

CITIZENS OF EBHEY'S RESERVE

protecting our land, homes, and health

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FOR IMMEDIATE RELEASE

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Coupeville, WA - Today, both Citizens of the Ebey's Reserve ("COER") and the Washington State Attorney General filed lawsuits against the U.S. Navy under the National Environmental Policy Act ("NEPA"). COER thanks Attorney General Robert Ferguson and his outstanding staff, for taking a hard look at the Navy's EIS and Record of Decision expanding EA18-G "Growler" operations at NAS Whidbey, and for unequivocally saying to the Navy that this decision is unreasonably harmful, unsustainable, and contrary to federal law. In filing their NEPA suit, the Attorney General largely validates what COER has been saying for most of the past decade: the Navy decision to base all Growler electronic attack aircraft on Whidbey Island with training over civilian populations, near schools and the hospital, over Ebey's Reserve, the Olympic National Forest and Park, and Deception Pass State Park, must be reversed.

COER has been engaged with the Navy in a struggle for our civilian communities, our Salish Sea environment, and in broader sense for our democracy itself. This fight is to return civilian control over military actions and to force the Navy to comply with federal law in its basing and training decisions.

Congress has provided the Navy, and the other branches of the military, with millions of acres reserved for training purposes. Military reservations are where military activities should take place, not over civilian populations, not in our national and state parks, and not where training has devastating effects upon civilians, the environment and natural species.

The Navy's Growler expansion decision violated NEPA in numerous ways. Among the most egregious and critical failures are:

- The Navy segmented its decision-making process to minimize and avoid assessing cumulative impacts, thereby depriving the public and elected officials from adequately assessing Navy plans. The Growler EIS was limited in geographic scope to Whidbey Island and should have included all areas impacted, including Port Townsend, the Kitsap Peninsula and the San Juan Islands. Under NEPA the Growler EIS should have been incorporated into the larger Northwest Training and Testing EIS currently being conducted, whose scope includes all airspace, land and coastal marine environments from Northern California to the Canadian border;
- The Navy failed to examine alternative locations to basing the additional Growlers at NAS Whidbey;
- The Navy failed to ensure the *professional and scientific integrity* of its analysis as mandated by NEPA. It violated standard scientific protocols by selectively employing criteria and invalidated theories in support of what appears to be a pre-determined decision. For example, the Navy employed noise-threshold tolerance levels commonly rejected within the world scientific community as outdated, and it ignored and misrepresented major scientific findings on the non-auditory impacts of noise on human health;
- The Navy failed to adequately examine the direct and indirect impacts upon threatened and endangered species, such as Washington's resident orcas and the marbled murrelet; and
- The Navy failed to conduct meaningful analyses of the human impacts of military jet noise by:
 - refusing to conduct actual on-site noise monitoring, relying instead upon outdated models which consistently understate actual noise levels and impacts;

- averaging sound levels to veil the number, frequency and duration of dangerous peak sound events; and
- failing to explain how jet noise will affect peoples' lives (e.g., acknowledging and describing how sustained exposure to jet noise will result in permanent hearing loss and non-auditory health impacts; describing how normal life inside people's homes and businesses will be disrupted and made unbearable; disclosing the true impairments on children's learning in school and patients' recovery in the hospital; and being forthright about the incompatibility with tourism and the number of visitors who will not return to our national and state parks once driven out by military jet noise).

Relief sought in these lawsuits includes a preliminary injunction to halt the Growler expansion, and for an order requiring the Navy to withdraw its Record of Decision and to prepare a supplemental draft EIS that corrects all deficiencies in compliance with NEPA.

Citizens of the Ebey's Reserve is represented in this lawsuit by Bricklin & Newman, LLP, attorneys at law, 1424 Fourth Avenue, Suite 500, Seattle, WA 98101, telephone 206.264.8600.

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