



Environmental Action Committee ~ Protecting West Marin since 1971

October 18, 2010

Naval Facilities Engineering Command Northwest  
Attn: Mrs. Kimberly Kler – NWTRC EIS  
1101 Tautog Circle, Suite 203  
Silverdale, WA 98135-1101

Re: Letter of Opposition to the Final Environmental Impact Statement (FEIS) and  
Overseas Environmental Impact Statement (OEIS)

Dear Mrs. Kler:

The Environmental Action Committee of West Marin (EAC) is a grassroots 501(c)(3) organization dedicated to ensuring the environmental health and biodiversity of West Marin for current and future generations. We offer the following comments in opposition to the Navy's FEIS for proposed warfare testing off the coast of California for a period of five years due to potentially devastating impacts to marine mammals and fish that are inadequately addressed and mitigated.

EAC understands the Navy's need to properly train to maintain a high state of proficiency and readiness to safeguard our nation and the West Coast. It seems, unfortunately, that the Navy is unwilling to accomplish its mission in a way that honors long-standing environmental laws given the proposed "taking" of over 2 million marine mammals from the activities proposed in the FEIS.

EAC joins other environmental organizations across the nation as well as individuals in expressing its sincere disappointment and dismay at the significant and irreversible impacts to marine life in the Pacific Ocean. There is a strong body of fact and science that supports the clear need for mitigation measures to protect marine mammals, fisheries and numerous other public trust values that the Navy needlessly placed at risk in selecting Preferred Alternative No. 2.

**EAC urges the Navy to withdraw the FEIS/OEIS due to the devastating impacts it would have on marine life in the Pacific Ocean.** EAC requests that the Navy engage in a Supplemental EIS to adequately address needed mitigation measures so that its training and testing activities would be legally compliant, environmentally protective, and considerably less devastating to life on Earth. EAC would ask that this Supplemental EIS be recirculated to the public with adequate notice of its release and an adequate public comment timeframe.

There are multiple reasons that the Navy should withdraw the FEIS. One reason is that sightings from ships as a proposed mitigation measure would be ineffective to protect marine life. It is hard to spot debris, small marine mammals and other items in the ocean due to fog, night conditions, white caps, cloudy conditions, rain, storms, and other weather events. On clear days and in calm seas sometimes whales and dolphins can be seen, but not at great distances, less than 10% of the time. Sonar and toxic chemicals, for example, do not stay within line of sight activities or range boundaries. Bomb blasts destroy breeding and fishing habitats along with the food supply for migrating species like migratory birds and gray whales. Fish, birds, marine mammals and other sea life must be considered worth protecting by the U.S. Navy.

A second reason for withdrawing the FEIS is the Navy's use of sonar during gray whale migrations along the Pacific Coast: **September 10, 2010: U.S. Navy Final EIS Volume II Page G113 Answer to public comment question:** "...No, the Navy does not plan on suspending sonar operations during the gray whale migration seasons..." With 5-year warfare testing ongoing in Southern California at this time, it would seem that the entire California, Oregon, and Washington Coastline would be dangerous for migrating species and could cause serious harm to them while traveling in these areas. In addition, some fish migrate and they need to be able to navigate, feed, and sustain themselves when returning or leaving coastal rivers and streams.

A third reason for withdrawing the FEIS is the lack of meaningful identification of essential fisheries habitat for commercial fish species and no meaningful quantification of the potential impacts. The FEIS simply concludes that there will be no significant impacts to fisheries without any scientific basis.

EAC urges the adoption of the mitigation measures cited in the Natural Resources Defense Council letter to the Draft EIS/OEIS on March 10, 2009. That letter calls for the siting of all training exercises in California a minimum of fifty (50) miles from the shoreline or beyond the continental shelf, whichever is greater. We also believe that any testing, bombing, sonar or other training exercise should be a minimum of fifty (50) miles from the western boundary of any California Marine Protected Area or National Marine Sanctuary.

EAC believes that some areas should be protected from the effects of multiple warfare testing ranges. The Pacific Coast in Northern California, Oregon, and Washington should be exempt from this type of redundant training and testing in order to protect these biodiversity rich waters. Without knowing the synergistic impact and the cumulative effects of all of these 5-Year Navy warfare training and testing areas at this time on marine mammals, fish, birds or human health, the Navy must withdraw its FEIS to adopt meaningful mitigation measures that address public trust values.

Sincerely,

Amy Trainer, Executive Director

Cc: Congresswoman Lynn Woolsey  
United States Senator Barbara Boxer  
United States Senator Dianne Feinstein