

Comments

Responses

Letter
S1



DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM

OFFICE OF PLANNING
235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2358, Honolulu, Hawaii 96804

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
RAYMOND M. JEFFERSON
DEPUTY DIRECTOR
MARY LOU KOBAYASHI
PLANNING PROGRAM ADMINISTRATOR
OFFICE OF PLANNING

Telephone: (808) 587-2845
Fax: (808) 587-2824

Ref. No. P-10249

October 13, 2003

Ms. Cindy Barger
SBCT EIS Project Manager
U.S. Army Corps of Engineers, Honolulu District
Building 230, Room 306
ATTN: CEPOH-PP-E
Fort Shafter, Hawaii 96858-4812

Dear Ms. Barger:

Subject: Draft Environmental Impact Statement (EIS) for the Army Transformation of the 2nd Brigade, 25th Infantry Division (Light), to a Stryker Brigade Combat Team in Hawaii

This is in response to your request for comments dated October 3, 2003, on the Draft EIS for the proposed transformation to a Stryker Brigade Combat Team in Hawaii. The proposal includes construction of 28 projects and proposed land acquisition on the islands of Oahu and Hawaii.

In accordance with the Coastal Zone Management Act of 1972, Section 307(c), and the Code of Federal Regulations (15 CFR 930) regarding federal consistency requirements, we respectfully request a federal consistency determination to be submitted to our office for the proposed project.

Should you have any questions or require additional information, please contact Debra Tom of our CZM Program at 587-2840.

Sincerely,

Mary Lou Kobayashi
Planning Program Administrator

S1-1

S1-1

A federal consistency determination has been submitted to the Hawai'i Coastal Zone Management Program.

Comments

Responses

Ms. Cindy Barger
Page 2
October 13, 2003

- c: U.S. Army Corps of Engineers, Regulatory Branch
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service, Pacific Islands Ecoregion
- U.S. National Marine Fisheries Service, Pacific Area Office
- Department of Health, Clean Water Branch
- Department of Land & Natural Resources Management
Planning & Technical Service Branch
- State Historic Preservation Division
- Department of Planning & Permitting, C & C of Honolulu
- Planning Department, County of Hawaii

Comments

Responses

Letter
S2

LINDA LINGLE
GOVERNOR



PATRICIA HAJAMOTO
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF BUSINESS SERVICES

December 26, 2003

Ms. Cindy S. Barger
SBCT EIS Project Manager
U.S. Army Corps of Engineers
Honolulu District
Building 230, Room 306 ATTN: CEPOH-PP-E
Fort Shafter, Hawai'i 96858-5440

Dear Ms. Barger:

SUBJECT: Draft Environmental Impact Statement on the
Transformation of the 2nd Brigade, 25th Infantry Division to a
Stryker Brigade Combat Team

The Department of Education (DOE) has reviewed the Executive Summary of the Draft Environmental Impact Statement (DEIS) on the transformation of the 2nd Brigade, 25th Infantry Division into a Stryker Brigade Combat Team.

The Executive Summary acknowledges a series of "significant" to "significant but mitigable" impacts on the public school students who will be living and attending school on Schofield Barracks.

The DOE would like to suggest the following list of mitigations that should reduce the impacts identified by the DEIS:

1. Classroom needs. If the student population increases by 760 students, a 19.5 percent increase, there will be a need for approximately 35 temporary classrooms. Classrooms would be provided where and when they are needed in the form of permanent classroom buildings and/or temporary facilities. We request meeting with the appropriate individuals as early as possible to determine how the army can assist in providing these facilities and the timetable that they will be needed.

S2-1

S2-1

The Residential Communities Initiative (RCI) Office, as the lead department for planning Army Family Housing, closely coordinates future student requirements with the State Department of Education. To this end, Keith Nishioka, RCI Project Manager, has been working with DOE District Superintendents Gary Griffiths and Betty Mow. On behalf of the Army, he works with Keith Kameoka from the DOE, to generate School Enrollment Projections with as much accuracy as possible. The Development Partnership plans its demolition/reconstruction/renovation/reallocations years in advance, coordinating with the DOE. In turn, the DOE understands that the Army communities must be advised one year in advance of any changes in school districting. Furthermore, the RCI also works with Heidi Meeker from the DOE's Planning Branch.

Comments

Responses

Ms. Cindy S. Barger
Page 2
December 26, 2003

- S2-2 | 2. Insulation and cooling systems for classrooms at Solomon and Hale Kula Elementary Schools that will remain exposed to Zone II noise and might be exposed to Zone III.
- S2-3 | 3. Increased army efforts to protect the safety of children, including increased fencing at Hale Kula Elementary, Solomon Elementary, Wheeler Elementary, and Wheeler Intermediate schools, increased limitations on access to certain areas and the provision of more adult supervision.
- S2-4 | 4. Early notification to the DOE of the projected increase in student enrollment. Notification to be a minimum of two-and-a half years prior to students entering the schools.

Thank you for the opportunity to review and comment on the DEIS summary.

Should you have any questions, please call me at 586-3444 or Heidi Meeker of the Facilities and Support Services Branch at 733-4860.

Sincerely yours,

Rae M. Loui
for Rae M. Loui
Assistant Superintendent

RML:hy

- c: P. Hamamoto, Supt.
- E. Koyama, Budget Br.
- Asst. Supts.
- FSSB
- CAS/Central District

S2-2

Noise impacts on these schools are not directly attributable to SBCT, but to pre-existing conditions. Therefore the Army cannot commit to mitigation for these conditions under this project.

S2-3

Impacts on students are addressed in Sections 4.13 and 5.13. Health and safety impacts are discussed in Sections 4.12, 5.12, 6.12, 7.12, and 8.12. No health and safety impacts have been identified which would affect students at the listed schools, with the exception of noise impacts discussed in sections 4.13 and 5.13.

S2-4

The Army would consult with local and state schools officials on these issues if the proposed action is implemented.

Comments

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Letter
S3

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

CHIYOME L. FUKINO, M
DIRECTOR OF HEALTH

In reply, please refer to:
File:

November 7, 2003

03-1183A CAB

Ms. Cindy S. Barger
SBCT EIS Project Manager
U.S. Army Corps of Engineers
Honolulu District
Bldg 230, Rm. 306, ATTN: CEPOH-PP-E
Fort Shafter, Hawaii 96858-5440

Dear Ms. Barger:

SUBJECT: Draft Environmental Impact Statement, U.S. Army Transformation to Stryker Brigade, Various Locations on Oahu and Hawaii

This letter is to transmit the following comments on the subject application:

Construction/Demolition Involving Asbestos:

S3-1

Since the proposed project would entail renovation/demolition activities which may involve asbestos, the applicant should contact the Asbestos Abatement Office in the Noise, Radiation and Indoor Air Quality Branch at 586-5800.

Control of Fugitive Dust:

S3-1

A significant potential for fugitive dust emissions exists during all phases of construction. Proposed construction activities will occur in proximity to public areas and thoroughfares, thereby exacerbating potential dust problems. It is recommended that a dust control management plan be developed which identifies and addresses all activities that have a potential to generate fugitive dust. Implementation of adequate dust control measures during all phases of development and construction activities is warranted.

Construction activities must comply with the provisions of Hawaii Administrative Rules, §11-60.1-33 on Fugitive Dust.

The contractor should provide adequate measures to control dust from the road areas and during the various phases of construction. These measures include, but are not limited to, the following:

S3-1

A discussion of renovation/demolition activities with asbestos associated with this project can be found in section 3.12.3 and Appendix N of the EIS. Any construction projects will meet Federal, State, and local guidelines and regulation.

S3-2

The Army has committed to mitigating dust from vehicle traffic on unpaved roads through a combination of dust control chemical applications and the use of washed gravel for surfacing military vehicle trails. Hygroscopic salt solutions (such as calcium chloride and/or magnesium chloride) appear to be the most logical choice for application to unpaved roads and military vehicle trails at USARHAW installations. Monitoring road surface moisture conditions and dust generation levels would be important components of an adaptive management program that seeks to optimize the proper timing of dust suppressant applications. To the extent possible, planned dust suppressant applications should be scheduled to immediately precede periods of significant convoy traffic. As noted in the Final EIS, the Army would implement a Dust and Soils Management and Monitoring Plan that would include ambient air quality monitoring of PM10 conditions. The monitoring of ambient PM10 concentrations would help guide the development and implementation of an adaptive management program to manage training area lands and modify training procedures as necessary to ensure compliance with federal air quality standards. Dust control measures for construction projects would be incorporated into construction contracts as required procedures.

Comments

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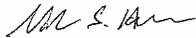
Ms. Cindy S. Barger
November 7, 2003
Page 2

S3-2
cont'd

- a) Plan the different phases of construction, focusing on minimizing the amount of dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;
- b) Provide an adequate water source at the site prior to start-up of construction activities;
- c) Landscape and provide rapid covering of bare areas, including slopes, starting from the initial grading phase;
- d) Minimize dust from shoulders and access roads;
- e) Provide adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
- f) Control dust from debris being hauled away from the project site.

If you have any questions, please contact Mr. Barry Ching of my staff at 586-4200.

Sincerely,


for WILFRED K. NAGAMINE
Manager, Clean Air Branch

BC;jhm

Comments

Responses

Letter
S4

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

CHYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
EMD/CWB

10023CEC.03

October 7, 2003

Ms. Cindy S. Barger
SBCT EIS Project Manager
U.S. Army Engineer District, Honolulu
Department of the Army
Building 230, Rm. 306 ATTN:CEPOH-PP-E
Fort Shafter, Hawaii 96858-5440

Dear Ms. Barger:

Subject: Draft Environmental Impact Statement (DEIS) for the 2nd Brigade, 25th Infantry Division (Light) to a Stryker Brigade Combat Team (SBCT) in Hawaii

The Department of Health (Department), Clean Water Branch (CWB), acknowledges receipt of a copy of the "Executive Summary" for the subject DEIS. The project includes the proposed construction of 28 projects and proposed land acquisition on the islands of Oahu and Hawaii. The following are our general comments based on limited information contained in the executive summary and the DEIS:

S4-1

1. The Regulatory Branch of the Honolulu Engineer District (HED), U.S. Army Corps of Engineers (COE), should be contacted at (808) 438-9258 to identify whether a Federal license or permit (including a Department of Army permit) is required for any of the proposed construction activities involved in this project. Pursuant to Section 401(a)(1) of the Federal Water Pollution Act (commonly known as the "Clean Water Act (CWA)"), a Section 401 Water Quality Certification is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters...."

S4-2

- 2. A National Pollutant Discharge Elimination System (NPDES) general permit coverage is required for the following activities:
 - a. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations (CFR), Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi);
 - b. Construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area

S4-1

Sections 4.10, 5.10, 6.10, 7.10, and 8.10 have been revised to address this issue.

S4-2

This information is included in Appendix N.

Comments

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Ms. Cindy S. Barger
October 7, 2003
Page 2

includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. **An NPDES permit is required before the commencement of any proposed construction activities.** Please contact the CWB for detailed requirements;

- c. Discharge of treated effluent from leaking underground storage tank remedial activities;
- d. Discharge of once through cooling water less than one (1) million gallons per day;
- e. Discharge of hydrotesting water;
- f. Discharge of construction dewatering effluent;
- g. Discharge of treated effluent from petroleum bulk stations and terminals;
- h. Discharge of treated effluent from well drilling activities;
- i. Discharges of treated effluent from recycled water distribution systems;
- j. Discharges of storm water from a small municipal separate storm sewer system; and
- k. Discharge of circulation water from decorative ponds or tanks.

The CWB requires that a Notice of Intent (NOI) to be covered by a NPDES general permit for any of the above activities be submitted at least 30 days before the commencement of the respective activities. The NOI forms may be picked up at CWB or downloaded from CWB's website at <http://www.state.hi.us/doh/eh/cwb/forms/genl-index.html>.

- 3. The U.S. Army, Hawaii may be required to apply for an individual NPDES permit if there is any type of activity in which wastewater, such as the effluent from the tactical vehicle washing facilities, is discharged into State waters and/or coverage of the discharge(s) under the NPDES general permit(s) is not permissible. An application for the NPDES permit is to be submitted at least 180 days before the commencement of the respective activities. The NPDES application forms may also be picked up at our office or downloaded from our website at <http://www.state.hi.us/doh/eh/cwb/forms/indiv-index.html>. The U.S. Army, Hawaii, is encouraged to contact the CWB for detailed NPDES permitting requirements. The U.S. Army, Hawaii shall also contact the Department's Safe Drinking Water Branch (SDWB) if effluent discharges into injection well(s) is anticipated.

- 4. Hawaii Administrative Rules (HAR), Section 11-55-38, also requires the owner of the construction project to either submit a copy of the new NOI or NPDES permit application to the State Department of Land and Natural Resources (DLNR), State Historic Preservation Division (SHPD) or demonstrate to the satisfaction of the Department that the project,

S4-2
cont'd

S4-3

S4-4

S4-3

Thank you. The Army will ensure that all required state and federal permits are obtained

S4-4

Thank you.

Comments

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Ms. Cindy S. Barger
October 7, 2003
Page 3

- S4-4** | activity, or site covered by the NOI or NPDES permit application has been or is being
cont'd | reviewed by SHPD.
- S4-5** | 5. Wetlands located in the Dillingham Training Filed shall be properly delineated and protected. Although, the Regulatory Branch of the HED/COE does not claim permitting jurisdiction under CWA, Section 404, this wetland is State waters. Any discharges, either directly or indirectly, into this wetlands shall comply with Chapter 342-D of Hawaii Revised Statutes (HRS), and HAR, Chapters 11-54 and 11-55 requirements.
- S4-6** | 6. Sanitary waste treatment and disposal issues associated with the personnel increasing (increase of 810 soldiers, with 502 spouses and 1,053 children) in the Schofield Barracks were not properly addressed. The U.S. Army, Hawaii shall ensure that the operation of the SBCT will not violate any conditions of the NPDES permit (File No. HI 0110141) issued to the Schofield Barracks by the Department.
7. Comments on Section N.7 of the Appendix N:
- a. Subsection N.7.1 Clean Water Act
- S4-7** | (1) In conjunction with the CWA, Section 404 permitting requirements, subsection N.7.1 shall also discuss the Federal Water Quality Certification (WQC) requirements as specified in CWA, Section 401. You may discuss the detailed Section 401 WQC application and processing requirements in subsection N.7.2 (State of Hawaii Laws, Regulations, and Policies) since the Department, as the authorized State agency, has the responsibility of processing the application for a Section 401 WQC under the authorization of HRS, Section 342D-53 and HAR, Subsection 11-54-09.1.
- (2) CWA, Section 402 NPDES permitting requirements shall also be discussed in subsection N.7.1. even if the U.S. Environmental Protection Agency (EPA) has delegated the NPDES permitting program to the Department. You may discuss the detailed NPDES permitting & processing requirements in subsection N.7.2 (State of Hawaii Laws, Regulations, and Policies) since the Department is the authorized State agency that issues and enforces the NPDES requirements under the authorization of HRS, Chapter 342D, HAR, Chapters 11-55 and 11-54.
- b. Subsection N.7.2 State of Hawaii Laws, Regulations, and Policies
- S4-8** | (1) In compliance with HRS, Section 342D-55 and HAR, Section 11-54-10, all discharges to State waters are subject to monitoring, not only the toxicity tests.
- (2) Please using the terms defined in the HAR, Chapter 11-54, instead of creating any new terms, such as using the term "threshold concentrations" as it should be the term "numerical standards" or using the term "general standards" as it should be the term "basic criteria."

S4-5

This wetland was incorrectly identified as jurisdictional.

S4-6

In section 4.14 of the EIS the Army evaluated the existing public services and has determined adequate capacity and no significant impacts.

S4-7

At this time the Army is not proposing any fill in waters of the U.S. and therefore a Section 404 CWA permit is not required. Please see Section 4.8 for further information.

S4-8

We thank you for your comment and participation in this public process. Your comment has been considered and has been included as part of the administrative record for this process.

Comments

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Ms. Cindy S. Barger
October 7, 2003
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S4-8
cont'd

- (3) Subsection N.7.2 shall detail HRS, Chapter 342D, HAR, Chapter 11-55, and NPDES permitting requirements.
- (4) Not all NPDES permits are granted with or qualified for a "zone of mixing." The accuracy of the statement "[F]or point sources, the permits establishes limits on the concentrations and Limits are typically based on evaluation of the degree of dispersion of the effluent within a mixing zone, and the permit establishes the allowable size of the mixing zone" needs to be re-evaluated.

Please include the following certification statement in any future correspondence or inquiry regarding this project:

S4-9

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Should you have any questions, please contact Mr. Edward Chen of the Engineering Section, CWB, at (808) 586-4309.

Sincerely,



DENIS R. LAU, P.E., CHIEF
Clean Water Branch

c: Chief, DEHP/Hawaii

S4-9

We thank you for your comment. The Army will ensure that appropriate certifications are included on all project submissions when such language is required. However, the certification you propose is not required for the FEIS or ROD.

Comments

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Letter
S5

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HAWAII 96801-3378

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
File

September 30, 2003

Cindy S. Barger
SBCT EIS Project Manager
U.S. Army Corps of Engineers Honolulu District
Bldg 230, Room 306 ATTN: CEPOH-PP-E
Ft. Shafter, HI 96858-5440

Dear Ms. Barger:

**SUBJECT: Comments to the Army Transformation in Hawaii
Draft Environmental Impact Statement
Islands of Oahu and Hawaii**

S5-1

Thank you for the opportunity to review and comment on the subject proposal. We have no comments at this time.

Should there be any questions, please contact me at 586-4701.

Sincerely,

Russell S. Takata
Program Manager
Noise, Radiation & IAQ Branch

S5-1

We thank you for your comment and participation in this public process. Your comment has been considered and has been included as part of the administrative record for this process.

Comments

Responses

Letter S6
LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801

CHEYOME L. FUKINO, M.D.,
DIRECTOR OF HEALTH

In reply, please refer to
EMCJWB

October 6, 2003

O Army Transformation.mxd
WF9 030873

Ms. Cindy S. Barger
SBCT EIS Project Manager
U.S. Army Corps of Engineers
Honolulu District
Bldg 230 Room 306 Attn: CEPOH-PP-E
Fort Shafter, Hawaii 96858-5440

Dear Ms. Barger:

Subject: Draft Environmental Impact Statement (EIS)
Army Transformation in Hawaii
Oahu and the Big Island, Hawaii
TMK: various

S6-1

After reviewing the DEIS and the various locations that will be affected, it appears that each location has addressed domestic wastewater generation, treatment, and disposal. Therefore, as wastewater will be treated and disposed of by means of connecting to existing County/federal sewer service systems or existing individual wastewater system (IWS), we have no objections to the proposed actions.

S6-2

When the Final EIS becomes available on-line, we will submit additional comments if there seems to be a need. All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems." We do reserve the right to review the detailed wastewater plans for conformance to applicable rules. Should you have any questions, please contact the Planning & Design Section of the Wastewater Branch at 586-4294.

Sincerely,

HAROLD K. YEE, P.E., CHIEF
Wastewater Branch

LNK:erm

S6-1

We thank you for your comment and participation in this public process. Your comment has been noted and has been included as part of the administrative record for this process.

S6-2

The EIS has determined that there is no significant change to wastewater and wastewater treatment if the proposed action is implemented. The Army abides by all appropriate federal laws and regulations in the design and management of its wastewater facilities. State regulations and guidelines do not apply to federal actions.

Comments

Responses

Letter S7

LINDA LINGLE GOVERNOR OF HAWAII



STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES LAND DIVISION

POST OFFICE BOX 621 HONOLULU, HAWAII 96809

October 3, 2003

PETER T. YOUNG CHAIRPERSON BOARD OF LAND AND NATURAL RESOURCES COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU DEPUTY DIRECTOR - WATER

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

LD/NAV Ref.: STRYKERBRIGADE.CMT

Suspense Date: 10/24/03

MEMORANDUM:

- TO: XXX Division of Aquatic Resources (DD) XXX Division of Forestry & Wildlife (DD) *XXX Na Ala Hele Trails XXX Division of State Parks (DD) *XXX Engineering Division XXX Division of Boating and Ocean Recreation (DD) *XXX Commission on Water Resource Management *XXX Office of Conservation and Coastal Lands XXX Land-Hawaii District Land Office (DD) *XXX Land-Oahu District Land Office



FROM: Dierdre S. Mamiya, Administrator Land Division

SUBJECT: Draft Environmental Impact Statement (DEIS) for Transformation of the 2nd Brigade, 25th Infantry Division (I) to a Stryker Brigade Combat Team in Hawaii, Island of Oahu and Island of Hawaii

Please review the attached DEIS (CD-ROM) pertaining to the proposed project and submit your comments (if any) on Division letterhead signed and dated by the suspense date.

*NOTE: One hardcover copy of the DEIS is available for your review in the Land Division Office, Room 220.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

If you have any questions, please contact Nicholas Vaarako, ext.: 7-0384.

Table with columns: DIVISION OF AQUATIC RESOURCES, Stryker Date, Suspense Date, and various checkboxes for tracking.

S7-1

Comments section with handwritten responses: 'We have no comments.', 'Comments attached.', 'Division Aquatic Resources', 'Signed: [Signature]', 'Date: 10/10/03', 'Name: Jay William Devick'.



S7-1

We thank you for your comment and participation in this public process. Your comment has been considered and has been included as part of the administrative record for this process.

May 2004

Stryker Brigade Combat Team Final EIS, Hawaii

P-98

Comments

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Letter 88

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
DEPT. OF LAND & NATURAL RESOURCES
POST OFFICE BOX 2205
HONOLULU, HAWAII 96809
STATE OF HAWAII

October 3, 2003

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
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
KAOLOAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

LD/NAV

Ref.: STRYKERBRIGADE.CMT

Suspense Date: 10/24/03

MEMORANDUM:

- TO:
- XXX Division of Aquatic Resources (DD)
 - XXX Division of Forestry & Wildlife (DD)
 - *XXX Na Ala Hele Trails
 - ✓ XXX Division of State Parks (DD)
 - *XXX Engineering Division
 - XXX Division of Boating and Ocean Recreation (DD)
 - *XXX Commission on Water Resource Management
 - *XXX Office of Conservation and Coastal Lands
 - XXX Land-Hawaii District Land Office (DD)
 - *XXX Land-Oahu District Land Office

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Draft Environmental Impact Statement (DEIS) for Transformation of the 2nd Brigade, 25th Infantry Division (L) to a Stryker Brigade Combat Team in Hawaii, Island of Oahu and Island of Hawaii

Please review the attached DEIS (CD-ROM) pertaining to the proposed project and submit your comments (if any) on Division letterhead signed and dated by the suspense date.

*NOTE: One hardcover copy of the DEIS is available for your review in the Land Division Office, Room 220.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

If you have any questions, please contact Nicholas A. Vaccaro at ext.: 7-0384.

() We have no comments.

Comments attached.

Division Engineering

Signed: Eric Hiran

Date: 10/16/03

Name: ERIC HIRANO, CHIEF ENGINEER

10 OCT 06 PM 03:04 ENGINEERING

Appendix P. Comments and Responses

Comments

DEPARTMENT OF LAND AND NATURAL RESOURCES ENGINEERING DIVISION

LD/NAV

Ref:

COMMENTS

- () We confirm that the project site according to the Flood Insurance Rate Map (FIRM) is located in Zone ____.
- () Please note that the project site according to the Flood Insurance Rate Map (FIRM) is located in Zone ____.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is _____.
- () Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP), whenever work is required within a flood zone. If there are questions regarding the NFIP, please contact the State Coordinator, Mr. Sterling Yong, of the Department of Land and Natural Resources at 587-0248. If there are questions regarding flood ordinances, please call the applicable County coordinators below:
 - () Mr. Robert Sumimoto at (808) 523-4254 or Mr. Mario Siu Li at (808) 523-4247 of the City and County of Honolulu, Department of Planning and Permitting.
 - () Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.
 - () Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
 - () Mr. Wallace Kudo at (808) 241-6620 of the County of Kauai, Department of Public Works.
- () The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive building permit and/or water meter.
- () The applicant should provide the water demands and calculations to the Engineering Division so that it can be included in the State Water Projects Plan Update.
- () Additional Comments: _____

S8-1

(v) Other: Developments within flood hazard areas must comply with the rules and regulations of the National Flood Insurance Program (NFIP).
 Should you have any questions, please call Mr. Andrew Menden of the Planning Branch at 587-0229.

Signed:


 ERIC T. HIRANO, CHIEF ENGINEER

Date:

10/16/03

Responses

S8-1

Sections 4.12, 5.12, 6.12, 7.12, and 8.12 discuss potential flood hazards from the proposed action. The Army will comply with all applicable laws and regulations.

Comments

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 14, 2003

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCES

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
DEPUTY DIRECTOR - WATER

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

STRYKERBRIGADE.RCM

LD-NAV

Ms. Cindy Barger
United State Army Corp of Engineers
Honolulu District, Building 230
CEPOH-PP-E
Fort Shafter, Hawaii 96858-5440

Dear Ms. Barger:

SUBJECT: Draft Environmental Impact Statement (DEIS) for the Transformation of the 2nd Brigade 25th Infantry Division (L) to a Stryker Brigade Combat Team in Hawaii, Island of Oahu and Island of Hawaii

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed a copy of the DEIS (CD-ROM) covering the subject matter to the following DLNR Divisions for their review and comment.

- Division of Aquatic Resources
- Division of Forestry & Wildlife
- Na Ala Hele Trails
- Division of State Parks
- Division of Boating and Ocean Recreation
- Engineering Division
- Office of Conservation and Coastal Lands
- Land-Oahu and Hawaii District Land Office

Enclosed please a copy of the Engineering Division and Oahu District Land Office comment.

Based on the attached responses, the Department of Land and Natural Resources has no other comment to offer. Should you have any questions, please feel free to contact Nicholas Vaccaro of the Land Division Support Services Branch at 808-587-0384.

Very truly yours,

DIERDRE S. MAMIYA
Administrator

C: ODLO

Responses

May 2004

Stryker Brigade Combat Team Final EIS, Hawaii

P-101

Comments

Responses

Letter
S9

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 3, 2003

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
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
KAOLOAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

0191

LD/NAV
Ref.: STRYKERBRIGADE.CMT

Suspense Date: 10/24/03

MEMORANDUM:

- TO: XXX Division of Aquatic Resources (DD)
- XXX Division of Forestry & Wildlife (DD)
- *XXX Na Ala Hele Trails
- XXX Division of State Parks (DD)
- *XXX Engineering Division
- XXX Division of Boating and Ocean Recreation (DD)
- *XXX Commission on Water Resource Management
- *XXX Office of Conservation and Coastal Lands
- XXX Land-Hawaii District Land Office (DD)
- ✓ *XXX Land-Oahu District Land Office

RECEIVED
LAND DIVISION
2003 OCT 10 P 3:55
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Draft Environmental Impact Statement (DEIS) for Transformation of the 2nd Brigade, 25th Infantry Division (L) to a Stryker Brigade Combat Team in Hawaii, Island of Oahu and Island of Hawaii

Please review the attached DEIS (CD-ROM) pertaining the proposed project and submit your comments (if any) on Division letterhead signed and dated by the suspense date.

*NOTE: One hardcover copy of the DEIS is available for your review in the Land Division Office, Room 220.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

If you have any questions, please contact Nicholas A. Vaccaro at ext.: 7-0384.

() We have no comments.

(X) Comments attached.

Division Land

Signed:

Date: 10/10/03

Name:

[Signature]
Robert m. Ing

Comments

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
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

October 10, 2003

MEMORANDUM

TO: Dierdre S. Mamiya, Administrator

FROM: Robert M. Ing, Land Agent
Land Division *RI*

SUBJECT: Request for Comments
Draft Environmental Impact Statement (DEIS) for Transformation of the
2nd Brigade, 25th Infantry Division (L) to a Stryker Brigade Combat Team in
Hawaii, Island of Oahu and Island of Hawaii.
Consultant: Tetra Tech, Inc.

Comments:

S9-1

Any use of State Lands, not limited to road and access easements relating to Project Numbers 58161, 57802/57406, 58273, and the installation of an antenna near the Maunaloa Observatory, under Project Title: Fixed Tactical Internet (FTI) shown on Figure D-25, will require a land disposition from the State prior to constructing.

Responses

S9-1

Comment noted. The Army will consult with the State prior to project implementation.

May 2004

Stryker Brigade Combat Team Final EIS, Hawaii

P-103

Comments

Responses

Letter
S10

LINDA LINGLE
GOVERNOR OF HAWAII



RECEIVED
LAND DIVISION



OCT 29 A 9:19
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
NATURAL RESOURCES
STATE OF HAWAII POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 3, 2003

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
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
KAOLOAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

LD/NAV
Ref.: STRYKERBRIGADE.CMT

Suspense Date: 10/24/03

MEMORANDUM:

TO: XXX Division of Aquatic Resources (DD)
 XXX Division of Forestry & Wildlife (DD)
 *XXX Na Ala Hele Trails
 XXX Division of State Parks (DD)
 *XXX Engineering Division
 XXX Division of Boating and Ocean Recreation (DD)
 *XXX Commission on Water Resource Management
 *XXX Office of Conservation and Coastal Lands
 XXX Land-Hawaii District Land Office (DD)
 *XXX Land-Oahu District Land Office

FROM: Dierdre S. Mamiya, Administrator
 Land Division

SUBJECT: Draft Environmental Impact Statement (DEIS) for Transformation of the 2nd Brigade, 25th Infantry Division (L) to a Stryker Brigade Combat Team in Hawaii, Island of Oahu and Island of Hawaii

OCT 7 12:29 PM '03
LAND DIVISION

Please review the attached DEIS (CD-ROM) pertaining to the proposed project and submit your comments (if any) on Division letterhead signed and dated by the suspense date.

*NOTE: One hardcover copy of the DEIS is available for your review in the Land Division Office, Room 220.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

If you have any questions, please contact Nicholas A. Vaccaro at ext.: 7-0384.

S10-1 | We have no comments.

Comments attached.

Division Land

Signed: Harry Yada

Date: 10/24/03

Name: Harry Yada

S10-1

We thank you for your comment and participation in this public process. Your comment has been considered and has been included as part of the administrative record for this process.

Appendix P. Comments and Responses

Comments

Responses

Letter S11

LINDA LINGLE GOVERNOR OF HAWAII



STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES LAND DIVISION

POST OFFICE BOX 621 HONOLULU, HAWAII 96809

October 3, 2003

PETER T. YOUNG CHAIRPERSON BOARD OF LAND AND NATURAL RESOURCES COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON DEPUTY DIRECTOR - LAND ERNEST Y.W. LAU DEPUTY DIRECTOR - WATER

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

0190

LD/NAV

Ref.: STRYKERBRIGADE.CMT

Suspense Date: 10/24/03

MEMORANDUM:

- TO: XXX Division of Aquatic Resources (DD) XXX Division of Forestry & Wildlife (DD) *XXX Na Ala Hele Trails *XXX Division of State Parks (DD) *XXX Engineering Division XXX Division of Boating and Ocean Recreation (DD) *XXX Commission on Water Resource Management *XXX Office of Conservation and Coastal Lands XXX Land-Hawaii District Land Office (DD) *XXX Land-Oahu District Land Office

RECEIVED DIVISION OF STATE PARKS Oct 7 8 53 AM '03

FROM: Dierdre S. Mamiya, Administrator Land Division

SUBJECT: Draft Environmental Impact Statement (DEIS) for Transformation of the 2nd Brigade, 25th Infantry Division (L) to a Stryker Brigade Combat Team in Hawaii, Island of Oahu and Island of Hawaii

Please review the attached DEIS (CD-ROM) pertaining to the proposed project and submit your comments (if any) on Division letterhead signed and dated by the suspense date.

*NOTE: One hardcover copy of the DEIS is available for your review in the Land Division Office, Room 220.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

If you have any questions, please contact Nicholas A. Vaccaro ext.: 7-0384.

RECEIVED AND DIVISION OCT 5 P 3 33

S11-1

(X) We have no comments. () Comments attached.

Division State Parks

Signed: [Signature]

Date: OCT 13 2003

Name: Daniel S. Quinn

S11-1

We thank you for your comment and participation in this public process. Your comment has been considered and has been included as part of the administrative record for this process.

Comments

Responses

Letter
S12

JINDA L'ONGLE
GOVERNOR



0249

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
809 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

RODNEY K. HARAGA
DIRECTOR

Deputy Director
BRUCE Y. MATSUI
LINDEN H. JOESTING
BRIAN H. SEKIYUCHI

IN REPLY REFER TO:

STP 8.0990

January 13, 2004

U.S. Army Corps of Engineers
Honolulu District
Bldg 230, Rm 306 ATTN: CEPOH-PP-E
Ft Shafter, Hawaii 96858-5440

Attention: Cindy S. Barger

Dear Project Manager:

Subject: Army Transformation
Draft Environmental Impact Statement (DEIS), Volume I

Our comments are as follows:

- 1. The Draft EIS does not recognize that a Defense Access Road, Project HI-A-AD-6 (1), State Route 200 – Saddle Road, is currently being constructed and runs through the proposed P7 West Pohakuloa Training Area (PTA) Acquisition Area. Attached is a map of the Defense Access Road Project (DARP) with an overlay showing the location of the PTA Acquisition Area. The Final EIS should address the impact of and identify mitigation measures applicable to the DARP – Saddle Road project particularly the portion within the PTA.

S12-1

Currently a construction contract is being awarded for Phase I - Section II of the DARP for the grading and installing of the drainage system. Phase 2 - Section II of the DARP should be going out for advertising in 2004 to complete the grading and drainage system. Phase 3 - Section II of the DARP for installing the pavement will follow. Portions of the DARP east of Section II are currently being designed by the Central Federal Lands Highway Division of the Federal Highway Administration, U.S. Department of Transportation. The portion of the DARP west of Section II is still to be designed. This is the portion of the DARP that runs through the PTA Acquisition Area. Any realignment of the PTA to Kawaihae Harbor Trail in the vicinity of Saddle Road should be closely coordinated with the DARP - Saddle Road project.

S12-2

Please contact Mr. Glenn Yasui, Administrator of our Highways Division of the State Department of Transportation at (808) 587-2220 for further discussion on this matter.

- 2. While the Draft EIS discloses that the initiation of the Stryker Brigade Combat Team will not have a significant impact on traffic in the islands by 2005, we are concerned how the Army will address any traffic impacts beyond the initial transformation if additional

S12-1

Chapter 9 discusses the cumulative impacts of the new Saddle Road in relation to the proposed action.

S12-2

Any significant future changes in force, equipments, training, or construction will be subject to NEPA and the appropriate NEPA documentation will be prepared. This would address impacts to traffic as well as all other resource areas. The Department of Transportation would be invited to comment on any future projects.

Comments

Responses

U.S. Army Corps of Engineers
Page 2
January 13, 2004

STP 8.0990

S12-2
cont'd

contingents, units or vehicles are added to the brigade or added as part of the transformation. The number of personnel and their housing on base or off-base will be a factor. We understand the initiation of this Interim Force will serve as a "working model" to be refined over the next 30 years. If material or substantive changes occur during this future period to the number and placement of personnel and equipment housed or operating in Hawaii, we should be consulted on the changes, especially if our transportation facilities may be affected.

S12-3

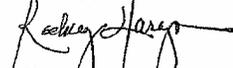
3. The Draft EIS recognizes that fugitive dust from military vehicle use and wind erosion from areas disturbed by military vehicle use within Kawaihae Harbor, Island of Hawaii, are classified as having a significant impact under both proposed action and reduced land acquisition alternatives. The Final EIS should identify required mitigation measures to address these issues.

S12-4

- 4. The following errors in the text should be corrected:
 - a. On page 3-36, paragraph 2, the numbers represent miles of State roads, not lane miles.
 - b. On page 3-37, paragraph 3, Waikoloa Road is under county, not State jurisdiction.
 - c. On page 3-39, paragraph 6, "Countrywide" should be changed to "Countywide".
 - d. On page 4-40, paragraph 1, the "Helemano Trail", between SBMR and HMR, is on Oahu and does not cross Kawaihae Road, and Mamalahoa Highway, which are State highways on the island of Hawaii.
 - e. On page 8-21, the road labeled Akoni Pule Highway should be changed to Queen Kaahumanu Highway.
 - f. On page 8-76, a) replace "County Road Zoo" with "Route 200", b) replace "Kuhio Village" with "Mamalahoa Highway", c) label "Kohala Mountain Road" as SR 250, d) correct the spelling of "Kaahuhanu" to "Kaahumanu", and "Maaluhua" to "Mamalahoa".
 - g. On page 8-80, delete "320" and replace "Mamalakoa" with "Mamalahoa".

We appreciate the opportunity to provide comments. Should you have any questions, please contact David Shimokawa of our Statewide Transportation Planning Office at 587-2356.

Very truly yours,


RODNEY K. HARAGA
Director of Transportation

Attach.

S12-3

The Army has committed to mitigating dust from vehicle traffic on unpaved roads through a combination of dust control chemical applications and the use of washed gravel for surfacing military vehicle trails. Hygroscopic salt solutions (such as calcium chloride and/or magnesium chloride) appear to be the most logical choice for application to unpaved roads and military vehicle trails at USARHAW installations. Monitoring road surface moisture conditions and dust generation levels would be important components of an adaptive management program that seeks to optimize the proper timing of dust suppressant applications. To the extent possible, planned dust suppressant applications should be scheduled to immediately precede periods of significant convoy traffic. As noted in the Final EIS, the Army would implement a Dust and Soils Management and Monitoring Plan that would include ambient air quality monitoring of PM10 conditions. The monitoring of ambient PM10 concentrations would help guide the development and implementation of an adaptive management program to manage training area lands and modify training procedures as necessary to ensure compliance with federal air quality standards.

S12-4

Changes made, except page 8-76. Kuhio Village is indicating a place name not a road name.

Comments

Responses

Letter
S13



HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

November 17, 2003

Ms. Cindy Barger
US Army Corps of Engineers, Honolulu District
Bldg. 230, CEPOH-PP-E
Fort Shafter, Hawaii 96858-5440

Dear Ms. Barger:

S13-1

This letter serves as my public comments in support of the Draft Environmental Impact Statement "Transformation of the 2nd Brigade, 25th Infantry Division (L) to a Stryker Brigade Combat Team in Hawaii" and the transformation itself. While the transformation of this combat team, the training that coincides with such a transformation, and the construction or renovation of facilities may negatively impact the environment, the protection of the environment has to be weighed against other policy considerations as well. In these times of uncertainty and ever increasing hostility directed to the United States, the establishment and maintenance of military installations on the State is vital to the preparedness and mission of the armed forces of the United States and national defense.

Our island state is over 2,000 miles from its closest neighboring state, and 2,000 miles closer to the Asian continent than any other state in the union save Alaska. With increasing hostility directed to the United States, a Stryker Brigade Combat team would help to realize the defensive needs of this State and, if needed, offensive strategic needs of the nation.

S13-2

We also cannot ignore the fact that the presence and maintenance of the military installations in this State are an important component of the State's economy as well as an area of critical state concern. Besides the obvious tax dollars that flow into our State, the military provides other services to our community that many people may not realize, such as emergency aeromedical services for the island of Oahu and assistance with water drops on large brush fires. Our quality of life is diminished when we work to diminish our working partner. By working together in partnership with the military, we can strike a balance between the numerous important policy considerations.

S13-3

To that end, I am working on introducing several pieces of legislation that will help to facilitate the military presence in Hawaii as well as attempting to strike a proper balance with protecting the environment. Some of these measures include the recognition

11/18

0133

S13-1

We thank you for your comment and participation in this public process. Your comment has been noted and has been included as part of the administrative record for this process

S13-2

We thank you for your comment and participation in this public process. Your comment has been noted and has been included as part of the administrative record for this process

S13-3

The EIS has determined that there is no significant impact to public services by the implementation of the proposed action. The Army designs all of its projects, including those in this proposed action, in accordance with Executive Order 13123 "Greening the Government through Efficient Energy Management" (June 2001), Executive Order 13101 "Greening the Government through Waste Prevention, Recycling, and Federal Acquisition" (September 1998), and Department of the Army Engineering Technical Letter 1110-3-491 "Sustainable Design for Military Facilities" (May 2001) and the U.S. Army Corps of Engineers Sustainable Project Rating Tool (SPiRiT). These documents and tools provide design guidelines and standards for sustainable development - addressing water resources, energy and atmospheric resources, indoor environmental quality, material and other resources.

Comments

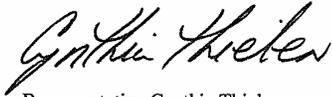
Responses

S13-3
cont'd

of military installations and activities as areas of "critical state concern" and establishing state policy to support such facilities; requiring county planning departments to notify military commanders of zoning change applications which may affect land uses within three thousand feet of military land; requiring environmental documents to disclose if reclassification of land within three thousand feet of a military installation would impact the installation's training mission; requiring land classification proceedings before the Land Use Commission to include analysis of potential impact on military installations; and authorizing Hawaii military bases that develop their own renewable energy sources to feed excess energy into existing utility company grids without going through the Public Utility Commission process.

In supporting both the draft environmental impact statement and the decision to transform the brigade into a Stryker brigade, it is my hope that we all recognize that through a continuous process of comprehensive, long-term, and strategic planning, we can meet the needs of all of Hawaii's people.

Sincerely,



Representative Cynthia Thielen
Assistant Minority Floor Leader
50th District, Kaneohe Bay - Kailua

Letter
S14

PHONE (808) 594-1888



FAX (808) 594-1885

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

October 30, 2003

Cindy Barger
SBCT EIS Program Manager
U.S. Army Engineer District, Honolulu
Programs and Project Management Division
Environmental and Special Projects Branch
Building 230, Rm. 306
CEPOH-PP-E
Fort Shafter, HI 96858-5440

Request for Extension of Public Comment Period on Draft Environmental Impact Statement: Transformation of the 2nd Brigade, 25th Infantry Division (L) to a Stryker Brigade Combat Team in Hawai'i

Dear Cindy Barger:

The Office of Hawaiian Affairs (OHA) requests that you extend the period for public comment on the *Draft Environmental Impact Statement: Transformation of the 2nd Brigade, 25th Infantry Division (L) to a Stryker Brigade Combat Team in Hawai'i* (Draft EIS). The comment period is currently scheduled to end on November 19, 2003. An extension of this period to a total of 120 days is required for several important reasons.

OHA has substantive obligations to protect the cultural and natural resources of Hawai'i for its beneficiaries, the people of this land. As such, OHA will be commenting extensively on the Draft EIS and requires that its beneficiaries, among others, have the opportunity to be effective elements of the review of this important document.

The National Environmental Policy Act (NEPA) does not simply require public participation; it requires adequate public participation. This includes public scoping meetings prior to the drafting of the EIS, public hearings (in commonly accessible, public places), and time for the public to review the material in the Draft EIS in order to make informed, critical and evaluative responses to that material. Otherwise the Congressional policy behind NEPA, that it be used "to identify and assess the reasonable alternatives to

S14-1

The public comment period was extended to 90 days and ended on January 3, 2004. According to NEPA regulations, the main text of a Final EIS should normally be no longer than 300 pages for proposals of unusual scope or complexity (40 CFR 1502.7). In practice, this recommended page limit is typically exceeded. The main text of this SBCT document is well over the suggested 300 pages in length, but the scope of the proposal, involving twenty-eight projects, acquisition of over 24,000 acres of land on two Hawaiian islands, and the comprehensive and complex evaluation of a multitude of resource impacts on the affected environment on O'ahu and Hawai'i necessitates an impact statement of this magnitude. For reviewers not electing to read the entire main text, an Executive Summary provides a comprehensive impact evaluation overview, including a mitigation matrix. This is a large, comprehensive document requiring considerable time to thoroughly review. In view of this, the 45-day minimum comment period for draft environmental impact statements required by NEPA was extended to 90 days. Three months was considered an adequate period of time to review the document and provide written comments.

Stryker Brigade Combat Team Final EIS, Hawai'i

S14-1

Appendix P. Comments and Responses

Comments

Responses

proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment," is erased.

Because the Draft EIS is approximately 1,500 pages long, and a dense 1,500 pages at that, 45 days is not enough time for adequate perusal, absorption and criticism of the information contained in those pages. Because this Draft EIS is at least three times the average length of a Draft or Final EIS, OHA requests an extension to 120 days (just under three times the required time for public comment) for public input.

The Army's regulation AR 200-2 implements NEPA for the Army, and is based entirely on the Code of Federal Regulations (40 C.F.R. 1500-1508) that implements NEPA for the Federal Government. AR 200-2 does not provide a maximum time for public input, but does include a minimum time (which is exactly met by the current stipulated 45 days). It also includes a suggested maximum page length for complicated issues: 300 pages (per 40 C.F.R. 1502.7 "Page Limits. The text of final environmental impact statements . . . shall normally be less than 150 pages and for proposals of unusual scope or complexity shall normally be less than 300 pages."). Because this Draft EIS is five times that length, the Army should allow adequate time for the public to review all 1,500 pages.

**S14-1
cont'd**

Public review of the Draft EIS is supposed to create a better document in the form of the Final EIS. The public needs more time to provide the Army with such informed input, because this document requires much improvement.

AR 200-2 allows for time limits to be changed (Ch. 2-6(b)(3)(d)) and in so doing requests consideration of the factors in 40 C.F.R. 1501.8(b)(1), which include:

- Potential for environmental harm;
- Size of the proposed action;
- Number of persons and agencies affected;
- Degree to which relevant information is known and if not known the time required for obtaining it; and
- Degree to which the action is controversial.

The size and extent of the transformation project described in this Draft EIS include enormous potential for environmental harm; affect the entire State of Hawai'i; require much more extensive research into alternative proposals, mitigating measures, and the cumulative cultural and environmental impacts on O'ahu and Hawai'i Island; and is growing increasingly controversial as more people become aware of the content and extent of the proposed actions. The further good faith research and reporting required of the Army before a Final EIS could be found to be adequate will be significant enough to require supplemental EISs, according to 40 C.F.R. 1502.9(a).

S14-2

The current Draft EIS does not include adequate consideration of a suitable number of alternatives, and the mitigations proposed have not yet reached the level of those that "can reasonably be accomplished as part of a proposed alternative." (AR 200-2, Ch. 2-7(a)) The alternatives presented in an EIS are "the heart of the environmental impact

S14-2

As discussed in section 1.6 of the FEIS, the ROD for the Programmatic EIS directed the 2nd Brigade, 25th Infantry Division (Light) at Schofield Barracks, Hawai'i to transform to an SBCT. The Commanding General of the 25th ID (L) is charged with deciding how best to achieve that directive and provide for military training, readiness, and facility requirements to meet SBCT transformation needs, while enabling the current forces to continue carrying out their missions and giving due consideration to environmental factors. This decision will be based on the results of this EIS, and on consideration of all relevant factors including mission, cost, technical factors, and environmental considerations. This EIS considers a reasonable range of alternatives including several alternatives that involve transforming and/or training on the U.S. mainland. As discussed in Section 2.6, the mainland alternatives were not analyzed in detail because they did not meet the purpose and need of the proposed action. (Complete details on the proposed action are presented in Chapter 2 and Appendix D.)

Comments

Responses

May 2004

Stryker Brigade Combat Team Final EIS, Hawai'i

S14-2
cont'd

statement" (40 C.F.R. 1502.14, see also 42 U.S.C. 4332(C)), and "inadequate range of alternatives presented" is one of three major sources of successful litigation against EISs. Congress designed the requisite alternatives section to provide a clear choice among options to the public and the decision-makers. Only three alternatives, one being the Army's preferred alternative, the other being the required "no action" alternative, and the third being only the lack of land acquisition on O'ahu, with all of the Army's proposed transformation activities maintained and moved to the Big Island, is not an adequate representation of a possible range of alternatives, according to the U.S. Supreme Court and various federal courts.

S14-3

The Army must not presume that its preferred alternative will be the chosen alternative. It cannot commit funds to that alternative until the Record of Decision (ROD) has been approved. And it cannot stack the deck against any other possible alternatives. The NEPA process is a decision-making process, not a decision-made process. (40 C.F.R. § 1501.2(e), (f), (g))

S14-4

The Draft EIS lists a number of "possible" mitigations. The Army should know by now what it will be able to do. Army regulations state that the EIS should include "planned" mitigation measures, not possible ones. (AR 200-2, Ch. 6-5(e)(1)) Otherwise, the public will not be a true part of the decision-making process, as mandated by Congress, because the public may not be commenting upon actual plans. The current wording implies that the Army expects to incorporate whatever mitigation measures, if any, it wishes in its ROD. This is not the purpose of the NEPA process, which anticipates that by the time a ROD is published, "The proponent must ensure such mitigation measures become a project line item in the proposal budget." (AR 200-2, Ch. 2-7(b))

S14-5

OHA, because of the inadequacy of the Draft EIS, the length and density of the Draft EIS, the extent of impact of the proposed Army Transformation process, the level of controversy and concern arising from this proposal, and the Congressional intent of the NEPA process itself, therefore requests that the public comment period be extended to at least 120 days. The extension would be a good faith effort on the part of the Army to support the public's efforts to provide quality, useful input to the Department of the Army's decision-making process on the Transformation of the 2nd Brigade, 25th Infantry Division (L) to a Stryker Brigade Combat Team in Hawai'i. As the November 19, 2003, deadline rapidly approaches, we request your immediate attention to this urgent matter.

Thank you for the opportunity to comment. If you have further questions, please contact Lance Foster, Director, Nationhood and Native Rights, at 594-1888.

Sincerely,



Clyde Namu'o
Administrator,
Office of Hawaiian Affairs

S14-3

No presumption has been made as to the alternative to be selected. The Army has not, and will not, irretrievably commit resources which would prejudice the selection of alternatives until a final decision has been made.

S14-4

Mitigation measures likely to occur are outlined in the Executive Summary. These proposed mitigation measures were included for public comment. The Army reviewed the measures based on public comments and the benefits of each measure to reduce impacts. The Army has listed those mitigation measures that are high priority and those that are unlikely to occur because of limited resource, unfeasible or there are similar measures already in place. The ROD will indicate which mitigation measures will be implemented.

S14-5

The public comment period was extended to 90 days and ended on January 3, 2004. Regarding time for EIS review, this is a large, comprehensive document requiring considerable time to thoroughly review. In view of this, the 45-day minimum comment period for draft environmental impact statements required by NEPA was extended to 90 days. Three months was considered an adequate period of time to review the document and provide written comments.

Comments

Responses

PHONE (808) 594-1888

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Letter
S15



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
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January 3, 2004

HRD03/606

Ms. Cindy Barger
U.S. Army Corps of Engineers
Honolulu Engineer District
Building 230, Rm. 306
Fort Shafter, HI 96858-5440

Comments on Draft Environmental Impact Statement: Transformation of the 2nd Brigade, 25th Infantry Division (L) to a Stryker Brigade Combat Team in Hawai`i

Dear Ms. Cindy Barger:

The Office of Hawaiian Affairs (OHA) is in receipt of your October 2003 request for comment on the above Draft Environmental Impact Statement (Draft EIS). We offer the following comments.

OHA has substantive obligations to protect the cultural and natural resources of Hawai`i for its beneficiaries, the people of this land. The Hawaii Revised Statutes mandate that OHA "[s]erve as the principal public agency in the State of Hawaii responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians; . . . and [t]o assess the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians." (HRS § 10-3) Keeping these responsibilities in mind, OHA has a series of general concerns and specific problems with the Draft EIS which will be addressed below.

Throughout this process, it is important to remember the Congressional policy behind the National Environmental Policy Act (NEPA): that it be used "to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment." (40 C.F.R. §1500.2(e)) A Federal agency is further required to "[s]tudy, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." (42 U.S.C. 4332(2)(E))

May 2004

Stryker Brigade Combat Team Final EIS, Hawai`i

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Appendix P. Comments and Responses

Comments

While the Army's regulation AR 200-2 implements NEPA for the Army, it is based entirely on the Code of Federal Regulations (40 C.F.R. 1500-1508) that implements NEPA for the Federal Government. Cites used throughout this letter relate to both statutes, as relevant to the Department of the Army.

A major theme to this letter will be the request for a revised and/or supplemental Draft EIS, as required by the aforementioned relevant statutes. "The draft statement must fulfill and satisfy to the fullest extent possible the requirements established for final statements in section 102(2)(C) of the Act. If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion. . . ." (40 C.F.R. 1502.9(a)) The agency's duties are qualified by the phrase "to the fullest extent possible," but these words do not "provide an escape hatch for footdragging agencies; it does not make NEPA's procedural requirements somehow 'discretionary.'" (*Calvert Cliffs Coordinating Committee v. United States Atomic Energy Commission*, 449 F.2d 1109 (D.C. Cir. 1972)) These duties are not excused by time or monetary constraints. This is because public review of the Draft EIS is supposed to create a better document in the form of the Final EIS. This document requires much improvement. Several holes are found in this Draft EIS which must be filled by revisions and/or supplements.

Alternatives

For example, the current Draft EIS does not include adequate consideration of a suitable number of alternatives, and the "considered" and "possible" mitigations proposed have not yet reached the level of those that "can reasonably be accomplished as part of a proposed alternative." (AR 200-2, Ch. 2-7(a)) NEPA requires "a detailed statement by the responsible official on . . . alternatives to the proposed action." (42 U.S.C. §4332(C)) The alternatives presented in an EIS are "the heart of the environmental impact statement" (40 C.F.R. 1502.14, see also 42 U.S.C. 4332(C)), and an "inadequate range of alternatives presented" is one of three major sources of successful litigation against agencies' EISs.

Congress designed the requisite alternatives section to provide a clear choice among options to the public and the decision-makers. Only three alternatives are presented in this Draft EIS: one being the Army's preferred alternative, another being the required "no action" alternative, and the third being only the lack of land acquisition on O'ahu, with all of the Army's proposed transformation activities maintained and moved to the Big Island. This is not an adequate representation of a possible range of alternatives, according to the U.S. Supreme Court and various federal courts.

One federal appellate court found that even eleven alternatives did not provide an "adequate range" of diverse possibilities. (*California v. Block*, 690 F.2d 753 (9th Cir. 1982)) The court noted that possible alternatives could be infinite, and that an agency only had to consider an array of alternatives that represented the range of possibilities. Even this has not been accomplished here. Some alternatives are alluded to in the mitigation descriptions, but negotiations and consultations with other federal agencies are

Responses

S15-1

The Army has reviewed the public comments and has expanded discussions to address comments submitted. As discussed in Chapter 2, the Army has determined that a supplemental Draft EIS is not necessary.

S15-2

As discussed in section 1.6 of the FEIS, the ROD for the Programmatic EIS directed the 2nd Brigade, 25th Infantry Division (Light) at Schofield Barracks, Hawai'i to transform to an SBCT. The Commanding General of the 25th ID (L) is charged with deciding how best to achieve that directive and provide for military training, readiness, and facility requirements to meet SBCT transformation needs, while enabling the current forces to continue carrying out their missions and giving due consideration to environmental factors. This decision will be based on the results of this EIS, and on consideration of all relevant factors including mission, cost, technical factors, and environmental considerations. This EIS considers a reasonable range of alternatives including several alternatives that involve transforming and/or training on the U.S. mainland. As discussed in Section 2.6, the mainland alternatives were not analyzed in detail because they did not meet the purpose and need of the proposed action. (Complete details on the proposed action are presented in Chapter 2 and Appendix D.)

Comments

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S15-2 cont'd | not yet completed, so changes may be made (e.g., Section 7 consultations with the U.S. Fish and Wildlife Service, and Section 106 consultations under NHPA). Such reasonably foreseeable alternatives requiring interagency cooperation should be described in an EIS. (*Natural Res. Def. Council, Inc. v. Morton*, 458 F.2d 827 (D.C. Cir. 1972))

S15-3 | The Army must not presume that its preferred alternative will be the chosen alternative, as it seems to do in the Draft EIS. It cannot commit funds to that alternative until the Record of Decision (ROD) has been approved. And it cannot stack the deck against any other possible alternatives. The NEPA process is a decision-making process, not a decision-made process. (40 C.F.R. § 1501.2(e), (f), (g))

S15-4 | Congress and the Pentagon have seemingly made a mockery of the NEPA process and the above requirement, however. News reports state that Congress has already set aside more than \$100 million for the infrastructure to support the brigade, and Secretary of Defense Donald Rumsfeld approved the Stryker Brigade Combat Team for Hawai'i. (*Stryker approved for Hawai'i*, Honolulu Advertiser, Tues. Dec. 16, 2003, B1) Despite this, the Army is required to fulfill NEPA requirements and provide legitimate alternatives to the public and decisionmakers. Equally, if the news reports are accurate, and new lightweight 155mm howitzers and Comanche helicopters are to be included in the brigade's transformation, a revision of the Draft EIS, or at least a supplemental Draft EIS, must be provided for those and any other additions and enhancements to the transformation project before it can go forward. Both of the above items, and other listed aviation and infrastructure enhancements, would have distinctly new and greater impacts on the environment, and new mitigation measures will have to be examined and reported.

Mitigation

S15-6 | The Draft EIS lists a number of "possible" mitigations. The Army should know by now what it will and will not be able to do. Army regulations state that the EIS should include "planned" mitigation measures, not possible ones. (AR 200-2, Ch. 6-5(e)(1)) Otherwise, the public will not be a true part of the decision-making process, as mandated by Congress, because the public may not be commenting upon actual plans. The current wording implies that the Army expects to incorporate whatever mitigation measures, if any, it wishes in its ROD. This is not the purpose of the NEPA process, which anticipates that by the time a ROD is published, "The proponent must ensure such mitigation measures become a project line item in the proposal budget." (AR 200-2, Ch. 2-7(b))

S15-7 | Because these transformation plans alter and destroy lands with traditional and cultural significance to Native Hawaiians, mitigation is an important element to planning, and something distinctly missing from the Draft EIS. No prescribed methodology for managing these areas of concern exists in the Draft EIS. The Army should provide for the specific protection of Native Hawaiian cultural, historical and archaeological sites.

S15-8 | Native Hawaiians must also be guaranteed access to areas of traditional and cultural significance, including religious, customary and gathering rights in a manner that is agreeable and appropriate for the intended purpose of access, as is described in the State

S15-3

No presumption has been made as to the alternative to be selected. The Army has not, and will not, irretrievably commit resources which would prejudice the selection of alternatives until a final decision has been made.

S15-4

Although the Department of Defense, Department of the Army, and Congressional representatives have issued statements that the 2nd Brigade 25th ID(L) will transform to a Stryker Brigade, these statements refer to programmatic level decision necessary to continue the planning, funding and assessment processes for the proposed transformation efforts and set the conditions for implementing an action once a final decision has been made. The final decision on whether the 2nd Brigade, 25th ID(L) will transform to an SBCT will be made by the appropriate local commander, subject to environmental assessment and other appropriate reviews and compliance with applicable federal law.

S15-5

After the publication of the Draft EIS, the Army announced plans for an enhancement package for SBCTs. The enhancements include an aviation task force, an increase from twelve to eighteen 155mm howitzers in the direct support artillery battalion, and improvements to command, control, communications, computer, and intelligence (C4I) assets. The announcements indicated that the aviation task force would include Comanche helicopters when the aircraft were ready for fielding. In February 2004, the Army determined that no further testing or fielding of Comanches would occur and canceled the Comanche program. The SBCT aviation task force will come from existing 25th ID(L) aviation brigade assets and will result in minor changes to training, primarily some increased aviation training over WPAA in support of units training in that area. The FEIS has analyzed the impacts of the increased aviation training over WPAA and those impacts are minimal. The Draft EIS analyzed the impacts of twelve 155mm howitzers, a change from the eighteen 105mm howitzers currently in the direct support artillery battalion for 2nd brigade. The addition of another six 155mm howitzers was analyzed in the FEIS and resulted in minimal changes to noise impacts and no change in the overall determination of effect. The C4I improvements are not expected to have any impacts on the environment. Overall, the Army has determined that the enhancements are within the original scope of the proposed action as described in the Draft EIS, are minor in nature, and do not

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S15-8 cont'd Constitution and various Hawaii Supreme Court decisions. To that effect, the Final EIS must address managed access to historic Hawaiian trails that cross Army lands in the proposed project areas.

The Army should also provide for the removal of unexploded ordnance (UXO) and for the environmental restoration of our `aina. The Army should establish a legally binding agreement with Native Hawaiians to return the `aina to its pre-military, environmentally safe state, with the requisite federal funding in place to insure proper remediation. The military does not have a good remediation track record in Hawai`i, and Native Hawaiians are rightly concerned about the legacy of their land. From Kaho`olawe to Waikane Valley, the military has bombed and contaminated lands to virtually useless status, even for themselves (Waikane Valley recently was found to be too dangerous for the Marines to use for jungle training.).

S15-9 Both of the above locations are examples of over-use by the military, and a lack of foresight toward future remediation, which the military has found to be excessively expensive in both cases. The Marines are resorting to fencing off Waikane Valley, which cannot be allowed to be a viable option to the military lest these islands become a patchwork of pockmarked, unusable lands, stitched together by security fencing. Before seeking new lands for training and subsequent destruction, lands currently and previously used should be remediated. The Draft EIS speaks of remediation occurring on the lands involved in the Stryker transformation only after the Army is through with them, and that investigations about methods of remediation will not happen until that time. NEPA requires that mitigation methods be studied and explained prior to the actions being allowed, and that those methods be properly funded.

S15-10 While Army Regulations only require mitigation measures that can actually be accomplished be listed, and state that "complete development or testing of the exact means of performing the action may not have occurred," they also require that mitigation be considered throughout the NEPA process and that mitigation measures be included in the ultimate proposal's budget. Indeed, "[w]hen an EIS or EIS Supplement is prepared, the ROD will state *specific* mitigation measures taken to reduce or avoid the selected action's adverse environmental effects." (emphasis added; AR 200-2(a) and (b), based on 40 CFR 1502.2(c))

Cumulative Impacts

The Ninth Circuit, which includes Hawai`i, has held an EIS to be inadequate because there was not enough information about cumulative impacts on old growth forest habitats, effects on the home ranges of pileated woodpeckers, and mitigation efforts to limit the impacts of increased sedimentation on redband trout. (*Neighbors of Cuddy Mountain v. United States Forest Serv.*, 137 F.3d 1372, 1378-81 (9th Cir. 1998)) The same court found an EIS incomplete because it did not take into account the cumulative impacts of multiple timber sales from old growth forests (*City of Tenakee Springs v. Clough*, 915 F.2d 1308 (9th Cir. 1990)), much like the cumulative impacts of continued damage to military lands that have yet to be remediated from decades of military training,

S15-11

require a supplemental Draft EIS.

S15-6

Mitigation measures likely to occur are outlined in the Executive Summary. These proposed mitigation measures were included for public comment. The Army reviewed the measures based on public comments and the benefits of each measure to reduce impacts. The Army has listed those mitigation measures that are high priority and those that are unlikely to occur because of limited resource, unfeasible or there are similar measures already in place. The ROD will indicate which mitigation measures will be implemented.

S15-7

The cultural resource sections have been expanded to better address issues raised by the public. In addition, the Army has changed the determination of effect in some cases to "significant". The EIS process is a planning process since actions will not occur until the process is complete. Specific mitigation measures will be developed according to the Final PA developed in compliance with Section 106 of the NHPA (See Appendix J).

S15-8

As discussed in Section 4.11, the Army proposes to continue work with Native Hawaiian communities on access to areas of traditional importance. In addition, an installation wide access protocol is being developed for all Army training lands in Hawai`i.

S15-9

We share and understand your concern on this issue. Our soldiers and their families live and work on our installations. This issue has the highest level of attention at the Department of Army and it is addressed by a centrally managed program that involves the identification, investigation, evaluation, and, if needed, remediation of potential sites. This program, called the Installation Restoration Program, is coordinated with the state and the US EPA to insure compliance with all laws and regulations. It is not, however, possible to estimate cost or time required related to a specific site until the evaluation phase has been completed. The Army is committed to cleaning up existing sites in accordance with applicable laws regulations. In addition, if the Army chooses to relinquish ownership of the land as a result of a Base Realignment and Closer (BRAC), the Army will clean up unexploded ordnance left on the lands in accordance with all applicable laws and regulations,

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S15-11 cont'd such as those lands involved in the proposed SBCT transformation. Equally, an EIS has been found to be inadequate for not considering cumulative and synergistic impacts of simultaneous offshore oil and gas developments in Alaska and the Pacific (*Natural Res. Def. Council, Inc. v. Hodel*, 865 F.2d 288 (D.C. Cir. 1988)), much like the cumulative and synergistic impacts of developments on Mauna Kea, in extending runways for C-17 access and in Kawaihae Harbor.

Specific recommendations

OHA recommends specific changes to the following pages of the Draft EIS:

S15-12 2—43-45 Reduced Land Acquisition Alternative: *The description of this, the only real alternative provided by the Draft EIS, is such that it basically disregards this alternative as well. Therefore, this is not a legitimate alternative, which must be a reasonable choice provided to the public and the decision-maker.*

S15-13 2-45 Alternatives Considered but not Studied in Detail

"First, any alternative must meet the purpose of and need for the action by assisting to bring the Army's Interim Force to operational capability and by providing realistic field training in Hawai'i while providing the nation with capabilities that meet current and evolving national defense requirements." *These prerogatives further limit the possibility of any viable alternative, even though AR 200-2, D-5(a) provides that alternatives go beyond DA jurisdiction. Thus even though a DA directive may seem to compel the location of the training and stationing of an SBCT in Hawai'i, other alternatives must be thoroughly examined.*

S15-14 2-46 2.6.3 Transformation in Hawai'i with Maneuver Live-Fire and Nonlive-Fire Training on the Continental U.S. Instead of on Hawai'i

2-51 Among the reasons given why the above alternative won't work is that "The Hawai'i-based SBCT could not meet its training requirements using facilities at Forts Irwin, Hood, Riley, and Carson due to the lack of specialized facilities required to train an SBCT, and at present there are no plans to construct them." *Plans can be made, and it must not be presumed that just because there are plans to construct such facilities here, that they will be so constructed. The purpose of this NEPA process must be remembered throughout the Draft EIS.*

S15-15 3-3 *The ceded lands definition should be replaced with language from the Apology Bill (U.S. Pub. L. 103-150 (Nov. 23, 1993)), including the following:*

[T]he Republic of Hawaii also ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government;" "the indigenous Hawaiian

including but not limited to the implementation of the Formerly Used Defense Site (FUDs) program.

S15-10 Mitigation measures likely to occur are outlined in the Executive Summary. These proposed mitigation measures were included for public comment. The Army reviewed the measures based on public comments and the benefits of each measure to reduce impacts. The Army has listed those mitigation measures that are high priority and those that are unlikely to occur because of limited resource, unfeasible or there are similar measures already in place. The ROD will indicate which mitigation measures will be implemented.

S15-11 Chapter 9 discusses projects such as Kawaihae Harbor, C-17 improvements and developments on Mauna Kea that are not part of the Proposed Action. the use of C-17s is analyzed as part of this project and impacts are discussed throughout the document. The C-17 beddown and other C-17 activities are proposed by the US Air Force and are undergoing separate NEPA analysis. Chapter 9 has been expanded to better evaluate the Proposed Action in relation to other existing or proposed projects on the islands of O'ahu and Hawai'i to determine the cumulative impact to resources.

S15-12 The Reduced Land Acquisition Alternative is a legitimate alternative. This alternative was not disregarded in the EIS as a full analysis of this alternative was included. This alternative, while not preferred, is a feasible alternative.

S15-13 As discussed in section 1.6 of the FEIS, the ROD for the Programmatic EIS directed the 2nd Brigade, 25th Infantry Division (Light) at Schofield Barracks, Hawai'i to transform to an SBCT. The Commanding General of the 25th ID (L) is charged with deciding how best to achieve that directive and provide for military training, readiness, and facility requirements to meet SBCT transformation needs, while enabling the current forces to continue carrying out their missions and giving due consideration to environmental factors. This decision will be based on the results of this EIS, and on consideration of all relevant factors including mission, cost, technical factors, and environmental considerations. This EIS considers a reasonable range of alternatives including

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<p>S15-15 cont'd</p>	<p>people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum;" "the health and well-being of the Native Hawaiian people is intrinsically tied to their deep feelings and attachment to the land;" "the Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions;" and "The Congress . . . (4) expresses its commitment to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii, in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people. . . .</p>	<p>several alternatives that involve transforming and/or training on the U.S. mainland. As discussed in Section 2.6, the mainland alternatives were not analyzed in detail because they did not meet the purpose and need of the proposed action. (Complete details on the proposed action are presented in Chapter 2 and Appendix D.)</p>
<p>S15-16</p>	<p>3-64 "One important component of Army resource management is the ITAM [Integrated Training Area Management] program. ITAM management in Hawai'i is focused on training lands and is the formal strategy that the Army uses on all installations to achieve sustainable use of these lands. The ITAM program incorporates the land condition trend analysis (LCTA), land rehabilitation and maintenance (LRAM), training requirements integration (TRI), and sustainable range awareness (SRA) components. ITAM incorporation began in Hawai'i in 1989 in PTA and has increased ever since. . . . A more detailed discussion of ITAM can be found in Section 2.1.5." <i>No such section exists. OHA would like more detail.</i></p>	<p>S15-14 The decision to transform in Hawai'i was analyzed in the Final Programmatic EIS completed on March 8, 2002. The Record of Decision for this EIS was signed on April 11, 2002. All the factors considered for transforming in Hawai'i are included in that Final Programmatic EIS. The discussion regarding why transformation is to take place in Hawai'i can be found in Chapter 1 – Purpose, Need, and Scope of this EIS. However, options of transforming in Hawai'i and training elsewhere are discussed in the EIS. Please see Section 2.6 in the EIS.</p>
<p>S15-17</p>	<p>3-70 Cultural Resources <i>Through oral histories, religious practice, and the very presence of the land, sea and sky, the cultural landscape presents a principle of culture and reminds Native Hawaiians of their history and origin, and of the gods and ancestors who dwell there. A sense of place for Native Hawaiians equals a genealogical link to Hawai'i and a bond to lessons retold when a district, geological feature, site, structure, burial or name is encountered. Incorporating correct Hawaiian place names in the EIS document would help infuse the culture in the process, and providing more than a cursory overview of the concept of cultural landscape for each ROI would also improve the process.</i></p>	<p>S15-15 We thank you for your comment and your comment has been noted and included into the administrative record for this process. Hawai'i was adopted as a territory of the U.S. Government in 1900 and was granted admission into the Union in 1959 via Pub L 86-3, 73 Stat 4 when the people of Hawai'i petitioned the U.S. Congress for statehood and adopted by vote in the election held on November 7, 1950 the Act of the Territorial Legislature of Hawai'i entitled "An Act to provide for a constitutional convention, the adoption of a State constitution, and the forwarding of the same to the Congress of the United States, and appropriating money therefore", approved May 20, 1949 (Act 334, Session Laws of Hawai'i, 1949). We understand that some individuals do not agree with or support the formal annexation of Hawai'i in 1898. However, issues of statehood and Hawaiian Sovereignty are outside of the scope of the NEPA process.</p>
<p>S15-18</p>	<p>3-81 "The only weapons used in live-fire training that can produce UXO are grenades, mortars, and artillery; all other ammunition is inert." <i>What about the new lightweight 155mm howitzers? These must be incorporated into a revised Draft EIS.</i> "UXO is an obvious threat to Army personnel working on the range areas, as well as civilians living in the area. The environment is also at risk by the presence of UXO and ammunition, as chemicals such as lead and explosives propellant could leach into the soils and groundwater." <i>There is also the concern of runoff carrying contaminants to nearshore ocean waters, which has not been</i></p>	<p>S15-16 The correct reference is Section 2.2.4. This has been corrected in the Final EIS.</p>
<p>S15-19</p>	<p><i>There is also the concern of runoff carrying contaminants to nearshore ocean waters, which has not been</i></p>	<p>S15-17 Section 8.11 and Appendix J have been updated to include more information on oral histories, religious practices and areas of traditional importance. In addition, the Army has determined that the proposed action will significantly</p>

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- S15-19 cont'd** | *addressed in this Draft EIS. It should be addressed for each ROI impacting a coastal environment.*
- S15-20** | 3-91 The Army uses “the long-term liquid concentrate fire retardant LCA-R, which consists of ammonium, attapulgite clay thickener, a corrosion inhibitor, and a coloring agent diluted with water.” It is approved by the US Forest Service and is not hazardous to people. *How does LCA-R interact with native flora and fauna?*
- S15-21** | 4-5 Summary of Impacts
PASH interests should be included in this section. For example, what about Kawaihae Harbor? There is no mention of it, yet it is an area of regular recreational and cultural uses. Fishers, gatherers and canoe paddlers have expressed their concerns about being locked out of certain traditional areas. This should be addressed, and mitigated.
- S15-22** | 4—21-22 Fugitive dust from military vehicles would increase by 57% under the Proposed Action. *In the list of “potential mitigation measures” is a periodic application of “synthetic dust control treatments.” This option is used in each ROI where fugitive dust is a significant impact. In each case, what are the impacts on the flora and fauna environment, runoff and air quality?*
- S15-23** | 4-44 Water Resources
Among the listings of regulatory standards used in evaluating impacts, there is no mention of Native Hawaiian water uses, which the Hawai'i Supreme Court has said are to be assessed before other water uses can be itemized. PASH concerns apply here as well.
- S15-24** | 4-53 Soil erosion is modeled to be so extensive and severe that “soil loss at SBMR, the East Range, DMR, KTA, and PTA may be only partially mitigable. Also soil loss would increase significantly in spite of land management measures under the ITAM program.” *No further mitigation ideas are offered, and they should be because the loss of soil to the hardpan has severe ecological and cultural implications. The loss of the soil is the loss of the skin of the `aina and, as seen on Kaho`olawe, is extremely difficult to remediate.*
- S15-25** | 4—54-55 Soil compaction: by tracked or wheeled vehicles, which can preclude future growth of vegetation and moisture retention (*as happened on Kaho`olawe*), and runoff could follow those tracks, furthering erosion.

The mitigation offered is vague and should be clarified and improved upon: “The ITAM Program would be used to identify specific areas subject to this type of impact and to identify land management measures that might reduce the impact. The impacts could be partially or fully mitigable by requiring motorists to avoid affected off-road areas if impacts are observed (thereby spreading the problem) and by revegetating and recontouring affected areas.”

impact areas of traditional importance. Mitigation measures are identified such as the implementation of the Final PA that will reduce the severity of the impact but not to less than significant levels.

S15-18
As discussed in Chapter 2, the howitzer artillery analysis has been updated to reflect the current proposal for 18 155 mm howitzers versus the 12 155 mm howitzers analyzed in the Draft EIS. This change in the number of howitzers had a minimal effect on noise as discussed in Section 4.6. The determination of effect for noise has not changed.

S15-19
As discussed in Section 4.8, 4.10, and 4.12, the soil analysis conducted showed that there did not appear to be a significant offsite migration of explosives or other toxic contaminants from the ranges.

S15-20
The following text was inserted into Section 3.12: The corrosion inhibitor used is biodegradable in water and soil into carbon and nitrogen, however the ammonium component of the retardant could potentially harm fish and other aquatic animals if accidentally dropped into a watercourse.

S15-21
Chapter 9 discusses projects such as Kawaihae Harbor that are not part of the Proposed Action. Chapter 9 has been expanded to better evaluate the Proposed Action in relation to other existing or proposed projects on the islands of O`ahu and Hawai'i to determine the cumulative impact to resources.

S15-22
Impacts to the biological resources from dust are discussed in Chapter 8.10.

S15-23
As discussed in Section 4.8, the Army has concluded that no significant conflicts would occur as a result of the Proposed Action on water rights or water supply.

S15-24
Section 4.9 has been expanded to include more detailed discussions of impacts from soil erosion along with additional mitigation measures. The Army has

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- S15-26** | 4-61 Fire impacts may be mitigable on a place-by-place basis, but not project wide. *This is a concern, considering how fires in Makua were handled this year. More mitigation efforts are necessary.*
- S15-27** | 4-62 “The effects of SBCT actions on listed species in the ROIs are being evaluated in the Section 7 consultation with USFWS. The Army would carry out all reasonable and prudent measures determined during this consultation. These measures would help avoid effects and would compensate for impacts of fire on listed species that would result directly and indirectly from implementing the Proposed Action.” *This mitigation formula is used again and again in the Draft EIS, but the public does not know what is being negotiated in these Section 7 consultations, so cannot comment on proposed mitigation plans. This is a good example of a reasonably foreseeable alternative requiring interagency cooperation, which should be described in an EIS.*
- S15-28** | 4-68 Cultural Resources
PASH rights should be one of the factors considered for impact analysis.
- S15-29** | 4-69 “Specifically for SBCT, the Army is proposing to comply with its responsibilities under the NHPA by executing a PA with the SHPO, the ACHP and other interested parties and Native Hawaiian organizations.” *Much of the mitigation descriptions in this section, and in other ROIs with cultural impacts, rely on the use of the PA. OHA is concerned that this PA states that a complete identification and evaluation of historic properties will be finished prior to the implementation of SBCT undertakings, but they have not yet been completed. Therefore, the Army’s reliance on the PA as a source of mitigation information in the cultural resources impacts sections of the EIS is invalid. The Draft EIS states that there will be “no significant and unmitigable impacts on cultural resources under the Proposed Action,” but according to the PA, not all of the historic properties in the areas for the proposed actions have even been identified, so saying that all impacts will be mitigable is premature.*

Of further concern is that the identification and evaluation of these areas should already be complete. Although the NHPA statute allows for a phased identification and evaluation of projects with “corridors or large land areas,” that is only when there are still legitimate alternatives under consideration. No alternatives are mentioned in the draft PA, and as previously stated in this letter, no real alternatives have been given in the Draft EIS. The identification of historic properties is supposed to be done using a “reasonable and good faith effort,” taking into account “the magnitude and nature of the undertaking and the degree of Federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects” all of which, in this case, are extensive and warranting immediate identification and evaluation before this project proceeds. (36 C.F.R. §800.4(b)).

determined that the proposed action would have a significant impact on soil loss from training and the mitigation measures identified will substantially reduce the severity of the impact but not to less than significant levels.

S15-25
Thank you for your comment. It will be entered into our administrative record. For discussions on mitigation for soil compaction which are specific to each site, please refer to section 9 of Chapters 5-8.

S15-26
The discussions in Sections 4.10, 4.12, 8.10 and 8.12 have been expanded in the Final EIS to better discuss the potential impacts of wildland fires. The impact to biological resources from wildland fires has been changed to significant. The mitigation measures proposed, including the updated IWFMP, will substantially reduce the severity of the impact on biological resources but not to less than significant levels.

S15-27
Since the publication of the Draft EIS, the USFWS issued Biological Opinions for current force and proposed SBCT training on the islands of O‘ahu and Hawai‘i. The terms and conditions have been included in the Final EIS by reference. The Biological Opinions are available upon request.

S15-28
Section 4.11 has been expanded to better discuss the impacts to cultural resources. In addition, the Army is working with the OHA to address these issues for all Army actions in Hawai‘i.

S15-29
As discussed in Section 4.11, all areas that could be impacted by the Proposed Action have been surveyed for presence/absence of cultural resources. The survey results have been included in the Final EIS. In addition, the cultural resource analysis has been expanded and in some cases the determination has been changed to significant. The Final PA has been signed by the Army, SHPO, ACHP, and OHA. It is included in Appendix J.

Comments

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P-121

S15-29
cont'd

Another grave concern is that Congress has already committed funds to this project, before the NHPA process is complete. This makes a mockery of another federal statute, because if the transformation process is already approved, the degradation of cultural and historical sites is a foregone conclusion that may or may not be properly mitigated. Consultation with Native Hawaiian organizations and other members of the public becomes moot, with only the possibility of a court-ordered injunction to halt the project, pending objective review.

S15-30

4-77-78 Human Health and Safety Hazards
The Draft EIS says that there are no significant and unmitigable impacts in this arena from the Proposed Action. *This is hard to believe considering the military's history in Hawai'i. That the impact of ammunition on the land is considered to be mitigable is also unbelievable, particularly because no planned mitigation or remediation is described. Instead, the only mitigation information given, for any ROI that will be impacted by ammunition, reads: "Additional risk based investigations would be undertaken as appropriate in the event any active range is closed and transferred out of DoD control. All remediation necessary to mitigate an imminent threat to human health and the environment would be undertaken at such time." Therefore, mitigation is not being considered because no one sees, at this time, the possibility that this land will be returned to the Hawaiian people. This is not a good presumption to make. Instead of continuously adding to the environmental damage already impacting the Federal lands under the Army's control, and then spreading the damage over newly acquired land, some sort of mitigation and remediation plan must be in place. Not only would that land become ceded lands should the Federal government relinquish control, with the land having to be decontaminated at that time, but as seen in Waikane, the military can make its lands too dangerous even for itself. And the constant addition of new and further impacts on the `aina will have cumulative impacts that must be addressed, and not simply postponed. Any impacts that are a threat to human health and the environment must be addressed during the NEPA process – before the threat occurs.*

S15-31

The Hawaii Supreme Court astutely noted in Ka Pa`akai O Ka`aina v. Land Use Commission, 94 Haw. 31, 52 7 P.3d 1068, 1089 (2000): "The power and responsibility to determine the effects on customary and traditional native Hawaiian practices and the means to protect such practices may not validly be delegated by the LUC [Land Use Commission] to a private petitioner who, unlike a public body, is not subject to public accountability. Allowing a petitioner to make such after-the-fact determinations may leave practitioners of customary and traditional uses unprotected from possible arbitrary and self-serving actions on the petitioner's part. After all, once a project begins, the pre-project cultural resources and practices become a thing of the past."

The above is what NEPA tries to prevent. The petitioner must convince the public and the decisionmakers that the Proposed Action is the best action and that the mitigations offered will bring any impacts to the environment to level of no

S15-30

As a mitigation measure for safety, prior to initiation of any construction activities, USARHAW will employ qualified professionals to perform UXO clearance of the proposed construction area, remove all UXO encountered to ensure the safety of the site, and document UXO surveys and removal actions in full accordance with applicable laws, regulations, and guidance. In addition, if the Army chooses to relinquish ownership of the land as a result of a Base Realignment and Closure (BRAC), the Army will clean up unexploded ordnance left on the lands in accordance with all applicable laws and regulations, including but not limited to the implementation of the Formerly Used Defense Site (FUDs) program. The EIS evaluates the total impact of the project over the life of the project in Chapters 5-8. Cumulative impacts are discussed in Chapter 9.

S15-31

The discussions in the cultural resource sections have been expanded to better address the impacts of the Proposed Action and the benefits of proposed mitigation. As discussed in Section 4.11, the Army has determined that some of the impacts to cultural resources are significant. The mitigation measures proposed will reduce the severity of the impact but not to less than significant levels.

Appendix P. Comments and Responses

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P-122

S15-31 cont'd

significance. It must do so before the project begins; in fact, to get permission to begin the project, the decision-maker must be so convinced. Saying that the Army will take care of any problem later, should it arise, by methods not yet determined, is not a good faith rendering of the issues. The same theory is tried unsuccessfully on page 4-81 about UXO.

S15-32

5-102 Special concern is noted for groundwater contamination that may impact the SRAA, because no current surface water quality data are available for Waikele Stream, where it flows through the SRAA. Such data should be obtained for a baseline to compare against future monitoring efforts.

5-109 "The Proposed Action could affect surface water quality through an increase in nonpoint source pollutants delivered to streams." This should be monitored, a prudent method provided to the Army by AR 200-2, 6-1(m), to assure that its decisions and mitigations are carried out. More monitoring of its mitigation measures should be provided by the Army on all lands impacted by this Proposed Action.

S15-33

5-113 It is important that a baseline study be done of current migrations of contaminants from Army lands, and continued monitoring of any runoff. Instead of saying that future mitigation "could" include controlling soil erosion and the remediation of hotspots, the language should read "would."

5-131 A significant increase in soil erosion is anticipated in the SRAA and SBER, to a non-mitigable level. This is of great concern, considering that the Honouliuli Forest Reserve is south of the SRAA, meaning that more contamination from runoff can be anticipated, something which this Draft EIS already does not completely mitigate.

S15-34

5-138 "This EIS is being developed concurrently with consultation conducted in compliance with Section 7 of the ESA. The biological resource section will be updated as necessary to reflect any additional information or analysis that develops as part of Section 7 consultation. These updates will be included in the FEIS." This information should be placed in a supplemental Draft EIS so that the public can comment upon it. Otherwise, no mitigation alternative is provided in any instance where the ESA is applicable in this Draft EIS.

S15-35

5-162 Completion of the WFMP is estimated to be in August 2003. This should be included in the FEIS as it is a major element of mitigation. It is unclear if the document in Appendix O is this document.

S15-36

5-163 "Ongoing programs that would lessen the impact on listed species and their designated or proposed critical habitat include the ecosystem management plan, endangered species management plan, and INRMP. Land acquired as part of the SRAA would be incorporated into the ITAM and ecosystem management plan to protect any sensitive resources on or around this area. This would minimize soil

S15-32

As discussed in Section 5.8 and 5.12, there does not appear to be a significant impact to groundwater contamination from the proposed action based on soil sampling. In addition, the Army has been coordinating with EPA on the proposed acquisition of SRAA. If the Army decides to acquire SRAA, the Army will work with EPA to ensure that no actions on SRAA would interfere with cleanup measures at the Kunia Village Superfund site.

S15-33

As discussed in Section 5.9, the surface soil data suggest that contaminant concentrations are relatively low, and there are no data to suggest that the current soil contaminant levels impact surface water quality.

S15-34

Since the publication of the Draft EIS, the USFWS issued Biological Opinions for current force and proposed SBCT training on the islands of O'ahu and Hawai'i. The terms and conditions have been included in the Final EIS by reference. The Biological Opinions are available upon request. As discussed in Chapter 2, the Army has determined that the changes between the Draft EIS and the Final EIS are in scope and a supplemental Draft EIS is not necessary.

S15-35

The IWFMP was updated in October 2003. The IWFMP has been included by reference and the overview in Appendix O has been updated. The plan is available upon request.

S15-36

Section 5.9 (Geology) and Section 5.10 (Biological Resources) have been expanded and updated. Additional mitigation measures are proposed in both sections. The Army has changed the determination of effect in some cases for these sections.

Appendix P. Comments and Responses

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- S15-36 cont'd** | erosion and loss to natural habitats that would otherwise occur as the result of mounted and dismounted maneuvers.” *Again, more information is needed.*
- 5-166 | *While admitting the dangers of the spread of nonnative species, the mitigation measures proposed are again lacking in definitive statements:*
- S15-37** | “USARHAW would follow HQDA guidance developed in consultation with the Invasive Species Council and compliance with Executive Order 13112, which determines federal agency duties in regard to preventing and compensating for invasive species impacts. USARHAW would agree to all feasible and prudent measures recommended by the Invasive Species Council that would be taken in conjunction with SBCT action to minimize the risk of harm. Implementing an environmental management system would further improve the identification and reduction of environmental risks inherent in mission activities.” *This is another example of a reasonably foreseeable alternative requiring interagency cooperation that should be included by more than name in an EIS.*
- S15-38** | 5-177 *A “limited archaeological survey” of Wheeler Army Airfield is not enough to determine the existence of cultural resources.*
- S15-39** | “Access to cultural sites on Army land is now restricted, but the Army, in accordance with policy, provides access for legitimate reasons to traditional places. Such access is provided within the limitations imposed by mission requirements and public safety concerns. No formal policy governs access at SBMR, and access requests are handled on a case-by-case basis in coordination with Range Control. *A formal policy should be instated.*
- S15-40** | 5-188 “The SRAA is considered an area of potential for unknown resources, depending upon previous land uses of particular locations. Prior use of much of the area for commercial agricultural development would reduce the likelihood of discovering preserved archaeological sites.” *This does not preclude investigation.*
- S15-41** | 5-211 “The Del Monte Corporation site overlying the proposed SRAA and Helemano Trail lands is a Superfund site due to a historical release of pesticides. . . . The US EPA is reviewing ongoing investigations as to whether these sites continue to present a threat to human health and the environment. Until delisted from the National Priorities List, this site is considered a significant impact. The Army would work with USEPA, Del Monte, and Campbell Estates regarding liability and responsibility for cleanup and would conduct any cleanup required by law.” *This cleanup should be completed before planning more impacts on the aina.*
- S15-42** | 5-214 Of the 25% increase, only 1.3% of that increase would be from UXO-producing munitions. “UXO is cleared after the range is closed.” *In the meantime, chemical contaminants and UXO that drain to island coastlines affect nearshore waters. Cleanup should be continuous.*

- S15-37**
Section 5.10 has been expanded to better discuss the impacts from the spread of non-native species. Mitigation measures are discussed in each biological resources section 4.10, 5.10, 6.10,7.10,and 8.10.
- S15-38**
As discussed in Section 4.11, all areas that could be impacted by the Proposed Action have been surveyed for presence/absence of cultural resources. The text for Section 5.11 has been corrected.
- S15-39**
As discussed in Section 4.11, the Army proposes to continue work with Native Hawaiian communities on access to areas of traditional importance. In addition, an installation wide access protocol is being developed for all Army training lands in Hawai'i.
- S15-40**
Section 5.11 has been updated with the most current survey results. The SRAA paragraph has been updated to reflect survey results. Ongoing work stated on Section 5.11 has also been completed and the text has been changed.
- S15-41**
Section 5.12 has been updated as investigations have been completed by Del Monte and EPA. EPA signed a ROD establishing remedial measures for the area south of SBMR and de-listing the Puomoho area from the Superfund site. The site is not considered a threat to implementation of the proposed action and the proposed action would not interfere with Del Monte’s remedial action
- S15-42**
The analysis of contamination and migration off of the ranges is included in Chapters 5.9, 6.9, 7.9, and 8.9 and was determined to be less than significant and SBMR, KTA, and PTA and would have no impacts at DMR.

Comments

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- S15-43** | 6-84 | *“The Army and USFWS have not yet agreed on a final ROI. Changes to the present ROI . . . could alter the qualitative and quantitative analyses within this environmental consequences section.” Again, this information should be in a supplemental Draft EIS so the public can comment and the decision-maker can have all the information before him or her.*
- S15-44** | 7-21 | *Significant impacts associated with KTA and Drum Road are appropriately listed in the Draft EIS, but no mention is made of a potential mitigating alternative that the Army is considering: acquiring the 1,100-acre Pupukea Paumalu Homestead property from the current owner, who is a willing seller. The Army is considering using this property as an Army Compatible Use Buffer to protect both training capability and natural resources. If the Army considers such a buffer to be needed to make the installations compatible with surrounding lands, it should be mentioned in the EIS.*
- S15-45** | 7—59-60 | *While mention is made of the Proposed Action severely degrading land conditions in KTA, not enough consideration is given to severe flooding problems in Kahuku. Considerable land erosion in the KTA and along Drum Road will only exacerbate this problem, and the Army needs to find a way to mitigate such impacts to a non-significant level for a variety of reasons. Flooding holds contaminants from nonpoint source pollution in solution over lands for extended periods of time, and allows those contaminants to seep into the soil where they can have a profoundly negative effect on the human environment, agriculture, and native vegetation and wildlife that relies on that area, particularly protected shorebirds and snails. Flooding is also a huge expense for those who live and work in Kahuku, which brings up environmental justice and human health and infrastructure concerns.*
- S15-46** | 7-96 | *Again, readers are left waiting for the result of the Section 7 consultation with USFWS, and “No additional mitigations have been identified.”*
- S15-47** | 8-16 | *“Proposed management objectives for outdoor recreation at PTA include the following:*
 - *Continue current public access policies and procedures from 2002 to 2006, unless more effective or efficient systems become available.” While 5-year periods of review are standard for the INRMP process, they do not follow cultural views of time, which are boundless.*
- S15-48** | 8-19 | *Impacts to land use at Kawaihae Harbor should be addressed. Shoreline access concerns have been brought up by Native Hawaiian cultural gatherers, outrigger canoe paddlers, fishers, and recreational and subsistence users of the area. It has been reported that the Department of Transportation has plans to fence off access to this area, which results in Native Hawaiian PASH and public access concerns.*
- S15-49** | 8-29 | *It becomes even more noticeable in the PTA section that the “alternatives” are not really alternatives, when the Reduced Land Acquisition Alternative repeatedly*

S15-43

Section 6.10 has been expanded to better discuss the impacts to biological resources. The ROIs have been updated based on the final Biological Opinion issued by USFWS in October 2003. The ROI for proposed SBCT activities at Dillingham did not change.

S15-44

The Army is considering ACUBs as mitigation for other proposed actions and has met with the commenter. For the Proposed Action, ACUBs were also considered but more feasible mitigation measures were proposed. The mitigation measures proposed are listed in the Executive Summary.

S15-45

We agree that these are important issues, and they are addressed in the EIS. The project would not increase flooding potential. Degradation of the land would be mitigated with measures implemented through the ITAM program. While existing flooding potential would not be mitigated under the project, new facilities would be designed to offset any of the potential effects from increased impervious surface area by slowing runoff. Watersheds in Koolau Mountains have very short retention times for runoff. The ground tends to be near saturation and there is very little water storage capacity in soils. As a result, most of the incident rainfall becomes runoff rather than percolating to recharge groundwater. Except for retention by vegetation and topography, rainfall runs off rapidly to streams. One of the problems is that development in downstream areas has resulted in filling and encroachment on flat lands that are prone to flooding, and in straightening and narrowing of stream channels, and loss of wetlands. These conditions are not the result of Army actions, but of urban development on low lands that are historically prone to flooding. The Transformation project is not expected to increase flooding problems already inherent in these low-lying areas.

S15-46

Since the publication of the Draft EIS, the USFWS issued Biological Opinions for current force and proposed SBCT training on the islands of O’ahu and Hawai’i. The terms and conditions have been included in the Final EIS by reference. The Biological Opinions are available upon request. As discussed in Chapter 2, the Army has determined that the changes between the Draft EIS and the Final EIS are in scope and a supplemental Draft EIS is not necessary.

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- S15-49 cont'd** | *reports that "Impacts from ... would be the same as for the Proposed Action," and the No Action Alternative reports that there would be "No Impacts."*
- S15-50** | 8-50 *Fugitive Dust from Military Vehicle Use is a huge issue here because of the dry conditions, the amount of vehicle use, and the proximity to residential areas.*
- S15-51** | 8-51 *"The 429 tons per year increase in fugitive PM₁₀ emissions generated by military vehicle[s] at PTA, the likelihood of exceeding the federal 24-hour standard, and the potential impacts to quality of life to Waiki'i Ranch residents and users of Kilohana Girl Scout Camp combined may result in a significant air quality impact at PTA under the Proposed Action." There is a high incidence of asthma in Hawai'i, particularly among Native Hawaiians, so this is a major concern that should be mitigated as much as possible.*
- S15-52** | 8-70 *"As part of the ENMP, the Army would consider establishing a 500-foot noise buffer around the Waiki'i Ranch property and the Kilohana Girl Scout Camp property, and minimizing nighttime vehicle maneuver activities within 1,000 feet of those properties." This is a good idea and should be implemented.*
- S15-53** | *"The Proposed Action would not result in any meaningful changes in helicopter flight operations at PTA." This is no longer necessarily true, according to the Pentagon, and is just one example of why this Draft EIS must be updated or supplemented.*
- S15-54** | 8-113 *PTA has the highest concentration of endangered species of any Army installation in the world, including the best remaining dryland ecosystems in Hawai'i, which are in the western third of PTA that holds the MPRC (Multi-Purpose Range Complex). Botanist Lani Stemmermann sued in 1989 because of the lack of proper environmental studies done for a \$30 million firing range. The Army has reportedly not yet lived up to the 1990 settlement agreement over the MPRC, so concerns continue about whether adequate environmental studies and responses will be made in this transformation process.*
- S15-55** | 8-157 *These trails should be named and documented, put on maps, and cultural access to them should be provided.*
- S15-56** | 8-169 *"Seventeen sites have been found in the proposed area for the BAX, including excavated pit complexes, rock shelters, modified outcrops, rock mounds, a cairn, a lava tube, a lithic scatter, and an enclosure. One site, a complex of lava tubes, trails, enclosures, and a shrine had been identified prior to archaeological survey for the Proposed Action." The Army should assure the public that it will manage its activities and maneuver zones so as to avoid lava tubes and blisters.*
- S15-57** | 8-179 *Mitigation through construction of a natural and cultural resources visitor center: It should be remembered that while education is a valid and respectful act, it does*

S15-47

As discussed in Section 8.2, if the Army decides to implement the Proposed Action, the Army will work with the community to coordinate public access in consideration of Army mission requirements and public safety. The Army will work with the State of Hawai'i to set up additional hunter checkin stations at PTA. For more information on current public access programs at PTA, please contact the PTA Public Affairs Office.

S15-48

As discussed in Section 8.2, the Proposed Action will not significantly impact land use at Kawaihae Harbor. Section 8.11 has been expanded to better address the potential impacts of the Proposed Action on Areas of Traditional Importance. The Army has changed the determination of effect to significant. Mitigation measures are proposed, such as working with Native Hawaiians to provide access to these areas. These measures will substantially reduce the severity of the impact but not to less than significant levels.

S15-49

As discussed in Chapter 2 and Chapter 8, while many of the impacts are the same there are differences between the alternatives. For example the impacts to land use at SBMR are significant for the proposed action while they are less than significant for the Reduced Land Acquisition alternative

S15-50

Based on public and agency comment, the Army has conducted more detailed air quality modeling and has identified additional mitigation measures. As discussed in Section 8.5, the Army has determined that based on more detailed analysis and the implementation of mitigation measured identified, the impact from fugitive dust emissions will be significant but mitigable to less than significant levels. Mitigation measures include the use of environmentally friendly dust control measures on vehicle trails and the implementation of a Dust and Soils Management and Monitoring Plan (DuSMMoP) for all training areas.

S15-51

Based on public and agency comment, the Army has conducted more detailed air quality modeling and has identified additional mitigation measures. As discussed in Section 8.5, the Army has determined that based on more detailed analysis and the implementation of mitigation measured identified, the impact

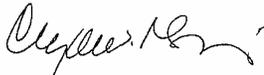
Appendix P. Comments and Responses

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- S15-57 cont'd** | *not equate to access or preservation, which are of extreme importance to Native Hawaiians.*
- S15-58** | 8-190 "The PTA FMA, once completed, will address wildfire issues at the installation. Also, PTA wildland fire SOPs, once completed, will contain specific methods for handling fires." *Again, these should be completed and included in a supplemental or updated Draft EIS.*
- S15-59** | 9-10 "The Army is likely to also conduct controlled burns at DMR, MMR and PTA." *This is a concern after the controlled burns that got out of control in Makua this year.*
- S15-60** | 9-11 *It should be noted that the Marines are no longer planning jungle warfare training in Waikane Valley, and why this is so.*
- S15-61** | 9-12 Land Transfer-Dillingham Military Reservation: *When the state leases this land back to the Army for continued training operations, the pro rata share that belongs to OHA must be included in the lease, for these are ceded lands.*
- S15-62** | 9-13 Projects on Hawai'i: *Included in this list should be NASA's plans on Mauna Kea and the C-17 plans, as they meet the definition supplied in AR 200-2, 7-1(b) for "cumulative actions": "when viewed with other proposed actions, [they] have cumulatively significant impacts and should be discussed in the same impact statement."*
- S15-63** | 9-21 *The Cumulative Impacts by Resource Category are too vague and broad.*

Thank you for the opportunity to comment. OHA hopes that the comments elicited from the public about the current Draft EIS – and supplemental or updated versions of this Draft EIS – which is a springboard for public comment, will be fully considered before the publication of the Final EIS. If you have further questions or require more information regarding OHA's comments, please contact Heidi Guth by phone at (808) 594-1962 or by e-mail at heidig@oha.org.

Sincerely,



Clyde W. Namu'o
Administrator

Responses

from fugitive dust emissions will be significant but mitigable to less than significant levels. Mitigation measures include the use of environmentally friendly dust control measures on vehicle trails and the implementation of a Dust and Soils Management and Monitoring Plan (DuSMMoP) for all training areas.

S15-52

Section 8.6 has been expanded and mitigation measures to address noise impacts have been identified. The Army proposes a 1,000-foot daytime noise buffer and a 2,000 foot nighttime noise buffer for training activities at WPAA.

S15-53

As discussed in Chapter 2 and Chapter 8, there would be a change in helicopter activity over WPAA but not over PTA. Based on noise modeling discussed in Section 8.6, the noise levels from helicopter use will not be significant. However, the Army proposes to establish a 1,000 foot daytime noise buffer and a 2,000 foot nighttime noise buffer for training activities at WPAA including helicopter training activities.

S15-54

Section 8.11 has been expanded to better discuss the impacts to cultural resources. The Army is renaming the trails on the maps and access protocol will be developed.

S15-55

Section 8.11 has been expanded to better discuss the impacts to cultural resources. The Army is renaming the trails on the maps and access protocol will be developed.

S15-56

As discussed in Section 8.11, the Army will implement the Final PA between the Army, SHPO, ACHP and concurring parties in compliance with Section 106 of the NHPA. As discussed in the PA, the Army's first priority with cultural resources is to avoid the resource to the full extent practicable. If the Army is unable to avoid the resource, the Army will consult in accordance with the Final PA (See Appendix J).

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S15-57

As discussed in the Executive Summary mitigation measures that are already in existence or unlikely to occur, as part of the NHPA Section 106 consultation, a cultural resource education center is being proposed with the PTA master plan. Since this is addressed through another project, the visitor's center is no longer proposed as mitigation for this action. Additional mitigation measures are discussed in Sections 4.10 and 4.11 for biological and cultural resources.

S15-58

As discussed in Section 8.10 and 8.12, the IWFMP was updated in October 2003 and will be implemented as mitigation to reduce the risk of wildland fires. The plan is available upon request.

S15-59

The Wildfires subsection under the Human Health and Safety Hazards section of Chapter 9 discusses the burn programs at DMR, SBMR and PTA. The Integrated Wildfire Management Plan was approved after the DEIS in October 2003 (project #25). The WFMP is available upon request or at www.sbcteis.com.

S15-60

Changes have been made to the FEIS reflecting cancellation of the project in Waikane. For more information, please contact the U.S. Marine Corps.

S15-61

The proposed land transfer - DMR (O'ahu project #34) is not part of the proposed action but is included in Chapter 9 as other projects proposed by the Army or other entities on the island of O'ahu. Your comments on this land transfer may be submitted directly to the state of Hawai'i or to the US Army Garrison Hawai'i - Department of Public Works.

S15-62

The use of C-17s is analyzed as part of this project and impacts are discussed throughout the document. The C-17 beddown and other C-17 activities proposed by the US Air Force are considered in Chapter 9 (project #33). The EIS has been revised to include project information on NASA's plans Mauna Kea.

S15-63

Resource categories are standard for NEPA documents and reflect suggested resources in CEQ regulations for implementing NEPA (40 CFR 1500).

Comments

Responses

Letter S16

STAFF #0 HT

House of Representatives



SBCT Draft EIS Public Comment Card



NAME: Rep. Male Shimabukuro or ANONYMOUS (please circle)
 ADDRESS: State Capitol Rm 315
Honolulu, HI 96813 Email: repshimabukuro@
586-8460 or 549-3075 capitol.hawaii.gov
 SIGNATURE: Male Shimabukuro

S16-1

COMMENTS: this is a formal request for the military's assistance in clearing boulders, koawe trees, and shrubs from the Dept. of Ed. land between Waianae Satellite Con. Hall and Waianae Intermediate School. Principal John Vanatta is very concerned about students' use of a trail in that area. Because of the heavy brush, the area lacks security and there have been numerous assaults - police reports as a result.

Please contact Principal John Vanatta or myself regarding this request. Thank you very much for your on-going support of community causes, eg, clean-ups.

S16-1

The Army has reviewed the public comments and has expanded discussions to address comments submitted. As discussed in Chapter 2, the Army has determined that a supplemental Draft EIS is not necessary.

Comments

Letter
S17



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HAWAII 96801-3378

October 29, 2003

AS

CHRYSE L. F.
DIRECTOR

In reply, please
EIS/SHWA

H1041KM

CERTIFIED MAIL NO: 7002 0460 0002 3634 4140
RETURN RECEIPT REQUESTED

File No: HW-2460

Ms. Cindy S. Barger
SBCT EIS Project Manager
US. Army Corps of Engineers
Honolulu District
Building 230, Room 306
ATTN: CEPOH-PP-E
Fort Shafter, Hawaii 96858-5440

Dear Ms. Barger:

SUBJECT: Comments on Stryker Brigade Combat Team (SBCT) Draft Environmental Impact Statement (DEIS)

The following comments are submitted in response to the U.S. Army, Hawai'i's request for comments on its recently released, October 3, 2003, Draft Environmental Impact State (DEIS), which details the impact of the Army's Transformation of the 2nd Brigade, 25th Infantry Division (L) to a Stryker Brigade Combat Team in Hawai'i. The comments are submitted by the Hawai'i Department of Health (DOH) Solid and Hazardous Waste Branch (SHWB), Hazardous Waste Section (HWS), and focus on the hazardous waste impact of the proposed project alternatives. Inter alia, the comments below include concerns regarding proposed project impacts (i.e., direct, indirect and cumulative), which may affect other environmental media, which may lie under the primary jurisdiction of other state and federal agencies, e.g., Air Quality, Clean Water, etc.

Department of Health's comments on the SBCT DEIS are as follows:

1. Generally, the DEIS states that the Proposed Action (PA) and Reduced Land Acquisition proposed project (RLA) would have "significant but mitigable" impacts with regards to "Human Health & Safety Hazards." PA and RLA impacts to human health and safety hazards would be similar to the impacts imposed in the No Action Alternative, i.e., continuing Legacy Force infrastructure and training needs, except that, human health and safety hazard impacts from implementation of the PA and RLA would increase because of the concomitant requirement for facility construction, personnel, equipment, vehicles, and training activities. According to the DEIS, these additional

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project-related needs would result in an increased need for hazardous materials management; hazardous waste management; increased ammunition, and therefore lead exposure; lead paint exposure (during facility construction); unexploded ordinance (UXO) exposure; exposure to asbestos containing material (also during facility construction); exposure to PCBs (within the Kahuku Training Area (KTA)); electromagnetic fields exposure; petroleum, oils and lubricants exposure; pesticides and herbicide use and, therefore, exposure; exposure to increased biomedical waste generation; and increased probability of wildfires. The SBCT DEIS Mitigation Matrices indicate that, with the use of current Army Hawaii procedures and practices, which currently address the human health and safety concerns above, any and all significant impacts resulting from the PA and RLA are mitigable to less than significant. For example, the expected increase in lead exposure resulting from greater quantities of spent ammunition (as a result of the PA and RLA requirement for increased live-fire training) would be addressed and mitigated by current Army practices of collection and disposal. Similarly the PA and RLA projected increase in UXO is predicted to be mitigated by currently administered Army detection, collection and disposal procedures following additional live-fire training events. Increased petroleum, oils and lubricant use (due to the PA and RLA mandated increase in vehicles (e.g., Army Stryker vehicles, etc.), vehicle trips over increased terrain, an additional motor pool and vehicle wash facility (within the South Range Acquisition Area (SRAA)) planned to be located adjacent to the Schofield Barracks Military Reservation (SBMR)), are predicted to be regulated, albeit in an expanded capacity, via currently implemented Spill Prevention Control and Prevention Plans as well as wastewater discharge treatment facilities, e.g., oil/water separators, etc.

COMMENT: In light of the above, the DEIS should detail the bases for Army Hawaii's determination that current procedures and practices would mitigate, to less than significant, the expected PA and RLA impacts to human health and safety hazards, which were delineated above. Further, the DEIS should describe and address any and all indirect and/or cumulative impacts, e.g., continued live-fire impacts (resulting in long-term, gradual increases in lead concentration to soils), etc., resulting from the human health and safety hazard impacts, which would result from implementation of the PA or RLA.

2. See Table ES-21 (SBCT EIS Mitigation Matrix), page ES-52; Air Quality, Item 11. The DEIS Mitigation Matrix, in the above referenced item, states that "measures to mitigate impacts on air quality, as a result of PA or RLA required training, include conducting periodic application of synthetic dust control chemicals to control fugitive dust from unpaved roads and tank trails at other military installations."

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S17-1

The Army regulations and procedures that ensure mitigation of the impacts of the alternatives are currently in place. In general, Army policy is to meet or exceed the requirements of all federal, state, and local laws and regulations. Federal and state agencies authorized to implement federal regulations would continue to have enforcement authority. The regulations and policies that define the Army's responsibilities for managing hazardous materials, remediating releases, and reporting, generally have the purpose and objective of achieving conditions protective of human health and safety and environmental health. These laws and regulations are identified in the DEIS. As a result, if the Army properly implements these procedures and meets or exceeds the existing federal, state, local, and DoD regulatory requirements, significant impacts on human health and the environment will be avoided. Cumulative impacts are addressed in Chapter 9 of the EIS. The issue of potential for lead, explosives residues, and other contaminants related to use of munitions on ranges to impact environmental media overlaps and extends beyond the scope of the hazardous materials discussion because it involves considerations of background concentrations, fate and transport of contaminants, and migration pathways. Therefore, the long-term effects of gradual increases in chemical residues in soils and surface water, are discussed in the Water Resources sections of the report including in Chapter 9.

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- S17-2** COMMENT: The DEIS should identify and provide additional information (e.g., provide the Material Safety Data Sheet (MSDS), etc.) for these synthetic dust control chemicals, to facilitate DOH/HW evaluation.
3. Table ES-21 (SBCT EIS Mitigation Matrix), page ED-53; Water Resources, item 15. The DEIS Mitigation Matrix, in the above referenced item, states that "measures considered to mitigate impacts to water resources from erosion of explosives residues, include the voluntary implementation of a monitoring program, similar to what is typically required for storm water pollution prevention programs at construction and industrial sites to determine the need for runoff controls and the effectiveness of controls."
- S17-3** COMMENT: Although this concern is most probably within state and federal Clean Water Act jurisdiction, it would appear that the explosives residue erosion and contamination of surface water would require additional controls (possibly chemical in nature) in addition to utilization of controls primarily effective for soil erosion and sediment loading. The DEIS should identify and explain the design of any planned explosives residues erosion control system and its perceived effectiveness during PA and RLA implementation.
4. Table ES-1 (Proposed Action, Reduced Land Acquisition, and No Action Alternatives Overview), Construction/Demolition, Tactical Vehicle Wash, page ES-6. Under both the PA and RLA, a new tactical vehicle wash facility would be constructed. Based on information presented in the DEIS, the additional vehicle wash will probably utilize an oil/water separator to prevent the introduction of oil-based contaminants into the public water system and, subsequently, to the aquatic environment. The DEIS does not explain any required testing and monitoring of the sump materials, i.e., solid materials found at and removed from bottom of most oil/water separators.
- S17-4** COMMENT: The DEIS should address the testing, monitoring and disposal of oil/water separator sump bottom sediments (this explanation may be provided within the context of the requirement to obtain necessary waste water discharge approvals/permits).
5. SBCT Draft EIS, Hawaii (July 2003, page 5-217), under Human Health and Safety Hazards. The DEIS states that a new chemical would be used in conjunction with the proposed Stryker training as part of the Joint Biological Point Detection Program (JBPD). This chemical, a sodium azide (NaN₃) solution, would be used to preserve suspected biological agent samples discovered during combat measures. Further, the DEIS states that, although

S17-2

The issue of use of chemical additives for dust suppression was raised by the State in regards to the potential effects of these chemicals on surface water quality and biota. Therefore, a discussion of the types of chemicals that might be used, as well as literature citations, is presented in the applicable water resources sections of the report Chapters 4.8 and 5.8.

S17-3

No erosion control measures are currently proposed, and there is no evidence that they are needed. Erosion control measures would be developed within the Army's ITAM program, if necessary, as discussed in the Soils and Geology section of the EIS. The proposal referred to in the Mitigation Matrix is to monitor runoff water quality. Currently there is no evidence that water quality is impacted by chemical residues. A detailed monitoring plan would be developed.

S17-4

As indicated in the comment, monitoring, testing, and waste management requirements would be defined in the permit for the wastewater treatment system. The EIS describes Army policy to comply with all applicable, relevant and appropriate federal, state, and local laws and regulatory requirements, as well as with DoD regulations. Rather than specify in detail all of the permitting requirements that may apply to individual construction projects or to components of these projects, we have referred to compliance with existing laws and regulations generally as mitigation for potential impacts.

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sodium azide is considered toxic in its pure form, the sodium azide solution to be used would be 0.5 percent sodium azide and 95.5% water.

S17-5

COMMENT: Unless this information is classified, the DEIS should provide additional detailed information on the sodium azide solution to be utilized (e.g., provide a product MSDS if available, etc.).

Should you have any questions, please contact Karl Motoyama of the Hazardous Waste Section at (808) 586-4226.

Sincerely,


STEVEN Y.K. CHANG, P.E., CHIEF
Solid and Hazardous Waste Branch

Responses

S17-5

The information is not classified. However, the EIS is intended to distill and summarize information needed to describe and evaluate project impacts, and is not a detailed technical document. Therefore, it would not be appropriate to include copies of MSDSs in the EIS. It should be noted that a large number of chemicals are stored and routinely used on the installations, and that OSHA regulations require that MSDSs be maintained and made available to personnel using the chemicals. In addition, personnel who may be exposed to chemical hazards are trained in their use. MSDSs are readily available for this and many other generic chemicals from a variety of publicly available sources, including on the internet. To provide MSDS information in the Final EIS for all possible chemicals that are or could be used as part of Army operations would require a substantial addition to the document and is not warranted.

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IDA UNGLE
WORK OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3578
HONOLULU, HAWAII 96801-3378

CHRYONE L.
DIRECTOR

In Reply, please
EMail

November 17, 2003

S1117LO

Ms. Cindy S. Barger
SBCT EIS Project Manager
U.S. Army Corps of Engineers
Honolulu District
Bldg 230, Rm. 306 ATTN: CEPOH-PP-E
Ft. Shafter, HI 96858-5440

Dear Ms. Barger:

SUBJECT: Draft Environmental Impact Statement
Transformation of the 2nd Brigade, 25th Infantry Division (L) to a Stryker Brigade
Combat Team in Hawaii

Thank you for the opportunity to review and provide comments on this document. The Solid Waste Program offers the following comments:

S18-1

- 1. The OSWM recommends the development of a solid waste management plan that encompasses all construction and demolition activity associated with this proposal. Specific examples of elements that the plan should address include:
 - The recycling of greenwaste during clear and grub activities;
 - Recycling construction and demolition wastes, when appropriate;
 - The use of recycled content building materials.

S18-2

- 2. The developer shall ensure that all solid waste generated during project construction is directed to Department of Health permitted solid waste disposal or recycling facilities.

Please contact the Solid Waste Program (808) 586-4226 with any questions regarding these comments.

Sincerely,

STEVEN Y.K. CHANG, P.E., CHIEF
Solid and Hazardous Waste Branch

S18-1

The EIS has determined that there is no significant impact to public services by the implementation of the proposed action. The Army designs all of its projects, including those in this proposed action, in accordance with Executive Order 13123 "Greening the Government through Efficient Energy Management" (June 2001), Executive Order 13101 "Greening the Government through Waste Prevention, Recycling, and Federal Acquisition" (September 1998), and Department of the Army Engineering Technical Letter 1110-3-491 "Sustainable Design for Military Facilities" (May 2001) and the U.S. Army Corps of Engineers Sustainable Project Rating Tool (SPiRiT). These documents and tools provide design guidelines and standards for sustainable development - addressing water resources, energy and atmospheric resources, indoor environmental quality, material and other resources.

S18-2

All solid wastes generated as a result of construction or operations of the proposed project will be disposed of at approved solid waste disposal or recycling facilities as is the case for current operations.

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LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
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1/05/04
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

December 26, 2003

Ms. Cindy Barger
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Programs and Project Management Division
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RE: Department of Land and Natural Resources Division of Forestry and Wildlife comments on the Draft Environmental Impact Statement on the Transformation of the 2nd Brigade of the 25th Infantry Division (Light) to a Stryker Brigade Combat Team

Dear Ms. Barger:

Thank you for the opportunity to review the Draft Environmental Impact Statement on the Transformation of the 2nd Brigade of the 25th Infantry Division (Light) to a Stryker Brigade Combat Team ("Transformation DEIS"). The following are comments from our Division of Forestry and Wildlife (DOFAW).

DOFAW is responsible for managing over 800,000 acres of State public trust lands. Additionally, DOFAW is authorized by State Law to ensure that these public trust lands are managed appropriately for watershed protection and management, native resources protection and management, outdoor recreation resources and development, forest products development, public information and stewardship, planning and administrative support. On O'ahu and Hawai'i, DOFAW jointly manages over 550,000 acres. These lands are managed through an integrated system of forest and natural area reserves, plant and wildlife sanctuaries, public hunting areas and game management areas.

We share many natural resource management functions and goals with the Conservation Restoration Branch of the U. S. Army's Directorate of Public Works. However, our obligation for managing public trust lands is much broader than the military lands and serves a wider community base for multiple-use of State forest lands. These include endangered species protection, watershed protection, wildland fire protection, invasive species removal, public trails and access, and game management programs. It is within this multi-use context that we provide recommendations to the actions proposed in the Transformation DEIS.

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Our understanding of the purpose of the Stryker Transformation is to assist in bringing the Army's Interim force to operational capability and to provide realistic training in Hawaii. Under the Proposed Action, the 2nd Brigade would be converted to an SBCT and, as such, would operate as part of the Army's Interim Force. Implementing the Proposed Action would require taking several distinct and coordinated actions and activities directly associated with transforming the 2nd Brigade, including fielding Stryker systems and SBCT-specific weapons, building new facilities, acquiring new land for maneuvers (up to 24,300 acres), additional right-of-way easements, and conducting SBCT-specific training. The Army anticipates that training activities will be at a larger scale than those currently conducted by light infantry brigades stationed on and training on O'ahu and the island of Hawaii, with the number of soldiers expected to increase by 810, the number of rounds to be fired by 25 percent, and an increased site of operations.

S19-1

The Transformation DEIS considers the SBCT "region of influence" for biological resources will include the area where SBCT actions are proposed, and surrounding areas that would likely be affected by these actions. DLNR believes that the region of influence or potential impacts to the area will be much larger than what is being proposed in the DEIS. For instance, we anticipate that the area will extend further in the Waianae and Koolau mountains on O'ahu, including: Mt. Kaala Natural Area Reserve, Waianae Kai Forest Reserve, Makua-Keaau Forest Reserve, Mokuleia Forest Reserve, Pahole Natural Area Reserve, Ewa Forest Reserve, and Pupukeya-Paumalu Forest Reserve. On the island of Hawaii, it will probably extend to parts of the Mauna Kea and Mauna Loa Forest Reserves.

Notably, the Transformation DEIS recognizes that the proposed action is likely to have a significant impact on biological resources because of fire, and the potential impacts will "not be mitigated to less than significant level when considered project-wide" (p. 4-61). In addition, the DEIS concludes that the spread of nonnative species and the loss and degradation of sensitive species and their habitat resulting from the construction and training activities may have a significant impact on the biological resources, but contends that these impacts may be mitigated to a less than significant level.

Based on a review of the DEIS and past experiences working with the military in Hawaii, DLNR believes that the implementation of the Stryker Brigade Combat Team will have the following impacts:

S19-2

- Increased threat to public safety through higher potential for fire;

S19-3

- Increased risk of harm to native ecosystems and forest health (invasive species, fire, restricted access);

S19-4

- Threat to threatened and endangered species and to critical habitat (invasive species, fire, restricted access);

S19-5

- Potential impairment of crucial watersheds (spread of invasive species, fire, restricted access, increased use of water);

S19-6

- Reduced effectiveness of resource management (restricted access);
- Diminished recreational opportunities (restricted access).

The impact of fire, invasive species, and restricted access is discussed further:

Fire

S19-7

DLNR is very concerned about the threat of fire that can cause irrevocable loss of habitat for wildlife and other natural resources on O'ahu and Hawaii. We agree with the DEIS account that fire caused by military training activities is one of the many threats to the endangered plant

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cont'd

species and important native habitat located in the area. However, the DEIS does not adequately cover specific measurable actions that will improve the Army's fire management obligations and capabilities, proportionate to the perceived threat. Furthermore, fire history at Hawaii's military training areas has confirmed our belief that standard fire behavior planning, including the collection of current weather information, have not precluded fire ignition. The risk and the possibility of a wildfire escaping beyond military boundaries remain high despite all precautions and fire pre-suppression measures.

S19-8

It is our position that the proximity of threatened and endangered species and critical habitat located on State land is adjacent to the proposed Stryker action corridor and it warrants the immediate action of the military to provide additional fire protection to these areas. To address this concern, we recommend that the Army improve and expand their fire response management program at PTA and at Schofield and that the Army strengthen their wildland fire capabilities by expanding the existing fire stations with additional resources and manpower. The Army could also assist Hawaii County in strengthening their Waikii volunteer fire station with added resources. Already burdened by a limited budget for fire suppression, it would be difficult for the State to provide fire protection for threatened, endangered, and rare species on State lands. Therefore, it would be in the best interest of the Army to increase their fire prevention, pre-suppression and suppression budget and expand their fire program to reflect the additional fire risks that are being created by the Transformation of the 2nd Brigade, 25th Infantry Division (Light) to a Stryker Brigade Combat Team.

Invasive Species

S19-9

One of the greatest long-term threats posed by the addition of another vehicle based combat team in Hawai'i is the introduction and spread of invasive species. Each military base throughout the Pacific is exposed to a unique set of introduced pest species that have caused harm to human health, agriculture and the native ecosystems of the host island or country. The transportation of materials between these bases has led to the establishment of such high-impact species such as the Brown Tree Snake on Guam and the toxic Fire Weed that has been transported from the Big Island to O'ahu (*Senecio madagascariensis* on Schofield Barracks) by Army equipment or personnel. Since invasive pests have the potential for devastating impacts in Hawai'i, it is imperative that the military bases adopt procedures to restrict their introductions, apply preventive measures for monitoring and detection, and catch species before they enter the islands and become widespread here. For transcontinental shipments between the mainland and Hawai'i, the risk of importing the invasive fire ants, killer bees, snakes or other predators is increased significantly if ammunition boxes or other military equipment go unchecked prior to their arrival at Hawai'i's bases. In addition, many of the invasive pests found on other islands have the potential of compromising Army training on that island. These include flammable grasses such as fountain grass (*Pennisetum setaceum*) and beard grass (*Schizachyrium condensatum*) that are currently found on the Big Island. The Army should also consider funding research programs for the biological control of these grasses and to prevent its spread.

For O'ahu, DLNR is concerned that access improvements of Drum Road and Dillingham Trail, combined with increased use of these roadways by military vehicles for training and other purposes, will encourage the spread of invasive species on adjacent State lands. These areas containing sensitive biological resources include: Mt. Kaala and Pahole Natural Area Reserves, Mokuleia Forest Reserve, Makua-Keaau Forest Reserve, Waianae Kai Forest Reserve, Ewa Forest Reserve, Pupukea-Paumalu Forest Reserve.

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cont'd**

It will be difficult for the State or the Island Invasive Species Committees to monitor and address the potential impacts of invasive species on State lands without the proper funding support from the Army. In addition, the Army should develop the following protocol for their invasive species control program. To start, the Army shall develop a decontamination procedure for all mechanical, industrial equipment, and personal protective gear when traveling on island as well as inter-island within the State. The Army shall develop an early detection program with DLNR and other State and Federal agencies to monitor and detect incipient invasive pest introductions on military lands.

Restricted Access

S19-10

DLNR is particularly concerned that use of Dillingham Trail on O'ahu will interfere with DOFAW access to Pahole and Mt. Kaala Natural Area Reserves, sensitive biological areas containing rare native plants, snails, and birds. The Natural Area Reserves system was established to protect and preserve Hawai'i's unique flora and fauna for the benefit and enjoyment of future generations, and these areas require active management to reduce threats to the natural elements contained within them. In addition, DLNR is concerned that the Stryker Transformation could restrict or limit public access to State lands for hunting and other recreational purposes. Reduced hunting opportunities would result in exploding feral animal populations, ultimately harming the natural resources contained in the Forest Reserves and adjacent Natural Areas. Similarly, reduced recreational opportunities exacerbate an already limited public inventory for such enjoyable pursuits. Easement agreements or alternate access routes should be established to ensure that there is no loss in management capacity and that access to public Forest Reserves, Natural Area Reserves, Public Hunting Areas, and Game Management Areas for recreation, hunting or other permitted activities is not restricted.

S19-11

In addition, DLNR is concerned about public access on existing trails potentially impacted by the Stryker Transformation and continuing military operations. We would like to negotiate with the Army to provide regulated and permitted public access to the Poamoho and Schofield Waikane trails. Presently, the Army issues permits for public access of the Schofield Waikane trail. In addition, the DEIS does not clearly indicate that a portion of the Kawailoa training area including the Ewa Forest Reserve is leased to the Army from the State. DLNR and the Army are currently negotiating for the regulated and permitted public access through the Army's Helemano subdivision, and Dole Food Corporation, Hawai'i to the Ewa Forest Reserve.

S19-12

The DEIS describes numerous trails that were used for transportation and classified as "prehistoric" at PTA, island of Hawai'i. Yet, the DEIS map of the PTA area does not identify the location of these prehistoric features. As a result, DLNR staff researched these features through officially registered maps that were done in 1852 and 1902, and our findings indicate the presence of old government roads and trails that meander through the Kawaihae, Waikoloa and PTA areas. There is no evidence to show whether these trails reported in the DEIS are the same ones found in the registered maps. If these trails identified in the DEIS are indeed, "prehistoric" they may be claimed by the State in fee simple pursuant to the Highways Act of 1892. We would appreciate working with the Army to identify and inventory all historic trails at PTA in order to protect these significant cultural and historic sites.

S19-13

In addition, the Army should establish a point of contact with PTA to comply with the State Water Lease S3853 (US Lease, contract no. DA-94-626-ENG-81) and State General Lease S3849 (US Lease, contract no. DA-94-626-ENG-80) issued to the Army from DLNR. Historically, when a change of command occurs, the new command staff is unaware of these leases. DLNR must work with PTA and with the cyclic Army's command staff whenever management assistance is needed at PTA i.e. water use for fire suppression, game

S19-10

Section 4.2 - Land Use/Recreation in the final EIS summarizes the impacts of the proposed project on various land use activities. Though there would be some increase in restricted access, the Army has determined that there would be no significant impacts to recreation land use activities except for restricted access at the CACTF at KTA which would significantly restrict recreation access to that particular facility.

S19-11

The Schofield Waikane trails are not part of this project and their use will not change. If you'd like to discuss this issue with the Army please contact Public Affairs Office at (808) 655-1079.

S19-12

Specific locations of historic and cultural features are purposefully omitted from the final EIS to protect them. For specific information please call the Army's Cultural Resource Manager Dr. Laurie Lucking at 656-2878.

S19-13

For information on specific lease questions please call Mr. Joel Godfrey at the Army's Directorate of Public Works at 656-2878.

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management etc. It will help the Army fulfill their obligations for the two general leases with DLNR.

S19-14

There are several ways to address these impacts. DLNR proposes that: 1) the U.S. Army and DLNR actively investigate and negotiate increased public use of military lands under the provisions of the Sikes Act, 2) the U.S. Army develop a consolidated and coordinated resource enhancement and protection plan for the Stryker Brigade training areas, i.e. an Implementation Plan for Endangered Species, Integrated Natural Resources Management Plan, and Wildland Fire Management Program for Oahu and Hawaii training areas, and 3) the U.S. Army establish a Stryker Environmental Mitigation Fund.

The Sikes Act authorizes cooperation between federal and state agencies to plan, develop, and maintain fish and wildlife resources on military reservations. The consolidated plan can identify and reinforce the military's responsibilities to enhance and protect natural resources on military and adjoining State and private lands. The proposed mitigation fund would be used to support proactive actions and reduce the possibility of harm to the natural resources on State lands due to wildfire, the spread of invasive species, the inadvertent destruction of threatened and endangered species or their habitat, or restrictions on public access associated with the Transformation. For budget purposes, DLNR requests that the U.S. Army earmark approximately \$2,000,000 (\$2 million) per year to fund environmental projects on State lands. The priority for funding projects on an annual basis will be determined by consultation between the U.S. Army and a DLNR management team designated by the Chairperson of DLNR.

S19-15

DLNR believes that this amount reflects the potential risks and harm that the Transformation will have on the public's natural resources. As stated previously, DLNR does not have sufficient funding to fully implement resource programs mandated by State law. The additional measures needed to protect the natural resources on State land from Transformation-related threats would significantly burden us financially with added personnel and infrastructure expansions. While the U.S. Army has taken significant corrective measures to protect the natural environment on military bases, Hawaii's military record shows that despite these precautions, impacts to our natural resources do occur.

DLNR provides a brief description of the kind of projects that the Environmental Mitigation fund could support on State lands impacted by the Transformation:

- fire prevention, pre-suppression and suppression measures, including construction of fire barriers in key areas and treatment of fuels around populations of target plant species;
- monitoring of existing rare, threatened, and endangered plant, bird, and snail populations, to facilitate identification of and mitigation of impacts resulting from the Transformation on rare species ;
- monitoring of native ecosystems and forest health, including surveys for invasive species, to facilitate identification of and mitigation of impacts resulting from the Transformation on overall forest health;
- watershed protection efforts coordinated by the Koolau Watershed Partnership and the newly formed Waianae-Kai Community Forest Project Alliance;
- habitat protection efforts to mitigate the resource impacts of the Transformation;
- out planting rare, threatened or endangered species at risk by the Transformation (due to fire, invasive species, increased feral animal populations as well as due to direct harm) in new locations outside the area of risk, but within their historic ranges;

S19-14

The Army currently funds ongoing stewardship programs like ITAM, LCTA, and the INRMP to manage the natural resources of their lands. Any new lands or activity will be incorporated into these programs. These programs are outlined in Section 2.5.5 - Institutional Programs in the final EIS. There were 58 proposed mitigation measures outlined in Table ES-21 of the Executive Summary. These proposed mitigation measure were included for public comment and based on public comments and a cost benefit analysis those likely to be implemented are described in the FEIS. Costs include not just monetary costs, but cost in manpower and training. The ROD will indicate which mitigation measures will actually be implemented. The Army will seek funds for all mitigation measures identified in the ROD.

S19-15

The Army will seek funds for all mitigation measures identified in the ROD. The Army cannot request funds for future unknown mitigation measures. However, any future new actions will require compliance with NEPA and separate mitigation measure may be identified with those actions and additional funds can be requested for those mitigation measures. many of the projects/actions described in here are included as part of current ongoing Army programs such as ITAM, LCTA, and the INRMP. If you would like to meet concerning these and other programs please contact Mr. Joel Godfry and the number above.

Comments

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May 2004

Stryker Brigade Combat Team Final EIS, Hawai'i

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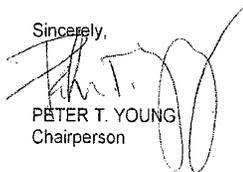
S19-15
cont'd

- seed collection, storage, and propagation for rare, threatened or endangered species at risk by the Transformation to prevent their extinction by 'accident';
- access provisions (e.g. easement purchases, fenced corridors) if existing access are restricted, to ensure continued access to State lands for management, recreation, and public hunting.

Finally, DLNR suggests that our agencies meet to discuss the many recommendations provided by this correspondence. We propose upon your concurrence that we also discuss the possibility of entering into a MOU (Memorandum of Understanding) to establish a working relationship that would allow us to collaborate as necessary and to respond to situations or issues that were inadvertently left out of the commenting period.

DLNR thanks you for the opportunity to comment on the Stryker Brigade DEIS. We support the efforts of the U.S. Army to continue your presence in Hawai'i and your ability to train troops here. At the same time, DLNR has an obligation as managers of public trust land to protect these areas. We urge the U.S. Army to carefully consider the comments listed and the recommendations provided here. We look forward to continued discussions and negotiations to ensure that Transformation of the 2nd Brigade of the 25th Infantry Division (Light) into a Stryker Brigade Combat Team is done in a manner that protects the natural resources of the State of Hawai'i. If you have any questions, please contact my Division Head, Michael G. Buck, Administrator, DLNR, Division of Forestry and Wildlife at 587-0166.

Sincerely,



PETER T. YOUNG
Chairperson

Cc: Honorable Linda Lingle, Governor State of Hawaii
Honorable Daniel K. Inouye, U.S. Senator
Honorable Daniel K. Akaka, U.S. Senator
Honorable Neil Abercrombie, U.S. Representative
Honorable Ed Case, U.S. Representative
U.S. Fish and Wildlife Service
Michael Buck, DLNR, Administrator, Division of Forestry & Wildlife
Pat Costales, DLNR, DOFAW O'ahu Branch Manager
Roger Imoto, DLNR, DOFAW Hawai'i Branch Manager
Curt Cottrell, DLNR, Na Ala Hele Trails and Access Program Manager
Dierdre Mamiya, DLNR, Administrator, Land Division