



March 28, 2017

Colonel Sean C. Killeen
Commanding Officer
Marine Corps Base Hawai'i
Box 63002
Kāne'ōhe Bay, Hawai'i 96863-3002

Re: Environmental Review of MV-22 and H-1 Aircraft Operations at Upolu Airport, Hawai'i Island

Colonel Killeen,

I am a staff attorney with the Honolulu office of Earthjustice, a public-interest environmental law organization. We are trying to determine whether the Marine Corps has complied with the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 *et seq.*, for ongoing MV-22 and H-1 aircraft operations at Upolu Airport in Hāwī on Hawai'i Island. Residents of the area have raised concerns about excessive noise and other impacts associated with the Marines' frequent use of Upolu Airport for Osprey and helicopter operations, and we have had difficulty locating any NEPA document that evaluates the current levels of those activities and/or considers alternate courses of action that might cause less environmental harm.

We are aware of the Final Environmental Impact Statement for Basing of MV-22 and H-1 Aircraft in Support of III Marine Expeditionary Force (MEF) Elements in Hawaii (dated June 2012). That document, however, states that use of Upolu Airport "would be infrequent" and would be generally limited to use "as a diversion airfield in case of emergencies or due to weather conditions at [Pōhakuloa Training Area]." 2012 EIS at 1-29. The document further specifies that proposed MV-22 and H-1 operations at Upolu Airport would be limited to 25 per year, representing only about 3% of the approximately 800 total annual operations at the airport. *Id.* at 2-34.

Reports from the Hāwī community indicate that the Marines' actual use of Upolu Airport far exceeds the levels stated in the 2012 EIS. In the first three months of 2017 alone, the community has logged over 800 Osprey and helicopter operations at Upolu Airport. The Marines' use of Upolu Airport this year is, therefore, already 30 times greater than stated in the 2012 EIS, already doubling the level of activity at the airport before MV-22 and H-1 aircraft came to Hawai'i, and there is no indication that operations have ceased for the year.

Given that actual use of Upolu Airport by MV-22 and H-1 aircraft far exceeds the use disclosed in the 2012 EIS, the Marines cannot rely on that document to satisfy their NEPA obligations. Rather, where "[t]he agency makes substantial changes in the proposed action that

are relevant to environmental concerns," NEPA mandates the preparation of a supplemental environmental impact statement. 40 C.F.R. § 1502.9(c)(1)(i).

Even if the Marines claim that MV-22 and H-1 aircraft operations at Upolu Airport constitute "routine flight operations" at a State airport, 2012 EIS at 1-29, the Marines still must comply with NEPA's commands to "provide full and fair discussion of significant environmental impacts" associated with dramatically expanding pre-existing aviation operations at Upolu Airport and to evaluate "reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." 40 C.F.R. § 1502.1. None of that analysis is found in the 2012 EIS. The 2012 EIS not only substantially underestimates the Marines' actual use of Upolu Airport (as discussed above), but it fails to include any discussion whatsoever of either the environmental effects of MV-22 and H-1 operations at Upolu Airport (which is located in a quiet, rural area, with adjacent cultural sites and marine sanctuary) or less environmentally harmful alternatives for those aircraft to conduct routine flight operations. Indeed, Upolu Airport is not even mentioned in Chapter 4 of the 2012 EIS, which discusses the affected environment and environmental consequences at locations other than Marine Corps Base Hawai'i.¹

If the analysis of MV-22 and H-1 operations at Upolu Airport that NEPA requires is found in another document, we would appreciate it very much if you would identify that document and provide a copy. If not, we urge you to prepare the mandated supplemental EIS and to bear in mind that, until the Marines comply fully with NEPA, they may not conduct any operations at Upolu Airport that would "(1) [h]ave an adverse environmental impact; or (2) [l]imit the choice of reasonable alternatives." 40 C.F.R. § 1506.1(a).

¹ The 2012 EIS asserts that "[a]n increase of less than 1 percent in use [of a State airport for routine flight operations] would not appreciably affect the environmental resources/issues evaluated in this document, e.g., soils, noise, air quality, at these existing airports and are , therefore, not further analyzed in this FEIS." 2012 EIS at 2-33. Even if that conclusion were justified (the 2012 EIS contains no supporting analysis), the 2012 EIS never explains its failure to analyze impacts at Upolu Airport, where MV-22 and H-1 operations were estimated to increase total airport use by over 3%. *Id.* at 2-34.

Now that the Marines know their actual use of Upolu Airport is far greater than the 2012 EIS estimated, with operations in the first three months of this year already doubling the airport's prior annual use, it is even more vital that the Marines comply with NEPA's commands to "carefully weigh environmental considerations and consider potential alternatives." Lands Council v. Powell, 395 F.3d 1019, 1026 (9th Cir. 2005).

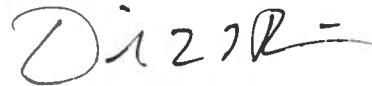
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Thank you for your prompt attention to this matter. Should you wish to discuss our concerns, please feel free to contact me at dhenkin@earthjustice.org or (808) 599-2426, ext. 6614.

Sincerely,

A handwritten signature in black ink, appearing to read "D L Henkin", with a horizontal line extending from the end of the signature.

David L. Henkin
Staff Attorney

DLH/tt

cc: Marine Corps Base Hawai'i Public Affairs Office, kbaz_pao@usmc.mil
