

*Carol Van Strum*  
*(Address redacted)*

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April 11, 2009

Naval Facilities Engineering Command Northwest  
1101 Tautog Circle, Suite 203  
Silverdale, Washington 98315-1101  
ATTN: Mrs. Kimberly Kler – NWTRC EIS

Re: Comments on NWTRC draft EIS/OEIS

These comments incorporate by attachment and by reference my preliminary comments of February 15, 2009 and March 8, 2009, on the same EIS. The conclusions of my previous comments remain unaltered and are further supported by documents finally received in response to my two Freedom of Information Act requests.

Given my previous comments as restated, I address here some of the documents received from the Navy in the last two weeks with reference to my comments and conclusions.

1. Depleted Uranium studies.

At a televised public meeting with Mendocino County Supervisors on March 31, 2009, Navy representatives announced that due to comments received on the EIS, a directive had been issued ordering the use of depleted uranium by the Pacific Fleet halted immediately, and all stocks of depleted uranium ordnance returned to base. Navy spokesmen promised to provide the supervisors with a copy of the written directive. As of this writing, however, the Navy has not responded to my informal requests for the same document. Therefore, until that directive is made public, I assume that depleted uranium use continues and hereby update my comments.

The Navy has now provided copies of the two unpublished, non-peer-reviewed studies upon which it based its conclusions of no significant impact from use of depleted uranium ordnance. I discussed the Toque report in detail in my March 8 comments. The recently provided 1974 Hanson study, "Ecological Considerations of Depleted Uranium Munitions," is in fact not a study, but a review of literature up to 1974 on the subject. At that time, Hanson reports, there was actually no literature at all on the fate of depleted uranium munitions in marine environments, and Hanson's brief survey merely summarizes the few studies on *natural* uranium in seawater. His unpublished, non-peer-reviewed report repeatedly emphasizes the extreme chemical toxicity, as opposed to radioactive effects, of depleted uranium, and provides no empirical support for the Navy's finding of no significant impact from dumping of depleted uranium ordnance into coastal waters. Interestingly, the EIS fails to cite Hanson's later analytical and field work on the subject, such as his finding that "the solubility, and hence movement, of uranium through the ecosystem may be greater than anticipated." (Wayne C. Hanson and Felix R. Miera, Jr., "Continued Studies of Long-Term Ecological Effects of Exposure to Uranium," June 1977, Los Alamos Scientific Laboratory report LA-6742, AFATL-

TR-77-35.)

Even if depleted uranium has in fact been discontinued by the Pacific Fleet, a valid EIS must address the issue because the unidentified amount of DU already dumped in our waters by unstated years or decades of Navy activities is by the Navy's own admission a "baseline" condition for all alternative actions. Moreover, the Navy's reliance on these unpublished, non-peer-reviewed reports to support its No Significant Impact conclusions exemplifies its selective bias, as in other places the authors righteously dismiss unsupportive research because it is unpublished and non-peer-reviewed (see #3 below).

2 The Navy has provided no materials whatsoever responsive to my request for environmental or other documents that would identify the past and current activities that form the "No Action" alternative presented in the EIS. As both the EIS and related documents state, and as Navy spokespersons have publicly confirmed, these past and current Navy activities are the "baseline" for assessing environmental impacts of proposed future actions. As concluded in my previous comments, **the failure of the EIS to identify these "baseline" activities and their cumulative impacts invalidates the entire EIS.**

3. Nonexistent research continues to invalidate the EIS and its supporting Biological Evaluation, particularly in the failure to support with any data whatsoever Navy conclusions of no significant impact to birds, mammals, fish, and other marine life from highly toxic chemicals and metals deposited in the water by Navy activities. The recently provided Biological Evaluation (BE), prepared by the same military contractors who prepared the EIS, further compounds this failure, underscoring the extremely selective nature of the Navy's environmental evaluations. The BE is repeatedly cited in the EIS as the primary support for Navy findings of no significant impacts on birds, fish, sea turtles, invertebrates, and marine mammals. In the interests of brevity and boredom prevention, two examples of its inadequacy suffice:

a. As noted above, the Navy is happy to rely solely on unpublished, non-peer-reviewed reports that might support its findings of no significant impact, but is quick to dismiss such information when it suggests significant impacts; for example, see Biological Evaluation pp. 5-30, 5-31 dismissing studies showing effects of sound on fish: "much of this literature has not been peer reviewed, and there are substantial issues with regard to the actual effects of these sounds on fish."

b. Equally telling is the overwhelming bulk of both the EIS and its supporting BE devoted solely to marine mammals and sound. Since preparation of an EIS was prompted by lawsuits over this issue, some extra attention is excusable, but not to the nearly total neglect of other Navy hazards and other forms of marine life. The Navy acknowledges, for example, that of human threats to world-wide small cetacean populations, noise represents **1.1%**, while pollution represents a whopping **21.9%** (see chart repeated at pages A-9 and 5-62 of BE), yet of some **533** references cited in the BE, **only 4 refer to pollution (2 cites) or toxics (2 cites)**, despite the Navy's acknowledged pollution of coastal waters with highly toxic, carcinogenic chemicals and heavy metals, as discussed in my previous comments. Similarly, out of 533 references, some 334 relate to marine mammals, but only 32 concern fish and even fewer refer to birds and other life forms. **This obvious lack of research undermines the Navy's findings of no significant impacts of Navy activities on all forms of marine life, further**

## **invalidating an already invalid EIS.**

c. Compounding the above shortcomings of both the EIS and the BE is the inexplicable fragmentation of Navy activities and their consequences. Each activity is described and evaluated in isolation from others, as are each species of fish, mammal, reptile, or bird. Nowhere does the EIS consider the totality of Navy activities -- explosions, vast amounts of ordnance both exploded and unexploded, bilge water releases; sonobuoy disposal, ship engine noise, sonar noise, aircraft engine noise, radio communication noise, discarded shell casings; heavy metal and other toxins, cables, fuel leaks, exhaust, and untold amounts of other debris – in what is in fact a single large body of water housing an interconnected ecosystem. Nowhere does the EIS consider the cumulative impacts of that totality on the ecosystem it impacts: sea floor hazards to trawlers from Navy trash; exposure of marine organisms to toxic compounds; disruption of fish and crab habitat by multiple Navy activities, as well as disruption of the entire marine food chain. This failure inexorably produces further failure to evaluate the impacts on commercial fishing and crabbing as well as recreational fishing, which are so vital to coastal economies and lifestyles.

**4. Total Failure of Public Participation efforts on this EIS.** According to Navy records, the Navy's expenditures to contractors for its public participation plan on this EIS totaled \$248,603.00, of which \$71,376 was for advertising alone. As detailed by other commenters and discussed in my previous comments, the Navy met neither its own criteria nor those of NEPA in the actual execution of public participation activities. Indeed, some of the most basic tenets of advertising and public relations were blatantly ignored, such as the well-known need to determine news media deadlines and meet them, in order to have time-sensitive material published *before* the event advertised occurs. Add to this failure the frequent crashes of the web site set up by the same contractors, the misdirecting of hard copy EISs to the wrong libraries, and the failure to place ads in on-line versions of local papers, and it is hard to imagine more incompetent results for the money.

Compounding the abysmal failure of its contractors to conduct the most basic public involvement functions, the Navy blithely relies on the same contractors to read, select, and summarize all public comments on the EIS and present only summaries, with suggested responses, to the Navy. Given these contractors' record so far, I intend to file Freedom of Information Act requests for **all** comments received on this EIS at both the scoping and draft level, and urge our Congressional delegation to do the same.

As amply demonstrated in my previous comments and those of others, the draft EIS and all supporting documents suffer from fatal omissions, errors, misinformation, and outright deception. “Why waste time discovering the truth when you can so easily create it?” asks David Baldacci in *The Whole Truth*. The Navy has paid inordinate amounts of money to contractors to create “truths” with no scientific basis whatsoever. What Baldacci masked as fiction, however, is unacceptable and unlawful under the National Environmental Policy Act. The EIS, the Biological Evaluation, the Letter of Authorization to NOAA, and all other supporting documents should therefore be immediately withdrawn and an honest effort made to meet not just the letter but also the spirit of the National Environmental Policy Act.

Submitted by:

Carol Van Strum

attachments (2)

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(Address redacted)*

March 8, 2009

Naval Facilities Engineering Command Northwest  
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Silverdale, Washington 98315-1101  
ATTN: Mrs. Kimberly Kier – NWTRC EIS

Re: further preliminary comments on NWTRC EIS/OEIS

This letter incorporates by reference and by attachment my February 15, 2009 preliminary comments on this EIS, and my two Freedom of Information Act (FOIA) requests of February 12 and March 1, 2009, asking for materials relied upon by the Navy and crucial to any evaluation of the EIS. The Navy has so far produced not a single one of the clearly defined documents requested, not even reports cited in the EIS itself.

Because of the Navy's refusal to provide crucial records relating to the EIS, I request that the comment period be extended at least 60 days beyond the date of such records finally being provided. These comments are therefore preliminary and I reserve the right to submit further comments after the Navy has complied with the Freedom of Information Act.

The Navy's refusal to provide crucial documents strongly suggests the Navy's own lack of confidence in its EIS. As shown below, such lack of faith is amply justified; indeed, if this document reflects the Navy's competence in other areas of its job -- such as navigation, chart or map reading, basic marine research, and anticipating the outcome of naval actions -- our nation is in deadly peril of defeat through sheer incompetence.

**The Navy's refusal to provide documents requested under FOIA precludes meaningful comments on this EIS**

The Navy's refusal to comply with reasonable FOIA requests invalidates this EIS for the following reasons.

My February 12, 2009 FOIA request asked for:

1. Documents identifying the authors, contributors, and contractors who

prepared this EIS. It is impossible for the public, our elected representatives, or even the Navy itself to trust the conclusions, factual validity, or integrity of the EIS (particularly given its near-total lack of scientific references as discussed below) without knowing the identity, credentials, academic qualifications and experience of the authors.

2. All communications with governmental and outside agencies, in order to determine what, if any, objective critiques, scientific data, and advice were sought and received by the Navy;
3. Environmental Assessment(s) prepared by the Navy in accordance with Navy regulations 775.4 (d)(3) to prepare an environmental assessment in order to determine whether "preparation of an environmental impact statement is required." Obviously, such an environmental assessment would identify what activities the Navy was conducting and where and when, as well as what impacts were likely to be significant from which activities, none of which information is included in the EIS;
4. Records that would reveal where, how, and why the Navy's multiple, repeated failures of NEPA notification requirements occurred;
5. Records of the budget for this EIS, essential for both the public and our elected representatives to determine how much taxpayer money was wasted on a grossly incompetent EIS.

My March 1, 2009 FOIA request asked for the only two documents cited by the EIS in support of its conclusion of no significant impact on marine life or human health from the Navy's use and disposal of thousands of pounds per year of depleted uranium ordnance in offshore waters:

1. Hanson, W.C. 1974. Ecological Considerations of Depleted Uranium Munitions. Report LA-5559. Los Alamos Scientific Laboratory of the University of California. Los Alamos, NM. (citation Vol 2, p. 8-4 of EIS)
2. Toque, C. 2006. Marine Environmental Depleted Uranium Survey Report – Kirkcudbright Training Area – 2—4. Environmental Sciences Department, Institute of Naval Medicine. Gosport, UK. (citation Vol. 2, p. 8-5 of EIS).

As noted in my FOIA request, neither of these two studies was ever published in a peer-reviewed journal; whether they were ever published at all, in the sense of being made readily available to the public, is highly questionable. The 1974 Hanson study appears to be an unpublished report for the Atomic Energy Commission and diligent searches of multiple academic, scientific, and government data bases have failed to find it. After I sent my FOIA request, dedicated librarians at the Hatfield Marine Science Laboratory's Guin Library managed to find a copy of the Toque 2006 study, which was done for the British Royal Navy; it is a lengthy report, consisting primarily of boiler-plate language from previous reports, but most importantly it absolutely nowhere supports the Navy EIS claim of no uptake of uranium by marine organisms. In fact, what data the report contains

utterly contradict Navy claims<sup>1</sup>.

Thus, the Navy relies solely on two unpublished, non-peer-reviewed reports, one of which is unavailable and the other totally irrelevant and contradictory to EIS claims regarding an extremely toxic, extremely persistent compound being released in unrevealed quantities into our waters. The Navy's claim of no significant impact from un-measured depleted uranium releases is therefore without any foundation. For this reason alone the EIS should be withdrawn and started over, with scientifically sound, relevant, peer reviewed, publicly available research supporting any Navy conclusion.

### **The Navy's reliance on nonexistent research invalidates EIS in its entirety**

For other metallic poisons discharged into Oregon waters, the EIS authors launch into sheer fiction, supported occasionally by what can only be called the incest school of scientific notation. For example, see text and tables revealing Navy deposits of undisclosed quantities of chromium and chromium compounds into coastal waters at pp. 3.3-7; 3.3-9; 3.3-16; 3.3-17; 3.3-19; 3.4-15; and 3.4-24 of Volume 1.

The EIS authors acknowledge that chromium compounds along with other metallic poisons will be deposited in the sea as components of "vessels, manned and unmanned aircraft, bombs, shells, missiles, sonobuoys, batteries, electronic components, and as anti-corrosion compounds coating exterior metal surfaces." The authors conclude, with no references whatsoever, that these compounds "will settle to the bottom where they will lodge in deep sediments, eventually be covered by sediment, encrusted by chemical processes (e.g., rust), or covered by marine organisms (e.g., coral)." (EIS p. 3.3-7) In a burst of scientific creativity, the authors further

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1 The EIS authors apparently read only the conclusions of the Toque report, "that the survey results show no evidence of DU being present in any marine environmental sample collected in the year 2004." This conclusion is incontrovertably false. In fact, the report found heavy depleted uranium contamination in soil around land-based gun emplacements, in soil under the trajectory of the ordnance, and to a lesser degree in the sea water, sediments, and organisms of the bay where the ordnance fell – not at all the same situation as ordnance fired from shipboard guns and missiles and aircraft that spew firing residues directly into the water as our Navy does. , the study's methodology would not pass muster for even a high school science project. For starters, the *entire* sampling of marine organisms consisted of a bucket of mussels, .9 kg of shelled scallops, and three lobsters; in a section straight out of Monty Python named "Seafood purchase methodology" the author reports with a straight face that the three lobsters and the scallops were bought in a shop in Kirkcudbright "and boiled within a day of purchase." Even with this amazing sample acquisition, uranium and DU were found, and not even truly creative data contortions support the report's "no evidence of DU" conclusion. For example, all uranium found in the shelled, cooked mussels was attributed by legerdemain to bits of uranium-contaminated sediment or shell that "*may have accidentally contaminated*" the meat; and even after the high level of uranium in one of three lobsters was reduced 81% (applying a completely unreferenced and phenomenally high dry/wet weight ratio) the level was still twice the mean for all of the UK, at which point the author simply concludes that "such a low concentration is not deemed significant" (except, of course, to the person who might eat that third lobster). How "not deemed significant" is equivalent to zero is nowhere explained in this report.

state that "seawater will eventually oxidize the expended training material into benign byproducts;" producing a faux reference not to a scientific paper or even to an unpublished report, but to another U.S. Navy environmental impact statement! (Vol. 2, p. 8-4: "DoN. 2008c. Draft Southern California Range Complex Environmental Impact Statement/Overseas Environmental Impact Statement.)

In contrast to the authors' remarkable portrait of benign byproducts, a brief internet search for data on chromium and the chromium compounds listed in the EIS (barium chromate and lead chromate) brings up hundreds of references, to both scientific and regulatory documents, in which the commonest phrases are:

"profoundly toxic,"

"a known carcinogen, developmental toxicant, and reproductive toxicant;"

"very persistent in water;"

"high potential for bioconcentration of chromium in aquatic organisms;"

"highly toxic to aquatic organisms and can pose serious risk to humans;"

"highly toxic, corrosive, and carcinogenic;"

"may cause cancer and/or heritable genetic damage;"

"can make fish more susceptible to infection;"

"very toxic to aquatic organisms and may cause long-term adverse effects in the aquatic environment."

*Not a single one of the hundreds of references on chromium or chromium compounds includes the word "benign."* The U.S. Navy, an extensive search shows, is the only entity to apply the word "benign" to chromium or chromium compounds – and the U.S. Navy can cite *only* the U.S. Navy for its application of the word to so toxic a material. This is creative environmental assessment at its most inventive. Creativity, however, is not a requirement of NEPA. The EIS should be withdrawn and the process started over.

***The EIS discussion of Unexploded Ordnance is so misleading as to constitute fraudulent concealment***

EIS authors acknowledge that toxins such as uranium and chromium are not

just spewed into air and water by explosions of Naval guns, missiles, and bombs. They blithely note that chromium, chromium compounds, depleted uranium, and other hazardous metals and compounds are also released into the ocean when artillery shells, grenades, high explosives, rockets, and submunitions<sup>2</sup> fail to explode and sink to the bottom. Table 3.3-3 on p. 3.3-8 shows that nearly 5 percent of all military ordnance fails to explode.

"Under the No Action Alternative," the authors announce, "a total of 25,856 naval gunshells would be expended over an ocean area of approximately 122,400 nm<sup>2</sup>." Astonishingly, as emphasized in my February 15 preliminary comments, the EIS *absolutely nowhere says whether those figures are per day, per month, per year, or for how many years past*. Assuming for the sake of the authors' immortal souls that the figures are per year, that would mean some 1,292.8 pieces of unexploded ordnance sinking to the ocean floor every year for an undisclosed number of years. From each of these, according to the EIS, would leach every year undisclosed quantities of barium chromate, potassium perchlorate, phosphorus, titanium compounds, depleted uranium, lead oxide, lead chromate, ammonium perchlorate, fulminate of mercury, and lead azide.

That these are hazardous materials the authors fleetingly note, but then conclude, yet again with absolutely no references whatever: "However, the hazardous constituents decompose slowly, so existing ocean and tidal currents would dissipate these materials to undetectable levels."

Obviously, the EIS authors never troubled to do even a minimal search, which would have brought up numerous articles on highly toxic carcinogenic compounds leaching from unexploded ordnance in sea water, and uptake by marine organisms of such toxins. Some of this research was even done by, for, or in spite of the U.S. Navy in waters off of Vieques, which had been pounded by Navy "training" and "testing" exercises for decades. The EIS nowhere even mentions worldwide concern over the extreme and growing hazard of unexploded ordnance in aquatic environments, as evidenced by international scientific meetings convened specifically to address this issue. See, e.g., "Cancer-causing Toxins Linked to Unexploded Munitions," Science Daily, February 18, 2009; also see U.S. Congressman Earl Blumenauer's UXO (unexploded ordnance) Caucus.

The EIS authors' omission of critical information on where and for how long its No Action Alternative actions have been depositing incredibly toxic materials into our ocean amounts to fraudulent concealment of hazards which the Navy knows or should have known could have serious, significant

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2 Any munition that, to perform its task, separates from a parent munition. Dictionary of Military and Associated Terms. US Department of Defence 2005.

impacts on marine ecosystems and the humans who depend on them. Indeed, the total failure to address this issue strongly suggests an EIS written to support a pre-ordained proposal, assiduously leaving out inconvenient facts that contradict pre-ordained conclusions. The EIS should therefore be withdrawn and the NEPA process begun again honestly, with competent authors.

### **EIS failure to address synergism compounds ignorance of pre-existing condition of environment**

While the EIS authors acknowledge the phenomenon of synergism, they apparently labor under the delusion that the word applies only to sonar. Should they actually read the wealth of research on the numerous toxins the Navy dumps with abandon into coastal waters, they would see many references to synergistic effects among different compounds. Lest the authors have forgotten or never knew, *synergism* occurs when the effects of two or more chemicals combined are greater than and/or different from the sum of their effects separately. Many of the uncited references for chromium and chromium compounds, for example, emphasize that their extremely toxic effects are susceptible to synergism with other elements and conditions, particularly in aquatic systems. The EIS failure to address synergism among the pollutants it produces further invalidates its stunning array of unfounded conclusions.

The failure to address synergism is further compounded by the total failure to address the already compromised aquatic environment of coastal Pacific waters, or how *all* of the Navy's supposed alternatives would exacerbate such pre-existing conditions. A brief search shows that numerous government reports and scientific studies have raised serious concerns about the levels of pollutants being flushed into the ocean by Pacific river systems. The Columbia River, for example, carries toxic loads of dioxins, PCBs, pesticides, radionuclides, heavy metals and other toxins into the ocean (see, e.g., "Columbia River toxins moving up food chain," by Craig Welch, *Seattle Times*, July 10, 2008), where currents and winds carry them to our beaches and coastal waters both north and south of the river mouth. (see, e.g., Paul D. Komar, *The Pacific Northwest Coast: Living with the Shores of Oregon and Washington*, 1997) Other studies have periodically found similar contaminants in other coastal rivers. The EIS failure to address the existence of these well-known pollutants thus omits mention of any synergistic or additive effects of mixing them with the Navy's toxic effluvia, or of how Naval explosions will stir up poisons such as dioxins, PCBs, and heavy metals lodged in sediments and disperse them into the marine environment.

The Navy authors' apparent assumption that Navy activities occur in a pristine, untouched environment is a dangerous and extremely foolish fiction, compounded by the equally dangerous and foolish assumption that synergism does not occur among Navy pollutants and pre-existing poisons. Fiction and false assumptions have no place in environmental impact statements.

### **Conclusion**

The above comments are but the tip of the iceberg, as there has not been time to critique the EIS's lengthy discussions of sonar impacts and explosion damage to marine organisms; a brief skim of those sections, however, indicates that they were prepared with the same cavalier indifference to scientific validation as the sections I have discussed above.

The EIS's gross omissions, false references, nonexistent references, and blatant, repeated assumptions based on no references at all render the document entirely invalid, both scientifically and legally. The EIS should therefore be withdrawn and the entire proposal re-examined and begun from scratch, with qualified personnel clearly identified and the public adequately informed and involved from the start.

The Navy's conduct in both the preparation and the public notification for this EIS has been extremely disillusioning, as it violates not just federal law but the Navy's own proud tradition of integrity and concern for its own people and for the public it serves.

Submitted by

Carol Van Strum

attachments (3)

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*Carol Van Strum*  
*(Address redacted)*

February 15, 2009

Naval Facilities Engineering Command Northwest  
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ATTN: Mrs. Kimberly Kier – NWTRC EIS

Re: Preliminary comments on NWTRC EIS/OEIS

This letter presents my preliminary comments on the draft U.S. Navy Northwest Training Range Complex Environmental Impact Statement/Overseas Environmental Impact Statement, volumes 1 & 2, hereinafter referred to as the EIS.

I consider these to be preliminary comments because I was unaware of the EIS or the Navy's proposed actions until two weeks ago, when I learned via word of mouth of the public meeting held January 30, 2009, too late to be able to attend, particularly as the meeting was held some 45 miles from my home. Due to the Navy's gross failure to inform the public, Oregon's Congressional delegation has asked the comment period on the EIS to be extended to April 11, 2009, but as there is so far no response to the congressional request, I prepare these comments after only a cursory review of the EIS.

The Navy EIS fails to meet the requirements of the National Environmental Policy Act (NEPA) in at least five major respects, any one of which warrants withdrawal of the entire EIS and cancellation of the actions proposed therein. The five major failures identified so far are:

- 1) Failure to identify past, current and future activities in the waters off Oregon and northern California, which comprise most of the area involved in the EIS;
- 2) Total failure to support a finding of no significant impact for Oregon and northern California waters;
- 3) Repeated assumptions of no impact based on absence of data, and repeated findings of no significant impact unsupported by either data or references;

- 4) Blatant failure to examine obvious and feasible alternatives such as reducing or eliminating all testing and training actions in the area; and
- 5) Monumental failure to notify the public or concerned parties from the outset, precluding meaningful review and comment at any stage of EIS development.

**1)** Because the EIS purports to discuss environmental impacts of Navy activities in an area encompassing the entire Oregon coastline, territorial waters, and beyond, its failure to identify those activities precludes meaningful comment and invalidates all conclusions of no significant impact, rendering the entire document invalid.

A "no action" alternative should, as the name implies, mean no action. In Navy parlance, however, the Navy's deceptively named "No Action" alternative reveals that "no action" actually means to continue activities which the Navy claims to be already conducting off the Oregon coast; however, the EIS nowhere identifies what those current activities are, where they are occurring, for how long they have occurred, or what environmental impacts of those activities have already accrued; furthermore, the EIS nowhere identifies any previous environmental assessment or environmental impact statement describing/identifying these current and past activities or discussing their environmental impacts.

The question of past and current Naval activities is highly significant. For example, the EIS acknowledges that past and present activities off the Oregon coast have involved the use of rounds comprised of depleted uranium. Uranium, depleted or otherwise, is an exceptionally persistent material in the environment. The EIS revelations of Navy use of depleted uranium thus raise very serious concerns about how long the Navy has been using depleted uranium rounds in the Pacific Ocean, how much was used per year, where that use has occurred, and what environmental impacts have already accrued from such use, such as uptake by fish and synergistic effects with other wastes and products from Naval exercises. The EIS mentions none of these issues.

**As current activities off the Oregon coast are not covered in this or any environmental impact statement or assessment, such activities are therefore unlawful and the Navy should immediately desist from all activities of any kind in waters from the Oregon coast to the 250-mile limit until such time as valid environmental documents, addressing all current and past activities and their effects, have been prepared and adequately made public to the people of Oregon.**

**2)** The EIS states that its proposed action “may have coastal effects” in the state of Washington, but that “For the States of Oregon and California, the Navy has determined that its Proposed Action will have no coastal effects.” (The coastal zone extends 3 nautical miles seaward from the shoreline.) The EIS absolutely **nowhere** describes either what the proposed action is or will be in Oregon and California coastal waters, or what the effects of the unnamed proposed action will be in those waters. For example, see Table 4-2, pp. 4-3 to 4-7, “Past, Present and Planned Future Projects in the Offshore Area,” which does not include a single project identified for Oregon or northern California. For further example, the word “Oregon” occurs on some 106 pages in Vol. I of the EIS, and on 23 pages of Vol. II; on at most only **five (5)** of those pages does the phrase “no significant impact” also occur, and on *none* of these five pages are any specific actions or locations mentioned. **The Navy EIS determination that the Proposed Action will have no coastal effects in Oregon and California is therefore arbitrary, capricious, and entirely unsupported by any evidence whatsoever. The entire EIS should be withdrawn for that reason alone.**

**3)** Throughout the entire EIS, the Navy exhibits a blatant don't look, don't tell policy toward environmental effects, using an absence of data to justify an assumption that no effects occur. For example, see p. 3.6-15, “The study area for consideration of impacts on marine plants and invertebrates includes the open ocean west of Washington, Oregon, and northern California....Aircraft overflight and training activities **are assumed to have no impacts to marine communities, because impacts of sound on plants and invertebrates are unknown and difficult to quantify.**” Similarly, the EIS repeatedly states a finding of no significant impact totally unsupported by data or even references, e.g., Tables ES-3 Summary of Effects – Geology and Soils; and ES-4 Summary of Effects – Air Quality, which typically conclude, with no data, first that the impacts would be the same as Alternative 1 (for which no specific activities, locations, or impacts were described for Oregon or California), and second, that no significant impacts would therefore occur.

**4)** The EIS fails to examine or consider such obvious and feasible alternatives as reducing or eliminating all training and testing activities in the ocean and territorial waters off Oregon and northern California; or conducting such exercises in other areas of the ocean, such as islands being submerged by rising waters due to global warming, or areas infested by pirates that would provide excellent practice for Naval anti-piracy activities.

**5)** From the outset, the monumental failure of the Navy to notify the public or concerned parties of its proposed actions totally precluded meaningful public participation, review, and comment. The Navy's sole public notice of the 2007 notice of intent/scoping phase of this EIS was placed in a single Oregon newspaper, the *News Guard*, a small weekly in the coastal town of Lincoln City read by very few people outside the immediate vicinity of Lincoln City, thus depriving most of the state and entire coast of any notice whatsoever. According to the EIS, notice of publication of the current draft EIS was placed in the same paper in December, 2008, announcing a public meeting January 30 in South Beach (not Depoe Bay, as the EIS states). However, the editor of the *News Guard* emphatically reported that the paper received no such notice whatsoever and knew nothing of the public meeting until after it occurred. Although the Navy placed small, almost invisible, unreadable ads in a Newport newspaper prior to the meeting<sup>3</sup>, every person who attended – including the Newport paper's reporter -- stated that they learned of it only through word of mouth. Thus a meeting and publication of vital importance to the entire state and especially its 362-mile coastline, was to all intents and purposes a well-kept secret, regardless of Navy protestations to the contrary. **The EIS and the proposals the Navy has devised should therefore be withdrawn and the entire process started over from scoping notice on.**

For the above reasons, I advise the U.S. Navy to withdraw its EIS and correct the grave shortcomings of both its content and the process of public notice identified above before bringing its proposals forward again.

Submitted by:

Carol Van Strum  
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<sup>3</sup> Note also that online versions of said papers (in which Navy had placed ads of open house/hearing) do not carry all of the advertising present in the hard copy. Therefore, notice was even more limited than expected, because it was limited to readers who had access to a hard copy of the paper, thus reducing notice to a much smaller potential population than might otherwise be expected in these www days. The Navy's failure to even investigate this possibility, let alone compensate for it by utilizing the many other easily available & inexpensive methods of providing adequate public notice of the issuance of the scoping process & EIS, provides additional support for an immediate finding of failure to comply with NEPA & the Navy's own regulations implementing NEPA and the conclusion that the EIS should be withdrawn & the scoping process restarted. This time with appropriate compliance with NEPA.