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CRAIG T. KOJIMA / [CKOJIMA@STARBULLETIN.COM](mailto:CKOJIMA@STARBULLETIN.COM)

David Henkin, attorney for Earthjustice Legal Defense Fund, talked with reporters yesterday at the Makua firing range.

## Tragedy in New York lifts Makua impasse

Remember  9-11-2001

## **A settlement allows the Army to resume live- fire exercises**

>> [Terms of the agreement](#)  
>> [Settlement gets wide approval](#)

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By Gregg K. Kakesako  
[gkakesako@starbulletin.com](mailto:gkakesako@starbulletin.com)

Nearly three years ago, a group of Waianae Coast residents who wanted to stop the Army from using Makua Valley sued seeking a comprehensive environmental study on the effects that decades of shelling and training have had on the land and its cultural and historic sites.

Despite years of protests, community hearings, court sessions and lengthy negotiations, it took acts of terrorism on Sept. 11 to forge a settlement that gives Malama Makua the victory it sought -- a comprehensive environmental impact statement -- and allows the Army to resume training in the 4,190-acre valley.

The lawsuit filed by Malama Makua on Oct. 9, 1998, has been dismissed, and a preliminary injunction imposed by U.S. District Judge Susan Oki Mollway in July to prevent the use of Makua by the military has been lifted.

The Army, which has not been able to send troops to train in the valley since September 1998, will resume training but with fewer soldiers and less incendiary ammunition. It has three years to complete the EIS.

In the past the Army has estimated that an EIS could cost more than \$3 million. It will be the first comprehensive EIS the Army has had to conduct to justify a training site in Hawaii. So far, nearly \$350,000 has been spent on a less encompassing environmental assessment that was completed in December but rejected by Malama Makua.

The Army says it immediately will begin preparing the valley for its first company of about 150 soldiers -- the maximum number that will be allowed to fire its weapons in the training area at one time. That is a sizable drop from the 600 that frequently used the valley in the past. At the same time, the Army will begin preparation for the first phase of the EIS process: scoping hearings.

Sparky Rodrigues, one of 12 members on Malama Makua's governing board, said last month's terrorist attacks on the World Trade Center and the Pentagon "made the difference."

Rodrigues said emotions were running high among a group that eventually wants the Army to leave the Waianae valley and return it to the state.

"The world changed on the 11th of September. It changed a lot of things," he said. "That clouded

the issue. 'Where do our loyalties lie?' people were asking. It was hard to separate Makua from what had happened on Sept. 11."

Rodrigues said Malama Makua's governing board has met nightly over the past week on the terms of the settlement.

"At times we consulted community leaders outside of the organization by phone and e-mail. I don't think anyone slept well last night."

Rodrigues disclosed that Malama Makua did not decide upon the terms of the settlement until just past midnight yesterday morning.

David Henkin, attorney for Earthjustice Legal Defense Fund, which represented Malama Makua, said the settlement should lay to rest criticism that the lawsuit was "anti-Army."

"Our concern was for information and not to shut down the Army," Henkin said at a news conference outside the Makua Military Reservation. "I hope it's a start of a process to start the dialogue on what is appropriate to be done here."

Maj. Gen. James Dubik, commanding general of the 25th Infantry Division, also agreed that "Sept. 11 has presented us with a whole new set of circumstances. The issues that once divided us no longer seem as important as the cause that now unites us."

Since the attacks, "we have been a nation at war," Dubik said. "Our need to resume live-fire training in Makua Valley is urgent and immediate. The Army has not trained in Makua for three years."

At a Schofield Barracks news conference, Dubik pointed out that only two of the nine infantry companies belonging to the division's 2nd Brigade have been able to perform what he considered crucial combat training in Makua. The 2nd Brigade is considered the division's prime front-line fighting unit because its soldiers would be the first mobilized for war.

Additionally, a task force from the 2nd Brigade also will become part of the Bosnia peacekeeping force next year.

Dubik said the settlement balances the Army's two obligations: protecting the environment and providing realistic training.

Henkin also noted that Malama Makua agreed to the settlement even though it still believes that there are other places where the Army can train in Hawaii, because it contained concessions from the Army that probably would not have come up if the matter had gone to trial in January. These included a \$50,000 appropriation so Malama can hire independent experts to help in the EIS process, access to cultural sites in the valley, civilian observers during military training maneuvers in the valley, and long-term monitoring of the soil and water there.

The Army has identified and mapped a total of 41 historical and cultural sites and more than 150 historical features in Makua. Under its current proposal, the Army will use only about one-tenth of the 4,190 acres it leases. Seventeen of the historical sites are located at the southern and northern edges of the training area.

## **The agreement**

Under the terms of the settlement announced yesterday between the U.S. Army and Malama Makua, a Leeward Oahu citizens activist group, the Army will:

- >> Complete an environmental impact statement within three years.
- >> Be allowed to conduct 16 combined arms live-fire exercises between now and October 2002, nine between October 2002 and October 2003, and 12 the following year.
- >> Establish a \$50,000 technical assistance fund to allow Waianae residents to hire independent experts to evaluate studies being carried out as part of the EIS process.
- >> Ensure that an area extending more than 3,000 feet from Farrington Highway into the Makua Military Range is free of unexploded ordnance.
- >> Allow daytime public access into the Makua Military Reservation for cultural purposes a minimum of two days a month and overnight access for cultural purposes twice a year.
- >> Allow an observer at all training activities.
- >> Transport explosives, artillery and mortar rounds, anti-tank rounds and grenades by air, if available. Ammunition transported by trucks on Farrington Highway can only be moved between 8:30 a.m. to 12:30 p.m. or 6:30 p.m. to 5:30 a.m.
- >> Undertake long-term air and ground-water monitoring.

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## Settlement is receiving wide approval

By Gregg K. Kakesako  
[gkakesako@starbulletin.com](mailto:gkakesako@starbulletin.com)

U.S. Sen. Daniel Inouye said he is pleased that the resolution of the dispute between the Army and some Leeward Coast residents will assure that the military will be able to resume live-fire training in Makua Valley.

"In light of recent events, readiness is absolutely essential," the senator said.

Inouye added he is optimistic additional funds necessary to ensure the protection of ground-water supply as well as to clear unexploded ordnance, which was part of the settlement agreement, will be made available.

"These issues are also of importance to the Waianae community," he said.

U.S. Sen. Daniel Akaka said he also was happy with the terms of settlement over the future of Makua Valley. "Throughout this process I have been confident that a resolution which balances the critical need to train with the need to preserve the environment and our cultural resources could be achieved. I welcome this result."

State Rep. Emily Auwae (D, Waianae-Makaha) said she was gratified a resolution could be found "in light of recent tragic events. This ensures our military gets essential training as well as ensuring that the cultural and environmental treasures of Makua Valley will be protected."

Auwae added "many of our residents feel that now is not the time to prevent training of our soldiers. There is a feeling that our community must be unified and do what we can do to support the fight against terrorism."

Fred Dodge, Malama Makua board member, said: "The Army's lease ends in 2029. It's not early to start thinking about cleaning the valley up. We need to start now to get congressional support to fund the cleanup."

William Aila, whose ancestors lived in Makua Valley, said, "Today is a victory for the kupunas (ancestors)."

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