

District Judge Richard A. Jones

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON, *et al.*,

Plaintiff,

v.

The UNITED STATES DEPARTMENT OF
THE NAVY, *et al.*,
Defendants,

No. 2:19-cv-01059-RAJ

DECLARATION OF VICE ADMIRAL KENNETH
R. WHITESELL, U.S. NAVY

I, Vice Admiral Kenneth R. Whitesell, U.S. Navy, do hereby declare as follows:

1. I make this declaration in support of the Department of the Navy's (Navy) response to Plaintiffs' request for remand with vacatur in the above-referenced litigation. This declaration will provide unclassified details of the impact of a vacatur of the March 2019 Record of Decision (2019 ROD) on Naval training and operations. I refer the court to my classified declaration for amplifying information. I am familiar with this Court's August 2, 2022 decision and Plaintiffs' briefs regarding remedy. (*See* Docket Nos. 119, 128, 129.) I am also familiar with the declarations of Captain David F. Harris and Captain Eric Hanks, which are being filed

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1 concurrently with my declaration.

2 2. I am a Naval Officer with over 38 years of commissioned service and experience.
3 I graduated from Old Dominion University in 1983 and am a graduate of the Joint Forces Staff
4 College and the Naval War College with a Master of Arts in National Security and Strategic
5 Studies. My operational assignments have included Fighter Squadron (VF) 142 aboard aircraft
6 carrier USS Eisenhower (CVN 69); Top Gun training officer and assistant operations officer
7 with VF-74, aboard USS Saratoga (CV 60); and VF-32, aboard aircraft carrier USS Theodore
8 Roosevelt (CVN 71). I served as Commanding Officer, Strike Fighter Squadron¹ (VFA) 41,
9 aboard USS Nimitz (CVN 68) and Commander, Carrier Air Wing 1, aboard aircraft carrier USS
10 Enterprise (CVN 65). In addition, I have served as the tactics phase leader with VF-101, F-14
11 Fleet Replacement Squadron (FRS); assistant readiness officer, Commander, Fighter Wing
12 Atlantic; a joint tour as a strategic action officer, National Military Command Center, Joint
13 Chiefs of Staff, Washington D.C.; executive officer, VFA-122 during the fleet transition to the
14 FA-18E/F Super Hornet; and as the tactical air (TACAIR) commander detailer and head
15 assignments officer, Navy Personnel Command; and chief of staff and director, Maritime
16 Operations Center, Commander, U.S. Navy Central Command/Commander, U.S. Fifth Fleet.

17 3. As an Admiral, I have served as Commander of Carrier Strike Group (CSG)
18 TWO, aboard aircraft carrier USS George H.W. Bush (CVN 77). I also served as director,
19 Assistant Commander, Navy Personnel Command for Career Management (PERS-4);
20 commander, CSG FOUR; and as deputy commander, U.S. Pacific Fleet. During my years of
21

22 ¹ A Carrier Air Wing consists of over 70 aircraft that, when embarked on board an aircraft carrier, provides most of
23 the strike power and Electronic Warfare (EW) capability of the Carrier Strike Group (CSG). A Strike Fighter
24 Squadron is one of the squadrons that comprise the Carrier Air Wing. The CSG consists of an aircraft carrier, an
embarked Carrier Air Wing, and various escort ships (e.g., guided missile cruisers, anti-aircraft warships, anti-
submarine destroyers and frigates, and submarines).

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1 service, I have accumulated over 4,000 flight hours and performed 1,005 aircraft carrier
2 landings.

3 4. In October 2020, I became Commander, Naval Air Forces (Air Boss) and
4 Commander, Naval Air Force, U.S. Pacific Fleet. My responsibilities as Air Boss include
5 manning, training, and equipping deployable, combat-ready Naval Aviation forces for the entire
6 U.S. Navy, including aircraft carriers and aviation squadrons, to win in combat. I must ensure
7 that we prepare naval aviators to safely execute their duties whether shore-based, sea-based, or in
8 the air. Included in my responsibilities is ensuring the U.S. military's EA-18G Growler aircraft
9 (Growlers) are world-wide deployable and combat-ready to protect the United States, Coalition,
10 and North Atlantic Treaty Organization (NATO) forces. I ensure that Growlers are available to
11 support combat operations wherever and whenever our nation's authorities demand.

12 5. In March 2019, the Navy issued the 2019 ROD on its Final Environmental
13 Impact Statement (FEIS) to expand existing Growler operations at the Naval Air Station
14 Whidbey Island (NASWI) complex, which includes Ault Field and Outlying Landing Field
15 (OLF) Coupeville. The 2019 ROD allowed for the addition of 36 Growler aircraft at NASWI.
16 NASWI's Growler squadrons represent the only Airborne Electronic Attack (AEA) assets in
17 the Department of Defense's (DoD) inventory. AEA requirements are met in two ways – those
18 Growler squadrons that are deployed on board an aircraft carrier (Growler carrier-based
19 squadrons) and those that are not carrier-based (Growler expeditionary squadrons). The
20 addition of these aircraft to the NASWI complex allowed for the addition of Growler aircraft to
21 existing Growler carrier-based squadrons, increasing the number of aircraft in each squadron to
22 from five to seven, and the addition of two Growler expeditionary squadrons. This increased
23 the number of aircrew in each squadron, and required a commensurate increase in total training
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1 operations to support the deployment schedule for those Growler squadrons. The final number
2 of aircraft and fully trained personnel provided for by the 2019 ROD is critical to delivering
3 essential Growler electronic warfare (EW) capability and tactics to Combatant Commanders.²
4 The 2019 ROD ensures that Growler squadrons are properly equipped and safely trained to
5 identify, track, and target adversaries in a complex EW environment.

6 **Carrier-Based Naval Aviation**

7 6. Carrier-based naval aviation units deploy and operate around the globe.
8 National interests require the speed, endurance, flexibility and autonomous nature of a CSG.
9 CSGs provide our national command authority with ready options, access, and forward
10 presence that allow for a significant rapid response to a wide spectrum of threats. The aircraft
11 carrier and its associated carrier air wing support two of the Navy's critical missions: (1) war
12 fighting and security and (2) deterrence through forward presence. The war-fighting and
13 security mission calls for the Navy to be able to bring military force to bear by projecting
14 maritime strike and air power in every region of the world, both near and far from the United
15 States.

16 7. CSGs are independent strike forces capable of engaging threats at sea as well as
17 projecting power hundreds of miles inland. The deterrence through forward presence mission
18 calls for demonstrations of power projection through location of a maneuverable naval force,
19 along with the performance of functions other than kinetic warfare, including crisis response,
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21 _____
22 ² Combatant Commanders maintain predetermined levels of combat capability as directed by the President of the
23 United States or the Secretary of Defense as directed by the President. (10 U.S.C. § 164(b).) These Combatant
24 Commanders' requirements determine the pace at which the Navy's units and assets train and deploy, and the types
and numbers of assets needed to meet mission requirements. (10 U.S.C. § 164(c).) There are six geographic
Combatant Commands: Africa Command, Central Command, European Command, Indo-Pacific Command,
Northern Command, and Southern Command.

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1 Defense directed the Navy to maintain AEA capability indefinitely. No other military service
2 maintains that capability today. Instead, those services now rely on the Navy to provide
3 support to its aircraft using the Growler's unique capabilities.

4 10. Growlers are always among the first into combat, securing the electromagnetic
5 operational domain by jamming adversary systems and protecting U.S., as well as Coalition
6 and NATO forces, from detection and intercept. Growlers are also critical for protection of
7 stealth aircraft that are in use today. While stealth technologies like the B-2 Bomber and F-35
8 Joint Strike Fighter (JSF) reduce detection by enemy radars, they are not invisible. For
9 example, while the F-35 JSF has jamming capabilities across many frequencies, it lacks the full
10 spectrum capability that only the Growler can provide. Growlers are needed to protect these
11 high-value assets from enemy missile systems during combat operations. Through EW,
12 Growlers provide a necessary advantage as they enter hostile battlespace, using the
13 electromagnetic spectrum to their advantage while denying the enemy's ability to do so. There
14 are many capabilities whose functions depend on the electromagnetic spectrum, such as
15 intelligence (satellite up/down links), communications (cell phones and radios), positioning,
16 navigating and timing (global positioning system (GPS)), and command and control (air traffic
17 control radars). To protect friendly forces, a military force must have unimpeded access to,
18 and use of, the electromagnetic spectrum. Electronic attack tactics prevent or reduce an
19 enemy's effective use of the electromagnetic spectrum by employing systems and weapons that
20 use electromagnetic energy for jamming, disruption, denial, or deception, and in some cases
21 destruction of enemy electromagnetic equipment. This range in EW capabilities allows
22 Growlers to protect CSGs, Marines in amphibious operations, and Army soldiers moving
23 through contested regions.

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1 11. The Growler aircraft has eleven ordnance stations for carrying electronic
2 mission systems and weapons, which provides versatile mission capability. Growlers can
3 interrupt enemy air defense systems both in air and on land using electronic measures.
4 Furthermore, it shares speed and agility with the F/A-18F Super Hornet because it has the same
5 airframe and same engines. Therefore, it is highly capable, effective, and survivable as an
6 escort for aircraft, surface ships, and aircraft carriers.

7 12. The Growler aircraft is also equipped with an advanced Active Electronically
8 Scanned Array (AESA) radar, which provides a reliable, jam-resistant air-to-air and air-to-
9 ground capability with detection, targeting, tracking, and electronic protection modes. Further,
10 the ability of the Growler to operate from an aircraft carrier or from an expeditionary land base
11 makes it an exceptionally flexible strategic asset and a critically important weapons system in
12 high demand around the world.

13 13. The Navy requires six Growler expeditionary squadrons and eight Growler
14 carrier-based squadrons to support the requirements from Combatant Commanders around the
15 globe.³ The high demand for Growlers and their vital importance to the protection of our
16 nation's military underscores the necessary increase in flight operations for both the Growler
17 carrier-based squadrons and the Growler expeditionary squadrons provided for in the 2019
18 ROD.

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23 ³ There are eight Growler carrier-based squadrons, five Growler expeditionary squadrons, and one Fleet
24 Replacement Squadron (FRS) which are home based at NASWI. An additional Growler squadron is forward
25 deployed and based at Marine Corps Air Station Iwakuni, Japan Naval Air Station.

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Training

14. A Carrier Air Wing is comprised of over 70 aircraft that, when embarked aboard an aircraft carrier, provides most of the striking power and EW capabilities of a CSG. A Carrier Air Wing is assembled from a variety of diverse aircraft, each contributing a specific combat capability to the whole. Assembling the Carrier Air Wing depends on a complex, inter-woven, multi-year training process known as the Optimized Fleet Response Plan (OFRP) that integrates aircraft from bases across the nation into an integrated fighting force. In broad outline, the OFRP sets a specific schedule where individual elements of the Carrier Air Wing – Super Hornets, Growlers, F-35C Lightning IIs, E2-D Hawkeyes, helicopters and others – begin their initial training, gaining tactical proficiency in their assigned aircraft. Each aircraft community then trains with larger groups including other air elements. For example, Super Hornets and Lightning IIs will train with Growler and Hawkeye support, learning how to share information and gaining experience with the capabilities that Growlers provide to the strike fighters. These combined aircraft elements then train with surface ships, non-carrier air wing aviation assets, and submarine elements in training evolutions that involve ever-greater complexity and integration, culminating in a composite training unit exercise prior to deployment of the CSG. Synchronizing these training phases is critical, as the skills our sailors and aviators need for their deployments (typically lasting seven to eight months) are perishable and must peak just as the CSG is ready to deploy.⁴ Each element (air, sea, and undersea) of a CSG must reach its training milestones at the appropriate time and be supported by properly

⁴ The Navy has established these parameters on deployment length because extensive experience teaches longer deployments take a toll on our personnel, the material condition of the equipment, and the capabilities of the strike group. Personnel spend time away from home on deployment and for underway periods of training and exercises, preparing to deploy. These absences from home make it extremely challenging to maintain a stable, healthy family life.

1 maintained equipment and a rested, deployable crew. Every combat element of the strike
2 group, including the Growler, is either working up to deploy, is deployed, or is ending their
3 deployment.

4 15. A steady stream of trained aviators and aircraft maintenance personnel is
5 paramount to sustaining our nation's global presence and implementing our technological
6 edge. Capability and capacity are necessary to train our naval aviation force. Capability
7 comes from training techniques and devices that not only replicate the anticipated warfighting
8 domain, but also develop ingrained skills that will allow our force to prevail in combat.
9 Capacity is the second challenge. Many factors impact training everyone to the highest
10 standards with the latest equipment. Those include managing professional development of
11 individual aviators, flight hours in the aircraft, access to training landing fields and ranges,
12 simulator events, and quality of life and safety considerations all impact the effectiveness of
13 our training systems. Expanding operational commitments, increasingly complex and
14 integrated missions, and federal budget uncertainties continue to test Naval Aviation's ability
15 to effectively train our forces for all possible missions. Therefore, Naval Aviation must
16 maximize every training opportunity with efficient training environments and tools that
17 replicate the operating environments, realistic adversary tactics, and equipment and battlespace
18 complexity.

19 16. For Growler squadrons, the OFRP cycle consists of unit basic-level training,
20 which predominately occurs at NASWI, and then follow-on intermediate and advanced-level
21 training with other forces before a planned deployment and potential follow-on sustainment
22 phase. The OFRP calls for a full three-year (36 month) OFRP cycle for these aviation units,
23 which begins and ends with a maintenance period. To ensure maximum safety and

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1 proficiency, Field Carrier Landing Practice (FCLP) training is required to be conducted prior to
2 all at-sea OFRP evolutions. At sea OFRP evolutions consist of carrier qualifications and Strike
3 Group wide combined training that is an essential requirement for deployment readiness
4 certification.

5 17. As discussed in the declaration of Captain Harris, every Growler pilot goes
6 through Fleet Replacement Squadron (FRS) training before assignment to an expeditionary or
7 carrier-based squadron. This training occurs for both beginner replacement aircrew (Category
8 1), aircrew transitioning from other aircraft to Growlers (Category 2), and aircrew returning
9 from non-flying duty to deployable squadrons needing refresher training (Category 3).
10 Training these aircrews and then assigning them to operational squadrons is a constant cycle.
11 Personnel receive three year orders to a unit. Therefore, in any given year, one third of the
12 unit's personnel (to include both aircrews and maintenance crew) will be rotating out of the
13 squadron and new personnel will be arriving.

14 18. Particularly relevant here, the rapid launch, recovery, refueling, and rearming of
15 tactical aircraft from an aircraft carrier is a complex task involving pilots, maintenance
16 personnel, and support personnel, and represents a highly specialized system of operations
17 unique to Naval Aviation, which must be choreographed and executed with precision.
18 Personnel must learn how to launch, recover, refuel and rearm up to 45 aircraft, concurrently,
19 at night, often in bad weather, on an aircraft carrier flight deck. In those circumstances, safety
20 is paramount. The constant threat posed by jet engine intakes and exhausts, turning propellers
21 and rotors, and moving aircraft makes the aircraft carrier flight deck an extremely dangerous
22 work environment.

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1 19. One of the most difficult skills for a new pilot to learn and an experienced pilot
2 to maintain is the ability to safely land on an aircraft carrier at sea in all conditions, including
3 total darkness and heavy seas. Training for this vital skill involves classroom instruction, flight
4 simulator practice, and FCLP training, which consists of practice carrier landings in the actual
5 aircraft in a controlled environment that closely replicates the aircraft carrier at sea. Pilots of
6 all carrier-based aircraft, including Growler pilots, conduct FCLPs prior to initial carrier
7 qualification, every at-sea period, and deployment to obtain, maintain, and demonstrate
8 proficiency in carrier landings. An FCLP is conducted under the observation of a landing
9 signals officer (LSO) on the ground and in the controlled environment of a remote airfield with
10 a stationary runway (such as OLF Coupeville) that is wider and longer than the landing area of
11 an aircraft carrier, thereby providing an acceptable margin of safety for landing practice.
12 FCLP runways have a painted "carrier box" for day landings, and lighting that replicates the
13 carrier deck for night landings with the regular runway lights are turned off. FCLP runways
14 also must have an Improved Fresnel Lens Optical Landing System (IFLOLS) and LSO station
15 with lighting controls and radios located next to the landing area of the runway. During FCLP
16 operations, each aircraft flies a landing pattern that replicates the landing pattern flown over
17 the carrier at sea, and performs multiple landings in a single FCLP period, usually lasting about
18 45 minutes. For the sake of efficiency, multiple aircraft (usually up to five) will share the same
19 racetrack-shaped landing pattern, alternately making an approach and practice landing
20 approximately 45 to 60 seconds apart. So, by nature, when FCLP is ongoing at an airfield, it
21 usually disrupts, delays, and often inhibits the use of the airfield by other aircraft. This is one
22 reason why the Navy has chosen to build OLFs for FCLP near naval air stations where carrier
23 aircraft are home-based.

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The Importance of NASWI

20. NASWI is vital to the Navy's Growler mission, and OLF Coupeville, in particular, is a vital asset for FCLP training. The completeness of the training that takes place in the areas around NASWI cannot be replicated anywhere else. All Growlers are homebased at NASWI, with the exception of a permanent forward-deployed squadron in Japan. Considerations that necessitate the home-basing of Growlers at NASWI include the location of suitable airfields that provide for the most realistic training environment; the distance aircraft have to travel to accomplish training; the expense of duplicating capabilities that already exist at NASWI; the operational readiness and synergy of the small Growler community; access to training areas, Special Use Airspace, and military training routes;⁵ effective use of existing infrastructure, management of aircraft inventories, simulators, maintenance equipment, and logistical support; and effective use of personnel to improve operational responsiveness and readiness.

21. The FCLP training accomplished at OLF Coupeville cannot be sustained outside the NASWI complex. OLF Coupeville is an efficient, local field, custom-designed for Naval FCLP operations, to ensure aviators can safely land on an aircraft carrier at sea. Landing on an aircraft carrier is perhaps the most difficult operation in all of military aviation, and the requirements for FCLP airfields ensure that each FCLP realistically trains Naval Aviators to land on an aircraft carrier. To be suitable for FCLP, the airfield must have certain attributes, including: (1) airfield elevation at or below 1,000 feet above mean sea level, (2) a runway

⁵ Special Use Airspace is FAA-designated airspace restricted for specific uses, while military training routes are aerial corridors across the United States in which military aircraft can operate below 10,000 feet faster than the maximum safe speed that other aircraft are restricted to by FAA regulations. One of the benefits of NASWI's location is its proximity to the Special Use Airspace located over the Olympic Peninsula in Washington State.

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1 aligned with the prevailing winds, (3) low ambient lighting to duplicate the at-sea carrier
2 environment, (4) maximum transit distance from the home field of 50 nautical miles, (5) an
3 airfield that is not beneath the lateral limits of commercial Class B or C airspace, (6) an airspace
4 that permits the replication of the aircraft carrier landing pattern, (7) a MK-14 IFLOLS, which is
5 a Manually Operated Visual Landing Aid System, and supporting equipment.

6 22. Given these requirements, vacatur of the 2019 ROD will have a significant,
7 adverse impact on the Growler community's ability to adequately train for at sea operations.
8 Indeed, other Navy airfields also do not have the capacity to absorb additional required Growler
9 FCLP operations as airfield utilization rates across the Navy are at historically high levels.

10 23. In addition to providing insufficient FCLP training, detachment training away
11 from the NASWI complex takes aircraft away from the home base for other aircrew training
12 opportunities; dramatically increases operating costs; reduces aircraft service life due to
13 extensive transit; increases time personnel spend away from their home base during critical
14 months leading to a deployment; and requires not just aircrew and aircraft travel, but also that of
15 aircraft maintenance personnel, making them unavailable at Ault Field during the duration of the
16 detachment. The unavailability of maintenance personnel can create cascading impacts to the
17 material condition of the aircraft awaiting maintenance at Ault Field. It can also create costly
18 delays if a mishap occurs, as maintenance and parts availability can be limited or nonexistent at
19 detachment locations, especially for Growler aircraft that are high performance aircraft which
20 require sophisticated and specialized maintenance equipment generally only available at Ault
21 Field. In addition, a squadron working in a detachment away from home is often given lower
22 priority in scheduling than the squadrons homebased at that airfield. The negative impact to
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1 operational readiness resulting from detachment training is the reason why an FCLP training
2 capability is located in close proximity to the home airfield.

3 **Impact of Vacatur on Naval Operations**

4 24. Any determination limiting flight operations at OLF Coupeville would have a
5 dire impact to not only NASWI and operations at Ault Field but also to Naval Aviation
6 readiness across the nation. Throughout the year, each aircraft community (Growlers, Super
7 Hornets, etc.) progresses through the OFRP training cycles to prepare for deployment. The
8 Growler community requires the use of OLF Coupeville to proceed to their specialized aircraft
9 carrier training requirements. Limiting the Navy's ability to meet this requirement at OLF
10 Coupeville will severely impact aviation safety and reduce our ability to produce fully trained
11 Growler squadrons in defense of the nation. Even a temporary reduction in operations would
12 create a critical bottleneck of trained aircrew and may delay the larger CSG training, and
13 subsequent deployment in support of national defense requirements. As Growler FCLPs
14 cannot be accommodated at other Navy airfields, even a temporary reduction will force the
15 DoD to accommodate a critical degradation in a key AEA combat capability, as explained
16 more fully in my classified declaration.

17 25. The Growler FCLP totals analyzed in the FEIS represent the Navy's best
18 estimate of the acceptable levels necessary for adequate training. The Navy has made every
19 effort to limit Growler FCLP activity at OLF Coupeville to that which is strictly necessary to
20 train, maintain, and qualify Growler aviators for deployment as part of an integrated air wing
21 timed to CSG deployments, which includes meeting interim requirements for integrated
22 training with other naval assets. This training is time sensitive. For example, pilot proficiency
23 must be completed within 10 days of deployment. While the number of FCLPs at OLF
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1 Coupeville will vary from year to year based on operational need for deployable pilots,
2 aircrews, and squadrons, limiting the Navy to less than the number of flight operations
3 forecasted in the 2019 ROD will degrade the DoD's AEA capabilities, which not only support
4 the U.S. military services but Coalition and NATO forces around the world.

5 26. In addition to this declaration, I have also submitted – through the Department
6 of Justice – a classified declaration for consideration in this proceeding. As detailed in my
7 classified declaration, the Navy confronts real and present threats to our national security, and
8 any disruption to the OFRP resulting from the curtailment of Growler operations as provided
9 for in the 2019 ROD would put our national security and the Navy's mission at risk.

10 I hereby swear under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing
11 information is true and correct to the best of my knowledge.

12 Dated this day, the 22nd day of November, 2022.

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15 Kenneth R. Whitesell
16 Vice Admiral, United States Navy

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