

Governor Weighs in on Stalemate Between USACE and State Regulators

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Honolulu, Hawaii Governor Neil Abercrombie declared an "emergency proclamation" to allow the USACE to remove UXO from state lands without the need to follow strict state laws. The decision ended a long battle between the State Regulators and the USACE over prerequisites required to support UXO removal actions. For example, the declaration eliminates the need for an Environmental Assessment in support of munitions disposal operations.

The reasons provided by the Governor's office regarding the decision included the protection of human health and the potential for loss of federal funds to address UXO in Hawaii if the USACE was not allowed to execute its work. The decision reportedly has outraged various environmental groups who feel that the Governor has over-stepped his authorities. In response, the Governor's office has issued a lengthy FAQ section to its [website](#) addressing the potential concerns that have been raised over the decision.

The decision does not exempt the USACE from following Federal Laws nor from considering the protection of cultural resources in the process of responding to UXO finds. The emergency proclamation which is valid for 5 years only applies to UXO that requires immediate disposal. Although not required in an emergency situation, the Governor's office has re-iterated the goal of keeping the public informed in a timely manner when munitions emergencies are performed.