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Army agrees to formal review of Makua Valley

By [William Cole](#)

Advertiser Military Writer

The Army said late yesterday it has agreed to a formal assessment of last week's fire in Makua Valley for the purpose of protection of threatened and endangered species — a step that could halt live-fire training for several months this fall.

A letter from garrison commander Col. David Anderson was faxed to the U.S. Fish and Wildlife Service yesterday evening requesting the assessment, Army officials said.

The assessment would be a re-examination of a 1999 opinion from Fish and Wildlife looking at habitat protection.

The Earthjustice Legal Defense Fund last week notified the Army that a reassessment of the effect of Army training on endangered species and critical habitat — habitat needed for a species' survival — at Makua was required under the Endangered Species Act following a controlled burn in the 4,190-acre valley that got out of control.

Whipped by winds, the fire scorched 2,500 acres in the valley many Hawaiians consider sacred, and raised anew criticism of the Army's more than 50-year use of the land for training.

The Army had intended to burn 900 acres so it could search for unexploded ordnance and identify cultural sites. Earthjustice attorney David Henkin said the assessment — known as a Section 7 consultation — could take at least several months and limit or halt live-fire training this fall. The Army said it was not sure how long the assessment would take.

The Army will be preparing for consecutive six-month deployments by two brigades heading to Afghanistan beginning in February, and said yesterday it was unsure how the assessment would effect the next round of live-fire training occurring sometime after September.

"The two agencies (the Army and Fish and Wildlife), we're working together to do the right thing, and we're initiating that (consultation) process," said 25th Infantry Division (Light) spokeswoman Capt. Kathy Turner.

Barbara Maxfield, a Fish and Wildlife spokeswoman, said she couldn't comment on how long the review would take, or how extensive it would be.

An ornithologist and botanist have examined the valley, and Maxfield said, as the result of a partial survey, the service does not believe that the fire burned any occupied habitat of the O'ahu 'elepaio bird, although the effect on unoccupied habitat was unclear.

Maxfield said it's also believed O'ahu tree snails were not affected, but it appears three different plants were burned, including the kulu'i, 'akoko, and nehe. All three exist elsewhere on O'ahu, and the kulu'i also is found on Maui, she said.

The Army is holding a community briefing from 9 a.m. until noon Sunday at Makua Military Reservation to talk about the controlled burn, what happened, and offer an assessment of damage to threatened and endangered species.

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Earthjustice's Henkin said the Endangered Species Act requires every federal agency — including the Army — to ensure that its actions will neither push a species to extinction nor destroy designated critical habitat.

The act requires the Army to thoroughly evaluate its activities and how they might affect endangered species in critical habitat, and then share those results with Fish and Wildlife, which then comes to its own conclusions in a biological opinion.

That opinion determines whether the agency's actions are likely to destroy critical habitat or push a species to extinction. If any harmful affect is found, the agency has to look at "reasonable and prudent alternatives," Henkin said.

Henkin said there are 45 at-risk plants and animals in and adjoining Makua.

In 1998, Earthjustice sent the Army notice of its intent to sue if the Army didn't consult with Fish and Wildlife after a series of training-related fires occurred in the valley.

Weeks later, in September of that year, mortar rounds fired during exercises conducted by Marines ignited a brushfire that burned about 800 acres. The Army shortly thereafter agreed to the consultation.

Henkin said regardless of what damage the Army finds in the valley, an in-depth consultation is required by the Endangered Species Act.

"The information that we already have makes it clear that the fire management plan on which the Army and (Fish and Wildlife) service were relying to defend the valley is inadequate," Henkin said.

Because the risk of fire and threat to plant and animal species would be re-examined, Henkin said the Army should not engage in any fire-producing activities during consultation — including combined arms live-fire training, which has caused fires before.

The Army said that consistent with normal procedures for training on all ranges on O'ahu, it will determine its October-through-December schedule next month. No training exercises are scheduled in the valley before October.

Anderson recently said the Army has spent more than \$4.5 million over three years in Makua on endangered species protection.

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