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Naval Facilities Engineering Systems Command, Atlantic
Attention: Code EV21JB (Growler Project Manager)
6506 Hampton Blvd.
Norfolk, Virginia 23508-1278

RE: **Comments on Draft Amended Analysis to Environmental Impact Statement for EA-18G "Growler" Airfield Operations at Naval Air Station Whidbey Island Complex, Washington, September 2018**

On behalf of the Attorney General of the State of Washington, we submit these comments on the U.S. Navy's March 2025 Draft Amended Analysis to the Environmental Impact Statement for EA-18G "Growler" Airfield Operations at Naval Air Station Whidbey Island Complex, Washington, September 2018 (hereinafter "Draft Amended Analysis"). We agree with and incorporate the comments submitted by the Washington Department of Fish and Wildlife (WDFW).[1] In addition to those comments, we provide the following comments on the Navy's Draft Amended Analysis.

On August 2, 2022, the District Court for the Western District of Washington held that the Navy had violated the National Environmental Policy Act (NEPA) by, inter alia, failing to quantify the impact of increased operations on classroom learning, and failing to take a hard look at species-specific impacts on birds in its 2018 Final EIS.[2] The Navy's Draft Amended Analysis, while improved, still falls short of its obligations. We have every expectation that the Navy will revise its Draft Amended Analysis to meet the requirements of NEPA and the 2022 Court Order.

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[1] Letter from Kelly Susewind, Dir., Dep't of Fish and Wildlife, State of Wash. to Naval Facilities Engineering Systems Command, Atlantic re: Comments on Draft Amended Analysis to Environmental Impact Statement for EA-18G "Growler" Airfield Operations at Naval Air Station Whidbey Island Complex, Washington, September 2018 (April 30, 2025) (hereinafter "WDFW Letter").

[2] *Washington v. U.S. Dep't of the Navy*, No. 2:19-CV-01059-RAJ, 2022 WL 3042001 (W.D. Wash. Aug. 2, 2022) (hereinafter "2022 Court Order").

Childhood Learning Impacts

In holding that the Navy's analysis of impacts to childhood learning in its 2018 Final EIS violated NEPA, the Court adopted the Report and Recommendation of Chief United States Magistrate Judge Creatura.[3] This Report and Recommendation found that "the Navy acknowledged numerous studies that concluded that aircraft noise would measurably impact learning but then arbitrarily concluded that because it could not quantify exactly how the increased operations would interfere with childhood learning, no further analysis was necessary,"[4] and that "the Navy's analysis fell short when it concluded that available literature was inadequate to quantify impacts even while citing numerous studies identifying quantifiable impacts."[5] The Navy's Draft Amended Analysis fails to overcome these concerns.

While the Navy's Draft Amended Analysis quantifies the impacts of Alternative 2A on reading comprehension,[6] the Draft Amended Analysis fails to quantify other potential impacts to childhood learning — such as the impacts of noise on hyperactivity, test scores, classroom interference, cognitive abilities, annoyance, and memory — despite citing studies indicating that such impacts are quantifiable.[7] In doing so, the Navy continues to mischaracterize, dismiss, and/or downplay the conclusions of the studies it reviewed, as it did in the 2018 Final EIS.[8] For example, citing Klatte et al., 2013,[9] the Navy concludes that "no cause-effect relationship" has been established between aircraft noise and cognitive abilities.[10] But that study explicitly concluded: "The reviewed studies document harmful effects of noise on children's learning. Children are much more impaired than adults by noise in tasks involving speech perception and listening comprehension. Non-auditory tasks such as short-term memory, reading and writing are also impaired by noise."[11] The Navy similarly states that Goldschagg, Cockcroft, and Seabi,

[3] *Washington v. U.S. Dep't of the Navy*, No. 2:19-CV-01059-RAJ-JRC, 2021 WL 8445582 (W.D. Wash. Dec. 10, 2021) (hereinafter "Report and Recommendation").
[4] Report and Recommendation at *1.
[5] *Id.* at *7.
[6] Draft Amended Analysis at 36-38.
[7] *See id.* at 27-29.
[8] *See* Report and Recommendation at *8 ("[T]he Navy cannot simply rely on studies indicating quantifiable impacts while simultaneously ignoring the significance of those studies."); *see also* Letter from Clark Halvorson, Asst. Sec., Dep't of Health, State of Wash., to EA-18G Growler EIS Project Manager, Naval Facilities Engineering Command Atlantic re: Comments on Environmental Impact Statement for EA-18G Growler Airfield Operations at Naval Air Station Whidbey Island (February 24, 2017), at 3-4 (discussing concerns that the Navy set an "unreasonably high standard" in the 2018 Final EIS resulting in study conclusions being dismissed unless they established a "definitive causal and significant relationship").
[9] Maria Klatte et al., *Does Noise Affect Learning? A Short Review on Noise Effects on Cognitive Performance in Children*, 4 Frontiers in Psych., 578, 1 (2013) (hereinafter "Klatte").
[10] Draft Amended Analysis at 30.
[11] Klatte at 4.

2014[12] "does not establish a direct relationship between aircraft noise and children's learning."[13] But that study found that "noise exposed children performed significantly worse than their peers at the quieter schools on prospective memory,"[14] and recognized that "[l]earning occurs through mechanisms of memory."[15]

Indeed, the Draft Amended Analysis itself contains several statements indicating that impacts beyond reading comprehension may be quantified, including but not limited to the following:

- *Hyperactivity*: "[Clark et al., 2021] also found that a 1dB increase in aircraft noise exposure was associated with a 0.017 (95 percent CI 0.007-0.028) increase in hyperactivity score."[16]
- *Mathematics and reading test scores***:** "[Sharp et al., 2013] found small but statistically significant associations between airport noise and student mathematics and reading test scores, after taking demographic and school factors into account."[17]
- *Reasoning scores*: "The results of [Baek et al., 2023] found that the high-exposure group had significantly lower reasoning scores compared to the no-exposure groups."[18]
- *Annoyance*: "For [certain noise metrics], exposure was significantly associated with noise-induced annoyance for children and teachers during lessons in the classroom and for children and parents at home."[19]

The Navy failed to rationally explain its decision not to quantify impacts on childhood learning beyond reading comprehension impacts in light of the above.[20]

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[12] Paul Goldschagg, et al. *Aircraft Noise and its Effect on Primary School Teaching and Learning: Is There a Longitudinal Effect or are Children More Resilient than We Think?,* in 21st Int'l. Congress on Sound and Vibration 2014, (Beijing) (hereinafter "Goldschagg").
[13] Draft Amended Analysis at 31.
[14] Goldschagg at 3 (quoted in Draft Amended Analysis at 31).
[15] Goldschagg at 2.
[16] Draft Amended Analysis at 27 (citing Charlotte Clark, et al. *A meta-analysis of the association of aircraft noise at school on children's reading comprehension and psychological health for use in health impact assessment*. J. Environ. Psych. 76 (2021), https://doi.org/10.1016/j.jenvp.2021.101646.).
[17] *Id.* at 28-29 (citing Ben H. Sharp, et al. *Assessing Aircraft Noise Conditions Affecting Student Learning, Volume 1: Final Report* (2014), http://nap.nationalacademies.org/22433).
[18] *Id.* at 30 (citing Kiook Baek, et al. *The Impact of Aircraft Noise on the Cognitive Function of Elementary School Students in Korea*. 25 Noise & Health 117, 83-91 (Apr.-Jun. 2023), https://journals.lww.com/nohe/fulltext/2023/25170/the_impact_of_aircraft_noise_on_the_cognitive.3.aspx).
[19] *Id.* at 31 (citing Jan Spilski, et al. *Do we need different aircraft noise metrics to predict annoyance for different groups of people?,* in 23rd Int'l. Congress on Acoustics 2019, (Aachen)).
[20] *See* Report and Recommendation at *7-8 (holding that "[i]t was arbitrary and capricious not to further evaluate the extent of the impact on child learning" in the 2018 Final EIS where "[t]he very studies that the Navy summarized include measurable links between aircraft noise and lower reading and mathematics scores, solving puzzles, deficits in long-term memory and reading comprehension, recognition memory, and failure rates").

The Navy's assessment of "Representative School Washington Reading Scores" in the Draft Amended Analysis also falls short of the reasoned analysis that NEPA requires.[21] First, the Navy does not indicate when it retrieved the data identified in the Draft Amended Analysis (i.e., which school years the data corresponds to). Second, instead of comparing how scores have changed at the affected schools over time (i.e., before and after the selected alternative went into effect), the Navy instead compared scores at affected schools with the State average, which does little to enhance the public's understanding of the potential impacts of the Navy's increased Growler operations on childhood learning in the affected area.

Finally, the Navy's Draft Amended Analysis does not consider a study published in 2024 that is directly on point: Giordano Jacuzzi, et al. *Population health implications of exposure to pervasive military aircraft noise pollution*. *J. Expo. Sci. & Environ. Epidemiol* 35, 91–103 (2025), https://doi.org/10.1038/s41370-024-00670-1. Because this study specifically examined the public health risks of military aircraft noise — including childhood learning impacts — by using data collected from the affected area, we encourage the Navy to incorporate the findings of this study into the Draft Amended Analysis.

Species-Specific Analysis of Bird Impacts

In concluding that the Navy violated NEPA by failing to conduct a species-specific analysis of bird impacts, the Court adopted the Report and Recommendation's finding that "the Navy repeatedly stated that increased noise would have species-specific impacts on the many bird species in the affected area but then failed to conduct a species-specific analysis to determine if some species would be more affected than others."[22] While the Draft Amended Analysis includes information for four species listed as endangered, threatened, or sensitive by the State of Washington that were not included in the 2018 Final EIS (i.e., the American white pelican, common loon, sandhill crane, and tufted puffin), it does not fully address the deficiencies identified in the Report and Recommendation.

First, the Draft Amended Analysis assumes, without justification, that specific species discussed in the 2018 Final EIS "did not require an amended analysis."[23] But the Court never said that the Navy's prior discussion of these species in the 2018 Final EIS complied with NEPA. Rather, the Report and Recommendation adopted by the Court highlighted that the Navy "simply recognize[d] that certain species *exist* within the affected areas without *any* discussion of species-specific impact on each of these species."[24] In other words, the Navy's prior analysis of specific species was insufficient where the Navy only analyzed where individual species occurred without analyzing the potential impacts of the Navy's action on each specific species.

[21] *See* Draft Amended Analysis at 40-43.
[22] Report and Recommendation at *1.
[23] Draft Amended Analysis at 6.
[24] Report and Recommendation at *8 (emphasis in original).

The Navy should therefore revisit its analysis of the species discussed in the 2018 Final EIS to address this deficiency.

Second, the Navy does not provide a reasoned explanation for why it diverged from the threshold of 60 dBA L_{dn} used in the 2018 Final EIS to the threshold of 92 dBA SEL it now relies upon in the Draft Amended Analysis. The Navy attempts to distinguish the 60 dBA threshold previously used as a method of "conservatively defin[ing] the . . . area of *potential* impacts to wildlife in general" from the 92 dBA SEL threshold it now relies upon as "a better indicator of a disturbance that causes harmful effects that are more than temporary."[25] But the sources cited by the Navy do not explain why 92 dBA SEL is an appropriate threshold for analyzing noise impacts to the American white pelican, common loon, sandhill crane, and tufted puffin.[26] The Draft Amended Analysis further acknowledges that "research shows that some animals begin to respond to aircraft noise at 60 dBA (Black et al., 1984)."[27] Given that more precise species-specific thresholds are not available, the Navy has not justified its decision to diverge from the more conservative threshold used in the 2018 Final EIS.[28]

Finally, the Navy's conclusions that impacts on the common loon and tufted puffin may only be "minor" and "temporary," and "would not be significant"[29] are not well reasoned for the reasons discussed in the WDFW Letter, including that disturbance at nesting sites is a stressor for the tufted puffin and any human-caused nest failure should be considered significant in light of the species' ongoing decline in the region.[30] We urge the Navy to revise the Draft Amended Analysis to address WDFW's concerns.

Conclusion

For the above reasons, the Attorney General strongly urges the Navy to address the concerns stated in these comments and in the comments submitted by WDFW. We trust that the Navy will revise the Draft Amended Analysis to fully comply with the requirements of NEPA and the 2022 Court Order.

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[25] Draft Amended Analysis at 15 (emphasis in original).
[26] For example, one of the cited sources (USFWS, 2010) merely explains that the U.S. Fish and Wildlife Service concluded in previous analyses that exposure to aircraft noise above 92 dBA SEL may result in changes to breeding, feeding, and resting behaviors in marbled murrelets. U.S. Fish & Wildlife Serv., *Biological Opinion, U.S. Fleet's Northwest Training Range Complex in the Northern Pacific coastal waters off the states of Washington, Oregon, and California, and activities in Puget Sound and airspace over the State of Washington*, USFWS Reference No. 13410-2009-F-0104, App. C, 1 (2010).
[27] Draft Amended Analysis at 5.
[28] Notably, Smith Island, which is one of the breeding locations for the tufted puffin, falls within the area defined by the 60 dBA threshold previously used, but outside of the 92 dBA contour the Navy now relies upon.
[29] Draft Amended Analysis at 24-25.
[30] *See* WDFW Letter at 2.

We appreciate your consideration of this important matter.

Sincerely,

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