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THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITIZENS OF EBEBY'S RESERVE FOR A
HEALTHY, SAFE & PEACEFUL
ENVIRONMENT,

Plaintiffs,

v.

U.S. DEPARTMENT OF THE NAVY;
ADMIRAL BILL GORTNEY, in his official
capacity as the Commander, Fleet Forces
Command; and COMMANDER MIKE
NORTIER, in his official capacity as
Commander Naval Air Station Whidbey
Island,

Federal Defendants.

NO. 2:13-cv-01232-TSZ

DECLARATION OF KENNETH C
PICKARD

I, Kenneth C. Pickard, declare as follows:

1. I am over the age of 18 and competent to testify in this matter. The information in this declaration is based on my personal belief.

2. I am 64 years of age and a third generation resident of Coupeville, WA. My primary house is on farm land owned by my family prior to the Navy ever using OLF Coupeville for FCLP training. I am a retired attorney having operated a one man law office

1 in Coupeville for thirty-five (35) years. I majored in environmental studies at the
2 University of Washington, went on to law school at University of Puget Sound graduating
3 in 1976 and opening my office in that year. I completed law school in order to preserve our
4 precious Ebey's Landing National Historical Reserve, which we did through years of
5 litigation, lobbying and Congressional Help.
6

7 3. I organized the Washington State non-profit corporation The Citizens of the
8 Ebeys Reserve for a Health, Safe and Peaceful Environment ("COER"). I was president
9 initially and remain a Board Member. COER is primarily dedicated to protecting the
10 health and welfare of our members, the citizens of the Coupeville area and the Ebeys
11 Landing Reserve from the detrimental impacts of jet aircraft noise at OLF Coupeville.
12 COER is dedicated to permanently ending military flight training at OLF Coupeville.
13

14 4. COER uses its website to reach out and inform the public, health officials,
15 and decision-makers of the harmful impacts of noise created by the use of the EA-18G
16 Growler at OLF-Coupeville. Our website is located at citizensofebeysreserve.com.
17 The website includes links to health studies, Navy documents, news reports and video.
18 Video links include a link to a youtube channel that hosts multiple videos documenting the
19 sound of FCLP practice over our community: youtube.com/user/coupevillecitizens
20

21 5. As to the arrival of the EA18G Growlers over our Ebey's Reserve, I did not
22 experience them until August of 2012. I had just that day returned from a summer holiday
23 in British Columbia when the Growlers commenced FCLP's over my house. It was so
24 devastating that I immediately developed Atrial Fibrillation, (A Fib). This being a new
25 condition, I proceeded to the Whidbey General Hospital Emergency Room where I was
26 evaluated and admitted for overnight observation, released the next day. I saw Dr. English
27
28

1 at Swedish Hospital in Seattle thereafter and he prescribed a beta blocker medication for
2 me. I was and am otherwise completely healthy. I was concerned about possible side
3 effects and my internist here in Coupeville, Dr. Lee Roof, thought that although I faced
4 increased risk of stroke and heart attack when I was in A Fib, that taking baby aspirin
5 would work for me for the time being to reduce stroke risk. Had I had other conditions
6 such as diabetes or hypertension he would have agreed with Dr. English's prescription.
7

8 6. I have developed A Fib many times during Growler training at the OLF. It
9 is very worrisome when it happens, I can feel my chest pounding, sometimes I break into a
10 sweat, etc. For the last year or so, when they fly I have to immediately put on my ear
11 protectors and vacate my home in order to avoid developing A Fib accompanied by intense
12 anxiety, anger, hearing loss, etc. For example, the Navy announced it will fly five days this
13 coming week, starting Monday March 16, 2015. I will be taking my camper van and
14 leaving home for a week, at great inconvenience, however I cannot remain in my residence
15 when the Growlers are overhead, at 500 feet or less elevation. With a reputable sound
16 meter I have measured 125 dBA in my yard and 90-95 dBA in my home from Growler
17 noise. I know this is toxic, unhealthy and thus I'm forced from my home while the Navy
18 condemns the airspace over my home and land.
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21 7. After last week with scheduled flying all five weekdays, mornings,
22 afternoons and nights on various days, with us fleeing our home on Tuesday to camp out in
23 freezing weather east of the mountains to avoid the toxic noise, we returned home last
24 night, March 20, 2015, to find this schedule of toxic abuse for every day of the upcoming
25 week:
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1 "Flight Operations Schedule at OLF Coupeville the Week of March 22-28,
2 2016

3 NAVAL AIR STATION WHIDBEY ISLAND, WASH.-Field Carrier
4 Landing Practice (FCLP) operations for aircraft stationed at NAS
5 Whidbey Island are scheduled to occur at the Outlying Field (OLF) in
6 Coupeville, Wash., Monday, March 23 through Friday, March 27, 2015.

7 On Monday, March 23, FCLP training at OLF Coupeville is scheduled
8 from early evening to late night. On Tuesday, March 24, FCLP training is
9 scheduled from mid-morning to mid-afternoon. On Wednesday, March 25,
10 FCLP training is scheduled from mid-morning to mid-afternoon, then
11 again from early evening to late night. On Thursday, March 26, FCLP
12 training is scheduled from early evening to late night, and on Friday,
13 March 27, FCLP training is scheduled from mid-morning to mid-
14 afternoon."

15 8. One other thing. I and many others have dedicated our lives to preserving
16 our Ebey's Landing National Historical Reserve. The U.S. Government has spent millions
17 of dollars protecting lands here through outright acquisition and purchase of conservation
18 easements. Now the U.S. Government, through its' Navy is seriously degrading not only
19 our health, lives, home values but also our beloved Reserve.

20 9. In my opinion, the only hope we have of protecting our deteriorating health,
21 declined quality of life, declining home values and the Ebey's Landing National Historical
22 Reserve is this effort. I believe that if our request for injunction relief fails it will stand for
23 the proposition that in the United States it is okay for the military to permanently injure the
24 health and welfare of citizens in order to conduct military training, a haunting but presently
25 true proposition.

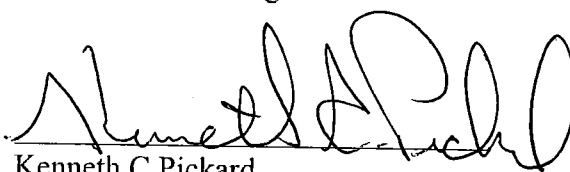
26 10. I declare under penalty of perjury under the laws of the State of Washington
27 that the foregoing is true and correct.

28
DECLARATION OF KENNETH C. PICKARD
(NO. 2:13-cv-01232-TSZ) - 4

GENDLER & MANN, LLP
615 2nd Ave. Suite 560
Seattle, WA 98104
Phone: (206) 621-8868
Fax: (206) 621-0512

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Dated this 23rd day of April, 2015, in Coupeville, Washington.

By: 
Kenneth C Pickard

DECLARATION OF KENNETH C. PICKARD
(NO. 2:13-cv-01232-TSZ) - 5

GENDLER & MANN, LLP
615 2nd Ave. Suite 560
Seattle, WA 98104
Phone: (206) 621-8868
Fax: (206) 621-0512