

On My Mind
8/06/10

I stand in complete awe of the 10,000 people who, according to the *Pacific Daily News*, are reported to have submitted comments on the U.S. Navy's *Guam and CNMI Military Relocation Final Environmental Impact Statement (FEIS)*, which was released just this past week. I stand equally in awe of whoever it is that put together the "At a Glance" part of the story by reporter Steve Limtiaco in this past Tuesday's issue of the *PDN*. The FEIS - 10 volumes in all - is dense and impenetrable - standard for such bureaucratic publications, but in this case, more harmful, since it prevents ordinary lay persons from learning what the military intends to do in their area, what it looked at in making its decision, and what trade-offs it might have considered.

While on-line access to the content of the 10 volumes of the FEIS is quite user-friendly - each volume is listed, each volume's table of contents are available, all from one master "home" page < http://www.guambuildupeis.us/final_documents > - the content itself is overwhelming, making the size of the downloads involved in order to get access even more daunting. Just the executive summary is 60 pages long, the accompanying "Readers Guide," another 30 pages.

A second EIS report recently announced as available to the public, the *Marianas Range Complex Environmental Impact Statement*, also issued by the U.S. Navy, is just as dense but not nearly as approachable as the FEIS < <http://www.marianasrangecomplexeis.com> >. Its table of contents only appears after a 46-page executive summary; I could not find a page on which the separate contents of each of the three volumes was listed.

In commiserating with my frustration in trying to find my way through the two reports, a friend and professional in the field, who reads and comments on such things regularly, wrote, "The 'fog factor' issue is another story because there is no agency or entity, as far as I know, that oversees the quality of EIS's....so they can be thin and poorly written, thin and well written, immense and full of babble, immense and stuffed with facts, etc. I think the firm(s) hired to do the last 2 EIS's for the military with respect to the CNMI thought overwhelming the public with techno-speak would silence comment and I think it worked to a large extent."

Some examples of the obfuscation/murkiness: from volume 3, **Marine Corps Relocation - Training on Tinian**, in Chapter 6, Noise, Section 6.2.1, Approach to Analysis, on the possible impact of sounds from different sources - weapons fire, construction, transportation: *Potential sound-generating events associated with the proposed action were identified and the potential sound levels that could result from these activities were estimated on the basis of published military sound sources information. These estimated sound levels were reviewed to*

determine if they would represent a significant potential increase from the current ambient sound level, subsequently resulting in an adverse impact on sensitive receptors. In addition, evaluation was conducted to ensure that potential noise would not exceed any relevant or applicable standards. Vol 3, chapter 6 According to Navy (2005) Appendix B's figures and supporting text from the Marine Resource Assessment (MRA) for the Mariana Operating Area, spinner dolphins and common bottlenose dolphins are the only two marine mammals expected to regularly occur within the nearshore marine ROI (164-ft [50-m]) isobath of Tinian (refer to Table 11.1-1). These species and others are discussed proportionately to the degree of their presence in the ROI and potential effects from the proposed action.

From Vol 3. Chapter 11, Marine Mammals, Section 11.1.4.2 Essential Fish Habitat: Information on EFH is provided in Volume 2, Chapter 11, Section 11.1.4, Guam Regional Environment, and is applicable to Tinian and CNMI. Island-specific information in addition to that section is provided below for EFH. Tinian is within the jurisdiction of the WPRFMC, which has designated the marine waters around Tinian as EFH, and adopted a precautionary approach to EFH designation due to the lack of scientific data (WPRFMC 2009a).

The "Final" report does not indicate what choices - between no action, alternative one or alternative two - will actually be made. There is a 30-day waiting period before a "Record of Decision" is released, to allow Navy personnel to make those decisions. The ROD is expected to be issued next month.

Examples from the *Marianas Range Complex Environmental Impact Statement*, for which the Record of Decision has been issued: In the Executive Summary, Section 3.8 Turtles: Vehicle activity and personnel movements may cause nest failures (false crawls of nesting females, or sand compaction/nest mortality). Long-term effects of accelerated beach erosion from vehicle tracks on the beach and craft wakes in the water may occur.

From a chart in the Executive Summary, Section 3.7 Marine Mammals, alternative two: Underwater Detonations and Explosive Ordnance, Use Potential Occurrences of Level B harassment (sub-TTS and TTS) events: Underwater Detonations and Explosive Ordnance Use: Impacts would be similar to those described for Alternative 2 for territorial waters. Modeling results for all waters (territorial and non-territorial) indicate the potential for 154 Level B harassments (111 from sub-TTS and 43 from TTS).

Same chart, re sonar use, alternative two: *Modeling results for all waters (territorial and non-territorial) indicate the potential for 94,736 Level B harassments (93,272 from non-TTS and 1,464 from TTS). Two potential Level A exposures resulting from the summation of FA modeling; one is estimated for the pantropical spotted dolphin, and one*

for the sperm whale.

From the Executive Summary, Section 9.2, Relationship between short-term use of Man's Environment and Maintenance and Enhancement of Long-term Productivity: *The Proposed Action would result in both short-term and long-term environmental effects. However, the Proposed Action would not be expected to result in any impacts that would reduce environmental productivity, permanently narrow the range of beneficial uses of the environment, or pose long-term risks to health, safety, or general welfare of the public. The Services are committed to sustainable range management, including co-use of the MIRC with general public and commercial interests. This commitment to co-use will enhance long-term productivity of the range areas surrounding the MIRC.*

Section 3.7, Marine Mammals, preceding a chart on various sound characteristics: *The following sections describe the flowthrough of the framework, starting with the production of a sound, and flowing through marine mammal exposures, responses to the exposures, and the possible consequences of the exposure. Along with the description of each block an overview of the state of knowledge is described with regard to marine mammal responses to sound and the consequences of those exposures. Application of the conceptual framework to impact analyses and regulations defined by the MMPA and ESA are discussed in subsequent sections.*

In Section 3.7.5.1 Marine Mammal Protection Act: *The analysis presented within this section indicates that non ESA-listed marine mammals could be exposed to impacts associated with sonar, underwater detonations, and explosive ordnance use under the No Action Alternative, Alternative 1 (Preferred Alternative), and Alternative 2 that could result in Level A or Level B harassment as defined by MMPA provisions that are applicable to the Navy....Most acoustic harassments are within the noninjurious TTS or behavioral effects zones.... they are conservative estimates of harassment, primarily by behavioral disturbance....Additionally, the mitigation measures described in Chapter 5 of this EIS/OEIS are designed to reduce sound exposure of marine mammals to levels below those that may cause "behavioral disruptions," and to achieve the least practicable adverse effect on marine mammal species or stocks.*

A conveniently deeply buried not insignificant detail: in Section 3.8.3.1.7 Explosive Ordnance and Multiple Successive Explosions: *Little is known about the effects of underwater detonations on sea turtles.*

At a time when transparency, openness, and accessibility seem the catchwords of the day, one would think such unpenetratable prose, such extensive use of jargon not acceptable.

But to whom does one complain? Who would issue guidelines, set standards? monitor compliance? Who will say, "it's not the word count, or the page count,

but the clarity of the content that matters"? If the U.S. Government Accounting Office were to rule that environmental impact reports must be readable by a high school graduate, would the Pentagon, the Department of Defense, listen?

Nepotism: My older daughter, Stacey A. Tighe, will give a talk on "Eco-tourism - good for the CNMI," on Wednesday, August 11 at 6 p.m. Venue has not been confirmed but application for use of the American Memorial Park Auditorium has been submitted. She will discuss costs and benefits of alternative options, and their compatibility, feasibility in the CNMI. She holds degrees in marine policy, biology and geology, and currently serves as Senior Regional Coordinator and Program Integrator for U.S. support to the six countries of the Coral Triangle Initiative (Indonesia, Philippines, Malaysia, Timor Leste, Papua New Guinea and the Solomon Islands). The presentation is supported in part by MINA, the Mariana Islands Nature Alliance. (Venue confirmation will follow.)