

◉SAVE THE OLYMPIC PENINSULA◉

US NAVY'S PROPOSED ELECTRONIC WARFARE RANGE

THE ISSUE

The United States Navy (USN) wants to turn large portions of the airspace over Washington State's Olympic Peninsula into the Pacific Northwest Electronic Warfare Range (EWR). The area includes the Olympic National Park, the Olympic National Forest, several Indian Reservations, and large portions of private property in Clallam, Jefferson, and Grays Harbor Counties.

Olympic National Park is the most visited National Park in the State of Washington, with more than 3.5 million annual visits. It is ninety-five percent wilderness, a World Heritage Site, an International Biosphere Reserve, and the location of one of the most unique temperate rain forests in the world. The Park is the largest contributor by far to the Olympic Peninsula economy.

The area of the EWR includes some of the best habitat for the endangered spotted owl and the endangered Marbled Murrelet. Endangered salmonoids inhabit the rivers in the area.

The loudest jet in the military, the EA18-G Growler Electronic Attack Jet, would use this EWR with the goal of producing "electronic attack squadrons which are fully trained." (*Paragraph 4.2.1.3 on page 4-2 of the Environmental Assessment*) These electronic attack jets would be based at Naval Air Station Whidbey Island and would overfly almost the entire Olympic Peninsula and the entire Olympic National Park on their way to and from the EWR range. None of the impacts of these electronic attack jets using the EWR, and overflying the Olympic Peninsula, have been studied in any environmental document.

Extremely loud noise created by the jets (up to 113 decibels at an altitude of 1000 feet), electromagnetic radiation to be emitted upwards by ground based emitters and downwards by the electronic attack jets, and the visual intrusion of the planes, can all have a tremendously negative impact on Olympic National Park visitors, the area's human population, and all the species that inhabit the area.

THE PROCESS

The United States Navy (USN) has applied for a Special Use Permit (SPU) from the United States Forest Service (USFS) to allow the USN to operate mobile emitters (of electromagnetic radiation) at 12 sites in Olympic National Forest (ONF). Jets approaching and leaving those sites would overfly Olympic National Park. Several mobile emitter sites are located on the ridges directly above Lake Quinault. Others are on ridges directly above the major rivers of Olympic National Park.

These mobile emitters are intended to serve as targets for EA-18G Growler jets to practice detecting (electronic support) and disabling (electronic attack). Electronic attack requires jets "to

push in close and inject massive amounts of [electromagnetic radiation] into enemy radar comms and links." See "Navy Forges New EW Strategy: Electromagnetic Maneuver Warfare" at <http://savetheolympicpeninsula.org/STOP%20Growler%20Facts.html>.

The USN would also like to operate mobile emitters at 3 other sites on the Olympic Peninsula on Washington State Department of Natural Resources (DNR) property. The USN has yet to apply for permission to use those sites. Peter Goldmark, the State Lands Commissioner has indicated his opposition to the use of both the forest service and the DNR property for the USN's purposes.

The USN posted a Pacific Northwest EW Range Draft EA on the Naval Facilities Engineering Command Northwest documents website (<http://go.usa.gov/kQ6e>) on August 1, 2014. The Navy also claims to have sent notices to several information repository locations, government officials, and Native American tribes. No notice of that draft was published on the Olympic Peninsula. On August 15, 2014, a 15-day public comment period closed. The Navy received no comments on the Draft EA.

Based on that EA, on August 28, 2014, the Navy issued a FONSI for a proposed action "to install and operate an EW Range in the Pacific Northwest in order to maintain, train, and equip combat-ready military forces."

Despite the EA being entitled as the Pacific Northwest Electronic Warfare Range Environmental Assessment, it only addressed the impacts of the mobile emitters. It did not address the impacts of the Growler jets that would be detecting and targeting the mobile emitters. There are indications that Navy submarines and surface ships will also be using the proposed EWR. None of the impacts of those users have been addressed.

On August 9, 2014, the USFS published notice in the Aberdeen Daily World of its intent to adopt the Navy EA for its use in considering the issuance of the FS SPU for the mobile emitters, and opened a 30-day public comment period of its own on that EA. No notice was published in any paper on the North Olympic Peninsula despite FS Regulations requiring posting in the Port Angeles Peninsula Daily News for actions affecting the North Olympic Peninsula.

A Draft Decision Notice and FONSI was then issued by the USFS on September 13, 2014. It said the "purpose of the Pacific Northwest Electronic Warfare Range is to sustain and enhance the level and type of electronic warfare (EW) training currently being conducted by assets using the Northwest Training Range Complex (NWTRC) Environmental Impact Statement (EIS)/Overseas EIS (OEIS), to provide the ability to accommodate growth in future training requirements, and to maximize the ability of local units to achieve their training requirements on local ranges." This same language was used in the Navy FONSI.

Interestingly, the FS FONSI also contained the statement that "Mitigation, safety, and operational measures are described in the EA on page 50, are expected to minimize potential adverse effects of management activities." However, the EA had no page 50.

Subsequent to September 13, 2014, a person in Forks noticed a small poster regarding the EWR on a window of the Forks, Washington Post Office. That person notified Christi Barron, the

manager of the Forks newspaper, *The Forks Forum*. Ms. Barron posted a message regarding the EWR on Facebook. Within just a few days, that notice resulted in thousands of concerned comments. The public outcry that followed resulted in the FS cancelling the September 13 Draft Decision Notice and FONSI and extending the public comment period. Eventually, more than 3000 public comments, almost all negative, were received by the FS. It is now in the process of evaluating those comments with outside consultants. The FS has recently stated it expects to reach a decision on the SPU in early 2016, although a lot of us believe a decision could come earlier than that.

The Navy has been conducting some training over the Olympic Peninsula for approximately 37 years. This training has averaged around 1250 flights per year in what are called the Olympic Military Operating Areas (MOAs). No environmental documents were ever prepared to study this activity.

The EA proposes 2900 "training events" per year in the EWR. A subsequent EIS prepared by the Navy for a larger training mission (the 2014 Northwest Training and Testing EIS and its December 2014 Supplement) speaks to the possibility of 5000 "training events" per year in the EWR (but does not evaluate the impact of those training events in the EWR on the EWR). Furthermore, the proposed NOD for the EWR said it was meant to accommodate growth in future training requirements. Although "training events" is not defined, EA-18G Growler Electronic Attack jets operate in groups of three (one detects, one attacks and one protects). The EWR would therefore cause a huge increase in aircraft operations, and these operations would involve lower altitude training than previous uses of the MOAs.

THE MASTER AGREEMENT

A 1988 Master Agreement between the Department of Agriculture and the Department of Defense sets forth procedures and policies for the DOD's use of DOA lands. That agreement, which appears to have been a good faith effort at the time to apply the terms of the National Environmental Policy Act and the National Forest Management Act to DOD uses of DOA lands, has three significant provisions which the FS and Navy actions to date appear to have violated. These are

- (1) the Navy must provide documentation that no other DOD lands are available and suitable for the Navy's purpose;
- (2) impacts from aircraft using the facilities permitted on DOA lands must be considered; and
- (3) the use must be consistent with forest purposes.

RELEVANT LEGAL CONSIDERATIONS

The EWR is vulnerable to critical scrutiny under a multitude of legal provisions. These include

- The National Environmental Policy Act (NEPA)
- The Endangered Species Act (ESA)
- The National Park Service Organic Act

The 1938 Olympic National Park Act
The Olympic National Park Wilderness Act
The Wilderness Act
The World Heritage Convention

We have recently learned that UNESCO, a branch of the United Nations in charge of monitoring World Heritage sites, has alerted the United States Secretary of State of its concern that the EWR might violate the United State's obligations under the World Heritage Convention.

OTHER CONSIDERATIONS

The EWR Environmental Assessment only covered the effects of the mobile emitters on the Forest Service Roads. No effects of the aircraft using the EWR were considered. The site maps, while showing Olympic National Forest lands, Indian Reservations, and the small towns in the area, omitted any reference to Olympic National Park, Lake Quinault, and any rivers in the area. Olympic National Park or the World Heritage site is not even mentioned in the EA. No notice of the EA was published in the *Port Angeles Peninsula Daily News*. Publication there was required by Forest Service regulations for actions affecting the North Olympic Peninsula.

The EA presented glaring deficiencies of scope. For example, it says no amphibians would be harmed because they live in the swamps and not on the roads. Although this is not the most significant failure of the EA, amphibians (such as frogs) do come out of the swamps, and do cross the roads, and are run over by vehicles using the roads. Also, for example, the EA makes the blanket claim that electromagnetic radiation (EMR) causes animal life damage only when in strong enough doses to cause heating. Many DOD documents speak to damage that can be caused by EMR with lower doses than those which cause heating. In fact, the DOD is designing weapons that cause damage at lower doses than those which cause heating.

The EA also makes the false claim that the effects of the aircraft using the EWR were considered in a 2010 Northwest Training Range Complex EIS and WOULD BE considered in the 2014 Northwest Training and Testing EIS; thus issuing an EA to support a Notice of Decision on the basis of a study that would be made in the future. The EA's claim in this respect is proved wrong by the 2010 and the 2014 documents themselves, which specifically say the impacts of the aircraft using the EWR were not covered in the respective documents. This is discussed more completely in the attached comments submitted by Protect the Peninsula's Future on a scoping document for an EIS that the Navy is contemplating to study the effects on Whidbey Island of an increased number of EA-18G Growler electronic attack aircraft proposed to be stationed at Naval Air Station Whidbey Island.

The 1988 Master Agreement was totally ignored. That agreement mentioned in at least four places the need for the Navy to demonstrate that no lands under DOD control were suitable and available. No such demonstration has been made. Similarly, that agreement required the effects of the aircraft to be studied. No such study was made.

Because of these glaring failures, and the great likelihood that these procedures and the project would not pass legal muster, many of us think that the failure to publish notice on the Olympic Peninsula was intentional so the EA and the SPU could be flushed through the system before anyone knew about the EWR. Also, supporting this thought is an email from the Forest Service showing it gave the Navy "some advice on how to craft their proposal to limit their impacts." Just what this advice was should make for interesting discovery in any legal proceeding. One way to "limit their impacts" is to ignore the effects of the aircraft and the aircraft's electronic attack weapons. This and other potentially damaging statements by the Navy and the Forest Service are discussed in a letter to Sarah Creachbaum, Olympic National Park Superintendent, at savetheolympicpeninsula.org/Documents/S.Creachbaum.pdf.

The Environmental Assessment, the NOD and FONSI, the Master Agreement, and related documents can be found on the Internet at:

http://www.fs.usda.gov/wps/portal/fsinternet!/ut/p/c5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gDfxMDT8MwRydLA1cj72BTUwMTAwgAykeaxRtBeY4WBv4eHmF-YT4GMHkidBvgAI6EdIeDXIvfdRAJuM3388jPTdUvyA2NMMgyUQQAyrgOmg!!/dl3/d3/L2dJQSEvUUt3QS9ZQnZ3LzZfS000MjZOMDcxT1RVODBJN0o2MTJQRDMwODQ!/?project=42759