



## Press Release

### Court of Appeals Rules: Army Violated Law In Bringing Stryker Brigade To Hawai`i

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*Army must prepare supplemental EIS that considers alternate locations*

**October 5, 2006**

**Honolulu, HI** -- The U.S. Court of Appeals for the Ninth Circuit has ruled the U.S. Army violated the National Environmental Policy Act (NEPA) when it failed to consider any location other than Hawai'i for conversion of the 2nd Brigade of the U.S. Army's 25th Infantry Division into a brigade built around the 25-ton Stryker fighting vehicle. The court agreed with Native Hawaiian organizations 'Ilio'ulaokalani Coalition, Nā 'Imi Pono, and Kipuka, represented by Earthjustice, that the Army's decision to transform in Hawai'i was illegal, since it failed to conduct the mandated analysis of the environmental impacts of stationing a Stryker brigade in Hawai'i or of "reasonable alternatives to such a transformation." The Ninth Circuit's decision – which orders the Army to prepare a supplemental environmental impact statement containing "supplemental analysis of alternative locations" – reversed the Hawai'i district court, which, in April 2005, had ruled for the Army. The impacts of Stryker training and related activities on Hawai'i's unique cultural sites and fragile native ecosystems were the main concerns raised by the Native Hawaiian groups.



Stryker fighting vehicle

In reaching its decision, the Ninth Circuit squarely rejected the Army's claims that stationing a Stryker brigade in Hawai'i was the only reasonable way for the Army to accomplish its national security goals. Noting that "[n]othing in the record distinguishes Hawaii from Alaska or Washington," where other Stryker brigades are located, the court determined the Army should have considered these "alternative locations where transformation of the 2nd Brigade could happen at potentially less detriment to the environment." The Ninth Circuit also dismissed the Army's assertion that Hawai'i's jungle terrain would provide unique training opportunities, since such rugged terrain is "unsuitable for Stryker Brigade training."

"The Ninth Circuit's decision is not only right on the law, but also makes good sense," explained David Henkin, an attorney for Earthjustice who represents the Native Hawaiian groups. "The court agreed that, before carrying out this environmentally destructive project, the Army was required first to look at other options to be sure that Hawai'i is the best place to for a Stryker brigade. This was not done. We're pleased that, finally, there is going to be full public disclosure in the SEIS about other, better places the Army can carry out this controversial project."

Under terms of a November 2004 agreement between the Army and the Native Hawaiian groups, the Ninth Circuit's ruling that the Army violated NEPA means the Army must cease all Stryker-related activities, including construction and Stryker training, until the court can rule on what activities, if any, will be allowed while an SEIS is prepared.

Read the decision [online](#)

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Earthjustice is a non-profit public interest law firm dedicated to protecting the magnificent places, natural resources, and wildlife of this earth and to defending the right of all people to a healthy environment. We bring about far-reaching change by enforcing and strengthening environmental laws on behalf of hundreds of organizations and communities.

