

CITIZENS OF EBHEY'S RESERVE

protecting our land, homes, and health

For Immediate Release

February 14, 2020

Contacts:

Robert Wilbur, President COER
360-679-4850, bbwilbur@frontier.com

Dave Bricklin, [Bricklin & Newman, LLP](#),
1-206-264-8600, bricklin@bnd-law.com

Citizens of the Ebey's Reserve (COER) along with private citizen Paula Spina have just filed a motion for a preliminary injunction asking the court to roll back the EA-18G "Growler" carrier landing practice at Outlying Field (OLF) Coupeville to pre-2019 levels—i.e., 6100 annual operations—until the court reaches a decision on the merits in the pending federal lawsuit. The new additional Growler operations would be moved to one or more environmentally suited off-Whidbey locations previously used and available to the Navy.

COER seeks to return the flight operations to those levels that existed prior to the Navy's March 2019 record of decision until the court rules on challenges brought by COER and the State of Washington to the Navy's Environmental Impact Statement (EIS) and record of decision under the National Environmental Policy Act (NEPA). COER's motion asserts that the EIS was inadequate for these reasons, among others:

1. The Navy misused the day-night noise level by failing to compare the difference between the DNL on quiet days and noisy flying days, masking the NEPA mandate to credibly reveal impacts.
2. The Navy failed to assess noise impacts associated with the noisier enhanced engines that the Navy is retrofitting on the Growlers.

3. Although widely advised and requested to validate their computer-modeled noise projections with actual on-site noise monitoring, the Navy refused to do so.

In addition, COER's motions argues that the Navy violated the National Historic Preservation Act when it failed to provide substantive justification for its refusal to adopt recommendations to protect Ebey's Landing Historic Reserve that were advanced by the State Historic Preservation Officer and the Federal Advisory Council on Historic Preservation.

The motion further details a myriad of damages to residents and visitors. As retired audiologist and COER board member, Marianne Brabanski, explains: "There is overwhelming medical evidence that Growler noise is causing irreparable injury to hearing and human health."

COER president Bob Wilbur said in a statement: "Since 2005 the Navy has, in its exhaustive planning documents, informed the public and land-use planners that they should count on 6100 annual operations at the OLF. Compatible development proceeded accordingly. Now the Navy has decided to ignore its prior guidance and increase OLF operations fourfold. That cavalier misdirection cannot stand."

The motion concludes that an injunction will serve the public interest by protecting not only local citizens of Whidbey Island, who are suffering great hardship through no fault of their own, but also residents and visitors to the Olympic Peninsula and San Juan Islands. COER has not made this decision lightly but believes it must defend those devastated by this regrettable record of decision and inadequate EIS.

COER and Paula Spina are represented in the matter by the Seattle law firm Bricklin & Newman, LLP.

COER is the organizer and group member of the Sound Defense Alliance challenging Growler expansion in Northwest Washington. For more information about COER, visit the website at <https://citizensofebysreserve.com/>.