

Residents Sue State Environmental Department of Over UXO

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Honolulu, Hawaii The state Supreme Court heard arguments in a lawsuit raised by two residents over the Army's live-fire training at the Pohakuloa Training Area on the Big Island. The lawsuit against the Department of Land and Natural Resources (DLNR) alleges that the Department failed to protect ceded lands from UXO contamination as a result of the Army's use of the area for military training.

The state Supreme Court case comes as a result of the state filling an appeal from a previous lawsuit where a circuit court judge ruled that the state should do more to protect lands from destruction by pressuring the Army to address potential UXO at the site. In that case, the residents cited internal memos from 2011 and 2013 where DLNR acknowledged there's a likelihood or possibility of UXO on public trust ceded land yet according the plaintiffs' attorney, DLNR did nothing including never writing a letter "asking the Army can you clean things up."

Since 1964, the state has leased 22,900 acres at the Pohakuloa Training Area to the U.S. Army as part of a 65-year agreement. At the hearing, the plaintiffs and their attorneys talked about the destruction at Kaho'olawe. They hope Pohakuloa avoids a similar fate. Deputy solicitor general, Ewan Rayner, stated "The DLNR and officials considered the U.S. to be in compliance with the lease so in order for plaintiffs to show it was incorrect, they have to allege and show it was wrong."