Violations of Federal Law in the US Navy's Procedures for Obtaining a Permit to Conduct Electromagnetic Warfare Testing and Training in the Olympic National Forest

Contents:

Disclaimer: The author is not an attorney, but is a retired federal employee who worked under certain environmental laws and regulations, and who has a clear understanding of what a public process should be.

Part 1
Summary

The US Navy is proposing to take large swathes of Washington's Olympic National Forest plus a large amount of airspace over Olympic National Park and the communities in the area, to run electronic warfare attack and detection testing and training, for 260 days per year, permanently, using at least 36 new supersonic attack jets and radiation emitters on the ground, in 15 locations. The Navy has refused to hold true public hearings in affected communities on the Olympic Peninsula, citing not enough money in their $11.5 million dollar budget. Each new jet costs between $68 million and $77 million, depending on which figure is used, so the total equipment budget is approximately $2,785,500,000. No public notices were printed in any newspapers that directly serve the affected communities.

The issue boils down to: Should the Forest Service issue a Special Use Permit to the Navy to use roads in the Olympic National Forest to run their electronic radiation-emitting truck-and-trailer combinations, which would entail numerous unannounced forest closures and other problems? In a Machivellian twist, Dean Millett, the Forest Service District Ranger who will be making the decision on whether or not to issue the permit, has been limited to a very narrow scope, considering only the impacts and effects from the truck-and-trailer rigs and nothing else. No jet noise, no jet emissions or fuel dumps, no hazards from air-based electronic attack weapons, no chronic radiation, no fire danger, or other concerns brought up by the public are being considered in issuing this permit. These other concerns have been labeled by Mr Millett as being "outside of his decision space." Yet if he issues the permit for road use by the Navy's emitters, it will trigger all of the other testing and training actions and their impacts, none of which were

evaluated in the Navy's Environmental Assessment of September 2014. The Navy's Environmental Impact Statement of 2010 is unavailable for public comment because the Navy removed it from their web site.

A military program of electronic warfare on public land qualifies as a major federal action and is thus subject to a public process under the National Environmental Policy Act of 1969, or NEPA. This process includes hearings in affected communities whenever there is environmental controversy. These hearings must be in accordance with NEPA guidelines, which safeguard the public's right to be heard. In addition, the scientific evidence to back up statements must be thorough, accurate, and available for public scrutiny. In this case, the public's right to know and participate has been severely abridged and the Navy's "science" and legal maneuverings for justifying all of these impacts to our communities are shakier than the San Andreas Fault.

If the permit is issued, it will likely affect other National Forest lands as well, all of which have long been considered appropriate for "…military training when compatible with other uses and in conformity with applicable Forest Plans," in a Memorandum of Understanding between the Department of Defense and the US Department of Agriculture. In the Ocala National Forest in Florida, for example, the Navy maintains a live bombing range located half a mile from one campground and two miles from another. This is probably not what Theodore Roosevelt had in mind when he moved the Forest Service from the Department of the Interior to the Department of Agriculture.

District Ranger Millett is expected to sign the permit despite almost unanimous public opposition, **unless the Forest Service receives formally and in writing what he called "substantive" comments by the end of the comment period on November 28, 2014**. Mr Millett declined to define "substantive" when asked at a public informational meeting. Therefore, it is the aim of this document to provide readers with the best examples of substantive comments possible, short of legal advice from an attorney.

Public comments can be sent to: dmillett@fs.fed.us, gtwahl@fs.fed.us, and inputted directly online at: https://cara.ecosystem-management.org/Public//CommentInput?Project=42759

Part 2
Violations of Federal NEPA Law

1. Failure to notify the public: The Navy has violated the National Environmental Policy Act of 1969 (NEPA) by failing to adequately notify the public. One 8"X11" poster stuck on bulletin boards at a couple of post offices, combined with tiny notices placed in a few newspapers many miles away from those that directly serve affected communities, are a ludicrous excuse for notifying the entire population of

the Olympic Peninsula. Congressman Derek Kilmer's office sent the Navy a packet with contact information for all the local newspapers in affected communities, along with a request to prominently post public notices in those papers. Neither the Navy nor the Forest Service placed a single notice in any local papers serving Olympic Peninsula communities. This is a clear violation of the spirit and intent of NEPA as well, and a bad faith gesture to residents of the Olympic Peninsula.

Why did the Navy discard requests from a congressman and deliberately violate federal law in their public notification process?

2. Failure to record public comments: Due to the high volume of complaints received, Rep. Kilmer asked the Navy to hold public meetings. Since then the Navy has made it repeatedly clear that were it not for Congressman Kilmer's request for public meetings, there would be none on the Olympic Peninsula. Instead of holding hearings under NEPA, however, the Navy and Forest Service held "Informational Meetings." The fact that none of the public's comments were officially recorded at any of the meetings in Forks, Port Angeles and Pacific Beach has further upset people's confidence in government and muddied the understanding of the NEPA process. Most are wondering why they aren't getting a fair shake under normal NEPA procedure. CEQ regulations require that agencies "make diligent efforts to involve the public in preparing and implementing their NEPA procedures" (40 CFR 1506.6(a)). "Informational meetings" fulfill neither NEPA requirements nor the public's desire to comment, ask questions, and receive answers, especially when people are given one minute to speak and then interrupted frequently. The Navy has failed to conduct a proper NEPA process.

Why does the Navy refuse to hold hearings and record public comments?

3. Commenters are given no legal "standing:" Since none of the hundreds of people who have attended the Navy's informational meetings have had their comments recorded, none have any legal standing in the NEPA process, unless they submitted their comments again through other avenues that require knowing the email addresses of certain officials, or knowing where the Forest Service's web-based NEPA page is. Had these been true public hearings, all of those people would now have legal standing, because many also held printed comments in their hands, ready to submit after they finished speaking. In the Port Angeles meeting, both the Navy and Forest Service dismissed the idea of recording comments despite being repeatedly challenged to by attendees. The public's right to a full hearing is codified in the Code of Federal Regulations at 40 CFR, and in the State of Washington Revised Code, at RCW 42.30.

Why were commenters at public meetings given no legal standing in the NEPA process?

4. What legal standing means: Any grievances the public has about electromagnetic warfare testing and training MUST be addressed in public

comments first, in order to have legal standing, which means we are giving the Forest Service and the Navy notice that we, the public, think these grievances should be addressed. If those grievances are not rectified, any legal actions on behalf of the public that follow would have more authority, because the Navy had been aware of the grievances yet chose not to address them. Without legal standing, those legal actions on behalf of the public would likely have less authority due to the implication of no notice of grievance being given in public comments. This is a denial of due process as stipulated in NEPA, and a distortion of the true amount of public concern. On page 1-8 of the Environmental Assessment, the Navy states, "No comments were received on the draft EA." That is *exactly* the fear of people who attended those meetings, that their comments would not be acknowledged and that the absence of their comments will be reflected similarly by the Navy as it did in the EA, thus implying less public interest than there really is.

5. When hearings are required: Public meetings or hearings "…are required when there may be substantial environmental controversy concerning the environmental effects of the proposed action, a substantial interest in holding the meeting, or a request for a meeting by another agency with jurisdiction over the action." (40 CFR 1506.6 (c)). Proper hearings under NEPA have not been held in affected communities, and the usual citizen's right to register comments at public hearings has been denied. Therefore the Navy and the Forest Service have violated NEPA in this regard, too.

Why are the Navy and Forest Service discounting the extreme level of public sentiment that is being amply demonstrated in other ways besides formal written comments?

6. Written comments are also being discounted: Despite the level of public concern remaining extremely high, District Ranger Dean Millett was recorded on videotape during the meeting in Port Angeles saying that as of November 6, with regard to formal written public comments, the Forest Service had received "nothing substantive" that would stop him from signing the permit. He is looking exclusively for defects in the Environmental Assessment, and insists that public opinion doesn't count if people simply express their objections. He also has said that 2,000 written comments are "not a lot" and have had no effect on him. The comment period has been extended twice, yet the public is still struggling to wade through the nearly 5,000 pages of scientific and technical documentation, much of which remains unavailable to them. By not allowing the public sufficient time to catch up with a process they entered late, through no fault of their own, and by not allowing them time to develop substantive comments, the Forest Service is compromising NEPA law.

What is the point of a public comment process if the Forest Service ignores public opinion?

*This is why the Forest Service needs **to extend the comment period** to the end of January, so that the public has enough time to understand the issues well enough to make "substantive" comments, and so that the holidays won't interfere with that.*

7. Other agencies not consulted: Neither Olympic National Park nor the State DNR, whose lands will be affected by the mobile emitters, were consulted during the drafting of the Environmental Assessment. If they were consulted afterward, then where is the public record of those consultations? This is another failure on the part of the Navy in its NEPA procedure. Also, neither DNR nor the Park Service were represented at any of the informational meetings. Why not? Failure to consult with other affected agencies is a violation of federal law.

Part 3
Violation of National Forest Management Act and Forest Plan

8. Public interest is paramount: By signing the permit, the Forest Service places itself in violation of its own Forest Management Plan, and the National Forest Management Act. No outside agency, including the Department of Defense, has the right to override the Forest Service's own Forest Management Plans and conduct activities that place their priorities over those of the public. The Forest Service's own regulations state that military use of public lands is not permissible if the military has other "suitable and available" lands for their Proposed Action, and Forest Service management policy states that when considering issuing such a permit, "…the interests and needs of the general public shall be given priority over those of the applicant." The Navy has not adequately demonstrated that it has not investigated the use of private or other lands, and its reasons for wanting to move the entire electronic warfare program from Mountain Home, Idaho to the Olympic National Forest are not enough: fuel savings and ease of scheduling for training are insufficient justification to override the overwhelming socioeconomic and environmental interests of the public.

Why are the needs and desires of the public not being given priority over the desires of the Navy?

9. Special Use Permit screening checklist: Among its 14 requirements, the Forest Service's own checklist for considering applications says, "Use will not pose a serious or substantial risk to public health or safety AND Use will not create an exclusive or perpetual right of use or occupancy AND Use will not unreasonably conflict or interfere with administrative use by the Forest Service, other scheduled or authorized existing uses on or adjacent to non-National Forest System lands." (36CFR 251.54; FSH 2709.11 12.2 & 12.3; FSM 2703)

Part 4
Cumulative Impacts – Omissions in Documents

10. Documents still unavailable: Though the Forest Service's NEPA home page links to the Navy's Environmental Assessment and its decision documents, neither it nor the Navy web pages contain links to the 2010 EIS, which was removed from public access by the Navy, or the previous EIS's going back to 1989 that have been cited by the Navy in meetings, or the Fish and Wildlife Service's 2010 Biological Opinion, which is not posted anywhere, or to the temporary permit that was issued by the Forest Service to the Navy three years ago, or to the Memorandum of Understanding that declared military training to be an "appropriate use" of national forest lands, or to supporting documents referenced in the Navy's Environmental Assessment, such as Joint Publication 3-13.1, which describes the methods and intent of electronic attack weapons on the Growler jets that will be training in the Olympic National Forest.

This is a violation of NEPA, which says such pertinent documents shall be made available to the public for scrutiny. (18CFR 380.9). Moreover, an explanation of the Forest Service's own updated NEPA handbook says, "…NEPA procedures regulations [sic] are intended to let interested parties become more effectively engaged in the decision making process rather than merely as reviewer of proposals and final documents. Specifically, the regulations include an option for responsible officials to incrementally develop, modify, and document proposed actions and alternatives through an open and transparent process."

If District Ranger Dean Millett is the responsible official who has the power to make the public review process more open and transparent, then why does he not do it?

11. Navy dismisses entire categories of impacts: On page ES-2 of the Environmental Assessment the Navy states, "Cumulative impacts of the Proposed Action, in combination with other past, present, and reasonably forseeable future impacts, were analyzed. Based on the analysis, cumulative impacts within the EW Range Study Area would not be significant." On page 4-1 the Navy says, "The cumulative impacts analysis in this EA focused on impacts that are "truly meaningful," in accordance with CEQ guidance (Council on Environmental Quality 1997). The level of analysis for each resource was commensurate with the intensity of the impacts." Also, "…this EA dismissed from further analysis the actions and environmental considerations that were considered not reasonably forseeable." ***The Navy is not allowed to dismiss environmental considerations*** it considers not meaningful or forseeable during a NEPA process; this is a violation of NEPA, which does not allow an agency such leeway. In November 2009, a federal court judge ruled that a faulty impacts analysis in a NEPA process may subject the government to financial liability later. In early 2010, the Obama administration announced plans to require analysis of the proposed action's relation to climate change, along with impacts on land use, biological diversity, and air and water quality. While analysis of cumulative impacts has been the subject of disagreement among agencies, ***the Navy has provided in its EA neither peer-reviewed citations nor detailed analysis on any of the following topics, all of which would be in the public's interest:***

a. Socioeconomic impacts to communities from increased jet noise and air pollution;

b. Impacts to wilderness values in Olympic National Park;

c. Cultural factors, including traditional uses of land;

d. Analysis of multiple stressors on humans, endangered species, and other wildlife;

e. Analysis of chronic radiation effects on humans, wildlife and habitats, including aquatic; (There was no mention in the EA of the U.S. Department of Interior's February 7, 2014 critique of the FCC's outdated dismissal of radiation concerns, see http://www.ntia.doc.gov/files/ntia/us_doi_comments.pdf)

f. Evaluation of the protection of children, environmental justice, water, land use, and geology;

g. Analyses on population effects on threatened bird species, particularly the cumulative effects of noise and electromagnetic radiation on the northern spotted owl and marbled murrelet, in whose critical habitat areas most of the Navy's emitter sites will be located;

h. Analysis of the effects of electromagnetic radiation and loud sounds on migrating shorebirds, geese, ducks, and other non-listed birds;

Additionally, there were none of these:

9. Cost analysis for jet fuel savings from not flying an extra 400 miles, versus effects on the environment.

i. Analysis of other sites as alternatives to the Olympic MOA, including private lands.

j. Analysis of the increased fire danger posed by jet and drone crashes, sparks from vehicle transmitters or operators' cigarettes, or misdirected electromagnetic beams from either the transmitters or from jets, hitting tinder-dry vegetation;

k. Analysis of the interaction and effects of climate change as a potential magnifier of impacts.

Why did the Navy not do its homework?

Did the Forest Service assess each segment of the Olympic National Forest to be used by the Navy with an initial focus on identifying and evaluating the wide variety of impacts and potential risks to resources? Were these risks rated as high, medium or low? Did the Forest Service assess impacts from jet emissions, jet and drone crashes, possible fires caused by said activities, along with other impacts, including but not

limited to: Loss of National Forest public revenue, loss of use by the public, the scope and number of acres needed for use by the Navy, the scope of the habit in that area, etc. If there is potential damage, how will Navy restore these areas?

Were the above factors, if investigated by the U.S. Forest Service, reviewed by the Forest Botany and Wildlife Team? During their review, did they specifically consider the influence of electronic and electromagnetic affects to species such as fragmentation, disturbance, and potential loss of habitat quality?

Part 5
Fraudulent Noise Measurements

12. Jet noise not accurately measured for assessing impacts: At a meeting with residents in Coupeville on the topic of jet noise, a Navy representative described the process of sound measurement as that of placing a GE engine on a test platform on the ground, turning it on and recording its noise. That data is fed into noise mapping software that considers land contour data. The processed data was then averaged with quiet time over the length of a year to produce a "Day-Night Average," as is done at commercial airports by the FAA. No live jet takeoffs or landings were measured in establishing the Day-Night Average, according to the Navy official, nor was the frequent use of afterburners ever factored into those sound levels, nor was the significant extra noise from extended flaps, landing gear and speed brakes included.

The Navy developed a decibel average of 65, which is under the limit for hearing damage but over the limit, according to the Navy's own figures, for residential development. 65 decibels does not, however, account for the times when the decibel level *inside* some residential homes is above 100, which is more than enough to cause hearing loss, or the fact that at some homes at Admiral's Cove the decibel level has been measured by an independent sound professional, at 134.2. Growler jets are louder than the Prowlers they are replacing, and the Navy has promised that the minimum altitude they will be flying over land is 1200 feet. That has been frequently contradicted by hikers on mountainous forest trails, who have reported seeing jets fly past beneath them. According to the Navy's own figures, a Growler jet flying at 1000 feet produces a "Single Event Level" of 113 decibels, which is enough to damage hearing and cause medical problems in people subjected to it. In the Roosevelt-Okanogan Military Training Area the Navy is authorized to fly at 300 feet above ground level. It is not clear what would prevent them from authorizing that lower altitude in the Olympic National Forest.

A recent study called Community Aircraft Noise: A Public Health Issue identified serious health effects in Coupeville, WA, caused by chronic and acute noise episodes: http://citizensofebeysreserve.com/Files/Community%20Aircraft%20Noise_A%20Public%20Health%20Issue.pdf

With regard to jet noise and emissions, the "Citizens of Ebey's Reserve" on Whidbey Island have created a web page which includes this Links and Files section, full of valuable information: http://citizensofebeysreserve.com/LinksAndFiles.html

As a result of the Navy's apparent underestimation of sound levels caused by jets, the effects of loud noise on threatened and endangered species in the Fish and Wildlife Service's Biological Opinion for the Navy, which was begun in 2009 and issued in 2010, may be based on inaccurate or misleading information from the Navy. If this is indeed the case, that the Fish and Wildlife Service was given inaccurate or misleading information on which to base its evaluation of biological impacts, then the Biological Opinion should be considered invalid and formal consultation re-initiated under Section 7 of the Endangered Species Act, using actual sound measurements from real jets. Providing deliberately misleading information to a federal agency is also considered a form of fraud or false statement under US Code, Chapter 47. There may be other applicable laws that were violated.

*What is the **real** level of sound produced by Navy jets, and why was this information not incorporated into impact studies, and shouldn't the Navy be required to change its measurement system to the full spectrum of noise generated by actual aircraft?*

Part 6
No Verification of Navy's Claim of No Significant Impacts

13. The Forest Service conducted no independent research: At the Port Angeles meeting, District Ranger Dean Millett acknowledged and is recorded on videotape saying that **the Forest Service did not conduct any independent investigation to verify the Navy's claims of no significant impacts**. This violates the Forest Service's own policies as well as the law. For example, the Environmental Assessment dismisses potential impacts on everything that does not fall into its category of "observable wildlife." It inaccurately states that amphibians and reptiles only exist around marshes and meadows. On page 3.2-6 it says, "The proposed activities do not occur on marshes or in meadows; therefore, it is highly unlikely that amphibians or reptiles would occur in the project area."

A similar statement dismisses the possibility of amphibians or reptiles occurring on "disturbed areas" such as roadside pull-outs where mobile transmitters would operate. The Forest Service is presumably aware that the Olympic National Forest is designated a temperate rainforest, which means it is damp and wet during much of the year, and is prime habitat for amphibians such as frogs, newts, and salamanders throughout, which can be quite far from "marshes and meadows." Furthermore, both amphibians and reptiles (e.g., snakes and lizards) often frequent cleared or "disturbed" areas. Dismissing amphibians and reptiles from consideration is misleading and unlawful, because amphibians are especially sensitive to electromagnetic radiation, particularly in their larval stages. Along with omissions of important analyses and data previously discussed, such blatant misstatements of

fact *preclude informed public comment*, raise serious questions about the integrity of the preparers, and renders the entire Environmental Assessment and the permit that is intended to be based on it, suspect. **The US Forest Service has a duty to conduct its own independent scientific review** of the impacts of activities that it allows or condones. An agency cannot simply adopt the conclusions of another agency.

If the Forest Service questions the Navy's data, then why has it not done its own independent investigations? And if it does not question the Navy's data, why not?

14. The Courts have spoken: The above comments amply demonstrate the need for the Forest Service to conduct its own scientific review. In Save Our Ecosystems V. P Clark E Merrell, http://openjurist.org/747/f2d/1240 the Ninth Circuit Court of Appeals said, "The Forest Service must do research if no adequate data exists." In Foundation for North American Wild Sheep V. US Department of Agriculture, the Ninth Circuit Court said, "the very purpose of NEPA's requirement that an EIS be prepared for all actions that may significantly affect the environment is to obviate the need for such speculation by insuring that available data is gathered and analyzed prior to the implementation of the proposed action." 681 F.2d at 1179. In Warm Springs Dam Task Force V. Gribble, the Court held that an agency cured the defect in its EIS by commissioning a study about the effects of a newly discovered fault system on that dam. 621 F.2d at 1025-26.

15. Other courts have imposed similar requirements on agencies. See, e.g., Rankin v. Coleman, 394 F.Supp. 647, 658 (highway project enjoined for inadequate EIS on effects and alternatives; alternatives must be "affirmatively studied"), mod. 401 F.Supp. 664 (E.D.N.C.1975); Montgomery v. Ellis, 364 F.Supp. 517, 528 (N.D.Ala.1973) ("NEPA requires each agency to undertake research needed adequately to expose environmental harms and, hence, to appraise available alternatives") (project enjoined pending preparation of an adequate EIS); Brooks v. Volpe, 350 F.Supp. 269, 279 ("NEPA requires each agency to indicate the research needed to adequately expose environmental harms"), supplemented, 350 F.Supp. 287 (W.D.Wash.1972), aff'd, **487 F.2d 1344** (9th Cir.1973); Environmental Defense Fund v. Hardin, 325 F.Supp. 1401, 1403 (D.D.C.1971) (interpreting section 102(2)(A) as making "the completion of an adequate research program a prerequisite to agency action .... The Act envisions that program formulation will be directed by research results rather than that research programs will be designed to substantiate programs already decided upon") If the information relevant to adverse impacts is essential to a reasoned choice among alternatives and is not known, and the overall costs of obtaining it are not exorbitant, the agency *shall* include the information in the environmental impact statement.

Part 7
Some Unaddressed Public Concerns

16. Chronic radiation effects not addressed: In Section 2.1.1.4, the claim that the noise and RF radiation from mobile emitters will not impact what the Environmental Assessment calls Biological Resources is entirely based on the premise that the mobile emitters are moving around the forest, so exposure at any one site is limited. This despite the fact that 3 mobile units will be in operation from 8 - 16 hours per day, 260 days per year, among 15 different sites on the Olympic Peninsula. According to the EA, each mobile emitter site will average 11.15 training events per day, which also includes electronic detection and attack weapons from jets. This works out to an average of 468 hours of electromagnetic radiation per site per year, or 195, 24-hour days per decade. The Department of the Interior has criticized the FCC's standards for cellphone radiation to be outmoded and no longer applicable as they do not adequately protect wildlife:
http://www.ntia.doc.gov/files/ntia/us_doi_comments.pdf

Where is the peer-reviewed research to back up the Navy's claim of no significant impacts?

17. Potential loss of human lives: Page 2-7 of the environmental assessment says the following: "The activities of the Proposed Action center on two divisions of EW, known as electronic warfare support (ES) and electronic attack (EA)." Then it goes on to provide this short explanation: "Sailors aboard Navy ships, submarines, and aircraft conduct ES and EA training as they search for, intercept, identify, and locate or localize sources of intentional and unintentional radiated electromagnetic energy for the purpose of immediate threat recognition, targeting, planning, and conduct of future operations. "(EA 2-7) This sounds pretty benign.

The environmental assessment references Joint Publication 3-13.1, Electronic Warfare, 08 February 2012 as a source document, and if you look at this publication the short explanation above is, verbatim, the definition of electronic support but the environmental assessment leaves out any explanation of electronic attack (EA). Joint Publication 3-13.1 defines Electronic Attack as follow: "EA refers to the division of EW involving the use of EM energy, DE (directed energy), or antiradiation weapons to attack personnel, facilities, or equipment with the intent of degrading, neutralizing, or destroying enemy combat capability…"

Directed energy is defined as: "An umbrella term covering technologies that relate to the production of a beam of concentrated electromagnetic energy or atomic or subatomic particles. " (GL6) "Examples include lasers, electro-optical (EO), infrared (IR), and radio frequency (RF) weapons such as high-power microwave (HPM) or those employing an EMP. (I-4) Now it's getting serious. Additionally, Joint Publication 3-13-1 also speaks to unintended consequences of EW: "Unintended Consequences. EW planners must coordinate EW efforts … to minimize unintended consequences, collateral damage, and collateral effects. Friendly EA could potentially deny essential services to a local population that, in turn, could result in loss of life and/or political ramifications." (III-5)

The Environmental Assessment, which only deals with the ground operations (the emitters), is addressing just a part of the impact and is totally silent on what may be the bigger concern, which is impact caused by the aircraft, ships and submarines engaging in EW training, and particularly electronic attack training.

What types of electronic attack will be practiced, and what are the potential impacts, intended or otherwise, on the local population and the environment?

How can a Special Use Permit include the use of Electronic Attack weapons if they weren't even discussed in the Environmental Assessment?

Part 8
Conclusion

The U.S. Navy is demonstrably unable to perceive or assess impacts in our forests, and is evidently unwilling to assess or disclose impacts to humans, wildlife and habitats from a variety of sources that concern the public. Because none of these direct, indirect and cumulative impacts have been analyzed, and because there have been so many violations of NEPA procedure, and because case law has shown again and again that one agency cannot rely exclusively on the data from another agency, this Special Use Permit should not be issued. For the above reasons, the Navy's self-serving Environmental Assessment should be withdrawn and an honest, independent assessment of impacts should be made by the Forest Service, in a valid Environmental Impact Statement that places no applicant's priority above the interests of the public, and that allows the public to have a say in the management of its public lands.

It is ironic in the extreme that the Navy forces other agencies to consider vast amounts of area when evaluating impacts, such as to endangered species in the entire northwestern region of Washington, or on a training range that stretches from California to Alaska, yet it forces public commenters to restrict themselves to one item on their menu of impacts when foisting a program of such potentially immense consequence upon the public.

As of December 2014, the Navy will also be expanding its sonar and explosive activity (http://tinyurl.com/PDN-Sonobuoy2) into waters off Indian Island near Port Townsend, in the Strait of Juan De Fuca, and in the 2,408 square mile Olympic Coast Marine Sanctuary, where the Navy says it is exempt from prohibitions. It has, however, said that bombing exercises will take place outside the Sanctuary. At the same time, the Navy is developing plans for two Carrier Strike Groups to train in the Gulf of Alaska just south of Prince William Sound and east of Kodiak Island, using new extremely loud weapons systems and sinking two ships per year, in exercises that the Navy admits will kill or injure 182,000 whales, dolphins, porpoises, sea lions, seals, sea otters and other marine mammals in one five-year period. This is less than the original prediction of 425,000 marine mammals, but still so

astonishing it makes one wonder what parts of our biologically rich coasts will not become war zones with high casualty counts, if the Navy gets its way.

s/ Karen Sullivan, November 14, 2014