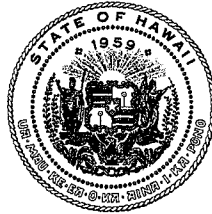
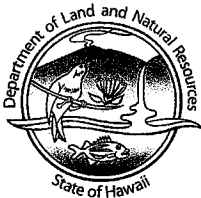


DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF:OCCL:TM

Correspondence: HA 22-154

ATLR-PTA-EIS@g70.design

JUN - 7 2022

SUBJECT: Request for Comments Regarding the Army Training Land Retention at Pōhakuloa Training Area Draft Environmental Impact Statement (EIS) Located at Saddle Road, Pu'uanahulu/Ka'ohe, N. Kona/Hamakua, Island of Hawai'i, TMKs: (3) 4-4-015:008; 4-4-016:005; 7-1-004:007; 3-8-001:013 & 022

The Office of Conservation and Coastal Lands (OCCL) has reviewed the draft EIS to analyze the environmental impacts associated with potentially retaining up to approximately 23,000 acres of State-owned land at the Pōhakuloa Training Area (PTA) to support continued military training. Ongoing uses include military training; facilities; utility; and infrastructure maintenance/repair; resource management actions; associated activities such as emergency services; permit/coordinate public use programs/training for DoD, international partners, local agencies, and the community. PTA is the largest contiguous military live-fire range and maneuver training area that can accommodate up to 5000 souls.

Conservation District

The subject State-owned parcels lie within the Resource subzone of the Conservation District with parcel 005 also lying within the Protective, Limited, and General subzone. The purpose of the Conservation District is to conserve, protect, and preserve the important natural and cultural resource of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

Within the draft EIS, under **ES.13 Compatibility with Land Use Plans and Policies**, the draft EIS states:

"The State land use plans and policies include: HRS Chapter 205, State Land Use Commission, which sets rules related to the Conservation District..."

Hawai'i Revised Statutes Chapter 183C entitled Conservation District sets the rules to regulate the Conservation District.

Further under Section **5.3.2 State; Conservation District Rules, Hawai'i Administrative Rules Chapter 13-5** the draft EIS states:

“Uses that are not listed require a discretionary permit from the BLNR. **Discussion:** The State-owned land at PTA lies in the Resource subzone. Military training is not included as an allowable use for any conservation district subzone. However, HAR Chapter 13-5 provides for authorization of additional uses and, therefore, allows for conformance with the rules. Section 3.2 indicates that ongoing activities have been in conformance with conservation district rules and that the Proposed Action would be as well.”

This is an incorrect statement. Proposed land uses in the Conservation District must be an identified land use under the Hawai‘i Administrative Rules Chapter 13-5. The Department does not entertain applications for un-identified land uses. If a proposed land use is not present, an applicant can request a temporary variance [less than 1 year], petition the land use commission for a land use district boundary change, or initiate an administrative rule amendment to have the proposed use added to the identified land uses.

Existing Uses of the State Land

While some of the existing uses on the parcels may be consistent with conservation district rules such as facilities, utilities, infrastructure maintenance/repair, and resource management actions; military use that involves maneuvers, ammunition, artillery and mortar systems, depleted uranium, explosives, firing points, hazardous materials and waste, live fire, unexploded ordnance, and weapons system do not appear to be consistent with the Conservation District.

The OCCL was alarmed at the number of previous dump sites on the State leased land illustrated on **Figure 3-7**. Under HRS §183C-4 Zoning; amendments (b) no waste or disposal facility shall be located in a conservation district except in emergency circumstances where it may be necessary to mitigate significant risks to public safety and health; “Waste or disposal facility” means any transfer station or landfill as defined in section 340A-1, open dump as defined in section 342H-1, solid waste reduction facility or waste reduction facility as defined in section 342G-1, disposal facility, or any other facility for the disposal of solid waste that is required by law to obtain a permit from the department of health. “Waste or disposal facility” excludes individual, state certified, non-industrial redemption centers.

In addition, the number of Firing Points with approximately 91% of the FPs on State-owned land was startling in addition to other military operations that may contain hazardous materials as illustrated on **Figure 2-1**. Per the draft EIS: “The FPs are used by indirect-fire weapons (i.e., artillery, mortar, and rocket systems). Artillery units conduct up to battalion-level training at PTA. This training cannot be conducted anywhere else in Hawai‘i due to the distances required to fire artillery for this size unit. The State-owned land allows artillery and mortar units to maneuver by using broad areas to engage and then conduct survivability moves multiple times per training event. Survivability moves are required because an enemy can determine the source of artillery and mortar fire and target those locations. Artillery and mortar units must practice relocating to new FPs to avoid being targeted by enemy forces. During collective training, the indirect-fire weapons are integrated to provide variable ranges of fire support to simulate real world situations (USARHAW, undated). The High Mobility Artillery Rocket System is used to deliver rocket fire from FPs located within State-owned land onto the impact area located on U.S. Government-owned land...FPs on the State-owned land provide the longest firing distance

on PTA and are essential for training (USARHAW, undated). These FPs offer distances that are approximately four times longer than other military facilities in Hawai‘i.”

The draft EIS goes on to state: “While all military munitions used on the State-owned land were targeted to an intended destination, it is possible that not all of the military munitions reached their intended destination, and some may have impacted the State-owned land. During the construction of the DKI Highway, subsurface investigations identified MEC [munitions and explosives of concern] including mortars. Therefore, there is a potential for MEC to be found anywhere on the State-owned land. If MEC is discovered, the Army immediately responds and deactivates and removes the item.”

Further regarding cultural resources under alternative 1[full retention]: “There would be adverse impacts to archaeological sites including damage from subsurface excavations related to troop training (e.g., field fortifications, emplacement of obstacles), off road mounted maneuvers with tactical vehicles and other routine vehicular traffic, increased access by ground troops into the ranges, possible damage from live fire and cleanup of UXO within or adjacent to resources, and through accidental damage or vandalism. Additionally, there would be continued impacts related to ongoing limitations on access to areas used for traditional and customary practices. These adverse impacts would pertain to cultural resources that are most important to Native Hawaiian populations and would thus represent disproportionate impacts on Native Hawaiian populations.”

It appears that military training is in direct conflict of the Conservation District designation to conserve, protect, and preserve the important natural and cultural resource of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare. It is inappropriate to conduct this type of warfare practice upon Conservation District land adjacent to areas designated as critical habitat for the Palila; and a recreational campground for the people of Hawai‘i.

It is clear the composers of the draft recognize this as **Section 1.4.2 Regulatory Compliance Associated with the Proposed Actions- Hawai‘i Administrative Rules Chapter 13-5 Conservation District Rules** states: Military use is not included as an allowable use for any conservation district subzone.

The OCCL notes that the draft EIS does not contain any provisions for restorative actions that shall be taken under alternatives 2 & 3 and no action such as reforestation and the cleanup of unexploded munitions and by-products, shells, and weapons decommissioning. This information should be included in the final EIS as these restorative actions are part of the lease that governs this “real estate action.”

The OCCL notes it appears **Table 3-24 Potential Environmental Impacts** concludes that the no action alternative would provide the best benefits to the land, environment, flora and fauna, and culture of Hawai‘i.

The OCCL notes TMKs (3) 3-8-001: 013 & 022 belong to Hawaiian Homelands. Under the Hawaiian Homes Commission Act §206, neither the governor nor the board of land and natural resources have any power over Hawaiian homelands.

The OCCL notes TMKs: (3) 7-1-004:006 and 3-8-001:001 are shaded light green indicating that the parcel or portions of the parcel are U.S. Government-owned land; the Public Land Trust Information System indicate that parcel 7-1-004:006 is owned by the State of Hawai'i with no encumbrances and parcel 3-8-001:001 has a long-term lease and is also owned by the State of Hawai'i with no perpetual easement. Please clarify this in the final EIS.

Should there be any questions regarding this correspondence, contact Tiger Mills of the Office of Conservation and Coastal Lands at (808) 587-0382 or at kimberly.mills@hawaii.gov.

Sincerely,



K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Lands

C: Chairperson
HDLO
County of Hawai'i
-Planning