betterment of Native Hawaiians via housing, education, health care, etc.

Michael Lawler

Don't re-lease to the US military. It pollutes air, water, land and creates unhealthy noise, ultimately diminishing the quality of life of the citizens on whose land it squats. Diplomacy, not antagonism.

Erin Lawrence

Army Training Land Retention is a symbol of the ongoing colonial violence that keeps native people of Hawai'i off of their lands. This land does not belong to the Army, it belongs to the people of O'ahu.

Krysta Lawrence

The government has been wrongfully "renting" this Hawaiian land for \$1 a year since 1964. The contract should NOT be continued and it should be returned to the Hawaiian natives it was taken from. If the contract is continued, it'll lead to further destruction of the native Hawaiian plants and animals. In addition, the military currently occupies native Hawaiian homelands which need to be returned immediately.