

Peter J. Perez
Co-founder PaganWatch

April 17, 2019

Naval Facilities Engineering Command, Pacific
Attn: MITT Supplemental EIS/OEIS Project Manager
258 Makalapa Drive, Suite 100
JBPHH, HI 96860-3134

RE: Public Comment Submission: MITT Draft Supplemental EIS/OEIS (DSEIS/OEIS)

Dear MITT Draft Supplemental EIS/OEIS Evaluators,

These comments are in submitted on behalf of PaganWatch and supplement other separately submitted comments.

COMMENTS SUBMITTED IN PROTEST

PaganWatch protests the Navy's intentional segregation of the activities described in the Mariana Islands Training and Testing Range (MITT) from the whole of the massive-scale live-fire training and testing activities that the Navy has introduced to the Mariana Islands in a series of related, interdependent and coordinated projects in recent years. **This segregation is a blatant evasion of the Navy's legal obligations under the National Environmental Policy Act to inform affected governments and communities of the cumulative impacts of their projects.** By separating "MITT activities" from the whole, the cumulative impacts are not only not discussed but they are hidden, as is the massive scale of the Navy's live-fire current activities and intentions in and around the Marianas. The result is less government and community understanding, interest and participation in the NEPA required environmental assessments (EAs) and environmental impact statements (EISs), which provide public officials with relevant information and allow a "hard look" at the potential environmental consequences of proposed projects.

For ease of discussion and clarity, the whole of the current and proposed massive-scale, life-fire training and testing activities in and around the Mariana Islands will be referred to in these comments as the Marianas Bombing Range (MBR).

The segregation of elements of the MBR to form smaller and seemingly isolated projects goes beyond the MITT. To date, the segregated projects are:

Mariana Islands Range Complex (MIRC) - 2010
Mariana Islands Testing and Training (MITT) – 2015
Marines Relocation to Guam - 2015
CNMI Joint Military Training (CJMT) – Begun 2015
Divert Activities and Exercises - 2016
Litekyan (Ritidian), Live-Fire Training Range Complex (LFTRC) -2018
Supplemental Mariana Islands Testing and Training (MITT) – 2019

These projects build on previous projects:

Military Training in the Marianas – 1999

Intelligence, Surveillance, and Reconnaissance and Strike (ISR/Strike) - 2006

Each project is subject review that leads to expansion as is happening now with the MITT. There is also a high probability, based on the Navy's pattern of rolling out new projects that add even more training and testing capacity to the MBR, that the Navy will continue to initiate new projects that expand the MBR in the future.

The MBR is not a collection of projects. It is a collection of facilities and activities authorized by the Navy through segregated projects. The MBR is a resource shared by three branches of the U.S. armed forces who train both separately and together in MBR facilities that are coordinated to offer a wide range of complementary training options with little to no duplication. It is clearly a giant modern bombing range that was carefully planned and its implementation orchestrated by Navy staff with experience evading NEPA and local government and public scrutiny.

Below is a partial listing that summarizes the facilities and activities within the MBR based on current and proposed activities under all the segregated projects.

- **Open Ocean** - *984,469 square nautical miles around the Marianas*
 - Massive Multi-nation Naval Exercises
 - Passive and Active Sonar Testing
 - High Energy Lasers Testing
 - Underwater Explosives Testing
 - Missile Launch by Ships
 - Shelling by Ship
- **Tinian** - *2/3 of the island*
 - Airbase for Military Exercises
 - Artillery Firing Range
 - Mortar Firing Range
 - Tank Maneuvers Range
 - Amphibious Assault Beaches
 - Live-fire Maneuver Area
 - High Hazard Impact Zone
 - Beach Landing Craft Training
 - Small Boat Training
- **No'os (FDM)** - *Entire island*
 - Air to Ground Bombing
 - Small, Medium and Large Caliber Gunnery
 - Grenades, Small Caliber Weapons
 - Aircraft-mounted Machineguns
- **Pagan** - *Entire island*
 - 1,000 LB Aerial Bombardment Practice
 - Shelling from Navy Ships Practice
 - Field Artillery - Direct Firing Range
 - Field Artillery - Indirect Firing Range
 - Amphibious Beach Assault (6 areas)

- Live-fire Maneuver Area
- Rocket, Missile, Mortar Target Areas
- High Hazard Impact Zone
- Beach Landing Craft Training
- Small Boat Training
- Tank maneuvers
- Troop ground training
- **Guam - *Multiple Areas***
 - Combat Vehicle Operators Course
 - Live-fire Shoot House
 - Breacher Facility
 - Urban Terrain Facility
 - Rifle Range
 - Pistol Range
 - Machinegun Range
 - Modified Record Firing Range
 - Non-standard Small Arms Range
 - Hand Grenade Range

Though its strategic practice of breaking the MBA into segregated projects that it presents as isolated, unrelated projects, the Navy fails in its NEPA mandated obligation to provide public officials with relevant information and allow a "hard look" at the potential environmental consequences of the MBA. The Marianas public, local governments, and other stakeholders are not afforded the opportunity to be informed of the cumulative impacts of the destructive activities occurring in the MBA. Some segregated projects appear to only apply to Guam, while others appear to only apply to Saipan, while still others appear apply only to the CNMI's northern islands and Tinian. The MITT appears to only apply to the open ocean and FDM. Consequentially, the governments and communities in these separate islands think the project does not affect them and do not get involved. But each project affects every island and all the people of the Marianas because they are coordinated and interrelated projects that produce impacts not only as separate projects, but cumulatively.

It is impossible to arrive at a complete, informed understanding of the cumulative impacts of all the proposed activities when they are presented one at a time, to be considered in isolation, as if each does not add to the impacts of the others. The cumulative impacts threaten the environmental health of the entire archipelago. The impacts will have cascading effects on the tourism based economies of both Guam and the CNMI as well as on human health as our waters, land and air are contaminated by MTR activities. The U.S. Navy is well documented to be the world's biggest polluter and the worst of their activities will now be carried out on and around the Marianas. The resulting diminished attractiveness of the Marianas as a tourist destination will damage the tourism based economies in the CNMI and Guam. The threat to human health caused by environmental contamination and the constant danger of errant ordnance hitting populated areas will force families to move away from live-fire areas and even entire islands. When considered in its true scope as a massive live fire range surrounding and on all but one of the populated Mariana islands and non-populated islands as well, the MTR is an existential threat to the American people living in Guam and the CNMI.

The Navy's proposal is in direct contradiction to Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" and therefore must be withdrawn.

Executive Order 12898 provides that “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

The U.S. insular islands of American Samoa, Guam, the U.S. Virgin Islands, and the CNMI all suffer high levels of poverty. But among them the CNMI is the poorest. According to the 2010 CNMI Census the CNMI has the lowest annual family median income (MFI); only \$22,455 compared to Guam's \$50,607, American Samoa's \$24,706, and the U.S. Virgin Islands' \$45,058. This is about one third of MFI in the U.S. mainland where MFI is \$64,400. The CNMI's low MFI is persistent, achieving a miniscule growth of just \$1,180 across the 20-year period from 1990 when CNMI MFI was at \$21,275 per year. The census on the poverty level covered 53,366 individuals. The data showed 11,693 individuals were below 50 percent of the poverty level; 32,885, below 125 percent of poverty level and 40,368, below 185 percent of the poverty level.

The proposed continuation and expansion of MITT live-fire and weapons testing activities described in the DSEIS/OEIS will do tremendous and irreversible damage and harm to the CNMI. The proposed activities are literally ruining our islands' reputation and appeal as beautiful and peaceful islands. We are rapidly becoming known as the world's biggest bombing range rather than a tourist destination. Loss of access to the sea as a result of the MITT activities negatively impacts local commercial and recreational fishing as well. These impacts cause economic damage to the CNMI by discouraging tourism and blocking commercial fishing. The overall effect of the proposed activities is to severely reduce economic options and opportunities for the already impoverished people of the CNMI, 97.6 percent of which are ethnic minorities.

The proposed activities will bring deeper and more painful poverty to the community. This is a classic “not in my backyard” scenario where the CNMI is a scapegoat that is being forced to bear a burden that would be unthinkable in any wealthy mainland American community. The proposal is therefore not in compliance with Executive Order 12898.

The following questions pertain to the requesting agency's compliance with Executive Order 12898.

1. Is it your position that Executive Order 12898 does not apply to the U.S. military? If so, why not?
2. Is it your position that the protections of Executive Order 12898 do not apply to Americans living in the CNMI? If so, why not?
3. Are the adverse human health and environmental effects of proposed activities in the CNMI in proportion to what affluent and non-minority communities in the rest of the United States of America must bear for the same purposes? If yes, please explain and cite examples.

The proposed activities threaten the health and safety of the public.

The activities described in the DSEIS/OEIS add to the damage already done to the community by the Navy and the Air Force who use the Mariana islands for live-fire training and weapons testing. These activities are poisoning our waters, destroying our land, killing our wildlife, polluting our air and ruining our health. Expended Navy ordnance can be found on and around every populated island and in most unpopulated islands as well. Some of it is unexploded and poses a continuous danger to people, especially children, who live and play among it. We now have to consider the potential for injuries to

divers and swimmers who are in the water when the Navy conducts active sonar testing. There have been instances where civilians in the water during testing were seriously injured.

On August 25, 1994 a scuba diver was accidentally exposed to testing of the US Navy's LFA sonar system. (Comments submitted at Public Hearing of California Coastal Commission, 12/12/97). The ship transmitting the sonar was over 100 miles northwest of the diver who reported distinct and disorienting lung vibration as a result. Pestorius and Curley (1996) exposed Navy divers to low frequency active sonar and reported that one of the divers had to be hospitalized and was later under treatment for seizures. A Hawaiian resident who was in the water when the Navy was conducting their low frequency active sonar test in Hawaii in March, 1998 was disoriented and nauseous afterward and had to see a physician who diagnosed her with symptoms comparable to acute trauma. (Declaration filed in court, March 25, 1998.) The Navy admitted that this swimmer was exposed to the sonar at 120 dB while she was in the water, far below the operational sonar at 240 dB. In her court declaration this woman also detailed the behavior of nearby dolphins while the broadcast was taking place. The dolphins' behavior, in her view as a naturalist and long term observer of dolphins, was abnormal, including staying close to shore, staying near the surface and vocalizing excessively.

According to the Navy's own test results on the bioeffects of low frequency (100-500 Hz, which is the frequency range of LFA) underwater sound on human divers, at 140-148 decibels a small number of divers rate their aversion to the sound as very severe. At 157 decibels they estimate that at least 20% of divers will immediately abort an open ocean dive. At 160 decibels they say the lung resonance created by LFA may induce "significant decrements in vestibular function." This effect on vestibular function may have caused the stranding of the beaked whales in the Mediterranean (Nature, 1998) when they were exposed to the sonar at 150-160 dB. Lung hemorrhaging was observed in rodents exposed to 170-184 decibels. Above 184 decibels liver hemorrhage and soft tissue damage are likely. The Navy says significant concussion effects are unlikely to occur at levels below 194 decibels but don't explain how they reached this conclusion. According to the Navy's Draft Environmental Impact Statement the sonar sound field around the transmitting ship will be 180 dB up to 1 km away and 150-160 dB up to 160 km away (100 mi) . This means that many marine animals will be exposed to LFA sonar levels capable of causing stranding and, possibly, lung hemorrhaging over large areas of the ocean.

The DSEIS/OEIS also describes the Navy's intention to test high-energy laser weapons in the waters surrounding the CNMI as well. There is little information on the potential impacts of these weapons on public safety and on marine wildlife.

The following questions pertain to the threat to human health caused by the Navy's testing of active sonar and high-energy lasers in our waters.

1. Can you guarantee that nobody will be killed or injured by active sonar or high-energy laser testing in the MITT?
2. What is the nature of potential injuries to humans from these weapons?
3. Access to underwater environment is critical to our island communities that relies on the ocean for food, recreation and tourism. How will MITT activities impact this access, how can the Navy avoid putting restrictions on this access?
4. What specifically, in terms of resources and the value of those resources, will be damaged, reduced or lost as a result of MITT weapons training and testing activities?
5. What other kinds of underwater weapons testing and training in the MITT pose a threat to human health and safety?

The DSEIS/OEIS fails to fulfil the requirement under NEPA to inform the public when it failed to make the information in the DSEIS/OEIS available to the public in a form that they could reasonably access and understand.

For most people in the CNMI, English is not their first language. For almost all of us, English is not a strength. Yet the DSEIS/OEIS is 1500 pages of moderate to highly technical. Based on hundreds of conversations with members of the CNMI public by myself and colleagues, most people find EIS documents to be intimidating reading. Very few are able to comprehend the consequences of the proposed activities due to EIS documents' highly technical nature and complicated presentation.

It is hard not consider that the massive DSEIS/OEIS is intentionally incomprehensible for 95% of the CNMI population in order to take advantage of the low level of reading comprehension as a strategy to avoid informing the public of the impacts of the supplemental MITT proposal. Many people here in the CNMI find this decision to produce such a document apprehensible, manipulative and grossly self-serving by the U.S. Navy. If the Navy truly wanted to follow the intent and spirit of the EIS process they would have provided versions in our local and official languages of Chamorro and Carolinian, and they would have provided comprehensive summaries that made the information accessible to the public.

The NEPA process was not followed when the U.S. military failed to do effective outreach that informs the community about the impacts of its project. A version of the DSEIS/OEIS in local languages and an effective outreach program with mechanisms in place to measure its success in informing the community is both reasonable and required to comply with the directives and intent of the National Environmental Policy Act (NEPA).

In responding to this section, please ensure that the following questions that relate to compliance with the NEPA mandated requirement to conduct effective outreach that informs the community and stakeholders of the impacts of the proposed activities are answered fully:

1. Were the reading level and language skills of the CNMI community ascertained in advance of the public comment period in order to inform the outreach strategy?
2. Was any effort made to survey the public during the public comment period to find out if the information was reaching the stakeholders?
3. Was any effort made, such as the use of focus groups, in order to learn whether or not the average CNMI reader had the English literacy skills to successfully read and understand the DSEIS/OEIS and make an informed assessment of how the proposed activities would affect them?

Sincerely,



Peter J. Perez
PaganWatch
Member Alternative Zero Coalition