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# Judge rejects government bid to halt Makua suit

## **Malama Makua sued to force the Army to do an environmental assessment**

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By Gregg K. Kakesako

Star-Bulletin

A request by the Defense Department to dismiss a lawsuit that would prevent the Army from resuming training with live ammunition in Makua Valley was rejected yesterday by U.S. District Judge Susan Mollway.

Malama Makua, a Leeward activist group, wants the Army to prepare an environmental impact statement to justify using the valley.

The Army suspended training on the range in September 1998, after several wild fires were started by munitions. The Army then met with the U.S. Fish and Wildlife Service in an effort to protect the endangered plants and wildlife there.

After Malama Makua filed suit in October 1998, demanding that the Army prepare the environmental report, the two sides reached an agreement that no training would resume and that all issues would be addressed.

In December, the Army released a supplemental environmental assessment that said it had modified its training program for the valley and would no longer use rockets, missiles and other highly incendiary devices. It said it also would limit the number of soldiers allowed to train at one time.

At that point, Malama Makua went back to court requesting a preliminary injunction to stop the Army from implementing its plan.

On Jan. 27, the Army held a 10-hour marathon hearing in Waianae. More than 500 people attended, and the Army received oral testimony from 64 individuals and written comments from 677.

After reviewing the comments, the Army determined that there were 14 areas that needed more study, so it withdrew its finding of "no significant impact" on Feb. 7.

Brig. Gen. Karl Eikenberry, assistant commander for the 25th Infantry Division, said the Army will meet with smaller groups to discuss ways "in which we will keep our Army in Hawaii combat-ready through training in Makua Valley, while protecting our environment and the valley's cultural treasures."

One of the first meetings will be at 7:30 p.m. next Tuesday with the Waianae Neighborhood Board.

Some of the 14 concerns raised during the January meeting:

- ▶ Improving the cultural awareness for Hawaii and the significance of Makua Valley among the soldiers who will use it.
- ▶ Providing native Hawaiians more access to the valley.
- ▶ Ensuring safety of the Leeward Coast during convoy operations and transportation of ammunition along Farrington Highway.
- ▶ Inviting the public to observe the modified training program if the Army returns to Makua.
- ▶ Addressing the impact of training on soil and water.
- ▶ Addressing the community's request to repair the cemetery and rebuild Makua Church on the beach.
- ▶ Addressing the community's request for further cultural surveys of the training range.
- ▶ Looking at the issue of clearing unexploded ordnance on the range.

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