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Ruling holds up Stryker brigade

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Plans to establish a \$1.5 billion Stryker brigade in the Islands have been delayed after a federal appeals court ruled 2-1 yesterday that the Army violated environmental laws when it failed to consider other sites to headquarter the 19-ton armored vehicles.

In its decision, a three-judge panel of the San Francisco-based 9th U.S. Circuit Court of Appeals said the Army must complete a supplementary environmental analysis to consider alternatives to setting up a brigade in the Islands.

"This means there is finally going to be an informed decision, rather than one made in a vacuum," said David Henkin, an attorney for Earthjustice in Hawai'i, which represents three Hawaiian groups in the case. "It's huge."

Henkin said the ruling means the Army won't be able to resume construction or training for the brigade until another court decides which activities are permitted, but the Army declined to confirm the assertion yesterday.

Instead, Army officials said they were reviewing the opinion and would decide in the coming days how to proceed.

"The Army is disappointed by today's court ruling; however, we have the utmost confidence in the fairness and integrity of the judicial process. Our attorneys will thoroughly review the decision," the 25th Infantry Division said in a release.

"The modular expeditionary force is an integral part of the Army strategy to provide ... well-trained and well-equipped forces worldwide," the news release said. "The Stryker brigade combat team in Hawai'i is an example of that capability."

Over the past five years, the Army has spent hundreds of hours and millions of dollars to set up the Stryker brigade, one of the biggest projects since World War II and often billed as heralding a wholesale transformation in the way soldiers train and fight.

\$700M IN PROJECTS

Plans to set up a Stryker brigade at Schofield Barracks include a host of infrastructure and construction projects, totaling about \$700 million in current and future work on O'ahu and the Big Island for trails, firing ranges and support facilities.

Similar brigades are set for Fort Lewis, Wash., Alaska, Pennsylvania and Germany.

In April 2005, Hawai'i Chief U.S. District Court Judge David Ezra ruled against the three Hawaiian groups in the case — 'Ilio'ulaokalani Coalition, Na 'Imi Pono and Kipuka — in a 24-page decision, saying the organizations raised their objections too late. He also said the Army had adequately studied the effects of the project.

But the majority opinion of the 9th Circuit said the Army violated the National Environmental Policy Act when it chose Hawai'i for a Stryker brigade, failing to examine alternatives in the "programmatic" or "site-specific" environmental impact statements.

"The Army can't have it both ways," the court said. "Either it needed to explain in the PEIS its decision to transform the 2nd Brigade in Hawai'i and consider reasonable alternatives in the PEIS or it needed to explain that decision in the SEIS."



Stryker vehicles and crews take their turns on a basic driving course at Schofield's East Range. The establishment of a Stryker brigade in the Islands, now delayed by a court ruling, was expected to bring in \$700 million in infrastructure and construction projects.

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Circuit Judge Carlos Bea sided with Ezra in his dissent, saying the plaintiffs failed "to raise their 'concerns' through the prescribed administrative process and should therefore not be granted relief when they arrive at the federal courts."

The Stryker brigade is part of the Army's 30-year plan to set up more responsive and deployable units. In July, the first wave of about 50 Strykers arrived in Hawai'i.

Officials could not immediately say how many of the vehicles are now in the state.

'DUMPING GROUNDS'

Vicky Holt Takamine, of the Ilio'ulaokalani Coalition, said the Stryker brigade stands to do major damage to significant cultural sites and fragile ecosystems.

"We cannot be the dumping grounds for all of your bombs, and all of your live-fire," she said, adding she was "ecstatic" about yesterday's ruling.

"The Army has to be looking at a long-term relationship. They need to start complying and start looking at our impact on our 'aina," she said.

She said she is concerned the supplementary analysis the Army is required to complete will not be objective, and added she would prefer an independent third party complete it. She also said she wants more from the community involved in discussions.

The Army can now ask the panel to revisit the question, ask for a review by the full court, appeal to the U.S. Supreme Court or allow the decision to stand.

The Associated Press contributed to this report.

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