

STATE OF HAWAI‘I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawai‘i 96813

June 27, 2025

Board of Land and Natural Resources  
State of Hawai‘i  
Honolulu, Hawai‘i

O‘ahu

Decision Making Regarding the Acceptance or Non-Acceptance of the Final Environmental Impact Statement (EIS) for the Army Training Land Retention of State Lands at Kahuku Training Area, Kawaihoa-Poamoho Training Area, and Mākua Military Reservation, Island of O‘ahu, Tax Map Keys (TMKs) (1) 5-8-002:002; 5-9-006:026; 7-2-001:006; 6-9-003:001 (por.); 8-1-001:008 and portions of 007 & 012; and 8-2-001:001, 022, 024, 025, and portions of 002

The final EIS is available for review through the following links:

[https://files.hawaii.gov/dbedt/erp/Doc\\_Library/2025-05-23-OA-FEIS-Army-Training-Land-Retention-on-Oahu-Vol-1-of-4.pdf](https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-05-23-OA-FEIS-Army-Training-Land-Retention-on-Oahu-Vol-1-of-4.pdf)

[https://files.hawaii.gov/dbedt/erp/Doc\\_Library/2025-05-23-OA-FEIS-Army-Training-Land-Retention-on-Oahu-Vol-2-of-4.pdf](https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-05-23-OA-FEIS-Army-Training-Land-Retention-on-Oahu-Vol-2-of-4.pdf)

[https://files.hawaii.gov/dbedt/erp/Doc\\_Library/2025-05-23-OA-FEIS-Army-Training-Land-Retention-on-Oahu-Vol-3-of-4.pdf](https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-05-23-OA-FEIS-Army-Training-Land-Retention-on-Oahu-Vol-3-of-4.pdf)

[https://files.hawaii.gov/dbedt/erp/Doc\\_Library/2025-05-23-OA-FEIS-Army-Training-Land-Retention-on-Oahu-Vol-4-of-4.pdf](https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-05-23-OA-FEIS-Army-Training-Land-Retention-on-Oahu-Vol-4-of-4.pdf)

Pursuant to Section 92-5(a)(4), Hawai‘i Revised Statutes (HRS), the Board may go into Executive Session in order to consult with its attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities.

APPLICANT:

United States (U.S.) Army Garrison-Hawaii (USAG-HI) and U.S. Army Installation Management Command (IMCOM)

LEGAL REFERENCE:

Hawai‘i Revised Statutes (HRS) Section 343-5(a)

Hawai‘i Administrative Rules (HAR) Chapter 11-200.1, Subchapter 10

LOCATION (see Exhibit A):

Kahuku Training Area (KTA):

Pahipahi‘ālua-Kaunalā and Pūpūkea-Paumalū, Ko‘olaupua, O‘ahu  
TMKs: (1) 5-8-002:002 and 5-9-006:026

Kawailoa-Poamoho Training Area (Poamoho):

‘Ewa Forest Reserve, Wahiawā, ‘Ewa, O‘ahu  
TMK: (1) 7-2-001:006

Mākua Military Reservation (MMR):

Kuakokālā, Waialua; and Keawa‘ula & Kahanahāiki and Mākua, Wai‘anae, O‘ahu  
TMKs: (1): 6-9-003:001 (por.); 8-1-001:008 and portions of 007 & 012; and 8-2-  
001:001, 022, 024, 025, and portions of 002

AREA (refer to Exhibit A):

TOTAL: Approximately 6,322 acres, more or less

KTA: 1,150 acres (comprised of Tracts A-1 and A-3)

Poamoho: 4,390 acres (comprised of the Poamoho Tract and the NARs Tract)

MMR: 782 acres (comprised of the North Ridge Tract, Center Tract, Center Tract,  
South Ridge Tract and Makai Tract)

ZONING:

KTA:

State Land Use District:  
Agricultural (Tract A-1) and Conservation (Tract A-3)

City & County of Honolulu Zoning:

AG-2 Agricultural General (Tract A-1) and P-1 Preservation (Tract A-3)

Poamoho:

State Land Use District: Conservation

City & County of Honolulu Zoning: P-1 Preservation



MMR:

State Land Use District: Conservation

City & County of Honolulu Zoning: P-1 Preservation

CHARACTER OF USE:

Military purposes

EXECUTIVE SUMMARY

The Board is being asked to consider the acceptability of the Applicant's (also herein referred to as USAG-HI) final Environmental Impact Statement (EIS) which contemplates a long-term land disposition for the current State-leased lands portions of the Kahuku Training Area (KTA), the Kawaihoa-Poamoho Training Area (Poamoho), and the Mākua Military Reservation (MMR).

Land Division (LD) staff notes that while the final EIS has identified a *Preferred Alternative* which may seem appealing to some, Staff would like to remind the Board that an EIS is a disclosure document and that, in general, a "Preferred Alternative" does not necessarily indicate a final decision by the Applicant who may decide to pursue one of the other alternatives analyzed in the final EIS. This is why HAR 11-200.1-24(h) requires the "*rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions...In each case, the analysis shall be sufficiently detailed to allow the comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative.*"

Therefore, LD staff asks that the Board keep in mind that the analysis of impacts as a result of the Proposed Action should not be limited to only the impacts of the *Preferred Alternative*. Rather good baseline (existing environment) information should be given in order for the Applicant to conduct appropriate analysis of impacts based on all presented alternatives, including the preferred alternative.

Regarding the acceptance or the non-acceptance of a final EIS, this determination is based on the satisfaction of three (3) criteria as prescribed in HAR 11-200.1-28(b) which are as follows:

***(1) The procedures for assessment, consultation process, review, and the preparation and submission of the EIS, from proposal of the action to publication of the final EIS, have all been completed satisfactorily as specified in this chapter;***

***(2) The content requirements described in this chapter have been satisfied; and***

***(3) Comments submitted during the review process have received responses satisfactory to the accepting authority, including properly identifying comments as substantive and responding in a way commensurate to the comment, and have been appropriately incorporated into the final EIS.***

Summary of LD staff's analysis of the final EIS is as follows:

**1. PROCEDURE:**

LD staff found an unintentional omission of the inclusion of the “*reasons supporting the determination to prepare and EIS*” (HAR Section 11-200.1-23(5)) in the EISPN. While Staff notes that this could be construed as a procedural error, we believe that it is not a critical error and all other requirements regarding procedures for assessment, consultation process, review, and the preparation and submission of the final EIS appears to have been satisfactorily complied with.

**2. CONTENT REQUIREMENTS:**

Content requirements fall within two (2) categories; the content requirements of a draft EIS and the content requirements of a final EIS. The content requirements of the draft EIS should be reflective in the final EIS and therefore any issues in the draft that were not properly addressed in the final would still be considered to be outstanding.

Throughout the EIS process, the Department had and continues to have concerns with the following:

1. That the contents of the draft/final EIS do not fully declare the environmental implications of the proposed action and that the draft/final EIS does not discuss all reasonably foreseeable consequences; and
2. The data and analysis do not commensurate with the importance of the impacts.

All applicable divisions of the Department (the Commission on Water Resource Management (CWRM), the Division of Aquatic Resources (DAR), the Division of Forestry and Wildlife (DOFAW), LD, the Office of Conservation and Coastal Lands (OCCL), and the State Historic Preservation Division (SHPD)), as determined by the Chairperson, were asked to review the final EIS in respect to their areas of expertise. After review of final EIS, there appears to be a consensus among the Divisions that the final EIS is insufficient as there is a clear lack of baseline data for the Department, and therefore the Board, to determine and understand the extent of any impacts to natural, historical, and cultural resources. It is due to this consensus across the applicable Divisions that Staff has decided to provide a recommendation of non-acceptance, which we acknowledge differs from our

approach to the Pōhakuloa Training Area (PTA) final EIS. We also note that many of the Division comments on the final EIS were concerns expressed in comments on the draft EIS.

Division comments on the final EIS have been included as Exhibit B and below is a summary of the Department's concerns:

- Regarding biological resources, both LD and DOFAW staff had concerns regarding the information and data provided. Specifically, LD staff notes that the EIS relies on information from a 2003 Biological Opinion (BO) for all training area and BOs from 1999, 2004, 2007, and 2008 specifically for MMR. Moreso, USAG-HI is proposing to conduct a 2025 Programmatic Biological Assessment (PBA) which ideally should have been prepared as current baseline information to inform the EIS document. Further the 2025 PBA is anticipated to include newly listed species and critical habitat as well as address wildfire management and modeling as well as climate change considerations. Note that the PBA is being prepared in support of a future Programmatic BO that will need to be issued by the U.S. Fish and Wildlife Service (USFWS).

DOFAW also provided the following statement on the final EIS:

*DOFAW determines that the [Army Training Land Retention] ATLR FEIS does not adequately describe impacts to federal and state-listed species because it does not disclose the impact standard, stabilization criteria, and status of mitigation work for plants and animals reviewed in biological opinions from the US Fish and Wildlife Service ("USFWS"). Disclosure of the impact standard, stabilization criteria, and status of mitigation work in the ATLR FEIS is necessary because DOFAW is not a part of the approval process for Section 7 biological opinions, and the military is not required to seek a habitat conservation plan or incidental take license from the Department...Providing the impact standard, stabilization criteria, and status of mitigation work...helps DOFAW to determine whether the impacts to specific species are acceptable, should either the Proposed Action or Preferred Alternative be chosen.*

DAR also requested, during the draft EIS phase, that the Army conduct stream aquatic surveys on the State-owned lands as the aquatic biota in the streams are managed and conserved by DAR and therefore an inventory of aquatic species is important for the State. It appears that no surveys were done as USAG-HI's response to DAR's request is that "*a survey of aquatic resources on Federal land is outside the scope of this EIS.*" Therefore, DAR's comments on the final EIS is "*...the division was asking for a survey of aquatic resources on lease State-Owned lands. Without an inventory of what resources are currently in*

*these ecosystems the DAR cannot say that the listed activities will have minimal adverse impact. DAR would encourage that the request that was made in the DEIS be looked at again and fulfilled.”*

Refer to Volume I, Section 3.3, page 3-43 or page 175 of the electronic file for USAG-HI’s discussion on Biological Resources.

- Regarding historic and cultural resources, LD and SHPD staff continue to have concerns with the lack of surveyed areas. Specifically, SHPD states that “*SHPD continues to recommend adequate archaeological surveys of the ROI. The significant unsurveyed acreage within KTA, MMA, and Poamoho may contain historical and cultural sites that remain unidentified. No consideration has been given to potential unidentified archaeological and cultural sites mentioned in native Hawaiian traditions that could potentially be within these unsurveyed portions of the ROI.*”

Specifically regarding Poamoho, SHPD states that “*...while Poamoho is currently used for Aerial Training only, this does not preclude the possibility of future ground-based training or incidental and accidental impacts to terrestrial resources...sufficient data must be included to fully understand potential risks to cultural and historic features subject to both federal and state laws.*”

SHPD also states that the final EIS does not include “*significant published material relevant to potential historic and cultural sites within the ROI. There are [also] multiple published Hawaiian stories set within the ROI that are not included in the CIA.*”

Refer to Volume I, Section 3.4, page 3-104 or page 236 of the electronic file for USAG-HI’s discussion on Historic and Cultural Resources.

- Regarding cultural practices, LD staff consulted with the State Aha Moku Executive Director (Luna Alaka’i) on the Cultural Impact Assessment (CIA) prepared for the Proposed Action during the draft EIS phase. The Executive Director, who also later confirmed with the po’o for O’ahu, indicated that the CIA did not consult with key people/kūpuna from the relevant mokus nor did the Army reach out to the Executive Director in attempt to consult with the State Aha Moku as requested by LD staff and the Chair. In addition, the Executive Director, through LD’s comments on the draft EIS, stated that the draft EIS, and thus the final EIS, does not contain enough information for any agency to conduct a proper Ka Pa’akai analysis.

Following the publication of the final EIS, LD staff inquired with the Executive Director if the Army had attempted to consult with the State Aha Moku. It was

not until May 22, 2025 (weeks after the Board's decision on the PTA final EIS) that the Executive Director informed LD Staff that the Army had reached out to request a meeting with the State Aha Moku which was subsequently scheduled for June 10, 2025. According to the Executive Director, the O'ahu po'o as well as members from relevant moku (those that pertain to the O'ahu ATLR final EIS) were in attendance.

The Board should note that as this meeting was scheduled and held **AFTER** the publication of the final EIS, thus any documentation of consultation that was done as a part of this meeting cannot be considered as a part of the final EIS document. LD staff has included this information with the blessing of the State Aha Moku and was informed that they will submit separate testimony regarding the final EIS.

Refer to Volume I, Section 3.5, page 3-134 or page 266 of the electronic file for USAG-HI's discussion on Cultural Practices. The CIA can be found in Volume II, Appendix B.

- Regarding water resources, CWRM staff states that "*water quality affect water quantity available*" and that CWRM "*has concerns over military uses and the potential for ground water degradation, and thus the potential for reducing availability of water for potable use.*" CWRM further states that "*...a better understanding of all of the potential sources of contamination, which may even include oil leaks from vehicles, or residual unexploded ordinances, would help to inform the regulatory agencies about best management practices to employ to ensure that ground water protection is optimized.*" Essentially, CWRM has indicated that not enough information has been provided for them to determine any impacts to ground water.
- Regarding the Proposed Action's consistency with State Plans and Policies, OCCL continues to reiterate that military use is neither consistent with the overall objective nor the allowable uses in the Conservation District and that a rule amendment to allow such use may not be a likely scenario. USAG-HI did not include any other alternatives in which they could comply with the Conservation District, i.e. applying for a Land Use District Boundary Amendment to move the training areas out of the Conservation District into a more appropriate district designation that would allow for military use.

Refer to Volume I, Section 4.3.2, page 4-11 or page 529 of the electronic file for USAG-HI's discussion on the consistency of their Proposed Action with the Conservation District.

Also, DOFAW staff noted in their comments on the final EIS, HRS Section 183-11 pertaining to the use of government (State) land for forest reserves, states that *“any land or lands while so set apart [by the governor] shall not be leased or sold by the government or used in any way for any purposes inconsistent with this chapter.”* LD staff notes that the statute also states that *“On lands under lease the reserve shall not take effect until the expiration of the existing lease, or in any way affect the rights acquired under lease.”* While the current use of the Army training on lands designated as forest reserves appears to perhaps pre-date the establishment of some of the forest reserves, the approaching expiration of the leases would mean any new long-term land disposition (whether by fee, lease, or other means) affect forest reserve lands would not be in compliance with this particular statute. Therefore, this should have been discussed and disclosed in the EIS document.

- Regarding the scope of the Proposed Action, LD staff has a differing opinion than that of the Applicant in regard to the return of State-owned leased lands. According to USAG-HI, they believe that any clean up and compliance with lease conditions is outside of the scope of the Proposed Action, but nevertheless describes the generic process of complying with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). LD staff disagrees as any land returned to the State would require USAG-HI to propose cleanup and restoration activities especially as they related to hazardous substances and wastes, including munition and explosives of concern (MEC) in order to begin proper negotiations for the return of the lands. Additionally, as the FEIS treats the collective Oahu land dispositions as a single project, LD staff notes that the Board could impose cleanup and restoration requirements on the USAG-HI for any lands returned to the State as a condition for a potential new lease for other areas. Therefore, LD staff believes, especially due to the Preferred Alternative, that at least from a HEPA perspective, proposed cleanup and restoration activities should have been considered as a part of the overall scope of the Proposed Action.

### **3. COMMENTS AND RESPONSES:**

LD staff recognizes that the issue of whether comments have been satisfactorily responded to can be subjective. Therefore, LD staff can only opine on responses to LD comments. Opinions of the other Divisions regarding the responses to their draft EIS comments are woven into their comments on the final EIS found in Exhibit B of this submittal.

LD staff's opinion is that our comments cannot be considered as being “satisfactory” responded to. Some examples are as follows:

- One of our comments stated that the *“description of the environmental setting should have been supported by current comprehensive studies and surveys that covered the entirety of the State-owned lands that are proposed to be leased.”*

The response from the Applicant was that *“Per NEPA and HEPA requirements, the best available data for biological species was incorporated into this EIS.”*

Staff feels that this is contradictory as the EIS describes a PBA currently being prepared that will support a new USFWS Programmatic BO which seems would have been appropriate to use to provide current baseline information for the Proposed Action. Further, this PBA includes newly listed species that were not included in the previous BOs.

- LD and SHPD had comments and continue to have comments on the final EIS regarding the lack of archaeological surveys in ROI.

Regarding LD and SHPD’s comments on the lack of surveyed areas in the draft EIS, the Applicant’s response was that for KTA *“Three primary reasons have constrained full survey of remaining areas: 1) the terrain is composed of very steep slopes and dissected hills, especially within KTA-3); 2) activities (e.g., ground-based training or other Federal undertakings) that trigger a cultural resources study (e.g., a Section 106 undertaking) have not occurred in unsurveyed areas (ground-based training has not occurred at KTA-3 for approximately 20 years); and 3) some of the unsurveyed acreage has sustained heavy disturbance from motocross activities that preclude the utility of an archaeological survey.”*

LD staff does not agree that not triggering the Section 106 process and the motocross activities precludes the Army from doing proper due diligence.

Further, regarding archaeological surveys for Poamoho, the Applicant states that *“Poamoho is not used for ground training...”* However, SHPD appears to disagree based on their comments on the final EIS which states that *“...while Poamoho is currently used for Aerial Training only, this does not preclude the possibility of future ground-based training or incidental and accidental impacts to terrestrial resources...sufficient data must be included to fully understand potential risks to cultural and historic features subject to both federal and state laws.”*

The Department’s comments on the draft EIS can be found in Volume IV, Appendix M-2. Comments begin on page HI-8 under the Draft EIS Comments section which is page 38 of the electronic file.

USAG-HI's responses to the Department's comments on the draft EIS can be found in Volume II, Appendix E-2, Responses to Draft EIS Comments Section, starting on page E-2-31 or page 483 of the electronic file.

Staff acknowledges that the Board will ultimately determine whether the final EIS satisfactorily meets the criteria for acceptance. However, given the consensus among the Divisions that the final EIS is insufficient due to a lack of baseline data for the Department, and therefore the Board, to determine and understand the extent of any impacts to natural, historical, and cultural resources, **LD staff recommends that the Board not accept the final EIS as currently submitted.**

#### DESCRIPTION OF THE PROPOSED ACTION:

The Proposed Action contemplated by USAG-HI is to retain use of the current State-owned leased lands through a long-term land disposition that would allow USAG-HI to continue military training at KTA, Poamoho, and MMR.

The subject of this agenda item on the Board's June 27, 2025 meeting agenda is the sufficiency of the final Environmental Impact Statement (EIS), which is available to the public online at:

[https://files.hawaii.gov/dbedt/erp/Doc\\_Library/2025-05-23-OA-FEIS-Army-Training-Land-Retention-on-Oahu-Vol-1-of-4.pdf](https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-05-23-OA-FEIS-Army-Training-Land-Retention-on-Oahu-Vol-1-of-4.pdf)

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[https://files.hawaii.gov/dbedt/erp/Doc\\_Library/2025-05-23-OA-FEIS-Army-Training-Land-Retention-on-Oahu-Vol-4-of-4.pdf](https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-05-23-OA-FEIS-Army-Training-Land-Retention-on-Oahu-Vol-4-of-4.pdf)

#### STANDARD EVALUATION OF THE FINAL EIS:

*Pursuant to HAR Section 11-220.1-28(a), "Acceptability of a final EIS shall be evaluated on the basis of whether the final EIS in its completed form, represents an informational instrument that fulfills the intent and provisions of chapter 343, HRS, and adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments."*



Further, HAR Section 11-200.1-28(b) states that “*A final EIS shall be deemed to be an acceptable document by the accepting authority only if all of the following criteria are satisfied:*

- (1) The procedures for assessment, consultation process, review, and the preparation and submission of the EIS, from proposal of the action to publication of the final EIS, have all been completed satisfactorily as specified in this chapter;*
- (2) The content requirements described in this chapter have been satisfied; and*
- (3) Comments submitted during the review process have received responses satisfactory to the accepting authority, including properly identifying comments as substantive and responding in a way commensurate to the comment, and have been appropriately incorporated into the final EIS.*

Pursuant to HAR Section 11-200.1-2:

*“Acceptance means a formal determination that the document required to be filed pursuant to chapter 343, HRS, fulfills the requirements of an EIS, as prescribed by section 11-200.1-28. Acceptance does not mean that the action is environmentally sound or unsound, but only that the document complies with chapter 343, HRS, and this chapter.”*

Accordingly, the Board’s decision regarding the acceptability of this final EIS is distinct from any management decisions that the Board may make in the future regarding the issuance of any long-term land disposition requested by this final EIS.

Acceptability of the final EIS is based on the three criteria listed above. An EIS is not intended to resolve conflicts of opinion on the impacts of a Proposed Action. Rather, an EIS only intends to provide the relevant information to the deciding agency.

*“[W]hether or not the parties disagree, or even whether there is authority which conflicts with the agency’s decision is not the yardstick by which the sufficiency of an EIS is to be measured. Rather it is whether the EIS as prepared permitted informed decision making by the agency.”*

*Price v. Obayashi Hawaii Corp.*, 81 Haw. 171, 181-182, 914 P.2d 1364, 1375 (1996).

In other words, an EIS need not be exhaustive to the

*Point of discussing all possible details bearing on the proposed action but will be upheld as adequate if it has been compiled in good faith and sets forth sufficient information to enable the decision-maker to consider fully the environmental factors*

*involved and to make a reasonable decision after balancing the risks of harm to the environment against the benefits to be derived from the proposed action, as well as to make a reasoned choice between alternatives.*

*Id.* at 183 (citing *Life of the Land v. Ariyoshi*, 59 Haw. 156, 164-65, 577 P.2d 1116, 1121 (1978)).

## DISCUSSION:

Pursuant to HAR Section 11-200.1-28(e)(2)(B), for applicant actions, the accepting authority shall “*Notify the applicant and the office [The Environmental Review Program] of the acceptance or non-acceptance of the final EIS within thirty days of the final EIS submission to the agency...*”

The Department and the Environmental Review Program (ERP) received the submission of the final EIS on May 15, 2025. This initially granted the Board until June 14, 2025 to either accept or not accept the final EIS, however, the Applicant, pursuant HAR Section 11-200.1-28(e)(2)(B), requested and was granted a 15-day extension which gives the Department/Board until June 29, 2025 to render a decision on the acceptance or non-acceptance of the final EIS.

Further, HAR Section 11-200.1-28(e)(2)(B) states that “*If the accepting authority fails to make a determination of acceptance or non-acceptance of the EIS within thirty days of receipt of the final EIS, then the statement shall be deemed accepted.*” Therefore, decision making on this agenda item cannot be deferred unless a special meeting of the Board is called on or before the June 29, 2025 deadline.

As stated earlier, HAR Section 11-200.1-28(b), states that “***A final EIS shall be deemed to be an acceptable document by the accepting authority only if all of the following criteria are satisfied:***

- (1) The procedures for assessment, consultation process, review, and the preparation and submission of the EIS, from proposal of the action to publication of the final EIS, have all been completed satisfactorily as specified in this chapter;***
- (2) The content requirements described in this chapter have been satisfied; and***
- (3) Comments submitted during the review process have received responses satisfactory to the accepting authority, including properly identifying comments as substantive and responding in a way commensurate to the comment, and have been appropriately incorporated into the final EIS.***

Below is Staff's analysis regarding the acceptability of the final EIS:

**1. THE PROCEDURES FOR ASSESSMENT, CONSULTATION PROCESS, REVIEW AND THE PREPARATION AND SUBMISSION OF THE EIS, FROM PROPOSAL OF THE ACTION TO PUBLICATION OF THE FINAL EIS, HAVE ALL BEEN COMPLETED SATISFACTORILY AS SPECIFIED IN THIS CHAPTER.**

USAG-HI prepared and submitted an Environmental Impact Statement Preparation Notice (EISPN) which was published in the July 23, 2021 edition of the ERP's *The Environmental Notice*. An electronic version of the EISPN can be found at: [https://files.hawaii.gov/dbedt/erp/Doc\\_Library/2021-07-23-OA-EISPN-Army-Training-Land-Retention-on-Oahu.pdf](https://files.hawaii.gov/dbedt/erp/Doc_Library/2021-07-23-OA-EISPN-Army-Training-Land-Retention-on-Oahu.pdf)

Staff reviewed the EISPN to determine if the document was prepared in accordance with HAR Section 11-200.1-23. Staff found the following:

- (1) *Identification of the proposing agency or applicant;*
  - Refer to Section 1.1 of the EISPN
- (2) *Identification of the accepting authority;*
  - Refer to Section 1.1 of the EISPN
- (3) *List of all required permits and approvals;*
  - Refer to Table 1-2 of the EISPN
- (4) *The determination to prepare an EIS;*
  - Refer to Chapter 5 of the EISPN
- (5) *Reasons supporting the determination to prepare an EIS;*
  - Staff could not find supporting reasons
- (6) *A description of the proposed action and its location;*
  - Refer to Sections 2.1 and 2.2 of the EISPN
- (7) *A description of the affected environment, including regional, location, and site maps;*
  - Refer to Chapter 3 and figures found throughout the EISPN
- (8) *Possible alternatives to the proposed action;*
  - Refer to Section 2.3 of the EISPN

- (9) *The proposing agency's or applicant's proposed scoping process, including when and where any EIS public scoping meeting will be held; and*
- Refer to Chapter 6 of the EISPN  
Note that the USAG-HI provided a link for scoping meeting dates [https://home.army.mil/hawaii/index.php/Oahu EIS\)](https://home.army.mil/hawaii/index.php/Oahu%20EIS)
- (10) *The name, title, email address, physical address, and phone number of an individual representative of the proposing agency or applicant who may be contacted for further information.*
- Refer to Section 1.1 of the EISPN. Staff notes that no title was provided for the contact individual.

Pursuant to HAR Section 11-200.1-5(e)(4), hard copies of the EISPN were distributed to Kahuku Public and School Library, Waiʻanae Public Library, Wahiawā Public Library and School Library, and the Hawaiʻi Documents Center.

The EISPN was circulated for public review and comment and public comments were accepted during a 40-day period following publication. According to the Applicant, 1,093 comments were received; with 192 of those being oral comments received at the public scoping meetings. Comments received during the comment period were considered in assessing the impacts of the Proposed Action.

A draft EIS for the Proposed Action was published in the June 8, 2024 edition of ERP's *The Environmental Notice*. Pursuant to HAR Section 11-200.1-5(e)(5), Staff has confirmed that:

1. The draft EIS was signed and dated;
2. The required attestation that *“the draft EIS and all ancillary documents were prepared under the signatory's direction or supervision and that the information submitted, to the best of the signatory's knowledge fully addresses document content requirements as set forth in [HAR Chapter 11-200.1] subchapter 10”* was included.

Staff notes that in their attestation, USAG-HI references HAR Section 11-200.1-24 rather than subchapter 10 per the rules;

3. The draft EIS was filed simultaneously with the Department and ERP on May 31, 2024;
4. Hard copies of the draft EIS were distributed to Kahuku Public and School Library, Waiʻanae Public Library, Wahiawā Public Library and School Library, and the Hawaiʻi Documents Center; and

5. USAG-HI submitted a copy of the original audio file of “*all oral comments received at the time designated within any EIS public scoping meeting for receiving oral comments.*”

The draft EIS included copies of all written comments received during the 40-day public comment period following the publication of the EISPN, as well as USAG-HI’s written responses. The draft EIS was circulated for public review and comment and comments were accepted during a 60-day public comment period following publication. Approximately 1,090 verbal and written comments were received.

The final EIS for the Proposed Action was published in the May 23, 2025 edition of ERP’s *The Environmental Notice*. Pursuant to HAR Section 11-200.1-5(e)(6), Staff has confirmed that:

1. The final EIS was signed and dated;
2. The required attestation that “*the final EIS and all ancillary documents were prepared under the signatory’s direction or supervision and that the information submitted, to the best of the signatory’s knowledge fully addresses document content requirements as set forth in [HAR Chapter 11-200.1] subchapter 10*” was included.

Staff notes that Applicant corrected the prior attestation error as noted for the draft EIS documents;

3. The final EIS was filed concurrently with the Department and ERP on May 9, 2025

Volume III, Appendix M-1 of the final EIS includes reproductions of the comments received during the scoping process and Volume IV, Appendix M-2 includes reproductions of the comments received during the draft EIS. The Applicant’s responses to the scoping and draft EIS comments can be found in Volume II, Appendix E.

Based on the above analysis, it appears there was an unintentional omission of the inclusion of the “*reasons supporting the determination to prepare and EIS*” (HAR Section 11-200.1-23(5)) in the EISPN. While Staff notes that this could be construed as a procedural error, we believe that it is not a critical error and all other requirements regarding procedures for assessment, consultation process, review, and the preparation and submission of the final EIS appears to have been satisfactorily complied with.

## **2. THE CONTENT REQUIREMENTS DESCRIBED IN THIS CHAPTER HAVE BEEN SATISFIED**

The content requirements of an EIS are outlined in two separate sections of HAR Chapter 11-200.1. The first is HAR Section 11-200.1-24 which establishes the content requirements for a draft EIS. The second is HAR Section 11-200.1-27 which establishes the content requirement of a final EIS. Staff has reviewed the final EIS for compliance with these two sections and offers the following analysis:

### **Draft EIS Content Requirements:**

Pursuant to HAR Section 11-200.1-24:

- (a) *The draft EIS, at minimum shall contain the information required in this section. The contents shall fully declare the environmental implications of the proposed action and shall discuss all reasonable foreseeable consequences of the action. In order that the public can be fully informed and that the accepting authority can make a sound decision based upon the full range of responsible opinion on environmental effects, an EIS shall include responsible opposing views, if any, on significant environmental issues raised by the proposal.*

### **Discussion:**

Staff has concerns that the draft EIS did not, and therefore the final EIS does not, “*fully declare the environmental implications of the proposed action*” and that the Board has not been given the “*full range of responsible opinion on environmental effects.*”

It should be noted that this issue has been consistently raised since the publication of the draft EIS. Please refer to Volume IV of the final EIS for Staff’s and the Department’s comments on the draft EIS. Comments on the draft EIS begin on page HI-8 which is page 38 of the electronic file. We have included the link to Volume IV here for ease of reference:

[https://files.hawaii.gov/dbedt/erp/Doc\\_Library/2025-05-23-OA-FEIS-Army-Training-Land-Retention-on-Oahu-Vol-3-of-4.pdf](https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-05-23-OA-FEIS-Army-Training-Land-Retention-on-Oahu-Vol-3-of-4.pdf)

Overall, the major concern that the Department had on the draft, as well as the final EIS, was the lack of baseline data and current surveys for staff to understand the direct, indirect, and cumulative impacts to natural and historic and cultural resources within the State-leased land areas.

Specifically, during the draft EIS phase, Division staff had concerns regarding the following:

- Regarding biological resources, LD staff noted that there were major data gaps as the consultant and the Applicant appeared to piecemeal existing studies to provide an overview of the existing environmental setting and noted that there were no current comprehensive studies or surveys prepared for the State-owned leased lands.

DAR also requested aquatic biology surveys for the streams that are located within the State-owned leased lands as no data regarding stream biota was available for them to review and opine on.

- Regarding historic and cultural resources, SHPD noted that:
  - The Historic and Cultural Resources Literature review that the draft EIS relied on *provides an inadequate baseline for assessing the direct, indirect, and cumulative impacts to historic and cultural resources within the State-owned lands;*
  - Only approximately 19% of the Region of Influence (ROI) has been subject to an archeological survey;
  - Cultural resources should have been evaluated within the broader spatial context within each of the three training areas especially in those areas where resources within the ROI are known to extend outside of the ROI; and
  - USAG-HI should provide documentation of efforts they have made to complete the archaeological surveys, historic property identification efforts, and evaluations of NRHP-eligibility that are a part of the 2018 Programmatic Agreement between the Army and SHPD/Department as SHPD notes that the last survey was done in 2015.
- Regarding cultural practices, LD staff consulted with the State Aha Moku Executive Director (Luna Alaka'i) who confirmed that the CIA appeared to be lacking consultation with people for the relevant moku as the Executive Director pointed out that there were several key kūpuna that should have been included during the consultation process. LD staff also reminded USAG-HI that we highly encouraged them to consult with the State Aha Moku. Further, the State Aha Moku Executive Director and LD staff agreed that the information within the EIS should provide the basis for any agency to conduct a thorough Ka Pa'akai analysis and as written, the information was insufficient.

LD staff notes that these concerns continue to be applicable to the final EIS document. All applicable divisions of the Department (CWRM, DAR, DOFAW, LD, OCCL and

SHPD), as determined by the Chairperson, were asked to review the final EIS in respect to their areas of expertise. After review of final EIS, there appears to be a consensus among the Divisions that the final EIS was also not prepared in compliance with HAR Chapter 11-200.1, Subchapter 10 as there is a clear lack of baseline data for the Department, and therefore the Board, to determine and understand the extent of any impacts to natural, historical, and cultural resources.

Division comments on the final EIS have been included as Exhibit B and below is a summary of the Department's concerns:

- Regarding biological resources, both LD and DOFAW staff had concerns regarding the information and data provided. Specifically, LD staff notes that the EIS relies on information from a 2003 Biological Opinion (BO) for all training area and BOs from 1999, 2004, 2007, and 2008 specifically for MMR. Moreso, USAG-HI is proposing to conduct a 2025 Programmatic Biological Assessment (PBA) which ideally should have been prepared as current baseline information to inform the EIS document. Further the 2025 PBA is anticipated to include newly listed species and critical habitat as well as address wildfire management and modeling as well as climate change considerations. Note that the PBA is being prepared in support of a future Programmatic BO that will need to be issued by the U.S. Fish and Wildlife Service (USFWS).

DOFAW also provided the following statement on the final EIS:

*DOFAW determines that the [Army Training Land Retention] ATLR FEIS does not adequately describe impacts to federal and state-listed species because it does not disclose the impact standard, stabilization criteria, and status of mitigation work for plants and animals reviewed in biological opinions from the US Fish and Wildlife Service ("USFWS"). Disclosure of the impact standard, stabilization criteria, and status of mitigation work in the ATLR FEIS is necessary because DOFAW is not a part of the approval process for Section 7 biological opinions, and the military is not required to seek a habitat conservation plan or incidental take license from the Department...Providing the impact standard, stabilization criteria, and status of mitigation work...helps DOFAW to determine whether the impacts to specific species are acceptable, should either the Proposed Action or Preferred Alternative be chosen.*

DAR also requested, during the draft EIS phase, that the Army conduct stream aquatic surveys on the State-owned lands as the aquatic biota in



the streams are managed and conserved by DAR and therefore an inventory of aquatic species is important for the State. It appears that no surveys were done as USAG-HI's response to DAR's request is that "*a survey of aquatic resources on Federal land is outside the scope of this EIS.*" Therefore, DAR's comments on the final EIS is "*...the division was asking for a survey of aquatic resources on lease State-Owned lands. Without an inventory of what resources are currently in these ecosystems the DAR cannot say that the listed activities will have minimal adverse impact. DAR would encourage that the request that was made in the DEIS be looked at again and fulfilled.*"

Refer to Volume I, Section 3.3, page 3-43 or page 175 of the electronic file for USAG-HI's discussion on Biological Resources.

- Regarding historic and cultural resources, LD and SHPD staff continue to have concerns with the lack of surveyed areas. Specifically, SHPD states that "*SHPD continues to recommend adequate archaeological surveys of the ROI. The significant unsurveyed acreage within KTA, MMA, and Poamoho may contain historical and cultural sites that remain unidentified. No consideration has been given to potential unidentified archaeological and cultural sites mentioned in native Hawaiian traditions that could potentially be within these unsurveyed portions of the ROI.*"

Specifically regarding Poamoho, SHPD states that "*...while Poamoho is currently used for Aerial Training only, this does not preclude the possibility of future ground-based training or incidental and accidental impacts to terrestrial resources...sufficient data must be included to fully understand potential risks to cultural and historic features subject to both federal and state laws.*"

SHPD also states that the final EIS does not include "*significant published material relevant to potential historic and cultural sites within the ROI. There are [also] multiple published Hawaiian stories set within the ROI that are not included in the CIA.*"

Refer to Volume I, Section 3.4, page 3-104 or page 236 of the electronic file for USAG-HI's discussion on Historic and Cultural Resources.

- Regarding cultural practices, LD staff consulted with the State Aha Moku Executive Director (Luna Alaka'i) on the Cultural Impact Assessment (CIA) prepared for the Proposed Action during the draft EIS phase. The Executive Director, who also later confirmed with the po'o

for O‘ahu, indicated that the CIA did not consult with key people/kūpuna from the relevant mokus nor did the Army reach out to the Executive Director in attempt to consult with the State Aha Moku as requested by LD staff and the Chair. In addition, the Executive Director, via LD comments on the draft EIS, commented that the draft EIS (and thus the final EIS), does not contain enough information for any agency to conduct a proper Ka Pa‘akai analysis.

Following the publication of the final EIS, LD staff inquired with the Executive Director if the Army had been in contact. It was not until May 22, 2025 (weeks after the Board’s decision on the PTA final EIS) that the Executive Director informed LD Staff that the Army had reached out to the State Aha Moku to request a meeting which was subsequently scheduled for June 10, 2025. According to the Executive Director, the O‘ahu po‘o as well as members from relevant moku (those that pertain to the O‘ahu ATLR final EIS) were in attendance. The Board should note that as this meeting was scheduled and held **AFTER** the publication of the final EIS, thus any documentation of consultation that was done as a part of this meeting cannot be considered as a part of the final EIS document. LD staff has included this information with the blessing of the State Aha Moku and was informed that they will submit separate testimony regarding the final EIS.

Refer to Volume I, Section 3.5, page 3-134 or page 266 of the electronic file for USAG-HI’s discussion on Cultural Practices. The CIA can be found in Volume II, Appendix B.

- Regarding water resources, CWRM staff states that “*water quality affect water quantity available*” and that CWRM “*has concerns over military uses and the potential for ground water degradation, and thus the potential for reducing availability of water for potable use.*” CWRM further states that “*...a better understanding of all of the potential sources of contamination, which may even include oil leaks from vehicles, or residual unexploded ordinances, would help to inform the regulatory agencies about best management practices to employ to ensure that ground water protection is optimized.*” Essentially, CWRM has indicated that not enough information has been provided for them to determine any impacts to ground water.
- Regarding the Proposed Action’s consistency with State Plans and Policies, OCCL continues to reiterate that military use is neither consistent with the overall objective nor the allowable uses in the Conservation District and that a rule amendment to allow such use may

not be a likely scenario. USAG-HI did not include any other alternatives in which they could comply with the Conservation District, i.e. applying for a Land Use District Boundary Amendment to move the training areas out of the Conservation District into a more appropriate district designation that would allow for military use.

Refer to Volume I, Section 4.3.2, page 4-11 or page 529 of the electronic file for USAG-HI's discussion on the consistency of their Proposed Action with the Conservation District.

Also, DOFAW staff noted in their comments on the final EIS, HRS Section 183-11 pertaining to the use of government (State) land for forest reserves, states that "*any land or lands while so set apart [by the governor] shall not be leased or sold by the government or used in any way for any purposes inconsistent with this chapter.*" LD staff notes that the statute also states that "*On lands under lease the reserve shall not take effect until the expiration of the existing lease, or in any way affect the rights acquired under lease.*" While the current use of the Army training on lands designated as forest reserves appears to perhaps pre-date the establishment of some of the forest reserves, the approaching expiration of the leases would mean any new long-term land disposition (whether by fee, lease, or other means) affect forest reserve lands would not be in compliance with this particular statute. Therefore, this should have been discussed and disclosed in the EIS document.

- Regarding the scope of the Proposed Action, LD staff continues to have a differing opinion than that of the Applicant in regard to the return of State-owned leased lands. According to USAG-HI, they believe that any clean up and compliance with lease conditions is outside of the scope of the Proposed Action, but nevertheless describes the generic process of complying with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). LD staff disagrees as any land returned to the State would require USAG-HI to propose cleanup and restoration activities especially as they related to hazardous substances and wastes, including munition and explosives of concern (MEC) in order to begin proper negotiations for the return of the lands. Additionally, as the FEIS treats the collective Oahu land dispositions as a single project, LD staff notes that the Board could impose cleanup and restoration requirements on the USAG-HI for any lands returned to the State as a condition for a potential new lease for other areas. Therefore, LD staff believes, especially due to the Preferred Alternative, that at least from a HEPA perspective, proposed cleanup and restoration

activities should have been considered as a part of the overall scope of the Proposed Action.

Based on the Department's many concerns, LD staff believes that the Board would not have enough information to make "*a sound decision based upon the full range of responsible opinion on environmental effects*" when a long-term land disposition is brought before them for decision making.

- (b) *The scope of the draft EIS may vary with the scope of the proposed action and its impact, taking into consideration whether the action is a project or a program. Data and analyses in a draft EIS shall commensurate with the importance of the impact, and less important material may be summarized, consolidated, or simply referenced. A draft EIS shall indicate at appropriate points in the text any underlying studies, reports, and other information obtained and considered in preparing the draft EIS, including cost-benefit analyses and reports required under other legal authorities.*

Discussion:

LD staff notes that the EIS does not distinguish the Proposed Action as either a "project" or a "program."

Pursuant to HAR §11-200.1-2, a "project" is defined as "*a discrete, planned undertaking that is site and time specific, has a specific goal or purpose and has potential impact to the environment.*"

A "program" is defined as "*a series of one or more projects to be carried out concurrently or in phases within a general timeline, that may include multiple sites or geographic areas, and is undertaken for a broad goal or purpose. A program may include: a number of separate projects in a given geographical area which, if considered singly, may have minor impacts, but if considered together, may have significant impacts; separate projects having generic or common impacts; an entire plan having wide application or restricting the range of future alternative policies or actions, including new significant changes to existing land use plans, development plans, zoning regulations, or agency comprehensive resource management plans; implementation of multiple projects over a long time frame; or implementation of a single project over a large geographic area.*"

LD staff believes, and as confirmed by the comments provided by the other Divisions on the final EIS, that the data and analyses as presented in the final EIS does not commensurate with the importance of the impacts as it relates to biological, historical, and cultural resources for the reasons that are discussed in the above section and in the executive summary.

- (c) *The level of detail in a draft EIS may be more broad for programs or components of a program for which site-specific impacts are not discernable, and shall be more specific for components of the program for which site-specific, project level impacts are discernable. A draft EIS for a program may, where necessary, omit evaluating issues that are not yet ready for decision at the project level. Analysis of the program may discuss in general terms the constraints and sequences of events likely to result in any narrowing of future options. It may present and analyze in general terms hypothetical scenarios that are likely to occur.*

Discussion:

LD staff notes that there are two issues in which distinguishing the Proposed Action as either a “program” versus as “project” may be important (please refer to the above discussion regarding the definitions of a “program” and “project.”)

The first issue is the use of Conservation District lands for military training. The final EIS uses the “hypothetical scenario” that the *“BLNR would establish a new subzone through a rule amendment that would allow military uses in the conservation district...”* OCCL, however, disagrees that this scenario could be contemplated as “likely to occur” as military use is not consistent with the overall purpose of the Conservation District. In addition, another option would be for USAG-HI to apply for a Land Use District Boundary Amendment with the State Land Use Commission to remove the applicable training sites from the State Conservation District to a more appropriate district designation that would allow for military use. Nevertheless, should the Board take the position that the proposed action is a program, then the Board could find that this content requirement is satisfactorily complied with given that this requirement allows for the analysis of hypothetical scenarios.

The second issue is that comments from agencies and the public have requested that the Army provide more information and analyses regarding clean-up activities should the State-leased lands be returned to the State public trust. The final EIS states that *“After the lease expires, the Army would also follow Federal laws and regulations to determine how and when cleanup and restoration activities for hazardous substances and munitions and explosives of concern (MEC), within the State-owned land not retained would occur. Cleanup and restoration activities are separate from lease compliance actions and are addressed through the Comprehensive Environmental Responses, Compensations, and Liability Act (CERCLA), which is outside of this EIS process.”* If the Board should take the position that the proposed action is considered a program, then this content requirement could be considered satisfactorily complied with as it allows for omission of *“evaluating issues that are not yet ready for decision at the project level.”* However, LD staff believes that proposed cleanup and restoration activities should be considered as a part of the project especially as the Preferred Alternative considers returning majority of the State-leased lands back to the State and would also act as the starting point for negotiations.

*(d) The draft EIS shall contain a summary that concisely discusses the following:*

- (1) Brief description of the action (see ES.6)*
- (2) Significant beneficial and adverse impacts (see ES.9);*
- (3) Proposed mitigation measures (see ES.11);*
- (4) Alternatives considered (see ES.8);*
- (5) Unresolved issues (see ES.12);*
- (6) Compatibility with land use plans and policies (see ES.13); and*
- (7) A list of relevant EAs and EISs considered in the analysis of the preparation of the EIS (see Table ES-1).*

Discussion:

The required summary can be found in Volume 1 of the final EIS as the Executive Summary which starts on page ES-1 and the specific section references have been provided above.

*(e) The draft EIS shall contain a separate table of contents.*

Discussion:

The table of contents can be found starting on page i of Volume I of the final EIS.

*(f) The draft EIS shall contain a separate and distinct section that includes the purpose and need for the proposed action.*

Discussion:

The purpose and need for the Proposed Action can be found in Chapter 1 of the final EIS.

*(g) The draft EIS shall contain a description of the action that shall include the following information, but need not supply extensive detail beyond that needed for evaluation and review of the environmental impact:*

- (1) A detailed map (such as a United States Geological Survey topographic map, Flood Insurance Rate Maps, Floodway Boundary Maps, or state sea level rise exposure area maps, as applicable) and a related regional map;*
- (2) Objectives of the proposed action;*

- (3) *General description of the action's technical economic, social, cultural, and environmental characteristics;*
- (4) *Use of state or county funds or lands for the action;*
- (5) *Phasing and timing of the action;*
- (6) *Summary of technical data, diagrams, and other information necessary to enable an evaluation of potential environmental impact by commenting agencies and the public; and*
- (7) *Historic perspective.*

Discussion:

- 1. Detailed maps can be found throughout the document. A list of figures can be found starting on page ix as a part of the Table of Contents in Volume I.
  - 2. Objectives of the Proposed Action can be found in Sections 1.3.2 and 1.3.3.
  - 3. Chapter 3 provides the general description of the action's technical economic, social, cultural and environmental characteristics.
  - 4. Section 1.3.1 states that "*The Army proposed to retain up to approximately 6,322 ac res of State-owned lands...*" which indicates the use of state lands for the action.
  - 5. Section 2.1 includes a discussion on the phasing and timing of the Proposed Action.
  - 6. Summary of technical data, diagrams, and other information is found throughout the final EIS though as noted earlier, Staff has concerns regarding the quality of the data provided.
- (h) *The draft EIS shall describe in a separate and distinct section discussion of the alternative of no action as well as reasonable alternatives that could attain the objectives of the action. The section shall include a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions. Particular attention shall be 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. Examples of alternatives include:*
- (1) *Alternatives requiring actions of a significantly different nature that would provide similar benefits with different environmental impacts;*
  - (2) *Alternatives related to different designs or details of the proposed action that would present different environmental impacts; and*

*(3) Alternative locations for the proposed action.*

*In each case, the analysis shall be sufficiently detailed to allow the comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative. For alternatives that were eliminated from detailed study, the section shall contain a brief discussion of the reasons for not studying those alternatives in detail. For any agency actions, the discussion of alternatives shall include, where relevant, those alternatives not within the existing authority of the agency.*

Discussion:

Section 2.3 of the final EIS discusses the alternatives for the Proposed Action. Alternatives considered included:

1. Full retention:

USAG-HI would retain approximately 6,322 acres of the State-owned lands associated with KTA, Poamoho, and MMR.

- 1,150 acres at KTA (comprised of Tracts A-1 and A-3),
- 4,390 acres at Poamoho (comprised of the Poamoho Tract and the NARs Tract), and
- 782 acres at MMR (comprised of the North Ridge Tract, Center Tract, Center Tract, South Ridge Tract and Makai Tract);

2. Modified retention:

USAG-HI would retain approximately 4,192 acres of the State-owned lands associated with KTA, Poamoho, and MMR.

- 450 acres at KTA (Tract A-1 only);
- 3,170 acres at Poamoho (Poamoho Tract only); and
- 572 acres at MMR (North Ridge, Center, and South Ridge Tracts);

3. Minimum retention is only considered for MMR.

In this scenario, USAG-HI would retain approximately 162 acres of the State-owned lands located in the Center Tract; and

4. The no action alternative.

Alternatives that were considered, but ultimately dismissed as they did not meet the objectives of the Proposed Action are discussed in Section 2.3.4.



Chapter 3 of the final EIS includes analyses and evaluation of the environmental impacts for each of the above listed alternatives.

- (i) *The draft EIS shall include a description of the environment setting including a description of the environment in the vicinity of the action, as it exists before commencement of the action, from both a local and regional perspective. Special emphasis shall be placed on environmental resources that are rare or unique to the region and the action site (including natural or human-made resources of historic, cultural, archaeological, or aesthetic significance); specific reference to related actions, public and private, existent or planned in the region shall also be included for purposes of examining the possible overall cumulative impacts of such actions. Proposing agencies and applicants shall also identify, where appropriate, population and growth characteristics of the affected area, any population and growth assumptions used to justify the proposed action, and any secondary population and growth impacts resulting from the proposed action and its alternatives. The draft EIS shall expressly note the sources of data used to identify, qualify, or evaluate any and all environmental consequences.*

Discussion:

Please refer to the discussion starting on page 15 of this submittal regarding the Department's concerns on the draft EIS.

- (j) *The draft EIS shall include a description of the relationship of the proposed action to land use and natural or cultural resource plans, policies, and controls for the affected area. Discussion of how the proposed action may conform or conflict with objectives and specific terms of the approved or proposed land use and resource plans, policies, and controls, if any, for the affected area shall be included. Where a conflict or inconsistency exists, the draft EIS shall describe the extent to which the agency or applicant has reconciled its proposed action with the plan, policy, or control, and the reasons why the agency or applicant has decided to proceed, notwithstanding the absence of full reconciliation.*

Discussion:

Section 4.3 of the final EIS discusses the proposed action's consistency with Federal, State, and County land use plans, policies, and controls.

As discussed earlier, OCCL would disagree that a rule amendment to allow for military use in the Conservation District would be a likely scenario. Therefore, a more robust discussion regarding other options including, but not limited to a State Land Use Boundary Amendment, could have been included in the analysis to make for a more well-rounded discussion.

DOFAW, in their comments on the final EIS, also noted that HRS Section 183-11 pertaining to the use of government (State) land for forest reserves, states that “*any land or lands while so set apart [by the governor] shall not be leased or sold by the government or used in any way for any purposes inconsistent with this chapter.*” LD staff notes that the statute also states that “*On lands under lease the reserve shall not take effect until the expiration of the existing lease, or in any way affect the rights acquired under lease.*” While the current use of the Army training on lands designated as forest reserves appears to perhaps pre-date the establishment of some of the forest reserves, the approaching expiration of the leases would mean any new long-term land disposition (whether by fee, lease, or other means) affect forest reserve lands would not be in compliance with this particular statute. Therefore, this should have been discussed and disclosed in the EIS document.

- (k) *The draft EIS shall also contain a list of necessary approvals required for the action from governmental agencies, boards, or commissions or other similar groups having jurisdiction. The status of each identified approval shall also be described.*

Discussion:

Table 1-3 of the final EIS contains a list of necessary approvals as well as their status.

- (l) *The draft EIS shall include an analysis of the probable impact of the proposed action on the environment, and impacts of the natural or human environment on the action. This analysis shall include consideration of all consequences on the environment, including direct and indirect effects. The interrelationships and cumulative environmental impacts of the proposed action and other related actions shall be discussed in the draft EIS. The draft EIS should recognize that several actions, in particular those that involve the construction of public facilities or structures (e.g., highways, airports, sewer systems, water resource actions, etc.) may well stimulate or induce secondary effects. These secondary effects may be equally important as, or more important than, primary effects, and shall be thoroughly discussed to fully describe the probable impact of the proposed action on the environment. The population and growth impacts of an action shall be estimated if expected to be significant, and an evaluation shall be made of the effects of any possible change in population patterns or growth upon the resource base, including but not limited to land use, water, and public services, of the area in question. Also, if the proposed action constitutes a direct or indirect source of pollution as determined by any governmental agency, necessary data regarding these impacts shall be incorporated into the EIS. The significance of the impacts shall be discussed in terms of subsections (m), (n), (o), and (p).*

Discussion:

Cumulative impacts are discussed throughout Volume I, Chapter 3 of the draft and final EIS.

Please see discussion sections below regarding subsections (m), (n), (o), and (p) respectively.

- (m) The draft EIS shall include in a separate and distinct section a description of the relationship between local short-term uses of humanity's environment and the maintenance and enhancement of long-term productivity. The extent to which the proposed action involves trade-offs among short-term and long-term gains and losses shall be discussed. The discussion shall include the extent to which the proposed action forecloses future options, narrows the range of beneficial uses of the environment, or poses long-term risks to health and safety. In this context, short-term and long-term do not necessarily refer to any fixed time periods, but shall be viewed in terms of the environmentally significant consequences of the proposed action.*

Discussion:

The relationship between short-term use of the environment and long-term productivity is discussed in Section 4.6 of the final EIS.

While this section discusses the fact that fee ownership by USAG-HI would foreclose on any future use of the lands, Staff believes that this is also true for a lease scenario as a lease would foreclose on any future uses for the term of the lease. While a lease may allow for provisions to ensure that the range of beneficial uses of the environment is preserved, without including a discussion of what beneficial uses of the environment would be narrowed otherwise, does not provide any helpful information that could be used to craft any potential lease.

In addition, an EIS is supposed to include opposing views. Staff believes that this section should have included a discussion that the issuance of a long-term land disposition, whether via lease or fee ownership, would foreclose on the use of public trust lands for uses that would benefit the public such as for recreation and cultural practice purposes.

- (n) The draft EIS shall include in a separate and distinct section a description of all irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented. Identification of unavoidable impacts and the extent to which the action makes use of non-renewable resources during the phases of the action, or irreversibly curtails the range of potential uses of the environment, shall also be included. The possibility of environmental accidents resulting from any phase of the action shall also be considered.*

Discussion:

Irreversible and irretrievable commitments of resources are discussed in Section 4.5, of the final EIS.

The final EIS states that *“because the Proposed Action is a real estate action (i.e. administrative action) and does not include construction, modernization, or changes in ongoing activities in the State-owned land retained, there would be no further anticipated irreversible or irretrievable commitments of resources beyond the baseline impacts previously analyzed and discussed in Chapter 3.*

The premise that the proposed action is a real estate action is one that Staff believes to be an incorrect statement as we have repeatedly reminded USAG-HI that the State views the action as a proposed long-term land retention method that would allow for the continuance of military training. The continuance of military training and any potential impacts that could result in a gradual or exponential increase in the rate of which an impact could/would occur or the severity of such impacts due to length of time should be addressed. Furthermore, Staff’s discussion regarding the provided baseline data leaves room for questioning the baseline impacts analyzed and discussed in Chapter 3.

- (o) *The draft EIS shall address all probable adverse environmental effects that cannot be avoided. Any adverse effects such as water or air pollution, urban congestion, threats to public health, or other consequences adverse to environmental goals and guidelines established by environmental response law, coastal zone management laws, pollution control and abatement laws, and environmental policy including those found in chapters 128D (Environmental Response Law), 205A (Coastal Zone Management), 342B (Air Pollution Control), 342C (Ozone Layer Protection), 342D (Water Pollution), 342E (Nonpoint Source Pollution Management and Control), 342F (Noise Pollution), 342G (Integrated Solid Waste Management Plan), 342H (Solid Waste Recycling), 342I (Special Wastes Recycling), 342J (Hazardous Waste, including Used Oil), 342L (Underground Storage Tanks), 342P (Asbestos and Lead), and 344 (State Environmental Policy), HRS, and those effects discussed in this section that are adverse and unavoidable under the proposed action must be addressed in the draft EIS. Also, the rationale for proceeding with a proposed action, notwithstanding unavoidable effects, shall be clearly set forth in this section. The draft EIS shall indicate what other interests and considerations of governmental policies are thought to offset the adverse environmental effects of the proposed action. The draft EIS shall also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects.*

Discussion:

Section 5.4 of the final EIS discusses unavoidable significant impacts.

The adverse impacts determined by USAG-HI are as follows:

1. Adverse impacts to land use as it relates to the fact that the land in question should be held in the public trust for the use and benefit to Native Hawaiians and the public;
2. Continued adverse impacts to access for cultural practices; and
3. Continued adverse impacts to communities with environmental justice concerns as a long-term land disposition would alienate these ceded lands from the public trust that is intended to benefit Native Hawaiians, limit access for cultural practices, and impact biological resources that are important to the cultural practices of Native Hawaiians.

USAG-HI provides the rationale that land retention at KTA, Poamoho, and MMR “*would promote long-term productivity at KTA, Poamoho, and MMR by supporting the Army’s mission and thus national defense, notwithstanding the unavoidable impacts discussed in Section 4.4. Continued use of the State-owned land is important to the Army’s readiness in Hawai‘i; the maneuver area and training facilities and features on the State-owned land at KTA, Poamoho, and MMR are needed for USARHAW to fulfill its mission.*”

Staff notes that this content requirement states that “*the draft EIS shall also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects.*” Per Appendix A of the final EIS, the Applicant indicates that the references back to specific sections in Chapter 3 is meant to fulfill this particular requirement.

- (p) *The draft EIS shall consider mitigation measures proposed to avoid, minimize, rectify, or reduce impacts including provisions for compensation for losses of cultural, community, historical, archaeological, and fish and wildlife resources, including the acquisition of land, waters, and interests therein. Description of any mitigation measures included in the action plan to reduce significant, unavoidable, adverse impacts to insignificant levels, and the basis for considering these levels acceptable shall be included. Where a particular mitigation measure has been chosen from among several alternatives, the measures shall be discussed and reasons given for the choice made. The draft EIS shall include, where possible, specific reference to the timing of each step to be taken in any mitigation process, what performance bonds, if any, may be posted, and what other provisions are proposed to ensure that the mitigation measures will infract be taken in the event the action is implemented.*

Discussion:

Mitigation measures are discussed throughout Chapter 3 of the final EIS. A summary of mitigation measures is provided in Table 3-81 and the timing for the mitigation measures is provided in Table ES-4.

- (q) *The draft EIS shall include a separate and distinct section that summarizes unresolved issues and contains either a discussion of how such issues will be resolved prior to commencement of the action, or what overriding reasons there are for proceeding without resolving the issue.*

Discussion:

Section 4.2 discusses unresolved issues. Issues include:

- Land retention estates and methods (i.e. lease vs fee (which could include a land exchange));
- Land retention duration;
- Conditions of a new lease and/or easement;
- Lease compliance actions and cleanup and restoration activities; and
- Environmental resource area evaluations (location boundaries need to be surveyed);

Given that as OCCL believes that military use within the Conservation District is not consistent with the overall purposed of the Conservation District, Staff believes that this topic should have been included as an unresolved issue.

Also, DOFAWs comments regarding the use of lands set aside for forest reserves should have also been addressed in this section.

- (r) *The draft EIS shall include a separate and distinct section that contains a list identifying all governmental agencies, other organizations and private individuals consulted in preparing the draft EIS, and shall disclose the identity of the persons, firms, or agency preparing the draft EIS, by contract or other authorization.*

Discussion:

Chapter 6 of the final EIS provides “*the identity of the persons, firms, or agency preparing the draft EIS, by contract or other authorization.*”

Table 7-2 contains the list of “*all governmental agencies, other organizations and private individuals consulted in preparing the draft EIS.*” This list is inclusive of those who were consulted on the initial draft EIS as well as the second draft EIS.

*(s) The draft EIS shall include a separate and distinct section that contains:*

- (1) Reproductions of all written comments submitted during the consultation period required in section 11-200.1-23;*

Discussion:

Reproductions of all comments can be found in Volume III and IV of the final EIS.

- (2) Responses to all substantive written comments made during the consultation period required in section 11-200.1-23. Proposing agencies and applicants shall respond in the draft EIS to all substantive written comments in one of two ways, or a combination of both, so long as each substantive comment has clearly received a response:*

- (A) By grouping comment responses under topic headings and addressing each substantive comment raised by an individual commenter under that topic heading by issue. When grouping comments by topic and issue, the names of commenters who raised an issue under a topic heading shall be clearly identified in a distinctly labeled section with that topic heading. All substantive comments within a single comment letter must be addressed, but may be addressed throughout the applicable different topic area with the commenter identified in each applicable topic area. All comments, except those described in paragraph (3), must be appended in full to the final document; or*
- (B) By providing a separate and distinct response to each comment clearly identifying the commenter and the comment receiving a response being responded to for each comment letter submitted. All comments, except those described in paragraph (3), must either be included with the response, or appended in full to the final document;*

Discussion:

Responses to comments can be found in Appendix E of the final EIS (see Volume II).

- (3) For comments that are form letters or petitions, that contain identical or near-identical language, and that raise the same issues on the same topic:*
- (A) The response may be grouped under paragraph (2)(A) with the response to other comments under the same topic and issue with all commenters identified in the distinctly labeled section identifying commenters by topic; or*

- (B) *A single response may be provided that addresses all substantive comments within the form letter or petition and that includes a distinct section listing the individual commenters who submitted the form letter or petition. At least one representative sample of the form letter or petition shall be appended to the final document; and*
- (C) *Provided that, if a commenter adds a distinct substantive comment to a form letter or petition, then that comment must be responded to pursuant to paragraph (2);*

Discussion:

Form letters and responses were reproduced pursuant to §11-200.1-24(s)(3)(B) in Appendix E (Volume II) and M (Volumes III and IV) and of the final EIS.

- (4) *A summary of any EIS public scoping meetings, including a written general summary of the oral comments made, and a representative sample of any handout provided by the proposing agency or applicant related to the action provided at any EIS public scoping meeting;*

Discussion:

Summary and samples of handouts at the EIS public scoping meeting are included as Appendix D in Volume II of the final EIS.

- (5) *A list of those persons or agencies who were consulted and had no comment in a manner indicating that no comment was provided; and*

Discussion:

Table 7-2 provides the list of consulted persons or agencies and indicates whether or not comments were received accordingly.

- (6) *A representative sample of the consultation request letter.*

Discussion:

Applicant indicated that this can be found in Appendix D. Staff believes it is the Direct Mail Postcard.

- (i) *An addendum to a draft EIS shall reference the original draft EIS to which it attaches and comply with all applicable filing, public review, and comment requirements set forth in subchapter 10.*

Discussion:

Not Applicable.



### **Final EIS Content Requirements**

HAR Section 11-200.1-27 establishes the content requirements of a final EIS. The content requirements are as follows:

*(a) The final EIS, at a minimum, shall contain the information required in this section. The contents shall fully declare the environmental implications of the proposed action and shall discuss all reasonably foreseeable consequences of the action. In order that the public can be fully informed and the accepting authority can make a sound decision based upon the full range of responsible opinion of environmental effects<sup>1</sup>, an EIS shall include reasonable opposing views, if any, on significant environmental issues raised by the proposal.*

*(b) The final EIS shall consist of:*

- (1) The draft EIS prepared in compliance with this subchapter, as revised to incorporate substantive comments received during the review process in conformity with section 11-200.1-26, including reproduction of all comments and responses to substantive written comments;*

#### Discussion:

Please refer to the discussion starting on page 14 regarding the Department's concerns regarding the contents of the draft EIS being in compliance with HAR Chapter 11-200.1, Subchapter 10.

Staff acknowledges that what the applicant has determined as substantive comments received during the review process were incorporated into the final EIS and reproductions of all comments and responses are provided in Appendix N and D, respectively.

- (2) A list of persons, organizations, and public agencies commenting on the draft EIS;*

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<sup>1</sup> HAR § 11-200.1-2 provides in relevant part:

*"Effects" or "impacts" as used in this chapter are synonymous. Effects may include ecological effects (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic effects, historic effects, cultural effects, economic effects, social effects, or health effects, whether primary, secondary, or cumulative. Effects may also include those effects resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.*

*"Environment" means humanity's surroundings, inclusive of all the physical, economic, cultural, and social conditions that exist within the area affected by a proposed action, including land, human and animal communities, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.*

Discussion:

This list can be found in Volume II Appendix E which list the individuals who signed specific form letters and the others can be found in Volume IV Appendix M-2.

- (3) *A list of those persons or agencies who were consulted in preparing the final EIS and those who had no comment shall be included in a manner indicating that no comment was provided;*

Discussion:

Table 7-2 provides the list of consulted persons or agencies and indicates whether or not comments were received accordingly.

- (4) *A written general summary of oral comments made at any EIS public scoping meeting; and*

Discussion:

The summary of oral comments can be found in Appendix D of the final EIS (see Volume II)

- (5) *The text of the final EIS written in a format that allows the reader to easily distinguish changes made to the text of the draft EIS.*

Discussion:

Applicant uses redline format which allows the reader to easily distinguish changes.

**3. COMMENTS SUBMITTED DURING THE REVIEW PROCESS HAVE RECEIVED RESPONSES SATISFACTORY TO THE ACCEPTING AUTHORITY, INCLUDING PROPERTY IDENTIFYING COMMENTS AS SUBSTANTIVE AND RESPONDING IN A WAY COMMENSURATE TO THE COMMENT, AND HAVE BEEN APPROPRIATELY INCORPORATED INTO THE FINAL EIS.**

Given that there are hundreds of comments on the draft EIS, LD staff does not feel that it is appropriate that they alone determine whether or not the responses are “satisfactory.” Rather, Staff believes that the individual divisions, agencies, organizations, and members of the public who commented on the draft EIS and have attended this June 27, 2025 Board meeting can attest to whether they feel their comments have received satisfactory responses.

LD staff, however, believes that our comments on the draft EIS were not “satisfactorily” addressed

LD staff recognizes that the issue of whether comments have been satisfactorily responded to can be subjective. Therefore, LD staff can only opine on responses to LD comments. Opinions of the other Divisions regarding the responses to their draft EIS comments are woven into their comments on the final EIS found in Exhibit B of this submittal.

LD staff's opinion is that our comments cannot be considered as being "satisfactory" responded to. Some examples are as follows:

- One of our comments stated that the *"description of the environmental setting should have been supported by current comprehensive studies and surveys that covered the entirety of the State-owned lands that are proposed to be leased."*

The response from the Applicant was that *"Per NEPA and HEPA requirements, the best available data for biological species was incorporated into this EIS."*

Staff feels that this response is contradictory as the EIS describes a PBA currently being prepared that will support a new USFWS Programmatic BO which seems would have been appropriate to use to provide current baseline information for the Proposed Action. Further, this PBA includes newly listed species that were not included in the previous BOs.

- LD and SHPD provided comments and concerns regarding the lack of archaeological surveys in ROI.

The Applicant's response was that for KTA *"Three primary reasons have constrained full survey of remaining areas: 1) the terrain is composed of very steep slopes and dissected hills, especially within KTA-3); 2) activities (e.g., ground-based training or other Federal undertakings) that trigger a cultural resources study (e.g., a Section 106 undertaking) have not occurred in unsurveyed areas (ground-based training has not occurred at KTA-3 for approximately 20 years); and 3) some of the unsurveyed acreage has sustained heavy disturbance from motorcross activities that preclude the utility of an archaeological survey."* LD staff does not agree that not triggering the Section 106 process and the motocross activities precludes the Army from doing proper due diligence.

Further, regarding archaeological surveys for Poamoho, the Applicant states that *"Poamoho is not used for ground training..."* As SHPD stated in their comments on the final EIS, *"...while Poamoho is currently used for Aerial Training only, this does not preclude the possibility of future ground-based*

*training or incidental and accidental impacts to terrestrial resources...sufficient data must be included to fully understand potential risks to cultural and historic features subject to both federal and state laws.”*

- LD provided comments on the lack of proper consultation with individuals from the appropriate moku and noted lack of consultation with the State Aha Moku.

The response from the Applicant does not show any attempt rectify our concerns with the consultation effort. Rather the Applicant stood by their CIA and did not provide any acknowledgement nor reasoning as to why they were dismissive of our request to consult with the State Aha Moku.

LD staff notes that both DOFAW and DAR acknowledge in their comments on the final EIS that best management practices (BMPs) that were provided to the Applicant during the draft EIS comments were included in the final EIS. However, DAR requested aquatic surveys of the streams on the State-leased lands and the Applicant’s responses is that “A *survey of aquatic resources on Federal land is outside the scope of this EIS.*” LD staff would conclude that the response does not satisfactorily respond to the comment especially as DAR’s comments on the final EIS restates that the request was for streams on the State-owned leased lands and encourages the Applicant to fulfill the request.

The Department’s comments on the draft EIS can be found in Volume IV, Appendix M-2. Comments begin on page HI-8 under the Draft EIS Comments section which is page 38 of the electronic file.

USAG-HI’s responses to the Department’s comments on the draft EIS can be found in Volume II, Appendix E-2, Responses to Draft EIS Comments Section, starting on page E-2-31 or page 483 of the electronic file.

Nevertheless, Staff asks the Board to consider all testimony on this matter prior to determining whether this particular criterion (on whether comments were responded to “satisfactorily”) has been satisfied.

Staff acknowledges that the Board will ultimately determine whether the final EIS satisfactorily meets the criteria for acceptance. However, given the consensus among the Divisions that the final EIS is insufficient due to a lack of baseline data for the Department, and therefore the Board, to determine and understand the extent of any impacts to natural, historical, and cultural resources, LD staff recommends that the Board not accept the final EIS as currently submitted.

RECOMMENDATION:

Recognizing that *no decision or recommendation* on a long-term land disposition is being made at this time<sup>2</sup>, the Land Division recommends that the Board

1. Determine that the final EIS does not comply with applicable law pursuant to HAR 11-200.1-28(b)(2) and therefore does not adequately disclose the environmental impacts of the proposed action, and thus does **not accept** the final EIS as submitted by USAG-HI and IMCOM.

Respectfully submitted,



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Lauren Yasaka, Staff Planner

And



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Ian Hirokawa, Acting Administrator

APPROVED FOR SUBMITTAL:



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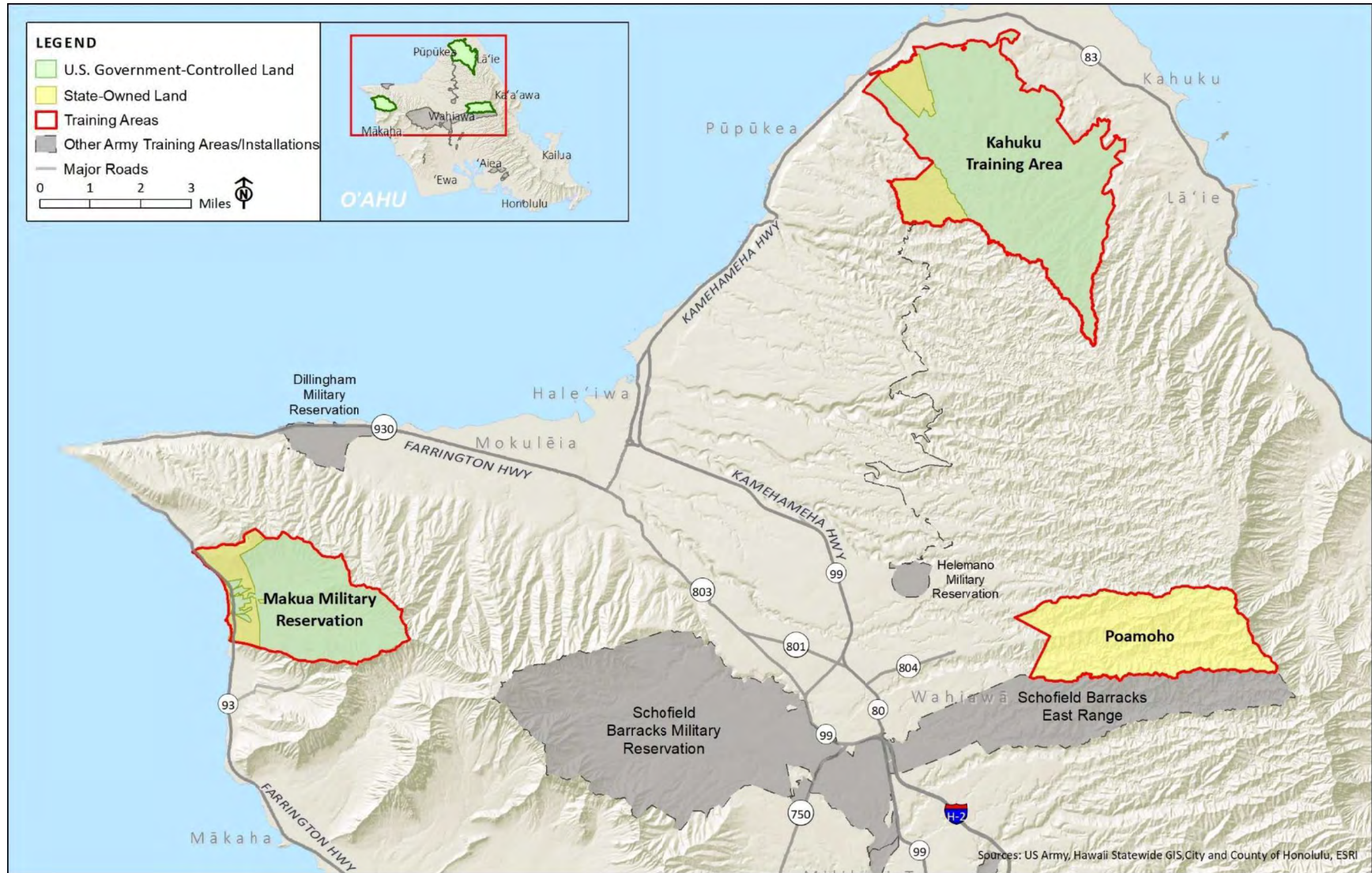
Dawn N.S. Chang, Chairperson

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<sup>2</sup> The Board will need to make a separate determination at a later date regarding whether to approve a long-term land disposition and any terms and conditions that may be appropriate.

## LOCATION AND PROJECT AREA MAPS

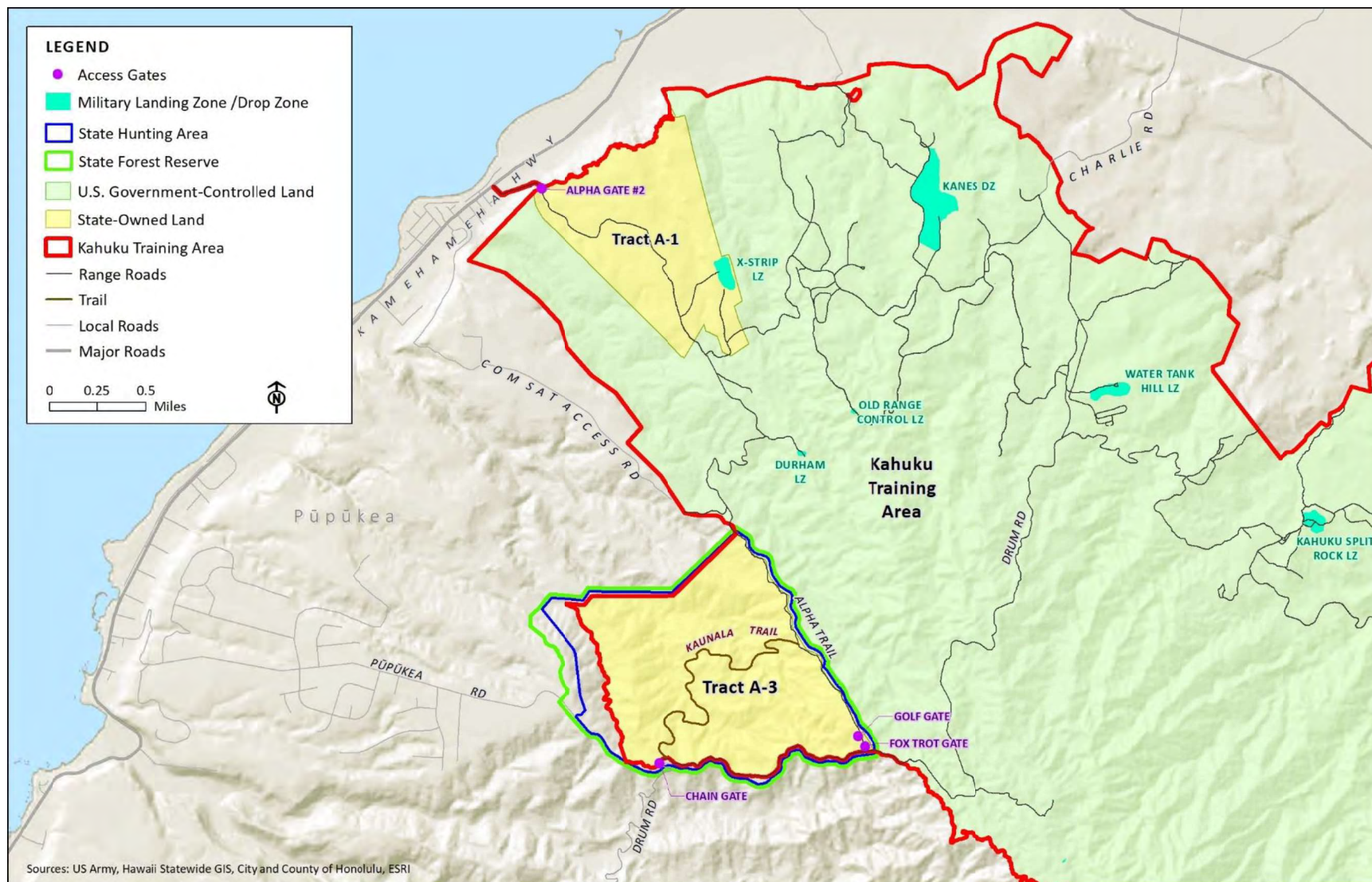
EXHIBIT A



**Figure 1-1: Army Training Areas and State-Owned Lands at KTA, Poamoho, and MMR, Island of O'ahu UPDATED**

Map for illustrative purposes only.

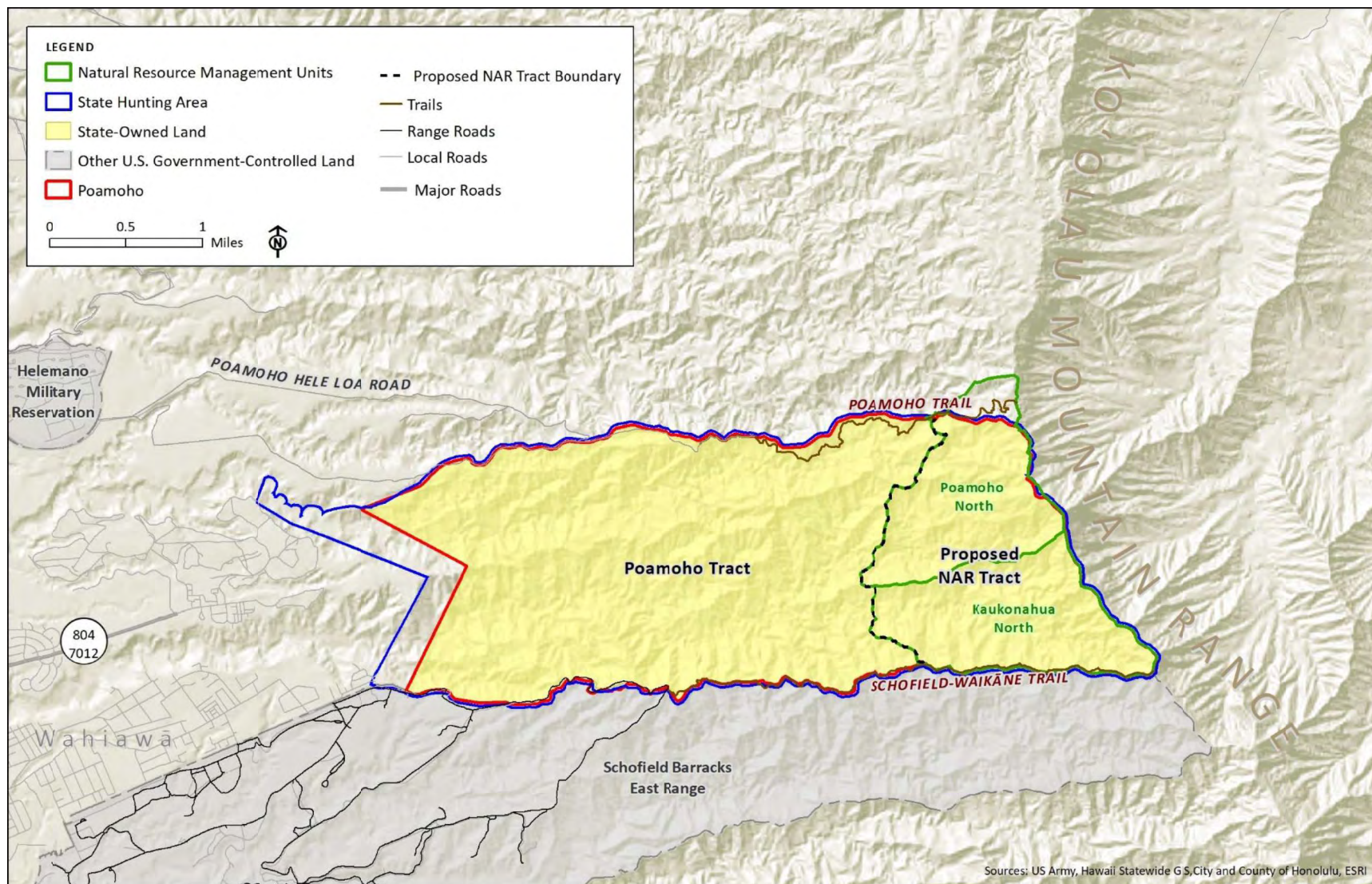




**Figure 2-1: Training Areas, Facilities, and Select Infrastructure at KTA Tracts A-1 and A-3**

Map for illustrative purposes only. This figure shows the U.S. Government-owned infrastructure on and associated with the State-owned land including access and training roads and gates.





**Figure 2-2: Training Areas, Facilities, and Select Infrastructure at Poamoho**  
Map for illustrative purposes only.





**Figure 2-3: Training Areas, Facilities, Utilities, and Select Infrastructure at MMR UPDATED**

Map for illustrative purposes only. For a map that clearly distinguishes between tracts and their boundaries, see Figure 1-4.

DEPARTMENT COMMENTS ON  
FINAL EIS

EXHIBIT B

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII  
KA MOKU'ĀINA 'O HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA  
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FIRST DEPUTY

CIARA W.K. KAHAHANE  
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  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF:OCCL:TM

Correspondence: OA 25-210

TO: Lauren Yasaka, Staff Planner  
Land Division

FROM: K. Tiger Mills, Staff Planner  
Office of Conservation and Coastal Lands (OCCL)

JUN - 6 2025

SUBJECT: Comments on the Final EIS for the Army Training Land Retention of State Lands at Kahuku Training Area, Kawaihoa-Poamoho Training Area, and Makua Military Reservation, island of O'ahu, Tax Maps Keys: (1) 5-9-006:026; (1) 7-2-001:006;(1) 6-9-003:001 (por.);(1) 8-1-001:007 (por.), 008 & 012 (por); (1) 8-2-001: 001, 022, 024, 025; (1) 8-2-001:002 (por.)

Office of Conservation and Coastal Lands (OCCL) staff reviewed the subject matter and provide the following comments:

Section 2.1 Proposed Action states: "Military training is discussed only in the context of ongoing activities and their impacts because of land retention, and no changes in training are proposed." "Any military construction or changes in the training environment would be subject to separate NEPA and HEPA analyses, as applicable, in the future."

Section 2.5 Preferred Alternative states: "The Army has identified Alternative 2 as the Preferred Alternative for retention of State-owned land on KTA [Kahuku Training Area] and the No Action Alternative as the Preferred alternative for Poamoho and MMR [Makua Military Reserve]." Under these preferred alternatives, the State leased lands of Tract A-3 of KTA, Poamoho, and Makua that lie in the State Conservation District would no longer be retained.

Should this be the final decision, there would be no land disturbing training within the Conservation District.

It appears the final EIS addresses OCCL's former comments regarding the challenges and difficulty to create a Special Subzone for land uses that appear to be inconsistent with the intent of the Conservation District and State land use policy stated in HRS 205. Table 4-3 entitled Hawai'i Revised Statutes Chapter 205 and Hawai'i Administrative Rules, Chapter 13-5 states:

"It is recognized that there is a trade-off between the revenue generated by a lease or purchase and the conservation value of the land if the Army leases were to lapse in 2029. For analysis

purposes, this EIS assumes BLNR would establish a special subzone in the conservation district through a rule amendment that allows for military training use. *Such a special subzone would be novel and represent a departure from current Conservation District uses. Any request to create a new subzone would follow the NEPA/HEPA process and determination of land retention estate(s) and methods*".

And from Section 2.4 Land Retention: "Several commenters have stated that continued military use of lands within the Conservation District *is contrary to the purposes and policies of the Conservation District. Commenters have also stated that continued military use of the State-owned lands, which are public trust lands, would be inconsistent with the State's public trust purposes.* Although a rule amendment to obtain a Special Subzone would be difficult and the execution of a new lease would be onerous, the EIS analyzes the impacts of a lease as a potential method of retention because a lease is one of the authorized methods for Army retention of State-owned lands and because it would meet the purpose and need for the Proposed Action."

Like the Pohakuloa EIS, the speculation in this EIS regarding the proposed subzone amendment, with the assumption that the BLNR would approve a rule amendment is inappropriate as the use is not consistent with the Conservation District. This point may be moot should the Preferred Alternative as described in Section 2.5 be the final decision.

However, as the final decision has not been made, the OCCL notes military maneuver and force-on-force training that involve land disturbances are not identified land uses in the Conservation District. While the EIS discusses a rule amendment to create a Special Subzone as "novel and represent a departure from current Conservation District", this statement already identifies the inconsistency with the Conservation District and perhaps more consideration should be given to apply for a State Land Use Boundary amendment.

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
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CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

June 9, 2025

**MEMORANDUM**

TO: Ian Hirokawa  
Acting Administrator, Land Division

FROM: David G. Smith *DGS*  
Administrator, Division of Forestry and Wildlife

SUBJECT: Review of Final Environmental Impact Statement for Army Training Land Retention of State Lands at Kahuku Training Area, Kawaihoa-Poamoho Training Area, and Makua Military Reservation, Located on the Island of O'ahu, Hawai'i

The Division of Forestry and Wildlife ("DOFAW") received Chairperson Chang's request to review the Final Environmental Impact Statement for Army Training Land Retention of State Lands at Kahuku Training Area, Kawaihoa-Poamoho Training Area, and Makua Military Reservation ("ATLR FEIS"), Located on the Island of O'ahu, Hawai'i, tax map keys (1) 5-8-002; 5-9-006:026; 7-2-001:006; 6-9-003:001 (por.); 8-1-001:008, and portions of 007 and 012; and 8-2-001:001, 002, 024, 025, and portions of 002 dated May 2025 (EISX-007-21-001-1733763715). The purpose of the ATLR FEIS is to discuss the environmental impacts from the Army's retention of 6,322 acres of state-owned lands located at Kahuku Training Area ("KTA"), Kawaihoa-Poamoho Training Area ("Poamoho"), and Makua Military Reservation ("MMR") through lease from the Department ("Proposed Action"). The current lease expires in 2029. The duration of the new lease will be negotiated if the ATLR FEIS is approved by the Board of Land and Natural Resources ("Board").

The ATLR FEIS explains that under the Proposed Action, the Army's current actions on the state-owned leased lands would continue and include a buffer for soldier and public safety, military training, and structural improvements. These will be evaluated in a separate environmental review document according to the federal National Environmental Policy Act.

## **I. Summary**

Chairperson Chang requested DOFAW review the ATLR FEIS according to DOFAW staff's subject matter expertise and provide comments on whether the ATLR FEIS "represents an informational instrument that fulfills the intent and provisions of Chapter 343, HRS, and adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments." DOFAW offers comments on the Proposed Action and alternatives, DOFAW-issued permits, invasive species best management practices, and federal and state-listed species management.

DOFAW prefers the Army's Preferred Alternative to the Proposed Action. The Preferred Alternative means the Army would retain Tract A-1 of KTA and not retain lands at Poamoho and MMR. The ATLR FEIS states that all proactive conservation work on federal and state-listed plants and animals contained in the lands that the Army would not retain would cease; however, the ATLR FEIS does not analyze the impact of that action. DOFAW requests an analysis of this impact in the FEIS.

The ATLR FEIS incorporates best management practices comments from DOFAW. However, DOFAW determines that the ATLR FEIS does not adequately describe impacts to federal and state-listed species because it does not disclose the impact standard, stabilization criteria, and status of mitigation work for plants and animals reviewed in biological opinions from the US Fish and Wildlife Service ("USFWS"). Disclosure of the impact standard, stabilization criteria, and status of mitigation work in the ATLR FEIS is necessary because DOFAW is not a part of the approval process for Section 7 biological opinions, and the military is not required to seek a habitat conservation plan or incidental take license from the Department. Section 11-200.1-24(p), Hawai'i Administrative Rules, states *"The draft EIS shall consider mitigation measures proposed to avoid, minimize, rectify, or reduce impacts, including provision for compensation for losses of cultural, community, historical, archaeological, and fish and wildlife resources.... Description of any mitigation measures ... to reduce significant, unavoidable, adverse impacts to insignificant levels, and the basis for considering these levels acceptable.... Where a particular mitigation measure has been chosen from among several alternatives, the measures shall be discussed and reasons given for the choice made."* Providing the impact standard, stabilization criteria, and status of mitigation work in the ATLR FEIS helps DOFAW to determine whether the impacts to specific species are acceptable, should either the Proposed Action or Preferred Alternative be chosen.

The ATLR FEIS provides lists of the federally listed plants at KTA, Poamoho, and MMR, but it is not clear which plants will be reviewed in the programmatic biological assessment underway between the Army and USFWS.

## **II. Proposed Action and Alternatives**

DOFAW prefers Army's Preferred Alternative to the Proposed Action. The Preferred Alternative means the Army would retain Tract A-1 of KTA and not retain lands at Poamoho and MMR. DOFAW supports the Army retaining existing access rights across



state land, including use of Drum Road through Tract A-3, an access route in Tract A-1, and a large helicopter landing zone in Tract A-1. DOFAW urges reconsideration of the Army's use of Tract A-1 at KTA for ground and aviation training, considering its impact on public use and the environmental effects of interrupting access to the resource. With DOFAW's support for the return of the lands to state management, DOFAW requests an analysis of the impact of cessation of the Army's conservation actions on each area in the ATLR FEIS.

The ATLR FEIS states that the Army has not used Tract A-3 at KTA in the last 20 years and is not scheduled for ground training, but aviation training does occur here. This area is a designated forest reserve called Pūpūkea Forest Reserve. It contains a portion of the Kaunala Trail, a Nā Ala Hele-managed trail, open to the public on weekends and state and federal holidays.

The ATLR FEIS states that no ground training occurs at Poamoho in the last decade, only aviation training. Poamoho is part of the 'Ewa Forest Reserve and bordered by the Poamoho trail and Schofield-Waikane trail. The Army's lease of this area has had a negative impact on the Department's ability to manage Poamoho and provide for public access. For example, the Attorney General's Office advised DOFAW's O'ahu Branch that a proposed Natural Area Reserve covering lands on a portion of Poamoho was incompatible with the terms of the Army's current lease, however, the Army was not amenable to changing the terms of the lease to accommodate this higher level of resource protection. The current lease unduly encumbers the land for a purpose not needed by the Army and hinders the responsible management of trust resources. The current lease only provides public access on weekends and holidays despite the lack of use of the areas during the week. This restriction unduly restricts the public enjoyment of the area and the ability of the Department to actively engage with the public for stewardship of these lands through independent, voluntary management and public hunting.

Poamoho contains a vital watershed, intact native forest, critically endangered plants and animals, significant historical trails, recreational resources, and cultural values. As the Army has no infrastructure or utilities at Poamoho and has not used the area in a decade or more, the area should be removed from consideration for retention.

The ATLR FEIS explains that ground training is not currently conducted in the North Ridge Track of MMR, which contains Kaluakauila Gulch. DOFAW supports removal of MMR including Kaluakauila because it contains some of the best remaining Hawaiian dryland forests on O'ahu and is home to critically endangered plants and animals. This area is not appropriate for training and does not contain any Army-owned infrastructure and should be removed from consideration for retention.

The ATLA FEIS explains that Tract A-1 at KTA is actively used as a motocross track, authorized by revocable permit from the Department and operated by the Hawai'i Motorsports Association ("HMA"), and is used by Army for ground training and aviation training. This is the only area where legitimate motorcross riding for the public is managed and allowed on O'ahu. The Department is prohibited from entering into a long-term



agreement with HMA (or any other park manager) because of the current Army lease, despite the public and environmental benefit that would be realized by a longer-term land disposition. Army regularly closes the area to the public for training purposes.

The tension between Army training and motocross use has been a longstanding issue without a satisfying opportunity for resolution because of the Army lease terms. The increase in popularity of motocross riding on the island puts at risk our watersheds and forests by illegal use of motocross riders due to lack of access to the park. In addition, the lack of a long-term agreement and reliable access for HMA has meant that HMA cannot conduct long-term planning and implement forward-looking management for the benefit of the users and the environment supporting the park. Given the large amount of land owned by the Army on O'ahu and the lack of available land for motocross use, the O'ahu Branch urges the Army to consider alternatives other than using Tract A-1 at KTA that better support the Army's needs. At the very least, any future land disposition should address this site's erosion, air quality, and invasive species concerns.

### **III. Permits and Approvals from the Division of Forestry and Wildlife**

The ATLR FEIS lists the following permits held during the current lease term:

- Combined NARs, Rare Plants, and Native Invertebrate Research Permit for rare taxa of interest on NARs and Forest Reserves
- Combined permit for *Schiedea hookeri* collection and propagation at Pu'u Hāpapa
- Forest Reserve Access and Special Use permit
- Protected Wildlife Permit
- Two short-term DLNR combined permits for the Ka'ena NAR, one for rodent and ungulate threat control and the other for aerial UAV monitoring of *Euphorbia celastroides* var. *kaenana*
- DLNR issued 3-year permit to Army Natural Resources Program on O'ahu ("ANRPO") for invertebrate and plant studies on 98 species within 17 O'ahu reserves
- DLNR issued Special Use Permit for maintaining predator-proof fence enclosure at Ka'ala NAR for native snails

In table ES-2, the ATLR FEIS lists the following potential permits requested from DOFAW for a new lease:

- Protected Wildlife Permit-Scientific Collection
- Permit for Threatened and Endangered Plant Species
- Wildlife Control Permit

DOFAW requests continued consultation on permits necessary for activities on DOFAW-managed lands. DOFAW requests Army clarify that Wildlife Control Permits are only for ANRPO staff and USDA contractors to control ungulates on KTA, Poamoho, and MMR.

Section 183-11, HRS, requires that lands set aside by executive order as forest reserves not be leased by the government or used for any purposes inconsistent with Chapter 183, Hawai'i Revised Statutes ("HRS"). DOFAW requests a discussion of how the Army's retention of lands located in forest reserves is consistent with the purposes of Chapter 183, HRS.

Under federal law, federal agencies and USFWS may consult with DOFAW, but Department approval is not required for Section 7 consultations under the federal Endangered Species Act ("ESA"). Therefore, the draft components of biological opinions and assessments are not always readily available for DOFAW's comment. Under Section 195D-4(a), HRS, species listed as endangered or threatened under the federal Endangered Species Act are automatically listed under state law. There are also species listed as threatened or endangered only under state law. Analyzing the impact standard,<sup>1</sup> stabilization criteria, and management actions for federally listed plants and animals reviewed in biological opinions is essential to DOFAW's evaluation of environmental impacts to species and their habitats.

#### **IV. Best Management Practices for Invasive Species**

The ATLR FEIS discusses existing invasive species management measures for the coconut rhinoceros beetle and the little fire ant. It does not review best management practices for preventing the introduction of Rapid 'Ōhi'a Death (ROD). DOFAW recommends the following:

- To prevent the spread of Rapid Ohia Death, the movement of all ohia plants or plant parts (including logs, wood, leaves, twigs, flowers, seeds, stems and cuttings), untreated wood, green waste, mulch, sawdust, woodchips, soil and frass from Hawaii Island to Oahu is prohibited.
- To prevent the spread of Rapid Ohia Death, all tools, shoes, clothing, gear, and equipment used on Hawaii Island must be cleaned with Lysol (4 oz/gallon Lysol), 70% rubbing alcohol, or 10% bleach before returning to Oahu. Clothing must be washed in hot water and detergent.

#### **V. Discussion of Impacts to Listed Species**

##### **A. Impact Standard and Stabilization Criteria for Federally Listed Species**

The ATLR FEIS describes management actions and references the 2003 BO, 2007 BO, 2008 BO, and INRMP, but does not describe the impact standard, stabilization criteria, and current status of mitigation so that DOFAW can adequately assess all impacts to all federal and state-listed species.<sup>2</sup> USFWS and the Department approved the INRMP to

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<sup>1</sup> The impact standard refers to the determination by the USFWS on the federal agency actions impacts to federally listed species under Section 7 of the ESA.

<sup>2</sup> DOFAW reviewed the ATLR FEIS in conjunction with "Biological Opinion of the United States Fish and Wildlife Service for Routine Military Training and Transformation of the 2<sup>nd</sup> Brigade 25<sup>th</sup> Infantry Division (Light) U.S. Army Installations Island of Oahu" dated October 23, 2003 ("2003 BO"); "Retention of the

provide a guide for the conservation, rehabilitation, and sustainable use of natural resources located on U.S. Army Garrison, Hawai'i ("USAG-HI"), installation lands.<sup>3</sup> Concerning the current mitigation status, it is important to note, as required in the INRMP, the Army consults with DOFAW on the status of federally listed species and their habitats located on installation lands through regular updates and other consultations as needed. Therefore, DOFAW is in regular contact with ANRPO.

The INRMP identifies 57 management units ("MUs") on state-leased and federal land designated for active protective management of federally listed species. Each MU has stabilization goals for the target species protected identified in the 2003 and 2007 BO. All priority MUs are to be fenced for ungulate control. Other management actions that may take place inside MUs are weed population control and equipment cleaning before entry, eradication of 'ōhi'a rust where feasible, small and large mammal control or removal, predatory invertebrate control for native snail enclosures, and a plan for minimizing fires caused by training, and control for fires that may start.

Wildland fire management protects federally listed species, natural resources, and human improvements to the property. Wildlife fire management includes development of a Fire Danger Rating System for each installation; identifying locations and standards of fire breaks and fuel breaks; developing standard operating procedures that include fire prevention briefings before training, notification lists in case of fire, operational decision charts for fires, maps for resources, fuels, and fire breaks; and fuel management through cutting, herbicide application, and prescribed fire. To reduce the risk of wildfires at MMR, various portions of CALFEXs and other live-fire training will only be conducted during Green or Yellow fire danger rating periods. Special plans for adaptive wildfire management are in place in specific areas in MMR and 'elepaio critical habitat.

The 2003 BO explains that the Army is to manage threats to federally listed species and their habitats found on installation lands. Under Section 7 of the Endangered Species Act, these species populations are expected to stabilize and recover to avoid jeopardy.

Stabilization occurs in three tiers at KTA and Poamoho: Tier 1 is for species threatened by the current level of training and fire threat. In Tier 1, MUs are fenced and monitored for invasive species. Tier 2 is for species in areas of military training occurring along trails and where training will be initiated. In Tier 2, fences are built around MUs before training, and soldiers are educated about invasive species and impacts to species. Tier 3 is the

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1999 Biological Opinion of the U.S. Fish and Wildlife Service for U.S. Army Military Training at Makua Military Reservation Island of Oahu" dated June 22, 2007 ("2007 BO"), "Amendment of the Biological Opinion of the U.S. Fish and Wildlife Service for Military Training at Makua Military Reservation" dated June 18, 2008 ("2008 BO"); and "U.S. Army Garrison Hawai'i Integrated Natural Resource Management Plan 2010-2014 Island of O'ahu" dated July 2010 ("INRMP") because these documents were reference documents for natural resource management actions in the ATLR FEIS.

<sup>3</sup> Installation lands means all state-leased lands identified in TMKs (1) 5-8-002; 5-9-006:026; 7-2-001:006; 6-9-003:001 (por.); 8-1-001:008, and portions of 007 and 012; and 8-2-001:001, 002, 024, 025, and portions of 002; and other federal lands managed by USAG-HI that are part of Kawaihoa Training Area, Kahuku Training Area, Schofield Barracks Military Reservation, Schofield Barracks East Range, Makua Military Reservation, and Dillingham Military Reservation.

lowest priority and receives complete stabilization during military training. In the MMR, "target species" or "at-risk" taxa receive stabilization before using specific weapons systems.

The INRMP outlines the following management actions, the impact standard, and stabilization criteria for the O'ahu 'elepaio, multiple species of native snails, and federally listed plants; and outlines other actions for the Crimson Hawaiian Damselfly, the Blackline Hawaiian Damselfly, the Oceanic Hawaiian Damsel Fly, and the Hawaiian picture-wing fly:

1. O'ahu 'elepaio

The Army will maintain predator control programs for 75 breeding pairs; monitor predator control effectiveness via banding, re-sighting, fledgling success, and adult survivorship; and control other threats at each managed field location.

2. Native snails

For *Achatinella mustelina*, the Army will achieve 300 snails in eight field populations and maintain six captive populations for each evolutionary significant unit. All extant populations are managed for stabilization due to low population numbers for *A. byronii/decipiens*, *A. lila*, and *A. livida*. For *A. curta*, *A. leucorraphe*, and *A. pulcherrima*, the Army performs surveys only, and no stabilization is expected unless individuals are found. The Army captively propagates *A. apexfulva* and *A. bulimoides*. For *A. sowerbyana*, the Army plans to reintroduce this species into predator-proof exclosures.

3. Crimson Hawaiian Damselfly, Blackline Hawaiian Damselfly, and Oceanic Hawaiian Damsel Fly

The Army plans to conduct surveys for crimson Hawaiian damselfly (*Megalagrion nesiotese*), blackline Hawaiian damselfly (*M. nigrohamatum nigrolineatum*), and oceanic Hawaiian damselfly (*M. oceanicum*) on installation lands.

4. Hawaiian picture-wing fly

The Army identified critical habitat for the Hawaiian picture-wing fly (*Drosophila substenoptera*).

5. Federally listed plants

Stabilization criteria for federally listed plants on installation lands apply to species likely to be jeopardized by military training (Tier 1). The Hawai'i Pacific Plants Recovery Coordinating Committee developed these base population goals. Each species is to have three populations of at least 25 reproducing individuals (for long-lived perennials) or 50 reproducing individuals (for short-lived perennials).

## **B. Federal and State-listed Species to be Reviewed for Impacts by the USFWS in the Programmatic Biological Assessment**

The ATLR FEIS adds federal and state-listed species and management actions beyond those reviewed in the 2003 BO, 2007 BO, 2008 BO, and INRMP. Further evaluation of impacts to these species would be part of the Programmatic Biological Assessment with the USFWS. DOFAW requests Army consultation on the effects of actions on the following species:

### **1. Seabirds**

The ATLR FEIS states that Hawaiian petrel or 'ua'u (*Pterodroma sandwichensis*) and Newell's shearwater or 'a'o (*Puffinus newelli*) may be impacted by activities in KTA, Poamoho, and/or MMR. Best management practices discussed in the ATLR FEIS include adjusting lighting to reduce disorientation from September through December, using shielded lighting, and encouraging personnel to turn off lights if a disoriented bird is found. DOFAW recommends reviewing the ATLR FEIS and correcting all places where Newell's shearwater is referred to as 'ua'u.

### **2. Forest Birds and Pueo**

The ATLR FEIS states that the Hawaiian short-eared owl or pueo (*Asio flammeus sandwichensis*) may be impacted by activities at KTA, Poamoho, and MMR; and the scarlet honeycreeper or 'i'iwi (*Vestiaria coccinea*) may be affected by activities at Poamoho. The ATLR FEIS recommends that the Army and DLNR talk about protections for pueo during lease negotiations. DOFAW recommends Army consultation for pueo because it is only state-listed and not federally listed.

### **3. Waterbirds**

The ATLR FEIS states that activities at Poamoho may impact Hawaiian stilts or ae'o (*Himantopus mexicanus knudseni*).

### **4. Bats**

The ATLR FEIS states that Hawaiian hoary bats or 'ōpe'ape'a (*Lasiurus semotus*) may be impacted by activities at KTA, Poamoho, and MMR. Potential roosting habitat exists at all three sites. Passive acoustic detections have recorded bat presence at MMR, Poamoho, and on federal land adjacent to KTA. DOFAW recommends that the use of barbed wire for security fences be checked monthly for bat take.

### **5. Federal and state-listed plants**

The ATLR FEIS contains lists of federal and state-listed plants at KTA, Poamoho, and MMR, but it is not clear which plants will be reviewed by the programmatic biological assessment that the Army is working on with USFWS. Which plants are reviewed will depend on the lease alternative selected and should be discussed in the ATLR FEIS. Therefore, it is difficult for DOFAW to assess the impacts on each species fully if stabilization and land management actions change.

## 6. Native snails

The Army currently does not maintain captive populations of *Achatinella mustelina*. Given the critical status of the species and the ongoing successful captive propagation efforts for other species, this should be a condition if the MMR lease is renewed. Since circa 2014, the Army has not conducted any actions for listed Koolau *Achatinella* species, including *Achatinella byronii*, *A. decipiens*, *A. lila*, *A. livida*, *A. curta*, *A. leucorraphe*, *A. pulcherrima*, *A. apexfulva*, *A. bulimoides*, and *A. sowerbyana*. DOFAW conducts all conservation actions for these species, including captive propagation, surveys, predator-proof fencing, etc. DOFAW recommends that the Army increase conservation measures for these species if the Board approves the Proposed Action.

We appreciate the opportunity to comment and hope the above concerns will be considered during the Board decision process and any subsequent lease negotiation. If you have any questions regarding these comments, please contact Marigold Zoll, O'ahu Branch Manager, at [marigold.s.zoll@hawaii.gov](mailto:marigold.s.zoll@hawaii.gov) or (808) 286-6378.



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES | KA 'OIHANA KUMUWAIWAI 'ĀINA  
**COMMISSION ON WATER RESOURCE MANAGEMENT | KE KAHUWAI PONO**  
P.O. BOX 621  
HONOLULU, HAWAII 96809

June 9, 2025

REF: RFD.6287.3

TO: Mr. Ian Hirokawa, Acting Administrator  
Land Division

FROM: Ciara W.K. Kahahane, Deputy Director  
Commission on Water Resource Management

SUBJECT: Army Training Land Retention on Oahu

FILE NO.: RFD.6287.3  
TMK NO.:

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://dlnr.hawaii.gov/cwrw>.

Our comments related to water resources are checked off below.

- ☐ 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- ☐ 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- ☐ 3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
- ☐ 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EAP as having high water efficiency can be found at <http://www.epa.gov/watersense>.
- ☒ 5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://planning.hawaii.gov/czm/initiatives/low-impact-development/>
- ☐ 6. We recommend the use of alternative water sources, wherever practicable.
- ☐ 7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at <http://energy.hawaii.gov/green-business-program>.
- ☐ 8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawaii. These practices can be found online at [http://www.hawaiiscape.com/wp-content/uploads/2013/04/LICH\\_Irrigation\\_Conservation\\_BMPs.pdf](http://www.hawaiiscape.com/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf).

- ☒ 9. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.
- ☐ 10. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
- ☐ 11. The Hawaii Water Plan is directed toward the achievement of the utilization of reclaimed water for uses other than drinking and for potable water needs in one hundred per cent of State and County facilities by December 31, 2045 (§174C-31(g)(6), Hawaii Revised Statutes). We strongly recommend that this project consider using reclaimed water for its non-potable water needs, such as irrigation. Reclaimed water may include, but is not limited to, recycled wastewater, gray water, and captured rainwater/stormwater. Please contact the Hawai'i Department of Health, Wastewater Branch, for more information on their reuse guidelines and the availability of reclaimed water in the project area.
- ☐ 12. A Well Construction Permit(s) is (are) are required before the commencement of any well construction work.
- ☐ 13. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- ☐ 14. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- ☐ 15. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- ☐ 16. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
- ☐ 17. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- ☐ 18. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- ☐ 19. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.

- ☒ OTHER: While the Commission recognizes that the Department of Health (DOH) is the regulatory authority for water quality, and Appendix J recognizes the regulatory framework established by the DOH, water quality affects water quantity available. As stewards of Hawai'i's precious wai, the Commission on Water Resource Management has concerns over military uses and the potential for ground water degradation, and thus the potential for reducing availability of water for potable use.

Historically, there have been instances of military-use impacting ground water. Most notable is the Red Hill Fuel Tank leaks, which have impaired the sole-source aquifer and caused the Honolulu Board of Water Supply to shift their pumpage out to other areas. Additionally, Army training facilities in Waiawa resulted in findings of ground water contamination in adjacent areas, possibly due to the infiltration of Aqueous-Film-Forming-Foam (AFFF) used for fire fighting training.

For these reasons, a better understanding of all of the potential sources of contamination, which may even include oil-leaks from vehicles, or residual unexploded ordinances, would help to inform the regulatory agencies about best management practices to employ to ensure that ground water protection is optimized.



**From:** [Gomes, Noah J](#)  
**To:** [Yasaka, Lauren E](#)  
**Subject:** SHPD History and Culture Branch Comments for the FEIS for Army Training Land Retention of State Lands on O'ahu  
**Date:** Thursday, June 12, 2025 3:02:51 PM

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Aloha Lauren,

On May 16, 2025 a memorandum was distributed to the administrators of the divisions of Department of Land and Natural Resources (DLNR) from DLNR Chair Dawn Chang requesting comments on the Final Environmental Impact Statement (FEIS) for the Army Training Land Retention of State Lands on O'ahu at Kahuku Training Area (KTA), Kawaihoa-Poamoho Training Area (Poamoho) and Mākua Military Reservation (MMR).

Comments from the History and Culture Branch of the State Historic Preservation Division (SHPD) regarding the FEIS are as follows:

1. SHPD requests a more complete Historic and Cultural Resources Literature Review. In comments on the Draft EIS (see page E-2-55 of the FEIS), SHPD recommended further information be included in the Literature Review to better address concerns regarding potential impacts within the ROI. While the EIS must rely on existing studies to present "what is known of current conditions," it does not include significant published material relevant to potential historic and cultural resources within the ROI. There are multiple published Hawaiian stories set within the ROI that are not included in the CIA, including (but not limited to) the stories of Kelea, Lō'āikanaka (O'āhunui), and Pa'āhana.

2. SHPD continues to recommend adequate archaeological surveys of the ROI. The significant unsurveyed acreage within KTA, MMR and Poamoho may contain historical and cultural sites that remain unidentified. No consideration has been given to potential unidentified archaeological and cultural sites mentioned in native Hawaiian traditions that could potentially be within these unsurveyed portions of the ROI.

As an example, the CIA does not include a summary of the legend of Lō'āikanaka, also known as the legend of O'āhunui, a portion of which is set within the ROI, in the region variously known as Halemano, Helemano, and Halemanu. Descriptions in different versions of this legend suggests that there may be archaeological sites located within the ROI associated with the Lō'āikanaka. The Nakuina version of the story places their fortified residence and an apparent heiau "in upper Helemano." The Kalākaua version further details that the locality "... is a crescent-shaped plateau of two or three hundred acres, completely surrounded by deep and almost precipitous ravines, with the exception of a narrow isthmus..." This describes the geographically difficult terrain of the Kawaihoa-Poamoho Training well, and aligns with descriptions of this area already given

in the FEIS.

3. While the Proposed Action in this FEIS is administrative in nature, and while Poamoho is currently used for Aerial Training only, this does not preclude the possibility of future ground-based training or incidental and accidental impacts to terrestrial resources. This FEIS will be a significant document to inform decision makers for the Proposed Action, and sufficient data must be included to fully understand potential risks to cultural and historic features subject to both federal and state laws.

Mahalo for the opportunity to comment on this FEIS. If there are any questions regarding these comments, please contact Noah Gomes, SHPD Ethnographer.



JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
DEPARTMENT OF LAND AND NATURAL  
RESOURCES DIVISION OF AQUATIC RESOURCES  
1151 PUNCHBOWL STREET, ROOM 330  
HONOLULU, HAWAII 96813

Date: 06/10/2025

DAR #AR6903

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

RYAN K.P. KANAKA'OLE  
FIRST DEPUTY

CIARA W.K. KAHAHANE  
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  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

MEMORANDUM

TO: Brian J. Neilson  
DAR Administrator

FROM: Kendall Tucker, Aquatic Biologist

SUBJECT: Army's FEIS for Training Land Retention - Oahu at Kahuku Training Area (KTA), Kawaiioa-Poamoho Training Area (Poamoho), and Makua Military Reservation (M)

Request Submitted by: Land Division  
Kahuku Training Area (KTA), Kawaiioa-Poamoho Training Area (Poamoho), and  
Makua Military Reservation (MMR)

Location of Project:


Brief Description of Project:

There are seven Army-managed training areas on O'ahu used by the U.S. Army Hawaii (USARHAW) to meet mission requirements. The U.S. Government leases approximately 6,322 acres of land on O'ahu from the State for military training on three of these training areas: Kahuku Training Area (KTA), Kawaiioa-Poamoho Training Area (Poamoho), and Makua Military Reservation (MMR). These leases began in 1964 and extend for 65 years to 2029. In anticipation of the leases expiring in 2029, the Army initiated several planning efforts that preceded this EIS, including conducting preliminary title reports and metes and bounds surveys for the State-owned lands,

Comments:

☐ No Comments ☒ Comments Attached

Thank you for providing DAR the opportunity to review and comment on the proposed project. Should there be any changes to the project plan, DAR requests the opportunity to review and comment on those changes.

Comments Approved:  Date: 06/13/2025  
Brian J. Neilson  
DAR Administrator

Brief Description of Project

completing Environmental Condition of Property reports and an Analysis of Alternatives Study, and obtaining a Major Land Acquisition Waiver from the Under Secretary of Defense for Acquisition and Sustainment.

Over the past six decades, these State-owned lands have been an important portion of the approximately 51,000 acres of total Army training areas across O'ahu. The geographical location of Hawai'i is a strategic one for national defense and rapid deployment of military forces, and the State plays a key role within the U.S. Indo-Pacific Command area of responsibility to help achieve U.S. national security objectives and protect national interests. The State-owned lands are critical to the military mission because they provide access among the U.S. Government-controlled portions of O'ahu training areas, act as buffers between public lands and training activities, and support numerous training facilities and capabilities that are essential to USARHAW and other military services and local agencies. The State-owned lands contain some key training facilities not available elsewhere on O'ahu. The loss of these lands would substantially impact the ability of USARHAW, as well as other military services and local agencies that use these lands, to meet their training requirements and mission readiness.

Therefore, the U.S. Army Garrison-Hawaii (USAG-HI), the Army entity responsible for management of Army training lands on O'ahu, proposes to retain up to approximately 6,322 acres of the State-owned lands on O'ahu in support of continued military training.

The scope of this EIS for O'ahu training areas includes the Proposed Action, alternatives considered, existing conditions, environmental consequences (i.e., potential impacts), and potential mitigation measures. The Proposed Action is a real estate action (i.e., administrative action) that would enable the continuation of ongoing activities on the State-owned lands.

For full disclosure of potential future impacts, this EIS presents the potential environmental consequences of the Proposed Action (land retention), continuation of ongoing activities in State-owned land retained, ending ongoing activities in State-owned land not retained, lease compliance actions, cleanup and restoration activities, and mitigation measures (see Section 2.1). Cleanup and restoration activities would occur under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process, to which NEPA is not applicable; therefore, if future cleanup and restoration activities differ from those assumed in this EIS, they would not require subsequent NEPA analysis. The CERCLA process has its own decision-making and remedy-selection procedures and is not subject to NEPA analysis.

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Comments

Thank you for allowing the Division of Aquatic Resources (DAR) the chance to review the FEIS for Army Training Land Retention on Oahu. DAR submitted several comments during the DEIS phase of this project. In the FEIS the Army has addressed specific BMP's that DAR had questions about in the DEIS. Additionally in the DEIS, DAR requested that the "U.S. Army Natural Resources Program conduct aquatic surveys in these areas as they are not readily accessible to the public. The aquatic biota in the streams are managed and conserved by the DAR and therefore an inventory of what aquatic species inhabits streams on these State-owned lands under U.S. Army jurisdiction is important for the State." In the comments provided in the FEIS it is stated that "A survey of aquatic resources on Federal land is outside the scope of this EIS". DAR acknowledges that a survey of aquatic resources on Federal Lands is outside the scope of the EIS, but the Division was asking for a survey of aquatic resources on leased State-Owned lands. Without an inventory of what resources are currently in these ecosystems the DAR cannot say that the listed activities will have minimal adverse impact. DAR would encourage that the request that was made in the DEIS be looked at again and fulfilled.