

13 October 2015

The Honorable Donald R. Schregardus
Deputy Assistant Secretary of the Navy for Environment
1000 Navy Pentagon
Room 4A674
Washington, DC 20350

RE: Unlawful U.S. Navy NWTT Final EIS/OEIS

Dear Mr. Schregardus:

On behalf of the West Coast Action Alliance and the Olympic Forest Coalition, we are writing to urge that you reconsider the hasty and unlawful manner in which the U.S. Navy is proceeding in its rush toward a Record of Decision with regard to the Final Northwest Training and Testing EIS/OEIS, which was released on October 2, 2015.

We are: Karen Sullivan, member, co-founder of the WCAA and retired U.S. Fish and Wildlife Service biologist; Kenneth Bleyer, member, co-founder of the WCAA and environmental/social justice attorney; and Patrick Noonan, member of the WCAA, former U.S. Navy F-4 and test pilot, and Vietnam veteran. Connie Gallant, consumer advocate and chair of the Washington State Democrats 24th Legislative District, joins this communication both in her capacity as a member of WCAA and on behalf of the Olympic Forest Coalition, of which she is president.

We submit that the Final EIS is unlawful and fatally flawed for a number of significant reasons, listed briefly here and explained in detail further in the attached memo:

- **Failure to provide reasonable notice to the public.**
- **Failure to provide adequate comment process.**
- **Failure to address functionally connected activities and their cumulative impacts.**
- **Failure to adequately consider impacts to Olympic National Park's World Heritage designation.**
- **Failure to wait until completion of Final EIS and Record of Decision before initiating actions.**

Ethical and legal questions about the Navy's conduct abound: hidden notices, comment periods that have been shortened or wholly eliminated, and last-minute publication of key documents coupled with total disregard for NEPA's prohibitions on segmentation present a clear and present danger that the Navy is hastily proceeding with plans regardless and in defiance of federally mandated processes. The Navy brand

has already taken an enormous hit because of the tactics that its agents at Naval Air Station Whidbey Island, particularly John Mosher and Michael Nortier, have pursued rather than acting as the “good neighbors” they portray themselves and the Navy to be.

Reasonable concerns and objections presented by the public and allied organizations continue to be utterly disregarded, and this controversy intensifies by the day. For example, Congressman Derek Kilmer requested several months ago that the Navy undertake a sound study under the auspices of the Federal Interagency Committee on Aviation Noise (FICAN), but the Navy failed to do so. Instead it reconstituted an older study using data from Prowler jets, which are no longer being flown, to justify no significant impacts on the soundscapes of Olympic National Park, in its Final NWTT EIS/OEIS.

To avoid further deepening this crisis and the legal challenges that will most assuredly follow, we the undersigned no longer request but rather demand that the Navy follow its own policies as well as the law. Specifically, we propose the following action items to be undertaken immediately:

Issue notice immediately that the 30 day “wait period” posted on October 2, 2015 is suspended until such time as wildlife agencies have the opportunity to complete their work in compliance with the Endangered Species Act and other statutory requirements.

Provide any and all information and materials requested by state and federal agencies to undertake a thorough review of this matter.

Grant mitigation requests by these agencies; so far none suggested to date have sounded unreasonable by any measure.

Refrain from signing the Record of Decision until the Navy and the public have had adequate time to review the Biological Opinion, the Section 106 determination for the State Historic Preservation Officer, and the sound study by the Federal Interagency Committee on Aviation Noise (FICAN) that was requested several months ago by Congressman Derek Kilmer.

Refrain from proceeding with activities under a Letter of Authorization from the National Marine Fisheries Service for incidental take of listed species until a preferred alternative has been identified and the public has had time to review and comment on it.

Should the Fish and Wildlife Service’s Biological Opinion contain new information or require further evaluation, mitigation, or alteration of activity in order to protect or prevent harm to threatened and endangered species, the Navy must refrain from proceeding with its proposed activity until such matters have been addressed and fully disclosed to the public.

Respond to this letter and to the public with details of what the Navy is doing with regard to consultation with, and a determination from, the State Historic Preservation Officer, under Section 106 of the National Historic Preservation Act.

Publish a comprehensive report identifying every change made in the Final EIS and then re-initiate a public comment period lasting 60 days in order to give adequate opportunity to review and comment on this Northwest Training and Testing Final EIS.

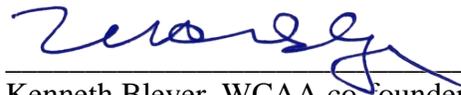
We are not calling for the closure of Naval Air Station Whidbey Island, the grounding of Growler jets, or complete cessation of at-sea activity. We are pro-training for our military and we support the Naval mission. But we will not accept the abuses of public processes that we have witnessed and been subjected to, nor the endless segmented and piecemealed proposals that are impossible for the public to follow, if and even when we get notice or the chance to comment. We do not accept the unprecedented encroachment by the military on public lands and waters, and in the airspace over our communities, without a fair chance to be heard as provided by law. Our request is for an honest dialogue that has the potential to create solutions that work for everyone, not just the Navy.

We thank you in advance for your careful consideration and action in furtherance of our requests contained in this letter and attached memorandum, and we eagerly look forward to your response.

Respectfully submitted on behalf of the West Coast Action Alliance and Olympic Forest Coalition,



Karen Sullivan, WCAA co-founder



Kenneth Bleyer, WCAA co-founder



Connie Gallant, President,
Olympic Forest Coalition



Patrick Noonan, WCAA member

Attachments: Unlawful U.S. Navy NWTT Final EIS/OEIS Memorandum