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# Stryker base here is found illegal

## Plaintiffs claim the Army must halt related work while preparing a supplemental study

» [A look at the Stryker situation](#)

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A federal appellate court found yesterday that the Army had violated environmental laws by not considering all alternatives in establishing a Stryker Combat Brigade in Hawaii.

The 2-1 vote by a three-judge panel assigned to the San Francisco 9th U.S. Circuit Court of Appeals was seen as a victory for the nonprofit environmental group Earthjustice. Earthjustice attorney David Henkin said the federal appeals court ruling meant "the Army must cease all Stryker-related activities, including construction and Stryker training, until the court can rule on what activities, if any, will be allowed while a supplemental environmental impact statement is prepared."

Lt. Col. John Williams, Army spokesman, said the Army would continue to abide with "the last legal decision," an apparent reference to a decision made by U.S. District Judge David Ezra last year that allowed the Army to begin the transformation of the 25th Division's 2nd Brigade Combat Team.

Although Williams said he did not dispute Henkin's interpretation, he said Army attorneys "will thoroughly review the court's decision and take action as appropriate."

Williams would not say what steps the Army would take next. However, the preparation of a supplemental EIS followed by public hearings could take several years, based on the Army's record in dealing with these types of environmental studies -- including the Stryker brigade and the continued use of Makua Valley as a firing range.

The ruling could place in limbo at least \$693 million in 28 construction projects at Schofield Barracks and the Big Island's Pohakuloa Training Area.

That money does not include what already has been spent in bringing the 328 Stryker combat vehicles to Hawaii and retraining soldiers in the 25th Infantry Division's 2nd Brigade Combat Team.

The cost of each of the Army's seven Stryker brigades has been placed at \$1.5 billion.

The Army also agreed earlier this year to pay Parker Ranch \$31.5 million for 2,400 acres near the Pohakuloa Training Area to accommodate training for the Strykers.

The federal appeals court decision means the Army has to prepare a second EIS. Moreover, it is two years delinquent on an EIS justifying the continued use of Makua Valley as a firing range that was supposed to have been completed in 2004.

The return of Makua has long been advocated by Hawaiian activists, many of whom were parties in the Stryker court appeal and have filed numerous lawsuits to stop all military training there.

The last time the military used live ammunition in the 4,190-acre valley was August 2004.

The Stryker supplemental EIS has to include a variety of locations for the 3,800-member combat brigade that is being established at Schofield Barracks, the appeals court said.

"The 9th Circuit's decision is not only right on the law," said Henkin, "but also makes Hawaiian organizations -- Ilioulaokalani Coalition, Na Imi Pono and Kipuka -- which have contended that the Army failed to consider other alternatives to stationing a Stryker brigade in Hawaii."

The Army "leaps to the assumption that transformation in Hawaii or no action are the only alternatives," the court said. "This is where the impermissible 'narrowing' takes place. The Army violated NEPA (the National Environmental Policy Act) by not considering alternatives that include transformation of the 2nd Brigade outside of Hawaii."

The federal appeals court also rejected the Army's arguments that Hawaii's strategic location was unique, since there are Stryker units in Alaska and Washington that could have supported the 2nd Brigade. In addition, federal appeals judges were not swayed by Army arguments that Hawaii's jungle terrain justified stationing Strykers in Hawaii, because the combat vehicles are best suited for urban combat.

The appeals judges reversed an April 2005 by Ezra, who sided with the Army.

The Army had hoped to be able to send the 2nd Brigade Stryker Combat Team into war duty next fall.

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A Stryker Brigade vehicle driver learns to maneuver the military vehicle between two cones as part of his orientation session at Schofield Barracks' East Range. The 25th Division has 39 of the 328 19-ton vehicles, which will be part of its combat arsenal.

## A look at the Stryker situation

**The decision:** A federal appellate court finds the Army has violated environmental laws by not considering other sites before choosing Hawaii as a base for a Stryker combat brigade. Environmental and native Hawaiian groups claim victory, saying the Army must cease all Striker brigade activities.

**What's next:** The Army sends mixed messages, saying first it will continue to abide by a previous decision rendered in its favor by a Hawaii judge, then saying later that Army attorneys "will thoroughly review the court's decision and take action as appropriate."

**What's at stake:** The Army has committed nearly \$700 million for 28 projects at Schofield Barracks and the Big Island's Pohakuloa Training Area to support a Stryker brigade. The decision puts that funding in limbo. Environmental groups say the Army cannot continue unless it completes a supplemental environmental impact statement -- which could take up to two years.

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