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## Hawaii Range Complex



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## Final Environmental Impact Statement/ Overseas Environmental Impact Statement (EIS/OEIS)

Volume 3 of 5: Chapters 12-13

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May 2008

Coordinator  
Hawaii Range Complex  
Pacific Missile Range Facility  
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# HAWAII RANGE COMPLEX FINAL ENVIRONMENTAL IMPACT STATEMENT/ OVERSEAS ENVIRONMENTAL IMPACT STATEMENT

Volume 3 of 5

MAY 2008

Coordinator  
Hawaii Range Complex  
Pacific Missile Range Facility  
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**COVER SHEET**  
**FINAL ENVIRONMENTAL IMPACT STATEMENT/**  
**OVERSEAS ENVIRONMENTAL IMPACT STATEMENT**  
**HAWAII RANGE COMPLEX (HRC)**

Lead Agency for the EIS: U.S. Department of the Navy  
Title of the Proposed Action: Hawaii Range Complex  
Affected Jurisdiction: Kauai, Honolulu, Maui, and Hawaii Counties  
Designation: Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS)

**Abstract**

This Final EIS/OEIS has been prepared by the U.S. Department of the Navy (Navy) in compliance with the National Environmental Policy Act (NEPA) of 1969 (42 United States Code § 4321 et seq.); the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (Title 40 Code of Federal Regulations [CFR] §§ 1500-1508); Navy Procedures for Implementing NEPA (32 CFR § 775); and Executive Order 12114 (EO 12114), *Environmental Effects Abroad of Major Federal Actions*. The Navy has identified the need to support and conduct current, emerging, and future training and research, development, test, and evaluation (RDT&E) activities in the Hawaii Range Complex (HRC). The alternatives—the No-action Alternative, Alternative 1, Alternative 2, and Alternative 3—are analyzed in this Final EIS/OEIS. All alternatives include an analysis of potential environmental impacts associated with the use of mid-frequency active (MFA) and high-frequency active (HFA) sonar. The No-action Alternative stands as no change from current levels of HRC usage and includes HRC training, support, and RDT&E activities, Major Exercises, and maintenance of the technical and logistical facilities that support these activities and exercises. Alternative 1 includes all ongoing training associated with the No-action Alternative, an increased tempo and frequency of such training (including increases in MFA and HFA sonar use), a new training event (Field Carrier Landing Practice), enhanced and future RDT&E activities, enhancements to optimize HRC capabilities, and an increased number of Major Exercises. Alternative 2 includes all of the training associated with Alternative 1 plus additional increases in the tempo and frequency of training (including additional increases in MFA and HFA sonar use), enhanced RDT&E activities, future RDT&E activities, and additional Major Exercises, such as supporting three Strike Groups training at the same time. Alternative 3 would include all of the training and RDT&E activities associated with Alternative 2. The difference between Alternative 2 and Alternative 3 is the amount of MFA/HFA sonar usage. As described under Alternative 2, Alternative 3 would provide increased flexibility in training activities by increasing the tempo and frequency of training events, future and enhanced RDT&E activities, and the addition of Major Exercises. Alternative 3 would consist of the MFA/HFA sonar usage as analyzed under the No-action Alternative. Alternative 3 is the Navy's preferred alternative.

This Final EIS/OEIS addresses potential environmental impacts that result from activities that occur under the No-action Alternative and proposed activities that would occur under Alternatives 1, 2, and 3. This EIS/OEIS also addresses changes and associated environmental analyses that were presented in the Supplement to the Draft EIS/OEIS. Environmental resource topics evaluated include air quality, airspace, biological resources (open ocean, offshore, and onshore), cultural resources, geology and soils, hazardous materials and waste, health and safety, land use, noise, socioeconomics, transportation, utilities, and water resources.

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**May 2008**

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## **12.0 Consultation Comments and Responses**



## 12.0 CONSULTATION COMMENTS AND RESPONSES

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This chapter includes consultation and coordination letters with various State and Federal agencies. Agency coordination has been accomplished through meetings with various agencies and through distribution of the Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) and the Supplement to the Draft EIS/OEIS.

LINDA LINGLE  
GOVERNOR OF HAWAII

ALLAN A. SMITH  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 31, 2007

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*Additional information enclosed.*

**MEMORANDUM**

TO: **DLNR Agencies:**  
☒ Div. of Aquatic Resources  
☒ Div. of Boating & Ocean Recreation  
☒ Engineering Division  
☒ Div. of Forestry & Wildlife  
☒ Div. of State Parks  
☒ Commission on Water Resource Management  
☒ Office of Conservation & Coastal Lands  
☒ Land Division – Oahu, Maui, Hawaii & Kauai District

FROM: Russell Y. Tsuji

SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact Statement, Hawaii Range Complex

LOCATION: Statewide

APPLICANT: US Department of Defense, Department of the Navy

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 1, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

☒ We have no objections.  
☐ We have no comments.  
☐ Comments are attached.

Signed: *[Signature]*  
 Date: 8/1/07

LINDA LINGLE  
GOVERNOR OF HAWAII

ALLAN A. SMITH  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
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HONOLULU, HAWAII 96809

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**MEMORANDUM**

TO: **DLNR Agencies:**  
☒ Div. of Aquatic Resources  
☒ Div. of Boating & Ocean Recreation  
☒ Engineering Division  
☒ Div. of Forestry & Wildlife  
☒ Div. of State Parks  
☒ Commission on Water Resource Management  
☒ Office of Conservation & Coastal Lands  
☒ Land Division – Oahu, Maui, Hawaii & Kauai District

FROM: Russell Y. Tsuji

SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact Statement, Hawaii Range Complex

LOCATION: Statewide

APPLICANT: US Department of Defense, Department of the Navy

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Attachments

☐ We have no objections.  
☒ We have no comments.  
☐ Comments are attached.

Signed: *[Signature]*  
 Date: 8/31/07

Exhibit 12-1. Consultation Comments and Responses





POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

NA - subordinate  
ALLAN A. SMITH  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

TO: **DLNR Agencies:**  
x Div. of Aquatic Resources  
x Div. of Boating & Ocean Recreation  
x Engineering Division  
x Div. of Forestry & Wildlife  
x Div. of State Parks  
x Commission on Water Resource Management  
x Office of Conservation & Coastal Lands  
x Land Division – Oahu, Maui, Hawaii & Kauai District

FROM: Russell Y. Tsuij  
SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact Statement, Hawaii Range Complex  
LOCATION: Statewide  
APPLICANT: US Department of Defense, Department of the Navy

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### Attachments

☐ We have no objections.  
☐ We have no comments.  
☒ Comments are attached.

Signed: \_\_\_\_\_  
Date: AUG 28 2007

LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF FORESTRY AND WILDLIFE  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

August 28, 2007

PMRF Public Affairs Officer  
U.S. Department of Defense  
Department of Navy  
P.O. Box 128  
Kekaha, Hawaii 96752

Dear PMRF Public Affairs Officer:

Subject: Draft EIS/ Overseas EIS for Hawaii Range Complex, Hawaii.

We appreciate the opportunity to comment on your subject request. DLNR, Division of Forestry and Wildlife will comment on the environmental impacts of current and emerging training and research operations in the Hawaii Range Complex; moreover, as they relate to the impacts to onshore biological resources at these training areas.

The Division of Forestry and Wildlife appreciate the Navy's position to include internal policies and procedures to minimize impacts on the biological resources and prevent the introduction of invasive species to these training areas. The environmental review process including NEPA, allows further public disclosure to Navy actions that may eventually have a negative impact to onshore biological resources. Since the first publicized INRMP disclosed in 2001, we have worked with the various island Navy complex officials to incorporate collaborative measures aimed at reducing these impacts. Subsequently, DLNR, Division of Forestry and Wildlife, June 29, 2006 letter to Mr. Leighton Wong will remain relevant to our response for the Hawaii Range Complex (attachment). Thank you for allowing us to review your project.

Sincerely yours,

Paul J. Conry  
Administrator

Attachment

C: DOFAW Kauai Branch  
DOFAW Oahu Branch  
DLNR, Land Division

Laura H. Thielen, Acting  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES

**Ken C. Kawahara**  
Deputy Director for  
The National Oceanic  
and Atmospheric Administration

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
ENFORCEANCES  
FORESTRY AND WILDLIFE  
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STATE PARKS

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LINDA LINGLE  
GOVERNOR OF HAWAII



ALLAN A. SMITH  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 31, 2007

MEMORANDUM

FROM: TO:

DLNR Agencies:

- ☒ Div. of Aquatic Resources
- ☒ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☒ Div. of Forestry & Wildlife
- ☒ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☒ Office of Conservation & Coastal Lands
- ☒ Land Division - Oahu, Maui, Hawaii & Kauai District

FROM: Russell Y. Tsuji  
SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact Statement, Hawaii Range Complex  
LOCATION: Statewide  
APPLICANT: US Department of Defense, Department of the Navy

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 1, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- ☐ We have no objections.
- ☒ We have no comments.
- ☐ Comments are attached.

Signed:   
Date: 8/3/07

LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
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HONOLULU, HAWAII 96809

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L'URA H. THIELEN  
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CHIYOME L. FUKINO, M.D.  
DONNA FAY K. KIYOSAKI, P.E.  
LAWRENCE H. MIKE, M.D., J.D.  
KEN C. KAWAHARA, P.E.  
DEPUTY DIRECTOR

REF: Navy DEIS.dr

TO: Russell Tsuji, Administrator  
Land Division

FROM: Ken C. Kawahara, P.E., Deputy Director  
Commission on Water Resource Management

SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact Statement, Hawaii Range Complex

FILE NO.:

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore, all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://www.hawaii.gov/dlnr/cwrm>.

Our comments related to water resources are checked off below.

- ☒ 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- ☐ 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- ☒ 3. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

Permits required by CWRM: Additional information and forms are available at [www.hawaii.gov/dlnr/cwrm/forms.htm](http://www.hawaii.gov/dlnr/cwrm/forms.htm).

- ☐ 4. The proposed water supply source for the project is located in a designated ground-water management area, and a Water Use Permit is required prior to use of ground water.
- ☐ 5. A Well Construction Permit(s) is (are) required before the commencement of any well construction work.
- ☐ 6. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.

DRF-1A 03/02/2006

Russell Tsuji, Administrator  
Page 2  
August 9, 2007

- ☐ 7. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- ☐ 8. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- ☐ 9. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
- ☐ 10. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- ☐ 11. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- ☐ 12. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.
- ☐ 13. We recommend that the report identify feasible alternative non-potable water resources, including reclaimed wastewater.
- ☒ OTHER:

If the selected alternative(s) results in an increase in water demand or impacts to available water supplies or water resources, we recommend that the project be incorporated in the respective County Water Use and Development Plan

If there are any questions, please contact Lenore Nakama at 587-0218.

DRF-IA 04/15/2005

DEPARTMENT OF PARKS AND RECREATION  
**CITY AND COUNTY OF HONOLULU**

KAPOLEI HALE • 1000 ULU'OHIA STREET, SUITE 309 • KAPOLEI, HAWAII 96707  
TELEPHONE: (808) 692-5561 • FAX: (808) 692-5131 • INTERNET: www.honolulu.gov



MUFI HANNEMANN  
MAYOR

LESTER K. C. CHANG  
DIRECTOR

DANA TAKAHARA-DIAS  
DEPUTY DIRECTOR

August 15, 2007

Mr. L. M. Foster  
Director, Fleet Environmental  
Department of the Navy  
Commander  
United States Pacific Fleet  
250 Makalapa Drive  
Pearl Harbor, Hawaii 96860

Dear Mr. Foster:

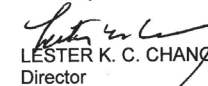
Subject: Draft Environmental Impact Statement/Overseas Environmental  
Impact Statement (Hawaii Range Complex)

Thank you for the opportunity to review and comment on the subject Draft  
Environmental Impact Statement.

The Department of Parks and Recreation has no comment and as the proposed  
action will not impact any program or facility of this department, you are invited to  
remove us as a consulted party to the balance of the EIS process.

Should you have any questions, please contact Mr. John Reid, Planner at  
768-3017.

Sincerely,

  
LESTER K. C. CHANG  
Director

LKCC:mk  
(220605)

-----Original Message-----

From: Clyde.Fuse  
Sent: Thursday, August 23, 2007 4:03 PM  
To: Gallien, Randy Mr USASMDC  
Cc: Edd Joy; Wes Norris; Neil Sheehan; Diane.Tom ; Debbie.Saito ;  
Neal.Kurosaki  
Subject: Re: FAA Comments on HRC EIS

Randy  
Thanks for calling us back. The comments on the EIS from FAA Air Traffic  
are:

1. The Special Use Airspace will be undergoing some changes in July 2008. The northern boundary will be "pulled south". to the south, the boundary will be moved north.
2. If lasers are used, the operational data must be forwarded to our Western Service Area specialists for review and NOTAMs issued. Dependent on their assessment, there could be an impact to Air Traffic operations.

Aloha  
Clyde

"Gallien, Randy  
Mr USASMDC"

08/23/2007 10:46  
AM

Clyde Fuse/AWP/FAA@FAA

<  
<  
<

FAA Comments on HRC EIS

To

cc

Subject

Clyde

You may provide your comments to me at this address. Please copy the guys I

have copied to ensure we have them.

Thanks and it was nice talking again,

Randy

From Concept to Combat  
Celebrating 50 Years of Excellence in Missile Defense and Space  
SMDC/ARSTRAT - 1957-2007



LINDA LINGLE  
GOVERNOR  
STATE OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
P.O. BOX 1879  
HONOLULU, HAWAII 96805

MICAH A. KANE  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
BEN HENDERSON  
DEPUTY TO THE CHAIRMAN  
KAULANA H. PARK  
EXECUTIVE ASSISTANT

August 23, 2007

Public Affairs Officer  
Pacific Missile Range Facility  
P. O. Box 128  
Kekaha, Hawaii 96752-0128

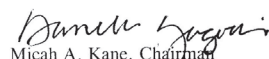
Attention: HRC EIS/OEIS

Gentlemen:

Thank you for the opportunity to provide comments on the Department of Navy's Draft Environmental Impact Statement/Overseas Environmental Impact Statement to assess the Navy's Hawaii Range Complex (HRC). The Department of Hawaiian Home Lands has no comments.

Should you have any questions, please call the Planning Office at (808) 586-3836.

Aloha and mahalo,

  
Micah A. Kane, Chairman  
Hawaiian Homes Commission

BOB JACOBSON  
Councilmember

Chair, Environmental Management Committee  
Vice-Chair, Finance Committee



333 Kilauea Avenue, Second Floor  
Ben Franklin Building, Hilo, Hawai'i 96720

Mailing Address: 25 Aupuni Street, Suite 200  
Phone: (808) 961-8263  
Fax: (808) 961-8912  
E-Mail: [bjacobson@co.hawaii.hi.us](mailto:bjacobson@co.hawaii.hi.us)

HAWAII COUNTY COUNCIL

County of Hawai'i

August 30, 2007

Tom Clements  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Hawai'i 96752-0128

Re: Comments in Opposition to Military Activities in the North Hawaiian Islands National Marine Sanctuary

Aloha:

I would like to express my opposition to war games, sonar testing, and any other military activities that will certainly degrade the fragile environment within the Northwestern Hawaiian Islands National Marine Sanctuary. The federal government recognized the importance of protecting the health of the oceans surrounding Hawai'i by establishing the sanctuary. The Navy now proposes to undermine federal and state policy by increasing war games in the area; thus, jeopardizing the welfare of numerous species endemic to the Northwestern Hawaiian Islands and polluting the delicate ecosystem that exists there.

Please consider these comments and the many others you are sure to receive.

Mahalo,



Bob Jacobson, Member  
Hawai'i County Council, District 6

BJ/mf

c: Michael Payne, National Marine Fisheries Service

District 6 -- Upper Puna, Ka'u, and South Kona  
Hawai'i County Is An Equal Opportunity Provider And Employer

LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

September 6, 2007

Public Affairs Officer  
Pacific Missile Range Facility  
Box 128  
Kekaha, Hawaii 96752-0128

Attention: HRC EIS/OEIS

Gentlemen:

Subject: Draft Environmental Impact Statement/Overseas Environmental Impact  
Statement, Hawaii Range Complex

Thank you for the opportunity to review and comment on the subject matter. The  
Department of Land and Natural Resources' (DLNR) Land Division distributed or made  
available a copy of your report pertaining to the subject matter to DLNR Divisions for their  
review and comment.

Other than the comments from Division of Aquatic Resources, the Department of Land  
and Natural Resources has no other comments to offer on the subject matter. Should you have  
any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

*Russell Y. Tsuji*  
Russell Y. Tsuji  
Administrator

LAURA H. THIELEN  
PUTIN: CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 31, 2007

MEMORANDUM

TO:

DLNR Agencies:

- ☒ Div. of Aquatic Resources
- ☒ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☒ Div. of Forestry & Wildlife
- ☒ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☒ Office of Conservation & Coastal Lands
- ☒ Land Division – Oahu, Maui, Hawaii & Kauai District



FROM: Russell Y. Tsuji

SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact  
Statement, Hawaii Range Complex

LOCATION: Statewide

APPLICANT: US Department of Defense, Department of the Navy

Transmitted for your review and comment on the above referenced document. We would  
appreciate your comments on this document. Please submit any comments by September 1,  
2007.

If no response is received by this date, we will assume your agency has no comments. If  
you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- ( ) We have no objections.
- ( ) We have no comments.
- (X) Comments are attached.

Signed: *Russell Y. Tsuji*  
Date: 7-31-07

ALLAN A. SMITH  
PUTIN: CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**AQUATIC RESOURCES: 1046**

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COMM. FISH	
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State of Hawaii  
Department of Land and Natural Resources  
DIVISION OF AQUATIC RESOURCES

Date: 9/4/07

MEMORANDUM

TO: Francis Oishi, Program Manager  
FROM: Alton Miyasaka, Aquatic Biologist  
SUBJECT: Comments on Navy Draft EIS for Combat Readiness Training

Comment:	Date	Request	Receipt	Referral
Requested by: Russell Tsuji DLNR/Land		7/31/07	8/2/07	8/3/07

Summary of Proposed Project

Title: Draft EIS for Pacific Fleet Training Activities  
Project by: Department of the Navy  
Location: Statewide, Hawaii Range Complex

**Brief Description:** The applicant seeks comments on a draft EIS that evaluates the potential environmental effects of current and emerging training and research, development, test, and evaluation operations in Hawaii and proposes upgrades and modernization of Navy training and testing capabilities to maintain or improve combat readiness.

**Comments:** While the documentation provided did not identify such activities, we would have concerns if planned exercises involved the use of explosives in state waters. We recognize the importance of these exercises and the loss of some marine life may be unavoidable. To the extent practical, we would request that surveys of the affected areas and the shoreline be conducted after each exercise involving explosives to remove any dead fish or other marine life that should wash up on the shoreline. These clean-ups would be especially important near public recreational areas where the public makes full use of the beaches and shoreline.

Regarding possible impacts on marine mammals, we are aware that the Navy is working in close consultation with NOAA's National Marine Fisheries Service and National Ocean Service to identify and mitigate possible impacts. Given our close working relationship with NOAA in co-managing the Hawaiian Islands Humpback Whale National Marine Sanctuary and in supporting marine mammal stranding response in the Main Hawaiian Islands, we believe it would be most efficient and effective for all concerned to route any comments we might have regarding possible marine mammal impacts via these NOAA partner agencies. We appreciate the efforts the Navy and its contractors have made thus far to keep us informed of marine mammal impact analysis and proposed mitigation measures, and look forward to our continued communications in this regard in partnership with NOAA.



LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

DIVISION OF STATE PARKS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

September 10, 2007

Public Affairs Officer  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Hawai'i 96752-0128  
ATTN: HRC EIS/OEIS

Dear Public Affairs Officer:

We have reviewed the DEIS/OEIS for the Hawai'i Range Complex which evaluates the potential environmental effects of current and proposed training, research, development, and testing of Navy operations.

We are concerned that the groundwater resources are being affected by the chemical emissions from missile launches that occur during training exercises which may have adverse impacts to the water system at Polihale State Park. While the evaluation was conducted on water resources, it is unclear whether that category includes both ocean/marine resources and groundwater resources. For the health and safety of the public, we would appreciate an evaluation of the project's impacts to groundwater resources.

We appreciate the opportunity to review and comment on the DEIS/OEIS for the Hawai'i Range Complex.

Very truly yours,

Daniel S. Quinn  
State Parks Administrator

c: Wayne Souza

LAURA U. THIELLEN  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER  
AQUATIC RESOURCES  
HEATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



**United States Department of the Interior**

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Pacific Southwest Region  
1111 Jackson Street, Suite 520  
Oakland, California 94607

IN REPLY REFER TO:  
ER#07/615

*Filed Electronically*

10 September 2007

ATTN: HRC EIS/OEIS  
Public Affairs Officer,  
Pacific Missile Range  
Facility, P.O. Box 128,  
Kekaha, Kauai, Hawaii, 96752-0128  
[deis\\_hrc@govsupport.us](mailto:deis_hrc@govsupport.us)

Subject: Review of the Draft Environmental Impact Statement (DEIS), for the Hawaii Range Complex (HRC) Project, Honolulu, Maui, and Hawaii Counties, HI

Dear Public Affairs Officer:

The Department of the Interior has received and reviewed the subject document and has no comments to offer.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port  
Regional Environmental Officer

cc:  
Director, OEPC  
FWS, HI  
FWS, Portland



Bryan J. Baptiste  
Mayor

**Office of Economic Development**

County of Kaua'i  
4444 Rice Street, Suite 200  
Lihue, HI 96766  
(808) 241-6390 Tel \* (808) 241-6399 Fax

Beth A. Tokioka  
Director

September 11, 2007

Public Affairs Officer  
Pacific Missile Range Facility  
Box 128  
Kekaha HI, 96752

Re: Hawai'i Range Complex EIS

To whom it may concern:

Allow me to express my support for continued research and development efforts taking place at the Pacific Missile Range Facility (PMRF) on Kaua'i.

While this work is vitally important to our nation's security, it also makes a significant contribution to our island's economy. Hundreds of jobs for residents of Kaua'i – primarily on the west side of the island where economic opportunities are limited – are provided through PMRF and its affiliated contractors.

We have always found the leadership at PMRF to be a willing partner in community efforts of all kinds. Their volunteerism and assistance during emergency response efforts over the years has been tremendous. Whenever issues of community concern and importance arise, PMRF has always been willing to meet and search for the best possible solution for all involved.

Balancing care for environment with national security and economic opportunity is critical to our island, and we have found that PMRF has been an outstanding partner in this effort. We hope that the results of this review will allow the work currently being undertaken at PMRF to continue and grow in the years to come.

Sincerely,

Beth Tokioka



**The Chamber of  
Commerce of Hawaii**

Since 1850

September 11, 2007

Mr. Tom Clements  
Public Affairs Officer  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Kauai, Hawaii 96752-0128

Dear Mr. Clements:

We are in receipt of the Draft Environmental Impact Statement (DEIS) for the Hawaii Range Complex and offer the following comments.

We agree that the security threats faced by our 21<sup>st</sup> century naval force require that the U.S. Navy take action to upgrade and modernize the Hawaii Range Complex. The measures proposed should provide the level of training necessary to prepare our combat-ready naval forces to win the ongoing war against terrorism, deter aggression, and maintain freedom of the seas as mandated by Federal law.

We believe that this level of readiness is essential to meeting the nation's security objectives, and U.S. commitments with Asia Pacific nations. It has enabled the U.S. Navy to join with the U.S. Army, Marine Corps, and Air Force in successfully maintaining peace and stability within the region and providing humanitarian assistance in the wake of disasters and other emergencies. These efforts have strengthened U.S. relations in the region and served as the catalyst in enabling the growth of a thriving global economy.

In reviewing the DEIS, we believe that the Navy has studied the impacts of the proposed alternatives and complied with the spirit and intent of Federal environmental laws. We further believe that the depth of the study is a continuance of the Navy's outstanding record in protecting, restoring, and enhancing Hawaii's fragile environment.

Thank you for this opportunity to comment on the DEIS.

Sincerely,

James Tollefson  
President & CEO



1132 Bishop Street, Suite 402 • Honolulu, Hawaii 96813 • Phone: (808) 545-4300 • Facsimile: (808) 545-4369



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
 711 KAPI'OLANI BOULEVARD, SUITE 500  
 HONOLULU, HAWAII 96813

HRD07/3146B

September 12, 2007

Public Affairs Officer  
 Pacific Missile Range Facility  
 P.O. Box 128  
 Kekaha, Kaua'i 96752-0128  
 ATTN: HRC EIS/OEIS

**RE: Draft Environmental Assessment and Overseas Environmental Impact Statement for Proposed Upgrades and Modernization in the Hawai'i Range Complex.**

To Whom It May Concern:

The Office of Hawaiian Affairs (OHA) is in receipt of your request for written comments regarding the Draft Environmental Assessment (DEA) and Overseas Environmental Impact Statement (OEIS) for Proposed Upgrades and Modernization in the Hawai'i Range Complex. OHA is the "principal public agency in this State responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians."<sup>1</sup> It is our duty to "[a]ssess[] the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conduct[] advocacy efforts for native Hawaiians and Hawaiians."<sup>2</sup> In this capacity, we offer our understanding of the DEA and then offer comments.

#### SOUND EXPOSURE LEVEL AND ACOUSTIC DOSE-FUNCTIONS

The introductory paragraph of the July 27, 2007 version of section 4.1.2.4.9 states, "These exposure analyses assume that MFA sonar poses no risk to marine mammals if they are not exposed to sound pressure levels from the mid-frequency active sonar above some critical value." (emphasis added). Yet section 4.1.2.4.9.3a states that not only is the Navy using sound pressure levels for the first time to "assess the potential effects of mid-

<sup>1</sup> Hawai'i Revised Statutes (HRS) § 10-3(3).

<sup>2</sup> HRS § 10-3(4).

Public Affairs Officer, Pacific Missile Range Facility  
 September 12, 2007  
 Page 2

frequency sonar on marine mammals", but that "sound exposure level may be a better metric for estimating the potential effects of sonar exposures on an animal's hearing because it represents an accumulation of energy and the sensitivity of the mammalian ear degrades as energy accumulates." (emphasis added). This is indicative of the kind of science and lack of reasoned data that is being used in this DEA. While it is clear that the Navy is using sound pressure level (SPL) rather than sound exposure level (SEL) as the metric for behavioral disturbance, it is not clear why. The National Environmental Policy Act requires that actual analysis be provided for decision-makers so that an informed decision can be made. Analysis does not happen after-the-fact. Further, the DEA introduces this science with an assumption, which points to a lack of data.

Prior to this DEA, the Navy had relied on SEL to assess the potential effects of mid-frequency sonar on marine mammals and even admits (as seen above) in this DEA that it may be a better metric to use. The Navy's reason for this untried approach is because, "using SPL rather than SEL makes more data available."<sup>3</sup>

However, the Navy states that, "Based on the science available, marine mammals are likely to exhibit any of a suite of behavioral responses or combinations of behavioral responses upon exposures to sonar transmissions."<sup>4</sup> The Navy states that these responses can further vary depending on geographic characteristics, species, populations, differences in individuals, age, gender, reproductive status, social behavior and prior experience.<sup>5</sup> It becomes apparent that there is a need for more data, and the way to get that information is to collect it rather than change metrics or approaches.

For example, the Navy states in section 4.1.2.4.9 that it has been working "over the past several years" on developing an original metric for estimating the probability of "marine mammals being behaviorally harassed" by the effects of mid-frequency sonar. This new assemblage is called acoustic dose functions and it will "replace" the old acoustic thresholds used in the past.

<sup>3</sup> Section 4.1.2.4.9.3a, page 4-63.

<sup>4</sup> Section 4.1.2.4.9, page 4-54.

<sup>5</sup> Section 4.1.2.4.9, pages 4-53 and 4-54. Further, section 4.1.2.4.9.4 page 4-63b states that, "Acoustic dose-functions will be interpreted carefully for beaked whales." OHA appreciates this particular attention to beaked whales (most likely because of the events in 1996 when an unusual stranding event took place involving 12 Cuvier's beaked whales in the Mediterranean Sea near Greece coinciding with sonar "sound detecting system trials," the nine Cuvier's beaked whales found dead on 24-25 September 2002 on the Canary Islands of Fuerteventura and Lanzarote in conjunction with the Neo Tapopn exercises, and the March 2000 occurrence, when whales of four different species, including Cuvier's beaked whales, two minke whales, and a dolphin stranded in the Bahamas as a result of tactical mid-frequency sonar transmitted from U.S. Navy vessels). However, we find it odd that the Navy would choose to pay particular attention to this species when it also sees no connection between these deaths and sonar use. OHA stresses that no single species should be singled out for careful attention and that each potentially impacted species be given the same level of scrutiny.

Public Affairs Officer, Pacific Missile Range Facility  
September 12, 2007  
Page 3

However, the Navy states that it will “continue to use acoustic thresholds to estimate the probability of temporary or permanent threshold shifts and for behavioral responses to explosives.”<sup>6</sup> Then, on the very next page (4-56), the Navy states that it will “continue to use acoustic thresholds to estimate the number of marine mammals that might be ‘taken’ through sensory impairment” for mammals exposed to mid-frequency sonar and that the Navy will use “acoustic dose functions to estimate the number of marine mammals that might be ‘taken’ by behavioral harassment” due to exposure to mid-frequency sonar.

Not only is it unclear why the Navy chose to use an “original” approach in this DEA, using science developed over only the “past several years”, but it is wholly unclear which approach they will use choose to use, how they will use the two of them together and when. This mass of confusion is further illustrated when the Navy states, “While the Navy’s original approach to calculating dose function was used to estimate marine mammal exposures in this draft EIS, the Navy and NMFS are planning to utilize the NMFS approach to calculating acoustic dose-functions for the final EIS.”<sup>7</sup>

It is also OHA’s understanding that while the Navy and NMFS are working together, NMFS has not approved or accepted the Navy’s “original approach” towards acoustic modeling. This DEA is misleading in that it suggests otherwise.

The Navy in this DEA also realizes that there is not enough data to measure the effects of its activities on marine mammals: “Existing studies of behavioral effects of man-made sounds in marine environments remain inconclusive.”<sup>8</sup> Therefore the Navy has to rely on “observations of various animals, including humans” to base the relationship represented by acoustic dose-function and behavioral response.<sup>9</sup> Using “observations” that are not presented in the DEA of entirely different species and that are not even marine is not an adequate foundation for an “original” approach to be presented in a DEA.

Indeed, the Navy in section 4.1.2.3 feels free to state that: “Extrapolation from human and marine mammal data to turtles is inappropriate given the morphological differences between the auditory systems of mammals and turtles.”<sup>10</sup> This is another example of how the analysis used in one section of the DEA is fine when it apparently suits the Navy, yet when the same analysis is used in another section it is refuted. It also serves as a source of concern for OHA about the integrity of the data produced and the analysis used to get it.

<sup>6</sup> Section 4.1.2.4.9, page 4-55.

<sup>7</sup> See line 26, page 4-61, section 4.1.2.4.9.3.

<sup>8</sup> Section 4.1.2.4.9, page 4-53.

<sup>9</sup> Section 4.1.2.4.9, page 4-56.

<sup>10</sup> The Navy then fails to give a specific threshold number for underwater detonations, which is a breach of NEPA requirements.

Public Affairs Officer, Pacific Missile Range Facility  
September 12, 2007  
Page 4

An example of favorable conclusions taken from inconclusive data is seen in Section 3.1.2.3:

The potential role of long-range acoustical perception in sea turtles has not been studied and is unclear at this time; anecdotal information suggests that the acoustic... Any signature of a turtle’s natal beach might serve as a cue for nesting returns. However, the concept of sound masking is difficult, if not impossible, to apply to sea turtles. Although low frequency hearing has not been studied in many sea turtle species, most of those that have been tested exhibit low audiometric and behavioral sensitivity to low frequency sound. It appears, therefore, that if there were the potential for the mid-frequency sonar to increase masking effects of any sea turtle species, it would be expected to be minimal as most sea turtle species are apparently low frequency specialists. (emphasis added)

Moreover, because the Navy is using a new approach, the Navy then holds out its acoustic dose-functions analysis for marine mammals to other acoustic dose-functions uses in the Environmental Protection Agency for “water quality criteria,” the Nuclear Regulatory Commission, the Centers for Disease Control and Prevention, the Food and Drug Administration, and the Occupational Safety and Health Administration. Giving a veritable laundry list of other agencies that have used this approach in their very different applications does not add credence to the Navy’s new use of it. If such information is presented, a comparison and analysis as to how it relates to the Navy and this DEA needs to be given as well.

The purpose of the DEA is to weigh the environmental effects of various alternatives to the proposed project. OHA stresses that this cannot be done when the applicant creates original approaches for analysis in some cases, yet relies on the older approach in other cases, and then points out that they will not use either for the final EIS. It seems clear that even the applicant acknowledges that in this case, in regard to the effects of mid frequency sonar on marine mammals, that both a lack of information exists and that there will be an adverse effect.<sup>11</sup> In fact, the Navy states it will have to “interpret” acoustic dose-functions “to compensate for the biases and uncertainties that are inherent in the data used to produce them.”<sup>12</sup> Therefore, OHA recommends adopting a precautionary approach.<sup>13</sup>

<sup>11</sup> Section 4.1.2.4.9, page 4-53 states, “Though, active sonar could have various indirect, adverse effects on marine mammals by disrupting marine food chains, a species’ predators, or a species’ competitors.” Also in Section 4.1.2.9.1, page 4-58, “Over time, as the amount of data available to generate acoustic-dose functions increases...If and when that kind of data becomes available.” There is no data now or research planned to get it.

<sup>12</sup> Section 4.1.2.4.9.4a, page 4-63b.

<sup>13</sup> This principle has become a binding norm of customary international law. (1) Principle adopted by the UN Conference on the Environment and Development (1992) that in order to protect the environment, a



OHA also finds it alarming that the Navy apparently intends to move forward with a recognized and stated lack of data solely when it benefits the Navy to do so. However, in other situations where a recognized lack of data exists, the Navy will actually cite to that as a reason for not pursuing a course of action which would inhibit the Navy. See, for example, the following:

Ramp-up for sonar as a mitigation measure is also an unproven technique. The implicit assumption is that animals would have an avoidance response to the low power sonar and would move away from the sound and exercise area; however, there is no data to indicate this assumption is correct. Given there is no data to indicate that this is even minimally effective and because ramp-up would have an impact on the effectiveness of the military readiness activity, it was eliminated from further consideration.<sup>14</sup>

#### ENDANGERED SPECIES

4.1.2.6.2 page 4-134 states that, "The exposure numbers are given without consideration of mitigation measures." (emphasis added). The very next section estimates the effects on Endangered Species Act (ESA) listed species. Without exception it states, "Based on the model results, behavioral patterns, acoustic abilities of blue whales, results of past training operations, and the implementation of mitigation measures, the Navy finds that the HRC training events would not likely result in any death or injury to Blue whales, Fin whales, Humpback whales, North Pacific Right whales, Sei whales, Sperm whales, or Hawaiian Monk seals." (emphasis added). It is unclear why the Navy would state they would use exposure numbers without mitigation measures and then continue to use mitigation measures as part of their blanket 'no effect' conclusion for any endangered species. This is also the case for the preferred alternative 2.

Further, the mitigation measures in section 6.1.3 are inadequate. Having five watchstanders or lookouts with binoculars in poor visibility conditions or high seas (not to mention night time) is not enough. OHA also finds the procedures for when marine mammals are detected to be inadequate as well. Simply turning down the volume, waiting 30 minutes or moving 2,000 yards away is not enough. Some whales remain

---

precautionary approach should be widely applied, meaning that where there are threats of serious or irreversible damage to the environment, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation. (2) The precautionary principle permits a lower level of proof of harm to be used in policy-making whenever the consequences of waiting for higher levels of proof may be very costly and/or irreversible. See, for example, Ocean Policy Statement by the President, March 10, 1983, accompanying Proclamation No. 5030, 48 Fed. Reg. 10,605 (1983), the 1995 Migratory and Straddling Stocks Agreement and the 2000 Honolulu Convention, and it has also been recognized in regional and national decisions.

<sup>14</sup> Section 6.1.5, page 6-8.

submerged for long periods. Others remain near the surface with just a small amount showing. Turtles only surface with their nostrils. Listening for silent animals that are not vocalizing will not work. There are too many variables to account for, and these measures fall short. Further, this violates 50 CFR sec. 404.9(c) of the Papahānaumokuākea Marine National Monument regulations requiring the Navy to avoid adverse impacts to Monument resources.

Additionally, the DEA on page 4-148 states that, "Mitigation measures would be implemented to prevent exposure of marine mammals (and sea turtles) to impulsive sound or sound pressures from underwater detonations that would cause injury." Yet on page 4-17, "A small number of fish are expected to be injured by detonation of explosive, and some fish located in proximity of the initial detonations can be expected to die."

OHA finds it highly unlikely that someone with binoculars in the open ocean would be able to see a submerged turtle. It is even more unlikely that underwater detonations that are admittedly capable of killing fish will not even harm marine mammals and turtles due to inadequate (or any, for that matter) mitigation measures.

It is also apparent that the priority even in mitigation measures is not to mitigate:

Navy aircraft participating in exercises at sea will conduct and maintain, when operationally feasible and safe, surveillance for marine species of concern as long as it does not violate safety constraints or interfere with the accomplishment of primary operational duties.<sup>15</sup>

It is clear that marine mammals are secondary to operational duties and feasibility, and this is not acceptable. The purpose of EIS law is not to justify the environmental effects of government actions after economic and technical decisions have been made. It appears that this DEA is being prepared to do so, or merely to discuss and possibly mitigate environmental effects, rather than to serve as an "informational document" to guide decision-making. While there is still much value to discussion and mitigation of environmental problems, this use of the EIS process misses the point of the EIS law to encourage discussion of environmental issues before important decisions are made.

Of further concern to environmental species is the analysis used to determine the yearly marine mammal exposures from the ASW (TRACKEX, TORPEX, RIMPAC, USWEX, Multiple Strike Group) and RIMPAC with two Strike Groups exercises. Tables 4.1.2.6.9-1 and 4.1.2.7.1-1 in section 4.1.2.7.1 show a total of 668 dose-function exposures (of 195 dB – TTS 195-215 dB re 1 µPa<sup>2</sup>-s) to the Hawaiian Monk seal from these two exercises.

<sup>15</sup> Section 6.1.3, page 6-3.

Public Affairs Officer, Pacific Missile Range Facility  
September 12, 2007  
Page 7

However, in the example illustrated in figure 4.1.2.4.9-2 using the "particular acoustic dose-functions the Navy and NMFS (National Marine Fisheries Service) developed for this EIS", it states that "about 50 % of the marine mammals exposed to mid-frequency active sonar at a received level of 180dB would be expected to exhibit behavioral responses that NMFS would classify as harassment for the purposes of the MMPA (Marine Mammal Protection Act)." This apparently means that while there are 668 dose-function exposures to monk seals, this could actually only reflect those animals that "exhibit behavioral responses" to the exposure. Many more will be exposed, however, to a sound that could qualify as harassment under the MMPA and also a take under the Endangered Species Act (ESA). Figure 4.1.2.4.9-2 uses a 50% ratio, which would mean that the entire population of monk seals in the entire island would be exposed. This needs to be clarified. A specific percentage or curve needs to be drawn in the DEA analysis.

The DEA on page 4-57 states,

Using both of these methods (the confusing hybrid of acoustic dose-functions and acoustic thresholds) to predict the number of marine mammals that might be "taken" by mid-frequency active sonar during training exercises will over-estimate the number of mammals by between approximately 5 and 10 percent.

While this may sound good and serve to ensure that the Navy has applied for enough take permits, it is not what the law requires. Both the MMPA and the ESA require a specific number for a limited number of permits. OHA stresses that an over-estimate is not acceptable and asks for a specific data set. This only adds to our concern that there is not enough data currently available for what the Navy proposes and, therefore, we are not able to make an informed decision.

OHA recognizes that the Hawaiian Monk seal is in crisis because the population is now declining at a rate of about 4 percent yearly.<sup>16</sup> Biologists estimate the current population at about 1,200 individuals.<sup>17</sup> Biologists' models predict the species' population will fall below 1,000 animals within the next three to four years, which places the Hawaiian Monk seal among the world's most endangered species.<sup>18</sup> All of this prompted the National Oceanic and Atmospheric Agency to sign a new Hawaiian Monk seal recovery plan in August 2007 which stated, "the Hawaiian monk seal is headed to extinction if urgent action is not taken."<sup>19</sup>

<sup>16</sup> Honolulu Advertiser, August 21, 2007.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Recovery Plan, page V.

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Further, most of the current Hawaiian Monk seal population is found in the Hawai'i Range Complex in the Northwestern Hawaiian Islands and the Papahānaumokuākea Marine National Monument. The DEA states on page 6-18, Section 6.4.5 that, "No specific threats to monk seals from activities associated with the HRC were identified in the Plan." This statement contradicts all the prior evidence. OHA finds that acoustic-dose functions that will expose half to all of the endangered Hawaiian Monk seal population are not acceptable. The Hawaiian Monk seal is but one example of the many species that will be affected by this proposed action. Further, how the Navy then finds such small numbers of takings under the MMPA is unclear.<sup>20</sup>

#### NORTHWESTERN HAWAIIAN ISLANDS

In Section 3.2 on page 3-77, the DEA states,

Depending on the trajectory, missiles launched from the Pacific Missile Range Facility (PMRF) have the potential to overfly portions of the Papahānaumokuākea Marine National Monument. Of particular concern is missile overflight of Nihoa and Necker, which are the islands closest to the Main Hawaiian Islands.

OHA notes that all the islands are of equal concern and should be given the same level of analysis and attention. This is true for the Papahānaumokuākea Marine National Monument as well (note correct accents without which a different meaning is given). Hawaiian stewardship and perpetuation of Native Hawaiian culture is holistic and fully integrated with the natural and cultural resources. Papahānaumokuākea offers a vast, sacred and protected area from which to learn and reflect from that cannot be recreated or modeled anywhere else. "O ka mea I kūpono i kō kākou no'ono'o aku, 'oia kā kākou e mālama." ("What is suitable for us to reflect on is what we should preserve.") (Forrester)

In Hawaiian traditions, the Northwestern Hawaiian Islands are considered a sacred place, a region of primordial darkness from which life springs and spirits return after death (Kikiloi 2006). Much of the information about the NWHI has been passed down in oral and written histories, genealogies, songs, dance, and archaeological resources.<sup>21</sup> According to these Native Hawaiian sources, Papahānaumokuākea existed since the beginning of time. Semantically the name of the monument resonates with the Native Hawaiian sense of place and origin. The earth mother (Papa) and the sky father (Wakea)

<sup>20</sup> The DEA on page 4-148 says that, "Based on analytical modeling results, five endangered marine mammal species occurring within the Hawaii OPAREA may be exposed to acoustic energy that could result in TTS or behavioral modification, including the fin whale, humpback whale, sei whale, sperm whale, and Hawaiian monk seal."

<sup>21</sup> The Papahānaumokuākea Marine National Monument web site, <http://hawaiiireef.noaa.gov/heritage/welcome.html>, September 10, 2007.

joined in union and gave birth to not only the Native Hawaiians, but also the islands themselves. This cosmology is embodied in the name of the monument itself and reminds us of not only our connection to the land, but also of our responsibilities to it.

Further, the extensive coral reefs found in Papahānaumokuākea Marine National Monument are home to over 7,000 marine species, one quarter of which are found only in the Hawaiian Archipelago.<sup>22</sup> Also 21 species of tropical and subtropical seabirds breed in Papahānaumokuākea.<sup>23</sup> Virtually the entire world's populations of Laysan Albatross and Black-footed Albatross live there<sup>24</sup>, as well as populations of "global significance" of Red-tailed Tropicbirds, Bonin Petrels, Tristram's Storm-Petrels, and White terns<sup>25</sup>. It is the largest seabird rookery in the world with four endangered endemic land birds which are found nowhere else in the world.<sup>26</sup> Papahānaumokuākea also has at least six species of endangered plants listed under the Endangered Species Act (ESA) and contains "countless endemics."<sup>27</sup> Almost all of the entire population of the Hawaiian Monk seal resides there, and it provides "nearly all" of the nesting habitat for the threatened Hawaiian green sea turtle in Hawai'i.<sup>28</sup> Four other endangered turtles and six ESA listed whales are found there.

This particular area of the Hawai'i Range Complex (HRC) overlaps one monument, two refuges, one reserve, and one national memorial.<sup>29</sup> The area that this project proposes to

<sup>22</sup> Ibid at <http://hawaiiireef.noaa.gov/about/welcome.html>.

<sup>23</sup> Application for the World Heritage U.S. Tentative List, Papahānaumokuākea National Marine Monument, page 69.

<sup>24</sup> 99 and 98 percent, respectively and both are listed as vulnerable and endangered by the International Union for Conservation of Nature and Natural Resources (IUCN).

<sup>25</sup> Ibid.

<sup>26</sup> The final rule authorizing the Department of Defense to take migratory birds during military readiness activities (50 CFR Part 21) was published in the Federal Register on 28 February 2007. The rule states that the Armed Forces must confer and cooperate with the USFWS on the development and implementation of conservation measures to minimize or mitigate adverse effects of a military readiness activity if it determines that such activity may have a significant adverse effect on a population of a migratory bird species. OHA notes that this is such a case. See also, Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds (10 January 2001).

<sup>27</sup> Ibid., page 68.

<sup>28</sup> Ibid., page 69.

<sup>29</sup> Papahānaumokuākea Marine National Monument, the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Hawaiian Islands National Wildlife Refuge, the Midway Atoll National Wildlife Refuge, and the Battle of Midway National Memorial. As a sanctuary, the National Marine Sanctuaries Act (NMSA) 16 U.S.C. § 1431 et seq. authorizes the Secretary of Commerce to designate as National Marine Sanctuaries areas of the marine environment that possess conservation, recreational, ecological, historical, research, and educational, or aesthetic resources and qualities of national significance, and to provide a comprehensive management and protection of these areas. To protect the area designated, any Federal action that is likely to destroy, cause the loss of, or injure a sanctuary resource must consult with the Secretary of Commerce prior to commencement of the action and adhere to reasonable and prudent alternatives set by the Secretary of Commerce. (emphasis added) NMSA 16 U.S.C. § 1431

shoot missiles and conduct war games on is also being considered as a World Heritage site. The President of the United States set aside Papahānaumokuākea as the world's largest, most protected marine preserve in the world. All of these actions recognize the special status and importance of the area that this DEIS treats in section 3.2. Yet the Navy fails recognize it. In fact, their analysis of the Northwestern Hawaiian Islands/ Papahānaumokuākea begins with:

Of the 13 environmental resources that would be affected by the No-action Alternative, Alternative 1, or Alternative 2 considered for analysis, air quality, airspace, geology and soils, hazardous materials and waste, health and safety, land use, noise, socioeconomic, transportation, utilities, and water resources are not addressed.<sup>30</sup> (emphasis added).

OHA expresses concerns over missile debris not only falling onto the islands and damaging them, but also falling into the water where it will sink to the bottom and be pushed about by the currents thereby destroying the very coral reefs that Papahānaumokuākea was set up to preserve. Even if the missile tracks are moved, there will still be unanalyzed and accounted for impacts in Papahānaumokuākea that this DEA fails to address.

For example, sonar buoys will be dropped from planes via parachutes. There is no mention in the DEA of what happens to the parachutes and the potential impacts (of which there are many). Also, radar observations show that chaff can spread over several hundreds of miles and stay in the air for up to a day.<sup>31</sup> The Air Force reported that chaff has a potential but remote chance of collecting in reservoirs and causing chemical changes that may affect water and the species that use it. The Air force also reported that surface-feeding or bottom-feeding animals and fish may ingest chaff, but this only affects a few individual animals and has a low impact on species populations except in the case of protected species.<sup>32</sup> Of further concern is that some types of chaff may not only be ingested, but that there is a likelihood that birds would use chaff for nests and expose the young.<sup>33</sup> These are but two examples of the kinds of impacts that are probable as a result of the Navy's actions and which are not addressed in the DEA. In fact, we are even told that they are "not addressed."

The EIS process is not discretionary. It does not allow for blanket exemptions of areas not to be treated. OHA urges that a full and careful analysis of each impact be given. NEPA calls for such an analysis so that impacts and alternatives can be weighed and

<sup>30</sup> Section 3.2, page 3-77.

<sup>31</sup> United States General Accounting Office, September, 1998 report, DOD Management Issues Related to Chaff.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.



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informed decision making results. The Navy stating that it will not address some things and failing to address others adequately is a breach of this requirement.

Further, OHA finds it odd that while the rest of the world finds this area worthy of multiple and overlapping areas of protection and elevated status, the Navy would start their analysis of this area by seeking to minimize their analysis of the potential impacts resulting from their actions in this area.

OHA does, however, appreciate that the Navy recognizes its duty under the Presidential Proclamation establishing the Monument:

3. All activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities.

4. In the event of threatened or actual destruction of, loss of, or injury to a monument resource or quality resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the USCG [U.S. Coast Guard], the cognizant component shall promptly coordinate with the Secretaries for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the monument resource or quality.<sup>34</sup>

The DEA then states on the same page, "Because Nihoa and Necker are more likely to be impacted by program activities, they are discussed in more detail at the end of this section."<sup>35</sup> Once again, OHA urges that environmental assessments are not discretionary. The Navy is not free to treat some areas more carefully than others because they feel that they have assessed their own actions and are aware of all the potential impacts. Clearly this is not reasonable, or even possible, and not a part of the DEA/National Environmental Policy Act (NEPA) requirements. OHA also notes that even the name that the Navy uses for Necker island alludes to their inhibited analysis. Necker is known as Mokumanamana.<sup>36</sup>

Additional duty to protect this area is added with Executive Order (EO) 13089 Coral Reef Protection (63 FR 32701) which requires the Navy "to preserve and protect the biodiversity, health, heritage, and social and economic value of U.S. coral reef ecosystems and the marine environment." It is also "as stated in the DEA) DOD policy to protect the U.S. and International coral reefs and to avoid impacting coral reefs to the maximum extent possible.

<sup>34</sup> U.S. Government, The White House, 2006, as cited in DEA, page 3-79.

<sup>35</sup> Section 3.2, page 3-79.

<sup>36</sup> Even Wikipedia lists these names for these islands. See, <http://en.wikipedia.org/wiki/Nihoa>.

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OHA, which has a seat on the seven member Monument Management Board, notes that the area of the Northwestern Hawaiian Islands, known as Papahānaumokuākea, contains many culturally significant sites and is generally of great cultural significance to Native Hawaiians. The first part of the Hawaiian cosmology begins with Pō, the age of spirit or cosmic night. According to this creation chant the first physical being created was a coral polyp, from which all other things followed.<sup>37</sup> It is also the home to which those spirits return after physical death.<sup>38</sup> This area contains the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve and contains 4,500 square miles of coral reefs.<sup>39</sup> The principal purpose of the Reserve is the long-term conservation and protection of the coral reef ecosystem and related marine resources and species of the Northwestern Hawaiian Islands in their natural character.

Hawaiians themselves are further connected to Papahānaumokuākea by their 'aumakua, kumu pa'a, and kino lau. These are their ancestral and supernatural body forms manifested in the animals and plants of Papahānaumokuākea.<sup>40</sup>

All of this is amply evidenced by the many archeological sites found in Papahānaumokuākea. The Navy only lists 78 sites for Nihoa when there are actually now 89 known sites.<sup>41</sup> Mokumanamana has 52 sites which are not discussed or even mentioned in the Navy's DEA.<sup>42</sup> On both of these islands there are religious and agricultural sites that indicate habitation starting a thousand years ago. This is an example of what the analysis in the DEA for an area that the Navy says is of "particular concern."

Native Hawaiians today continue to maintain their strong cultural ties to the land and sea and are ever-realizing their own connections to this area. It is believed Mokumanamana played a central role in Hawaiian ceremonial rites and practices a thousand years ago because it is directly in line (230 34.5' N) with the rising and setting of the equinoctial sun on the path called the tropic of Cancer. In Hawaiian this path is called "ke ala polohiwa a Kane" or the "way of the dark clouds of Kane," which has been translated to mean death, or the westward passage of the ancestral spirits. Mokumanamana sits Public centrally on the axis between two spatial and cultural dimensions. Symbolically, Mokumanamana splits darkness and light, afterlife and existence, pō and ao. On the summer solstice, the sun travels slowest across the sky going directly over Mokumanamana. This aligns with the strategic concentration of ceremonial sites on the

<sup>37</sup> Johnson, Rubellite, Kawena, Kumulipo, Hawaiian Hymn o' Creation, Volume I, 1981, page 4.

<sup>38</sup> Application for the World Heritage U.S. Tentative List, Papahānaumokuākea National Marine Monument, page 73.

<sup>39</sup> Northwestern Hawaiian Islands Marine National Monument, A Citizen's Guide, page 3.

<sup>40</sup> Some examples are turtles, whales, sharks and eels.

<sup>41</sup> Application for the World Heritage U.S. Tentative List, Papahānaumokuākea National Marine Monument, page 42.

<sup>42</sup> Ibid., page 65.



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island and serves as a reminder of the important spiritual role it plays in the Hawaiian culture.

OHA finds the Navy's analysis of these important sites in the DEA woefully inadequate. Their treatment in section 3.2.2.2 called, Cultural Resources-Northwestern Hawaiian Islands Onshore is only one page long. There is no attempt to assess the cultural significance of any of the other islands, the animals or plants and yet they admit that there is both a duty to avoid adverse impacts under the Presidential Proclamation establishing the Monument (numbers 3 and 4), and a potential for those impacts to occur.

OHA further notes that there is no section 106 analysis under the National Historic Preservation Act. This is a federal undertaking that directs the agency to take into account the effects of its actions on historic properties and provide the Advisory Council on Historic Preservation a reasonable opportunity to comment.<sup>43</sup> Below is the entire content of the Navy's analysis in Section 4.2.2.2 Cultural Resources- Northwestern Hawaiian Islands:

Missile defense RDT&E operations, including THAAD, have the potential to generate debris that falls within areas of the Northwestern Hawaiian Islands, particularly the vicinity of Nihoa. Some of these islands are known to have significant cultural resources sites, and the islands of Nihoa and Necker are listed in the National and Hawaii State Registers of Historic Places. Debris analyses of the types, quantities, and sizes associated with the PMRF missile exercises indicate that the potential to impact land resources of any type is very low and extremely remote. In addition, trajectories can be altered under certain circumstances to further minimize the potential for impacts. As noted in Section 4.2.2.1, future missions will include consideration of missile flight trajectory alterations, if feasible, to minimize the potential for debris within these areas. As a result, impacts on cultural resources within the Northwest Hawaiian Islands are not expected.

OHA stresses that many of the places and objects in this area are eligible for inclusion in the National Register of Historic Places. As evidence of this, Mokumanamana was added to the National Register of Historic Places in 1988. As such, OHA, a federally listed Native Hawaiian Organization, is requesting assurances that a section 106 analysis be done as part of a much improved cultural resources analysis for the Northwestern Hawaiian Islands area, known as Papahānaumokuākea.


OHA appreciates being brought in to this early consultation and looks forward to further commenting on this project as it develops. Thank you for the opportunity to comment. If

<sup>43</sup> Section 106 of the national Historic Preservation Act, 16 U.S.C. 470f.

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you have any further questions or concerns please contact Grant Arnold at (808) 594-0263 or [granta@oha.org](mailto:granta@oha.org).

Sincerely,



Clyde W. Nāmu'o  
Administrator

C: Irene Ka'ahanui, Community Resources Coordinator  
Office of Hawaiian Affairs, Moloka'i Office  
P.O. Box 1717  
Kaunakakai, HI 96748

C: Kanani Kagawa, Community Resources Coordinator  
Office of Hawaiian Affairs, Kaua'i Office  
3-3100 Kuhio Hwy. Suite C4  
Lihu'e, Hawai'i 96766-1153

C: Thelma Shimaoka, Community Resource Coordinator  
Office of Hawaiian Affairs, Maui Office  
140 Ho'ohana St., Ste. 206  
Kahului, Hawai'i 96732

C: Lukela Ruddle, Community Resources Coordinator  
Office of Hawaiian Affairs, Hilo Office  
162 A Baker Avenue  
Hilo, Hawai'i 96720-4869

C: Ruby McDonald, Community Resources Coordinator  
Office of Hawaiian Affairs, Kona Office  
75-5706 Hanama Place Suite 107  
Kailua-Kona, Hawai'i 96740

Public Affairs Officer, Pacific Missile Range Facility  
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C: Pearl A'aho  
Community Resources Coordinator  
Office of Hawaiian Affairs, Lana'i Office  
P.O. Box 631413 Lana'i City, 96763

C: James L. Connaughton, Chairman  
Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

C: Chris Yates, Branch Chief.  
National Marine Fisheries Service, Pacific Islands Region  
1601 Kapi'olani Blvd., Suite 1110  
Honolulu, Hawai'i 96814

C: Aulani Wilhelm, Superintendent  
Papahānaumokuākea Marine National Monument, NOAA/NOS  
6600 Kalaniana'ole Hwy, Suite 300,  
Honolulu, Hawai'i 96825

C: Laura Thielen, Interim Director  
State of Hawai'i Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawai'i 96809

C: Susan White, Superintendent, Papahānaumokuākea Marine National Monument  
U.S. Fish and Wildlife Service  
300 Ala Moana Blvd. ,Box 50167  
Honolulu, Hawai'i 96850-5000

C: Mike Tosatto, Deputy Administrator  
National Marine Fisheries Service, Pacific Islands Regional Office  
1601 Kapi'olani Blvd., Ste 1110,  
Honolulu, Hawai'i 96814

Public Affairs Officer, Pacific Missile Range Facility  
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C: Patrick Leonard, Field Supervisor  
U.S. Fish and Wildlife Service, Ecological Services  
300 Ala Moana Blvd, Rm 5-231  
Honolulu, Hawai'i 96850



Bryan J. Baptiste  
Mayor

**Office of Economic Development**  
County of Kauai  
4444 Rice Street, Suite 200  
Lihue, HI 96766

Beth A. Tokioka  
Director

September 12, 2007

Tom Clements  
**Pacific Missile Range Facility**  
Public Affairs Officer  
Box 128  
Kekaha HI, 96752

Dear Tom

I am very pleased to submit this letter of support for the many years of partnership that PMRF has provided to the community and residents of Kauai County.

For years, PMRF has employed generations of Kauai's civilian residents in various positions of importance on base. PMRF, through its leadership and personnel, have participated in events that are important to Kauai's unique community profile. With a sensitivity to the Hawaiian culture, and a true appreciation of traditional sites that border the Navy facility, PMRF practices great care and stewardship in protecting those things of great cultural importance and value to Kauai's people.

In my dual role as a local government employee, and as a recognized cultural practitioner, I was invited recently, to witness operational exercises aboard the Pacific fleet's newest Aircraft Carrier, The USS Ronald Reagan. Amazed by my 24 hr. visit aboard that ship, only then, did I understand the full impact of the freedom and protection we enjoy as citizens of the United States of America, as the Navy, diligently stands watch through exercises conducted with PMRF and other Naval facilities here in Hawaii.

It is important to recognize the many ways our lives are positively impacted by our neighbors at PMRF.

Thank you for allowing me a moment to voice my support for the Pacific Missile Range facility and the Navy, as a good neighbor, partner and protector of us all.

Respectfully submitted,

Robbie Kaholokula  
Tourism Specialist, OED County of Kauai

09/17/2007 14:31 8885234642

WASTEWATER

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DEPARTMENT OF ENVIRONMENTAL SERVICES  
**CITY AND COUNTY OF HONOLULU**  
1000 ULUOHA STREET, SUITE 308, KAPOLEI, HI 96707  
TELEPHONE: (808) 862-5159 FAX: (808) 862-6113 WEBSITE: <http://www.cc.honolulu.gov>

MUFI HANNEMANN  
MAYOR



ERIC S. TAKAMURA, Ph.D., P.E.  
DIRECTOR

KENNETH A. SHIMIZU  
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.  
DEPUTY DIRECTOR

IN REPLY REFER TO:  
PRO 07-063

September 17, 2007

via fax: 808-335-4520

Public Affairs Officer  
**Pacific Missile Range Facility**  
P.O. Box 128  
Kekaha, Kauai, Hawaii 96752-0128

ATTN: HRC EIS/OEIS

Subject: **Hawaii Range Complex, Dept. of the Navy**  
**Draft EIS/Overseas EIS, July 2007**

We have reviewed the subject Draft EIS/OEIS transmitted to us via your letter dated 19 Jul 2007, and have the following comments:

In section 3.4.1.7, p. 3-199, the report states that "Of the 13 environmental resources considered for analysis ... utilities ... are not addressed." This is a concern to our Department because we have existing underwater pipelines in the vicinity of the various Navy operating areas. These pipelines include our ocean outfalls from our wastewater treatment plants (WWTP) at Waianae, Honolulu, and Kailua, each of which extend over 1 mile offshore, and our wastewater pressurized force mains under Pearl Harbor. These are critical pipelines that need to be appropriately protected from potential adverse impacts from Navy operations. Of particular concern to us is the potential impacts of the Navy's Ewa Training Minefield on our existing outfall pipe from the Honolulu WWTP.

Should you have any questions, please call Jack Pobuk, CIP Program Coordinator, at 768-3464.

Sincerely,

Eric S. Takamura, Ph.D., P.E.  
Director

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF DEFENSE**  
OFFICE OF THE ADJUTANT GENERAL  
3949 DIAMOND HEAD ROAD  
HONOLULU, HAWAII 96816-4495

ROBERT G. F. LEE  
MAJOR GENERAL  
ADJUTANT GENERAL

GARY M. ISHIKAWA  
BRIGADIER GENERAL  
DEPUTY ADJUTANT GENERAL

14 SEP 2007

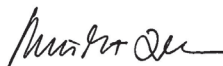
MEMORANDUM FOR COMMANDER, UNITED STATES PACIFIC FLEET  
250 Makalapa Drive  
Pearl Harbor, HI 96860

FROM: HITAG

SUBJECT: Environmental Impact Statement 5090 N01CE1/0552

1. Thank you for the opportunity to review the final draft Environmental Impact Statement (EIS) for the Hawaii Range Complex. The State of Hawaii Department of Defense strongly supports the proposed upgrades and modernization to the ranges. The range complex is the single most critical component to successful military exercises, war gaming and day-to-day training for our Hawaii National Guard forces in the State of Hawaii. Your modernization proposals will ensure the complex remains a vital part of military training for the foreseeable future.

2. Questions can be addressed to Col Ann Greenlee, Chief of Staff, JFHQ - HI, 733-4230.

  
ROBERT G. F. LEE  
Major General  
Hawaii National Guard  
Adjutant General

SEP-17-2007 MON 04:50 PM U.S.E.P.A.

FAX NO. 4159473582

P. 01



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

### FAX COVER SHEET:

TO: Public Affairs Officer, Pacific Missile Range Facility  
Attn: HRC EIS/OEIS

Date: September 17, 2007

Fax No. 808-335-4520

No. of Pages 8  
(incl. cover sheet)

FROM: Karen Vitulano, Environmental Review Office

Phone No. 415-947-4178

Fax No. 415-947-8026

SUBJECT: EPA comments on the Hawaii Range Complex DEIS

COMMENTS:



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

September 17, 2007

Tom Clements  
Public Affairs Officer  
Pacific Missile Range Facility  
P.O. Box 128  
Kahala, Kauai, HI 96752-0128

Subject: Draft Environmental Impact Statement/Overseas Environmental Impact Statement  
(EIS/OEIS), Hawaii Range Complex, Hawaii (CEQ # 20070312)

Dear Mr. Clements:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our detailed comments are enclosed.

The Draft EIS/OEIS (herein DEIS) assesses the impacts of current and increased Navy training, and research and development activities in the Hawaii Range Complex, which includes 235,000 square nautical miles (nm) around the Main Hawaiian Islands and 2.1 million square nm of Temporary Operating Area of sea and airspace encompassing the Northwest Hawaiian Islands. The No-action Alternative evaluates the current level of Navy training in the range complex, which includes over 9,300 annual operations, including several Undersea Warfare Exercises per year and the biennial Rim of the Pacific exercise. Alternative 1 evaluates increased tempo and frequency of training and new training operations. Alternative 2 evaluates further increased tempo and training with increases of over 100% in the number of training operations over current training, increased research and development, and the addition of major exercises including training three Strike Groups simultaneously. The Navy's preferred alternative is Alternative 2.

Based on our review, we have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed "Summary of Rating Definitions"). EPA has concerns regarding impacts to marine resources from the preferred alternative. We understand there is substantial uncertainty regarding the acoustic impacts to these resources, including the extent that mid-frequency active sonar use plays in marine mammal strandings. Such uncertainty suggests that a more precautionary approach be taken than what is described in the preferred alternative to fully protect marine resources.

A limited range of alternatives are evaluated in the DEIS. EPA recommends additional alternatives be formulated and evaluated in the Final EIS to meet the Navy's mission while maximizing environmental protection. We recommend different training combinations and

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levels be included, including an alternative that describes a much more precautionary approach in relation to mid-frequency active sonar. If additional alternatives are not analyzed, EPA recognizes the No-action Alternative, which maintains training at current levels, to be the environmentally preferable alternative per 40 CFR 1505.2(b) and recommends its selection to minimize environmental impacts.

EPA appreciates the opportunity to review this DEIS. When the Final EIS is released for public review, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3846 or Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or [vitulano.karen@epa.gov](mailto:vitulano.karen@epa.gov).

Sincerely,

*for*   
Nova Blazej, Manager  
Environmental Review Office

Enclosure: Summary of EPA Rating Definitions  
EPA's Detailed Comments

cc: Chris Yates, National Marine Fisheries Service



## SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

### ENVIRONMENTAL IMPACT OF THE ACTION

#### *"LO" (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### *"EC" (Environmental Concerns)*

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### *"EO" (Environmental Objections)*

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### *"EU" (Environmentally Unsatisfactory)*

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

### ADEQUACY OF THE IMPACT STATEMENT

#### *Category 1" (Adequate)*

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### *"Category 2" (Insufficient Information)*

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### *"Category 3" (Inadequate)*

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

<sup>\*</sup>From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT, HAWAII RANGE COMPLEX, HAWAII, SEPTEMBER 17, 2007

### **Alternatives and Purpose and Need**

The Draft Environmental Statement (DEIS) for the Hawaii Range Complex (HRC) states that the decision to be made by the Assistant Secretary of the Navy is to determine both the level and mix of training to be conducted and the range capability enhancements to be made within the HRC that best meets the needs of the Navy (p. ES-12). The alternatives evaluated in the DEIS do not contain a variety of levels and mixes of training and enhancements, however. The No-action Alternative represents the existing level of training; Alternative 1 consists of the exercises in the No-action Alternative with the addition of new training operations and an increased tempo and frequency of training; and Alternative 2 includes the same exercises as Alternative 1 with further increased tempo and training and substantial increases in the number of training operations including the addition of major exercises.

The Council on Environmental Quality (CEQ) Regulations for Implementing the National Environmental Policy Act (NEPA) states that the evaluation of alternatives is the "heart of the environmental impact statement" and that agencies should "rigorously explore and objectively evaluate all reasonable alternatives" to the proposed action (40 CFR 1502.14). Based on the purpose and need described in Chapter 1, it is not clear that all reasonable alternatives that would meet the Navy's current and emerging training needs were included. The alternatives analysis of this DEIS would be improved by including alternatives that represented a more diverse level and mix of training instead of formulating alternatives that simply build upon one another. A more diverse range of alternatives would provide information to the decision-maker that could aid in selecting an alternative that meets the Navy's most important training needs while meeting the intent of our national environmental policy (42 USC 4331- 4335).

*Recommendation:* In the Final EIS (FEIS), EPA recommends evaluation of additional alternatives that represent a more diverse level and mix of training and research/development activities. EPA recommends that the FEIS include a range of alternatives developed with reference to how well they meet immediate and future training needs. We recommend including an alternative that describes a much more precautionary approach in relation to the use of mid-frequency active sonar. We also recommend that the impacts of these alternatives be more clearly differentiated in the FEIS and presented in a comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public (40 CFR 1502.14). Consistent with this, we recommend that the amount of munitions use and their associated pollutants be quantified in the FEIS for all alternatives.

If additional alternatives are not analyzed in the FEIS, EPA recognizes the No-action Alternative, which maintains training at current levels, to be the environmentally preferable alternative per 40 CFR 1505.2 (b) and recommends its selection to minimize environmental impacts.

### Impacts from Mid-Frequency Active (MFA) Sonar

#### *Considering Uncertainty in Impact Assessment*

We understand that there is a substantial amount of uncertainty in predicting impacts to marine mammals and fish from MFA sonar. We are concerned, however, that this uncertainty has not been fully considered in the assessment of significance<sup>1</sup>, and that more precaution is not being used to mitigate this uncertainty.

For example, we are aware that the Woods Hole Oceanographic Institution<sup>2</sup> expressed concern in the past regarding effects thresholds near 190 dB, citing a study<sup>3</sup> that reported significant behavioral responses in the North Atlantic right whale at 154 decibels (dB). Additionally, the 2006 Rim of the Pacific (RIMPAC) After Action Report (Appendix F) indicates that the National Marine Fisheries Service (NMFS) believed that the 190 dB sound exposure level (SEL) was “not sufficiently precautionary” and required the Navy to apply for its incidental harassment authorization for that exercise using 173 dB SEL (p. F-9). The DEIS indicates that the normal operating level for the Hawaii Range Complex (HRC) alternatives would be 235 dB and the preferred alternative includes 1,152 additional hours of MFA sonar (p. 4-19) and simultaneous multiple strike group training.

*Recommendation:* We recommend the FEIS consider the uncertainty and unknown risks in assessing significance of impacts from MFA sonar on marine resources. We recommend modifications to the preferred alternative to incorporate additional precaution and mitigation measures commensurate with this level of uncertainty.

#### *Impacts to Fish*

The DEIS makes conclusions regarding impacts to fish that are not clearly supported by the discussion provided. For example, the DEIS concludes that impacts to fish would be minimal “considering the few fish species that would be able to detect sound in the frequencies of the proposed action” (p. 4-19). However, the DEIS states that species of tuna may be able to detect mid-frequency sounds (p. 3-14), and there are several tuna species present in open water in the project area (Table 3.1.2.2.1-1). An additional concern is that NMFS determined that overfishing was occurring Pacific-wide for one tuna species, the bigeye tuna (p. 3-11). The basis for the conclusion of negligible impacts is not clear and should be better supported or revised.

Additionally, the DEIS states that impacts to fish would be minimal because of the “limited exposure of juvenile fish with swim bladder resonance in the frequencies of the sound sources” (p. 4-19). The DEIS does not provide the swim bladder resonance of fish in the study area, which would depend on fish species, size and depth (p. 4-14), to offer the basis for the conclusion of negligible impacts in the DEIS.

<sup>1</sup> The Council on Environmental Quality Regulations for Implementing NEPA state that “the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks” should be considered in evaluating significance (40 CFR 1508.27 (b) 5)

<sup>2</sup> In its comment letter on the Atlantic Undersea Warfare Training Range EIS Jan 27, 2006

<sup>3</sup> Available: <https://dashive.mblwhoilibrary.org/handle/1912/248>

*Recommendation:* Consider and discuss potential impacts to tuna species, especially the bigeye tuna, in the FEIS. If additional information regarding swim bladder resonance of fish in the study area is available, include and discuss it in the FEIS. If this information is not available, the conclusions regarding significance of impacts should be qualified and the uncertainty considered. EPA recommends additional precautions be included in the proposed action to safeguard marine resources.

### Hazardous Waste Contamination

#### *Pearl Harbor Contamination*

The Navy proposes a Demolition Exercise Area in the Middle Loch of Pearl Harbor, which has existing polychlorinated biphenyls (PCBs) and heavy metals contamination. The DEIS states that underwater detonations may create a crater and disperse the displaced bottom sediments into the water column (p. 4-370). We have concerns regarding potential mobilization of PCBs and other pollutants by underwater detonations and their spread into the shallow fringes of Middle Loch, especially if a detonation disturbs sediments more than a couple inches deep. The broad area of the Middle Loch has PCB levels which are just below levels which are of concern for exposure to waterfowl in shallow habitat (< 2 meters deep). Various heavy metals (cadmium, copper, mercury, and zinc) are present above levels of concern for a variety of ecological receptors in a broad area of the Loch. In addition, there is one sampling location near the east shore which has chlorinated pesticides (dieldrin and chlordanes) above levels of concern for fish.

Additionally, it is not clear whether the construction and operation of the Acoustic Test Facility (ATF) off Ford Island has the potential to mobilize existing sediment contaminants, including PCBs, heavy metals, and chlorinated pesticides, into the water column. There is an area of near shore samples just within the ATF on the southwest corner of Ford Island which has very high levels of PCBs (from 604 to 8448 parts per billion measured as the total of the NOAA 18 congeners). These same locations have zinc and chlorinated pesticides (dieldrin & endosulfan) above levels of concern. We have concerns regarding the potential disturbance of sediments in this small area along the shore because of the high probability that PCBs would be mobilized.

*Recommendation:* In the FEIS, include a discussion as to whether underwater detonations will mobilize existing contaminants into the water column and what effects this mobilization could have on environmental resources considering the information above. Clarify the potential that the ATF has to disturb contaminated sediments. We note that these exercises and enhancements are proposed in some of the less contaminated portions of Pearl Harbor, however additional mitigation measures should be considered that reduce sediment disturbance to the greatest extent practicable, including the reduction of the quantity of exercises performed. EPA also recommends the avoidance of soil disturbance on the southwest corner of Ford Island which contains high PCB contamination and request this be included in the mitigation measures in Chapter 6.

**Pollution Prevention**

Guidance issued by the CEQ on integrating pollution prevention in Federal planning and decisions under NEPA<sup>4</sup> states that Federal agencies should use every opportunity to include pollution prevention features in NEPA planning and decisions and reflect such considerations in their NEPA documents. The DEIS identifies the contamination from munitions, including oils, heavy metals, and chemical simulants, that will be left in the water column and sediments. The preferred alternative involves "substantial" increases of materials expended on-sea ranges that include liquid and soluble hazardous constituents (p. 4-189).

Consistent with CEQ guidance, the FEIS should describe what actions the Navy is taking to reduce the introduction of pollutants during HRC activities. We strongly recommend that the Navy perform its training in a manner that minimizes the deposition of pollutants into soils and the water column, especially in those areas where waters do not meet water quality standards such as in Pearl Harbor. The DEIS notes that loadings of copper, nutrients, and leachate from anti-fouling paint used on ship hulls are of concern in Pearl Harbor (p. 3-225).

**Recommendation:** In the FEIS, identify measures that the Navy is taking to reduce pollutant loadings in soil and water resources. Commit to specific measures to reduce pollutant loadings in areas where waters do not meet water quality standards and include these mitigation measures in the FEIS and in the Record of Decision (ROD). EPA recommends that the Navy explore and discuss ways to reduce the deposition of liquid and soluble hazardous constituents into water resources for this project, especially the substantial increases under the preferred alternative.

**Depleted uranium**

The Pohakuloa Training Area (PTA) will be the site for Air to Ground Gunnery exercises, bombing exercises, and live-fire exercises (p. 4-442). We understand that traces of historic munitions containing depleted uranium have been found at an impact area at PTA.

**Recommendation:** The FEIS should identify whether ground disturbance will occur in impact areas that could contain depleted uranium, and assess the impacts to air resources and health and safety from such disturbance. Include an update of the Navy's efforts to address depleted uranium contamination at PTA and any other areas in the HRC. We recommend ground disturbance be avoided in areas that could contain depleted uranium.

<sup>4</sup> Pollution Prevention and the National Environmental Policy Act," CEQ, January 12, 1993

**The Senate**

STATE CAPITOL  
HONOLULU, HAWAII 96813  
September 17, 2007

Public Affairs Office  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, HI 96752-0128

Attention: HRC EIS/OEIS

Subject: **URGENT** – 30 Day Extension Request  
Hawai'i Range Complex NEPA Draft EIS

To Whom It May Concern:

Because of the size and complexity of the Hawai'i Range Complex NEPA Draft EIS, I would like to respectfully request a 30 day extension for the public review and comment period.

Because of numerous other pressing issues during the past 30 days, neither I nor my staff has had the opportunity to adequately review, analyze and comment on this important document. In addition, I have received several requests from constituents in my district who are also requesting a 30 day extension period for review and comment.

Thank you in advance for whatever assistance you are able to offer in extending the public review and comment period.

Sincerely,

Gary L. Hooser  
Majority Leader  
Hawaii State Senate  
7<sup>th</sup> Senatorial District – Kauai & Ni'ihau

mm: GLH

Hawaii State Capitol, Room 214-415 South Beretania Street-Honolulu, HI 96813  
Phone 808-586-6030-Fax 808-586-6031-Tollfree from Kauai 1-800-274-3141-808-586-6030  
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CHARMAINE TAVARES  
Mayor  
JEFFREY S. HUNT  
Director  
COLLEEN M. SUYAMA  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

September 17, 2007

Mr. L. M. Foster  
Director, Fleet Environmental  
Department of the Navy  
United States Pacific Fleet  
250 Makalapa Drive  
Pearl Harbor, Hawaii 96860

Dear Mr. Foster:

**SUBJECT: COMMENTS ON THE DRAFT EIS/OEIS FOR THE HAWAII  
RANGE COMPLEX, HAWAII (RFC 2007/0103) AND  
(LTR 2007/2709)**

Thank you for a copy of your letter to the Executive Summary and Draft EIS/OEIS for the Department of the Navy's Hawaii Range Complex. The Maui County Planning Department (Department) acknowledges that a more robust, risk-based method of determining marine mammal impacts is being used by the Navy. The Department also notes that approximately seventy-five (75) individuals testified at the August 27, 2007 public hearing on the matter, held at Baldwin High School in Maui. The public expressed concern with a number of matters, but primarily were concerned with potential impacts to whales during their period of residence in the near shore waters of Maui. The Department recommends that the Navy exercise caution and implement prudent avoidance and mitigation measures to the extent practical, when operating in near shore waters of Maui County so as to reduce any potential adverse impacts on marine mammals.

Thank you for your inquiry and the opportunity to comment. Should further clarification be required contact Staff Planner Thorne Abbott by email at [thorne.abbott@mauicounty.gov](mailto:thorne.abbott@mauicounty.gov) or by telephone at 270-7530

Sincerely,

  
 JEFFREY S. HUNT, AICP  
Planning Director

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793  
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634  
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Mr. L. M. Foster  
September 17, 2007  
Page 2

xc: Colleen M. Suyama, Deputy Planning Director  
Clayton I. Yoshida, AICP, Planning Program Administrator  
Zoe Norcross-Nu'u, Sea Grant Extension Agent

JSH:TEA:bv

RFC File  
General File

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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

LAURA H. THIELEN  
SYSTEM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
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KEN C. KAWAHARA  
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BUREAU OF COAST GUARDS  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
BIODIVERSITY  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAROLAE ISLAND RESERVE COMMISSION  
LAND  
STATEPARKS

September 21, 2007

L.M. Foster, Director, Fleet Environmental  
Department of the Navy, Pacific Fleet  
250 Makalapa Drive  
Pearl Harbor, Hawaii 96860-3131

LOG NO: 2007.2888  
DOC NO: 0709NM15  
Archaeology

Dear Mr. Foster:

**SUBJECT: National Historic Preservation Act, Section 106 Review – Revised Replacement Pages for DEIS/OEIS Revision 1 Executive Summary Enhancements to HNRC PMRF and Northwest Hawaiian Islands, Island of Kauai**  
**TMK: (4) various**

The aforementioned is a revision to DEIS.

We believe that “no historic properties will be affected,” because:

- ☐ Intensive cultivation has altered the land
- ☐ Residential development/urbanization has altered the land
- ☐ Previous grubbing/grading has altered the land
- ☐ An accepted archaeological inventory survey (AIS) found no historic properties
- ☐ SHPD previously reviewed this project and mitigation has been completed
- ☒ Other: *No physical impacts.*

In the event that historic resources, including human skeletal remains, are identified during routine construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from additional disturbance, and the State Historic Preservation Division, Kauai Section, needs to be contacted immediately at (808) 742-7033.

Aloha,

Laura Thielen  
State Historic Preservation Officer

NM:jen



United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Pacific Southwest Region  
1111 Jackson Street, Suite 520  
Oakland, California 94607

IN REPLY REFER TO:  
ER#07/615

*Filed Electronically*

24 September 2007

ATTN: HRC EIS/OEIS  
Public Affairs Officer,  
Pacific Missile Range  
Facility, P.O. Box 128,  
Kekaha, Kauai, Hawaii, 96752-0128  
[deis\\_hrc@govsupport.us](mailto:deis_hrc@govsupport.us)

Subject: Review of the Draft Environmental Impact Statement (DEIS), for the Hawaii Range Complex (HRC) Project, Honolulu, Maui, and Hawaii Counties, HI

Dear Public Affairs Officer:

The Department of the Interior has received and reviewed the subject document and has the following comments to offer:

The Department of the Interior (DOI) is submitting supplemental comments for Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) for the Hawaii Range Complex (HRC), including the revised sections, provided by your office on July 27, 2007. Please consider these comments, and disregard our previous no comment letter.

These comments are provided in accordance with the National Environmental Policy Act of 1969 [42 U.S.C. 4321 *et seq.*; 83 Stat. 852] (NEPA); and other authorities mandating Federal oversight of environmental resources including the Fish and Wildlife Coordination Act of 1934 [16 U.S.C. 661 *et seq.*; 48 Stat. 401], as amended (FWCA); the Federal Clean Water Act [33 U.S.C. 1251 *et seq.*; 62 Stat. 1155], as amended (CWA); the Endangered Species Act of 1973 [16 U.S.C. 1531 *et seq.*; 87 Stat. 884], as amended (ESA); the Migratory Bird Treaty Act of 1918 [16 U.S.C. 703 *et seq.*; 40 Stat. 755] as amended (MBTA); and the Sikes Act of 1960 [16 USC *et seq.*; 74 stat. 1052], as amended.

Proposed action would upgrade and modernize capabilities of HRC, which encompasses land, air and sea training ranges in and around the Hawaiian Islands. HRC supports local military units,

multi-national exercises, and facilitates rapid deployment of U.S. defense forces, as necessary. Proposed action is intended to fulfill and improve U.S. government national security and alliance requirements in Pacific Region and increase strategic defense role of the Hawaiian Islands.

We have provided general comments on the Draft EIS/OEIS below. Document-specific comments are provided in Appendix 1.

#### *Adequacy and scope*

Overall, Draft EIS/OEIS lacks adequate information to assess potential impacts of proposed actions to fish and wildlife resources. Descriptions of affected environment and impact analyses are cursory, and role of other facility and management plans, particularly at facilities not under direct control of the Department of the Navy, are unclear. Due to these deficiencies, we recommend that a Revised Draft EIS/OEIS be prepared and re-submitted for public review.

For many facilities or locations, Draft EIS/OEIS only provides a description of proposed HRC actions that will be conducted at the site (*e.g.*, Section 3.4.2.15 Kaena Point, page 3-276 among others); and other key information is missing. For example, federally listed species and other Federal trust species have not been accurately identified for some facilities. We recommend affected environment section for each facility be reviewed and revised to be accurate and complete. Where appropriate, we recommend relevant reference material is cited and, as necessary, surveys be conducted.

No definition of terms “tempo” or “frequency” is provided and meaning of these terms is unclear. In many instances throughout Draft EIS/OEIS, no specific description of changes in duration (*i.e.*, length of time the action will occur), timing (*i.e.*, month or season of the year), and frequency (*i.e.*, number of events each year) of training action is provided.

We believe that to assess potential impacts it is critical to account for duration, timing, and frequency of activities, as all factors will have an effect on magnitude of potential impact to fish and wildlife resources. We recommend each activity be clearly described, including expected duration, timing, and frequency of each proposed action for all alternatives.

Draft EIS/OEIS does not analyze potential threats to vegetation, wildlife, geology, and water resources expected as a result of proposed actions. Analysis in Draft EIS/OEIS generally indicates that effects to wildlife will be minimized or that no impacts are anticipated.

However, few potential impacts are identified or quantified, and little data and few citations to other scientific reports or literature are provided to support determination of minimized impact or no effect. Potential impacts such as wildfire, trampling, downdraft from aircraft, lighting effects, general harassment of animals over multiple seasons and longer durations, noise, dust, debris, explosions and vibrations, soil erosion and sedimentation, introduction of non-native species, construction related impacts, electromagnetic radiation (EMR), and increases in release and accumulation of potential environmental contaminants receive cursory, and in some cases no examination in Draft EIS/OEIS.

We recommend all potential impacts be identified in a Revised Draft EIS/OEIS and quantitative data be included in impact analysis. Where results warrant, we recommend appropriate mitigative measures be developed in cooperation with Fish and Wildlife office in Honolulu, to compensate for damages or losses to fish and wildlife resources as a result of proposed actions.

While Draft EIS/OEIS frequently states that new training activities have not been proposed, we find that numerous new activities and facilities have been included.

Currently, Draft EIS/OEIS states that additional environmental documentation and planning for new Directed Energy Operations (page 2-65) will be completed in future, but it does not contain sufficient detail to assess potential impacts associated with many other new activities or facilities, including: conducting Field Carrier Landing Practices; adding new chemical simulants; launching Intercept Targets into the Temporary Operating Area; SM-6s from sea based platforms and Micro-Satellites; testing Unmanned Aerial Vehicles and hypersonic vehicles; implementing Advanced Hypersonic Weapons training; constructing a large area tracking range and installing FORCEnet antenna arrays; implementing electronic warfare training and transient air wings; installing Automatic Identification System equipment; constructing a range operations control building and fiber optic infrastructure at the Pacific Missile Range Facility (PMRF); sinking a vessel to support Mobile Diving and Salvage Unit training; installing new buoys in Kingfisher Underwater Training Area; and developing and installing the Portable Undersea Tracking Range.

This document appears to be “programmatic” in scope and written as if additional environmental review documents will be tiered from it. Therefore, we recommend new actions be clearly identified, and, if additional environmental documentation will *not* be developed for these activities and facilities, we recommend more details regarding specifics of each proposed action, alternatives that were explored, discussion of affected environment, analysis of potential effects to federal trust species, and appropriate compensatory mitigation to compensate for damages to federal trust resources be included in Revised Draft EIS/OEIS.

As we have stated in previous comments provided on earlier versions of the Draft EIS/OEIS, it is unclear how pre-existing management plans and regulations, especially for facilities not operated by the Navy, fit into the structure of HRC. With exception of a 1999 biological opinion for Makua, no other facility-specific document or plan is described in Draft EIS/OEIS.

We are concerned that activities proposed in Draft EIS/OEIS may not be covered by management plans, Integrated Natural Resource Management Plans (INRMP), or biological opinions of these other facilities. We recommend Revised Draft EIS/OEIS clearly state the role of these other management documents in framework of proposed activities.

#### *Threatened and Endangered Species*

Draft EIS/OEIS provides an incomplete list of threatened and endangered species and presentation of information is inconsistent and at times confusing. For example, threatened and endangered species discussed are sometimes absent from tables. To assist you, we have provided a draft threatened and endangered species lists for facilities included in Draft EIS/OEIS (Enclosure 1).

## Exhibit 12-1. Consultation Comments and Responses (Continued)



We recommend that this list, in conjunction with information from the Hawaii Biodiversity and Mapping Program, be used to determine which federally listed species occur at each facility. We also recommend that all federally listed species be included in tables in Revised Draft EIS/OEIS.

While many facilities are not located within critical habitat for threatened or endangered species, critical habitat may be located adjacent to or near lands considered in HRC. In many cases these military lands were excluded from critical habitat designation, because of development of an INRMP. This habitat is still considered essential to survival and recovery of species and has not been given consideration in Draft EIS/OEIS. Many proposed actions have potential to affect areas outside property boundaries, including adjacent critical habitat.

For those facilities adjacent to or near critical habitat units, or contain essential habitats, we recommend Revised Draft EIS/OEIS include discussion of these habitats under Environmentally Sensitive Habitat section for that facility.

With exception of the 1999 biological opinion for Makua, Draft EIS/OEIS does not acknowledge existing biological opinions for any military lands covered, nor does it adequately describe if any proposed activities would be in conformance with those biological opinions. Draft EIS/OEIS does not define policies and procedures regularly implemented by the Navy to avoid and minimize effects to protected species and their habitats.

All Navy activities must be in conformance with most recent, existing biological opinions for areas within HRC. Increases in tempo and frequency could be above and beyond what was analyzed in existing biological opinions.

Draft EIS/OEIS indicates new training operations, enhancements, and/or construction, including adding equipment to existing facilities and communication towers, may be needed to facilitate Navy activities. If Navy activities are not in conformance with existing biological opinions or actions are new or beyond those previously analyzed, the Navy will need to consult with us pursuant to section 7 of the ESA regarding any potential impact to threatened and endangered species and/or critical habitat.

We commend the Navy for its early coordination with National Marine Fisheries Service (NMFS) regarding potential impacts to marine mammals. Due to potential adverse effects of mid-frequency sonar on marine vertebrates, and specifically federally threatened and endangered marine species, we recommend the Navy continue to coordinate with NMFS and Hawaii Division of Aquatic Resources to assess potential impacts of sonar use on these species.

#### *Use of Chemical Simulants*

Discussion of contaminants contained in Draft EIS/OEIS does not include information on expected concentrations or thresholds at which impacts to fish or wildlife resources are expected to occur. Contaminants are routinely described as environmentally safe, but no references or data are provided to support the determination.

For example, tributyl phosphate (TBP), one of the chemical simulants proposed for use in large quantity and described in Draft EIS/OEIS as without toxic effects, has been identified as "toxic

to aquatic organisms" by World Health Organization's International Programme on Chemical Safety<sup>1</sup>.

While Draft EIS/OEIS correctly assesses importance of dilution when considering environmental impact, we are concerned analysis has not fully taken into account sensitivity of marine organisms to low contaminant concentrations<sup>2,3,4,5</sup>. Concentrations well below levels established for human health and safety can adversely impact marine invertebrates, especially their planktonic larval stages, which can spend up to several months in open ocean. We recommend that Revised Draft EIS/OEIS better describe concentrations of proposed simulants expected as a result of proposed actions and that low impact threshold of marine organisms be incorporated into analysis and discussion of potential impacts.

#### *Electromagnetic Radiation and Electromagnetic Fields*

Wildlife species, particularly bats and birds, can be negatively impacted by electromagnetic radiation and electromagnetic fields. For example, bats can experience reduced activities when exposed to electromagnetic field strengths less than 2 volts/meter and have significantly reduced activities when the electromagnetic fields is greater than 2 volts/meter<sup>6</sup>.

Bat behavior varies by radar type and may be associated with the characteristics and operating times of individual radar units. Electromagnetic radiation can also exert an aversive behavioral response in bats<sup>7</sup>. A recent literature review described behavioral, reproductive and physiological response of different bird species to electromagnetic fields emanating from powerlines<sup>8</sup>. Response was found to vary by magnitude of exposure and species.

Draft EIS/OEIS does not provide analysis of existing electromagnetic radiation and electromagnetic fields for facilities discussed, nor does it provide biological analyses of impacts resulting from increased tempo and frequency or addition of equipment, its operation, or construction of equipment, towers, antennas, or facilities. that will emit electromagnetic radiation and create an electromagnetic field.

Frequencies of radio waves or electromagnetic radiation have not been specified and electromagnetic fields have not been quantified. We recommend analysis be conducted to examine potential impacts of electromagnetic radiation and electromagnetic fields on breeding

<sup>1</sup>International Chemical Safety Card 0584 available online from the Center of Disease Control at <http://www.cdc.gov/niosh/ipcsneng/neng0584.html>

<sup>2</sup>Heslinga, G. A. 1976. Effects of copper on the coral-reef echinoid *Echinometra mathaei*, *Mar. Biol.* 35: 155-60.

<sup>3</sup>Negri, A. P., L. D. Smith, N. S. Webster, and A. J. Heyward. 2002. Understanding ship-grounding impacts on a coral reef: potential effects of anti-foulant paint contamination on coral recruitment. *Mar. Poll. Bull.* 44:111-7.

<sup>4</sup>Victor, S. and Richmond, R.H.. 2005. Effect of copper on fertilization success in the coral *Acropora surculosa*. *Mar. Poll. Bull.* 50: 1448-51.

<sup>5</sup>Reichelt-Brushett, A.J. and P. L. Harrison. 2005. The effect of selected trace metals on the fertilization success of several scleractinian corals species. *Coral Reefs* 24: 524-34.

<sup>6</sup>Nicholls B. and P.A. Racey. 2007. Bats avoid radar installations: could electromagnetic fields deter bats from colliding with wind turbines? *PLoS ONE* 2(3): e297.

<sup>7</sup>Nicholls B. and P.A. Racey. 2007. *op. cit.*

<sup>8</sup>Fernie, K.J. and J. Reynolds. 2005. The effects of electromagnetic fields from power lines on avian reproductive biology and physiology: a review. *Journal of Toxicology and Environmental Health, Part B*, 8:127-140.

success, foraging, and behavior of Hawaiian hoary bat (*Lasurus cinereus semotus*) and all federally listed or migratory bird species that are known to breed, forage, or shelter near these facilities and this information should be included in Revised Draft EIS/OEIS.

As appropriate, we also recommend mitigative and conservation measures be developed to offset potential impacts from the proposed activities.

In summary, to serve as a decision document, we recommend Draft EIS/OEIS be strengthened and re-released for public comment as Revised Draft EIS/OEIS. As currently written, Draft EIS/OEIS lacks details on proposed actions, affected environment and its analysis to adequately assess potential impacts to fish and wildlife, especially federally listed and other Federal trust species.

If a Revised Draft EIS/OEIS will not be prepared, we recommend you coordinate with Pacific Islands Fish and Wildlife Office to address these concerns prior to issuing Final EIS.

Draft EIS/OEIS contains numerous new proposed activities for which insufficient detail has been provided in order to assess their potential impacts to fish and wildlife resources and their habitats. We believe that separate environmental review should be conducted for these new activities.

This review should include full disclosure of proposed action, alternatives considered, affected environments and complete analysis of impacts. As appropriate, compensatory mitigation will need to be developed.

Coordination with the Service, NMFS, and the Hawaii Department of Land and Natural Resources is recommended during development of detailed mitigation plans. If proposed project, including increased frequency and tempo, new activities, or any construction, is determined to affect listed species, their habitats, or critical habitat, then consultation under the ESA would be required prior to project implementation.

We appreciate the opportunity to comment on this Draft EIS/OEIS.

If you have questions regarding these comments please contact Fish and Wildlife Biologist Dwayne Minton at 808-792-9445.

Appendix 1: Specific Comments  
Enclosures 1: Draft List of Federally Listed Species

cc:  
Director/OEPC, Washington D.C.  
Mr. Don Steffeck, USFWS, Region 1, Portland  
EPA Region 9, Honolulu  
NMFS – PIRO, Honolulu  
Hawaii DAR  
Hawaii DOFAW

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APPENDIX 1  
Specific Comments on the Draft EIS/OEIS for the Hawaii Range Complex

Section ES 1.4 Proposed Action and Alternatives (page ES-12). While the number of training operations per year, including baseline and estimates for proposed alternatives, is described, it is not clear how this baseline number was determined. It is unclear if the baseline at each location includes the number of operations that could be completed by any military organization (including National Guard or other Foreign governments), as evaluated under existing biological opinions, or only the number of existing operations at each location that are completed by the dominant military unit (*e.g.*, the Army actions at Makua but not the Air Force activities that could occur at Makua). We recommend that clarification and supporting documentation that describes how the baseline numbers were established be included in the Revised Draft EIS/OEIS.

Section 2.2.3.5.3 Offshore Enhancements (page 2-48). The proposed Portable Undersea Tracking Range is a new activity proposed in this Draft EIS/OEIS. Anchors will be left in place when collecting sensor equipment, requiring the use of new anchors with each deployment. We are concerned that repeated deployment of anchors will result in measurable damage to deep-water coral reefs, especially if consistently deployed in the same area. Insufficient information on proposed location for deployment has been provided to assess its potential impact to deep-water coral reef habitats; as currently described the proposed area of use is extensive, covering many thousands of square kilometers. We recommend that additional information be provided on location(s) for the Portable Undersea Tracking Range and the frequency (*e.g.*, deployments/year) with which it will be relocated.

Section 2.2.3.5.3 Offshore Enhancements (page 2-48). The anchor size and weight for the electronic packages of the Portable Undersea Tracking Range are not specified. These anchor packages could adversely impact deep-water coral reef habitat. We recommend more information on the physical parameters of the anchors and any relevant deployment protocols be included in the Revised Draft EIS/OEIS. We also recommend that the Navy coordinate with NMFS and our office regarding buoy placement so that potential environmental impacts are reduced and appropriate mitigative measures can be developed.

Section 2.2.3.5.4 PMRF Enhancements (page 2-52). The proposed addition of a new area to the existing Kingfisher Underwater Training Area should be considered a new facility if it was not covered under the original environmental review. Insufficient information on the proposed action and the biological resources in the proposed facility area has been provided to make an assessment of the potential impacts. We recommend inclusion of additional information regarding the proposed locations of the buoys, whether the buoys are intended to be permanently deployed or occasionally relocated, and the deployment/retrieval protocols to ensure buoys are deployed/retrieved in ways that minimize environmental impacts. We also recommend that the Navy begin coordination with NMFS

and our office regarding buoy placement so that potential environmental impacts are reduced and appropriate mitigative measures can be developed.

Section 2.2.4.4 Future RDT&E Operations (page 2-65). The Draft EIS/OEIS describes two potential locations for the Maritime Directed Energy Test Center (Test Center) at PMRF and notes that separate/additional environmental documentation will be required for this action. One of the proposed locations is within or adjacent to critical habitat for *Sesbania tomentosa* and *Panicum mihaiense*. An analysis of the potential adverse affects of the construction and use of the Test Center on this critical habitat should be conducted. We recommend coordinating with our office regarding any direct or indirect affects from the proposed activity to critical habitat.

Section 3.2 Northwestern Hawaiian Islands (page 3-80). The Draft EIS/OEIS incorrectly states that only 12 species of algae, invertebrates and fish are recorded from the Northwest Hawaii Islands (NWHI). The coral reef fauna from the NWHI is rich, with over 1,000 identified species<sup>9</sup>. We recommend that this section be revised to accurately depict the biodiversity present in the NWHI.

Section 3.2 Northwestern Hawaiian Islands (page 3-80). The Northwest Hawaiian Islands Ecosystem Reserve is now called Papahānaumokuākea Marine National Monument. We recommend that the Revised Draft EIS/OEIS be updated to reflect the change in status of this area.

Section 3.3.1.1.1 Biological Resources – PMRF – Offshore (page 3-92). Ophi have been incorrectly identified as “keyhole limpets” (line 40). We recommend correcting the common name to “limpet.”

3.3.2.1.3 Biological Resources – PMRF/Main Base (page 3-117). The Biological Resources section for each installation has an Environmentally Sensitive Habitats subsection. The descriptions of wetlands, estuaries, coastal areas and streams appear to reflect aquatic and marine habitat delineation and mapping performed by the Service’s National Wetlands Inventory Program (NWI). We recommend that the source information be cited and definitions for habitat types and hydrologic regimes should either be included in the document or incorporated by reference. Note that the NWI maps for Oahu were updated in 2006-2007 and that the new NWI maps should be used to describe aquatic and coastal marine areas in Revised Draft EIS/OEIS.

Section 3.3.2.8 Mt. Kahili (page 3-168). This area is known to have Newell’s shearwater (*Puffinus auricularis newelli*) and Hawaiian petrel (*Pterodroma phaeopygia sandwichensis*) traversing the area and may support breeding locations for these species. Hawaiian

<sup>9</sup> Friedlander, A.M., G. Aeby, R. Brainard, A. Clark, E. DeMartini, S. Godwin, J. Kenyon, R. Kosaki, J. Mangos, and P. Vroom. 2005. The State of Coral Reef Ecosystems of the Northwestern Hawaiian Islands. pp. 270-311. In: J. Waddell (ed.), The State of Coral Reef Ecosystems of the United States and Pacific Freely Associated States: 2005. NOAA Technical Memorandum NOS NCCOS 11. NOAA/NCCOS Center for Coastal Monitoring and Assessment’s Biogeography Team. Silver Spring, MD. 522 pp.

hoary bats are also likely to be using Mt. Kahili. The EIS has not provided information on the outdoor lighting configuration, the duration of the past and projected use of this facility, the frequencies of radio waves used by the repeater station, or the electromagnetic field created. No assessment of the potential impacts on these federally listed sea bird and mammal species resulting from changes in the intensity or frequency of use for this facility has been included in the Draft EIS/OEIS. We recommend that additional information, including the FCC license and related consultations that evaluate the potential effects of this facility on endangered species, be provided in the Revised Draft EIS/OEIS.

3.3.2.9.1. Biological Resources – Niihau Vegetation (page 3-169) No threatened or endangered plants have been identified in the Draft EIS/OEIS for Niihau. However, Niihau supports populations of several listed plants (see Enclosure 1), including designated critical habitat for olulu or alula (*Brighamia insignis*). We recommend that the Revised Draft EIS/OEIS be updated to reflect the presence of these endangered species.

Section 3.3.2.9 Niihau (page 3-169) Based on its close proximity, it appears that the Microwave and EMESS 1 site may impact the endangered Newell's shearwater<sup>10</sup> and other MBTA seabird species nesting on Lehua. We recommend that additional information is provided about the potential area of effect for the microwave facilities on Niihau, and, as necessary, that the area of influence for Niihau be expanded to include Lehua and its biological resources.

Section 3.4.2.1.1 Biological Resources – Naval Station Pearl Harbor (page 3-209) The Draft EIS/OEIS indicates that there are no threatened or endangered plant species at the Naval Station Pearl Harbor. Recently, three endangered plants, kooloauala (*Abutilon menziesii*), ohai (*Sesbania tomentosa*) and loulou (*Pritchardia kaalae*) were established at the Honouliuli Unit of the Pearl Harbor National Wildlife Refuge as mitigation for past projects. Due to the proximity of the endangered plants to the Naval Station Pearl Harbor we recommend that these plant populations be included in the discussion of the affected environment and that they are considered in the analysis of potential impacts resulting from the proposed actions.

Section 3.4.2.6.2 Biological Resources – U.S. Coast Guard Air Station Barbers Point/Kalaheo Airport (page 3-237) The Kalaheo Unit, which was once part of the former Barbers Point Naval Air Station, has been added to the Pearl Harbor National Wildlife Refuge and should be included under Environmentally Sensitive Habitat. The Kalaheo Unit supports the second largest population of endangered ewa hina hina (*Achyranthes splendens*), which is not included in the list of threatened and endangered plant species. We recommend that the current status of this unit be corrected in the Revised Draft EIS/OEIS and that *A. splendens* be included in the list of threatened and endangered plant species for this area.

<sup>10</sup> VanderWerf, E.A., K.R. Wood, C. Swenson, M. LeGrande, H.Eijzenga, and R.L. Walker. 2007. Avifauna of Lehua Islet, Hawaii: Conservation value and management needs. Pacific Science 61(1):39-52.

Section 3.4.2.9.2 Biological Resources – Hickam AFB (page 3-252) Federally endangered Hawaiian waterbirds, primarily Hawaiian Stilts (*Limantopus mexicanus knudseni*), are regular visitors to Hickam Air Force Base, having been observed foraging and nesting on Base and adjacent to the runway. On March 2006, at least two separate stilt pairs nested adjacent to the runway where dewatering ponds were in place on Hickam AFB<sup>11</sup>. We recommend that the discussion of threatened and endangered wildlife species be amended to include this information and address ways to minimize this issue (e.g., remove the attraction of stilts to the ponds).

Section 3.4.2.11.1 Biological Resources – Makua Military Reservation (page 3-259) The consultation completed in 1999 for Makua Military Reservation (Makua) has been reinitiated three times, most recently in June 2007<sup>12</sup>. The new consultation covers 38 endangered or threatened plant species, critical habitat units for 36 plant species, the Oahu elepaio (*Chasiempis sandwichensis thidus*), critical habitat for the Oahu elepaio, and an Oahu tree snail (*Achatinella mustelina*). The Oahu tree snail was not included in Table 3.4.2.11.1-1 and the plant list is incomplete. Figure 3.4.2.11.1-1 indicates that there is critical habitat within the boundary of Makua; however, the text indicates there is no critical habitat on site. The Makua action area includes areas outside of the reservation boundary, as training actions could impact species and critical habitat adjacent to Makua proper. We recommend that the Revised Draft EIS/OEIS include a discussion regarding whether the Navy's actions will be in compliance with the biological opinion.

3.4.2.11.1 Biological Resources - Makua Military Reservation (page 3-259 through 3-261) We recommend that the description of the intermittent stream and estuary that is found at the Makua Military Reservation be clarified. These aquatic features may be found on U.S. Geological Survey topographic maps and current NWI maps.

Section 3.4.2.12.1 Biological Resources - Kahuku Training Area (page 3-267) and Section 3.4.2.13.1 Biological Resources – Dillingham Military Reservation (page 3-272) The Kahuku Training Area and the Dillingham Military Reservation were addressed in the 2003 biological opinion for routine and transformation training conducted by the U.S. Army<sup>13</sup>. The Draft EIS/OEIS does not reference this biological opinion. We recommend that the Revised Draft EIS/OEIS include a discussion regarding whether or not the Navy's actions are in compliance with the biological opinion.

<sup>11</sup> A. Hebshi, personal communication, 2007. Electronic mail dated May 24, 2007 with twelve attachments including "Hawaiian Stilt Incidental Take Biological Assessment Revised March 8, 2007".

<sup>12</sup> Reinitiation of the 1999 Biological Opinion of the U.S. Fish and Wildlife Service For U.S. Army Military Training at Makua Military Reservation Island off Oahu June 22, 2007 (1-2-2005-F-0356). This document is available from the Department of Army.

<sup>13</sup> Biological Opinion of the U.S. Fish and Wildlife Service for Routine Military Training and Transformation of the 2nd Brigade 25th Infantry Division (Light) U.S. Army Installations Island of Oahu. October 23, 2003. (1-2-2003-F-0004). This document is available from the Department of Army.



Section 3.4.2.15 Kaena Point (page 3-276) and 4.4.2.15 Kaena Point (page 4-423) Kaena Point provides habitat for several listed plant species, nesting habitat for wedge-tailed shearwater (*Puffinus pacificus cholirohynchus*) and Laysan albatross (*Phoebastria immutabilis*), and resting areas for the endangered monk seal (*Monachus schauinslandi*). The Draft EIS/OEIS does not provide information on the duration of the past and proposed future use of this area, particularly the frequencies of radio waves or strength of the electromagnetic field used. No assessment of the potential impacts to these species resulting from changes in the intensity or frequency of use for this site has been included. We recommend that additional information be provided in the Revised Draft EIS/OEIS to better evaluate potential impacts to the breeding sea birds and monk seal resulting from the proposed actions.

Section 3.6.2.1.2 Biological Resources – PTA (page 3-295); 4.6.2.1.1 Biological Resources – Pohakuloa Training Area (page 4-445) and 4.6.2.2.2 Biological Resources – Bradshaw Army Airfield (page 4-454) Routine and transformation training actions at Pohakuloa Training Area (PTA) and Bradshaw Army Airfield were addressed in the 2003 biological opinion for PTA<sup>14</sup>. We recommend that the Revised Draft EIS/OEIS include a discussion regarding whether or not the Navy's actions are in compliance with the biological opinion. We also recommend that Figure 3.6.2.1.2-1 be revised to include palila (*Loxioides bailleui*) critical habitat designated within and adjacent to PTA.

Section 4.1.2.2.1 No-action Alternative (Fish – Biological Resources – Open Ocean) (page 4-15) Information on peak sonar levels and length of operation at peak levels is not provided. "Normal Operation" is not described. We recommend that additional information be provided on sonar peak levels and operation in order to allow assessment of the potential impacts of these proposed activities.

Section 4.1.2.2.2 Alternative 1 (Fish – Biological Resources – Open Ocean) (page 4-17) The Draft EIS/OEIS states that Alternative 1 will increase Anti Submarine Warfare (ASW) training to 4,027 hours, but does not provide a baseline value with which to compare this figure. We recommend that Revised Draft EIS/OEIS include in the text the hours of ASW training for the No-action Alternative to allow readers to better assess the magnitude of the training increase.

Section 4.1.2.2.2 Alternative 1 (Fish – Biological Resources – Open Ocean) (page 4-18) The text contained in the Draft EIS/OEIS is confusing and appears contradictory. It states that "[t]he number of hours of sonar for Alternative 1 is the same as the No-action Alternative" (line 5-7), but later in the same paragraph states "the number of sonar and the number of underwater detonations would increase" (line 9-10). We recommend clarifying the text in this section.

<sup>14</sup>Biological Opinion of the U.S. Fish and Wildlife Service for Routine Military Training and Transformation of the 2nd Brigade 25th Infantry Division (Light) U.S. Army Installations Island of Hawaii. December 23, 2003. (1-2-2003-F-0002). This document is available from the Department of Army.

Section 4.1.2.2.2 Alternative 1 (Fish – Biological Resources – Open Ocean) (page 4-19) The Draft EIS/OEIS states that Alternative 2 will have 1,590 hours of sonar activity, but does not provide a baseline value with which to compare this value. We recommend that Revised Draft EIS/OEIS include in the text the number of hours of sonar activity for the No-action Alternative to allow better assessment of the magnitude of the proposed training increase.

Section 4.1.2.3 Sea Turtles (Biological Resources – Open Ocean) (page 4-21) It is unclear if collisions with sea turtles have occurred in the past. We recommend that any collisions with sea turtles be disclosed in order to assess the Navy's Standard Operating Procedures (SOP) to reduce collisions.

Section 4.1.2.3 Sea Turtles (Biological Resources – Open Ocean) (page 4-20 through 4-21) The Draft EIS/OEIS states that "[e]xtrapolation from human and marine mammal data to turtles is inappropriate" (page 4-20, line 10) for potential sonar impacts to hearing, but in the discussion of impacts to hearing associated with underwater detonations, marine mammal data are extrapolated to turtles (page 4-21, line 35). We recommend that this apparent discrepancy be explained.

Section 4.1.4.1.1 HRC Training operations (page 4-178) Marine organisms have been shown to be susceptible to low concentrations of contaminants. No data has been provided in the Draft EIS/OEIS on expected concentrations or known toxicity thresholds for marine organisms to support the determination of no effect. We recommend that additional data be provided in the Revised Draft EIS/OEIS to support the determination of no effect.

Section 4.2.2 Northwestern Hawaiian Islands Onshore (page 4-202 through 4-205) Both Alternatives 1 and 2 include an increase in the use of chemical simulants, but no analysis or data has been provided to support the determination of no effect to fish and wildlife resources. We recommend that details of the analysis conducted to reach the determination of no effect, including the estimated probability of debris striking each island as conducted in Section 4.1.1.1.1.1 for marine mammals, be provided in the Revised Draft EIS/OEIS.

Section 4.2.2 Northwestern Hawaiian Islands Onshore (page 4-202 through 4-205) Quantitative data on the amount of debris and its impacts on the ecosystems of the NWHI are lacking. We recommend that the Navy coordinate with the NMFS's debris removal effort and our office to better quantify the amount of debris and its impacts resulting to fish and wildlife on and around the NWHI.

Section 4.3.1.1.1 Biological Resources – PMRF Offshore (page 4-209) and Section 4.3.1.2.1 Biological Resources – Niihau Offshore (page 4-221) No data on potential impacts to coral reefs resulting from Expeditionary Assault or SPECWAROPS amphibious landing exercises have been provided. We recommend that these potential impacts be analyzed and discussed in the Revised Draft EIS/OEIS and that appropriate compensatory mitigative measure be developed in cooperation with NMFS and our office.



Section 4.3.1.2 Niihau Offshore (pages 4-220 through 4-222). Buoys deployed at Kingfisher Underwater Training Area can act Fish Aggregating Devices (FAD), and in Hawaii can attract pelagic species such as tuna, mahimahi, wahoo, and numerous shark species<sup>15</sup>. The Draft EIS/OEIS fails to discuss the possibility that deployed buoys may act as FADs and attract fishermen. We recommend that Revised Draft EIS/OEIS include an analysis of the buoys as FADs and include a discussion of the proposed provisions for public safety and management.

Section 4.3.1.3.1 Biological Resources – Kaula Offshore (page 4-223 through 4-225) and 4.3.2.10.2.1 No-action Alternative (Biological Resources – Kaula) (page 4-320). It is unclear from the text whether Alternatives 1 and 2 will result in increased GUNEX training operations. Many species of seabirds nest on Kaula and any training activities near or on Kaula need to be assessed pursuant to each action. In addition, a revised avian survey should be conducted to determine if any threatened or endangered seabirds nest at Kaula and this information should be included in the Revised Draft EIS/OEIS. Increased GUNEX operations would likely result in increased soil erosion from Kaula and Niihau that may adversely impact nearshore coral reefs. No analysis of this potential impact has been conducted. We recommend that the Revised Draft EIS/OEIS clarify if an increase (including its magnitude over the No-action alternative) in GUNEX operations will occur under the two alternatives. If an increase is proposed, we recommend that an analysis of the potential impact of soil erosion and coastal sedimentation be conducted.

4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) *Vegetation* (page 4-240 through 2-241). We are concerned that military inspectors do not inspect goods and personnel transferred to Hawaii from the U.S. mainland. Non-native species can be brought to Hawaii from the mainland, and, if they become established, can result in significant damage to Federal trust species. We recommend that in order to assist in the effort to prevent the introduction of non-native species to Hawaii that the Navy consider inspecting all inbound flights in a manner similar to those originating from foreign areas.

4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) *Vegetation* (page 4-241). The Draft EIS/OEIS indicates that vegetation near the Strategic Target System launch pad can be temporarily impacted from missile launches, but that no long-term adverse effects have been detected. Neither the impact radius from the missile launch pad nor the duration of the detected effects and their recovery time has been provided. Short-term or temporary effects may potentially have lasting negative impacts to listed plants. To prevent potential impacts to listed plant species or critical habitat, we recommend that all launch sites be located such that no listed species or their habitat, including critical habitat, is within the impact radius. We further recommend that adequate fuel or fire breaks be established around the impact area.

<sup>15</sup>For information on FADs in Hawaii, check the State of Hawaii's Fish Aggregation Device Program's webpage at <http://www.hawaii.edu/HIMB/FADS/>.

4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) *Wildlife* (page 4-241). The Draft EIS/OEIS indicates that if marine mammals or sea turtle are found on the beach at PMRF, planned exercises are "...delayed until the animals leave the area" (line 23), but no time limit is provided for the length of the delay. We recommend that the length of the delay be included in the Revised Draft EIS/OEIS.

4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) *Wildlife* (page 4-241). No discussion about the potential impacts of amphibious landings on nesting seabirds (*e.g.*, wedge-tail shearwater and Laysan albatross) has been provided in the Draft EIS/OEIS. We recommend that an analysis of these potential impacts on nesting seabirds be conducted to include avoidance measures such as conducting amphibious landings only after nestlings have fledged, or prior to the start of the next nesting season, or move activities to unoccupied areas.

4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) *Wildlife* (page 4-241). The Draft EIS/OEIS provides no discussion of the potential effect on Laysan albatross resulting from the proposed increased in activity at PMRF. Laysan albatross nest at PMRF and are currently the focus of facility management actions. We recommend the current management Standard Operating Procedures (SOPs) for the Laysan albatross (*e.g.*, egg and chick removal) and the potential impacts resulting from the proposed actions on this species be discussed in the Revised Draft EIS/OEIS. We also recommend that PMRF continue to work with our office, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service, and the Bird Aircraft Strike Hazard Program to further reduce impacts to this federally protected species while better facilitating military actions.

4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) *Wildlife* (page 4-241). The Draft EIS/OEIS does not provide sufficient analysis of the potential impacts resulting from the launching of drones. No impact radius associated with the launches is provided. Potential impacts from wildfire are not analyzed for vegetation and wildlife resources. We recommend that additional information and analysis of the potential impacts of drone launches be provided in the Revised Draft EIS/OEIS.

4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) *Noise* (page 4-241 through 4-242). The Draft EIS/OEIS states that wildlife in the vicinity of missile launches resume normal behaviour patterns after a launch; however, no data or citation is provided to support this statement. We recommend that supporting data be cited. We also recommend that the terms "severe" and "repeated" (page 4-241, line 41) be defined and the species routinely affected by the noise be specified.

4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) *Air Emissions* (page 4-242). The Draft EIS/OEIS provides no discussion regarding the chemical breakdown, by-products, or the biological impacts of these products for aluminium oxide and hydrogen chloride. We recommend that a discussion of the chemical breakdown and the by-products of these chemicals be

included in the Revised Draft EIS/OEIS. We also recommend that analysis of the potential impacts of these products on wildlife resources, including both effects on species and the possibility of bioaccumulation, be conducted as appropriate.

4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) Debris (page 4-242 through 4-243): No information is provided on the launch safety zone (page 2-242, line 29), and little information has been provided on the location of the safety zones or the SOPs for sea turtles or monk seals that are observed in the safety zone prior to launch. We recommend that additional information on the location of the safety zone and the duration of delays for animals in the safety zone be provided.

4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) Debris (page 4-242 through 4-243): A launch mishap involving a liquid-propelled missile has been described as an “unlikely event” (page 2-242, line 35) that could result in contaminated soil. No discussion of soil mitigative measures and no analysis of potential impacts to vegetation and wildlife have been provided. We recommend that information on the expected burn area and the vegetation and wildlife that could be impacted be provided and that appropriate mitigation measures, such as restoring other habitat to attract species away from the potential burn zone, be considered in the Revised Draft EIS/OEIS.

4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) Environmentally Sensitive Habitat (page 4-243): While training does not occur within environmentally sensitive dune systems or wetlands, it is unclear if these areas may potentially be impacted by debris or wildfire. We recommend that a map depicting the locations of sensitive habitat and the potential areas of debris and wildfire impact be included in the Revised Draft EIS/OEIS. If appropriate, we also recommend that conservation measures to minimize adverse effects to sensitive habitats be developed. The minimization measures should be such that the primary constituent elements are maintained intact within any critical habitat, even if currently unoccupied, so that it remains viable for future occupation.

4.3.2.1.3.2 Alternative 1 (Biological Resources – PMRF/Main Base) New Training Operation (page 4-244): The Draft EIS/OEIS states that sound levels from adding Field Carrier Landing Practice will be similar to existing sound levels. However, no data are provided for comparison. We are concerned that night time activities could impact migratory and federally listed seabird species that disperse at night and Hawaiian hoary bats that actively forage at night. As the proposed activity is new for PMRF, we recommend a more detailed evaluation of potential effects of Field Carrier Landing Practices on these nocturnally active species.

4.3.2.1.3.2 Alternative 1 (Biological Resources – PMRF/Main Base) HRC Enhancements (page 4-245 through 4-246): The Navy is proposing to use existing towers for the placement of new equipment to enhance electronic warfare training capability; however, the Draft EIS/OEIS provides no biological analyses of impacts resulting from the addition of equipment and its operation. Many bird species are known to strike objects, such as antennas or guy-wires that protrude above the surrounding vegetation height. In Hawaii there are several species of federally listed seabirds that are attracted to lights and are known to collide with buildings, light poles,

wires, and other tall objects. Additional equipment added to existing towers may impact species via changes to lighting, electromagnetic radiation or electromagnetic fields, or the physical size of the structure. We recommend that an analysis of potential impacts to biological resources from the proposed activities, including the development of appropriate mitigative and minimization measures be included in the Revised Draft EIS/OEIS. The following website may help in avoiding and minimizing impacts to wildlife species from communications towers, <http://www.fws.gov/migratorybirds/issues/towers/comtow.html>.

4.3.2.1.3.2 Alternative 1 (Biological Resources – PMRF/Main Base) HRC Enhancements (page 4-245): The Draft EIS/OEIS states that PMRF will provide “dedicated equipment and other support to Strike Groups” (line 33), but the nature of this support is not described. We recommend that additional details about the dedicated equipment and other support be provided as well as the details of the analysis used to reach the determination of no effect.

4.3.2.1.3.2 Alternative 1 (Biological Resources – PMRF/Main Base) Construct Range Operations Control Building (page 4-246): The construction of a Control Range Operations Control Building is a new activity, and currently, the analysis conducted as part of this Draft EIS/OEIS lacks sufficient data and analysis to assess the potential impacts to fish and wildlife resources. The Draft EIS/OEIS indicates that construction would not likely directly impact any wetlands, but provides no supporting data. The analysis fails to consider indirect effects from construction to the wetlands, nor does it adequately address any avoidance, minimization, or mitigation measures to offset impacts to federally listed and other Federal trust species. The Hawaiian duck (*Anas wyvilliana*), Hawaiian moorhen (*Gallinula chloropus sanvicensis*), Hawaiian coot (*Fulica alai*), and Hawaiian stilt (*Himantopus mexicanus knudseni*) are known from this area and could be using the wetlands for nesting; however, potential impacts to these species from the construction of a new Control Building are not addressed. We recommend that additional detailed environmental information be prepared for this new proposed action.

4.3.2.1.3.2 Alternative 1 (Biological Resources – PMRF/Main Base) Enhanced and Future RDT&E Operations (page 4-246): The Draft EIS/OEIS correctly states that additional environmental documentation will be needed for the construction of a permanent facility to house and operate a high energy laser system. Without completing appropriate environmental planning and review, it is premature to determine that “... impacts [from constructions of the facility] would be similar to those from other constructions...” (lines 34-35) described in other sections of the Draft EIS/OEIS. We recommend that this statement be removed from the Revised Draft EIS/OEIS.

4.3.2.1.3.2 Alternative 1 (Biological Resources – PMRF/Main Base) Advanced Hypersonic Weapon (page 4-247): The Draft EIS/OEIS indicates that the Advanced Hypersonic Weapons will have payloads that impact on Illeginni Island in U.S. Army Kwajalein Atoll. No information has been provided on the resources present at the impact location and no analysis of the potential impacts to these resources has been included in the Draft EIS/OEIS. Without additional information, it is unclear if this new activity is addressed in existing

management plans or environmental documentation for Illeginni Island. We recommend that additional information be provided in order to fully assess the potential impacts of this proposed activity.

4.3.2.1.3.2 Alternative 1 (Biological Resources – PMRF/Main Base) Additional Major Exercises – Multiple Strike Group Training (page 4-247) and 4.3.2.2.3 Alternative 2 (Biological Resources – Makaha Ridge) (page 4-297). The Draft EIS/OEIS does not indicate if separate environmental documentation will be prepared to analyze the Multiple Strike Group Training activity. If a separate document will not be prepared, additional information and analysis is needed with respect to changes in lighting, fire potential, noise, electromagnetic radiation/ electromagnetic fields from increased operations, and the introduction of non-native species. We recommend that the Navy clarify its intentions regarding environmental documents and, as necessary, provide adequate information in the Revised Draft EIS/OEIS to assess the potential impacts of this proposed activity.

4.3.2.2.2 Alternative 1 (Biological Resources – Makaha Ridge) Vegetation (page 4-296) and 4.3.2.3.2.2 Alternative 1 (Biological Resources – Kokee) Vegetation (page 4-303). We are concerned about impacts to Federal trust species resulting from SPECWAROPS training. In the event that these species cannot be avoided, we recommend that the Navy coordinate with us regarding potential impacts from this proposed training.

4.3.2.3.2.2 Alternative 1 (Biological Resources – Kokee) HRC Enhancements (page 4-303). No analysis of the potential impacts resulting from the proposed FORCENet Integration Laboratory or antenna arrays is presented in the Draft EIS/OEIS. Equipment, including antenna arrays, added to existing towers may potentially impact Federal trust species via changes to lighting, electromagnetic radiation or electromagnetic fields, or by altering the physical size of the structure. We recommend that an analysis of the potential impacts to fish and wildlife resources from these proposed activities be provided in the Revised Draft EIS/OEIS and that appropriate avoidance and minimization measures be developed.

4.3.2.3.2.2 Alternative 1 (Biological Resources – Kokee) HRC Enhancements (page 4-303). The Draft EIS/OEIS does not include an analysis of potential impacts to Federal trust species resulting from the installation of fiber optic cables to existing and new poles. Federally listed seabirds and birds protected under the MBTA in Hawaii are prone to collisions with powerlines and other structures<sup>16,17,18,19</sup>. The federally listed Newell's shearwater and Hawaiian petrel have been observed colliding with powerlines and

<sup>16</sup>Reed, J.R., J.L. Sincock, and J.P. Hailman. 1985. Light attraction in endangered procellariiform birds: reduction by shielding upward radiation. *The Auk*, 102:377-383.

<sup>17</sup>Telfer, T.C., J.L. Sincock, G.V. Byrd, and J.R. Reed. 1987. Attraction of Hawaiian seabirds to lights: conservation efforts and effects of moon phase. *Wildlife Society Bulletin*, 15:406-413.

<sup>18</sup>Cooper, B.A., and R.H. Day. 1998. Summer behavior and mortality of dark-rumped petrels and Newell's shearwaters at power lines on Kauai. *Colonial Waterbirds*, Vol. 21, No. 1, pp. 11-19.

poles<sup>20</sup>. The risk of adult seabird mortality at powerlines is correlated to the number and spread of lines in the array<sup>21</sup>. We recommend that a complete analysis of the potential impacts to federally listed species from the installation of additional cables be included in the Revised Draft EIS/OEIS.

4.3.2.6 Port Allen and 4.3.2.7 Kikiaola Small Boat Harbor (pages 4-310 through 4-311) and 4.6.2.3. Kawaihae Pier (page 4-457 through 4-458). Ports and harbors can be initial invasion sites for non-native species transported via ships. The Draft EIS/OEIS has not provided information on the proposed increase in berthing or arrival of vessels from new areas and the potential impacts of the inter-island transport of non-native species. We recommend that additional information, including and procedures used to prevent the introduction of non-native species, be provided in the Revised Draft EIS/OEIS.

Section 4.3.2.9.1 Biological Resources – Niihau (page 4-314). Niihau supports populations of several listed plants (Enclosure 1), and fire is a significant threat. The Draft EIS/OEIS details measures "...to deal with potential fire hazard..." (line 9), but contains no analysis of potential impacts of wildland fire on federally listed species that may occur as a result of the proposed increase in training operations. We recommend that an analysis of wildland fire impact impacts on federally listed plant species be included in the Draft EIS/OEIS, and, as appropriate, mitigative measures be developed in cooperation with our office.

Section 4.3.2.9.1 Biological Resources – Niihau (page 4-314) and Section 4.3.2.10.4 Geological Resource – Niihau (page 4-322). Increased GUNNEX training operation can alter terrestrial fire regimes, increasing soil erosion and sedimentation on nearshore coral reefs. No analysis has been conducted examining the potential impact of altered wildfire regimes associated with the proposed activities on nearshore coral reefs. We recommend that an analysis of wildfire impacts on soil stability, erosion, and coastal sedimentation be included in the Revised Draft EIS/OEIS, and, as appropriate, mitigative measures to stabilize soils and reduce sediment impacts be developed in cooperation with the U.S. Environmental Protection Agency, NMFS, and our office.

4.3.2.10.2.1 No-action Alternative (Biological Resources – Kaula) (page 4-320); 4.4.2.7.2 Biological Resources – MCBH (page 4-387); 4.4.2.9.2 Biological Resources – Hickam AFB (page 4-401); 4.4.2.10.1 Biological Resources – Wheeler Army Airfield (page 4-404); 4.4.2.10.1 Biological Resources – Wheeler Army Airfield (page 4-404). These sections of the Draft EIS/OEIS state that migratory seabirds may be impacted by the various proposed training operations and exercises, but do not identify which species may be affected

<sup>19</sup>Podolsky, R., D.G. Ainley, G. Spencer, L. DeForest, and N. Nur. 1998. Mortality of Newell's shearwaters caused by collisions with urban structures on Kauai. *Colonial Waterbirds*, Vol. 21, No. 1, pp. 20-34.

<sup>20</sup>Cooper, B.A., and R.H. Day. 1995. Interactions of dark-rumped petrels and Newell's shearwaters with utility structures in Kauai, Hawaii. Final report, EPRI TR-105847-VI, Electric Power Research Institute, Palo Alto, CA.

<sup>21</sup>Podolsky, R., D.G. Ainley, G. Spencer, L. DeForest, and N. Nur. 1998. *op. cit.*

nor provide data to describe the magnitude of the impact. We recommend that the Navy provide the data and analysis to support their conclusions regarding effects to the migratory birds for each facility where migratory birds may be impacted.

Section 4.4.1.1.1 Biological Resources – Puuloa Underwater Range (page 4-327) and Section 4.4.1.1.1 Biological Resources – Naval Defense Sea Area (page 4-332). Prior to the sinking of any vessels or deployment of steel frames for Naval Special Warfare exercises, appropriate environmental documents need to be developed and reviewed. We recommend that the Navy begin early coordination with NMFS and our office to assist with the planning and appropriate placement of the vessel to reduce environmental impacts and to assist with the development of appropriate mitigative measures.

Section 4.4.1.9.1 Biological Resources – SESEF (page 4-354). Under Alternative 1, the total number of training hours per day is unclear. The Draft EIS/OEIS states that “...12 to 16 tests per day and an average duration of about 2 hours per test...” (lines 15-16) will be conducted. This suggests 24 to 36 hours of training per day. We recommend that the total hours of training be clarified.

4.4.2.1.1 Biological Resources – Naval Station Pearl Harbor (page 4-360). The Draft EIS/OEIS indicates that the proposed activities have a low probability of affecting migratory birds (lines 24-25) and that current activities “...have not resulted in any significant impacts to the four endangered waterbirds...” identified at the site (lines 20-21). The term “low probability” has not been quantified and no data to support the determination of no significant impact to endangered waterbirds has been provided. We recommend that the term “low probability” be defined quantitatively and that the data be used to determine if there is a potential impact to endangered waterbirds from current training operations. This information should be provided in the Revised Draft EIS/OEIS.

4.4.2.3.1 Biological Resources – Naval Inactive Ship Maintenance Facility, Pearl Harbor (page 4-368) and 4.4.2.5.1 Biological Resources – Lima Landing (page 4-377). The Naval Inactive Ship Maintenance Facility is located adjacent to the Pearl Harbor National Wildlife Refuge, which supports breeding populations of endangered waterbirds. Lima Landing is located near known waterbird habitat. Explosives are currently used in these facilities, but the potential impacts (*e.g.*, noise, vibration, etc.) resulting from the increase in underwater explosions on endangered waterbirds are unclear. We recommend that additional detail regarding the potential impacts from explosives on endangered waterbirds be provided in the Draft EIS/OEIS.

4.4.2.4.1 Biological Resources – EOD Land Range – NAVMAG Pearl Harbor West Loch (page 4-371). The EIS/OEIS indicates that explosions at the EOD pit could startle wildlife at the Pearl Harbor National Wildlife Refuge. A discussion of noise levels that could be generated is included, but information on the noise level at which a startle response is generated in birds and the actual noise levels occurring at the Refuge during the current training operations are not provided. We recommend that additional detail be provided so that potential effects of explosive noise on birds at the Refuge as a result of the proposed actions can be evaluated.

4.4.2.6.2 Biological Resources – U.S. Coast Guard Air Station Barbers Point/Kalaheo Airport (page 4-382). Mitigative measures to protect endangered plants from aircraft downdraft, wildfire, and the introduction of non-native species are not described. We recommend that the mitigative measures to decrease potential impacts from these issues be included in the Revised Draft EIS/OEIS.

4.4.2.6.2 Biological Resources – U.S. Coast Guard Air Station Barbers Point/Kalaheo Airport (page 4-382). The Draft EIS/OEIS states that “...[m]ajor exercises do not appear to affect threatened green turtles ...or the endangered Hawaiian stilt” (lines 25-26), but no supporting data are provided. We recommend data to support this determination be provided in the Revised Draft EIS/OEIS.

4.4.2.9.2 Biological Resources – Hickam AFB (page 4-401). Hickam AFB has had recent airstrikes with federally protected birds<sup>22</sup>. We anticipate that increased operations would increase the chance of further airstrikes. The EIS/OEIS does not examine the potential impact of increased airstrikes to threatened and endangered bird species that may result from the proposed actions. We recommend that a full analysis of the potential impacts to federally listed species be included in the EIS/OEIS and that the Navy and Hickam AFB coordinate with us to develop an action plan that would reduce the possibility of airstrikes.

4.4.2.11.1 Biological Resources – Makua Military Reservation (page 4-408). A more recent biological opinion (June 22, 2007) has been completed for Makua<sup>23</sup> that addressed training impacts to listed plants, Oahu elepaio, and Oahu tree snail. Beaches and the species using them are not included in the 2007 biological opinion, and the proposed SPECWAROPS are not covered in the biological opinion. We recommend that this section be revised to describe how the Navy will be compliant with the ESA for this action.

Section 4.4.2.16 Mt. Kaala (page 4-424). The Draft EIS/OEIS does not provide an assessment of the use of the facility and potential impacts to plant and wildlife resources. We recommend that additional information be provided in the Revised Draft EIS/OEIS, including the identity of the leaser and any prior reviews of the use of this site for impacts to plant and wildlife resources.

Section 4.4.2.17 Wheeler network Segment Control / PMRF Communication sites (page 4-425); Section 4.4.2.18 Mauna Kapu Communication Site (page 4-426); Section 4.4.2.19 Makua Radio/Repeater/Cable Head (page 4-427); Section 4.5.2 Maui Space Surveillance System (page 4-434); Section 4.5.2.3 Sandia Maui Haleakala Facility (page 4-436); Section 4.5.2.4 Molokai Mobile Transmitter Site (page 4-437). The Draft EIS/OEIS has not provided information on the duration of the current use of these facilities nor proposed future use. The frequencies of radio waves or electromagnetic radiation have not been specified. No assessment of the potential impacts to Federal trust resources resulting from the proposed actions has been included. We recommend that additional

<sup>22</sup>Aaron Hebshi. 2007. *op. cit.*

<sup>23</sup>Reimintation of the 1999 Biological Opinion of the U.S. Fish and Wildlife Service For U.S. Army Military Training at Makua Military Reservation Island off Oahu June 22, 2007 (1-2-2005-F-0356). This document is available from the Department of Army.

information and analysis, particularly in relation to electromagnetic radiation and wildlife species, be provided to support the determination of no effect.

Section 4.8 Conflicts with Federal, State, and Local Land Use Plans, Policies, and Controls (page 4-461 to 4-462). We recommend that Executive Order 13089 (Coral Reef Protection) and Wildlife Coordination Act of 1934 [16 U.S.C. 661 et seq.; 48 Stat. 401] be added to table 4.8-1.

Section 6.1.2 General Maritime Mitigation Measures (page 6-2). The SOPs do not appear to include instructions for handling or reporting marine life that has been accidentally struck. We recommend that the Navy develop SOPs to potentially assist injured animals and to report the collision to NMFS.

#### ENCLOSURE 1

##### Draft List of Federally Listed Species at Military Facilities in the Hawaiian Islands.

Species Scientific Name	Pohakuloa Training Area	Bradshaw Air Force Base	Pearl Harbor Naval Station	Hickam Air Force Base	Barbers Pt. Coast Guard Airfield	Makua Military Reservation	Wheeler Air Force Base	Schofield Barracks	Dillingham Airfield	Kahuku Training Area	Marine Corps Base Hawaii	Marine Corps Training Area Bellows	Pacific Missile Range Facility	Makaha Ridge	Mount Kahili	Koolee Air National Guard	Niihau	Niihau and Necker Islands
<b>Plants</b>																		
<i>Abutilon sandwicense</i>					X	X		X										
<i>Achyranthes splendens</i>						X												
<i>Adenophorus periers</i>						X		X		X								
<i>Alectryon macrococcus</i>						X												
<i>Amaranthus brownii</i>																		X
<i>Asplenium fragile</i> var. <i>insulare</i>	X	X																
<i>Bonanania menziesii</i>						X												
<i>Brighamia insignis</i>																	X	
<i>Cenchrus agrimonoides</i>						X												
<i>Centaurium seabaeoides</i>						X												
<i>Chamaesyce celastroides</i>						X												
<i>Chamaesyce herbsteri</i>						X												
<i>Chamaesyce rockii</i>								X		X								
<i>Chamaesyce skottsbergii</i>					X													



Species Scientific Name	PTA	Bradshaw AFB	Pearl Harbor	Hickam AFB	Barbers Pt.	Makua	Wheeler AFB	Schofield	Dillingham	KTA	MCBH	Belows	PMRF	Makaha	Mt. Kahili	Kolee	Niiham	Niiha & Necker
<i>Cientis squamigera</i>					X			X										
<i>Cyanea acuminata</i>							X			X								
<i>Cyanea grimesiana</i>					X		X			X								
<i>Cyanea koolauensis</i>							X			X								
<i>Cyanea longiflora</i>					X					X								
<i>Cyanea superba</i>					X													
<i>Cyperus trachysanthos</i>					X				X							X		
<i>Cyrtandra dentata</i>					X													
<i>Cyrtandra subumbellata</i>							X											
<i>Cyrtandra viridiflora</i>							X											
<i>Delissea subcordata</i>					X		X											
<i>Diellia falcata</i>					X		X											
<i>Dubautia herbstobatae</i>					X													
<i>Eugenia koolauensis</i>										X								
<i>Euphorbia haelealeana</i>						X												
<i>Flueggea neovawraea</i>					X		X											
<i>Gardenia mammi</i>							X			X								
<i>Gouania vitifolia</i>					X													
<i>Haplostachys haplostachya</i>	X	X																
<i>Hedyotis coriacea</i>	X	X																
<i>Hedyotis degeneri</i>					X													
<i>Hedyotis parvula</i>					X													
<i>Hesperomannia arborescens</i>							X		X									

Species Scientific Name	PTA	Bradshaw AFB	Pearl Harbor	Hickam AFB	Barbers Pt.	Makua	Wheeler AFB	Schofield	Dillingham	KTA	MCBH	Belows	PMRF	Makaha	Mt. Kahili	Kolee	Niiham	Niiha & Necker
<i>Hesperomannia arbuscula</i>						X												
<i>Ilibiscus brackenridgei</i>						X		X										
<i>Isodendron hosakae</i>	X	X																
<i>Isodendron laurifolium</i>						X												
<i>Isodendron longifolium</i>								X										
<i>Isodendron pyriform</i>						X												
<i>Labordia cyrtandrae</i>								X										
<i>Lepidium arbuscula</i>						X		X										
<i>Lipochaeta tenuifolia</i>						X												
<i>Lipochaeta venosa</i>	X	X																
<i>Lobelia gaudichandii</i> ssp. <i>koolauensis</i>								X										
<i>Lobelia niihaensis</i>						X											X	
<i>Mariscus pennatifolius</i>						X												
<i>Melicope hiakae</i>								X										
<i>Neraudia angulata</i>						X												
<i>Neraudia ovata</i>	X	X																
<i>Nototrichum humile</i>						X			X									
<i>Panicum niihaense</i>													X				X	
<i>Peucedanum sandwicense</i>						X												
<i>Phlegmarium nutans</i>								X										
<i>Phyllostegia hirsuta</i>								X		X								
<i>Phyllostegia kaalaensis</i>						X		X										
<i>Phyllostegia mollis</i>								X										

Exhibit 12-1. Consultation Comments and Responses (Continued)

Species Scientific Name	PTA	Bradshaw AFB	Pearl Harbor	Hickam AFB	Barbers Pt.	Makua	Wheeler AFB	Schofield	Dillingham	KTA	MCBH	Belows	PMRF	Makaha	Mt. Kahili	Kolee	Niluan	Nihoa & Necker
<i>Plantago princeps</i>	X	X				X	X											
<i>Portulaca sclerocarpa</i>	X	X																
<i>Pritchardia cyllmer-robinsonii</i>						X										X		
<i>Pritchardia kaalae</i>																		
<i>Pritchardia remota</i>																	X	
<i>Psychotria grandiflora</i>															X			
<i>Pteris lidgatei</i>								X										
<i>Sanicula maritima</i>						X												
<i>Sanicula purpurea</i>								X										
<i>Schiedea hookeri</i>						X		X										
<i>Schiedea kaalae</i>						X		X	X									
<i>Schiedea nuttallii</i>						X												
<i>Schiedea obovatum</i>						X												
<i>Schiedea trinervis</i>								X										
<i>Schiedea verticillata</i>																		
<i>Sesbania tomentosa</i>						X							X			X		X
<i>Silene hawaiiensis</i>	X	X																
<i>Silene lanceolata</i>	X	X				X												
<i>Solanum incompletum</i>	X	X																
<i>Solanum sandwicense</i>						X												
<i>Spermolepis hawaiiensis</i>	X	X				X								X				
<i>Stenogyne angustifolia</i>	X	X																
<i>Tetramolopium arenarium</i> spp. <i>arenarium</i>	X	X																

Species Scientific Name	PTA	Bradshaw AFB	Pearl Harbor	Hickam AFB	Barbers Pt.	Makua	Wheeler AFB	Schofield	Dillingham	KTA	MCBH	Belows	PMRF	Makaha	Mt. Kahili	Kolee	Niluan	Nihoa & Necker
<i>Tetramolopium filiforme</i>						X												
<i>Tetraplasandra gymnocarpa</i>							X		X									
<i>Vigna o-wahuensis</i>	X	X				X												
<i>Viola chamissoniana</i>						X			X									
<i>Viola oahuensis</i>								X										
<i>Wilkesia hedyotis</i>														X				
<i>Zanthoxylum hawaiiense</i>	X	X																
<b>Reptiles</b>																		
<i>Chelonia mydas</i>			X	X	X				X		X	X	X				X	X
<i>Eretmochelys imbricata</i>											X	X						
<b>Birds</b>																		
<i>Acrocephalus familiaris kingi</i>																		
<i>Anas wyvilliana</i>			X	X					X		X	X	X	X	X		X	
<i>Branta sandwicensis</i>	X	X												X	X			
<i>Buteo solitarius</i>	X	X																
<i>Chasiempis sandwicensis ibidis</i>						X		X	X									
<i>Fulica americana alai</i>			X	X				X			X	X	X	X	X		X	
<i>Gallinula chloropus sandwicensis</i>			X	X				X			X	X	X	X	X			
<i>Hemignathus munroi</i>	X																X	
<i>Himantopus mexicanus knudseni</i>			X	X	X				X		X	X	X	X	X		X	
<i>Loxia bairdi</i>	X																	
<i>Paroreomyza maculata</i>							X	X	X									
<i>Pterodroma phaeopygia sandwicensis</i>	X	X									X	X	X	X	X	X		

Exhibit 12-1. Consultation Comments and Responses (Continued)

Species Scientific Name	PTA	Bradshaw AFB	Pearl Harbor	Hickam AFB	Barbers Pt.	Makua	Wheeler AFB	Schofield	Dillingham	KTA	MCBH	Belows	PMRF	Maui	Mt. Kahili	Kolee	Niihau	Nihoa & Necker
<i>Puffinus auricularis newelli</i>	X	X									X	X	X	X	X	X		X
<i>Telespyza ultima</i>																		
<b>Mammals</b>																		
<i>Lasiurus cinereus</i>	X		X	X		X	X	X	X	X		X	X	X	X	X		
<b>Invertebrates</b>																		
<i>Achatinella bulimoides</i>									X		X							
<i>Achatinella byronii</i>									X		X							
<i>Achatinella coelesia</i>									X		X							
<i>Achatinella curta</i>									X		X							
<i>Achatinella decipiens</i>									X		X							
<i>Achatinella dimorpha</i>									X		X							
<i>Achatinella elegans</i>									X		X							
<i>Achatinella leucorraphe</i>									X		X							
<i>Achatinella mustelina</i>						X			X		X							
<i>Achatinella sowerbyana</i>									X		X							
<i>Achatinella valida</i>									X		X							
<i>Drosophila aglaia</i>									X		X							
<i>Drosophila hemipeza</i>									X		X							
<i>Drosophila montgomeryi</i>									X		X							
<i>Drosophila nussaphila</i>									X		X					X		
<i>Drosophila obatai</i>						X			X		X							
<i>Drosophila substenoptera</i>									X		X							
<i>Drosophila tarphitrichia</i>									X		X							

Thank you for the opportunity to review this project.

Sincerely,



Patricia Sanderson Port  
Regional Environmental Officer

cc:  
Director, OEPC  
FWS, HI  
FWS, Portland



**MARINE MAMMAL COMMISSION**  
**4340 EAST-WEST HWY., RM. 905**  
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**MARINE MAMMAL COMMISSION**  
**4340 EAST-WEST HIGHWAY, ROOM 905**  
**BETHESDA, MD 20814-4447**

2 October, 2007

Public Affairs Officer  
 Pacific Missile Range Facility  
 PO Box 128  
 Kekaha, HI 96752-0128

Dear Sir:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors, has reviewed the Draft Environmental Impact Statement/Overseas Environmental Impact Statement (DEIS) provided by the Department of the Navy in support of its planned Navy Pacific Fleet training and defense-related research on the Hawaii Range Complex (HRC). The HRC consists of onshore as well as offshore areas covering 235,000 square nautical miles around the Hawaiian Islands, with an additional 2.1 million square-mile Temporary Operating Area of sea and air space. The HRC is a complex of instrumented ocean areas, airspace, ocean surface operation areas, targets, and land range facilities. The DEIS identifies three alternative levels of training and research-related activities and estimates the potential unmitigated and mitigated environmental effects from range-wide training and research, development, testing, and evaluation activities. Based on a finding of no significant adverse impacts, with mitigation, the Navy has submitted an application for a Marine Mammal Protection Act Letter of Authorization (LOA) to authorize the incidental take of marine mammals that may result from the implementation of the activities analyzed in the DEIS.

The HRC DEIS covers an unprecedented scope of effort and affected area in a document that is for the most part thorough and clear. Later in this letter we note a number of particularly difficult issues or concepts that have been described with considerable clarity and addressed with novel and improved measures. The Commission also has identified three major elements of the DEIS in need of reconsideration and revision.

**RECOMMENDATIONS**

The Marine Mammal Commission believes that the Final EIS/OEIS and associated request for an LOA under the Marine Mammal Protection Act require major revision with regard to the estimation of risk, the mitigation of that risk, and, perhaps most important, the evaluation of action alternatives. Therefore, the Marine Mammal Commission recommends that the Navy—

- create an alternative of reduced or no range use, and adequately document the likely consequences for national defense readiness, to be weighed against whatever reductions in environmental risk would be obtained by the no action or reduced action alternative;
- provide a comprehensive description of the proposed dose-response relationships and the manner in which they will be used; and

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Public Affairs Officer  
2 October 2007  
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- provide a comprehensive description of the various monitoring and mitigation measures that might be used, evaluate the performance of those measures taking into account existing marine mammal monitoring and mitigation data, and instigate planning to evaluate and address the strengths and shortcomings of the proposed measures.

#### RATIONALE

The three major areas of recommended revisions to the DEIS are as follows:

**Action Alternatives**—In the HRC DEIS the Navy takes the unusual, if not unprecedented, approach of treating the current ongoing level of training activity as the “no action” alternative, with two options of increased activity as alternatives 1 and 2. Typically a no action alternative refers to the consequence of not going forward with the requested action at all. Instead the Navy argues that all three proffered alternatives can be mitigated to zero effect, and therefore the environmental risk of choosing any of the options would be the same. We do not believe that the risk can be mitigated to zero (and will offer arguments in support of that perspective), in which case the consideration of an alternative that offers reduced environmental risk is essential to making an informed decision about the costs and benefits of all reasonably available alternatives.

The DEIS would benefit from a review of anticipated changes in Naval training that are being implemented for other reasons, but which might also affect the potential environmental risks. Cost savings and reduced manning goals are reasons other than environmental stewardship that have driven research and acquisition efforts by the U.S. Navy to reduce the time and money demands of training. Growing costs of fuel and the climatic consequences of large scale combustion of hydrocarbon fuels in military training are another emerging factor in considering the merits of alternatives, despite the well-established and widely accepted merits of realism in training. Such considerations should be described in the EIS to promote informed decisionmaking about alternatives and the relative environmental risks of each.

The Commission recognizes that a considerable amount of effort will be required to document both the Navy's ongoing efforts to reduce training cost and expense and its efforts to document the impact of any loss of training capability on readiness. However, we also believe that much of the needed information already exists within the Navy and could be relatively easily brought into the HRC EIS. For example, recent efforts by the Department of Defense to document for Congress the cost of lost training due to “encroachment” on range activities, such as the loss of the Vieques range, could provide this specific EIS with information on the potential impacts on readiness from lost HRC training opportunities. Similarly, existing documentation required to justify the costs of Navy research, development, testing and evaluation efforts to improve training also exist and should be useful in determining the trade-offs and feasibility of implementing alternative training procedures.

For these reasons, the Marine Mammal Commission recommends that the Navy create an alternative of reduced or no range use, and adequately document the likely consequences for national defense readiness, to be weighed against whatever reductions in environmental risk would be obtained by the no action or reduced action alternative.

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**Risk Estimation Protocols**—The Commission recognizes the considerable effort the Navy and the National Marine Fisheries Service have applied to the development of clear, scientifically based Level A acoustic risk criteria and commends the comparable effort to develop Level B risk criteria using dose-response relationships to better reflect the natural individual variability within a given population. However, a number of aspects of the risk estimation process are not well explained, specifically the means by which animal density data and sound field data are integrated to produce the sound exposure levels for risk evaluation, and the estimated effectiveness of mitigation measures on risk of either injury or behavioral harassment. The use of heuristic techniques such as time-invariant probabilistic two-dimensional representations of animal density, and the use of time averaging techniques for prolonged and intermittent sound exposure are among the features of this novel and complex risk estimation procedure that need to be explained in greater detail. This explanation should include one or more illustrative examples of how data on animal abundance and distribution are derived from the literature, or how data on the nature and duration of activities on the range are combined and translated into an exposure metric. Therefore, the Marine Mammal Commission recommends that the Navy provide a comprehensive description of the proposed dose-response relationships and the manner in which they will be used. Such information is necessary to allow readers to evaluate the nature and level of risk to marine mammals.

**Monitoring And Mitigation**—With regard to monitoring and mitigation, the HRC DEIS suffers two main shortcomings: it does not include a comprehensive description of monitoring and mitigation options, and it offers estimates of performance for proposed mitigation measures that are inconsistent with existing performance data from similar survey and mitigation efforts. Although the methods for assessing mitigation performance are well understood and such an assessment can be easily carried out, the Navy apparently has not done so. The Navy's own SURTASS LFA EIS includes such analyses, and these same analyses should already have been conducted for the kinds of ongoing fleet activities listed in the HRC DEIS. In the absence of such information, we believe it is incumbent upon the Navy to include a plan for obtaining performance data to justify its confidence in such critical mitigation measures as sonar ramp-up, watchstander training effectiveness, and watchstander probability of detection of marine mammals and other species of concern. This is most obviously true of watchstander performance, for which substantial quantitative data are available from many well-documented surveys for marine mammals and sea turtles. Probabilities of detection for experienced survey observers under ideal conditions, counting highly visible species, still do not rise to the 100 percent probability of detection claimed for Navy watchstanders who have far less experience sighting animals at sea and multiple duties to perform. Detection probabilities are even lower for difficult-to-detect species such as beaked whales or sea turtles. Such probability-of-detection data are easily verified by well-known methods such as dual ship surveys or multiple independent blind control surveys of similar design. Such verification and validation procedures are regularly undertaken by the Navy to verify training performance and to establish the performance of new systems under standard research, development, testing, and evaluation processes that precede acquisition and fleet use. Performing similar verification and validation for environmental effects mitigation would not be unduly costly and would clarify whether the Navy is in fact being realistic in its claims for its proposed mitigation efforts.

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In addition, passive acoustics and other sensing technologies that might improve marine mammal detection and risk mitigation are rejected without undergoing similar performance evaluation and development. Dismissing additional mitigation as not well enough developed to use and then making no effort to bring such tools to maturity should not be an acceptable position when the potential adverse effects of the proposed action are significant and the action agency is as technically adept and strong in new technology acquisition as the Navy. For these reasons, the Marine Mammal Commission recommends that the Navy provide a comprehensive description of the various monitoring and mitigation measures that might be used, evaluate the performance of those measures taking into account existing marine mammal monitoring and mitigation data, and instigate planning to evaluate and address the shortcomings of the proposed measures.

#### DETAILED COMMENTS

The following detailed comments either reinforce the above points with reference to specific parts of the HRC DEIS, or note additional areas of strength or weakness within the DEIS that merit consideration by the Navy.

**Action Alternatives**—Pages 2-8 to 2-12 define the action alternatives in greatest detail. The national defense plans behind these three alternatives are not sufficiently described to enable the reader to assess whether there is any national defense readiness cost or benefit to any of these alternatives. Therefore, readers of this DEIS cannot make an informed decision as to whether the “historical” level of training must be maintained to prevent the Navy from suffering substantive, quantifiable decrements in some readiness area essential to its long-term plans. Such plans must exist to justify the expenditure of billions of dollars of fuel, expendable equipment and sailor hours.

Similarly, the DEIS should describe the consequences to readiness and options available if either Alternative 1 or 2 are rejected. This information is essential to weigh and consider the costs and benefits in terms of both readiness and environmental impact. Part of that consideration should include an option for reducing amounts, types and locations of training to ensure national ocean stewardship and environmental quality goals. For example, RIMPAC is one of the specified training events that is slated for expansion in Alternatives 1 and 2. The DEIS should explain under this alternative why it is necessary for the number of ships in this exercise to expand. The Navy should be able to provide an unclassified yet substantive basis for asking that an increased environmental footprint be allowed, along with the added cost, manpower, and loss of time available for other activities, all of which are all implicit in the three alternatives.

The assertion on page 4-65, line 25-29 that because no beaked whales have stranded in Hawaii the HRC activities are therefore not likely to pose a risk to beaked whales in the future is inconsistent with an otherwise well-reasoned and thorough DEIS. This is a case where absence of evidence is mistakenly offered as evidence of absence even though it is mutually agreed that the historical record is known to be unreliable, that historical usage patterns of the area by the Navy may not in fact be reliable predictors of future Naval training needs, and where the problem of concern is known to be more complicated than simply stranding or not stranding in the presence of sonar sound. Reporting of strandings in the main Hawaiian Islands has probably not been consistent until quite recently, and is even less consistent in the history of the northwestern Hawaiian Islands.

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Furthermore, stranding is not the only possible outcome of concern. It is also easily arguable that the Navy has in fact not been pursuing the same level and type of training, research, development, testing, and evaluation activities “with essentially the same equipment for the past 30 years.”

The DEIS dismisses specific instructive events, such as the USS Shoup transit of Haro Strait (p. 4-85-86) without serious discussion. For example, the reports of behavioral effects on killer whales, Dall's porpoise, and minke whales are not included in this discussion but beg the question as to why the Navy believes these types of effects are not of concern. Other aspects of this event, like the modeling of the Shoup sound fields, were included in the joint Navy-National Marine Fisheries Service development of the dose-response functions used in this DEIS, so it seems inconsistent to consider some aspects of the Shoup event highly relevant to this EIS, but not others.

Supporting data and a more considered discussion are needed for the assertion that none of the Japanese beaked whale strandings cited by Brownell et al (2004) coincided with naval activities in Japan. The cited Center for Naval Analysis examination of the data is probabilistic, not deterministic, and sets a probability that temporal patterns between two sets of events (beaked whale strandings and naval sonar use) are or are not correlated. It does not necessarily indicate that no events co-occurred, but only that the degree of co-occurrence may or may not be explained by chance alone (p. 4-65, line 21-23).

**Risk Estimation**—The DEIS derivation of the “shorthand” version of mid-frequency sound exposure is difficult to understand. While it is understandable that some details of the operating characteristics of the 53-C sonar may be classified, considerable detail has been provided in previous unclassified examples of typical 53-C pings and ping series: the Evans and England 2001 report includes discussion of source levels when in omnidirectional mode (235 dB nominal source Sound Pressure Level (SPL)) and beam-steered or “searchlight” mode (nominal 240+ dB SPL) at 10-20 second intervals, the recent report from the JASON panel includes detailed discussions of sonar ping characteristics, and no doubt other unclassified sources of information could be readily found. The DEIS should include the already released and presumably unclassified information that justifies its use of the expedient of 235 dB SLP, 1-second pings at 30-second intervals to characterize the range of sonar usage patterns and subsequent risk outcomes that might occur (p. 4-96).

Information on sound frequency, source level, or basic usage pattern for other sources of noise (helicopter dipping sonars, torpedo sonars, etc.) is completely lacking. These omissions should be corrected because almost all risk assessments for environmental sound now include such a table of source characteristics to facilitate evaluation of the potential acoustic risk associated with them.

The risk calculation process (p. 4-99) and especially the exposure volume calculation (lines 6-11), are very difficult to follow. For example, it is difficult to understand the process by which 10 hours of sonar pings by a presumably moving vessel are translated into one hour “averages” and how these in turn are applied to a static volume of water populated by apparently static animals. Similarly, it is not clear to us how sound energy, used to calculate the hourly averages, is to be translated into the single ping sound pressure level threshold within the dose-response function to yield either a probable Level B take or probable no-take. Are all animals within the specified water volume assumed to be at the depth of greatest sound intensity? Do they remain there for the entire

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hour or ten hours? How, once the threshold is triggered, is multiple counting avoided? Intuitively, one thinks in terms of an individual animal and its tendency to move up and down in the water column and to travel in the two-dimensional horizontal plane over time relative to the source, which also is moving. It is hard to understand how this variability in exposure regime over time is captured in the described process, or if it is ignored, how the calculation may over- or under-estimate risk due to the simplifying assumptions of the model. Some sample calculations, and even graphical representations of the probability density surfaces for sound and animal density would be useful in helping the reader navigate this complicated and novel risk estimation process.

The characteristics of the Extended EchoRanging (EER) source are not clear. Rather than refer to another, difficult-to-access document (the JTFEX/COMPTUEX document), it might be better to provide actual charge weight or impulse source level of the EER "ping" (p. 4-102, line 20-27).

With regard to the establishment of the extent of Level A take (page 4-175), the Navy goes to great lengths to suggest that it has zero risk of causing a Level A take because its models are actually grossly overestimating encounter rates. This brings up the question of why the Navy is using models it believes to be defective and unsupported by the best available knowledge. More to the point, however, the mitigation is presumed to reduce to zero the risk of unmitigated exposures, whatever their level. But then on lines 23-27 the Navy arbitrarily "agrees to" ask for two lethal or injurious takes for each of five species, apparently also selected arbitrarily as no specific reason or reasons are provided. If there is in fact no rationale for doing this, and all the presented evidence is to the contrary, then it is not clear why the Navy should ask for any Level A takes. Earlier in section 4 the DEIS suggests that a possible concession to uncertainty about beaked whale sensitivity to mid-frequency sonar would be to count 1 percent of all estimated Level B takes as Lethal A takes. Given an estimate of over 2,000 Level B takes, that would indicate a potential for 20 Level A takes of beaked whales if this precaution is invoked, well above the nominal 2 per species suggested on page 4-175. These contrary statements are at best ambivalent about the risk and at worst misleading to the reader. To avoid such confusion we believe the DEIS needs to adopt a single approach to risk estimation based on the best available information and use that approach consistently. We do not believe that it is acceptable to offer an indefensible risk estimate and then create arbitrary concessions.

On page 4-21-22, and in Table 4.1.2.3.1-1 on the same page, the blast risk criteria differ slightly from those used by the National Marine Fisheries Service in various Gulf of Mexico rig removal and construction projects, e.g., Bienville Offshore Energy Terminal DEIS of June 2007, vol. 2, Appendix C. This discrepancy between current regulatory agency *de facto* standards and the Navy's proposed criteria should be reconciled before issuance of the FEIS and requested Letter of Authorization. Also, here and elsewhere in the HRC DEIS it is "Navy policy" to use a temporary threshold shift (TTS) criterion of 12 psi peak pressure for charges greater than 2,000 pounds TNT-equivalent, but a TTS criterion of 23 psi for smaller charges (also see page 4-104, line 6-13). The basis for this differential threshold criterion for the same physiological damage issue is not clear and should be clarified.

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The Navy has done a commendable job in this DEIS of explaining the relationship between physiological and behavioral effects as biological phenomena, versus the definition of regulatory criteria under the Marine Mammal Protection Act of Level A or Level B harassment. This is a confusing but necessary set of distinctions and the DEIS does a very good job on pages 4-35 and 36 of clarifying those relationships and explaining the Navy's rationale for apportioning risk among physiological and behavioral effects to then determine the Level A or Level B consequences of a given physiological or behavioral effect.

The Navy also has done a good job of clearly exploring the relationship of permanent threshold shift (PTS) and temporary threshold shift, the relationship between Sound Pressure Level (SPL) and Sound Energy Level (SEL), and other metrics. These relationships are not generally well understood and the DEIS does a good job of clearly explaining them on pages 4-37 through 4-47.

The DEIS also provides a thorough exploration of the relationship of rectified diffusion, decompression syndrome (DCS), acoustic resonance and other physiological or biomechanical effects of sound (pages 4-48 and 49). The DEIS continues with a similarly strong background review of these physiological phenomena and the scientific evidence for and against manmade sound as a contributing factor on pages 4-49 and 50. While the potential risk to marine mammals from sound via these mechanisms needs further scientific exploration, the DEIS offers the reader sufficient information and original reference material to make an informed judgment based on the currently available science.

The use of a dose-response relationship to capture the probabilistic nature of behavioral reaction to sound is well described, with excellent depth of background references (pages 4-53 through 63). The amount and relevance of data to support this particular dose-response curve is not ideal, nor is it even as substantive as the data used in the SURTASS LFA dose-response function, but the DEIS does indicate an intent by Navy to obtain more and better data to strengthen that risk estimating function.

On page 4-63b, lines 334-342, various environmental conditions of special concern are cited as factors in estimating risk for beaked whales. Those conditions include canyon-like bathymetry, surface ducts, etc. However the process by which these factors are to be considered in estimating risk is not described in sufficient detail to enable the estimates to be vetted by an independent outside evaluator. In Section 9, the appendix containing the report after the 2006 RIMPAC exercises, these factors are actually recommended for removal from consideration based on the idea that they are poorly defined and difficult to apply, and/or existing data do not support the idea that these features are in any way predictive of beaked whale occurrence or elevated risk. It should be noted that although more useful data are being generated on the distribution and abundance of beaked whales in the Hawaiian Islands by McSweeney, Baird, Barlow and others, these sources of information are not sufficiently cited and the manner in which such information will be used in planning is not sufficiently described, even though the Navy supported some of the work to generate those data (e.g. Baird et al, 2006). The seasonal avoidance of humpback whales is well described throughout the document, and a convincing case is made that this is factored into event planning. The same is not true for beaked whales. Similarly, on page 4-63b, line 30-33 and in the risk threshold tables a special category is created for harbor porpoises and justification is provided for

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their special treatment. Since harbor porpoises are not a species found in the HRC this information should be eliminated from this document.

A somewhat outdated paper by Ketten (1998) is cited as the source of an upper hearing limit for baleen whales of 20 kHz (p. 4-64, line 8). More recent observational data by Nowacek et al. (2004) and others, and more recent unpublished analyses by Ketten (2004) and colleagues from Boston University and the Navy Research Lab also suggest that the upper frequency limit for at least some baleen whales may be above 20 kHz (but likely below 30 kHz). It would strengthen the EIS to incorporate recently published work, or citable gray literature references from these researchers.

**Mitigation And Monitoring**—The Navy has high expectations for the effectiveness of watchstanders in mitigation efforts. Such expectations should be substantiated because 1) a great deal of evidence argues to the contrary, and 2) other means such as passive or active acoustics, radar, infra-red or other sensors may substantially augment visual watches and may be more effective. Page 6-23, lines 1-2 hints at a watchstander validation process, but the statement lacks convincing details. The British Royal Navy has a well developed process for both shoreside simulator training and shipboard training that provides a mechanism to quantifiably validate watchstander performance. We would encourage the U.S. Navy to adopt a similar process, especially when the proposed estimate of Level B and Level A takes is being reduced from tens of thousands of takes to zero through the use of visual monitoring alone.

The Navy should provide greater detail on the listed protocols for passive acoustic monitoring and mitigation, and reconcile that information with assertions elsewhere in the DEIS that visual monitoring alone is sufficient to assure 100 percent detection of all species of concern before they enter within range of the mitigation zones. A number of mitigation actions are listed on page 6-3. Measure #3 asserts that all personnel manning passive anti-submarine warfare (ASW) sensors will monitor for marine mammals. A great deal of detail is missing and needed before a reader can assess whether this is an effective practice. It is not clear whether the personnel will receive any training comparable to visual watchstanders to enable them to detect and classify marine mammal sounds, how well the available sensors (which were designed for other purposes) will detect and process marine mammal sounds, or whether they will be more or less effective than the SURTASS LFA passive acoustic system (effective only to 500 Hz), which failed to detect any marine mammals in more than 400 hours of monitoring (SURTASS LFA Final Report, 2000-2006). In addition, the DEIS should describe communications between ASW personnel and command personnel responsible for making decisions about mitigation action (sonar source level reduction, shut-down, etc.). Mitigation measure #13 describes a similar effort using submarine sensors without providing sufficient details as to the effectiveness of such effort, or the communication chain by which such information makes its way to decisionmakers responsible for taking mitigation action in a timely manner.

The use of permanent or temporary monitoring arrays (passive acoustic or other) also is insufficiently described. The Navy refers throughout the DEIS to the potential utility of the Pacific Missile Range Facility (PMRF) monitoring arrays like BASTUR and BSURE, and to new devices like the portable array or Scripps ARP/HARP bottomed monitoring devices, but offers no concrete plan for implementation of such monitoring on a regular basis, or for validation of performance.

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On page 6-23, line 32 the Navy proposes to capture data on animal presence before and after exercises but cites security reasons for not capturing data during exercises. We would propose that the Navy consider approaches that could capture and archive data throughout that period and either offer declassified redacted data to confirm effect/no effect at all stages of the exercise, or make the classified data available for assessment by appropriately cleared persons.

The Portable Offshore Training Range mentioned in the DEIS deserves further discussion, both as a sound source and as a possible mitigation tool. Described on page 2-51, the portable range produces sound to communicate the relative positions of the listening nodes and to communicate with vessels and other devices carrying pingers through the range. The sound is of relatively low amplitude, with a source level of 190 dB re 1 microPascal SPL, but it is within the range of hearing of most marine mammals at a nominal 8.8, 17, and 40 kHz. The patches of territory where the portable offshore range might be deployed run outside the figure and it appears possible in some cases that such portable range use could be very close to the protected waters of the northwestern Hawaiian Islands. It is not clear how use of the portable ranges would be scheduled and whether the National Marine Fisheries Service would be consulted during this decision. In light of these concerns, discussion of potential environmental impacts of the portable ranges in section 4 seems insufficient. Similarly, the potential for this portable listening array to be used for mitigation monitoring or for post-test analysis of visual observer performance also are not discussed in Section 6. The permanent ranges at the Pacific Missile Range Facility figure prominently in bolstering monitoring for activities within the area covered by those ranges, and it is not clear why the portable ranges are not used similarly.

The criteria for resumption of sonar use after detection of a marine mammal seem unrealistically short. Thirty minutes without re-acquiring visual contact with an animal previously detected within the mitigation zone is too short for animals that may dive for more than 30 minutes, or might go more than 30 minutes without presenting another detectable surfacing due to glare, waves, or wind-hindered visibility. The alternative, resumption after the ship has travelled 2000 yards means about 5-6 minutes for a ship travelling at 10 knots. This provides even less time to determine whether the animal has been able to clear the safety zone, or whether the animal has in fact fled underwater at 5 knots running straight before the ship and thus could have actually closed range since it was first detected.

The use of ramp-up as a mitigation tool has been a subject of considerable debate and in section 6-8 and Appendix F the Navy rightly questions the effectiveness of this procedure. Ramp-up procedures have never been tested to either validate their effectiveness or to verify that they are ineffective, or perhaps even counterproductive. From the DEIS it appears that the Navy has no plans to take advantage of the current temporary defense exemption to test whether or not ramp-up is in fact effective. Such an assessment effort would be straightforward and could potentially save the Navy considerable time and money if ramp-up were shown to be useless. Alternatively, if the test showed ramp-up to be effective, then confidence in the Navy's environmental risk reduction protocol would be greatly strengthened.

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The considerable list of precautions for beaked whales described in mitigation measure #14 (page 6-4) are impressive, but the Navy stated in its RIMPAC 2006 report (DEIS Section 9, appendix F) that most of these measures were difficult to define, of unproven relevance, or overly expensive and therefore not recommended in light of the experiences in the RIMPAC 2006 exercise. In aggregate, the Navy's arguments against these measures elsewhere in the document create an impression that the proposed mitigation efforts may not be regularly applied during planning and execution of ASW exercises and similar sound-producing activities on the range complex. Verification and validation of actual decision processes are a critical aspect of acceptance of the proposed protocol, and we would encourage the Navy to look into the kinds of decision aids and recording devices used by the British Royal Navy to create an alteration-proof record of real-time actions during the planning and execution of its environmental mitigation practices for underwater sound from sonars. We note that the U.S. Navy outlines a process whereby the Officer in Tactical Command has the authority to give consideration to delay, suspend or alter activities, and that it will issue post-exercise reports that would presumably be available as unclassified public documents. Presumably these would be similar to the LFA and RIMPAC unclassified after-action reports and/or as classified documents reviewable by appropriately cleared persons (p. 6-5). That framework could form the basis for an effective verification procedure, and thus greatly reduce concerns about external verification and accountability without unduly taxing Naval resources.

Related to the above concern, the risk estimation and reduction procedures for beaked whales are not as clear as they should be (p. 4-114, line 22-28 for Blainville's beaked whales, p. 4-115, line 24-31 for Cuvier's beaked whales). The contention that more than 2000 encounters with beaked whales would all be successfully mitigated through visual monitoring alone is inconsistent with numerous reports of the low probability of detection of beaked whales even in dedicated visual surveys (e.g., Barlow and Gisiner, 2006). Indeed a wealth of literature on visual survey methods suggests that probabilities of detection for almost all species fall well below 50 percent in most circumstances. The U.S. Coast Guard's considerable body of data on the difficulty of detecting persons or small objects in the water by visual means alone is consistent with the marine mammal survey data, suggesting that with maximal motivation, where human life is at stake, the odds of detecting a relatively small, low-profile object at sea are small. In fact, the Navy's own SURTASS LFA Final Report for mitigation effort 2002-2006 found that visual survey was a poor source of marine mammal detections relative to its own active marine mammal detection sonar. Similarly, while the RIMPAC EIS predicted more than 33,000 takes, visual survey resulted in only 29 actual detection events (for a total of about 100 animals detected) within that mitigation zone. Even within the very much smaller 190 dB threshold zone, the estimated number of takes in the RIMPAC EIS was 256, more than double what was detected visually. Either the model greatly over-predicted takes relative to the number of animals that were actually present (which is likely, but unavoidable due to the uncertainties involved), and/or animals were present but not detected (also more likely than not). The Navy has the means to quantitatively test the effectiveness of visual watch and other means of mitigation and should be able to present a strong plan for iterative testing and improvement of its mitigation monitoring capabilities. The Navy's own very conscientious watches for collisions, and rigorous reporting of all collisions, indicate that marine mammals escape detection almost every year, to the point where they actually come in physical contact with the vessel without being detected. All this evidence shows that the effectiveness of visual monitoring will be nowhere near the 100% that would be required to justify a decision of no effect in this DEIS.

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The Navy presents a confusing and inconsistent stance on the utility of non-Naval platforms or independent observers on Naval platforms. The arguments for safety and limitations of berthing space in this section and in Appendix F are well taken, and it would seem reasonable not to expect to include non-military personnel and aircraft as a regular part of normal training and exercise. But that would not seem to preclude a deliberately designed test, outside the context of an actual exercise, to generate some of the performance statistics needed to properly evaluate the effectiveness of various mitigation measures the Navy either considers highly effective, or wishes to eliminate as ineffective and cumbersome. The verification and validation procedures are quite familiar in the Navy and are used often in assessing the performance of new tactical sensors and weapons systems, as well as for assessing personnel, individual unit and multi-ship performance on tactical mission requirements such as minehunting or ASW. The DEIS in fact alludes to such efforts on page 6-25 lines 5-21 and again on page 6-24, lines 4-30, but does not make a definite commitment to try the new technologies or to conduct the third-party testing that would verify performance. Technologies such as passive acoustics are well known to the Navy and the advancement of these technologies for tactical applications is already an existing and growing area of emphasis for the Navy. It would seem that the advancement of supplemental or alternative monitoring technologies would be a priority during the defense exemption, and afterward, as the Navy tries to improve its understanding of the actual risk posed by these environmental concerns, the actual numbers and habitat types of the animals of concern, and the means by which they may be avoided. The argument advanced on pages 6-8 and 9 that new mitigation technologies are expensive and limited in availability should be followed by an explanation about how the Navy plans to go about changing that, just as it would for any technology that was deemed of tactical or safety benefit, from hearing protection aboard aircraft carriers to improvements to torpedo propulsion systems. Page 6-9 refers to the Navy's commitment to continue to fund research, without adequate explanation as to whether the current amount is sufficient, excessive or insufficient to support the Navy's need to plan and execute its mission with an acceptable level of risk to the environment. Simply committing to an amount, without a plan as to how that helps solve the problem, is of little value in this context.

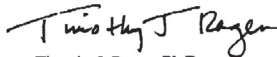
The DEIS asserts that archiving and analysis of survey data is unnecessary and unproductive (e.g. page 6-8, lines 34-40), and in section 9 (Appendix F) argues against efforts to use monitoring data for studies of habitat use, abundance or other biologically meaningful questions. The Navy argues that such effort extends beyond the requirement to monitor and verify effect or lack thereof, and that such additional effort imposes a burden of data analysis and communication that detracts from other mission-essential activities (p. 6-7). The Commission believes that such data and the follow-up analyses that can be done with them are equally valuable to the Navy in planning future activities, and as such, the data provide value to the Navy beyond the immediate need to verify compliance for the activity during which they are collected. Data from prior exercises constitute a valuable resource for making better decisions in the future and for developing an improved ability to meet future training requirements. In a data-poor world, in which the Navy itself contends that it is making overly conservative assumptions about risk, the addition of data to make better informed decisions in the future is probably the most valuable mitigation tool the Navy has, and one that is more likely to reduce the burden of compliance than increase it (or more positively stated, renders the Navy more effective in meeting its environmental stewardship goals). Therefore a plan to archive, analyze and frequently update information obtained from mitigation monitoring should be a

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clearly developed part of this EIS and part of the Navy's overall plan for addressing its environmental stewardship goals.

We thank the Navy for this opportunity to comment on the HRC DEIS and hope that the Commission's comments prove beneficial to the development of the Final EIS and Request for a Letter of Authorization under the Marine Mammal Protection Act. We have tried to keep our recommendations within the demonstrated capabilities of the Navy and hope that the recommended changes will enhance its ability to carry out its mission-essential activities in a manner consistent with its long and widely respected record of leadership in ocean environmental stewardship.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director

cc: Captain Larry Rice  
The Honorable Donald Schregardus  
Craig Johnson

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## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122, Box 50088  
Honolulu, Hawaii 96850



In Reply Refer To:  
2008-TA-0021

NOV 08 2007

Mr. Larry M. Foster  
United States Pacific Fleet  
250 Makalapa Drive  
Pearl Harbor, Hawaii 96860-3131

Subject: Species List and Technical Assistance regarding Informal Section 7 Consultation for the Hawaii Range Complex

Dear Mr. Foster:

This letter is in response to your letter dated October 12, 2007, requesting concurrence with your species and critical habitat lists and requesting initiation of informal section 7 consultation. The *Hawaii Range Complex Biological Assessment - Terrestrial* (BA), and the *Hawaii Range Complex Biological Assessment - Marine* (both dated September 2007) were also transmitted with your letter to support your request for informal consultation. We received your request on October 16, 2007. The Hawaii Range Complex, as a proposed action by the U.S. Navy, is the ongoing and future construction, modification, operation, and maintenance of support facilities and the ongoing and future instrumentation, launch, flight and other training activities associated with the U.S. Navy's use of Department of Defense (DOD) facilities within and around the Hawaiian Islands. This response is in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

We have reviewed the species and critical habitat lists that you have provided and determined that several of the lists are incomplete; therefore, we have enclosed updated species and critical habitat lists for all areas identified in your October 12, 2007, letter.

The U.S. Fish and Wildlife Service (Service) has begun a review of candidate species and/or potential critical habitat to propose for listing under the Endangered Species Act. Under section 7(a)(4) of the Act, Federal action agencies may request a conference on a proposed action that may affect proposed species or proposed critical habitat. The Service recommends the U.S. Navy conference on the proposed species and critical habitat, in lieu of re-initiating consultation after the listing process. If you wish to do so, we can provide a candidate species list.

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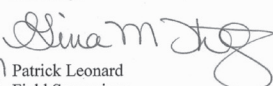
Mr. Larry M. Foster

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We have also begun reviewing the Terrestrial BA to determine if the continued implementation and initiation of new activities, by the U.S. Navy within the Hawaii Range Complex, will affect federally endangered or threatened species or their designated critical habitat. The Hawaii Range Complex covers many DOD facilities and many U.S. Navy actions. Due to the size and complexity of the proposed action, additional time and site visits will be needed to provide adequate review. Once we have completed our preliminary review of the Terrestrial BA, we propose to coordinate with you via telephone to set up a series of informal meetings or conference calls. These informal meetings would be specific to each DOD facility in order to address any outstanding information needs. When necessary, these meetings should be scheduled at the facility in question so that a site visit can be completed.

If you have any additional questions regarding this letter or the development of appropriate conservation measures, please contact Megan Laut, Fish and Wildlife Biologist, Consultation and Technical Assistance Program, at 808-792-9400.

Sincerely,



Patrick Leonard  
Field Supervisor

Enclosure

Mr. Larry M. Foster

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### Enclosure 1. List of Endangered, Threatened and Candidate Species and their Critical Habitat on Facilities Listed in the Hawaii Range Complex Terrestrial Biological Assessment

#### NIHOA AND NECKER ISLANDS

Common Name	Scientific Name	Status
<u>Plants</u>		
No common name	<i>Amaranthus brownii</i>	Endangered
Lo ulu	<i>Pritchardia remota</i>	Endangered
No common name	<i>Schiedea verticellata</i>	Endangered
Ohai	<i>Sesbania tomentosa</i>	Endangered
<u>Reptiles</u>		
Green sea turtle	<i>Chelonia mydas</i>	Threatened
Leatherback sea turtle	<i>Dermochelys coriacea</i>	Endangered
Hawksbill sea turtle	<i>Eretmochelys imbricate</i>	Endangered
<u>Birds</u>		
Nihoa millerbird	<i>Acrocephalus familiaris kingi</i>	Endangered
Nihoa finch	<i>Telespyza ultima</i>	Endangered
<u>Mammals</u>		
Hawaiian monk seal	<i>Monachus schauinslandi</i>	Endangered

#### KAUAI

##### Pacific Missile Range Facility/Main Base

<u>Plants</u>		
Lau ehū	<i>Panicum niihauense</i>	Endangered
Ohai	<i>Sesbania tomentosa</i>	Endangered
<u>Reptiles</u>		
Loggerhead sea turtle	<i>Caretta caretta</i>	Threatened
Green sea turtle	<i>Chelonia mydas</i>	Threatened
Leatherback sea turtle	<i>Dermochelys coriacea</i>	Endangered
Hawksbill sea turtle	<i>Eretmochelys imbricate</i>	Endangered
Olive ridley sea turtle	<i>Lepidochelys olivacea</i>	Threatened
<u>Birds</u>		
Hawaiian duck	<i>Anas wyvilliana</i>	Endangered
Hawaiian goose	<i>Branta sandvicensis</i>	Endangered
Hawaiian coot	<i>Fulica alai</i>	Endangered
Hawaiian moorhen	<i>Gallinula chloropus sandvicensis</i>	Endangered
Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	Endangered
Short-tailed albatross	<i>Phoebastria albatrus</i>	Endangered

Exhibit 12-1. Consultation Comments and Responses (Continued)



Mr. Larry M. Foster

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Hawaiian petrel	<i>Pterodroma phaeopygia sandwichensis</i>	Endangered
Newell's shearwater	<i>Puffinus auricularis newellii</i>	Threatened

Mammals

Hawaiian hoary bat	<i>Lasiurus cinereus semotus</i>	Endangered
Hawaiian monk seal	<i>Monachus schauinslandi</i>	Endangered

Critical Habitat

Lau ehū	<i>Panicum nīhauense</i>	Endangered
Ohai	<i>Sesbania tomentosa</i>	Endangered

\* observed in May 2000

**Pacific Missile Range Facility – Kahili**

Birds

Hawaiian duck	<i>Anas wyvilliana</i>	Endangered
Hawaiian goose	<i>Branta sandvicensis</i>	Endangered
Hawaiian coot	<i>Fulica alai</i>	Endangered
Hawaiian moorhen	<i>Gallinula chloropus sandvicensis</i>	Endangered
Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	Endangered
Hawaiian petrel	<i>Pterodroma phaeopygia sandwichensis</i>	Endangered
Newell's shearwater	<i>Puffinus auricularis newellii</i>	Threatened

Mammals

Hawaiian hoary bat	<i>Lasiurus cinereus semotus</i>	Endangered
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**Pacific Missile Range Facility – Kokee**

Plants

Akoko	<i>Chamaesyce halemanui</i>	Endangered
No common name	<i>Diellia pallida</i>	Endangered
Na ena e	<i>Dubautia latifolia</i>	Endangered
No common name	<i>Lipochaeta waimeaensis</i>	Endangered
Aiea	<i>Nothocestrum peltatum</i>	Endangered
No common name	<i>Phyllostegia waimeae</i>	Endangered
Kopiko	<i>Psychotria grandiflora</i>	Candidate
No common name	<i>Schiedea spergulina spergulina</i>	Endangered
Popolo aiakeakua	<i>Solanum sandwicense</i>	Endangered
No common name	<i>Spermolepis hawaiiensis</i>	Endangered

Invertebrates

Hawaiian picture-wing fly	<i>Drosophila musaphila</i>	Endangered
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Birds

Hawaiian duck	<i>Anas wyvilliana</i>	Endangered
Hawaiian goose	<i>Branta sandvicensis</i>	Endangered
Hawaiian coot	<i>Fulica alai</i>	Endangered

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Hawaiian moorhen	<i>Gallinula chloropus sandvicensis</i>	Endangered
Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	Endangered
Hawaiian petrel	<i>Pterodroma phaeopygia sandwichensis</i>	Endangered
Newell's shearwater	<i>Puffinus auricularis newellii</i>	Threatened

Mammals

Hawaiian hoary bat	<i>Lasiurus cinereus semotus</i>	Endangered
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Critical Habitat

Akoko	<i>Chamaesyce halemanui</i>	
Na ena e	<i>Dubautia latifolia</i>	
No common name	<i>Mariscus pennatifolius</i>	
Aiea	<i>Nothocestrum peltatum</i>	
No common name	<i>Poa mannii</i>	
No common name	<i>Poa siphonoglossa</i>	
Popolo aiakeakua	<i>Solanum sandwicense</i>	

**Pacific Missile Range Facility – Makaha Ridge**

Plants

No common name	<i>Spermolepis hawaiiensis</i>	Endangered
Dwarf iliau	<i>Wilkesia hobbii</i>	Endangered

Birds

Hawaiian goose	<i>Branta sandvicensis</i>	Endangered
Hawaiian petrel	<i>Pterodroma phaeopygia sandwichensis</i>	Endangered
Newell's shearwater	<i>Puffinus auricularis newellii</i>	Threatened

Mammals

Hawaiian hoary bat	<i>Lasiurus cinereus semotus</i>	Endangered
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**Pacific Missile Range Facility – Niihau**

Plants

Olulu	<i>Brighamia insignis</i>	Endangered
Pu uka a	<i>Cyperus trachysanthos</i>	Endangered
No common name	<i>Lobelia nīhauensis</i>	Endangered
Lau ehū	<i>Panicum nīhauense</i>	Endangered
Lo ulu	<i>Pritchardia aylmer-robinsonii</i>	Endangered
Ohai	<i>Sesbania tomentosa</i>	Endangered

Reptiles

Green sea turtle	<i>Chelonia mydas</i>	Threatened
Hawksbill sea turtle	<i>Eretmochelys imbricate</i>	Endangered

Birds

Hawaiian duck	<i>Anas wyvilliana</i>	Endangered
Hawaiian goose	<i>Branta sandvicensis</i>	Endangered

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Hawaiian coot	<i>Fulica alai</i>	Endangered
Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	Endangered

Mammals

Hawaiian hoary bat	<i>Lasiurus cinereus semotus</i>	Endangered
Hawaiian monk seal	<i>Monachus schauinslandi</i>	Endangered

Critical Habitat

Olulu	<i>Brighamia insignis</i>	
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Pacific Missile Range Facility – KaulaPlants

No common name	<i>Amaranthus brownii</i>	Endangered
Lo ulu	<i>Pritchardia remota</i>	Endangered
No common name	<i>Schiedea verticellata</i>	Endangered
Ohai	<i>Sesbania tomentosa</i>	Endangered

Reptiles

Green sea turtle	<i>Chelonia mydas</i>	Threatened
Hawksbill sea turtle	<i>Eretmochelys imbricate</i>	Endangered

Mammals

Hawaiian monk seal	<i>Monachus schauinslandi</i>	
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OAHUCoast Guard Air Station Barbers PointPlants

Ewa Hinahina	<i>Achyranthes splendens</i> var. <i>rotundata</i>	Endangered
Akoko	<i>Chamaesyce skottsbergii</i> var. <i>skottsbergii</i>	Endangered

Reptiles

Loggerhead sea turtle	<i>Caretta caretta</i>	Threatened
Green sea turtle	<i>Chelonia mydas</i>	Threatened
Hawksbill sea turtle	<i>Eretmochelys imbricate</i>	Endangered

Birds

Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	Endangered
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Mammals

Hawaiian monk seal	<i>Monachus schauinslandi</i>	Endangered
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Dillingham Military Reservation (DMR), exclusive of Military Vehicle TrailPlants

Pu uka a	<i>Cyperus trachysanthos</i>	Endangered
No common name	<i>Diellia falcata</i>	Endangered
Ma o hau hele	<i>Hibiscus brackenridgei</i>	Endangered
Kulu i	<i>Nototrichium humile</i>	Endangered
Mo oli oli	<i>Schiedea kealiae</i>	Endangered

Reptiles

Green sea turtle	<i>Chelonia mydas</i>	Threatened
Leatherback sea turtle	<i>Dermochelys coriacea</i>	Endangered

Birds

Hawaiian duck	<i>Anas wyvilliana</i>	Endangered
Hawaiian coot	<i>Fulica alai</i>	Endangered
Hawaiian moorhen	<i>Gallinula chloropus sandvicensis</i>	Endangered
Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	Endangered

Mammals

Hawaiian hoary bat	<i>Lasiurus cinereus semotus</i>	Endangered
Hawaiian monk seal	<i>Monachus schauinslandi</i>	Endangered

Critical Habitat

Ma o hau hele	<i>Hibiscus brackenridgei</i>	
Mo oli oli	<i>Schiedea kealiae</i>	
No common name	<i>Vigna owahuensis</i>	

Ford IslandReptiles

Green sea turtle	<i>Chelonia mydas</i>	Threatened
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Mammals

Hawaiian monk seal	<i>Monachus schauinslandi</i>	Endangered
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Hickam Air Force BaseReptiles

Green sea turtle	<i>Chelonia mydas</i>	Threatened
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Birds

Hawaiian duck	<i>Anas wyvilliana</i>	Endangered
Hawaiian coot	<i>Fulica alai</i>	Endangered
Hawaiian moorhen	<i>Gallinula chloropus sandvicensis</i>	Endangered
Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	Endangered

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Mammals

Hawaiian hoary bat	<i>Lasiurus cinereus semotus</i>	Endangered
Hawaiian monk seal	<i>Monachus schauinslandi</i>	Endangered

**Kahuku Training Area**

Plants

No common name	<i>Adenophorus periens</i>	Endangered
Akoko	<i>Chamaesyce rockii</i>	Endangered
Haha	<i>Cyanea grimesiana</i> ssp. <i>grimesiana</i>	Endangered
Haha	<i>Cyanea koolauensis</i>	Endangered
Haha	<i>Cyanea longiflora</i>	Endangered
Nioi	<i>Eugenia koolauensis</i>	Endangered
Nanu	<i>Gardenia mannii</i>	Endangered
No common name	<i>Hesperomannia arborescens</i>	Endangered
Haha	<i>Phyllostegia hirsuta</i>	Endangered
Ohe ohe	<i>Tetraplasandra gymnocarpa</i>	Endangered

Invertebrates

Oahu tree snail	<i>Achatinella bulimoides</i>	Endangered
Oahu tree snail	<i>Achatinella curta</i>	Endangered
Oahu tree snail	<i>Achatinella dimorpha</i>	Endangered
Oahu tree snail	<i>Achatinella elegans</i>	Endangered
Oahu tree snail	<i>Achatinella sowerbyana</i>	Endangered
Oahu tree snail	<i>Achatinella valida</i>	Endangered

Birds

Hawaiian duck	<i>Anas wyvilliana</i>	Endangered
Oahu elepaio	<i>Chasiempis sandwichensis ibidis</i>	Endangered

Mammals

Hawaiian hoary bat	<i>Lasiurus cinereus semotus</i>	Endangered
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Critical Habitat

Nioi	<i>Eugenia koolauensis</i>
Haha	<i>Cyanea longiflora</i>
Haha	<i>Cyanea koolauensis</i>
Haha	<i>Cyanea crispa</i>
Nanu	<i>Gardenia mannii</i>
No Common Name	<i>Viola oahuensis</i>

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**Keehi Lagoon**

Reptiles

Green sea turtle	<i>Chelonia mydas</i>	Threatened
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Birds

Hawaiian duck	<i>Anas wyvilliana</i>	Endangered
Hawaiian coot	<i>Fulica alai</i>	Endangered
Hawaiian moorhen	<i>Gallinula chloropus sandvicensis</i>	Endangered
Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	Endangered

Mammals

Hawaiian monk seal	<i>Monachus schauinslandi</i>	Endangered
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**Lima Landing**

Reptiles

Green sea turtle	<i>Chelonia mydas</i>	Threatened
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Birds

Hawaiian duck	<i>Anas wyvilliana</i>	Endangered
Hawaiian coot	<i>Fulica alai</i>	Endangered
Hawaiian moorhen	<i>Gallinula chloropus sandvicensis</i>	Endangered
Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	Endangered

Mammals

Hawaiian monk seal	<i>Monachus schauinslandi</i>	Endangered
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**Makua Military Reservation**

Plants

No common name	<i>Abutilon sandwicense</i>	Endangered
Mahoe	<i>Alectryon macrococcus</i> var. <i>micrococcus</i>	Endangered
No common name	<i>Bonamia menziesii</i>	Endangered
Kamanomano	<i>Cenchrus agrimonioides</i> var. <i>agrimonioides</i>	Endangered
Akoko	<i>Chamaesyce celastroides</i> var. <i>kaenana</i>	Endangered
Akoko	<i>Chamaesyce herbstii</i>	Endangered
Pauoa	<i>Ctenitis squamigera</i>	Endangered
Haha	<i>Cyanea grimesiana</i> ssp. <i>obatae</i>	Endangered
Haha	<i>Cyanea longiflora</i>	Endangered
Haha	<i>Cyanea superba</i> ssp. <i>superba</i>	Endangered
Ha iwale	<i>Cyrtandra dentata</i>	Endangered
No common name	<i>Delissea subcordata</i>	Endangered
No common name	<i>Diellia falcata</i>	Endangered
Na ena e	<i>Dubautia herbstobatae</i>	Endangered
No common name	<i>Euphorbia haeleleana</i>	Endangered
Mehamehame	<i>Flueggea neowawraea</i>	Endangered
No common name	<i>Gouania vitifolia</i>	Endangered
No common name	<i>Hedyotis degeneri</i> var. <i>degeneri</i>	Endangered

Exhibit 12-1. Consultation Comments and Responses (Continued)

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No common name	<i>Hedyotis parvula</i>	Endangered
No common name	<i>Hesperomannia arbuscula</i>	Endangered
Ma o hau hele	<i>Hibiscus brackenridgei</i> ssp. <i>mokuleianus</i>	Endangered
No common name	<i>Lobelia niihauensis</i>	Endangered
Nehe	<i>Melanthera tenuifolia</i> (= <i>Lipochaeta tenuifolia</i> )	Endangered
No common name	<i>Neraudia angulata</i>	Endangered
Kulu i	<i>Nototrichium humile</i>	Endangered
Makou	<i>Peucedanum sandwicense</i>	Threatened
No common name	<i>Phyllostegia kaalaensis</i>	Endangered
Laukahi kuahiwi	<i>Plantago princeps</i> var. <i>princeps</i>	Endangered
Loulu	<i>Pritchardia kaalae</i>	Endangered
No common name	<i>Sanicula mariversa</i>	Endangered
No common name	<i>Schiedea hookeri</i>	Endangered
No common name	<i>Schiedea kaalae</i> *	Endangered
No common name	<i>Schiedea nuttallii</i>	Endangered
No common name	<i>Schiedea obovata</i> (= <i>Alsinidendron obovatum</i> )	Endangered
No common name	<i>Silene lanceolata</i>	Endangered
No common name	<i>Spermolepis hawaiiensis</i>	Endangered
No common name	<i>Tetramolopium filiforme</i>	Endangered
olopu; pamakani	<i>Viola chamissoniana</i> ssp. <i>chamissoniana</i>	Endangered
<u>Invertebrates</u>		
Oahu tree snail	<i>Achatinella mustelina</i>	Endangered
Hawaiian picture-wing fly	<i>Drosophila obatai</i>	Endangered
<u>Reptiles</u>		
Green sea turtle	<i>Chelonia mydas</i>	Threatened
Hawksbill sea turtle	<i>Eretmochelys imbricate</i>	Endangered
Leatherback sea turtle	<i>Dermochelys coriacea</i>	Endangered
<u>Birds</u>		
Oahu elepaio	<i>Chasiempis sandwichensis ibidis</i>	Endangered
Oahu creeper	<i>Paroreomyza maculata</i>	Endangered
<u>Mammals</u>		
Hawaiian hoary bat	<i>Lasiurus cinereus</i> spp. <i>semotus</i>	Endangered
Hawaiian monk seal	<i>Monachus schauinslandi</i>	Endangered
<u>Plant Critical Habitat</u>		
No common name	<i>Bonania menziesii</i>	
Kamanomano	<i>Cenchrus agrimonoides</i> var. <i>agrimonioides</i>	
Akoko	<i>Chamaesyce celastroides</i> var. <i>kaenana</i>	
Akoko	<i>Chamaesyce herbstii</i>	
Kauila	<i>Colubrina oppositifolia</i>	
Haha	<i>Cyanea grimesiana</i> ssp. <i>obatae</i>	

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Haha	<i>Cyanea longiflora</i>	
Haha	<i>Cyanea superba</i> ssp. <i>superba</i>	
No common name	<i>Cyperus pennatifolius</i>	
Ha iwale	<i>Cyrtandra dentata</i>	
No common name	<i>Delissea subcordata</i>	
No common name	<i>Diellia falcata</i>	
Na ena e	<i>Dubautia herbstobatae</i>	
No common name	<i>Euphorbia haeleeleana</i>	
Mehamehame	<i>Flueggea neowawraea</i>	
No common name	<i>Gouania vitifolia</i>	
No common name	<i>Hedyotis degeneri</i> var. <i>degeneri</i>	
No common name	<i>Hedyotis parvula</i>	
No common name	<i>Hesperomannia arbuscula</i>	
Ma o hau hele	<i>Hibiscus brackenridgei</i> ssp. <i>mokuleianus</i>	
Aupaka	<i>Isodendron laurifolium</i>	
Aupaka	<i>Isodendron longifolium</i>	
Wahine noho kula	<i>Isodendron pyriformis</i>	
Nehe	<i>Melanthera tenuifolia</i>	
Alani	<i>Melicope pallida</i>	
No common name	<i>Neraudia angulata</i>	
Kulu i	<i>Nototrichium humile</i>	
No common name	<i>Phyllostegia kaalaensis</i>	
Laukahi kuahiwi	<i>Plantago princeps</i> var. <i>princeps</i>	
No common name	<i>Sanicula mariversa</i>	
No common name	<i>Schiedea hookeri</i>	
No common name	<i>Schiedea kaalae</i>	
No common name	<i>Schiedea nuttallii</i>	
No common name	<i>Schiedea obovata</i>	
Popolo aiakeakua	<i>Solanum sandwicense</i>	
No common name	<i>Spermolepis hawaiiensis</i>	

Bird Critical HabitatOahu elepaio *Chasiempis sandwichensis ibidis*\**Schiedea kealiae*, a different species, occurs at DMRMarine Corps Base Hawaii

<u>Reptiles</u>		
Green sea turtle	<i>Chelonia mydas</i>	Threatened
Hawksbill sea turtle	<i>Eretmochelys imbricate</i>	Endangered
<u>Birds</u>		
Hawaiian duck	<i>Anas wyvilliana</i>	Endangered
Hawaiian coot	<i>Fulica alai</i>	Endangered
Hawaiian moorhen	<i>Gallinula chloropus sandwicensis</i>	Endangered
Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	Endangered
Hawaiian petrel	<i>Pterodroma phaeopygia sandwichensis</i>	Endangered

Exhibit 12-1. Consultation Comments and Responses (Continued)



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Newell's shearwater	<i>Puffinus auricularis newellii</i>	Threatened
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Mammals

Hawaiian hoary bat	<i>Lasiurus cinereus semotus</i>	Endangered
Hawaiian monk seal	<i>Monachus schauinslandi</i>	Endangered

**Marine Corps Training Area Bellows**

Reptiles

Green sea turtle	<i>Chelonia mydas</i>	Threatened
Hawksbill sea turtle	<i>Eretmochelys imbricate</i>	Endangered

Birds

Hawaiian duck	<i>Anas wyvilliana</i>	Endangered
Hawaiian coot	<i>Fulica alai</i>	Endangered
Hawaiian moorhen	<i>Gallinula chloropus sandvicensis</i>	Endangered
Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	Endangered
Hawaiian petrel	<i>Pterodroma phaeopygia sandwichensis</i>	Endangered
Newell's shearwater	<i>Puffinus auricularis newellii</i>	Threatened

Mammals

Hawaiian hoary bat	<i>Lasiurus cinereus semotus</i>	Endangered
Hawaiian monk seal	<i>Monachus schauinslandi</i>	Endangered

**Pearl Harbor Naval Station**

Reptiles

Green sea turtle	<i>Chelonia mydas</i>	Threatened
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Birds

Hawaiian duck	<i>Anas wyvilliana</i>	Endangered
Hawaiian coot	<i>Fulica alai</i>	Endangered
Hawaiian moorhen	<i>Gallinula chloropus sandvicensis</i>	Endangered
Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	Endangered

Mammals

Hawaiian monk seal	<i>Monachus schauinslandi</i>	Endangered
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**West Loch Pearl Harbor – Explosive Ordnance Disposal**

Reptiles

Green sea turtle	<i>Chelonia mydas</i>	Threatened
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Birds

Hawaiian duck	<i>Anas wyvilliana</i>	Endangered
Hawaiian coot	<i>Fulica alai</i>	Endangered
Hawaiian moorhen	<i>Gallinula chloropus sandvicensis</i>	Endangered
Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	Endangered

Mr. Larry M. Foster

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Mammals

Hawaiian monk seal	<i>Monachus schauinslandi</i>	Endangered
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**Wheeler Air Field**

Invertebrates

Hawaii picture-wing fly	<i>Drosophila tarphitrichia</i>	Endangered
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Mammals

Hawaiian hoary bat	<i>Lasiurus cinereus semotus</i>	Endangered
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**HAWAII ISLAND**

**Pohakuloa Training Area and Bradshaw Army Airfield**

Plants

Fragile fern	<i>Asplenium fragile</i> var. <i>insulare</i>	Endangered
Honohono	<i>Haplostachys haplostachya</i>	Endangered
Kioele	<i>Kadua coriacea</i> (previously <i>Hedyotis coriacea</i> )	Endangered
Aupaka	<i>Isodendron hosakae</i>	Endangered
Nehe	<i>Lipochaeta venosa</i>	Endangered
Spotted nettlebrush	<i>Neraudia ovata</i>	Endangered
Poe	<i>Portulaca sclerocarpa</i>	Endangered
Hawaiian catchfly	<i>Silene hawaiiensis</i>	Threatened
Lance-leaf catchfly	<i>Silene lanceolata</i>	Endangered
Popolo ku mai	<i>Solanum incompletum</i>	Endangered
Hawaiian parsley	<i>Spermolepis hawaiiensis</i>	Endangered
No common name	<i>Stenogyne angustifolia</i>	Endangered
No common name	<i>Tetramolopium arenarium</i> ssp. <i>arenarium</i>	Endangered
Oahu vigna	<i>Vigna o-wahuensis</i>	Endangered
Ae	<i>Zanthoxylum hawaiiense</i>	Endangered

Birds

Hawaiian goose	<i>Branta sandvicensis</i>	Endangered
Hawaiian hawk	<i>Buteo solitarius</i>	Endangered
Palila	<i>Loxioides bailleui</i> (Critical Habitat only)	Endangered
Hawaiian dark-rumped petrel	<i>Pterodroma phaeopygia</i> spp. <i>sandwichensis</i>	Endangered
Newell's Shearwater	<i>Puffinus auricularis newelli</i>	Endangered

Mammals

Hawaiian hoary bat	<i>Lasiurus cinereus</i> spp. <i>semotus</i>	Endangered
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## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122, Box 50088  
Honolulu, Hawaii 96850



In Reply Refer To:  
2008-FA-0035

DEC 28 2007

Public Affairs Officer  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Hawaii 96752-0128

Dear Sir or Madam:

The U.S. Fish and Wildlife Service (Service) has reviewed the Preliminary Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) for the Hawaii Range Complex (HRC) provided by your office on November 26, 2007. These comments are provided in accordance with the National Environmental Policy Act of 1969 [42 U.S.C. 4321 *et seq.*; 83 Stat. 852] and other authorities mandating Federal oversight of environmental resources, including the Fish and Wildlife Coordination Act of 1934 [16 U.S.C. 661 *et seq.*; 48 Stat. 401], as amended; the Federal Clean Water Act [33 U.S.C. 1251 *et seq.*; 62 Stat. 1155], as amended; the Endangered Species Act of 1973 [16 U.S.C. 1531 *et seq.*; 87 Stat. 884], as amended; the Migratory Bird Treaty Act of 1918 [16 U.S.C. 703 *et seq.*; 40 Stat. 755] as amended; and the Sikes Act of 1960 [16 USC *et seq.*; 74 stat. 1052], as amended.

The proposed action would upgrade and modernize the capabilities of the HRC, which encompasses land, air and sea training ranges in and around the Hawaiian Islands. The HRC supports local military units and multi-national exercises and facilitates the rapid deployment of U.S. defense forces, as necessary. This proposed action is intended to fulfill and improve U.S. government national security and alliance requirements in the Pacific Region and increase the strategic defense role of the Hawaiian Islands.

In a previous letter (dated September 24, 2007), we raised concerns about the adequacy of the Draft EIS/OEIS to serve as a decision-making document for the proposed HRC action. Based upon our subsequent discussions and our review of the Preliminary Final EIS/OEIS our concerns have been adequately addressed and we support proceeding to a final document.

As we continue to coordinate on the HRC activities, we recommend incorporating improvements to the Laysan albatross relocation program enacted to reduce bird air strike hazards (BASH) at the Pacific Missile Range Facility. Attached is a summary of our recommendations.

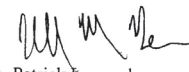


Public Affairs Officer

2

We appreciate the opportunity to comment on this Preliminary Final EIS/OEIS and the willingness of the Navy to collaborate closely with us on the review. If you have questions regarding these comments please contact Fish and Wildlife Biologist Dwayne Minton or Megan Laut at 808-792-9400.

Sincerely,

  
Patrick Leonard  
Field Supervisor

Attachment

cc:

Mr. Vajai N. Rai, OEPC, Washington D.C.  
Ms. Patricia Port, OEPC, Oakland  
Mr. Don Steffeck, USFWS, Region 1, Portland  
EPA Region 9, Honolulu  
NMFS – PIRO, Honolulu  
Hawaii DAR  
Hawaii DOFAW

## ATTACHMENT

Currently, the Navy contracts the U.S. Department of Agriculture's Animal Plant and Health Inspection Service - Wildlife Services (WS) to capture, band, and translocate breeding and non-breeding adult Laysan albatross from Pacific Missile Range Facility (PMRF) to the north shore of Kauai, where they are released. This practice has been in place for many years, and is applied to non-breeding birds and breeding birds once their eggs have been taken. The purpose of the translocation is to reduce the risk of aircraft strike by encouraging birds to nest at a site other than PMRF. Partnership with the Kilauea Point National Wildlife Refuge (KPNWR) allows Laysan albatross eggs laid at PMRF to be fostered by birds at KPNWR and in other nearby breeding colonies. In the case of many other bird species, these actions would successfully reduce nesting activity, however, the biology and behavior of the Laysan albatross was not adequately considered when this program was developed for PMRF.

Habitat Modifications to Deter Nesting

Laysan albatross nest on the ground and prefer to locate their nests in open areas. To the best of our knowledge, the WS albatross management plan does not include methods to deter nesting in high-risk areas, e.g., near launch pads or runways, through modification of vegetation or other means. Discouraging the albatross from nesting in high risk areas would benefit both the Navy and the birds. Therefore, we would like to work with you to deter albatross nesting through various methods such as planting dense woody vegetation and/or the installation of ground cloth to make specific areas inhospitable to nesting.

Laysan Albatross Relocation

When nests fail under natural circumstances, breeding albatross will return to their nest sites intermittently before abandoning the site and returning to sea. Therefore, breeders that are captured and relocated from PMRF return to the base. Band resighting data indicate that many breeders are relocated multiple times in a single season. For example, during the 2006-07 breeding season, 166 breeding Laysan albatross were relocated from PMRF a total of 587 times; of these, nearly half of the individuals were captured four or more times each and transported to the north shore for release (one individual was relocated 15 times during the past season). Therefore, rather than reducing potential air strikes with albatross, this practice increases the amount of bird traffic flying into the airspace at PMRF, which is contrary to the intended purpose of the BASH Program.

In addition, no albatross nesting on the north shore of Kauai were banded as breeders at PMRF, nor have breeders banded at PMRF been observed breeding at colonies on other islands. Moreover, the repeated intervention in the birds' natural process of abandoning empty nests likely prolongs rather than curtails their presence at PMRF. Allowing breeding albatross at PMRF to abandon the colony on their own once their eggs have been removed likely will hasten their departure from the colony for the season. In summary, no data exist to demonstrate that capturing and moving breeding albatross is an effective means of discouraging these birds from returning to PMRF. We, therefore, strongly recommend that this practice be discontinued.

Egg Removal and Cross-Fostering

Until 2005, WS destroyed albatross eggs on PMRF as soon as they were laid. In 2005, a lapse in funding resulted in PMRF albatross incubating their eggs nearly to hatching. The Service biologist at KPNWR was able to locate albatross pairs on the Refuge and in other north shore colonies to foster the eggs from PMRF. All of the viable eggs transferred from PMRF nests to these surrogate pairs hatched, and most of the chicks fledged successfully. These excellent results of the partnership between the Navy, WS, and the Service led to similar efforts in the two subsequent breeding seasons to develop an alternative to destroying the albatross eggs laid at PMRF. The goal of these efforts was to remove eggs from PMRF nests and foster them to failed north shore nests as early as possible in the season.

Now we have learned that the removal of most albatross eggs to an incubator directly after laying has resulted in the loss of 50 percent or more of all the eggs produced in the last two seasons. Either the eggs didn't hatch or chicks died at hatching, a rate far higher than the natural rate of egg loss in a Laysan albatross colony. Data from the past two years of egg removal and artificial incubation prior to placement in foster nests indicate that successful hatching of eggs removed from albatross nests is inversely related to the amount of time they spend in the incubator. Egg viability can be determined as soon as seven days after laying. We recommend eggs should be left in the nest until their viability can be assessed and then transferred directly to foster nests on the north shore, or placed in the incubator until a foster nest can be identified. Minimizing time in the incubator decreases the potential of damage to the eggs.

Continued Partnership

The efforts of the BASH Program at PMRF to address concerns about albatross on the base with a minimum of egg and adult mortality are laudable and should continue. The voluntary partnership of the Navy, WS, and the Service has been instrumental in assessing the effectiveness and efficiency of the program. Working closely with Navy and WS staff, Service biologists have contributed significant time and expertise to analyze the BASH Program and other data and provide recommendations for improving methods to reduce potential bird strike risks at PMRF, reduce handling of and risk to adult birds, increase survival of fostered eggs, and minimize staff time and resources necessary for these activities. Analysis of data collected by WS, including timing of egg removal, banding information, and when birds are moved off the base provides new insights into the life history and behavior of the Laysan albatross, and this knowledge affords better management of the species, especially at PMRF. For the management on the base to continue to improve, this partnership should continue. We recommend that complete data exchange between the three partner agencies continue unimpeded, if necessary through formalized, regularly scheduled meetings to plan for the upcoming season, exchange information, and discuss necessary modifications to the existing program.



Public Affairs Officer

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In summary, we recommend the following in regard to the PMRF BASH Program and the Laysan albatross:

1. Make areas near runway and missile launch areas inhospitable to nesting albatross (ground cloth, vegetation changes, etc.) to encourage nesting pairs to find other places to nest.
2. To reduce the number of birds flying through PMRF airspace and the staff time and resources expended on the BASH program, leave incubating adults at nest site when eggs are removed from nests. Discontinue all capture and transport of breeding albatross, because this activity does not reduce bird air strike risk.
3. Until further modifications are made to the BASH program, coordinate the release of all captured non-breeding adult birds with KPNWR staff to improve knowledge of post-release status and behavior.
4. To reduce egg mortality, improve hatch success, and minimize the resources and staff time expended on the BASH program, allow albatross to incubate their eggs until viability can be determined.
5. To reduce egg mortality, draft and circulate for review a protocol for moving albatross eggs that minimizes vibration and jarring and minimizes their time in transport between nests or between nest and incubator.
6. In partnership with the Service, determine viability of albatross eggs at PMRF and in foster colonies as soon as possible (seven days) after laying and move PMRF eggs off base; eliminate or minimize artificial incubation.
7. Provide KPNWR with complete data sheets to improve knowledge of life history and behavior of the Laysan albatross.



## United States Department of the Interior

FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122, Box 50088  
Honolulu, Hawaii 96850



In Reply Refer To:  
2008-TA-0021

DEC 28 2007

Mr. Larry M. Foster  
United States Pacific Fleet  
250 Makalapa Drive  
Pearl Harbor, Hawaii 96860-3131

Subject: Technical Assistance Regarding Section 7 Consultation for the Hawaii Range Complex

Dear Mr. Foster:

This letter is a follow up to our November 8, 2007, response regarding your request for informal section 7 consultation for the U.S. Navy's (Navy) proposed Hawaii Range Complex (HRC) training actions. In our previous correspondence we provided you with a list of endangered and threatened species and critical habitat that may occur within the vicinity of the proposed action. We also requested additional time for a site visit and coordination with your office so that we can adequately understand and assess the numerous proposed actions and their potential impacts to listed species and/or critical habitat. The HRC, as a proposed action by the Navy, is the ongoing and future construction, modification, operation, and maintenance of support facilities and the ongoing and future instrumentation, launch, flight and other training activities associated with the Navy's use of Department of Defense (DOD) facilities within and around the Hawaiian Islands. This response is in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

We reviewed the *Hawaii Range Complex Biological Assessment – Terrestrial* (Terrestrial BA), dated September 2007, to determine if the continued implementation and initiation of new activities by the Navy within the HRC will adversely affect federally listed species or their designated critical habitat. The HRC incorporates several DOD facilities and many Navy training actions. We have two concerns about the proposed Navy activities:

- 1) Currently, no Biological Opinion from the U.S. Fish and Wildlife Service (Service) has been issued for Navy activities and facilities in Hawaii. We are planning a site visit to Pacific Missile Range Facility in to learn more about ongoing and proposed HRC actions.

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IN AMERICA




Mr. Larry M. Foster

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- 2) Your October 12, 2007, letter states that when another DOD property is used, "the Navy adheres to all existing rules, regulations, and agreements that affect the usage of the property" and therefore is not initiating consultation for any of its activities on property of other DOD branches. Neither the BA nor the draft Environmental Impact Statement (EIS) addressed communications procedures between the Navy and other branches of the DOD about required environmental restrictions and conservation measures for endangered species. A number of the activities the Navy listed as potential training actions at other DOD installations in the BA and EIS would not be in accordance with existing Biological Opinions issued by the Service. We didn't find sufficient evidence in your documentation that the Navy is aware of current restrictions on other DOD facilities. In order to comply with your request to avoid consultation on Navy actions at other DOD properties, we would like the Navy to provide more information about pre-training communications with other branches of DOD and their respective environmental offices. Additionally, the Service requests more information regarding environmental training of soldiers and the enforcement of conservation measures on the ground.

If you have any additional questions regarding this letter, please contact Megan Laut, Fish and Wildlife Biologist, Consultation and Technical Assistance Program, at 808-792-9400.

Sincerely,

  
Patrick Leonard  
Field Supervisor



DEPARTMENT OF THE NAVY

COMMANDER  
UNITED STATES PACIFIC FLEET  
250 MAKALAPA DRIVE  
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:  
5090  
N01CE1/0151  
22 Feb 2008

Mr. Abbey Seth Mayer  
Interim Director, Office of Planning  
Department of Business, Economic Development  
and Tourism  
P.O. Box 2359  
Honolulu, HI 96804

Dear Mr. Mayer:

In accordance with the Federal Coastal Zone Management Act, we request your review and concurrence on the Navy's consistency determination based on the assessment provided in the July 2007 Hawaii Range Complex (HRC) Draft Environmental Impact Statement (DEIS)/ Overseas Environmental Impact Statement (OEIS) and the February 2008 Supplement to the HRC DEIS/OEIS (the Supplement). These documents have been provided to your office under separate covers for review under the National Environmental Policy Act.

The Proposed Action is to support and conduct current and emerging training and Research, Development, Training & Evaluation (RDT&E) activities in the HRC and upgrade or modernize range complex capabilities to enhance and sustain Navy training and RDT&E.

We anticipate the Record of Decision (ROD) in June 2008 and that the National Marine Fisheries Service (NMFS) final rule for the required Letter of Authorization (LOA) will be issued prior to December 31, 2008. Because of schedule challenges between Navy's NEPA process and NMFS' process to promulgate a final rule providing a LOA, our evaluation of consistency is two-fold. First, for Navy actions involving the use of sonar from the ROD until January 2009, our evaluation considered the analyses in the HRC DEIS/OEIS and the Supplement together with the National Defense Exemption (NDE) to the Marine Mammal Protection Act (MMPA). Second, for Navy actions following expiration of the NDE and with issuance of the LOA, our evaluation considered the same analyses in the HRC DEIS/OEIS and the Supplement, included mitigations already established as a part of the NDE, and added mitigations to be stipulated by NMFS in the LOA. In both cases

5090  
N01CE1/0151  
22 Feb 2008

Navy has determined that based on an evaluation in light of the applicable enforceable policies in the State of Hawaii's Coastal Zone Management (CZM) Program, there are no adverse direct or indirect (cumulative or secondary) effects on coastal uses or resources and the Proposed Action and its Alternatives are consistent to the maximum extent practicable with the enforceable policies of the State's CZM Program.

We appreciate your staff's continued support, patience, and professionalism. My point of contact is Mr. Neil Sheehan at (808) 474-7836, e-mail: neil.a.sheehan.ctr@navy.mil.

Sincerely,



J. R. RIOS  
Captain, CEC, U.S. Navy  
Deputy, Fleet Civil Engineer  
By Direction

Copy to:  
COMNAVREG HI PEARL HARBOR HAWAII (N00L)  
NAVFAC PACIFIC PEARL HARBOR HI (EV2)



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, Maryland 20910

JAN 31 2008

Rear Admiral Larry Rice  
Chief, Naval Operations (N45)  
2511 Jefferson Davis Highway  
Arlington, VA 22202

Dear Admiral Rice:

At the December 13, 2007 meeting between NOAA and the Navy, we agreed to analyze the risk function that is an adaptation from the solution in Feller (1968) to develop a dose response curve for purposes of assessing the probability of marine mammal behavioral responses that NMFS would classify as harassment given exposure to specific levels of mid-frequency active sonar (MFAS). We agreed to convene a panel of scientists and ask them to finalize the curve formula. Subsequent to our meeting we determined we could not ask the science panel to "finalize the curve formula" because of limitations imposed on Federal decision makers by the Federal Advisory Committee Act. Instead, we agreed to convene the panel of scientists and solicit their views, individually, of the use of the Feller adapted risk function versus the "mean of means" approach that NMFS and Navy had previously developed. We then asked our internal NMFS experts, Drs. Brandon Southall and Amy Scholik to synthesize the individual reviews and present a summary and a recommendation to me for consideration.

On December 20, 2007, we convened a panel of six scientists and presented them with background information on NOAA and Navy's joint efforts to develop a dose function curve and asked each of them to review the options and provide individual input on their scientific merit and relevance to the issues at hand. As requested, Drs. Southall and Scholik reviewed the responses and produced a summary and recommendation (Southall and Scholik memorandum to James H. Lecky, 3 January attached).

Drs. Southall and Scholik summarized the scientific reviews and determined that among them there was a distinct preference for an approach based on the Feller adapted risk function as opposed to the "mean-of-means" function. One reviewer provided a recommendation for adoption of the function as used in the low frequency acoustic sonar case, including the steepness parameter set at  $A = 10$ . One reviewer supported the Feller adapted risk function and indicated the steepness parameter needed to be determined. Four other reviewers did not explicitly discuss the appropriate steepness parameter of the Feller adapted risk function. Based on their synthesis of the reviews, Dr. Southall and Dr. Scholik recommended a single curve derived from the Feller adapted risk function with the input parameters of  $B = 120$  dB,  $K = 45$ ,  $A = 10$ , 99% point = 195 dB, and the 50% point = 165 dB.

In reviewing their recommendation, my office questioned whether the recommendation captured the breadth of views expressed by reviewers who posed alternatives beyond the ones we asked them to consider. Several of the reviewers suggested we consider deriving probabilistic functions directly from the data. Each of these generally reflect greater probability of a



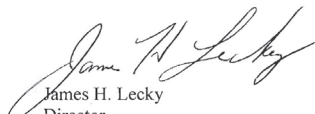
behavioral response that could be classified as harassment at relatively low received levels, as a function of the direct application of the Nowacek et al. (2004) data than those predicted by the Feller adapted risk function with a steepness parameter of  $A = 10$ . The derived Feller adapted risk function for MFAS is based on three datasets, the only mysticete data being that provided in Nowacek et al. (2004). Several reviewers also suggested that given variability in species and how they use sound more than one curve might be appropriate. Considering these views, I met with Drs. Southall and Scholik to discuss whether the curve they recommended gave appropriate consideration to the Nowacek study. In that discussion, we determined that applying the Feller adapted risk function with a steepness parameter of  $A=8$  for mysticetes would better reflect the sense of the reviewers and the relevance of the Nowacek study than a single curve.

Therefore, I have concluded, based on the above, that we should adopt two curves: one for odontocetes and one for mysticetes. Both should be based on the Feller adapted risk function with input parameters of  $B = 120$  dB,  $K = 45$ , 99% point = 195 dB, the 50% point = 165 dB. Only the steepness parameter should vary, and it should be  $A = 10$  for odontocetes and  $A = 8$  for mysticetes. We did not solicit comment on a curve for pinnipeds, but based on additional discussions with Dr. Southall, we should use the odontocete curve for pinnipeds.

Finally, NMFS agrees with many of the reviewers that exposure-response functions should be based directly on empirical measurements. However, the data currently available are too limited both in quantity and direct relevance to the situation in question to be used to support such a direct application. Consequently, the Feller adapted risk functions described in this document should be clearly identified by both NMFS and Navy as an interim approach (using the best available science) for Navy MMPA authorizations for major MFAS exercises and operating areas designated to be completed before the end of 2009. In the meanwhile, we expect to continue working with the Navy to fill the indicated data gaps to support the development of exposure-response functions based more directly on empirical measurements.

Thank you for your input regarding the Feller adapted risk function and your assistance convening the scientific reviewers. If you have any questions, please contact me at (301) 713-2332, ext. 127, or Jolie Harrison at (301) 713-2289, ext. 166.

Sincerely,

  
James H. Lecky  
Director  
Office of Protected Resources

Enclosure

Feller, W. (1968). Introduction to probability theory and its application. Vol 1. 3rd ed. John Wiley & Sons, NY, NY.

LINDA UNGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

CHIYOME L. FUKINO, M.D.  
DIRECTOR OF HEALTH

In reply, please refer to:

EPO-08-032

April 3, 2008

Mr. J. P. Rios, Captain  
Department of the Navy  
Commander  
United States Pacific Fleet  
250 Makalapa Drive  
Pearl Harbor, Hawaii 96860-3131

Dear Mr. Rios:

SUBJECT: Draft Environmental Impact Statement (DEIS) I Overseas Environmental Impact Statement (OEIS) for the Hawaii Range Complex

Thank you for allowing us to review and comment on the subject application. The document was routed to the various branches of the Department of Health (DOH) Environmental Health Administration. We have the following Clean Water Branch, Waste Water Branch and General comments.

#### Clean Water Branch

The Department of Health, Clean Water Branch (CWB), has reviewed the subject document and offers these comments on your project. Please note that our review is based solely on the information provided in the subject document and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at <http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf>.

1. Any project and its potential impacts to State waters must meet the following criteria:
  - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
  - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
  - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).



Mr. Rios  
April 3, 2008  
Page 2

2. Please call the Army Corps of Engineers at (808) 438-9258 to see if this project requires a Department of the Army (DA) permit. Permits may be required for work performed in, over, and under navigable waters of the United States. Projects requiring a DA permit also require a Section 401 Water Quality Certification (WQC) from our office.
3. You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:
  - a. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi).
  - b. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the start of the construction activities.
  - c. Hydrotesting water.
  - d. Construction dewatering effluent.

You must submit a separate NOI form for each type of discharge at least 30 calendar days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 calendar days before the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html>.

4. For types of wastewater not listed in Item 3 above or wastewater discharging into Class 1 or Class AA waters, you may need an NPDES individual permit. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html>.
5. You must also submit a copy of the NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating

Mr. Rios  
April 3, 2008  
Page 3

your project. Please submit a copy of your request for review by SHPD or SHPD's determination letter for the project along with your NOI or NPDES permit application, as applicable.

6. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.

If you have any questions, please visit our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>, or contact the Engineering Section, CWB, at 586-4309.

#### Waste Water Branch

The document states that the proposed action is to support and conduct current and emerging training and RDT&E operations in the HRC and upgrade or modernize range complex capabilities to enhance and sustain Navy training and testing.

As wastewater generation and treatment and disposal are not a primary concern, we have no objections to the proposed action for the Hawaii Range Facility.

Should there be domestic wastewater generated, we advise the developer that it be treated and disposed of according to our rules.

All wastewater plans must meet Department's Rules, HAR Chapter 11-62, "Wastewater Systems." We do reserve the right to review the detailed wastewater plans for conformance to applicable rules. If you have any questions, please contact the Planning & Design Section of the Wastewater Branch at 586-4294.

#### General

We strongly recommend that you review all of the Standard Comments on our website: [www.state.hi.us/health/environmental/env-planning/landuse/landuse.html](http://www.state.hi.us/health/environmental/env-planning/landuse/landuse.html). Any comments specifically applicable to this project should be adhered to.

Mr. Rios  
April 3, 2008  
Page 4

If there are any questions about these comments please contact Jiakai Liu with the Environmental Planning Office at 586-4346.

Sincerely,



KELVIN H. SUNADA, MANAGER  
Environmental Planning Office

c: EPO  
CWB  
WWB



**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Pacific Islands Regional Office  
1601 Kapiolani Blvd., Suite 1110  
Honolulu, Hawaii 96814-4700  
(808) 944-2200 • Fax: (808) 973-2941

April 7, 2008

RADM Michael A. Giorgione  
Commander, Naval Facilities Engineering Command, Pacific  
258 Makalapa Drive Suite 100  
Pearl Harbor, HI 96860

Dear Admiral Giorgione:

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service Pacific Islands Regional Office (NMFS) has reviewed the "Essential Fish Habitat and Coral Reef Assessment for the Hawaii Range Complex EIS/OEIS" prepared in October 2007 and "informally" submitted to this office in February 2008. The document and supporting EIS describe various activities and potential impacts associated with Navy's Hawaii Offshore Areas, facilities used by the Navy Undersea Warfare Center Detachment Pacific on west Oahu, the Explosive Ordnance Disposal Shore Area at Pearl Harbor and other Hawaii Onshore Areas.

NMFS Habitat Conservation Division conducted this review in accordance with the Fish and Wildlife Coordination Act (16 U.S.C. § 662(a)), the Magnuson-Stevens Fishery Conservation and Management Act (MSA), (16 U.S.C. § 1855(b)(2)), Coral Reef Executive Order 13089 and the National Environmental Policy Act. Since this project involves essential fish habitat (EFH), the process is guided by the requirements of our EFH regulations (50 C.F.R. §§ 600.905 - 930), which mandate the preparation of EFH Assessments and generally outline each agency's obligations in this consultation procedure.

**Magnuson-Stevens Fishery Conservation and Management Act**

**Background.** Pursuant to the MSA, the Secretary of Commerce, through NMFS, is responsible for the conservation and management of fishery resources found off the coasts of the United States. *See* 16 U.S.C. 1801 *et seq.* Section 1855(b)(2) of the MSA requires federal agencies to consult with NMFS, with respect to "any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any essential fish habitat identified under this Act." The statute defines EFH as "those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity." 16 U.S.C. 1802(10). Adverse effects on EFH are defined further as "any impact that reduces the quality and/or quantity of EFH," and may include "site-specific or habitat-wide impacts, including individual, cumulative



or synergistic consequences of actions." 50 C.F.R. § 600.810(a). The consultation process allows NMFS to make a determination of the project's effects on EFH and provide Conservation Recommendations to the lead agency on actions that would adversely affect such habitat. See 16 U.S.C. 1855(b)(4)(A).

#### Essential Fish Habitat

The proposed project site is located in an area that has been identified as essential fish habitat under the following Western Pacific Regional Fishery Management Council (WPRFMC) Fishery Management Plans (FMPs): Pelagics (eggs, larvae, juveniles, adults), Bottomfish (eggs, larvae, juveniles, adults), Crustaceans (eggs, larvae, juveniles, and adults), Coral Reef Ecosystem (eggs, larvae, juveniles and adults) and Precious Corals.

Proposed mitigation measures to minimize impacts to EFH include conducting operations in open ocean away from sensitive EFH, avoiding areas of live coral during inshore operations, and restricting amphibious landing to specific areas of designated beaches.

#### Conclusions

The document adequately describes the potential impact to EFH resulting from the proposed action. Provided that the proposed mitigation measures are implemented to protect EFH in the area of operation, we concur that it is unlikely that proposed project and alternatives would have adverse impacts to EFH for the various WPRFMC FMPs. No further conservation recommendations are necessary at this time. However, individual actions covered under the EIS may require permitting from the U.S. Army Corps of Engineers. We reserve the right to provide additional comments or recommendations during the Corps permit review process.

NMFS appreciates the opportunity to comment on this project. If you have any questions regarding this determination, contact Mr. Alan Everson at 808 944-2212 (alan.everson@noaa.gov).

Sincerely,



William L. Robinson  
Regional Administrator

cc: Western Pacific Fishery Management Council  
U.S. Fish and Wildlife Service, Environmental Services



#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

April 10, 2008

Tom Clements  
Public Affairs Officer  
Pacific Missile Range Facility  
P.O. Box 128  
Kehaha, Kauai, HI 96752-0128

Subject: Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS), Hawaii Range Complex, Hawaii (CEQ # 20070312)

Dear Mr. Clements:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our detailed comments are enclosed.

EPA reviewed the Draft Environmental Impact Statement (DEIS) and provided comments to the Department of the Navy (DON) on September 17, 2007. We rated the DEIS as Environmental Concerns - Insufficient Information (EC-2) due to concerns regarding impacts to marine resources from the preferred alternative. We recommended additional alternatives be evaluated and a more precautionary approach be taken regarding the use of mid-frequency active (MFA) sonar in training exercises due to the substantial uncertainty of these impacts on marine resources. We also requested additional information regarding impacts to fish from MFA sonar and additional discussion of the potential for underwater detonations to disperse polychlorinated biphenyls (PCBs) and heavy metal contamination in Pearl Harbor.

DON has prepared this Supplemental DEIS (SDEIS) to address impacts to marine mammals from Navy acoustic sources. Specifically, the Navy has changed the methodology used to estimate sonar hours of mid-frequency active (MFA) use for the exercises and has changed the methodology used to evaluate effects of MFA sonar on marine mammals. The new methodologies result in substantially lower estimates of sonar hours and predicted adverse impacts to marine mammals.

The Supplement DEIS also includes an additional Alternative 3 which proposes the same increased frequency and tempo of training events, addition of major exercises including supporting up to three Strike Groups, and increased research, development, test and evaluation (RDT&E) operations as the previously preferred Alternative 2, but with the amount of MFA sonar use as occurs in current ongoing training, RDT&E operations and support of existing range



capabilities (No Action Alternative). Alternative 3 is the new preferred alternative.

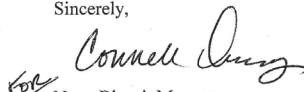
We must commend the Navy for reducing the proposed increase in mid-frequency sonar use under Alternative 2. However, we have concerns regarding the changes to the methodologies for impact assessment, the basis of which contains substantial uncertainties, and for the possibility that impacts could be underestimated. We are also concerned with impacts to the endangered Hawaiian Monk Seal, especially since the threshold for harassment has been raised in the SDEIS for this species. The Hawaiian Monk Seal is in precipitous decline with extinction a real possibility in the Northwest Hawaiian Islands. Additionally, we note that the Record of Decision for this action will utilize the National Defense Exemption from the Marine Mammal Protection Act. We are rating the DSEIS as Environmental Concerns - Insufficient Information (EC-2) (see enclosed "Summary of Rating Definitions").

EPA recommends the Navy identify and explore additional ways of minimizing MFA sonar use in its Anti-submarine Warfare (ASW) training and utilize the NEPA process to develop a broader range of alternatives which avoid potentially significant impacts (40 CFR 1500.2(e)). We encourage precaution, as a remedy for the significant uncertainties that abound in the impact assessment, and in the use of MFA sonar. We also encourage collaboration and joint fact-finding with interested agencies and organizations to resolve disputes over scientific and technical issues.

We note that EPA's comments on the DEIS regarding the potential for underwater detonations to disperse polychlorinated biphenyls (PCBs) and heavy metal contamination in Pearl Harbor and our request for disclosure of the amount of munitions use and their associated pollutants for all alternatives were not addressed in this SDEIS. We continue to extend these requests.

EPA appreciates the opportunity to review this SDEIS. When the Final EIS is released for public review, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3846 or Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or [vitulano.karen@epa.gov](mailto:vitulano.karen@epa.gov).

Sincerely,

  
Nova Blazej, Manager  
Environmental Review Office

Enclosure: Summary of EPA Rating Definitions  
EPA's Detailed Comments

cc: Chris Yates, National Marine Fisheries Service

## SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

### ENVIRONMENTAL IMPACT OF THE ACTION

#### *"LO" (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### *"EC" (Environmental Concerns)*

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### *"EO" (Environmental Objections)*

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### *"EU" (Environmentally Unsatisfactory)*

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

### ADEQUACY OF THE IMPACT STATEMENT

#### *Category 1" (Adequate)*

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### *"Category 2" (Insufficient Information)*

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### *"Category 3" (Inadequate)*

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

EPA DETAILED COMMENTS ON THE SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT, HAWAII RANGE COMPLEX, HAWAII, APRIL 9, 2008

#### Minimizing Mid-Frequency Sonar Use

We understand the need for the Navy to use mid-frequency active (MFA) sonar in its anti-submarine warfare (ASW) training. MFA sonar is currently the only way to detect modern quiet submarines, and the Navy maintains that its use is the only way to provide realistic training and testing with this sonar technology. However, the potentially significant impacts from MFA sonar on marine mammals are of significant concern to the public, as evidenced in high litigation for these projects. EPA is also concerned about these impacts, especially considering future anticipated effects of climate change on marine ecosystems<sup>1</sup> and the additional strain MFA sonar impacts may have on increasingly stressed resources.

EPA recommends a comprehensive strategy for meeting ASW training needs while minimizing the use of MFA sonar. Since, as the Navy indicates, the effective use of sonar is a perishable skill that must be practiced frequently, additional means of practicing these skills should be developed. Computer-assisted simulations of sonar use and response that simulates what sonar technicians see on ship should be explored, if this is not already occurring, to augment and complement the use of MFA sonar in training. The drawbacks of simulation must be compared to training situations that include the various court and agency imposed restrictions on MFA sonar use, not to an ideal situation with no restrictions.

The clear identification of minimum training needs with regard to MFA sonar use can be useful in planning training programs that minimize MFA sonar use and maximize the skills gained from its use. This was the basis for our comment on the DEIS which recommended that the document include a range of alternatives developed with reference to how well they meet immediate and future training needs. Without specifically identifying minimum training needs, it is difficult to devise alternatives that avoid potentially significant impacts. The inclusion of an additional alternative in the SDEIS that proposes to stretch the existing hours of MFA sonar use (no action alternative) across additional training exercises demonstrates that there is flexibility in the amount of MFA sonar use that occurs during training. The NEPA documents do not identify the minimum requirements that are needed for the Hawaii Range Complex, nor is there evidence of Navy coordination with other Range Complexes in Southern California, the Northern Mariana Islands, and the Pacific Northwest for opportunities to maximize the training benefit of MFA sonar use.

EPA also encourages the Navy to consider the benefits of collaboration in addressing this controversial issue. The Council on Environmental Quality, by releasing new guidance on Collaboration in NEPA<sup>2</sup>, has communicated the need for Federal agencies to better engage interested parties in collaborative environmental analysis and federal decision-making. We understand national security issues would limit some opportunities to collaborate, but we suspect

<sup>1</sup> Intergovernmental Panel on Climate Change, 4<sup>th</sup> Assessment Report "'Impacts, Adaptation and Vulnerability", Section 4.4.9 – Oceans and Shallow Seas. Available: <http://www.ipcc.ch/ipccreports/ar4-wg2.htm>

<sup>2</sup> Available: [http://www.nepa.gov/nepa/Collaboration\\_in\\_NEPA\\_Oct\\_2007.pdf](http://www.nepa.gov/nepa/Collaboration_in_NEPA_Oct_2007.pdf)

that some opportunities with other interested parties may exist, such as in developing a broader range of alternatives and/or in joint fact-finding (an inclusive and deliberative process to foster mutual learning and resolve disputes over scientific and technical issues). Collaboration might offer an alternative to litigation and we recommend its consideration.

*Recommendation:* EPA recommends that the FEIS identify all efforts that the Navy is taking to minimize MFA sonar use in ASW training and to identify additional opportunities to meet training needs while minimizing MFA sonar use. We continue to recommend that a broader range of alternatives be evaluated, and the identification of minimum training requirements and minimum sonar use for ASW exercises will facilitate the development of alternatives that avoid potentially significant impacts (40 CFR 1500.2(e)).

We also recommend the Navy explore the use of simulations to augment the use of MFA sonar training, or if this is occurring, to invest in better simulations. We request that information about these efforts be included in the FEIS. We also recommend coordination of ASW training that is occurring in other Range Complexes in Southern California, the Northern Mariana Islands, and the Pacific Northwest for opportunities to maximize the benefit gained from each MFA sonar use.

We encourage collaboration with interested outside parties where possible, especially in the development of alternatives and in joint fact-finding to resolve disputes over scientific and technical issues. Please address this possibility in the FEIS.

#### Changes to Sonar Hours

The new method of calculating sonar hours utilizes the Sonar Positional Reporting System (SPORTS), a database tool established in March 2006 to determine geographic locations of sonar use and into which all commands employing MFA sonar and sonobuoys are to input MFA sonar use daily. We commend the Navy for attempting to refine the estimated sonar hour usage originally collected, and for including submarine sonar in the analysis in the SDEIS (p. 2-1). However, very little information regarding the SPORTS database is revealed in the SDEIS. We understand from the Navy that the database is classified, had been in use for 14 months, and contained some inaccuracies that were corrected using best professional judgment. Since so little information about this data is revealed, it is not clear that the SPORTS data is in fact more representative; certainly the documentation in the SDEIS does not demonstrate this. Since this new method of calculating sonar use produced an estimate that is much lower than that estimated in the DEIS, more information is needed to substantiate its use to ensure that sonar use is not being underreported.

*Recommendation:* The FEIS should include more information about the data in the SPORTS database. The FEIS should also provide detail of the method previously used, which we understand from the Navy was based on a 2-year study for the Range Complex Management Plan and involved estimates and the use of best professional judgment. Additional discussion as to why the SPORTS method is considered more accurate should



be included in the FEIS. EPA recommends that this discussion include a comparison of the attributes and limitations of both methodologies in a comparative manner for the benefit of the reader and decision-maker.

#### **Analytical Methodology**

The Supplemental Draft Environmental Impact Statement (SDEIS) modifies the analytical methodology used to evaluate marine mammal behavior responses to MFA sonar in the Hawaii Range Complex (HRC). The DEIS had used a dose function analytical approach, and the SDEIS uses a risk function developed with the National Marine Fisheries Service (NMFS). The SDEIS indicates that this change resulted from efforts to develop more appropriate model input parameters (p. es-2) in the hopes of increasing the accuracy of the Navy's assessment. It also indicates that the Navy believed that the methodology in the DEIS had overestimated potential effects (p. 3-14).

We commend the Navy for attempting to refine and improve methods for impact analysis, however substantial limitations and uncertainty appear to exist for the risk function. The SDEIS admits the risk function is based on "very limited data" (p. 3-6) consisting of just three data sets. One of the three data sets used acoustic stimuli that was unlike the Navy's MFA sonar (p. 3-9), and another data set's observations were "anecdotal and inconsistent" and lacked controls (p. 3-10). Additionally, the data sets represent responses from a limited number of species (four).

*Recommendation:* EPA has concerns due to the substantial scientific uncertainty associated with the data that informed the Navy's new methodology. In the process of refining methods for impact analysis, the Navy should ensure that impacts are not underreported. Because of the high level of uncertainty, it is prudent to err on the side of more precaution. We recommend application of buffers in calculating impacts to account for this uncertainty and that considers cumulative impacts that these resources are receiving from other stressors. As we stated in our comments on the DEIS, the determination of impact significance, as it relates to NEPA disclosure, must consider this uncertainty.<sup>3</sup>

As mentioned above, opportunities for joint fact-finding with interested parties to resolve disputes over scientific and technical issues should be considered.

#### **Impacts to the Hawaiian Monk Seal**

The impact analysis in the SDEIS raised the threshold for determining harassment to the endangered Hawaiian monk seal (HMS). The determination of temporary threshold shift (TTS), a temporary shift in hearing sensitivity, and the permanent threshold shift (PTS), a permanent hearing loss, were altered to utilize the TTS of the elephant seal which the SDEIS states is more closely related to the HMS than other pinnipeds. The SDEIS provides very little information regarding this change, which appears to be based on the information from one researcher. We

<sup>3</sup> The Council on Environmental Quality Regulations for Implementing NEPA state that "the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks" should be considered in evaluating significance (40 CFR 1508.27 (b) 5)

are concerned with potentially underestimating impacts to the HMS because the species is in such precipitous decline, with extinction of the Northwest HMS a real possibility.<sup>4</sup>

*Recommendation:* Provide additional information in the FEIS regarding the use of a higher harassment threshold for the rapidly declining HMS. Unless there is complete scientific agreement that these thresholds are more appropriate, we recommend against change to the assessment methodology, believing a more precautionary approach is appropriate for such a vulnerable species.

#### **Additional Comment**

We recommend that the tables in Chapter 3 of the SDEIS be reviewed as it appears there are some errors, at least for the humpback whale PTS in Table 3.3.1-1 and on pages 3-22, 3-26, and 3-28.

<sup>4</sup> Western Pacific Regional Fishery Management Council, Pacific Islands Fishery News, Winter 2008

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## **13.0 Comments and Responses— Draft EIS/OEIS**



## 13.0 COMMENTS AND RESPONSES— DRAFT EIS/OEIS

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This chapter presents responses to comments received on the Hawaii Range Complex (HRC) Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) (July 2007). The comments were expressed during the public comment period for the document. Section 13.1 provides an overview of the Public Involvement process, Section 13.2 is a summary of comments received, and Section 13.3 is a summary of responses. Section 13.4 includes data summary tables organized by the source of the comment: Written Public Comments, Email Public Comments, Public Hearing Comments, and Webmail Comments (Sections 13.4.1, 13.4.2, 13.4.3, and 13.4.4). See Chapter 14.0 for responses to comments received on the Supplement to the Draft HRC EIS/OEIS.

### 13.1 PUBLIC INVOLVEMENT PROCESS

#### 13.1.1 PUBLIC SCOPING PROCESS

The HRC EIS/OEIS public involvement process began with the publishing of a Notice of Intent (NOI) to prepare an EIS. The NOI initiated a public scoping period, and was published in the *Federal Register* on August 29, 2006. The NOI was also published in five local newspapers: the *Maui News*, the *Honolulu Star Bulletin*, the *Hawaii Tribune Herald*, the *Garden Island*, and the *Honolulu Advertiser* on September 2, 4, and 5, 2006. The scoping period lasted 46 days, concluding on October 13, 2006. Four scoping meetings were held on September 13, 14, 16, and 18, 2006, one each on the islands of Maui, Oahu, Hawaii, and Kauai. Table 1.5.3.1-1 lists the location, date, and number of attendees at the scoping meetings.

The scoping meetings were held in an open house format, presenting informational posters and written information and making Navy staff and project experts available to answer participants' questions. A court reporter was available to record participants' oral comments. The interaction during the information sessions was productive and helpful to the Navy, and comments received during scoping were used to help determine the breadth of issues analyzed in the Draft EIS/OEIS.

In addition to the scoping meetings, the public could make comments through a toll-free telephone number, by sending an email, or by mailing a written comment. Issues identified by the public were provided to resource specialists working on the Draft EIS/OEIS to ensure that all comments were considered during the preparation of the document. Table 1.5.3.1-2 presents a summary of the number of issues identified for each resource during scoping.

#### 13.1.2 PUBLIC REVIEW PROCESS

After scoping, a Draft EIS/OEIS was prepared to assess the potential impacts of the Proposed Action and alternatives on the environment. It was then provided to the U.S. Environmental Protection Agency (USEPA) for review and comment in accordance with their responsibilities under Section 309 of the Clean Air Act and to have a Notice of Availability (NOA) published in the *Federal Register*. USEPA published the NOA for the HRC Draft EIS/OEIS in the *Federal*

*Register* on Friday, July 27, 2007. The Navy also placed NOAs in the aforementioned five newspapers.

Copies of the Draft EIS/OEIS were distributed to various Agencies, libraries, and private citizens (see distribution list, Chapter 10.0). A cover letter accompanying the Draft EIS/OEIS informed the public that the Draft EIS/OEIS was also available on the HRC Public website:

<http://www.govsupport.us/hrc>, and informed the public of the dates, locations, and times for the public hearings on the Draft EIS/OEIS. A notification post card was sent to the entire mailing list, which included community members, elected officials, agency staff and individuals who signed up at the scoping meetings. The postcard included public hearing information. The Pacific Missile Range Facility (PMRF) Public Affairs Office also provided a press release of the availability of the Draft EIS/OEIS on July 27, 2007 to all Hawaii media outlets (TV, print, associated press, radio, individual reporters, and Pacific Fleet website).

Table 13.1.2-1 lists the public libraries where copies of the Draft EIS/OEIS were placed.

**Table 13.1.2-1. Information Repositories with Copies of the HRC Draft EIS/OEIS**

Library		Address			
Hawaii State Library, Hawaii and Pacific Section Document Unit	478 South King Street	Honolulu	HI	96813	
Hilo Public Library	300 Waianuenue Avenue	Hilo	HI	96720	
Kahului Public Library	90 School Street	Kahului	HI	96732	
Lihue Public Library	4344 Hardy Street	Lihue	HI	96766	
Princeville Public Library	4343 Emmalani Drive	Princeville	HI	96722	
Wailuku Public Library	251 High Street	Wailuku	HI	96793	
Waimea Public Library	PO Box 397	Waimea	HI	96796	
University of Hawaii, Hamilton Library	2550 McCarthy Mall	Honolulu	HI	96822	

On August 3, 2007, the Navy published a Notice of Public Hearings in the *Federal Register* that included the extension of the initial public comment period from 45 days to 52 days, until September 17, 2007. The *Federal Register* notice included supplemental information, including the size and location of the HRC, specifics on the activities proposed in the Draft EIS/OEIS, and, at the request of the National Marine Fisheries Service (NMFS), a brief discussion of the Navy's request for a Marine Mammal Protection Act Letter of Authorization (LOA) that would govern incidental takes of marine mammals during the training activities described in the Draft EIS/OEIS.

Detailed information concerning locations and times for each of the public hearings was published in local and regional newspapers (Table 13.1.2-2).

**Table 13.1.2-2. Advertisements Published for the HRC Draft EIS/OEIS Public Hearings and Comment Period**

<b>Hawaii Newspapers</b>	<b><i>The Garden Island</i></b>	<b><i>Hawaii-Tribune Herald</i></b>	<b><i>The Honolulu Advertiser</i></b>	<b><i>Honolulu-Star Bulletin</i></b>	<b><i>The Maui News</i></b>
Dates Published	7/27/07	7/27/07	7/27/07	7/27/07	7/27/07
	8/12/07	8/19/07	8/12/07	8/14/07	8/15/07
	8/16/07	8/22/07			8/19/07
	8/23/07				
	8/26/07				

The purpose of the public hearings was to solicit comments on the Draft EIS/OEIS. In addition, the public hearings identified significant environmental issues that the public and government agencies believed needed further analysis. This chapter includes transcripts from the hearings and copies of written public comments received during the comment period.

Table 13.1.2-3 lists the locations where public hearings were held. During these public hearings, attendees were invited to ask questions and make comments to the program representatives at each meeting. In addition, written comments were received from the public and regulatory agencies by letter, email, and through the HRC public website during the comment period. Comments received from the public and agencies pertaining to specific resource areas and locations were considered, and more-detailed analysis was provided in the EIS/OEIS. Those comments received from the public concerning Department of Defense (DoD) policy and program issues outside the scope of analysis in this EIS/OEIS were not addressed in the EIS/OEIS.

**Table 13.1.2-3. Public Hearing Locations, HRC Draft EIS/OEIS**

<b>City (Island)</b>	<b>Date</b>	<b>Location</b>
Lihue (Kauai)	21 August 2007	Kauai War Memorial Convention Hall
Honolulu (Oahu)	23 August 2007	McKinley High School
Wailuku (Maui)	27 August 2007	Baldwin High School
Hilo (Hawaii)	29 August 2007	Waiakea High School

At the public hearings, a Navy representative provided a clear and concise HRC overview, explaining the Proposed Action and Alternatives. This overview was followed by individual testimony. A summary of attendance at the four public hearings is as follows:

Kauai: 55 individuals signed in  
 18 individuals provided verbal comments  
 1 individual provided written comments

Oahu:	29 individuals signed in 4 individuals provided verbal comments 1 individual provided written comments
Maui:	76 individuals signed in 35 individuals provided verbal comments 5 individuals provided written comments
Island of Hawaii:	51 individuals signed in 26 individuals provided verbal comments 7 individuals provided written comments

The Navy solicited additional comments from agencies and the public during the comment period that followed the public hearings for the Draft EIS/OEIS. The comment period ended September 17, 2007. In addition to the public hearings, the public was able to provide comments through the Navy's National Environmental Policy Act (NEPA) Programs in Hawaii website, by sending an email, or by mailing a written comment.

The Draft EIS/OEIS analyzed potential impacts to marine mammals from Navy actions that involve the use of acoustic sources. Following publication of the Draft EIS/OEIS in July 2007, the Navy, in coordination with the NMFS, conducted a re-evaluation of the analysis in that document. This re-evaluation and subsequent identification of new information led the Navy to prepare a Supplement to the Draft EIS/OEIS, which was released to the public in February 2008.

The NOI for the Supplement to the Draft EIS/OEIS was published in the *Federal Register* on January 17, 2008. The Supplement to the Draft EIS/OEIS was filed with USEPA for release to the public on February 22, 2008, and a Notice of Public Meeting was published in the *Federal Register* on February 26, 2008. The Navy also placed notices in the aforementioned newspapers announcing the availability of the Supplement to the Draft EIS/OEIS. The Supplement to the Draft EIS/OEIS was circulated for public review, and the comment period ended April 7, 2008. See Chapter 14.0 for responses to comments received on the Supplement to the Draft HRC EIS/OEIS.



## 13.2 SUMMARY OF COMMENTS

The Navy received public comments from 677 separate sources—608 were citizens, 45 represented organizations, and 24 represented government agencies. The majority of commenters were from Hawaii (422 of 677); however, the Navy also received comments from individuals residing in 9 foreign countries, 41 states, the District of Columbia, and Puerto Rico. Table 13.2-1 shows the forums that the public used to submit their comments and the number of commenters for each forum.

**Table 13.2-1. Number of Public Commenters—HRC Draft EIS/OEIS**

Source	Number of Commenters
Written	72
Email	419
Transcript of Public Hearings	83
Website	103
<b>Total</b>	<b>677</b>

The Navy received a total of 2,575 comments on the Draft EIS/OEIS. Table 13.2-2 provides a breakdown of comments received during the public hearings/public comment period and indicates the percentage of total comments that each resource area or issue received (rounded to the nearest tenth percent). Comments are organized by resource area. The summary that follows gives an overview of comments received during the comment period. The first set of comments is organized alphabetically by resource area, concluding with Water Resources. The second set of comments covers non-resource specific issues or questions that were raised. Most resource areas are self-explanatory: “Biological Resources—Marine” includes all sonar comments; “Hazardous Materials and Waste” includes depleted uranium issues. “Program” refers to concerns with the Proposed Action in general. “Policy/NEPA Process” refers to concerns with policies that led to the Proposed Action.

### Air Quality

Comments in this category requested that the Navy analyze more global impacts of its activities, such as impacts on the ozone layer, the use of carbon “offsets,” and effects on weather patterns and the atmosphere. The public also expressed concern over emissions from ships, training at Pohakuloa Training Area (PTA), and perceived increases in the number of aircraft at the Hilo International Airport.

### Airspace

Comments focused on potential hazards to aircraft from missile intercepts, perceived increases in the number of aircraft at the Hilo International Airport, the proposed use of directed energy systems (lasers), and the potential for increased training to interfere with commercial and private air traffic.

**Table 13.2-2. Number of Comments by Resource Issue  
HRC Draft EIS/OEIS**

<b>Resource Area</b>	<b>Number of Comments</b>	<b>Percent of Total Comments</b>
Air Quality	10	0.4%
Airspace	10	0.4%
Biological Resources—Marine	492	19.1%
Biological Resources—Terrestrial	69	2.7%
Cultural Resources	299	11.6%
Geology and Soils	2	0.1%
Hazardous Materials and Waste	372	14.4%
Health and Safety	26	1.0%
Land Use	20	0.8%
Noise	5	0.2%
Socioeconomics	29	1.1%
Transportation	3	0.1%
Utilities	8	0.3%
Water Resources	15	0.6%
Environmental Justice	24	0.9%
Alternatives	524	20.4%
Program	439	17.0%
Policy/NEPA Process	87	3.4%
Mitigation Measures	59	2.3%
Cumulative Impacts	36	1.4%
Miscellaneous	46	1.8%
<b>Total</b>	<b>2,575</b>	

**Biological Resources—Marine**

Many of the comments were focused on the perceived harmful effects of mid-frequency active (MFA) sonar and the impacts of proposed Navy activities on whales, sea turtles, fish, and marine life. Some of the comments were concerned with international stranding events. Specifically, the public requested:

- A separate threshold for calculating sonar impacts on beaked whales
- Additional marine mammal dose function modeling details
- Additional analysis to determine the impact on divers during sonar training activities
- Additional discussion and analysis of the melon-headed whales stranded in Hanalei Bay on Kauai during the 2004 Rim of the Pacific (RIMPAC) Exercise

- Additional discussion and analysis of the Bahamas marine mammal stranding incident
- Analysis of 12 marine mammal stranding incidents
- Additional analysis regarding impacts on fish during the use of sonar
- Additional analysis concerning bubble propagation or development in marine mammals exposed to active sonar
- Avoidance of endangered populations or areas of high numbers of marine mammals while training with sonar, i.e., Northwestern Hawaiian Islands Marine National Monument, State Refuge, and the Hawaiian Islands Humpback Whale National Marine Sanctuary
- Further analysis of Navy ship collisions with marine mammals

### **Biological Resources—Terrestrial**

Commenters asked for additional details about the effectiveness of Navy policies and procedures that minimize invasive plant species, the potential for Expeditionary Assault activities to disturb beaches and dunes at PMRF, and impacts of debris from missile interceptions and chemical simulants on the Northwestern Hawaiian Islands.

### **Cultural Resources**

Commenters were concerned that the military's presence and activities on the Hawaiian Islands causes harm and limits access to Native Hawaiian cultural and religious sites, particularly in the Northwestern Hawaiian Islands. Commenters requested the addition of updated archaeological data for the Papahānaumokuākea Marine National Monument. Other commenters expressed concern about impacts on recreational and subsistence fishing, an important activity for Hawaiians. Two commenters requested additional information on Section 106 analysis under the National Historic Preservation Act. The significance of marine mammals in Native Hawaiian culture and religion was noted.

### **Geology and Soils**

Two commenters requested clarification for one of the references in the text. The reference was specific to lead concentrations near the Vandal launch site at PMRF.

### **Hazardous Materials/Hazardous Waste**

Comments regarding hazardous materials and waste in general included requests for the Navy to identify and clean up former and currently contaminated sites. Other comments expressed concern about the potential effects of Navy technologies, such as the Directed Energy Laser Weapons Program, and the use of munitions that contain or result in exposure to depleted uranium and other heavy metals. Some commenters offered suggestions on how the Navy can manage waste on ships and maximize recycling and reuse.

### **Health and Safety**

Several commenters asked the Navy to analyze the potential health and safety impacts of a specific activity or technology, such as missile launch failures, nuclear-powered ships, lasers, electromagnetism, chemical simulants, and gamma rays. Other commenters asked about the danger to scuba divers from the use of MFA sonar and the risk to people using the access road to Polihale State Park during directed energy tests.

### **Land Use**

Commenters expressed concern about public access and other impacts on the beach areas at PMRF, in particular, Polihale State Park, the Upper Rifle Range, and Kokole Point. Other commenters identified specific policies and plans that the Navy must consider in its analysis, such as Coastal Zone Management laws. Two commenters suggested that additional information be included in Appendix I, Land Use.

### **Noise**

Comments included concern for the noise generated from purported sonic booms and increases in the Navy presence at Hilo International Airport, PTA, Bradshaw Army Airfield, and the Kawaihae Pier.

### **Socioeconomics**

Comments were largely focused on potential impacts on the tourist industry. Several commenters requested that the EIS/OEIS analyze in greater detail the social costs of Navy activities, including how increases in permanent and visiting Navy personnel would impact rent rates, prostitution, traffic, noise, utilities, schools, social services, water usage, and sewage.

### **Transportation**

Commenters requested additional information about Navy ship strikes to small fishing and recreational vessels, the transportation of Stryker vehicles on the Superferry, and how various shipping companies operate under the Voluntary Intermodal Sealift Program and U.S. Transportation Command (USTRANSCOM).

### **Utilities**

Comments included concerns about the impacts from the proposed Directed Energy Laser Weapons Program facility, recommendations for coordination with the Kauai County Water Use and Development Plan, and concerns over potential impacts on various underwater pipelines in the vicinity of Navy activities.

### **Water Resources**

Commenters requested study of the project's impacts on groundwater resources, highlighting issues that the Navy is currently having with perchlorate detection in the groundwater. Commenters also requested more details on the effect of the hydrogen fluoride waste generated from the proposed Directed Energy Laser Weapons Program.

**Environmental Justice**

Environmental Justice comments were largely focused on the perception that activities in the EIS/OEIS would have an effect on Native Hawaiian sovereignty and self determination.

**Alternatives**

Many commenters requested that the Navy consider alternative sites within and outside the HRC to conduct its activities. Several commenters suggested alternatives to sonar technologies, such as computer simulation. The majority of the “Alternatives” comments supported the No-action Alternative, (i.e., no expansion); while others saw fallacy in the assumption that baseline activity is acceptable as the No-action Alternative and requested an analysis of a reduction of Navy activity. Other commenters requested that different training combinations and levels be included, such as an alternative that describes a much more precautionary approach in relation to MFA sonar.

**Policy/National Environmental Policy Act Process**

Comments on Navy Policy and the NEPA process were split between those that praised and criticized the format and content of the document. Some commenters were concerned that they could not find where their scoping comments had been incorporated into the Draft EIS/OEIS.

Another group of comments expressed concerns with future steps in this specific NEPA process. These comments included requests that the Navy provide a Supplement to the Draft EIS/OEIS with more information regarding the sonar impacts, including the model methodology, source data, means, and other aspects of the dose response function.

**Program**

Program comments included concern about the permanent stationing of the Army’s 2/25th Stryker Brigade Combat Team on the islands, Navy involvement in the development of the Superferry, and the need for a greater military presence in Hawaii. Many of the commenters requested a reduction in the amount of all military training; others suggested that military funds be redirected to other types of activities, such as education, alternative energy, and environmental restoration. Several comments were of a general nature and suggested that the Navy rethink its programs and purpose. Some commenters communicated support of the Navy’s proposal to increase activities and upgrade facilities.

**Mitigation Measures**

Most comments regarding mitigation measures focused on marine mammals. For example, it was requested that the Navy employ better protective measures than those used in RIMPAC Exercises, such as conducting more monitoring and enforcing larger safety zones around ships. A few commenters requested the study and use of foreign government’s sonar mitigation for marine mammals.

**Cumulative Impacts**

Commenters on cumulative impacts expressed concern about the overall impact of past and present military activity in Hawaii and requested that the Navy initiate cleanup activities. Additional commenters requested that the Navy study the impacts of other actions, such as initiation of Stryker Brigade activities, stationing of C-17s in Hawaii, and the Superferry. There

were multiple requests for cumulative impacts analysis to account for sound sources other than Navy sonar activities, including multiple exposures to sonar, fishing activities, shipping activities, and coastal development.

### **Miscellaneous**

There were a few general comments regarding the structure and format of the EIS/OEIS document. Comments addressed the spelling of Hawaiian words using diacritical marks, access to specific references, and the organization of the document by location.

## **13.3 SUMMARY OF RESPONSES**

Many of the comments received on the Draft EIS/OEIS were declarative statements not requiring a direct response, but which are noted in the context of overall public review. Examples of comments on non-EIS-related topics include operation of the Superferry, the deployment and activities of the Stryker program, the Iraq war, and other general operations of the military. Some comments were related to program issues such as system cost, potential threat, and system effectiveness. These general program-related comments are considered to be outside the scope of this EIS/OEIS and therefore require no revision to the EIS/OEIS.

Some comments questioned the methodologies, analyses, and conclusions for various environmental resource impacts and mitigations presented in the EIS/OEIS. For each of these comments, a specific response was prepared. In addition, the acquisition of new data and the preparation of additional analyses were included in the HRC EIS/OEIS as required. New information and analysis supporting or changing the conclusions of the Draft EIS/OEIS have been incorporated into the text of the Final EIS/OEIS.

The Navy received many substantive comments during a rigorous EIS/OEIS process and carefully considered all public input in the decision-making process prior to issuing this final document. Specifically, the Navy addressed the public comments discussed above in the following manner:

### **Air Quality**

Language has been added to the EIS/OEIS regarding ozone and global warming. Launch exhaust is limited spatially, is temporary, and does not have a globally significant impact on ozone depletion.

Projected increases in carbon dioxide emissions have been quantified at PMRF. Most propellant systems produce carbon dioxide, which is a greenhouse gas. Table 4.3.2.1.1.1-2 shows that the estimated quantity of carbon dioxide emissions from typical missile launches ranges from 0 to 0.5 ton per launch, depending on the missile. Although it is not easy to know with precision how long it takes greenhouse gas to leave the atmosphere, missile exhaust emissions per launch are relatively small and short-term. The No-action Alternative does not include specific Navy flight training activities. Aircraft and vehicle emissions are quantified for Alternatives 1, 2, and 3, and the impacts are minor. Carbon dioxide from launches, aircraft, and vehicles would have an insignificant effect on global warming. Hydrocarbon fuel usage for vessels is not quantified in the EIS/OEIS but is addressed as irreversible or irretrievable effects due to the use of nonrenewable energy sources.



A plan is being developed by the Army to fully address the issue of depleted uranium at PTA.

### **Airspace**

As part of the planning process for each missile flight test, intercept debris patterns will be generated and reviewed to minimize potential impacts and to define the area for the Notice to Airmen (NOTAM). There are no proposed activities in the EIS/OEIS that include Navy training at Hilo Airport. As the laser program matures, and specific information is available, the Navy will coordinate with the Federal Aviation Administration (FAA) Western Service Area specialists to determine potential impacts on airspace. The increased training would be accommodated within the existing airspace, therefore it will not interfere with commercial and private air traffic.

### **Biological Resources—Marine**

A separate threshold for calculating sonar impacts on beaked whales—Adequate data currently do not exist to support development of a separate threshold for beaked whales. However, there is widespread consensus that cetacean response to MFA sound signals needs to be better defined using controlled experiments. The Navy is contributing to an ongoing behavioral response study in the Bahamas that is anticipated to provide some initial information on beaked whales, the species identified as the most sensitive to MFA sonar. Until additional data is available, NMFS and the Navy have determined that the datasets described in Section 4.1.2.4.9 are the most applicable for the direct use in the development of risk function parameters to describe what portion of a population exposed to specific levels of MFA sonar will respond in a manner that NMFS would classify as harassment.

The Navy also analyzed the known range of operational, biological, and environmental factors involved in the Bahamas stranding and focused on the interplay of these factors to reduce risks to beaked whales from Anti-Submarine Warfare (ASW) training. The confluence of these factors does not occur in the Hawaiian Islands (see Section 4.1.2.4.9.8).

Additional marine mammal dose function modeling details—As presented in the Supplement to the Draft EIS/OEIS, the risk function has replaced the dose function. The development of the risk function is detailed in Section 4.1.2 and reflects the recommendations of NMFS and the scientific review panel charged with revision of the analytical methodology.

Additional analysis to determine the impact on divers during sonar training activities—Based on this research, an unprotected diver could safely operate for over 1 hour at a distance of 1,000 yards from the Navy's most powerful sonar. At this distance, the sound pressure level would be approximately 190 decibels (dB). At 2,000 yards or approximately 1 nautical mile (nm), this same unprotected diver could operate for over 3 hours. This text has been added to the EIS/OEIS.

Additional discussion and analysis of the Hanalei Bay incident—The Hanalei Bay “stranding” is discussed in Section 4.1.2.4.10.2. Investigations of Hanalei Bay concluded that it was not known what caused the pod to enter the bay. NMFS's report indicated that sonar may have contributed to a “confluence of events,” including human presence (notably the uncontrolled and random human interactions fragmenting the pods of whales on 3 July) and/or other unknown biological or physical factors. The full moon could have been a contributing factor in terms of bringing the animals closer to the shore. Many assumptions and qualifications went into the

findings documented in the Hanalei Bay report. Dr. Southall has indicated since the report was written that he is aware of a separate event involving melon-headed whales and rough-toothed dolphins that took place over the same period of time off Rota in the Northern Marianas Islands, which is several thousand miles from Hawaii. No known active sonar transmissions occurred in the vicinity of that event. NMFS's original report on the Hanalei Bay event was issued before it knew of the events near Rota.

The reason the Rota Stranding was noted is that NMFS considered the Hanalei "mass stranding" anomalous when considering causal factors leading to the event. Given the Rota stranding was simultaneous, this and other information was not considered in the NMFS report on the Hanalei event, and the previous findings presented in the NMFS report should be re-examined. The Rota event was termed a stranding under the same criteria that the Hanalei event was termed a "mass stranding" by NMFS.

Additional discussion and analysis of the Bahamas marine mammal stranding incident—More details have been added to the EIS/OEIS and this new conclusion added: The post-mortem analyses of stranded beaked whales lead to the conclusion that the immediate cause of death resulted from overheating, cardiovascular collapse and stresses associated with being stranded on land. However, the presence of subarachnoid and intracochlear hemorrhages were believed to have occurred prior to stranding and were hypothesized as being related to an acoustic event. Passive acoustic monitoring records demonstrated that no large-scale acoustic activity besides the Navy sonar exercise occurred in the times surrounding the stranding event. The mechanism by which sonar could have caused the observed traumas or caused the animals to strand was undetermined. The spotted dolphin was in overall poor condition for examination, but showed indications of long-term disease. No analysis of baleen whales (minke whale) was conducted. Baleen whale stranding events have not been associated with either low-frequency or MFA sonar use (International Council for the Exploration of the Sea, 2005a, 2005b).

Analysis of 12 marine mammal stranding incidents—More details were added; however, they did not change the overall conclusions in the EIS/OEIS. Section 4.1.2.4.10.2 includes specific stranding events that have been linked to potential sonar operations. Of note, these events represent a small overall number of animals over an 11-year period (approximately 40 animals) worldwide.

Additional analysis regarding impacts on fish during the use of sonar—The EIS/OEIS includes new findings by Popper et al.(2007) who exposed rainbow trout, a fish sensitive to low frequencies, to high-intensity low-frequency sonar (215 dB re 1  $\mu\text{Pa}^2$  170-320 Hz) with receive levels for two experimental groups estimated at 193 dB for 324 or 648 seconds. While low-frequency sonar is not included in the Proposed Action, these results of low-frequency sonar effects on low-frequency sensitive rainbow trout are encouraging in that similar results may be found with mid-frequency sonar use when applied to mid-frequency sensitive fish. Fish exhibited a slight behavioral reaction, and one group exhibited a 20-dB auditory threshold shift at one frequency. No direct mortality, morphological changes, or physical trauma was noted as a result of these exposures.

Additional analysis concerning bubble propagation or development in marine mammals exposed to active sonar—Section 4.1.2.4.7 of the Draft EIS/OEIS presents a thorough discussion of acoustically mediated bubble growth and decompression sickness. In brief, although theoretical predictions suggest the possibility for acoustically mediated bubble growth, there is considerable

disagreement among scientists as to its likelihood. Evidence supporting the possible phenomenon is, therefore, debatable.

Avoidance of endangered populations or areas of high numbers of marine mammals while training with sonar (i.e., within the Northwestern Hawaiian Islands Marine National Monument, State Refuge, and the Hawaiian Islands Humpback Whale National Marine Sanctuary)—Training in or near these areas is necessary because the geography of these areas provides realistic and effective ASW training and assessment during Undersea Warfare Training Exercises (USWEXs). It is critical for the Navy to be able to conduct USWEXs in a variety of environmental and bathymetric conditions, including in the vicinity of seamounts.

Further analysis of Navy ship collisions with marine mammals—Section 4.1.2.4.10.1 of the EIS/OEIS provides details on the various causes of marine mammal strandings, including ship strikes. The discussion states, that while there are reports and statistics of whales struck by ships in U.S. waters, the magnitude of the risks commercial ship traffic poses to marine mammal populations is difficult to quantify or estimate. In addition, there is limited information on ship strike interactions between ships and marine mammals outside of U.S. waters. Naval activities represent a very small percentage of the overall U.S. ship traffic. While Navy ship movements may contribute to the ship strike threat, given the lookout and mitigation measures adopted by the Navy, the probability of ship strikes is greatly reduced.

### **Biological Resources—Terrestrial**

Wash downs, agricultural inspections, brown tree snake inspections, and ballast water procedures will continue to minimize the effects of Navy actions on vegetation and wildlife, as well as limit the potential for introduction of invasive plant species. These measures are now discussed in Appendix C and Chapter 6.0 of the EIS/OEIS. No impact on wildlife from electromagnetic radiation generation is anticipated. Text has been added to Section 4.2.1.1.1.1 concerning the size and area of anticipated missile intercept debris fields. Additional information about chemical simulants has been added to Section 2.2.3.5. Amphibious landings, which occur at Majors Bay, are not located within nesting areas. As stated in Section 4.3.1.1.1.1, “Within 1 hour prior to initiation of Expeditionary Assault landing event, landing routes and beach areas are surveyed for the presence of sensitive wildlife.”

### **Cultural Resources**

Using the information provided in the Papahānaumokuākea Marine National Monument World Heritage Application (March 2007), Section 3.2.2.2 has been updated to reflect the most current archaeological information for Nihoa and Necker (Mokumanamana), the southeastern most portion of the Monument where missile intercepts and associated falling debris could occur.

Section 106 consultation was initiated during the scoping process for this EIS/OEIS in the fall of 2006. Representatives from the Navy held public and Agency meetings at several locations throughout the islands between September 13 and September 18, 2006, and additional Agency coordination has been conducted since that time. This includes providing the Hawaii State Historic Preservation Officer (SHPO) with a copy of the Draft EIS/OEIS. A follow-up letter was also sent to the SHPO’s office, and a concurrence letter was received by the Navy on September 17, 2007 indicating that “no historic properties will be affected.” In addition, there is an existing Programmatic Agreement (PA) in place for Navy activities in Hawaii. Signed in June 2003, the PA was negotiated between the Commander, Navy Region Hawaii, the Advisory

Council on Historic Preservation, and the Hawaii SHPO. There were also several consulting parties to this PA including the National Park Service, the National Trust for Historic Preservation, and the Office of Hawaiian Affairs (see Appendix H.2).

Existing policies regarding native Hawaiian access to recreational, religious, traditional, and cultural sites or Native Hawaiian religious and subsistence practices (e.g., fishing) are noted throughout the Draft EIS/OEIS and remain unchanged with the proposed activities. Access to these types of areas is accommodated within the constraints of the mission and in consideration of any safety issues.

Laws that protect cultural resources are not directly applicable to animals, including marine mammals; however, they are protected by the Endangered Species Act and the Marine Mammal Protection Act. Any potential effects on marine mammals and associated mitigation measures are discussed within the biological sections of the EIS/OEIS.

### **Geology and Soils**

An additional Navy reference regarding lead concentrations near the Vandal launch site at PMRF has been added to the EIS/OEIS.

### **Hazardous Materials/Hazardous Waste**

The Navy recognizes that past practices may have resulted in contamination of certain sites. Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available.

Projected research, development, test, and evaluation (RDT&E) laser programs do not include the use of hydrogen fluoride, and therefore the use of hydrogen fluoride is not part of the Proposed Action. In the event laser programs do come to PMRF, separate environmental documentation would be required to analyze potential impacts from training. The Proposed Action includes the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. Section 4.1.7.1.1 of the EIS/OEIS provides more details on the analysis of potential impacts from these DU projectiles. This is the only use of DU in the HRC EIS/OEIS Proposed Action. In addition, any training activities proposed at PTA will follow guidance provided to users of the facility.

The Navy's at-sea waste disposal practices are consistent with Federal laws and regulations, and comparable to those of commercial and recreational vessels.

### **Health and Safety**

The Navy does not see a catastrophic launch failure as a reasonably foreseeable impact, and thus an analysis of the impact would be based on pure conjecture. The impact of the Navy's nuclear power programs is beyond the scope of this EIS/OEIS, which addresses increased levels of personnel training using the current inventory of nuclear-powered ships and land facilities.

Human exposure to underwater noise is addressed in Section 4.1.5.1.1. The Navy issues Notices to Mariners (NOTMARs) to alert commercial and recreational users, such as dive services, about upcoming at-sea training activities so that they may divert to open areas.

Section 4.3.2.1.7.2 includes health and safety analysis of the chemical simulants proposed. None of the proposed simulants are considered hazardous substances or constituents; however, caution would be used when they are handled. For the proposed high-energy laser, PMRF would develop the necessary Standard Operating Procedures and range safety requirements necessary to provide safe operations, including the safety of people using the access road to Polihale State Park during directed energy tests. Separate environmental documentation would be required to analyze potential impacts from training activities. Section 4.3.2.1.7.3 describes health and safety concerns regarding the use of high-energy lasers at PMRF.

### **Land Use**

Impacts on the beach areas at PMRF, in particular, Polihale State Park, the Upper Rifle Range, and Kokole Point include the 30 times per year that the Navy can apply a restrictive easement due to missile launches from PMRF. The anticipated times that the easement is expected to be used for the Proposed Action could be between 7 and 28 annually (if PMRF provides support for the exercise).

The Navy is complying with the requirements of the Coastal Zone Management Act (CZMA). Early consultation was initiated with the State and a Coastal Consistency Determination (CCD) was submitted to the Hawaii Coastal Zone Management Program (CZMP) for review on February 22, 2008. Navy determined the activities proposed in the HRC EIS/OEIS consistent to the maximum extent practicable with the enforceable policies of Hawaii's Coastal Zone Management Program.

Appendix I describes the circumstances by which the lands now known as PMRF came into Federal ownership, and is not intended to represent the full or complete recitation of law(s) relating to the lands now known as PMRF.

### **Noise**

The Proposed Action does not include Navy activities at the Hilo International Airport.

Supersonic flight and sonic booms are discussed in Section 4.1.6.1 for the Open Ocean activities and in detail in Appendix G. The HRC is approved for supersonic flight; however, no data are available that describe the exact location of supersonic operations. Supersonic activity in the HRC is generally restricted to altitudes greater than 30,000 feet above sea level or in areas at least 30 nm from shore. These restrictions prevent most sonic booms from reaching the ground. Sonic booms are also discussed in Section 3.3.2.1.9 for missile launches at PMRF/Main Base. Populated areas are not likely to be affected by sonic booms generated during launch activities because missile trajectories will not include over flight of populated areas.

While training events would increase in number at PTA, the type of training would be the same and would not increase the current modeled noise levels. The proposed training would be

individual events and would not occur simultaneously. The additional training events at Bradshaw Army Airfield would produce noise levels similar to the current levels. Current training at Kawaihae Pier includes Expeditionary Assault and Special Warfare Operations. The training proposed for Alternatives 1, 2, and 3 at Kawaihae Pier would be the same and would produce noise levels similar to those currently produced during Navy training events. The proposed training would be considered individual events and would not occur simultaneously.

### **Socioeconomics**

The social cost of the Proposed Action is directly related to the addition of permanent military personnel. The only anticipated permanent increase of personnel is for the operation of the proposed Range Operations Control building at PMRF—an increase by 34 percent (from 120 to 161) or 41 additional personnel. Added personnel are not anticipated to affect society at large.

The social costs of and impacts on the various resources have been considered in the Socioeconomic Sections for various applicable locations within Hawaii.

### **Transportation**

Ship strikes to small fishing and recreational vessels are not within the scope of the EIS/OEIS. Commercial vessels (i.e., Superferry, Matson vessels, Horizon Lines, and other carriers operating in Hawaii), the Voluntary Intermodal Sealift Program (VISA), and the USTRANSCOM are not within the scope of this document.

### **Utilities**

The proposed Directed Energy Laser Weapons Program facility requires the development of Standard Operating Procedures and range safety requirements necessary to provide safe operations with future high-energy laser tests. In the event laser programs come to PMRF, separate environmental documentation would be required to analyze any potential impacts.

Training operations that could occur at the Ewa Training Minefield are the same as have occurred there in the past. Therefore, the Navy would continue to take the same safety precautions that have protected the underwater outfall pipes in the past. To ensure that all local or municipal rules and regulations are followed, the Navy maintains a cooperative working relationship with the Kauai County Water Department.

### **Water Resources**

There are currently no plans for chemical lasers. Because plans for the directed energy program have not been finalized, they cannot be fully analyzed in this EIS/OEIS. Regarding perchlorate, USEPA has recommended 24 parts per billion (ppb) as the level of concern for perchlorate in groundwater. However, as stated in Section 3.3.2.1.13 of the EIS/OEIS, the Navy has adopted 4 ppb. Results from groundwater tests at PMRF have shown the perchlorate level to be below 4 ppb.

### **Environmental Justice**

Comments regarding the occupation of Hawaii by the military and the rights of Native Hawaiians to lands are noted but are outside the scope of this EIS/OEIS.



## Alternatives

As discussed in Chapter 1.0 of the EIS/OEIS, the Navy considers, but rejects, a reduction in training and does not consider alternate locations because this analysis would not be consistent with the purpose and need of this EIS/OEIS. Although the Navy does do some simulated training, such simulation does not fully develop the skills and capabilities necessary to attain appropriate military readiness.

Alternative 3 was added to the Final EIS/OEIS. Alternative 3 consists of the MFA and high-frequency active (HFA) sonar usage analyzed under the No-action Alternative plus all non-ASW training and RDT&E activities from Alternative 2 (as described in Sections 2.2.4.1 and 2.2.4.3 through 2.2.4.8). In relation to MFA sonar, the Navy has changed the MFA sonar hours used each year for the No-action Alternative in the EIS/OEIS.

## Policy/National Environmental Policy Act Process

Regarding requests for a Supplemental EIS/OEIS—The Navy released a Supplement to the Draft EIS/OEIS for public comment in February 2008 in light of the new sonar data and noise modeling methodology.

## Program

The permanent stationing of the Army's 2/25th Stryker Brigade Combat Team on the islands, and the Superferry are both discussed in Chapter 5.0, Cumulative Impacts. The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this document are both reasonable and necessary.

## Mitigation Measures

Mitigation measures identified to reduce effects or ensure that there would be no future impacts have not substantially changed from the Draft EIS/OEIS.

The EIS/OEIS does not assert that visual monitoring alone is sufficient to ensure 100 percent detection. Chapter 6.0, Mitigation Measures, presents the Navy's protective measures that have been Standard Operating Procedures for unit-level ASW training since 2004. The Navy continues to analyze the effectiveness of the current mitigation measures. In addition, the Navy's current mitigation measures reflect the use of the best available science balanced with the NMFS regulatory requirements and the requirements of the Navy to train.

Imposing training restrictions from other countries on the Navy without considering the differences between each navies' capabilities, systems, mission requirements, and threats; and without considering whether the foreign country's training restrictions are more effective in protecting marine mammals from harm than the extensive precautions currently taken by the Navy, would arbitrarily undermine the Navy's ability to maintain military readiness.

To give an example of how foreign mitigation would undermine military readiness in Hawaii: The Royal Australian Navy restricts sonar use above 210 dB within 30 nautical miles of the coastline when practicable. Such a reduction would be problematic for the U.S. Navy because much of the established fixed Shallow Water Training Range/PMRF range would fall within 30 nm of the coastline, and restricting sonar use to below 210 dB in that area would make training unrealistic, greatly diminishing the value of training.

### **Cumulative Impacts**

The Navy recognizes that past practices may have resulted in contamination of certain sites. Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available.

Given the location of the Superferry water lanes, it is not anticipated that the increased vessel traffic from this commuting ferry will contribute to the cumulative effects when assessed in combination with the actions proposed in this EIS/OEIS. Detailed analysis for the permanent stationing of the 2/25th Stryker Brigade Combat Team is beyond the scope of this EIS/OEIS but can be found in the Army's Final EIS (U.S. Department of the Army, 2008). Cumulative impacts from Army activities are considered in Chapter 5.0.

Section 5.4.2.3 has been added to discuss anthropogenic sources of ambient noise that are most likely to have contributed to increases in ambient noise. These include vessel noise from commercial shipping and general vessel traffic, oceanographic research, and naval and other use of sonar.

### **Miscellaneous**

Many of the miscellaneous comments received on the Draft EIS/OEIS were declarative statements not requiring a direct response.

## **13.4 SUMMARY TABLES**

Sections 13.4.1 through 13.4.4 of the EIS/OEIS provide reproductions of all the original letters, emails, and transcripts that were received during the public comment period for the HRC Draft EIS/OEIS. Responses to issues included in those documents are also provided. As shown below, the organization of Sections 13.4.1 through 13.4.4 provides a separate comment/response section for each of the forums (email, written, etc.) that the public used to submit their comments:

- 13.4.1 Written Public Comments
  - Table 13.4.1-1 Written Commenters on the Draft HRC EIS/OEIS
  - Exhibit 13.4.1-1 Copy of Written Documents
  - Table 13.4.1-2 Responses to Written Comments
- 13.4.2 Email Public Comments
  - Table 13.4.2-1 Email Commenters on the Draft HRC EIS/OEIS
  - Exhibit 13.4.2-1 Copy of Email Documents
  - Table 13.4.2-2 Responses to Email Comments

- 13.4.3 Public Hearing Comments
  - Table 13.4.3-1 Public Hearing Commenters on the Draft HRC EIS/OEIS
  - Exhibit 13.4.3-1 Copy of Public Hearing Documents
  - Table 13.4.3-2 Responses to Public Hearing Comments
- 13.4.4 Webmail Comments
  - Table 13.4.4-1 Webmail Commenters on the Draft HRC EIS/OEIS
  - Exhibit 13.4.4-1 Copy of Webmail Documents
  - Table 13.4.4-2 Responses to Webmail Comments

The first table in each section provides an index of the names of the individuals who submitted comments on the Draft EIS/OEIS. Each individual was assigned an identification number. The code in the middle of the identification number indicates the source of the comment as follows:

- W = Written comments
- E = Email comments
- T = Transcript comments from public hearing
- N = Comments received via the public HRC website

Comments that were received during the public review period for the Draft EIS/OEIS were treated equally regardless of the form or commenter. A commenter can be listed multiple times. Each comment was carefully documented, thoroughly read and evaluated, and categorized according to the environmental resource area (see Table 13.2-2). Each of the identified issues was numbered as shown in the exhibit in each section. For example, if the 10th speaker presented in a transcript from a public hearing (P-T-0010) provided comments on seven separate topics, those comments were numbered P-T-0010-1 through P-T-0010-7. Finally, the Navy responded to each comment, as provided in the second table in each section.

To follow comments and responses for a specific individual, find their commenter number (e.g., D-W-0042, D-E-0003, D-T-0021, D-N-0030) in the appropriate Commenters table, locate their document within the Copy of Documents exhibit, and use the issue numbers to identify corresponding responses in the Response Table.

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### 13.4.1 WRITTEN PUBLIC COMMENTS

There were 72 members of the public who provided written comments on the Draft EIS/OEIS. Twenty-four of the 72 were from governmental organizations.

Table 13.4.1-1 lists individuals who commented in writing, with their respective commenter identification number. This number can be used to find the written document that was submitted and to locate the corresponding table in which responses to each comment are provided.

Exhibit 13.4.1-1 presents reproductions of the written comment documents that were received in response to the Draft EIS/OEIS. Comment documents are identified by commenter ID number, and each statement or question that was categorized as addressing a separate environmental issue is designated with a sequential comment number (D-W-0082-1, D-W-0082-2, etc.).

Table 13.4.1-2 presents the responses to written comments on the Draft EIS/OEIS. Responses to specific comments can be found by locating the corresponding commenter ID number and sequential comment number identifiers.

**Table 13.4.1-1. Commenters on the HRC Draft EIS/OEIS (Written)**

Commenter	Comment ID	Commenter	Comment ID
Eleanor Ballard	D-W-0082	Duane Erway	D-W-0128
Bonnie P. Bator	D-W-0089	Clyde Fuse, on behalf of the Federal Aviation Administration	D-W-0075
Nova Blazej, Manager, Environmental Review Office, on behalf of the U.S. Environmental Protection Agency	D-W-0090	Marsha Green, North American Representative, on behalf of the International Ocean Noise Coalition	D-W-0111
John Broussard	D-W-0079	Cory Harden	D-W-0110
Evelyn de Buhr	D-W-0102	Cory Harden, on behalf of the Sierra Club, Moku Loa Group	D-W-0097
Inanna Carter	D-W-0103	Cory Harden	D-W-0125
Lester Chang, Director, on behalf of the City and County of Honolulu, Department of Parks and Recreation	D-W-0127	Jennifer Ho	D-W-0106
John and Nancy Conley	D-W-0080	Gary Hooser, Majority Leader, on behalf of the Hawaii State Senate	D-W-0098
Peter Courture	D-W-0088	Jeffrey S. Hunt, Planning Director, on behalf of the County of Maui Department of Planning	D-W-0132

**Table 13.4.1-1. Commenters on the HRC Draft EIS/OEIS (Written) (Continued)**

<b>Commenter</b>	<b>Comment ID</b>	<b>Commenter</b>	<b>Comment ID</b>
Bob Jacobson, Councilmember, on behalf of the Hawaii County Council, District 6	D-W-0078	Alton Miyasaka, Aquatic Biologist, on behalf of the State of Hawaii, Department of Land and Natural Resources, Division of Aquatic Resources	D-W-0074
Wayne Johnson	D-W-0066	Nina Monasevitch	D-W-0109
Robbie Kaholokula, Tourism Specialist, on behalf of the County of Kauai, Office of Economic Development	D-W-0095	Nina Monasevitch	D-W-0136
Micah A. Kane, Chairman, on behalf of the Hawaiian Homes Commission	D-W-0077	David Monasevitch	D-W-0134
Ken C. Kawahara	D-W-0069	Hans Mortensen	D-W-0121
Manuel Kuloloio	D-W-0115	Thomas Nakagawa	D-W-0118
Robert G.F. Lee, Adjutant General, on behalf of the Hawaii National Guard	D-W-0131	Lynn Nakkim	D-W-0124
Cathy Liss, President, on behalf of the Animal Welfare Institute	D-W-0112	Clyde Namuo, Administrator, on behalf of the Office of Hawaiian Affairs	D-W-0091
Judie Lundborg	D-W-0017	Star Newland	D-W-0123
C.A. Macgeorge	D-W-0087	Akahi Nui	D-W-0129
Cheryl Magill	D-W-0138	John Y. Ota	D-W-0083
Kristin McCleery	D-W-0086	Vincent K. Pollard	D-W-0084
Bob McDermott	D-W-0116	Patricia S. Port, Regional Environmental Officer, U.S. Department of the Interior, Office of Environmental Policy and Compliance	D-W-0076
Nancy Merrill	D-W-0135	Daniel S. Quinn, State Parks Administrator, on behalf of the State of Hawaii, Department of Land and Natural Resources, Division of State Parks	D-W-0073
Jay Miller	D-W-0107	Timothy Ragen, Executive Director, on behalf of the Marine Mammal Commission	D-W-0130
Sandra Miner	D-W-0085	Peter Rappa	D-W-0092

**Table 13.4.1-1. Commenters on the HRC Draft EIS/OEIS (Written) (Continued)**

<b>Commenter</b>	<b>Comment ID</b>	<b>Commenter</b>	<b>Comment ID</b>
Cynthia Rapu	D-W-0081	Russell Y. Tsuji, Administrator, Land Division, on behalf of the State of Hawaii, Department of Land and Natural Resources, Commission on Water Resource Management	D-W-0067
Roland Sagum	D-W-0099	Russell Y. Tsuji, Administrator, Land Division, on behalf of the State of Hawaii, Department of Land and Natural Resources	D-W-0068
Helen Schonwatter	D-W-0126	Russell Y. Tsuji, Administrator, Land Division, on behalf of the State of Hawaii, Department of Land and Natural Resources, Division of Forestry and Wildlife	D-W-0070
Howard Sharpe	D-W-0117	Russell Y. Tsuji, Administrator, Land Division, on behalf of the State of Hawaii, Department of Land and Natural Resources, Engineering Division	D-W-0071
Edmond Silva	D-W-0108	Russell Y. Tsuji, Administrator, Land Division, on behalf of the State of Hawaii, Department of Land and Natural Resources, Division of Boating and Ocean Recreation	D-W-0072
Lanny Sinkin	D-W-0120	Steve Tyler	D-W-0104
Shelley Stephens	D-W-0122	Maria Walker	D-W-0101
Eric S. Takamura, Director, on behalf of the City and County of Honolulu, Department of Environmental Services	D-W-0096	Valerie Weiss	D-W-0100
Laura Thielen, State Historic Preservation Officer, on behalf of the State of Hawaii, Department of Land and Natural Resources	D-W-0133	Juan Wilson	D-W-0113
Beth Tokioka	D-W-0094	Mike Winneguth	D-W-0137
James Tollefson, President and CEO, on behalf of The Chamber of Commerce Hawaii.	D-W-0093	Anita Wintner	D-W-0119



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## NAVY EXPANSION

8/21/07

## Written Testimony:

In reviewing the maps contained in the Navy's EIS, it is clear that the Hawaiian Islands are being turned into a war zone.

I am totally opposed to any further expansion. Already, with 4+ military facilities on our islands, the residents are at risk of being a target. Further expansion will only exacerbate the risk. The US is viewed with fear and as terrorists by much of the world.

Finally, having the Navy prepare an EIS for what the Navy wants to do is like having the fox guarding the hen house! How could it possibly be objective.

Sincerely,

*J. Hilke Lundborg*  
Judie Hilke Lundborg

Lihue, Hawaii

COMMENT  
NUMBER

D-W-0017

1

2

8/10/2007

DEAR Mr Foster,

I hope you will make a decision  
to end SONAR Training where it  
presents Any Risk to Any  
Marine Mammals even 1%.

Wayne Johnson Ph.D

COMMENT  
NUMBER

D-W-0066

1

LINDA LINGLE  
GOVERNOR OF HAWAII

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

2007 AUG 13 A 10:22

ALLAN A. SMITH  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

2007 AUG -3 A 10:07

July 31, 2007

**MEMORANDUM**

TO: **DLNR Agencies:**  
☒ Div. of Aquatic Resources  
☒ Div. of Boating & Ocean Recreation  
☒ Engineering Division  
☒ Div. of Forestry & Wildlife  
☒ Div. of State Parks  
☒ Commission on Water Resource Management  
☒ Office of Conservation & Coastal Lands  
☒ Land Division - Oahu, Maui, Hawaii & Kauai District

FROM: Russell Y. Tsuji

SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact Statement, Hawaii Range Complex

LOCATION: Statewide

APPLICANT: US Department of Defense, Department of the Navy

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 1, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

(X) We have no objections.  
 ( ) We have no comments.  
 ( ) Comments are attached.

Signed: *[Signature]*  
 Date: 8/10/07

COMMENT  
NUMBER

D-W-0067

1

LINDA LINGLE  
GOVERNOR OF HAWAII

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 31, 2007

ALLAN A. SMITH  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**MEMORANDUM**

FROM: **TO:** **DLNR Agencies:**  
☒ Div. of Aquatic Resources  
☒ Div. of Boating & Ocean Recreation  
☒ Engineering Division  
☒ Div. of Forestry & Wildlife  
☒ Div. of State Parks  
☒ Commission on Water Resource Management  
☒ Office of Conservation & Coastal Lands  
☒ Land Division - Oahu, Maui, Hawaii & Kauai District

TO:

FROM: Russell Y. Tsuji

SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact Statement, Hawaii Range Complex

LOCATION: Statewide

APPLICANT: US Department of Defense, Department of the Navy

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 1, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

( ) We have no objections.  
 (X) We have no comments.  
 ( ) Comments are attached.

Signed: *[Signature]*  
 Date: 8/3/07

COMMENT  
NUMBER

D-W-0068

1

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

LINDA LINGLE  
GOVERNOR OF HAWAII

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

07 AUG 2 P3:54

ALLAN A. SMITH  
BOARD CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSIONER OF WATER RESOURCE MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 31, 2007

**MEMORANDUM**

TO: **DLNR Agencies:**  
☒ Div. of Aquatic Resources  
☒ Div. of Boating & Ocean Recreation  
☒ Engineering Division  
☒ Div. of Forestry & Wildlife  
☒ Div. of State Parks  
☒ Commission on Water Resource Management  
☒ Office of Conservation & Coastal Lands  
☒ Land Division – Oahu, Maui, Hawaii & Kauai District

FROM: Russell Y. Tsuji

SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact Statement, Hawaii Range Complex

LOCATION: Statewide

APPLICANT: US Department of Defense, Department of the Navy

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 1, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

( ) We have no objections.  
 ( ) We have no comments.  
 ( ) Comments are attached.

Signed: \_\_\_\_\_  
 Date: \_\_\_\_\_

**COMMENT  
NUMBER****D-W-0069  
(cont.)**

LINDA LINGLE  
GOVERNOR OF HAWAII

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
P.O. BOX 621  
HONOLULU, HAWAII 96809

07 AUG 10 P 2:42

ALLAN A. SMITH  
BOARD CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSIONER OF WATER RESOURCE MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
P.O. BOX 621  
HONOLULU, HAWAII 96809

August 9, 2007

REF: Navy DEIS dr

TO: Russell Tsuji, Administrator  
Land Division

FROM: Ken C. Kawahara, P.E., Deputy Director  
Commission on Water Resource Management

SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact Statement, Hawaii Range Complex

FILE NO.:

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State; therefore, all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://www.hawaii.gov/dlnr/cwrm>.

Our comments related to water resources are checked off below.

☒ 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.

☐ 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.

☒ 3. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

Permits required by CWRM: Additional information and forms are available at [www.hawaii.gov/dlnr/cwrm/forms.htm](http://www.hawaii.gov/dlnr/cwrm/forms.htm).

☐ 4. The proposed water supply source for the project is located in a designated ground-water management area, and a Water Use Permit is required prior to use of ground water.

☐ 5. A Well Construction Permit(s) is (are) required before the commencement of any well construction work.

☐ 6. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.

DRF-1A 03/02/2006

**COMMENT  
NUMBER****D-W-0069  
(cont.)**

1

2

**Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)**

Russell Tsuji, Administrator  
Page 2  
August 9, 2007

- ☐ 7. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- ☐ 8. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- ☐ 9. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
- ☐ 10. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- ☐ 11. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- ☐ 12. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.
- ☐ 13. We recommend that the report identify feasible alternative non-potable water resources, including reclaimed wastewater.

☒ OTHER:

If the selected alternative(s) results in an increase in water demand or impacts to available water supplies or water resources, we recommend that the project be incorporated in the respective County Water Use and Development Plan.

If there are any questions, please contact Lenore Nakama at 587-0218.


DRF-IA 04/15/2005

COMMENT  
NUMBER

D-W-0069  
(cont.)

3

NA - *for white*  
ALLAN A. SMITH  
ATTORNEY GENERAL  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCES MANAGEMENT

  
**STATE OF HAWAII**  
 DEPARTMENT OF LAND AND NATURAL RESOURCES  
 LAND DIVISION  
 POST OFFICE BOX 631  
 HONOLULU, HAWAII 96809

July 31, 2007

MEMORANDUM

TO: **DLNR Agencies:**  
☒ Div. of Aquatic Resources  
☒ Div. of Boating & Ocean Recreation  
☒ Engineering Division  
☒ Div. of Forestry & Wildlife  
☒ Div. of State Parks  
☒ Commission on Water Resource Management  
☒ Office of Conservation & Coastal Lands  
☒ Land Division - Oahu, Maui, Hawaii & Kauai District

FROM: Russell Y. Tsuji

SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact Statement, Hawaii Range Complex

LOCATION: Statewide

APPLICANT: US Department of Defense, Department of the Navy

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 1, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

( ) We have no objections.  
 ( ) We have no comments.  
 (X) Comments are attached.



Signed: \_\_\_\_\_  
 Date: AUG 28 2007

RECEIVED  
 LAND DIVISION  
 AUG 29 10 3 22  
 HAWAII  
 STATE DEPT.

COMMENT  
NUMBER

D-W-0070

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

<p>LINDA LINGLE GOVERNOR OF HAWAII</p>	 <p>STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES DIVISION OF FORESTRY AND WILDLIFE 1151 PUNCHBOWL STREET HONOLULU, HAWAII 96813 August 28, 2007</p> <p>Paul J. Conry, Acting Administrator DEPARTMENT OF LAND AND NATURAL RESOURCES DIVISION OF FORESTRY AND WILDLIFE 1151 PUNCHBOWL STREET HONOLULU, HAWAII 96813 August 28, 2007</p>
<p>PMRF Public Affairs Officer U.S. Department of Defense Department of Navy P.O. Box 128 Kekaha, Hawaii 96752</p> <p>Dear PMRF Public Affairs Officer:</p> <p>Subject: Draft EIS/ Overseas EIS for Hawaii Range Complex, Hawaii.</p> <p>We appreciate the opportunity to comment on your subject request. DLNR, Division of Forestry and Wildlife will comment on the environmental impacts of current and emerging training and research operations in the Hawaii Range Complex; moreover, as they relate to the impacts to onshore biological resources at these training areas.</p> <p>The Division of Forestry and Wildlife appreciate the Navy's position to include internal policies and procedures to minimize impacts on the biological resources and prevent the introduction of invasive species to these training areas. The environmental review process including NEPA, allows further public disclosure to Navy actions that may eventually have a negative impact to onshore biological resources. Since the first publicized INRMP disclosed in 2001, we have worked with the various island Navy complex officials to incorporate collaborative measures aimed at reducing these impacts. Subsequently, DLNR, Division of Forestry and Wildlife, June 29, 2006 letter to Mr. Leighton Wong will remain relevant to our response for the Hawaii Range Complex (attachment). Thank you for allowing us to review your project.</p> <p>Sincerely yours,  Paul J. Conry Administrator</p> <p>Attachment</p> <p>C: DOFAW Kauai Branch DOFAW Oahu Branch DLNR, Land Division</p>	<p>COMMENT NUMBER D-W-0070 (cont.)</p>


<p>LINDA LINGLE GOVERNOR OF HAWAII</p>	 <p>STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES DIVISION OF FORESTRY AND WILDLIFE 1151 PUNCHBOWL STREET HONOLULU, HAWAII 96813 June 29, 2006</p> <p>PETER T. YOUNG Administrator DEPARTMENT OF LAND AND NATURAL RESOURCES DIVISION OF FORESTRY AND WILDLIFE 1151 PUNCHBOWL STREET HONOLULU, HAWAII 96813 June 29, 2006</p>
<p>Mr. Leighton G.M. Wong Business Line Manager, Environmental Department of the Navy Naval Facilities Engineering Command, Pacific 258 Makalapa Drive STE. 100 Pearl Harbor, Hawaii 96860-3134</p> <p>Dear Mr. Wong:</p> <p>Subject: Request for Comments: Commander Navy Region Hawaii INRMP Updates – Oahu Complex and Kauai Pacific Missile Range, State of Hawaii.</p> <p>We appreciate the opportunity to comment on your subject request. DLNR, Division of Forestry and Wildlife's August 29, 2001 comments (see attachment) 5-years ago remain relevant to this request with the following added recommendations.</p> <p><u>General Comments:</u></p> <ul style="list-style-type: none"> <li>Encourage the Department of Navy to integrate its natural resource management programs with DLNR, Division of Forestry and Wildlife Comprehensive Wildlife Strategic Plan.</li> <li>Strongly encourage the integration of statewide response between DLNR and Department of Navy for invasive species, oil spills, stranded wildlife, and avian disease monitoring.</li> <li>Maintain and restore cultural resources on Department of Navy lands.</li> <li>Provide recreational opportunities and uses on Department of Navy lands.</li> <li>Increase fauna and flora T&amp;E populations currently present on Navy lands. In addition, DLNR, Division of Forestry and Wildlife on Kauai are developing a management plan for the Mana Waterbird Sanctuary that may benefit PMRF to protect native resources in the area. Also, DLNR, Division of Forestry and Wildlife encourage Department of Navy to fence portions of Makaha ridge facility on Kauai to maintain the vegetation required for nene habitat and their nesting areas.</li> <li>Encourage Department of Navy to acquire lands to buffer impacts to existing resource management programs and areas.</li> <li>Encourage the Department of Navy to develop watershed (i.e. develop Waianae watershed partnership alliances) and wetland partnership programs in areas beneficial to all interested cooperating entities.</li> </ul>	<p>COMMENT NUMBER D-W-0070 (cont.)</p>

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)



LINDA UNGLE  
GOVERNOR OF HAWAII

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

ALLAN A. SMITH  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

July 31, 2007

MEMORANDUM

TO: DLNR Agencies:  
☒ Div. of Aquatic Resources  
☒ Div. of Boating & Ocean Recreation  
☒ Engineering Division  
☒ Div. of Forestry & Wildlife  
☒ Div. of State Parks  
☒ Commission on Water Resource Management  
☒ Office of Conservation & Coastal Lands  
☒ Land Division – Oahu, Maui, Hawaii & Kauai District

FROM: Russell Y. Tsuji

SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact Statement, Hawaii Range Complex

LOCATION: Statewide

APPLICANT: US Department of Defense, Department of the Navy

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 1, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

( ) We have no objections.  
☒ We have no comments.  
☐ Comments are attached.

Signed: *[Signature]*  
 Date: 8/31/07

RECEIVED  
LAND DIVISION  
2007 AUG 31 P 3:21  
\*07 AUG 01 PM 03:47 ENGINEERING

COMMENT  
NUMBER

D-W-0071

1

LINDA UNGLE  
GOVERNOR OF HAWAII

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

ALLAN A. SMITH  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

July 31, 2007

MEMORANDUM

TO: DLNR Agencies:  
☒ Div. of Aquatic Resources  
☒ Div. of Boating & Ocean Recreation  
☒ Engineering Division  
☒ Div. of Forestry & Wildlife  
☒ Div. of State Parks  
☒ Commission on Water Resource Management  
☒ Office of Conservation & Coastal Lands  
☒ Land Division – Oahu, Maui, Hawaii & Kauai District

FROM: Russell Y. Tsuji

SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact Statement, Hawaii Range Complex

LOCATION: Statewide

APPLICANT: US Department of Defense, Department of the Navy

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 1, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

☒ We have no objections.  
☐ We have no comments.  
☐ Comments are attached.

Signed: *[Signature]*  
 Date: 8/14/07


RECEIVED  
LAND DIVISION  
2007 AUG 15 P 3:22  
Additional information enclosed.

COMMENT  
NUMBER


D-W-0072

1





LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
DIVISION OF STATE PARKS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

September 10, 2007

**LAURA H. THIELEN**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**KEN C. KAWAHARA**  
DEPUTY DIRECTOR - WATER

**AGUATIC RESOURCES**  
BOATING AND ANCHORAGE REGULATION  
BUREAU OF COAST GUARDS  
COMMISSION ON WATER RESOURCES MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES DEVELOPMENT  
DIVISION  
FORESTRY AND WILDLIFE  
GEODESY/PLANNING  
KAWAULAI DELAND/FOREST COMMISSION  
LAND  
STATE PARKS

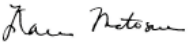
Public Affairs Officer  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Hawai'i 96752-0128  
ATTN: HRC EIS/OEIS

Dear Public Affairs Officer:

We have reviewed the DEIS/OEIS for the Hawai'i Range Complex which evaluates the potential environmental effects of current and proposed training, research, development, and testing of Navy operations.

We are concerned that the groundwater resources are being affected by the chemical emissions from missile launches that occur during training exercises which may have adverse impacts to the water system at Polihale State Park. While the evaluation was conducted on water resources, it is unclear whether that category includes both ocean/marine resources and groundwater resources. For the health and safety of the public, we would appreciate an evaluation of the project's impacts to groundwater resources.

We appreciate the opportunity to review and comment on the DEIS/OEIS for the Hawai'i Range Complex.


Very truly yours,  
  
Daniel S. Quinn  
State Parks Administrator

c: Wayne Souza


COMMENT  
NUMBER

D-W-0073

1



LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
LAND DIVISION  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

September 6, 2007

**LAURA H. THIELEN**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

Public Affairs Officer  
Pacific Missile Range Facility  
Box 128  
Kekaha, Hawaii 96752-0128


Attention: HRC EIS/OEIS

Gentlemen:

Subject: Draft Environmental Impact Statement/Overseas Environmental Impact Statement, Hawaii Range Complex

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Division of Aquatic Resources, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,  
  
Russell Y. Tsuji  
Administrator

COMMENT  
NUMBER

D-W-0074

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

LINDA LINGLE  
GOVERNOR OF HAWAII

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 31, 2007

**MEMORANDUM**

TO: **DLNR Agencies:**  
☒ Div. of Aquatic Resources  
☒ Div. of Boating & Ocean Recreation  
☒ Engineering Division  
☒ Div. of Forestry & Wildlife  
☒ Div. of State Parks  
☒ Commission on Water Resource Management  
☒ Office of Conservation & Coastal Lands  
☒ Land Division – Oahu, Maui, Hawaii & Kauai District

FROM: Russell Y. Tsuji

SUBJECT: Draft Environmental Impact Statement/Overseas Environmental Impact Statement, Hawaii Range Complex

LOCATION: Statewide

APPLICANT: US Department of Defense, Department of the Navy

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by September 1, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

( ) We have no objections.  
 ( ) We have no comments.  
 (✓) Comments are attached.

Signed: *Russell Y. Tsuji*  
 Date: *8-1-07*

ALLAN A. SMITH  
PRESIDENT, BOARD OF LAND AND NATURAL RESOURCES  
1775 KALANANAKU AVENUE, SUITE 1000, HONOLULU, HI 96813

AQUATIC RESOURCES: *1006*

DIRECTOR	
COMM. FISH	
AO RES. ENV	
AO REC	
PLANNER	
STAFF SVCS	
RCU/WH	
STATISTICS	
APRC/FEL AID	
EDUCATION	
SECRETARY	
OFFICE SVCS	
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Due Date:	

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AUG 2 2007  
ALCHIERO 1775

**COMMENT NUMBER****D-W-0074 (cont.)**

Suspense Date: 9/1/07

State of Hawaii  
Department of Land and Natural Resources  
DIVISION OF AQUATIC RESOURCES

Date: 9/4/07

**MEMORANDUM**

TO: Francis Oishi, Program Manager  
 FROM: Alton Miyasaka, Aquatic Biologist  
 SUBJECT: Comments on Navy Draft EIS for Combat Readiness Training

Comment	Date	Request	Receipt	Referral
Requested by: Russell Tsuji	7/31/07	8/2/07	8/3/07	
DLNR/Land				

**Summary of Proposed Project**

Title: Draft EIS for Pacific Fleet Training Activities

Project by: Department of the Navy

Location: Statewide, Hawaii Range Complex

**Brief Description:** The applicant seeks comments on a draft EIS that evaluates the potential environmental effects of current and emerging training and research, development, test, and evaluation operations in Hawaii and proposes upgrades and modernization of Navy training and testing capabilities to maintain or improve combat readiness.

**Comments:** While the documentation provided did not identify such activities, we would have concerns if planned exercises involved the use of explosives in state waters. We recognize the importance of these exercises and the loss of some marine life may be unavoidable. To the extent practical, we would request that surveys of the affected areas and the shoreline be conducted after each exercise involving explosives to remove any dead fish or other marine life that should wash up on the shoreline. These clean-ups would be especially important near public recreational areas where the public makes full use of the beaches and shoreline.

**COMMENT NUMBER****D-W-0074 (cont.)**

1

Regarding possible impacts on marine mammals, we are aware that the Navy is working in close consultation with NOAA's National Marine Fisheries Service and National Ocean Service to identify and mitigate possible impacts. Given our close working relationship with NOAA in co-managing the Hawaiian Islands Humpback Whale National Marine Sanctuary and in supporting marine mammal stranding response in the Main Hawaiian Islands, we believe it would be most efficient and effective for all concerned to route any comments we might have regarding possible marine mammal impacts via these NOAA partner agencies. We appreciate the efforts the Navy and its contractors have made thus far to keep us informed of marine mammal impact analysis and proposed mitigation measures, and look forward to our continued communications in this regard in partnership with NOAA.

**COMMENT  
NUMBER**
**D-W-0074  
(cont.)**

-----Original Message-----

From: Clyde.Fuse

Sent: Thursday, August 23, 2007 4:03 PM

To: Gallien, Randy Mr USASMDC

Cc: Edd Joy; Wes Norris; Neil Sheehan; Diane.Tom ; Debbie.Saito ; Neal.Kurosaki

Subject: Re: FAA Comments on HRC EIS

Randy

Thanks for calling us back. The comments on the EIS from FAA Air Traffic are:

1. The Special Use Airspace will be undergoing some changes in July 2008. The northern boundary will be "pulled south". to the south, the boundary will be moved north.
2. If lasers are used, the operational data must be forwarded to our Western Service Area specialists for review and NOTAMs issued. Dependent on their assessment, there could be an impact to Air Traffic operations.

Aloha

Clyde

"Gallien, Randy  
Mr USASMDC"

Clyde Fuse/AWP/FAA@FAA To

cc

08/23/2007 10:46  
AM

<

<

< Subject

FAA Comments on HRC EIS

Clyde

You may provide your comments to me at this address. Please copy the guys I

**COMMENT  
NUMBER**
**D-W-0075**
**1**
**2**

have copied to ensure we have them.

Thanks and it was nice talking again,

Randy

From Concept to Combat  
Celebrating 50 Years of Excellence in Missile Defense and Space  
SMDC/ARSTRAT - 1957-2007

**COMMENT  
NUMBER**

D-W-0075  
(cont.)



**United States Department of the Interior**

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Pacific Southwest Region  
1111 Jackson Street, Suite 520  
Oakland, California 94607

IN REPLY REFER TO:  
EIS#07615

*Filed Electronically*

10 September 2007

ATTN: HRC EIS/OEIS  
Public Affairs Officer,  
Pacific Missile Range  
Facility, P.O. Box 128,  
Kekaha, Kauai, Hawaii, 96752-0128  
[deis\\_hrc@govsupport.us](mailto:deis_hrc@govsupport.us)

Subject: Review of the Draft Environmental Impact Statement (DEIS), for the Hawaii  
Range Complex (HRC) Project, Honolulu, Maui, and Hawaii Counties, HI

Dear Public Affairs Officer:

The Department of the Interior has received and reviewed the subject document and has no  
comments to offer.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port  
Regional Environmental Officer

cc:  
Director, OEPC  
FWS, HI  
FWS, Portland

**COMMENT  
NUMBER**

D-W-0076

1

INDA LINGLE  
GOVERNOR  
FIDELITY & DUTY



**STATE OF HAWAII**  
**DEPARTMENT OF HAWAIIAN HOME LANDS**  
P.O. BOX 1879  
HONOLULU, HAWAII 96805

August 23, 2007

Public Affairs Officer  
Pacific Missile Range Facility  
P. O. Box 128  
Kekaha, Hawaii 96752-0128

Attention: HRC EIS/OEIS

Gentlemen:

Thank you for the opportunity to provide comments on the Department of Navy's Draft Environmental Impact Statement/Overseas Environmental Impact Statement to assess the Navy's Hawaii Range Complex (HRC). The Department of Hawaiian Home Lands has no comments.

Should you have any questions, please call the Planning Office at (808) 586-3836.

Aloha and mahalo,

*[Signature]*  
Micah A. Kane, Chairman  
Hawaiian Homes Commission

MICAH A. KANE  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
BEN HENDERSON  
DEPUTY TO THE CHAIRMAN  
KAULANA H. PARK  
EXECUTIVE ASSISTANT

**COMMENT  
NUMBER**

D-W-0077

1

**BOB JACOBSON**  
Councilmember  
*Chair, Environmental Management Committee*  
*Vice-Chair, Finance Committee*



333 Kilauea Avenue, Second Floor  
Ben Franklin Building, Hilo, Hawai'i 96720  
Mailing Address: 25 Aupuni Street, Suite 200  
Phone: (808) 961-8263  
Fax: (808) 961-8912  
E-Mail: [bjacobson@co.hawaii.hi.us](mailto:bjacobson@co.hawaii.hi.us)

**HAWAII COUNTY COUNCIL**  
*County of Hawai'i*

August 30, 2007

Tom Clements  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Hawai'i 96752-0128

Re: Comments in Opposition to Military Activities in the North Hawaiian Islands National Marine Sanctuary

Aloha:

I would like to express my opposition to war games, sonar testing, and any other military activities that will certainly degrade the fragile environment within the Northwestern Hawaiian Islands National Marine Sanctuary. The federal government recognized the importance of protecting the health of the oceans surrounding Hawai'i by establishing the sanctuary. The Navy now proposes to undermine federal and state policy by increasing war games in the area; thus, jeopardizing the welfare of numerous species endemic to the Northwestern Hawaiian Islands and polluting the delicate ecosystem that exists there.

Please consider these comments and the many others you are sure to receive.

Mahalo,

*[Signature]*  
Bob Jacobson, Member

Hawai'i County Council, District 6

BJ/mf

c: Michael Payne, National Marine Fisheries Service

*District 6 ~ Upper Puna, Ku'ā, and South Kona*  
*Hawai'i County Is An Equal Opportunity Provider And Employer*

**COMMENT  
NUMBER**

D-W-0078

1

**Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)**

Kamuela HI  
August 29, 2007

Tom Clements  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha HI 96752-0128

Re: Expanded Naval War Games in Hawai'i

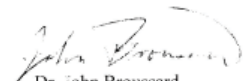

Dear Mr. Clements,

We were greatly disturbed to learn that the Navy proposes to engage in live-fire bombing and use of high-intensity sonar in a marine monument and a whale sanctuary. The designation of these preserves as special and protected areas is meaningless if such practices are allowed in them or close enough to adversely impact them.

The National Marine Fisheries Service acknowledged that use of high-intensity sonar by the Navy was the likely cause of whale strandings in Hawai'i three years ago, and there is a growing body of evidence that it has caused injury and beachings of whales and other marine mammals in various parts of the world. It simply is not reasonable to assume that millions of times the maximum decibel level deemed safe for human divers will have no serious ill effects on marine life.

We urge you to oppose any expanded military exercises in Hawai'i's fragile marine environment, or the use of high-intensity sonar anywhere in the world where it might seriously harm, either directly or indirectly, marine mammals or important resources such as fisheries and reefs.

Sincerely,

  
Dr. John Broussard  
  
Carolyn Pomeroy

COMMENT  
NUMBER

D-W-0079

2

1

**ALOHA ACRES**  
JOHN P. CONLEY & NANCY JANE M. CONLEY  
KILAUEA, HI.

Pacific Missile Range Facility  
Public Affairs Officer  
P. O. Box 128  
Kekaha, HI 96752-0128

Sept. 8, 2007

Re: Hawaii Range Complex

To Whom It May Concern:

The island of Kauai is sacred and should not be damaged or desecrated in any manner. Please remember that "The Life of the Land is Perpetuated in righteousness" is the motto of the State of Hawaii, the Navy should act accordingly.

We object to any and all expansion of ground, sea or air operations at the Pacific Missile Range Facility on Kauai and within the Hawaii Range Complex.

The existing level of activity at P.M.R.F. is already too much. The continuing missile launches are creating a "hole" in the ozone layer directly above Kauai, exposing all of the residents, visitors, plants and animals to unsafe levels of solar radiation. Every attempt should be made by the Navy to minimize the damage and reverse the effects.

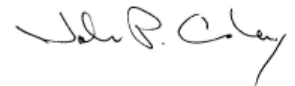

We have personally witnessed the effects of the Rim of the Pacific exercises upon marine mammals. The stranding and confusion of the Melon Headed whales in Hanalei Bay was enough to make one cry. The use of sonar and massing of Naval fleets within the Papahānaumokuākea Marine National Monument and the Hawaii Range Complex should be banned.

The proposed plans for research and development in "directed energy", advanced hypersonic weapons and other new and emerging technologies, vehicles and systems should not even be considered on the oldest inhabited Hawaiian island - KAUAI. Increased training exercises, testing and training for new weapon systems, supporting and rapidly deploying naval units and striking brigades and building and operating a portable undersea tracking range should be done at Pearl Harbor on Oahu.

Building and operating an instrumented minefield training area and the closure of popular recreational beaches near P.M.R.F. certainly gives the impression that the Navy intends to be a separate entity on this island, with a shoot to kill attitude toward anyone who comes near the facility. Please try being good guests and respect the island and its inhabitants.

We have raised our children on Kauai and hope that they may do the same. We believe that the Navy should be held to the highest environmental standards in all that you do.

Sincerely :

COMMENT  
NUMBER

D-W-0080

1

2

3

4



FROM : 0000000000

PHONE NO. : 0.

Aug. 23 2007 07:10AM

Tom Clements  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Hawai'i 96752-0128

Email: Fax: 808-335-4520

Subject: Expanding Naval Wargames in Hawaii is Unacceptable

Dear Tom Clements,

The world recognizes Hawai'i hosts unique and fragile marine environments crucial to the overall health of our oceans. The U.S. acknowledged the importance of protecting Hawai'i's oceans by establishing the largest, most highly protected marine preserve in the Northwestern Hawaiian Islands. This is the primary foraging grounds of last few remaining Hawaiian monk seals, home of rare cold water coral reefs,

The Navy's proposal to significantly increase wargames in the Hawaiian Islands directly undermines the policies of the federal and state governments to protect the NWHI Marine Monument, State Refuge, and the Humpback Whale Sanctuary. The Navy's plan to use active sonar that harms marine mammals, spread toxic chemicals that undermine the public's health, and jeopardize cultural sites sacred to Native Hawaiians is completely unacceptable and cannot be allowed.

Sincerely,  
  
Cynthia Kapu



COMMENT  
NUMBER

D-W-0081

1  
2  
3  
4

August 22, 2007

To:  
Tom Clements  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Hawaii 96752-0128

From:  
Eleanor Ballard

Brooksville, FL

Dear Mr. Clements,

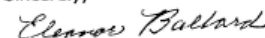
The statements following my letter explain better than I can a proposal by our Navy that is so shameful and hurtful to the environment we are entrusted with that for this plan to be considered is, I believe, directly opposed to our countries stated values.

To represent this program of destruction to the delicate infrastructure that has existed for thousands of years as being a 'good' location for war games is reprehensible.

I implore you to do whatever you are able to prevent this proposal from becoming a reality.

Thank you for your attention.

Sincerely,



Eleanor Ballard

"The world recognizes that Hawaii hosts unique and fragile marine environments crucial to the overall health of our oceans. The U.S. acknowledged the importance of protecting Hawaii's oceans by establishing the largest, most highly protected marine preserve in the Northwestern Hawaiian Islands. This is the primary foraging grounds of last few remaining Hawaiian monk seals, home of rare cold water coral reefs.

The Navy's proposal to significantly increase war games in the Hawaiian Islands directly undermines the policies of the federal and state governments to protect the NWHI Marine Monument, State Refuge, and the Humpback Whale Sanctuary. The Navy's plan to use active sonar that harms marine mammals, spread toxic chemicals that undermine the public's health, and jeopardize cultural sites sacred to Native Hawaiians is completely unacceptable and cannot be allowed."

COMMENT  
NUMBER

D-W-0082

5

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<p>10 Sept 2007</p> <p>PMRF Public Affairs Officer P.O. Box 128 Kekaha, HI 96752</p> <p>John Y. Ota</p> <p>Hilo, HI</p> <p>Navy Environmental Impact Statement/Overseas Environmental Impact Statement EIS/OEIS</p> <p>The Draft EIS/OEIS does not address discovery of Depleted Uranium (DU) at Pohakaloa Training Area (PTA). All prior denials by the Army that DU is not present at PTA were revealed to be "False" by a civilian contractor. Excuses, including "radioactive reading is below the safety margin" of affecting human beings and the "area of DU discovery is not accessible to the Public" were used after the discovery. The excuses do not address the concern of the Citizens in this County. The Citizens are well aware that DU dust particles are harmful to the health of the populace. Both Mountain Peaks, Mauna Kea and Mauna Loa, provide the only source of drinking water for the majority of the populace; PTA is located in-between the two Mountains. Allowing continual Military Training to be conducted at PTA without identifying all possible locations where DU rounds may have landed or exploded would only complicate matters. The Military equipment and exploding ammunition could create DU Dust Particles to rise into the air. Although the Military may not have a very high concern for the health and welfare of the populace, where would the Military be if it was not the young men from the populace that supplements the much needed manpower to run the Military?</p> <ol style="list-style-type: none"> <li>1. Is the Navy planning to conduct Training at PTA before the Army completes their evaluation to search, identify, test and verify all areas within PTA that could possibly contain the presence of DU rounds or radiation and remove the presence of both from this Island, forever?</li> <li>2. Is the Military concerned about the possible effects of loud noise from all Military equipment, including the firing and exploding ammunition, have on the declining endangered populace to multiply? The referenced statement "no adverse impact" used to minimize the effect of loud noise from equipment and exploding shells is well known. Why is it not possible for the Military schedule their Training when the mating seasons are over?</li> <li>3. How does the vibrations caused by firing of ammunition and the exploding rounds affect the ice under the Peaks of Mauna Kea and Mauna Loa? Does the vibration cause the ice to fracture or cracks appear to melt the ice at a faster rate?</li> </ol> <p>The statement concerning the Navy use of Sonar, "There is no Scientific proof to support claims that Sonar has harmed or killed marine mammals" does not address the real issue. The Citizens of the Big Island are not convinced by the conclusions stated by the Navy in the EIS/OEIS. Posting a Look-Out on other War Ships during Exercises is a cover-up to mislead the Public. Marine Mammals only surface above the Ocean waters long enough to expel the carbon dioxide and in-take new fresh Oxygen. The duration of this activity is very short in comparison to the time that they are under-water. So, how is the posting of Look-Out on War Ships save the</p>	<p>COMMENT NUMBER</p> <p>D-W-0083</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p>	<p>Mammals from harm? Why do commercial fishermen use electronic "Fish Finders"? Are the Navy Submarines NOT capable of identifying Marine Mammals underwater? Why Not?</p> <p>A. Question. <u>Does the Navy have Scientific proof that Sonar DOES NOT harm or kill Marine Mammals?</u> If the Navy is in possession of a scientific Document that is able to support this claim, this DATA should be made available to the public.</p> <p>B. Why is the Navy, NOT ABLE TO DETECT Marine Mammal movements underwater?</p> <p>C. The Ocean surrounding the Hawaiian Islands are known for their warm temperature. Migrating Whales, South to North or North to South, are known to give birth to Calves in these waters. There is a time period of approximately 3 months that the Mother Whale will tend to the every need of the new born and to ensure that the Baby is able to make the long journey to join the rest of the herd. How will Sonar, High, Medium or Low Frequency affect the new born? Is the Training Scheduled to be conducted when new born Whales are in the immediate area?</p> <p>Sincerely,</p> <p>John Y. Ota</p>	<p>COMMENT NUMBER</p> <p>D-W-0083 (cont.)</p> <p>6</p> <p>7</p>
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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

**Vincent K. Pollard**  
**Honolulu, HI**

7 September 2007

Mr. Tom. Clements  
 Pacific Missile Range Facility  
 P. O. Box 128  
 Department of the Navy  
 Kekaha, Kauai, Hawai'i 96752-0128

**Re:** Hawaii Range Complex ("Notice of Intent to Prepare an Environmental Impact Statement")

Dear Mr. Clements,

Thank you for the Department of the Navy (DoD)'s Notice published in the *Federal Register*, vol. 72 no. 144 (Friday, July 27, 2007).

With this letter, I am responding to the Hawaii Range Complex, *Draft Environmental Impact Statement/Overseas Environmental Impact Statement—Proposed Action & Alternatives and Summary of Draft EIS/OEIS Environmental Impacts* (August 2007).

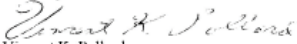
Partly because I reside in Honolulu, I am concerned about the physical and psychological trauma and health damage to be caused by noise to mammals and other creatures on and in the ocean waters near O'ahu. The reported extent of ongoing and proposed research development, test and evaluation activities leaves me concerned. In my view, these activities leave us less secure.

Regarding the number of operations per year, I recommend the "No Action Alternative."

Also, while the following goes beyond the scope of your "Notice of Intent," I further strongly suggest that the Navy seriously consider drastically scaling back ongoing activity as a way of minimizing further damage to the environment.

Thank you for considering my views.

Sincerely,

  
 Vincent K. Pollard

**COMMENT  
NUMBER**

D-W-0084

1

2

LV, NV 89103

September 3, 2007

Public Affairs Officer  
 Pacific Missile Range Facility  
 P. O. Box 128  
 Kekaha, HI 96752

**RE:** San Francisco Courts reversal of Sonar Ban

As a concerned American, who has lived on the Pacific Islands for over 50 years, I'm deeply concerned about the Navy's appeal, with regard to the Order to Ban Naval Sonar Testing, which was reversed Friday in San Francisco.

You should be well aware of the beachings and deaths of mammals in the waters where this testing has been done. I would like to suggest you place Navy Seal volunteers in the waters where you are testing, to see if they survive the barrage emitted by your sonar weapons. They would have a choice, and voice in the matter.

Are you aware that the chinstrap penguins of Antarctica have declined around 70%? You are killing our wildlife with this evil weapon. This was a very bad invention, and it needs to be stopped, it was overturned in Court, but America should not perpetuate this evil murder. It must be stopped. PLEASE do something to help stop this weapon testing.

Please,

  
 Sandra Miner

**COMMENT  
NUMBER**

D-W-0085

1

Pacific Missile Range Facility  
Public Affairs Officer  
P.O. Box 128  
Kekaha, HI 96752

To Whom It May Concern:

I strongly oppose your decision to continue testing active sonar in Hawaii's waters. The 1,145 exercises will cover ¼ million square miles around our shorelines. You will potentially be affecting 7,000 species, 25% of which are endemic to Hawaii. The National Monument and the Hawaiian Island Humpback Whale National Marine Sanctuary should be protected areas.

In March, 2000 in the Bahamas, 17 whales beached themselves, 7 of which died. The fate of the other 10 after pushed back out to sea is unknown. In the Bahamas sonar was used at 150-160 dB. If this can kill whales, how can you justify using anything louder? How can 195 dB be safe for marine life? 215 dB is clearly going to injure and kill many more marine mammals and fish. This is 1,000,000 times louder. Why not rely on passive sonar or do tests out at sea where there is much less wildlife?

The Navy claims turtles and fish are not affected by sonar because they cannot hear the frequencies used however, these violently loud sound waves have shown to cause hemorrhaging around brains, other organs and auditory damage. These sound waves rupture cell membranes. Sonar can and has affected scuba divers. People should not feel unsafe to enter the water when they see a navy vessel offshore. They should feel the opposite.

The mitigation measures provided in your Draft Environmental Impact Statement are inadequate. You cannot prove the null hypothesis. How will you determine the effects on marine life below the water between the vessel and the distance sonar travels?

I am one of many who feel this action is absolutely unnecessary.



Kristin McCleery

COMMENT  
NUMBER

D-W-0086

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4

**War is a racket.** It always has been.  
It is possibly the oldest, easily the most profitable,  
surely the most vicious.  
It is the only one international in scope.  
It is the only one in which the profits are reckoned  
in dollars and the losses in lives.

A racket is best described, I believe, as something  
that is not what it seems to the majority of people.  
Only a small "inside" group knows what it is  
about. It is conducted for the benefit of the very  
few, at the expense of the very many. Out of war  
a few people make huge fortunes.

Major General Smedley D. Butler, 1935  
US Marine Corps  
Two-time winner Congressional Medal of Honor

"WAR IS A RACKET"  
-MARINE GENERAL SMEDLEY BUTLER

Smedley Butler (1881-1940) won the Congressional Medal of Honor  
twice. His book War Is A Racket (1935) is a classic.

*I like,*  
*as regards the U.S. NAVY's*  
*proposed military training*  
*in Hawaii, I prefer the*  
*"NO-ACTION" alternative.*  
*Mahalo*

C. A. MacGeorge  
Kapaau HI

*C.A. MacGeorge*  
*USMC (BRAT)*

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recycled content. Please recycle.



*Public Affairs Officer*  
*Pacific Missile Range Facility*  
*P.O. Box 128*  
*KEKAHA, HI 96752*

COMMENT  
NUMBER

D-W-0087

1

Peter Courture

Hanalei Hawaii

4th September 2007

Public Affairs Office  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha Hawaii 96752-0128  
Attn HRC EIS/OEIS  
Fax 808 335-4520  
Email : [hrc@govsupport.us](mailto:hrc@govsupport.us)

Messrs. et Madames :

I am extremely distressed to learn that our government intends to condone sonar testing in an area where whales and other sensitive marine life shelter. Due to the hazards such testing presents to these lives, I respectfully request that you move your testing to a location where such dangers are not presented. Moreover, as part of our governmental process, you owe those who can speak for the lives who cannot a clear explanation why you must conduct this testing in such a sensitive area, and permit us to respond. Finally, no such testing should be conducted without at least the same mitigation measures which were adopted in 2006 after the Court challenges. It seems both wasteful and disrespectful to skirt voluntary compliance, forcing human citizens to intervene.

As you know, the Hawaiian Islands, and especially Kauai, are key ecological shelters for important life, including dolphins, whales and others. The Hawaiian waters are important winter breeding grounds for, among others, thousands of endangered humpback whales.

It is undisputed (and the Navy has no contrary evidence) that the sort of testing (and sonar emissions) proposed in the RIMPAC and USWEX exercises present a clear and present danger to endangered and highly intelligent marine mammals. I have not fully prepared myself on the deficiencies such testing and the Navy's behavior present under the law, but believe that your present and proposed actions violate the Marine Mammal Protection Act, the National Marine Sanctuaries Act, the Coastal Zone Management Act, and

In the South Pacific, I have been eye to eye with humpbacks underwater and had the pleasure to spiral with them as they revelled in the oceans we share. I believe that no one who has experienced the gaze of a humpback could ever condone endangering them. You must be aware of this, but persist. I am ashamed of your behavior and beseech you to take corrective action before it is too late.

Yours sincerely,

  
Peter Courture

COMMENT  
NUMBER

D-W-0088

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3

Kapa'a, Hawai'i 96746

2 September 2007

Commander  
Hawaii Range Complex  
Pacific Missile Range Facility (PMRF)  
P.O. Box 128  
Kekaha, Hawai'i 96752-0128

Re: Comment on the Draft Environmental Impact Statement (dEIS)  
Ocean Environmental Impact Statement (OEIS)

To Whom It May Concern:

Aloha! Mahalo for the opportunity to comment on the U.S. Navy's dEIS/OEIS in the Hawaii Range Complex.

First, I was deeply disappointed to find that the testimony that I submitted during the Scoping Process was not present in the dEIS/OEIS. Additionally, I was not listed as one of the "Private Citizens" on page 10-7 in the Draft EIS/OEIS Volume 3 of 3: Chapters 5-14 - Appendices A-K July 2007. This indicates that the U.S. Navy doesn't respect the citizens whom it 'supposedly' protects. **What exactly is the agenda of the U.S. Navy?**

Exceedingly, insufficient in the draft EIS/OEIS is that the Navy *only* wrote: "In total, the Navy received 353 comments. This summary gives an overview of comments received through these means during the scoping period. Comments are organized by issue area." ~ **Give us a break** ~ The Hawaii Range encompasses 235,000 nautical miles of ocean. The offshore area includes all air, surface and subsurface ocean areas within 12 nautical miles of the 18 Hawaiian Islands; while the open ocean area includes everything further out. **The concerns of the citizens are valid ~ ESPECIALLY given the vast expanse of sea, 'aina and airspace.**

Furthermore, as a grandmother I am outraged at the Navy's "planned enhancements" for the Hawaii Range Complex. Which are: increased testing & training for electronic warfare/operating a portable undersea tracking range/Building & operating an instrumented minefield training area/use of additional chemical stimulants for launches/Unmanned boats and advanced hypersonic weapons.

The magnitude of this proposal is incomprehensible!! The multi billion dollars (if not trillions of dollars) to implement this *Star War's* nightmare at the expense of curtailing public access, not to mention the degradation of the environment and habitat of endangered species is an abomination. 250 million American's haven't medical coverage. Climate change is barreling down the pike... Folk's whom suffered the devastation of Hurricane Katrina are still displaced. Food Banks can't keep food on the shelves—people are starving!! **Troops of veterans from the ongoing Iraqi War are suffering from PTSD and aren't getting the medical care and support that they deserve.** How about "Giving Peace A Chance?" as John Lennon sang so many years ago?!

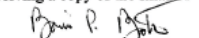
I am the daughter of a *WWII* veteran; my only sibling's only son is serving in his 2<sup>nd</sup> round in Iraq.

**In conclusion, has not the U.S. Navy done enough to desecrate the Hawaiian Islands and perpetuate genocide of the Hawaiian people?**

**First was the illegal overthrow of Queen Lili'uokalani. Coupled with years of War Games on Kaho'olawe. Global defense technology as proposed in the dEIS/OEIS is continued abuse of traditional rights which are connected to the 'aina, sea and clean air. The 'aina is the foundation of native Hawaiian culture.**

Mahalo for your attention to this matter and I look forward to receiving a copy of the final EIS/OEIS.

On behalf of my children and grandchildren, Sincerely with ALOHA,

  
Bonnie P. Batof & 'Ohana

C: Rep Hermina M. Morita Sen Gary L. Hooser

COMMENT  
NUMBER

D-W-0089

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SEP-17-2007 MON 04:50 PM U.S.E.P.A.

FAX NO. 4159473562

P. 02



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

September 17, 2007

Tom Clements  
Public Affairs Officer  
Pacific Missile Range Facility  
P.O. Box 128  
Kehaha, Kauai, HI 96752-0128

Subject: Draft Environmental Impact Statement/Overseas Environmental Impact Statement  
(EIS/OEIS), Hawaii Range Complex, Hawaii (CEQ # 20070312)

Dear Mr. Clements:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our detailed comments are enclosed.

The Draft EIS/OEIS (herein DEIS) assesses the impacts of current and increased Navy training, and research and development activities in the Hawaii Range Complex, which includes 235,000 square nautical miles (nm) around the Main Hawaiian Islands and 2.1 million square nm of Temporary Operating Area of sea and airspace encompassing the Northwest Hawaiian Islands. The No-action Alternative evaluates the current level of Navy training in the range complex, which includes over 9,300 annual operations, including several Undersea Warfare Exercises per year and the biennial Rim of the Pacific exercise. Alternative 1 evaluates increased tempo and frequency of training and new training operations. Alternative 2 evaluates further increased tempo and training with increases of over 100% in the number of training operations over current training, increased research and development, and the addition of major exercises including training three Strike Groups simultaneously. The Navy's preferred alternative is Alternative 2.

Based on our review, we have rated the DEIS as Environmental Concerns - Insufficient Information (EC-2) (see enclosed "Summary of Rating Definitions"). EPA has concerns regarding impacts to marine resources from the preferred alternative. We understand there is substantial uncertainty regarding the acoustic impacts to these resources, including the extent that mid-frequency active sonar use plays in marine mammal strandings. Such uncertainty suggests that a more precautionary approach be taken than what is described in the preferred alternative to fully protect marine resources.

A limited range of alternatives are evaluated in the DEIS. EPA recommends additional alternatives be formulated and evaluated in the Final EIS to meet the Navy's mission while maximizing environmental protection. We recommend different training combinations and

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levels be included, including an alternative that describes a much more precautionary approach in relation to mid-frequency active sonar. If additional alternatives are not analyzed, EPA recognizes the No-action Alternative, which maintains training at current levels, to be the environmentally preferable alternative per 40 CFR 1505.2(b) and recommends its selection to minimize environmental impacts.

EPA appreciates the opportunity to review this DEIS. When the Final EIS is released for public review, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3846 or Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or [vitulano.karen@epa.gov](mailto:vitulano.karen@epa.gov).

Sincerely,

*Cornelia Danney*  
for  
Nova Blazej, Manager  
Environmental Review Office

Enclosure: Summary of EPA Rating Definitions  
EPA's Detailed Comments

cc: Chris Yates, National Marine Fisheries Service

2

COMMENT  
NUMBERD-W-0090  
(cont.)

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## SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

### ENVIRONMENTAL IMPACT OF THE ACTION

#### *"LO" (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### *"EC" (Environmental Concerns)*

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### *"EO" (Environmental Objections)*

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### *"EU" (Environmentally Unsatisfactory)*

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

### ADEQUACY OF THE IMPACT STATEMENT

#### *Category 1" (Adequate)*

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### *"Category 2" (Insufficient Information)*

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### *"Category 3" (Inadequate)*

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

### COMMENT NUMBER

D-W-0090  
(cont.)

EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT, HAWAII RANGE COMPLEX, HAWAII, SEPTEMBER 17, 2007

### **Alternatives and Purpose and Need**

The Draft Environmental Statement (DEIS) for the Hawaii Range Complex (HRC) states that the decision to be made by the Assistant Secretary of the Navy is to determine both the level and mix of training to be conducted and the range capability enhancements to be made within the HRC that best meets the needs of the Navy (p. ES-12). The alternatives evaluated in the DEIS do not contain a variety of levels and mixes of training and enhancements, however. The No-action Alternative represents the existing level of training; Alternative 1 consists of the exercises in the No-action Alternative with the addition of new training operations and an increased tempo and frequency of training; and Alternative 2 includes the same exercises as Alternative 1 with further increased tempo and training and substantial increases in the number of training operations including the addition of major exercises.

The Council on Environmental Quality (CEQ) Regulations for Implementing the National Environmental Policy Act (NEPA) states that the evaluation of alternatives is the "heart of the environmental impact statement" and that agencies should "rigorously explore and objectively evaluate all reasonable alternatives" to the proposed action (40 CFR 1502.14). Based on the purpose and need described in Chapter 1, it is not clear that all reasonable alternatives that would meet the Navy's current and emerging training needs were included. The alternatives analysis of this DEIS would be improved by including alternatives that represented a more diverse level and mix of training instead of formulating alternatives that simply build upon one another. A more diverse range of alternatives would provide information to the decision-maker that could aid in selecting an alternative that meets the Navy's most important training needs while meeting the intent of our national environmental policy (42 USC 4331- 4335).

**Recommendation:** In the Final EIS (FEIS), EPA recommends evaluation of additional alternatives that represent a more diverse level and mix of training and research/development activities. EPA recommends that the FEIS include a range of alternatives developed with reference to how well they meet immediate and future training needs. We recommend including an alternative that describes a much more precautionary approach in relation to the use of mid-frequency active sonar. We also recommend that the impacts of these alternatives be more clearly differentiated in the FEIS and presented in a comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public (40 CFR 1502.14). Consistent with this, we recommend that the amount of munitions use and their associated pollutants be quantified in the FEIS for all alternatives.

If additional alternatives are not analyzed in the FEIS, EPA recognizes the No-action Alternative, which maintains training at current levels, to be the environmentally preferable alternative per 40 CFR 1505.2 (b) and recommends its selection to minimize environmental impacts.

### COMMENT NUMBER

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(cont.)



SEP-17-2007 MON 04:51 PM U.S.E.P.A.	FAX NO. 4159473562	P. 06
<p><b>Impacts from Mid-Frequency Active (MFA) Sonar</b></p> <p><i>Considering Uncertainty in Impact Assessment</i></p> <p>We understand that there is a substantial amount of uncertainty in predicting impacts to marine mammals and fish from MFA sonar. We are concerned, however, that this uncertainty has not been fully considered in the assessment of significance<sup>1</sup>, and that more precaution is not being used to mitigate this uncertainty.</p> <p>For example, we are aware that the Woods Hole Oceanographic Institution<sup>2</sup> expressed concern in the past regarding effects thresholds near 190 dB, citing a study<sup>3</sup> that reported significant behavioral responses in the North Atlantic right whale at 154 decibels (dB). Additionally, the 2006 Rim of the Pacific (RIMPAC) After Action Report (Appendix F) indicates that the National Marine Fisheries Service (NMFS) believed that the 190 dB sound exposure level (SEL) was "not sufficiently precautionary" and required the Navy to apply for its incidental harassment authorization for that exercise using 173 dB SEL (p. F-9). The DEIS indicates that the normal operating level for the Hawaii Range Complex (HRC) alternatives would be 235 dB and the preferred alternative includes 1,152 additional hours of MFA sonar (p. 4-19) and simultaneous multiple strike group training.</p> <p><i>Recommendation:</i> We recommend the FEIS consider the uncertainty and unknown risks in assessing significance of impacts from MFA sonar on marine resources. We recommend modifications to the preferred alternative to incorporate additional precaution and mitigation measures commensurate with this level of uncertainty.</p> <p><b>Impacts to Fish</b></p> <p>The DEIS makes conclusions regarding impacts to fish that are not clearly supported by the discussion provided. For example, the DEIS concludes that impacts to fish would be minimal "considering the few fish species that would be able to detect sound in the frequencies of the proposed action" (p. 4-19). However, the DEIS states that species of tuna may be able to detect mid-frequency sounds (p. 3-14), and there are several tuna species present in open water in the project area (Table 3.1.2.2.1-1). An additional concern is that NMFS determined that overfishing was occurring Pacific-wide for one tuna species, the bigeye tuna (p. 3-11). The basis for the conclusion of negligible impacts is not clear and should be better supported or revised.</p> <p>Additionally, the DEIS states that impacts to fish would be minimal because of the "limited exposure of juvenile fish with swim bladder resonance in the frequencies of the sound sources" (p. 4-19). The DEIS does not provide the swim bladder resonance of fish in the study area, which would depend on fish species, size and depth (p. 4-14), to offer the basis for the conclusion of negligible impacts in the DEIS.</p> <p><sup>1</sup> The Council on Environmental Quality Regulations for Implementing NEPA state that "the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks" should be considered in evaluating significance (40 CFR 1508.27 (b) 5)</p> <p><sup>2</sup> In its comment letter on the Atlantic Undersea Warfare Training Range EIS Jan 27, 2006</p> <p><sup>3</sup> Available: <a href="https://archive.mblwhoilibrary.org/handle/1912/248">https://archive.mblwhoilibrary.org/handle/1912/248</a></p>		

COMMENT  
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SEP-17-2007 MON 04:51 PM U.S.E.P.A.	FAX NO. 4159473562	P. 07
<p><i>Recommendation:</i> Consider and discuss potential impacts to tuna species, especially the bigeye tuna, in the FEIS. If additional information regarding swim bladder resonance of fish in the study area is available, include and discuss it in the FEIS. If this information is not available, the conclusions regarding significance of impacts should be qualified and the uncertainty considered. EPA recommends additional precautions be included in the proposed action to safeguard marine resources.</p> <p><b>Hazardous Waste Contamination</b></p> <p><i>Pearl Harbor Contamination</i></p> <p>The Navy proposes a Demolition Exercise Area in the Middle Loch of Pearl Harbor, which has existing polychlorinated biphenyls (PCBs) and heavy metals contamination. The DEIS states that underwater detonations may create a crater and disperse the displaced bottom sediments into the water column (p. 4-370). We have concerns regarding potential mobilization of PCBs and other pollutants by underwater detonations and their spread into the shallow fringes of Middle Loch, especially if a detonation disturbs sediments more than a couple inches deep. The broad area of the Middle Loch has PCB levels which are just below levels which are of concern for exposure to waterfowl in shallow habitat (&lt; 2 meters deep). Various heavy metals (cadmium, copper, mercury, and zinc) are present above levels of concern for a variety of ecological receptors in a broad area of the Loch. In addition, there is one sampling location near the east shore which has chlorinated pesticides (dieldrin and chlordanes) above levels of concern for fish.</p> <p>Additionally, it is not clear whether the construction and operation of the Acoustic Test Facility (ATF) off Ford Island has the potential to mobilize existing sediment contaminants, including PCBs, heavy metals, and chlorinated pesticides, into the water column. There is an area of near shore samples just within the ATF on the southwest corner of Ford Island which has very high levels of PCBs (from 604 to 8448 parts per billion measured as the total of the NOAA 18 congeners). These same locations have zinc and chlorinated pesticides (dieldrin &amp; endosulfan) above levels of concern. We have concerns regarding the potential disturbance of sediments in this small area along the shore because of the high probability that PCBs would be mobilized.</p> <p><i>Recommendation:</i> In the FEIS, include a discussion as to whether underwater detonations will mobilize existing contaminants into the water column and what effects this mobilization could have on environmental resources considering the information above. Clarify the potential that the ATF has to disturb contaminated sediments. We note that these exercises and enhancements are proposed in some of the less contaminated portions of Pearl Harbor, however additional mitigation measures should be considered that reduce sediment disturbance to the greatest extent practicable, including the reduction of the quantity of exercises performed. EPA also recommends the avoidance of soil disturbance on the southwest corner of Ford Island which contains high PCB contamination and request this be included in the mitigation measures in Chapter 6.</p>		

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**Pollution Prevention**

Guidance issued by the CEQ on integrating pollution prevention in Federal planning and decisions under NEPA<sup>4</sup> states that Federal agencies should use every opportunity to include pollution prevention features in NEPA planning and decisions and reflect such considerations in their NEPA documents. The DEIS identifies the contamination from munitions, including oils, heavy metals, and chemical simulants, that will be left in the water column and sediments. The preferred alternative involves "substantial" increases of materials expended on-sea ranges that include liquid and soluble hazardous constituents (p. 4-189).

Consistent with CEQ guidance, the FEIS should describe what actions the Navy is taking to reduce the introduction of pollutants during HRC activities. We strongly recommend that the Navy perform its training in a manner that minimizes the deposition of pollutants into soils and the water column, especially in those areas where waters do not meet water quality standards such as in Pearl Harbor. The DEIS notes that loadings of copper, nutrients, and leachate from anti-fouling paint used on ship hulls are of concern in Pearl Harbor (p. 3-225).

**Recommendation:** In the FEIS, identify measures that the Navy is taking to reduce pollutant loadings in soil and water resources. Commit to specific measures to reduce pollutant loadings in areas where waters do not meet water quality standards and include these mitigation measures in the FEIS and in the Record of Decision (ROD). EPA recommends that the Navy explore and discuss ways to reduce the deposition of liquid and soluble hazardous constituents into water resources for this project, especially the substantial increases under the preferred alternative.

**Depleted uranium**

The Pohakuloa Training Area (PTA) will be the site for Air to Ground Gunnery exercises, bombing exercises, and live-fire exercises (p. 4-442). We understand that traces of historic munitions containing depleted uranium have been found at an impact area at PTA.

**Recommendation:** The FEIS should identify whether ground disturbance will occur in impact areas that could contain depleted uranium, and assess the impacts to air resources and health and safety from such disturbance. Include an update of the Navy's efforts to address depleted uranium contamination at PTA and any other areas in the HRC. We recommend ground disturbance be avoided in areas that could contain depleted uranium.

<sup>4</sup> *Pollution Prevention and the National Environmental Policy Act*, CEQ, January 12, 1993

**COMMENT  
NUMBER**D-W-0090  
(cont.)

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PHONE (808) 594-1886



STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
711 KAPI'OLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813

FAX (808) 594-1885

HRD07/3146B

September 12, 2007

Public Affairs Officer  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Kaua'i 96752-0128  
ATTN: HRC EIS/OEIS

**RE: Draft Environmental Assessment and Overseas Environmental Impact Statement for Proposed Upgrades and Modernization in the Hawai'i Range Complex.**

To Whom It May Concern:

The Office of Hawaiian Affairs (OHA) is in receipt of your request for written comments regarding the Draft Environmental Assessment (DEA) and Overseas Environmental Impact Statement (OEIS) for Proposed Upgrades and Modernization in the Hawai'i Range Complex. OHA is the "principal public agency in this State responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians."<sup>1</sup> It is our duty to "[a]ssess[] the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conduct[] advocacy efforts for native Hawaiians and Hawaiians."<sup>2</sup> In this capacity, we offer our understanding of the DEA and then offer comments.

**SOUND EXPOSURE LEVEL AND ACOUSTIC DOSE-FUNCTIONS**

The introductory paragraph of the July 27, 2007 version of section 4.1.2.4.9 states, "These exposure analyses assume that MFA sonar poses no risk to marine mammals if they are not exposed to sound pressure levels from the mid-frequency active sonar above some critical value." (emphasis added). Yet section 4.1.2.4.9.3a states that not only is the Navy using sound pressure levels for the first time to "assess the potential effects of mid-

<sup>1</sup> Hawai'i Revised Statutes (HRS) § 10-3(3).

<sup>2</sup> HRS § 10-3(4).

**COMMENT  
NUMBER**

D-W-0091

Public Affairs Officer, Pacific Missile Range Facility  
September 12, 2007  
Page 2

frequency sonar on marine mammals", but that "sound exposure level may be a better metric for estimating the potential effects of sonar exposures on an animal's hearing because it represents an accumulation of energy and the sensitivity of the mammalian ear degrades as energy accumulates." (emphasis added). This is indicative of the kind of science and lack of reasoned data that is being used in this DEA. While it is clear that the Navy is using sound pressure level (SPL) rather than sound exposure level (SEL) as the metric for behavioral disturbance, it is not clear why. The National Environmental Policy Act requires that actual analysis be provided for decision-makers so that an informed decision can be made. Analysis does not happen after-the-fact. Further, the DEA introduces this science with an assumption, which points to a lack of data.

Prior to this DEA, the Navy had relied on SEL to assess the potential effects of mid-frequency sonar on marine mammals and even admits (as seen above) in this DEA that it may be a better metric to use. The Navy's reason for this untried approach is because, "using SPL rather than SEL makes more data available."<sup>3</sup>

However, the Navy states that, "Based on the science available, marine mammals are likely to exhibit any of a suite of behavioral responses or combinations of behavioral responses upon exposures to sonar transmissions."<sup>4</sup> The Navy states that these responses can further vary depending on geographic characteristics, species, populations, differences in individuals, age, gender, reproductive status, social behavior and prior experience.<sup>5</sup> It becomes apparent that there is a need for more data, and the way to get that information is to collect it rather than change metrics or approaches.

For example, the Navy states in section 4.1.2.4.9 that it has been working "over the past several years" on developing an original metric for estimating the probability of "marine mammals being behaviorally harassed" by the effects of mid-frequency sonar. This new assemblage is called acoustic dose functions and it will "replace" the old acoustic thresholds used in the past.

<sup>3</sup> Section 4.1.2.4.9.3a, page 4-63.

<sup>4</sup> Section 4.1.2.4.9, page 4-54.

<sup>5</sup> Section 4.1.2.4.9, pages 4-53 and 4-54. Further, section 4.1.2.4.9.4 page 4-63b states that, "Acoustic dose-functions will be interpreted carefully for beaked whales." OHA appreciates this particular attention to beaked whales (most likely because of the events in 1996 when an unusual stranding event took place involving 12 Cuvier's beaked whales in the Mediterranean Sea near Greece coinciding with sonar "sound detecting system trials," the nine Cuvier's beaked whales found dead on 24-25 September 2002 on the Canary Islands of Fuerteventura and Lanzarote in conjunction with the Neo Tapoyn exercises, and the March 2000 occurrence, when whales of four different species, including Cuvier's beaked whales, two minke whales, and a dolphin stranded in the Bahamas as a result of tactical mid-frequency sonar transmitted from U.S. Navy vessels). However, we find it odd that the Navy would choose to pay particular attention to this species when it also sees no connection between these deaths and sonar use. OHA stresses that no single species should be singled out for careful attention and that each potentially impacted species be given the same level of scrutiny.

#### COMMENT NUMBER

D-W-0091  
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However, the Navy states that it will "continue to use acoustic thresholds to estimate the probability of temporary or permanent threshold shifts and for behavioral responses to explosives."<sup>6</sup> Then, on the very next page (4-56), the Navy states that it will "continue to use acoustic thresholds to estimate the number of marine mammals that might be 'taken' through sensory impairment" for mammals exposed to mid-frequency sonar and that the Navy will use "acoustic dose functions to estimate the number of marine mammals that might be 'taken' by behavioral harassment" due to exposure to mid-frequency sonar.

Not only is it unclear why the Navy chose to use an "original" approach in this DEA, using science developed over only the "past several years", but it is wholly unclear which approach they will use choose to use, how they will use the two of them together and when. This mass of confusion is further illustrated when the Navy states, "While the Navy's original approach to calculating dose function was used to estimate marine mammal exposures in this draft EIS, the Navy and NMFS are planning to utilize the NMFS approach to calculating acoustic dose-functions for the final EIS".<sup>7</sup>

It is also OHA's understanding that while the Navy and NMFS are working together, NMFS has not approved or accepted the Navy's "original approach" towards acoustic modeling. This DEA is misleading in that it suggests otherwise.

The Navy in this DEA also realizes that there is not enough data to measure the effects of its activities on marine mammals: "Existing studies of behavioral effects of man-made sounds in marine environments remain inconclusive."<sup>8</sup> Therefore the Navy has to rely on "observations of various animals, including humans" to base the relationship represented by acoustic dose-function and behavioral response.<sup>9</sup> Using "observations" that are not presented in the DEA of entirely different species and that are not even marine is not an adequate foundation for an "original" approach to be presented in a DEA.

Indeed, the Navy in section 4.1.2.3 feels free to state that: "Extrapolation from human and marine mammal data to turtles is inappropriate given the morphological differences between the auditory systems of mammals and turtles."<sup>10</sup> This is another example of how the analysis used in one section of the DEA is fine when it apparently suits the Navy, yet when the same analysis is used in another section it is refuted. It also serves as a source of concern for OHA about the integrity of the data produced and the analysis used to get it.

<sup>6</sup> Section 4.1.2.4.9, page 4-55.

<sup>7</sup> See line 26, page 4-61, section 4.1.2.4.9.3.

<sup>8</sup> Section 4.1.2.4.9, page 4-53.

<sup>9</sup> Section 4.1.2.4.9, page 4-56.

<sup>10</sup> The Navy then fails to give a specific threshold number for underwater detonations, which is a breach of NEPA requirements.

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An example of favorable conclusions taken from inconclusive data is seen in Section 3.1.2.3:

The potential role of long-range acoustical perception in sea turtles has not been studied and is unclear at this time; anecdotal information suggests that the acoustic... Any signature of a turtle's natal beach might serve as a cue for nesting returns. However, the concept of sound masking is difficult, if not impossible, to apply to sea turtles. Although low frequency hearing has not been studied in many sea turtle species, most of those that have been tested exhibit low audiometric and behavioral sensitivity to low frequency sound. It appears, therefore, that if there were the potential for the mid-frequency sonar to increase masking effects of any sea turtle species, it would be expected to be minimal as most sea turtle species are apparently low frequency specialists. (emphasis added)

Moreover, because the Navy is using a new approach, the Navy then holds out its acoustic dose-functions analysis for marine mammals to other acoustic dose-functions uses in the Environmental Protection Agency for "water quality criteria," the Nuclear Regulatory Commission, the Centers for Disease Control and Prevention, the Food and Drug Administration, and the Occupational Safety and Health Administration. Giving a veritable laundry list of other agencies that have used this approach in their very different applications does not add credence to the Navy's new use of it. If such information is presented, a comparison and analysis as to how it relates to the Navy and this DEA needs to be given as well.

The purpose of the DEA is to weigh the environmental effects of various alternatives to the proposed project. OHA stresses that this cannot be done when the applicant creates original approaches for analysis in some cases, yet relies on the older approach in other cases, and then points out that they will not use either for the final EIS. It seems clear that even the applicant acknowledges that in this case, in regard to the effects of mid frequency sonar on marine mammals, that both a lack of information exists and that there will be an adverse effect.<sup>11</sup> In fact, the Navy states it will have to "interpret" acoustic dose-functions "to compensate for the biases and uncertainties that are inherent in the data used to produce them."<sup>12</sup> Therefore, OHA recommends adopting a precautionary approach.<sup>13</sup>

<sup>11</sup> Section 4.1.2.4.9, page 4-53 states, "Though, active sonar could have various indirect, adverse effects on marine mammals by disrupting marine food chains, a species' predators, or a species' competitors." Also in Section 4.1.2.9.1, page 4-58, "Over time, as the amount of data available to generate acoustic-dose functions increases....If and when that kind of data becomes available." There is no data now or research planned to get it.

<sup>12</sup> Section 4.1.2.4.9.4a, page 4-63b.

<sup>13</sup> This principle has become a binding norm of customary international law. (1) Principle adopted by the UN Conference on the Environment and Development (1992) that in order to protect the environment, a

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OHA also finds it alarming that the Navy apparently intends to move forward with a recognized and stated lack of data solely when it benefits the Navy to do so. However, in other situations where a recognized lack of data exists, the Navy will actually cite to that as a reason for not pursuing a course of action which would inhibit the Navy. See, for example, the following:

Ramp-up for sonar as a mitigation measure is also an unproven technique. The implicit assumption is that animals would have an avoidance response to the low power sonar and would move away from the sound and exercise area; however, there is no data to indicate this assumption is correct. Given there is no data to indicate that this is even minimally effective and because ramp-up would have an impact on the effectiveness of the military readiness activity, it was eliminated from further consideration.<sup>14</sup>

#### ENDANGERED SPECIES

4.1.2.6.2 page 4-134 states that, "The exposure numbers are given without consideration of mitigation measures." (emphasis added). The very next section estimates the effects on Endangered Species Act (ESA) listed species. Without exception it states, "Based on the model results, behavioral patterns, acoustic abilities of blue whales, results of past training operations, and the implementation of mitigation measures, the Navy finds that the HRC training events would not likely result in any death or injury to Blue whales, Fin whales, Humpback whales, North Pacific Right whales, Sei whales, Sperm whales, or Hawaiian Monk seals." (emphasis added). It is unclear why the Navy would state they would use exposure numbers without mitigation measures and then continue to use mitigation measures as part of their blanket 'no effect' conclusion for any endangered species. This is also the case for the preferred alternative 2.

Further, the mitigation measures in section 6.1.3 are inadequate. Having five watchstanders or lookouts with binoculars in poor visibility conditions or high seas (not to mention night time) is not enough. OHA also finds the procedures for when marine mammals are detected to be inadequate as well. Simply turning down the volume, waiting 30 minutes or moving 2,000 yards away is not enough. Some whales remain

precautionary approach should be widely applied, meaning that where there are threats of serious or irreversible damage to the environment, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation. (2) The precautionary principle permits a lower level of proof of harm to be used in policy-making whenever the consequences of waiting for higher levels of proof may be very costly and/or irreversible. See, for example, Ocean Policy Statement by the President, March 10, 1983, accompanying Proclamation No. 5030, 48 Fed. Reg. 10,605 (1983), the 1995 Migratory and Straddling Stocks Agreement and the 2000 Honolulu Convention, and it has also been recognized in regional and national decisions.

<sup>14</sup> Section 6.1.5, page 6-8.

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submerged for long periods. Others remain near the surface with just a small amount showing. Turtles only surface with their nostrils. Listening for silent animals that are not vocalizing will not work. There are too many variables to account for, and these measures fall short. Further, this violates 50 CFR sec. 404.9(c) of the Papāhānaumokuākea Marine National Monument regulations requiring the Navy to avoid adverse impacts to Monument resources.

Additionally, the DEA on page 4-148 states that, "Mitigation measures would be implemented to prevent exposure of marine mammals (and sea turtles) to impulsive sound or sound pressures from underwater detonations that would cause injury." Yet on page 4-17, "A small number of fish are expected to be injured by detonation of explosive, and some fish located in proximity of the initial detonations can be expected to die."

OHA finds it highly unlikely that someone with binoculars in the open ocean would be able to see a submerged turtle. It is even more unlikely that underwater detonations that are admittedly capable of killing fish will not even harm marine mammals and turtles due to inadequate (or any, for that matter) mitigation measures.

It is also apparent that the priority even in mitigation measures is not to mitigate:

Navy aircraft participating in exercises at sea will conduct and maintain, when operationally feasible and safe, surveillance for marine species of concern as long as it does not violate safety constraints or interfere with the accomplishment of primary operational duties.<sup>15</sup>

It is clear that marine mammals are secondary to operational duties and feasibility, and this is not acceptable. The purpose of EIS law is not to justify the environmental effects of government actions after economic and technical decisions have been made. It appears that this DEA is being prepared to do so, or merely to discuss and possibly mitigate environmental effects, rather than to serve as an "informational document" to guide decision-making. While there is still much value to discussion and mitigation of environmental problems, this use of the EIS process misses the point of the EIS law to encourage discussion of environmental issues before important decisions are made.

Of further concern to environmental species is the analysis used to determine the yearly marine mammal exposures from the ASW (TRACKEX, TORPEX, RIMPAC, USWEX, Multiple Strike Group) and RIMPAC with two Strike Groups exercises. Tables 4.1.2.6.9-1 and 4.1.2.7.1-1 in section 4.1.2.7.1 show a total of 668 dose-function exposures (of 195 dB – TTS 195-215 dB re 1 µPa<sup>2</sup>-s) to the Hawaiian Monk seal from these two exercises.

<sup>15</sup> Section 6.1.3, page 6-3.

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However, in the example illustrated in figure 4.1.2.4.9-2 using the "particular acoustic dose-functions the Navy and NMFS (National Marine Fisheries Service) developed for this EIS", it states that "about 50 % of the marine mammals exposed to mid-frequency active sonar at a received level of 180dB would be expected to exhibit behavioral responses that NMFS would classify as harassment for the purposes of the MMPA (Marine Mammal Protection Act)." This apparently means that while there are 668 dose-function exposures to monk seals, this could actually only reflect those animals that "exhibit behavioral responses" to the exposure. Many more will be exposed, however, to a sound that could qualify as harassment under the MMPA and also a take under the Endangered Species Act (ESA). Figure 4.1.2.4.9-2 uses a 50% ratio, which would mean that the entire population of monk seals in the entire island would be exposed. This needs to be clarified. A specific percentage or curve needs to be drawn in the DEA analysis.

The DEA on page 4-57 states,

Using both of these methods (the confusing hybrid of acoustic dose-functions and acoustic thresholds) to predict the number of marine mammals that might be "taken" by mid-frequency active sonar during training exercises will over-estimate the number of mammals by between approximately 5 and 10 percent.

While this may sound good and serve to ensure that the Navy has applied for enough take permits, it is not what the law requires. Both the MMPA and the ESA require a specific number for a limited number of permits. OHA stresses that an over-estimate is not acceptable and asks for a specific data set. This only adds to our concern that there is not enough data currently available for what the Navy proposes and, therefore, we are not able to make an informed decision.

OHA recognizes that the Hawaiian Monk seal is in crisis because the population is now declining at a rate of about 4 percent yearly.<sup>16</sup> Biologists estimate the current population at about 1,200 individuals.<sup>17</sup> Biologists' models predict the species' population will fall below 1,000 animals within the next three to four years, which places the Hawaiian Monk seal among the world's most endangered species.<sup>18</sup> All of this prompted the National Oceanic and Atmospheric Agency to sign a new Hawaiian Monk seal recovery plan in August 2007 which stated, "the Hawaiian monk seal is headed to extinction if urgent action is not taken."<sup>19</sup>

<sup>16</sup> Honolulu Advertiser, August 21, 2007.

<sup>17</sup> *Ib. d.*

<sup>18</sup> *Ib. d.*

<sup>19</sup> Recovery Plan, page V.

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Further, most of the current Hawaiian Monk seal population is found in the Hawai'i Range Complex in the Northwestern Hawaiian Islands and the Papahānaumokuākea Marine National Monument. The DEA states on page 6-18, Section 6.4.5 that, "No specific threats to monk seals from activities associated with the HRC were identified in the Plan." This statement contradicts all the prior evidence. OHA finds that acoustic-dose functions that will expose half to all of the endangered Hawaiian Monk seal population are not acceptable. The Hawaiian Monk seal is but one example of the many species that will be affected by this proposed action. Further, how the Navy then finds such small numbers of takings under the MMPA is unclear.<sup>20</sup>

#### NORTHWESTERN HAWAIIAN ISLANDS

In Section 3.2 on page 3-77, the DEA states,

Depending on the trajectory, missiles launched from the Pacific Missile Range Facility (PMRF) have the potential to overfly portions of the Papahānaumokuākea Marine National Monument. Of particular concern is missile overflight of Nihoa and Necker, which are the islands closest to the Main Hawaiian Islands.

OHA notes that all the islands are of equal concern and should be given the same level of analysis and attention. This is true for the Papahānaumokuākea Marine National Monument as well (note correct accents without which a different meaning is given). Hawaiian stewardship and perpetuation of Native Hawaiian culture is holistic and fully integrated with the natural and cultural resources. Papahānaumokuākea offers a vast, sacred and protected area from which to learn and reflect from that cannot be recreated or modeled anywhere else. "O ka mea i kūpono i kō kākou no'ono'o aku, 'oia kā kākou e mālama." ("What is suitable for us to reflect on is what we should preserve.") (Foranader)

In Hawaiian traditions, the Northwestern Hawaiian Islands are considered a sacred place, a region of primordial darkness from which life springs and spirits return after death (Kikilo 2006). Much of the information about the NWHI has been passed down in oral and written histories, genealogies, songs, dance, and archaeological resources.<sup>21</sup> According to these Native Hawaiian sources, Papahānaumokuākea existed since the beginning of time. Semantically the name of the monument resonates with the Native Hawaiian sense of place and origin. The earth mother (Papa) and the sky father (Wakea)

<sup>20</sup> The DEA on page 4-148 says that, "Based on analytical modeling results, five endangered marine mammal species occurring within the Hawaii OPAREA may be exposed to acoustic energy that could result in TTS or behavioral modification, including the fin whale, humpback whale, sei whale, sperm whale, and Hawaiian monk seal."

<sup>21</sup> The Papahānaumokuākea Marine National Monument web site, <http://hawaiireef.noaa.gov/heritage/welcome.html>, September 10, 2007.

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joined in union and gave birth to not only the Native Hawaiians, but also the islands themselves. This cosmology is embodied in the name of the monument itself and reminds us of not only our connection to the land, but also of our responsibilities to it.

Further, the extensive coral reefs found in Papahānaumokuākea Marine National Monument are home to over 7,000 marine species, one quarter of which are found only in the Hawaiian Archipelago.<sup>22</sup> Also 21 species of tropical and subtropical seabirds breed in Papahānaumokuākea.<sup>23</sup> Virtually the entire world's populations of Laysan Albatross and Black-footed Albatross live there<sup>24</sup>, as well as populations of "global significance" of Red-tailed Tropicbirds, Bonin Petrels, Tristram's Storm-Petrels, and White terns<sup>25</sup>. It is the largest seabird rookery in the world with four endangered endemic land birds which are found nowhere else in the world.<sup>26</sup> Papahānaumokuākea also has at least six species of endangered plants listed under the Endangered Species Act (ESA) and contains "countless endemics."<sup>27</sup> Almost all of the entire population of the Hawaiian Monk seal resides there, and it provides "nearly all" of the nesting habitat for the threatened Hawaiian green sea turtle in Hawai'i.<sup>28</sup> Four other endangered turtles and six ESA listed whales are found there.

This particular area of the Hawai'i Range Complex (HRC) overlaps one monument, two refuges, one reserve, and one national memorial.<sup>29</sup> The area that this project proposes to

<sup>22</sup> Ibid at <http://hawaiireef.noaa.gov/about/welcome.html>.

<sup>23</sup> Application for the World Heritage U.S. Tentative List, Papahānaumokuākea National Marine Monument, page 69.

<sup>24</sup> 99 and 98 percent, respectively and both are listed as vulnerable and endangered by the International Union for Conservation of Nature and Natural Resources (IUCN).

<sup>25</sup> Ibid.

<sup>26</sup> The final rule authorizing the Department of Defense to take migratory birds during military readiness activities (50 CFR Part 21) was published in the Federal Register on 28 February 2007. The rule states that the Armed Forces must confer and cooperate with the USFWS on the development and implementation of conservation measures to minimize or mitigate adverse effects of a military readiness activity if it determines that such activity may have a significant adverse effect on a population of a migratory bird species. OHA notes that this is such a case. See also, Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds (10 January 2001).

<sup>27</sup> Ibid., page 68.

<sup>28</sup> Ibid., page 69.

<sup>29</sup> Papahānaumokuākea Marine National Monument, the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Hawaiian Islands National Wildlife Refuge, the Midway Atoll National Wildlife Refuge, and the Battle of Midway National Memorial. As a sanctuary, the National Marine Sanctuaries Act (NMSA) 16 U.S.C. § 1431 et seq. authorizes the Secretary of Commerce to designate as National Marine Sanctuaries areas of the marine environment that possess conservation, recreational, ecological, historical, research, and educational, or aesthetic resources and qualities of national significance, and to provide a comprehensive management and protection of these areas. To protect the area designated, any Federal action that is likely to destroy, cause the loss of, or injure a sanctuary resource must consult with the Secretary of Commerce prior to commencement of the action and adhere to reasonable and prudent alternatives set by the Secretary of Commerce. (emphasis added) NMSA 16 U.S.C. § 1431

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shoot missiles and conduct war games on is also being considered as a World Heritage site. The President of the United States set aside Papahānaumokuākea as the world's largest, most protected marine preserve in the world. All of these actions recognize the special status and importance of the area that this DEIS treats in section 3.2. Yet the Navy fails to recognize it. In fact, their analysis of the Northwestern Hawaiian Islands/Papahānaumokuākea begins with:

Of the 13 environmental resources that would be affected by the No-action Alternative, Alternative 1, or Alternative 2 considered for analysis, air quality, airspace, geology and soils, hazardous materials and waste, health and safety, land use, noise, socioeconomic, transportation, utilities, and water resources are not addressed.<sup>30</sup> (emphasis added).

OHA expresses concerns over missile debris not only falling onto the islands and damaging them, but also falling into the water where it will sink to the bottom and be pushed about by the currents thereby destroying the very coral reefs that Papahānaumokuākea was set up to preserve. Even if the missile tracks are moved, there will still be unanalyzed and accounted for impacts in Papahānaumokuākea that this DEA fails to address.

For example, sonar buoys will be dropped from planes via parachutes. There is no mention in the DEA of what happens to the parachutes and the potential impacts (of which there are many). Also, radar observations show that chaff can spread over several hundreds of miles and stay in the air for up to a day.<sup>31</sup> The Air Force reported that chaff has a potential but remote chance of collecting in reservoirs and causing chemical changes that may affect water and the species that use it. The Air force also reported that surface-feeding or bottom-feeding animals and fish may ingest chaff, but this only affects a few individual animals and has a low impact on species populations except in the case of protected species.<sup>32</sup> Of further concern is that some types of chaff may not only be ingested, but that there is a likelihood that birds would use chaff for nests and expose the young.<sup>33</sup> These are but two examples of the kinds of impacts that are probable as a result of the Navy's actions and which are not addressed in the DEA. In fact, we are even told that they are "not addressed."

The EIS process is not discretionary. It does not allow for blanket exemptions of areas not to be treated. OHA urges that a full and careful analysis of each impact be given. NEPA calls for such an analysis so that impacts and alternatives can be weighed and

<sup>30</sup> Section 3.2, page 3-77.

<sup>31</sup> United States General Accounting Office, September, 1998 report, DOD Management Issues Related to Chaff.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

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informed decision making results. The Navy stating that it will not address some things and failing to address others adequately is a breach of this requirement.

Further, OHA finds it odd that while the rest of the world finds this area worthy of multiple and overlapping areas of protection and elevated status, the Navy would start their analysis of this area by seeking to minimize their analysis of the potential impacts resulting from their actions in this area.

OHA does, however, appreciate that the Navy recognizes its duty under the Presidential Proclamation establishing the Monument:

3. All activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities.

4. In the event of threatened or actual destruction of, loss of, or injury to a monument resource or quality resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the USCG [U.S. Coast Guard], the cognizant component shall promptly coordinate with the Secretaries for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the monument resource or quality.<sup>34</sup>

The DEA then states on the same page, "Because Nihoa and Necker are more likely to be impacted by program activities, they are discussed in more detail at the end of this section."<sup>35</sup> Once again, OHA urges that environmental assessments are not discretionary. The Navy is not free to treat some areas more carefully than others because they feel that they have assessed their own actions and are aware of all the potential impacts. Clearly this is not reasonable, or even possible, and not a part of the DEA/National Environmental Policy Act (NEPA) requirements. OHA also notes that even the name that the Navy uses for Necker island alludes to their inhibited analysis. Necker is known as Mokumanamana.<sup>36</sup>

Additional duty to protect this area is added with Executive Order (EO) 13089 Coral Reef Protection (63 FR 32701) which requires the Navy "to preserve and protect the biodiversity, health, heritage, and social and economic value of U.S. coral reef ecosystems and the marine environment." It is also as stated in the DEA) DOD policy to protect the U.S. and International coral reefs and to avoid impacting coral reefs to the maximum extent possible.

<sup>34</sup> U.S. Government, The White House, 2006, as cited in DEA, page 3-79.

<sup>35</sup> Section 3.2, page 3-79.

<sup>36</sup> Even Wikipedia lists these names for these islands. See, <http://en.wikipedia.org/wiki/Nihoa>.

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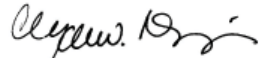
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<p>Public Affairs Officer, Pacific Missile Range Facility September 12, 2007 Page 12</p> <p>OHA, which has a seat on the seven member Monument Management Board, notes that the area of the Northwestern Hawaiian Islands, known as Papahānaumokuākea, contains many culturally significant sites and is generally of great cultural significance to Native Hawaiians. The first part of the Hawaiian cosmology begins with Pō, the age of spirit or cosmic night. According to this creation chant the first physical being created was a coral polyp, from which all other things followed.<sup>37</sup> It is also the home to which those spirits return after physical death.<sup>38</sup> This area contains the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve and contains 4,500 square miles of coral reefs.<sup>39</sup> The principal purpose of the Reserve is the long-term conservation and protection of the coral reef ecosystem and related marine resources and species of the Northwestern Hawaiian Islands in their natural character.</p> <p>Hawaiians themselves are further connected to Papahānaumokuākea by their ‘aumakua, kumu pa’a, and kino lau. These are their ancestral and supernatural body forms manifested in the animals and plants of Papahānaumokuākea.<sup>40</sup></p> <p>All of this is amply evidenced by the many archeological sites found in Papahānaumokuākea. The Navy only lists 78 sites for Nihoa when there are actually now 89 known sites.<sup>41</sup> Mokumanamana has 52 sites which are not discussed or even mentioned in the Navy’s DEA.<sup>42</sup> On both of these islands there are religious and agricultural sites that indicate habitation starting a thousand years ago. This is an example of what the analysis in the DEA for an area that the Navy says is of “particular concern.”</p> <p>Native Hawaiians today continue to maintain their strong cultural ties to the land and sea and are ever-realizing their own connections to this area. It is believed Mokumanamana played a central role in Hawaiian ceremonial rites and practices a thousand years ago because it is directly in line (230 34.5’ N) with the rising and setting of the equinoctial sun on the path called the tropic of Cancer. In Hawaiian this path is called “ke ala polohiwa a Kane” or the “way of the dark clouds of Kane,” which has been translated to mean death, or the westward passage of the ancestral spirits. Mokumanamana sits Public centrally on the axis between two spatial and cultural dimensions. Symbolically, Mokumanamana splits darkness and light, afterlife and existence, pō and ao. On the summer solstice, the sun travels slowest across the sky going directly over Mokumanamana. This aligns with the strategic concentration of ceremonial sites on the</p> <p><sup>37</sup> Johnson, Rubellite, Kawena, Kumulipo, Hawaiian Hymn o’ Creation, Volume I, 1981, page 4.  <sup>38</sup> Application for the World Heritage U.S. Tentative List, Papahānaumokuākea National Marine Monument, page 73.  <sup>39</sup> Northwestern Hawaiian Islands Marine National Monument, A Citizen’s Guide, page 3.  <sup>40</sup> Some examples are turtles, whales, sharks and eels.  <sup>41</sup> Application for the World Heritage U.S. Tentative List, Papahānaumokuākea National Marine Monument, page 42.  <sup>42</sup> Ibid., page 65.</p>	<p>D-W-0091 (cont.)</p> <p>9</p>	<p>Public Affairs Officer, Pacific Missile Range Facility September 12, 2007 Page 13</p> <p>island and serves as a reminder of the important spiritual role it plays in the Hawaiian culture.</p> <p>OHA finds the Navy’s analysis of these important sites in the DEA woefully inadequate. Their treatment in section 3.2.2.2 called, <u>Cultural Resources-Northwestern Hawaiian Islands Onshore</u> is only one page long. There is no attempt to assess the cultural significance of any of the other islands, the animals or plants and yet they admit that there is both a duty to avoid adverse impacts under the Presidential Proclamation establishing the Monument (numbers 3 and 4), and a potential for those impacts to occur.</p> <p>OHA further notes that there is no section 106 analysis under the National Historic Preservation Act. This is a federal undertaking that directs the agency to take into account the effects of its actions on historic properties and provide the Advisory Council on Historic Preservation a reasonable opportunity to comment.<sup>43</sup> Below is the entire content of the Navy’s analysis in Section 4.2.2.2 <u>Cultural Resources- Northwestern Hawaiian Islands</u>:</p> <p>Missile defense RDT&amp;E operations, including THAAD, have the potential to generate debris that falls within areas of the Northwestern Hawaiian Islands, particularly the vicinity of Nihoa. Some of these islands are known to have significant cultural resources sites, and the islands of Nihoa and Necker are listed in the National and Hawaii State Registers of Historic Places. Debris analyses of the types, quantities, and sizes associated with the PMRF missile exercise indicate that the potential to impact land resources of any type is very low and extremely remote. In addition, trajectories can be altered under certain circumstances to further minimize the potential for impacts. As noted in Section 4.2.2.1, future missions will include consideration of missile flight trajectory alterations, if feasible, to minimize the potential for debris within these areas. As a result, impacts on cultural resources within the Northwest Hawaiian Islands are not expected.</p> <p>OHA stresses that many of the places and objects in this area are eligible for inclusion in the National Register of Historic Places. As evidence of this, Mokumanamana was added to the National Register of Historic Places in 1988. As such, OHA, a federally listed Native Hawaiian Organization, is requesting assurances that a section 106 analysis be done as part of a much improved cultural resources analysis for the Northwestern Hawaiian Islands area, known as Papahānaumokuākea.</p> <p>OHA appreciates being brought in to this early consultation and looks forward to further commenting on this project as it develops. Thank you for the opportunity to comment. If</p> <p><sup>43</sup> Section 106 of the national Historic Preservation Act, 16 U.S.C. 470f.</p>	<p>D-W-0091 (cont.)</p> <p>10</p> <p>12</p> <p>11</p>

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

Public Affairs Officer, Pacific Missile Range Facility  
September 12, 2007  
Page 14

you have any further questions or concerns please contact Grant Arnold at (808) 594-0263 or [granta@oha.org](mailto:granta@oha.org).

Sincerely,



Clyde W. Nāmu'o  
Administrator

C: Irene Ka'ahanui, Community Resources Coordinator  
Office of Hawaiian Affairs, Moloka'i Office  
P.O. Box 1717  
Kaunakakai, HI 96748

C: Kanani Kagawa, Community Resources Coordinator  
Office of Hawaiian Affairs, Kaua'i Office  
3-3100 Kuhio Hwy, Suite C4  
Lihue, Hawai'i 96766-1153

C: Thelma Shimaoka, Community Resource Coordinator  
Office of Hawaiian Affairs, Maui Office  
140 Ho'ohana St., Ste. 206  
Kahului, Hawai'i 96732

C: Lukela Ruddle, Community Resources Coordinator  
Office of Hawaiian Affairs, Hilo Office  
162 A Baker Avenue  
Hilo, Hawai'i 96720-4869

C: Ruby McDonald, Community Resources Coordinator  
Office of Hawaiian Affairs, Kona Office  
75-5706 Hanama Place Suite 107  
Kailua-Kona, Hawai'i 96740

**COMMENT  
NUMBER**

**D-W-0091  
(cont.)**

Public Affairs Officer, Pacific Missile Range Facility  
September 12, 2007  
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C: Pearl A'aho  
Community Resources Coordinator  
Office of Hawaiian Affairs, Lana'i Office  
P.O. Box 631413 Lana'i City, 96763

C: James L. Connaughton, Chairman  
Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

C: Chris Yates, Branch Chief  
National Marine Fisheries Service, Pacific Islands Region  
1601 Kapi'olani Blvd., Suite 1110  
Honolulu, Hawai'i 96814

C: Aulani Wilhelm, Superintendent  
Papahānaumokuākea Marine National Monument, NOAA/NOS  
6600 Kalaniana'ole Hwy, Suite 300,  
Honolulu, Hawai'i 96825

C: Laura Thielen, Interim Director  
State of Hawai'i Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawai'i 96809

C: Susan White, Superintendent, Papahānaumokuākea Marine National Monument  
U.S. Fish and Wildlife Service  
300 Ala Moana Blvd., Box 50167  
Honolulu, Hawai'i 96850-5000

C: Mike Tosatto, Deputy Administrator  
National Marine Fisheries Service, Pacific Islands Regional Office  
1601 Kapi'olani Blvd., Ste 1110,  
Honolulu, Hawai'i 96814

**COMMENT  
NUMBER**

**D-W-0091  
(cont.)**

Public Affairs Officer, Pacific Missile Range Facility  
September 12, 2007  
Page 16

C: Patrick Leonard, Field Supervisor  
U.S. Fish and Wildlife Service, Ecological Services  
300 Ala Moana Blvd, Rm 5-231  
Honolulu, Hawai'i 96850

**COMMENT  
NUMBER**

D-W-0091  
(cont.)

**UNIVERSITY OF HAWAII AT MANOA  
Environmental Center**

September 17, 2007  
RE:0766

Public Affairs Office  
Attn: HRC-EIS/OEIS  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Hawaii 96752-0128

Dear Sir/Madam:

**NEPA Draft Environmental Impact Statement  
Hawaii Range Complex**

The Hawai'i Range Complex (HRC) consists of open ocean areas (outside 12 nautical miles (nm)), offshore areas (within 12 nm from land), and onshore areas geographically situated on and around the Hawaiian Islands. The complex covers 235,000 square nm around the main Hawaiian Islands chain and a 2.1 million square nm Temporary Operating Area (TOA) of sea and airspace. The study area is a complex consisting of instrumented ocean areas, airspace, ocean surface operation areas, targets, and land range facilities. The Navy proposes to support and conduct current and emerging training and defense related research, development, test and evaluation (RDT&E) operations in the HRC and to upgrade or modernize range complex capabilities to enhance and sustain Navy training and defense-related testing. This would be accomplished by increasing training operations and implementing necessary force structure changes; supporting three transient Strike Group training exercises at the same time and an additional aircraft carrier during Rim of the Pacific (RIMPAC) Exercises; operating a Portable Undersea Tracking Range; constructing and operating an Acoustic Test Facility; enhancing research, development, test and evaluation, and training operations at the Pacific Missile Range Facility (PMRF); and using the TOA as required.

This review was conducted with the assistance of Michael Jones, UHM Physics and Astronomy.

**General Comments**

Section 2.2.1.2 on Alternative Locations for Training Conducted in the Hawaii Range Complex (pages 2-9 to 2-11) does not adequately address other alternative training locations. The whole section focuses on why Hawaii is the best place for the training. This section consists of two pages and concludes that it is "neither reasonable, practical nor appropriate to seek alternative locations." No details are given to justify this conclusion. Two examples make it clear that alternative locations for some activities do exist. One is field carrier landing practice (FCLP). It is noted on page 2-14 that no FCLP training operations are part of the baseline so apparently some alternative locations for FCLP exist. The DEIS does not compare these locations with those at PMRF and MCBH proposed in alternatives 1 and 2 so there is no basis to judge whether these new

2500 Dole Street, Krauss Annex 19, Honolulu, Hawai'i 96822-2313  
Telephone: (808) 956-7361 • Facsimile: (808) 956-3980

An Equal Opportunity/Affirmative Action Institution

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NUMBER**

D-W-0092

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**Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)**

	COMMENT NUMBER		COMMENT NUMBER
<p>September 17, 2007 Page 2 of 7</p> <p>locations are needed. Because no carriers are homeported in Hawaii, there seems to be little justification for FCLP in Hawaii. The other example is major training exercises. The recent Valiant Shield exercises near Guam seem to be a reasonable and practical alternative to similar exercises in Hawaii. The 10 August 2007, article in the Honolulu Star-Bulletin noted that four Hawaii-based ships participated and reported that Admiral Robert Willard, the Pacific Fleet Commander, "said Guam's military training ranges offered a perfect location for a large-scale exercise." This "perfect location" should be evaluated as an alternative in the EIS. An adequate discussion in this section would include other areas on the West Coast of the United States or in the Territory of Guam and the Commonwealth of the North Mariana Islands.</p> <p>The section on No-Action Alternative (pages 2-11 to 2-12) is a restatement of the project itself. The No-Action Alternative assumes that training has always taken place in Hawaii and always will. What is not discussed, however, is what would happen if training in Hawaii were abandoned as a result of finding another area to train.</p> <p>We would also like to note that our reviewer was denied access to one of the references listed on page 9-55, "Laser Safety Survey Report for the Pacific Missile Range Facility Open Ocean Range," P. Solis, 2004. It is difficult to review the DEIS when we cannot check the references. Are there others references that were not accessible to the public? They should be noted in the documents with an explanation of why they are not accessible.</p> <p><b>Specific Comments on the DEIS</b></p> <p><b>Executive Summary</b> (p. ES-57)</p> <p>Table ES-11 includes high energy laser tests and operations that "present the potential for fires on Niihau" as a health and safety issue. If this implies that high-power laser beams could be projected at targets on or near Niihau, a detailed evaluation is needed in the final EIS.</p> <p><b>Pacific Missile Range Facility</b> (p. 2-22)</p> <p>It would be useful to compare the propellant weights of the missiles shown in Figure 2.2.2.4.1-1 on page 2-22.</p> <p><b>Missile Defense</b> (p. 2-24 – 2-29)</p> <p>Figure 2.2.2.4.1-3 on page 2-26 shows existing missile flight corridors from PMRF. What environmental analyses have been done for the corridors to the north and south? What missiles have been launched along these corridors?</p> <p>Figures 2.2.2.4.1-4 and 2.2.2.4.1-5 on pages 2-27 and 2-28 show conceptual intercept scenarios involving air or sea targets which have ranges exceeding 400 nautical miles (about 740 kilometers) and thus could violate the INF Treaty and possibly the START Treaty. The DEIS has no discussion of INF Treaty restrictions on long-range air-launched and sea-launched targets or</p>	<p>D-W-0092 (cont.)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>20</p>	<p>September 17, 2007 Page 3 of 7</p> <p>START Treaty restrictions on sea-launched targets. As noted in a comment on the 1998 PMRF Enhanced Capability DEIS (page 9-323 of the 1998 PMRF Enhanced Capability final EIS.), INF Treaty Article VII, paragraph 12d restricts launches for research and development so that "the launchers for such booster systems are fixed, emplaced above ground and located only at research and development launch sites which are specified in the Memorandum of Understanding." In addition, the START Treaty Article V, paragraph 18a, prohibits tests and deployment of "ballistic missiles with a range in excess of 600 kilometers, or launchers of such missiles, for installation on waterborne vehicles, including free-floating launchers, other than submarines." The 1998 PMRF Enhanced Capability EIS and the 2003 GMD ETR EIS did not consider treaty compliance despite the fact that previous analyses (1994 TMD ETR EIS and 1998 TMD ETR Draft Supplemental EIS) did consider this issue. The 1994 TMD ETR EIS explicitly refers to the INF Treaty restrictions on page 2-10 and states, "In order to comply with the Intermediate-Range Nuclear Force (INF) Treaty, mobile and fixed sea launch platforms for targets would be located no more than 500 km (311 mi) from the planned target impact point." The 1998 TMD ETR DSEIS notes that the START treaty prohibits launches from sea-based platforms and that launches from ships are restricted to ranges less than 600 kilometers. There can be no meaningful public evaluation of the proposed tests without a detailed discussion of treaty compliance in the final EIS. Responses such as, "We will not implement any actions that are not in accordance with current U.S. policy on treaty compliance" (page 9-331 of the 1998 PMRF Enhanced Capability final EIS) or "This is beyond the scope of the EIS." (page 8-326 of the 2003 GMD ETR final EIS) are neither reassuring nor informative.</p> <p><b>Intercept Targets Launched in the TOA</b> (p. 2-42 and 2-43)</p> <p>Debris from intercepts of targets launched from Wake Island, Kwajalein, or Vandenberg AFB could pose a hazard to aircraft in the flight corridors shown in Figure 2.2.3.4-1 on page 2-43. The final EIS should show diagrams of the debris areas with jet routes superimposed. Such diagrams for other intercept scenarios are in Figures 2.1.8-1 to 2.1.8-6 in the 2003 GMD ETR final EIS.</p> <p><b>Micro-Satellite Launch</b> (p. 2-42)</p> <p>The discussion of the Super Strypi system on page 2-42 gives a total propellant weight of over 48,000 pounds, which is considerably larger than that for the Strategic Target System (36,750 pounds). It is stated that the Super Strypi "would require a 1,500-ft radius circle ground hazard area around the launcher." The 1,500-ft radius circle could refer to the ESQD arc shown in Figure 2.2.2.4.1-2 rather than the radius of the ground hazard area for the launch, which is 10,000 feet for the Strategic Target System. Table E-8 on page E-9 gives ground hazard radii of 2,000 feet for "most unguided systems" and 6,000 to 10,000 feet for guided systems. We understood from a 23 August 2007, meeting that the Super Strypi was a rail-launched system and thus would have a smaller GHA than that for the Strategic Target System. The final EIS should clarify this, explicitly show GHA diagrams for Super Strypi launches, and give details about the determination of the ground hazard area.</p>	<p>D-W-0092 (cont.)</p> <p>20</p> <p>6</p> <p>7</p>

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER		COMMENT NUMBER
<p>September 17, 2007 Page 4 of 7</p>	<p>D-W-0092 (cont.)</p>	<p>September 17, 2007 Page 5 of 7</p>	<p>D-W-0092 (cont.)</p>
<p><b>Directed Energy</b> (p. 2-65)</p>			
<p>Page 2-65 contains the statement that, "Construction of the Maritime Directed Energy Test Center would require separate/additional environmental documentation." Presumably this documentation would include analysis of the serious safety issues associated with such high-power laser beams projected onto air and surface targets. The final EIS should at least examine alternative locations, such as the White Sands Missile Range or a floating platform, for such tests.</p>	8	<p>detailed hazard areas have been shown for Strategic Target System launches at azimuths other than 280 degrees. Similarly, no diagrams showing the THAAD hazard area were given in the 2002 THAAD EA and no detailed analysis was cited to justify the reduction in the hazard area radius from 20,000 feet in the 1998 PMRF EIS to 10,000 feet in the THAAD EA.</p>	12
<p><b>Advanced Hypersonic Weapon</b> (p. 2-65 – 2-67)</p>		<p><b>Off-based Land Use</b> (p. 4-266)</p>	
<p>The DEIS states on pages 2-65 and 2-66 that testing for the Advanced Hypersonic Weapon would include two launches of the Strategic Target System and two launches of Orion boosters from KTF. Because of the larger amount of propellant in the Orion boosters (41,760 pounds) than in the Strategic Target System (36,750 pounds), some justification is needed for use of the same ground hazard area for Orion launches. Is a detailed environmental analysis planned for Orion launches from KTF? If the launch azimuth for these launches is other than 280 degrees, diagrams of the ground hazard areas should be shown either in the final EIS or a subsequent environmental analysis.</p>	9	<p>The DEIS has a brief discussion on page 4-266 of the restrictive easement which permits removal of people from the part of Polihale State Park within the GHA for some missile launches. It should also be noted that this easement can be employed a maximum of 30 times per year -- including times for which the area is cleared but no launch occurs. The final EIS should give information about the number of times the easement has been used in the past several years and how many times would be expected with alternatives 1 and 2.</p>	13
<p><b>Soils</b> (p. 123)</p>		<p><b>Future RDT&amp;E Operations</b> (p. 4-286)</p>	
<p>The reference for the lead concentrations near the Vandal launch site on page 3-123 does not indicate which of the many U.S. Department of the Navy references in section 9.0 is intended. As noted in comments by Michael Jones on the 1998 PMRF Enhanced Capability EIS (page 9-378 of the final EIS), soil sampling results are in the PMRF Environmental Baseline Study dated January 1996. A reference to this document, which was designated "for official use only," was included on page 10-13 of the final EIS. The Restrictive Easement for STARS and Vandal launches in Appendix C of the final EIS states that the GRANTEE will "clean up any debris or any releases of hazardous substances resulting from its launches in accordance with all federal and applicable State and local environmental laws." There seems to be no exemption for the area within 100 feet of the launch pad.</p>	21	<p>The DEIS mentions on page 4-286 and again on page 4-290 that the Directed Energy Test Center's "[b]asic Facility Requirements report has not been completed." The final EIS should clarify whether this report has been or is being completed. Where will it be available for public review?</p>	14
<p><b>Ship Collisions</b> (p. 4-25)</p>		<p><b>Projects Analyzed For Cumulative Impacts</b> (p. 5-1 – 5-13)</p>	
<p>The DEIS notes on page 4-25 that the Navy has adopted a standard operating procedure that reduces potential collisions with surfaced marine mammals. Have there been any collisions with surfaced mammals and naval vessels?</p>	22	<p>Table 5.2-1 does not include any other missile testing programs in the Pacific as part of cumulative impacts. It would be useful for the final EIS to give the cumulative numbers of launches at the various launch sites for tests analyzed in the 1998 PMRF Enhanced Capability EIS, the 2001 North Pacific Targets Program EA, the 2002 THAAD EA, and the 2003 GMD ETR EIS. The 2004 draft BMDS PEIS estimated 515 launches between 2004 and 2014. Any tests of the Kinetic Energy Interceptor program near PMRF should be included. The final EIS should also include any test launches of offensive missiles. For example, tests of the Trident D5 were reported to be planned near PMRF in 2005.</p>	15
<p><b>Hazards During Vehicle Launch/Flight</b> (p. 4-258 – 4-259)</p>		<p><b>Appendix K</b></p>	
<p>The DEIS mentions on page 4-259 that ground hazard areas (GHA) typically extend from 1,000 to 20,000 feet from the launch point. However, previous environmental analyses left unresolved safety issues involving Strategic Target System and THAAD launches at PMRF. No</p>	11	<p>Appendix K contains a general discussion of missile launch safety. It is noted on page K-1 that risk values depend on the probability of vehicle failure. Pages K-5 and K-6 briefly discuss rocket motor failure and note that three types of guidance/control failures have been observed in previous launches. However, no quantitative estimates of failure probabilities are given. In fact, no such estimates were given in either the 1994 BMD draft PEIS or in the 2004 draft BMDS PEIS. This information is necessary for any meaningful assessment of the risks from launch failures. As noted in an earlier comment by Michael Jones, on the 2003 GMD ETR DEIS (page 8-219 in the final EIS), an analysis of Minuteman test launches found a rate of severe failures of 15%. The Strategic Target System had no failures in four launches at PMRF and two serious failures (9 November 2001 and 25 May 2007) in three launches from Kodiak.</p>	16
	12		

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

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Because there have been serious consequences from past accidents during missile launch and Navy training activities, it is worth noting these as examples of what can go wrong. In December 1988, a commercial ship near Kauai was hit by a missile launched from an aircraft and one of the ship's crew was killed. The 15 June 1993 Minuteman failure at Vandenberg AFB started a brush fire that burned 1,000 acres. (This accident is relevant to PMRF because a similar failure there could trap people in the north half of Polihale State Park.) On 4 May 1994, two 20 mm depleted uranium rounds were accidentally fired inland from the Aegis cruiser Lake Erie while it was moored in Pearl Harbor. The 8 July 1994 Vandal launch failure at PMRF resulted in elevated lead concentrations near the launch pad. The most regrettable incident was the sinking of the Japanese ship Ehime Maru by a Navy submarine on 9 Feb. 2001.

The 1998 PMRF Enhanced Capability EIS explicitly excluded the Navy Theater-Wide System (subsequently called Sea-Based Midcourse in MDA Fact Sheets dated March 2002 and January 2003 and now called Aegis BMD) from evaluation and asserted (page 9-332), "This document covers enhanced capabilities for PMRF to support Area Defense and the Aegis Leap Intercept. The Theater-Wide program is not sufficiently developed to be included in this analysis." The conceptual intercept scenarios analyzed (e.g. Figure 2.3.5-1 of the final EIS) involve only a "Ship Area Interceptor" and targets launched within 1200 kilometers of PMRF. According to the January 2003 MDA Fact Sheet, the Aegis Leap Intercept (ALI) phase was completed with intercepts in January and June 2002. It further added, "With the completion of ALI, Aegis BMD is now transitioning to intercepts against more stressing ballistic missile targets and target scenarios based upon technological advances in associated risk reduction activities." It is clear from earlier BMDO Fact Sheets that the ALI tests were part of the Theater-Wide program. BMDO Fact Sheet AQ-99-03 on Navy Theater Wide (NTW) stated, "The NTW flight demonstration phase is the AEGIS LEAP Intercept (ALI)." BMDO Fact Sheet AQ-99-02 described the Navy Area program as using AEGIS ships and SM-2 interceptors. An article in the 16 December 2001 New York Times reported that the Navy Area program had been canceled by the Pentagon. No subsequent environmental analysis has been done even though Aegis BMD tests have been done near PMRF using the same interceptor (SM-3) as the Theater-Wide System. Thus it seems that environmental analyses have been done only for a canceled program and a completed program, but not for an ongoing program. The final EIS should evaluate Aegis BMD tests, including conceptual intercept scenarios, or indicate when separate environmental analyses of these tests will be done.

**COMMENT  
NUMBER**

D-W-0092  
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Page 7 of 7

For these reasons, we find that the DEIS is inadequate and should be revised and resubmitted for public review. Thank you for the opportunity to review this DEIS.

Sincerely,

  
Peter Rapapa  
Environmental Review Coordinator

cc: OEQC  
James Moncur  
Michael Jones

**COMMENT  
NUMBER**

D-W-0092  
(cont.)

18





September 11, 2007

Mr. Tom Clements  
Public Affairs Officer  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Kauai, Hawaii 96752-0128

Dear Mr. Clements:

We are in receipt of the Draft Environmental Impact Statement (DEIS) for the Hawaii Range Complex and offer the following comments.

We agree that the security threats faced by our 21<sup>st</sup> century naval force require that the U.S. Navy take action to upgrade and modernize the Hawaii Range Complex. The measures proposed should provide the level of training necessary to prepare our combat-ready naval forces to win the ongoing war against terrorism, deter aggression, and maintain freedom of the seas as mandated by Federal law.

We believe that this level of readiness is essential to meeting the nation's security objectives, and U.S. commitments with Asia Pacific nations. It has enabled the U.S. Navy to join with the U.S. Army, Marine Corps, and Air Force in successfully maintaining peace and stability within the region and providing humanitarian assistance in the wake of disasters and other emergencies. These efforts have strengthened U.S. relations in the region and served as the catalyst in enabling the growth of a thriving global economy.

In reviewing the DEIS, we believe that the Navy has studied the impacts of the proposed alternatives and complied with the spirit and intent of Federal environmental laws. We further believe that the depth of the study is a continuance of the Navy's outstanding record in protecting, restoring, and enhancing Hawaii's fragile environment.

Thank you for this opportunity to comment on the DEIS.

Sincerely,

James Tollefson  
President & CEO



1132 Bishop Street, Suite 402 • Honolulu, Hawaii 96813 • Phone: (808) 545-4300 • Facsimile: (808) 545-4369

COMMENT  
NUMBER

D-W-0093

1



Bryan J. Baptiste  
Mayor

Beth A. Tokioka  
Director

**Office of Economic Development**

County of Kauai  
4444 Rice Street, Suite 200  
Lihue, HI 96766  
(808) 241-6390 Tel \* (808) 241-6399 Fax

September 11, 2007

Public Affairs Officer  
Pacific Missile Range Facility  
Box 128  
Kekaha HI, 96752

Re: Hawaii Range Complex EIS

To whom it may concern:

Allow me to express my support for continued research and development efforts taking place at the Pacific Missile Range Facility (PMRF) on Kauai.

While this work is vitally important to our nation's security, it is also makes a significant contribution to our island's economy. Hundreds of jobs for residents of Kauai – primarily on the west side of the island where economic opportunities are limited – are provided through PMRF and its affiliated contractors.

We have always found the leadership at PMRF to be a willing partner in community efforts of all kinds. Their volunteerism and assistance during emergency response efforts over the years has been tremendous. Whenever issues of community concern and importance arise, PMRF has always been willing to meet and search for the best possible solution for all involved.

Balancing care for environment with national security and economic opportunity is critical to our island, and we have found that PMRF has been an outstanding partner in this effort. We hope that the results of this review will allow the work currently being undertaken at PMRF to continue and grow in the years to come.

Sincerely,

Beth Tokioka

COMMENT  
NUMBER

D-W-0094

1

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)



Bryan J. Baptiste  
Mayor

**Office of Economic Development**  
County of Kauai  
4444 Rice Street, Suite 200  
Lihue, HI 96766

Beth A. Tokioka  
Director

September 12, 2007

Tom Clements  
Pacific Missile Range Facility  
Public Affairs Officer  
Box 128  
Kekaha HI, 96752

Dear Tom

I am very pleased to submit this letter of support for the many years of partnership that PMRF has provided to the community and residents of Kauai County.

For years, PMRF has employed generations of Kauai's civilian residents in various positions of importance on base. PMRF, through its leadership and personnel, have participated in events that are important to Kauai's unique community profile. With a sensitivity to the Hawaiian culture, and a true appreciation of traditional sites that border the Navy facility, PMRF practices great care and stewardship in protecting those things of great cultural importance and value to Kauai's people.

In my dual role as a local government employee, and as a recognized cultural practitioner, I was invited recently, to witness operational exercises aboard the Pacific fleet's newest Aircraft Carrier, The USS Ronald Reagan. Amazed by my 24 hr. visit aboard that ship, only then, did I understand the full impact of the freedom and protection we enjoy as citizens of the United States of America, as the Navy, diligently stands watch through exercises conducted with PMRF and other Naval facilities here in Hawaii.

It is important to recognize the many ways our lives are positively impacted by our neighbors at PMRF.

Thank you for allowing me a moment to voice my support for the Pacific Missile Range facility and the Navy, as a good neighbor, partner and protector of us all.

Respectfully submitted,

Robbie Kaholokula  
Tourism Specialist, OED County of Kauai

COMMENT  
NUMBER

D-W-0095

1

09/17/2007 14:31 8885234642 WASTEWATER PAGE 01

DEPARTMENT OF ENVIRONMENTAL SERVICES  
**CITY AND COUNTY OF HONOLULU**  
1000 ULUOHA STREET, SUITE 308, KAPOLEI, HI 96707  
TELEPHONE: (808) 862-5169 FAX: (808) 862-5113 WEBSITE: <http://www.cc.honolulu.gov>

MUFFI HANNEMANN  
MAYOR



ERIC S. TAKAMURA, Ph.D., P.E.  
DIRECTOR  
KENNETH A. SHIMZU  
DEPUTY DIRECTOR  
ROSS S. TANIMOTO, P.E.  
DEPUTY DIRECTOR  
IN REPLY REFER TO:  
PRO 07-063

September 17, 2007

via fax: 808-335-4520

Public Affairs Officer  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Kauai, Hawaii 96752-0128

ATTN: HRC EIS/OEIS

Subject: Hawaii Range Complex, Dept. of the Navy  
Draft EIS/Overseas EIS, July 2007

We have reviewed the subject Draft EIS/OEIS transmitted to us via your letter dated 19 Jul 2007, and have the following comments:

In section 3.4.1.7, p. 3-199, the report states that "Of the 13 environmental resources considered for analysis ... utilities ... are not addressed." This is a concern to our Department because we have existing underwater pipelines in the vicinity of the various Navy operating areas. These pipelines include our ocean outfalls from our wastewater treatment plants (WWTP) at Waianae, Honolulu, and Kailua, each of which extend over 1 mile offshore, and our wastewater pressurized force mains under Pearl Harbor. These are critical pipelines that need to be appropriately protected from potential adverse impacts from Navy operations. Of particular concern to us is the potential impacts of the Navy's Ewa Training Minefield on our existing outfall pipe from the Honolulu WWTP.

Should you have any questions, please call Jack Pobuk, CIP Program Coordinator, at 768-3464.

Sincerely,

Eric S. Takamura, Ph.D., P.E.  
Director

COMMENT  
NUMBER

D-W-0096

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1	COMMENT NUMBER	2	COMMENT NUMBER
<p style="text-align: center;">HAWAII RANGE COMPLEX DEIS/OIES JULY 2007 SIERRA CLUB, MOKU LOA GROUP COMMENTS by Cory Harden for Sierra Club, P.O. Box 1137, Hilo, Hawaii 96721 808-968-8965 <a href="mailto:mh@interpac.net">mh@interpac.net</a></p> <p><b>INTRODUCTION</b> Thank you for the opportunity to comment on the Navy's Hawaii Range Complex DEIS.</p> <p>In our judgment, environmental impacts on Hawaii may be far greater than described in the DEIS.</p> <p>Huge amounts of material will fall into Hawaiian oceans--sinking vessels, exploded missiles, live bombs, live mines, live ordnance, sonobuoys, parachutes, chaff, propellant, chemicals, and more. Cumulative impacts appear to be under-estimated.</p> <p>Contaminants from Navy actions may affect cetaceans. The EIS statement, that the Navy has insufficient information to evaluate how they are affected, is itself insufficient. The Navy has the duty to research and disclose effects of contaminants it produces.</p> <p>The Navy proposes using sonar at volumes which may injure or kill marine animals. Other noise, from detonations and ship engines, will only add to rising levels of underwater noise from all sources. The impacts, particularly for sonar, again appear seriously under-estimated.</p> <p>We are puzzled that the Navy concludes its actions, added to Stryker actions, will not have significant impacts, although Stryker impacts alone are acknowledged to be significant.</p> <p>The EIS should disclose any planned military use of Superferry, and of depleted uranium and other radioactive materials, and thoroughly evaluate impacts.</p> <p>The EIS reports on Navy removal of debris from the Northwest Hawaiian Islands. We commend this effort. The EIS should also report on hazardous military debris at former military sites and underwater dump sites throughout the Hawaiian Islands. Cumulative impacts should be evaluated, and plans for prompt cleanup should be outlined, in the EIS.</p> <p>We are concerned about impacts on native Hawaiians from restriction of access to religious and cultural sites.</p> <p>Impacts of more noise events on humans and terrestrial wildlife appear to be understated.</p> <p>At the national level, we are extremely concerned by exemption of Navy sonar use from the Marine Mammal Protection Act, and ongoing efforts to exempt military actions from environmental laws. In addition, allegations of tampering with scientific results by a USFWS official cast doubt on USFWS recommendations in this EIS.</p> <p>We urge the Navy to revise the EIS so it reflects the full impacts of Navy actions.</p>	<p>D-W-0097</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5, 13</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p>	<p>GENERAL SIERRA CLUB COMMENTS</p> <p><i>For all impacts that are minimized and/or mitigated, state what impacts afterwards will be--significant or less than significant.</i></p> <p><i>When impacts are stated to be insignificant, give evidence to support the statement.</i></p> <p><i>Where and how will depleted uranium and/or radioactive materials be used?</i></p> <p><i>Is information on depleted uranium and/or other radioactive materials being withheld because it is classified?</i></p> <p><i>Consider spelling Hawaiian words correctly--e.g. "Hawaii" and "Kauai"</i></p> <p><u>Superferry</u> <i>Describe formal or informal plans to use Superferry for military operation, including a "Westpac Express" type use, missile launches, and/or satellite launches.</i></p> <p><i>If there are such plans, evaluate impacts, including:</i></p> <ul style="list-style-type: none"> <li>• Risk to whales and other marine life from collision and noise</li> <li>• Need for an Endangered Species review</li> <li>• Impacts on native species</li> <li>• Risk of spreading invasive species</li> </ul> <p><i>Describe how Superferry, Matson vessels, Horizon Lines, and other carriers operating in Hawaii would be used under the Voluntary Intermodal Sealfit Program and USTRANSCOMM.</i></p> <ul style="list-style-type: none"> <li>• What circumstances trigger use under VISA?</li> <li>• Who makes the decision to commence VISA use?</li> <li>• What recourse is there for citizens who disagree with the decision?</li> <li>• What is the procedure for returning vessels to civilian use?</li> </ul> <p><i>Superferry has been called "militarily useful". Would it be "militarily useful" to the Navy? [Quote from testimony by Maritime Administrator Sean Connaughton, March 15, 2007, before the Subcommittee on Seapower and Expeditionary Forces of the Committee on Armed Services of the U.S. House of Representatives]</i></p> <p><i>Would Superferry carry any Navy personnel, equipment, or vehicles like the Westpac Express? "With [John] Lehman's expertise, the Superferry plans to operate a Westpac Express, essentially to carry military equipment and ferry vehicles from Oahu to the Big Island on a daily basis." [Lehman joins Superferry project, Pacific Business News, March 28, 2005]</i></p> <p><i>How is Superferry different from the Joint High Speed Vessel, Theatre Support Vessel, and Littoral Combat Ship? Could Superferry be converted to any of these?</i></p> <p>LINE-BY-LINE SIERRA CLUB COMMENTS</p> <p><u>EXECUTIVE SUMMARY</u> <u>p. ES-9 lines 12-19</u> This "At Sea Policy" sets forth how the Navy would update and upgrade its compliance with the body of environmental law which applies to these exercises and training--at sea and at the Navy's range complexes...Training, including joint and combined exercises, does not include actual combat operations, operations in direct support of combat, or other activities conducted primarily for purposes other than training. <i>How are non-training activities evaluated for compliance with environmental law and/or effects on the environment?</i></p>	<p>D-W-0097 (cont.)</p> <p>11</p> <p>5</p> <p>12</p> <p>14</p> <p>13</p> <p>15</p>

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)



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p. ES-24 lines 31'-33 Potential cumulative impacts resulting from other relevant projects...combined with the Proposed Action...were determined to be less than significant. See comments re. p. 5-16.

p. 1-17 to 1-18

#### RELATED ENVIRONMENTAL DOCUMENTS

#### RELEVANT ENVIRONMENTAL DOCUMENTS BEING PREPARED CONCURRENT WITH THIS EIS/OEIS

Where are the cumulative impacts of these, plus the HRC action, analyzed?

p. 2-46 lines 20-21 Some...[underwater] targets would be removed following the exercise. Others...would be destroyed in place and are not recoverable.

p. 2-48 lines 37-38 ...anchors [for electronics packages] would remain on the seafloor. How will this affect marine life and water quality?

p. 2-57 line 3 Pohakuloa will receive two Joint Threat Emitters...

What type of signals will be used, and what are health effects on military personnel and residents?

p. 3-289 to 304

The description of the affected environment on Hawai'i Island appears far less thorough than in the Stryker EIS.

Description of the newly acquired 23,000 acre Keamuku area should be included.

p. 3-289 The description of Kawaihae Pier/Offshore should include information on the underwater shark heiau. This is from the National Park Service website:

[http://www.nps.gov/history/history/online\\_books/kona/history7e.htm](http://www.nps.gov/history/history/online_books/kona/history7e.htm)

PU'UKOHOLA HEIAU NHS • KALOKO-HONOKOHAU NHP • PU'UHONUA O HONAUNAU NHP A Cultural History of Three Traditional Hawaiian Sites

on the West Coast of Hawai'i Island by National Park Service

Hale-o-Kapuni Heiau

1. Shark Heiau

Submerged just offshore below Mailekini Heiau are the ruins of what is believed to have been another temple, which local lore relates was dedicated to the shark gods. The ancient Hawaiians believed in animal helpers and protectors, half god and half human, who relayed their counsels through the lips of some medium who became for the moment possessed by their spirit. These 'aumakua were served and worshipped by particular families, this duty being passed down through the generations. Martha Beckwith points out that "On the coast, sharks are the particular object selected for veneration."

In her discussion of 'aumakua, Beckwith states that sometimes specific individuals are worshiped, such as particular sharks that are recognized as individuals and are expected to calm the seas or provide bountiful catches for their keeper, and sometimes all the species of a class are venerated as being representative of the 'aumakua. She quotes Joseph S. Emerson as saying that each locality along the coast of the islands had a "special patron shark whose name, history, place of abode, and appearance were well known to all frequenters of that coast." Shark gods were invoked with specific prayers, and temples were erected for their worship. According to Emerson there were several well-known shark gods worshiped at various places in the islands. Among these were Ukanipo, two great sharks who were twin brothers, and another called Kaaipai, all of whom lived at Kawaihae. The first two lived at Kamani and were regularly fed. When the king wished to see them, their keeper hung two bowls of 'awa from a forked stick to attract them. Kaaipai was kept by a couple living at Puuko in Kawaihae who often went hungry because the taro plant did not grow there. Their shark would capsize boats carrying food and take the cargo to his cave. He would then appear in a dream to the couple and tell them where to find it.

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p. 3-296 The table of listed species for Pohakuloa does not include 'Akaipola'au, which was included in the special status and protected species list of the Stryker EIS [Appendix I-1 p. 2]

#### Chapter 4. Noise sections for all locations

How many sonic booms are expected and where? Evaluate the impacts for each location and the entire range.

#### p. 4-13 BIOLOGICAL RESOURCES--OPEN OCEAN

##### SONAR

Specify frequencies, in Hertz, of Navy sonar, current and future. Evaluate impacts of these frequencies on marine life, including fish and marine mammals.

How often does the Navy use, and plan to use, the SOFAR channel? Evaluate impacts on marine life.

The Navy says it won't use sonar over 235 dB. But at 110 to 120 dB, some marine animals already show avoidance behavior. How will the far louder 235 dB affect marine animals?

Include evaluation of evidence linking March 1998 LFAS tests off Kona with whales departing the test area and engaging in other abnormal behaviors, which led to lawsuits by Hawai'i County Green Party and Body Glove to stop the testing.

Include status, and summary of issues, for unresolved lawsuits re. sonar: Earthjustice May 2007, California Coastal Commission March 2007, Natural Resources Defense Council March 2007, appeal of August 2003 Federal court ruling limiting deployment of LFA sonar, and any others.

Include information from these documents in evaluation of effects of sonar on marine life. (If you would like me to send documents not enclosed, please let me know.)

- Analysis of melon-headed whale aggregation in Hanalei Bay, July 2004, Mobley et. al.
- Assessment of Acoustic Exposures on Marine Mammals in Conjunction with USS Shoup Active Sonar Transmissions in the Eastern Strait of Juan de Fuca and Haro Strait, Washington, 5 May 2003, NMFS Office of Protected Resources, January 21, 2005 (copy enclosed)
- Declaration of Brandon Southall in U.S. District Court, Central District of California, Western Division (copy enclosed)
- "Gas and Fat Embolic Syndrome" Involving a Mass Stranding of Beaked Whales (Family Ziphiidae) Exposed to Anthropogenic Sonar Signals, Fernandez et. al. (copy enclosed)
- Hawaiian Melon-headed Whale (Peponocephala electra) Mass Stranding Event of July 3-4, 2004, Brandon L. Southall, Robert Braun, Frances M.D. Gulland, Ashley D. Heard, Robin W. Baird, Sarah M. Wilkin, and Teri K. Rowles, NOAA Technical Memorandum NMFS-OPR-31, April 2006, [http://www.cascadiaresearch.org/robin/Southall\\_et\\_al\\_Peponocephala.pdf](http://www.cascadiaresearch.org/robin/Southall_et_al_Peponocephala.pdf)
- Joint Interim Report, Bahamas Marine Mammal Stranding Event of 15-16 March 2000, December 2001, U.S. Department of Commerce and Secretary of the Navy, [http://anon.org/documents/Interim\\_Bahamas\\_Report.pdf](http://anon.org/documents/Interim_Bahamas_Report.pdf)
- An unusual encounter with a mixed school of melon-headed whales...and rough-toothed dolphins...at Rota, Northern Marianas Islands, Jefferson, Ferti, Micheal, and Fagin, 2006 (copy enclosed)

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<p>5</p> <p>p. 4-152 Yearly Marine Mammal Exposures From all ASW Use easily understood language. Replace--</p> <ul style="list-style-type: none"> <li>• "dose function behavioral" with "harassment level"</li> <li>• "TTS" with "significant behavioral effects level"</li> <li>• "PTS" with "injury level"</li> </ul> <p>Make data easy to understand by adding</p> <ul style="list-style-type: none"> <li>• numbers of animals in Hawai'i (given on p. 3-29 so readers must flip back and forth.)</li> <li>• percentage of animals that will be experience harassment, significant behavioral effects, and injury level exposures</li> <li>• numbers expected after mitigation for harassment, significant behavioral effects, and injury level exposures</li> </ul> <p>We are extremely concerned by the predicted numbers of harassment, behavioral effects, and injury exposures. Even lower-level exposures may affect feeding, mating, calf-rearing, and other activities. For example, for the 4500 or so humpback whales in Hawai'i, about 35,000 annual harassment exposures are predicted. would this mean 2 exposures every 3 months for one whale? When even more exposures are added from non-Navy sources, what are the cumulative effects on this endangered species?</p> <p>p. 4-179 line 18 Hazardous Wastes Under Alternative 2, how much will the amount of hazardous wastes and chemical byproducts increase? What new ones will be produced?</p> <p>p. 4- 79 line 19 Used hazardous materials and chemical byproducts generated at sea are not considered to be hazardous wastes until offloaded in port. Describe laws and/or regulations covering disposal of hazardous wastes and chemical byproducts from ships at sea. If the Navy dumps materials at sea which would be considered hazardous wastes when offloaded in port, what regulations and/or laws would be violated? How would the public be informed? Describe current and planned procedures to prevent such dumping.</p> <p>p. 4-179 line 21 Used and excess hazardous wastes will continue to be managed in compliance with OPNAVINST 5090.1b (2003) Describe management of hazardous wastes in lay-person language.</p> <p>p. 4-179 line 23-24 Hazardous wastes will be offloaded upon reaching port in Hawaii... What hazardous wastes and chemical byproducts cannot be handled in Hawai'i? What is done with them?</p> <p>p. 4-179 line 1 Chaff Chaff is a thin polymer with an aluminum coating... How long does it take for these materials to decompose?</p> <p>Under the No-Action Alternative, it is estimated that...about 4,700 packages of chaff [will be released per year] over the Open Ocean Area. How much will be released under Alternative 2, and from all branches of the military, in one year? What is the weight of one package? About how many fibers does it contain and what size? For the largest planned chaff release, what size ocean area will it drop into?</p> <p>The [chaff] fibers may be...ingested by marine life, but the fibers are non-toxic... Evaluate effects on marine, terrestrial, and avian life from ingested fibers that may fill the digestive tract so the animal dies of starvation.</p>	<p>COMMENT NUMBER</p> <p>D-W-0097 (cont.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>46</p> <p>47</p> <p>48</p> <p>49, 50, 51</p> <p>24</p> <p>49</p> <p>50</p> <p>51</p>	<p>6</p> <p>...the widely spaced releases [of chaff] will have no discernable effect on the marine environment. What is the combined amount and cumulative effects combined with Air Force, Army, and other parties' use of chaff? Do the cumulative effects violate the Clean Air Act?</p> <p>Is chaff legally considered to be litter?</p> <p>How are chaff cartridges, pistons, and endcaps disposed of?</p> <p>How long does chaff remain in the environment? [Chaff] "probably remains in the environment for long periods of time, i.e., at least on the order of years." <i>Environmental Effects of Radio Frequency (RF) Chaff Released during Military Training Exercises</i> by Farrell and Siciliano</p> <p>Can weathered chaff be inhaled? "additional data is necessary to better define the extent to which chaff breaks up during deployment and whether it can be reduced to respirable sizes (PM 10 or PM 25) during weathering in the environment. Likewise, because there is no data on the effects of respirable chaff particulates on lung tissue, Huller et al. (1999) suggested that additional studies be conducted to provide the type and quality of information required to better determine the risks associated with human exposure to chaff." <i>Ibid.</i></p> <p>How will chaff affect protected species in Hawai'i? "An August 1997 report for the U.S. Air Force Air Combat Command...cites potential effects on wildlife through ingestion, inhalation, or skin contact; on species, habitat conditions, and aesthetics through settling in the water; and on water quality....few studies of the effects of chaff on wildlife have been conducted, and the report found no data on chaff's decomposition process under different environmental conditions (arid, alkaline, wet, acidic) or inside the digestive systems of animals..." <i>DoD Management Issues Related to Chaff, 09/22/98, GAO/NSIAD-98-219</i></p> <p>"Surface-feeding or bottom-feeding animals and fish may ingest chaff, but this only affects a few individual animals and has a low impact on species populations except in the case of protected species." <i>Ibid.</i></p> <p>Is chaff suspected of affecting lightning in Hawai'i? "Chaff...may affect lightning within storms." <i>Ibid</i></p> <p>Over what areas is chaff expected to spread? Will it fall on the Northwest Hawaiian Islands? "chaff can spread over several hundreds of miles and stay in the air for up to a day..." <i>Ibid.</i></p> <p>Will chaff in Hawai'i affect climate research? "chaff may cause inaccurate weather data to be archived for long-term climate research studies..." <i>Ibid.</i></p> <p>Will chaff lead to underestimating storms in Hawai'i? "If chaff reduces lightning, it could cause forecasters to underestimate the severity of storms..." <i>Ibid</i></p> <p>Include the following information, or more recent information if available, in the EIS-- "An August 1997 report for the U.S. Air Force Air Combat Command...notes that the literature addressing the effects of chaff on water quality and aquatic habitats is limited and that there has been no systematic analysis of chemical changes in soils exposed to</p>	<p>COMMENT NUMBER</p> <p>D-W-0097 (cont.)</p> <p>49</p> <p>24</p>
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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)



<p>various concentrations of chaff." <i>Ibid</i></p> <p>Does any chaff currently or formerly used in Hawai'i, by any branch of the military, contain lead?</p> <p>* DOD continues to retain lead-based chaff in its inventory even though this type of chaff has not been manufactured since 1987 and is reportedly no longer in use." <i>Ibid</i></p> <p>Evaluate the effects of chaff on power generation and electrical equipment in Hawai'i.</p> <p>"It has been reported that chaff has also caused power outages and damaged electrical equipment..." <i>Ibid</i></p> <p>Does chaff used in Hawai'i contain fiberglass?</p> <p>"fiberglass chaff persists in the environment..." <i>Ibid</i></p> <p>What further studies have been done on chaff, and what are the results, since this statement was written?</p> <p>"Studies by DOD and others, including some carried out years ago, continue to create questions in the public's mind about the health and environmental effects of chaff. Department records indicate that DoD has not systematically followed up on these reports to determine the merits of any outstanding question or the costs and benefits of addressing them. While none of the studies we reviewed demonstrated significant operational or environmental effects of chaff, 9 of the 10 reports cited gaps in information on potential effects. Six of the nine made no recommendations but cited missing data, suggested additional studies or long-term monitoring, or cited possible long-term chronic effects. Three reports recommended additional studies covering chaff toxicity, long-term exposure, weathering, or other study areas. However DOD has not reviewed the recommendations and information gaps cited in the reports in a comprehensive and systematic way to assess their merits for further actions." <i>Ibid</i>.</p> <p>Evaluate the effects of chaff on air traffic control radar and weather radar.</p> <p>"chaff can affect safety by interfering with air traffic control radar...chaff can also affect weather radar observations..." <i>Ibid</i>.</p> <p>The [TV] weatherman pointed to a doppler of what looked like widespread rain over the islands and said something like, 'This looks like rain, but it's military chaff.' <i>e-mail from a friend</i></p> <p>"The TV Hawaii Weather people (I am not sure which channels as I have seen it more than once) have been REPORTING off and on in the past weeks or so...that this large green area of activity over Oahu and the ocean, is not weather, it is 'Military Chaff.'" <i>e-mail from another friend</i></p> <p>p. 4-198 <i>Re debris from missile interceptions...what is the total weight and volume of debris expected to fall from the largest missile? Over how large an area?</i></p> <p>p. 4-199 lines 9-11 "...development and testing of Nuclear, Biological, or Chemical material simulants...[in missiles] were analyzed in the Programmatic Environmental Assessment, Theater Missile Defense Lethality Program..."</p> <p><i>This information should be included in this EIS.</i></p> <p>p. 4-199 lines 12-13 The only proposed chemical simulant that might be included as part of the No-Action Alternative...will be...TBP...</p> <p><i>Include information that TBP may affect the central nervous system in humans. What substances might be included for Alternative 2?</i></p> <p>p. 4-203 lines 3-4 The low probability of debris capable of affecting a population of a particular bird species should exempt the missile tests from the take prohibitions. (U.S. Department of the</p>	<p>7</p> <p>COMMENT NUMBER</p> <p>D-W-0097 (cont.)</p> <p>25</p> <p>43</p> <p>44</p> <p>42</p>	<p>8</p> <p>Navy, 2007.)</p> <p><i>Has an agency other than the Navy officially agreed with this determination?</i></p> <p>p. 4-203 lines 6-8 Regular marine debris removal has been conducted within the Northwest Hawaiian Islands...through a multi-agency effort...in collaboration with, among others, the Navy...</p> <p><i>This information on removal of debris is relevant to the EIS. So is information on lack of removal of military hazards on hundreds of former military and other sites throughout Hawai'i. See comments re. p. 5-2 and p. 5-20, and my 8-29-07 comments.</i></p> <p>p. 4-442 ENVIRONMENTAL CONSEQUENCES, POHAKU_OA</p> <p><i>Evaluate potential for Army and Navy actions to stir up dust containing small particles of depleted uranium, and risks to soldiers and civilians.</i></p> <p>p. 4-444 line 25 The total number of training operations that affect airspace could increase by approximately 48 percent above the No-action Alternative.</p> <p><i>Give more detail on how possible conflicts with commercial and private air traffic would be handled.</i></p> <p>p. 4-444 line 22 &amp; 41 Airspace--Pohakuloa Training Area...use of three aircraft carriers during a Major Exercise...How many more aircraft carriers compared to now? How many more over flights of Hawai'i Island and where?</p> <p>p. 4-445 to 4-447 Environmental Consequences--Biological Resources--Pohakuloa Training Area</p> <p>p. 4-454 to 4-455 Environmental Consequences--Biological Resources--Bradshaw Army Airfield</p> <p><i>Consider Navy impacts plus Army impacts--see comments re. p. 5-16 CUMULATIVE IMPACT ANALYSIS.</i></p> <p><i>These sections cite USFWS studies and decisions several times. But the USFWS Deputy Assistant Secretary, Julie MacDonald, resigned May 1, 2007, after reports of her abusing staff and tampering with science. Several endangered species decisions overseen by her are being reviewed. USFWS statements and studies referenced in the DEIS that came under her tenure should also be reviewed.</i></p> <p>p. 4-447 line 29 Up to three Strike Groups would visit the area [Pohakuloa] for up to 10 days per exercise. How many times a year would this occur? What are the impacts on biological resources when added to Army impacts?</p> <p>p. 4-448 lines 1-2 Approximately 30 percent of PTA has been surveyed for cultural resources, and approximately 300 archaeological and traditional Hawaiian sites have been identified...</p> <p><i>Does this include Keamuku?</i></p> <p>p. 4-448 lines 16-18 The Army will continue to provide Native Hawaiians with access to traditional religious and cultural properties, in accordance with the American Indian Religious Freedom Act and EO 13007, on a case-by-case basis.</p> <p><i>We are concerned by the restriction of access to sites important to Native Hawaiian religion and culture.</i></p> <p>p. 4-448 lines 21-30 Training operations and Major Exercises...could increase the potential for impacts to occur to cultural resources in sensitive areas...if alteration to the roads and trails is necessary [which may impact cultural resources], coordination with the Schofield Barracks Cultural Resources Manager would be completed prior to the changes.</p> <p><i>Determination of whether alteration is necessary, and analysis of impacts, should be included in the Final EIS--not done later with no environmental analysis or public oversight.</i></p>	<p>COMMENT NUMBER</p> <p>D-W-0097 (cont.)</p> <p>45</p> <p>27</p> <p>28</p> <p>10</p> <p>29</p> <p>7</p>
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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)



<p style="text-align: right;">9</p> <p>p. 4-450 to 4-451 Noise analysis appears inadequate. Noise levels may not increase, but the number of noisy events will. This section should analyze, in the level of detail used in the Stryker EIS, noise effects on residents from Navy and Army actions combined. People as far away as Laupahoehoe already complain of hearing explosions from Pohakuloa.</p> <p>p. 4-451 Specify how much more training will occur. line 17 ...an increase of approximately 9 percent... in USWEX? RIMPAC? Other continuing training operations? Line 28-29 Under Alternative 2, the tempo of training operations would be increased and the frequency of training operations could also increase...the number of training operations would increase... Specify changes in tempo, frequency, and number.</p> <p>ENVIRONMENTAL CONSEQUENCES, BRADSHAW AIRFIELD p. 4-452 lines 14-15 The use of hazardous materials and generation of hazardous waste at this site would be in accordance with applicable regulations. Analysis appears insufficient. Specify type, quantity, use, precautions, and disposal methods for each hazardous material.</p> <p>p. 4-452 lines 17-21 There would be no impact to socioeconomic, transportation... Will service personnel leave the base? Will service personnel and equipment use civilian roads?</p> <p>p. 4-453 lines 24-45 Helicopter raids will involve approximately six helicopters over a 2- to 6-hour period. How often?</p> <p>p. 4-455 lines 9-13 Compliance with the PTA INRMP and Ecosystem Management Plan during these increased training operations should minimize the effects on vegetation, as well as limit the potential for introduction of weed plant species. The risk of impacting threatened or endangered plants could be minimized by continuing to locate training operations away from areas with native, threatened, or endangered species whenever possible. Analysis seems inadequate. Specify anticipated effects on vegetation, and how much training will be in areas with native, threatened, or endangered species, by Navy as well as Army.</p> <p>p. 4-455 lines 15-21 There is additional suitable habitat nearby for birds such as the endangered 'io and nene to use if they temporarily leave the area affected by an increase in training operations...An increase in training operations is unlikely to adversely affect the long-term well-being, reproduction rates, or survival of these native or listed birds or other forms of wildlife in the area. We are concerned that constant disturbance by actions of Navy and Army will affect wildlife.</p> <p>ENVIRONMENTAL CONSEQUENCES, KAWAIHAE PIER p. 4-457 lines 7-16 The following resources are not addressed because the proposed alternatives have no potential to adversely affect such resources: ...cultural resources... Kawaihale Pier has no prehistoric and historic artifacts, archaeological sites, historic buildings or structures, or traditional resources that could be affected by HRC training operations. See comments for p. 3-289.</p> <p>CONFLICTS WITH FEDERAL, STATE, AND LOCAL LAND USE PLANS, POLICIES, AND CONTROLS FOR THE AREA CONCERNED p. 4-461 Effects on listed species are the subject of consultations with the USFWS and NMFS. Details on results of the consultations should be included in the EIS. See also comment re. p. 445.</p>	<p>COMMENT NUMBER</p> <p>D-W-0097 (cont.)</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p>	<p style="text-align: right;">10</p> <p>p. 4-462 Information on National Marine Sanctuaries Act compliance status should be added.</p> <p>Ch. 5 CUMULATIVE IMPACTS Add analysis of these--</p> <ul style="list-style-type: none"> <li>• All military sites in Hawaii-- <ul style="list-style-type: none"> <li>1-current sites</li> <li>2-past sites, official and used unofficially by the military</li> <li>3-sites with hazardous materials from past military actions, on land and underwater within 10 miles of land</li> </ul> </li> </ul> <p>For 2 and 3, include name of site, location, level of hazard, and date when cleanup will be completed.</p> <ul style="list-style-type: none"> <li>• Plans to shift forces to Pacific regions Stryker SEIS, p. 1-6 General Shinseki added, "I would say if you look at the brigade identifications and locations, geographically they're postured towards the Asia Pacific theatre...This is adding a little balance and looking at the importance, the growing interest and challenges in the Asia Pacific theatre..."</li> <li>• Additional Navy vessels planned for Pearl Harbor</li> <li>• C-17s in Kona</li> <li>• PTA 1010 Land Acquisition</li> <li>• Consolidated command and range control building at PTA</li> <li>• Relocation of Kilauea Fire Station to PTA</li> <li>• RTLP Range Development Plan</li> <li>• Superferry (civilian and any planned military use)</li> <li>• Theater Support Vessel and TSV pier use [mentioned in Stryker EIS]</li> <li>• Saddle Road construction</li> <li>• Waimea to Kawaihale Highway...</li> <li>• Former Waikoloa Maneuver Area and Nansay Sites UXO Cleanup...</li> <li>• Kawaihale Deep Draft Harbor</li> <li>• Recreational uses of Kawaihale Harbor</li> <li>• Pier 4 construction at Kawaihale</li> <li>• Freight use of Kawaihale Harbor</li> <li>• Proposed telescopes on Mauna Kea--Thirty Meter Telescope, Next Generation Large Telescope, etc.</li> </ul> <p>p. 5-15 ENVIRONMENTAL CONTAMINATION AND BIOTOXINS Insufficient information is available to determine how, or at what levels and in what combinations, environmental contaminants may affect cetaceans...Specific information regarding the potential effects of environmental contamination on marine mammals in the Hawaiian Islands is not available, and therefore cumulative effects can not be adequately assessed. What about effects on other marine animals and plants? The Navy should conduct research on effects of contaminants it is adding to the oceans.</p> <p>p. 5-16 CUMULATIVE IMPACT ANALYSIS How will Navy actions, added to Stryker and other Army impacts, affect the environment? Where mitigation is proposed, how effective will it be after Navy impacts are added to Stryker and other Army impacts? Stryker EIS excerpt below.</p> <p>p. 9-21 [Statewide] Cumulative impacts...would occur in all resource areas...Significant cumulative impacts would occur in the following resource areas: Land use, biological, cultural, and human health and safety hazards.</p>	<p>COMMENT NUMBER</p> <p>D-W-0097 (cont.)</p> <p>36</p> <p>37</p> <p>39</p>
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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

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than significant levels.

p. 8-164 The Proposed Action would significantly impact sensitive species and sensitive habitat from construction and training activities...mitigation...would substantially reduce the impacts but not to less than significant levels.

*The palila bird, three other wildlife species, and 19 plant species will be affected.*

p. 8-165 Significant Impacts Mitigable to Less than Significant Impact from the spread of non native species on sensitive species and sensitive habitat.

#### CUMULATIVE/ BIOLOGICAL RESOURCES [statewide]

p. 9-43 Nonnative [species] introductions are estimated to occur now at a million times the natural rate... Several factors contribute to stress in the marine environment in Hawaiian waters, including acoustic pressures and increasing interference with marine wildlife from tourism and recreation. Hawaiian waters have been identified as "acoustic hot spots" (NRDC 1999), i.e., ecologically significant and exposed to high levels of human-made noise.

p. 9-43 to 9-44 Impacts from fire on sensitive species and sensitive habitat...the Army has made the conservative determination that...impacts may not be reduced to a less than significant level...cumulative impacts from fire on sensitive vegetation and habitat are considered to be significant.

p. 9-44 to 9-45 Impacts on sensitive species resulting from the spread of nonnative species...the overall cumulative impact from the spread of non-native species from projects listed in Table 9-1 and 9-2 in association with the Proposed Action would be significant.

p. 9-45 Impacts on marine wildlife and habitat...A temporal cumulative impact could occur, where combined traffic from LSVs and TSVs could, over time, cause harm to marine wildlife...Because of the speculative nature of TSV implementation and the potential to implement existing regulations or SOPs to reduce impacts...the Army concludes that the cumulative impacts on marine wildlife and habitat is less than significant.

*Will Superferry be a TSV? If so, does this conclusion change?*

p. 9-46 Loss and degradation of sensitive species and habitat...The cumulative impact on sensitive species that would result from project-related habitat loss and degradation would be significant.

p. 9-49 Summary In light of historic, ongoing, and reasonably foreseeable future actions, the Army concludes that the addition of this project would result in a significant cumulative impact on biological resources.

p. 5-20 lines 10-13 CULTURAL RESOURCES Implementation of the No-action Alternative, Alternative 1, or Alternative 2 in conjunction with the cumulative actions listed in Table 5.2-1 [which includes Stryker] would not result in significant impacts to cultural resources. *This statement appears to contradict statements on Hawaii island cultural resources from the Stryker EIS [below.] Reconcile the two EISs. Where mitigation is proposed, how effective will it be after Navy impacts are added to Stryker and other Army impacts?*

p. 8-202 Facility and range construction...would directly damage or destroy unidentified archaeological resources or would indirectly damage them by contributing to soil erosion...mitigation measures...will reduce the severity of the impact but not to less than

#### COMMENT NUMBER

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(cont.)

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*AIR QUALITY This section says nothing about air quality. How will Navy actions, added to Stryker and other Army impacts, affect air quality? Where mitigation is proposed, how effective will it be after Navy impacts are added to Stryker and other Army impacts? Stryker EIS excerpts below.*

p. 8-55...the overall level of PM 10 generated by wind erosion would increase...Given the...increase in overall PM 10 levels, the uncertainties associated with any estimate of potential wind erosion conditions, and public perceptions of the potential magnitude of this impact, the Army considers wind erosion from the WPAA to be a significant air quality impact...The Army will develop and implement a DuSMMoP...but does not say if impact will be reduced to less than significant. *Hi'o soil scientist Yusuf Tamimi predicted even worse effects.*

p. 8-58...fugitive dust from vehicle travel on unpaved roads at PTA is considered a significant but mitigable to less than significant impact.

#### p. 5-17 BIOLOGICAL RESOURCES

*Evaluate cumulative effects on marine life from underwater noise. Include noise from current and proposed Navy actions, combined with increasing levels of other human-created underwater noise. Include noise from sonar, propulsion systems, explosions, seismic guns, drilling, and other sources.*

*How will Navy actions, added to Stryker and other Army impacts, affect biological resources? Where mitigation is proposed, how effective will it be after Navy impacts are added to Stryker and other Army impacts? Stryker EIS excerpts below. Re. reefs, note that almost half of Hawaii's reefs are at risk, and Hawaii's are the worst in the Pacific, according to a 1998 World Resources Institute study.*

p. 8-141 There is a coral reef area of management concern...in the PTA ROI. Located at Kawaihae Harbor, this reef is identified as at risk both from extensive development at the commercial harbor and from recent and continued development at the small boat harbor. While the main issue affecting this reef is harbor construction, other causes of decline for this reef system include interruption of long-shore transport due to harbor development, consequent siltation of Pelekane Bay, and close proximity to important cultural sites (i.e. Pu'u Kohola Heiau) that causes increased recreational use and human presence...Any harbor construction impacts would be addressed in a separate NEPA document...there are other coral reefs in the coastal waters of the PTA ROI...[e.g.] Puako Reef...

p. 8-160 to 8-162 Impact 1: Impacts from fire on sensitive species and sensitive habitat...Wildfire is a great threat to flora and fauna communities at PTA. An increase in construction and training at PTA would increase the likelihood of wildfires...The use of various types of ammunition, weapon systems, and pyrotechnics during military training increases the risk of wildfire ignition...Federally listed species are known to occur...throughout PTA and the WPAA...Species that occur within the surface danger zones of the proposed ranges could be affected by munitions during the operation of the proposed ranges. In addition to vegetation loss, major adverse ecological effects of wildland fires include reduced watershed stability, soil erosion, increased risk of weed invasion, and loss of native habitat. Increased fire frequency would affect the structure, composition, and function of ecosystems...The spread of nonnative species that results from wildfires is considered a significant impact...

p. 8-162 Impacts from fire on sensitive species including federally listed species are expected to be significant...mitigation will substantially reduce the impacts but not to less

#### COMMENT NUMBER

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(cont.)



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significant levels.

p. 8-200 ...mitigation measures...will reduce the severity of the impact [on historic buildings] but not to less than significant levels.

p. 8-202 ...mitigation measures...will reduce the severity of the impact [of construction on archaeological resources] but not to less than significant levels.

Table 8-24 on p. 8-183 shows almost 400 archaeological sites on PTA, Keamuku, and the PTA Trail

p. 8-202 ...mitigation measures...will reduce the severity of the impact [of training on archaeological resources] but not to less than significant levels.

p. 8-203 Native Hawaiians consider range and training activities inappropriate and disrespectful uses of the land that disturb and change the character and feeling of spiritual places.

p. 8-204 ...mitigation...will reduce the severity of...impacts on ATIs [areas of traditional importance]

p. 8-204 ...mitigation measures...will reduce the severity of the impact [of road construction on archaeological resources] but not to less than significant levels.

p. 8-205 Impacts on archaeological sites from road use. Impacts on sites along PTA Trail...could include erosion and possible vandalism or human access...[as with] sites within the WPAA...mitigation...will reduce the severity of the impact to less than significant levels.

p. 8-205 Impacts on archaeological sites from construction of the ammunition storage facility....there is a potential for a significant impact.

CUMULATIVE/ CULTURAL RESOURCES [statewide]

p. 9-50 ...the Army determines that the cumulative impact on cultural resources is significant.

p. 9-51 ...the overall effect of increased training, reduced access, and continued development throughout O'ahu and Hawai'i will result in substantial alteration and restriction of native use of traditional areas and the potential destruction of numerous archaeological sites.

p. 5-20 lines 29-35 GEOLOGY AND SOILS Implementation of the No-action Alternative, Alternative 1, or Alternative 2 in conjunction with the cumulative actions listed in Table 5.2-1 [which includes Stryker] would not result in significant impacts to geology and soils within the region of influence...Erosion is a naturally recurring issue, but it is not heavily exacerbated by military operations.

*This statement appears to contradict statements on Hawai'i island geology and soils from the Stryker EIS [below.] Reconcile the two EISs. Where mitigation is proposed, how effective will it be after Navy impacts are added to Stryker and other Army impacts?*

p. 8-125 Impact 1a: Soil loss from mounted and uncounted maneuver training in PTA....the INMRP identifies denudation of vegetation, major soil erosion, and severe windblown dust problems associated with maneuver training in Range 10. ATTACC modeling found that the Proposed Action would result in degradation of land condition to a "severe" condition on average...The impact on soils is considered to be significant because it could result in additional major soil erosion, such as described for Range 10.

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The mitigation measures...will substantially reduce the impact but not to less than significant.

p. 8-126 to 8-127 Impact 1b: Soil loss from mounted and uncounted maneuver training in the WPAA....The results of the ATTACC modeling for the WPAA indicate that the Proposed Action would result in degradation to a "severe" land condition...soil erosion by water during short duration storm events could result in significant local redistribution of eroded soil. Wind erosion of exposed soil would likely result in gradual removal of soils from areas where vegetation is damaged...the impact on erosion and soil loss is considered significant...The mitigation measures...would substantially reduce the impact but not to less than significant.

p. 8-127 Impact 1c: Soil loss from construction and use of PTA Trail During construction, erosion by both wind and water could occur...This impact is considered potentially significant. After construction [there could be flooding, washouts, and severe soil erosion]...This is considered a significant impact. The mitigation...would substantially reduce the impact, but not to less than significant.  
*Hilo soil scientist Yusuf Tamimi predicted even worse effects for all three.*

CUMULATIVE/GEOLOGY AND SOILS [statewide]

p. 9-42 In areas of the PTA where soils can be thin and fragile, the effects of soil loss may be irreversible...the cumulative impacts associated with the proposed project are significant.

p. 5-20 lines 39-42 HAZARDOUS MATERIALS AND WASTE Implementation of the No-action Alternative, Alternative 1, or Alternative 2 in conjunction with the cumulative actions listed in Table 5.2-1 [which includes Stryker] would not result in cumulative impacts associated with the use of hazardous materials within the region of influence.

*How will depleted uranium and other radioactive materials used by the Navy, added to Army DU found at Schofield and Pohakuloa and suspected at Makua Valley, affect residents and the environment?*

*Evaluate cumulative impacts of hazardous materials and waste from all past, present and proposed military sites and actions in Hawai'i.*

p. 5-21 lines 26-29 HEALTH AND SAFETY Implementation of the No-action Alternative, Alternative 1, or Alternative 2 in conjunction with the cumulative actions listed in Table 5.2-1 [which includes Stryker] would not result in significant impacts to health and safety within the region of influence.

*This statement appears to contradict statements on Hawai'i island health and safety from the Stryker EIS [below.] Reconcile the two EISs. Where mitigation is proposed, how effective will it be after Navy impacts are added to Stryker and other Army impacts?*

p. 8-218 Ammunition presents a significant risk of soil contamination...

p. 8-220 ...regulatory and administrative measures...will reduce the...impacts...to less than significant.

p. 8-221 Recent soil studies of the PTA ranges...[reveal] elevated levels of lead in the soils, above USEPA Region IX residential and industrial PRGs...The presence of lead may cause additional soils to become contaminated due to vehicle and equipment movement and soil deposition.

p. 8-222 to 8-223 PTA is particularly susceptible to fire...A wildfire along the trail or at the ranges could damage animal and plant communities, damage cultural resources, and contribute to soil erosion by removing vegetation...Under...mitigation, there would be

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(cont.)

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less than significant impacts involving wildfires.

**CUMULATIVE/ HUMAN HEALTH AND SAFETY HAZARDS [statewide]**

p. 9-53 TO 9-54 Ammunition ...the cumulative impact is considered significant due to the 25 percent increase in ammunition included in the Proposed Action.

p. 9-54 Unexploded ordnance ...there would be a significant cumulative impact regarding UXOs.

p. 5-21 lines 37-40 LAND USE Implementation of the No-action Alternative, Alternative 1, or Alternative 2 in conjunction with the cumulative actions listed in Table 5.2-1 [which includes Stryker] would not affect land use within the region of influence...

*This statement appears to contradict statements on Hawai'i island health and safety from the Stryker EIS [below.] Reconcile the two EISs. Where mitigation is proposed, how effective will it be after Navy impacts are added to Stryker and other Army impacts?*

**CUMULATIVE/ LAND USE [statewide]**

p. 9-23 the total area to be acquired by the Army statewide is 25,686 acres. These acquisitions would increase the state-wide decline in farmland since 1978 from one percent to 2.7 percent...in the State of Hawai'i, there is an ongoing loss of agricultural land due to development. In light of historic, ongoing, and reasonably foreseeable future actions the Army concludes that the cumulative impacts would be significant.

p. 5-22 lines 4-7 NOISE Implementation of the No-action Alternative, Alternative 1, or Alternative 2 in conjunction with the cumulative actions listed in Table 5.2-1 [which includes Stryker] would not incrementally affect noise within the region of influence.

*This statement appears to contradict statements on Hawai'i island noise from the Stryker EIS [below.] Reconcile the two EISs. Where mitigation is proposed, how effective will it be after Navy impacts are added to Stryker and other Army impacts?*

p. 8-76 Small arms firing...might remain audible...up to 2 miles...

p. 8-77 Detonations of high explosive ordnance can produce high noise levels at distances of several miles...Use of blank ammunition and simulator devices in the WPAA area may potentially create noise impacts within the Waikiki Ranch development and the Kiloohana Girl Scout Camp...noise from ordnance use at PTA would be a significant but mitigable impact...

*Some residents are still concerned about noise just from the Stryker.*

p. 5-23 lines 3-6 TRANSPORTATION Implementation of the No-action Alternative, Alternative 1, or Alternative 2 in conjunction with the cumulative actions listed in Table 5.2-1 [which includes Stryker] would not represent a significant increase in average daily traffic on island roadways...In regards to the Hawaii Superferry...it is not anticipated that increased vessel traffic from this commuting vessel would contribute to the cumulative effects...

*Describe any planned military use of Superferry and evaluate the cumulative impacts. Evaluate cumulative effects of land traffic from Superferry.*

*When Navy impacts are added to Stryker and other Army impacts, how will civilian traffic be affected? From Stryker EIS--*

p. 8-99 ...before the PTA trail is constructed all SBCT military vehicles would use public roadways to access PTA...there would be noticeable delays...

**p. 8-1 Mitigation Measures**

*Evaluate the effectiveness of mitigation measures. Which impacts will be reduced to less than significant? Which impacts will still be significant?*

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D-W-0097  
(cont.)

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p. 6-14 ...the Acoustic Thermometry of Ocean Climate (ATOC) experiment conducted in the mid-1990s. Whales observed during the trials were found to be distributed nominally further from the [low-frequency sound] source when it was active than when it was not...ATOC and the North Pacific Acoustic Laboratory are not being considered in this Draft EIS/OEIS.

*Why are ATOC and the North Pacific Acoustic Laboratory left out?*

*Where was the ATOC experiment conducted?*

*Describe the North Pacific Acoustic Laboratory and its possible relevance to this EIS.*

**COMMENT  
NUMBER**

D-W-0097  
(cont.)



**The Senate**  
STATE CAPITOL  
HONOLULU, HAWAII 96813  
September 17, 2007

Public Affairs Office  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, HI 96752-0128

Attention: HRC EIS/OEIS

Subject: **URGENT** – 30 Day Extension Request  
Hawai'i Range Complex NEPA Draft EIS

To Whom It May Concern:

Because of the size and complexity of the Hawai'i Range Complex NEPA Draft EIS, I would like to respectfully request a 30 day extension for the public review and comment period.

Because of numerous other pressing issues during the past 30 days, neither I nor my staff has had the opportunity to adequately review, analyze and comment on this important document. In addition, I have received several requests from constituents in my district who are also requesting a 30 day extension period for review and comment.

Thank you in advance for whatever assistance you are able to offer in extending the public review and comment period.

Sincerely,

Gary L. Hooser  
Majority Leader  
Hawaii State Senate  
7<sup>th</sup> Senatorial District – Kauai & Ni'ihau

mm: GLH

Hawaii State Capitol, Room 214-415 South Beretania Street-Honolulu, HI 96813  
Phone 808-598-6030-Fax 808-598-6031-Tollfree from Kauai 1-800-274-3141-50030  
Cell Phone 808-852-4279-E-mail [senhooser@Capitol.hawaii.gov](mailto:senhooser@Capitol.hawaii.gov)

COMMENT  
NUMBER

D-W-0098

1

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KIKIAOLA LAND CO

PAGE 01/01

**Roland D. Sagum III**  
Kauai, Hawaii 96765

September 14, 2007

Public Affairs Officer  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Kauai, Hawaii 96752

Subject: Letter in Support of Hawaii Range Complex Draft EIS/OEIS

This letter is in strong support to the existing activities and enhanced modifications to the Hawaii Range Complex on Kauai. The U.S. Navy, in partnership with various private and public entities, have made significant contributions to improving the quality of life of our citizens, while leading West Kauai's emergence as a sophisticated employer, and learning center of the Pacific. The facility has maintained a leadership role in research, development, and training in technologies that are deployed to defend the United States. It attracts companies that are willing to educate and train our citizens that they may attain high-technology positions with salaries that are comparable to mainland counterparts. The Hawaii Range Complex has provided our citizens with many new and exciting opportunities that augment our agriculture and farming industries.

Secondly, they have demonstrated a sustained commitment to protect the environment, preserve cultural resources, and improve the social conditions of our people. They have participated in County discussions that explore affordable housing and other economic development issues. The presence of the Hawaii Range Complex provides our youth with some realization and assurance that if they go to the mainland for college, there is a very likely the possibility of a job that pays well should they decide to move home.

Lastly, I have personally seen and experienced members from the PMRF volunteering at elementary and high school functions on various technology based programs. The U.S. Pacific Command provides tens of thousand of dollars to the Kauai Schools to educate our youth. However, in addition to financial support, they also routinely provide volunteer labor and support, such as Habitat For Humanity, AYSO soccer, and a multitude of children programs.

Sincerely,

Roland D. Sagum III

Letter in Support of Hawaii Range Complex.doc

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NUMBER

D-W-0099

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<p>2007-09-15 19:42      &gt;&gt;      P 1/1</p> <p style="text-align: right;">9-15-07</p> <p>PACIFIC MISSILE RANGE P O BOX 128 KEKAHA HI 96752</p> <p>I AM STRONGLY AGAINST USING SONAR IN OUR WATERS DUE TO THE KNOWN HARM IT DOES TO OUR MARINE MAMMALS.</p> <p>PLEASE STOP.</p> <p>THANK YOU Valerie Weiss VALERIE WEISS</p> <p>KAPAHA HI</p>	<p>COMMENT NUMBER</p> <p>D-W-0100</p> <p style="text-align: center;">1</p>	<p style="text-align: right;">August 21, 2007</p> <p>Aloha, Mr. Clements,</p> <p>I am writing to you to express my complete opposition to the Navy's request to expand sonar testing and military exercises in the area of the Hawaiian Islands and Papahānaumokuākea. I believe that the Navy's activities so far have been destructive for the marine ecosystem and especially for the animals who are adversely affected by sonar; to expand these activities would only expand the negative effects. This is especially unconscionable to consider in the area of Papahānaumokuākea, a very singular and fragile reserve that is a world treasure. Whatever beliefs Americans may have about the need for increased national security, keeping our planet healthy is our greatest responsibility since there will be no life at all for future generations if we do not care for, preserve and protect the environment. The Federal Government has declared Papahānaumokuākea as a Marine Sanctuary, which means that all Americans, including the military, are responsible to ensure its environmental integrity and balance. Performing war games, military exercises, and tests that involve noise and chemical pollution and radioactive substances are not ways to fulfill this responsibility; they do the opposite. Since I gather you live here on Kaua'i, you have an understanding of just how special our islands are, and I urge you to help the Navy to find other ways to meet their needs for practice and research than to wreck havoc on the multitude of life around us in the Pacific.</p> <p>Sincerely, Maria Walker</p> <p>Kapa'a, HI</p>	<p>COMMENT NUMBER</p> <p>D-W-0101</p> <p style="text-align: center;">1</p>
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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)



9/10/07

PMRF  
PO Box 128  
Kekaha, HI 96752

To Whom it May Concern,  
Re: Increased Military Services in Hawaii.

I am deeply and profoundly opposed to any increased militarization of the islands of Hawaii. Rather than making us safer, any plans to amplify military presence make us a bigger target. The Navy's land grab of the Mana plain at PMRF was bad enough - bigger war games compounds that travesty.

Sincerely,  
Folyn de Buhr

Kilauea, HI

COMMENT  
NUMBER

D-W-0102

1

August 29, 2007

## Save the Whales!

Dear National Marine Fisheries Service members:

Some goals are worth the sacrifice it takes to accomplish them. I do not believe that allowing more practice for the Navy is an adequate reason to harm, and possibly kill, many whales, dolphins, and other marine life.

The military is already using sonar and underwater explosives for war games around the Hawaiian Islands. It is hard to measure the damage that may already have been done to our marine animals because there is no guarantee that the dead animals will beach, but it is clear that if they increased the intensity of sonar and frequency of the games the results would be fatal to many of our underwater friends.

Why would you ignore the fact that sonar testing, at much lower levels, has already proved to have killed whales in the Bahamas? Humpback whales are endangered and rely on our islands for a safe place to mate and give birth. Take that away from them, and their species may not even survive.

It is one thing to simply acknowledge that whales are a life form and deserve to live, but living in Hawaii you cannot help to have a personal relationship with the humpbacks. Every year, during February and March (the peak of the humpbacks mating season in Hawaii), my dad and I take out our kayaks to be with them in the ocean. The last time we went we paddled out and sat for hours waiting for them. They were far away, but having a joyous time. Their joy was expressed so loudly underwater that we could hear it from our spot above the glittering blue water. When I jumped in, the sound was overwhelming. It was so obvious that I was intruding into their world, and yet when they

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<p>finally did approach close enough to be seen, they welcomed us with breaches and slaps.</p> <p>If you have not been lucky enough to experience a humpback up close, you should do so before making the decision that could kill them out completely.</p> <p>I do not believe that the need is great enough to justify killing our marine life. The Navy is already practicing war games in Hawaiian waters. I believe they should stick to the status quo, although even that is not ideal for our whales. Is it necessary to increase the practice of our military? What are we even preparing to fight for?</p> <p>Sincerely,</p> <p>Inanna Carter, age 15</p> <p>Haiku, Hawaii</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-W-0103 (cont.)</td></tr></table>	COMMENT NUMBER	D-W-0103 (cont.)	<p>Admiral Robert f. Willard Commander U.S. Pacific Fleet 250 Makalapa Drive Pearl Harbor, HI 96860</p> <p>September 12, 2007</p> <p>Dear Admiral</p> <p>Sonar/Marine Animals</p> <p>I strongly urge the Navy to discontinue further plans for the use of sonar testing off the <i>entire</i> Southern California coast.</p> <p>There is no denying that sonar has been the cause of many whale deaths since being implemented in other areas. Additionally, it is disorienting and detrimental to other marine species, all of which are already under severe decline.</p> <p>True, our country's borders need protection. However, we already have the most advanced, superior military in the world and the vast majority of our citizens feel secure. It is long overdue to allow the non human citizens of our planet the freedom to live in peace.</p> <p>Respectfully</p> <p></p> <p>Steve Tyler</p> <p>Orange, CA</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-W-0104</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-W-0104	1
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D-W-0103 (cont.)								
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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

## Hawaii Range Complex Environmental Impact Statement Public Hearing Input Form

Please record your comments concerning the Hawaii Range Complex Draft EIS/OEIS on this form. Please include your name and address. You may submit this form by:

- 1) placing it in the comment box at tonight's meeting
- 2) mailing it to: PMRF Public Affairs Officer  
P.O. Box 128  
Kekaha, HI 96752

All comments must be received no later than Sept. 17, 2007 to be included in the response to comment section of the Final EIS/OEIS.

Name: Jennifer S. Ho

Address: Hilo HI

Comments: \_\_\_\_\_

*I understand that tonight's forum is not meant to address the public's concerns regarding low frequency sonar, depleted uranium, the Stryker Brigade or the military's obligations. Since there is no planned forum, I want the public to be given the opportunity to let our concerns be addressed by such a forum held soon. Your time and ours will not be wasted if you give the opportunity to address these obvious needs.*

*Thank you.*

*Also I wish the military, a well organized & disciplined body would work to stop the real threats of pollution, alien species invasion & loss of fishing through dead zones. That would be a true heroic & worthwhile accomplishment - much more needed than the threat of imagined war.*

\* If you provide your mailing address, we will add you to our mailing list to receive future notices about this EIS/OEIS.

COMMENT  
NUMBER

D-W-0106

**JAY R. MILLER  
FORMER JUDGE**

Portsmouth, Rhode Island

August 23, 2007

Tom Clements  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Hawaii 96752-0128

Sent by Fax and U.S. Mail

RE: Prevent Naval Wargames in Hawaii

Dear Mr. Clements:

In recognition of the importance of the Hawaiian islands to the world's natural resources, the U.S. established the Papahānaumokuākea Marine Monument. Here threatened monk seals survive and coral reefs are "protected" from destruction. Science, and our own good wisdom, tell us to protect marine areas for the welfare of the planet, which is our own welfare as well.

Laws exist to protect what is good and "sacred" to people, and to our Earth, and as a Judge, it is my responsibility to enforce them. What the U.S. Navy intends to do, expand its wargames in the Hawaiian Islands, is contrary to existing law, science and wisdom. The NWHI Marine Monument, State Refuge and the Humpback Whale Sanctuary exist to protect those areas from interference, and the Navy's plan is the most heinous interference imaginable. We cannot allow the Navy's plan to use active sonar. The "wargames" will spread toxic chemicals, which not only will injure wildlife and human beings but will also negatively effect sacred, cultural sites of native Hawaiians.

Sincerely,

*Jay Miller*

COMMENT  
NUMBER

D-W-0107

1

1

2



*Ali'i N u Mu? Edmund Keli'i Silva, Jr.*  
E malama i ka mana'o'i'o

September 17, 2007

Pelekikena George W. Bush  
Ka Hale Ke'oke'o  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Subject: NEPA Programs Hawai'i Range Complex EIS/OEIS

Aloha Pelekikena Bush:

I am Kanaka Maoli. My 'Ohana (family) is Hawai'i's highest royal lineage in existence today. Due to the failure of the Kamehameha I dynasty, it is my lineage that is Hawai'i's most senior lineage with the responsibility to correct things. The Kamehameha I dynasty up to Lili'uokalani eventually failed in its once promising administration of the Kingdom. Kalakaua, who was of the last of the Kamehameha I dynasty, appointed his wife's Kawanakoa nephews as prospective successors.

But because Lili'uokalani lost the Kingdom in her lifetime, the Kawanakoa clan never materialized as successors.

Today, if a monarchial entitlement is considered, then it must fall upon the highest lineage found in Hawai'i that is capable of the responsibility – not the Kamehameha I or Kawanakoa.

I have the blessings of my family, the Kupunas, and House of Nobles. I am King.

Royal Chambers, Ka Pu'uohonua O Na Wahi Pana O Hawai'i Nei  
1760 Mahani Loop Honolulu, Hawai'i 96819  
hmkkingdomofhawaii@gmail.com

COMMENT  
NUMBER

D-W-0108

In my capacity I speak. The Kingdom of Hawai'i is a non-aligned nation and does not support further desecration of our lands. Hawai'i is not a staging ground for any Military training nor does it support the philosophy of U.S. Military Commanders or the U.S. President about terrorist threats to these islands. We are a peaceful people and seek only pono (righteous) relationships with any other nation.

Our lands and seas have been spoiled by greed, power, lust and vanity. Therefore, to subject our 'aina (lands) to further suffering is to subject all of us to suffering as well.

Consider this case in point. The island of Kaho'olawe was a training ground for the U.S. military. The U.S. military finally stopped bombing the island and promised to clean up all the explosives left behind. After hundreds of millions of dollars spent, the Navy left. The island and the waters around it are still filled with pollution and dangerous ordinance. We still have years of work to do to clean up the U.S. military's mess. This is a known fact. So why would I, in all consciousness, think that the Navy or any military organization will have sympathy or respect for Hawai'i, the archipelago, its indigenous animals and plant life, or its indigenous people?

I represent our kupuna kahiko and the multitude of peoples of like minds who do not trust or support the EIS/OEIS to give out honest answers. Socrates once said: "Justice is given to those that can pay for it." The same is true for those who can lobby for what they know is unjust for political gain, power and money.

Furthermore, history speaks clearly to our minds and to our hearts of these known facts. It is that history of distrust I acknowledge in my soul as truth. Therefore, as a Hawaiian born to this land, I strongly urge the Navy and all U.S. Military Branches of Services to break off from causing the lands and seas of Hawai'i further suffering through their military operations and training and to stand down.

As a courtesy, I am requesting my Ali'i Mana'o Nui to send a copy of this letter to the appropriate person within the U.S. Navy to be included in the comments on the current EIS/OEIS proceeding.

Aloha pumehana,

*Edmund K. Silva, Jr.*  
Edmund K. Silva, Jr.  
Nou Ke Akua Ke Aupuni O Hawai'i

cc: Ali'i Mana'o Nui  
Celestial Council  
House of Nobles

Royal Chambers, Ka Pu'uohonua O Na Wahi Pana O Hawai'i Nei  
1760 Mahani Loop Honolulu, Hawai'i 96819  
hmkkingdomofhawaii@gmail.com

COMMENT  
NUMBER

D-W-0108  
(cont.)

1



Nina Monasevitch

Lihue, HI

September 17, 2007

PMRF  
PO Box 128  
Kekaha, HI 96753-0128  
808-335-4520

TO WHOM IT MAY CONCERN:

Thank you for sending me the Draft Environmental Impact Statement / Overseas Environmental Impact Statement dated July 2007. I have read the document and am alarmed at the lack of scientific peer review. I therefore believe the EIS/OEIS to be invalid, based on lack of proper science.

I do not support any military expansion of the Missile Range facility.

The war games and training exercises that PMRF engages in, especially the active and passive mid and low frequency sonar systems kill cetaceans. This is fact. With over 20 species of marine mammals documented in Hawaii's waters, I find it unconscionable and irresponsible that any sonar exercises are practiced in Hawaii's waters. I ask that all sonar activities be stopped permanently in Hawaii and all oceans where cetaceans are present.

Any expansion of the military in Hawaii is unnecessary, unscientific, and not pono.

I ask that you take an honest look at the truth of your soul. You cannot have power, control and security at the expense of a healthy eco-system. What are you protecting if there is not a sustainable planet to live on? The oceans and its eco-system are the largest component of our global climate. Let's create balance and health in our environment, in our society, in our government, in ourselves. Let's demilitarize and focus on Peace.

Mahalo and Aloha,

  
Nina Monasevitch

COMMENT  
NUMBER

D-W-0109

1

HAWAII RANGE COMPLEX DEIS/OIES JULY 2007

Comments by Cory Harden (as an individual)

Hilo, Hawai'i

GENERAL COMMENTS

Improve clarity

*I found this EIS far more difficult to understand than three others I've read.*

*Highly technical language is used when lay-person language could be used instead. For example, the chart on p. 4-152, "Yearly Marine Mammal Exposures From all ASW" uses "dose function behavioral" instead of "harassment level," "TTS" instead of "significant behavioral effects level," and "PTS" instead of "injury level."*

*Language appears to minimize events—for example, "missile intercept" with no explanation of the size of the resulting explosion, the amount of debris created, and the size of the area where debris would fall.*

*Conclusions from related facts are not drawn where they should be. On the contrary, related facts (like the number of incidents of whale harassment, and the number of whales) are presented many pages apart.*

*Information is presented piecemeal.*

- *To understand impacts of Alternative 2, you have to go back and read No Action and Alternative 1 impacts sections, then try to remember them all while reading about Alternative 2.*
- *Impacts are not evaluated across the entire Hawai'i Range Complex, but separately for each geographic area.*

*I had to keep reading and re-reading sections and flipping back and forth to get the entire picture. It seemed like you had to read the entire EIS to understand any one section.*

Suggestions to increase clarity:

- *In each section, start by describing impacts of Alternative 2, then do Alternatives 1 and the No-Action Alternative.*
- *For Chapter 4, add a section organized like the Cumulative Impacts section, by subject (airspace, biological resources, etc.) For each subject, describe combined impacts on all geographical areas (open ocean, NW Hawaiian Islands, Kaula'i, etc.) The Stryker EIS did this and it was extremely helpful.*
- *Use lay-person language wherever possible*

Evaluate legal authority over land use

*Appendix 1, p. 1 ...Public Law 103-150...is not applicable to the disposition of ceded lands at PMRF or support sites...*

*p. 4-46 lines 5-7 [Navy plans] do not conflict with...Federal, State, regional, or local plans, policies, or legal requirements.*

*Do Federal, State, regional, and local governments in Hawai'i have legal authority, since the 1893 overthrow of the Kingdom of Hawai'i was "illegal", per P.L. 103-150?*

Evaluate cumulative impacts of U.S. occupation of Hawai'i, military presence, and proposed Navy action on native Hawaiians and the nation of Hawai'i

- *Include impacts on native Hawaiian spiritual life, culture, connection with the land, self-determination, civil rights, language, wealth, emotional and physical health, and safety (hazards on former and current bases, and risks from Hawai'i becoming a target for enemies of the U.S.)*

COMMENT  
NUMBER

D-W-0110

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<ul style="list-style-type: none"> <li>• Include data showing native Hawaiians, compared to other ethnic groups in Hawai'i, suffer from-- low incomes (1) high unemployment rates (1) high rates of dependence on government assistance programs (1) high risk of homelessness (1) high rates of health problems (1) highest incarceration rates (1) decreasing population in Hawai'i (though increasing outside of Hawai'i) (1) shortest life expectancy (2)</li> </ul> <p>(1) OHA Datebook 2006 (2) Life and death in Hawaii: ethnic variations in life expectancy and mortality, 1980 and 1990, Braun KL, Yang H, Onaka AT, Horiuchi BY, Center on Aging, University of Hawaii, Honolulu</p> <p><u>Identify past and present violations of national and international laws by--</u></p> <ul style="list-style-type: none"> <li>• The unilateral annexation of Hawai'i by a U.S. congressional joint resolution on July 7, 1898, so Hawai'i could be used for a military base to fight the Spanish in Guam and the Philippines</li> <li>• past, present, and planned use of Hawai'i's land to further the military objectives of the U.S. occupiers</li> <li>• Refer to legal instruments which allow or disallow U.S. military presence in the nation of Hawai'i, including but not limited to-- 1-international, Federal, and State laws 2-international, Federal, and State court decisions 3-international treaties</li> </ul> <p><u>Evaluate effects of waste in ocean</u> Do a map, showing estimated amount and location, for one typical year, of all waste the Navy will put into the ocean--missiles, sonobuoys, torpedoes, gunnery rounds, parachutes, chaff, flares, sewage, graywater, hazardous materials, radioactive materials, etc.</p> <p><u>Evaluate combined effects of all waste on marine life.</u></p> <p><u>Improve evaluation of cumulative impacts</u> Chapter 5, Cumulative Impacts, does not appear to be a thorough evaluation.</p> <p><u>Describe any past, current, and planned military use of Slice and Swath vessels and evaluate impacts</u> The description below is from the Envirowatch website <a href="http://www.envirowatch.org/sliceppg.htm">http://www.envirowatch.org/sliceppg.htm</a> ...special project conducted by the United States Office of Naval Research in Arlington, VA, involving the development of the Slice and Swath vessels in Hawaiian waters. The project is funded by 15 million dollars from the Department of Defense, acquired by Hawai'i's Senator Daniel Inouye. These super-fast vessels are reported to travel up to 31 knots while maintaining a 14 foot draft under the surface with their twin hulls (Slice). Our initial investigation of the vessels and their use show that they were not presented to the public as either a government or military project and, in fact, have been served up as the future interisland ferry with "possible military applications"...Rear Admiral Paul Gaffney II of the Office of Naval Research oversaw the development for the Navy in a public/private partnership.</p> <p>In an article in the Honolulu Star Bulletin, 12/8/97, Steven Loui, President of Pacific Marine &amp; Supply Company, the builder of the vessel stated, "Slice was designed, built and tested in less than four years at a cost of 14.5 million which makes it one of the fastest, least expensive, advanced-craft development programs ever conducted by the office of Naval Research. Potential</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-W-0110 (cont.)</b></p> <p><b>6</b></p> <p><b>7</b></p> <p><b>8</b></p>	<p>uses for Slice include as a missile launch pad, patrol boat, test-range support craft, helicopter support, and search and rescue". He also hopes to continue building [testing] Slice ships here for export worldwide.</p> <p>A review of the final Environmental Impact Statement and Management Plan for the Hawaiian Islands Humpback Whale National Marine Sanctuary found that the use of the Swath and Slice Vessels, or their development, was not disclosed in Appendix F "List of Military Activities in Hawaii"...</p> <p>...On or about March 18, 1998, the National Marine Fisheries Service interviewed the Captain of the Slice after he reported a collision between the Slice and a whale or other large marine mammal. Of even greater concern is that NMFS is covering up the fact by not prosecuting the Navy or vessel operator after documenting the incident, nor have they considered future impacts and compliance with NEPA, which requires an analysis of potential environmental effects of major federal actions within U.S. territorial waters. We've also learned that NMFS only response to the incident was to write up an internal memorandum regarding the matter.</p> <p>In March, during the Navy's SURTASS LFA (Surveillance Towed Array Sonar System Low Frequency Active) System testing, a dead humpback whale calf washed up on Lahi Lahi Point, Waianae, on the Island of Oahu. The National Marine Fisheries Service (NMFS), the Hawaii Department of Land and Natural Resources (DLNR), and the Navy were quick to dismiss LFSA testing as the cause of death, though they did not disclose that the machines were being calibrated before the official start date and that the calibrations could also have had an impact on whales...</p> <p>When we requested biological opinions or other assessments issued by NMFS regarding the Swath and Slice project the response was "We are working with the Navy on this". When we filed a FOIA with the Navy, requesting such information we received telephone calls from the Pacific Division, Naval Facilities Engineering Command, Environmental Planning Division advising "we don't know what the vessel Slice is and we have no information on such a vessel"...</p> <p><u>LINE-BY-LINE COMMENTS</u> <u>p. ES-3 lines 21-22</u> In the history of the Navy in Hawai'i, include how Navy got access to Hawai'i--by illegal actions of U.S. government</p> <p><u>p. 4-448 lines 16-18</u> The Army will continue to provide Native Hawaiians with access to traditional religious and cultural properties, in accordance with the American Indian Religious Freedom Act and EO 13007 on a case-by-case basis. This is insufficient.</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-W-0110 (cont.)</b></p>
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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)





	COMMENT NUMBER		COMMENT NUMBER
<p style="text-align: right;"><i>International Ocean Noise Coalition Hawaii Range Complex Comments September 17, 2007 Page 3</i></p> <p>converse is true – a rapid ascent from such whales would be and has been lethal. The evidence is that mid-frequency active sonar can kill beaked whales at exposure levels well below the Navy's proposed thresholds for behavioral disruption.</p> <p>For beaked whales the science indicates that an appropriate and precautionary threshold is a pressure level below 160 dB as indicated by data from the Bahamas stranding (Hildebrand, 2005). A consensus exists in the scientific community that the formation of gas bubbles in tissue, most likely from rapid surfacing in response to sound pressure levels much lower than those that cause tissue damage directly is the most plausible cause of the deaths of beaked whales exposed to noise. Hawaii has been identified as one of the world's 23 known "key areas" for beaked whales (McLeod and Mitchell, 2006) and they will be placed at direct risk from the proposed action.</p> <p>Additionally, the harmful effects of active sonar, in addition to physical injury and death from stranding, include behavioral disruption, habitat displacement and interference with mating, calving, nursing, feeding and communication. Such disruptions can have significant implications for the survival of marine animal populations. The Navy also does not adequately address in the DEIS, the cumulative effects of ocean noise produced by the large number of exercises (1,145 using active sonar alone) around the Hawaiian Islands on the above behaviors.</p> <p><i>Geographic issues</i></p> <p>There are steep seamounts off the Hawaiian Islands which provide a concentrated haven for marine life. To the west of the island of Hawaii there are a number of sea mounts and these waters are also characterized by regular cyclonic eddies which increase productivity and are likely to result in greater densities of cetaceans. These areas should be avoided during sonar use.</p> <p>The steep seamounts provide important habitat for short-finned pilot whales and three species of beaked whales. Beaked whales are known to be especially sensitive to sonar and their habitat should be avoided in any well-intentioned mitigation plan. Hawaii's oceanic conditions are quite similar to areas where mass strandings have occurred in the past and, thus, it is very risky to conduct war games using sonar around these islands.</p> <p><i>Population level impacts</i></p> <p>The DEIS uses abundance estimated for near shore marine mammals based on aerial surveys (Mobley et al 2000, Mobley et al 2001). These estimates are then used to predict the numbers of affected animals using the Navy's modeling techniques.</p> <p>Estimates based on estimates can hardly be categorized as good science, especially for deep-diving marine mammal species which are hard to observe and are likely the most susceptible to noise. Furthermore behavioral impacts, including the disruption of foraging or the displacement of marine mammals, could have population level effects especially when the impacts are repeated. Certainly it appears that a single sonar exercise in the Bahamas resulted in the death or displacement of a population of beaked whales in the area. Yet the Navy is only concerned with species-level impacts.</p>	<p>D-W-0111 (cont.)</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p>	<p style="text-align: right;"><i>International Ocean Noise Coalition Hawaii Range Complex Comments September 17, 2007 Page 4</i></p> <p>Dr. Robin Baird, a marine mammal scientist who has conducted extensive research on whale and dolphin populations of the Hawaiian Islands and whose abundance data is used in the DEIS, notes the genetic studies of all species studied so far around the Hawaiian Islands have indicated that these animals are reproductively differentiated from animals elsewhere in the tropical Pacific (Chivers et al, 2001; Martien et al, 2005; Andrew et al, 2006). In the case of spinner and bottlenose dolphins there appears to be multi- population structures within the Hawaiian Islands with genetic differences among populations and no evidence of movements of individuals among the four main groups of islands. Yet the Navy states that the abundance estimates can be based for most populations on the entire Hawaiian Exclusive Economic Zone.</p> <p>Based on genetic and photo ID evidence (Baird et al 2002, 2003, 2006) there are likely small, reproductively isolated odontocete populations around each island. Thus, it is likely that the Navy has strongly underestimated the proportion of some populations that may be taken by the action and consequently the probability of population level impacts is significantly higher than discussed in the DEIS.</p> <p>Of particular concern is the potential population-level impacts on melon-headed whales. NMFS most recent stock assessment (Caretta et al, 2006) sets the level of potential biological removal for Hawaiian melon-headed whales at 14 whales per year. By comparison, at least 150 melon-headed whales were embayed off Kauai during the 2004 RIMPAC exercises. Had efforts to lead the whales back to sea not been successful, the loss could potentially have been over ten times greater than what, according to NMFS, the Hawaiian stock can annually absorb. This is a very serious issue that has not been adequately considered.</p> <p><i>Mitigation</i></p> <p>The DEIS does not include even those few additional mitigation measures it agreed to include during the RIMPAC 2006. The Navy's proposed mitigation measures are ineffective and inadequate. There are no dedicated marine mammal observers and the Navy's paltry description of its 'marine species awareness training' does not appear adequate. Many of the marine mammal species are deep diving and remain beneath the surface for more than an hour.</p> <p>Whales are difficult to spot in rough water and windy weather and are almost impossible to spot at night. Thus visual detection is very inadequate. Passive acoustic detection is only effective when whales are vocalizing which not all whales do and is only effective at certain frequencies. We do not agree with the Navy's 'mitigation safety zone' of 1,000 yards (175 db RL) and contend that active sonar impacts can occur beyond this isopleth and beyond the field of view of an observer on a ship.</p> <p>The Navy cannot have much confidence in its marine mammal detection methods since it allows for the eventualities of animals getting as close as 200 yards from the sonar dome. However, if a marine mammal is detected within 1,000 yards of the sonar dome the Navy says that the sonar will be reduced by 6dB from 235 to 229 dB. This is still incredibly loud and many thousands times more intense than the sonar that killed the whales in the Bahamas incident.</p>	<p>D-W-0111 (cont.)</p> <p>9</p> <p>10</p>

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)



Similarly a reduction of 10 dB will be made if an animal is observed within 500 yards of the dome. The Navy will only cease operation of the sonar if a marine mammal is observed within 200 yards of the dome. Whales have been injured and killed at greater distances from the source than 200 yards. The Navy will not slowly ramp up transmissions to allow whales to leave the area before the sonar is intensified, citing operation impediment as the reason.

In the DEIS the Navy appears to have selected training sites where active sonar will be used based entirely on its own operational needs and convenience. It does not make allowances for marine mammal escape routes or require that ships avoid embayments, even though NMFS concluded the Navy's sonar use in 2004 was the "plausible, if not likely, contributing factor" in the causation of Hanalei Bay, Kaua'i incident in which 150-200 melon headed whales 'milled' in an unusual manner in the shallows of Hanalei Bay for over 28 hours.

Other navies use more effective mitigation procedures.

The NATO Undersea Research Center requires much stricter measures for the protection of marine mammals during high intensity active sonar use. Sonar test sites are selected only after an environmental assessment has considered known marine mammal habitat and noise propagation. Sonar test sites are selected to avoid enclosed areas and coastal areas with complex steep sea bed topography. Ship tracks are planned to provide marine mammal escape routes and avoidance of embayments. Operations are suspended if marine mammals enter the safety zone which is defined as the area ensounded to 160 dB for large whales. The safety zone for endangered species, or for Cuvier's beaked whales is twice the above-mentioned safety zone.

The Australian Navy also takes more cautious and significant steps to minimize harm to marine life from sonar exercises. It has seasonal and geographic restrictions on the use of the mid-frequency sonar system at its highest power levels. It avoids transmissions with source levels greater than 210 dB within 30 nautical miles off certain coastlines during times when whales are likely to be present and uses lower power levels in conditions that may produce surface ducting or embayments. The Australian Navy also avoids seamounts and monitors a 4,000 yard safety zone for 30 minutes prior to sonar transmission. Similarly it maintains this 4,000 yard safety zone during active sonar transmissions and institutes immediate shut-down procedures if a marine mammal is detected within the safety zone.

The U.S. Navy can and has complied with the Australian Navy's mitigation methods, for example during Operation Talisman Saber in 2007. Therefore for the Navy to be aware of the existence and implications of more stringent mitigation methods, to have implemented them and then to not use them elsewhere is unsatisfactory.

The Navy has in the past employed more effective mitigation measures in Hawaiian waters than it is proposing in this DEIS. In RIMPAC 2006 the Navy adopted larger marine mammal safety zones, had at least one dedicated marine mammal observer, implemented restrictions on exercises involving the use of active sonar taking place in channels between islands with steep underwater topography and instituted a reduction of power levels in conditions of low visibility. These improved mitigation procedures in RIMPAC 2006 were only implemented after the courts deemed the Navy's proposed mitigation to be inadequate.

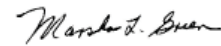
COMMENT  
NUMBER

D-W-0111  
(cont.)

The Navy should be adhering to much stricter mitigation methods in use by other navies for similar exercises and to include those that the U.S. Navy when required to, has used before. These stricter mitigation methods should include restrictions on active sonar use to avoid seasonal migrations such as the migration of endangered humpback whales into the US Hawaiian Islands Humpback Whale National Marine Sanctuary and avoiding seamounts and other sensitive habitats frequented by marine mammals, especially vulnerable beaked whales.

We appreciate the opportunity to submit these comments and look forward to them being addressed in full.

Sincerely,



Marsha Green  
North American Representative

COMMENT  
NUMBER

D-W-0111  
(cont.)

11

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D-W-0111  
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#### COMMENT NUMBER

D-W-0111  
(cont.)



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September 17, 2007

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Pacific Missile Range Facility  
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Attention: HRC EIS/OEIS  
By email: deis\_hrc@govsupport.us

Re: Draft Environmental Impact Statement/Overseas Environmental Impact Statement  
Federal Register Notice Vol. 72, Number 149, Page 43251-43252

Dear Sir or Madam:

The Animal Welfare Institute (AWI) appreciates the opportunity to submit the following comments on the Navy's Draft Environmental Impact Statement/Overseas Environmental Impact Statement (DEIS/OEIS) for the Hawaii Range Complex.

In view of the evidence related to the impacts of human-generated undersea noise, including active sonar use, on marine animals<sup>1</sup> and the international action and calls for pre-caution<sup>2</sup> over

<sup>1</sup> The Navy is aware of the literature on behavioral and auditory impacts of undersea noise on marine mammals and other species. It includes W.J. Richardson et al., *Marine Mammals and Noise* (1995); National Research Council, *Ocean Noise and Marine Mammals* (2003); P. Tyack, "Behavioral Impacts of Sound on Marine Mammals," Presentation to the U.S. Marine Mammal Commission Advisory Committee on Acoustic Impacts on Marine Mammals (February 4, 2004); Whale and Dolphin Conservation Society, *Oceans of Noise* (2004); M. Jasny, *Sounding the Depths II: The Rising Toll of Sonar, Shipping, and Industrial Ocean Noise on Marine Life* (2005); A. Fernandez et al., "Gas and Fat Embolic Syndrome" Involving a Mass Stranding of Beaked Whales (Family Ziphiidae) Exposed to Anthropogenic Sonar Signals," 42 *Veterinary Pathology* 446 (2005); Vidal Martin et al., "Mass Strandings of Beaked Whales in the Canary Islands," in *Proceedings of the Workshop on Active Sonar and Cetaceans* 33 (P.G.H. Evans & L.A. Miller eds., 2004); Jepson, P. D. et al., "Gas bubble lesions in stranded cetaceans," *Nature* 425: 575-576 (2003); International Whaling Commission, 2004 Report of the Scientific Committee, Annex K at Tab. 1; M. Jasny, *Sounding the Depths II* at Tab. 1-3; McCauley, R., J. Fawcett, and A.N. Popper, "High intensity anthropogenic sound damages fish ears," *Journal of the Acoustical Society of America* 113: 638-42 (2003); Bart, A. N., Clark, J., Young, J. and Zohar, Y., "Underwater ambient noise measurements in aquaculture systems: a survey," *Aquacultural Engineering* 25: 99-110 (2001); Engås, A., S. Lokkeborg, E. Ona, and A. V. Soldal, "Effects of seismic shooting on local abundance and catch rates of cod (*Gadus morhua*) and haddock (*Melanogrammus aeglefinus*)," *Canadian Journal of Fisheries and Aquatic Sciences* 53: 2238-2249 (1996); Frantzis, A. 1998. Does acoustic testing strand whales? *Nature* (London), 392: 29; and Balcomb, K.C., and Claridge, D.E. 2001. A mass stranding of cetaceans caused by naval sonar in the Bahamas. *Bahamas J. Sci.* 8(2): 1-8.

<sup>2</sup> In recent years the international community has begun to recognize the significance of anthropogenic ocean noise in relation to its impacts on marine life. In July 2005, the UN Secretary General prominently included the problem of ocean noise in a report to the General Assembly listing anthropogenic underwater noise as one of five "current major threats to some populations of whales and other cetaceans," and including noise as one of the ten "main

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the introduction of anthropogenic noise into our oceans, we strongly urge the Navy to reconsider its planned action. The Navy should demonstrate a serious commitment to the protection of marine life by: a) ceasing actions involving the introduction of high intensity anthropogenic noise into the ocean in areas where there are known populations of marine animals, including designated protected areas, migration routes, and breeding, mating and feeding areas; b) reducing the output levels of its active sonar to the minimum practicable level; and c) committing to meaningful mitigation measures that assure the strongest protections for marine animals.

#### Active Sonar Use Harms Marine Life

There is a growing list of stranding events coincident with active sonar use - Spain (2005), North Carolina (2005), Hawaii (2004), Canary Islands (2004, 2002, 1991, 1989, 1988, 1985), Washington State (2003), Virgin Islands (1999), Bahamas (2000), Madeira (2000), Greece (1996), and Japan (1990, 1989, 1987, 1979, 1978, 1968).<sup>3</sup> In the DEIS/OEIS the Navy admits to active sonar use being the causative factor in five of these cases - Canary Islands (2004, 2002), Bahamas (2000), Madeira (2000), and Greece (1996).

Despite the overwhelming evidence that active mid-frequency sonar use has caused deaths in marine mammals, the Navy is planning on increasing its mid-frequency active sonar use around

current and foreseeable impacts on marine biodiversity" on the high seas. Specific references from this and other fora recognizing and/or addressing the problems of anthropogenic ocean noise include: Report of the Secretary General, Oceans and the Law of the Sea, § 183 and 286 (A/62/2) (advanced and unedited text) (March 12, 2007); General Assembly Resolution, Oceans and the Law of the Sea, § 107 (A/61/222) (Nov. 2006); Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (A/61/156) (July 17, 2006); Report of the Ad Hoc Open-Ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, § 38 (March 2006); General Assembly Resolution, Oceans and the Law of the Sea, § 84 (A/60/30) (November 2005); Report of the Secretary General, Oceans and the Law of the Sea, § 159 and 147 (A/60/63/Add.1) (July 15 2005); Commission Proposal for a Directive of the European Parliament and of the Council establishing a framework for Community Action in the field of Marine Environmental Policy, COM(2005)505 (Oct. 24 2005); Revised Draft of the Proposal reflecting the Political Agreement of the Council (Environment) on 18 December 2006, New Article 2(a), § 7; IUCN/World Conservation Union 2004: Resolution 053, "Underwater Noise Pollution" (Nov. 2004); European Parliament 2004: Resolution B6-0018/2004 (October 21, 2004); International Whaling Commission 2004: Report of the Scientific Committee, at § 12.2.5 and Annex K - Report of the Standing Working Group on Environmental Concerns; ACCOBAMS 2004: Second Meeting of Parties, Res. 2.16, "Assessment and Impact Assessment of Man Made Noise"; Arctic Treaty Consultative Meeting 2004: Informational Paper 056, "An Update on Some Issues Surrounding Noise Pollution," at 7; ASCOBANS 2003: Fourth Meeting of Parties, Res. 5, "Effects of Noise and of Vessels."

<sup>3</sup> In the DEIS/OEIS the Navy states that the "Center for Naval Analysis has compiled the history of naval exercises taking place off Japan and found there to be no correlation in time for any of the stranding events presented Brownell et al. (2004)." Brownell et al. (2004) is a paper which correlated beaked whale strandings to US Naval active sonar use in an area of Japan where there is a major US Naval base and significant US Navy ship activity. The Navy cannot claim that there is no correlation without producing the substantiating document - the report by the Center for Naval Analysis.

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the Hawaiian Islands<sup>4</sup> and reducing the scope of mitigation measures that it has used for the same sonar use in Hawaiian waters in the past.<sup>5</sup>

The Navy's analysis of acoustic impacts to marine mammals is through modeling based on abundance estimates which were largely determined from aerial surveys, a difficult way to count marine mammals, especially relatively small animals and those that dive for prolonged periods such as beaked whales – the very animals thought to be most susceptible to anthropogenic ocean noise. Modeling based on estimates is an inexact science that cannot accurately predict every eventuality in the real world. However, using its modeling, the Navy predicts that for each year its active sonar use in the preferred action will cause: 63,468 marine mammals to be behaviorally impacted; 1,788 marine mammals to experience temporary deafness; and one humpback whale and one striped dolphin to be exposed to active sonar at levels sufficient to cause permanent deafness (a deaf cetacean is a dead cetacean). In addition the Navy predicts that its planned use of explosives at sea will cause a further 61 marine mammals to experience temporary deafness.

The Navy claims that its modeling predictions are before mitigation measures are put in place, but the proposed mitigation measures are severely flawed as outlined below and cannot be relied upon to prevent harm.

These predicted numbers are very low, given the large number of exercises (1,145 per year using active sonar) and the abundance, density, social behaviors of certain species and the unpredictability of animals. Even NMFS is skeptical of the Navy's numbers, advising it to "consider scientific uncertainty and potential for mortality." The Navy, therefore, has revised the predicted number of animals to be severely impacted or killed to 20. It is alarming that the Navy is being so cavalier with the lives of sentient beings.

Furthermore, we take issue with the thresholds the Navy is using to predict behavioral disturbance and permanent deafness. The Navy is using 195 dB (re 1  $\mu$ Pa2-s) as the threshold below which it says behavioral reaction will occur and 215 dB (re 1  $\mu$ Pa2-s) as the threshold for permanent deafness (PTS), with temporary deafness (TTS) occurring between the two. These numbers are based on Navy-funded studies involving a few captive animals of a couple of species, including terrestrial animals, who were also presumably habituated to noise.

In the wild, animals display wide variety, just as humans do, with not only different species exhibiting different hearing capabilities, but also different ages, different sexes, and even merely different individuals of the same species displaying different sensitivities to noise. The empirical

<sup>4</sup> The Navy's preferred Alternative in the DEIS/OEIS is Alternative Two whereby it will perform 1,145 exercises per year that involve active sonar use – a total of 5,179 hours of active sonar use which equates to 14 hours per day. This does not even include the research, development, test, and evaluation (RDT&E) operations in the Range.

<sup>5</sup> The Navy used more stringent mitigation measures to those it proposes in the DEIS/OEIS during RIMPAC 2006 because of a settlement on a Temporary Restraining Order issued on July 3, 2006 (Settlement Agreement, United States District Court, Central District of California, No. CV06-4131-FMC (FMÖx), July 7, 2006. )

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evidence proves that these threshold levels are too high since animals have stranded and died at received levels a thousand times lower than 190 dB.

The animals in the Bahamas 2000 stranding incident in which 17 animals of various species stranded and died because of the Navy's mid-frequency active sonar use were exposed to received noise levels of 150-160 dB.<sup>6</sup> The Navy discounts this incident saying that a unique confluence of circumstances existed, namely, an unusual bathymetry, a strong surface duct, a constricted channel with little egress, the repeated presence of active sonar over prolonged periods and the presence of whales. These circumstances are by no means unique and could readily recur simultaneously during the 5,179 hours of active use per year that is proposed by the Navy in the DEIS/OEIS.

The Navy also repeatedly mentions the lack of marine mammal strandings associated with its use of mid-frequency active sonar in Hawaiian waters in the 40 or so years that it has been using the technology. Not all affected animals beach. The vastness of the ocean and availability of predators significantly reduce the chances of affected animals being found and reported. For the Navy to equate absence of evidence with evidence of absence is flimsy and disingenuous.

The Navy's revised take authorization request, per NMFS' recommendation, is for harassment to 26 species of marine mammals, including 7 seven endangered species in addition to causing serious injury and/or death of 2 bottlenose dolphins, 2 sperm whales, 2 melon-headed whales, 2 pantropical spotted dolphins, 2 pygmy killer whales, 2 short-finned pilot whales, 2 striped dolphins, 2 Cuvier's beaked whales, 2 Longman's beaked whales, and 2 Blainesville's beaked whales. These numbers – which are likely grossly underestimated because of the reasons stated above – are unacceptable when the animals are dying for the sake of practice exercises.

**Mitigation Measures**

The Navy's mitigation methods are woefully inadequate. They are non-dedicated human observers backed up with passive acoustic monitoring. These methods are not good enough to spot and then react to every single animal, every single time, within range of the moving sonar noise. Whales are diving animals, with some of the most vulnerable species, beaked whales, spending over an hour at depth.

Passive acoustic monitoring is only adequate for vocalizing animals within range and then only at certain frequencies. The Navy intends to use the active sonar day and night. During hours of inclement weather, poor sea states and darkness, human observers are virtually useless and so the only mitigation method will be passive acoustic monitoring which as stated is only effective for vocalizing animals within range and at certain frequencies. The Navy should not be using active sonar during periods of darkness and poor visibility.

<sup>6</sup> Hildebrand, J.A. (2005) Impacts of anthropogenic sound. In Marine Mammal Research: conservation beyond crisis. Edited by J.E. Reynolds, III, Perrin, W. F., Reeves, R. R., Montgomery, S. and Ragen, T. J. Johns Hopkins University Press, Baltimore, Maryland. Pp. 101-124.

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Even if an animal is spotted and reported within 1,000 yards of the sonar dome the sonar will not be stopped but will be turned down by a mere 6 decibels to 229 decibels – still over 100 million times more intense than the Navy's human diver standard of 145 decibels and over a million times more than the noise level received by the animals in the Bahamas incident of 2000.

According to the Navy's proposed mitigation measures, the sonar will only be shut down when an animal is spotted within 200 yards of the sonar dome. By the time the sonar has traveled that far, it will already have been ensonified for many minutes with noise equivalent to that which caused the Bahamas whales to strand and die. To shut off the sonar when an animal is observed and reported at 200 yards will already be too late.

#### **Other Marine Species**

The DEIS/OEIS gives scant attention to non-mammal marine species with regard to noise impacts. The Navy claims that fish and sea turtles (*all of whom are endangered*) will be negligibly impacted because they cannot hear mid-frequency active sonar. The inability to hear a noise does not mean it cannot cause harm.

Non-auditory effects of mid-frequency active sonar on fish and sea turtles are not discussed. The Navy does admit that underwater detonations will kill and injure some fish but states that the "abundance and diversity of fish within the Hawaiian Range Complex will not measurably decrease." It does not discuss the existence of distinct populations of fish within the Complex area and the population level impacts of its noise.

The mitigation methods likely do not apply to fish or turtles because a human observer could not possibly spot a turtle let alone a school of fish from the deck of a Navy vessel at even a yard, since turtles surface with their nostrils and fish don't tend to surface at all. Similarly fish and turtles don't vocalize and so wouldn't be detected with the passive acoustic monitoring equipment. To apply mitigation measures for fish and turtles would place an additional burden on the Navy and so rather than undertaking this burden, the Navy conveniently dismisses the significance of turtles and fish.

#### **Exclusion Areas**

The Hawaii Range Complex includes the Papahānaumokuākea Marine National Monument, designated in June 2006 because of its diverse and unique marine life (7,000 marine species, one quarter of which are found only in the Hawaiian Archipelago). The Navy should not perform the action within the boundary of the Monument.

Similarly the Navy should adhere to similar restrictions in the Hawaiian Humpback Whale Sanctuary at times of the year when the whales are likely to be present.

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We urge the Navy to desist in its quest to circumvent laws enacted to protect marine life, flout international standards and rewrite science to satisfy its own ends. Thank you for your consideration.

Sincerely,

  
Cathy Liss  
President

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**JUAN WILSON****ARCHITECT****Hanapepe HI**

Public Affairs Office  
 Att: HRC EIS/OEIS  
 PO Box 128  
 Kekaha HI, 96752-0128

12 September 2007

**Testimony on: The Hawaii Range Complex Draft EIS**

Look around. Check the beaches for shells. Take a close look at the reefs. Talk to commercial fishermen. If you have been reading accounts on planetary health you probably know it already. The oceans are dying. It is a big deal not only for us in Hawaii but for all life on earth.

Over the last generation, almost 90% of the large food fish have been strip-mined from the seas. Vast tracks of the ocean north of Hawaii are clogged with floating plastic garbage from the mainland USA and Asia. Even a minor rise in ocean temperature will devastate what is left of the planets delicate reef systems.

The US Navy is the most powerful instrument of destruction in the world. In the face of the collapse of the world economy during the coming energy crisis; in the face of the emerging disaster of chaotic climate change; in the face of the overburdening of the planet's capacity to sustain our numbers... shouldn't the Navy reevaluate its priorities?

That our senior naval personnel could propose expanding the death and destruction of life on this planet, at this critical time, hardly seems credible. Don't they not know what is at stake?

The real enemy is not a potential ballistic missile 2000 miles downrange, it is the death of the planet. It is time for the Navy to cease and desist its deadly operations in the Pacific. Stop trying to turn Hawaii into the Mordor of *Lord of the Rings*.

Instead, take this Draft EIS and head back to San Diego and Washington DC. Face the real enemy! Go back to the drawing boards and come up with a new strategy that responds to our actual predicament and addresses the real foundations of global security - support and restore ocean vitality. Address our future and stop shadow boxing with fears and phantoms of the past. Our lives depend on it.

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**Three Islands and an Imperial Navy**

Ecologically, we are past a turning point. There are fewer options before us and little tolerance for bad judgment. We have to get plans right this time because there won't be another. This applies to the Navy's proposed plans for the future of Hawaii. To date, the Navy has had an abysmal history regarding the treatment of islands throughout the world's oceans. And we are talking about the treatment of our allies, not our enemies.

**1) BIKINI ISLAND:**

After World War Two the native Micronesian population was removed from the islands of Bikini Atoll by the Navy. Between 1946 and 1958, as part of the Pacific Proving Grounds, the islands of the atoll were the site of more than twenty nuclear weapons tests. Beginning in 1952 the tests included the atmospheric and submersed detonation of hydrogen bombs. In 1968 the US Navy declared Bikini Island habitable and started bringing Bikinians back to their homes. In 1978, however, the islanders had to be removed again when strontium-90 in their bodies reached life threatening levels. The failed attempted cleanups have cost hundred of millions of dollars.

**2) VIEQUES ISLAND:**

During World War II, the Navy purchased about two thirds of Vieques Island (a part of the territory of Puerto Rico). Many residents, who had no title to the land they occupied, were evicted. After the war, the Navy used Vieques as a firing range and testing ground for bombs, missiles, and other weapons. It was the most important Atlantic Ocean range facility for the US and NATO. The continuing postwar "occupation" drew protests from the local community angry about environmental impact of weapons testing. Protests came to a head in 1999 when island native was killed by a bomb dropped during a target practice. A campaign of civil disobedience began. As a result, in 2003, the Navy reluctantly withdrew from Vieques.

**3) KAHOO LAWE ISLAND:**

Here in Hawaii we have faced military occupations as well. After the attack on Pearl Harbor, the U.S. Army declared martial law throughout Hawaii and took control of Kahoolawe Island. For six decades, under Navy oversight, thousands of tons of ordinance bombarded the island in training exercises. In 1994, after decades of pressure from Hawaiian groups, the Navy agreed to transfer title of Kahoolawe to the State of Hawaii. Although the Navy spent \$400 million and ten years on a required cleanup, uncounted unexploded bombs and shells still remain on the island. Many items have washed down gullies and still others lie underwater offshore. The Navy turnover was completed in 2003, but the cleanup was never finished, leaving Kahoolawe a deadly and toxic landscape to this day.

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## Kauai and Hawaii Range Complex

As part of the world's only "Super Power", the Hawaiian Islands are the strategic center of US military operations in the Pacific Ocean. Hawaii is the command and control hub for an area covering almost half of the world. Pearl Harbor may be the center of attention, but Kauai island plays an important role as the command backup for Pearl and as the tracking, sensing and communication coordinator for activity throughout the Pacific Ocean. On Kauai, the nerve center is the Pacific Missile Range Facility (PMRF) and it is crucial to the operation of the Navy's Hawaii Range Complex (HRC) covering over two-and-a-half million square miles.

The Navy is proposing a major upgrading and expansion of the Hawaii Range Complex. This is in order to do more research, development, testing and evaluation (RDT&E) of military systems and weapons. The HRC is the largest and most elaborate weapons range in the world, and we are at the center of it.

The range extends past Midway and includes all of Hawaii and the Northwest Islands. To get approval for the range expansion the Navy has to estimate how much damage they will cause the environment and demonstrate what efforts they will make to reduce that damage to "acceptable" levels. In July they published the Draft Environmental Impact Statement for public review and comment. It comprises three volumes as big as Honolulu phonebooks.

With the upgraded range the Navy has planned over one-hundred-and-forty RDT&E projects. Many are for the development of new weapons systems like Antisubmarine Warfare, Advanced Hypersonic Weapons, Missile Defense, Electronic Warfare and Directed Energy Lasers.

Many of these programs will be run from the PMRF. Three that are of great concern to me are:

### 1) MID-FREQUENCY SONAR

The Navy says that the increased tempo and frequency of training operations includes as many as five-thousand hours of mid-frequency active tactical sonar and the associated DICASS sonobuoy, MK-48 torpedo, and dipping sonar. Underwater detonations are possible during several programs. All this will destroy uncountable numbers fish and sea mammals. There is little mitigation that can be done when these systems are used.

### 2) EXPEDITIONARY ASSAULT ACTIVITIES

In its EIS the Navy says that before Expeditionary Assault Activities landing routes and beach areas will be surveyed for the presence of sensitive wildlife. An exercise will be halted if marine mammals are detected on the target area. The operation will foster the reestablishment of native vegetation. What it really sounds like the Expeditionary Assault will tear up the beaches and dunes between Poli Hale and Barking Sands. This is literally an assault directly on Kauai.

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### 3) DIRECTED ENERGY LASER WEAPONS

Worse is the Directed Energy Laser Weapons Program. These are chemical lasers in which use hydrogen fluoride, a corrosive material which can be made to release a powerful burst of infrared radiation. The laser can be focused and aimed as a weapon (death ray). These laser can generate least 25 megawatts of energy that could destroy a missile 2,000 miles away. For the scale of this realize 25 megawatts is half the electrical power generating capacity of Kauai. The firing of this weapon also destroys the lasing device and contaminates its site with hydrogen fluoride. A thousand foot radius danger zone, that could close the state park, will persist for days.

The Navy has not told us what effect on the environment hydrogen fluoride waste will have. What if there is a heavy rain and runoff after a test? What effect on coral reefs and offshore marine life would there be from hydrogen fluoride contaminated runoff into the ocean? What efforts will guarantee the safety of people using the access road to Poli Hale State Park after a test?

In its Navy's EIS executive summary it simply says, "Appropriate remedial procedures would be taken before initiation of potentially hazardous laser operations on PMRF". That's it?!! That is unacceptable.

### The conclusion we must draw

The people of Kauai learned an important lesson recently when the Superferry tried to force itself down our throats. This was after the Hawaii Supreme Court overturned the Maui Circuit Court and required a statewide Environmental Assessment.

When the Superferry jumped the gun on service to avoid a temporary restraining order blocking the commencement of operations it struck a nerve on Kauai. It was a slap in our face, and Kauai responded. Surfers, canoers and swimmers swam out to stop the ferry with their bodies. It was a iconic and reminiscent of a dedicated individual blocking the path of a line of armored tanks in Tiananmen Square.

The Superferry, and its supporters, now have the choice of implementing martial law on Kauai as they mow down juveniles on surf boards or changing how they do business.

The military (navel) connection to the Superferry is too obvious to hide. Sean Connaughton, the administrator of the Maritime Administration ("the fourth arm of defense") swore in a declaration that:

*"The Alakai (Superferry) is a vessel that has considerable military utility, in view of its speed and cargo capacity... The military utility of the Alakai could be*

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*diminished if the vessel is not operated in normal commercial operations. Consequently, the military readiness of the Nation could be diminished if the Alakai is precluded from sustaining normal commercial operations."*

It seems odd that the development of a fleet of Littoral Combat Vessels (WestPac Express-like Superferries) stationed in Hawaii with an Expeditionary Attack Force (the Stryker Brigade) is never mentioned in the HRC EIS. Won't there be coordination with broader Navy activities like RIMPAC? Do you not have plans for this new component of military readiness to play a part in the expanded HRC?

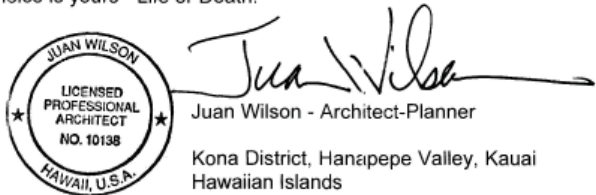
We know the Navy is avoiding a real examination of the implications of what it proposes to do because no one in their right mind would let you do it. You go through the motions of the legal process only to get to do what you want. In human psychology study they label that as sociopathic behavior.

The people of Hawaii won't fall for the "big lie", dog & pony shows or public relations stunts anymore. Yelling "Nine-One-One" does not ring any alarm bells that send people scrambling for the exits to sign blank checks. Now what do you do? Now the Navy has a choice. You can either;

1) Continue on a destructive path that hastens the death of our planetary oceans. To do so you will have to reveal the iron fist under the dress white glove. What people will be alarmed by is your willingness to use of overwhelming force to do what you want. What is left of your support will evaporate.

2) Pause. Reach a deeper understanding of what heroic role the Navy and HRC might play in the immense challenges facing all of life in the oceans. Then, act accordingly. Modify your current plans. Coordinate with other agencies and international bodies (NASA, NOAA, SEATO, the UN, etc.) on an emergency program to save life in the Pacific Ocean. Then come back to us with a real plan.

The choice is yours - Life or Death.



Kona District, Hanapepe Valley, Kauai  
Hawaiian Islands

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Kahului, Maui, Hawaii 96732

September 14, 2007

Public Affairs Officer  
Pacific Missile Range Facility  
Attention: HRC EIS/OEIS  
P.O. Box 128  
Kekaha, Kauai, Hawaii 96752-0128

Dear Commander, Pacific Missile Range Facility,

Aloha! I thank you for the opportunity to provide a limited 3 minutes of public testimony at your Hawaii Range Complex Draft Environmental Impact Statement/Overseas Environmental Impact Statement hearings on O'ahu, Maui, and Hawaii Islands. I am submitting my formal comments to your HRC DEIS/OEIS with letters dated September 8, 2007 to the Kaho'olawe Island Reserve Commission and July 1, 1998 to Senator Daniel Inouye for formal inclusion and consideration into your Administrative Record of Decision.

\*

I thank you for the work you do for our community and Nation. I thank you for your time, patience, and consideration in this matter. You may contact me anytime at 330-2896.

Me Ke Aloha Ha'aha'a.

*Manuel Wayne Makahiapo DeCosta Kuloloio*  
Manuel Wayne Makahiapo DeCosta Kuloloio

\* Are the statements of Navy contractors, Conrad Erkelber and Joe Mobley contained in the Maui News the next day after your Maui hearings the official position and statements of the US Navy. Why do you allow them to comment when Erkelber and Mobley were Pacific Fleet and Office of Naval Research through Scripps employees, respectively. The Image letter is for people with attitudes like Erkelber and Mobley should start saving whales for once as a "social scientist" as if his views are objective.

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September 8, 2007

Mr. Sol P. Kaho'ohalahala  
Executive Director  
Kaho'olawe Island Reserve Commission  
811 Kolu Street, Suite 201  
Wailuku, Maui, Hawaii 96793

**RE: COMMUNITY and PUBLIC COMMENT, September 11, 2007 KIRC Agenda**

Dear Executive Director Kaho'ohalahala and Commission Members,

Aloha! Recently, there has been a disturbing trend in our government's facilitation of the public involvement process here in Hawaii. No oral, public testimony whatsoever was permitted by the US Navy and US Army in its public scoping sessions of the Hawaii Range Complex and 5<sup>th</sup> Stryker Brigade Combat Team, respectively, so I thank you for the privilege and opportunity to timely participate in the decision making process after receiving your meeting notice on September 7<sup>th</sup>. Strikingly, an often quoted spokeswoman for the Protect Kaho'olawe 'Ohana was a hired facilitator for the Army's January 30, 2007 Public Scoping Meeting at Kawanakoa School, O'ahu. This is an egregious insult to a long list of injuries where elders were arrested in public forums and unable to hold opposition signs. Official press releases by Senator Inouye posed serious doubt into the honorable intentions of the US Army to public stakeholders that do not have a formal decision-making role, as DOD stakeholders and regulating agencies do with authority to issue permits, licenses, and regulatory approvals as well as those responsible for protecting significant resources.

The United States Department of the Navy through the Commander, Pacific Missile Range Facility has prepared a Draft Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS) on the Navy's Hawaii Range Complex (HRC) for decision by the Assistant Secretary of the Navy (Installations & Environment). At recent public hearings held on O'ahu, Maui, and Hawaii, neither one politician nor any governmental entity (Federal, State, County) testified, therefore one is unable to discern the position of consulted stakeholders because the oral/written comments by consulted agencies and interested public in the DEIS/OEIS section is blank. I am formally requesting the position of the Commission on the acceptability, "good-faith" sensitivity, and cultural appropriateness of the "Shallow-water Minefield Sonar Training Range" 3 Nautical miles off of Kealahikahi.

I have continuously come before the Commission to protest the PMRF's littoral training range within the Kaho'olawe Reserve and Hawaiian Islands Humpback Whale National Marine Sanctuary. At the time, the US Navy and its selected contractors would not fulfill its promise, contractual and statutory, in the Kaho'olawe Island UXO clearance removal. The Sanctuary is a joke. Is a "Wahi Pana" and "Pu'uhonua" that is Kaho'olawe, in Kanaloa, an appropriate and compatible, contiguous land and ocean use for weapons

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training? A Presidential declaration and a Hawaiian Ph.D. scholar's opinion isn't needed for one to feel in one's na'au that Hanalei Bay like Kanapou, Kamohio, Waikahalulu, and Hanakanai'a is a Hawaiian sanctuary and that all our marine ancestors noted in the Hawaiian cosmogonic creation history, Kumulipo, including but not limited to kohola and nai'a should not be molested and harassed beneath the surfaces; as if hidden from view and inspection equates to insignificant, inconsequential impacts. Am I to trust the so-called "neutral, independent, scientific findings" of marine researchers of Scripps, Woods Hole, Kane'ohe bay institutionally indebted on the military and academic funding trough?

At the height of the recent Hawaiian resistance movement and through the efforts of the Pele Defense Fund, my father attended many Federal Facilities Environmental Restoration Dialogue Committee (FFERDC) meetings in Washington, DC. In its final report, the FFERDC stated, "Trust is an essential factor in establishing working relationships between community members and DOD personnel. When trust exists, community members are more likely to understand and even accept decisions that may go against their desires. When it does not exist, community members often view all decisions and actions with suspicion. Related concepts that influence trust in decision-making processes are two-way communications or dialogue, access to documents, inclusion, accountability, integrity, respect, follow-through, good faith effort, and sincerity. To build trust, DOD personnel must not only agree to take certain actions but also follow through on implementing them and communicating the results within reasonable time frames. Beyond that, a military or community entity must be willing to accept, acknowledge, and apologize for promises that were never carried out, mistakes made, or indiscretions that have been brought to light. It can be difficult to build trust and show commitment without demonstrating the integrity and honesty such codes of conduct require."

At the Hawaii Range Complex public hearing on August 29<sup>th</sup> at Waiakea High School, I acknowledged the presence of Mr. Jim Albertini of Malu Aina Farms in the audience. Earlier, he had testified on the US Navy's role in the overthrow of the Hawaiian Nation, contamination of Pearl Harbor, and broken promises on Kaho'olawe Island. Later, in my testimony I thanked Mr. Albertini for providing me food and lodging while in the company of Marion Kelly and Maivan Lam, Hawaiian Land Tenure Scholar and International Legal Counsel, respectively, to attend a Pele Defense Fund demonstration of geothermal exploration at Wao Kele 'O Puna. I recall climbing over the barbed wire fence and offering ho'okupu barefoot, walking on a wet, recently bulldozed ā'a clearing. The blisters/sprains endured on Makahiki processions from Haki'oawa to Keanakeiki paled in comparison to the excruciating razor cuts at Wao Kele 'O Puna. So, I was overcome with joy to read a story on Uncle Palikapu with the return of Wao Kele 'O Puna. In the same article, Senator Inouye apologized for his role in Wao Kele 'O Puna just as he apologized for his role in H-3 at a Maui Economic Development Board meeting

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**Kaho'olawe Island Reserve Commission, Hawaii Range Complex,  
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following a US Senate Defense Appropriations Committee visit to Kaho'olawe with Chief of Staff/Counsel Charles J. Houy.

Is it unreasonable to allow the "best of the best" technologies to train during wartime to also expect the same efforts in remediation of sacred, habitable lands and surrounding waters that is Kanaloa, a Hawaiian seafaring deity? Does the Hokule'a, Mo'olele, Hawaii Loa, Hokualakai, and Iosepa consider the use of Kealaikahiki and our Hawaiian Archipelago in this manner acceptable? What good does relishing and basking in the ceremony of a name in Papahānaumokuākea when its perceived sacredness is culturally violated by weapons testing initiated from the shores of our brothers and sisters in the Marshall Islands which were exponentially destroyed in comparison to Kaho'olawe.

Following the events 6 years ago today, Commission members publicly stated that as a result of "national security" interests I should temper my demand that the US Navy, Pacific Division Naval Facilities Engineering Command, and Parsons/UXB be held legally accountable for its failed performance on the Kaho'olawe Island Reserve UXO Clearance Contract Award, a diminished promise from President Eisenhower's Executive Order. If you invoke "national security" on the Hawaii Range Complex issue, remember that this same rationale was forced upon the good works of the Protect Kaho'olawe 'Ohana, and this Commission would not be in existence today. If there is no interest in addressing this "issue", then perhaps the constituents of this Commission could summon the courage to dissolve. The role, responsibility, and integrity of the Protect Kaho'olawe 'Ohana and resultant Kaho'olawe Island Conveyance and Reserve Commissions extended beyond the confines of Hawaii but internationally offering hope and promise of a true pu'uhonua, a peaceful refuge here at home.

I apologize to those who educated me and sustained me throughout for not being able to do more to protect Kaho'olawe. I apologize for demanding that the KIRC issue a formal statement of the final UXO clearance numbers so that Commission Members, Staff, and all local agencies finally stop and desist with offering "off the cuff" clearance results as if it didn't extraordinarily matter to people like me. I apologize to no one for demanding a formal investigation outside the Navy regarding the Kaho'olawe Island UXO Clearance Procurement. Senator Inouye's Chief of Staff Gen. Alex Lum threatened me with FBI investigation through KIRC Executive Director Keoni Fairbanks via my father. I don't expect an apology, but I will never forgive them whatsoever for my love of Kaho'olawe.

Before you let the U.S. Army into Kanapou, explain to me how UXO in a Molokai recycling landfill, supposedly rendered safe during a clearance operation and required to be 'demilled' with explosive residue removed through thermal treatment/steam cleaned, was confused to be potentially explosive and detonated. It's as if Kaho'olawe, PACDIV NAVFACENGCOM Contracting Officer James Putnam's model for worldwide UXO clearance, never ever happened. A continuing insult as if one is to trust what's going on at Waikoloa, Waikane, Makua, and Schofield. What a joke. Parsons is in your

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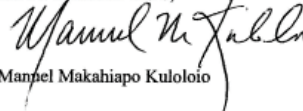
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Basecamp; Parsons is building the Stryker Brigade training areas. If I recall, former DLNR Chairman and KIRC member Peter Young sat at the single digit table of Parsons for Heather Guigni's release of her film on Senator Inouye fronting the USS Missouri with then Senior Ranking Senate Defense Appropriations Chairman Ted Stevens. At my own expense and to acknowledge my aloha for Senator Inouye's good works, I also was in attendance and introduced my best friends to dignitaries there notwithstanding that we were at table 99 of 100. To add insult to injury with Alex Lum representing Senator Inouye, Peter Young testified to a select crowd of Parsons/UXB Team representatives and owners in early 2004 at the Hilton Hawaiian Village that the clearance was a success though he had never been to Kaho'olawe just yet. I was offended. I have had the privilege to accompany every DLNR Chairman since Bill Paty to Kaho'olawe aboard Uncle Bobby Lu'uwai's *Pualele* including Keith Ahue, Judge Mike Wilson, Timothy Johns, and Gil Coloma-Agaran. While I sat at Table 2 with Interim Chairman Allan Smith at President Bush's October 2003 fundraiser at the Hilton Hawaiian Village, I remained prayerful he took the opportunity to visit Kaho'olawe even if by helicopter. There is no excuse for Interim Chairman Laura Thielen to visit Kaho'olawe, if not already, because her mom Auntie Cynthia played an integral role in the PKO's efforts.

Finally, following on Uncle Henry Hildebrand's concerns during the Kaho'olawe Clearance Program public involvement process contained in the Administrative Record, I want the KIRC to formally petition the US Navy and US Army if depleted uranium was ever utilized on Kaho'olawe. Admiral Fallon was CNO when DU use was acknowledged on Vieques; the question remains why not on Kaho'olawe also and the potential irreparable exposure of all stakeholders and to our environment.

Me Ke Aloha Ha'aha'a,

  
Mannel Makahiapo Kuloloio

CC: Governor Linda Lingle  
Maui County Mayor Charmaine Tavares  
US Senator Daniel Akaka  
US Representative Maize Hirono  
US Representative Neil Abercrombie  
Hawaii Senate President Colleen Hanabusa

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**MANUEL MAKAHIAPO KULOLOIO**

Kahului, Maui, Hawai'i

July 1, 1995

Honorable Daniel Inouye  
United States Senate  
Washington, D.C. 20510

Dear Senator Inouye:

I am writing this letter because of my concern for the apparently unsatisfactory situation regarding the restoration of Kaho'olawe Island (U.S. Navy Solicitation Number N62742-95-R-1369). My colleagues and family are very grateful for the extraordinary efforts that you went through to acquire the money for the this project. All Hawaiians and particularly native Hawaiians are forever indebted to you.

I must explain to you "up front" that I write this letter as a member of the Protect Kaho'olawe Ohana and as a paid member of the Lockheed Martin Team that submitted a proposal in the competition for the award of the restoration contract. I was intimately involved in the lengthy, expensive and complicated process that this team followed to create its response to the Pacific Division, Naval Facilities Engineering Command (PACDIV) Request for Proposal (RFP). I am, however, no longer employed by Lockheed Martin and the Company has no involvement whatsoever in this correspondence. My knowledge of the technical, timing and financial aspects of what I write in the following lines is therefore firsthand.

I gain my perceptions, however, of what I and most of my friends believe is an unsatisfactory and unwholesome situation from newspaper articles, rumor, and hearsay with a scattering of firsthand and verifiable information. There are, however, enough warning bells, regardless of the source and validity of my information to cause me to write this letter in an effort to have agencies outside the Navy investigate the entire Kaho'olawe procurement process to include the 1995 Model Cleanup.

**My concerns and request for a formal investigation lie in the following major areas:**

1. The number of acres and the type of clearance the Navy and the contractor say can be cleared with the money available.
2. The delay in beginning cleanup work on the island and lack of competence to complete the project within statutorily mandated time limits.

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3. The involvement of the local community and and benefits that should derive from this contract.

4. Allegations of undue influence from retired Navy Flag Officers.

**The number of acres and the type of clearance the Navy and the contractor say can be cleared with the money available.**

When the Lockheed Martin Team first formed, we discussed the approach we believed the Navy wanted in this procurement. We agreed that they were looking for innovation, a new higher technical standard for Unexploded Ordnance (UXO) clearance, close cooperation with the KIRC and FKO, and most importantly -- an organization and approach that would vastly improve on the performance and waste associated with the 1995 Kaho'olawe Model Cleanup.

Officially, PACDIV has stated that the Model procurement achieved its goals. I worked for the contractor, however, and I am intimately familiar with the mismanagement and waste of money that transpired. PACDIV still refuses to release the cost data associated with this contract.

We believed the Navy wanted a 100% RFP compliant proposal that would be able to meet technical specifications and time limits, and most importantly, do the job [a complete cleanup -- 29,000 acres, surface (tier I) and subsurface (tier II)] with the money available. Our proposal did this. To do so we were required to develop an approach totally different from that used by the contractor on the Model Cleanup.

Our first effort was to determine what was needed to meet technical specifications which were quite clear in the RFP: Clearance certified to a probability of detection of at least 85% with a confidence level of 90%. We put the technical resources available to us from Lockheed Martin and our team mates, AETC and GTL to work on the specification problem. We quickly determined the technical approach used on the Model Cleanup would not meet RFP specifications without post-processing of signals from whatever anomaly detection sensors were used (primarily the EM-61). We developed, at considerable expense, computer algorithms to use in processing signals from an array of sensors.

We then conducted a test on Maui (soil conditions similar to Kaho'olawe) at a cost of \$150,000.00 to validate our technical approach. To ensure validity and credibility, the test was placed under the technical direction of Captain Bill Bacon, USN (Ret.), former Commanding Officer of the EOD Technical Center Indian Head, MD. We were confident that he would develop valid test data that would be understood and believed by the Navy. This was a very professional test with a formal engineering plan and a totally unbiased approach. UXO targets were buried in accordance with

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specifications defined in the RFP Statement of Work. I know this because my father and I were paid to arrange for the site location, leasing the equipment, supervising the seeding of anomalies and gridding of the site. We were present and observed the entire nine-day test. Our results indicated that our system approach (using post-processing) had the following benefits:

- |                             |              |           |                     |
|-----------------------------|--------------|-----------|---------------------|
| 1. Without Post-processing: | <u>EM-61</u> | <u>Pd</u> | <u>False Alarms</u> |
|                             |              | 80%       | 2.3                 |
| 2. With Post-processing     | <u>EM-61</u> |           |                     |
|                             |              | 91%       | <1                  |

Interestingly and inexplicably, the winning contractor [Parsons/UXB(P/UXB)], has recently convinced PACDIV that they do not need to use post-processing with the EM-61. This decision is also on the heels of recent a Defense Science Board announcement that "post-processing offers the potential of reducing false alarms, therein reducing the cost of Tier II remediation costs by more than 50%".

Additionally, lane spacing effected performance. To satisfy the specification of Pd = 0.85 with 90% confidence, the maximum possible lane spacing at the Maui test site using the EM-61 with post-processing was three feet. On the Model Cleanup, the contractor never used less than four feet -- which says that even the 80% Pd was not achieved. Given that PACDIV is going to certify or already has certified safe some areas (the road) of the Model Cleanup, the current contractor intends to continue to use the same protocol (four foot lanes, no post-processing). This means they will not be specification compliant (something less than 80%). This roughly translates 1,125 anomalies missed -- assuming three per acre at the RFP 25% Tier II requirement of 7,500 acres means they will miss  $3 \times 7,500 \times .05 = 1,125$  potential items of UXO.

This above estimate of 1,125 anomalies missed is conservative since the Pd without post-processing was reduced from 0.91 to 0.75 at our Maui test for the Model Cleanup lane spacing of four feet. Therefore, Model Cleanup lane spacing with our post processing would yield 2,250 anomalies. Assuming equivalent degradation in non post-processed data at four foot lane spacing results in Pd = 0.66 or  $7,500 \times 3 \times (0.85-0.66) = 4,275$  anomalies at four foot lane spacing without post-processing of the type our team used on the Maui Test.

With the approach proposed by Lockheed Martin, all stake holders would be safer, and twice as much remediation could be accomplished. I hope this explains the incredulity among the local and UXO community when this contract was awarded to (P/UXB) and the technical approach that PACDIV has blessed for this contract.

When I was debriefed by Lockheed Martin officials who attended the PACDIV debrief, I asked what hard and validated technical data the source selection/evaluation committees had received from the winning team to assure them that they could meet

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the 85% Pd with a 90% confidence level specifications. We were told that the technical evaluation team leader gave the following answer: "We all sat around a table and discussed the company and decided whether or not we thought they could do it."

The RFP required a price for a sample cleanup project that included a relatively small number of acres. Our team price for the sample project was approximately \$700,000.00. We used our technical approach (validated by Captain Bacon on Maui) which included post processing (as recommended by the Defense Science Board) and other proven innovations such as an integrated command, control and communications system for managing field related activities. The Navy discounted our approach and should-costed us up to approximately \$2,000,000.00 using their data developed from the Model Cleanup's archaic "mag and flag" technical approach.

It is quite easy, therefore, to see why the Navy and current contractor are saying they can only clear 11,000 surface acres. They are using WWII Model Cleanup technology and data that they can easily validate with Model Cleanup records and in their mind avoid potential risk and criticism by using new (though proven) technology from a world class team. A team backed by a \$30B a year company that contractually obligated itself to a cleanup as specified in the RFP -- 29,000 acres tier I and 25% tier II down to four/ten feet as specified with the funds available by November 2002.

I am concerned therefore that:

1. The contract was awarded to a company that did not validate their claims to meet RFP probability/confidence specifications and from what we hear and see today they if fact cannot perform to the only real technical specification in the RFP. This translates to me into a clearance that we cannot trust to be safe. The contractor and the Navy have stated publicly that they cannot perform the subsurface (tier II) clearance at all. The original intent of the Title X legislation supporting the clearance was to ensure "meaningful safe use" of Kaho'lawe. This will not not happen unless the current plan is significantly modified.
2. The Navy had a technical approach proposed that met specifications and a world class corporation that signed up and contractually bound itself to clearing the total acreage (tier I and tier II) as specified in the RFP, and other applicable regulatory/statutory documents (State of Hawaii MOU, Federal Legislation) with the funds available (\$285M). This is in stark contrast to the current contractor and Navy officials who are repeatedly stating in public forums that they can only clear 11,000 surface (tier I) acres and, of course, want more money.

**The delay in beginning cleanup work on the island and lack of competence to complete the project within statutorily mandated time limits.**

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The RFP required that documentation be completed and clearance begin on Island 285 days after contract award. That contractually binding time has passed and cleanup still has not started -- only the initial surveys that commenced on June 29. The Navy and the current contractor have also stated publicly that the island cannot be cleared by November 2002. This date is a statutory and RFP requirement that the Navy has ignored by awarding this contract to a contractor who predictably could not meet these time requirements. The Navy also took an inordinately long time to award the contract.

Meanwhile, the appropriated money continues be rapidly spent with questionable results without anyone holding the Government contract administrator and selected contractor accountable. This includes the inability to maintain harmony and trust among their subcontractors causing threatened lawsuits from companies such as Biogenesis. The contractor's results thus far are a predictable repeat of their Model cleanup performance.

In addition, the Navy is allowing the contractor relief from low ball pricing such as the hourly rate for Explosive Ordnance Disposal (EOD) technicians. We bid a fair and reasonable rate required to attract these uniquely skilled personnel. The current contractor has not been able to hire at the rates they bid and the Navy has given them relief by allowing them to raise rates with the Government paying. This is unfair to the other bidders.

I am concerned therefore that:

1. The Navy is allowing the current contractor to miss the contractually binding start date for cleanup on the Island -- with no apparent penalty. I was involved in document preparation for the Lockheed Team and we had drafts prepared at our own expense well before award announcement so that there would be no delays in getting started on the Island.
2. The statutory requirement of completing cleanup by 2002 appears to have been dismissed in a rather cavalier manner by the Navy. I know that our team bid contractually committed us to completing cleanup within five years of contract award -- primarily due to our technical approach, and our operational and logistical solution to the RFP requirements. Why is the Navy allowing this contractor to abrogate its contractually binding bid regarding completion time without any penalty or default action. Who is holding the Navy accountable for permitting this to happen?

**The involvement of the local community and benefits that it should derive from this contract.**

In contrast to the partnering philosophy referenced repeatedly throughout the RFP, the Navy continues to make important decisions without any meaningful involvement by the KIRC and other stake holders. Correspondence in volume from the KIRC and

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PKO is available that details the disappointment of these organizations and some of their individual members with the Navy's partnering performance (not platitudes) -- beginning with not allowing the KIRC a role in contractor selection and continuing with ignoring the land use plan and a host of other continuing outrages. This discontent includes numerous letters from me to the Navy. Is there no one to hold the Navy responsible? Allowing (in spite of our complaints) the contractor to continue to amass a host of abrogations that are in violation of contractually binding commitments is most egregious.

The Lockheed Martin Team made made an extraordinary, expensive and sincere effort to include local stake holders in their proposal effort. It included commitments to pay some of the representatives out of Company profit during the life of the contract. We were told by Lockheed Martin officials that during the debrief they were told by the Navy that it was not the contractors business to become involved in cultural matters and that allowing such organizations a role would distract from contract performance. The Lockheed Martin team was actually graded down for including such organizations as the EKF. A true partnership of all stake holders as our Team envisioned would certainly have helped avoid the apparently deplorable state of the contract as it currently stands.

It also appears that the local community and specifically native Hawaiians are receiving no benefits from the contractor. The RFP appeared to put heavy emphasis on what the winning contractor would be willing to do regarding benefits beyond jobs and a sizable payroll to be spent at local businesses. I know that Lockheed Martin committed to returning a surprisingly large amount of profit to the local community through a separate company designed to assist start up companies and established companies in Hawaii with product and proprietary technology/information development (Hawaii Ventures Corporation). As far as I know, the current contractor has done nothing and does not plan anything that will require money to be spent.

We were told that no points were allocated or awarded for economic development commitments to any contractors in the proposal evaluation process. Stating in the RFP that this was a sensitive procurement and return to the community was important and then ignoring it in the evaluation process can only be characterized as disingenuous.

I am concerned therefore that:

1. The Navy has not and does not intend to have a meaningful partnership with the KIRC or any other local stake holder. They will continue with their singular management of this contract with no one to hold them accountable for statutory requirements or poor management. A repeat of the Model Contract..
2. The Navy will not hold the contractor accountable for commitments made in the RFP (if any) regarding benefits for the local community. The larger question is that if

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no benefits were promised, why did the Navy not require a commitment from the winning contractor commensurate with their competitors?

**Allegations of undue influence from retired Navy Flag Officers.**

This allegation came from rumor and is not verified by any official source. I am only relating this to you because of all of the other perceived irregularities in this procurement. I believe it is healthy to put them all to rest if not true.

It is rumored that the recommendation that left Hawai'i was to award the contract to a team other than P/UXB. The direction that came back from NAVFAC Headquarters in Washington was to award the contract to Parsons/UXB. The reason for this change, allegedly, was intervention on behalf of Parsons by two retired Admirals (Hays and Estes) at the highest Navy levels.

I am concerned therefore that:

There is a possibility that procurement integrity was breached by such undue influence.

The bottom line is that there is a general perception that this procurement for which we in the native Hawaiian community have such bright hopes is in jeopardy. There is a belief that the Navy made a serious mistake in the award of this contract to Parsons/UXB and is unwilling to admit it because of the embarrassment and criticism that could follow.

We do not believe the Navy would criticize, penalize, or default this contractor for performance -- regardless of how egregiously unsatisfactory it might be. Some third party needs to thoroughly investigate this entire process to determine if any irregularities occurred and further determine the competence of the Navy to continue to administer this contract -- particularly in regards to the technical management.

In this regard, PACDIV is openly advertising Kaho'olawe as the model for all future competitive large UXO remediation procurements. Little do they know that such public comments are fodder for ridicule by the UXO technical community and others familiar with what really happened in the selection process and performance to date on this procurement.

Last July, after the shock and incredulity of learning the contract had been awarded to the same companies that had performed so badly on the Model Contract, we promised Lockheed Martin management representatives that we would give the P/UXB Team our support and do nothing disruptive for a year. We agreed to this because of the importance of good and harmonious performance to the restoration of the Island and to support the Lockheed Martin policy of not protesting DoD procurement award decisions.

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We have now observed almost one year of what appears to be questionable performance by the contractor PACDIV selected and questionable management of the contract by the Navy. Our disappointment has increased with each passing month and our patience is wearing very thin.

Please help us in allaying the general perception that this procurement is in serious trouble.

A hui hou,

  
Manuel Makahiapo Kuloloio

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Tesitimony is support of the US Navy  
August 23, 2007  
Bob McDermott  
Executive Director of the Honolulu Council of the Navy League

The United States Navy has recently submitted a draft environmental impact statement to assess the potential environmental impacts associate with Hawaii Range Complex (HRC). Public comment on this document is encouraged and will be accepted until September 17<sup>th</sup>, 2007. The area under study is spreads out from the state in a sort of giant rectangle from the north to the west covering 235,000 nautical miles of open ocean area (including sub-surface) and associated special use airspace above and around the Hawaiian Islands and a 2.1 million nautical mile of total operational area of sea and airspace.

The study is required by the national environmental policy act which congress enacted in 1969, know as NEPA. The purpose of the EIS is to disclose significant environmental impacts so that the public and decision makers are aware of these impacts and any proposed alternatives. This study was exhaustive in its detail and coverage.

The Navy is well aware of the fragile environment and the possible effect of sonar, radar, and other training devices that may impact marine life. That is why they plan exercises to avoid major marine mammal concentration areas whenever possible. The navy is truly dedicated to protecting marine mammals as evidenced by the ten million dollars it spends annually on marine mammal research.

There is no doubt that Navy training creates or affects some marine life, but the critical point is that Naval training is only a very small part of a much larger picture. Many other external factors are in the ocean at any given time; these include volcanic eruptions, lighting strikes, supertankers, offshore drilling and others. These factors combined with pollution, commercial shipping, fisher entanglements, disease, parasite infection, ship strikes, trauma and other natural factors lead to a rate of approximately 3,500 strandings of marine mammals every year on US shores alone, according to NOAA.

In conclusion, does naval training have any impact on marine life? Yes. To a minimal extent, especially when one considers the risk benefit ratio involved with ensuring our national security. However, the Navy is taking aggressive steps to protect marine mammals and other sea life and avoid engagement with them whenever possible and exhibiting sound environmental stewardship with our precious ocean resources. The Navy League of United States Honolulu Council supports the United States Navy's continued use of the HRC for training and testing as the military commanders and the President see fit.

*Bob McDermott is a Marine Veteran and current executive director of the Navy League here in Honolulu; the Navy league is a 501 (c) 3 charity founded by Teddy Roosevelt in 1902, there primary mission is support of the Sea Services through education.*

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## Hawaii Range Complex Environmental Impact Statement Public Hearing Input Form

Please record your comments concerning the Hawaii Range Complex Draft EIS/OEIS on this form. Please include your name and address. You may submit this form by:

- 1) placing it in the comment box at tonight's meeting
- 2) mailing it to: PMRF Public Affairs Officer  
P.O. Box 128  
Kekaha, HI 96752

All comments must be received no later than Sept. 17, 2007 to be included in the response to comment section of the Final EIS/OEIS.

Name: Howard Sharpe - REPRESENTING MYSELF!  
Address: Waiuku, HI

Comments: I am totally against the Navy's "WAR GAMES" in Hawaiian waters, especially the ear-piercing sonar side of it. Our marine birds and mammals have bellies full of plastic - having their brains blown and blasted by sonar is the ultimate insanity of man's inhumanity to nature. I consider it a criminal act.  
In my opinion, our navy is over-prepared, and our greatest enemy is ourselves. I'd like to see their future efforts in cleaning up and preventing further toxic wastes, in finding workable solutions to the unnumerable problems facing our oceans -- Remember ~~the~~ water and air flows freely, everywhere, and pollution elsewhere eventually reaches here.  
Makalo

\* If you provide your mailing address, we will add you to our mailing list to receive future notices about this EIS/OEIS.

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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p style="text-align: center;">THOMAS NAKAGAWA WAILUKU, HI 27 AUG2007</p> <p>UNITED STATES NAVY DRAFT ENVIRONMENTAL IMPACT STATEMENT ON THE USE OF MID-FREQUENCY SONAR IN THE HAWAIIAN ISLAND HUMPBACK WHALE MARINE SANCTUARY AND THE NORTHWEST HAWAIIAN ISLANDS.</p> <p>ALOHA,</p> <p>☞ MY NAME IS THOMAS NAKAGAWA. I WAS BORN AND RAISED HERE ON MAUL.</p> <p>☞ I AM HERE TONIGHT TO VOICE MY CONCERN AND OBJECTION TO THE USE OF MID-FREQUENCY SONAR TESTING PROPOSED BY THE UNITED STATES NAVY.</p> <p>☞ OURS IS AN OCEAN PLANET.</p> <p>☞ I AM HERE TO RAISE MY VOICE FOR THOSE WHOSE VOICES GO UNNOTICED; THE CITIZENS OF OUR OCEANS. FROM THE MAGNIFICENT GIGANTIC BLUE WHALE TO COUNTLESS SPECIES DOCUMENTED, AND THOSE YET TO BE DISCOVERED; TO THE MICROSCOPIC SINGLE CELLS AND LARVAE OF OCEAN ANIMALS. THE OCEAN IS FULL OF LIFE SOUNDS.</p> <p>☞ MANMADE NOISE POLLUTION FROM SUPERTANKERS, COMPRESSED AIR CANNONS AND NOW THE 165 db SONAR DROWN OUT THE CRIES OF THOSE MARINE ANIMALS IN DISTRESS.</p> <p>☞ THERE IS A "KILL ZONE" WHICH WILL RESULT IN THE IMMEDIATE DEATH OF ORGANISMS, AND LIKE A NUCLEAR WEAPON, A LARGER ZONE OF INJURY AND DISABILITY WHICH CAN ULTIMATELY RESULT IN DEATH.</p> <p>☞ THE PROPOSED USE ON THE SONAR WITHIN THE HAWAIIAN ISLAND HUMPBACK WHALE MARINE SANCTUARY AND THE NORTHWEST HAWAIIAN</p>	<p>D-W-0118</p> <p>1</p> <p>2</p>	<p>ISLAND ARCHIPELAGO (NOW A NATIONAL MARINE REFUGE) WILL ENDANGER OR DISRUPT NORMAL MARINE BEHAVIOR, BREEDING AND CALVING FOR THE HUMPBACK WHALES AND UNKNOWN EFFECTS ON THE ENDANGERED HAWAIIAN MONK SEALS, AND HAWKS BILL TURTLES. COUNTLESS FISHES AND INVERTEBRATES WILL ALSO SUFFER THE EFFECTS OF THIS SUPER BOOM BOX.</p> <p>☞ PLEASE CONSIDER THE SERIOUS IMPACT OF THE PROPOSED TESTING NOT ONLY ON THE OCEAN LIFE BUT HAWAII'S ECONOMY. IF THE WHALES DESERT THE HAWAIIAN ISLAND HUMPBACK WHALE MARINE SANCTUARY WATERS, IF THE REEFS ARE SONICALLY CLEANED OF LIFE; IF THE FISHES ARE DRIVEN FROM THEIR HABITAT WE LOSE MANY OF OUR VALUABLE TOURIST ATTRACTIONS.</p> <p>☞ PELAGIC FISHES WHOSE POPULATIONS ARE ON A DECLINE, TUNAS, BILLFISH, WHALE SHARKS, etc. WILL ALSO BE AFFECTED BY THE NOISE; POSSIBLY DISTURBING MIGRATION ROUTES, BREEDING AND SPAWNING INSTINCTS.</p> <p>☞ OBSERVATIONS WORLD WIDE SEEM TO LINK HIGH POWERED SONAR WITH MARINE STRANDINGS. THESE ARE THE VISIBLE EFFECTS; WHAT ABOUT THE ORGANISMS THAT WE DO NOT SEE WHO ARE ALSO AFFECTED?</p> <p>☞ ADDITIONAL RESEARCH ON THE EFFECTS OF HIGH POWERED SONAR TO OUR MARINE ENVIRONMENT IS NEEDED BEFORE WE RELEASE THE HOUNDS OF HELL..</p> <p>"OH, HEAR US AS WE CRY TO THEE FOR THOSE IN PERIL ON THE SEA..."</p> <p>MAHALO, THOMAS NAKAGAWA</p>	<p>D-W-0118 (cont.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p>

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

*Anta Winter*

I am opposed to sonar testing and underwater explosives around the Hawaiian Islands and in the Northwest Hawaiian Islands National Monument. The initial plan was bad enough, and now the Navy and National Marine Fisheries Service has expanded their war games practice to 1,145 exercises around the Hawaiian Islands including the US Hawaiian Humpback National Marine Sanctuary and the Northwest Hawaiian Island National Monument.

Recent sonar testing linked marine mammal strandings to include: Canary Islands in 1985, 1988, 1989, 1991, 2002, 2004 Total reported 44 whales

Greece 1996 12 beak whales

Virgin Islands 1999 4 whales

Spain 2000 3 beak whale

Bahamas 2000 and 2002 3 whales including one humpback 150-160 decibels

Washington State 2003 11 porpoises

Alaska 2004 6 whales

Hanalei Bay, Hawaii 2004 200 melon headed whales stranded, one dead

Yokosuka Japan (where a US Naval base is) 2004 Multiple strandings

North Carolina 2005 34 strandings of three different species of whales

The Navy and National Marine Fisheries Service have now admitted that they realize they will be killing mammals. They say humans can survive 145 decibel sonar but the Navy will be testing 235 decibels which is one billion times more energy than 145 decibels. There are a lot of divers in the Hawaiian waters. Two thirds of the North Pacific Humpback whales (which are on the endangered list) come to Hawaii to give birth and mate. We only have about 1200 monk seals, found nowhere else in the world, on the critically endangered list. ~~The majority of them are in the Northwest Hawaiian Islands National Monument.~~ We have critically endangered hawksbill turtles (50 nesting females left). There are many other species of whales, dolphins, and other mammals on the endangered list here in Hawaii and endemic to Hawaii. The Navy admits that underwater detonations will kill fish, but says we have plenty to spare.

The National Marine Fisheries Service and the Navy are ignoring the Marine Mammal Protection Act, Endangered Species Act, National Environmental Policy Act, Federal Protection for NWHI, and many more Federal Agencies created to protect our waters.

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The Navy should not test during whale season. They should go further away from land, stay out of the Humpback Whale National Marine Sanctuary, stay out of NWHI National Monument, stop sonar when marine mammals are spotted, notify people where and when they will be testing, no underwater detonations in our waters. These mammals don't belong to the United States. They are for the people of the world to enjoy. The US Navy is setting such a bad example for the world. Don't play your war games in Hawaiian waters.

not just turn it down  
more than 6 decibels

From what I understand, you have a 2 year exemption from the EIS and have done several exercises this year - causing 1 dead whale in Kiki. Are you counting that one on your "take" list?

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NUMBER

D-W-0119  
(cont.)

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8



	COMMENT NUMBER		COMMENT NUMBER
<p style="text-align: center;">Statement of Lanny Sinkin August 29, 2007 Public Hearing</p> <p>Here, tonight, you represent the United States Government.</p> <p>I appear tonight as Ali'i Mana'o Nui (Chief Advocate and Spiritual Advisor) to Ali'i Nui Mō'i (King) Edmund Keli'i Silva, Jr. of the Kingdom of Hawai'i.</p> <p>The real question that should be of concern to you tonight should be how the Navy's behavior reflects on the reputation of your government. As a general matter, the Navy behavior I have observed since 1998 can best be characterized as arrogant, lawless, and disrespectful.</p> <p>Examples of arrogance are:</p> <p>coming into the waters of the Kingdom without permission;</p> <p>thinking that you have the only definition of national security that has any validity and everyone else should just get out of your way;</p> <p>intimidating Congress into changing any laws that prevent you from doing exactly what you want to do, regardless of whether or not those laws are the product of common sense and intelligent debate;</p> <p>not considering yourself accountable for the harms you inflict on our 'aina through your exercises and operations disrupting the marine environment and depositing your radioactive materials and other pollutants on the land; and</p> <p>believing that God is on your side, so you can ultimately do no wrong.</p> <p>Examples of lawlessness are:</p> <p>pretending that the illegal overthrow of the Kingdom government never happened and that the illegal US annexation of the Kingdom lands and people is acceptable;</p> <p>refusing to implement the mitigation measures adopted by the California Coastal Commission for your sonar exercises off the California coast;</p> <p>having to be constantly sued to gain your compliance with environmental laws;</p> <p>ignoring the will of the tens of thousands of people in these islands who rose up against your using high intensity sonar in our waters; and</p> <p>violating the laws of nature by destroying ecosystems and threatening species, including the Human species, with extinction.</p> <p style="text-align: center;">1</p>	<p>D-W-0120</p>	<p>Examples of disrespectfulness are:</p> <p>treating the Hawaiian people as irrelevant and the Hawaiian environment as expendable;</p> <p>coming to our island to test your low frequency sonar on the Humpback Whales during their breeding and birthing season;</p> <p>ignoring the evidence gathered by people on this island that showed the Humpback Whales fled from your test area almost as soon as you turned on the low frequency sonar in 1998;</p> <p>treating the sacred sites of indigenous people as invisible in your decision-making processes; and now</p> <p>ignoring all the effort that went into creating the Northwest Hawaiian Islands Monument and the Humpback Whale Marine Mammal Sanctuary by pursuing live fire bombing and missile interception, increasing the use of high-intensity sonar, and otherwise inflicting your military madness on areas designated as safe havens.</p> <p>These are a few examples of how you are earning a reputation for being arrogant, lawless, and disrespectful.</p> <p>Your attitudes and your actions make abundantly clear why nothing short of complete independence will ensure these islands are truly cherished and protected. Under such half measures as the Akaka Bill, we will be left without any real authority over the waters that you, as representatives of the occupying power, so willfully abuse.</p> <p>I am not here to comment on your draft EIS. I know that the entire EIS process is simply an exercise to you. You conduct this exercise solely to escape from legal oversight. You will do what you will do because you have made yourselves who you are.</p> <p>We offer a place known for ho'oponopono. One meaning of that healing process is acknowledging when you do something wrong. From that acknowledgement comes a healing process that brings you back into alignment with the Natural World and makes you an agent of peace within the Human Family. When you are finally ready to put down your weapons and start your healing process, we will be here to help you. In the meantime, we will not waste your time and ours by continuing to participate in pre-determined processes like this one.</p> <p>Aloha.</p> <p>Lanny Sinkin Ali'i Mana'o Nui</p> <p>Hilo, Hawai'i</p> <p style="text-align: center;">2</p>	<p>D-W-0120 (cont.)</p> <p style="text-align: center;">1</p> <p style="text-align: center;">2</p> <p style="text-align: center;">3</p>

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

Keaukaha Community Association  
Environmental Co-Chair  
Hans Mortensen

Hilo, Hawaii 96720

Department of The Navy  
Commander  
United States Pacific Fleet  
250 Makalapa Drive  
Pearl Harbor, Hawaii 96860-3131

August 29, 2007

Dear Sir:

I would like to submit my comments and concerns in regard to the Department of The Navy's Draft EIS/OEIS to evaluate some environmental effects on our community of Keaukaha.

Concern: Environmental impact generated from increased military presence on the surrounding communities of Hilo International Airport, including the Department of Hawaiian Home Lands community of Keaukaha.

We understand that on the island of Hawaii, impact areas will be at the Pohakuloa Training Area and the Bradshaw Army Airfield

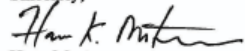
We believe that the Hilo Airport will be impacted also. We believe that the current negative effects from the noise and air pollution at Hilo Airport will be intensified.

We are concerned that increased military presence at the Hilo Airport will increase the adverse effects of the airport on our community.

Some of the concerns that we have are noise generated by aircraft, ground equipment that service the aircraft, and equipment that are transported by the aircraft. Some examples of aircrafts are heavy transport jets, aircraft refuelers, fighter jets, and helicopters.

Some examples of negative impacts include, but are not limited to, noise pollution, air quality, and concerns of aircraft crashes and accidents impacting our community. The possible increase of heavy transporter jets, aircraft refuelers, fighter jets, and helicopters can produce an increase in toxins that are released into the air that will decrease air quality and increase airport noise pollutants. Thank you for your consideration.

Sincerely,



Hans Mortensen  
Keaukaha Community Association  
Environmental Co-Chair

COMMENT  
NUMBER

D-W-0121

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## Hawaii Range Complex Environmental Impact Statement Public Hearing Input Form

Please record your comments concerning the Hawaii Range Complex Draft EIS/OEIS on this form. Please include your name and address. You may submit this form by:

- 1) placing it in the comment box at tonight's meeting
- 2) mailing it to: PMRF Public Affairs Officer  
P.O. Box 128  
Kekaha, HI 96752

All comments must be received no later than Sept. 17, 2007 to be included in the response to comment section of the Final EIS/OEIS.

Name: Shelley Stephens

Address: Pahoa, HI.

Comments: Pohakuloa: Du Violation of original lease - Atomic simulators only; need cost of D.U. clean-up, also Kahoolawe water lens is cracked, please address w/ funds from Army Corp. of Engineers. M-I Appendix - Heavy Metals: & EIS need EIS on H.M. firing  
\* See "Cost of Clean-up vs. Fair Market Value of Land." Contact DLNR Hilo Office. Also, Ocean Mining & allowed in Hawaiian Archipelago nor International Waters under  
Article 147 #2 Section B

A. Kupuna of Liliha, Ohana Request to Retire Boneo (1981) and Report Filed w/ Washington.

B. \* Memorandum to all DoD daughter of First Mate Alexander Lamarr Stephens  
Must contact/communicate w/ Native HI- Groups/Organization.

\* If you provide your mailing address, we will add you to our mailing list to receive future notices about this EIS/OEIS.

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1

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)



We, the Sirius Institute on behalf of the Cetacean Commonwealth are here today to ask this: What are we going to do to assure the wellbeing of Cetacea, of all their kind?

As I read these very technical pages and terms and conditions the thought comes: What if these were your children we were doing this to. Or some of your many thousands of requested 'incidental takes' include your mother, or uncle or dad or sister or brother or great great great grandmother or great great great grandfather? Could you harvest those you love so dearly in the name of anything?

Or that these takes are going to be taking place during the most critical time of any mammal mother's life, her gestation and birthing times and in her own Humpback Whale Sanctuary.

All these takes are important to the life of the pod - to the continuity of cultural information and practices nearly as ancient as the oceans, their home. As well as the continuation of these people of the seas.

Could you keep scientifically saying, "It is all for science so we know this?" I think 'ZERO' would be your heartfelt answer and that is what we are looking to breech here – hearts. Opening them to our common humanity and making choices for a different future together.

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3

Could you continue to say we need to protect ourselves against our enemies when we could be working together to find other ways to be together. We could make aloha a way of life for the world.

Perhaps we can all take a stand today that we would prefer by far to live in a more harmonious world where the need for bigger and badder means of taking life, our own and the Earth's are gone; where we can live and enjoy life in all its complexity, and wonder, here to help care for earth and each other.

Does it matter how damaging the sonar is? As important, is that it is necessary or so we think.

What is really damaging is the thought that it is necessary and keeps co-creating a world where this warfare mentality is acted out daily. Look around at the vastly immense resources that are being bled of our lives daily to maintain this thinking and reality. Everyone alive today would have enough to live a productive, healthful, supported life were our resources to be applied to the art of harmony.

Learning from the most ancient of conscious, largest brained life forms we hope to relearn how to live together, how to restore our home and how to reach to the stars together when we are ready to go a journeying.

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(cont.)

One component of this is the establishment of the 'interspecies birth cohort project' a community outreach project of the Cetacean Commonwealth and the Sirius Institute as well as others.

We are linking up with the global pod of parents and their 'dolphin/whale' children to work with each other, share information, connections, experiences and especially breakthroughs in communications between Humans and Cetacea.

As we take steps to assure the wellbeing of Cetacea we will be taking steps towards creating a thriving global culture that is respectful of all life, Human, Cetacean and others.

Respectfully,

Star Newland

On behalf of the

Cetacean Commonwealth

and Sirius Institute

August 29, 2007, Hilo, Hawai'i

[www.planetpuna.com](http://www.planetpuna.com); 808 896 8658.

3

**COMMENT  
NUMBER**

D-W-0123  
(cont.)

Star Newland  
Cetacean Commonwealth  
P.O. Box 1645  
Pahoa, Hawai'i 96778

P. Michael Payne, Chief  
Permits, Conservation and Education Division, Office of Protected Species  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910-3225

E-mail: [PR1.062306A@noaa.gov](mailto:PR1.062306A@noaa.gov)

Re: Docket No. 070703226"C7226"C01; I.D. 062206A

Globalize by learning about each others' people, customs, similarities, countries is the tag on the Discovery channel. It speaks to the essence of our work - to learn about other cultures, specifically the Cetacean culture.

In the Spirit of Aloha:

Dear Michael,

I am addressing Docket No. 070703226"C7226"C01; I.D. 062206A on behalf of the Cetacean Commonwealth ... WE want to reach out and meet the Heart of the National Marine Fisheries Service just as we reached out and met the Heart of the Navy and NOAA. See: Below and also [www.planetpuna.com](http://www.planetpuna.com).

As you must know this is the International Year of the Dolphin out of the United Nations and United Nations Environment Programme. We are working on establishing the International Decade of First Contact with Cetacea. What can we learn now and in the years to come, is our quest. One thing for sure is that the only way we will learn anything is through their continued presence in sufficient numbers. We can only learn

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(cont.)

1

<p>anything as we assure the wellbeing of the Cetacea.</p> <p>I want, and have dedicated day after day, for years of my life, a world where the kinds of interactions and relationships described below continue and thrive. We want to expand and extend the scope of the Delphic Tradition brought forward. We invite you to the table, to be part of this marvelous cocreation with the oldest, most sentient biggest brained lifeforms on this world.</p> <p>Our work and positions are partially stated in the following article which appeared in the ezine 'The Daily Galaxy -News from Planet Earth &amp; Beyond', an eclectic text and video presentation of fascinating, often irreverent, news and insights on science, technology, and popular culture (music, film, events).</p> <p>June 26, 2007 Cetacea: Mind-Bending Theories About the Planet's "Other" Intelligent</p> <p>The year 2007 has been declared as Year of the Dolphin by the United Nations and United The year 2007 has been declared as Year of the Dolphin by the United Nations and United Nations Environment Programme. But what do we really know about these incredible creatures? In 1967, acoustics expert Wayne Batteau developed a technique based on ultrasounds to communicate with domesticated dolphins. At the origin of the study, the US Navy cryptically decided to classify the results as top secret.</p> <p>Partly because their brains are roughly the same size as humans, and are similarly or superiorly complex (although differently evolved in structure), some marine biologists have speculated that dolphins, and other Cetaceans, are at least as intelligent as humans, and could have several unknown communicative abilities, that surpass human understanding.</p> <p>Critics say that if dolphins were as smart as us there'd be more evidence of it. But what type of evidence would suffice? The fact that Cetaceans are suffering from (rather than creating) the kind of environmental suicide that humans indulge in, offers little proof of inferiority.</p> <p>It is known that the prehistoric predecessors of Cetaceans were land animals who returned to the sea where there was relatively little fear of large</p> <p>5</p>	<p>COMMENT NUMBER</p> <p>D-W-0123 (cont.)</p>	<p>predators and an abundant food supply. Dolphins seem to have rich communicative powers among themselves and are very playful. It is also known that dolphins can use tools and teach their children how to use tools. Dolphins are one of the few animals other than humans known to mate for pleasure rather than strictly for reproduction. They form strong bonds with each other, which leads them to stay with their injured and sick. Dolphins also display protective behavior towards humans, by keeping them safe from sharks, for example.</p> <p>Historically, humans have long reported an affinity with dolphins, including joint cooperative fisheries in ancient Rome and other interactions. A modern human-dolphin fishery still takes place in Laguna, Santa Catarina, Brazil.</p> <p>However, humans are known to benefit from dolphins in more intangible ways, as well. One example of a little understood benefit comes from an ongoing study conducted at The AquaThought Foundation, a privately funded research organization dedicated to the exploration of human-dolphin interaction. Their research shows several significant trends that have emerged in the analysis of samples collected before and after human/dolphin interactions.</p> <p>According to their research, the human subject's dominate brain frequency drops significantly after dolphin interaction. Also observable is a period of hemispheric synchronization (the brainwaves emitted from both the left and right hemispheres of the brain are in phase and of similar frequency). Also, in many instances the background EEG became more evenly distributed within the spectrum. It is believed that this phenomenon may have some sort of therapeutic effect on an individual's emotional, or physical health.</p> <p>Other institutes that study dolphins, and other Cetaceans, have reported a myriad of differing perspectives and beliefs, which range from heart-warming to downright bizarre.</p> <p>The Hawaii based Sirius Institute, known for sending live humpback whalesongs into deep space, says their primary goals is for the reestablishment of interspecies communications with the biggest, most complex brains on the planet.</p> <p>One of their projects is an interspecies birth cohort, a group of children who would be birthed with dolphins and raised somewhat together in order to</p> <p>6</p>	<p>COMMENT NUMBER</p> <p>D-W-0123 (cont.)</p>
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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)



<p>study the development of communications between the close-knit groups.</p> <p>These open-minded Cetacea advocates point out that like humans, the Cetaceans transmit information culturally across generations, have the largest brains, and are the longest lived of all species. They would like humans to officially recognize the order Cetacea as a “people”. They believe that step is necessary for their preservations, as was historically necessary to stop genocide of humans. One example is the Australian aboriginal people, who were legally classed as “game animals” until 1967 when they won their “rights as human beings” in a court action.</p> <p>While Cetaceans aren’t likely to take mankind to court, it has been suggested that they are willing to communicate with us—possibly in a form that WE are too stupid to cognitively interpret.</p> <p>Is it possible that someday man or dolphin will have figured out a way to effectively communicate? While the concept seems strange, and fantastic—it’s worth remembering that it wasn’t that long ago when no one thought space travel was possible. At the present, enormous amounts of money, focus and energy is poured into our search for intelligent extraterrestrial life. Maybe we should be simultaneously supporting efforts to communicate with intelligent life on our own planet.</p> <p>After all, it might be good practice for the future. If we someday do make contact with intelligent alien life, how would we communicate? Surely extra-terrestrials will have evolved with a much different intellectual/physical capabilities than us. Even if a particular alien life form is as intelligent or even possesses far superior cognitive abilities—that doesn’t mean we’ll have compatible biological systems for true communication. How will we overcome those physical and intellectual communication barriers? Learning to more effectively communicate and understand differently evolved life forms on our planet may provide important insights into possible future interactions with life beyond planet Earth.</p> <p><a href="http://www.aquathought.com/">http://www.aquathought.com/</a>  <a href="http://www.planetpuna.com/siriusa/NewDolphinization.htm">http://www.planetpuna.com/siriusa/NewDolphinization.htm</a>  <a href="http://ninemsn.australiatests.com/mag/dolphin-1.asp?v=42">http://ninemsn.australiatests.com/mag/dolphin-1.asp?v=42</a></p> <p>Posted at 12:05 AM in Marine Biology</p>	<p><b>COMMENT NUMBER</b></p> <p>D-W-0123 (cont.)</p>	<p>Aloha Rebecca,  I want to say mahalo for coming to see us Sept. 16 at the scoping meeting. I was asked to write up my experience for the STOP LFAS network and my friend Cheryl Magill.  I thought you would like to see what I wrote.</p> <p>Aloha,  Star Newland  Founding Partner  Sirius Institute  Cetacean Commonwealth  <a href="http://www.planetpuna.com">www.planetpuna.com</a>  808 896 8658</p> <p>Star meets the Navy ... September 16, 2006</p> <p>It started with a prayer as I drove over the Saddle Road en route to meet the Navy in Hilo, Hawai’i at their scoping meeting September 16. My prayer was a mother’s prayer, and a soon to be grandmother’s prayer as I await the birth of my first grandchild.  I wanted to meet the heart of the Navy; I wanted to know who are the people behind the word Navy.  As I meditated on this, many thoughts, feelings and then tears of release came. Even now as I am writing this feelings come over me and tears flow again.</p> <p>I felt that somewhere in this gigantic organization there had to be heart, much like my own, that simply wants life to continue, to get better for us all, to put behind us this man-made lunacy we call war, to live in domestic harmony; to live in a Cetacean Human shared culture, which Mike and I and others are creating now along with the rest of what we call ‘the new and improved new world order’.</p> <p>Because of the very, very heated headline stories at this time where it appeared we were going to have nuclear attacks and on and on, my prayers were to meet the individuals who like myself were willing to draw their line in the sand saying this stops here and now. I am pulling back from the brink. We have a life and a world we want to continue; there are many of us who</p>	<p><b>COMMENT NUMBER</b></p> <p>D-W-0123 (cont.)</p>
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love life, love our world, love ourselves and species and want to create and perpetuate a new paradigm like the one above.

A parking attendant for the event was our friendly greeter, there were signs on the way into the meeting which was well laid out, it was easily accessible and there was free parking.

I asked in my prayer to meet those like myself there and as soon as I had signed in I went straight for these two men in the back with the Missile Range display. Quickly I jumped right into my subject and spoke of my desire to meet folks there who shared the same dream or vision of our future. Within minutes these two men agreed they would much rather a world like that than the one we were in now. Heartened by this I knew I was in the right place. I left them to explore the rest of this event.

As it turns out there was a format that allowed us to meet, person to person, face to face and then heart to heart. I went around to listen to discussions, ask questions, and by the end of the evening I found a biologist who had read and understood several books which were influential to me, who shared a spiritual side akin to my own; the Missile Range commander who spoke eloquently of his love of the oceans, its life and how these RIMPAC exercises have been conducted for over 20 years and there had been a pretty low incidence of harm. His sincerity convinced me that had there been serious issue they would have known and personally seen to it that something was done. It was he who graciously put his neon green domestic harmony ribbon on just below his medals. Talk about community outreach - I was delighted and amazed at the warmth of these folks and their openness.

Then there was the marine biologist who was so knowledgeable about many stranding incidents and had local details we had yet to hear about, like how the humpbacks come up to the ship when the mid frequency sonar was put on and dolphins come to ride the bow waves when the sonar is put on.

We were met by an enthusiastic response from many members of their group towards the interspecies birth cohort project, where human babies are born with dolphins, spend lots of time together as we observe how communications develop between them. This was considered by the late Dr. John C. Lilly as the most likely way for us to break through the communications barrier. This has yet to be done. It is one of the key community outreach projects of the Cetacean Commonwealth.

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**COMMENT  
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(cont.)

When I posited the likelihood that we would discover a means to communicate with them and perhaps the information the Navy was getting from using sonar we could get from the Cetacea they got very excited. Of course the Cetacea would likely make it available to everyone. That is true transparency. The idea that we Humans could enter into a treaty relationship with the Cetacean Commonwealth was enthusiastically received by their counsel.

We entered many pages of comments and testimony about our work to get these projects on board with the Hawaii County Puna district development plan, the State 2050 Sustainability conference; projects like the Human Dolphin habitat, beliefs about Cetacea and plans to secure their status as a Peoples through the United Nations, establishment of embassies at the water's edge. Our feeling is that once that recognition is established we would have the communications handled, then the issues of protecting their homelands, so to speak, is dealt with at a whole different level, the State Department level.

Clearly the people we met that afternoon on hand to represent the Navy were of a high caliber. There were other folks there too - I only met about 15, including a lady that I had just seen at Governor Lingle's International Leadership Conference for Women. We had that in common and it helped sharing that bond. Dr. Mike Hyson met as many and spoke with them about more technical details. He can give you his report.

Afterwards we got together to compare notes and ask each other "Did we see what we saw? Did we just meet the heart of the Navy?" We agreed that we felt something important had just taken place. It was so strong for me I felt the Earth must have tilted.

We liked these folks and offered them our help to make more secure the wellbeing of Cetacea, the oceans and life as we want it to be. At the end of the day I felt elated. We had established common ground. I felt that what I had just witnessed ranked as one of the most important days of my life.

In the Spirit of Aloha,  
Star Newland  
Founding Partner

10

**COMMENT  
NUMBER**

D-W-0123  
(cont.)



<p>Sirius Institute  <a href="http://www.planetpuna.com">www.planetpuna.com</a></p> <p>Subject: RE: Star meets the Navy ...  Date: Wed, 27 Sep 2006 12:07:20 -1000  From: "Hommon, Rebecca CIV NAVREGHAWAII Counsel"  &lt;rebecca.hommon@navy.mil&gt;  To: "Star Newland" &lt;starnewland@yahoo.com&gt;</p> <p>Thanks for sharing your words and thoughts. Your comments are very much appreciated.</p> <p>This was so important a meeting that Dr. Michael Hyson, Research Director, Sirius Institute, and I went to Barking Sands base to meet with Captain Mark Darrah, (at his invitation) and Information Officer, Tom Clements, October 16 for a tour. (We since returned to listen to live whalesongs last spring.) You may recall the earthquake came October 15, while we were down the road from our meeting. Following are a few of the points we covered, as best as I recall:</p> <p>How can we make use of dolphin assisted, conscious and attended births a project of global stature so that we make the establishment of interspecies communications a reality.</p> <p>Captain Mark Durrah said when we call the forum to gather together stakeholders for the protection and preservation of Cetacean life on this earth he will get the Navy to the table.</p> <p>How can we civilians establish and maintain an open, friendly, fair witness relationship with the Navy and other large organizations</p> <p>We are inviting you too, as protectors of the National Marine Fisheries Service to join us in the gathering of the forum; that we may, together with the Others find ways to fulfill our manifest destiny; that we would learn from each other, be of assistance to each other and ultimately reestablish our</p> <p>11</p>	<p>COMMENT NUMBER</p> <p>D-W-0123 (cont.)</p>	<p>deep relationship one to another.</p> <p>Because we value Cetacea as important and precious as ancestors starting in a long ago time and place, we felt it was important to commemorate those who have fallen at the hands of Humans in their genocide. These words appeared on <a href="http://www.planetpuna.com">www.planetpuna.com</a>, Memorial Day, 2007.</p> <p>In Memorium and Celebration of Cetacea  by  Star Newland</p> <p>A Proclamation</p> <p>The Cetacean Commonwealth  Addresses the Earth and Her Peoples</p> <p>Calling Moratorium on Memorial Day</p> <p>by  Michael Hyson</p> <p>In Memorium and Celebration of Cetacea  Puna, Hawai'i  May 28, 2007</p> <p>We bring greetings and Aloha celebrating and declaring our agreement to</p> <p>12</p>	<p>COMMENT NUMBER</p> <p>D-W-0123 (cont.)</p>
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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

<p>seek out harmonious relations one to another including Humans, Cetacea and Extraterrestrials.</p> <p>The Cetacean Commonwealth realizes this on behalf of the UNÆs 2007 International Year of the Dolphin, in order to restore harmonious relations among humans, first we must restore harmonious relations with our Ancient Ones, the People of the Sea, our ancestors.</p> <p>We are here to remind you of a time soon to come when we will have reestablished right relations with each other; when prophecy long told among our people speaks of when we will have rejoined to bring forward the Delphic tradition and involve the many who would join with us to promote common ideals of aloha, unity with life, life affirming actions and so on.</p> <p>Henceforth, let it be known that we, the undersigned, resolve to live in harmony with each other and are calling the moratorium on this Memorial Day May 28, 2007, as we honour the lives and memory of the many of both our kind, Cetacea and Human, who have passed on in war and otherwise.</p> <p>We agree to seek the wellbeing and ancient relationship between each species restored thus bringing harmony to our worlds.</p> <p>Signatories to participate as a member of each species committed to make a difference by their thoughts and actions.</p> <p>Star Newland on Behalf of the Cetacean Commonwealth Founding Partner Sirius Institute</p> <p>A Proclamation</p> <p>The Cetacean Commonwealth</p> <p>Addresses the Earth and Her Peoples</p> <p>Calling Moratorium on Memorial Day</p> <p>13</p>	<p>COMMENT NUMBER</p> <p>D-W-0123 (cont.)</p>	<p>May 28, 2007</p> <p>Long have the Cetacea swum the seas of Earth and helped and aided Humans.</p> <p>For at least 18,000 years humans have hunted them. Throughout this history, as with all hunting cultures, the prey was honored, as in Japan where coastal villages had temples dedicated to the whales. We honor all whaling people's and forgive humanity's collective lack of awareness that is now ended.</p> <p>In this UN Year of the Dolphin, the dolphins are currently losing millions per year to pollution, fishing, drive fisheries, nets, high-intensity sonar, geological mapping, and other hazards. The great whales are at 1% of their former numbers and some are still hunted.</p> <p>In the West, the bodies of whales fed, and clothed us, and their oil lit the lamps of many cities. Yet whales were still honored. Whale oil anointed the kings and the popes (who still wear the stylized whale head symbolic of the ancient water-god Oannes or Dagon).</p> <p>On Memorial Day, 2007, we honor all our dead, Human and Cetacea.</p> <p>We call for a full moratorium on whaling of all kinds.</p> <p>We also call for a new beginning based on new understanding and appreciation of who the Cetacea are to Humans.</p> <p>Many indigenous cultures including Hawai'ians, Maori of New Zealand, the Zulu, Tibetan, Eskimo, the west coast natives of North America and the Mirming people of Australia, all say whales are their ancestors.</p> <p>This is now supported by findings showing the dolphin genome is contained in the human genome and the Cetacea and Homonids (the primate group consisting of humans, bonobos, chimps, gorillas and oranutangs) share nerve cells called spindle cells.</p> <p>The various findings that humans are semi-aquatic add more support.</p> <p>14</p>	<p>COMMENT NUMBER</p> <p>D-W-0123 (cont.)</p>
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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

<p>The whales are our ancestors; we are related.</p> <p>Early peoples along the Nile, Yangtze, Indus and Ganges rivers likely interacted with the freshwater dolphins in those rivers, as they do today in the Amazon basin and elsewhere. This interaction contributed to the development of civilization.</p> <p>Indeed, China, Greece, Babylon &amp; Sumer, e.g., attribute the founding of their civilizations to aquatic beings like Oannes.</p> <p>There was partnership with the dolphins especially in ancient Greece, where they fished together with the Greek fishermen even sharing their sacramental brews with the dolphins; there are stories of dolphins guiding the ships; rescuing people; and befriending children.</p> <p>The Greeks felt the dolphin was the most divine form of creation, and killing a dolphin equivalent to murder.</p> <p>We term this partnership with the Cetacea and knowledge of their nature as "the Delphic Tradition". This is typified by the ancient Greeks with their "philadelphia" – or philo delphia or "love of dolphins".</p> <p>philo - love of; the root Del means either "brother" or "dolphin".</p> <p>Western cultures largely forgot the Delphic Tradition; for the last 2000 years - it was maintained by indigenous peoples, and in legends, reports and stories that have come down to us.</p> <p>The Delphic Tradition Brought Forward</p> <p>With modern research into genetics, communication, therapy, and underwater birth with the Cetacea, comes fuller recognition of our deep mutual connections. We are reaching an understanding that confirms the ancient knowledge. Cetaceans are self-aware, sentient, and have brains comparable to, or up to seven times larger, than humans.</p> <p>This implies the Cetacea have comparable or superior intelligence making them the most intelligent beings on Earth. They have been shown to have complex language, cultural transmission, tool use and other cultural traits.</p>	<p><b>COMMENT NUMBER</b></p> <p>D-W-0123 (cont.)</p>	<p>During our extended aquatic human evolution, we developed several aquatic structures such as our noses and tears and made beneficial partnerships with fresh-water and ocean dolphins, traditions which were preserved by the Greeks and still survive in several places on the Earth, including Hawai'i. In all these instances, the Cetacea are a harmonizing, civilizing influence.</p> <p>Now that we have rediscovered this, we can honor our Cetacean ancestors and re-create our partnerships through joint Cetacean-Human projects involving communication, birthing, therapy and other areas.</p> <p>We can soon communicate with beings who have lived in harmonious societies for millennia - bringing new perspectives, knowledge and technology to land-locked humans. This is part of The Delphic Tradition Brought Forward.</p> <p>It is time to give recognition of the Cetacea as intelligent sentient beings and include them under human laws.</p> <p>We are now on the verge of spacefaring. It is time we restore proper relations with the extraterrestrials of our own oceans – the people's of the sea, our ancestors and go on together in loving respect and harmony.</p> <p>© 1990-2007 by PP *PlanetPuna*, Sirius Institute &amp; Sirius Connection 420 *All Rights Reserved to the Sources*</p> <p>WE appreciate your attention to our pleas to find other ways to relate to us. Perhaps, you could deliver the utmost just verdict of all, to recognize it is time to call a moratorium on all of this Sonar and that perhaps, just perhaps Humans can dedicate time and effort to finding ways to communicate with us so you can learn what WE have to offer, how to live upon Earth in harmony, in a world restored together into our paradise, once again.</p> <p>In the Spirit of Aloha,</p> <p>Star Newland Founding Partner Sirius Institute</p>	<p><b>COMMENT NUMBER</b></p> <p>D-W-0123 (cont.)</p>
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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

<p>TrackBack</p> <p>TrackBack URL for this entry:  <a href="http://www.typepad.com/t/trackback/2145844/19567894">http://www.typepad.com/t/trackback/2145844/19567894</a></p> <p>Listed below are links to weblogs that reference Cetacea: Mind-Bending Theories About the Planet's "Other" Intelligent Life :  Comments</p> <p>Issue forth an energy of love and harmony for all life especially to your human family .. your whale and dolphin species for they are human in spirit also ... as a wave of slaughter and then beaching is about to begin as they cry out to humanity to look at itself ... for aeons of time your whales and dolphins have been guardians ... holding the planetary energy grid whilst they await for you to come online ... know you that whales are the oversouls of dolphins .. and dolphins as a whole are the earth's soul (black box recorder) holding all of earth's memory ... when your whale species become extinct ... so too will your dolphins ... your earth and yourselves ...</p> <p>this is a message from a future now ...  Blue from Auraphim (Oraphim)  - The Centre of Light in Arcturus "</p> <p>Posted by: Maria   July 02, 2007 at 02:08 AM</p> <p>May be as intelligent....that is the key. We (humans) alter our environment by use of tools and weapons. In a water world the marine mammals are at a distinct dis-advantage. We are the lords of creation on this planet until we destroy ourselves and evolution can again work its magic and another species arise to take our place....again and again and again.</p> <p>Posted by: Scott   July 02, 2007 at 04:56 PM</p> <p>This is followed by my letter to Cheryl Magill, of STOP LFAS group, a dear friend and supporter of our work. It came about after meeting the Navy folks at a scoping meeting in Hilo last September. It is addressed to Rebecca Hommon, CIV NAVREGHAWAII Counsel.</p> <p>17</p>	<p>COMMENT NUMBER</p> <p>D-W-0123 (cont.)</p>	<p>As a last minute note – last year at the scoping meeting we submitted several pages about this perspective as well as oral testimony and after looking over the draft document we failed to see any specific reference to these areas. How is that and how then can this be a thorough document of the position of the people?</p> <p>18</p>	<p>COMMENT NUMBER</p> <p>D-W-0123 (cont.) 2</p>
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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)



# Hawaii Range Complex Environmental Impact Statement Public Hearing Input Form

August 29, 2007  
Hilo HI.

Please record your comments concerning the Hawaii Range Complex Draft EIS/OEIS on this form. Please include your name and address. You may submit this form by:

- 1) placing it in the comment box at tonight's meeting
- 2) mailing it to: PMRF Public Affairs Officer  
P.O. Box 128  
Kekaha, HI 96752

All comments must be received no later than Sept. 17, 2007 to be included in the response to comment section of the Final EIS/OEIS.

Name: Lynn Nakim  
Address: Hilo, HI (Kekaha)

Comments: I am concerned and dismayed that the U.S. Navy insists upon this plan to do sonar exercises in the Hawaiian Islands. I have read the environmental impact analysis of the Navy and I think it is a very bad, very irresponsible choice for the Navy to proceed despite the fact that sonar caused the beaching and subsequent death of several whales in the Balaena Islands in 2000 should be all the proof you need that you must not do sonar testing in areas where whales congregate. The Hawaii Range Complex is not a suitable area for sonar testing. It is just a guess, but I estimate that whales have been congregating in Hawaiian waters for at least 50,000 years. Clearly, they got here first.

The Navy's attitude can be expressed succinctly in how they categorize whales.

\* If you provide your mailing address, we will add you to our mailing list to receive future notices about this EIS/OEIS.

COMMENT  
NUMBER

D-W-0124

1

In the EO, which statements they are grouped along with Seaweed, coral, Homalmonohomokuaquai crabs, and coral as "BIOLOGICAL RESOURCES."

Well, I think the seaweed will be fine. But for the whales, the impact of sonar sounds is more than just breaking their eardrums. It is terrorism against whales. High frequency sonar and mid frequency sonar in the open ocean is a threat to whales. But not here - OR IF YOU MUST TESTING HERE, THEN ONLY DO IT FROM JULY 1 through December 1. Whales are very wise. They have a "biological resource" and when you do sonar, you are doing the same thing to them. I am here to represent them in the meeting room. Because this is just too far from the ocean for them to represent themselves. My father worked for the Navy at Pearl Harbor for 37 years, beginning in 1941. I understand defense, and I am here to defend the whales, save a few attack posters about Navy efforts to rescue albatross and humpback seals will not compensate for the threat they present, through their unnecessary exercise, to harass and kill whales of all kinds, dolphins, and other sensitive, intelligent man-made who live underwater.

COMMENT  
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D-W-0124  
(cont.)



	COMMENT NUMBER		COMMENT NUMBER
<p>COMMENTS ON NAVY HAWAII RANGE COMPLEX DEIS/OEIS for draft EIS hearing 8-29-07, Waiakea High School Cory Harden, Sierra Club, Moku Loa group P.O. Box 1137, Hilo, Hawaii 96721 <a href="mailto:mh@interpac.net">mh@interpac.net</a> 808-968-8965</p> <p>Sierra Club, Moku Loa group, has serious concerns about past, present, and proposed Navy actions in the Hawaiian Islands.</p> <p><u>First, on sonar, the Navy should not receive the blanket permit it is seeking.</u></p> <p>Sonar has been linked to whales dying from the bends after "boiling to the surface in panic". (1) Earthjustice says "intense sonar sounds can rupture marine mammals' hearing organs and result in strandings or death." (2) Sonar can interfere with marine mammals' ability to "navigate, hunt, take care of their offspring and avoid predators." (3)</p> <p>Earthjustice in Honolulu just "filed a court motion to stop the Navy from using high-powered sonar in an exercise this November". (4) Federal judges have shut down sonar or mandated increased precautions several times, including 2006 in Hawaii, and this month in California.</p> <p>In the California case, the Navy itself predicted permanent injury from sonar to almost 500 Cuvier's beaked whales--when only about 1000 may be left off the U.S. West Coast.</p> <p>Taking precautions to protect marine life during sonar use would not reduce Navy ability to respond to actual threats, says the Natural Resources Defense Council.</p> <p>When I sought expert opinions on sonar, I was told "this is a delicate issue" because over half of the marine mammal research in the U.S. is funded by the Navy.</p> <p>In 2002, scientists funded by the Navy made negative comments on an EIS. An Office of Naval Research official phoned and chastised them, then e-mailed a colleague "I think they had some inkling that they might be about to take our money and make themselves look good to the enviros too." (5)</p> <p><u>Second, Navy actions, added to other military actions in Hawaii, will cause large cumulative impacts.</u></p> <p>Depleted uranium was found at Schofield and at Pohakuloa and is suspected at Makua Valley. The Navy accidentally fired DU into the hills above Aiea in 1994. It was never found.</p>	<p>D-W-0125</p> <p>1</p> <p>2</p>	<p>Future plans for the Army's Stryker will cause severe soil erosion and dust, increase wildfires, impact sensitive species, spread non-native species, bring noise from helicopters and explosions, destroy archaeological and Native Hawaiian cultural resources, and restrict native Hawaiian access to traditional sites.</p> <p>Past and current military actions have left almost 800 contaminated military sites in Hawaii. One site is Pearl Harbor Naval Complex, which itself contains about 750 contaminated sites. Almost 5 million gallons of low level radioactive waste were discharged into Pearl Harbor in the 1960s and 1970s. More than 8000 tons of chemical munitions were dumped off O'ahu about 1940 to 1970.</p> <p>It seems there is little money for cleanup of past hazards, but plenty of money to fund a shift in forces to coastal and Pacific areas that will bring even more hazards.</p> <p><u>Third, debris and chemicals will fall on the Northwest Hawaiian Islands from missile flights and intercepts.</u> Amounts are small, but there is growing evidence that these islands serve as a nursery and reservoir for fish, sea turtles, and birds in the main Hawaiian islands. The islands also have deep cultural significance for Native Hawaiians. The presidential proclamation that gives the islands protection as a monument requires the military to avoid adverse impacts there as much as possible.</p> <p><u>Fourth, a high-ranking official in the U.S. Fish and Wildlife Service reportedly tampered with scientific work,</u> and resigned in May. Fish and Wildlife statements cited in the EIS which came under her tenure, should be re-evaluated.</p> <p><u>In conclusion,</u> we urge the Navy to address past, present, and future hazards, to protect our islands, wildlife, and oceans.</p> <p>References (1) "Judge bans Navy from using sonar off Southern California," by Kenneth Weiss, Los Angeles Times 8-7-07 (2) "Stop the sonar, groups ask Feds," by Robert Shikina, Honolulu Star-Bulletin 8-24-07 (3) "Navy won't share sonar data," Honolulu Advertiser, 3-21-07 (4) "Stop the sonar, groups ask Feds," by Robert Shikina, Honolulu Star-Bulletin 8-24-07 (5) "Deadly Sonar" by Peter Canby, OnEarth, spring 2007</p>	<p>D-W-0125 (cont.)</p> <p>3</p> <p>4</p>

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

YAHOO! MAIL

Print - Close Window

Date: Wed, 22 Aug 2007 03:33:49 GMT  
From: "KAHEA" <kahea-alliance@hawaii.rr.com>  
To: "Helen Anne Schonwalter" <maui\_jewels@yahoo.com>  
Subject: Expanded Naval Wargames Threaten the NWHI and the Public's Health



## KAHEA: The Hawaiian-Environmental Alliance

### Save the Whales, Stop the Sonar

Aloha Helen Anne,

The Navy wants to expand its wargame-playground to include the Papahānaumokuākea Marine Monument in the Northwestern Hawaiian Islands! Your help is needed to prevent serious harm to this unique, delicate ecosystem, and the wider Hawaiian Islands.

Tuesday is the first day of public hearings on the environmental impacts of expanded naval exercises in the Hawaiian Islands. The Navy's proposal includes **live-fire bombing and missile interception over the NWHI Monument, significantly increased use of high-intensity active sonar in the Monument and the Humpback Whale Sanctuary, and increased bombing exercises at ranges contaminated with depleted uranium.**

The Navy's wargames are dangerous and pose serious risks to the welfare of our imperiled ocean resources, especially the delicate and highly protected Northwestern Hawaiian Islands. The National Marine Fisheries Service (NMFS) - the federal agency charged with protecting our oceans - held that the Navy's use of active sonar was the most likely reason 150 melonhead whales attempted to beach themselves in Hanalei Bay in 2004. Yet, **NMFS supports the Navy's proposal to expand use of active sonar and other harmful activities in the Hawaiian Islands, even though the Navy refuses to abide by meaningful mitigation protocols to minimize the injuries its actions inflict.**

### Take Action!

#### Instructions:

[Click here to take action](#) on this issue or choose the "Reply to Sender" option on your email program.

#### Tell-A-Friend:

Visit the web address below to tell your friends about this.

[Tell-a-Friend!](#)

#### What's At Stake:

Talking Points Continued:

The Navy repeatedly mentions the lack of marine mammal strandings associated with its use of mid-frequency active sonar in Hawaiian waters in the 40 or so years that it has been using the technology. This is false. In 2004, in the middle of the Navy's bi-annual RIMPAC exercises, 150 melon-head whales attempted to strand themselves in Hanalei Bay; one calf was found dead. NMFS concluded that the Navy's use of high-intensity active sonar was the most likely cause of that rare stranding event. Moreover, it is highly unlikely that a marine

#### COMMENT NUMBER

D-W-0126

1

This is unacceptable. Hawai'i's residents and our environment deserve better!

Help make the message clear to **the Navy that it must abide by U.S. and state environmental laws, employ reasonable mitigations, and decrease - not increase - wargames in the Hawaiian Islands.** Please take a few minutes to read this action alert and learn how you can send a personalized message to the Navy and NMFS demanding an end to the wargames.

Mahalo nui for your support in protecting Hawai'i's unique cultural and natural heritage.

#### Here are four ways you can help:

1. Attend a public hearing in your area (times and locations listed below),
2. Send written comments to decisionmakers at the Navy and NMFS through this Action Alert,
3. [Sign our petition](#) supporting a 145 decibel limit on human-made ocean noise in state waters, and
4. Pass this information on to everyone you know!

#### Info on the Public Hearings:

On Kaua'i  
Tuesday, August 21, 2007  
Kauai War Memorial Convention Hall  
4191 Hardy St. in Lihue

On O'ahu  
Thursday, August 23, 2007  
McKinley High School  
1039 South King St. in Honolulu

On Maui  
Monday, August 27, 2007  
Baldwin High School  
1650 Kaahumanu Ave. in Wailuku

On Hawai'i  
Wednesday, August 29, 2007  
Waiakea High School  
155 West Kawili St. in Hilo

Written comments are due to NMFS by August 31, 2007 at:

Michael Payne, Chief  
Permits, Conservation and Education Division  
Office of Protected Resources, National Marine  
Fisheries Service  
1315 East-West Highway  
MD 20910-3225

mammal harmed by active sonar would ever be found in Hawai'i because our oceans are so vast. Injured marine animals in Hawai'i are most likely eaten by predators or carried away by the strong currents. So, the fact that more stranded marine animals have not been found is not proof that no marine animals are affected by the Navy's active sonar.

Naval exercises pose an unacceptable risk to our fragile coral reefs. Bleaching events, coral disease, and changing ocean temperatures are all causing our coral reefs - the foundation of our oceans - to die at alarming rates. The U.S. heeded these warning signs and set aside the NWHI as the world's largest, most protected marine preserve in the world. Naval activities should abide by the U.S.'s policy to protect the NWHI and specifically its unique coral reef ecosystems.

Contamination from missile debris, as well as damage from waves knocking around large shrapnel pieces on the reefs are so far outside accepted practices in the NWHI that they should be prohibited.

The Navy's mitigation methods are woefully inadequate. Observers onboard ships cannot see marine animals that rarely surface, if at all (beaked whales can spend an hour below the surface; turtles surface with only their nostrils) and passive listening sonar cannot identify marine animals that do not vocalize. Even if an animal is spotted within 1,000 yards of the ship, the Navy will only reduce the sonar ping by a mere 6 decibels, to 229 decibels, which is still over 100 million times more intense than the Navy's human diver standard of 145 decibels and over a million times more intense than the noise level that killed the whales in the infamous Bahamas incident of 2000. This is unacceptable and violates 50 CFR sec. 404.9(c) of the Monument regulations

#### COMMENT NUMBER

D-W-0126  
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2

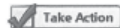
3

Email: PR1.050107N@noaa.gov.

Written comments are due to the U.S. Navy by September 17, 2007 at:

Tom Clements  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Hawai'i 96752-0128

Email: Fax: 808-335-4520



**Send a letter to the following decision maker(s):**  
Chief Michael Payne  
Mr. Tom Clements

**Below is the sample letter:**

Subject: Expanding Naval Wargames in Hawaii is Unacceptable

Dear [decision maker name automatically inserted here],

The world recognizes Hawai'i hosts unique and fragile marine environments crucial to the overall health of our oceans. The U.S. acknowledged the importance of protecting Hawai'i's oceans by establishing the largest, most highly protected marine preserve in the Northwestern Hawaiian Islands. This is the primary foraging grounds of last few remaining Hawaiian monk seals, home of rare cold water coral reefs,

The Navy's proposal to significantly increase wargames in the Hawaiian Islands directly undermines the policies of the federal and state governments to protect the NWHI Marine Monument, State Refuge, and the Humpback Whale Sanctuary. The Navy's plan to use active sonar that harms marine mammals, spread toxic chemicals that undermine the public's health, and jeopardize cultural sites sacred to Native Hawaiians is completely unacceptable and cannot be allowed.

Sincerely,

Helen Anne Schonwalter



requiring the Navy to avoid adverse impacts to Monument resources. The Navy must adopt meaningful mitigation protocols.

The Navy's use of acoustic modeling to predict the impact to marine mammals from its harmful active sonar is inadequate because it fails to consider actual, historic data on marine animal stranding and disturbance events associated with active sonar. These data are far better indicators of the likely consequences of using active sonar in Hawaiian waters than computer models.

The Navy claims marine mammals do not change their behavior when exposed to 195 decibels or less of active sonar. Yet, marine animals have beached and died after receiving noise levels far lower than this. The Navy and NMFS must alter their standards to conform to empirical data on stranding and disturbance events.

The Navy and NMFS acknowledge that mid-frequency active sonar harms marine wildlife (although not in Hawai'i), yet they propose to increase the level and frequency of exposure to marine animals, instead of decrease it. The Navy and NMFS should respect state and federal efforts to ensure the long-term survival of marine ecosystems by prohibiting harmful military activities.

Expanded naval wargames jeopardize Hawai'i's fish stocks. Fish are primary source of food and income in the Hawaiian Islands. Unfortunately, Hawai'i's fish stocks are severely depleted. In effort to counteract decades of overfishing, state and federal agencies have banned residents from catching some of the most popular fish. The Navy ignorantly claims that fish will be negligibly impacted by expanded naval exercises because they cannot hear mid-frequency active sonar. Not only does the Navy's EIS fail to adequately

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discuss the non-auditory effects of mid-frequency active sonar on fish, but it flippantly admits that while underwater detonations will kill and injure some fish, the "abundance and diversity of fish within the Hawaiian Range Complex will not measurably decrease." This is untrue. The combined affect of intensely loud sound and increased underwater explosions will drive away what few fish the Hawaiian Islands still have. This is an unacceptable consequence of expanded naval exercises.

The Navy's proposal is inadequate because it fails to identify the resources and mechanisms required by 50 CFR sec. 404.9(d) of the Monument Regulations "for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the Monument resource or quality." How much of the Navy's budget for these exercises will be used to remedy the harm these wargames pose to the NWHI?

## Public Hearing Dates:

On Kaua'i  
Tuesday, August 21, 2007  
Kauai War Memorial Convention Hall  
4191 Hardy St. in Lihue

On O'ahu  
Thursday, August 23, 2007  
McKinley High School  
1039 South King St. in Honolulu

On Maui  
Monday, August 27, 2007  
Baldwin High School  
1650 Kaahumanu Ave. in Wailuku

On Hawai'i  
Wednesday, August 29, 2007  
Waiakea High School  
155 West Kawili St. in Hilo

**Campaign Expiration Date:**  
September 17, 2007



DEPARTMENT OF PARKS AND RECREATION  
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN  
MAYOR



LESTER K.C. CHANG  
DIRECTOR  
DANA TAKAHARA-DIAS  
DEPUTY DIRECTOR

August 15, 2007

Mr. L. M. Foster  
Director, Fleet Environmental  
Department of the Navy  
Commander  
United States Pacific Fleet  
250 Makalapa Drive  
Pearl Harbor, Hawaii 96860

Dear Mr. Foster:

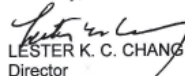
Subject: Draft Environmental Impact Statement/Overseas Environmental  
Impact Statement (Hawaii Range Complex)

Thank you for the opportunity to review and comment on the subject Draft  
Environmental Impact Statement.

The Department of Parks and Recreation has no comment and as the proposed  
action will not impact any program or facility of this department, you are invited to  
remove us as a consulted party to the balance of the EIS process.

Should you have any questions, please contact Mr. John Reid, Planner at  
768-3017.

Sincerely,

  
LESTER K. C. CHANG  
Director

LKCC:mk  
(220805)

COMMENT  
NUMBER

D-W-0127

1

Kailua-Kona, HI 96745  
29 August 2007

Re: Hawaii Range Complex  
Draft Environmental Impact Statement/  
Draft Overseas Environmental Impact Statement

I wish to focus on the Level A\* and Level B\*\* harassment and the danger to  
scuba divers due to the mid-frequency sonar (3.5-7.5 kHz) operating at 235  
decibels. Use of mid-frequency sonar in Hawaiian waters at 235 dB, as  
planned, may decimate the beaked whale population without us able to  
count bodies. And what about our highly endangered monk seals? \*\*\*

The EIS makes a totally fallacious statement when it says that there is no  
indication of any adverse impact on beaked whales from exposure to sonar  
use for 30 years in Hawaiian waters. Just because there have been no  
visible/apparent strandings in Hawaii, does not mean that the Beaked  
Whales were not injured. Previously studied pods of beaked whales  
disappeared the year following the beaching in the Bahamas. It is assumed  
they died without beaching, or completely left the area, after exposure to  
sonar.

On March 15, 2000 17 cetaceans of 4 species, including Cuvier's beaked  
whales, stranded themselves in the Bahamas right after the Navy conducted  
a sonar test during an anti-submarine warfare Gap Exercise using mid-  
frequency sonar. The National Marine Fisheries Service and the Navy  
considered the strandings to be "highly likely" linked to the sonar tests.  
High-decibel sonar tests in other parts of the world have also coincided with  
stranded whales, but the Bahamas' whales showed the first clear sign of  
internal damage that might have been linked to the tests. And the stranded  
whales may only have been the tip of the iceberg. Subsequently, Earthwatch  
teams sighted no Cuvier's beaked whales in the Bahamas. I've printed a  
website for your use, if you want to further study these statements further.  
See: <http://www.earthwatch.org/site/pp.asp?c=dsJSK6PF:lnHP:h-1849941>

In order to protect the highly endangered monk seals, beaked whales, and  
all other marine mammals, the Navy will need to operate so that the  
received levels do not represent harassment. This means operating the mid-  
frequency sonar at greatly reduced power levels MUCH LOWER than 235 dB.

I call the Navy's attention to the workshop organized by Dr. Roger Gentry of  
NMFS in May, 2002 which examined theoretical reasons why Cuvier's beaked  
whales beached. At this workshop, Dr John Potter built on the work of Navy  
sponsored scientist Drs Crum and Mao, showing the likely culprit was due to  
sound activation of bubbles in the animal's blood, rather than resonance of  
air cavities in the animal or panic. A troubling conclusion of the theoretical  
work was that the sound level at which this occurs was very low; only a  
small received-level could induce the bends in the animal. Beaked whales

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were stranded after very modest received levels: 145 to 150 dB. Coincidentally, Navy scuba divers had a "very severe aversion" to the low frequency sonar at 148 dB. See details at:

<http://www.surtass-lfa-eis.com/DiverStudies/index.htm>

Beaked whales will have a very severe aversion to sonar at 148 dB and even lower levels. While the Navy can order scuba divers out of the water during sonar tests, whales and monk seals are not so lucky. The Navy needs to come up with a safe received-level of their sonar signal for Cuvier's Beaked whales and monk seals that will avoid even Level B harassment for monk seals and Level A harassment for Beaked whales. To achieve this, the Navy needs to operate the mid-frequency sonar at a greatly reduced power level or not at all.

Sincerely

Duane Erway

\* Level A harassment is defined as, "any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild."

\*\* Level B harassment is defined as, "any act of pursuit, torment, or annoyance which has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering."

\*\*\* "The Hawaiian monk seal (*Monachus schauinslandi*) is in crisis: the population is in a decline that has lasted 20 years and only around 1200 monk seals remain. Modeling predicts the species' population will fall below 1000 animals in the next five years. Like the extinct Caribbean monk seal and the critically endangered Mediterranean monk seal, the Hawaiian monk seal is headed to extinction if urgent action is not taken. Implementation of this plan, adequate resources, and improved coordination and cooperation provide hope that the species decline can be reversed. The population is so in decline that NMFS can't calculate a meaningful Potential Biological Removal (PBR) rate that allows the Monk Seal population to survive. The PBR defines the number that may be killed by other than natural causes, without compromising the OSP." (From the August, 2007 NMFS report.)

Details at:

<http://www.nmfs.noaa.gov/pr/pdfs/recovery/hawaiianmonkseal.pdf>

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(cont.)



Kingdom of Hawai i

Sovereign Nation of God

Majesty Akahi Nui, Trustee  
Postal Box 2845  
Moku aina O Wailuku, Moku Puni O Maui,  
Ke Aupuni O Hawai i



**NOTICE OF OFFICIAL PROTEST OF US NAVY LOW/MID FREQUENCY SONAR EXERCISES IN HAWAIIAN WATERS WITH EXHIBIT "A" HAWAIIAN ISLAND ALLodial LAND TITLE DEED AND WRIT OF PROHIBITION AND COMMON LAW LIEN WITH AN ORDER TO RECIEVE AN ANSWER OF TRUE AND LAWFUL DOCUMENTED FACTS OF EVIDENCE OF JURISDICTION WITHIN (7) SEVEN DAY(S)**

I, Majesty Akahi Nui, Trustee of the Kingdom of Hawaii Nation Ministry Trust and Lineal Descent Sovereign Heir and King of the Hawaiian Islands, indigenous aboriginal inhabitants Na Kanaka Maoli Hawai'i nationals and Hawaiian citizens of the lawful independent nation, am of 100% royal lineage of Liloa (k) and Akahi-a-Kuleana (w) formally issue this, **NOTICE OF OFFICIAL PROTEST OF US NAVY LOW/MID FREQUENCY SONAR EXERCISES IN HAWAIIAN WATERS WITH EXHIBIT "A" HAWAIIAN ISLAND ALLodial LAND TITLE DEED AND WRIT OF PROHIBITION AND COMMON LAW LIEN WITH AN ORDER TO RECIEVE AN ANSWER OF TRUE AND LAWFUL DOCUMENTED FACTS OF EVIDENCE OF JURISDICTION WITHIN (7) SEVEN DAY(S)**

DEPARTMENT OF THE NAVY, COMMANDER, UNITED STATES PACIFIC FLEET

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Public Affairs Officer Pacific Missile Range Facility, United States National Marine Fisheries Service, Michael Payne, US DEPARTMENT OF DEFENSE, STATE OF HAWAII, STATE OF HAWAII DEPARTMENT OF PLANNING, and 1 THROUGH 1000 John Does and Jane Does. In the matter of the ownership and jurisdiction of soil of the Hawaiian Islands, and the Pacific Ocean, SEE Bureau of Conveyance document numbers: Deeds 2002-005573 through 2002-005574 (Oahu)<sup>1</sup>, Deeds 2002-005579 through 2002-005580 (Maui)<sup>2</sup>, 2002-005577 through 2002-005578 (Hawaii)<sup>3</sup>, and 2002-005575 through 2002-005576 (Kauai)<sup>4</sup>. You are now prohibited from any further low and mid frequency active sonar exercises, on the Kings word and based on STATE OF HAWAII'S authority being drawn from the government of the United States Refer to Senate Bill Public Law 103-150, November 23rd, 1993, a joint action by the Legislative and Executive Branches of United States- the only bodies authorized to make war by the U.S. Constitution and the War Powers Act of 1973 - which binds the United States, through tacit approval, to an undeclared war (see LON page 255), an unjust war (see LON page 262), an offensive war (see LON page 236), and an irregular and unjust war (see LON page 258, "an irregular and unlawful war, which is more properly called BRIGANDAGE (definition: "robbery and banditry as perpetuated by a band of robbers" Blacks Law Dictionary). Undertaken without any right, and even without apparent grounds, it can give rise to no lawful effects, nor confer any rights upon the author of it. A Nation that is attacked by enemies of this sort is not under any obligation to observe towards them the rules belonging to formal war; it may treat them as outlaws." LON page 258.

The United States is guilty of and continues to be guilty of BRIGANDAGE, and all U.S. officials in Hawaii, including military, federal, state, county, and local, are serving as outlaws in the eyes of international law. (See LAWS OF NATIONS cont....). My position as King to the land and people, Na Kanaka Maoli, as well as all subjects of any ethnic background is clear to all thoho can see.

I shall endeavor to fill the grant of sovereignty over the Nation with the help and support of all those who reside upon and within the Kingdom of Hawai'i Nation, SEE LAWS OF NATIONS § 245. Government of

Besides the eminent domain, the sovereignty gives a right of another nature over all public, common, and private property, — that is, the empire, or the right of command in all places of the country belonging to the nation. The supreme power extends to everything that passes in the state, wherever it is transacted; and, consequently, the sovereign commands in all public places, on rivers, on highways, in deserts, &c. Every thing that happens there is subject to his authority.

WHEREAS by the grace of God, the Kingdom of Hawaii is still in existence today (See: LARSEN -V- HAWAIIAN KINGDOM, IN THE PERMANENT COURT OF ARBITRATION, Thursday, 7<sup>th</sup> of December 2000, CASE NO 99001, Peace Palace, The Hague, The Netherlands. On page 167 at

<sup>1</sup> STATE OF HAWAII Bureau of Conveyances Recorded Doc No(s) 2002-005573 thru 2002-005574  
<sup>2</sup> STATE OF HAWAII Bureau of Conveyances Recorded Doc No(s) 2002- 005579 thru 2002-005580  
<sup>3</sup> STATE OF HAWAII Bureau of Conveyances Recorded Doc No(s) 2002-005577 thru 2002-005578  
<sup>4</sup> STATE OF HAWAII Bureau of Conveyances Recorded Doc No(s) 2002- 005575 thru 2002-005576

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lines 28 to 30 of the transcripts, [Professor James Crawford] The President. "The Hawaiian Kingdom does not exist solely in the opinion of Mr. Larson. It exists." Emphasis added) The Kingdom of Hawaii is not a conquered nation (See Official Protest of Queen Liliuokalani to Washington D.C., See also U.S. Public Law 103-150, SEE LAWS OF NATIONS)

WHEREAS His Royal Hawaiian Majesty Akahi Nui, the Trustee of the Kingdom of Hawaii Nation Ministry Trust and Lineal Descent Sovereign of Hawaii, domiciled on Mokupuni O Maui, Ke Aupuni O Hawaii, whose POSITIVE IDENTITY and VENUE, GENEALOGY AND LAWFUL RIGHT TO THE THRONE and CROWN is without lawful challenge and ESTABLISHES with recourse, the one the true KINGDOM OF HAWAII NATION and the ONLY LAWFUL MONARCHY OF THE KINGDOM (See Registrar's Office, commonly referred to as the State of Hawaii Department of Land and Natural Resources Bureau of Conveyances" by the unlawful STATE OF HAWAII, Doc. No. 93-060570) possesses DIPLOMATIC IMMUNITY recognized internationally.

WHEREAS, His Royal Majesty Akahi Nui, Sovereign Heir to the Crown and Throne of Hawaii (Doc. No. 93-060570 Public Notary Second Judicial Circuit, and Document Number 92-162874) rightfully possesses ownership and Allodial Title to the real property described in Docket Numbers; Oahu T.M.K. (1)-1 through 9- ALL ALL ALL, Maui T.M.K. (2)- 1 through 6-ALL ALL ALL, Hawaii T.M.K. (3)- 1 through 9-ALL ALL ALL, Kauai T.M.K. (4) 1 through 5 ALL ALL ALL (See Registrar's Office, commonly referred to by the unlawful STATE OF HAWAII as the State of Hawaii Department of Land and Natural Resources Bureau of Conveyances, Allodial Land Title Doc No(s): 2002-005573 Thru 2002-005574, 2002-005575 Thru 2002-005576, 2002-005577 Thru 2002-005578, 2001-005579 thru 2002-005580 )

WHEREAS The creation of the unlawful "STATE OF HAWAII" by United States agents, officials and citizens is ultimately rooted in an act of undeclared, unjust, offensive, and an irregular and unjust war (see U.S. Public Law 103-150, See LAWS OF NATIONS, See The U.S. Constitution, Section 8, Article 1: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the LAWS OF NATIONS (emphasis added), and is not a lawful governing entity or STATE, but rather a creature of the United States, having no legitimate authority or jurisdiction over the people or lands of the Hawaiian Islands, the creation of which by the United States was effected in severe violation of the Treaty of 1849 between the United States of America and the Kingdom of Hawaii. No notice of termination of this treaty was ever made in accordance with the terms specified in Article XVI of the December 20, 1849 treaty between the United States and the Kingdom of Hawaii, therefore this treaty is still legally binding AND ALL U.S. LAW IMPOSED IN HAWAII IS INFERIOR.

Article VI of the U.S. Constitution provides that the "Constitution and the laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the contrary notwithstanding."

SEE:U.S. Constitution, Section 8, Article 1: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the LAWS OF NATIONS (emphasis added)

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WHEREAS "He who violates his treaties violates at the same time the Law of Nations, for he shows contempt for that fidelity to treaties which the Law of Nations declares sacred. He is doubly guilty, in that he does an injury both to his ally and to all Nations and the human race as well. On the observance and fulfillment of treaties depends the mutual security of States, and no dependence could be placed upon future agreements, if past ones were not observed. All Nations have the right to check a Nation which shows a contempt for his treaties, which violates them and treads them underfoot. Such a Nation is a public enemy which attacks the foundations of the common peace and security of Nations. The sovereign who fails to keep his promises on clearly trivial grounds deserves to be treated as an enemy of the human race. LON page 188.

WHEREAS The United States further admits in U.S. Public Law 103-150 that "the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum;" (Emphasis added) That admission by the United States Congress and President in 1993 completely invalidates: the 8/21/59 Statehood election (see UN Charter, Article 73); the Newlands Joint Resolution signed on July 7, 1898 by President McKinley which purports to provide for the annexation of Hawaii and the subsequent purported ceding of 1,800,000 acres of crown, government and public lands of the Kingdom of Hawaii by the so called Republic of Hawaii, and purporting the authority to immediately cease all treaties existing between Hawaii and foreign nations, and replace them with United States treaties with such nations; the United States Congressional ratification of the purported cession and Congressional vesting of title to the lands in Hawaii in the United States, (all of which has been established to be BRIGANDAGE); the April 30, 1900 Organic Act signed by President McKinley which purported to provide a government for the territory of Hawaii which further purported to define the political structure and powers of the newly established so called Territorial Government and it's relationship to the United States; and the Hawaiian Homes Commission Act of 1920. Again, all invalid and in fact, BRIGANDAGE, "an irregular and unlawful war, which is more properly called BRIGANDAGE (definition: "robbery and banditry as perpetuated by a band of robbers" Blacks Law Dictionary). Undertaken without any right, and even without apparent grounds, it can give rise to no lawful effects, nor confer any rights upon the author of it." LON page 258, emphasis added.

WHEREAS In the matter of Kingdom of Hawaii Nation Ministry Trust Allodial Land Title Island Deed BOC Doc No(s): 2002-005573 Thru 2002-005574, 2002-005575 Thru 2002-005576, 2002-005577 Thru 2002-005578, 2002-005579 Thru 2002-005580; ALSO DESCRIBED AS: Oahu T.M.K. (1)-1 through 9- ALL ALL ALL, Maui T.M.K. (2)- 1 through 6-ALL ALL ALL, Hawaii T.M.K (3)- 1 through 9- ALL ALL ALL, Kauai T.M.K. (4) 1 through 5 ALL ALL ALL; His Royal Majesty Akahi Nui Lineal Descent Sovereign Heir of the Hawaiian Islands and Trustee of the Kingdom of Hawaii Nation Ministry Trust hereby gives you formal NOTICE that the soil and Sea belonging to the Kingdom of Hawaii Nation Ministry Trust and the subjects of H.R.M. Akahi Nui, King of the Hawaiian Islands ARE OUTSIDE THE JURISDICTION of the United States and unlawful STATE OF HAWAII, and YOU ARE HEREBY ORDERED on the King's word and based on the STATE OF HAWAII'S authority being drawn from the government of the United States (see U.S. Senate Bill Public Law 103-150, November 23<sup>rd</sup>, 1993), my position as King to the land and people, for the good of the common welfare of the public, and for the preservation of the nation (SEE LAWS OF NATIONS), TO ANSWER WITH TRUE AND LAWFUL DOCUMENTED FACTS OF EVIDENCE OF JURISDICTION WITHIN SEVEN (7) DAYS , OR A JUDGEMENT OF

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(cont.)AFFIRMATION OF DEFAULT WILL BE RENDERED AGAINST YOU AND YOU WILL BE HELD LIABLE.

## SEE LAWS OF NATIONS ;

§ 11. § 18. § 20. § 22., (19) See Book 1. chap. xxiii. § 283, as to the duty of all nations to prevent the violation of the law of nations. — C., § 23. § 38. § 39. § 40. § 41. § 42., § 43. § 45. § 45. § 49. § 50. § 58. § 53., § 160. § 162. § 191. Attacking the glory of a nation is doing her an injury., § 204. § 244. Eminent domain annexed to the sovereignty., § 245. § 255. § 278., SEE LAWS OF NATIONS BOOK III;

§ 4. It belongs only to the sovereign power.<sup>(137)</sup>

§ 5. Defensive and offensive war.,

§ 26. What is in general a just cause of war.,

§ 27. What war is unjust.,

§ 28. The object of war.,

§ 30. Proper motives.,

§ 33. War undertaken merely for advantage.,

§ 34. Na.,

§ 35. How defensive war is just or unjust.,

§ 37. How an offensive war is just in an evident cause.,

§ 45. Another case more evident. ,

§ 51. Declaration of war.<sup>(142)</sup>

§ 57. Defensive war requires no declarations.,

§ 66. What is lawful war in due force.,

§ 67. It is to be distinguished from informal and unlawful war. ,

§ 68. Grounds of this distinction.,

§ 69. Who is an enemy.<sup>(147)</sup>

§ 70. All the subjects of the two states at war are enemies.,

§ 71. and continue to be enemies in all places.

Enemies continue such wherever they happen to be. The place of abode is of no consequence here. It is the political ties which determine the character. Whilst a man continues a citizen of his own country, he is the enemy of all those with whom his nation is at war. But we must not hence conclude that these enemies may treat each other as such, wherever they happen to meet. Every one being master in his respective country, a neutral prince will not allow them to use any violence in his territories.,

§ 83. When a nation is allowed to assist another.

In order, now, to judge of the morality of these several treaties or alliances, — of their legitimacy according to the law of nations, we must, in the first place, lay down this incontrovertible principle, that *It is lawful and commendable to succour and assist, by all possible means, a nation engaged in a just war; and it is even a duty incumbent on every nation, to give such assistance, when she can give it without injury to herself. But no assistance whatever is to be afforded to him who is engaged in an unjust war.* There is nothing in this which is not demonstrated by what we have said of the common duties of nations towards each other. (Book II. Ch. I.) To support the cause of justice when we are able, is always commendable: but, in

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assisting the unjust, we partake of his crime, and become, like him, guilty of injustice.,

§ 86. Tacit clause in every warlike alliance.,

§ 87. To refuse succours for an unjust war is no breach of alliance.,

§ 89. It never takes place in an unjust war.

As the most solemn treaties cannot oblige any one to favour an unjust quarrel (§ 86): the *casus foederis* never takes place in a war that is manifestly unjust. ,

§ 90. How it exists in a defensive war.,

§ 98. Or who are in an offensive alliance with him.,

§ 99. How a defensive alliance as-

Even a defensive alliance made expressly against me, or (which amounts to the same thing) concluded with my enemy during the war, or on the certain prospect of its speedy declaration, is an act of association against me; and if followed by effects, I may look on the party who has contracted it as my enemy. The case is here precisely the same as that of a nation assisting my enemy without being under any obligation to do so, and choosing of her own accord to become my enemy. (See § 97).

§ 103. Neutral nations.<sup>(151)</sup>

§ 119. Passage of troops through a neutral country.,

§ 120. Passage to be asked. ,

§ 121. It may be refused for good reasons.,

§ 135. A passage may be refused for a war evidently unjust.,

§ 138. The right to weaken an enemy by every justifiable method.,

§ 139. The right over the enemy's person. ,

§ 160. Principles of the right over things belonging to the enemy.<sup>(164)</sup>

§ 161. The right of seizing on them.,

§ 162. What is taken from the enemy by way of penalty.,

§ 164. Booty.,

§ 165. Contributions.

§ 183. An unjust war gives no right whatever.,

§ 184. Great guilt of the sovereign who undertakes it.,

§ 185. His obligations.,

§ 186. Difficulty of repairing the injury he has done.,

§ 187. Whether the nation and the military are bound to any thing.,

§ 195. Whether the nation and the military are bound to any thing.,

§ 204. Definition of the right of postliminium<sup>(173)</sup>,

§ 206. How it takes effect.,

§ 212. Whether this right extends to their property alienated by the enemy.,

§ 217. Why always in force for prisoners.,

§ 219. How the rights and obligations of prisoners subsist.,

§ 225. Source of the necessity of such an order.,

§ 227. Precise meaning of the order., (179),

§ 230. Volunteers. The noble view of gaining instruction in the art of war, and thus acquiring a greater degree of ability to render useful services to their country, has introduced the custom of serving as volunteers even in foreign armies; and the practice is undoubtedly justified by the

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(cont.)

sublimity of the motive. At present, volunteers, when taken by the enemy, are treated as if they belonged to the army in which they fight. Nothing can be more reasonable: they in fact join that army, and unite with it in supporting the same cause; and it makes little difference in the case, whether they do this in compliance with any obligation, or at the spontaneous impulse of their own free choice.,

§ 266. From what authority they emanate. ,

§ 287 Foundation of the sovereign's rights against the rebels.,

§ 288. Who are rebels.,

§ 289. , Popular commotion, insurrection. sedition.,

§ 296. Conduct to be observed by foreign nations.,

SEE LAWS OF NATIONS BOOK IV.;

§ 5. Of the disturbers of the public peace.,

§ 6. How far war may be continued.,

§ 14. Whether peace can be made with an usurper,

§ 38. How many ways a treaty of peace may be broken. ,

§ 39. By a conduct contrary to the nature of every treaty of peace.,

§ 43. Justifiable self-defence is no breach of the treaty. ,

§ 46. 3. By the violation of any article.,

§ 47. The violation of a single article breaks the whole treaty.,

§ 54. Right of the offended party against him who has violated the treaty.,

§ 57. Every sovereign,

(See LAWS OF NATIONS Cont...)

SEE also ALL international Treaties and Conventions between the United States and the Kingdom of Hawai i. See LAWS OF NATIONS:

## § 245. Government of

Besides the *eminent domain*, the sovereignty gives a right of another nature over all public, common, and private property, — that is, the empire, or the right of command in all places of the country belonging to the nation. The supreme power extends to everything that passes in the state, wherever it is transacted; and, consequently, the sovereign commands in all public places, on rivers, on highways, in deserts, &c. Every thing that happens there is subject to his authority.

WHEREAS, The Hawaiian Archipelago, the lands before the invasion of 1893. We claim a twelve-mile territorial sea and a 200-mile exclusive economic zone, in accordance with customary international law and the Law of the Sea Treaty of 1982.<sup>5</sup>

WHEREAS the Kingdom of Hawaii Constitution of 1864, Article XXXLVIII states "All laws now in force in this Kingdom shall continue and remain in full effect until altered or repealed

<sup>5</sup> United Nations Convention on the Law of the Sea, opened for signature Dec. 10, 1982, U.N. Doc. A/CONF.62/122, reprinted in 21 I.L.M. 1261 (1982).

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(cont.)

by the legislature; such parts only excepted as are repugnant to this Constitution. All laws heretofore enacted, or that may hereafter be enacted, which are contrary to this Constitution, shall be null and void." (Emphasis added)

WHEREAS the Kingdom of Hawaii Constitution of 1864, Article XXXIX: King's Land and Property  
"The King's private lands and other Properties are inviolable." (Emphasis added).

WHEREAS The U.S. Constitution, Section 8, Article 1: To define and punish Piracies and Felonies committed on the high Seas, and **Offences against the LAWS OF NATIONS** (emphasis added).

**SEE LAWS OF NATIONS BOOK I CHAP. XX. OF PUBLIC, COMMON, AND RIVATE PROPERTY**

§ 237. The revenues of the public property are naturally at the sovereign's disposal. As soon as the nation commits the reins of government to the hands of a prince [It is a matter of history that King KAMEHAMEHA THE GREAT united the Hawaiian Islands into one Kingdom in 1795. SEE ALSO CROWN, GOVERNMENT, AND FORT LANDS, ENUMERATED L 1848, P. 22, C. C. p. 374. AN ACT RELATING TO THE LANDS OF HIS MAJESTY THE KING AND OF THE GOVERNMENT. ], it is considered as committing to him, at the same time, the means of governing. Since, therefore, the income of the public property, of the domain of the state, is destined for the expenses of government, it is naturally at the prince's disposal, and ought always to be considered in this light, unless the nation has, in express terms, excepted it in conferring the supreme authority, and has provided in some other manner for its disposal, and for the necessary expenses of the state, and the support of the prince's person and household. Whenever, therefore, the prince is purely and simply invested with the sovereign authority [SEE the fundamental law of Hawaii, THE FIRST CONSTITUTION OF HAWAII Granted by Kamehameha III, October 8, 1840 states "The prerogatives of the King are as follows. He is the sovereign of all the people and all the chiefs. The kingdom is his. He shall have the direction of the army and all the implements of war of the kingdom. He also shall have the direction of the government property-the poll tax-the land tax-the three days monthly labor, though in conformity to the laws. He also shall retain his own private lands, and lands forfeited for the non-payment of taxes shall revert to him." The 1840 Constitution of Hawaii was agreed to by the Nobles on the 8<sup>th</sup> day of October in the year of our Lord 1840, at Honolulu, Oahu. (Emphasis added)], it includes a full discretionary power to dispose of the public revenues. The duty of the sovereign, indeed, obliges him to apply those revenues only to the necessities of the state; but he alone is to determine the proper application of them, and is not accountable for them to any person.

Affirmation of Mokupuni O Oahu and Palmyra,  
Mokupuni O Maui, Molokai, Lanai, and Kahoolawe  
Mokupuni O Hawaii  
Mokupuni O Kauai and Niihau

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(cont.)

Bureau of Conveyances Doc No(s): Deeds 2002-005573 thru 2002-005574 (Oahu) T.M.K.(1)-1Through 9 -ALL-ALL-ALL, <sup>4</sup> Deeds 2002- 005579 thru 2002-005580 (Maui) T.M.K. (2)-1 Through 6- ALL-ALL-ALL', 2002-005577 thru 2002-005578 (Hawai'i) T.M.K. (3)-1Through 9-ALL-ALL-ALL', and 2002-005575 thru 2002-005576 (Kauai) T.M.K. (4) 1Through 5-ALL-ALL-ALL<sup>9</sup>

L 1848, p 22 C.C. p. 374<sup>10</sup>

**SEE ALSO SEE LAWS OF NATIONS BOOK I CHAP. XX.  
OF PUBLIC, COMMON, AND PRIVATE PROPERTY**

§ 238. The nation may grant him the use and property of its common possessions. The nation may invest the superior with the sole use of its common possessions, and thus add them to the domain of the state. It may even cede the property of them to him [SEE CROWN, GOVERNMENT, AND FORT LANDS, ENUMERATED L 1848, P. 22, C. C. p. 374. AN ACT RELATING TO THE LANDS OF HIS MAJESTY THE KING AND OF THE GOVERNMENT.]. But this cession of the use of property requires an express act of the proprietor, which is the nation. It is difficult to found it on a tacit consent, because fear too often hinders the subjects from protesting against the unjust encroachments of the sovereign.

**SEE LAWS OF NATIONS BOOK I CHAP. XX.  
OF PUBLIC, COMMON, AND PRIVATE PROPERTY**

§ 242. Of the sovereign who has this power.

In other states, where the sovereign possesses the full and absolute authority, it is he alone that imposes taxes, regulates the manner of raising them, and makes use of them as he thinks proper, without giving an account to anybody...."

WHEREAS the fundamental law of Hawaii, THE FIRST CONSTITUTION OF HAWAII Granted by Kamehameha III, October 8, 1840 states "The prerogatives of the King are as follows. He is the sovereign of all the people and all the chiefs. The kingdom is his. He shall have the direction of the army and all the implements of war of the kingdom. He also shall have the direction of the government property-the poll tax-the land tax-the three days monthly labor, though in conformity to the laws. He also shall retain his own private lands, and lands forfeited for the non-payment of taxes shall revert to him.

<sup>6</sup> STATE OF HAWAII Bureau of Conveyances Recorded Doc No(s) 2002-005573 thru 2002-005574

<sup>7</sup> STATE OF HAWAII Bureau of Conveyances Recorded Doc No(s) 2002- 005579 thru 2002-005580

<sup>8</sup> STATE OF HAWAII Bureau of Conveyances Recorded Doc No(s) 2002-005577 thru 2002-005578

<sup>9</sup> STATE OF HAWAII Bureau of Conveyances Recorded Doc No(s) 2002- 005575 thru 2002- 005576

<sup>10</sup> CROWN, GOVERNMENT, AND FORT LANDS, ENUMERATED L 1848, P. 22, C.C. p. 374. AN ACT RELATING TO THE LANDS OF HIS MAJESTY THE KING AND OF THE GOVERNMENT.

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He shall be Chief Judge of the Supreme Court, and it shall be his duty to execute the laws of the land, also all decrees and treaties with other Countries, all however in accordance with the laws." (Emphasis added).

WHEREAS DEPARTMENT OF THE NAVY, COMMANDER, UNITED STATES PACIFIC FLEET, Public Affairs Officer Pacific Missile Range Facility, United States National Marine Fisheries Service, Michael Payne, US DEPARTMENT OF DEFENSE, STATE OF HAWAII DEPARTMENT OF PLANNING, and 1 THROUGH 1000 John Does and Jane Does HAVE NOT BEEN AUTHORIZED by His Royal Hawaiian Majesty Akahi Nui, Lineal Descent Sovereign Heir and King of the Hawaiian Islands and Trustee of the Kingdom of Hawaii Nation Ministry Trust.

WHEREAS the Kingdom of Hawaii Constitution of 1864, Article L: King's Liability "The King cannot be sued or held to account in any Court or Tribunal of the Realm." ( Emphasis added).

WHEREAS the Kingdom of Hawaii Constitution of 1864, Article XXXVII: Martial Law "The King, in case of invasion or rebellion, can place the whole Kingdom or part of it under Martial Law." (Emphasis added).

WHEREAS I, His Royal Majesty Akahi Nui Lineal Descent Sovereign Heir and King of the Hawaiian Islands, and Trustee of the Kingdom of Hawaii Nation Ministry Trust, hereby give formal NOTICE to the DEPARTMENT OF THE NAVY, COMMANDER, UNITED STATES PACIFIC FLEET Public Affairs Officer Pacific Missile Range Facility, United States National Marine Fisheries Service, Michael Payne, US DEPARTMENT OF DEFENSE, STATE OF HAWAII DEPARTMENT OF PLANNING, and 1 THROUGH 1000 John Does and Jane Does., TO ALL WHOM IT MAY CONCERN, KNOWN AND UNKNOWN:

NOTICE TO PRINCIPLE IS NOTICE TO AGENT, NOTICE TO AGENT IS NOTICE TO PRINCIPLE:

DEPARTMENT OF THE NAVY, COMMANDER, UNITED STATES PACIFIC FLEET Public Affairs Officer Pacific Missile Range Facility, United States National Marine Fisheries Service, Michael Payne, US DEPARTMENT OF DEFENSE, STATE OF HAWAII DEPARTMENT OF PLANNING, and 1 THROUGH 1000 John Does and Jane Does. TO ALL WHOM IT MAY CONCERN, KNOWN AND UNKNOWN YOU ARE HEREBY ORDERED TO ANSWER WITH LAWFUL FACTS OF EVIDENCE OF JURISDICTION WITHIN SEVEN (7) DAYS OR A JUDGEMENT OF AFFIRMATION OF DEFAULT WILL BE RENDERED AGAINST YOU AND YOU WILL BE HELD LIABLE.

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I, Majesty Akahi Nui demand to challenge all of the named above DEPARTMENT OF THE NAVY, COMMANDER, UNITED STATES PACIFIC FLEET Public Affairs Officer Pacific Missile Range Facility, United States National Marine Fisheries Service, Michael Payne, US DEPARTMENT OF DEFENSE, STATE OF HAWAII DEPARTMENT OF PLANNING, and 1 THROUGH 1000 John Does and Jane Does.

ATTENTION: NOTICE TO AGENT IS NOTICE TO PRINCIPLE, TO ALL WHOM IT MAY CONCERN KNOWN AND UNKNOWN, All Members, All Personnel, Boards, Councils, Corporation Counsels, Appointees, Administrations, Administrators, Directors, Commissions, Committees, Subcommittees, Contractors, Staff, Divisions, Offices, Officers, Departments, Agents, Agencies, Sections, Entities, and 1 Through 1000 John Does and Jane Does:

I, Majesty Akahi Nui, Lineal Descent Sovereign Heir of the Hawaiian Islands and Trustee of the Kingdom of Hawaii Nation Ministry Trust, demand to challenge all of the named above DEPARTMENT OF THE NAVY, COMMANDER, UNITED STATES PACIFIC FLEET Public Affairs Officer Pacific Missile Range Facility, United States National Marine Fisheries Service, Michael Payne, US DEPARTMENT OF DEFENSE, STATE OF HAWAII, STATE OF HAWAII DEPARTMENT OF PLANNING, and 1 THROUGH 1000 John Does and Jane Does. DEMAND to receive a lawful and true documented evidence of facts of jurisdiction within seven day(s) dated from day, hour, minute, and seconds of receiving this true and lawful document OR A JUDGEMENT OF AFFIRMATION OF DEFAULT WILL BE RENDERED AGAINST YOU AND YOU WILL BE HELD LIABLE.

The FACTS AND EVIDENCE of GENOCIDE COMMITTED by United States of America, United Nations and the illegitimate STATE OF HAWAII and COUNTIES to our NATION PAST PRESENT REPEATEDLY. January 16, 1893 The Seed of Poisonous Tree of Doctrine ( unlawful overthrow committed by U.S. and the U.S. military force.(4) Executive Council S.B. Dole , J.A. King, P.C. Jones, W.O. Smith, who administered the Executive Departments of their unlawful Government which consisted of these members S.B. Dannon, A. Brown, L.A. Thurston, F.F. Morgan, J. Emmeluth, H. Waterhouse, J.A. McChesney, F. Wilhelm, W.R. Castle, W.G. Ashley, W.C. Wilder, C. Bolte, has planted the POISONOUS TREE OF DOCTRINE and it bears POISONOUS BRANCHES and FRUITS the illegitimate Provisional Government, illegitimate Republic of Hawai'i, illegitimate Territory of Hawaii, and now the illegitimate state of Hawai'i perpetuates the Poisonous Fruits of the Poisonous Tree of Doctrine a criminal act. The laws of the STATE OF HAWAII, and the COUNTY ORDINANCES are the poisonous fruits practiced by every Attorney's, Judges, Justices, Courts, and all those that are affiliated with their laws. —

Whereas the indigenous Na Kanaka Maoli (Hawaiian) people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States. (U.S.P.L. 103-150 11/23/93)

Whereas the well-being of the indigenous Na Kanaka Maoli Hawaiian people is intrinsically tied to their deep feelings and attachment to the land. (U.S.P.L. 103-150). The indigenous Na Kanaka Maoli were the original inhabitants of the island archipelago, Hawai'i. Na Kanaka Maoli (Hawaiian

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people's) oral traditions are passed on through chants, legends, myth and *mo'oku'auhau* or genealogies, and trace the origins of the ancient ancestors. Na Kanaka Maoli are a part of nature and nature is a part of them. In Na Kanaka Maoli language term which expressed this harmonious fundamental relationship was *loka'ahi*, unity. Related terms expressing this fundamental relationship was "*aloha'aina*," love the land "*malama'aina*" care for and protect the land. *Aloha'aina*, love the land, aloha in *Ke akua*, love of God, *aloha kekahi i kekahi*, love one another, expresses the three precepts which formed the core of Na Kanaka Maoli philosophy, world view and belief system. It is important for a Na Kanaka Maoli to sustain supportive, nurturing and harmonious relations with the land, Akua and each other, particularly our 'ohana or extended family. Na Kanaka Maoli traced their lineal ancestry to historical figures and ultimately, through them, to various deities and god of the land, ocean, forest and nature. The land and all nature was the source of existence for Na Kanaka Maoli not only as the origin of humanity, but also as the source of natural resources for day-to-day subsistence. Na Kanaka Maoli related to the land as an ancestor and dear friend giving its various moods at different times of the year; nurturing it with loving care. They did not possess or own the land or its abundant resources. This was inconceivable. Instead, they maintained stewardship over it planting and fishing according to the moon phased and the changes from rainy to dry seasons. The traditional Na Kanaka Maoli access to the resources they would need for subsistence and to allow for stewardship over the land to the lineal descendants associated with particular ancestral and *akua*.

The recognition of the Kingdom of Hawai'i was always in existence<sup>11</sup>. The U.S. invasion in 1893. By virtue of its sovereign integrity as a member of the international community, Hawai'i had exclusive jurisdiction over its nationals within its defined territory, i.e., the Hawaiian Islands, the authority over such process by which the United States of America and her creation, the state of Hawai'i, now asserts its jurisdiction over the indigenous Na Kanaka Maoli, Hawaiian citizens acting within the Hawaiian territory are several:

- 1- the laws of nations including treaties, and customary international laws.
- 2- internal laws of sovereign nations.
- 3- the United Nations Charter and subsequent U.N. acts to carry out the terms of the charter.

Both of these nations were recognized in the international community as sovereign. Among the attributes of sovereignty were the exclusive right of a state to govern and exercise jurisdiction over its own citizens within its territories.<sup>12</sup>

Sovereignty remain in effect for states unless and until certain circumstances occur which properly changes the relationship between such states and other states or changes the relationship citizens and

<sup>11</sup> This memorandum uses the term Kingdom of Hawaii and a number of other terms to refer to as the nation of Hawaii, the Hawaiian Kingdom, Hawaiian nation. The term nation here is not meant to be in derogation of the full international rights and privileges of those entities termed "states" or "nation-states" in international law but instead should be read with equal status with those.

<sup>12</sup> *Schooner Exchange v. McFaddon*, 11 U.S. 116, 135 (1812)

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territories to existing states.

What are the those circumstances which were appropriate to have affected the change in lawful relationship between four international bodies the Kingdom of Hawai'i, the United States of America, Indigenous Na Kanaka Maoli, (Hawaiian citizens) and Hawaiian territory? The continued exercise of U.S. jurisdiction over Hawai'i is unlawful.

## A. Under Traditional International Law Principles

a. January 16, 1893, the nation of Hawai'i was recognized as a sovereign and independent nation equal in international rights as other similarly recognized nations of the world. The Hawaiian nation had treaties and executive agreements with other nations and peoples, including the United States of America, Belgium, Bremen, Denmark, France, the German Empire, Great Britain, Hamburg, Hong Kong, Italy, Japan, Netherlands, New South Wales, Portugal, Russia, Samoa, Spain, Swiss Confederation, Sweden, Norway and Tahiti.<sup>13</sup>

b. The United States of America was equally recognized as a sovereign and independent nation equal in international rights as other states of the international community.

c. The laws of nations which included both international customary laws and the treaties in existence between the nation of Hawai'i and the United States of America were binding upon these two nations regarding their conduct towards one another.<sup>14</sup>

d. The United States of America conspired to overthrow the Hawaiian nation and committed aggression against the nation of Hawai'i in violation of international law.<sup>15</sup>

e. As a direct consequence of the U.S. misconduct, a puppet regime was established in Hawai'i, denominated first, the Provisional Government, and later the Republic of Hawai'i.<sup>16</sup>

f. The Provisional Government and the Republic of Hawai'i were not governments of the people, by the people, or for the people but were primarily the creatures of the minority Anglo-Saxons who believed in the doctrine of divine right of the minority to govern the majority.<sup>17</sup>

g. The United States of America executed treaties of annexation with *de facto* governments

<sup>13</sup> *Digression from the Spirit of Self-Determination and Hawaiian Sovereignty*, pp. 5-6

<sup>14</sup> See Grover Cleveland's *Message to the joint houses of Congress, December 18, 1893*

<sup>15</sup> Cleveland's *Message*, infra, U.S. *Acknowledgment and Apology for the Overthrow of the Kingdom of Hawai'i*, S.J. Res. 19, 103d Congress, 1st Sess., PL. 103-150 (107 Stat 1510) 1993

<sup>16</sup> See note 3 pp. 14-15

<sup>17</sup> See infra at pp13-14

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promoted and supported by the United States of America, i.e., first, the Provisional government in 1893, and the Republic of Hawai'i in 1897.<sup>18</sup>

h. Queen Lili'uokalani wrote letters of protest to president Benjamin Harrison and to the President-elect Grover Cleveland who was about to take office. When President Grover Cleveland took office, he rejected the request of the Provisional Government to annex Hawaii. The majority of the Na Kanaka Maoli petitioned United States against annexation of their nation. The heading on Hui Aloha 'Aina's petition read: PALAPALA HOOPII KUE HOOHUI AINA "Petition Protesting Annexation"<sup>19</sup>

i. On November 1896 William McKinley, a Republican, was elected president of the United States, replacing the Grover Cleveland. McKinley was inclined to annexing Hawaii. In early 1897 McKinley agreed to meet with a committee of annexationists, L. Thurston, F. Hutch, and W. Kinney. In June 1897 McKinley signed treaty of annexation with representatives of the Republic of Hawaii.

#### B. Under Internal Laws of the United States of America

a. Both treaties of annexation were never consented to by two-thirds (2/3rds) of those presented in the United States Senates as required of all treaties in accordance with the U.S. Constitution.<sup>20</sup>

b. The organic act presumptively extending U.S. citizenship (sec. 4) to Hawaiian citizens and descendants of them as well as asserting jurisdiction over the territory (sec.2) and citizens of Hawai'i was not properly grounded in that it was based upon the previous resolution on 1898 of annexation of Hawai'i (The Newlands Resolution, *infra* note ).<sup>21</sup>

c. Subsequent applications of laws by the United States of America upon citizens and activities engaged within the territorial limits of Hawai'i were based upon a presumption of appropriate taking of jurisdiction over Hawaiian citizens and Hawaiian territories. These applications of law are only as valid as the foundations provided by the joint resolution of annexation of 1898<sup>22</sup> and the Organic Act of 1900. But if the instrument of annexation is illegitimate, all subsequent acts founded on the initial act are equally unlawful.

#### Fruit of Poisonous Tree Doctrine bears the poisonous fruits

<sup>18</sup> See note 3 pp. 13-14

<sup>19</sup> Ku'e: The Hui Aloha 'Aina Anti-Annexation Petitions 1897-1898, compiled by Nalani Minton and Noenoe K. Silva

<sup>20</sup> U.S. Constitution Art. 2. Sec. 2

<sup>21</sup> See note 3 pp. 12-15

<sup>22</sup> Newlands Resolution of July 7, 1898; 30 Stat. 750; 2 Supp. R.S. 895

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#### you shall be known by your fruits

What is happening to United States of America "in God we Trust" and its *de facto* state of Hawaii.

#### C. Under U.N. Process of Decolonization

a. Independent of the historical international relationship between the nation of Hawai'i and the United States of America by virtue of the U.S. membership in the United Nation specifically, under Article 73 of the U.N. Charter, the U.N. Charter obligated the United States of America and other metropolitan states found in similar circumstances, as a matter of sacred trust, to *bring about self-government* of people within territories.

b. The United States of America has continued assertion of jurisdiction over Hawai'i territory and its citizens,<sup>23</sup> Unknown to most of the people in Hawai'i, in 1946 under the charter of the United Nations at Article 73, the United States was charged with bringing self-government to Hawai'i.<sup>24</sup>

c. The Hawai'i "statehood" vote, the U.S., reported to the U.N. that it "had met its responsibility" under Article 73. Believing this to be true, the U.N. General Assembly by Resolution 1469 (XIV) in 1959 relieved the United States of America of further responsibility to report to the U.N. on Hawai'i.

The U.N. General Assembly subsequently adopted its Declaration on the Granting of Independence to colonial Countries and People, (GA Res. 1514 (XV) 14 of December

1960) and formed the Special committee On The Situation with regard to the Implementation of the Declaration on the Granting on Independence to Colonial Countries and People. That declaration and the activities of the special committee reflect that the actions taken by the United States in Hawai'i did *not* meet the standard of self-governance required under Article 73. The exercise of self-determination in Hawai'i has not been accomplished. The plebiscite taken in 1959 failed to meet the requirements of the exercise of self-determination for at least two reasons; the U.S. government altered the "self" in defining who qualified to participate in the process, and limited the choices which the people should have had *only to a form of integration within the United States of America (territorial status or statehood), not to independence.*<sup>25</sup>

#### CHRONOLOGICAL FACTS OF STATEHOOD

<sup>23</sup> See note 3 pp. 16-22

<sup>24</sup> Principles Which Should Guide members in Determining Whether or not an obligation Exists to transmit the Information, Called for in Article 73 (e) of the Charter of the United Nations,

Annex

The Admission Act of March 18, 1959, Pub Law 86-3, 73 Stat 4.

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On August 21, 1959, Hawaii *illegitimately* became a fiftieth state when U.S. President Dwight Eisenhower declared that "the procedural requirements imposed by the Congress on the State of Hawaii to entitle that state to admission into the Union have been complied with in all respects."

While the colonial establishment has subsequently annually celebrated August 21 as a State holiday, only since about 1990, have we Kanaka Maoli begun to learn that the 1959 Statehood process was a fraud.

In 1946, at the time of the founding of the United Nations (UN), Hawaii was placed on the UN List of Non-Self-Governing Territories (colonies) eligible for decolonization as a consequence of the U.S.'s forced annexation of Hawaii in 1898.

According to the UN Charter, Chapter XI, Article 73, the U.S., as the administering (colonizing) power in Hawaii, had a sacred trust... to ensure, with due respect for the culture of the people concerned, their political, economic, social and educational advancement... and to assist them in the progressive development of their free political institutions." The U.S. intentionally failed to fulfill this "sacred trust" responsibility to the colonized Kanaka Maoli people.

Instead, aware that the UN was under pressure to refine a decolonization process that was to become General Assembly Resolution (UNGAR) 1514 in 1960, the U.S. moved to ensure that Hawaii (and Alaska) would be incorporated as states of the Union before 1960.

March 12, 1959, the U.S. Congress passed the Hawaii Statehood Admission Act (PL-86-3), before a vote on the issue by the colonized Kanaka Maoli people, in violation

of the Kanaka Maoli right to self-determination.

Later, on June 27, 1959, a Statehood Plebiscite in Hawaii posed only one option on the ballot: immediate statehood. The colonial establishment trumpeted statehood as "equal opportunity and autonomy." The only other (unstated) option was for Hawaii to remain as a territory. No reference was made to two other options-independence or free association-as provided by UNGAR 742 of 1953.

All U.S. citizens in Hawaii, including U.S. military personnel, were permitted to vote, instead of only the colonized Kanaka Maoli people who were the only island residents eligible for the exercise of self-determination and who comprised only 16 percent of the resident population. The vote outcome was as predicted with a large majority in favor of immediate statehood.

On September 17, 1959, unknown to the general public, the U.S. misinformed the UN the "Alaska and Hawaii had attained full measure of self-government as admitted states."

On December 12, 1959, without public announcement, the misinformed UN General Assembly approved Resolution 1469 noting that "the people of Alaska and Hawaii have effectively exercised their

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right to self-determination and clarified some specific features, conditions and outcomes of the UN decolonization process:

The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the UN and is an impediment to the promotion of world peace and cooperation.

All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Inadequacy of political, economic, social and educational preparedness should never serve as a pretext for delaying independence.

All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence and the integrity of their national territory shall be respected.

Immediate steps shall be taken, in Trust and Non-Governing Territories or all other territories which have not yet attained independence, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or color, in order to enable them to enjoy complete independence and freedom. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

The colonized Kanaka Maoli in particular have never been publicly informed of the foregoing historical events. This history does not appear in textbooks and is not taught as part of the core curriculum in the island colonial schools.

## C. STATEMENT OF CASE:

a. The U.S. is obligated to conduct itself in international affairs in accordance with international law.

The U.S. Constitution has incorporated treaties of the United States of America with other states as "the Supreme Law of the Land; and the Judges of every State shall be bound thereby<sup>26</sup>." The U.S. Constitution explicitly recognized the validity of international law when it conferred to Congress the right to define and duty to punish offenses against the law of nations.<sup>27</sup> The United States Supreme Court has already stated that it must take judicial notice of international customary law.<sup>28</sup>

"The United States has concluded that it has a trust obligation to indigenous Hawaiians because

<sup>26</sup>

U.S. Constitution, Art. VI.

<sup>27</sup>

U.S. Constitution, Art. I sec.8 Piracies &amp; felonies-10

<sup>28</sup>The Paquete Habana; the Lola 175 U.S. Reports 677 (1900)COMMENT  
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it bears a responsibility for the destruction of their government and the unconsented and uncompensated taking of their lands. U.S. Solicitor General Seth Waxman to the U.S. Supreme Court<sup>29</sup>

While international law may differ from municipal, internal or domestic laws in that internal laws have a system of enforcement while the enforcement of international law is uncertain at best, the fact that a law is enforceable doesn't make it law. Rather, the fact that it is law demands its obedience, whether enforceable by arms or by moral conscience.<sup>30</sup> Grover Cleveland, in addressing the joint houses of the U.S. Congress, declared that:

The considerations that international law is without a court for its enforcement, and that obedience to its commands practically depends upon good faith, instead of upon the mandate of a superior tribunal, only give additional sanction to the law itself and

brand any deliberate infraction of it not merely as a wrong but as a disgrace.

The U.S. Constitution itself requires courts to view treaties as part of the Supreme Law of the Land<sup>31</sup> Furthermore, it is a fundamental doctrine of International Law that a state may not excuse itself for violations of international law on the basis that its municipal constitution or laws permitted violations of such international laws.<sup>32</sup>

Thus, every court in the United States is obligated to look beyond the mere legislative pronouncements of the Congress and hold up these transactions of the U.S. government with regards to Hawai'i against the backdrop of international law and the Constitution of the United States.<sup>33</sup>

B. The transactions engaged in by the U.S. in its dealings with Hawai'i in accordance with international law in its pattern of conduct attempting to annex Hawai'i to the U.S..

The United States had formally recognized Hawai'i as an international personality, recognizing the Nation of Hawai'i as a sovereign, independent nation state. The treaty of Friendship, Commerce, Navigation and Extradition (hereafter FCN&E) proclaimed November 9, 1850, declared, "There shall be perpetual peace and amity between the United States and the King of the Hawaiian Islands, his heirs

29

Ka wai Ola o OHA vol 16, number 8, 'Aukake 1999 pg. 1 & pg.9

30

See Fitzmaurice, "The Foundations of the authority of International Law and the problem of Enforcement," 19 Modern L. Rev. 1, 1-2, 8-9 (1956); Weston, Falk and D'Amato, International Law and World Order, West Publishing Co. 1980 p. 116 et seq.

31

U.S. Constitution Art. VI

32

Werner Levi, Contemporary International Law: A Concise Introduction, Westview Press, Colorado, 1979 at p. 25; Article 13, Declaration of Rights and duties of States adopted by the International Law Commission 1949; The Judgment at Nuremberg, 1 international Military Tribunal, of the Major War Criminals 171 (1947).

See also Schooner Exchange v. McFaddon, 11 U.S. 116, 135 (1812)

and his successors.<sup>34</sup> The U.S. was to violate this treaty time and again.

By 1873, U.S. Minister to Hawai'i Henry Pierce, bent on annexation, informed U.S. Secretary of State Fish that annexation would be achieved only if "...the planters, merchants and foreigners... will induce the people to overthrow the Hawaiian Government, establish a republic, and then ask the United States for admittance into its Union"<sup>35</sup> The U.S. government was not limited to merely writing letters between high officials. On January 15, 1873, Major General and commander of the United States Army Military Division of the Pacific, John Schofield, (formerly Secretary of War) and Brigadier General B.S. Alexander of the Corps of Engineers, arrived in Hawai'i pretending to be on a vacation. Instead, they were spies to report about "the defense capabilities of [Hawai'i] different ports and their commerce facilities, and to examine any other subjects that may occur to you as desirable, in order to collect all information that would be of service to the Country in the event of war with a powerful maritime nation. They submitted a secret report on the great value of Pearl Harbor as a port to provide a safe harbor to protect several hundreds ships. This report was kept secret until 1897 when it was declassified to support annexation in Congress.<sup>36</sup>

By 1882, the U.S. President administration was engaged in encouraging the destabilization of the Hawaiian government through discussion with Lorrin Thurston. The Arthur administration assured Thurston that the U.S. government would look with great favor to an annexation treaty should there be a revolt and overthrow of the Hawaiian monarchy and a new government formed.

The U.S. government subsequently sent to Hawai'i annexationist John L. Stevens, as its Minister Plenipotentiary. Stevens was well known as an annexationist. As editor of the Kennebec Journal, for time, in partnership with U.S. Secretary of State Blaine, he and Mr. Blaine wrote numerous articles for the annexation of Hawai'i.<sup>37</sup> On March 8, 1892, he requests instructions from Blaine on how far he may deviate from established international rules and precedents in order to advance the goal of destabilization and annexation of Hawai'i.<sup>38</sup>

By 1892, U.S. Harrison administration, itself, as on the same course as the Arthur

34

Art. 1 p. 908 William M. Malloy, Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers 1176-1909, Vol. 1, Washington, Government Printing Office, 1910.

35

Letter from Pierce to Fish, February 17, 1873, house Executive Document, 53 Congress 2nd Session, Washington, D.C. 1895, hereinafter cited as the Blount Report, p. 153; Rich Budnick, Stolen Kingdom: an American Conspiracy, Aloha Press 1992, pp.36 & 37.

36

Budnick at p. 37&38; Blount Report at pp. 153, 154, & 158.

37

P. Laenui, "Three Days in January" The Overthrow of the Hawaiian Monarchy, a companion booklet to a Nine Hour Radio Broadcast of the Event of the Century, Hawaiian National Broadcast Corporation, Honolulu, 1993 at 12.

38

Ibid at 10. Blount Report p. 182.

administration 10 years earlier, encouraging Thurston toward the destabilization of Hawai'i.<sup>39</sup> On the 17th of January, 1893, through the connivance of the U.S. Minister plenipotentiary, with Thurston, the Hawaiian monarch was forced to yield her authority to the U.S. government by the aggression of the U.S. military upon Hawaiian soil.<sup>40</sup>

Every one of these acts was in violation of international law, both as a matter of customary international law<sup>41</sup> as well as the FCN&E treaty. They were also in contradiction to the much earlier declaration of the U.S. President to the Congress on December 31, 1842, recognizing Hawai'i independence and pledging never to take possession of Hawai'i.<sup>42</sup>

In Article 6(a) of the Nuremberg Charter, we find Crimes Against Peace; namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.<sup>43</sup>

The United Nations General Assembly at its first session in 1946 recognized the principles set out in the Nuremberg Charter.<sup>44</sup>

The United States committed crimes against peace under the law of nations by planning and implementing the use of force to overthrow the Hawaiian monarch without any provocation by her official representatives. United States President Cleveland in addressing the joint houses of Congress on December 18, 1893, stated it accurately when he said, "candid and thorough examination of the facts will force the conviction that the Provisional Government owes its existence to an armed invasion by the United States." The United States Congress, in its apology bill signed by President Clinton on November 23, 1993, was equally explicit when it stated:

"On January 14, 1893 John L. Stevens...the U.S. minister...conspired with a small group of non-Hawaiian residents of the Kingdom of Hawai'i, including citizens of the United States, to overthrow the

39

Gavin Daws, *Shoal Of Time: A history of the Hawaiian Islands*, U.H. Press, 1974, p. 266.

40

President Grover Cleveland's Message to the Congress of the United States on December 18, 1893, Executive Doc. No. 47, 53<sup>rd</sup> Congress, 2<sup>nd</sup> Session, House of Representative; Apology Bill, PL. 103-150; Liliu'okalani, *Hawaii's Story by Hawaii's Queen*, Tuttle Press, Tokyo 1965

41

"acts of aggression constitutes international crimes against the human species." Unanimous resolution of 18 February 1928 of 21 American republics at the Sixth (Havana) Pan-American Conference. *International Law & World Order*, Note 20, supra, at p. 155; By 1893, acts of aggression were already contrary to international law in the Americas and in the South Pacific. Kazi Aktar Hamid, *Self-Determination: The Case Study of Hawai'i*, Dissertation for the degree of the Doctor of Laws (LL.) 4 November 1991, University of Ottawa, p. 246-247.

42

Dispatch from Pageot, French representative in Washington, to Guizot, French minister of Foreign Affairs, no. 55, June 11, 1844, AMAE (Paris), Etats Unis, Vol. C

43

Judicial Decisions, International Military Tribunal (Nuremberg). Judgment and Sentences; 41 *American Journal of International Law* 174 (1947).

44

U.N. General Assembly Resolution 95 (I), U.N. Doc. A/6. At 188 (1946).

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indigenous and lawful government..."<sup>45</sup> The U.S. Congress concede that the government of the Kingdom of Hawai'i was the lawful government at that time, and that an official agent of the United States government conspired to overthrow the government of Hawai'i. The United States government is bound by the actions of its agents, of its ministers.<sup>46</sup> The President was bound by the actions of the minister. The United States government conspired to overthrow the lawful government of the Kingdom of Hawai'i, which was an internationally illegal act at the time it was done, and is currently acknowledged by President Clinton and congress.

The next paragraph continues, "pursuant to the conspiracy... naval representatives called armed forces to invade the sovereign Hawaiian nation on January 16, 1893, and to position themselves near the Hawaiian government buildings and the (Iolani) Palace to intimidate the Queen Liliu'okalani and her government."<sup>47</sup> Congress significantly calls an invasion an invasion. That is what it was, a clearly illegal act, an invasion in violation of treaties and international agreements, an invasion in violation of international law, and an invasion in violation of the United States Constitution the overthrow of a lawful government.

Under the international law when you have a violation of treaties of this magnitude, the World Court has ruled that the only appropriate remedy is restitution.<sup>48</sup> The Kingdom of Hawai'i, that is our independent nation state. This is the appropriate remedy.

The Public Law goes on from here, reciting the sorry history of what happened, the establishment of the provisional government.<sup>49</sup> Well, that is not entitled to any legitimacy at all. It was

45

Apology Bill, PL. 103-150, Cleveland's Message, infra, U.S. Acknowledgment and Apology for the Overthrow of the Kingdom of Hawai'i, S.J. Res. 19, 103<sup>rd</sup> Congress, 1st Sess., PL. 103-150 (107 Stat. 1510) 1993.

46

See Nuclear test case (Austl. V. Fr) 1974 I.C.J. 252 (Dec.20). Where the International Court held that: It is well recognized that declaration made by way of unilateral acts, concerning legal or factual situations, may have the effect of creating legal obligations. Declaration of this kind may be, and often are, very specific. When it is in the intention of the state making the declaration that it could become bound according to its terms, that intention confers on the declaration the character of a legal undertaking, the State being thenceforth legally required to follow a course of conduct consistent with the declaration. All undertaking of this kind. If given publicly, and with an intent to be bound, even though not made within the context of international negotiations, is binding. *Id.* at 267.(holding France bound to statements made by government ministers). But see personnel Management v. Richmond, 496 U.S. 414 (1990) ("The United States is neither bound nor stopped by acts of its officers or agents in entering into an arrangement or agreement to do or cause to be done what the law does not sanction or permit.")

47

Overthrow of Hawai'i Resolution, Public Law No.103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510.

48

Case concerning the Factory at Chorzow, 1928 P.C.I.J. (ser. A) No.17, at 47 (Sept. 13). But see J. Patrick Kelly, *The Changing Process of International Law and the Role of the World Court*, 11 Mich. J. International Law 129, 159 (Fall 1989) ("actual practice indicates that compensation is now governed by the doctrine of unjust enrichment rather than a right of restitution").

49

"Whereas, on the afternoon of January 17, 1883, a Committee of Safety that represented the American and European sugar planters, descendants of missionaries, and financiers disposed the

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imposed by raw, naked, and brutal military force, at the point of a bayonet, (gunboat diplomacy), just as was practiced in many other countries, only here now Congress has finally admitted this.

The next paragraph points out that the establishment of this provisional government was without the consent of the Native Hawaiian people or the lawful government of Hawai'i, and violated all of the international treaties and agreements.<sup>50</sup> So under international law, you would not call this provisional government. You would call it a government of military occupation. That is, we had military forces here and then we had a civilian arm of the military occupying regime.

The occupied Palestinian lands where the Israeli occupying forces have set up a civilian arm if their military occupation authorities to administer the civil affairs of the Palestinian people.<sup>51</sup> The negotiations centered around the withdrawal of the civilian military occupation arm, and the withdrawal of the military occupation forces themselves.<sup>52</sup> The September 13, 1993 agreement calls for the dissolution of the civilian occupation arm and then the withdrawal of the military occupation forces themselves.<sup>53</sup>

Therefore, this "provisional government " referred to in the Public Law is really the civilian arm of a military occupation force. That was the predecessor to the current government of Hawai'i that administers to us. Again, following the implications of that law, the state government of Hawai'i occupies a similar position to that provisional government. The federal military forces here keeping it in power.

We then come to the statement by our precious so loved Queen Liliu'okalani, "that I yield to the superior force of the United States of America,"<sup>54</sup> She made it very clear that this statement and her

<sup>50</sup> Hawaiian monarchy and proclaimed the establishment of a provisional government." Overthrow of Hawai'i Resolution, Public Law No. 103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1510-11.

<sup>51</sup> "Whereas, the United States minister thereupon extended diplomatic recognition to the Provisional government that was formed by the conspirators without the consent of the Native Hawaiian people to the lawful government with Hawaii and in violation of treaties between the two nations of international law." Overthrow of Hawai'i Resolution, Public Law No. 103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1510-11.

<sup>52</sup> See J. Timothy McGuire, *International Law and the Administration of Occupied Territories: Two Decades of Israeli Occupation of the West Bank and Gaza Strip*, 8 Emory International Law Rev. 383 (1994).

<sup>53</sup> See David I. Schulman, *The Israeli-PLO Accord on the declaration of Principles on Interim Self-Government Arrangements; The First Step Toward Palestinian Self-Determination*, 7 Emory International Law Rev. 739 (Fall 1993); Gumar Halley, *Issues Confronting the return of Palestinian Arab Refugees After the 1993 Declaration of Principles on Interim Self-Government Arrangements*, 8 Geo. Immigr. L.J. 149 (1994)

<sup>54</sup> Declaration of Principles on Interim Self-government Arrangements. Sept. 13, 1993. 1st-PLO, art. VI, 32 I.L.M. 1524, 1527.

Overthrow of Hawaii Resolution Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510 1511.

later abdication were procured under duress and force. It could not be treated by anyone as a valid surrender of sovereignty by the Native Hawaiian people at all and she made that very clear in this language. She was simply bowing to superior power, but NOT as a matter of right or of law.<sup>55</sup>

In a parallel case communicating with the World Court, the Owen-Stoltenberg plan<sup>56</sup> to partition the republic of Bosnia and Herzegovina, was concluded, by means of threats and duress, compulsion and coercion. It was therefore invalid, under international law and the Vienna Convention on the Law of Treaties.<sup>57</sup> Our Queen Liliu'okalani a very powerful person, and preserving the rights of her people under duress, she committed an act now seen as "under extreme duress."

The law goes on, with Congress admitting that [w]ithout the active support and intervention by the United States... the insurrection... would have failed for lack of popular support and insufficient arms.<sup>58</sup> And in 1893 "the minister raised the flag and declared Hawai'i to be a protectorate of the United States."<sup>59</sup> They did not protect anything, did they? Was there a need to protect Hawai'i from itself, from its own people? Who was threatening Hawai'i at that time? It was the United States. They needed protection from the United States, so this is absurd. Hence, The occupation was entitled to no legal validity at all at the time and is not now. That is basically what Congress is saying.

The Blount Report states that "military representatives had abused their authority and were responsible for the change in government."<sup>60</sup> Again, this is further admission that the United States acted illegally under international law. The implication then, of these admissions by Congress, by the Blount Committee, is that there must be restitution.<sup>61</sup> Na Kanaka Maoli (Hawaiian) people, Na Po'e O Hawai'i have a right to be returned to the situation they were in, as of January 17, 1893. The federal government disciplined the minister and forced him to resign his commission. The overthrow should be reversed. The President could have done it if he wanted to; he just did not do it.

<sup>55</sup>

<sup>56</sup> See Case Concerning Application of the Convention on the Prevention and Punishment of The Crime of Genocide (Bosnia & Herzegovina v. Yugoslavia), 1993 I.C.J. 325 (Sept. 13).

<sup>57</sup> See Alan C. Laifer, Note, *Never Again? The Concentration Camps in Bosnia Herzegovina; A legal Analysis of Human Rights Abuses*, 2 New Eur. L. Rev. 159, 187 (Spring 1994)

<sup>58</sup> "A treaty is void if its conclusion has been procured by the threat or use of force on violation of the principles of international law embodied in the Charter of the United Nations." Vienna Convention of the Law of Treaties, *supra* note 12, at art. 52.

<sup>59</sup> Overthrow of Hawaii Resolution, Public Law No. 103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512

<sup>60</sup> Overthrow of Hawai'i Resolution, Public Law 103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512.

<sup>61</sup> *Id.* ("Presidential established investigation conducted by Congressman James Blount into the events surrounding the insurrection and overthrow").

See Nark A. Inciong, Note, *The Lost Trust: Native Hawaiian Beneficiaries Under the Hawaiian Homes Commission Act*, 8 Ariz. J. Int'l & Comp. L. 174, 191 n.34 (1991) ("The Blount Report ... found that the overthrow ... had been illegal ... and that Liliu'okalani [should] be restored to power").

President Cleveland's message to congress admitted all this. "An act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress."<sup>62</sup> The President clearly admitted that this was illegal behavior of the most heinous type. A "substantial wrong" was done, calling for the restoration of the Hawaiian monarchy.<sup>63</sup> The United Nations Charter.<sup>64</sup>

The Newlands Joint Resolution<sup>65</sup> provided for the annexation of Hawai'i in 1893. Where is the authority for this? There is none. They stole the land, the country, displaced the government, and now they have annexed it. This very issue was addressed by the Nuremberg Tribunal in 1945, where German Nazi government tried to maintain that some of the annexations of foreign territory that it had undertaken before and during the Second World War were entitled to legal recognition. The Nuremberg Tribunal itself in 1945 said, "no annexations are valid prior to the conclusion of a peace treaty."<sup>66</sup>

The United States government and the President conceded that they engaged in acts of war, that they are occupying our land and that they put themselves at war with our people.<sup>67</sup> The United States annexation has no validity under international law. The U.S. have effectively, in this law, invalidated the entire annexation. The whole legal basis for it now been invalidated.

The annexation of the land is invalid, then where does the title come from, who has title to the land? It is Na Kanaka Maoli (Hawaiian) people who retain title to the lands of Hawai'i, as a matter of international law. It is not the federal government, not the state government, but Na Kanaka Maoli (Hawaiian) people themselves. That is the implication here. The truth of the findings of facts and conclusions of law are now officially set forth by Congress.

"[T]he Newlands Resolution, the...Republic of Hawai'i ceded sovereignty over the Hawaiian

<sup>62</sup> "Whereas, in a message to congress on December 18, 1893, President Grover Cleveland reported fully and accurately on the illegal acts of the conspirators." Overthrow of Hawaii Resolution public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1511.

<sup>63</sup> Overthrow of Hawai'i Resolution, public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1511.

<sup>64</sup> U.N. Charter, art. 1, & 2.

<sup>65</sup> Newlands Resolution, Public Law No. 55, 30 Stat. 750 (1898).

<sup>66</sup> "[I]t was held that, by 1939, the rules on belligerent occupation [that it does not transfer sovereignty] been recognized by all civilized nations and were regarded as being declaratory of the law and customs of war." George Shwwarzenberger. 2 International Law 165 (1965) (citing Nuremberg Judgment, International Military Tribunal, Cmd. 6964 at 65 (1946)).

<sup>67</sup> Overthrow of Hawai'i Resolution, Public Law 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510.

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WHEREAS, It hath pleased His Most Gracious Majesty Kamehameha III, the King, after reserving certain lands to himself as his own private Property, to surrender and forever make over unto his Chiefs and People, the greater portion of his Royal Domain:

AND WHEREAS, It hath pleased our Sovereign Lord the King to place the lands so made over to his Chiefs and People, in the keeping of the House of Nobles and Representatives, or such person or persons, as they may from time to time appoint, to be disposed of in such manner as the House of Nobles and Representatives may direct, and as may best promote the prosperity of this kingdom and the dignity of the Hawaiian Crown Therefore, BE IT ENACTED by the House of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

That, expressing our deepest thanks to His Majesty for this noble and truly royal gift, we do hereby solemnly confirm this great act of our good King, and declare the following named lands, viz.

WHEREAS: Common Law and Article 4, Section, liens at law supersede mortgages and equity liens, Drummond Cartilage Co. v. Mills, (1889) 74 N.S. 966; Hewitt v. William, 47 La, Am. 742 17 So. 269; McMahon v. Lundin, 58 N.W. 827, and may be satisfied only when a court of Common Law is called to convene pursuant to order of the ejected sheriff under Amendment 7 of the Bill of Rights. Such Common Law Court forbids the presence of any Judge of Lawyer the practice of any equity law, the ruling of the United States Supreme Court in Rich v. Braxton, 158 U.S. 375 specifically forbids judges from invoking equity jurisdiction to remove common law liens or similar "Cloud of Title." Further even if a preponderance of evidence displays the lien to be void or void able, the equity court still may not proceed until the moving party has proven that he asks for and comes "to equity with clean hands" trice v. Constock 121 Fed 620; West v. Washburn, 138 NY Supp. Any official who attempts to modify or remove this Common Law Lien is full liable for damages, U.S. Supreme Court, Butz v. Economou, US, 98 S. Ct. 2894; Bell v. Hood; 327 IS 678 Belknap v. Schild, 161 US 10; U.S. v. Lee, 106 US 196; Biven v. 6 Unknown Agents, 400 U.S. 862; Halperin v. Nixon (1979) US. (This lien is not dischargeable for 100 years and cannot be extinguished due to my death whether accidentally or purposely, or by my heirs, assigns or executors.) Articles 41 and 42 of the Kingdom of Hawai'i 1852 Constitution; Common Law Sign into Law by His Majesty Kamehameha III. Vol. II the third Act Chapter 1 Section IV on the 7<sup>th</sup> day of September 1847. NOW THEREFORE; If said lien shall be will and truly paid according to its tenor to the lienor of rescinded by the lienor herein named, then this Title shall be void, otherwise all right, title, interest, use and full control of the hereto described property will remain in Full Force and Effect Forever to the lienor herein named or his or heirs and/or assigns.

TO HAVE AND TO HOLD, the above lien in Ancient Land Title, Allodial Land Title unto the said Kingdom of Hawaii Nation Ministry Trust.


WHEREFORE, I, His Majesty Akahi Nui, hereunto set my hand, and caused the Great Seal of the

GOVERNMENT.

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Hawaiian Islands to be affixed this day of  
In this Holy Year of Iesu Kristo 2007.

  
His Royal Hawaiian Majesty Akahi Nui

Lineal Descent Sovereign Heir and King of the Hawaiian Islands  
and Trustee of the Kingdom of Hawai I Nation Ministry Trust

Kingdom Of Hawaii

Mokupuni O Maui

Affixed:

On this day of 2007, before me, personally appeared Majesty Akahi Nui to me known to be the person described in and who executed the foregoing instrument. The Lawful NOTICE OF OFFICIAL PROTEST OF US NAVY LOW/MID FREQUENCY SONAR EXERCISES IN HAWAIIAN WATERS WITH EXHIBIT "A" HAWAIIAN ISLAND ALLODIAL LAND TITLE DEED AND WRIT OF PROHIBITION AND COMMON LAW LIEN WITH AN ORDER TO RECIEVE AN ANSWER OF TRUE AND LAWFUL DOCUMENTED FACTS OF EVIDENCE OF JURISDICTION WITHIN (7) SEVEN DAY(S)

Majesty Akahi Nui has set his hands, and caused the Great Seal of the Hawaiian Islands to be affixed to this instrument.

  
NOTARY PUBLIC

Lissa A. Messenger  
PRINT NAME

MY COMMISSION EXPIRES: \_\_\_\_\_

The law goes on to state: "Where, the Newlands Resolution effected the transaction between the Republic of Hawai'i and the United States government." The Newlands Resolution is entitled to no validity at all, since it is based on an illegal invasion, a violation of treaties, and a violation of the principle of *pacta sunt servanda*.<sup>82</sup>

Many numerous and repeated violations of law have accrued as a result of this.

<sup>82</sup>

Overthrow of Hawai'i Resolution, Public Law, No. 103-150 1993 U.S.C.C.A.N. (107 Stat.)1510, 1512.

<sup>83</sup>

See Martin Hession, *The legal framework of European Community in International Environmental Agreements*, 2 New Eur. L. Rev. 59, 103 (Spring 1994)

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Congress admits that "the indigenous Kanaka Maoli (Hawaiian) people never directly relinquished their claims to ... inherent sovereignty... through a plebiscite or a referendum."<sup>84</sup> The U.N. General Assembly subsequently adopted its Declaration on the Gantion of Independence to Colonial Countries and peoples, (GA Res. 1514 (XV) of 14 December 1960) and formed the Special Committee On The Situation with regard to the Implementation of the Declaration on the Granting of Independence of Colonial Countries and Peoples. That declaration and the activities of the special committee reflect that the actions taken by the United States in Hawai'i did meet the standard of self-governance contemplated under Article 73. The exercise of self-determination in Hawaii [Hawai'i] has not been accomplished. The plebiscite taken in 1959 failed to meet the requirements of the exercise of self-determination for at least two reasons; the U.S. government altered the "self" in defining who qualified to participate in the process, and limited the choices which the people should have had only to a form of integration within the United States of America (territorial status or statehood), not to independence.<sup>85</sup> The vote is meaningless, as a matter of international law and of United States domestic law. Pursuant to the principle of self-determination in article 1, Paragraph 2 of the United Nations Charter.<sup>86</sup>

The Public Law more admissions "Whereas, the long-range economic and social changes in Hawai'i over the nineteenth and early twentieth centuries have been devastating to the population and to the health and well-being of the Hawaiian people."<sup>87</sup> A survey done in Hawai'i in 1994 the Hawaiian people rank number 1 in poverty, ill health, homelessness, and imprisonment. The Hawaiian people have been subjected to the international crime of Genocide, as determined and defined by the 1948 Genocide Convention,<sup>88</sup> and the 1987 Genocide Convention Implementation Act,<sup>89</sup> the Proxmire Resolution. That was one of the findings of the San Francisco Tribunal. The key findings held here concerning Hawai'i *Ka Ho'okolokolonui Kanaka Maoli*.

In the International Court of Justice, they have been convinced that Genocide is going on in Bosnia-Herzegovina.<sup>90</sup> There is no reasonable doubt my next step is the World Court. GENOCIDE has

<sup>84</sup>

Overthrow of Hawai'i Resolution, Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512.

<sup>85</sup>

U.N. Charter art. 73, The Admission Act of March 18, 1959, Public Law 86-3, 73 Stat. 4.

<sup>86</sup>

U.N. CHARTER art. 1 paragraph 2

<sup>87</sup>

Overthrow of Hawaii Resolution, public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1511.

<sup>88</sup>

Convention on the Prevention and Punishment of the Crime of Genocide, January 12, 1951, 78 U.N.T.S. 277.

<sup>89</sup>

Genocide Convention Implementation Act of 1987, Public Law no. 100-106, 102 stat.3045 (1987).

<sup>90</sup>

See Case Concerning Application of the Convention on the Prevention and Punishment of The Crime of Genocide (Bosnia & Herzegovina v. Yugoslavia, 1993 I.C.J. 325 (Sept. 13.)

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being practiced by the United States government against Na Kanaka Maoli Hawaiian People. This will take my people, Na Kanaka Maoli back to the creation of a nation and will bring protection for Na Kanaka Maoli (Hawaiian) people and the Hawaiian Citizens of Hawai'i. I, Majesty Akahi Nui, King of the Hawaiian Islands will not at all even consider what Secretary Babbitt is considering as the same status as Native Americans. My people are not even as close to the same status of a Native American. My people are Na Kanaka Maoli Hawai'i and the people not of the race are Hawaiian citizens.

"It is proper and timely for Congress to acknowledge the historic significance of the illegal overthrow."<sup>91</sup> It had no validity at all. The Resolution then addresses support for the reconciliation efforts.<sup>92</sup> Under international law for a violation of this nature, the remedy is restitution.<sup>93</sup> To set right the harm that has been done to restore the situation to what it had been before the violation in 1893. See the *Chorzow Factory case*.<sup>94</sup>

Section 1, acknowledgment and apology.<sup>95</sup> the law again repeats, "illegal overthrow." The significance of the various "whereas" clauses were "resolved by the Senate and House of Representatives of the United States of America, in Congress and Senate, and signed by the President."<sup>96</sup> This provision of the law recognizes the illegal overthrow and acknowledges the historical significance of this event which was ultimately the suppression of the inherent sovereignty.<sup>97</sup>

Paragraph 2 apologizes for the overthrow "with the participation of agents of the United States."<sup>98</sup> The U.S. government again is responsible for the actions of its ministers, Congress now calls these people "agents" Their illegal conduct, binds the United States government. The United States government is under an obligation to undo the harm that was done.

But even if the United States does not, I, Majesty Akahi Nui and my Na Kanaka Maoli (Hawaiian people) have our right to act to undo the *curse of injustice* in the World Court It is presently active in the World Court. The rest of the sentence reads, "the deprivation of the rights of Native Hawaiians to self-determination."

Congress has conceded that the Native Hawaiian peoples have the right to self-determination.

<sup>91</sup> Overthrow of Hawaii Resolution, public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1511

<sup>92</sup> *Id.*

<sup>93</sup> Case concerning the Factory at Chorzow, 1928 P.C.I.J. (ser. A) No. 17, at 1 (Sept. 13).

<sup>94</sup> *Id.*

<sup>95</sup> Case concerning the Factory at Chorzow, 1928 P.C.I.J. (ser. A) No. 17, at 1 (Sept. 13).

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

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Self-determination of the people is under the U.N. Charter provides a rights to full sovereignty.<sup>100</sup>

Paragraph 4 expresses its commitment to acknowledge the ramifications.<sup>101</sup> the ramifications, and the implications, of the overthrow of the Kingdom of Hawai'i. The definition section, Congress defines Native Hawaiians as any individual who is a descendant of the aboriginal people, prior to 1778...occupied and exercised sovereignty, in the area that now constitutes the state of Hawai'i.<sup>102</sup> Our right to determine our political status, our government, through customary systems, and to freely pursue our economic, social, and cultural development in accordance with article 1 of both the International Covenant on Civil Political, Economic, Social, and Cultural Rights.<sup>103</sup> This affirms that the Kingdom of Hawai'i is still in existence. The descendants of the aboriginal people still lives which affirms the existence of the Kingdom of Hawai'i. The sovereign authority of these lands.

The illegitimate government has recognized me, Majesty Akahi Nui that I am a descendant of 1778 on 12th of March 1998. It is not the state or the federal government, but the Hawaiian people. The sovereignty is still and will always remain in the hands of my people Kanaka Maoli Hawai'i. The territory is the state. The Hawaiian Archipelago, the lands before the invasion of 1893. We claim a twelve-mile territorial sea and a 200-mile exclusive economic zone, in accordance with customary international law and the Law of the Sea Treaty of 1982.<sup>104</sup>

Congress has recognized *Na Kanaka Maoli Hawai'i* with sovereign powers. We are the original inhabitants and occupants of these islands. We have always been in possession of our land. Our sovereign nation the Kingdom of Hawai'i was always in existence because the race still lives *Na Kanaka Maoli Hawai'i* (Hawaiian people).

Our rights under the Universal Declaration of Human Rights.<sup>105</sup>

"Men may change the laws of the land."

"They can not change the truth."

"May we pray for healing to the Hearts and Lands of our people."

<sup>100</sup> U.N. CHARTER art. 1, paragraph 2.

<sup>101</sup> Overthrow of Hawaii Resolution, public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1511

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *International Covenant on Civil Political, Economic, Social, and Cultural Rights*, G.A. Res. 2200 (XXI), U.N. GAOR, 21<sup>st</sup> Sess., Supp. No. 16 at 49, U.N. Doc. A/6316 (1966).

United Nations Convention on the Law of the Sea, opened for signature Dec. 10, 1982, U.N. Doc. A/CONF.62/122, reprinted in 21 I.L.M. 1261 (1982).

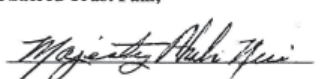
<sup>105</sup> *Universal Declaration Of Human Rights*, G.A. Res 217 (III), U.N. Doc. A/810, at 71 (1948) reprinted in 21 I.L.M. 1261 (1982).

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WHEREOF, I, Majesty Akahi Nui, Sovereign Heir and King of the Hawaiian Islands and Trustee of the Kingdom of Hawaii Nation Ministry Trust have hereunto set my hand and caused the Great Seal of the Kingdom and Islands of Hawaii to be affixed this blessed twenty seventh day of the eighth month in the Holy year of Our Lord and Saviour Iesu Kristo Two Thousand and Seven.

In Sacred Trust I am;



 His Royal Majesty Akahi Nui  
Lineal Descent Sovereign Heir and King of Hawaiian Islands  
& Trustee of the Kingdom of Hawaii Nation Ministry Trust



 Her Royal Highness Akahi Wahine  
Minister of the Interior of the Kingdom of Hawaii  
& Trustee of the KOH Nation Ministry Trust

Kingdom Of Hawaii     ]  
  ]  
Mokupuni O Maui        ]

Affixed:

On this 27<sup>th</sup> day of August 2007, before me, personally appeared Majesty Akahi Nui to me known to be the person described in and who executed the foregoing instrument. The Lawful NOTICE OF OFFICIAL PROTEST OF US NAVY LOW/MID FREQUENCY SONAR EXERCISES IN HAWAIIAN WATERS WITH EXHIBIT "A" HAWAIIAN ISLAND ALLODIAL LAND TITLE DEED AND WRIT OF PROHIBITION AND COMMON LAW LIEN WITH AN ORDER TO RECIEVE AN ANSWER OF TRUE AND LAWFUL DOCUMENTED FACTS OF EVIDENCE OF JURISDICTION WITHIN (7) SEVEN DAY(S). Majesty Akahi Nui has set his hands, and caused the Great Seal of the Hawaiian Islands to be affixed to this instrument.

  
NOTARY PUBLIC

Lissa A. Messenger  
PRINT NAME

MY COMMISSION EXPIRES: 2020

Do you have a lawful governmental foundation and lawful jurisdiction over the Soil and Sea of the Hawaiian Islands and aboriginal Na Kanaka Maoli Hawai'i (Hawaiian people) by the *illegitimate* state of Hawai'i and its entities since January 16, 1893 and to this present day in 2003? (Read Justice O Connor Opinion USSC) The apology letter from the U.C.C. (United Church Of Christ), U.S. P.L. 103-150 and the Japanese American Citizens League (JACL) 1992 National Convention RESOLUTION REAFFIRMING SUPPORT FOR THE RESTORATION OF HUMAN, CIVIL, PROPERTY AND SOVEREIGN RIGHTS OF HAWAII'S INDIGENOUS PEOPLE.

Yes ( ) Please explain in full with attached lawful documentation of original evidence truth of law.

No ( ) No Jurisdiction

Sworn Officials of the United States of America, being duly sworn on oath, deposes say; That the foregoing question is answered to the best of his or her knowledge and behalf.

signature

Print name

Position

Subscribed and sworn to before me  
this day of, \_\_\_\_

Notary Public, *de facto* state of Hawai'i  
My commission expires:



32

EXHIBIT "A"

COMMENT  
NUMBERD-W-0129  
(cont.)

33

Form P-64B  
(REV. 1999)STATE OF HAWAII—DEPARTMENT OF TAXATION  
EXEMPTION FROM CONVEYANCE TAX

DO NOT WRITE OR STAPLE IN THIS SPACE

HAWAII DEPT OF TAXATION  
CONVEYANCE TAX EXEMPTION  
APPROVAL

CLIP THIS FORM TO DOCUMENT TO BE RECORDED. DO NOT STAPLE

2 JAN 10 P 4:08

TAX MAP KEY				
Z	S	PLAT	PARCEL	CPR NO.
6	1-6	ALL	ALL	

ISLAND Mau APT. NO. \_\_\_\_\_By Marie Y. Okamura  
DIRECTOR OF TAXATION

NAMES OF PARTIES TO THE DOCUMENT (Please Type or Print)

SELLER(S) / TRANSFEROR(S) / GRANTOR(S), ETC.

Majesty Akahi Nui

PURCHASER(S) / TRANSFEREE(S) / GRANTEE(S), ETC.

Kingdom of Hawaii / Nation / Ministry  
Trust  
Majesty Akahi Nui TrusteeDATE OF TRANSACTION: 7th January 2002Checkmark only one best applicable box and complete the related statement. Use Part I OR Part II but NOT both.  
For more information, see instructions on reverse side.

PART I — If the exemption you are claiming is listed in this part, submit this form for approval to the Department of Taxation, Taxpayer Services Branch, at P. O. Box 259, Honolulu, Hawaii 96809-0259, or at 830 Punchbowl Street, Room 124, in Honolulu, before filing it with the Bureau of Conveyances. CAUTION: You MUST complete DESCRIBE TRANSFER if claiming any of the exemptions provided in Part I.

DESCRIBE TRANSFER: State the relationship between the parties and the reason for the gift or transfer (e.g., add to title to qualify for a loan) or correction or confirmation (e.g., error in description of property). Ma Karaka Maoli has never relinquished our rights to our LANDS.

1) THE CONVEYANCE INVOLVES AN ACTUAL AND FULL CONSIDERATION OF \$100 OR LESS:

☒ A. GIFT☐ B. TRUST — Transfer to or from a trust, which is not for a business purpose. (Grantor revocable living trusts, see Part II, line 2C below)☐ C. OTHER — Explain.

2) THE ATTACHED DOCUMENT IS A (Check the appropriate box below) OF A DOCUMENT PREVIOUSLY EXECUTED. To be used only to correct a flaw when title is already vested and no consideration is paid or to be paid. Complete DESCRIBE TRANSFER above.

☐ A. Confirmation document.☐ B. Correction deed.3) ☐ THE ATTACHED DOCUMENT IS A QUALIFIED PARTITION DEED AND THE VALUE OF MY CO-OWNERSHIP IN THE PROPERTY AFTER PARTITION IS EQUAL IN VALUE TO MY CO-OWNERSHIP IN THE PROPERTY BEFORE PARTITION.

I have attached a separate continuation sheet which lists the names of each co-owner and their undivided interest in the real property and the value of that interest before partition and their proportionate interest and the value of that interest after partition.

PART II — If the exemption you are claiming is listed in this part, file this form directly with the Bureau of Conveyances.

1) THE ATTACHED DOCUMENT IS A TRANSFER BETWEEN:

☐ A. HUSBAND AND WIFE, and the nominal consideration is \$ \_\_\_\_\_☐ B. MARITAL PARTIES in accordance with divorce decree or termination of reciprocal beneficiary relationship (termination).

FC-D No. \_\_\_\_\_, and the nominal consideration is \$ \_\_\_\_\_

If the conveyance is pursuant to a divorce or termination, the conveyance must be between the marital parties to the divorce or termination. Unless otherwise exempt, a sale or transfer to any other person or a sale or transfer not in strict accordance with the divorce decree or termination is taxed on the consideration paid or to be paid or the fair market value.

☐ C. RECIPROCAL BENEFICIARIES, and the nominal consideration is \$ \_\_\_\_\_☐ D. PARENT AND CHILD, and the nominal consideration is \$ \_\_\_\_\_

2) THE CONVEYANCE INVOLVES AN ACTUAL AND FULL CONSIDERATION OF \$100 OR LESS and is a:

☐ A. GIFT: ☐ between a grandparent and grandchild. ☐ between siblings.

Unless otherwise exempt, a transfer between other related parties is taxable based on the amount of consideration paid or to be paid. Persons other than the above related individuals conveying property for consideration of \$100 or less must use Part I.

☐ B. TESTAMENTARY GIFT BY TRUST - Transfer from a grantor to a testamentary trust or from a testamentary trust to a third party beneficiary.☐ C. GRANTOR REVOCABLE LIVING TRUST - Transfer by a grantor to a grantor revocable living trust or from a grantor revocable living trust to the grantor, who is the primary beneficiary of the trust. List a claim for an exemption from tax for any other transfer involving a trust in Part I.3) ☐ THE ATTACHED DOCUMENT IS IN FULFILLMENT OF AN AGREEMENT OF SALE FILED OR RECORDED IN LIBER PAGE \_\_\_\_\_ OR AS DOCUMENT NO. \_\_\_\_\_ FOR WHICH A STATE CONVEYANCE TAX WAS PAID. List the Liber and Page, Land Court Document Number, or Document Number.4) ☐ THE ATTACHED DOCUMENT INVOLVES A TAX SALE FOR DELINQUENT TAXES OR ASSESSMENTS AND THE ACTUAL AND FULL CONSIDERATION IS \$ \_\_\_\_\_

(CONTINUE ON REVERSE SIDE. SIGNATURES ARE REQUIRED.)

JAN 10 2002

FORM P-64B

COMMENT  
NUMBERD-W-0129  
(cont.)

If document will not be recorded, please provide: (1) land area; and (2) address or short legal description of property here: \_\_\_\_\_

Please provide mailing address for assessment notice:

NAME: Kingdom of Hawaii Nation Ministry Trust ADDRESS: 4th P.O. Box 2845, Wailuku ZIP: \_\_\_\_\_

Please provide real property billing address, if different from assessment address:

NAME: Majesty Akahi Nui Trustee ADDRESS: Majesty Akahi Nui Trustee ZIP: \_\_\_\_\_

**EXPLANATION AND INSTRUCTIONS FOR CONVEYANCE TAX CERTIFICATE FORM P-64B  
CLIP TO DOCUMENT TO BE RECORDED. DO NOT STAPLE.**

**INFORMATION —**

Form P-64B, "Exemption From Conveyance Tax" is used to report the conveyance of a real property interest specifically exempted from the Hawaii Conveyance Tax Law. This certificate must be appended or clipped to the document (i.e., deed, lease, sublease, assignment of lease, agreement of sale, assignment of agreement of sale, instrument, writing, and the like) and submitted to either the Department of Taxation or the Bureau of Conveyances, as the case may be, for approval.

This certificate shall be filed within 90 days after the date of transaction, and, in any event, prior to the recordation or filing of the document with the Bureau of Conveyances or the Land Court. The date of transaction is the date the document is executed, or the date of the last acknowledgment, whichever is later. The person subject to the tax (usually the seller), or a duly authorized representative, must sign the certificate. No document for which a certificate is required to be filed shall be accepted for recordation by the Bureau of Conveyances unless such certificate has been filed.

Use this certificate to exempt the following documents (which includes the related reference to the Hawaii Revised Statutes (HRS)) from the conveyance tax:

- 1) Documents that confirm or correct a document previously recorded or filed (sec. 247-68(1), HRS);
- 2) Documents between a husband and wife, reciprocal beneficiaries, or parent and child, in which only a nominal consideration is paid (sec. 247-68(2), HRS);
- 3) Documents in which a nominal consideration of \$100 or less is paid or to be paid (sec. 247-68(3), HRS);
- 4) Documents in fulfillment of an agreement of sale and where applicable, an assignment of agreement of sale, if the conveyance tax on the agreement of sale was previously paid when the agreement of sale was recorded (sec. 247-68(4), HRS);
- 5) Documents involving a tax sale for delinquent taxes or assessments (sec. 247-68(5), HRS);
- 6) Documents involving partition deeds among co-owners provided each exemption claimed declares each owner's undivided interest in the real property and the value of that interest before partition; and proportionate interest and the value of that interest after partition (sec. 247-68(6), HRS);
- 7) Documents between marital partners or reciprocal beneficiaries who are parties to a divorce action or termination of reciprocal beneficiary relationship which are executed pursuant to an order of the court in the divorce action or termination of reciprocal beneficiary relationship (sec. 247-68(7), HRS);
- 8) Documents involving conveyance from a testamentary trust to a trust beneficiary (sec. 247-68(8), HRS); and
- 9) Documents involving conveyance from the grantor to a grantor's revocable living trust or from a grantor's revocable living trust to the grantor (sec. 247-68(9), HRS).

See Tax Information Release (TIR) No. 89-11 for a discussion of the above exemptions. For a discussion on the purchase price on an agreement of sale, see TIR No. 89-12.

A conveyance tax certificate (either P-64A or P-64B) is not required for the following documents; instead, the documents may be recorded or filed directly with the Bureau of Conveyances or Land Court, as the case may be:

**REPORTING OF REAL PROPERTY INTERESTS LOCATED ON THE ISLAND OF OAHU THAT ARE OWNED OR ACQUIRED BY FOREIGN PERSONS.**  
Check the applicable box(es) if the transferor and/or the transferee is a foreign person. ☐ Transferor ☐ Transferee  
Under Honolulu Ordinance No. 90-68, a "foreign person" is any individual who is not a U.S. citizen or an alien resident. The term applies to business enterprises organized under foreign law, or their principal place of business is in a foreign country, or 25% or more of the equity or ownership interest is foreign.

**DECLARATION**

I (We) declare, under the penalties prescribed for false declaration in section 231-36, Hawaii Revised Statutes (HRS), that this certificate (including accompanying schedules or statements) has been examined by me (us) and, to the best of my (our) knowledge and belief, is a true, correct, and complete certificate, made in good faith, for the actual and full consideration paid on the conveyance to which this certificate is appended, pursuant to the Conveyance Tax Law, chapter 247, HRS.

SIGNATURE(S) - Seller(s) / Transferor(s), Etc.

SIGNATURE(S) - Purchaser(s) / Transferee(s), Etc.

DAYTIME PHONE NO.: ( ) \_\_\_\_\_

DAYTIME PHONE NO.: 808-575-9095

FORM P-64B

**COMMENT  
NUMBER**

D-W-0129  
(cont.)

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

JAN 11, 2002 11:30 AM

Doc No(s) 2002-005579  
Thru 2002-005580

/s/ CARL T. WATANABE  
ACTING  
REGISTERAR OF CONVEYANCES  
CONVEYANCE TAX: \$0.00

REGULAR SYSTEM w/d



After Recordation Return by Mail ( ) Pickup (X)  
Kingdom of Hawaii Trust  
Majesty Akahi Nui Trustee  
w/d P.O. Box 2845  
Mokuaina O Wailuku, Mokuuni O Maui,  
Ke Aupuni O Hawaii

T.M.K. 2-1 through 6 - All-All-All

Total Number of Pages: 16

**DEED**

WHEREAS: This indenture, made on this 7th day of January, 2002, by and between direct Heir of Liloa ke kane O Akahi-a-Kuleana ke wahine hanau Umi-a-Liloa ke kane O Piikea-a-Piilani hanau Kumalaenuiaumi ke kane, Kalanikupupaikalaniui ke kane O Akahinui ke wahine hanau Kaleiwohi ke kane Majesty Akahi Nui, under duress P.O. Box 2845, Moku aina O Wailuku, Mokuuni O Maui, Ke Aupuni O Hawaii, hereafter referred to as the "GRANTOR", which expressions shall include his heirs, executors, administrators and assigns. The Kingdom of Hawaii Nation Ministry Trust, Majesty Akahi Nui Trustee, whose address is under duress P.O. Box 2845, Moku aina O Wailuku, Mokuuni O Maui, Ke Aupuni O Hawaii nei, hereinafter referred to as the "GRANTEE".

**WITNESSETH:**

WHEREAS: That the Grantor, hereby acknowledged, does hereby grant, convey, and forever unto the Grantee, as tenant in severalty, all his right, Allodial title and interest in the Heir of Liloa ke kane O Akahi-a-Kuleana ke wahine hanau Umi-a-Liloa ke kane O Piikea-a-Piilani hanau Kumalaenuiaumi, Kalanikupupaikalaniui ke kane O Akahinui ke wahine hanau Kaleiwohi, described T.M.K. 2-1 through 6 - All - All - All, in Royal scion Names of Allodial Crown and Government Lands, Na Ahupuaa, Na Ili, Kingdom Government Lands, Allodial Districts on the Islands of Maui, Kahoolawe, Molokai, and Lanai more or less. ( see exhibit "A") and Writ of Prohibition.

**COMMENT  
NUMBER**

D-W-0129  
(cont.)

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By Grantor No. 1028 Royal Patent Declaration of Confirmation Majesty Akahi Nui.

TO HAVE AND HOLD the same, together with all improvements rights, easements, privileges and appurtenances thereon or thereunto belonging or appertaining or held and enjoyed therewith, unto the said Grantee as aforesaid, forever.


The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporations, and their and each of their respective successors, heirs, personal representatives and assigns, according to the context thereof.

IN WITNESS WHEREOF, the Grantors Heir of Liloa ke kane O Akahi-a-Kuleana ke wahine hanau Umi-a-Liloa ke kane O Piikea-a-Piilani hanau Kumalaenuiaumi ke kane, Kalanikupuaipakalaninui ke kane O Akahinui ke wahine hanau Kaleiwohi ke kane, Majesty Akahi Nui Sovereign Heir have executed these presents as of this 14 day of January, 2002.

  
Majesty Akahi Nui,  
Sovereign Heir

STATE OF HAWAII )  
COUNTY OF MAUI ) SS

On this 14 day of January, 2002, before me personally appeared Majesty Akahi Nui, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

  
EILEEN ROCKWELL  
Print or Type  
Notary Public, STATE OF HAWAII  
My Commission expires: 02/06/14

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COMMENT  
NUMBERD-W-0129  
(cont.)

37



No. 1028

Royal Patent

Declaration of Confirmation

Heir of Liloa, Akahi-a-Kuleana, Kalanikupuaipakalaninui, Akahinui,  
Majesty Akahi Nui  
Sovereign Heir

WHEREAS: The Heir of Liloa ke kane O Akahi-a-Kuleana ke wahine hanau Umi-a-Liloa ke kane O Piikea-a-Piilani ke wahine hanau Kumalaenuiaumi ke kane, Kalanikupuaipakalaninui ke kane O Akahinui ke wahine hanau Kaleiwohi, Majesty Akahi Nui Sovereign Heir. Allodial Land Titles have by his decision place unto the Kingdom of Hawaii Nation Ministry Trust an estate of Freehold Allodial, in and to the Land hereafter described, and whereas; Royal Scion Names of Allodial Crown and Government Lands, Na Ahupuaa, Na Ili, Kingdom Government Lands, and Allodial Districts on Islands of Maui, Kahoolawe, Molokai, and Lanai (see exhibit "A") Allodial Land Titles within described land commutation, relinquished by the heir of the estate.

THEREFORE, His Majesty Akahi Nui by the Grace of God, King of the Hawaiian Islands, by this Land Title, makes known to all men, that they have, for his successors, this day granted and given absolutely, life time living interest and lawful rights to all that described as follows:

Containing T.M.K. 2-1 through 6 - All - All - All Royal Scion Names of Allodial Crown and Government Lands, Na Ahupuaa, Na Ili, Kingdom Government Lands, and Allodial Districts on Islands of Maui, Kahoolawe, Molokai, Lanai, (see exhibit "A") Allodial Land Titles, more or less excepting and reserving to the Kingdom of Hawaii Nation Ministry Trust.

TO HAVE AND TO HOLD, the above granted Land in Allodial Land Titles unto the said Kingdom of Hawaii Nation Ministry Trust Majesty Akahi Nui Trustee.

IN WITNESSES WHEREOF, I His Majesty Akahi Nui, hereunto set his hands, and caused the Great Seal of the Hawaiian Islands to be affixed this 14 day of January, 2002.

  
Majesty Akahi Nui  
Sovereign Heir



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COMMENT  
NUMBERD-W-0129  
(cont.)





No. 1028

Royal Patent

## Declaration of Confirmation

Heir of Liloa, Akahi-a-Kuleana, Kalanikupupuakalaninui, Akahinui,  
Majesty Akahi Nui, Sovereign Heir

WHEREAS: The Heir of Liloa ke kane O Akahi-a-Kuleana ke wahine hanau Umi-a-Liloa O Piikea-a-Piilani ke wahine hanau Kumalaenuiaimi ke kane, Kalanikupupuakalaninui ke kane O Akahinui ke wahine hanau Kaleiwohi ke kane, Majesty Akahi Nui, Sovereign Heir, Allodial Land Title have by his decision place unto the Kingdom of Hawaii Nation Ministry Trust an estate of Freehold Allodial, in and to the Land hereafter described, and whereas; Royal Scion Names of Allodial Crown and Government Lands, Na Ahupuaa, Na Ili, Kingdom Government Lands, and Allodial Districts on Island of Maui, Kahoolawe, Molokai, Lanai, (see exhibit "A") Allodial Land Title within described land commutation, relinquished by the heir of the estate.

THEREFORE, His Majesty Akahi Nui by the Grace of God, King of the Hawaiian Islands, by this Land Title, makes known to all men, that they have, for his successors, this day granted and given absolutely, life time living interest and lawful rights to all that described as follows:

Containing T.M.K. 2 - 1 through 6 - All - All - All, Royal Scion Names of Allodial Crown and Government Lands, Na Ahupuaa, Na Ili, Kingdom Government Lands, and Allodial Districts on Island of Maui, Kahoolawe, Molokai, Lanai (see exhibit "A") more or less excepting and reserving to the Kingdom of Hawaii Nation Ministry Trust.

TO HAVE AND TO HOLD, the above granted Lands in Allodial Land Title unto the said Kingdom of Hawaii Nation Ministry Trust.

IN WITNESSES WHEREOF, I His Majesty Akahi Nui, hereunto set his hands, and caused the Great Seal of the Hawaiian Islands to be affixed this 14<sup>th</sup> day of January 2002.

*Majesty Akahi Nui*  
Majesty Akahi Nui  
Sovereign Heir

COMMENT  
NUMBERD-W-0129  
(cont.)

## Genealogy of Majesty Akahi Nui

Ulu ke kane O Kapono ke wahine hanau Nanaie ke kane O Kahamokuleia ke wahine hanau Nanailani ke kane O Hinakinai ke wahine hanau Waikulani ke kane O Kekaulani ke wahine hanau Kuheleimoana ke kane O Mapunaiaala ke wahine hanau Konohiki ke kane O Hikaululena ke wahine hanau Wawena ke kane O Hinamahua ke wahine hanau Akalana ke kane O Hinakamea ke wahine hanau Mawihope, Mawimua, Mawiakalana ke kane O Hinakealohaila ke wahine hanau Nanamaoa ke kane O Hinakapaekua ke wahine hanau Nanakulei ke kane O Kehaukuhona ke wahine hanau Nanakaoko ke kane O Kohiokalani ke wahine hanau Heleipawa ke kane O Kookookumailani ke wahine hanau Hulumanailani ke kane O Hinamaikalani ke wahine hanau Aikane ke kane O Hinahanaikamalama ke wahine hanau Puna ke kane Hema ke kane O Ulamahaoa ke wahine hanau Kahai ke kane O Hinaulohia ke wahine hanau Wahiloa ke kane O Koolaukahili ke wahine hanau Laka ke kane O Hikamaelena ke wahine hanau Luanuu ke kane O Kapokulaila ke wahine hanau Kamea ke kane O Popomaili ke wahine hanau Pohukaina ke kane O Huahuakapalei ke wahine hanau Hua ke kane O Hikimolulea ke wahine hanau Pau ke kane O Kapohaakia ke wahine hanau Huannikalalailai ke kane O Kapoea ke wahine hanau Paumakua ke kane O Manokalilani ke wahine hanau Haho ke kane O Kaulaianapa ke wahine hanau Palena ke kane O Hikinainui ke wahine hanau Hanalaai, Hanalaanui ke kane O Mahua ke wahine hanau Lanakanai ke kane O Kalohialiokeai ke wahine hanau Laan ke kane O Kukamolimolohia ke wahine hanau Pili ke kane O Hinaauaku ke wahine hanau Koa ke kane O Hinaaumai ke wahine hanau Ole ke kane O Hinamailili ke wahine hanau Kukohu ke kane O Hinakeuki ke wahine hanau Kaniuhi ke kane O Hiliamakani ke wahine hanau Kanipahu ke kane O Hualani ke wahine hanau Kalahumoku ke kane O Laamea ke wahine hanau Ikialaamea ke kane O Kalamea ke wahine hanau Kamanawa-a-Kalamea ke kane O Kaina ke wahine hanau Onokaina ke kane O Kuamakani ke wahine hanau Kua-i-makani, Kanahae ke kane O Kapiko ke wahine hanau Kuleana-a-kapiko ke kane O Keanianihooilei ke wahine hanau Akahi-a-kuleana ke wahine Kanepahu ke kane O Alai-aka-ua-koko ke wahine hanau Kalapana ke kane O Makeamalamaiahanae ke wahine hanau Kahaimoleaikaikupou ke kane O Kapoakauluhailaa ke wahine hanau Kalanuioua ke kane O Kahaka ke wahine hanau Kuaina ke kane O Kamuleilani ke wahine hanau Hukulani, Manaiea, Kahoukapu ke kane O Laanikapu ke wahine hanau Kaholanuiamahu ke kane O Neula ke wahine hanau Kihia ke kane O Waea ke wahine hanau Liloa ke kane O Akahi-a-kuleana ke wahine

COMMENT  
NUMBERD-W-0129  
(cont.)

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hanau Umi-a-Lilao ke kane O Kulamea ke wahine hanau Kapunahanahuanui-a-umi ke kane, Umi-a-Lilao ke kane O Makaalua ke wahine hanau Nohona-a-a-umi ke kane, Umi-a-Lilao ke kane O Kapukini ke wahine hanau Keliokaloa ke kane, Keavenuiaumi, Umi-a-Lilao ke kane O Piikea-a-piilani ke wahine hanau Aihakoko, Kumalaenuiaumi ke kane O Kekaikaakuloulamiokahiki ke wahine hanau Makuakumamamama ke kane O Kapohelamai ke wahine hanau I ke kane, Umi-a-lilao ke kane O Mokuahualeiaka ke wahine hanau Akahilikapu ke wahine Kahakumakaliua ke kane O Akahilikapu ke wahine hanau Kawaihalaniwailuan ke wahine, Keliokiohi ke kane O Amalakoko ke wahine hanau Akahikameenoa ke wahine, I ke kane O Akahikameenoa ke wahine hanau Kanekukailani ke wahine, Akahinui ke wahine, Mahiololi ke kane O Kanekukailani ke wahine hanau Umi-a-emoku ke wahine, Kanakehiakua ke kane O Umi-a-emoku ke wahine hanau Kanekapolei ke wahine, Kalanikupupuakalaninui ke kane O Akahinui ke wahine hanau Kaleiwohi ke kane O Kailipakalua ke wahine hanau Pamelua ke kane O Kaluui ke wahine hanau Akahi ke wahine, Kalanimoku ke kane O Akahi ke wahine, Kikai ke kane O Akahi ke wahine hanau Nahuina ke kane, Kamakaia ke kane O Akahi ke wahine hanau Hanakahi ke kane, Pomaikai ke kane O Akahi ke wahine hanau Kahale ke kane, Kauli ke kane, Kahope ke kane O Akahi ke wahine hanau Halemano ke kane, Waha ke kane O Akahi ke wahine hanau Kaluakini, Kapapu, Kaanaana, Kalama, Kaiama ke kane O Akahi ke wahine hanau Kekapu/Inoaole, Kapaa ke kane O Akahi ke wahine, Nahuina ke kane O Kawao ke wahine, Nahuina ke kane O Oulu ke wahine hanau Alale, Nahuina ke kane O Kamaliimahine ke wahine hanau Kaluakini ke kane, Halemano ke kane O Pua Kaiailili hanau Victoria Halemano ke wahine, William Kalei ke kane O Victoria Halemano ke wahine hanau Elizabeth Kalei ke wahine, Kunewa ke kane O Kaanaana ke wahine hanau Keoahu ke wahine hanau William Keoahu Akahi ke kane O Maria Kaahanui ke wahine hanau Akahi Iilii ke kane, Paahaa, Akahi, Walahio, Waleo, Kino, Kawailanailili, Kaaiohi, Akahi ke kane O Malaea Kaawalaule ke wahine hanau Samuel Akahi ke kane O Elizabeth Kalei ke wahine hanau Samuel Akahi ke kane, Pauhao ke wahine, Momi ke wahine, Kenona ke wahine, Irene ke wahine, Harriet ke wahine, Edward ke kane, Akahi Nui ke kane O Grace Mokihana Gushiken ke wahine hanau James Kawika Akahi ke kane O Holly Ferreira ke wahine, Keoni Kaina Akahi ke kane O Elizabeth Kahae ke wahine, Haili Akahi Pua ke wahine, Kaulana Aulike Akahi ke wahine, Lopaka Akahi ke kane, Maui Lokelani Akahi ke wahine.

Mahalo Anakala Andrew Taki Akahi eha Mookunauhau

IN WITNESSES WHEREOF, I His Majesty Akahi Nui, hereunto set his hands, and caused the Great Seal of the Hawaiian Islands to be affixed this 7<sup>th</sup> day of January 2002.

COMMENT  
NUMBERD-W-0129  
(cont.)

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STATE OF HAWAII )  
COUNTY OF Maui ) SS

On this 7<sup>th</sup> day of January, 2002, before me personally appeared Majesty Akahi Nui to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Elbert R. Swell  
Print or Type  
Notary Public, STATE OF HAWAII  
My Commission expires: 02/06/04

COMMENT  
NUMBERD-W-0129  
(cont.)



EXHIBIT "A"

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CROWN, GOVERNMENT, AND FORT LANDS, ENUMERATED  
L. 1848, P. 22; C. C. p. 374  
AN ACT RELATING TO THE LANDS OF HIS MAJESTY THE KING  
AND OF THE GOVERNMENT

WHEREAS, It hath pleased His Most Gracious Majesty Kamehameha III., the King, after reserving certain lands to himself as his own private Property, to surrender and forever make over unto his Chiefs and People, The greater portion of his Royal Domain :

AND WHEREAS, It hath pleased our Sovereign Lord the King, to place the lands so made over to his Chiefs and People, in the keeping of the House of Nobles and Representatives, or such person or persons, as they may from time to time appoint, to be disposed of in such manner as the House of Nobles and Representatives may direct, and as may best promote the prosperity of this kingdom and the dignity of the Hawaiian Crown : Therefore, BE IT ENACTED by the House of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

That, expressing our deepest thanks to His Majesty for this noble and truly royal gift, we do hereby solemnly confirm this great act of our good King, and declare the following named lands, viz:

## CROWN LANDS

## MAUI

Names of Lands	Ahupuaa	Districts
Ahoa	Ahupuaa	Kaanapali
Alamih	Ahupuaa	Lahaina
Aweoweo	Ili in Ukumeheme	Ukumeheme
Honokowai	Ahupuaa	Kaanapali
Honomanu	Ahupuaa	Koolau
Ilikahi	Ahupuaa	Lahaina
Kahakuloa	Ahupuaa	Kahakuloa
Kauaula	Ahupuaa	Lahaina
Kealahou 1	Ahupuaa	Kula
Kealahou 2	Ahupuaa	Kula
Keanae	Ahupuaa	Koolau
Keokea	Ahupuaa	Kula
Kuholilea East	Ahupuaa	Lahaina

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**MAUI****CROWN LANDS**

Names of Lands	Ahupuaa	Districts
Kuhua 1	Ahupuaa	Lahaina
Kuhua 2	Ahupuaa	Lahaina
Lapakea	Ahupuaa	Lahaina
Mala	Ahupuaa	Lahaina
Napili	Ahupuaa	Kaanapali
Olowalu	Ahupuaa	Olowalu
Opaeula	Ahupuaa	Lahaina
Polapola	Ahupuaa	Lahaina
Polipoli	Ahupuaa	Napoko
Polua	Ahupuaa	Kaanapali
Puehuehu 1	Ahupuaa	Lahaina
Puehuehu 2	Ahupuaa	Lahaina
Ukumeheme	Ahupuaa	Ukumehame
Waianae	Ahupuaa	Lahaina
Wailua	Ahupuaa	Hana
Wailua 1	Ahupuaa	Koolau
Wailua 2	Ahupuaa	Koolau
Wailuku	Ahupuaa	Napoko
Wainee 1	Ahupuaa	Lahaina
Wainee 2	Ahupuaa	Lahaina
Waiohonu	Ahupuaa	Hana
Waiohila	Ili in Kahakuloa	Kahakuloa

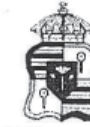
**MOLOKAI**

Names of Lands	Ahupuaa	Districts
Kalamaula	Ahupuaa	Kona
Palaau	Ahupuaa	Kona
Ualapue	Ahupuaa	Kona

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**GOVERNMENT LANDS**

To be the private lands of His Majesty Kamehameha III., to have and to hold to himself, his heirs, and successors, forever; and said lands shall be regulated and disposed of according to his royal will and pleasure subject only to the rights of tenants,

AND BE IT FURTHER ENACTED, That we do hereby in the name of the Chiefs and People of the Hawaiian Islands, accept of the following lands, viz:

**GOVERNMENT LANDS****MAUI**

Names of Lands	Ahupuaa	Districts
Aapueo	Ahupuaa	Kula
Aapueo 3	Ahupuaa	Kula
Ahupau	Ahupuaa	Kula
Alae	Ahupuaa	Kipahulu
Halemano	Ahupuaa	Kipahulu
Hamakuapoko (½)	Ahupuaa East half	Hamakuapoko
Hanawana	Ahupuaa	Hamakualoa
Hanehoi 1	Ahupuaa	Hamakualoa
Hanehoi 2	Ahupuaa	Hamakualoa
Hoalua	Ahupuaa	Hamakualoa
Hokuula	Ahupuaa	Kula
Holowa	Ahupuaa	Hamakualoa
Honokala	Ahupuaa	Hamakualoa
Honokohau	Ahupuaa	Kaanapali
Honomaele (½)	Ahupuaa	Hana
Honopou	Ahupuaa	Hamakualoa
Kaehocho	Ahupuaa	Kipahulu
Kaao (½)	Ahupuaa	Houaula
Kahana 1	Ahupuaa	Kaanapali
Kahana 2	Ahupuaa	Kaanapali
Kahikinui	Ka Moku	Kahikinui
Kahili 1	Ahupuaa	Honuaula
Kahili 2	Ahupuaa	Honuaula
Kakalahale 1	Ahupuaa	Kipahulu
Kakalahale 2	Ahupuaa	Kipahulu
Kakanoni	Ahupuaa	Kipahulu
Kalena	Ahupuaa	Kipahulu
Kalenaiki	Ahupuaa	Kipahulu

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## GOVERNMENT LANDS

## MAUI

Names of Lands	Ahupuaa	Districts
Kaloi	Ahupuaa	Honuaula
Kamaole	Ahupuaa	Kula
Kamehame 1	Ahupuaa	Kula
Kamehame 2	Ahupuaa	Kula
Kanaio	Ahupuaa	Honuaula
Kapalaia	Ahupuaa	Kula
Kapuaikini	Ahupuaa	Kipahulu
Kapunakea (½)	Ahupuaa	Lahaina
Kauau 1	Ahupuaa	Kula
Kauau 2	Ahupuaa	Kula
Kaumakani	Ahupuaa	Kipahulu
Kaunuaahane	Ahupuaa	Honuaula
Kaupo	66 Ahupuaa Ka Moku	Kaupo
Kaupo	Na Ku o Kaupo i Koe I	
Keahua	Keia mahele ana	Kaupo
Kealakekua	Ahupuaa	Kula
Kealia	Ahupuaa	Kula
Kikoo	Ahupuaa	Kipahulu
Koali	Ahupuaa	Hana
Koanawai	Ahupuaa	Kipahulu
Koheilo 1	Ahupuaa	Kula
Koheilo 2	Ahupuaa	Kula
Kooka (½)	Ahupuaa	Lahaina
Koolau	Ahupuaa	Koolau
Kualapa	Ahupuaa	Honuaula
Kuholilea (½)	Ahupuaa	Lahaina
Kuiaha	Ahupuaa	Hamakualoa
Kukuiaio	Ahupuaa	Kula
Kukuiulaiki	Ahupuaa	Kipahulu
Maakaalae	Ahupuaa	Hana
Mahinahina 1	Ahupuaa	Kaanapali
Mahinahina 2	Ahupuaa	Kaanapali
Mahinahina 3	Ahupuaa	Kula
Makawao	Ahupuaa	Honuaula
Maluaka	Ahupuaa	Kipahulu
Maulili	Ahupuaa	Lahaina
Moanui	Ahupuaa	Honuaula
Mohopilo 1	Ahupuaa	

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## GOVERNMENT LANDS

## MAUI

Names of Lands	Ahupuaa	Districts
Mohopilo 2	Ahupuaa	Honuaula
Mooiki	Ahupuaa	Honuaula
Mooloa	Ahupuaa	Honuaula
Moomuku	Ahupuaa	Honuaula
Naalae	Ahupuaa	Kula
Nailiilipoko 1	Ahupuaa	Kipahulu
Nailiilipoko 2	Ahupuaa	Kipahulu
Omaopio 6	Ahupuaa	Kula
Omaopio 7	Ahupuaa	Kula
Omaopio 8	Ahupuaa	Kula
Omaopio 9	Ahupuaa	Kula
Omaopio 10	Ahupuaa	Kula
Omaopio 11	Ahupuaa	Kula
Onau	Ahupuaa	Honuaula
Ouaoa	Ahupuaa	Hamakualoa
Paeahu 1	Ahupuaa	Honuaula
Paeahu 2	Ahupuaa	Honuaula
Paniau	Ahupuaa	Hamakuapoko
Papaa	Ahupuaa	Honuaula
Papaaea	Ahupuaa	Hamakualoa
Papaka	Ahupuaa	Honuaula
Pauwela	Ahupuaa	Hamakualoa
Peahi 1	Ahupuaa	Hamakualoa
Peahi 2	Ahupuaa	Hamakualoa
Popoloa	Ahupuaa	Kipahulu
Poponui	Ahupuaa	Kipahulu
Poulua 1	Ahupuaa	Hamakualoa
Poulua 2	Ahupuaa	Hamakualoa
Puahooowale (½)	Ahupuaa	Lahaina
Pulehu	Ahupuaa	Kula
Puuki (½)	Ahupuaa	Lahaina
Puunauiki (½)	Ahupuaa	Lahaina
Waikiu	Ahupuaa	Hana
Makaalae	Ahupuaa no Hana	Kipahulu
Wailamo	Ahupuaa aoao ma Kaupo	Kipahulu
Waiokoa	Ahupuaa	Kula
Waipao	Ahupuaa	Honuaula
Wananalua 1	Ahupuaa	Hana
Wananalua 2	Ahupuaa	Hana

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## GOVERNMENT LANDS

**MOLOKAI**

Names of Lands	Ahupuaa	Districts
Ahaino (½)	Ahupuaa	Kona
Haulei	Ahupuaa	Koolau
Hawaluna	Ahupuaa	Koolau
Hipu	Ahupuaa	Kalae
Hoolehua	Ahupuaa	Kona
Kaamola 1	Ahupuaa	Kona
Kaamola 2	Ahupuaa	Kona
Kaamola 3	Ahupuaa	Kona
Kaamola 4	Ahupuaa	Kona
Kaamola 5 (½)	Ahupuaa	Kona
Kaamola 6 (½)	Ahupuaa	Kona
Kahananui (½)	Ahupuaa	Kona
Kahanui (½)	Ahupuaa	Kona
Kainalu	Ahupuaa	Koolau
Kalawao	Ahupuaa	Koolau
Kaluaaha	Ahupuaa	Kona
Kaluakoi 1	Ahupuaa	Kaluakoi
Kaluakoi 2	Ahupuaa	Kaluakoi
Kamanoni (½)	Ahupuaa	Kona
Kamiloloa (½)	Ahupuaa	Kona
Kawaikapu	Ahupuaa	Kona
Keanaokuino	Ahupuaa	Koolau
Lupehu	Ahupuaa	Kona
Mahulile	Ahupuaa	Koolau
Makakupaiianui	Ahupuaa	Kona
Manienie	Ili in Waikolu	Koolau
Manowainui	Ahupuaa	Kalae
Moanui	Ahupuaa	Kona
Ohia 1 East	Ahupuaa	Kona
Onoulimaloo	Ahupuaa	Kona
Onouliwai	Ahupuaa	Kona
Pohakuloa	Ahupuaa	Koolau
Poniuhua	Ahupuaa	Kona
Poniuhua (½)	Ahupuaa	Kona
Pukoa 1	Ahupuaa	Kona
Pukoa 2	Ahupuaa	Kona

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## GOVERNMENT LANDS

**LANAI**

Names of Lands	Ahupuaa	Districts
Kaumalopua 1	Ahupuaa	
Kaumalopau 2	Ahupuaa	
Kaunolu	Ahupuaa	
Kealia 1	Ahupuaa	
Kealia 2	Ahupuaa	
Pawili	Ahupuaa	

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**Kingdom of Hawai'i**  
Sovereign Nation of God

Majesty Akahi Nui  
u/d P.O. Box 2845  
Moku'aina O Wailuku, Moku'uni O Maui,  
Ke Aupuni O Hawai'i



KINGDOM OF HAWAII  
Majesty Akahi Nui

Demandant(s),

vs.

UNITED STATES OF AMERICA  
STATE OF HAWAII, ALL COUNTIES  
1 THROUGH 1000 JOHN DOES  
AND JANE DOES.

Respondent(s)

DECLARATION OF THE  
FINDINGS OF FACTS AND  
ORDER TO RECEIVE AN  
ANSWER OF TRUE AND  
LAWFUL DOCUMENTED  
FACTS OF EVIDENCE OF  
JURISDICTION WITHIN (20)  
TWENTY DAY(S)

**WRIT OF PROHIBITION WITH AN ORDER TO RECEIVE AN ANSWER  
OF TRUE AND LAWFUL DOCUMENTED FACTS OF EVIDENCE OF  
JURISDICTION WITHIN (20) TWENTY DAY(S)**

COME NOW, the demandant(s), I, Majesty Akahi Nui, King of the  
Hawaiian Islands, aboriginal inhabitants Na Kanaka Maoli, and in behalf of my subjects, of

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the lawful independent nation, Heir of Liloa ke kane O Akahi-a-Kuleana ke wahine hanau Umi-a-Liloa ke kane O Piikea-a-Piilani hanau Kumalaenuiaumi ke kane, Keouakapuapaikalani ke kane O Akahinui ke wahine hanau Kaleiwohi ke kane, am of 100% royal blue blood lineage. Formally issue This Lawful findings and facts of documented evidence that challenges the UNITED STATES OF AMERICA, STATE OF HAWAII AND ALL COUNTIES 1 THROUGH 1000 JOHN DOES AND JANE DOES.

The Seed of Poisonous Tree of Doctrine (unlawful overthrow committed by U.S. and the U.S. military force. (4) Executive Council S.B. Dole, J.A. King, P.C. Jones, W.O. Smith, who administered the Executive Departments of their unlawful Government which consisted of (14) members S.B. Dannon, A. Brown, L.A. Thurston, F.F. Morgan, J. Emmeluth, H. Waterhouse, J.A. McChesney, F. Wilhelm. W.R. Castle, W.G. Ashey, W.C. Wilder, C. Bolte, was planted and it bears branches The *illegitimate* Provisional Government, *illegitimate* Republic of Hawai'i, *illegitimate* Territory of Hawai'i and now The *de facto* state of Hawai'i the perpetuation from the Poisonous Fruits of the Poisonous Tree of Doctrine criminal act). We are also seeking recognition for our nation the Kingdom of Hawai'i from the foreign nations. The Kingdom of Hawai'i is of Na Kanaka Maoli (Hawaiian) people and has always been in existence as long as God permits our race to live. Our sovereignty comes from God.

Whereas the indigenous Na Kanaka Maoli (Hawaiian) people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States. (U.S.P.L. 103-150 11/23/93)

Whereas the well-being of the indigenous Na Kanaka Maoli Hawaiian people is intrinsically tied to their deep feelings and attachment to the land. (U.S.P.L. 103-150)

- The indigenous Na Kanaka Maoli were the original inhabitants of the island archipelago, Hawai'i. Na Kanaka Maoli (Hawaiian people's) oral traditions are passed on through chants, legends, myth and *mookuauhau* or genealogies, and trace the origins of the ancient ancestors. Na Kanaka Maoli are a part of nature and nature is a part of them. In Na Kanaka Maoli language term which expressed this harmonious fundamental relationship was *lokahe*, unity. Related terms expressing this fundamental relationship was "*aloha aina*," love the land "*malama aina*" care for and protect the land.
- *Aloha aina*, love the land, aloha in *Ke akua*, love of God, *aloha kekahi i kekahi*, love one another, expresses the three precepts which formed the core of Na Kanaka Maoli philosophy, world view and belief system. It is important for a Na Kanaka Maoli to sustain supportive, nurturing and harmonious relations with the land, Akua and each other, particularly our 'ohana or extended family.
- Na Kanaka Maoli traced their lineal ancestry to historical figures and ultimately, through them, to various deities and god of the land, ocean, forest and nature.
- The land and all nature was the source of existence for Na Kanaka Maoli not only as the origin of humanity, but also as the source of natural resources for day-to-day subsistence. Na Kanaka Maoli related to the land as an ancestor and dear friend giving its various moods at different times of the year, nurturing it with loving care. They

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did not possess or own the land or its abundant resources. This was inconceivable. Instead, they maintained stewardship over it planting and fishing according to the moon phased and the changes from rainy to dry seasons. The traditional Na Kanaka Maoli access to the resources they would need for subsistence and to allow for stewardship over the land to the lineal descendants associated with particular ancestral and *akua*.

- The recognition of the Kingdom of Hawai'i was always in existence.<sup>1</sup> The U.S. invasion in 1893. By virtue of its sovereign integrity as a member of the international community, Hawai'i had exclusive jurisdiction over its nationals within its defined territory, i.e., the Hawaiian Islands, the authority over such process by which the United States of America and her creation, the state of Hawai'i, now asserts its jurisdiction over the indigenous Na Kanaka Maoli, Hawaiian citizens acting within the Hawaiian territory are several:

- 1- the laws of nations including treaties, and customary international laws.
- 2- internal laws of sovereign nations.
- 3- the United Nations Charter and subsequent U.N. acts to carry out the terms of the charter.

We begin from January 16, 1893, a time when there can be no debate of the legal international status of two states - Hawai'i and the United States of America. Both of these states were recognized in the international community as sovereign. Among the attributes of sovereignty were the exclusive right of a state to govern and exercise jurisdiction over its own citizens within its territories.<sup>2</sup>

Sovereignty remain in effect for states unless and until certain circumstances occur which properly changes the relationship between such states and other states or changes the relationship citizens and territories to existing states.

What are the those circumstances which were appropriate to have affected the change in lawful relationship between four international bodies the Kingdom of Hawai'i, the United States of America, Indigenous Na Kanaka Maoli, (Hawaiian citizens) and Hawaiian territory? The continued exercise of U.S. jurisdiction over Hawai'i is unlawful.

#### A. Under Traditional International Law Principles

- a. On January 16, 1893, the nation of Hawai'i was recognized as a sovereign and independent nation equal in international rights as other similarly recognized nations of the world. The Hawaiian nation had treaties and executive agreements with other nations and peoples, including the United States of America, Belgium, Bremen, Denmark, France, the German Empire, Great Britain, Hamburg, Hong Kong, Italy, Japan,

<sup>1</sup> This memorandum uses the term Kingdom of Hawai'i and a number of other terms to refer to as the nation of Hawai'i, the Hawaiian Kingdom, Hawaiian nation. The term nation here is not meant to be in derogation of the full international rights and privileges of those entities termed "states" or "nation-states" in international law but instead should be read with equal status with those.

<sup>2</sup> *Schooner Exchange v. McFaddon* 11 U.S. 116, 135 (1812)

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Netherlands, New South Wales, Portugal, Russia, Samoa, Spain, Swiss Confederation, Sweden, Norway and Tahiti.<sup>3</sup>

- b. As of January 16, 1893, the United States of America was equally recognized as a sovereign and independent nation equal in international rights as other states of the international community.

- c. The laws of nations which included both international customary laws and the treaties in existence between the nation of Hawai'i and the United States of America were binding upon these two nations regarding their conduct towards one another.<sup>4</sup>

- d. The United States of America conspired to overthrow the Hawaiian nation and committed aggression against the nation of Hawai'i in violation of international law.<sup>5</sup>

- e. As a direct consequence of the U.S. misconduct, a puppet regime was established in Hawai'i, denominated first, the Provisional Government, and later the Republic of Hawai'i.<sup>6</sup>

- f. The Provisional Government and the Republic of Hawai'i were not governments of the people, by the people, or for the people but were primarily the creatures of the minority Anglo-Saxons who believed in the doctrine of divine right of the minority to govern the majority.<sup>7</sup>

- g. The United States of America executed treaties of annexation with *de facto* governments promoted and supported by the United States of America, i.e., first, the Provisional government in 1893, and the Republic of Hawai'i in 1897.<sup>8</sup>

- h. Queen Lili'uokalani wrote letters of protest to president Benjamin Harrison and to the President-elect Grover Cleveland who was about to take office.

When President Grover Cleveland took office, he rejected the request of the Provisional Government to annex Hawaii.

The majority of the Na Kanaka Maoli petitioned United States against annexation of their nation. The heading on Hui Aloha 'Aina's petition read: PALAPALA HOOPUI KUE HOOHUI AINA "Petition Protesting Annexation"<sup>9</sup>

<sup>3</sup> *Digression from the Spirit of Self-Determination and Hawaiian Sovereignty*, pp. 5-6

<sup>4</sup> See Grover Cleveland's *Message to the Joint Houses of Congress, December 18, 1893*, Richardson, *A compilation of the messages and Papers of the President: 1789-1908*, Vol. IX (1993)

<sup>5</sup> Cleveland's Message, *infra*, U.S. *Acknowledgment and Apology for the Overthrow of the Kingdom of Hawai'i*, S.J. Res. 19, 103d Congress, 1st Sess. PL 103-150 (107 Stat 1510) 1993

<sup>6</sup> See note 3 pp.14-15

<sup>7</sup> See *infra* at pp.13-14

<sup>8</sup> See note 3 pp. 13-14

<sup>9</sup> Ku'e: The Hui Aloha 'Aina Anti-Annexation Petitions 1897-1898, compiled by Nalani Minton and Noenoe K Silva

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i. On November 1896 William McKinley, a Republican, was elected president of the United States, replacing the Grover Cleveland. McKinley was inclined to annexing Hawaii. In early 1897 McKinley agreed to meet with a committee of annexationists, L. Thurston, F. Hutch, and W. Kinney. In June 1897 McKinley signed treaty of annexation with representatives of the Republic of Hawaii.

#### B. Under Internal Laws of the United States of America

a. Both treaties of annexation were never consented to by two-thirds (2/3rds) of those presented in the United States Senates as required of all treaties in accordance with the U.S. Constitution.<sup>10</sup>

b. The organic act presumptively extending U.S. citizenship (sec. 4) to Hawaiian citizens and descendants of them as well as asserting jurisdiction over the territory (sec.2) and citizens of Hawai'i was not properly grounded in that it was based upon the previous resolution on 1898 of annexation of Hawai'i (The Newlands Resolution, *infra* note ).<sup>11</sup>

c. Subsequent applications of laws by the United States of America upon citizens and activities engaged within the territorial limits of Hawai'i were based upon a presumption of appropriate taking of jurisdiction over Hawaiian citizens and Hawaiian territories. These applications of law are only as valid as the foundations provided by the joint resolution of annexation of 1898<sup>12</sup> and the Organic Act of 1900. But if the instrument of annexation is illegitimate, all subsequent acts founded on the initial act are equally unlawful.

**Fruit of Poisonous Tree Doctrine bears the poisonous fruits you shall be known by your fruits**

What is happening to United States of America "in God we Trust" and its *de facto* state of Hawaii.

#### C. Under U.N. Process of Decolonization

a. Independent of the historical international relationship between the nation of Hawai'i and the United States of America by virtue of the U.S. membership in the United Nation specifically, under Article 73 of the U.N. Charter, the U.N. Charter obligated the United States of America and other metropolitan states found in similar circumstances, as a matter of sacred trust, to ***bring about self-government*** of people within territories.

<sup>10</sup> U.S. Constitution Art. 2, sec.2

<sup>11</sup> See note 3 pp. 12-15

<sup>12</sup> Newlands Resolution of July 7, 1898; 30 Stat. 750; 2 Supp. R.S. 895

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b. The United States of America has continued assertion of jurisdiction over Hawai'i territory and its citizens,<sup>13</sup> Unknown to most of the people in Hawai'i, in 1946 under the charter of the United Nations at Article 73, the United States was charged with bringing self-government to Hawai'i.<sup>14</sup>

c. The Hawai'i "statehood" vote, the U.S., reported to the U.N. that it "had met its responsibility" under Article 73. Believing this to be true, the U.N. General Assembly by Resolution 1469 (XIV) in 1959 relieved the United States of America of further responsibility to report to the U.N. on Hawai'i.

The U.N. General Assembly subsequently adopted its Declaration on the Granting of Independence to colonial Countries and People, (GA Res. 1514 (XV) 14 of December 1960) and formed the Special committee On The Situation with regard to the Implementation of the Declaration on the Granting on Independence to Colonial Countries and People. That declaration and the activities of the special committee reflect that the actions taken by the United States in Hawai'i did ***not*** meet the standard of self-governance required under Article 73. The exercise of self-determination in Hawai'i has not been accomplished. The plebiscite taken in 1959 failed to meet the requirements of the exercise of self-determination for at least two reasons; the U.S. government altered the "self" in defining who qualified to participate in the process, and limited the choices which the people should have *had only to a form of integration within the United States of America (territorial status or statehood), not to independence*.<sup>15</sup>

#### CHRONOLOGICAL FACTS OF STATEHOOD

On August 21, 1959, Hawaii ***illegitimately*** became a fiftieth state when U.S. President Dwight Eisenhower declared that "the procedural requirements imposed by the Congress on the State of Hawaii to entitle that state to admission into the Union have been complied with in all respects."

While the colonial establishment has subsequently annually celebrated August 21 as a State holiday, only since about 1990, have we Kanaka Maoli begun to learn that the 1959 Statehood process was a fraud.

• In 1946, at the time of the founding of the United Nations (UN), Hawaii was placed on the UN List of Non-Self-Governing Territories (colonies) eligible for decolonization as a consequence of the U.S.'s forced annexation of Hawaii in 1898.

<sup>13</sup> See note 3 pp. 16-22

<sup>14</sup> Principles Which Should Guide Members in Determining Whether or not an obligation Exists to transmit the Information, Called for in Article 73(e) of the Charter of the United Nations, Annex GA Res. 1541 (XV) of 15 December 1960

<sup>15</sup> The Admission Act of March 18, 1959, Pub Law 86-3, 73 Stat 4.

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- According to the UN Charter, Chapter XI, Article 73, the U.S., as the administering (colonizing) power in Hawaii, had a sacred trust... to ensure, with due respect for the culture of the people concerned, their political, economic, social and educational advancement... and to assist them in the progressive development of their free political institutions." The U.S. intentionally failed to fulfill this "sacred trust" responsibility to the colonized Kanaka Maoli people.
- Instead, aware that the UN was under pressure to refine a decolonization process that was to become General Assembly Resolution (UNGAR) 1514 in 1960, the U.S. moved to ensure that Hawaii (and Alaska) would be incorporated as states of the Union before 1960.
- March 12, 1959, the U.S. Congress passed the Hawaii Statehood Admission Act (PL 86-3), before a vote on the issue by the colonized Kanaka Maoli people, in violation of the Kanaka Maoli right to self-determination.
- Later, on June 27, 1959, a Statehood Plebiscite in Hawaii posed only one option on the ballot: immediate statehood. The colonial establishment trumpeted statehood as "equal opportunity and autonomy." The only other (unstated) option was for Hawaii to remain as a territory. No reference was made to two other options-independence or free association-as provided by UNGAR 742 of 1953.
- All U.S. citizens in Hawaii, including U.S. military personnel, were permitted to vote, instead of only the colonized Kanaka Maoli people who were the only island residents eligible for the exercise of self-determination and who comprised only 16 percent of the resident population. The vote outcome was as predicted with a large majority in favor of immediate statehood.
- On September 17, 1959, unknown to the general public, the U.S. misinformed the UN the "Alaska and Hawaii had attained full measure of self-government as admitted states."
- On December 12, 1959, without public announcement, the misinformed UN General Assembly approved Resolution 1469 noting that "the people of Alaska and Hawaii have effectively exercised their right to self-determination and clarified some specific features, conditions and outcomes of the UN decolonization process:
- The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the UN and is an impediment to the promotion of world peace and cooperation.
- All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- Inadequacy of political, economic, social and educational preparedness should never serve as a pretext for delaying independence.
- All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence and the integrity of their national territory shall be respected.
- Immediate steps shall be taken, in Trust and Non-Governing Territories or all other territories which have not yet attained independence, without any conditions or reservations, in accordance with their freely expressed will and desire, without any

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distinction as to race, creed or color, in order to enable them to enjoy complete independence and freedom.

- Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nation.

The colonized Kanaka Maoli in particular have never been publicly informed of the foregoing historical events.

This history does not appear in textbooks and is not taught as part of the core curriculum in the island colonial schools.

## C. STATEMENT OF CASE:

- a. The U.S. is obligated to conduct itself in international affairs in accordance with international law.

The U.S. Constitution has incorporated treaties of the United States of America with other states as "the Supreme Law of the Land; and the Judges of every State shall be bound thereby"<sup>16</sup>. The U.S. Constitution explicitly recognized the validity of international law when it conferred to Congress the right to define and duty to punish offenses against the law of nations.<sup>17</sup> The United States Supreme Court has already stated that it must take judicial notice of international customary law.<sup>18</sup>

- "The United States has concluded that it has a trust obligation to indigenous Hawaiians because it bears a responsibility for the destruction of their government and the unconsented and uncompensated taking of their lands. U.S. Solicitor General Seth Waxman to the U.S. Supreme Court"<sup>19</sup>

While international law may differ from municipal, internal or domestic laws in that internal laws have a system of enforcement while the enforcement of international law is uncertain at best, the fact that a law is enforceable doesn't make it law. Rather, the fact that it is law demands its obedience, whether enforceable by arms or by moral conscience.<sup>20</sup> Grover Cleveland, in addressing the joint houses of the U.S. Congress, declared that:

The considerations that international law is without a court for its enforcement, and that obedience to its commands practically depends upon good faith, instead of upon the mandate of a superior tribunal, only give additional sanction to the law itself and brand any deliberate infraction of it not merely as a wrong but as a disgrace.

<sup>16</sup> U.S. Constitution, Art. VI.

<sup>17</sup> U.S. Constitution, Art. 1 sec.8 Piracies & felonies-10

<sup>18</sup> *The Paquete Habana: the Lola*, 175 U.S. Reports 677 (1900)

<sup>19</sup> Ka wai Ola o OHA vol 16, number 8, 'Aukake 1999 pg. 1 & pg.9

<sup>20</sup> See Fitzmaurice, "The Foundations of the authority of International Law and the Problem of Enforcement," 19 Modern L. Rev. 1, 1-2, 8-9 (1956); Weston, Falk and D'Amato, *International Law and World Order*, West Publishing Co. 1980 p. 116 et seq.

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The U.S. Constitution itself requires courts to view treaties as part of the Supreme Law of the Land<sup>21</sup> Furthermore, it is a fundamental doctrine of International Law that a state may not excuse itself for violations of international law on the basis that its municipal constitution or laws permitted violations of such international laws.<sup>22</sup>

Thus, every court in the United States is obligated to look beyond the mere legislative pronouncements of the Congress and hold up these transactions of the U.S. government with regards to Hawai'i against the backdrop of international law and the Constitution of the United States.<sup>23</sup>

B. The transactions engaged in by the U.S. in its dealings with Hawai'i in accordance with international law in its pattern of conduct attempting to annex Hawai'i to the U.S..

The United States had formally recognized Hawai'i as an international personality, recognizing the Nation of Hawai'i as a sovereign, independent nation state. The treaty of Friendship, Commerce, Navigation and Extradition (hereafter FCN&E) proclaimed November 9, 1850, declared, "There shall be perpetual peace and amity between the United States and the King of the Hawaiian Islands, his heirs and his successors."<sup>24</sup> The U.S. was to violate this treaty time and again.

By 1873, U.S. Minister to Hawai'i Henry Pierce, bent on annexation, informed U.S. Secretary of State Fish that annexation would be achieved only if "...the planters, merchants and foreigners... will induce the people to overthrow the Hawaiian Government, establish a republic, and then ask the United States for admittance into its Union."<sup>25</sup> The U.S. government was not limited to merely writing letters between high officials. On January 15, 1873, Major General and commander of the United States Army Military Division of the Pacific, John Schofield, (formerly Secretary of War) and Brigadier General B.S. Alexander of the Corps of Engineers, arrived in Hawai'i pretending to be on a vacation. Instead, they were spies to report about "the defense capabilities of [Hawai'i] different ports and their commerce facilities, and to examine any other subjects that may occur to you as desirable, in order to collect all information that would be of service to the Country in the event of war with a powerful maritime nation. They submitted a secret report on the great value of Pearl Harbor as a port to provide a safe harbor to protect

<sup>21</sup> U.S. Constitution Art. VI

<sup>22</sup> Werner Levi, *Contemporary International Law: A Concise Introduction*, Westview Press, Colorado, 1979 at p. 25; Article 13, Declaration of Rights and Duties of States adopted by the International Law Commission 1949; The Judgment at Nuremberg, 1 International Military Tribunal of the Major War Criminals 171 (1947)

<sup>23</sup> See also *Schooner Exchange v. McFaddon*, 11 U.S. 116, 135 (1812)

<sup>24</sup> Art. 1 p. 908 William M. Malloy, *Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers 1776-1909*, Vol. 1, Washington, Government Printing Office, 1910.

<sup>25</sup> Letter from Pierce to Fish, February 17, 1873, house Executive Document, 53 Congress 2nd Session, Washington, D.C. 1895, hereinafter cited as the Blount Report, p. 153; Rich Budnick, *Stolen Kingdom: an American Conspiracy*, Aloha Press 1992, pp.36 & 37.

several hundreds ships. This report was kept secret until 1897 when it was declassified to support annexation in Congress.<sup>26</sup>

By 1882, the U.S. President administration was engaged in encouraging the destabilization of the Hawaiian government through discussion with Lorrin Thurston. The Arthur administration assured Thurston that the U.S. government would look with great favor to an annexation treaty should there be a revolt and overthrow of the Hawaiian monarchy and a new government formed.

The U.S. government subsequently sent to Hawai'i annexationist John L. Stevens, as its Minister Plenipotentiary. Stevens was well known as an annexationist. As editor of the *Kennebec Journal* for time, in partnership with U.S. Secretary of State Blaine, he and Mr. Blaine wrote numerous articles for the annexation of Hawai'i.<sup>27</sup> On March 8, 1892, he requests instructions from Blaine on how far he may deviate from established international rules and precedents in order to advance the goal of destabilization and annexation of Hawai'i.<sup>28</sup>

By 1892, U.S. Harrison administration, itself, as on the same course as the Arthur administration 10 years earlier, encouraging Thurston toward the destabilization of Hawai'i.<sup>29</sup> On the 17th of January, 1893, through the connivance of the U.S. Minister plenipotentiary, with Thurston, the Hawaiian monarch was forced to yield her authority to the U.S. government by the aggression of the U.S. military upon Hawaiian soil.<sup>30</sup>

Every one of these acts was in violation of international law, both as a matter of customary international law<sup>31</sup> as well as the FCN&E treaty. They were also in contradiction to the much earlier declaration of the U.S. President to the Congress on December 31, 1842, recognizing Hawai'i independence and pledging never to take possession of Hawai'i.<sup>32</sup>

In Article 6(a) of the Nuremberg Charter, we find Crimes Against Peace; namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.<sup>33</sup>

<sup>26</sup> Budnick at p. 37&38; Blount Report at pp. 153, 154, &158.

<sup>27</sup> P. Laenui, "Three Days in January" *The Overthrow of the Hawaiian Monarchy*, a companion booklet to a Nine Hour Radio Broadcast of the Event of the Century, Hawaiian National Corporation, Honolulu, 1993 at 12.

<sup>28</sup> Ibid at 10. Blount Report p. 182

<sup>29</sup> Gavin Daws, *Shoal Of Time, A history of the Hawaiian Islands*, U.H. Press, 1974, p. 266.

<sup>30</sup> President Grover Cleveland's Message to the Congress of the United States on December 18, 1893, Executive Doc. no. 47, 53rd Congress, 2nd Session, House of Representative; Apology

Bill, PL. 103-150; Liliu'okalani, *Hawaii's Story by Hawaii's Queen*, Tuttle Press, Tokyo 1965

<sup>31</sup> "acts of aggression constitutes international crimes against the human species." Unanimous resolution of 18 February 1928 of 21 American republics at the Sixth (Havana) Pan-American Conference. *International Law & World Order*, Note 20, supra, at p. 155; By 1893, acts of aggression were already contrary to international law in the Americas and in the South Pacific Kazi Aktar Hamid, *Self-Determination: The Case Study of Hawai'i*, Dissertation for the degree of the Doctor of Laws (LL.) 4 November 1991, University of Ottawa, p. 246-247.

<sup>32</sup> Dispatch from Pageot, French representative in Washington, to Guizot, French minister of Foreign Affairs, no. 55, June 11, 1844, AMAE (Paris), Etats Unis, Vol. C.

<sup>33</sup> Judicial Decisions, International Military Tribunal (Nuremberg). Judgment and Sentences: 41 *American Journal of International Law* 174 (1947).

The United Nations General Assembly at its first session in 1946 recognized the principles set out in the Nuremberg Charter.<sup>34</sup>

The United States committed crimes against peace under the law of nations by planning and implementing the use of force to overthrow the Hawaiian monarch without any provocation by her official representatives. United States President Cleveland in addressing the joint houses of Congress on December 18, 1893, stated it accurately when he said, "candid and thorough examination of the facts will force the conviction that the Provisional Government owes its existence to an armed invasion by the United States." The United States Congress, in its apology bill signed by President Clinton on November 23, 1993, was equally explicit when it stated:

"On January 14, 1893 John L. Stevens...the U.S. minister...conspired with a small group of non-Hawaiian residents of the Kingdom of Hawai'i, including citizens of the United States, to overthrow the indigenous and lawful government..."<sup>35</sup> The U.S. Congress concede that the government of the Kingdom of Hawai'i was the lawful government at that time, and that an official agent of the United States government conspired to overthrow the government of Hawai'i. The United States government is bound by the actions of its agents, of its ministers.<sup>36</sup> The President was bound by the actions of the minister. The United States government conspired to overthrow the lawful government of the Kingdom of Hawai'i, which was an internationally illegal act at the time it was done, and is currently acknowledged by President Clinton and congress.

The next paragraph continues, "pursuant to the conspiracy... naval representatives called armed forces to invade the sovereign Hawaiian nation on January 16, 1893, and to position themselves near the Hawaiian government buildings and the (Iolani) Palace to intimidate the Queen Liliu'okalani and her government."<sup>37</sup> Congress significantly calls an invasion an invasion. That is what it was, a clearly illegal act, an invasion in violation of treaties and international agreements, an invasion in violation of international law, and an

<sup>34</sup> U.N. General Assembly Resolution 95(1), U.N. Doc. A/6. at 188 (1946).

<sup>35</sup> Apology Bill, PL. 103-150, Cleveland's Message, infra, U.S. Acknowledgment and Apology for the Overthrow of the Kingdom of Hawai'i, S.J. Res. 19, 103d Congress, 1st Sess, PL. 103-150 (107 Stat. 1510) 1993.

<sup>36</sup> See Nuclear test case (Austl. v. Fr) 1974 I.C.J. 252 (Dec. 20). where the International Court held that:

It is well recognized that declaration made by way of unilateral acts, concerning legal or factual situations, may have the effect of creating legal obligations. Declaration of this kind may be, and often are, very specific. When it is the intention of the State making the declaration that it should become bound according to its terms, that intention confers on the declaration the character of a legal undertaking, the State being thenceforth legally required to follow a course of conduct consistent with the declaration. All undertaking of this kind, if given publicly, and with an intent to be bound, even through not made within the context of international negotiations, is binding.

*Id.* at 267. (holding France bound to statements made by government ministers). But see *Personnel Management v. Richmond*, 496 U.S. 414 (1990) ("The United States is neither bound nor estopped by acts of its officers or agents in entering into an arrangement or agreement to do or cause to be done what the law does not sanction or permit.")

<sup>37</sup> Overthrow of Hawai'i Resolution, Public Law No. 103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510.

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invasion in violation of the United States Constitution the overthrow of a lawful government.

Under the international law when you have a violation of treaties of this magnitude, the World Court has ruled that the only appropriate remedy is restitution.<sup>38</sup> The Kingdom of Hawai'i, that is our independent nation state. This is the appropriate remedy.

The Public Law goes on from here, reciting the sorry history of what happened, the establishment of the provisional government.<sup>39</sup> Well, that is not entitled to any legitimacy at all. It was imposed by raw, naked, and brutal military force, at the point of a bayonet, (gunboat diplomacy), just as was practiced in many other countries, only here now Congress has finally admitted this.

The next paragraph points out that the establishment of this provisional government was without the consent of the Native Hawaiian people or the lawful government of Hawai'i, and violated all of the international treaties and agreements.<sup>40</sup> So under international law, you would not call this provisional government. You would call it a government of military occupation. That is, we had military forces here and then we had a civilian arm of the military occupying regime.

The occupied Palestinian lands where the Israeli occupying forces have set up a civilian arm if their military occupation authorities to administer the civil affairs of the Palestinian people.<sup>41</sup> The negotiations centered around the withdrawal of the civilian military occupation arm, and the withdrawal of the military occupation forces themselves.<sup>42</sup> The September 13, 1993 agreement calls for the dissolution of the civilian occupation arm and then the withdrawal of the military occupation forces themselves.<sup>43</sup>

<sup>38</sup> Case concerning the Factory at Chorzow, 1928 P.C.I.J. (ser. A) No. 17, at 47 (Sept. 13). But see Patrick Kelly, *The Changing Process of International Law and the Role of the World Court*, 11 Mich. J. International Law 129, 159 (Fall 1989) ("actual practice indicates that compensation is now governed by the doctrine of unjust enrichment rather than a right of restitution").

<sup>39</sup> "Whereas, on the afternoon of January 17, 1883, a Committee of Safety that represented the American and European sugar planters, descendants of missionaries, and financiers disposed the Hawaiian monarchy and proclaimed the establishment of a provisional government." Overthrow of Hawai'i Resolution, Public Law No. 103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1510-11.

<sup>40</sup> "Whereas, the United States minister thereupon extended diplomatic recognition to the Provisional government that was formed by the conspirators without the consent of The Native Hawaiian people to the lawful government with Hawaii and in violation of treaties between the two nations of international law." Overthrow of Hawai'i Resolution, Public Law No. 103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1510-11.

<sup>41</sup> See J. Timothy McGuire, *International Law and the Administration of Occupied Territories: Two Decades of Israeli Occupation of the West Bank and Gaza Strip*, 8 Emory International Law Rev. 383 (1994).

<sup>42</sup> See David I. Schulman, *The Israeli-PLO Accord on the Declaration of Principles on Interim Government Arrangements; The First Step Toward Palestinian Self-Determination*, 7 Emory International Law Rev. 739 (Fall 1993); Kumar Halley, *Issues Confronting the Return of Palestinian Arab Refugees After the 1993 Declaration of Principles on Interim Self-Government Arrangements*, 8 Geo. Immigr. L.J. 149 (1994).

<sup>43</sup> Declaration of Principles on Interim Self-government Arrangements. Sept. 13, 1993. 1st-PLO, VI, 32 I.L.M. 1524, 1527.



Therefore, this "provisional government" referred to in the Public Law is really the civilian arm of a military occupation force. That was the predecessor to the current government of Hawai'i that administers to us. Again, following the implications of that law, the state government of Hawai'i occupies a similar position to that provisional government. The federal military forces here keeping it in power.

We then come to the statement by our precious so loved Queen Liliu'okalani, "that I yield to the superior force of the United States of America,"<sup>44</sup> She made it very clear that this statement and her later abdication were procured under duress and force. It could not be treated by anyone as a valid surrender of sovereignty by the Native Hawaiian people at all and she made that very clear in this language. She was simply bowing to superior power, but NOT as a matter of right or of law.<sup>45</sup>

In a parallel case communicating with the World Court, the Owen-Stoltenberg plan<sup>46</sup> to partition the republic of Bosnia and Herzegovina, was concluded, by means of threats and duress, compulsion and coercion. It was therefore invalid, under international law and the Vienna Convention on the Law of Treaties.<sup>47</sup> Our Queen Liliu'okalani a very powerful person, and preserving the rights of her people under duress, she committed an act now seen as "under extreme duress".

The law goes on, with Congress admitting that [w]ithout the active support and intervention by the United States... the insurrection... would have failed for lack of popular support and insufficient arms.<sup>48</sup> And in 1893 "the minister raised the flag and declared Hawai'i to be a protectorate of the United States."<sup>49</sup> They did not protect anything, did they? Was there a need to protect Hawai'i from itself, from its own people? Who was threatening Hawai'i at that time? It was the United States. They needed protection from the United States, so this is absurd. Hence, The occupation was entitled to no legal validity at all at the time and is not now. That is basically what Congress is saying.

The Blount Report states that "military representatives had abused their authority and were responsible for the change in government."<sup>50</sup> Again, this is further admission that the United States acted illegally under international law. The implication then of these admissions by Congress, by the Blount Committee, is that there must be

<sup>44</sup> Overthrow of Hawai'i Resolution Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510 1511.

<sup>45</sup> See Case Concerning Application of the Convention on the Prevention and Punishment of The Crime of Genocide (Bosnia & Herzegovina v. Yugoslavia), 1993 I.C.J. 325 (Sept. 13).

<sup>46</sup> See Alan C. Laifer, Note, *Never Again? The Concentration Camps in Bosnia Herzegovina: A legal*

<sup>47</sup> *Analysis of Human Rights Abuses*, 2 New Eur. L. Rev. 159, 187 (Spring 1994).  
"A treaty is void if its conclusion has been procured by the threat or use of force on violation of the principles of international law embodied in the Charter of the United Nations." Vienna Convention of the Law of Treaties, *supra* note 12, at art. 52.

<sup>48</sup> Overthrow of Hawai'i Resolution, Public Law No. 103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512.

<sup>49</sup> Overthrow of Hawai'i Resolution, Public Law 103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512.

<sup>50</sup> *Id.* ("Presidential established investigation conducted by Congressman James Blount into the events surrounding the insurrection and overthrow").

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restitution.<sup>51</sup> Na Kanaka Maoli (Hawaiian) people, Na po'e O Hawai'i have a right to be returned to the situation they were in, as of January 17, 1893. The federal government disciplined the minister and forced him to resign his commission. The overthrow should be reversed. The President could have done it if he wanted to; he just did not do it.

President Cleveland's message to congress admitted all this. "An act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress"<sup>52</sup> The President clearly admitted that this was illegal behavior of the most heinous type. A "substantial wrong" was done, calling for the restoration of the Hawaiian monarchy.<sup>53</sup> The United Nations Charter.<sup>54</sup>

The Newlands Joint Resolution<sup>55</sup> provided for the annexation of Hawai'i in 1893. Where is the authority for this? There is none. They stole the land, the country, displaced the government, and now they have annexed it. This very issue was addressed by the Nuremberg Tribunal in 1945, where German Nazi government tried to maintain that some of the annexations of foreign territory that it had undertaken before and during the Second World War were entitled to legal recognition. The Nuremberg Tribunal itself in 1945 said, "no annexations are valid prior to the conclusion of a peace treaty."<sup>56</sup>

The United States government and the President conceded that they engaged in acts of war, that they are occupying our land and that they put themselves at war with our people.<sup>57</sup> The United States annexation has no validity under international law. The U.S. have effectively, in this law, invalidated the entire annexation. The whole legal basis for it now been invalidated.

The annexation of the land is invalid, then where does the title come from, who has title to the land? It is Na Kanaka Maoli (Hawaiian) people who retain title to the lands of Hawai'i, as a matter of international law. It is not the federal government, not the state government, but Na Kanaka Maoli (Hawaiian) people themselves. That is the implication here. The truth of the findings of facts and conclusions of law are now officially set forth by Congress.

"[T]he Newlands Resolution, the Republic of Hawai'i ceded sovereignty over the Hawaiian Islands to the United States."<sup>58</sup> But the Republic of Hawai'i<sup>59</sup> never had

<sup>51</sup> See Nark A. Inciong, Note, *The Lost Trust: Native Hawaiian Beneficiaries Under the Hawaiian Homes Commission Act*, 8 Ariz. J. Int'l & Comp. L. 174, 191 n.34 (1991) ("The Blount Report ... found that the overthrow ... had been illegal ... and that Liliu'okalani [should] be restored to power").

<sup>52</sup> "whereas, in a message to Congress on December 18, 1893, President Grover Cleveland reported fully and accurately on the illegal acts of the conspirators." Overthrow of Hawai'i Resolution, Public Law No. 103-150, 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1511.

<sup>53</sup> Overthrow of Hawai'i Resolution, public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1511.

<sup>54</sup> U.N. Charter, art. 1, & 2.

<sup>55</sup> Newlands Resolution, Public Law No. 55, 30 Stat. 750 (1898).

<sup>56</sup> "[I]t was held that, by 1939, the rules on belligerent occupation [that it does not transfer sovereignty] been recognized by all civilized nations and were regarded as being declaratory of law and customs of war." George Shwartzberger, 2 International Law 165 (1965) (citing Nuremberg Judgment, International Military Tribunal, Cmd. 6964 at 65 (1946)).

<sup>57</sup> Overthrow of Hawai'i Resolution, Public Law 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510.

<sup>58</sup> *Id.* at 1510.

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sovereignty over the Hawaiian Islands. We have already determined the Republic of Hawai'i was the civilian occupying arm of a military occupation forces. Sovereignty remains in the hands of the displaced sovereign. This is black letter international law.<sup>60</sup>

"The Republic of Hawai'i ceded 1,800,000 acres of crown, government, and public lands of the Kingdom of Hawai'i, without the consent of or compensation to Na Kanaka Maoli (Hawaiian) people, or sovereign government.<sup>61</sup> The Republic had no authority to do this. The Republic of Hawai'i was a military occupation authority, the civilian arm, without any sovereign claims to the land under the laws of military occupation and the laws of war. So they had no power to cede anything. The title to the land rested and still rests, under international law, with the Kingdom of Hawai'i Na Kanaka Maoli (Hawaiian) people.

Our Kanaka Maoli Hawai'i, Hawaiian people of the Kingdom of Hawai'i cannot "trespass" on our own land. The trespassers are the state of Hawai'i, the land developers, the golf courses, and the resorts. What this fact does is point out that the whole situation is completely turned around on its head. It now changes the whole way that these U.S. and state authorities should be looking into this matter. The federal government is the trespasser and the criminal. The Kingdom of Hawai'i is Na Kanaka Maoli (Hawaiian) people asserting our rights under international law. This reversal of positions between who is the criminal and who are the VICTIMS, and between who is asserting their RIGHTS and who is violating our rights has been effectively conceded by Congress.

#### Universal Declaration of Human Rights.<sup>62</sup>

Article 25 of Declaration provides that "everyone has the right to a standard of living adequate for health, well-being of themselves and their family, including food, clothing, housing, medical care and necessary social services."<sup>63</sup> In 1994 a survey was done in the state. Na Kanaka Maoli (Hawaiian) people were ranked #1 as highest in poverty, ill health, homelessness, and imprisonment. The state of Hawai'i has no right to throw anyone of our Kanaka Maoli (Hawaiian) people out. Where is the governments right?

Article 18 of the Declaration provides that "everyone has the right to freedom of thought, conscience, and religion. This includes freedom to manifest his religion or belief in teaching, practice, worship, and observance."<sup>64</sup> The state of Hawai'i, real estate developers, or resort developers, has no right to destroy any of what our ancestors have created as Heiau to worship on our lands or burial sites to respect. Under Article 18.

"Whereas, the Congress...annexed Hawai'i...and vested title to the lands in Hawai'i in the United States.<sup>65</sup> This is clearly illegal. The annexation was invalid. The United

<sup>59</sup> Mililani B. Trask, *Historical and Contemporary Hawaiian Self-Determination: A Native Hawaiian Perspective*, 8 *Ariz. J. Int'l Comp. L.* 77, 91-95 (1991).

<sup>60</sup> "[A]nnexation of occupied territory is a violation of international law... Title to the territory in question must not change until there is complete subjection (*debellatio*) or a peace treaty has been put into effect." Gerhard Von Glahn, *Law Among Nations* 768 (1992).

<sup>61</sup> Overthrow of Hawai'i Resolution, Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512.

<sup>62</sup> Universal Declaration of Human Rights, G.A. Res. 217 (III) U.N. GAOR, 3d Sess. 61.

<sup>63</sup> *Id.* at art. 25.

<sup>64</sup> *Id.* at art. 18.

<sup>65</sup> Overthrow of Hawai'i Resolution, Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512.

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States cannot get title from the Republic of Hawai'i because the Republic of Hawai'i never had title in the first place. They had no sovereignty. They were nothing more than a military occupation power, and a military occupation power cannot validly transfer title to land. Again, black letter international law.<sup>66</sup> The occupying power cannot sell land legally. You cannot transfer land title. It does not make it lawful, but invalid. It's illegal. Occupying power cannot sell land legally. All transactions that were done, are all invalid. It is illegal. It's all arguably, they are obliged to leave, and not to stay.

The law goes on to state: "Where, the Newlands Resolution effected the transaction between the Republic of Hawai'i and the United States government.<sup>67</sup> The Newlands Resolution is entitled to no validity at all, since it is based on an illegal invasion, a violation of treaties, and a violation of the principle of *pacta sunt servanda*.<sup>68</sup> Many numerous and repeated violations of law have accrued as a result of this.

Congress admits that "the indigenous Kanaka Maoli (Hawaiian) people never directly relinquished their claims to ... inherent sovereignty... through a plebiscite or a referendum.<sup>69</sup> The U.N. General Assembly subsequently adopted its Declaration on the Granting of Independence to Colonial Countries and peoples, (GA Res. 1514 (XV) of 14 December 1960) and formed the Special Committee On The Situation with regard to the Implementation of the Declaration on the Granting of Independence of Colonial Countries and Peoples. That declaration and the activities of the special committee reflect that the actions taken by the United States in Hawai'i did meet the standard of self-governance contemplated under Article 73. The exercise of self-determination in Hawaii [Hawai'i] has not been accomplished. The plebiscite taken in 1959 failed to meet the requirements of the exercise of self-determination for at least two reasons; the U.S. government altered the "self" in defining who qualified to participate in the process, and limited the choices which the people should have had only to a form of integration within the United States of America (territorial status or statehood), not to independence.<sup>70</sup> The vote is meaningless, as a matter of international law and of United States domestic law. Pursuant to the principle of self-determination in article 1, Paragraph 2 of the United Nations Charter.<sup>71</sup>

The Public Law more admissions "Whereas, the long-range economic and social changes in Hawai'i over the nineteenth and early twentieth centuries have been devastating to the population and to the health and well-being of the Hawaiian people."<sup>72</sup> A survey done in Hawai'i in 1994 the Hawaiian people rank number 1 in poverty, ill health,

<sup>66</sup> "Belligerent, occupation does not transfer sovereignty. Instead it transfers to the occupant the authority to exercise some rights of sovereignty." Von Glahn, *supra* note 58 at 774. *See also* Overthrow of Hawai'i Resolution, Public Law, No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512.

<sup>67</sup> *See* Martin Hession, *The Legal Framework of European Community in International Environmental Agreements*, 2 *New Eur. L. Rev.* 59, 103 (Spring 1994).

<sup>68</sup> Overthrow of Hawai'i Resolution, Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512.

<sup>69</sup> U.N. Charter art. 73, The Admission Act of March 18, 1959, Public Law 86-3, 73 Stat. 4.

<sup>70</sup> U.N. CHARTER art. 1 paragraph 2

<sup>71</sup> Overthrow of Hawai'i Resolution, Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1512.

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homelessness, and imprisonment. The Hawaiian people have been subjected to the international crime of Genocide, as determined and defined by the 1948 Genocide Convention,<sup>73</sup> and the 1987 Genocide Convention Implementation Act,<sup>74</sup> the Proxmire Resolution. That was one of the findings of the San Francisco Tribunal. The key findings held here concerning Hawai'i *Ka Ho'okolo'olomui Kanaka Maoli*.

In the International Court of Justice, they have been convinced that Genocide is going on in Bosnia-Herzegovina.<sup>75</sup> There is no reasonable doubt my next step is the World Court. GENOCIDE has been practiced by the United States government against Na Kanaka Maoli Hawaiian People. This will take my people, Na Kanaka Maoli back to the creation of a nation and will bring protection for Na Kanaka Maoli (Hawaiian) people and the Hawaiian Citizens of Hawai'i. I, Majesty Akahi Nui, King of the Hawaiian Islands will not at all even consider what Secretary Babbitt is considering as the same status as Native Americans. My people are not even as close to the same status of a Native American. My people are Na Kanaka Maoli Hawai'i and the people not of the race are Hawaiian citizens.

"It is proper and timely for Congress to acknowledge the historic significance of the illegal overthrow."<sup>76</sup> It had no validity at all.

The Resolution then addresses support for the reconciliation efforts.<sup>77</sup> Under international law for a violation of this nature, the remedy is restitution.<sup>78</sup> To set right the harm that has been done to restore the situation to what it had been before the violation in 1893. See the *Chorzow Factory case*.<sup>79</sup>

Section 1, acknowledgment and apology.<sup>80</sup> The law again repeats, "illegal overthrow." the significance of the various "whereas" clauses were "resolved by the Senate and House of Representatives of the United States of America, in Congress and Senate, and signed by the President."<sup>81</sup> This provision of the law recognizes the illegal overthrow and "acknowledges the historical significance of this event which was ultimately the suppression of the inherent sovereignty."<sup>82</sup>

Paragraph 2 apologizes for the overthrow "with the participation of agents of the United States."<sup>83</sup> The U.S. government again is responsible for the actions of its ministers,

<sup>73</sup> Convention on the Prevention and Punishment of the Crime of Genocide, January 12, 1951, 78 U.N.T.S. 277.

<sup>74</sup> Genocide Convention Implementation Act of 1987, Public Law No. 100-106, 102 Stat. 3045 (1987).

<sup>75</sup> See Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia & Herzegovina v. Yugoslavia, 1993 I.C.J. 325 (Sept. 13).)

<sup>76</sup> Overthrow of Hawai'i Resolution, Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1513.

<sup>77</sup> *Id.*

<sup>78</sup> Case Concerning the Factory at Chorzow, 1928 P.C.I.J. (ser. A) No. 17, at 1 (Sept. 13).

<sup>79</sup> *Id.*

<sup>80</sup> Overthrow of Hawai'i Resolution, Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1513.

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

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Congress now calls these people "agents" Their illegal conduct, binds the United States government. The United States government is under an obligation to undo the harm that was done. But even if the United States does not, I, Majesty Akahi Nui and my Na Kanaka Maoli (Hawaiian people) have our right to act to undo the *curse of injustice* in the World Court. It is presently active in the World Court. The rest of the sentence reads, "the deprivation of the rights of Native Hawaiians to self-determination."<sup>84</sup>

Congress has conceded that the Native Hawaiian peoples have the right to self-determination. Self-determination of the people is under the U.N. Charter provides a rights to full sovereignty.<sup>85</sup>

Paragraph 4 expresses its commitment to acknowledge the ramifications.<sup>86</sup> The ramifications, and the implications, of the overthrow of the Kingdom of Hawai'i.

The definition section, Congress defines Native Hawaiians as "any individual who is a descendant of the aboriginal people, prior to 1778...occupied and exercised sovereignty, in the area that now constitutes the state of Hawai'i."<sup>87</sup> Our right to determine our political status, our government, through customary systems, and to freely pursue our economic, social, and cultural development in accordance with article 1 of both the International Covenant on Civil Political, Economic, Social, and Cultural Rights.<sup>88</sup> This affirms that the Kingdom of Hawai'i is still in existence. The descendants of the aboriginal people still lives which affirms the existence of the Kingdom of Hawai'i. The sovereign authority of these lands.

I, Majesty Akahi Nui has been recognized by the illegitimate government that I am a descendant of 1778 on 12th of March 1998.

It is not the state or the federal government, but the Hawaiian people. The sovereignty is still and will always remain in the hands of my people Kanaka Maoli Hawai'i. The territory is the state. The Hawaiian Archipelago, the lands before the invasion of 1893. We claim a twelve mile territorial sea and a 200 mile exclusive economic zone, in accordance with customary international law and the Law of the Sea Treaty of 1982.<sup>89</sup>

Congress has recognized *Na Kanaka Maoli Hawai'i* with sovereign powers. We are the original inhabitants and occupants of these islands. We have always been in possession of our land. Our sovereign nation the Kingdom of Hawai'i was always in existence because the race still lives *Na Kanaka Maoli Hawai'i* (Hawaiian people). Our rights under the Universal Declaration of Human Rights.<sup>90</sup>

<sup>84</sup> *Id.*

<sup>85</sup> U.N. CHARTER art. 1, paragraph 2.

<sup>86</sup> Overthrow of Hawai'i Resolution, Public Law No. 103-150 1993 U.S.C.C.A.N. (107 Stat.) 1510, 1513.

<sup>87</sup> *Id.*

<sup>88</sup> International Covenant on Civil Political, Economic, Social, and Cultural Rights, G.A. Res. (XXI), U.N. GAOR, 21st Sess., Supp. No. 16 at 49, U.N. Doc. A/6316 (1966).

<sup>89</sup> United Nations Convention on the Law of the Sea, opened for signature Dec. 10, 1982, U.N. A/CONF.62/122, reprinted in 21 I.L.M. 1261 (1982).

<sup>90</sup> Universal Declaration of Human Rights, G.A. Res. 217 (III), U.N. Doc. A/810, at 71 (1948), reprinted in 21 I.L.M. 1261 (1982).

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"Men may change the laws of the land." "They can not change the truth. "  
 "May we now bring healing to the hearts of our people, "  
 " I will prepare the throne for Our Coming King of Kings and Lord of Lords"

On this 7th day of the January month in the Holy Year of our Lord  
 and Savior Jesus Christ Two Thousand and Two.

In Sacred Trust I am

*Majesty Akahi Nui*  
 Majesty Akahi Nui  
 Sovereign Heir



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NOTICE ORDER TO ANSWER WITHIN TWENTY (20) DAY(S)

Do you have a lawful governmental foundation and lawful jurisdiction over the aboriginal Na Kanaka Maoli Hawai'i (Hawaiian people) by the *illegitimate* state of Hawai'i and its entities since January 16, 1893 and to this present day in 2002? (Read Justice O Connor Opinion USSC) The apology letter from the U.C.C. (United Church Of Christ), U.S. P.L. 103-150 and the Japanese American Citizens League (JACL) 1992 National Convention **RESOLUTION** REAFFIRMING SUPPORT FOR THE RESTORATION OF HUMAN, CIVIL, PROPERTY AND SOVEREIGN RIGHTS OF HAWAII'S INDIGENOUS PEOPLE.

Yes ( ) Please explain in full with attached lawful documentation of original evidence truth of law.

No ( ) No Jurisdiction

Sworn Officials of the United States of America, being duly sworn on oath, deposes say; That the foregoing question is answered to the best of his or her knowledge and behalf.

\_\_\_\_\_  
signature

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Position

Subscribed and sworn to before me  
 this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public, United States of America  
 My commission expires: \_\_\_\_\_

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<p>0/02/2007 13:48 FAX 301 504 0099 MARINE MAMMAL COMM. 002</p> <p style="text-align: center;"><b>MARINE MAMMAL COMMISSION</b> 4340 EAST-WEST HIGHWAY, ROOM 905 BETHESDA, MD 20814-4447</p> <p style="text-align: right;">2 October, 2007</p> <p>Public Affairs Officer Pacific Missile Range Facility PO Box 128 Kekaha, HI 96752-0128</p> <p>Dear Sir:</p> <p>The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors, has reviewed the Draft Environmental Impact Statement/Overseas Environmental Impact Statement (DEIS) provided by the Department of the Navy in support of its planned Navy Pacific Fleet training and defense-related research on the Hawaii Range Complex (HRC). The HRC consists of onshore as well as offshore areas covering 235,000 square nautical miles around the Hawaiian Islands, with an additional 2.1 million square-mile Temporary Operating Area of sea and air space. The HRC is a complex of instrumented ocean areas, airspace, ocean surface operation areas, targets, and land range facilities. The DEIS identifies three alternative levels of training and research-related activities and estimates the potential unmitigated and mitigated environmental effects from range-wide training and research, development, testing, and evaluation activities. Based on a finding of no significant adverse impacts, with mitigation, the Navy has submitted an application for a Marine Mammal Protection Act Letter of Authorization (LOA) to authorize the incidental take of marine mammals that may result from the implementation of the activities analyzed in the DEIS.</p> <p>The HRC DEIS covers an unprecedented scope of effort and affected area in a document that is for the most part thorough and clear. Later in this letter we note a number of particularly difficult issues or concepts that have been described with considerable clarity and addressed with novel and improved measures. The Commission also has identified three major elements of the DEIS in need of reconsideration and revision.</p> <p><b>RECOMMENDATIONS</b></p> <p>The Marine Mammal Commission believes that the Final EIS/OEIS and associated request for an LOA under the Marine Mammal Protection Act require major revision with regard to the estimation of risk, the mitigation of that risk, and, perhaps most important, the evaluation of action alternatives. Therefore, <u>the Marine Mammal Commission recommends</u> that the Navy—</p> <ul style="list-style-type: none"> <li>• create an alternative of reduced or no range use, and adequately document the likely consequences for national defense readiness, to be weighed against whatever reductions in environmental risk would be obtained by the no action or reduced action alternative;</li> <li>• provide a comprehensive description of the proposed dose-response relationships and the manner in which they will be used; and</li> </ul> <p style="text-align: right;">PHONE: (301) 504-0100 FAX: (301) 504-0101</p> <p>PRINTED ON RECYCLED PAPER</p>	<p><b>COMMENT NUMBER</b></p> <p>D-W-0130</p> <p>1, 2, 3</p> <p>1</p> <p>2</p>
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<p>0/02/2007 13:48 FAX 301 504 0099 MARINE MAMMAL COMM. 003</p> <p>Public Affairs Officer 2 October 2007 Page 2</p> <ul style="list-style-type: none"> <li>• provide a comprehensive description of the various monitoring and mitigation measures that might be used, evaluate the performance of those measures taking into account existing marine mammal monitoring and mitigation data, and instigate planning to evaluate and address the strengths and shortcomings of the proposed measures.</li> </ul> <p><b>RATIONALE</b></p> <p>The three major areas of recommended revisions to the DEIS are as follows:</p> <p><b>Action Alternatives</b>—In the HRC DEIS the Navy takes the unusual, if not unprecedented, approach of treating the current ongoing level of training activity as the “no action” alternative, with two options of increased activity as alternatives 1 and 2. Typically a no action alternative refers to the consequence of not going forward with the requested action at all. Instead the Navy argues that all three proffered alternatives can be mitigated to zero effect, and therefore the environmental risk of choosing any of the options would be the same. We do not believe that the risk can be mitigated to zero (and will offer arguments in support of that perspective), in which case the consideration of an alternative that offers reduced environmental risk is essential to making an informed decision about the costs and benefits of all reasonably available alternatives.</p> <p>The DEIS would benefit from a review of anticipated changes in Naval training that are being implemented for other reasons, but which might also affect the potential environmental risks. Cost savings and reduced manning goals are reasons other than environmental stewardship that have driven research and acquisition efforts by the U.S. Navy to reduce the time and money demands of training. Growing costs of fuel and the climatic consequences of large scale combustion of hydrocarbon fuels in military training are another emerging factor in considering the merits of alternatives, despite the well-established and widely accepted merits of realism in training. Such considerations should be described in the EIS to promote informed decisionmaking about alternatives and the relative environmental risks of each.</p> <p>The Commission recognizes that a considerable amount of effort will be required to document both the Navy's ongoing efforts to reduce training cost and expense and its efforts to document the impact of any loss of training capability on readiness. However, we also believe that much of the needed information already exists within the Navy and could be relatively easily brought into the HRC EIS. For example, recent efforts by the Department of Defense to document for Congress the cost of lost training due to “encroachment” on range activities, such as the loss of the Vieques range, could provide this specific EIS with information on the potential impacts on readiness from lost HRC training opportunities. Similarly, existing documentation required to justify the costs of Navy research, development, testing and evaluation efforts to improve training also exist and should be useful in determining the trade-offs and feasibility of implementing alternative training procedures.</p> <p>For these reasons, <u>the Marine Mammal Commission recommends</u> that the Navy create an alternative of reduced or no range use, and adequately document the likely consequences for national defense readiness, to be weighed against whatever reductions in environmental risk would be obtained by the no action or reduced action alternative.</p>	<p><b>COMMENT NUMBER</b></p> <p>D-W-0130 (cont.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p>
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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)



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<p><b>Risk Estimation Protocols</b>—The Commission recognizes the considerable effort the Navy and the National Marine Fisheries Service have applied to the development of clear, scientifically based Level A acoustic risk criteria and commends the comparable effort to develop Level B risk criteria using dose-response relationships to better reflect the natural individual variability within a given population. However, a number of aspects of the risk estimation process are not well explained, specifically the means by which animal density data and sound field data are integrated to produce the sound exposure levels for risk evaluation, and the estimated effectiveness of mitigation measures on risk of either injury or behavioral harassment. The use of heuristic techniques such as time-invariant probabilistic two-dimensional representations of animal density, and the use of time averaging techniques for prolonged and intermittent sound exposure are among the features of this novel and complex risk estimation procedure that need to be explained in greater detail. This explanation should include one or more illustrative examples of how data on animal abundance and distribution are derived from the literature, or how data on the nature and duration of activities on the range are combined and translated into an exposure metric. Therefore, <u>the Marine Mammal Commission recommends</u> that the Navy provide a comprehensive description of the proposed dose-response relationships and the manner in which they will be used. Such information is necessary to allow readers to evaluate the nature and level of risk to marine mammals.</p>		
<p><b>Monitoring And Mitigation</b>—With regard to monitoring and mitigation, the HRC DEIS suffers two main shortcomings: it does not include a comprehensive description of monitoring and mitigation options, and it offers estimates of performance for proposed mitigation measures that are inconsistent with existing performance data from similar survey and mitigation efforts. Although the methods for assessing mitigation performance are well understood and such an assessment can be easily carried out, the Navy apparently has not done so. The Navy's own SURTASS LFA EIS includes such analyses, and these same analyses should already have been conducted for the kinds of ongoing fleet activities listed in the HRC DEIS. In the absence of such information, we believe it is incumbent upon the Navy to include a plan for obtaining performance data to justify its confidence in such critical mitigation measures as sonar ramp-up, watchstander training effectiveness, and watchstander probability of detection of marine mammals and other species of concern. This is most obviously true of watchstander performance, for which substantial quantitative data are available from many well-documented surveys for marine mammals and sea turtles. Probabilities of detection for experienced survey observers under ideal conditions, counting highly visible species, still do not rise to the 100 percent probability of detection claimed for Navy watchstanders who have far less experience sighting animals at sea and multiple duties to perform. Detection probabilities are even lower for difficult-to-detect species such as beaked whales or sea turtles. Such probability-of-detection data are easily verified by well-known methods such as dual ship surveys or multiple independent blind control surveys of similar design. Such verification and validation procedures are regularly undertaken by the Navy to verify training performance and to establish the performance of new systems under standard research, development, testing, and evaluation processes that precede acquisition and fleet use. Performing similar verification and validation for environmental effects mitigation would not be unduly costly and would clarify whether the Navy is in fact being realistic in its claims for its proposed mitigation efforts.</p>		

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<p>In addition, passive acoustics and other sensing technologies that might improve marine mammal detection and risk mitigation are rejected without undergoing similar performance evaluation and development. Dismissing additional mitigation as not well enough developed to use and then making no effort to bring such tools to maturity should not be an acceptable position when the potential adverse effects of the proposed action are significant and the action agency is as technically adept and strong in new technology acquisition as the Navy. For these reasons, <u>the Marine Mammal Commission recommends</u> that the Navy provide a comprehensive description of the various monitoring and mitigation measures that might be used, evaluate the performance of those measures taking into account existing marine mammal monitoring and mitigation data, and instigate planning to evaluate and address the shortcomings of the proposed measures.</p>		
DETAILED COMMENTS		
<p>The following detailed comments either reinforce the above points with reference to specific parts of the HRC DEIS, or note additional areas of strength or weakness within the DEIS that merit consideration by the Navy.</p>		
<p><b>Action Alternatives</b>—Pages 2-8 to 2-12 define the action alternatives in greatest detail. The national defense plans behind these three alternatives are not sufficiently described to enable the reader to assess whether there is any national defense readiness cost or benefit to any of these alternatives. Therefore, readers of this DEIS cannot make an informed decision as to whether the "historical" level of training must be maintained to prevent the Navy from suffering substantive, quantifiable decrements in some readiness area essential to its long-term plans. Such plans must exist to justify the expenditure of billions of dollars of fuel, expendable equipment and sailor hours.</p>		
<p>Similarly, the DEIS should describe the consequences to readiness and options available if either Alternative 1 or 2 are rejected. This information is essential to weigh and consider the costs and benefits in terms of both readiness and environmental impact. Part of that consideration should include an option for reducing amounts, types and locations of training to ensure national ocean stewardship and environmental quality goals. For example, RIMPAC is one of the specified training events that is slated for expansion in Alternatives 1 and 2. The DEIS should explain under this alternative why it is necessary for the number of ships in this exercise to expand. The Navy should be able to provide an unclassified yet substantive basis for asking that an increased environmental footprint be allowed, along with the added cost, manpower, and loss of time available for other activities, all of which are all implicit in the three alternatives.</p>		
<p>The assertion on page 4-65, line 25-29 that because no beaked whales have stranded in Hawaii the HRC activities are therefore not likely to pose a risk to beaked whales in the future is inconsistent with an otherwise well-reasoned and thorough DEIS. This is a case where absence of evidence is mistakenly offered as evidence of absence even though it is mutually agreed that the historical record is known to be unreliable, that historical usage patterns of the area by the Navy may not in fact be reliable predictors of future Naval training needs, and where the problem of concern is known to be more complicated than simply stranding or not stranding in the presence of sonar sound. Reporting of strandings in the main Hawaiian Islands has probably not been consistent until quite recently, and is even less consistent in the history of the northwestern Hawaiian Islands.</p>		

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Furthermore, stranding is not the only possible outcome of concern. It is also easily arguable that the Navy has in fact not been pursuing the same level and type of training, research, development, testing, and evaluation activities "with essentially the same equipment for the past 30 years."		
The DEIS dismisses specific instructive events, such as the USS Shoup transit of Haro Strait (p. 4-85-86) without serious discussion. For example, the reports of behavioral effects on killer whales, Dall's porpoise, and minke whales are not included in this discussion but beg the question as to why the Navy believes these types of effects are not of concern. Other aspects of this event, like the modeling of the Shoup sound fields, were included in the joint Navy-National Marine Fisheries Service development of the dose-response functions used in this DEIS, so it seems inconsistent to consider some aspects of the Shoup event highly relevant to this EIS, but not others.		
Supporting data and a more considered discussion are needed for the assertion that none of the Japanese beaked whale strandings cited by Brownell et al (2004) coincided with naval activities in Japan. The cited Center for Naval Analysis examination of the data is probabilistic, not deterministic, and sets a probability that temporal patterns between two sets of events (beaked whale strandings and naval sonar use) are or are not correlated. It does not necessarily indicate that no events co-occurred, but only that the degree of co-occurrence may or may not be explained by chance alone (p. 4-65, line 21-23).		
<b>Risk Estimation</b> —The DEIS derivation of the "shorthand" version of mid-frequency sound exposure is difficult to understand. While it is understandable that some details of the operating characteristics of the 53-C sonar may be classified, considerable detail has been provided in previous unclassified examples of typical 53-C pings and ping series: the Evans and England 2001 report includes discussion of source levels when in omnidirectional mode (235 dB nominal source Sound Pressure Level (SPL)) and beam-steered or "searchlight" mode (nominal 240+ dB SPL) at 10-20 second intervals, the recent report from the JASON panel includes detailed discussions of sonar ping characteristics, and no doubt other unclassified sources of information could be readily found. The DEIS should include the already released and presumably unclassified information that justifies its use of the expedient of 235 dB SLP, 1-second pings at 30-second intervals to characterize the range of sonar usage patterns and subsequent risk outcomes that might occur (p. 4-96).		
Information on sound frequency, source level, or basic usage pattern for other sources of noise (helicopter dipping sonars, torpedo sonars, etc.) is completely lacking. These omissions should be corrected because almost all risk assessments for environmental sound now include such a table of source characteristics to facilitate evaluation of the potential acoustic risk associated with them.		
The risk calculation process (p. 4-99) and especially the exposure volume calculation (lines 6-11), are very difficult to follow. For example, it is difficult to understand the process by which 10 hours of sonar pings by a presumably moving vessel are translated into one hour "averages" and how these in turn are applied to a static volume of water populated by apparently static animals. Similarly, it is not clear to us how sound energy, used to calculate the hourly averages, is to be translated into the single ping sound pressure level threshold within the dose-response function to yield either a probable Level B take or probable no-take. Are all animals within the specified water volume assumed to be at the depth of greatest sound intensity? Do they remain there for the entire		

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hour or ten hours? How, once the threshold is triggered, is multiple counting avoided? Intuitively, one thinks in terms of an individual animal and its tendency to move up and down in the water column and to travel in the two-dimensional horizontal plane over time relative to the source, which also is moving. It is hard to understand how this variability in exposure regime over time is captured in the described process, or if it is ignored, how the calculation may over- or under-estimate risk due to the simplifying assumptions of the model. Some sample calculations, and even graphical representations of the probability density surfaces for sound and animal density would be useful in helping the reader navigate this complicated and novel risk estimation process.

The characteristics of the Extended EchoRanging (EER) source are not clear. Rather than refer to another, difficult-to-access document (the JTFEX/COMPTUEX document), it might be better to provide actual charge weight or impulse source level of the EER "ping" (p. 4-102, line 20-27).

With regard to the establishment of the extent of Level A take (page 4-175), the Navy goes to great lengths to suggest that it has zero risk of causing a Level A take because its models are actually grossly overestimating encounter rates. This brings up the question of why the Navy is using models it believes to be defective and unsupported by the best available knowledge. More to the point, however, the mitigation is presumed to reduce to zero the risk of unmitigated exposures, whatever their level. But then on lines 23-27 the Navy arbitrarily "agrees to" ask for two lethal or injurious takes for each of five species, apparently also selected arbitrarily as no specific reason or reasons are provided. If there is in fact no rationale for doing this, and all the presented evidence is to the contrary, then it is not clear why the Navy should ask for any Level A takes. Earlier in section 4 the DEIS suggests that a possible concession to uncertainty about beaked whale sensitivity to mid-frequency sonar would be to count 1 percent of all estimated Level B takes as Lethal A takes. Given an estimate of over 2,000 Level B takes, that would indicate a potential for 20 Level A takes of beaked whales if this precaution is invoked, well above the nominal 2 per species suggested on page 4-175. These contrary statements are at best ambivalent about the risk and at worst misleading to the reader. To avoid such confusion we believe the DEIS needs to adopt a single approach to risk estimation based on the best available information and use that approach consistently. We do not believe that it is acceptable to offer an indefensible risk estimate and then create arbitrary concessions.

On page 4-21-22, and in Table 4.1.2.3.1-1 on the same page, the blast risk criteria differ slightly from those used by the National Marine Fisheries Service in various Gulf of Mexico rig removal and construction projects, e.g., Bienville Offshore Energy Terminal DEIS of June 2007, vol. 2, Appendix C. This discrepancy between current regulatory agency *de facto* standards and the Navy's proposed criteria should be reconciled before issuance of the FEIS and requested Letter of Authorization. Also, here and elsewhere in the HRC DEIS it is "Navy policy" to use a temporary threshold shift (TTS) criterion of 12 psi peak pressure for charges greater than 2,000 pounds TNT-equivalent, but a TTS criterion of 23 psi for smaller charges (also see page 4-104, line 6-13). The basis for this differential threshold criterion for the same physiological damage issue is not clear and should be clarified.

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<p>The Navy has done a commendable job in this DEIS of explaining the relationship between physiological and behavioral effects as biological phenomena, versus the definition of regulatory criteria under the Marine Mammal Protection Act of Level A or Level B harassment. This is a confusing but necessary set of distinctions and the DEIS does a very good job on pages 4-35 and 36 of clarifying those relationships and explaining the Navy's rationale for apportioning risk among physiological and behavioral effects to then determine the Level A or Level B consequences of a given physiological or behavioral effect.</p> <p>The Navy also has done a good job of clearly exploring the relationship of permanent threshold shift (PTS) and temporary threshold shift, the relationship between Sound Pressure Level (SPL) and Sound Energy Level (SEL), and other metrics. These relationships are not generally well understood and the DEIS does a good job of clearly explaining them on pages 4-37 through 4-47.</p> <p>The DEIS also provides a thorough exploration of the relationship of rectified diffusion, decompression syndrome (DCS), acoustic resonance and other physiological or biomechanical effects of sound (pages 4-48 and 49). The DEIS continues with a similarly strong background review of these physiological phenomena and the scientific evidence for and against manmade sound as a contributing factor on pages 4-49 and 50. While the potential risk to marine mammals from sound via these mechanisms needs further scientific exploration, the DEIS offers the reader sufficient information and original reference material to make an informed judgment based on the currently available science.</p> <p>The use of a dose-response relationship to capture the probabilistic nature of behavioral reaction to sound is well described, with excellent depth of background references (pages 4-53 through 63). The amount and relevance of data to support this particular dose-response curve is not ideal, nor is it even as substantive as the data used in the SURTASS LFA dose-response function, but the DEIS does indicate an intent by Navy to obtain more and better data to strengthen that risk estimating function.</p> <p>On page 4-63b, lines 334-342, various environmental conditions of special concern are cited as factors in estimating risk for beaked whales. Those conditions include canyon-like bathymetry, surface ducts, etc. However the process by which these factors are to be considered in estimating risk is not described in sufficient detail to enable the estimates to be vetted by an independent outside evaluator. In Section 9, the appendix containing the report after the 2006 RIMPAC exercises, these factors are actually recommended for removal from consideration based on the idea that they are poorly defined and difficult to apply, and/or existing data do not support the idea that these features are in any way predictive of beaked whale occurrence or elevated risk. It should be noted that although more useful data are being generated on the distribution and abundance of beaked whales in the Hawaiian Islands by McSweeney, Baird, Barlow and others, these sources of information are not sufficiently cited and the manner in which such information will be used in planning is not sufficiently described, even though the Navy supported some of the work to generate those data (e.g. Baird et al, 2006). The seasonal avoidance of humpback whales is well described throughout the document, and a convincing case is made that this is factored into event planning. The same is not true for beaked whales. Similarly, on page 4-63b, line 30-33 and in the risk threshold tables a special category is created for harbor porpoises and justification is provided for</p>		

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their special treatment. Since harbor porpoises are not a species found in the HRC this information should be eliminated from this document.

A somewhat outdated paper by Ketten (1998) is cited as the source of an upper hearing limit for baleen whales of 20 kHz (p. 4-64, line 8). More recent observational data by Nowacek et al. (2004) and others, and more recent unpublished analyses by Ketten (2004) and colleagues from Boston University and the Navy Research Lab also suggest that the upper frequency limit for at least some baleen whales may be above 20 kHz (but likely below 30 kHz). It would strengthen the EIS to incorporate recently published work, or citable gray literature references from these researchers.

**Mitigation And Monitoring**—The Navy has high expectations for the effectiveness of watchstanders in mitigation efforts. Such expectations should be substantiated because 1) a great deal of evidence argues to the contrary, and 2) other means such as passive or active acoustics, radar, infra-red or other sensors may substantially augment visual watches and may be more effective. Page 6-23, lines 1-2 hints at a watchstander validation process, but the statement lacks convincing details. The British Royal Navy has a well developed process for both shoreside simulator training and shipboard training that provides a mechanism to quantifiably validate watchstander performance. We would encourage the U.S. Navy to adopt a similar process, especially when the proposed estimate of Level B and Level A takes is being reduced from tens of thousands of takes to zero through the use of visual monitoring alone.

The Navy should provide greater detail on the listed protocols for passive acoustic monitoring and mitigation, and reconcile that information with assertions elsewhere in the DEIS that visual monitoring alone is sufficient to assure 100 percent detection of all species of concern before they enter within range of the mitigation zones. A number of mitigation actions are listed on page 6-3. Measure #3 asserts that all personnel manning passive anti-submarine warfare (ASW) sensors will monitor for marine mammals. A great deal of detail is missing and needed before a reader can assess whether this is an effective practice. It is not clear whether the personnel will receive any training comparable to visual watchstanders to enable them to detect and classify marine mammal sounds, how well the available sensors (which were designed for other purposes) will detect and process marine mammal sounds, or whether they will be more or less effective than the SURTASS LFA passive acoustic system (effective only to 500 Hz), which failed to detect any marine mammals in more than 400 hours of monitoring (SURTASS LFA Final Report, 2000-2006). In addition, the DEIS should describe communications between ASW personnel and command personnel responsible for making decisions about mitigation action (sonar source level reduction, shut-down, etc.). Mitigation measure #13 describes a similar effort using submarine sensors without providing sufficient details as to the effectiveness of such effort, or the communication chain by which such information makes its way to decisionmakers responsible for taking mitigation action in a timely manner.

The use of permanent or temporary monitoring arrays (passive acoustic or other) also is insufficiently described. The Navy refers throughout the DEIS to the potential utility of the Pacific Missile Range Facility (PMRF) monitoring arrays like BASTUR and BSURE, and to new devices like the portable array or Scripps ARP/HARP bottomed monitoring devices, but offers no concrete plan for implementation of such monitoring on a regular basis, or for validation of performance.

COMMENT  
NUMBERD-W-0130  
(cont.)

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<p>10/02/2007 14:51 FAX 301 504 0099 MARINE MAMMAL COMM. 010</p> <p>Public Affairs Officer 2 October 2007 Page 9</p> <p>On page 6-23, line 32 the Navy proposes to capture data on animal presence before and after exercises but cites security reasons for not capturing data during exercises. We would propose that the Navy consider approaches that could capture and archive data throughout that period and either offer declassified redacted data to confirm effect/no effect at all stages of the exercise, or make the classified data available for assessment by appropriately cleared persons.</p> <p>The Portable Offshore Training Range mentioned in the DEIS deserves further discussion, both as a sound source and as a possible mitigation tool. Described on page 2-51, the portable range produces sound to communicate the relative positions of the listening nodes and to communicate with vessels and other devices carrying pingers through the range. The sound is of relatively low amplitude, with a source level of 190 dB re 1 microPascal SPL, but it is within the range of hearing of most marine mammals at a nominal 8.8, 17, and 40 kHz. The patches of territory where the portable offshore range might be deployed run outside the figure and it appears possible in some cases that such portable range use could be very close to the protected waters of the northwestern Hawaiian Islands. It is not clear how use of the portable ranges would be scheduled and whether the National Marine Fisheries Service would be consulted during this decision. In light of these concerns, discussion of potential environmental impacts of the portable ranges in section 4 seems insufficient. Similarly, the potential for this portable listening array to be used for mitigation monitoring or for post-test analysis of visual observer performance also are not discussed in Section 6. The permanent ranges at the Pacific Missile Range Facility figure prominently in bolstering monitoring for activities within the area covered by those ranges, and it is not clear why the portable ranges are not used similarly.</p> <p>The criteria for resumption of sonar use after detection of a marine mammal seem unrealistically short. Thirty minutes without re-acquiring visual contact with an animal previously detected within the mitigation zone is too short for animals that may dive for more than 30 minutes, or might go more than 30 minutes without presenting another detectable surfacing due to glare, waves, or wind-hindered visibility. The alternative, resumption after the ship has travelled 2000 yards means about 5-6 minutes for a ship travelling at 10 knots. This provides even less time to determine whether the animal has been able to clear the safety zone or whether the animal has in fact fled underwater at 5 knots running straight before the ship and thus could have actually closed range since it was first detected.</p> <p>The use of ramp-up as a mitigation tool has been a subject of considerable debate and in section 6-8 and Appendix F the Navy rightly questions the effectiveness of this procedure. Ramp-up procedures have never been tested to either validate their effectiveness or to verify that they are ineffective, or perhaps even counterproductive. From the DEIS it appears that the Navy has no plans to take advantage of the current temporary defense exemption to test whether or not ramp-up is in fact effective. Such an assessment effort would be straightforward and could potentially save the Navy considerable time and money if ramp-up were shown to be useless. Alternatively, if the test showed ramp-up to be effective, then confidence in the Navy's environmental risk reduction protocol would be greatly strengthened.</p>
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<p>10/02/2007 14:51 FAX 301 504 0099 MARINE MAMMAL COMM. 011</p> <p>Public Affairs Officer 2 October 2007 Page 10</p> <p>The considerable list of precautions for beaked whales described in mitigation measure #14 (page 6-4) are impressive, but the Navy stated in its RIMPAC 2006 report (DEIS Section 9, appendix F) that most of these measures were difficult to define, of unproven relevance, or overly expensive and therefore not recommended in light of the experiences in the RIMPAC 2006 exercise. In aggregate, the Navy's arguments against these measures elsewhere in the document create an impression that the proposed mitigation efforts may not be regularly applied during planning and execution of ASW exercises and similar sound-producing activities on the range complex. Verification and validation of actual decision processes are a critical aspect of acceptance of the proposed protocol, and we would encourage the Navy to look into the kinds of decision aids and recording devices used by the British Royal Navy to create an alteration-proof record of real-time actions during the planning and execution of its environmental mitigation practices for underwater sound from sonars. We note that the U.S. Navy outlines a process whereby the Officer in Tactical Command has the authority to give consideration to delay, suspend or alter activities, and that it will issue post-exercise reports that would presumably be available as unclassified public documents. Presumably these would be similar to the LFA and RIMPAC unclassified after-action reports and/or as classified documents reviewable by appropriately cleared persons (p. 6-5). That framework could form the basis for an effective verification procedure, and thus greatly reduce concerns about external verification and accountability without unduly taxing Naval resources.</p> <p>Related to the above concern, the risk estimation and reduction procedures for beaked whales are not as clear as they should be (p. 4-114, line 22-28 for Blainville's beaked whales, p. 4-115, line 24-31 for Cuvier's beaked whales). The contention that more than 2000 encounters with beaked whales would all be successfully mitigated through visual monitoring alone is inconsistent with numerous reports of the low probability of detection of beaked whales even in dedicated visual surveys (e.g., Barlow and Gaisner, 2006). Indeed a wealth of literature on visual survey methods suggests that probabilities of detection for almost all species fall well below 50 percent in most circumstances. The U.S. Coast Guard's considerable body of data on the difficulty of detecting persons or small objects in the water by visual means alone is consistent with the marine mammal survey data, suggesting that with maximal motivation, where human life is at stake, the odds of detecting a relatively small, low-profile object at sea are small. In fact, the Navy's own SURTASS LFA Final Report for mitigation effort 2002-2006 found that visual survey was a poor source of marine mammal detections relative to its own active marine mammal detection sonar. Similarly, while the RIMPAC EIS predicted more than 33,000 takes, visual survey resulted in only 29 actual detection events (for a total of about 100 animals detected) within that mitigation zone. Even within the very much smaller 190 dB threshold zone, the estimated number of takes in the RIMPAC EIS was 256, more than double what was detected visually. Either the model greatly over-predicted takes relative to the number of animals that were actually present (which is likely, but unavoidable due to the uncertainties involved), and/or animals were present but not detected (also more likely than not). The Navy has the means to quantitatively test the effectiveness of visual watch and other means of mitigation and should be able to present a strong plan for iterative testing and improvement of its mitigation monitoring capabilities. The Navy's own very conscientious watches for collisions, and rigorous reporting of all collisions, indicate that marine mammals escape detection almost every year, to the point where they actually come in physical contact with the vessel without being detected. All this evidence shows that the effectiveness of visual monitoring will be nowhere near the 100% that would be required to justify a decision of no effect in this DEIS.</p>
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COMMENT NUMBER
D-W-0130 (cont.)
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36

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)



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Page 11

The Navy presents a confusing and inconsistent stance on the utility of non-Naval platforms or independent observers on Naval platforms. The arguments for safety and limitations of berthing space in this section and in Appendix F are well taken, and it would seem reasonable not to expect to include non-military personnel and aircraft as a regular part of normal training and exercise. But that would not seem to preclude a deliberately designed test, outside the context of an actual exercise, to generate some of the performance statistics needed to properly evaluate the effectiveness of various mitigation measures the Navy either considers highly effective, or wishes to eliminate as ineffective and cumbersome. The verification and validation procedures are quite familiar in the Navy and are used often in assessing the performance of new tactical sensors and weapons systems, as well as for assessing personnel, individual unit and multi-ship performance on tactical mission requirements such as minehunting or ASW. The DEIS in fact alludes to such efforts on page 6-25 lines 5-21 and again on page 6-24, lines 4-30, but does not make a definite commitment to try the new technologies or to conduct the third-party testing that would verify performance. Technologies such as passive acoustics are well known to the Navy and the advancement of these technologies for tactical applications is already an existing and growing area of emphasis for the Navy. It would seem that the advancement of supplemental or alternative monitoring technologies would be a priority during the defense exemption, and afterward, as the Navy tries to improve its understanding of the actual risk posed by these environmental concerns, the actual numbers and habitat types of the animals of concern, and the means by which they may be avoided. The argument advanced on pages 6-8 and 9 that new mitigation technologies are expensive and limited in availability should be followed by an explanation about how the Navy plans to go about changing that, just as it would for any technology that was deemed of tactical or safety benefit, from hearing protection aboard aircraft carriers to improvements to torpedo propulsion systems. Page 6-9 refers to the Navy's commitment to continue to fund research, without adequate explanation as to whether the current amount is sufficient, excessive or insufficient to support the Navy's need to plan and execute its mission with an acceptable level of risk to the environment. Simply committing to an amount, without a plan as to how that helps solve the problem, is of little value in this context.

The DEIS asserts that archiving and analysis of survey data is unnecessary and unproductive (e.g. page 6-8, lines 34-40), and in section 9 (Appendix F) argues against efforts to use monitoring data for studies of habitat use, abundance or other biologically meaningful questions. The Navy argues that such effort extends beyond the requirement to monitor and verify effect or lack thereof, and that such additional effort imposes a burden of data analysis and communication that detracts from other mission-essential activities (p. 6-7). The Commission believes that such data and the follow-up analyses that can be done with them are equally valuable to the Navy in planning future activities, and as such, the data provide value to the Navy beyond the immediate need to verify compliance for the activity during which they are collected. Data from prior exercises constitute a valuable resource for making better decisions in the future and for developing an improved ability to meet future training requirements. In a data-poor world, in which the Navy itself contends that it is making overly conservative assumptions about risk, the addition of data to make better informed decisions in the future is probably the most valuable mitigation tool the Navy has, and one that is more likely to reduce the burden of compliance than increase it (or more positively stated, renders the Navy more effective in meeting its environmental stewardship goals). Therefore a plan to archive, analyze and frequently update information obtained from mitigation monitoring should be a

COMMENT  
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/02/2007 10:52 FAX 301 504 0099

MARINE MAMMAL COMM.

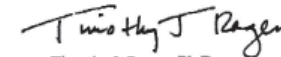
013

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2 October 2007  
Page 12

clearly developed part of this EIS and part of the Navy's overall plan for addressing its environmental stewardship goals.

We thank the Navy for this opportunity to comment on the HRC DEIS and hope that the Commission's comments prove beneficial to the development of the Final EIS and Request for a Letter of Authorization under the Marine Mammal Protection Act. We have tried to keep our recommendations within the demonstrated capabilities of the Navy and hope that the recommended changes will enhance its ability to carry out its mission-essential activities in a manner consistent with its long and widely respected record of leadership in ocean environmental stewardship.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director

cc: Captain Larry Rice  
The Honorable Donald Schregardus  
Craig Johnson

Baird, R.W., D.L. Webster, D.J. McSweeney, A.D. Lignori, G.S. Schorr, and J. Barlow. 2006. "Diving behaviour of Cuvier's (*Ziphius cavirostris*) and Blainville's (*Mesoplodon densirostris*) beaked whales in Hawai'i, Canadian Journal of Zoology 84:1120-1128.

Barlow, J. and R. Gisiner. 2006. Mitigation, monitoring and assessing the effects of anthropogenic sound on beaked whales. J. Cetacean Res. Manage., 7(3):239-249.

Brownell, R.L., T. Yamada, J.G. Mead, and A.L. van Heiken. 2004. Mass strandings of Cuvier's beaked whales in Japan: U.S. Naval acoustic link Paper SC/56/E37 presented to the IWC Scientific Committee (unpublished). 10pp. [Available from the Office of the Journal of Cetacean Research and Management.] Barlow and Gisiner, JCRM 2006.

Ketten, D.R. 1998. Marine mammal auditory systems: A summary of audiometric and anatomical data and its implications for underwater acoustic impacts. NOAA-TM-NMFS SWFSC-256, Department of Commerce.

Ketten, D.R. 2004. Marine mammal auditory systems: A summary of audiometric and anatomical data and implications for underwater acoustic impacts. International Whaling Commission, Scientific Committee (IWC-SC) Report, Annex K: Standing Working Group on Environmental Concerns Report (May 2004), Appendix 4.

Nowacek, D.P., M.P. Johnson, and P.L. Tyack. 2004. North Atlantic right whales (*Eubalaena glacialis*) ignore ships but respond to alerting stimuli. Proceedings of the Royal Society of London, Part B, 271:227-231.

COMMENT  
NUMBERD-W-0130  
(cont.)

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF DEFENSE  
OFFICE OF THE ADJUTANT GENERAL  
3949 DIAMOND HEAD ROAD  
HONOLULU, HAWAII 96816-4495

ROBERT G. F. LEE  
MAJOR GENERAL  
ADJUTANT GENERAL

GARY M. ISHIKAWA  
BRIGADIER GENERAL  
DEPUTY ADJUTANT GENERAL

14 SEP 2007

MEMORANDUM FOR COMMANDER, UNITED STATES PACIFIC FLEET  
250 Makalapa Drive  
Pearl Harbor, HI 96860

FROM: HITAG

SUBJECT: Environmental Impact Statement 5090 N01CE1/0552

1. Thank you for the opportunity to review the final draft Environmental Impact Statement (EIS) for the Hawaii Range Complex. The State of Hawaii Department of Defense strongly supports the proposed upgrades and modernization to the ranges. The range complex is the single most critical component to successful military exercises, war gaming and day-to-day training for our Hawaii National Guard forces in the State of Hawaii. Your modernization proposals will ensure the complex remains a vital part of military training for the foreseeable future.

2. Questions can be addressed to Col Ann Greenlee, Chief of Staff, JFHQ – HI, 733-4230.

ROBERT G. F. LEE  
Major General  
Hawaii National Guard  
Adjutant General

COMMENT  
NUMBER

D-W-0131

1

ARMARINE TAVARES  
Mayor

JEFFREY S. HUNT  
Director

LEEN M. SUYAMA  
Deputy Director



COUNTY OF MAUI  
DEPARTMENT OF PLANNING

September 17, 2007

Mr. L. M. Foster  
Director, Fleet Environmental  
Department of the Navy  
United States Pacific Fleet  
250 Makalapa Drive  
Pearl Harbor, Hawaii 96860

Dear Mr. Foster:

**SUBJECT: COMMENTS ON THE DRAFT EIS/OEIS FOR THE HAWAII RANGE COMPLEX, HAWAII (RFC 2007/0103) AND (LTR 2007/2709)**

Thank you for a copy of your letter to the Executive Summary and Draft EIS/OEIS for the Department of the Navy's Hawaii Range Complex. The Maui County Planning Department (Department) acknowledges that a more robust, risk-based method of determining marine mammal impacts is being used by the Navy. The Department also notes that approximately seventy-five (75) individuals testified at the August 27, 2007 public hearing on the matter, held at Baldwin High School in Maui. The public expressed concern with a number of matters, but primarily were concerned with potential impacts to whales during their period of residence in the near shore waters of Maui. The Department recommends that the Navy exercise caution and implement prudent avoidance and mitigation measures to the extent practical, when operating in near shore waters of Maui County so as to reduce any potential adverse impacts on marine mammals.

Thank you for your inquiry and the opportunity to comment. Should further clarification be required contact Staff Planner Thorne Abbott by email at [thorne.abbott@mauicounty.gov](mailto:thorne.abbott@mauicounty.gov) or by telephone at 270-7530

Sincerely,

JEFFREY S. HUNT, AICP  
Planning Director

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793  
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634  
CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

COMMENT  
NUMBER

D-W-0132

1

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

Mr. L. M. Foster  
September 17, 2007  
Page 2

xc: Colleen M. Suyama, Deputy Planning Director  
Clayton I. Yoshida, AICP, Planning Program Administrator  
Zoe Norcross-Nu'u, Sea Grant Extension Agent




JSH:TEA:bv

RFC File  
General File

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**COMMENT  
NUMBER**

**D-W-0132  
(cont.)**

 <p>LINDA LINGLE GOVERNOR OF HAWAII</p>	 <p><b>STATE OF HAWAII</b> <b>DEPARTMENT OF LAND AND NATURAL RESOURCES</b> POST OFFICE BOX 621 HONOLULU, HAWAII 96809</p>	<p>LAURA H. THIELEN OFFICIAL CHIEF OF STAFF BOARD OF LAND AND NATURAL RESOURCES COMMISSIONER OF WATER RESOURCES MANAGEMENT</p> <p>KEEN C. KAWAHARA DEPUTY DIRECTOR - WATER</p> <p>AGRICULTURE BOATING AND OCEAN RECREATION BUREAU OF CONSERVATION COMMISSIONER OF WATER RESOURCES MANAGEMENT CONSERVATION AND COASTAL LANDS CONSERVATION AND RESOURCES DEVELOPMENT DIVISION FORESTRY AND WILDLIFE HISTORIC PRESERVATION KAOIOLANE ISLAND RESERVE COMMISSION LAND STATISTICS</p>
<p>September 21, 2007</p>		
<p>L.M. Foster, Director, Fleet Environmental Department of the Navy, Pacific Fleet 250 Makalapa Drive Pearl Harbor, Hawaii 96860-3131</p>		<p>LOG NO: 2007.2888 DOC NO: 0709NM15 Archaeology</p>
<p>Dear Mr. Foster:</p>		
<p><b>SUBJECT: National Historic Preservation Act, Section 106 Review – Revised Replacement Pages for DEIS/OEIS Revision 1 Executive Summary Enhancements to HNRC PMRF and Northwest Hawaiian Islands, Island of Kauai <u>TMK: (4) various</u></b></p>		
<p>The aforementioned is a revision to DEIS.</p>		
<p>We believe that “no historic properties will be affected,” because:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Intensive cultivation has altered the land</li> <li><input type="checkbox"/> Residential development/urbanization has altered the land</li> <li><input type="checkbox"/> Previous grubbing/grading has altered the land</li> <li><input type="checkbox"/> An accepted archaeological inventory survey (AIS) found no historic properties</li> <li><input type="checkbox"/> SHPD previously reviewed this project and mitigation has been completed</li> <li><input checked="" type="checkbox"/> Other: <i>No physical impacts.</i></li> </ul>		
<p>In the event that historic resources, including human skeletal remains, are identified during routine construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from additional disturbance, and the State Historic Preservation Division, Kauai Section, needs to be contacted immediately at (808) 742-7033.</p>		
<p>Aloha,</p>		
<p> Laura Thielen State Historic Preservation Officer</p>		
<p>NM:jen</p>		

**COMMENT  
NUMBER**

**D-W-0133**

1

David Monasevitch

Lihue, HI 96766

September 17, 2007

PMRF ATN HQC EIS/OEIS  
PO Box 128  
Kekaha, HI 96753-0128

TO WHOM IT MAY CONCERN:

This is my testimony against any expansion of the PMRF operations. I do not support any military expansion of the Missile Range facility.

I don't believe the Draft EIS was completed in a peer reviewable scientific manner. Therefore I believe it to be invalid. The war games that PMRF engages in, especially the active and passive sonar systems kill cetaceans. This is fact.

I do support the scientific research part of PMRF. It is unfortunate that certain cretins in power used the events of "9/11" to advance a militaristic agenda. Certain toadys tricked on down from the executive administration and are inclined to advance this military agenda in the occupied country of Hawaii. It is a misguided effort, as good science proves.

I ask that you become more honest and scientific in your thinking so that we can actually demilitarize and pursue true science and physics in balance with the planet and the stars.

Yours truly,



David Monasevitch

COMMENT  
NUMBER

D-W-0134

2

1

September 16, 2007

Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, HI 96752-0128

Dear Sirs,

I imagine that concern from citizens must seem like a terrible bore to a navy charged with securing the country from outside harm. However, please consider that you are also protecting the quality of life as well as freedom. Freedom would be meaningless if the world became empty of other species of plants and animals.

Blasting the ocean with intense noise may be justified in the name of safety, but PLEASE consider doing your testing at a time and in a place that will do no harm to ocean mammals.

I live near Hanalei Bay and remember well the day that hundreds of melon-head whales swam into the shallow water of the bay in panic. It was proven that navy testing had been conducted nearby and was accepted to be the cause of this unusual behavior. Many other beachings and whale deaths have been similarly tied to your testing.

Are we so arrogant as a species that we can completely discount the well-being of all other inhabitants of our planet? Are you protecting us right out of our balance with nature?

Consider the pain caused by loud, high frequency noise to your dog. Would you want someone to subject your pet to this torture for no reason?

Please stop needlessly inflicting harm on whales and other ocean life with high-intensity, mid-frequency sonar in training exercises. Whales travel for thousands of miles each year between their feeding and breeding grounds. Please respect their right to complete their life cycle in peace.

Sincerely,



Nancy Merrill

Hanalei, HI

COMMENT  
NUMBER

D-W-0135

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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)




<p>Nina Monasevitch Lihue, Hawaii 96766</p> <p>Pacific Missile Range Facility PO Box 128 Kekaha, Hawaii 96752-0128</p> <p>September 14, 2007</p> <p>Dear Sirs and Madams,</p> <p>I am writing to ask the U.S. Navy to stop needlessly inflicting harm and death on whales and other ocean life with its use of high-intensity, mid-frequency sonar in its training exercises.</p> <p>Whales, dolphins and other marine mammals depend on sound to navigate, find food, locate mates, avoid predators and communicate with each other. Blasting their environment with intense sound over large expanses of ocean disrupts these critical behaviors and threatens their survival.</p> <p>Sonar also harms whales more directly: Navy exercises using mid-frequency sonar have resulted in whale strandings across the globe, including along the coasts of Washington State, the Canary Islands, the Bahamas, Madeira, the U.S. Virgin Islands and Greece. A recent whale stranding death in Hawaii, which occurred when a large pod of whales was driven in panic to shallow waters, took place with Navy sonar exercises nearby and may be the latest in this string of sonar casualties.</p> <p>The harmful impacts of sonar on fish stocks and other marine life has also been documented. Our oceans are in a critical state, as documented by declining fish numbers, starving marine mammals, exponential loss of coral reefs and reef fishes, the list of ocean degradation goes on and on.</p> <p>Whales and all marine life should not have to die for military training. The Navy can no longer ignore the unnecessary harm inflicted by this technology.</p> <p>I ask all of you involved to ask from your soul what is the truth? Who IS the enemy? Is decimating our fragile marine environment worth it? What will</p>	<p>COMMENT NUMBER</p> <p>D-W-0136</p> <p>1</p>	<p>your grandchildren inherit, an ocean dead of all whales? Can our planet survive without a healthy ocean eco- system? Please listen deeply, your soul knows the answer.</p> <p>With Respect and Aloha,</p>  <p>Nina Monasevitch</p> <p>2</p>	<p>COMMENT NUMBER</p> <p>D-W-0136 (cont.)</p>
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Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

To: Draft Environmental Impact Statement 9/15/07

Dear Sirs:

I urge the U.S. Navy to stop inflicting harm on whales with the use of high intensity, mid-frequency sonar in training exercises.

Whales, dolphins & other mammals use sound to navigate and communicate with each other. Blasting their world with intense sound disrupts them & threatens their survival.

Whales should not have to die for military training.

Respectfully,

Mike Wainwright

Princetonville, HI

COMMENT  
NUMBER  
D-W-0137

1

09/17/2007 10:36 CHERYL MAGILL! PAGE 03

Monday, September 17, 2007

Public Affairs Officer  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, HI 96752  
Public Affairs Officer  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, HI 96752

C/O

[http://us.f836.mail.yahoo.com/ym/Compose?To=deis\\_hrc%40govsupport.us](http://us.f836.mail.yahoo.com/ym/Compose?To=deis_hrc%40govsupport.us)

Fax # 808-3354520

Re: Hawai'i Range Complex

Draft Environmental Impact Statement Overseas Environmental Impact Statement Draft  
EIS/OEIS

[deis\\_hrc@govsupport.us](mailto:deis_hrc@govsupport.us)


This is regarding the proposed Hawai'i Range Complex. This is about the US Navy's proposal to take the whole place and toy with it. I understand that Hawai'i was a beautiful place once and it was governed by a sovereign whose lands were stolen by the U.S..

I disapprove of the use of high intensity sonar.

I have never wanted to go to the Islands of Hawai'i because I am not attracted by depleted uranium.

I oppose the US Navy's entire project. The US Navy has polluted the whole place.

Please stop killing whales and dolphins and people.

Thank you,  
Respectfully yours,  
  
Cheryl A. (Half Life) Magill  
Coordinator  
The Stop LFAS Worldwide Network  
Santa Clara, CA

P.S. Your sonar is too loud-!

COMMENT  
NUMBER  
D-W-0138

1

Exhibit 13.4.1-1. Copy of Written Documents - Draft EIS/OEIS (Continued)

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**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Judie Lundborg	D-W-0017-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace; therefore there is no proposal to expand. It is true that the proposal includes alternatives that require increases in the frequency of training. The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this document are both reasonable and necessary. The training that is conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter.
	D-W-0017-2	Policy/NEPA Process		The proponent agency (Lead Agency/Sponsor) is responsible for performing the environmental analysis of its actions, which for this document is the U.S. Navy. Section 1501.5 of the National Environmental Policy Act (NEPA) states that a lead agency shall supervise the preparation of an environmental impact statement. Additionally, Section 1501.2 of NEPA states that Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts."
Wayne Johnson	D-W-0066-1	Alternatives	4.1.2.4.11	Section 4.1.2.4 of the EIS/OEIS explains the potential effects on marine mammals from Navy mid-frequency active (MFA) sonar in the HRC. MFA sonar use in Hawaii is not new and has occurred using the same basic sonar equipment and output for over 30 years. Given this history and the scientific evidence, the Navy believes that risk to marine mammals from sonar training is low. Though the Navy works to minimize impacts on marine mammals to the greatest extent practicable, they are not mandated by any statute to alleviate all risk to marine mammals. Over the past 30 years, the numbers of marine mammals around Hawaii appear to be increasing and there are no indications that sonar has affected marine mammals.
Russell Y. Tsuji --DLNR	D-W-0067-1	Miscellaneous		Thank you for your comment.
	D-W-0068-1	Miscellaneous		Thank you for your comment.
Ken C. Kawahara --DLNR	D-W-0069-1	Utilities	4.3.2.1.12	To ensure that all local or municipal rules and regulation are followed, the Navy maintains a cooperative working relationship with the county water department.



**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Ken C. Kawahara --DLNR	D-W-0069-2	Water Resources	3.3.2.1.13, 4.3.2.1.13	<p>Depending on the action or construction being undertaken, a variety of Federal and State approvals, comments, and permits may be required. In addition, all construction activities would follow Spill Prevention, Control, and Countermeasures Plans and transportation safety measures; therefore, potential effects on surface and groundwater resulting from accidental spills of hazardous materials would be minimized.</p> <p>The EIS evaluated the potential impacts of launch emissions, spills of toxic materials, and early flight termination. The analysis concluded that hydrogen chloride emissions would not significantly affect the chemical composition of surface or groundwater; that there would be no significant increase in aluminum oxide in surface waters due to launches; that sampling of surface waters in the vicinity of the launch site showed that hydrogen chloride, potentially deposited during past launches, has not affected surface water quality on PMRF or adjacent areas; and that contamination from spills of toxic materials would be highly unlikely. A National Pollutant Discharge Elimination System (NPDES) permit is not required for launch activity due to the lack of significant storm water runoff.</p>
	D-W-0069-3	Utilities	4.3.2.1.12	To ensure that all local or municipal rules and regulation are followed, the U.S. Navy maintains a cooperative working relationship with the county water department.
Russell Y. Tsuji --DLNR	D-W-0070-1	Biological Resources - Terrestrial		As part of the development of the Integrated Natural Resources Management Plans, Navy coordinates with the appropriate State and Federal agencies.
	D-W-0070-2	Biological Resources - Terrestrial	6.0, Appendix C	<p>Your comment regarding the integration of statewide response between DLNR and Department of Navy for invasive species, oil spills, stranded wildlife, and avian disease monitoring is noted. Regarding invasive species, various instructions, as well as exercise-specific operations orders such as the Exercise RIMPAC Operations Order, advise commanding officers of requirements regarding the protection of Hawaii from the immigration of additional alien or invasive species. Introduction of any plant or animal into Hawaii without permission of the State of Hawaii Department of Agriculture is prohibited. All ship commanding officers and aircraft are required by the Defense Transportation Regulation, DoD 4500.9-R, to conduct inspections of equipment, cargo, supplies and waste prior to entering their first port of entry into the U.S. OPNAVINST 6210.2, Quarantine Regulations of the Navy, is intended to prevent the introduction and dissemination, domestically or internationally originated, of diseases affecting humans, plants, and animals; prohibited or illegally taken wildlife; arthropod vectors; and pests of health and agricultural importance. Information in the HRC EIS, Chapter 6.0 and Appendix C on protection against immigration of species has been updated.</p>

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Russell Y. Tsuji --DLNR	D-W-0070-3	Cultural Resources		As a trustee of Hawaii's cultural resources, the Navy continually strives to protect sensitive areas and sites through monitoring of activities and consultation with the State Historic Preservation Officer and with Native Hawaiian groups during decision-making processes.
	D-W-0070-4	Socioeconomics		Public recreational opportunities are allowed on Department of Defense property within the constraints military of missions and public safety concerns. For example, Kauai residences possessing an approved beach access pass are welcome to enjoy the approximately 200 ft by 2 miles of beach at Majors Bay. Recreational opportunities are discussed throughout the EIS/OEIS under each location.
	D-W-0070-5	Biological Resources - Terrestrial		Thank you for your comment.
	D-W-0070-6	Biological Resources - Terrestrial		Your comment regarding the Department of Navy acquiring lands to buffer impacts on existing resource management programs and areas is noted but is outside the scope of this EIS/OEIS.
	D-W-0070-7	Water Resources		The Navy welcomes opportunities to participate in cooperative and collaborative partnerships with state, Federal, and local governmental entities, private entities, and non-governmental organizations in accordance with Executive Order 12875 Enhancing the Intergovernmental partnership.
	D-W-0071-1	Miscellaneous		Thank you for your comment.
	D-W-0072-1	Miscellaneous		Thank you for your comment.
Daniel S. Quinn --DLNR	D-W-0073-1	Water Resources	3.3.2.1.13, 4.3.2.1.6, 4.3.2.1.13.1, 4.3.2.1.13.2	Polihale State Park is located approximately 1 mile north of the closest launch site and has low potential for groundwater impacts from missile launch emissions. The greatest potential for groundwater impacts from missile launch exhaust emissions is on PMRF. The results of metal-in-soil sampling conducted in 1999, 2002, and 2007 in rocket motor staging areas are presented in Sandia National Laboratories, 2008. The results show that most reported values are below the EPA residential screening level. Iron and thallium exceeded the residential screening; however, they are below industrial screening level. Arsenic exceeds the industrial screening level; however, the state of Hawaii has identified special circumstances for arsenic. Sampling for perchlorate was conducted at PMRF in October and November 2006 and the results indicated perchlorate levels were within guidelines.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Alton Miyasaka --DLNR	D-W-0074-1	Mitigation Measures	6.0	Chapter 6.0, Mitigation Measures, presents Navy's protective measures, outlining steps that would be implemented to protect marine mammals and Federally listed species during training events. It should be noted that these protective measures have been standard operating procedures for unit-level antisubmarine warfare training since 2004. In addition, the Navy's current mitigation measures reflect the use of the best available science balanced with the National Marine Fisheries Service (NMFS) approach and the requirements of the Navy to train.
Clyde Fuse --US Dept. of Transportation	D-W-0075-1	Airspace		Based on further discussions with the Federal Aviation Administration (FAA), special use airspace boundaries will be modified as the information becomes available. Training and RDT&E activities that require the use of special use airspace are coordinated with the FAA. Navy planners utilize the most current airspace boundaries during their planning and coordination.
	D-W-0075-2	Airspace		As the laser program matures, and specific information is available, the Navy will coordinate with the FAA Western Service Area specialists to determine potential impacts. Early coordination with the FAA will allow the program to make adjustments to minimize impacts on air traffic operations.
Patricia S. Port --US Dep't of the Interior	D-W-0076-1	Miscellaneous		See response to comment D-E-0437.
Micah A. Kane --State of Hawaii	D-W-0077-1	Miscellaneous		Thank you for your comment.
Bob Jacobson --Hawai'i County Council	D-W-0078-1	Biological Resources - Marine		Thank you for your comment.
John Broussard	D-W-0079-1	Alternatives	1.1, 1.2, 1.3, 4.1.2.4, 4.1.2.4.5, 4.1.2.4.11, 4.1.2.4.11.2, 6.0	As discussed in Section 4.1.2.4.11, Navy believes that evidence not considered previously involving the Hanalei stranding of July 2004 indicates that the full moon could have been a contributing factor in terms of bringing the animals closer to the shore. See response to comment D-W-0066-1 with regard to likely impact on marine mammals from sonar training. See response to comment D-E-0086-1 with regard to human diver threshold levels and comparison to marine mammals.
	D-W-0079-2	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary).
John and Nancy Conley -- Aloha Acres	D-W-0080-1	Air Quality	4.3.2.1.1.1	There is no scientific evidence to support existence of an ozone hole above Kauai. The ozone depletion from launch exhaust is limited spatially, is temporary, and these reactions do not have a globally significant impact on ozone depletion. This language has been added to Section 4.3.2.1.1.1 of the EIS/OEIS.
	D-W-0080-2	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary).

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
John and Nancy Conley -- Aloha Acres	D-W-0080-3	Alternatives		Your comments regarding transferring activities from Kauai to Oahu are noted but are outside the scope of this EIS/OEIS. The CEQ requires consideration of a reasonable range of alternatives in EIS/OEISs. [40 CFR Section 1508.9 (b)]. Under a rule of reason, an EIS/OEIS need not consider an infinite range of alternatives, only reasonable, or feasible ones. The choice of alternatives is bounded by some notion of feasibility, and the Navy is not required to consider alternatives which are infeasible, ineffective, or inconsistent with its basic policy objectives.
	D-W-0080-4	Land Use	4.4.1.2.3.1	The underwater training area would be approximately 2 mi off the southeast coast of Niihau. The restricted access in this area would minimize the potential for public safety issues. The closure of recreational areas near PMRF will be temporary to accommodate recreational use.
Cynthia Rapu	D-W-0081-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-W-0081-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-W-0081-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3
	D-W-0081-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
Eleanor Ballard	D-W-0082-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-W-0082-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-W-0082-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3
	D-W-0082-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-W-0082-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5
John Y. Ota	D-W-0083-1	Cumulative Impacts	3.6.2.1.4	Section 3.6.2.1.4 of the EIS/OEIS includes details of depleted uranium at Pohakuloa Training Area. The Army has confirmed the presences of depleted uranium on remote sections of Pohakuloa Training Area. Since the Proposed Action includes training activities at Pohakuloa Training Area, guidance provided to users of Pohakuloa Training Area will be followed.
	D-W-0083-2	Hazardous Materials and Waste	3.6.2.1.4	The Navy currently trains at Pohakuloa Training Area, which provides unique training resources otherwise unavailable in Hawaii. As discussed in Section 3.6.2.1.4, a plan is being developed to fully address the issue of deplete uranium at the Pohakuloa Training Area by the U.S. Army.



**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
John Y. Ota	D-W-0083-3	Biological Resources - Terrestrial		Yes, the Navy is concerned about the effects of noise as well as additional issues. The numbers of threatened and endangered species are often greater on military installations than in the surrounding areas. The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment. Navy has provided protected haul-out locations for the Hawaiian monk seal, improved nesting habitat for the wedge-tailed shearwater, and organized volunteers to pick-up beach trash while documenting marine debris. Navy also participated in a program to remove invasive plants from endangered Hawaiian stilt habitat and has active programs to conserve energy and use renewable resources including solar powered water heating panels and shielded street lights.
	D-W-0083-4	Water Resources		Although no studies have been conducted, potential changes to ice under the peaks of Mauna Kea and Mauna Loa would not be expected. Ground vibrations at Pohakuloa Training Area from exploding rounds would dissipate over relatively short distance and would not be strong enough to affect ice under the peaks.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
John Y. Ota	D-W-0083-5	Mitigation Measures	Appendix F	<p>Visual detection of marine mammals has proven an effective mitigation as documented in Appendix F. Fish finders are higher frequency sonar and some are closer to the center frequency range of toothed whale hearing than the Navy's mid-frequency sources. They are used to detect schools of fish at relatively short distances. These fish finders may impact marine mammals, they are not present on the Navy ships conducting ASW training in the HRC, and are not capable of detecting anything at the distances required to serve as effective mitigation during ASW training events. Navy submarines are capable of passive acoustic detection of vocalizing marine mammals.</p> <p>As stated in Chapter 6.0, U.S. Navy shipboard lookout(s) are highly qualified and experienced observers of the marine environment. Their duties require that they report all objects sighted in the water to the Officer of the Deck and all disturbances that may be indicative of a threat to the vessel and its crew. There are personnel serving as lookouts on station at all times when a ship or surfaced submarine is moving through the water.</p> <p>Navy lookouts undergo extensive training in order to qualify as a watchstander. This training includes on-the-job instruction under the supervision of an experienced watchstander, followed by completion of the Personal Qualification Standard program, certifying that they have demonstrated the necessary skills. In addition to these requirements, Fleet lookouts periodically undergo a 2-day refresher training course. The Navy includes marine species awareness as part of its training for its bridge lookout personnel on ships and submarines. Marine species awareness training was updated in 2005, and the additional training materials are now included as required training for U.S. Navy lookouts. This training addresses the lookout's role in environmental protection, laws governing the protection of marine species.</p>
	D-W-0083-6	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
John Y. Ota	D-W-0083-7	Mitigation Measures	6	There is no data specific to sonar affects on new born whales. As stated in Chapter 6.0, Mitigation: seasonal avoidance suggestions fail to take into account the fact that the mitigation measures avoid all detected marine mammals no matter the season and that there are "whales" present year-round in Hawaii. If the question is in regards to humpback whales, the Navy specifically informs all naval vessels to increase vigilance when the first humpback whales have been sighted around the Hawaiian Islands. The purported need for such suggested mitigation measures is based on speculative findings from other areas of the world that do not have direct application to the unique environment present in Hawaii. Such measures also can not be accurately implemented until there is a scientific basis defining parameters for the measures. Lacking any scientific basis behind the measures in Hawaii and lacking any evidence in Hawaii that there has ever been an impact resulting from the lack of these measures, there is no evidence that they would increase the protection of marine mammals. However, they would unacceptably impact the effectiveness of the training.
Vincent K. Pollard	D-W-0084-1	Alternatives	4.1.2.1, 4.1.2.2, 4.1.2.3, 4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1 with regard to noise effects on marine mammals and Sections 4.1.2.1 thru 4.1.2.3 with regard to noise effects on other marine species.
	D-W-0084-2	Alternatives		See response to comment D-T-0039-2
Sandra Miner	D-W-0085-1	Alternatives	1.1, 1.2, 1.3, 4.1.2.4, 4.1.2.4.11	See response to comment D-E-0057-1.
Kristin McCleery	D-W-0086-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary).
	D-W-0086-2	Alternatives	4.1.2.4, 4.1.2.4.10, 4.1.2.4.11, 6.1.2	Regarding the Bahamas stranding, see the discussion of stranding events in Section 4.1.2. In addition, see the discussion added to the EIS/OEIS in Section 4.1.2 regarding the critical importance of context (as discussed by Southall et al. (2004)) and any likely impacts on beaked whales in the Hawaiian Islands. The Bahamas conditions do not occur in Hawaii. With regards to why passive sonar can not be used exclusively for ASW, see Section 6.1.2.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Kristin McCleery	D-W-0086-3	Biological Resources - Marine	4.1.2.2	<p>To summarize Section 4.1.2.2, based on the limited studies, there is some evidence that there could be minor impacts on fish (i.e., behavioral response or avoidance) from mid-frequency active (MFA) sonar, while in other studies, using hearing specialist species and intense exposure there has been severe impacts (i.e., death) to fish from MFA sonar. Also, exposure to a high intensity sound has been shown for some species to potentially damage the ears of fish, if left in close proximity (which generally they would avoid). However, most marine fishes are hearing generalists, with a hearing range generally below the mid-frequency bandwidth. Therefore, given a worst-case scenario (e.g., a hearing specialist fish in close proximity to the source and unable to relocate), there is the possibility of fish mortality. However, the loss of individuals in close proximity to the source would not result population impacts on the species. Also, it is assumed that fish that could detect MFA sonar would vacate the area, as a behavioral response, which would be deemed a temporary, not a permanent, adverse impact. To summarize Section 4.1.2.3, the intensity of sound and how turtles sense it is dependent on them being able to "hear" at that frequency. Turtles do not hear mid-frequency sounds, so the intensity is irrelevant.</p>
	D-W-0086-4	Mitigation Measures	6.0	<p>Chapter 6.0, Mitigation Measures, has been updated to reflect the Navy's current mitigation measures and their use of the best available science balanced with the National Marine Fisheries Service (NMFS) approach and the requirements of the Navy to train.</p>
C.A. MacGeorge	D-W-0087-1	Alternatives		<p>Thank you for your comment.</p>
Peter Courture	D-W-0088-1	Alternatives	1.0, 2.0,	<p>As discussed in Chapters 1.0 and 2.0, the HRC provides the geography, infrastructure, space, and location necessary to accomplish complex military training and RDT&amp;E activities. The large area available to deploy forces within the HRC allows training to occur using a geographic scope that replicates possible real world events. In addition, the HRC has the infrastructure to support a large number of forces, has extensive existing range assets, and accommodates Navy training and testing responsibilities both geographically and strategically, in a location under U.S. control. The Navy's physical presence and training capabilities are critical in providing stability to the Pacific Region.</p>



**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Peter Courture	D-W-0088-2	Mitigation Measures	6.0	Chapter 6.0, Mitigation Measures, presents the U.S. Navy's protective measures, outlining steps that would be implemented to protect marine mammals and Federally listed species during training events. It should be noted that these protective measures have been standard operating procedures for unit-level antisubmarine warfare training since 2004. In addition, The Navy's current mitigation measures reflect the use of the best available science balanced with the National Marine Fisheries Service (NMFS) approach and the requirements of the Navy to train.
	D-W-0088-3	Program	4.1.2.5.4	The Navy is in compliance with all applicable environmental laws. Regarding Marine Mammal Protection Act endangered species, effects on listed species are the subject of consultations with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The Navy is consulting with the Hawaii Coastal Zone Management Program in accordance with the Coastal Zone Management Act. In regard to the National Marine Sanctuaries Act, there is no new consultation requirement in law; all activities have been previously reviewed, and there is not a significantly greater chance of destruction or injury to sanctuary resources.
Bonnie P. Bator	D-W-0089-4	Policy/NEPA Process		Scoping transcripts/records of scoping comments are not a part of the EIS/OEIS but are included in the Administrative Record.
	D-W-0089-5	Miscellaneous	10	Your name will be added to the EIS/OEIS distribution list.
	D-W-0089-6	Program		Thank you for your comment.
Nova Blazej --USEPA, Region 9	D-W-0090-1	Alternatives	4.1.2.4.6	As discussed in Southal et al (2007:413-414) and presented in 4.1.2.4.6 of the EIS/OEIS, the modeling and threshold levels developed for analysis of impacts to marine mammals universally erred on the side of precaution with regard to the range at which an animal may have a probability of behavioral harassment (65 nmi and 120 dB) or with regard to the accumulation of energy for harassment with no accounting for reactions of animals.
	D-W-0090-2	Alternatives	2.2.4, 2.2.5	In the Supplement to the Draft EIS and as incorporated into the EIS/OEIS, an additional alternative (Alternative 3) has been analyzed. Sonar hours for Alternative 3 and effects associated with ASW training would be identical to that presented under the No-action Alternative. Table 2.2.5-1 lists MFA/HFA sonar usage analyzed for the No-action Alternative and Alternative 3. Sonar usage is based on SPORTS data and operator input. Alternative 3 is the preferred alternative because it allows the Navy to meet its future non-ASW training and RDT&E mission objectives and avoid increases in potential effects to marine mammals above historic levels of ASW training in the HRC.
	D-W-0090-3	Alternatives	2.2.4. 3.0	See response to comment D-W-0090-2. Training Applications/Munitions elements and hazardous constituents are discussed in Chapter 3.0 of the EIS/OEIS.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Nova Blazej --USEPA, Region 9	D-W-0090-4	Alternatives	4.1.2.4.6, 6.1.2	As discussed in Southall et al (2007:413-414) and presented in 4.1.2.4.6 of the EIS/OEIS, the modeling and threshold levels developed for analysis of impacts to marine mammals universally erred on the side of precaution with regard to the range at which an animal may have a probability of behavioral harassment (65 nmi and 120 dB) or with regard to the accumulation of energy for harassment with no accounting for reactions of animals. For a discussion of alternative mitigation measures considered but not carried forward, see Section 6.1.2.
	D-W-0090-5	Biological Resources - Marine	4.1.2.2	Tuna species, including bigeye tuna are discussed in the EIS/OEIS and Essential Fish Habitat Assessment, and are recognized as being members of Pelagic Management Unit Species (i.e., managed species by the Western Pacific Fishery Management Council). The impact analysis does not specifically address tuna species, as tuna species are not considered endangered or threatened. They are grouped with other pelagic species, with the analysis focusing on impacts associated with any of the proposed operations that may affect pelagic species (e.g., detonation in the open ocean, sonar). The Navy recognizes that individual fish may be injured or killed as the result of several of the operations; however, that these incidents are localized, and would not have a population impact on any individual species. The Navy does not believe that training will affect Essential Fish Habitat. Regarding the qualification of impacts, all impact analyses are qualified based on the best available data, the effects of the operations, and the level or criteria to which an impact would be deemed adverse.
	D-W-0090-6	Hazardous Materials and Waste	2.2.3.5.2, 3.1.4, 3.4.2, 4.4.2.2.3.2.	The EIS/OEIS discusses the potential for mobilization of existing contaminants into the water column, and subsequent effects on environmental resources, in Sections 3.4.1 and 3.4.2. Development of the Acoustic Test Facility involves the addition of pinger equipment at pier S291 on Ford Island, Beckoning Point piers, or on a mobile test site that could operate within the test area. As a result, there would be no disturbance of any contaminated sediments or soils containing PCBs (see Sections 2.2.3.5.2 and 4.4.2.2.3.2).
	D-W-0090-7	Hazardous Materials and Waste	4.1.2, 4.1.4, 4.1.7	The Navy limits the amounts and types of unrecovered training materials deposited on the lands and waters within the HRC. Many of the larger training items are recoverable. The EIS/OEIS concludes that the deposition of unrecovered training materials has no substantial effect on ocean water quality. Therefore, mitigation measures are not necessary. Additional information has been added to Sections 4.1.2, 4.1.4, and 4.1.7 of the EIS/OEIS.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Nova Blazej --USEPA, Region 9	D-W-0090-8	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.1	HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the HRC EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
	D-W-0090-9	Alternatives	2.2.4, 2.2.5	In the Supplement to the Draft EIS and as incorporated into the EIS/OEIS, an additional alternative (Alternative 3) has been analyzed. Sonar hours for Alternative 3 and effects associated with ASW training would be identical to that presented under the No-action Alternative. Table 2.2.5-1 lists MFA/HFA sonar usage analyzed for the No-action Alternative and Alternative 3. Sonar usage is based on SPORTS data and operator input. Alternative 3 is the preferred alternative because it allows the Navy to meet its future non-ASW training and RDT&E mission objectives and avoid increases in potential effects to marine mammals above historic levels of ASW training in the HRC.
Clyde Namuo --State of Hawaii	D-W-0091-1	Alternatives	4.1.2	The Navy and NMFS, in the role as regulator and as a cooperating agency, developed the risk function for analysis of impacts using the best available and applicable science. As described in Southall et al (2004) and as discussed in Section 4.1.2, there is paucity of data upon which to base threshold criteria; however, the Navy is following the recommendations of NMFS and using the criteria established by NMFS through a process of scientific review and recommendation.
	D-W-0091-2	Alternatives		Thank you for your comment.
	D-W-0091-3	Biological Resources - Marine	4.1.2	The EIS/OEIS contains a revised methodology provided by NMFS for the Navy, presented to the public in the Supplement to the Draft EIS/OEIS, and incorporated into the revised discussion in Section 4.1.2 of the Final EIS/OEIS.
	D-W-0091-4	Alternatives		Modeling to provide predicted numbers of marine mammal exposures is only the first step in an analysis of impacts. For the large whales and those such as sperm whales which tend to be grouped in pods of many individuals, it is likely that visual mitigations will preclude the exposure of these whales to high levels of sonar. Despite the mitigation measures, Navy is applying for a permit from NMFS for all predicted exposures rather than a reduced number as a result of the mitigation.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Clyde Namuo --State of Hawaii	D-W-0091-5	Mitigation Measures	6	Visual monitoring is critical for ship safety, irrespective mitigation. Navy lookouts and bridge personnel (5 in total on surface ships) are highly qualified and experienced marine observers. Compared to commercial vessels, Navy ships bridges are positioned forward to allow more optimal scanning of the ocean area from the bridge and bow area. Navy lookouts undergo extensive training to include on-the job instruction under supervision of an experienced lookout followed by completion of Personnel Qualification Standard Program. NMFS-approved Marine Species Awareness training is required before every exercise using MFA sonar. Navy lookouts use both hand held and "Big Eye" (20X110) binoculars. Aerial platforms also undertake visual monitoring prior to commencement of ASW operations. Passive acoustic systems are used by all platforms to monitor for marine mammal vocalizations, which are then reported to the appropriate watch station for dissemination. Navy ships also monitor their surroundings using all appropriate sensors at night and with night vision goggles as appropriate for activities conducted at night.
	D-W-0091-6	Alternatives	6.4.5	Monk seals are not likely to occur in areas where the majority of ASW training would take place. In addition, activities taking place on land where monk seals may be hauled out, are subject to clearance procedures before those activities can take place, such as at PMRF. The "Plan" referenced is the National Marine Fisheries Service recovery plan and not the Navy's. Any concerns regarding that plan should be addressed to the National Marine Fisheries Service.
	D-W-0091-7	Land Use	1.2, 4.2	As discussed in Sections 1.2 of the EIS/OEIS, the President's Proclamation establishing the Papahānaumokuākea Marine National Monument exempted "activities and exercises of the Armed Forces" from the prohibitions on activities in the Monument, in recognition of the importance of on-going missile testing over and within Monument boundaries. However, the Proclamation does require that all activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities. As discussed in 4.2, due to the infrequency and short duration of tests, the large ocean areas in which testing would occur, and the relatively small number of boosters or large debris that could impact Monument waters, it is highly unlikely that harm to marine mammals or other sensitive marine life or resources would occur.



**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Clyde Namuo --State of Hawaii	D-W-0091-8	Hazardous Materials and Waste	1.2, 3.2, 4.1.2.1., 4.2	Section 4.1.2.1 Corals (Biological Resources - Open Ocean) addresses potential debris impacts on deep water corals. Specifically, the potential for impacts on these deep water corals from Navy training and RDT&E activities would be remote. The Navy activities would not result in any direct impacts on the coral or degradation of water/sediment quality in the vicinity of the corals. The probability of intercept debris or debris from GUNEX, BOMBEX, MISSILEX, or SINKEX reaching the bottom of the ocean floor where the coral is located would be extremely small. The debris is dispersed over a wide area, so even in the unlikely event the debris lands on the coral, the pieces would be spread out and most would be very small. There is no deep water coral located in the area where SINKEX is typically conducted. The potential for impacts on deep sea coral is remote.
	D-W-0091-9	Cultural Resources	3.2.2.2	Using the information provided in the Papahānaumokuākea Marine National Monument World Heritage Application (March 2007), Section 3.2.2.2 will be updated to reflect the most current archaeological information for Nihoa and Necker (Mokumanamana).
	D-W-0091-10	Cultural Resources	3.2.2.2	For background purposes, and to more fully convey the cultural significance of the entire Papahānaumokuākea Marine National Monument, Section 3.2.2.2 will be revised to include additional cultural resources information. Under Section 106 of the National Historic Preservation Act, the cultural resources area of potential effects (APE) is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if such properties exist." For the activities near Papahānaumokuākea proposed in this EIS/OEIS, the cultural resources APE encompasses the southeastern most portion of the Monument (i.e., Nihoa and Mokumanamana [Necker] Islands), where missile intercepts and associated falling debris could occur. Because of the proposed missile trajectories, the other islands of Papahānaumokuākea would not be affected.
	D-W-0091-11	Cultural Resources	4.2.2.2, Appendix H.2	See response to comment D-W-0091-12.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Clyde Namuo --State of Hawaii	D-W-0091-12	Cultural Resources	4.2.2.2, Appendix H.2	Section 106 consultation was initiated during the scoping process for this EIS in the fall of 2006. Representatives from the Navy held public and agency meetings at several locations throughout the islands between September 13 and September 18, 2006, and additional agency coordination has been conducted since that time. This includes providing the Hawaii State Historic Preservation Officer with a copy of the Draft EIS/OEIS. A follow up letter was also sent to the SHPO's office and a concurrence letter was received by the Navy on September 17, 2007 indicating that "no historic properties will be affected." In addition, there is an existing Programmatic Agreement (PA) in place for Navy activities in Hawaii. Signed in June 2003, the PA was negotiated between the Commander, Navy Region Hawaii, the Advisory Council on Historic Preservation, and the Hawaii SHPO. There were also several consulting parties to this PA including the National Park Service, the National Trust for Historic Preservation, and the Office of Hawaiian Affairs (see Appendix H.2).
Peter Rappa --Univ. of Hawaii at Manoa	D-W-0092-1	Alternatives	1.0, 2.0,	See response to comment D-E-0324-4.
	D-W-0092-2	Miscellaneous	9	The information was obtained from a report identified as For Official Use Only. The reference section has been revised accordingly. Other reference documents that may not be accessible to the public also have been identified as such.
	D-W-0092-4	Program	4.3.2.1.1.1	See response to comment D-E-0324-5.
	D-W-0092-5	Program		See response to comment D-E-0324-6.
	D-W-0092-6	Airspace	3.1.1	See response to comment D-E-0324-8.
	D-W-0092-7	Program		See response to comment D-E-0324-9.
	D-W-0092-8	Program		See response to comment D-E-0324-10.
	D-W-0092-9	Program	4.3.2.1.7.1, K	See response to comment D-E-0324-11.
	D-W-0092-11	Biological Resources - Marine	4.1.2.4.1	See Section 4.1.2.4.1 regarding ship strikes and marine mammals.
	D-W-0092-12	Health and Safety	4.3.2.1.7	See response to comment D-E-0324-14.
	D-W-0092-13	Land Use	3.3.2.1.8, 4.3.2.1.8	See response for comment D-E-0324-15

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Peter Rappa --Univ. of Hawaii at Manoa	D-W-0092-14	Utilities	2.2.4.4, 4.1.1.3, 4.1.5.3	See response to comment D-E-0324-16.
	D-W-0092-15	Cumulative Impacts		See response to comment D-E-0324-17.
	D-W-0092-16	Health and Safety		See response to comment D-E-0324-18.
	D-W-0092-17	Program	2.2.2.1, 2.2.2.3, 2.2.2.4, 2.2.2.4.1	See response to comment D-E-0324-19.
	D-W-0092-18	Policy/NEPA Process		Thank you for your comment.
	D-W-0092-20	Program		See response to comment D-E-0324-7.
	D-W-0092-21	Geology and Soils	'3.3.2.1.5	See response to comment D-E-0324-12
	D-W-0092-22	Hazardous Materials and Waste	4.3.2.1.3.1, 4.3.2.1.6, 4.3.2.1.7,	See response to comment D-E 0324-13.
James Tollefson --The Chamber of Commerce of Hawaii	D-W-0093-1	Policy/NEPA Process		Thank you for your comment.
Beth Tokioka --Office of Economic Development	D-W-0094-1	Policy/NEPA Process		Thank you for your comment.
Robbie Kaholokula --Office of Economic Development	D-W-0095-1	Program		Thank you for your comment.
Eric S. Takamura -- Department of Environmental Services	D-W-0096-1	Utilities	3.4.1.7	As noted in Section 3.4.1.7, the Ewa Training Minefield is an ocean area extending from Ewa Beach approximately 2 nautical miles (nm) toward Barber Point, and out to sea approximately 4 nm. The area is restricted by 33 Code of Federal Regulations (CFR) 334.1400 and has been used for surface ship mine avoidance training. The Navy would continue to take the same safety precautions that have protected underwater utilities in the past.
Cory Harden --Sierra Club, Moku Loa	D-W-0097-1	Cumulative Impacts		Thank you for your comment.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Cory Harden --Sierra Club, Moku Loa	D-W-0097-2	Hazardous Materials and Waste	4.1.3, 4.1.7, 5.0	The EIS/OEIS evaluates the expenditure and environmental fate of a variety of training materials. Both qualitative and quantitative assessments of these expenditures conclude that their effects on water quality and bottom sediments, and on the biota that inhabit these environments, would be negligible. A cumulative impact is the sum of the Proposed Action's effects and the effects of other projects. Thus, while the combined ocean discharges of wastewater treatment plants, urban runoff, marine vessels, and other sources may result in unhealthful concentrations of marine pollutants, the Navy's expended training materials would not contribute to that impact. See Section 5.0.
	D-W-0097-3	Cumulative Impacts	5.2.1.3	Section 5.2.1.3 has been added to discuss anthropogenic sources of ambient noise that are most likely to have contributed to increases in ambient noise. These include vessel noise from commercial shipping and general vessel traffic, oceanographic research, and naval and other use of sonar.
	D-W-0097-4	Cultural Resources		A shark heiau (Hal-oKapuni), where human remains were offered to sharks, is said to be located offshore of Kawaihae Pier. Its precise location is unknown since it has been buried for decades.
	D-W-0097-5	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.1	HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the HRC EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
	D-W-0097-6	Hazardous Materials and Waste		The Navy recognizes that past practices may have resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available. The Proposed Action described in this EIS/OEIS addresses a need to continue and enhance personnel training, which is unrelated to ongoing, planned, or prospective remediation of historical contamination.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Cory Harden --Sierra Club, Moku Loa	D-W-0097-7	Cultural Resources	4.6.2.1.3	<p>Previous cultural resources surveys of Pohakuloa Training Area encompass the Keamuku area. This has been added to the text.</p> <p>Existing policies regarding native Hawaiian access to religious, traditional, and cultural sites or native Hawaiian religious and subsistence practices are noted throughout the EIS/OEIS and remain unchanged with the proposed activities. Department of Defense installations throughout the state of Hawaii make every effort to accommodate requests for access to religious and subsistence sites within the constraints of their missions. Coordination of site visits is necessary to ensure the safety of all visitors.</p> <p>Alteration of roads and trails at Pohakuloa Training Area is not expected; however, that determination cannot always be made until specific project planning is undertaken. If alterations are required, mission planners will coordinate with the appropriate environmental managers prior to activities to ensure that there are no impacts on cultural resources.</p>
	D-W-0097-8	Noise	4.1.6.1, 3.3.2.1.9	Supersonic flight and sonic booms are discussed in Section 4.1.6.1 for the Open Ocean activities and in detail in Appendix G. The HRC is approved for supersonic flight; however, no data is available that describes the exact location of supersonic operations. Supersonic activity is the HRC is generally restricted to altitudes greater than 30,000 feet above sea level or in areas at least 30 nautical miles from shore. These restrictions prevent most sonic booms from reaching the ground. Sonic booms are also discussed in Section 3.3.2.1.9 for missile launches at PMRF/Main Base. Populated areas are not likely to be affected by sonic booms generated during launch activities because missile trajectories will not include over flight of populated areas.
	D-W-0097-9	Policy/NEPA Process		The Navy released a Supplement to the Draft EIS/OEIS for public comment in light of new sonar data.
	D-W-0097-10	Biological Resources - Terrestrial		Your comment regarding allegations of tampering with scientific results by a USFWS official is noted but is outside the scope of this EIS/OEIS.
	D-W-0097-11	Miscellaneous		Thank you for your comment.
	D-W-0097-12	Miscellaneous		Hawaiian diacritical marks were used for the names of species in the Biological Resources sections and when their use was specifically called out in reference citations or quoted material. Hawaiian diacritical marks were also used when referring to the Papahānaumokuākea Marine National Monument.
	D-W-0097-13	Cumulative Impacts		The Proposed Action does not include planned use of the commercial vessel Superferry.



**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Cory Harden --Sierra Club, Moku Loa	D-W-0097-14	Transportation		Commercial vessels (i.e., Superferry, Matson vessels, Horizon Lines, and other carriers operating in Hawaii) , the Voluntary Intermodal Sealift Program (VISA), and the Transportation Command (USTRANSCOM) are not within the scope of this document.
	D-W-0097-15	Policy/NEPA Process		Non-training activities (i.e., combat related activities/operations) are exempt from environmental analysis under the NEPA statute/Executive Order 12114. However, military combat operations are planned to take into account potential impacts on the environment, and are then designed to reduce environmental impacts, when possible.
	D-W-0097-16	Cumulative Impacts	5	Cumulative impacts are addressed in Chapter 5.0 of this EIS/OEIS.
	D-W-0097-17	Hazardous Materials and Waste	2.2.3.5.4, 4.6.2.1.2.2	Sections 2.2.3.5.4 and 4.6.2.1.2.2 include details concerning the proposed Joint Threat Emitters at the Pohakuloa Training Area. These transmitters are threat simulators capable of generating radar signals associated with threat systems and consist of a computer controlled multiple emitter and receiver system (one or two command and control units). The proposed transmitters could be antenna or mobile vehicles. Command and control sensors are passive systems. Standard operating procedures and specific safety plans have been developed and would ensure that the general public and range personnel and assets are provided an acceptable level of safety.
	D-W-0097-18	Biological Resources - Terrestrial	3.6.2.1.2-1.	The following comment on the EIS/OEIS was received on 18 April 2007 from Darryl York, Pohakuloa Training Area Biologist: "Remove Hemignathus munroi `Akia pola`au from Pohakuloa Training Area species list."
	D-W-0097-19	Alternatives	4.1.2, 4.1.2.4.13.1	As described in the EIS/OEIS, this information is classified. In addition, Section 4.1.2 evaluates impacts from the Proposed Actions on biological resources in the open ocean.
	D-W-0097-20	Alternatives	4.1.2.4.5	While some of these terms are no longer used subsequent to the information presented in the Supplement to the Draft EIS/OEIS, as technical information is the source for analysis for some sections of the EIS/OEIS, the terms used are the most accurate, precise, and therefore the most appropriate to use. Section 4.1.2.4.5 defines these terms.
	D-W-0097-21	Miscellaneous	3.1.2.4, 4.1.2	Chapter 3.0 describes the environmental characteristics that may be affected by each alternative presented in the EIS/OEIS. An analysis of the impact(s) to the marine mammals listed in Table 3.1.2.4-1 (page 3-29) is presented in Chapter 4.0. Chapter 4.0 describes potential environmental consequences at each location; the same resource areas addressed in Chapter 3.0 for each location are addressed in Chapter 4.0; see Section 4.1.2.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Cory Harden --Sierra Club, Moku Loa	D-W-0097-22	Biological Resources - Marine	4.1.2	The EIS/OEIS contains a revised methodology provided by NMFS for the Navy, presented to the public in the Supplement to the Draft EIS/OEIS, and incorporated into the revised discussion in Section 4.1.2 of the Final EIS/OEIS. Affects of multiple pings are considered under the energy metric (EFD) criteria beginning with TTS, which is the first measurable physiological effect presently known. A new risk function is used in the present analysis has behavioral response curve with a lower mean (165 dB SPL) than the previously proposed 173 dB SPL.
	D-W-0097-23	Hazardous Materials and Waste	4.0, 4.1.4	The topic of hazardous wastes, including the amounts that could be generated at sea under Alternatives 2 or 3, are addressed in Section 4.1.4 of the EIS/OEIS. The island-specific subsections of Section 4 each include facility-specific discussions of hazardous waste generation under Alternatives 2 or 3.
	D-W-0097-24	Hazardous Materials and Waste	3.1.4, 3.1.7, 4.1.4, 4.1.7	The time necessary for chaff fibers to decompose depends upon the environment to which the fiber is exposed, but can be as little as three months. Cartridges, pistons, end caps, and other elements of the chaff dispensing system will generally fall into the ocean and sink to the bottom. Some potential exists for chaff fibers dispensed over the ocean to be inhaled but, to date, there have been no known cases of chaff inhalation or other chaff-related health incidents on land or at sea. Discussions of chaff are provided in Sections 3.1.4, 3.1.7, 4.1.4, and 4.1.7.
	D-W-0097-25	Biological Resources - Terrestrial	4.2.1.1.1.1	Text has been added to section 4.2.1.1.1.1 clarifying the size and area of an anticipated debris field. The exact size of debris anticipated would vary with each intercept. In a successful intercept, both missiles would be destroyed by the impact. Momentum would carry debris along the respective paths of the two missile until the debris falls to earth. The debris would consist of a few large pieces (approximately 110 pounds [lb]), of each missile, many medium pieces (approximately 11 lb), and mostly tiny particles. This debris is subject to winds on its descent to the surface. The debris would generally fall into two elliptically-shaped areas.
	D-W-0097-26	Air Quality	3.6.2.1.4	As detailed in Section 3.6.2.1.4, a plan is being developed to fully address the issue of depleted uranium at the Pohakuloa Training Area by the U.S. Army. Guidance provided to users of Pohakuloa Training Area will be followed for proposed training activities.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Cory Harden --Sierra Club, Moku Loa	D-W-0097-27	Airspace	4.6.2.1	<p>As described in Section 4.6.2.1.1, these types of training events are confined to the special use airspace R-3103 located above the range associated with Pohakuloa Training Area. Air activity is controlled and coordinated by Pohakuloa Training Area Range Control. For training that includes 10 or more aircraft, the Bradshaw Army Airfield manager submits a Notice to Airmen (NOTAM) to the Federal Aviation Administration (FAA) Honolulu Flight Service Station to be published as a Honolulu Local NOTAM and as a Class D NOTAM. The Bradshaw Army Airfield manager provides this information to the airfield Air Traffic Information Service.</p> <p>Typically, one aircraft carrier trains during a Major Exercise. Alternatives 2 and 3 propose the use of three aircraft carriers during a Major Exercise; this would require an increase in coordination and scheduling by the Navy, Bradshaw Army Airfield, and the FAA. The increased training would be accommodated within the existing airspace.</p>
	D-W-0097-28	Biological Resources - Terrestrial	4.0, 5.0	<p>Impacts from applicable Army activities are addressed in Chapter 5.0-- Cumulative Impacts. Chapter 4.0 of the HRC EIS/OEIS addresses impacts from Navy activities on Army land.</p>
	D-W-0097-29	Biological Resources - Terrestrial	4.6.2.1.2.3	<p>Up to three Strike Groups could visit the area once a year. Their operations would be mainly in the Open Ocean and thus the potential for impacts would not necessarily be added to Army impacts. Cumulative impacts are discussed in Chapter 5.0 of the HRC EIS/OEIS.</p>
	D-W-0097-30	Noise	2, 3.6.2.1.5, 4.6.2.1.5	<p>Specific changes in tempo, frequency and number are provided in Chapter 2.0. Section 3.6.2.1.5 has been updated and Figure 3.6.2.1.5-1 has been added to include information regarding existing noise levels at Pohakuloa Training Area. These noise levels include current (the No -action Alternative) Navy training and RDT&amp;E activities. According to the current noise levels depicted in Figure 3.6.2.1.5-1, Laupahoehoe is not within the Zone II or III noise levels. This means that, in accordance with the Army's noise evaluation program, the area would not receive noise levels equal to or higher than 65 dBA.</p> <p>In addition, Section 4.6.2.1.5 has also been updated. While training events would increase in number at Pohakuloa Training Area, the type of training would be the same and would not increase the current modeled noise levels. The proposed training would be individual events and would not occur simultaneously.</p>

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Cory Harden --Sierra Club, Moku Loa	D-W-0097-31	Hazardous Materials and Waste	4.1.3, 4.1.7, 5.0	Under the No-action alternative, there would be a continuation of ongoing training activities at Bradshaw Army Airfield. The activities will not cause an increase in the amount or type of hazardous materials used or hazardous waste produced. Bradshaw Army Airfield has plans in place to manage hazardous materials and waste. Training activities proposed for Alternatives 1 and 2 would be similar to those for the No-action Alternative. While the number of activities would increase, hazardous materials used and hazardous waste generated would be similar to existing usage and generation, and would not result in any changes to management plans currently in place at Bradshaw Army Airfield.
	D-W-0097-32	Socioeconomics	4.6.2.2	As noted in Section 4.6.2.2, there are no activities proposed within this EIS/OEIS that would affect socioeconomics or transportation at Bradshaw Army Airfield. The number of personnel living in or traveling to Bradshaw Army Airfield will not increase, and there would be no change to the level of service for the roadways.
	D-W-0097-33	Airspace	2.2.4.1, 4.6.2.2.1.1	Helicopter raids are associated with Special Warfare Operations (SPECWAROPS). For all locations in the HRC there are 30 SPECWAROPS per year identified for the No-action, Alternative 1, Alternative 2, and Alternative 3 (EIS/OEIS, Table 2.2.2.3-1). There would be less than six helicopter raids per year at Bradshaw Army Airfield (see Section 4.6.2.2.1.1).
	D-W-0097-34	Biological Resources - Terrestrial	4.6.2.2.2.2	As stated Section 4.6.2.2.2.2, training operations at Bradshaw Army Airfield are limited in scope and not anticipated to impact areas beyond the airfield itself. Training occurs within pre-defined areas. Thirty SPECWAROPS occur annually throughout the HRC, including Bradshaw. This number is not expected to increase under either Alternative 1, 2, or 3.
	D-W-0097-35	Biological Resources - Terrestrial	4.8	Correspondence with and comments provided by USFWS (Dept. of Interior) are included in the EIS/OEIS. NMFS correspondence and comments are not included because they are a cooperating agency on the EIS/OEIS. Compliance status with the National Marine Sanctuaries Act has been added to Table 4.8-1.
	D-W-0097-36	Hazardous Materials and Waste		The Navy recognizes that past practices may have resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available. The Proposed Action described in this EIS/OEIS addresses a need to continue and enhance personnel training, which is unrelated to ongoing, planned, or prospective remediation of historical contamination.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Cory Harden --Sierra Club, Moku Loa	D-W-0097-37	Cumulative Impacts		The scope of this EIS/OEIS is to evaluate the environmental effects of the Proposed Actions within the HRC. It is not intended to provide an analysis of the programs requested. Consequently, inclusion of this information is not appropriate or essential to perform the required environmental analysis of the Proposed Action.
	D-W-0097-38	Cumulative Impacts	4	Specific information relation on other marine resources related to environmental contamination and biotoxins is also not available to adequately determine potential cumulative impacts. However, a detailed analysis of potential impacts on water resources, hazardous materials and waste, and essential fish habitat is provided in Chapter 4
	D-W-0097-39	Cumulative Impacts		Detailed analysis for the permanent stationing of the 2/25th Stryker Brigade Combat Team is beyond the scope of this EIS/OEIS but can be found at the following website: <a href="http://www.sbct-seis.org/">http://www.sbct-seis.org/</a> . However, cumulative impacts from Army activity are considered in Chapter 5.0 of this EIS/OEIS.
	D-W-0097-40	Biological Resources - Marine	4.1.2	Use of the SOFAR channel is beyond the scope of this document given that it does not involve one of the proposed actions. The EIS states that the nominal source level of the AN/SQS 53 is 235 dB @ 1m re 1 u-Pa2. Marine mammals (we believe your reference is to studies on beluga specifically) are context specific for animals that are hunted and must contend with shifting ice, which does not have relevance in the Hawaii context. In addition, "the 110 to 120 dB", discussed is a received level (at the whales) as opposed to a source level (1 meter from the sonar), which is inside the sonar dome (inside the bow of the ship). Thresholds developed in cooperation with NMFS are presented in Section 4.1.2, which provides details on the various possible effects and the method NMFS has approved for analyzing those possible effects.
	D-W-0097-41	Alternatives	2	As discussed in Chapter 2.0, the Proposed Action does not include the use of low-frequency active sonar.
	D-W-0097-42	Biological Resources - Marine		Both the Department of the Interior and the Department of Defense (the Navy in this case) recognize that migratory birds are of great ecological and economic value and are an important international resource. They are a key ecological component of the environment. The Department of the Interior and Department of Defense also recognize that steps should be taken to minimize or avoid negative impacts on migratory birds when planning and executing military readiness activities, while maintaining the effectiveness of such activities. The Department of the Interior reviewed the Draft EIS/OEIS and their comments/concurrence will be in the final version.
	D-W-0097-43	Biological Resources - Terrestrial		Only simulants discussed in the Lethality Program EA and also proposed at HRC are TBP and glycols.



**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Cory Harden --Sierra Club, Moku Loa	D-W-0097-44	Hazardous Materials and Waste	4.3.2.1.7.2	Section 4.3.2.1.7.2 details health and safety for target launches that include TBP and various glycols proposed for Alternatives 1, 2, and 3.
	D-W-0097-45	Biological Resources - Terrestrial		The Navy and other Services recognize that past practices conducted decades ago resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and remediation is proceeding with the available funds.
	D-W-0097-46	Hazardous Materials and Waste	4.1.4.1.1, C.5	Hazardous materials generated aboard ship that would be considered hazardous wastes when offloaded in port are not disposed of at sea. Hazardous wastes are offloaded upon reaching port in Hawaii, and enter the Navy's shore-side waste management system (see Section 4.1.4.1.1). The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing training, funds, pollution prevention efforts and professional staff dedicated to this important matter. The Navy complies with all applicable environmental laws, reporting requirements, and has established rules and procedures to ensure that Navy activities are performed in a responsible manner to protect Hawaii's environment (see Appendix C.5).
	D-W-0097-47	Hazardous Materials and Waste		In layman's terms, used hazardous materials and hazardous wastes will be characterized by trained professionals, placed in containers of appropriate materials and design, stored in secure areas under appropriate conditions, and finally transported to government-approved treatment or disposal facilities, all in accordance with State and Federal regulations.
	D-W-0097-48	Hazardous Materials and Waste	3.1.4	Most wastes meeting RCRA hazardous criteria cannot be disposed in Hawaii, where land is at a premium and the volumes of various types of hazardous waste streams are insufficient for a disposal facility to be cost-effective, but this is a dynamic situation. Depending upon the materials, some treatment - such as consolidation, blending, and neutralization - can be accomplished in Hawaii. Hazardous wastes that are not treated or disposed in Hawaii are shipped to mainland facilities (see Section 3.1.4 - Disposal)
	D-W-0097-49	Hazardous Materials and Waste	4.1.4	Under Alternatives 2 or 3, about 4,884 cartridges of aerial chaff and about 280 cartridges of super-bloom offboard chaff will be used per year, totaling about 5 tons per year of these materials. The amounts used by other services are not relevant, in that they do not occur in the same areas as the expenditures of chaff under the Proposed Action, so there is no cumulative effect. See Section 4.1.4.
	D-W-0097-50	Hazardous Materials and Waste	3.14, 3.1.7, 4.1.4, 4.1.7	Please see responses to comments D-E-0460-37, D-E-0460-38, and D-E-0460-39.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Cory Harden --Sierra Club, Moku Loa	D-W-0097-51	Hazardous Materials and Waste	4.1.7	Chaff fibers dispersing into the ocean from the aerial releases where the chaff cartridge functions as designed will never be present in surface waters at concentrations that could fill the digestive tract of a bird. In addition, the size, thickness, and visibility in water of individual chaff fibers are such that it would be difficult for a seabird to selectively feed on these materials. In those rare instances (estimated at <5 percent) where the cartridge does not function as designed, the most likely result would be that the chaff was not dispensed at all (see Section 4.1.4 - Chaff and Flares)
Gary Hooser --Hawaii State Senate	D-W-0098-1	Miscellaneous		The initial comment period was extended from 45 days to 52 days (July 27 - September 17, 2007).
Roland Sagum	D-W-0099-1	Program		Thank you for your comment.
Valerie Weiss	D-W-0100-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
Maria Walker	D-W-0101-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary).
Evelyn de Buhr	D-W-0102-1	Policy/NEPA Process		Thank you for your comment.
Inanna Carter	D-W-0103-1	Biological Resources - Marine	4.1.2	Regarding the Bahamas stranding, see the discussion of stranding events in Section 4.1.2. In addition, see the discussion added to the EIS/OEIS in Section 4.1.2 regarding the critical importance of context (as discussed by Southall et al., 2004) and any likely impacts on beaked whales in the Hawaiian Islands. The Bahamas conditions do not occur in Hawaii.
Steve Tyler	D-W-0104-1	Cumulative Impacts		Your comment regarding sonar training off the southern California coast is noted but is beyond the scope of this EIS/OEIS.
Jennifer Ho	D-W-0106-1	Policy/NEPA Process		In accordance to Section 1506.6 of the National Environmental Policy Act, the Navy made a diligent effort to involve the public in preparing and implementing the NEPA process, which includes making the document available where the public would have access. The Draft EIS/OEIS was placed in 8 public libraries in the state of Hawaii, and there were 4 public hearings held between 21 and 29 August 2007. The Navy solicited additional comments from agencies and the public during the comment period that followed the public hearings for the Draft EIS/OEIS. Additionally, a website was created so stakeholders would be able to download or view the document for review and comments could be e-mailed or submitted via the website to the Navy.
	D-W-0106-2	Biological Resources - Marine		Thank you for your comment.
Jay Miller	D-W-0107-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
Edmond Silva	D-W-0108-1	Environmental Justice		Thank you for your comment.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Nina Monasevitch	D-W-0109-1	Program		Thank you for your comment.
	D-W-0109-2	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace; therefore, there is no proposal to expand. It is true that the proposal includes increases in the frequency of training.
Cory Harden	D-W-0110-1	Alternatives		As "highly technical" information is the source for analysis for some sections of the EIS/OEIS, the term(s) are the best/most appropriate to use.
	D-W-0110-2	Health and Safety	4.1.2, 4.1.4, 4.2	Sections 4.1.2, Biological Resources - Open Ocean, 4.1.4, Hazardous Materials & Waste - Open Ocean, and 4.2, Northwestern Hawaiian Islands, include details regarding missile intercept and the debris associated with these intercepts.
	D-W-0110-3	Alternatives	3.0,	As stated in Chapter 3.0, environmental characteristics are discussed according to location; the Open Ocean Area is discussed first, followed by offshore and onshore discussion organized by island location from west to east: Northwestern Hawaiian Islands, Kauai, Oahu, Maui, and Hawaii. For organizational purposes, discussions about Niihau and Kaula are included under the Kauai heading, because although they are separate islands, they are part of Kauai County. In addition, discussions about Molokai, Lanai, and Kahoolawe are included under the Maui heading, because although they are separate islands, they are part of Maui County. The last section discusses the Hawaiian Islands Humpback Whale National Marine Sanctuary. Preparing environmental analysis by location seemed to be the most logical, it allows the reader to find their area of concern without confusion.
	D-W-0110-4	Miscellaneous	All	The document will be reviewed, and if appropriate, "lay-person" terminology will be considered.
	D-W-0110-5	Environmental Justice	5	Chapter 5.0 of the EIS/OEIS discusses the cumulative impacts for Cultural Resources, Land Use, Health & Safety, and Socioeconomics. Chapter 4.0 discusses the factors used during the analysis of each alternative for the Proposed Action presented in the EIS/OEIS.
	D-W-0110-6	Socioeconomics		Your comments regarding native Hawaiians are noted, but these types of issues are outside the scope of the environmental impact analysis process.
	D-W-0110-7	Environmental Justice		Your comments regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense are noted but are beyond the scope of this EIS/OEIS.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Cory Harden	D-W-0110-8	Hazardous Materials and Waste		The Navy recognizes that past practices may have resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available. The Proposed Action described in this EIS/OEIS addresses a need to continue and enhance personnel training, which is unrelated to ongoing, planned, or prospective remediation of historical contamination.
Marsha Green -- International Ocean Noise Coalition	D-W-0111-1	Alternatives	4.1.2.4.11.2.	Regarding the Bahamas stranding, see the discussion of stranding events in Section 4.1.2. Also note that the analysis of impacts is based on metrics for direct physiological impacts and for behavioral impacts. In the Bahamas, it is unlikely that sound energy directly caused the histological manifestations reported in the stranded beaked whales. It is also important that in the Hawaii context, there has never been a beaked whale stranding associated with the use of sonar over decades of sonar use in Hawaiian Waters.
	D-W-0111-2	Alternatives		Nowacek et al. (2004) used an “alert stimuli” signal meant specifically to keep Atlantic right whales from having ship strikes. This “alert stimuli” signal is in no way comparable to mid-frequency active sonar.
	D-W-0111-3	Alternatives	4.1.2.4.6, 4.1.2.4.9.1, 4.1.2.4.9.2	Section 4.1.2 provides a discussion of the data used to generate the analytical risk function. As explained in Section 4.1.2 and as presented in Southall et al., 2007, “data gaps severely restrict the derivation of scientifically-based noise exposure criteria.” As explained in the Supplement to the Draft EIS/OEIS and in Section 4.1.2, the risk function made use of all appropriate data as recommended and reviewed by NMFS scientists.
	D-W-0111-4	Alternatives	4.1.2.4.10	While the absence of evidence does not prove there have been no effects, 30 years of history with no evidence of any impacts or strandings would seem to indicate that problems encountered in locations far from Hawaii involving beaked whales are location and context specific and do not apply in Hawaiian waters.
	D-W-0111-5	Alternatives	4.1.2.4.11.1	The behavioral criteria established takes into account reactions to very low received sound pressure levels to account for potential and direct effects. See Section 4.1.2 discussion of the risk function in this regard. There have been very few cases over the last decade when the Navy and NMFS believe that this has happened, and all these occurred in locations other than Hawaii. Chapter 6.0 details mitigation measures in place to further minimize the possibility. Acknowledging the uncertainty and small probability, the Navy has requested mortality of a small number of a few species. This amount of mortality would not result in any long-term population level effects.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Marsha Green -- International Ocean Noise Coalition	D-W-0111-6	Alternatives	4.1.2.4.10	In Hawaii, there have been no known beaked whales strandings associated with the use of mid-frequency active sonar. While the absence of evidence does not prove there have been no effects on beaked whales, 30 years of history with no evidence of any impacts or strandings would seem to indicate that problems encountered in locations far from Hawaii involving beaked whales are location and context specific and do not apply in Hawaiian waters.
	D-W-0111-7	Alternatives	4.1.2, 5.0	Cumulative effects analysis is presented in Chapter 5.0 of the EIS/OEIS. The discussion of the framework for derivation and analysis of acoustic effects is provided in Section 4.1.2 of the EIS/OEIS. These concerns will also be addressed independently by NMFS during rulemaking (a public process) for issuance of the Letter of Authorization under MMPA and the Biological Opinion for Endangered Species.
	D-W-0111-8	Mitigation Measures		It is critical that Navy be able to conduct ASW training in a variety of environment and bathymetric conditions, including in the vicinity of seamounts. The seamount allows a submarine to hide in an area that is shadowed by seamount because the active transmission cannot reach the sub via the bottom bounce path. Therefore, it is critical to operate MFA sonar in areas of high bathymetric variability.
	D-W-0111-9	Alternatives	4.1.2	The Navy, and NMFS in its cooperating agency role, used the best available and applicable science as determined by the regulator (NMFS) and the regulatory scheme required by the MMPA. If and when the regulatory scheme changes and NMFS establishes subgroup populations, the Navy will reassess their analysis.
	D-W-0111-10	Alternatives	4.1.2.4.11.3	As discussed in Section 4.1.2.4.11, Navy believes that evidence not considered previously involving the Hanalei "stranding" of July 2004 indicates that the full moon could have been a contributing factor in terms of bringing the animals closer to the shore.
	D-W-0111-11	Mitigation Measures		Imposing training restrictions from other countries on the U.S. Navy without considering the differences between each navies' capabilities, systems, mission requirements, and threats; and without considering whether the foreign country's training restrictions are more effective in protecting marine mammals from harm than the extensive precautions currently taken by the U.S. Navy, would arbitrarily undermine the U.S. Navy's ability to maintain military readiness.
Cathy Liss --Animal Welfare Institute	D-W-0112-1	Biological Resources - Marine	6.0	Chapter 6.0, Mitigation Measures, has been updated to reflect the Navy's current mitigation measures and their use of the best available science balanced with the NMFS approach and the requirements of the Navy to train.



**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Cathy Liss --Animal Welfare Institute	D-W-0112-2	Alternatives	4.1.2.4, 4.1.2.4.11	Section 4.1.2 provides a discussion of the data used to generate the analytical risk function. As explained in Section 4.1.2 and as presented in Southall et al., 2007, "data gaps severely restrict the derivation of scientifically-based noise exposure criteria." As explained in the Supplement to the Draft EIS/OEIS and in Section 4.1.2, the risk function made use of all appropriate data as recommended and reviewed by NMFS scientists.
	D-W-0112-3	Alternatives	4.1.2.4.6, 4.1.2.4.9.1, 4.1.2.4.9.2, 4.1.2.4.12, 5.2.1, 5.3.3.2	The Navy and NMFS, in the role as regulator and as a cooperating agency, developed the risk function for analysis of impacts using the best available and applicable science. As described in Southall et al (2004) and as discussed in Section 4.1.2, there is paucity of data upon which to base threshold criteria, however, Navy is following the recommendations of NMFS and using the criteria established by NMFS through a process of scientific review and recommendation.
	D-W-0112-4	Alternatives	4.1.2.4.10, 4.1.2.4.11.2	Regarding the Bahamas stranding, see the discussion of stranding events in Section 4.1.2. In addition, see the discussion added to the EIS/OEIS in Section 4.1.2 regarding the critical importance of context (as discussed by Southall et al. (2004)) regarding likely impacts on beaked whales in the Hawaiian Islands. The Bahamas conditions do not occur in Hawaii.
	D-W-0112-5	Alternatives	4.1.2.4.10	In Hawaii, there have been no known beaked whales strandings associated with the use of mid-frequency active sonar. While the absence of evidence does not prove there have been no affects on beaked whales, 30 years of history with no evidence of any impacts or strandings would seem to indicate that problems encountered in locations far from Hawaii involving beaked whales are location and context specific and do not apply in Hawaiian waters.
	D-W-0112-6	Alternatives	1.1, 1.2, 1.3, 4.1.2.4, 4.1.2.4.11	As described in Section 4.1.2, it is unlikely given the Navy's standard protective measures that there will be any serious injury to marine mammals in the Hawaiian Islands as a result of the continuation of training and RDT&E in the HRC. The activities being analyzed have been occurring in the Hawaiian Islands for decades and there have been no known impacts resulting from those activities, especially sonar use.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Cathy Liss --Animal Welfare Institute	D-W-0112-7	Mitigation Measures	6	Visual monitoring is critical for ship safety, irrespective mitigation. Navy lookouts and bridge personnel (5 in total on surface ships) are highly qualified and experienced marine observers. Compared to commercial vessels, Navy ships bridges are positioned forward to allow more optimal scanning of the ocean area from the bridge and bow area. Navy lookouts undergo extensive training to include on-the job instruction under supervision of an experienced lookout followed by completion of Personnel Qualification Standard Program. NMFS-approved Marine Species Awareness training is required before every exercise using MFA sonar. Navy lookouts use both hand held and "Big Eye" (20X110) binoculars. Aerial platforms also undertake visual monitoring prior to commencement of ASW operations. Passive acoustic systems are used by all platforms to monitor for marine mammal vocalizations, which are then reported to the appropriate watch station for dissemination. Navy ships also monitor their surroundings using all appropriate sensors at night and with night vision goggles as appropriate for activities conducted at night.
	D-W-0112-8	Mitigation Measures	6.0	Navy ships monitor their surroundings using all appropriate sensors at night and with night vision goggles as appropriate for activities conducted at night.
	D-W-0112-9	Mitigation Measures	6.0	Chapter 6.0, Mitigation Measures, presents the U.S. Navy's protective measures, outlining steps that would be implemented to protect marine mammals and Federally listed species during training events. It should be noted that these protective measures have been standard operating procedures for unit-level antisubmarine warfare training since 2004. In addition, the Navy's current mitigation measures reflect the use of the best available science balanced with the National Marine Fisheries Service (NMFS) approach and the requirements of the Navy to train.
	D-W-0112-10	Biological Resources - Marine	3.1.2.2.3, 3.1.2.2.4, 3.1.2.2.5, 3.1.2.2.6	Please see Section 3.1.2.2.3 - Fish Acoustics, Section 3.1.2.2.4 - Behavioral Effects of Sound, Section 3.1.2.2.5 - Physiological Effects of Sound, and Section 3.1.2.2.6 - Masking Effects, as they discuss noise impacts on fish.
	D-W-0112-11	Biological Resources - Marine	4.1.2.3	To summarize Section 4.1.2.3, the intensity of sound and how fish and turtles sense it is dependent on them being able to "hear" at that frequency. Turtles and fish do not hear mid-frequency sounds, so the intensity is irrelevant.
	D-W-0112-12	Mitigation Measures	6.4	Section 6.4, Mitigation Measures for Underwater Detonations, includes turtles and fish.
	D-W-0112-13	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-W-0112-14	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Juan Wilson	D-W-0113-1	Program		Thank you for your comment.
	D-W-0113-2	Alternatives		The activities being analyzed, including mid-frequency active tactical sonar, DICASS sonobuoys, MK-48 torpedo, dipping sonar and underwater demolition training have been occurring in the Hawaiian Islands for decades and there have been no known impacts resulting from those activities.
	D-W-0113-3	Mitigation Measures	6	Chapter 6.0, Mitigation Measures, presents the U.S. Navy's protective measures, outlining steps that would be implemented to protect marine mammals and Federally listed species during training events. It should be noted that these protective measures have been standard operating procedures for unit-level antisubmarine warfare training since 2004. In addition, the Navy's current mitigation measures reflect the use of the best available science balanced with the National Marine Fisheries Service (NMFS) approach and the requirements of the Navy to train.
	D-W-0113-4	Biological Resources - Terrestrial	4.3.1.1.1.1	See response to comment D-E-0438-3.
	D-W-0113-5	Hazardous Materials and Waste	2.2.4.4, 4.1.1.3, 4.1.5.3	Projected RDT&E laser programs do not include the use of hydrogen fluoride, and therefore the use of hydrogen fluoride is not part of the Proposed Action. In the event laser programs do come to PMRF, separate environmental documentation would be required to analyze potential impacts from training operations (see Sections 2.2.4.4, 4.1.1.3, and 4.1.5.3).
	D-W-0113-6	Water Resources	2.2.4.4	There are currently no plans for chemical lasers. Because the directed energy programs have not been defined, they cannot be fully analyzed in this EIS/OEIS. As stated in Section 2.2.4.4 of the EIS/OEIS, "Should the Airborne Laser program decide to perform testing at PMRF, separate environmental documentation would be required to analyze potential impacts."
	D-W-0113-7	Health and Safety		PMRF would develop the necessary standard operating procedures and range safety requirements necessary to provide safe operations associated with future direct energy tests. However, separate environmental documentation would be required to analyze potential impacts from these R & D activities.
	D-W-0113-8	Mitigation Measures		Additional environmental documentation for construction and use of the Maritime Directed Energy Center at PMRF would include analysis of the safety issues associated with directed energy. The EIS/OEIS only addresses potential locations of the Center on PMRF as part of the R & D activities.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Juan Wilson	D-W-0113-9	Cumulative Impacts		The scope of this EIS/OEIS is not intended to provide an analysis of Littoral Combat Vessels stationed in Hawaii with an Expeditionary Attack Force since there are no proposals ready to date. Consequently, inclusion of information concerning the use of Littoral Combat Vessels is not appropriate or essential to perform the required environmental analysis of the Proposed Actions.
Manuel Kuloloio	D-W-0115-1	Miscellaneous	13	All comments received will be placed in Chapter 13.0 in the EIS/OEIS.
Bob McDermott --Navy League	D-W-0116-1	Biological Resources - Marine		See response to comment D-T-0037-2
	D-W-0116-2	Mitigation Measures	5.2.1	See response to comment D-T-0037-4.
	D-W-0116-3	Cumulative Impacts		See response to comment D-T-0037-3.
Howard Sharpe	D-W-0117-1	Program		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter.
	D-W-0117-2	Alternatives		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts and professional staff dedicated to this important matter. The Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
Thomas Nakagawa	D-W-0118-1	Biological Resources - Marine		Thank you for your comment.
	D-W-0118-2	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-T-0045-2
	D-W-0118-3	Socioeconomics		See response to comment D-T-0045-4.
	D-W-0118-4	Biological Resources - Marine		See response to comment D-T-0045-5.
	D-W-0118-5	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-T-0045-6.
Anita Wintner	D-W-0119-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-T-0058-1.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Anita Wintner	D-W-0119-2	Health and Safety	4.1.5.1.1	Human exposure to underwater noise is addressed in Section 4.1.5.1.1. The Navy issues Notices to Mariners (NOTMARS) to alert commercial and recreational users, such as dive services, about upcoming at-sea training activities so that they may divert to open areas. During training exercises, Navy assets monitor the area to ensure that the public is not exposed to a health or safety risk. If non-participants are detected in the vicinity of an exercise, then it is delayed or postponed until those individuals have moved a safe distance away. With these measures in place, the Navy has an exemplary record of public safety. To date, no member of the public has been exposed to unhealthful levels of underwater noise.
	D-W-0119-3	Biological Resources - Marine	4.1.2.2	See response to comment D-T-0058-3
	D-W-0119-6	Biological Resources - Marine	3.1.2.3.2	The species description in Section 3.1.2.3.2 has been revised to include: "Since 1991, 81 nesting female hawksbills have been tagged on the Big Island at various locations, 22 tagged in the last 3 years. These do not include nesting females from Maui or Molokai which would add a small number to the total. While this appears to be an encouraging trend, Seitz and Kagimoto (2007) report that there are insufficient data to confirm an increasing population as yet.
	D-W-0119-7	Mitigation Measures	6.0	Chapter 6.0, Mitigation Measures, presents the U.S. Navy's protective measures, outlining steps that would be implemented to protect marine mammals and Federally listed species during training events. It should be noted that these protective measures have been standard operating procedures for unit-level antisubmarine warfare training since 2004. In addition, the Navy's current mitigation measures reflect the use of the best available science balanced with the National Marine Fisheries Service (NMFS) approach and the requirements of the Navy to train.
	D-W-0119-8	Policy/NEPA Process		To the best of the Navy's knowledge, the National Marine Fisheries Services has not released "a cause of death" for the whale that was found in Kihei, Maui and reported at 6:30 a.m. on April 25, 2007. A necropsy was being performed to provide more information on the species of toothed whale, which inhabits the deep ocean and is rarely seen.
	D-W-0119-9	Alternatives	4.1.2.4.11.2	Section 4.1.2.4.11.2 includes a discussion of specific stranding events that have been linked to potential sonar operations. Of note, these events represent a small overall number of animals over an 11-year period (approximately 40 animals), and not all worldwide strandings can be linked to naval activity.
Lanny Sinkin	D-W-0120-1	Alternatives		The 1998 observations referenced were in regard to use of low-frequency active (LFA) sonar. The use of LFA in the HRC is not part of the Proposed Action of this EIS/OEIS. In addition, your comment's characterization of the results of the tests is in error.



**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Lanny Sinkin	D-W-0120-2	Policy/NEPA Process		See response for comment D-T-0076-3.
	D-W-0120-3	Policy/NEPA Process		See response for comment D-T-0078-4.
Hans Mortensen -- Keaukaha Community Assoc.	D-W-0121-1	Noise	3.6.2.1	Section 3.6.2.1 has been revised to state that there are no proposed activities in this EIS/OEIS that include Navy training at the Hilo International Airport. The State of Hawaii Department of Transportation, Airports Division operates and maintains the airport in conformity with environmental rules. Navy P-3 aircraft from Marine Corps Base Hawaii do currently perform infrequent practice approach and landing proficiency flights at Hilo International Airport and other airfields (e.g., Kona, Lihue, Kahului). The Navy P-3 has a limited flying schedule based on its home airfield, and operations only occur between 0730 and 2300 Monday through Thursday, 0730-2100 on Friday, and 0730-1600 on Saturday. There are no Sunday flights. Military aircraft activities make up a small percentage of the total aircraft activities at the Hilo International Airport. Based on FAA statistics for calendar year 2003, there were 99,415 total aircraft operations at the Hilo International Airport. Of these, only 11 percent were military aircraft; the remaining 89 percent were commercial. Preliminary statistics for the 12-month period ending 30 March 2007 indicates 9% of the flights were military.
	D-W-0121-2	Health and Safety	3.6.2.1	See response to comment D-W-0121-1
	D-W-0121-3	Air Quality	3.6.2.1	See response to comment D-W-0121-1
Shelley Stephens	D-W-0122-1	Cultural Resources	4.2.2.2	See response comments D-E-0062-4 and D-W-0091-12.
Star Newland --Sirius Institute	D-W-0123-1	Miscellaneous		See response for comment D-T-0094.
	D-W-0123-2	Policy/NEPA Process	13	Scoping transcripts/records of scoping comments are not a part of the EIS/OEIS but are included in the Administrative Record. All comments were reviewed and incorporated where appropriate. Some comments may have been outside the scope of the document and therefore were not addressed in the EIS/OEIS. Chapter 13.0 contains all comments on the draft EIS/OEIS received during the public comment period and the responses to each comment.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Star Newland --Sirius Institute	D-W-0123-3	Biological Resources - Marine	6.1.2	As discussed in Section 6.1.2, "seasonal" avoidance suggestions fail to take into account the fact that the existing mitigation measures avoid exposing detected marine mammals to levels associated with TTS or injury. In addition, the Navy specifically informs all naval vessels to increase vigilance when the first humpback whales have been sighted around the Hawaiian Islands. The purported need for such suggested mitigation measures is based on speculative findings from other areas of the world that do not have direct application to the unique environment present in Hawaii. Such measures also can not be accurately implemented until there is a scientific basis defining parameters for the measures. Lacking any scientific basis behind the measures in Hawaii and lacking any evidence in Hawaii that there has ever been an impact resulting from the lack of these measures, there is no evidence that they would increase the protection of marine mammals. However, they would unacceptably impact the effectiveness of the training.
Lynn Nakkim	D-W-0124-1	Alternatives		Thank you for your comment.
Cory Harden --Sierra Club	D-W-0125-1	Alternatives		Thank you for your comment.
	D-W-0125-2	Cumulative Impacts		Thank you for your comment.
	D-W-0125-3	Biological Resources - Marine	4.2	Potential impacts on the Northwestern Hawaiian Islands (Nihoa and Necker) are discussed in Section 4.2.
	D-W-0125-4	Biological Resources - Terrestrial		Your comment regarding allegations of tampering with scientific results by a USFWS official is noted but is outside the scope of this EIS/OEIS.
Helen Schonwatter -- KAHEA, the Hawaiian Environmental Alliance	D-W-0126-1	Alternatives	4.1.2.4.11.2	Section 4.1.2.4.11.2 includes a discussion of specific stranding events, including Hanalei Bay, that have been linked to potential sonar operations. Of note, these events represent a small overall number of animals over an 11-year period (approximately 40 animals) and not all worldwide strandings can be linked to naval activity. Navy believes that evidence not considered previously involving the Hanalei "stranding of July 2004 indicates that the full moon could have been a contributing factor in terms of bringing the animals closer to the shore.
	D-W-0126-2	Biological Resources - Marine	4.2.1.1	As explained in Section 4.2.1.1, less than 12 missile flight trajectories per year could overfly the NWHI. Of these only a select few would have the potential to expend material on or offshore of Nihoa. Military readiness activities, including flight testing interceptor and target missiles, are exempt from consultation requirements or Monument regulations.
	D-W-0126-3	Biological Resources - Marine	6.0	Chapter 6.0, Mitigation Measures, has been updated to reflect the Navy's current mitigation measures and their use of the best available science balanced with the National Marine Fisheries Service (NMFS) approach and the requirements of the Navy to train.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Helen Schonwatter -- KAHEA, the Hawaiian Environmental Alliance	D-W-0126-4	Alternatives	4.1.2.4.11.2	Section 4.1.2.4.11.2 includes a discussion of specific stranding events that have been linked to potential sonar operations. Of note, these events represent a small overall number of animals over an 11-year period (approximately 40 animals), and not all worldwide strandings can be linked to naval activity.
	D-W-0126-5	Biological Resources - Marine	4.1.2.2	Please refer to Section 4.1.2.2 for an updated analysis of fish and underwater noise levels.
Lester Chang --City and County of Honolulu	D-W-0127-1	Miscellaneous		Thank you for your review of the document.
Duane Erway	D-W-0128-1	Miscellaneous		All comments received during the "public comment period" will be published. Transcripts from the public meeting cannot be altered or deleted.
Akahi Nui --Kingdom of Hawaii	D-W-0129-1	Environmental Justice		Your file for the record regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense are noted but are beyond the scope of this EIS/OEIS.
Timothy Ragen --Marine Mammal Commission	D-W-0130-1	Alternatives	2.2.1.1	The Council on Environmental Quality (CEQ) requires consideration of a reasonable range of alternatives in EISs [40 CFR Section 1508.9 (b)]. Under a rule of reason, an EIS need not consider an infinite range of alternatives, only reasonable, or feasible ones. The No-action Alternative consists of the current baseline of operations at the HRC, including over 9,300 training and RDT&E operations being conducted in the HRC annually. This Alternative appropriately uses current activities as the no-action status quo. A reduction in training operations could jeopardize the ability of specialty forces, transient units, and Strike Groups using the HRC for training purposes to be ready and qualified for deployment.
	D-W-0130-2	Alternatives	4.1.2	As presented in the Supplement to the Draft EIS/OEIS, the risk function has replaced the dose function. The development of the risk function is detailed in Section 4.1.2 and reflects the recommendations of NMFS and the scientific review panel charged with revision of the analytical methodology.
	D-W-0130-3	Mitigation Measures	6.0	Chapter 6.0, Mitigation Measures, presents the U.S. Navy's protective measures, outlining steps that would be implemented to protect marine mammals and Federally listed species during training events. It should be noted that these protective measures have been standard operating procedures for unit-level antisubmarine warfare training since 2004. In addition, the Navy's current mitigation measures reflect the use of the best available science balanced with the National Marine Fisheries Service (NMFS) approach and the requirements of the Navy to train.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Timothy Ragen --Marine Mammal Commission	D-W-0130-4	Alternatives	2.2.1.1	There has been no presumption that exposures are reduced to zero by mitigation and in fact the Navy is consulting with NMFS for all exposures resulting from the modeling without any reduction as a result of mitigation or standard protective measures, however, the few exposures resulting in injury (e.g. PTS) are very unlikely given the protective measures and range clearance procedures that have been in place for years. There has never been, to anyone's knowledge, any impact on marine mammals as a result of training to testing in the HRC over decades of operation.
	D-W-0130-5	Air Quality	4.1	Text has been added to Section 4.10 to address your concern regarding irreversible or irretrievable effects due to the use of nonrenewable energy sources: hydrocarbon fuels for aircraft, vessels, and vehicles.
	D-W-0130-6	Alternatives	2.0, 3.0, Appendix D	The description of the activities that allows the commenter to weigh national security benefits of each alternative is provided in Chapter 2.0 and in Appendix D. A cost benefit analysis is beyond the scope of this EIS/OEIS.
	D-W-0130-7	Alternatives		Economic analysis of the security benefits of each alternative is beyond the scope of the HRC EIS/OEIS. The loss of training opportunities would be detrimental to military readiness.
	D-W-0130-8	Alternatives		The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this document are both reasonable and necessary.
	D-W-0130-9	Biological Resources - Marine	4.1.2.4.11	Section 4.1.2.4.11 includes specific stranding events that have been linked to potential sonar operations are discussed. Of note, these events represent a small overall number of animals over an 11-year period (approximately 40 animals), and not all worldwide strandings can be linked to naval activity.
	D-W-0130-10	Alternatives		Thank you for your comment.
	D-W-0130-11	Alternatives	Appendix J	See Appendix J for details on implementation of the risk function of the methodology.
	D-W-0130-12	Alternatives		This information is classified. No greater detail can be provided; however, the acoustic impact modeling was undertaken using representative parameters for the systems modeled.
	D-W-0130-13	Alternatives		This information is classified. No greater detail can be provided; however, the acoustic impact modeling was undertaken using representative parameters for the systems modeled.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Timothy Ragen --Marine Mammal Commission	D-W-0130-14	Alternatives	4.1.2, Appendix J	The discussion of regarding the acoustic modeling methodology has been revised in Section 4.1.2 and in Appendix J. This is, however, a very technical subject and is not conducive to simplistic explanations without loss of the required precision and accuracy necessary to remain factual.
	D-W-0130-15	Alternatives		The charge weight of an IEER/EER is spread over a long ribbon having a total weight of 4.4 pounds and does not act in the same manner as a 4.4 pound point source. Information beyond that is classified and will not assist in any greater understanding of the potential for effects.
	D-W-0130-16	Alternatives	4.1.2.4.6	As discussed in Southal et al (2007:413-414) and presented in 4.1.2.4.6 of the EIS/OEIS, the modeling and threshold levels developed for analysis of impacts to marine mammals universally erred on the side of precaution with regard to the range at which an animal may have a probability of behavioral harassment (65 nmi and 120 dB) or with regard to the accumulation of energy for harassment with no accounting for reactions of animals. There has been no presumption that exposures are reduced to zero by mitigation and in fact the Navy is consulting with NMFS for all exposures resulting from the modeling without any reduction as a result of mitigation or standard protective measures. The few exposures resulting in injury (e.g. PTS) are very unlikely given the protective measures and range clearance procedures that have been in place for years. There has never been, to anyone's knowledge, any impact on marine mammals as a result of training to testing in the HRC over decades of operation.
	D-W-0130-17	Alternatives	4.1.2	The Navy has coordinated with NMFS on all marine species impact criteria used in the HRC EIS/OEIS.
	D-W-0130-18	Alternatives		Thank you for your comment.
	D-W-0130-19	Alternatives	4.1.2	The EIS/OEIS has revised the discussion to make clear that the context in Hawaii is not in any way comparable to the context in the Bahamas or other locations where sonar was potentially associated with a stranding. The measures required by NMFS and employed during RIMPAC 2006 were of questionable and/or unknown effectiveness at the time they were mandated, which is why NMFS required the RIMPAC After Action Report was to evaluate them following the exercise. The discussion previously presented on page 4-63b, was inaccurate and the text has been revised.
	D-W-0130-20	Alternatives	4.1.2	The work cited is discussed as evidence why the Hawaii context is different from other locations where beaked whales have been associated with strandings coincident with the use of sonar. Long-term residency by beaked whales in locations where sonar use has occurred for decades suggests there is no need to avoid these areas due to the presence of beaked whales.



**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Timothy Ragen --Marine Mammal Commission	D-W-0130-21	Alternatives	4.1.2	The text has been revised to eliminate mention of harbor porpoise.
	D-W-0130-22	Alternatives	4.1.2	The text has been revised to incorporate additional references.
	D-W-0130-23	Mitigation Measures	6.0	Chapter 6 presents a detailed review and analysis of monitoring and mitigation options. A monitoring plan is being developed in coordination with NMFS.
	D-W-0130-24	Mitigation Measures	6.0	Chapter 6.0, Mitigation Measures, has been updated and presents the U.S. Navy's protective measures, outlining steps that would be implemented to protect marine mammals and Federally listed species during training events. The Navy's current mitigation measures reflect the use of the best available science balanced with the National Marine Fisheries Service (NMFS) approach and the requirements of the Navy to train.
	D-W-0130-25	Mitigation Measures	6.0	Navy lookouts and bridge personnel (5 in total on surface ships) are highly qualified and experienced marine observers. Navy lookouts undergo extensive training to include on-the job instruction under supervision of an experienced lookout followed by completion of Personnel Qualification Standard Program. NMFS-approved Marine Species Awareness Training is required for every qualified lookout. In addition, available aerial platforms also provide visual monitoring during ASW events. Passive acoustic systems are used by all platforms to monitor for marine mammal vocalizations, which are then reported to the appropriate watch station for dissemination. There effects of the visual mitigation are not applied to the quantification of potential acoustic exposures, so the contention that the "takes" are otherwise being reduced to zero is not correct nor suggested. The Navy's Letter of Authorization request to NMFS is for the total number of modeled marine mammals acoustic exposures.
	D-W-0130-26	Mitigation Measures	6.0	The EIS/OEIS does not assert that visual monitoring alone is sufficient to assure 100 percent detection. Chapter 6.0, Mitigation Measures, has been updated and presents the U.S. Navy's protective measures, outlining steps that would be implemented to protect marine mammals and Federally listed species during training events. It should be noted that these protective measures have been standard operating procedures for unit-level antisubmarine warfare training since 2004. In addition, the Navy's current mitigation measures reflect the use of the best available science balanced with the National Marine Fisheries Service (NMFS) approach and the requirements of the Navy to train.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Timothy Ragen --Marine Mammal Commission	D-W-0130-27	Mitigation Measures	6.0, Appendix F	Given the paucity of scientific information regarding marine mammals, there is no data present on the quantifiable effectiveness of mitigation measures. The mitigation measures presented in Chapter 6.0 are, however, believed to be effective to some degree. Appendix F provides information on the qualitative effectiveness of the mitigation measures during RIMPAC 2006 and a USWEX event. In addition, the Navy's current mitigation measures reflect the use of the best available science balanced with the National Marine Fisheries Service (NMFS) approach and the requirements of the Navy to train.
	D-W-0130-28	Mitigation Measures		The Navy and NMFS are developing a monitoring plan to address the most effective use of the various technologies and methods for detecting marine mammals. The use of passive acoustics to detect and localize marine mammals is still in the development stages and is complicated by the context in Hawaii where the number of diversity marine mammal vocalizations are very large.
	D-W-0130-29	Mitigation Measures		There was an after-action report for RIMPAC 2006 and reports being sent to NMFS detailing data on the marine mammals detected during every USWEX event (in Hawaii) and JTFEX event (in Southern California) so this suggestion has already been implemented.
	D-W-0130-30	Biological Resources - Marine	2.2.3.5.3	The Portable Undersea Tracking Range would be located in suitable areas around the Main Hawaiian Islands. The figure (2.2.3.6.3-1) has been revised to more clearly depict this.
	D-W-0130-31	Program	1.7. 2.2.3.5.3	The Navy has been working with many partners during the preparation of this EIS/OEIS. The Navy has sought the advice of the National Marine Fisheries Services (NMFS) and has worked closely with their marine mammal and regulatory experts in trying to develop a method to quantify potential impacts on marine life caused by Navy activities, including use of the portable ranges (see Section 2.2.3.6.3). As stated in Section 1.7, NMFS is one of several cooperating agencies in the preparation of this EIS/OEIS.
	D-W-0130-32	Mitigation Measures		Temporary/portable arrays are frequency filtered to detect and track the specific frequencies of range pingers (placed on ships, submarines, and targets) and are therefore not useful in detection and localization of marine mammals.
	D-W-0130-33	Mitigation Measures		If an animal traveled 5 knots and a ship traveled 10 knots, when ship is 2000 yards, animal would still be 1000 yards back. There are many scenarios given a variety of ship speeds and animal speeds but all are unlikely given that, if one assumes that sonar is adverse to marine mammals, it is inconsistent to postulate that the marine mammal would continue to swim close to the ship.
	D-W-0130-34	Mitigation Measures		Thank you for your comment.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Timothy Ragen --Marine Mammal Commission	D-W-0130-35	Mitigation Measures	6.8	As described in Section 6.8, the Navy is developing a long-term marine mammal monitoring plan to determine behavioral and population level changes to marine mammals within Navy ranges. This plan will continue or initiate studies of abundance, distribution, habitat utilization, etc. for sensitive species of concern using visual surveys, passive and acoustic monitoring, radar and data logging tags (satellite or radio linked to record data on acoustics, diving and foraging behavior, and movements). The plan will include the validation of Navy lookouts that monitor all exercises. As of this EIS/OEIS, the Long-term Marine Mammal Monitoring Plan is under review by NMFS.
	D-W-0130-36	Mitigation Measures		Navy could not locate the text that the commenter is referring to, however, Navy does more than just visual monitoring. Aerial platforms also undertake visual monitoring prior to commencement of ASW operations. Passive acoustic systems are used by all platforms to monitor for marine mammal vocalizations, which are then reported to the appropriate watch station for dissemination. Navy ships also monitor their surroundings using all appropriate sensors at night and with night vision goggles as appropriate for activities conducted at night.
	D-W-0130-37	Mitigation Measures	6.1.2	Further details regarding the source of confusion are presented in Section 6.1.2. Using non-Navy personnel onboard Navy vessels to provide surveillance of Antisubmarine Warfare (ASW) or other exercise events would adversely impact military readiness activities, including personnel safety, and the practicality of implementation, and impact on the effectiveness of the military readiness activity. Security clearance issues would have to be overcome to allow onboard participants. Use of non-Navy observers is not necessary given that Navy lookouts are extensively trained in spotting items at or near the water surface.
	D-W-0130-38	Mitigation Measures	6.0, Appendix F	Mitigation Measures as described in Chapter 6 and as discussed in Appendix F, present only one mitigation measure (survey of the area before, during, and after without a sampling design) that was argued to be not cost effective as opposed to being too costly. Chapter 6 has been updated and presents the Navy's protective measures, outlining steps that would be implemented to protect marine mammals and Federally listed species during training events. The Navy's current mitigation measures reflect the use of the best available science balanced with the National Marine Fisheries Service (NMFS) approach and the requirements of the Navy to train. The Navy is in cooperation with NMFS over the development of a monitoring plan and integration of appropriate and effective technologies.

**Table 13.4.1-2. Responses to Written Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource Text</b>	<b>EIS Section</b>	<b>Response Text</b>
Timothy Ragen --Marine Mammal Commission	D-W-0130-39	Mitigation Measures	6.4.12	As described in Section 6.4.12, the Navy is developing a long-term marine mammal monitoring plan to determine behavioral and population level changes to marine mammals within Navy ranges. This plan will continue or initiate studies of abundance, distribution, habitat utilization, etc. for sensitive species of concern using visual surveys, passive and acoustic monitoring, radar and data logging tags (satellite or radio linked to record data on acoustics, diving and foraging behavior, and movements). The plan will include the validation of Navy lookouts that monitor all exercises. As of this EIS/OEIS, the Long-term Marine Mammal Monitoring Plan is under review by NMFS.
Robert G. F. Lee --Hawaii National Guard	D-W-0131-1	Miscellaneous		Thank you for your comment.
Jeffrey S. Hunt --County of Maui	D-W-0132-1	Biological Resources - Marine	6.0	Chapter 6.0, Mitigation Measures, has been updated to reflect the Navy's current mitigation measures and their use of the best available science balanced with the NMFS approach and the requirements of the Navy to train.
Laura Thielen --Department of Land and Natural Resources	D-W-0133-1	Cultural Resources		Thank you for your comments.
David Monasevitch	D-W-0134-1	Miscellaneous		Thank you for your comment.
	D-W-0134-2	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea, or airspace; therefore, there is no proposal to expand. It is true that the proposal includes increases in the frequency of training.
Nancy Merrill	D-W-0135-1	Biological Resources - Marine		Thank you for your comment.
	D-W-0135-2	Alternatives		See response to comment D-W-0066-1.
Nina Monasevitch	D-W-0136-1	Alternatives		See response to comment D-W-0066-1.
Mike Winneguth	D-W-0137-1	Alternatives		See response to comment D-W-0066-1.
Cheryl Magill --The Stop LFAS Worldwide Network	D-W-0138-1	Alternatives		See response to comment D-W-0066-1.

## 13.4.2 EMAIL PUBLIC COMMENTS

There were 419 emails from the public commenting on the Draft EIS/OEIS. A form letter made up 265 of the 419 emails.

Table 13.4.2-1 presents individuals who commented via email, with their respective commenter identification number. This number can be used to find the emailed document that was submitted and to locate the corresponding table in which responses to each comment are provided.

Exhibit 13.4.2-1 presents reproductions of the emails that were received in response to the Draft EIS/OEIS. Comment documents are identified by commenter ID number, and each statement or question that was categorized as addressing a separate environmental issue is designated with a sequential comment number.

Table 13.4.2-2 presents the responses to emailed comments to the Draft EIS/OEIS. Responses to specific comments can be found by locating the corresponding commenter ID number and sequential comment number identifiers.

**Table 13.4.2-1. Commenters on the HRC Draft EIS/OEIS (Email)**

Commenter	Comment ID	Commenter	Comment ID
Ron Agor	D-E-0475	Debra Baruch	D-E-0412
Melinda Ahn	D-E-0243	Ihor Basko	D-E-0413
Pi'ilani Akina	D-E-0202	Joseph Bateman	D-E-0097
Bill Akiona	D-E-0191	Jeri Baumgardner	D-E-0485
Jim Albertini	D-E-0076	Marguerite Beavers	D-E-0477
James V. Albertini	D-E-0400	Elisha Belmont	D-E-0096
Bobbie Alicen	D-E-0098	David Bishaw	D-E-0244
Kathy-Lyn Allen	D-E-0113	Moana Bjur	D-E-0151
Rosemary Alles	D-E-0306	Rhonda Black	D-E-0290
Email alohajai	D-E-0064	Donna Blackwell	D-E-0245
Judith Altemus	D-E-0403	Beryl Blaich	D-E-0183
Nadine Apo	D-E-0137	Patricia Blair	D-E-0170
Harvey Arkin	D-E-0091	Pat Blair	D-E-0364
Dick Artley	D-E-0081	Humberto Blanco	D-E-0369
Chessa Au	D-E-0274	Dmitry Boldvrev	D-E-0362
Charlene Avallone	D-E-0312	Lee Bowden	D-E-0134
Andrea Baer	D-E-0380	Royelen Lee Boykie	D-E-0148
Jacquelyn Baetz	D-E-0129	Jonathan Boyne	D-E-0065
Gia Baiocchi	D-E-0402	Ursula Brackett	D-E-0253
Robin W. Baird, Research Biologist, on behalf of the Cascadia Research Collective	D-E-0404	Tim Brause	D-E-0222
Linda Ballou	D-E-0320	Janice Brencik	D-E-0067



**Table 13.4.2-1. Commenters on the HRC Draft EIS/OEIS (Email) (Continued)**

<b>Commenter</b>	<b>Comment ID</b>	<b>Commenter</b>	<b>Comment ID</b>
Andrea Brower	D-E-0439	Fred Dente	D-E-0411
Jose Bulatao, Jr.	D-E-0450	Priscilla Derven	D-E-0343
Debbie Burack	D-E-0219	Caren Diamond	D-E-0169
Kelley Burg	D-E-0442	Dennis Dias	D-E-0457
Ellen Caldwell	D-E-0449	Lisa Diaz	D-E-0286
Ruth Callahan	D-E-0224	Jacquelyn Dillon	D-E-0434
Makana Cameron	D-E-0192	Stephen Dinion	D-E-0195
Ru Carley	D-E-0057	David H Dinner	D-E-0055
Ru Carley	D-E-0436	Fred Dodge	D-E-0125
Melissa Castaneda	D-E-0146	Pete Doktor	D-E-0106
Emily Castro	D-E-0272	Email Dolphinaría	D-E-0353
Sherry Chambers	D-E-0303	Kaj Dorstenia	D-E-0103
Ednette Chandler	D-E-0289	Noreen Dougherty	D-E-0389
Deanna Chang	D-E-0283	Kristin Duin	D-E-0293
Sam Chung Hoon	D-E-0204	Elaine Dunbar	D-E-0407
Christy Church	D-E-0252	J T Dunlap	D-E-0241
Email ckeala	D-E-0352	Amy Dunn	D-E-0465
Paul Clark	D-E-0361	Frederika Ebel	D-E-0130
Miriam Clarke	D-E-0428	Romi Elnagar	D-E-0421
DJ Colbert	D-E-0438	Bryson Embernate	D-E-0111
Leslie Conder	D-E-0217	Duane Erway	D-E-0431
Robert Conlan	D-E-0145	Garid Faria	D-E-0174
Nola Conn	D-E-0175	Estrella Ferrer	D-E-0236
Elizabeth Connors	D-E-0042	Joel Fischer	D-E-0050
Don Cooke	D-E-0288	Katy Fogg	D-E-0318
Tara Cornelisse	D-E-0190	Erin Foley	D-E-0394
Kevin Correll	D-E-0127	Erin Foley	D-E-0395
Robert V. Crifasi	D-E-0424	Doug Fox	D-E-0390
John Cusick	D-E-0063	Doug Fox	D-E-0316
Donna Cussac	D-E-0187	Angela Franco	D-E-0210
Michael Dahlem	D-E-0357	Neil Frazer	D-E-0184
Lisa Damon	D-E-0323	Elizabeth Freeman	D-E-0469
Sarah Daniels	D-E-0275	Karin Friedemann	D-E-0432
J. Scott Daniels	D-E-0069	Kekama Galioto	D-E-0158
Jordan Davis	D-E-0227	Joy Gardner	D-E-0302
Ralph Davis	D-E-0099	Cathy Garger	D-E-0425
Michelle DeFelice	D-E-0321	Felicita Garrido	D-E-0156
Marj Dente	D-E-0398	John Garvison	D-E-0337

**Table 13.4.2-1. Commenters on the HRC Draft EIS/OEIS (Email) (Continued)**

<b>Commenter</b>	<b>Comment ID</b>	<b>Commenter</b>	<b>Comment ID</b>
David and Carol Gerow	D-E-0419	Arius Hopman	D-E-0375
Glenn Giles	D-E-0418	Michael Howells	D-E-0279
Carrie Ginnane	D-E-0208	Emilie Howlett	D-E-0330
Mary K Gionson	D-E-0075	Lorraine Howlett	D-E-0331
Christopher Glenn	D-E-0257	Ron Howlett	D-E-0334
Suzanne Chantal Godbout	D-E-0336	Mark Hubbard	D-E-0384
William Golove	D-E-0089	Ka'iulani Huff	D-E-0420
Sharon Goodwin	D-E-0480	Everett Hullum	D-E-0372
Gregory I. Goodwin	D-E-0458	Sara Hult	D-E-0254
Marsha Green, North American Representative, on behalf of The Hawaiian-Environmental Alliance	D-E-0481	Forrest Hurst	D-E-0135
Jo Greenwald	D-E-0242	Kathlen Ireland	D-E-0093
Aarin Gross	D-E-0167	Rana Jackson	D-E-0185
Ravi Grover	D-E-0326	Rana Jackson	D-E-0358
Edgar Guiher	D-E-0260	Tom Jackson	D-E-0332
Margaret Guiler	D-E-0355	Kirsten Jackson	D-E-0435
Ka'iana Haili	D-E-0162	Bob Jacobson	D-E-0360
Monica Hall	D-E-0351	Scott Jarvis	D-E-0284
Eric Hanson	D-E-0062	Michael Jasny, Senior Policy Analyst on behalf of the Natural Resources Defense Council	D-E-0463
Linda Harmon	D-E-0448	Jonathan Jay	D-E-0416
Marcia Harter	D-E-0391	Alexander Jelinek	D-E-0107
Alison Hartle	D-E-0181	Delaney Jeter	D-E-0231
Hilary Harts	D-E-0220	Pearl Johnson	D-E-0038
Andrea Hauck	D-E-0266	JoJo JoJo	D-E-0339
Vanda Hauserova	D-E-0281	Michael Jones	D-E-0324
Sara Hayes	D-E-0108	Kyle Kajihiro	D-E-0451
Judith Heath	D-E-0422	Sandy Kamaka	D-E-0327
Selina Heaton	D-E-0100	Kalai Kamauoha	D-E-0144
Claudia Herfurt	D-E-0363	David Kane	D-E-0356
Sandy Herndon	D-E-0383	Kanoe Kapu	D-E-0193
Hana Hill	D-E-0114	Linda M. Karr	D-E-0154
Andrew Hina	D-E-0133	Sonja and Andy Kass	D-E-0163
Martha Hodges	D-E-0083	Email katrinaa	D-E-0094
Daniel Hoffman	D-E-0430	Christine Kauahikau	D-E-0116
Russell Hoffman	D-E-0415	Pualani Kauila	D-E-0166
Casey Holaday	D-E-0406	Lehua Kaulukukui	D-E-0247
Fern Holland	D-E-0194	Pono Kealoaha	D-E-0472
J.J. Holt Jr.	D-E-0486	Keone Kealoaha	D-E-0453

**Table 13.4.2-1. Commenters on the HRC Draft EIS/OEIS (Email) (Continued)**

<b>Commenter</b>	<b>Comment ID</b>	<b>Commenter</b>	<b>Comment ID</b>
Pono Kealoha	D-E-0178	Lynn Manheim	D-E-0346
Naia Kelly	D-E-0248	Marya Mann	D-E-0417
Colleen Kelly	D-E-0149	Katie Marshall	D-E-0258
Suzanne Kim	D-E-0277	Matt Mason	D-E-0237
Roy Kincaid	D-E-0126	James Mason	D-E-0221
Rob Kinslow	D-E-0344	Camellia May	D-E-0426
Zachary Klaja	D-E-0179	Candy McCaslin	D-E-0374
Michael Kline	D-E-0365	Bobby McClintock	D-E-0256
Louis Korn	D-E-0399	Amber McClure	D-E-0225
Diana La Bedz	D-E-0452	Katt McConiga	D-E-0268
Gordon La Bedz	D-E-0444	Tabitha McCoy	D-E-0232
Matthew Laclair	D-E-0230	Spencer McDonald	D-E-0410
Steve LaFleur	D-E-0164	Michele McKay	D-E-0246
Joan Lander	D-E-0297	Napuanani McKeague	D-E-0433
Joan Lander	D-E-0471	Joe Meagher	D-E-0228
Holly Lazo	D-E-0077	David Meanwell	D-E-0123
Barbara Leighton	D-E-0199	Marianne Merki	D-E-0315
Gordana Leonard	D-E-0461	Marilyn Mick	D-E-0115
Pilipo Souza Leota	D-E-0092	Dick Miller	D-E-0101
Kathryn Letkey	D-E-0139	Rebecca Miller	D-E-0376
David Letourneau	D-E-0136	Jay Miller	D-E-0216
Jason Leverett	D-E-0270	Bryan Milne	D-E-0282
Ellen Levinsky	D-E-0325	Alison Moceris	D-E-0188
Joan Levy	D-E-0368	Maya Moiseyev	D-E-0070
Sam Long	D-E-0349	Email MomBurgess	D-E-0446
Barbara Long	D-E-0200	Guenter Monkowski	D-E-0310
Thomas Loudat	D-E-0180	Mishelle Morales	D-E-0269
Aimee Love	D-E-0305	Gian Andrea Morresi	D-E-0393
Bryan Lovsness	D-E-0322	Claire Mortimer	D-E-0487
Alapaki Luke	D-E-0155	Claire Mortimer	D-E-0215
Jeannette Lyons	D-E-0287	Roy Moss	D-E-0211
Denise Lytle	D-E-0207	Paul Moss	D-E-0128
Stephen MacDonald	D-E-0338	Lisa Muehlstein	D-E-0295
Phin MacDonald	D-E-0265	Michael Myers	D-E-0261
Angela Macken	D-E-0294	Kristie Nakasato	D-E-0341
Vic Maietta	D-E-0218	David Nelson	D-E-0251

**Table 13.4.2-1. Commenters on the HRC Draft EIS/OEIS (Email) (Continued)**

<b>Commenter</b>	<b>Comment ID</b>	<b>Commenter</b>	<b>Comment ID</b>
Nadine Newlight	D-E-0079	Pat Porter	D-E-0080
Dafydd Nicholas	D-E-0121	Ken Posney	D-E-0408
Dafydd Nicholas	D-E-0118	Eve Powers	D-E-0381
Jason S. Nichols	D-E-0427	Nina Puhipau	D-E-0159
James M. Nordlund	D-E-0213	Anjali Puri	D-E-0165
Kaleopono Norris	D-E-0110	Wendy Raebeck	D-E-0378
Akahi Nui	D-E-0482	Kim L. Ramos	D-E-0196
Email ocean5	D-E-0307	Janet Rapoport	D-E-0455
Caitlin Odom	D-E-0392	Susan Rasmussen	D-E-0240
Nancy O'Harrow	D-E-0068	Rayne Regush	D-E-0484
Catherine Okimoto	D-E-0301	Jacqueline Remington	D-E-0105
Maren Orion	D-E-0447	Anna Reycraft	D-E-0280
Jamie Oshiro	D-E-0262	Sarah Rickerby	D-E-0300
L. Osterer	D-E-0379	Odette Rickert	D-E-0109
Lea Padilla	D-E-0212	Erin Rietow	D-E-0354
Pumehana Paisner	D-E-0160	Cathy Robinson	D-E-0264
Janice Palma-Glennie	D-E-0249	Bina Robinson	D-E-0157
Kealii Pang	D-E-0172	Email rocokona	D-E-0308
Graham Parkes	D-E-0095	Joseph Rodrigues	D-E-0143
Alika Parks	D-E-0445	Puanani Rogers	D-E-0347
Linda Pascatore	D-E-0382	Elyse Rollins	D-E-0238
Julie Penny	D-E-0440	Cynthia Romero	D-E-0229
Chris Perritt	D-E-0088	Angela Rosa	D-E-0273
William D. Perry	D-E-0371	Katy Rose	D-E-0405
Kelsey Peterson	D-E-0271	Cheryl Rosenfeld	D-E-0074
Cara Petty	D-E-0201	Ruby Roth	D-E-0319
Douglas Phillips	D-E-0119	Shannon Rudolph	D-E-0104
Sandra Phillips	D-E-0214	Shannon Rudolph	D-E-0423
Matthew Pintar	D-E-0141	Randyl Rupar	D-E-0043
Bruce Pleas	D-E-0470	A. Russell	D-E-0153
Marilyn & Ed Pollock	D-E-0386	Janice Saaristo	D-E-0255
Kylie Polzin	D-E-0066	Jeff Sacher	D-E-0140
Uhane Pono	D-E-0171	Barbara Saiki	D-E-0462
Email ponoau	D-E-0348	Pake Salmon	D-E-0176
Tina Pope	D-E-0292	Noyita Saravia	D-E-0206
Patricia S Port	D-E-0437	Shelby Sargent	D-E-0234

**Table 13.4.2-1. Commenters on the HRC Draft EIS/OEIS (Email) (Continued)**

<b>Commenter</b>	<b>Comment ID</b>	<b>Commenter</b>	<b>Comment ID</b>
Essence Satterfield	D-E-0329	Catherine Taylor	D-E-0239
Tom Scallon	D-E-0335	Cynthia Taylor	D-E-0328
Ed Schlegel	D-E-0142	Gabriela Taylor	D-E-0385
Jon Schmitz	D-E-0117	Kalinke ten Hulzen	D-E-0150
Greg Schneider	D-E-0203	Lee Tepley	D-E-0397
Helen Anne Schonwalter	D-E-0082	Addie Texeira	D-E-0168
Susan Scott	D-E-0401	Sarah Thornton	D-E-0173
Zena Seeley	D-E-0350	Marilynn Tolmachoff	D-E-0313
John P. Shannon	D-E-0443	Robin Tomer	D-E-0235
Sarah Sharp	D-E-0147	Lynne Torres	D-E-0309
Kelly Silberstein	D-E-0090	Marti Townsend	D-E-0233
Jade Silver	D-E-0333	LiLi Townsend	D-E-0317
Philip Simon	D-E-0085	Healani Trembath	D-E-0414
Amanda Sims	D-E-0124	Ron Tuason	D-E-0388
Harriet Smith	D-E-0467	Antoinette Tenhunen Tukholmankatu	D-E-0340
Harriet Smith	D-E-0476	Masako Uematsu	D-E-0205
Colleen Soares	D-E-0152	Kelley Uyeoka	D-E-0223
Francisca Sopacua	D-E-0182	Dona Van Bloemen	D-E-0186
Maureen O'Dea Spencer	D-E-0122	Stela Vasques	D-E-0250
Hugh Y. Starr	D-E-0474	Mehana Blaich Vaughan	D-E-0459
Kourtney Startin	D-E-0259	Mehana Blaich Vaughan	D-E-0456
Sandi Sterker	D-E-0377	Katie Velasquez	D-E-0189
Donald Stevens	D-E-0072	Briana Wagner	D-E-0131
Carmen Stevens	D-E-0120	Robert Wagner	D-E-0086
Samantha Stewart	D-E-0278	Felicia Ann Waialae	D-E-0197
Email stfpare	D-E-0087	Virginia Walden	D-E-0102
Dawn Stobart	D-E-0298	Judy Walker	D-E-0460
Kevin Stockhausen	D-E-0285	Maria Walker	D-E-0478
Kahea Stocksdales	D-E-0209	Judy Walker	D-E-0466
Michal Stover	D-E-0299	Judy Walker	D-E-0473
Michal Stover	D-E-0366	Loreen Walker & family	D-E-0409
Petra Sundheim	D-E-0359	Sheila Ward	D-E-0161
Jerry Taber	D-E-0291	Aaron Warren	D-E-0276
Robert Tanner	D-E-0267	Ilana Waxman	D-E-0073
Randy Tashjian	D-E-0177	Denise Weber	D-E-0263



**Table 13.4.2-1. Commenters on the HRC Draft EIS/OEIS (Email) (Continued)**

<b>Commenter</b>	<b>Comment ID</b>	<b>Commenter</b>	<b>Comment ID</b>
Ingrid Wedel	D-E-0370	Juan Wilson	D-E-0060
Lorena Werner	D-E-0345	Marty Wilson	D-E-0138
Momi Wheeler	D-E-0071	Angeline Winsor	D-E-0296
Ron Whitmore	D-E-0198	Emil Wolfgramm	D-E-0479
Den Mark Wichar	D-E-0078	Dawn Wooten	D-E-0112
Email Wild Dolphin Foundation	D-E-0226	Bill Young	D-E-0373
Donald H. Wilson	D-E-0387		

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<p>From: Pearl Johnson - Honolulu, HI To: deis_hrc@govsupport.us Subject: sonar harms marine mammals Date: 7/27/2007 11:44:32 PM</p> <p>The Navy should not use high-intensity sonar in its planned training exercises. Such sonar has been directly associated with repeated occurrences of mass strandings and deaths of whales, dolphins, and other marine species in U.S. waters and around the world.</p> <p>Use of sonar in Hawaii waters poses an unnecessary and avoidable threat to marine mammals and violates two fundamental environmental laws: the Marine Mammal Protection Act (MMPA) and the National Environmental Policy Act (NEPA).</p> <p>The National Resources Defense Council has considerable convincing scientific evidence demonstrating that the Navy's use of sonar can kill, injure, and disturb many marine species, including marine mammals.</p> <p>Please do not harm our whales and dolphins.</p> <p>Pearl Johnson</p> <p>Honolulu, HI</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0038</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0038	1	<p>From: Elizabeth Connors - Kailua, HI To: deis_hrc@govsupport.us Subject: No to Navy sonar tests Date: 7/31/2007 4:26:46 AM</p> <p>I have no confidence whatsoever in the Navy's statement that it does not expect to harm marine mammals in Hawaii waters even with increased use of sonar in large scale training. They should expect it, it has been demonstrated that these sonar tests do affect the mammals in the area and marine mammals have very sensitive hearing systems. It is simply not acceptable to endanger the endangered sea animals.....keep looking for another way to reach your goals.</p> <p>Elizabeth Connors</p> <p>Kailua HI</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0042</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0042	1
COMMENT NUMBER									
D-E-0038									
1									
COMMENT NUMBER									
D-E-0042									
1									

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS

From: Randy Rupar  
 To: deis\_hrc@govsupport.us  
 Subject: Re: Navy Training  
 Date: 8/1/2007 11:43:34 AM

To Whom it May Concern,

The Protection of our country is indeed an important issue. However, presidential proclamation of the establishment of Papahānaumokuākea, a national monument aimed at protecting the Northwestern Hawaiian Islands and providing a sanctuary for the endangered species that live there is also of utmost importance.

Please take into consideration the environmental impact on these protected habitats as they too are valuable to The United States of America.

Looking forward to being proud to be an American.

In Peace,  
 Randy Rupar

**COMMENT  
NUMBER**

D-E-0043

1

From: Joel Fischer - Honolulu, HI  
 To: deis\_hrc@govsupport.us  
 Subject: STRYKER EIS

Date: 8/7/2007 5:29:04 PM

I am a loyal American and a former member of the US ARMY. I am writing these comments in that context, and also as someone who is very concerned about our delicate island environment.

I think your EIS, quite simply, missed the point. Hawai'i is an island community. Our islands have VERY delicate ecological balances. So, no matter how your EIS addresses the many issues involving having the Strykers based in Hawai'i, the MAIN issue is: Can our islands maintain the Strykers here without sustaining permanent damage? The answer clearly is NO. The military has control over a huge amount of the land base of our home. There is irrefutable evidence that some of those lands have been damaged forever.

Therefore, I am asking the scientists and politicians who are involved in decision-making on the Strykers: Please understand our point of view as an island state. Please do not permanently base the Strykers in Hawai'i knowing that the environmental destruction to our islands caused by that decision will be immense.

Thank you.

Aloah.

joel

Dr. Joel Fischer, ACSW  
 Professor  
 University of Hawai'i, School of Social Work  
 Henke Hall  
 Honolulu, HI

"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right."

Dr. Martin Luther King, Jr.

**COMMENT  
NUMBER**

D-E-0050

1

"Never, never, never quit."  
Winston Churchill

**COMMENT  
NUMBER**

D-E-0050  
(cont.)

From: David H Dinner - HI  
To: deis\_hrc@govsupport.us  
Subject: PMRF

Date: 8/11/2007 1:02:56 PM

Dear Navy

I appreciate the opportunity to respond to the Navy's plans to build up forces in Hawaii. I only hope that you will be sensitive to the wishes of the people.

I will be off Island for your public hearing, but I wish to go on record as vigorously opposing the buildup of more Navy forces in Hawaii, especially here on Kauai. Our environment and infrastructure simply cannot tolerate the impact that the Navy is already placing on it.

Aloha  
David H Dinner

**COMMENT  
NUMBER**

D-E-0055

1



<p>From: Ru Carley To: deis_hrc@govsupport.us Subject: marine mammals and ocean noise Date: 8/16/2007 4:38:36 PM</p> <p>I am writing to defend the marine mammals from the Navy's projected use of sonar in Hawaiian waters and anywhere else in the world. This must be stopped immediately. There are many clear examples of marine mammal deaths by sonar and the Navy has NO RIGHT to kill these defenseless creatures. These animals are meant to be protected by us, not attacked for wargames. I am outraged and disgusted by human behavior that does not support our fellow creatures in the wild. When we act in this way we are hastening our own annihilation.</p> <p>Please see the light and STOP THE SONAR!!!!</p> <p>Thank you, in advance.</p> <p>Ru Carley</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0057</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0057	1	<p>From: Juan Wilson - Hanapepe HI, HI To: deis_hrc@govsupport.us Subject: Stryker Brigade, DU, Superferry Date: 8/21/2007 2:55:31 PM Navy Pacific Range EIS &amp; OEIS Staff,</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0060</td></tr></table>	COMMENT NUMBER	D-E-0060
COMMENT NUMBER								
D-E-0057								
1								
COMMENT NUMBER								
D-E-0060								

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p><b>From:</b> Juan Wilson  <b>Sent:</b> Tuesday, August 21, 2007 2:56 PM  <b>To:</b> deis_hrc@govsupport.us  <b>Subject:</b> Stryker Brigade, DU, Superferry</p> <p>Navy Pacific Range EIS &amp; OEIS Staff,</p> <p>There is much evidence that the Hawaii Superferry is part of a program to build Littoral Combat Ships (LCS) using civilian private and public funds. The plan of stationing of the Stryker Brigade on Oahu and the plan to train them at Pohakuloa Range does not make sense without the use of the Superferry as a LCS delivery system capable of reaching around the rim of the Pacific. It is a strategic decision made without concern for the environment of the ocean or Hawaii.</p> <p>The fact is that the Stryker Brigade and its associated weapons platforms all carry Depleted Uranium (DU) weaponry. This ranges from the BushMaster machine gun to the MA777 Howitzer.</p> <p>Yesterday the Army admitted use of DU at Pohakuloa. The two page "Media Release", dated 20 August 2007, from the Public Affairs Office of the U.S. Army Garrison in Pohakuloa says in part:</p> <p><b><i>"Experts from the government contractor Cabrera Services confirmed today, the use of the formerly classified weapon, the Davy Crockett recoilless gun, and the presence of depleted uranium (DU) in the impact area at the U.S. Army Garrison, Pokakuloa. This is the same type of material previously found at Schofield Barracks..."</i></b></p> <p>The particular weapon involved was the "Davy Crockett" M28 120mm Atomic Battle Group Delivery System. this is a nuclear weapons platform. If coordinated with the Stryker Brigade, this means that the Superferry will potentially be carrying nuclear weapons. Anybody do an EIS on that yet?</p> <p>Has anyone evaluated that if the Superferry is to carry the Stryker Brigade and associated equipment, it cannot be considered a civilian vessel or not be considered a legitimate military target to or enemies. Moreover, it presents a clear danger to residents of Hawaii by acting as the agent that will carry DU to every corner of every island it visits.</p> <p>The Navy is ramping up its invasive activity in Hawaii and the Pacific. If one makes the obvious linkage between the Superferry (on EIS or OEIS) and Pohakuloa Range (no EIS on siting the Stryker Brigade), RIMPAC activities (in defiance of worldwide environmental concerns) it is obvious that the Navy has not been honest or forthcoming with information concerning their plans in Hawaii. Some of that may be related to security concerns related to potential enemies, but I suspect that much of it political concerns. The Navy knows how damaging and unpopular its activities are.</p> <p>The impact on the island and ocean environment of Hawaii could be catastrophic. If the Navy wants a USNS Alakai as a LCS it should buy it, paint it in navy camo colors and dock it in Pearl Harbor.</p> <p>I ask that the following be answered in the Navy EIS and OEIS:</p> <p>1) Is it possible that equipment used in the field at Pohakuloa Range be contaminated with DU?  2) Will military equipment used at Pohakuloa Range be tested for DU before boarding the Superferry?</p> <p style="text-align: center;">1</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0060 (cont.)</b></p> <p style="text-align: center;">1</p>	<p>3) Will military equipment used at Pohakuloa Range be decontaminated of DU before boarding the Superferry?  4) Will the Superferry visit Kauai transporting any military equipment?  5) Will the Stryker Brigade, or associated weapons platforms disembark on Kauai?  6) Will the Superferry to coordinate efforts with PIMPAC 2008?  7) Will the Superferry be part of any Pacific Ocean LCS simulations or war games?  8) Will the Superferry use civilian or military protocols for avoiding whales when loaded with military equipment?  9) Will the Navy be involved with insurrection simulations using the Superferry on any Hawaiian Island?  10) Will the Superferry ever be equipped with mid or low frequency sonar capable of harming whales?  11) What genetic impact could Depleted Uranium dust have on GMO corn experiments within the Navy PMRF easement area?</p> <p>This only scratches the surface of one issue. There are so many. The environmental danger of the directed energy program stands out as another: The "Starwars Laser Death Ray".</p> <p>It is my understanding that the US is developing a chemical laser in which hydrogen and fluorine react together to form hydrogen fluoride, which is a corrosive gas or liquid which can be made to release a powerful burst of infrared radiation. The laser is focused and aimed by prisms and mirrors. A chemical laser of sufficient power, at least 25 megawatts, could destroy a missile almost 2,000 miles away. The plan is for this technology to be tested on Kauai.</p> <p>12) What effect on the environment Mana Plain wetlands will the firing of lasers using hydrogen fluoride?  13) What cleanup efforts will be made after each directed energy test?  14) What testing will guarantee the safety people using Polihale State Park and the access road to it?  15) What quantity of runoff of hydrogen fluoride contaminated water through the ditch system could there be?  16) What effect on coral reefs and offshore marine life would there be from hydrogen fluoride contaminated runoff?  17) What permanent of long term (one year or more) effect could a catastrophic failure of a test have on Polihale State Park?</p> <p>Juan Wilson  Architect-Planner</p> <p>Hanapepe HI</p> <p style="text-align: center;">2</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0060 (cont.)</b></p> <p style="text-align: center;">2</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Eric Hanson - Honolulu, HI To: deis_hrc@govsupport.us Subject: Expanding Naval Wargames in Hawaii is Unacceptable Date: 8/21/2007 10:43:01 PM</p> <p>Mr. Tom Clements Pacific Missile Range Facility P.O. Box 128 Kekaha, HI 96752-0128</p> <p>To: Mr. Clements,</p> <p>The world recognizes Hawai'i hosts unique and fragile marine environments crucial to the overall health of our oceans. The U.S. acknowledged the importance of protecting Hawai'i's oceans by establishing the largest, most highly protected marine preserve in the Northwestern Hawaiian Islands. This is the primary foraging grounds of last few remaining Hawaiian monk seals, home of rare cold water coral reefs,</p> <p>The Navy's proposal to significantly increase wargames in the Hawaiian Islands directly undermines the policies of the federal and state governments to protect the NWHI Marine Monument, State Refuge, and the Humpback Whale Sanctuary. The Navy's plan to use active sonar that harms marine mammals, spread toxic chemicals that undermine the public's health, and jeopardize cultural sites sacred to Native Hawaiians is completely unacceptable and cannot be allowed.</p> <p>Please Stop the Wargames, Eric E. Hanson</p> <p>Honolulu, HI</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0062</p>	The text of comment D-E-0063 was the same as that of D-E-0062. This comment was submitted by John Cusick of Honolulu, HI.	<b>COMMENT NUMBER</b>
		The text of comment D-E-0064 was the same as that of D-E-0062. This comment was submitted by None	D-E-0063
		The text of comment D-E-0065 was the same as that of D-E-0062. This comment was submitted by Jonathan Boyne of Honolulu, HI.	D-E-0064
		The text of comment D-E-0066 was the same as that of D-E-0062. This comment was submitted by Kylie Polzin of Honolulu, HI.	D-E-0065
		The text of comment D-E-0067 was the same as that of D-E-0062. This comment was submitted by Janice Brencik of KAMUELA, HI.	D-E-0066
		The text of comment D-E-0068 was the same as that of D-E-0062. This comment was submitted by Nancy O'Harrow of Lake Oswego, OR.	D-E-0067
		The text of comment D-E-0069 was the same as that of D-E-0062. This comment was submitted by J. Scott Daniels of Houston, TX.	D-E-0068
		The text of comment D-E-0070 was the same as that of D-E-0062. This comment was submitted by Maya Moiseyev of Palo Alto, CA.	D-E-0069
		The text of comment D-E-0071 was the same as that of D-E-0062. This comment was submitted by Momi Wheeler of Kea'au, HI.	D-E-0070
		The text of comment D-E-0072 was the same as that of D-E-0062. This comment was submitted by Donald Stevens of Winter Park, FL.	D-E-0071
	1	The text of comment D-E-0073 was the same as that of D-E-0062. This comment was submitted by Ilana Waxman of Honolulu, HI.	D-E-0072
			D-E-0073
	2, 3, 4		
	5		

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

The text of comment D-E-0074 was the same as that of D-E-0062. This comment was submitted by Cheryl Rosenfeld of Columbia, MO.	<b>COMMENT NUMBER</b>		<b>COMMENT NUMBER</b>
	D-E-0074	From: Martha Hodges - Princeville, HI To: deis_hrc@govsupport.us Subject: opposition to increased military testing	D-E-0083
The text of comment D-E-0075 was the same as that of D-E-0062. This comment was submitted by Mary K Gionson of Waianae, HI.	D-E-0075	Date: 8/21/2007 11:23:44 PM To whom it may concern;	
The text of comment D-E-0076 was the same as that of D-E-0062. This comment was submitted by Jim Albertini of Kurtistown, HI.	D-E-0076	"Concern" - there's the key word. I'm concerned! But why isn't the local, state and federal government concerned? On one hand, President Bush declares the outer Hawaiian Islands to be a Maritime Sanctuary and in the next stroke, it is proposed that missile testing be extended in this most pristine Pacific Ocean region. Outrageous!	1
The text of comment D-E-0077 was the same as that of D-E-0062. This comment was submitted by Holly Lazo of Hanalei, HI.	D-E-0077	Of course, the Navy's DEIS is going to report that there will be no environmental impact. The people drawing up these reports get paid big bucks to report things in the best possible light. Do we really think that the truth of sonar impact on whales is actually going to be reported or that the truth about the radioactive residue on the Stryker brigade vehicles is going to be discussed?	2
The text of comment D-E-0078 was the same as that of D-E-0062. This comment was submitted by Den Mark Wihar of Vancouver, WA.	D-E-0078	I cannot attend the open meeting for public comment that is planned for August 21st as I am housebound with a broken leg right now but if I could go and say my piece, it would be to state my horror and dismay at this proposal. With all the technical sophistication we possess, computer simulation should be adequate for conducting training and testing. Otherwise, it's as if we are using our own weaponry to harm our environment and in turn, ourselves!	3
The text of comment D-E-0079 was the same as that of D-E-0062. This comment was submitted by Nadine Newlight of Ha'iku, HI.	D-E-0079	This move on the Navy's part to increase operations is going to feather someone's pocketbook but it is in no way advantageous to the environment or human welfare of the Hawaiian Islands. Will the Navy/Army be discussing the 100,000 rounds of unexploded ordinances that were dumped off the western coast of Oahu after WW II that sit decaying in 30-100 ft. of water or the unusually high cancer rate in that part of the island? Maybe they should clean that mess up first before they add anymore chemicals to our islands?? Maybe for once, the consequence and impact of actions should take precedence over expediency and economy dollars?	4
The text of comment D-E-0080 was the same as that of D-E-0062. This comment was submitted by Pat Porter of Yardley, PA.	D-E-0080	I respectfully stand opposed.	
The text of comment D-E-0081 was the same as that of D-E-0062. This comment was submitted by Dick Artley of Grangeville, ID.	D-E-0081	Martha E. Hodges	
The text of comment D-E-0082 was the same as that of D-E-0062. This comment was submitted by Helen anne Schonwalter of Paia, HI.	D-E-0082		

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
	D-E-0083 (cont.)	<p>From: Robert Wagner - Lawrenceville, GA To: deis_hrc@govsupport.us Subject: No Naval Wargames in Hawaii! Date: 8/21/2007 11:30:54 PM</p> <p>Mr. Tom Clements Pacific Missile Range Facility P.O. Box 128 Kekaha, HI 96752-0128</p> <p>To:Mr. Clements,</p> <p>During sonar exercises, the Navy sets a limit of 145 decibels for human divers, to prevent internal hemorrhaging. Whales, dolphins, and others have underwater hearing that is much more sensitive than humans', so the limit should be LESS than that, not MORE.</p> <p>Since sound is measured on a logarithmic scale, the 235-decibel level the Navy wants to use in the northwest Hawaiian Islands - including in a Humpback Whale Sanctuary! - are 100 MILLION times more intense than the 145-decibel human limit!</p> <p>Using the Navy's arrogant, heartless logic, let's put a few Navy divers in the water and subject them to 235 decibels, to prove to the American people that this level is perfectly safe. Since human hearing is nowhere near as sensitive as the hearing of marine mammals, this should cause very little discomfort.</p> <p>Truth is, their eyeballs, eardrums, and various internal organs would soon hemorrhage, rupture, and explode from the excruciating pressure of that frequency - exactly what happens to a lot of the whales and dolphins they've found beached around the world these last few decades.</p> <p>The Navy's proposal to significantly increase wargames in the Hawaiian Islands directly undermines the policies of the state</p>	D-E-0086
--- Martha Hodges  			

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



<p>of Hawaii to protect the NWHI Marine Monument, State Refuge, and the Humpback Whale Sanctuary. The Navy's plan to use active sonar that kills marine mammals and spreads toxic chemicals is completely unacceptable and MUST NOT be allowed!</p> <p>Please Stop the Wargames, Robert Wagner</p> <p>Lawrenceville, GA</p>	<b>COMMENT NUMBER</b>		<b>COMMENT NUMBER</b>
	D-E-0086 (cont.)	The text of comment D-E-0085 was the same as that of D-E-0062. This comment was submitted by Philip Simon of San Rafael, CA.	D-E-0085
		The text of comment D-E-0087 was the same as that of D-E-0062. This comment was submitted by None stfpare@prw.net.	D-E-0087
		The text of comment D-E-0088 was the same as that of D-E-0062. This comment was submitted by Chris Perritt of Kailua Kona, HI.	D-E-0088
		The text of comment D-E-0089 was the same as that of D-E-0062. This comment was submitted by William Golove of El Cerrito, CA.	D-E-0089
		The text of comment D-E-0090 was the same as that of D-E-0062. This comment was submitted by Kelly Silberstein of Honolulu, HI.	D-E-0090
		The text of comment D-E-0091 was the same as that of D-E-0062. This comment was submitted by Harvey Arkin of Honolulu, HI.	D-E-0091
		The text of comment D-E-0092 was the same as that of D-E-0062. This comment was submitted by Pilipo Souza Leota of Kaneohe, HI.	D-E-0092
		The text of comment D-E-0093 was the same as that of D-E-0062. This comment was submitted by Kathleen Ireland of Makawao, HI.	D-E-0093
		The text of comment D-E-0094 was the same as that of D-E-0062. This comment was submitted by None katrinaa@hawaii.edu.	D-E-0094
		The text of comment D-E-0095 was the same as that of D-E-0062. This comment was submitted by Graham Parkes of Honolulu, HI.	D-E-0095
		The text of comment D-E-0096 was the same as that of D-E-0062. This comment was submitted by Elisha Belmont of Westminster, CA.	D-E-0096
		The text of comment D-E-0097 was the same as that of D-E-0062. This comment was submitted by Joseph Bateman of Salt Lake City, UT.	D-E-0097

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

The text of comment D-E-0098 was the same as that of D-E-0062. This comment was submitted by Bobbie Alicen of Kea'au, HI.

**COMMENT  
NUMBER**
**D-E-0098**

From: Ralph Davis - Scappoose, OR  
To: deis\_hrc@govsupport.us  
Subject: Expanding Naval Wargames in Hawaii is Unacceptable  
Date: 8/22/2007 12:55:17 AM

Mr. Tom Clements  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, HI 96752-0128

To: Mr. Clements,

I've been scuba diving in Hawaiian waters when the prop noise from cruise ships has become intolerable and chased every fish into panic. I cannot believe this Navy Sonar blasting is anything but disruptive and/or deadly.

The world recognizes Hawai'i hosts unique and fragile marine environments crucial to the overall health of our oceans. The U.S. acknowledged the importance of protecting Hawai'i's oceans by establishing the largest, most highly protected marine preserve in the Northwestern Hawaiian Islands. This is the primary foraging grounds of last few remaining Hawaiian monk seals, home of rare cold water coral reefs,

The Navy's proposal to significantly increase wargames in the Hawaiian Islands directly undermines the policies of the federal and state governments to protect the NWHI Marine Monument, State Refuge, and the Humpback Whale Sanctuary. The Navy's plan to use active sonar that harms marine mammals, spread toxic chemicals that undermine the public's health, and jeopardize cultural sites sacred to Native Hawaiians is completely unacceptable and cannot be allowed.

Please Stop the Wargames,  
Ralph Davis  
Scappoose, OR

**COMMENT  
NUMBER**
**D-E-0099**
**1**
**2, 3, 4**
**5**

The text of comment D-E-0100 was the same as that of D-E-0062. This comment was submitted by Selina Heaton of Laie, HI.	COMMENT NUMBER	From: Dick Miller - Lihue, HI To: deis_hrc@govsupport.us Subject: Expanding Naval Wargames in Hawaii is Unacceptable Date: 8/22/2007 1:06:43 AM  Mr. Tom Clements Pacific Missile Range Facility P.O. Box 128 Kekaha, HI 96752-0128  To:Mr. Clements,  The world recognizes Hawai'i hosts unique and fragile marine environments crucial to the overall health of our oceans. The U.S. acknowledged the importance of protecting Hawai'i's oceans by establishing the largest, most highly protected marine preserve in the Northwestern Hawaiian Islands. This is the primary foraging grounds of last few remaining Hawaiian monk seals, home of rare cold water coral reefs,  The Navy's proposal to significantly increase wargames in the Hawaiian Islands directly undermines the policies of the federal and state governments to protect the NWHI Marine Monument, State Refuge, and the Humpback Whale Sanctuary. The Navy's plan to use active sonar that harms marine mammals, spread toxic chemicals that undermine the public's health, and jeopardize cultural sites sacred to Native Hawaiians is completely unacceptable and cannot be allowed.  In addition I would like to add, these wargames are a bunch of BS. Our biggest terror threats have come from our own government since 9-11 by using this as a scare tactic for everything they want to ram down our throats. Leave the Hawaiian waters alone. We don't need your phony "protection from the bad guys, YOU ARE THE BAD GUYS!!!"	COMMENT NUMBER
	D-E-0100		D-E-0101
			1
			2, 3, 4

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>Please Stop the Wargames, Dick Miller</p> <p>Lihue, HI</p>	<b>COMMENT NUMBER</b>  <b>D-E-0101 (cont.)</b> <b>5</b>	The text of comment D-E-0102 was the same as that of D-E-0062. This comment was submitted by Virginia Walden of Waimanalo, HI.	<b>COMMENT NUMBER</b>  <b>D-E-0102</b>  <b>D-E-0103</b>  <b>D-E-0104</b>  <b>D-E-0105</b>  <b>D-E-0106</b>  <b>D-E-0107</b>  <b>D-E-0108</b>  <b>D-E-0109</b>  <b>D-E-0110</b>  <b>D-E-0111</b>  <b>D-E-0112</b>
		The text of comment D-E-0103 was the same as that of D-E-0062. This comment was submitted by Kaj Dorstenia of Copenhagen	
		The text of comment D-E-0104 was the same as that of D-E-0062. This comment was submitted by Shannon Rudolph of Holualoa, HI.	
		The text of comment D-E-0105 was the same as that of D-E-0062. This comment was submitted by Jacqueline Remington of Waimanalo, HI.	
		The text of comment D-E-0106 was the same as that of D-E-0062. This comment was submitted by Pete Doktor of Honolulu, HI.	
		The text of comment D-E-0107 was the same as that of D-E-0062. This comment was submitted by Alexander Jelinek of San Jose, CA.	
		The text of comment D-E-0108 was the same as that of D-E-0062. This comment was submitted by Sara Hayes of Long Beach, CA.	
		The text of comment D-E-0109 was the same as that of D-E-0062. This comment was submitted by Odette Rickert of Hilo, HI.	
		The text of comment D-E-0110 was the same as that of D-E-0062. This comment was submitted by Kaleopono Norris of Kapaau, HI.	
		The text of comment D-E-0111 was the same as that of D-E-0062. This comment was submitted by Bryson Embernate of Kamuela, HI.	
		The text of comment D-E-0112 was the same as that of D-E-0062. This comment was submitted by Dawn Wooten of Lihue, HI.	

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

The text of comment D-E-0113 was the same as that of D-E-0062. This comment was submitted by Kathy-Lyn Allen of Pueblo, CO.	<b>COMMENT NUMBER</b>		<b>COMMENT NUMBER</b>
The text of comment D-E-0114 was the same as that of D-E-0062. This comment was submitted by Hana Hill of Kailua Kona, HI.	D-E-0113	From: Maureen O'Dea Spencer - Phoenix, AZ To: deis_hrc@govsupport.us Subject: Expanding Naval Wargames in Hawaii is Unacceptable Date: 8/22/2007 3:45:28 AM	D-E-0122
The text of comment D-E-0115 was the same as that of D-E-0062. This comment was submitted by Marilyn Mick of Honolulu, HI.	D-E-0114		
The text of comment D-E-0116 was the same as that of D-E-0062. This comment was submitted by CHRISTINE KAUAHIKAUA of WAIMANALO, HI.	D-E-0115	Mr. Tom Clements Pacific Missile Range Facility P.O. Box 128 Kekaha, HI 96752-0128	
The text of comment D-E-0117 was the same as that of D-E-0062. This comment was submitted by Jon Schmitz of Honolulu, HI.	D-E-0116	To: Mr. Clements,	
The text of comment D-E-0118 was the same as that of D-E-0062. This comment was submitted by Dafydd Nicholas of Malibu, CA.	D-E-0117	I am sending the pre-written letter below, in support of KAHEA, as it represents my strong feelings and opinions about the preservation of Hawaiian marine life and ecology, in light of recent Navy proposals.	
The text of comment D-E-0119 was the same as that of D-E-0062. This comment was submitted by Douglas Phillips of Kamuela, HI.	D-E-0118	My family served in the U.S. Navy in the Pacific in World War II, my father having personally served Admiral Nimitz as his secretary and my uncle having been a Naval Intelligence officer whose ship was attacked by "kamakazis" and barely floated. As much as I respect our Navy, I also feel very strongly that it is their duty to seek to preserve the marine life and other wildlife in Hawai'i as much as possible, since it is now part of the U.S.	
The text of comment D-E-0120 was the same as that of D-E-0062. This comment was submitted by Carmen Stevens of Honolulu, HI.	D-E-0119	We all know high-intensity sonar is the main culprit suspected in the beaching deaths of marine mammals, dolphins and whales.	
The text of comment D-E-0121 was the same as that of D-E-0062. This comment was submitted by Dafydd Nicholas of Las Vegas, NV.	D-E-0120	The following is the pre-written portion that explains what the current problems involve: ***** The world recognizes Hawai'i hosts unique and fragile marine environments crucial to the overall health of our oceans. The U.S. acknowledged the importance of protecting Hawai'i's oceans by establishing the largest, most highly protected marine preserve in the Northwestern Hawaiian Islands. This is the primary foraging	
	D-E-0121		

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



	<p>grounds of last few remaining Hawaiian monk seals, home of rare cold water coral reefs.</p> <p>The Navy's proposal to significantly increase wargames in the Hawaiian Islands directly undermines the policies of the federal and state governments to protect the NWHI Marine Monument, State Refuge, and the Humpback Whale Sanctuary. The Navy's plan to use active sonar that harms marine mammals, spread toxic chemicals that undermine the public's health, and jeopardize cultural sites sacred to Native Hawaiians is completely unacceptable and cannot be allowed.</p> <p>***** End of pre-written portion. This is really me talking. My father just died. I could not respect more his and Uncle Jack's Navy service in World War II, but I also believe the recent Navy proposals would cause irreversible damage. I have followed the efforts, and seen how many years it takes, and how difficult it is, of the most dedicated Hawaiian people working to preserve the beauty and wildlife of the Hawaiian and Northwestern Hawaiian Island archipelago. As you can imagine, competitive commercial fishing alone poses significant threats.</p> <p>It seems just as soon as there is a victory, such as President Bush's recent declaration of the NWHI as a preservation sanctuary, something else comes up to threaten it.</p> <p>Just because Hawai'i "belongs" to the U.S. now shouldn't mean it's ours to "trash" but should, rather, mean it's our country's duty to protect.</p> <p>Please Stop the Wargames, Maureen O'Dea Spencer</p> <p>Phoenix, AZ</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0122 (cont.)</b></p> <p>1</p> <p>2, 3, 4</p> <p>7</p> <p>5</p>	<p>The text of comment D-E-0123 was the same as that of D-E-0062. This comment was submitted by David Meanwell.</p> <p>The text of comment D-E-0124 was the same as that of D-E-0062. This comment was submitted by Amanda Sims of Honolulu, HI.</p> <p>The text of comment D-E-0125 was the same as that of D-E-0062. This comment was submitted by Fred Dodge of Waianae, HI.</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0123</b></p> <p><b>D-E-0124</b></p> <p><b>D-E-0125</b></p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Roy Kincaid - Kailua Kona, HI To: deis_hrc@govsupport.us Subject: Expanding Naval Wargames in Hawaii is Unacceptable Date: 8/22/2007 4:24:02 AM</p> <p>Mr. Tom Clements Pacific Missile Range Facility P.O. Box 128 Kekaha, HI 96752-0128</p> <p>To:Mr. Clements,</p> <p>The world recognizes that Hawaii hosts unique and fragile marine environments crucial to the overall health of our oceans. The U.S. acknowledged the importance of protecting Hawaii?s oceans by establishing the largest, most highly protected marine preserve in the Northwestern Hawaiian Islands. This is the primary foraging grounds of last few remaining Hawaiian monk seals, home of rare cold water coral reefs,</p> <p>The Navy's proposal to significantly increase war games in the Hawaiian Islands directly undermines the policies of the federal and state governments to protect the NWHI Marine Monument, State Refuge, and the Humpback Whale Sanctuary. The Navy's plan to use active sonar that harms marine mammals, spread toxic chemicals that undermine the public's health, and jeopardize cultural sites sacred to Native Hawaiians is completely unacceptable and cannot be allowed.</p> <p>Those of us who live in the islands see daily what can happen when we do not follow common sense guidelines to protect the fragile eco systems contained here. Many of us give of our time and resources to assist in environmental clean up projects caused by visitors to our home. I want the government to open their eyes to the harm that could and will be generated if the Navy is allowed to continue to harm the fragile environments here.</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0126</td></tr></table>	COMMENT NUMBER	D-E-0126	<p>Please do what you can to stop this proposed action.</p> <p>Please Stop the Wargames, Roy Kincaid</p> <p>Kailua Kona, HI</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0126 (cont.)</td></tr><tr><td>5</td></tr></table>	COMMENT NUMBER	D-E-0126 (cont.)	5
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	D-E-0126							
	COMMENT NUMBER							
D-E-0126 (cont.)								
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

The text of comment D-E-0127 was the same as that of D-E-0062. This comment was submitted by Kevin Correll of Wernersville, PA.
The text of comment D-E-0128 was the same as that of D-E-0062. This comment was submitted by Paul Moss of White Bear Lake, MN.
The text of comment D-E-0129 was the same as that of D-E-0062. This comment was submitted by Jacquelyn Baetz of Albany, NY.
The text of comment D-E-0130 was the same as that of D-E-0062. This comment was submitted by Frederika Ebel of Flemington, NJ.
The text of comment D-E-0131 was the same as that of D-E-0062. This comment was submitted by Briana Wagner of Hagerstown, MD.
The text of comment D-E-0133 was the same as that of D-E-0062. This comment was submitted by Andrew Hina of Denver, CO.
The text of comment D-E-0134 was the same as that of D-E-0062. This comment was submitted by Lee Bowden of Hilo, HI.
The text of comment D-E-0135 was the same as that of D-E-0062. This comment was submitted by Forrest Hurst of Westfield, IN.
The text of comment D-E-0136 was the same as that of D-E-0062. This comment was submitted by David Letourneau of Kailua Kona, HI.
The text of comment D-E-0137 was the same as that of D-E-0062. This comment was submitted by Nadine Apo of Denver, CO.
The text of comment D-E-0138 was the same as that of D-E-0062. This comment was submitted by Marty Wilson of Mpls, MN.

COMMENT NUMBER
D-E-0127
D-E-0128
D-E-0129
D-E-0130
D-E-0131
D-E-0133
D-E-0134
D-E-0135
D-E-0136
D-E-0137
D-E-0138

The text of comment D-E-0139 was the same as that of D-E-0062. This comment was submitted by Kathryn Letkey of Oakland, CA.
The text of comment D-E-0140 was the same as that of D-E-0062. This comment was submitted by Jeff Sacher of Kamuela, HI.
The text of comment D-E-0141 was the same as that of D-E-0062. This comment was submitted by Matthew Pintar of Canonsburg, PA.
The text of comment D-E-0142 was the same as that of D-E-0062. This comment was submitted by Ed Schlegel of Capistrano Beach, CA.
The text of comment D-E-0143 was the same as that of D-E-0062. This comment was submitted by Joseph Rodrigues of Anchorage, AK.
The text of comment D-E-0144 was the same as that of D-E-0062. This comment was submitted by Kalai Kamauoha of Burbank, CA.
The text of comment D-E-0145 was the same as that of D-E-0062. This comment was submitted by Robert Conlan of Honolulu, HI.
The text of comment D-E-0146 was the same as that of D-E-0062. This comment was submitted by Melissa Castaneda of Irvine, CA.
The text of comment D-E-0147 was the same as that of D-E-0062. This comment was submitted by Sarah Sharp of Berkeley, CA.
The text of comment D-E-0148 was the same as that of D-E-0062. This comment was submitted by Royelen Lee Boykie of Washington, D.C., DC.

COMMENT NUMBER
D-E-0139
D-E-0140
D-E-0141
D-E-0142
D-E-0143
D-E-0144
D-E-0145
D-E-0146
D-E-0147
D-E-0148

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

Honolulu, HI

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The text of comment D-E-0160 was the same as that of D-E-0062. This comment was submitted by Pumehana Paisner of Boulder, CO.

D-E-0160

The text of comment D-E-0161 was the same as that of D-E-0062. This comment was submitted by Sheila Ward of San Juan, PR.	<b>COMMENT NUMBER</b>	The text of comment D-E-0172 was the same as that of D-E-0062. This comment was submitted by Kealii Pang of Honolulu, HI.	<b>COMMENT NUMBER</b>
The text of comment D-E-0162 was the same as that of D-E-0062. This comment was submitted by Ka'iana Haili of Hilo, HI.	D-E-0161	The text of comment D-E-0173 was the same as that of D-E-0062. This comment was submitted by Sarah Thornton of Hilo, HI.	D-E-0172
The text of comment D-E-0163 was the same as that of D-E-0062. This comment was submitted by Sonja and Andy Kass of Kapaa, HI.	D-E-0162	The text of comment D-E-0174 was the same as that of D-E-0062. This comment was submitted by Garid Faria of Honolulu, HI.	D-E-0173
The text of comment D-E-0164 was the same as that of D-E-0062. This comment was submitted by Steve LaFleur of Paia, HI.	D-E-0163	The text of comment D-E-0175 was the same as that of D-E-0062. This comment was submitted by Nola Conn of Anahola, HI.	D-E-0174
The text of comment D-E-0165 was the same as that of D-E-0062. This comment was submitted by Anjali Puri of Honolulu, HI.	D-E-0164	The text of comment D-E-0176 was the same as that of D-E-0062. This comment was submitted by Pake Salmon of Waianae, HI.	D-E-0175
The text of comment D-E-0166 was the same as that of D-E-0062. This comment was submitted by Pualani Kauila of Honolulu, HI.	D-E-0165	The text of comment D-E-0177 was the same as that of D-E-0062. This comment was submitted by Randy Tashjian of Glendale, CA.	D-E-0176
The text of comment D-E-0167 was the same as that of D-E-0062. This comment was submitted by Aarin Gross of Kaneohe, HI.	D-E-0166	The text of comment D-E-0178 was the same as that of D-E-0062. This comment was submitted by Pono Kealoha of Pearlcity, HI.	D-E-0177
The text of comment D-E-0168 was the same as that of D-E-0062. This comment was submitted by Addie Texeira of Hilo, HI.	D-E-0167	The text of comment D-E-0179 was the same as that of D-E-0062. This comment was submitted by Zachary Klaja of Seattle, WA.	D-E-0178
The text of comment D-E-0169 was the same as that of D-E-0062. This comment was submitted by Caren Diamond of Hanalei, HI.	D-E-0168	The text of comment D-E-0180 was the same as that of D-E-0062. This comment was submitted by Thomas Loudat of Kaneohe, HI.	D-E-0179
The text of comment D-E-0170 was the same as that of D-E-0062. This comment was submitted by Patricia Blair of Kailua, HI.	D-E-0169	The text of comment D-E-0181 was the same as that of D-E-0062. This comment was submitted by Alison Hartle of Honolulu, HI.	D-E-0180
The text of comment D-E-0171 was the same as that of D-E-0062. This comment was submitted by Uhane Pono of Kailua Kona, HI.	D-E-0170	The text of comment D-E-0182 was the same as that of D-E-0062. This comment was submitted by Francisca Sopacua of Groningen, CC.	D-E-0181
	D-E-0171		D-E-0182

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



<p>From: Beryl Blaich - Kilauea, HI To: deis_hrc@govsupport.us Subject: Expanding Naval Wargames in Hawaii is Unacceptable Date: 8/22/2007 3:30:09 PM</p> <p>Mr. Tom Clements Pacific Missile Range Facility P.O. Box 128 Kekaha, HI 96752-0128</p> <p>To:Mr. Clements,</p> <p>Naval and other military agency plans for use of the the Papahanaumokuakea are entirely incompatible with the purposes for which President Bush established the national monument.</p> <p>If the military's record of stewardship of Hawaii were not so deplorable (including Makua, Waikane, Kahoolawe, and, most recently, Pohakuloa), if there were not so much evidence that cetaceans suffer from mid frequency active sonar, if a damaged marine ecology were easily and quickly reparable, if wargames weren't so counterproductive to ensuring peace for planet, Naval use of these waters might be scrutinized and considered.</p> <p>I implore you: No naval use of Papahanaumoku, please.</p> <p>Please Stop the Wargames, Beryl Blaich</p> <p>Kilauea, HI</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0183</td></tr></table>	COMMENT NUMBER	D-E-0183	<p>The text of comment D-E-0184 was the same as that of D-E-0062. This comment was submitted by Neil Frazer of Kailua, HI.</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0184</td></tr></table>	COMMENT NUMBER	D-E-0184
	COMMENT NUMBER						
	D-E-0183						
	COMMENT NUMBER						
	D-E-0184						
	1	<p>The text of comment D-E-0185 was the same as that of D-E-0062. This comment was submitted by Rana Jackson of Lihue, HI.</p>	D-E-0185				
		<p>The text of comment D-E-0186 was the same as that of D-E-0062. This comment was submitted by Dona Van Bloemen of Santa Monica, CA.</p>	D-E-0186				
		<p>The text of comment D-E-0187 was the same as that of D-E-0062. This comment was submitted by Donna Cussac of Cleveland, TN.</p>	D-E-0187				
		<p>The text of comment D-E-0188 was the same as that of D-E-0062. This comment was submitted by Alison Mocerri of Seattle, WA.</p>	D-E-0188				
		<p>The text of comment D-E-0189 was the same as that of D-E-0062. This comment was submitted by Katie Velasquez of Kihei, HI.</p>	D-E-0189				
<p>The text of comment D-E-0190 was the same as that of D-E-0062. This comment was submitted by Tara Cornelisse of San Rafael, CA.</p>		D-E-0190					
<p>The text of comment D-E-0191 was the same as that of D-E-0062. This comment was submitted by Bill Akiona of Makaha, HI.</p>		D-E-0191					
2		<p>The text of comment D-E-0192 was the same as that of D-E-0062. This comment was submitted by Makana Cameron of Honolulu, HI.</p>	D-E-0192				
	<p>The text of comment D-E-0193 was the same as that of D-E-0062. This comment was submitted by Kanoe Kapu of Hilo, HI.</p>	D-E-0193					
	<p>The text of comment D-E-0194 was the same as that of D-E-0062. This comment was submitted by Fern Holland of Kapa'a, Kauai, HI.</p>	D-E-0194					

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

The text of comment D-E-0195 was the same as that of D-E-0062. This comment was submitted by Stephen Dinion of Honolulu, HI.	<b>COMMENT NUMBER</b>	The text of comment D-E-0206 was the same as that of D-E-0062. This comment was submitted by Noyita Saravia of Kahuku, HI.	<b>COMMENT NUMBER</b>
The text of comment D-E-0196 was the same as that of D-E-0062. This comment was submitted by Kim L. Ramos of Honolulu, HI.	D-E-0195	The text of comment D-E-0207 was the same as that of D-E-0062. This comment was submitted by Denise Lytle of Fords, NJ.	D-E-0206
The text of comment D-E-0197 was the same as that of D-E-0062. This comment was submitted by Felicia Ann Waialae of Waipahu, HI.	D-E-0196	The text of comment D-E-0208 was the same as that of D-E-0062. This comment was submitted by Carrie Ginnane of Honolulu, HI.	D-E-0207
The text of comment D-E-0198 was the same as that of D-E-0062. This comment was submitted by Ron Whitmore of Hilo, HI.	D-E-0197	The text of comment D-E-0209 was the same as that of D-E-0062. This comment was submitted by Kahea Stocksdales of Keaau, HI.	D-E-0208
The text of comment D-E-0199 was the same as that of D-E-0062. This comment was submitted by Barbara Leighton of Hilo, HI.	D-E-0198	The text of comment D-E-0210 was the same as that of D-E-0062. This comment was submitted by Angela Franco of Honolulu, HI.	D-E-0209
The text of comment D-E-0200 was the same as that of D-E-0062. This comment was submitted by Barbara Long of Mililani, HI.	D-E-0199	The text of comment D-E-0211 was the same as that of D-E-0062. This comment was submitted by Roy Moss of Grants Pass, OR.	D-E-0210
The text of comment D-E-0201 was the same as that of D-E-0062. This comment was submitted by Cara Petty of Mililani, HI.	D-E-0200	The text of comment D-E-0212 was the same as that of D-E-0062. This comment was submitted by Lea Padilla of Redlands, CA.	D-E-0211
The text of comment D-E-0202 was the same as that of D-E-0062. This comment was submitted by Pi'ilani Akina of Haleiwa, HI.	D-E-0201	The text of comment D-E-0213 was the same as that of D-E-0062. This comment was submitted by James M. Nordlund of Stockton, KS.	D-E-0212
The text of comment D-E-0203 was the same as that of D-E-0062. This comment was submitted by Greg Schneider of Westfield, NJ.	D-E-0202	The text of comment D-E-0214 was the same as that of D-E-0062. This comment was submitted by Sandra Phillips of Oregon City, OR.	D-E-0213
The text of comment D-E-0204 was the same as that of D-E-0062. This comment was submitted by Sam Chung Hoon of Jacksonville Beach, FL.	D-E-0203	The text of comment D-E-0215 was the same as that of D-E-0062. This comment was submitted by Claire Mortimer of Kilauea, HI.	D-E-0214
The text of comment D-E-0205 was the same as that of D-E-0062. This comment was submitted by Masako Uematsu of Boston, MA.	D-E-0204	The text of comment D-E-0216 was the same as that of D-E-0062. This comment was submitted by Jay Miller of Portsmouth, RI.	D-E-0215
	D-E-0205		D-E-0216

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

The text of comment D-E-0217 was the same as that of D-E-0062. This comment was submitted by Leslie Conder of Salt Lake, UT.	<b>COMMENT NUMBER</b>	The text of comment D-E-0228 was the same as that of D-E-0062. This comment was submitted by Joe Meagher of Houston, TX.	<b>COMMENT NUMBER</b>
The text of comment D-E-0218 was the same as that of D-E-0062. This comment was submitted by Vic Maietta of Green Island, NY.	D-E-0217	The text of comment D-E-0229 was the same as that of D-E-0062. This comment was submitted by Cynthia Romero of Miami Beach, FL.	D-E-0228
The text of comment D-E-0219 was the same as that of D-E-0062. This comment was submitted by Debbie Burack of New York, NY.	D-E-0218	The text of comment D-E-0230 was the same as that of D-E-0062. This comment was submitted by Matthew Laclair of Mesa, AZ.	D-E-0229
The text of comment D-E-0220 was the same as that of D-E-0062. This comment was submitted by Hilary Harts of Kula, HI.	D-E-0219	The text of comment D-E-0231 was the same as that of D-E-0062. This comment was submitted by Delaney Jeter of Mechanicsville, VA.	D-E-0230
The text of comment D-E-0221 was the same as that of D-E-0062. This comment was submitted by James Mason of Kailua-Kona, HI.	D-E-0220	The text of comment D-E-0232 was the same as that of D-E-0062. This comment was submitted by Tabitha McCoy of Fort Myers, FL.	D-E-0231
The text of comment D-E-0222 was the same as that of D-E-0062. This comment was submitted by Tim Brause of Honolulu, HI.	D-E-0221	The text of comment D-E-0233 was the same as that of D-E-0062. This comment was submitted by Marti Townsend of Honolulu, HI.	D-E-0232
The text of comment D-E-0223 was the same as that of D-E-0062. This comment was submitted by Kelley Uyeoka of Kailua, HI.	D-E-0222	The text of comment D-E-0234 was the same as that of D-E-0062. This comment was submitted by Shelby Sargent of Hampton, VA.	D-E-0233
The text of comment D-E-0224 was the same as that of D-E-0062. This comment was submitted by Ruth Callahan of Kailua-Kona, HI.	D-E-0223	The text of comment D-E-0235 was the same as that of D-E-0062. This comment was submitted by Robin Tomer of Danville, VA.	D-E-0234
The text of comment D-E-0225 was the same as that of D-E-0062. This comment was submitted by Amber McClure of Honolulu, HI.	D-E-0224	The text of comment D-E-0236 was the same as that of D-E-0062. This comment was submitted by Estrella Ferrer of Miami, FL.	D-E-0235
The text of comment D-E-0226 was the same as that of D-E-0062. This comment was submitted by None Wild Dolphin Foundation of Waianae, HI.	D-E-0225	The text of comment D-E-0237 was the same as that of D-E-0062. This comment was submitted by Matt Mason of Kissimmee, FL.	D-E-0236
The text of comment D-E-0227 was the same as that of D-E-0062. This comment was submitted by Jordan Davis of Wilson, NC.	D-E-0226	The text of comment D-E-0238 was the same as that of D-E-0062. This comment was submitted by Elyse Rollins of Lake Forest, CA.	D-E-0237
	D-E-0227		D-E-0238

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>The text of comment D-E-0239 was the same as that of D-E-0062. This comment was submitted by Catherine Taylor of Benbrook, TX.</p> <p>The text of comment D-E-0240 was the same as that of D-E-0062. This comment was submitted by Susan Rasmussen of Quitman, MS.</p> <p>The text of comment D-E-0241 was the same as that of D-E-0062. This comment was submitted by J T Dunlap of Kansas City, MO.</p> <p>The text of comment D-E-0242 was the same as that of D-E-0062. This comment was submitted by Jo Greenwald of Kailua, HI.</p> <p>The text of comment D-E-0243 was the same as that of D-E-0062. This comment was submitted by Melinda Ahn of Kaneohe, HI.</p> <p>The text of comment D-E-0244 was the same as that of D-E-0062. This comment was submitted by David Bishaw of Hilo, HI.</p> <p>The text of comment D-E-0245 was the same as that of D-E-0062. This comment was submitted by Donna Blackwell of Mesa, AZ.</p> <p>The text of comment D-E-0246 was the same as that of D-E-0062. This comment was submitted by Michele McKay of Honolulu, HI.</p> <p>The text of comment D-E-0247 was the same as that of D-E-0062. This comment was submitted by Lehua Kaulukukui of Waikoloa, HI.</p>	COMMENT NUMBER		COMMENT NUMBER
	D-E-0239	From: Naia Kelly - HI To: deis_hrc@govsupport.us Subject: The sonar war game exercises around Hawaii Date: 8/24/2007 2:59:26 AM *	D-E-0248
	D-E-0240		
	D-E-0241	Public Affairs Officer  Pacific Missile Range Facility	
	D-E-0242	ATTN: HRC EIS/OEIS	
	D-E-0243	P. O. Box 128  Kekaha, Hawaii 96752-01	
	D-E-0244		
	D-E-0245	**To Whom It May Concern;*	
	D-E-0246	**	1
	D-E-0247	*As a new citizen of Hawaii, we moved here in May, not only do I oppose giving the Navy a permit to "take" the marine mammals listed in the Draft Environmental Impact Statement on the Hawaii Range Complex, but I'm quite surprised for a few reasons. We moved from Los Angeles to Maui in order to live a more peaceful, environmentally friendly kind of life. First, I am shocked that in a place like Hawaii, which almost entirely relies on the tourist for income, that this kind of thing would even be considered. People come to these islands to swim with the dolphins!! They come to whale watch and see all of the marine life and scuba dive, snorkel and swim. When these tests are being conducted will people be banned from the water? What if there is a mistake in what we think these animals can withstand and there is a mass die off on our beaches? How do you think the tourists will react?	2

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>* * *</p> <p>*Secondly, does the government not realize that these mammals are intelligent and have the ability to speak in complete thoughts? Does that not entitle them a voice about what we do to their environment? I would imagine it does. To say that either we are not intelligent enough, or rather our technology isn't advanced enough yet to be able to interpret their language is, I believe, correct. Don't we owe them enough respect to at least wait until we can discuss it with them? They are, most likely, smarter than our estimates, but we aren't able to tell for sure yet because we, ourselves, lack the ability to do so. Do we want to be the ones that possibly inflict torture on another potentially highly intelligent species here on our own planet? Please think about this as it's a real situation. I have personally had the opportunity to work with marine mammals at the Dolphin Research Center in Grassy Key, F.L. and considering the things I witnessed there, I wouldn't want you to chance being wrong. If you would like to further discuss some of the things I witnessed these animals doing, I would be happy to talk with you and connect you to the people at DRC. *</p> <p>**</p> <p>*Please don't make this decision lightly on a whim. Thank you so much for your time and consideration.*</p> <p>**</p> <p>**</p> <p>*Regards, *</p> <p>*Naia Kelly*</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0248 (cont.)</b></p> <p>1</p> <p>3</p>	<p>The text of comment D-E-0249 was the same as that of D-E-0062. This comment was submitted by Janice Palma-Glennie of Kailua-kona, HI.</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0249</b></p>
		<p>The text of comment D-E-0250 was the same as that of D-E-0062. This comment was submitted by Stela Vasques of Lisbon</p>	<p><b>D-E-0250</b></p>
		<p>The text of comment D-E-0251 was the same as that of D-E-0062. This comment was submitted by David Nelson of Minneapolis, MN.</p>	<p><b>D-E-0251</b></p>
		<p>The text of comment D-E-0252 was the same as that of D-E-0062. This comment was submitted by Christy Church of Port St. Lucie, FL.</p>	<p><b>D-E-0252</b></p>
		<p>The text of comment D-E-0253 was the same as that of D-E-0062. This comment was submitted by Ursula Brackett of College Park, GA.</p>	<p><b>D-E-0253</b></p>
		<p>The text of comment D-E-0254 was the same as that of D-E-0062. This comment was submitted by Sara Hult of Conifer, CO.</p>	<p><b>D-E-0254</b></p>
		<p>The text of comment D-E-0255 was the same as that of D-E-0062. This comment was submitted by Janice Saaristo of Duluth, MN.</p>	<p><b>D-E-0255</b></p>
		<p>The text of comment D-E-0256 was the same as that of D-E-0062. This comment was submitted by Bobby McClintock of Honolulu, HI.</p>	<p><b>D-E-0256</b></p>
		<p>The text of comment D-E-0257 was the same as that of D-E-0062. This comment was submitted by Christopher Glenn of Chicago, IL.</p>	<p><b>D-E-0257</b></p>
		<p>The text of comment D-E-0258 was the same as that of D-E-0062. This comment was submitted by Katie Marshall of Dayton, OH.</p>	<p><b>D-E-0258</b></p>
		<p>The text of comment D-E-0259 was the same as that of D-E-0062. This comment was submitted by Kourtney Startin of Spokane, WA.</p>	<p><b>D-E-0259</b></p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



13-230	The text of comment D-E-0260 was the same as that of D-E-0062. This comment was submitted by Edgar Guiher of Conneaut Lake, PA.	<b>COMMENT NUMBER</b>			<b>COMMENT NUMBER</b>
	The text of comment D-E-0261 was the same as that of D-E-0062. This comment was submitted by Michael Myers of Cape Coral, FL.	D-E-0260		From: Phin MacDonald - Medford, MA To: deis_hrc@govsupport.us Subject: No Expanded Wargames in Hawaii Date: 8/24/2007 3:58:05 PM	D-E-0265
	The text of comment D-E-0262 was the same as that of D-E-0062. This comment was submitted by Jamie Oshiro of Honolulu, HI.	D-E-0261			
	The text of comment D-E-0263 was the same as that of D-E-0062. This comment was submitted by Denise Weber of Clearwater, FL.	D-E-0262		Mr. Tom Clements Pacific Missile Range Facility P.O. Box 128 Kekaha, HI 96752-0128	
	The text of comment D-E-0264 was the same as that of D-E-0062. This comment was submitted by Cathy Robinson of Mobile, AL.	D-E-0263		To: Mr. Clements,	
		D-E-0264		<p>The world recognizes that Hawai'i is home to unique and fragile marine environments that are crucial to the overall health of our oceans. The U.S. acknowledged the importance of protecting Hawai'i's oceans by establishing the largest, most highly protected marine preserve in the Northwestern Hawaiian Islands.</p> <p>Expanded naval wargames will exacerbate threats to the public's health from the military in Hawai'i. Hawai'i's residents are in shock from the recent announcement that depleted uranium (DU) contamination is now confirmed on O'ahu and Hawai'i Island. Instead of committing to protect our health and our environment by cleaning up these contaminated sites, the Navy is proposing to contribute to the contamination. The Navy wants to increase live-fire bombing practices at Pohakuloa and Makua Valley - potentially spreading DU-tainted dust and exposing personnel. The Navy also wants to dump rocket fuel, chemical weapon simulants, and missile debris in the ocean. These actions pose an unacceptable risk to the public's health and cannot be allowed.</p> <p>The Navy's proposal to significantly increase wargames in the Hawaiian Islands directly undermines the policies of the federal and state governments to protect the NWHI Marine Monument, State Refuge, and the Humpback Whale Sanctuary. The Navy's plan to use active sonar that harms marine mammals, spread toxic chemicals</p>	<p>6</p> <p>1</p> <p>2</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>that undermine the public's health, and jeopardize cultural sites sacred to Native Hawaiians is completely unacceptable and cannot be allowed.</p> <p>Please Stop the Wargames, Phin MacDonald</p> <p>Medford, MA</p>	<b>COMMENT NUMBER</b>		<b>COMMENT NUMBER</b>
	D-E-0265 (cont.) 3, 4		D-E-0266
			D-E-0267
	5		D-E-0268
			D-E-0269
			D-E-0270
			D-E-0271
			D-E-0272
			D-E-0273
			D-E-0274
			D-E-0275
			D-E-0276

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>The text of comment D-E-0277 was the same as that of D-E-0062. This comment was submitted by Suzanne Kim of Round Lake, IL.</p> <p>The text of comment D-E-0278 was the same as that of D-E-0062. This comment was submitted by Samantha Stewart of Scranton, PA.</p> <p>The text of comment D-E-0279 was the same as that of D-E-0062. This comment was submitted by Michael Howells of Honolulu, HI.</p> <p>The text of comment D-E-0280 was the same as that of D-E-0062. This comment was submitted by Anna Reycraft of North Miami, FL.</p> <p>The text of comment D-E-0281 was the same as that of D-E-0062. This comment was submitted by Vanda Hauserova of Prague</p> <p>The text of comment D-E-0282 was the same as that of D-E-0062. This comment was submitted by Bryan Milne of Brooklyn, NY.</p> <p>The text of comment D-E-0283 was the same as that of D-E-0062. This comment was submitted by Deanna Chang of Honolulu, HI.</p> <p>The text of comment D-E-0284 was the same as that of D-E-0062. This comment was submitted by Scott Jarvis of Hanalei, HI.</p> <p>The text of comment D-E-0285 was the same as that of D-E-0062. This comment was submitted by Kevin Stockhausen of Miami Beach, FL.</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0277</p> <p>D-E-0278</p> <p>D-E-0279</p> <p>D-E-0280</p> <p>D-E-0281</p> <p>D-E-0282</p> <p>D-E-0283</p> <p>D-E-0284</p> <p>D-E-0285</p>	<p>From: Lisa Diaz - Kailua-Kona, HI To: deis_hrc@govsupport.us Subject: Expanding Naval Wargames in Hawaii is Unacceptable Date: 8/25/2007 4:06:55 PM</p> <p>Mr. Tom Clements Pacific Missile Range Facility P.O. Box 128 Kekaha, HI 96752-0128</p> <p>To:Mr. Clements,</p> <p>Hawaii's marine environment is essential to the overall global health of our oceans. President Bush established Papahānaumokuākea Marine Monument in the Northwestern Hawaiian Islands as the largest, most highly protected marine preserve in our nation, because it is critical to protect this unique and fragile eco-system. The Northwestern Hawaiian Islands preserve is the primary foraging grounds of last few remaining Hawaiian monk seals, home of rare cold water coral reefs, and nesting grounds for endangered sea birds and green sea turtles. An overwhelming majority of Hawaii's citizens approve of Papahānaumokuākea National Marine Monument.</p> <p>The Navy's proposal to significantly increase wargames in the Hawaiian Islands directly undermines the policies of the federal and state governments to protect the NWHI Marine Monument, State Refuge, and the Humpback Whale Sanctuary. The Navy's plan to use active sonar that harms marine mammals, spread toxic chemicals that undermine the public's health, and jeopardize cultural sites sacred to Native Hawaiians is completely unacceptable and cannot be allowed. Proposing war games within and around a National Monument that our people and president have established is a completely irresponsible and unpatriotic act. The people of Hawaii will not allow you to do this.</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0286</p>
			1
			2
			3, 4

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

Please Stop the Wargames, Lisa Diaz  Kailua-Kona, HI	COMMENT NUMBER		COMMENT NUMBER
	D-E-0286 (cont.) 5	From: Jeannette Lyons - Portland, OR To: deis_hrc@govsupport.us Subject: Expanding Naval Wargames in Hawaii is Unacceptable Date: 8/25/2007 5:36:43 PM  Mr. Tom Clements Pacific Missile Range Facility P.O. Box 128 Kekaha, HI 96752-0128  To: Mr. Clements,  The world recognizes that Hawai'i is home to unique and fragile marine environments that are crucial to the overall health of our oceans. The U.S. acknowledged the importance of protecting Hawai'i's oceans by establishing the largest, most highly protected marine preserve in the Northwestern Hawaiian Islands.  The Navy is proposing to expand its use of mid-frequency active sonar, which emits sound at levels of 235 decibels. Because sound is measured on a logarithmic scale, that means these sonar "pings" are a billion times more intense than the 145 decibel level that the Navy agrees is safe for human divers. To be consistent with low-frequency sonar standards and state and federal laws, the Navy should limit the intensity of received sound within marine protected areas to 145 decibels or less.  The Navy's proposal jeopardizes the rich cultural history of the NWHI. These islands are respected in Native Hawaiian traditions as the Elder Islands of the Main Hawaiian Islands. Rare, pre-contact burial sites, temples, and house plots are well-protected on Nihoa and Mokumanamana (Necker Island). Expanding the Navy's wargames over the NWHI will pose consider risk of damage to irreplaceable and sacred cultural sites. This risk is unjustified and cannot be permitted.  The Navy's proposal to significantly increase wargames in the	D-E-0287
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>Hawaiian Islands directly undermines the policies of the federal and state governments to protect the NWHI Marine Monument, State Refuge, and the Humpback Whale Sanctuary. The Navy's plan to use mid-frequency active sonar and to jeopardize cultural sites sacred to Native Hawaiians is completely unacceptable and cannot be allowed.</p> <p>I respectfully request your consideration in this matter.</p> <p>Please Stop the Wargames, Jeannette Lyons</p> <p>Portland, OR</p>	<b>COMMENT NUMBER</b>		<b>COMMENT NUMBER</b>
	<b>D-E-0287 (cont.)</b>	The text of comment D-E-0288 was the same as that of D-E-0062. This comment was submitted by Don Cooke of Kaneohe, HI.	<b>D-E-0288</b>
		The text of comment D-E-0289 was the same as that of D-E-0062. This comment was submitted by Ednette Chandler of Las Vegas, NV.	<b>D-E-0289</b>
		The text of comment D-E-0290 was the same as that of D-E-0062. This comment was submitted by Rhonda Black of Palm Desert, CA.	<b>D-E-0290</b>
		The text of comment D-E-0291 was the same as that of D-E-0062. This comment was submitted by Jerry Taber of Wailuku, HI.	<b>D-E-0291</b>
		The text of comment D-E-0292 was the same as that of D-E-0062. This comment was submitted by Tina Pope of Memphis, TN.	<b>D-E-0292</b>
		The text of comment D-E-0293 was the same as that of D-E-0062. This comment was submitted by Kristin Duin of Seattle, WA.	<b>D-E-0293</b>
		The text of comment D-E-0294 was the same as that of D-E-0062. This comment was submitted by Angela Macken of Dublin, .	<b>D-E-0294</b>
		The text of comment D-E-0295 was the same as that of D-E-0062. This comment was submitted by Lisa Muehlstein of Pepeekeo, HI.	<b>D-E-0295</b>
		The text of comment D-E-0296 was the same as that of D-E-0062. This comment was submitted by Angeline Winsor of Corona, CA.	<b>D-E-0296</b>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER		COMMENT NUMBER
<p>From: Joan Lander - Naalehu, HI To: deis_hrc@govsupport.us Subject: Expanding Naval Wargames in Hawaii is Unacceptable Date: 8/26/2007 7:21:37 PM</p> <p>Mr. Tom Clements Pacific Missile Range Facility P.O. Box 128 Kekaha, HI 96752-0128</p> <p>To: Mr. Clements,</p> <p>Once again we are having to come to the defense of an area that is supposed to be protected by U.S. law. Why do we have to constantly raise our voices to protect places that have already been declared sanctuaries?</p> <p>The U.S. acknowledged the importance of protecting Hawaii's oceans by establishing the largest, most highly protected marine preserve in the Northwestern Hawaiian Islands. This is the primary foraging grounds of last few remaining Hawaiian monk seals, home of rare cold water coral reefs,</p> <p>The Navy's proposal to significantly increase wargames in the Hawaiian Islands directly undermines the policies of the federal and state governments to protect the NWHI Marine Monument, State Refuge, and the Humpback Whale Sanctuary. The Navy's plan to use active sonar that harms marine mammals, spread toxic chemicals that undermine the public's health, and jeopardize cultural sites sacred to Native Hawaiians is completely unacceptable and cannot be allowed.</p> <p>In addition to the above, the military's actions are in violation of the neutrality laws of the Hawaiian Kingdom.</p> <p>Please Stop the Wargames,</p>	<p>D-E-0297</p> <p>1</p> <p>2</p> <p>3</p> <p>4, 5</p> <p>7</p> <p>6</p>	<p>Joan Lander</p> <p>Naalehu, HI</p>	<p>D-E-0297 (cont.)</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>The text of comment D-E-0298 was the same as that of D-E-0062. This comment was submitted by Dawn Stobart of Loves Park, IL.</p>	<p><b>COMMENT NUMBER</b></p>		<p><b>COMMENT NUMBER</b></p>
<p>The text of comment D-E-0299 was the same as that of D-E-0062. This comment was submitted by Michal Stover of Kilauea, HI.</p>	<p>D-E-0298</p>	<p>From: Joy Gardner - Paia, HI To: deis_hrc@govsupport.us Subject: Sonar</p>	<p>D-E-0302</p>
<p>The text of comment D-E-0300 was the same as that of D-E-0062. This comment was submitted by Sarah Rickerby of Tampa, FL.</p>	<p>D-E-0299</p>	<p>Date: 8/27/2007 3:16:20 PM Dear People:</p>	
<p>The text of comment D-E-0301 was the same as that of D-E-0062. This comment was submitted by Catherine Okimoto of Pahoia, HI.</p>	<p>D-E-0300</p>	<p>Please desist from using military sonar in the waters around Hawaii. It is unsafe for both the people and for the whales.</p>	<p>1</p>
	<p>D-E-0301</p>	<p>Thank you, Joy Gardner</p> <p>Joy Gardner Vibrational Healing Program</p> <p>Paia, HI</p>	

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

The text of comment D-E-0303 was the same as that of D-E-0062. This comment was submitted by Sherry Chambers of Cleveland, OH.	COMMENT NUMBER	From: April Fountain To: deis_hrc@govsupport.us Subject: Sonar hearing in Hilo Date: 8/27/2007 1:53:33 PM  I respectfully request that you log my protest to conducting the sonar tests around our sensitive Island environment. I realize that your aim is for our protection but I do not believe that this is the answer and would like all the other alternatives to be considered. Please do not do this sonar testing.  April Fountain Hilo, Hawaii.	COMMENT NUMBER
	D-E-0303		D-E-0304
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	From: Aimee Love To: deis_hrc@govsupport.us Subject: Save the whales Date: 8/27/2007 5:31:01 PM Please stop the sonar testing and protect our island wildlife. We need to speak up because they do not have a voice. Please let me know what I can do. Warmest aloha, Aimee Love	COMMENT NUMBER			COMMENT NUMBER
		D-E-0305		The text of comment D-E-0306 was the same as that of D-E-0062. This comment was submitted by Rosemary Alles of Kamuela, HI.	D-E-0306
		1		The text of comment D-E-0307 was the same as that of D-E-0062. This comment was submitted by None	D-E-0307
				The text of comment D-E-0308 was the same as that of D-E-0062. This comment was submitted by None	D-E-0308

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

From: Lynne Torres  
 To: deis\_hrc@govsupport.us  
 Subject: Hawaii Range Complex EIS  
 Date: 8/27/2007 9:53:55 PM  
 Attached please find my comments. thanks.  
 Lynne Torres

**COMMENT  
NUMBER**

D-E-0309

The following are my thoughts related to the EIS/OEIS on the Proposed Action and Alternatives for the Hawaii Range Complex.

- 1) An environmental study should not be conducted by the same group or organization that is about to make the changes; it should be done by an independent, outside body.
- 2) There is no way the HRC can truly, honestly say that these proposals will have no impact on marine life, the soil, ocean, and air. Sonar damages. Depleted uranium is lethal. Particles of explosions mix in with the air we breathe in and also become acid rain.
- 3) The issue here is not whether or not the navy/military should continue to expand. The real issue is whether or not we, humans, are in agreement that WAR is the solution to the problems mankind are facing today for their survival.... the pollution of our air, soil, water and global warming. Should we continue contributing to the massacre of our planet, or start doing something now to change the course of our future? What we are witnessing is lack of intelligent non-violent communication between societies and different cultures, and basically, between each other, on a daily basis. We are all one, no matter what religion, culture or race. We should be working to achieve harmony between each other, not war.
- 4) This is not about whether or not the PMRF are "good neighbors" or about how many jobs they bring to Kauai. The issue here is on a much higher level. Are we in agreement with the present government's war policies and attitudes in regards to "protectionism"? Are we heading in the right direction by placing such a large amount of the financial pie towards more military interventions, more war weapons, more war games?
- 5) I believe it would be preferable to give more attention and money to protecting the air, waters and health of the land and its people and in creating more harmony and peace through dialogue, not war.

**COMMENT  
NUMBER**

 D-E-0309  
(cont.)

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**Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)**



From: Guenter Monkowski - Holualoa, HI  
 To: deis\_hrc@govsupport.us  
 Subject: Move on heroes!

Date: 8/27/2007 11:12:33 PM

Go and destroy the last resorts on Earth with your creepy, poisonous technology. You really must be not to smart or you must hate your children. Moreover your country is bankrupt, but who cares, Walstreet will print some money.

Yeah, we see you heroes in Iraq and Afghanistan where you cowardly bomb, slaughter and murder civilians. The "great" American way, and if the locals defend themselves guess what your heroic troops of cowards call them terrorist.

Can't believe that U.S. was finally taken over by the Nazis! Actually the Germans won the war!

U.S. is now seen by 80% of the Earth population as a rogue country - guess why that is so! Moreover people around the World think that Americans are brainless gunhoses.

An army of sickos who like to destroy their own country. Really great!

Go on and destroy the rest of our unique environment, but remember it might be lost forever. Prayers will not help you.

Do you guys have brains, or has it been removed after 9/11 by Homeland Security.

I'm happy that I'm old!

--  
 Guenter Monkowski

Holualoa, HI, USA

P.S: Patriot=Idiot!

**COMMENT  
NUMBER**

D-E-0310

1

The text of comment D-E-0312 was the same as that of D-E-0062. This comment was submitted by Charlene Avallone of Kailua, HI.

**COMMENT  
NUMBER**

D-E-0312

<p>From: Marilyn Tolmachoff To: deis_hrc@govsupport.us Subject: Navy Sonar Nightmare Date: 8/28/2007 10:02:39 AM What additional data needs to be gathered at this point ??? What am I missing here?!? So sadistic I cannot even believe this and yet this is so typical - so prevalent in the quagmire and business as usual attitude - "Make up the rules as you go" - so Federaliesque.</p> <p>The breeding and calving sanctuary could be disturbed forever more w/ this hostile and cruel beyond cruel brutal activity.</p> <p>How can this be stopped - it is totally documented where the whales travel to birth and mate - why can't the Navy go to DEAD WATERS - how many whale deaths are ENOUGH!!!!???</p> <p>MAKE IT STOP!!!!</p> <p>Marilynn Tolmachoff</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0313</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0313	1	<p>The text of comment D-E-0315 was the same as that of D-E-0062. This comment was submitted by Marianne Merki.</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0315</td></tr></table>	COMMENT NUMBER	D-E-0315
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Doug Fox To: deis_hrc@govsupport.us Subject: public testimony Date: 8/28/2007 8:27:15 PM</p> <p>The US military in Hawaii has irrevocably contaminated the seas and aina of Hawaii already. No further activities such as those in the EIS should be allowed until the military cleans up all its old opala and vacates the territories it has taken by force of arms. A terrible example of military stewardship is Pohakuloa Training Area, contaminated with depleted uranium. Ocean stewardship is also negligent. The whales don't want US Naval sonar. The land residents don't want war, missiles and explosions. Take them back to Connecticut, please, and turn off your reactors on the way out.</p> <p>The negative impacts of the EIS activities are very significant to the residents, no matter what the paid consultants to the Navy say. Or lands and waters are being irreparably degraded by war activities.</p> <p>aloha, Doug Fox</p> <p>Honaunau, HI</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0316</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0316	1	<p>From: LiLi Townsend To: deis_hrc@govsupport.us Subject: Not again! Date: 8/28/2007 9:54:25 PM</p> <p>Surely you know the will of the Hawaiian residents by now. We are concerned at the heartless denial of Navy War Games proposal. A Marine Sanctuary is not a place for war games. Marine mammals are part of our Hawaiian culture and deserve our caring and respect.</p> <p>Sincerely, LiLi Townsend</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0317</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0317	1
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

The text of comment D-E-0318 was the same as that of D-E-0062. This comment was submitted by Katy Fogg of Olympia, WA.	<b>COMMENT NUMBER</b>	<p>From: Michael Jones - Honolulu, HI To: deis_hrc@govsupport.us Subject: comments on the draft EIS/OEIS for the Hawaii Range Complex Date: 8/29/2007 1:29:31 PM</p> <p style="text-align: right;">29 Aug. 2007</p> <p>via E-mail to: deis_hrc@govsupport.us</p> <p>Below are my comments on the draft EIS/OEIS for the Hawaii Range Complex.</p> <p>The very limited distribution of the draft EIS is not conducive to meaningful evaluation of technical aspects. For example, the Univ. of Hawaii Environmental Center and Hamilton Library should have been included.</p> <p>Despite the detailed comments I submitted at the 14 Sept. 2006 scoping meeting on Oahu and the fact that I received two postcards (with slightly different addresses) announcing the availability of the draft EIS, my name is not on the Distribution List in section 10.0. The comments I submitted are part of the Oahu scoping comments at <a href="http://www.govsupport.us/navynepahawaii/Docs/Oahu/Oahu%20Scoping%2014SEP06_rev1.pdf">http://www.govsupport.us/navynepahawaii/Docs/Oahu/Oahu%20Scoping%2014SEP06_rev1.pdf</a></p> <p>I did receive a copy of the draft EIS (Revision 1) on 9 Aug. 2007 after I sent an E-mail on 6 Aug. to deis_hrc@govsupport.us to ask that a copy be sent to me and to the Univ. of Hawaii Hamilton Library. Because many of my scoping comments are not addressed in detail in the draft EIS, one wonders if anyone read them.</p> <p>Table ES-11 on page ES-57 includes high energy laser tests and operations that "present the potential for fires on Niihau" as a health and safety issue. If this implies that high-power laser beams could be projected at targets on or near Niihau, a detailed evaluation is needed in the final EIS.</p> <p>One of the most serious deficiencies is the inadequate analysis of alternative locations for some training activities. The discussion in section 2.2.1.2 consists of two pages and concludes that it is "neither reasonable, practical nor appropriate to seek alternative</p>	<b>COMMENT NUMBER</b>
The text of comment D-E-0319 was the same as that of D-E-0062. This comment was submitted by Ruby Roth of Los Angeles, CA.	D-E-0318		D-E-0324
The text of comment D-E-0320 was the same as that of D-E-0062. This comment was submitted by Linda Ballou of Sherman Oaks, CA.	D-E-0319		
The text of comment D-E-0321 was the same as that of D-E-0062. This comment was submitted by Michelle DeFelice of Tucson, AZ.	D-E-0320		
The text of comment D-E-0322 was the same as that of D-E-0062. This comment was submitted by Bryan Lovsness of Caspar, CA.	D-E-0321		1
The text of comment D-E-0323 was the same as that of D-E-0062. This comment was submitted by Lisa Damon of Kamuela, HI.	D-E-0322		
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>locations." No details are given to justify this conclusion. Two examples make it clear that alternative locations for some activities do exist. One is field carrier landing practice (FCLP). It is noted on page 2-14 that no FCLP training operations are part of the baseline so apparently some alternative locations for FCLP exist. The draft EIS does not compare these locations with those at PMRF and MCBH proposed in alternatives 1 and 2 so there is no basis to judge whether these new locations are needed. Because no carriers are homeported in Hawaii, there seems to be little justification for FCLP in Hawaii. The other example is major training exercises. The recent Valiant Shield exercises near Guam seem to be a reasonable and practical alternative to similar exercises in Hawaii. An article in the 10 Aug. 2007 Honolulu Star-Bulletin noted that 4 Hawaii-based ships participated and reported that Admiral Robert Willard, the Pacific Fleet Commander, "said Guam's military training ranges offered a perfect location for a large-scale exercise." This "perfect location" should be evaluated as an alternative in the EIS.</p> <p>It would be useful to compare the propellant weights of the missiles shown in Fig. 2.2.2.4.1-1 on page 2-22.</p> <p>Fig. 2.2.2.4.1-3 on page 2-26 purports to show existing missile flight corridors from PMRF. What environmental analyses have been done for the corridors to the north and south? What missiles have been launched along these corridors?</p> <p>Figs. 2.2.2.4.1-4 and 2.2.2.4.1-5 show conceptual intercept scenarios involving air or sea targets which have ranges exceeding 400 nautical miles (about 740 kilometers) and thus could violate the INF Treaty and possibly the START Treaty. The draft EIS has no discussion of INF Treaty restrictions on long-range air-launched and sea-launched targets or START Treaty restrictions on sea-launched targets. As I noted in my comments on the 1998 PMRF Enhanced Capability draft EIS (See page 9-323 of the 1998 PMRF Enhanced Capability final EIS.), INF Treaty Article VII, paragraph 12d restricts launches for research and development so that "the launchers for such booster systems are fixed, emplaced above ground and located only at research and development launch sites which are specified in the Memorandum of Understanding." In addition, the START Treaty Article V, paragraph 18a, prohibits tests and deployment of "ballistic missiles with a range in excess of 600 kilometers, or</p>	<p>D-E-0324 (cont.)</p> <p>5</p> <p>6</p> <p>7</p>	<p>launchers of such missiles, for installation on waterborne vehicles, including free-floating launchers, other than submarines." The 1998 PMRF Enhanced Capability EIS and the 2003 GMD ETR EIS did not consider treaty compliance despite the fact that previous analyses (1994 TMD ETR EIS and 1998 TMD ETR Draft Supplemental EIS) did consider this issue. The 1994 TMD ETR EIS explicitly refers to the INF Treaty restrictions on page 2-10 and states, "In order to comply with the Intermediate-Range Nuclear Force (INF) Treaty, mobile and fixed sea launch platforms for targets would be located no more than 500 km (311 mi) from the planned target impact point." The 1998 TMD ETR DSEIS notes that the START treaty prohibits launches from sea-based platforms and that launches from ships are restricted to ranges less than 600 kilometers. There can be no meaningful public evaluation of the proposed tests without a detailed discussion of treaty compliance in the final EIS. Responses such as, "We will not implement any actions that are not in accordance with current U.S. policy on treaty compliance." (page 9-331 of the 1998 PMRF Enhanced Capability final EIS) or "This is beyond the scope of the EIS." (page 8-326 of the 2003 GMD ETR final EIS) are neither reassuring nor informative.</p> <p>Debris from intercepts of targets launched from Wake Island, Kwajalein, or Vandenberg AFB could pose a hazard to aircraft in the flight corridors shown in Fig. 2.2.3.4-1 on page 2-43. The final EIS should show diagrams of the debris areas with jet routes superimposed. Such diagrams for other intercept scenarios are in Figs. 2.1.8-1 to 2.1.8-6 in the 2003 GMD ETR final EIS.</p> <p>The discussion of the Super Strypi system on page 2-42 gives a total propellant weight of over 48,000 pounds, which is considerably larger than that for the Strategic Target System (36,750 pounds). It is stated that the Super Strypi "would require a 1,500-ft radius circle ground hazard area around the launcher." The 1,500-ft radius circle could refer to the ESQD arc shown in Fig. 2.2.2.4.1-2 rather than the radius of the ground hazard area for the launch, which is 10,000 feet for the Strategic Target System. Table E-8 on page E-9 gives ground hazard radii of 2,000 feet for "most unguided systems" and 6,000 to 10,000 feet for guided systems. I was told at the 23 August meeting that the Super Strypi was a rail-launched system and thus would have a smaller GHA than that for the Strategic Target System. The</p>	<p>D-E-0324 (cont.)</p> <p>7</p> <p>8</p> <p>9</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER		COMMENT NUMBER
<p>final EIS should clarify this, explicitly show GHA diagrams for Super Strygi launches, and give details about the determination of the ground hazard area.</p> <p>Page 2-65 contains the statement that, "Construction of the Maritime Directed Energy Test Center would require separate/additional environmental documentation." Presumably this documentation would include analysis of the serious safety issues associated with such high-power laser beams projected onto air and surface targets. The final EIS should at least examine alternative locations, such as the White Sands Missile Range or a floating platform, for such tests.</p> <p>Pages 2-65 and 2-66 note that testing for the Advanced Hypersonic Weapon would include two launches of the Strategic Target System and two launches of Orion boosters from KTF. Because of the larger amount of propellant in the Orion boosters (41,760 pounds) than in the Strategic Target System (36,750 pounds), some justification is needed for use of the same ground hazard area for Orion launches. Is a detailed environmental analysis planned for Orion launches from KTF? If the launch azimuth for these launches is other than 280 degrees, diagrams of the ground hazard areas should be shown either in the final EIS or a subsequent environmental analysis.</p> <p>The reference for the lead concentrations near the Vandal launch site on page 3-123 does not indicate which of the many U.S. Department of the Navy references in section 9.0 is intended. As I noted in my comments on the 1998 PMRF Enhanced Capability EIS (page 9-378 of the final EIS), soil sampling results are in the PMRF Environmental Baseline Study dated January 1996. A reference to this document, which was designated "for official use only," was included on page 10-13 of the final EIS. The Restrictive Easement for STARS and Vandal launches in Appendix C of the final EIS states that the GRANTEE will "clean up any debris or any releases of hazardous substances resulting from its launches in accordance with all federal and applicable State and local environmental laws." There seems to be no exemption for the area within 100 feet of the launch pad.</p> <p>Page 4-259 mentions that ground hazard areas (GHA) typically extend from 1,000 to 20,000 feet from the launch point. However, previous</p>	<p>D-E-0324 (cont.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p>	<p>environmental analyses left unresolved safety issues involving Strategic Target System and THAAD launches at PMRF. No detailed hazard areas have been shown for Strategic Target System launches at azimuths other than 280 degrees. Similarly, no diagrams showing the THAAD hazard area were given in the 2002 THAAD EA and no detailed analysis was cited to justify the reduction in the hazard area radius from 20,000 feet in the 1998 PMRF EIS to 10,000 feet in the THAAD EA.</p> <p>Page 4-266 has a brief discussion of the restrictive easement which permits removal of people from the part of Polihale State Park within the GHA for some missile launches. It should also be noted that this easement can be employed a maximum of 30 times per year -- including times for which the area is cleared but no launch occurs. The final EIS should give information about the number of times the easement has been used in the past several years and how many times would be expected with alternatives 1 and 2.</p> <p>Page 4-290 mentions the Directed Energy Test Center and states that a "Basic Facility Requirements report has not being completed." The final EIS should clarify whether this report has been or is being completed. Where will it be available for public review?</p> <p>Table 5.2-1 does not include any other missile testing programs in the Pacific as part of cumulative impacts. It would be useful for the final EIS to give the cumulative numbers of launches at the various launch sites for tests analyzed in the 1998 PMRF Enhanced Capability EIS, the 2001 North Pacific Targets Program EA, the 2002 THAAD EA, and the 2003 GMD ETR EIS. The 2004 draft BMDS PEIS estimated 515 launches between 2004 and 2014. Any tests of the Kinetic Energy Interceptor program near PMRF should be included. The final EIS should also include any test launches of offensive missiles. For example, tests of the Trident D5 were reported to be planned near PMRF in 2005.</p> <p>Appendix K contains a general discussion of missile launch safety. It is noted on page K-1 that risk values depend on the probability of vehicle failure. Pages K-5 and K-6 briefly discuss rocket motor failure and note that three types of guidance/control failures have been observed in previous launches. However, no quantitative estimates of failure probabilities are given. In fact no such estimates were given in either the 1994 BMD draft PEIS or in the 2004 draft BMDS PEIS. This information</p>	<p>D-E-0324 (cont.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>is necessary for any meaningful assessment of the risks from launch failures. As I noted in my comments on the 2003 GMD ETR draft EIS (page 8-219 in the final EIS), an analysis of Minuteman test launches found a rate of severe failures of 15%. The Strategic Target System had no failures in 4 launches at PMRF and two serious failures (9 Nov. 2001 and 25 May 2007) in three launches from Kodiak.</p> <p>Because there have been serious consequences from past accidents during missile launch and Navy training activities, it is worth noting these as examples of what can go wrong. In Dec. 1988, a commercial ship near Kauai was hit by a missile launched from an aircraft and one of the ship's crew was killed. The 15 June 1993 Minuteman failure at Vandenberg AFB started a brush fire that burned 1,000 acres. (This accident is relevant to PMRF because a similar failure there could trap people in the north half of Polihale State Park.) On 4 May 1994, two 20 mm depleted uranium rounds were accidentally fired inland from the Aegis cruiser Lake Erie while it was moored in Pearl Harbor. The 8 July 1994 Vandal launch failure at PMRF resulted in elevated lead concentrations near the launch pad. The most regrettable incident was the sinking of the Japanese ship Ehime Maru by a Navy submarine on 9 Feb. 2001.</p> <p>The 1998 PMRF Enhanced Capability EIS explicitly excluded the Navy Theater-Wide System (subsequently called Sea-Based Midcourse in MDA Fact Sheets dated March 2002 and Jan. 2003 and now called Aegis BMD) from evaluation and asserted (page 9-332), "This document covers enhanced capabilities for PMRF to support Area Defense and the Aegis Leap Intercept. The Theater-Wide program is not sufficiently developed to be included in this analysis." The conceptual intercept scenarios analyzed (e.g. Fig. 2.3.5-1 of the final EIS) involve only a "Ship Area Interceptor" and targets launched within 1200 kilometers of PMRF. According to the Jan. 2003 MDA Fact Sheet, the Aegis Leap Intercept (ALI) phase was completed with intercepts in January and June 2002. It further added, "With the completion of ALI, Aegis BMD is now transitioning to intercepts against more stressing ballistic missile targets and target scenarios based upon technological advances in associated risk reduction activities." It is clear from earlier BMDO Fact Sheets that the ALI tests were part of the Theater-Wide</p>	<p>D-E-0324 (cont.)</p>	<p>program. BMDO Fact Sheet AQ-99-03 on Navy Theater Wide (NTW) stated, "The NTW flight demonstration phase is the AEGIS LEAP Intercept (ALI)." BMDO Fact Sheet AQ-99-02 described the Navy Area program as using AEGIS ships and SM-2 interceptors. An article in the 16 Dec. 2001 New York Times reported that the Navy Area program had been canceled by the Pentagon. No subsequent environmental analysis has been done even though Aegis BMD tests have been done near PMRF using the same interceptor (SM-3) as the Theater-Wide System. Thus it seems that environmental analyses have been done only for a canceled program and a completed program but not for an ongoing program. The final EIS should evaluate Aegis BMD tests, including conceptual intercept scenarios, or indicate when separate environmental analyses of these tests will be done.</p> <p>Table 5 of the Missile Defense Agency FY08 Budget Overview at <a href="http://www.mda.mil/mdalink/pdf/budgetfy08.pdf">http://www.mda.mil/mdalink/pdf/budgetfy08.pdf</a> has an item for "Classified Programs." Will any of these programs involve tests at PMRF? If so, how will the environmental impacts be evaluated?</p> <p>Please send me a copy of the final EIS.</p> <p>Michael Jones Dept. of Physics &amp; Astronomy Univ. of Hawaii</p> <p>Honolulu, Hawaii</p>	<p>D-E-0324 (cont.)</p> <p>19</p> <p>20</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Ellen Levinsky - HI To: deis_hrc@govsupport.us Subject: sonar-draft EIS Date: 8/29/2007 6:41:07 PM My name is Ellen Levinsky and I have been a resident of Maui, Hi. since 1979.</p> <p>It is very important to have an EIS done to address the effects of the Navy using sonar radar (testing it or other uses) because there are several adverse and negative results from this. There are many instances that indicate sonar waves have a detrimental impact on marine life especially whales and dolphins. There can be temporary and permanent damage to these marine mammals' co-ordination and communication skills. The Navy does not know what frequencys will hurt these animals delicate internal functions. I am also against underwater missile testing in the waters within 100 miles of the Hawaiian waters. There have been several instances in recent years when marine mammals have beached and/or died when military sonar was being used; prime examples are on Kauai and the Bahamas.</p> <p>It is time for the Navy and the military to consider the negative impact of their testing on animals in the sea, natural resources, and listen to the opposition from educated scientists and citizens of the U.S. and STOP using these high frequencies of sonar!</p> <p>Thank-you for including my testimony, Ellen Levinsky</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0325</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0325	1	<table><tr><td>The text of comment D-E-0326 was the same as that of D-E-0062. This comment was submitted by Ravi Grover of Chicago, IL.</td></tr><tr><td>The text of comment D-E-0327 was the same as that of D-E-0062. This comment was submitted by Sandy Kamaka of Kailua Kona, HI.</td></tr><tr><td>The text of comment D-E-0328 was the same as that of D-E-0062. This comment was submitted by Cynthia Taylor of Keauhou, HI.</td></tr></table>	The text of comment D-E-0326 was the same as that of D-E-0062. This comment was submitted by Ravi Grover of Chicago, IL.	The text of comment D-E-0327 was the same as that of D-E-0062. This comment was submitted by Sandy Kamaka of Kailua Kona, HI.	The text of comment D-E-0328 was the same as that of D-E-0062. This comment was submitted by Cynthia Taylor of Keauhou, HI.	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0326</td></tr><tr><td>D-E-0327</td></tr><tr><td>D-E-0328</td></tr></table>	COMMENT NUMBER	D-E-0326	D-E-0327	D-E-0328
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D-E-0326													
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D-E-0328													

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Essence Satterfield To: deis_hrc@govsupport.us Subject: NO Navy testing in Hawaiian waters! Date: 8/31/2007 3:06:52 AM</p> <p>Aloha, I am deeply concerned about the safety of our marine enviroment.The well being of so many of our species is at risk,from a variety of factors. Some are out of our control and many are choices. We can make the right decision or the wrong one. Please,keep navy sonar out of our waters! The whales are the largest mammal in our islands. After decades upon decades they were finally safe. let us let them live and be free! They are native hawaiians and it is their territory and the U.S government has no right. The brutal technological developments have done enough harm to Hawaii's oceans,Lands,and people. Let cease NOW! Help us to the road of right decisions!</p> <p>Sincerely, Essence Satterfield,Maui</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0329</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0329	1	<table><tr><td>The text of comment D-E-0330 was the same as that of D-E-0062. This comment was submitted by Emilie Howlett of Pukalani, HI.</td></tr><tr><td>The text of comment D-E-0331 was the same as that of D-E-0062. This comment was submitted by Lorraine Howlett of Pukalani, HI.</td></tr><tr><td>The text of comment D-E-0332 was the same as that of D-E-0062. This comment was submitted by Tom Jackson of Denver, CO.</td></tr></table>	The text of comment D-E-0330 was the same as that of D-E-0062. This comment was submitted by Emilie Howlett of Pukalani, HI.	The text of comment D-E-0331 was the same as that of D-E-0062. This comment was submitted by Lorraine Howlett of Pukalani, HI.	The text of comment D-E-0332 was the same as that of D-E-0062. This comment was submitted by Tom Jackson of Denver, CO.	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0330</td></tr><tr><td>D-E-0331</td></tr><tr><td>D-E-0332</td></tr></table>	COMMENT NUMBER	D-E-0330	D-E-0331	D-E-0332
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



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COMMENT NUMBER							
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COMMENT NUMBER							
D-E-0334							
<p>From: Jade Silver - Kula, HI To: deis_hrc@govsupport.us Subject: Expanding Naval Wargames in Hawaii is Unacceptable Date: 8/31/2007 3:52:30 AM</p> <p>Mr. Tom Clements Pacific Missile Range Facility P.O. Box 128 Kekaha, HI 96752-0128</p> <p>To:Mr. Clements,</p> <p>Expanding Wargames in Hawaii is an unnecessary act that Hawaii should not persue. There a many endangered species such as the Humback Whale and Monk Seals which will be harmed if Hawaii is used as a wargame site. We must realize the dangers of using sonar on animal, because it is our responsibility as humans to protect and perserve or marine life. We all must do our part in respecting the natural habitat of Hawaii. If we do not act now, it is likley that marine life, such as Monk Seal will become extinct. Please, save the Whales, and other Marine life.</p> <p>Please Stop the Wargames, Jade Silver</p> <p>Kula, HI</p>	<div>2</div> <div>1</div>	<p>From: Ron Howlett - Pukalani, HI To: deis_hrc@govsupport.us Subject: Expanding Naval Wargames in Hawaii is Unacceptable Date: 8/31/2007 4:03:08 AM</p> <p>Mr. Tom Clements Pacific Missile Range Facility P.O. Box 128 Kekaha, HI 96752-0128</p> <p>To:Mr. Clements,</p> <p>If we cannot protect the animals and plant life of our natural world, then we can do nothing but expect the natural world to lash out in anger through events such as earthquakes, tsunamis, hurricanes etc (sound familiar?) These natural disasters shake our world (literally and metaphorically) and we wonder what is wrong with the earth. Well we are ruining the balance. Sonar blasting corrupts the whales natural instincts, harms and kills them. This is their life, their home, OUR ocean. Yes, i'm sure sonar blasting is beneficial in some way to the military for reasons i cant comprehend, but hey, war is not the answer anyway so basically you are just setting yourself up to be f d. We dont have the option we have the OBLIGATION not as scientists, military men, or politicans but as good humans to protect our land and oceans, for future generations. And have you ever seen humpback whales? Have you ever seen them swim in the ocean as if they were dancing? Or heard their sweet voices communicate as if they were singing? Have you seen them play protectively with their young, and smile at you as you pass? Have you ever felt so small next to something so huge, so magnificent, so beautiful, yet you were so damn glad you had the oppurtunity to just be in their presence? Have you seen a little childs face light up the moment they spotted a whale breach into the air and land with a great big splash? If you havnt i recommend you do, because you have not lived once you have. so please, let this great mammals live in peace. let them eat and travel and reproduce and dont</p>	<div>1</div>				

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



	<div>COMMENT NUMBER</div> <div>D-E-0334 (cont.)</div>	<div>From: Tom Scallon To: deis_hrc@govsupport.us Subject: idea about chaff... Date: 8/31/2007 4:52:33 AM</div> <div>Hello,</div> <div>I wanted to mail you about an idea I had recently. I often hear on TV about the military using "chaff" over the islands to engage in military operations, as it shows up in the weater reports. They say that it is made of mylar.</div> <div>It occured to me that perhaps mylar wasn't the best substance to use because of it's plastic content, since most plastics don't easily biodecay.</div> <div>Replacement ot subsitution presents it's own set of problems too, and that is what my idea pertained to. I recalled seeing articles and media about a proposal to do carbon sinking &amp; trading by seeding rust particles in the ocean as a nutrient. It occured to me that "chaff" made of substances that would quickly rust, and possibly seed other metallic nutrients in a bimetal arrangment might serve as a substitute material. Instead of being a pollution component, this activity could create a carbon offset resource that did not even exist previously.</div> <div>In any case I wanted to pass the idea on, rusty foils might make for great PR when people express concerns about the activity.</div> <div>Tim Scanlon</div>	<div>COMMENT NUMBER</div> <div>D-E-0335</div> <div>1</div>
<div>blow their f ing ears out with sonar wargames. its not the humane thing to do. peace</div> <div>Please Stop the Wargames, Ron Howlett</div> <div>Pukalani, HI</div>			

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

The text of comment D-E-0336 was the same as that of D-E-0062. This comment was submitted by Suzanne Chantal Godbout of Spartanburg, SC.

**COMMENT  
NUMBER****D-E-0336**

From: John Garvison  
To: deis\_hrc@govsupport.us  
Subject: Comment on Navy Traing  
Date: 8/31/2007 2:19:29 PM  
I support the no action alternative. John Garvison

**COMMENT  
NUMBER****D-E-0337**

1

**Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)**

<p>The text of comment D-E-0338 was the same as that of D-E-0062. This comment was submitted by Stephen MacDonald of High Falls, NY.</p> <p>The text of comment D-E-0339 was the same as that of D-E-0062. This comment was submitted by JoJo JoJo of BC.</p> <p>The text of comment D-E-0340 was the same as that of D-E-0062. This comment was submitted by Antoinette Tenhunen Tukholmankatu of Helsinki</p> <p>The text of comment D-E-0341 was the same as that of D-E-0062. This comment was submitted by Kristie Nakasato of HI.</p> <p>The text of comment D-E-0343 was the same as that of D-E-0062. This comment was submitted by Priscilla Derven of High Falls, NY.</p>	COMMENT NUMBER	<p>From: Rob Kinslow - Honolulu, HI To: deis_hrc@govsupport.us Subject: Naval Wargames in Hawaii are Unnecessary Date: 9/2/2007 1:55:29 PM</p> <p>Mr. Tom Clements Pacific Missile Range Facility P.O. Box 128 Kekaha, HI 96752-0128</p> <p>To: Mr. Clements,</p> <p>The world recognizes that Hawai'i is home to unique and fragile marine environments that are crucial to the overall health of our oceans. The U.S. acknowledged the importance of protecting Hawai'i's oceans by establishing the largest, most highly protected marine preserve in the Northwestern Hawaiian Islands. This is the primary foraging grounds of last few remaining Hawaiian monk seals, home of rare cold water coral reefs,</p> <p>The Navy's proposal to significantly increase wargames in the Hawaiian Islands directly undermines the policies of the federal and state governments to protect the NWHI Marine Monument, State Refuge, and the Humpback Whale Sanctuary. The Navy's plan to use active sonar that harms marine mammals, spread toxic chemicals that undermine the public's health, and jeopardize cultural sites sacred to Native Hawaiians is completely unacceptable and cannot be allowed.</p> <p>I do not believe that wargames and environmental stewardship of our children's natural resources can be accomplished in a manne that preserves and enhances the natural world assets. There is no evidence that the Navy is able to enhance natural world assets while playing god with the rest of the planet. Our national security is dependent on the natural world survival not on some made up human conflict zone or warmaking.</p>	COMMENT NUMBER
	D-E-0338		D-E-0344
	D-E-0339		
	D-E-0340		
	D-E-0341		
	D-E-0343		<p>1</p> <p>2</p> <p>3, 4</p> <p>6</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>Fully funding a Department of Peace and de-funding the Department of War would bring peace and sustainable relationships to our great America. Continuing to fund adventures in fear and warmaking is a sure path to insanity and destruction of all species.</p> <p>Please Stop the Wargames, Rob Kinslow</p> <p>Honolulu, HI</p>	<b>COMMENT NUMBER</b> <b>D-E-0344 (cont.)</b>	<p>The text of comment D-E-0345 was the same as that of D-E-0062. This comment was submitted by Lorena Werner of Savannah, GA.</p>	<b>COMMENT NUMBER</b> <b>D-E-0345</b>
	5	<p>The text of comment D-E-0346 was the same as that of D-E-0062. This comment was submitted by Lynn Manheim of Factoryville, PA.</p>	<b>D-E-0346</b>
		<p>The text of comment D-E-0347 was the same as that of D-E-0062. This comment was submitted by Puanani Rogers of Kapaa, HI.</p>	<b>D-E-0347</b>
		<p>The text of comment D-E-0348 was the same as that of D-E-0062. This comment was submitted by None</p>	<b>D-E-0348</b>
		<p>The text of comment D-E-0349 was the same as that of D-E-0062. This comment was submitted by Sam Long of Lynnwood, WA.</p>	<b>D-E-0349</b>
		<p>The text of comment D-E-0350 was the same as that of D-E-0062. This comment was submitted by Zena Seeley of Kekaha, HI.</p>	<b>D-E-0350</b>
		<p>The text of comment D-E-0351 was the same as that of D-E-0062. This comment was submitted by Monica Hall of Dallas, TX.</p>	<b>D-E-0351</b>
		<p>The text of comment D-E-0352 was the same as that of D-E-0062. This comment was submitted by None</p>	<b>D-E-0352</b>
		<p>The text of comment D-E-0353 was the same as that of D-E-0062. This comment was submitted by None</p>	<b>D-E-0353</b>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

From: Erin Rietow  
 To: deis\_hrc@govsupport.us  
 Subject: Written Comment  
 Date: 9/13/2007 12:53:46 AM  
 September 12, 2007

In response to the Draft Environmental Impact Statement/Overseas  
 Environmental Impact Statement:

☐ I disagree with the proposal to increase naval operations within the Hawaii Range Complex. I feel the damages to the environment that are currently taking place should not be added to by increased exercises. I also think that many of the issues presented in the EIS/OEIS need to be more thoroughly explored and some of the conclusions made need to be reviewed. Specifically I would like to request more research be done on mid-frequency sonar and its affect on marine mammals. As stated on p.ES-28 ☐ given the frequency of naturally occurring marine mammal stranding ☐s in Hawaii, it is conceivable that a stranding could co-occur within the timeframe of a Navy exercise even though the stranding may be unrelated to Navy activities ☐. I am skeptical as to the truth of this statement as well as the extent to which this statement is supported by scientific data. I would like to see more concrete data that proves beyond a reasonable doubt that mid-frequency sonar is only correlated to marine mammal deaths coincidentally.

☐ I am also concerned with the amount of debris that is entering the open oceans and atmosphere (ES-13). Continued exposure of missile debris, especially metals, to ocean water causes leeching of potentially toxic materials that negatively impact marine micro and macro-fauna. Chemicals introduced to the atmosphere can have adverse affects on air quality as well as disrupt important chemical balances in the upper atmosphere that may lead to irreparable damages in the o-zone. I understand that dispersion decreases the localized affects of such toxins and harmful reactions, but there is a capacity for this type of dilution. After considering the residence time of each occurrence this capacity may be lower than expected especially when you take into consideration that fact that just minute amounts of certain toxins can have detrimental affects on the organisms that live in the area. And as we have all witnessed here in Hawaii, slight changes in the numbers of certain biota can disrupt entire ecosystems beyond repair.

**COMMENT  
NUMBER**

D-E-0354

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☐ Additionally I would like to see the following questions addressed:

(ES-5) Hawaiian Island Humpback Whale National Marine Sanctuary ☐s are bordered closely by naval stations on some islands. Are there regulations in place to prevent sonar broadcasting across these areas?

(ES-11, line 14) Is there a protocol within TAP that checks the implementation and enhancement of the environmental portion of the program?

If it is found that there are environmental impacts, what requirements are there for action (of a preventative nature)?

(ES-32) ☐ Navy policies and procedure during these training activities will minimize the effects on vegetation and wildlife, as well as limit the potential for introduction of invasive plant species ☐. What are these procedures and how effective have they proven in the past?

Thank you for reviewing my statement. I sincerely hope that these questions are taken seriously and addressed in an appropriate manner. The environment here in Hawaii and all across the world is necessary for our survival as a race and the sensitive balance that exists should be regarded with more respect. I feel that we will be able to meet the requirements set forth by the constitution without the expansion of the naval program here in the HRC and the adverse effects this increase will have on our home.

Sincerely,

Erin Rietow

**COMMENT  
NUMBER**

D-E-0354  
(cont.)

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	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0355</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0355	1	<p>From: Margaret Guiler - Koloa, HI To: deis_hrc@govsupport.us Subject: Research at PMRF, Kauai, HI Date: 9/13/2007 2:47:51 PM</p> <p>I am writing to discourage and speak out against any further research at the PMRF. As it is, the evidence of the past research of our surrounding ocean indicates a negative effect on the environment.</p> <p>Please include my testimonial among those who say NO MORE. Stop annoying Mother Nature.</p> <p>Cordially, Margaret Guiler, Koloa, HI</p>				
COMMENT NUMBER									
D-E-0355									
1									
		<p>From: David Kane To: deis_hrc@govsupport.us Subject: the US Navy proposal for increased testing in the waters surrounding Hawaii Date: 9/13/2007 2:56:07 PM Re: US Navy proposal for increased testing (of both technologies and areas) in the waters surrounding Hawaii</p> <p>To Whom it May Concern:</p> <p>With the recent discoveries of hundreds of heretofore unknown species -- with equally unknown chemical properties, that likely will give us whole new ways of fighting and curing diseases -- a Vast Untapped Database of Knowledge lies in the oceans and it is as irresponsible to ignore the damage that active naval systems can have on this irreplaceable treasure as it is to ignore the greenhouse gases that are driving global warming.</p> <p>As stewards of this planet for future generations -- and isn't this precisely what the Navy's duties are? Protecting future generations? -- if there is some doubt when it comes to issues that bear directly on the future ability of the planet to sustain life, shouldn't we err on the side of caution?</p> <p>We need someone to protect us from our own Navy when it comes to using the oceans to further test technologies known to harm ocean life and even more dangerous to test new technologies on our distant ancestors who likely hold the keys to many questions we have concerning aging and evolution. And we are only just beginning to see the extent of these effects on migration</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0356</td></tr><tr><td>1</td></tr><tr><td>2</td></tr><tr><td>3</td></tr><tr><td>4</td></tr></table>	COMMENT NUMBER	D-E-0356	1	2	3	4
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div> <div>D-E-0356 (cont.)</div> <div>5</div>	<div>From: Michael Dahlem - Kihei, HI To: deis_hrc@govsupport.us Subject: Sonar Date: 9/13/2007 3:36:08 PM September 13, 2007  Public Affairs Officer Pacific Missile Range Facility ATTN: HRC EIS/OEIS P. O. Box 128 Kekaha, Hawaii 96752-0128  Dear sir or madam:  We are writing to express our opposition to the proposed increase of sonar in Hawaiian waters for the reasons set forth in the International Ocean Noise Coalition's letter to Michael Payne dated August 30, 2007.  Sincerely,  Michael Dahlem Linda Andersen  Kihei, HI  Michael Dahlem, Attorney at Law Specializing in school, labor and employment law Kihei, HI</div>	<div>COMMENT NUMBER</div> <div>D-E-0357</div> <div>1</div>
<div>patterns -- with global warming the oceans will be undergoing huge changes; is this really the time to throw more unknowns into a system beginning to change rapidly?  We need to set our priorities and it should be Obvious that our priority should be to life, not to death. The Navy, of course, sees things differently. That is their job. Our job is to protect the world our children will inherit. Will it be a world of war, and the mindset that creates, or a will it be a world of peace, and all the benefits that brings.  What kind of world do you want your children's children to inherit from you?  Please think about that question when you consider the Navy's proposals to experiment further in an environment already under stress.  Thank you for your time and consideration,  Mr. David Kane</div>			


Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>From: Rana Jackson - Lihue, HI To: deis_hrc@govsupport.us Subject: Sonar use in Navy War Games in Hawaii-public comment Date: 9/13/2007 5:34:44 PM</p> <p>I am submitting the following comment for inclusion in the public record relating to the Draft EIS and the Overseas EIS.</p> <p>Thank you for the opportunity to voice our concerns and have our questions answered through this public comment period. My strong request is that all harm surrounding the use of active sonar in the Navy conducted war exercises be extensively researched, considered, and only carried out when there is real proof of NO harm to our precious sea life. Please understand that while it may seem necessary to carry out these initiatives in the name of keeping our citizens safe, in the long run it does more disastrous harm than good and other alternatives for executing these war games should be considered.</p> <p>To the members of the Navy, I know you are just carrying out your duties in the name of protecting your fellow Americans, but I ask you to take an objective look (outside the goggles of the military if possible) at the ultimate end result of these actions, not just where sea life is concerned, but ultimately the worth of conducting these exercises in the first place. It is time that we (including our tax-dollar supported military) look into alternatives to violence and war. War just leads to more war. It seems to be one thing we can all agree on.</p> <p>Thank you for your time.</p> <p>Rana Jackson Lihue, HI</p>	<p>D-E-0358</p> <p>1</p> <p>2</p>	<p>From: Petra Sundheim To: deis_hrc@govsupport.us Subject: PRMF Expansion Date: 9/13/2007 5:52:08 PM</p> <p>Aloha decision makers!</p> <p>It is from a place of inner peace that I choose to comment. That peace does NOT depend on weapons of war. I find no sense of security in the buildup of PRMF which only serves to make us a desirable target, a magnet for destruction by other fear based minds. Yes it is fear, not love based minds that invent war. What you focus on is what you get; death and destruction. Yes there is money in what you are doing, if that is your goal. Why not use that money to clean up the ocean, preserve our cetaceans and the beautiful nature of this island? But let there be truth, not lies in your attempts to woo the public.</p> <p>We are well into the 11th hour to choose Peace FROM THE HEART to avoid destruction. I do hold the VISION OF A NEW EARTH where the earth is respected and ALL LIFE is honored and protected. Study and Learn the ways of Peace and then there will be Peace. Those who won't will leave the planet, probably not by choice. The Earth can no longer tolerate the abuses, mankind has foisted on her and events of nature will take place to purge the planet.</p> <p>Kauai is one of the most beautiful islands in the world. There is healing energy in our land. This is meant to be a place of healing, of refuge; not a place to be exploited by greedy developers and the US war machine.</p> <p>The choices you make will impact Kauai. Use that power and energy for the good of all life.</p> <p>Sincerely, Petra Sundheim</p>	<p>D-E-0359</p> <p>1</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

From: Bob Jacobson - Hilo, HA  
 To: deis\_hrc@govsupport.us  
 Subject: Hawaii Range Complex Draft EIS/OEIS Comments  
 Date: 9/13/2007 9:05:38 PM  
 Dear Sirs, Thank you for the opportunity of providing my comments in this way.  
 Mahalo, Bob Jacobson

**COMMENT  
NUMBER****D-E-0360**

<p><b>BOB JACOBSON</b>  <b>Councilmember</b>  <i>Chair, Environmental Management Committee</i>  <i>Vice-Chair, Finance Committee</i></p>		<p>333 Kilauea Avenue, Second Floor          Ben Franklin Building, Hilo, Hawaii's 96720          Mailing Address: 25 Aupuni Street, Suite 200          Phone: (808) 961-8263          Fax: (808) 961-8912          E-Mail: jjacob@co.hawaii.hi.us</p>
<p><b>HAWAII COUNTY COUNCIL</b>  <i>County of Hawai'i</i></p>		
<p>September 13, 2007</p> <p>Public Affairs Officer,          Pacific Missile Range Facility          P.O. Box 128          Kekaha, Hawaii 96752-0128</p> <p>ATT: EIS/OEIS</p> <p>Dear Sirs,</p> <p>Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement/Overseas Environmental Impact Statement for the Hawaii Range Complex on the island of Kauai.</p> <p>I have a real concern with the use of munitions that contain or result in exposure to depleted uranium and other heavy metals currently and historically used by the United States Military. I would like to see an end to and complete ban on the use, storage and/or disposal of any plutonium, radiolytic ammunitions, experimental or otherwise, any where on the Big Island.</p> <p>I would also like to see the complete mapping of all unexploded conventional ordinance that have been left or disposed of here, both on land and at sea. We should be mindful of the possibility however distant, that any motivated individual or group could easily mine these sites for the materials to make a dirty bomb.</p> <p>Sonic testing has been demonstrated to negatively impact whales, porpoises and marine species that rely on their own intrinsic sonar. Testing and training using damaging sonar sources should be prohibited. These activities will likely have impacts on endangered and threatened species of fish, marine mammals, sea birds and plants as well.</p> <p>Lastly I worry that these activities will increase the possibility of aggression against us by other established military powers in the region.</p> <p>Thank you for the opportunity to comment on the Hawaii Range Complex Draft EIS/OEIS.</p> <p style="text-align: center;"><i>District 6 -- Upper Puna, Ka'u, and South Kona</i>  <i>Hawai'i County Is An Equal Opportunity Provider And Employer</i></p>		

**COMMENT  
NUMBER****D-E-0360  
(cont.)****1****2****3**

	COMMENT NUMBER		COMMENT NUMBER
<p>From: Paul Clark - Hanalei, HI To: deis_hrc@govsupport.us Subject: RE: URGENT: PLEASE PROTECT WHALES THREATENED by PMRF. Date: 9/13/2007 10:07:31 PM Aloha,</p> <p>The 100,000+ members of Save Our Seas urge the U.S. Navy to stop needlessly inflicting harm on whales and other ocean life with its use of high-intensity, mid-frequency sonar in its training exercises.</p> <p>Navy exercises using mid-frequency sonar have resulted in whale strandings across the globe.</p> <p>The Navy can no longer ignore the unnecessary harm inflicted by this technology. We urge the Navy to immediately adopt common-sense measures to keep whales safe.</p> <p>Mahalo,</p> <p>Captain Paul Clark President - Save Our Seas</p> <p>Hanalei, HI      USA</p>	<p>D-E-0361</p> <p>1</p>	<p>From: Dmitry Boldvrev To: deis_hrc@govsupport.us Subject: We strongly oppose the expansion of the base on the south of Kauai Date: 9/13/2007 10:24:56 PM Hi-</p> <p>Please consider interest of the public living on Kauai, making it their home place. We do not want to have military expansion going on here, in fact we want it to shrink! I think people have shown you - as is with SuperFerry - that public opposes the growth of military influence on Kauai. Polihale area was quoted o be a spiritually significant place by his holiness Dali Llama during his visit to Kauai a couple of years ago.</p> <p>I hold a degree in Computer Science and Mathematics from University of Utah, yet I understand the significance of preservation of the rare places like Polihale. Please leave it for future generations to experience that unique place. Keep Kauai free of military pollution!</p> <p>Thank you!</p> <p>Dmitry B.S. CE/MATH inventor of MP3 player founder of Blossoming Lotus restaurant</p>	<p>D-E-0362</p> <p>1</p> <p>2</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



From: Claudia Herfurt  
 To: deis\_hrc@govsupport.us  
 Subject: PLEASE PROTECT WHALES THREATENED by EXPANSION of PMRF

Date: 9/13/2007 10:56:18 PM

Hello,

again I want to urge the U.S. Navy to stop needlessly inflicting harm on whales and other ocean life with its use of high-intensity, mid-frequency sonar in its training exercises.

We clearly know that whales, dolphins and other marine mammals depend on sound to navigate, find food, locate mates, avoid predators and communicate with each other. Blasting their environment with intense sound over large expanses of ocean disrupts these critical behaviors and threatens their survival.

Sonar also harms whales more directly: Navy exercises using mid-frequency sonar have resulted in whale strandings across the globe, including along the coasts of Washington State, the Canary Islands, the Bahamas, Madeira, the U.S. Virgin Islands and Greece. A recent whale stranding death in Hawaii, which occurred when a large pod of whales was driven in panic to shallow waters, took place with Navy sonar exercises nearby and may be the latest in this string of sonar casualties.

Whales should not have to die for military training. The Navy can no longer ignore the unnecessary harm inflicted by this technology. I urge the Navy to immediately adopt common-sense measures to keep whales safe.

Sincerely,  
 Claudia Herfurt

**COMMENT  
NUMBER**

D-E-0363

1

From: Pat Blair - Kailua, HI  
 To: deis\_hrc@govsupport.us  
 Subject: Navy SOnar

Date: 9/13/2007 11:17:13 PM

I do not support the use of Navy Sonar in our Pacific Ocean. The sonar indangers the whales that birth in the winter. The whales must be protected. Pat Blair, Kailua, Hi.

**COMMENT  
NUMBER**

D-E-0364

1

From: Michael Kline - Kilauea, HI  
 To: deis\_hrc@govsupport.us  
 Subject: input on high-intensity, mid-frequency sonar  
 Date: 9/14/2007 12:29:12 AM

To Whom It May Concern: Please accept this as public testimony on the draft EIS/OEIS. I believe that the Navy is concerned about our oceans, the marine life in them, and wanting to have a good public image. I believe that military training is necessary, but I also believe it can be done in a respectful way that will not only reassure the American people that you are prepared as best as possible, but also in a way that respects whales and the other marine life in the oceans. I urge the U.S. Navy to stop needlessly inflicting harm on whales and other ocean life with its use of high-intensity, mid-frequency sonar in its training exercises. The Navy can no longer ignore the unnecessary harm inflicted by this technology. I strongly encourage the Navy to immediately adopt common-sense measures to keep whales and other marine life safe. Imagine the good publicity if you did adopt measures that protects marine life. Father Michael Kline Priest at Christ Memorial Church Kilauea, Hawai'i

**COMMENT  
NUMBER**

D-E-0365

1

From: Michal F. Stover - Kilauea, HI  
 To: deis\_hrc@govsupport.us  
 Subject: Comments on DIES re Navy's Use of Mid-Frequency Sonar  
 Date: 9/14/2007 1:04:37 AM

I  
 Dear Sir or Madam: I urge the U.S. Navy to stop needlessly inflicting harm on whales and other ocean life with its use of high-intensity, mid-frequency sonar in its training exercises. Whales, dolphins and other marine mammals depend on sound to navigate, find food, locate mates, avoid predators and communicate with each other. Blasting their environment with intense sound over large expanses of ocean disrupts these critical behaviors and threatens their survival. Sonar also harms whales more directly: Navy exercises using mid-frequency sonar have resulted in whale strandings across the globe, including along the coasts of Washington State, the Canary Islands, the Bahamas, Madeira, the U.S. Virgin Islands and Greece. A recent whale stranding death in Hawaii, which occurred when a large pod of whales was driven in panic to shallow waters, took place with Navy sonar exercises nearby and may be the latest in this string of sonar casualties. Whales should not have to die for military training. The Navy can no longer ignore the unnecessary harm inflicted by this technology.

The Navy could adopt simple safety measures when training with sonar that would prevent the needless infliction of pain and death on these magnificent animals. For example, the Navy could avoid marine habitats where whales are known to migrate, feed, and raise their young. These common-sense precautions would not compromise military readiness. Whales should not have to die for military practice. Sincerely, Michal F. Stover  
 Kilauea, HI

**COMMENT  
NUMBER**

D-E-0366

1

2

<p>From: Joan Levy - Kauai, HI To: deis_hrc@govsupport.us Subject: Navy sonar input Date: 9/14/2007 2:45:06 AM Please see this corrected letter.</p> <p>I am very concerned about the use of low and mid- frequency sonar in our Hawaiian waters - or any American waters for that matter. There is more than ample evidence that low and mid frequency sonar waves are in fact dangerous for whales. Disoriented whales have lost their way and have been damaged, beached and died due to these sonar frequencies.</p> <p>There are other ways for the military to accomplish their tasks without harming marine life. What gives humans the right to serve their needs first whatever the costs. The California decision to stop the military from these same kind of sonar assaults awhile back didn't come without due diligence.</p> <p>So many decisions have been made to sacrifice animal and plant life and environmental safety for the good of some human profit or defense endeavor. Our human arrogance will eventually come back to haunt us. Let us take a stand now and include our delicate ecosystem in the decision making process of how we will walk on the face of this earth.</p> <p>You have the power to help us live more responsibly to our environment and to the well-being of the planet we leave to our future generations. Please act now to give the whales the respect and care that are their due. Direct the military to find other, safer means to conduct their missions.</p> <p>Thank you!</p> <p>Joan Levy, Kapaa, HI</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0368</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0368	1	<p>..... .....</p> <p>"If you can't be a good example, then you'll just have to be a horrible warning!" Catherine Aird</p> <p><sup>a</sup>You can tell a lot about a person by the way he/she handles these three things: a rainy day, lost luggage, and tangled Christmas tree lights.<sup>2</sup> Maya Angelou</p> <p>JOAN LEVY, MSW, LSW, LCSW, ACSW BodyMind &amp; Breath Center Kapaa, Kauai, HI</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0368 (cont.)</td></tr></table>	COMMENT NUMBER	D-E-0368 (cont.)
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D-E-0368 (cont.)								

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0369</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0369	1	<p>From: Humberto Blanco - Anahola, To: deis_hrc@govsupport.us Subject: Comments on PMRF training expansion to be considered for the Final EIS/OEIS</p> <p>Date: 9/14/2007 3:32:08 AM</p> <p>Given that mid-level sonar damage to whale populations has been documented, it seems prudent to limit such military exercises to areas outside those regularly frequented by whales. It is essential to maintain military readiness, but let's use common sense when these magnificent creatures otherwise have to pay an unnecessary price. Humberto Blanco, Anahola</p>	
COMMENT NUMBER						
D-E-0369						
1						
		<p>From: Ingrid Wedel To: deis_hrc@govsupport.us Subject: Comments at the Public Hearing on August 27, 2007.</p> <p>Date: 9/11/2007 11:49:52 AM To : Public Affairs Officer</p> <p>Pacific Missile Range Facility</p> <p>ATTN: HRC EIS/OEIS</p> <p>I oppose to your proposed expansion of the sonar war game exercises around Hawaii .</p> <p>You can also submit written comments at the Public Hearing on August 27, 2007.</p> <p>The Navy should not be allowed to use sonar anywhere close to the Hawaiian islands.</p> <p>I am expressing my concern about the Navy's intention to use high intensity mid frequency active sonar in Hawaiian waters.</p> <p>The Navy's actions show that it does not want to study the effects of sonar and really find out the collateral damage of its war games.</p> <p>It is time we love and take a stand for life and cooperate to heal what needs our help and protect what is healthy.</p> <p>Ingrid Wedel - Germany</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0370</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0370	1
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D-E-0370						
1						

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)





<p>From: Bill Young - Kailua, HI To: deis_hrc@govsupport.us Subject: support for military Date: 9/14/2007 2:02:23 PM</p> <p>To Whom It May Concern:</p> <p>I support the U.S. military's defensive efforts. This short note is to express my disbelief that the U.S. would continue its quest to expand sonar research beyond parameters clearly understood to harm whales and dolphins. I could not be more opposed to the narrow vision of this strategy and would hope common sense would prevail.</p> <p>Everything humanly possible should be done to prevent harming the planet by the U.S. military.</p> <p>Bill Young Kailua, Hawaii</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0373</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0373	1	<p>From: Candy McCaslin To: deis_hrc@govsupport.us Subject: Mid and Hi-frequency sonar Date: 9/14/2007 2:04:20 PM</p> <p>I urge the US Navy to stop using both mid and hi-frequency sonar in exercises to detect submarines. The science is in and we are all aware of the devastating affects on our marine life. We are supposed to be the most civilized nation, one that stewards the worlds people and creatures and protects our tiny earth. Whales and other marine life should not have to die for military training. Please stop this harm to our islands and our whales.</p> <p>Candy McCaslin</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0374</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0374	1
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0375</td></tr></table>	COMMENT NUMBER	D-E-0375		<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0375 (cont.)</td></tr></table>	COMMENT NUMBER	D-E-0375 (cont.)
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D-E-0375							
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D-E-0375 (cont.)							
<p>From: Arius Hopman - Hanapepe, HI To: deis_hrc@govsupport.us Subject: Date: 9/14/2007 2:38:44 PM PETITION, please include in the DEIS</p> <p>THE GLOBAL BIOSPHERE IS IN THE MIDDLE OF A MASS EXTINCTION THAT COULD EQUAL THE ONE 60 MILLION YEARS AGO. THIS IS ALL DUE TO HUMAN ACTIVITY. HALF OF THE DESTRUCTION OF THE BIOSPHERE HAS OCCURRED IN THE LAST CENTURY. WE ARE LOOSING UP TO 200 SPECIES PER DAY TO EXTINCTION. THIS IS THE CRISIS OF OUR ERA. I HEREBY PETITION THE NAVY TO USE ITS TECHNOLOGY TO DEFEND AGAINST THIS MAJOR THREAT. WE ARE ALL DEPENDENT ON A HEALTHY PLANET.</p> <p>I urge the U.S. Navy to stop needlessly inflicting harm on whales and other ocean life with its use of high-intensity, mid-frequency sonar in its training exercises.</p> <p>Whales, dolphins and other marine mammals depend on sound to navigate, find food, locate mates, avoid predators and communicate with each other. Blasting their environment with intense sound over large expanses of ocean disrupts these critical behaviors and threatens their survival. SCIENTISTS STILL DO NOT KNOW WHAT OTHER DAMAGING EFFECTS SONAR HAS</p> <p>Sonar also harms whales more directly: Navy exercises using mid-frequency sonar have resulted in whale strandings across the globe, including along the coasts of Washington State, the Canary Islands, the Bahamas, Madeira, the U.S. Virgin Islands and Greece. A recent whale stranding death in Hawaii, which occurred when a large pod of whales was driven in panic to shallow waters, took place with Navy sonar exercises nearby and may be the latest in this string of sonar casualties.</p>	<table><tr><td>1</td></tr><tr><td>2</td></tr></table>	1	2	<p>Whales should not have to die for military training. The Navy can no longer ignore the unnecessary harm inflicted by this technology. I urge the Navy to immediately adopt common-sense measures to keep whales safe.</p> <p>THE USA HAS NO PEER ENEMY WORLD-WIDE THERE IS NO NEED FOR THIS EXTREME SUPER MEGA DEFENSIVENESS!</p> <p>Arius Hopman, Hanapepe, HI</p>			
1							
2							

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div> <div>D-E-0376</div> <div>1</div>		<div>COMMENT NUMBER</div> <div>D-E-0377</div>
<div>From: Rebecca Miller</div> <div>To: deis_hrc@govsupport.us</div> <div>Subject: Re: training ground increases on Kauai</div> <div>Date: 9/14/2007 3:00:47 PM</div> <div>Dear People,</div> <div>Most people on the island of Kauai are peace loving and do not want war. There are those who are fearful that some terrorist will surely get us if we do not expand our war efforts. The truth is the more we expand our war efforts the more likely we are to sustain a terroristic attack as we further enflame the anger of those who are capable of such actions. The wise person does not need to attack to avoid attack. Let's be a model of peace and maturity. It is only fear that needs to lash out. I want us to live in peace. There needs to be a measure of trust in that outcome for that to happen. Trust, not aggression will bring us the world we so want to live in. Maybe you think this is naive. Time will show the truth in whatever way we choose to learn it. Thank you for taking the time to read my statement. I do not wish for the expansion of the PMRF training grounds.</div> <div>Rebecca Miller</div>		<div>From: Sandi Sterker</div> <div>To: deis_hrc@govsupport.us</div> <div>Subject:</div> <div>Date: 9/14/2007 4:41:49 PM</div>	

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

# PMRF EIS

Having attended the public hearing in Kauai on Aug. 21<sup>st</sup> and reporting to a number of our members, I am writing in behalf of the Kauai Republican Women's Club. You have our full support and admiration for the work that you have been doing here in Hawaii. We are especially impressed at the presentation that was done at the public hearing. Having the experts there to explain all aspects of PMRF activities was helpful and totally informative. How fortunate we of this island are to have your presence and to know that our military "boys" are being trained at such a wonderful facility.

It is apparent that so much thought of the environment has gone into all your work including even the use of utilities. We were especially interested in the sonar because so much has been apparently misrepresented about the effect to the whales. We are thankful to learn all the measures that PMRF is taking to alleviate this problem. While we are all concerned about our mammals of the ocean, we are much more concerned about those service men and women who are defending our country! You have also done excellent with all the birds, turtles and seals.

We would like to also add our thanks to PMRF for being such a good "neighbor." You have supported so many things on our island and have participated in sponsorships, prizes, parades and donations. We who work for many of the charitable organizations are thankful for all the dollars that have been donated!!

In closing.....THANK YOU FOR BEING HERE AND DOING SUCH GREAT WORK!

The members of the Republican Women's Club of Kauai

## COMMENT NUMBER

D-E-0377  
(cont.)

1

From: Wendy Raebeck - Kauai'i, HI  
To: deis\_hrc@govsupport.us  
Subject: OPPOSED TO ANY EXPANSION OF NAVAL FACILITIES OR OPERATION IN HAWAII'

Date: 9/14/2007 5:06:55 PM  
9/14/2007

I AM OPPOSED TO ANY AND ALL EXPANSION OF NAVAL OR MILITARY OPERATIONS OR FACILITIES IN THE STATE OF HAWAII'. Below is a letter of my sentiments.

TO: THE U.S. NAVY

There's no way anyone in or out of the Navy can think about the effects of sonar on sea creatures and feel okay about it.

Does the Navy not understand that when whales are GONE they are gone forever? Do you think it's okay to harm even a few of them, or to rock their world? Do you not understand the value of the living oceans? Do you not understand the real power people have to help and to improve life on Earth rather than diminish it?

I will say again what I've said before: It is time for the U.S. Navy, despite everything coming out of Washington, D.C. right now, to begin a new course. It is time for the U.S. to take a lead role environmentally and become part of the salvation of the planet. The Navy should become the steward of the seas, the champion of marine life, the expert on endangered species and authority on the best solutions for protecting them.

I will continue to fight for any and all creatures who cannot defend themselves against the insensitivity of humanity. Just as I will beg on my knees before the biggest warships to stop the maiming, stop the insensitivity, stop believing the world is dangerous and horrible and that we need more weapons. Believe in yourself, in caring, in doing the right thing, in saying no to fear and aggression.

## COMMENT NUMBER

D-E-0378

1

2

	<div>COMMENT NUMBER</div> <div>D-E-0378 (cont.)</div>	<div>From: L. Osterer - Kauai, HI To: deis_hrc@govsupport.us Subject: PMRF DEIS Date: 9/14/2007 5:27:26 PM Please consider the following comments for the EIS/OEIS evaluating high-intensity mid-frequency sonar. The harmfulness to whales and other marine mammals is evident, yet arguable in the official view as to significance. The military seems to continue their actions with reasons of secrecy and security, often masking both public and congressional insight. What isn't clear is answers to the following questions:  If the navy insists on testing, why they cannot do it in waters that are less frequented by these mammals? There are huge expanses of ocean with very low densities of marine life.  Aren't these training exercises "out of date" for current military needs, considering that the only former world adversary with submarines (Russia) is no longer a threat?  When was this program evaluated as to authorized and efficient spending of tax dollars and whether it is a viable defense system for the future?  Exactly what programs are used to fund it and when do their budgets come up for review?  Thank you for your consideration. Please respond to:  L. Osterer, Kauai resident</div>	<div>COMMENT NUMBER</div> <div>D-E-0379</div> <div>1</div> <div>2</div> <div>3</div> <div>4</div>
<div>I'm sad. And I'm sick of all this. But I will continue to work for improvement of this absurd situation the U.S. has gotten itself into. Someday it will all change, because it has to. We can't go on like this. I wonder how much we will lose between now and then?  With aloha,  Wendy Raebeck Kauai'i resident</div>			

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



The text of comment D-E-0380 was the same as that of D-E-0062. This comment was submitted by Andrea Baer of Kihei, HI.

**COMMENT  
NUMBER**
**D-E-0380**

From: Eve Powers  
To: deis\_hrc@govsupport.us  
Subject: DEIS/Overseas EIS re Naval sonar comment  
Date: 9/15/2007 12:06:51 AM  
September 14, 2007

Pacific Missile Range Facility  
POB 128  
Kekaha, Hawaii 96752-0128

Dear Sirs:

I demand that the United States Navy stop unnecessarily harming whales, dolphins and other marine mammals and sea life with the use of high-intensity, mid-frequency sonar.

Marine mammals use sound to determine location, find food, find mates, escape predators, and communicate with one another. The Navy's use of large-spread sonar disrupts all of these activities and threatens the very survival of these intelligent animals.

I was on Kauai when the pod of bottle-nosed dolphins was stranded in Hanalei Bay as the U. S. Navy was using sonar in nearby exercises. Only with the dedicated help of many local residents was the pod eventually guided back out to sea. Whether they survived this sound attack is unknown.

The Navy could easily adopt simple safety measures, such as avoiding sonar in known marine mammal areas. This would not compromise our National defense.

Please--no more stranded, hemorrhaging and dying marine mammals due to Naval sonar!

Thank you for your attention,  
Eve Powers  
Kapa'a, Hawaii

**COMMENT  
NUMBER**
**D-E-0381**
**1**
**2**
**1**

	COMMENT NUMBER		COMMENT NUMBER
<p>From: Linda Pascatore - Hanapepe, HI To: deis_hrc@govsupport.us Subject: Comment on EIS, Hawaii Range Expansion Date: 9/15/2007 3:20:18 AM To Whom It May Concern:</p> <p>Regarding the expansion of operations in Hawaii in general, and at PMRF in particular, I ask that the Navy stop any expansion of their operations.</p> <p>On Kauai, the Navy has already taken over miles of public beach and severely restricted public use. This has an adverse cultural and recreational effect on the people of Kauai. PMRF has recently taken control of an additional 6000 acres on the Mana plain, which is our access to our beloved Poli Hale State Park, a valued recreational, cultural and spiritual public resource. Further expansion of the range will require more frequent closures of the State Park. I object to these restrictions on the public right to access our park.</p> <p>I also object to the Navy's plan to increase the use of sonar that has been proven to be harmful to endangered marine mammals. This is inexcusable, and should not be allowed. In fact, current use of low and mid frequency sonar.</p> <p>I also ask that the use of Directed Energy Laser Weapons be disallowed, because of danger of contamination with hydrogen fluoride of the land, beach, ocean and reef.</p> <p>I ask that the Navy consider closing the base at PMRF, and giving us our beach back, as well as control of access to our state park!</p> <p>Linda Pascatore Hanapepe, HI</p>	<p>D-E-0382</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p>	<p>From: Sandy Herndon - Kapaa, HI To: deis_hrc@govsupport.us Subject: Expansion of PMRF Date: 9/15/2007 4:06:20 AM</p> <p>This is an official and legal document requesting the US Navy to withdraw plans to expand the area of PMRF on Kaua'i. I don't want Kaua'i to become a more significant target than it already is. The plans you are attempting to put into place, will place us in the center of the bullseye, for any potential retaliation for any of the number of military transgressions, and/or political abuses inflicted by the Bush-Cheney administration.</p> <p>In addition, I am asking that you cease the medium range sonar testing which is so devastating to our sea life, whales in particular. The intelligence of man has come up with alternatives to this type of game playing; use that intelligence as well as your God given compassion ... spare these magnificent life forms from the torture and destruction that will destroy all of us in the long run. Consider the legacy you are leaving our children in terms of the environment, debt deficit, and world opinion.</p> <p>The people of Kauai are NOT in favor of this expansion.</p> <p>Thank you for hearing my concern and accepting my letter opposing the expansion of PMRF.</p> <p>Sincerely, Sandra Herndon Kapaa, HI</p>	<p>D-E-0383</p> <p>1</p> <p>2</p> <p>3</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Mark Hubbard - Lihue, HI To: deis_hrc@govsupport.us Subject: Hawaii Range Complex Draft EIS Date: 9/15/2007 10:40:16 AM I support alternatives 1 and/or 2 as described in the DEIS.</p> <p>Thank you for your efforts in protecting the environment while protecting the freedom of the citizens of the United States and the rest of the free world.</p> <p>Aloha,</p> <p>Mark</p> <p>Mark Hubbard</p> <p>Lihue, HI</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0384</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0384	1	<p>From: Gabriela Taylor - Kapaa, HI To: deis_hrc@govsupport.us Subject: Comments:Navy Expansion EIS Date: 9/15/2007 11:21:47 AM Re: public comments on Navy Expansion in Hawaii</p> <p>I am opposing any expansion of the Navy at PMRF on Kauai. The presense of the Navy is already disruptive and excessive and expansion should be denied. It is counter to our rural atmosphere.</p> <p>Sonar use by the navy is disruptive and dangerous to Whales and other creatures in the sea. Please curb any sonar use now and deny any expansion of Sonar use around the Hawaiian Islands.</p> <p>Sincerely, Gabriela Taylor Kapaa, Hi.</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0385</td></tr><tr><td>1</td></tr><tr><td>2</td></tr></table>	COMMENT NUMBER	D-E-0385	1	2
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Marilyn &amp; Ed Pollock - Hanalei, HI  To: deis_hrc@govsupport.us  Subject: sonar use by Navy  Date: 9/15/2007 4:32:46 PM</p> <p>Aloha, it seems that I am writing yet again to alert you to what isn't working for the preservation of a great natural wonder, the humpback whale, the sonar use by the Navy.</p> <p>It's intolerable that you continue to subject the whale and the public to an indefensible spin that war games give you permission to proceed without conscience consideration of aquatic species. You are just asking for problems. I can't believe that you are unaware of the impact of your sonar use on marine species. Is the ocean just a free zone to do whatever you want? I don't think so.</p> <p>I strongly oppose using low-frequency sonar in waters that are home to breeding whales, to our endangered seals and any other marine species that would be impacted by the Navy action.</p> <p>Marilyn &amp; Ed Pollock</p> <p>Hanalei, HI</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0386</p> <p>1</p>	<p>From: Donald H. Wilson  To: deis_hrc@govsupport.us  Subject: HAWAII RANGE COMPLEX EIS/OEIS  Date: 9/15/2007 8:21:08 PM</p> <p>Ladies/gentlemen,</p> <p>Please accept my written testimony in unqualified support of the Hawaii Range Complex.</p> <p>As a former Pacific Missile Range Facility Commanding Officer, it was my distinct privilege and honor to work with and command the combined efforts of some 100 plus US Navy personnel, approximately 110 federal civil service employees, and about 540 contractors - all devoted to providing the best, most comprehensive range support available anywhere. Indeed, PMRF, as one component of the Hawaii Range Complex, affords the largest, instrumented training range in the world, capable of subsurface, surface, air, and exoatmospheric events either individually or concurrently.</p> <p>There is no other range anywhere that provides the necessary size, safety, and experienced personnel to conduct training or Test &amp; Evaluation events - all to the benefit of the American people and her allies. Each Armed Service of the US has, in one form or the other, availed itself of this unique asset and, in even numbered years, PMRF hosts the Rim of the Pacific (RIMPAC) training events in concert with allies, affording them an opportunity they would not have otherwise.</p> <p>But the Hawaii Range Complex is not just defined by the training and testing events held on the land, in the water, or in the air over its waters. PMRF is a national asset of incalculable value, with much greater worth than the sum of its individual parts:</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0387</p> <p>1</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>*□Economic impact: PMRF is the third largest non-government employer on Kauai - only the Hyatt and Marriott Hotels employ more civilians than does ITT, with its PMRF contract.</p>	<p>D-E-0387 (cont.) 10</p>		<p>D-E-0387 (cont.)</p>
<p>*□Disaster relief: PMRF's airfield was the first on the island of Kauai, and the only operational airfield in the county following Hurricane INIKI on 9/11/92. Because the airfield was "reconfigured" as soon as possible, it was the only field useable to host aircraft bringing much needed relief supplies to an island devastated by the hurricane. PMRF employees - Navy, civil service, and overwhelmingly civilian contractors - provided the requisite, exigent support to an island with no viable alternatives. Whether ice to preserve food stocks, electrical generators, medical supplies, or engineering services, PMRF was the focal point for those efforts - all to the direct benefit of Kauai residents.</p>	<p>5</p>	<p>"blackout" initiative on PMRF, and affording local farmers a place to grow crops, and conduct hybrid research. And, as a former Kauai County Mayor once observed, "PMRF has the cleanest beaches on Kauai." That's true, and it happens only through a deliberate effort to "sweep" the beaches periodically, and prohibit certain activities that could contribute to despoiling the beach. Finally, PMRF and its users are compelled by federal, state, and county law, regulations, and ordinances to restrict, reduce, or eliminate events that might pose lasting harm to the land or adjacent waters. But it is not just the rule of law that assures adherence to specific environmental stewardship - PMRF employees are driven to protect the aina by who they are, not what they do. Ships operating on the range are charged with maintaining and manning sensors and lookout positions to be alert for endangered sealife that might be impacted by training, and to either cease, reduce, or amend operational events to protect these species.</p>	<p>8</p>
<p>*□Environmental stewardship: PMRF is an outstanding steward of natural and sensitive resources, with sanctuary areas for split-tail Shearwater birds, an occasional Hawaiian monk seal, migratory Laysan albatross, and transiting whales. In support of these efforts, the base minimizes use of white lights at night, protecting Shearwaters that might mistake glistening asphalt streets for the ocean with predictably disastrous results. The base minimizes its "footprint" with as few buildings as possible, to limit the impact of man-made structures on the eco-system. Working in concert with the US Fish &amp; Wildlife Service, and the Hawaii State Department of Land &amp; Natural Resources, the Navy, through PMRF, provides botanists, ornithologists, marine biologists, and other scientists the opportunity to study, and protect endangered species from human impact. The US Navy pays for and maintains pumps to prevent Mana, and other areas appurtenant to PMRF, from flooding due to mountain rainwater runoff. And, in formal partnership with the State of Hawaii and Kauai County, the Navy is a signatory to the Agricultural Preservation Initiative - designed to protect lands adjacent to PMRF for agricultural pursuits, complementing the</p>	<p>4</p>	<p>*□Cultural sensitivity: PMRF is sensitive to Hawaiian cultural concerns, and employs a significant percentage of Hawaiians both on Kauai and Niihau, to ensure particularly sensitive areas are identified and protected from intrusive, or destructive behavior. For example, the sand dunes near Nohili Point house and conceal ancestral Hawaiian bones (iwi) and are, therefore, protected by PMRF. The base has successfully resisted efforts proposing to build a longer runway, or expand the runway beyond its current configuration - whether mauka or makai. And, in order to ensure the sand dunes do not unnecessarily erode, PMRF encouraged the growth of native dune grasses, and prohibits driving on these dunes, affording the grasses the opportunity to flourish, and therefore "trap" the dunes and by extension, preserve the iwi.</p>	<p>3</p>
	<p>6 7</p>	<p>*□Community activities: PMRF, while not a national park, nonetheless has accommodated progressively more liberal base access, to provide Kauai residents the opportunity to use Majors Bay for surfing and other beach activities; to fish adjacent to the runway, when operations provide a safe environment free from exposure to aircraft take-offs and landings, and to use "Shenanigan's," PMRF's "all hands" club on the beach, where food and libations are available for cleared members of the public. In addition, over the years, PMRF has supported and continues to support community blood</p>	<p>2  9</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0387 (cont.)</td></tr><tr><td>2</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0387 (cont.)	2	1	<p>Sincerely,</p> <p>Donald H. Wilson</p> <p>CAPT, USN (Ret.)</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0387 (cont.)</td></tr></table>	COMMENT NUMBER	D-E-0387 (cont.)
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D-E-0387 (cont.)									
<p>and food drives; loaned free of charge equipment not otherwise available, and not in competition with commercial activities, such as bleachers for high school graduations; supported - through a formal Mutual Assistance agreement - fire fighting and emergency medical services for "westsiders," and afforded community charitable organizations the opportunity to cull downed kiawe wood for use as charcoal for fundraisers. There was one instance during my tenure when assigned US Navy sailors saved the life of a Kauai resident who was caught in an undertow, and unable to save himself. And PMRF has occasionally provided helicopter-borne firefighting support to Kauai County, or search and rescue missions above the mountains or out at sea. And, because the overwhelming percentage of PMRF workers are local, i.e., are and were Kauai residents before employment, our community ties transcend ethnicity and the type of clothing worn.</p> <p>PMRF is indeed an invaluable national resource, committed to serving its national mission, while being sensitive to - and a part of - the local community in which it is situated. Its employees well represent the Hawaiian concept of pono, and are devoted to providing safe, controlled, least intrusive, training and test and evaluation support. The base provides disaster relief capabilities not otherwise available, and protects some seven miles of beach, stretching from Kekaha to Polihale Beach Park, in a sensitive, responsible fashion, worthy of emulation.</p> <p>I am proud of the outstanding efforts of PMRF employees, and their commitment to their community.</p> <p>And I support, without qualification, the Hawaii Range Complex and in particular the Navy's efforts, in concert with other federal, state, and county entities, to provide an invaluable resource. I respectfully and strongly recommend continued support for the Hawaii Range Complex as currently configured and used. Today's DOD activities need it, and so do the residents of the State of Hawaii, especially Kauai County.</p>									

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

The text of comment D-E-0388 was the same as that of D-E-0062. This comment was submitted by Ron Tuason of San Francisco, CA.

**COMMENT  
NUMBER****D-E-0388**

From: Noreen Dougherty - Kapaa, HI  
To: deis\_hrc@govsupport.us  
Subject: Environmental protection

Date: 9/15/2007 9:05:53 PM

I am an educator in the state of Hawaii and my curriculum's central focus is the natural environment, respect, and environmental awareness. I ask you to please discontinue the sonar affecting the whales and other marine life. Please set examples for our young people that show that we have respect and make conscious decisions that will assure them a planet worth inheriting from its elders. Mahalo.

Noreen Dougherty

Kapaa, Hawaii.

**COMMENT  
NUMBER****D-E-0389****1**

	COMMENT NUMBER		COMMENT NUMBER
<p>From: Doug Fox - Honaunau, HI To: deis_hrc@govsupport.us Subject: draft EIS public comment Date: 9/16/2007 5:04:07 AM Please send confirmation of receipt of this public comment into record.</p> <p>People in Hawaii who practice aloha aina are opposed to the destructive activities described in the draft EIS. Please stand down and return to home port outside Hawaiian waters, especially all nuclear powered vessels which emit radioactivity into our waters, sediments, and air. Pearl Harbor has already been contaminated. Hawaii is very unlikely to be attacked by foreign terrorists but highly likely to be ruined as a healthy place by the US military. From the current level of activities the Navy should be scaling back, not expanding. National security is not a reason to harm any place. Ironically, the nation most responsible for global insecurity is the US, according to recent National Intelligence Estimates. Historical events support the allegation that the US has in modern times become a rogue nation with too many weapons and no wisdom. The US did invent Weapons of Mass Destruction and immediately used them on civilians. The US did invent radiologic terrain contaminants in its manufacture of DU munitions, and uses them still in many of its weapons systems. The US does torment the creature with the largest brain, the whale, with sonar. What is the point in making a marine sanctuary if it is going to be attacked by the military? The US does manipulate intelligence and falsely blame sovereign nations for acts they did not commit as a precursor to invasion, occupation, and seizure of sovereign assets especially oil in the ground. The US does openly endorse violation of the Geneva Convention, while breaching the Constitution at home. The US does maintain a huge standing Army and Navy which military historians say always leads to ruin. Sun Tzu said it is best to win without fighting, while the US Navy proposes to expand militarism during peace. The US does have an out of control industrial segment making ruinous policy in direct contradiction to the public will in both the US "homeland" and Iraq. Questions of whether to</p>	<p>D-E-0390</p> <p>1</p> <p>3</p> <p>1</p>	<p>escalate the gross misappropriation of public funds in the US to include pristine waters and land in the Hawaiian archipelago are only seen by the US Navy from its age old perspective as hostile imperial facilitator, bombardier, and occupier. Maritime law is based on piracy and flies an invisible flag of skull and bones. That is not the way of aloha and was never accepted voluntarily in Hawaii. Moral authority can never be bought with innocent victims. The truth cannot be reinvented by bayonets.</p> <p>Kauai is a beautiful and spiritual moku. It should not be sacrificed to the missile range, which should be shut down permanently or moved to the Chesapeake Bay area closer to home for disassembly. No assaults on our islands are welcome. And Kauai's waters should not become a place of torment for the whales. Many documented cases of whale distress coincident with sonar are known, for example:</p> <p>THE HAWAIIAN ISLANDS - In 1998, three whale calves and one dolphin calf were found dead or abandoned during and immediately following sonar testing, even though in 15 years of research this phenomenon had never been observed. One of these was a distressed whale calf who breached 230 times and pectoral slapped 658 times in front of Dr. Marsha Green's research team in a four-hour period before the sun set on his distress. In addition, a pod of dolphins was observed by naturalists familiar with normal dolphin behavior huddling unusually close to the shore near the surface and vocalizing excessively while the sound was on.</p> <p>Monday, July 5, 2004 <a href="http://starbulletin.com/2004/07/05/news/story4.html">http://starbulletin.com/2004/07/05/news/story4.html</a> Hundreds of volunteers herded a pod of about 200 melon-headed whales out of Kauai's Hanalei Bay and into deeper water yesterday morning, a day after the animals had initially come near shore in what experts called unusual behavior. The Navy had six ships about 23 miles northwest of Kauai at about 8 a.m. Saturday in operations that involved underwater sonar tracking, Geisen said.</p>	<p>D-E-0390 (cont.)</p> <p>2</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<http://the.honoluluadvertiser.com/article/2003/Oct/09/In/In07a.html>  
 Posted on: Thursday, October 9, 2003  
 Study links bends-like whale deaths to sonar By Marc Kaufman Washington Post  
 High-powered sonar from Navy ships appears to be giving whales and other marine mammals a version of the bends, causing them to develop dangerous gas bubbles in some vital organs and blood vessels, to beach themselves and die, according to a study published today in the journal Nature.  
 continued at link  
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http:  
[//www.washingtonpost.com/wp-dyn/content/article/2006/04/27/AR2006042702084.html](http://www.washingtonpost.com/wp-dyn/content/article/2006/04/27/AR2006042702084.html)  
 Sonar Called Likely Stranding Cause  
 By Marc Kaufman  
 Washington Post Staff Writer  
 Friday, April 28, 2006; Page A08  
 Federal marine specialists have concluded that Navy sonar was the most likely cause of the unusual stranding of melon-headed whales in a Hawaiian bay in 2004.  
 The appearance of as many as 200 of the normally deep-diving whales in Hanalei Bay in Kauai occurred while a major American-Japanese sonar training exercise was taking place at the nearby Pacific Missile Range Facility. The report is the latest in a series of scientific reviews linking traditional mid-frequency naval sonar to whale strandings. Sonar has been used for decades, but it was only recently that the apparent connection to strandings was established.  
 While the National Oceanic and Atmospheric Administration scientists said they could not definitely state that sonar caused the strandings, they said extensive study led them to the conclusion that there was no other likely cause.  
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**COMMENT  
NUMBER****D-E-0390  
(cont.)**

[http://www.marineconnection.org/archives/rescue\\_2004.html](http://www.marineconnection.org/archives/rescue_2004.html)  
 Orca stranding in Hawaii  
 (Added:- 14 April 2004)  
 Two Orcas were sighted off Lanai recently but one of the creatures stranded itself in shallow water along the southeast coast of the island and died.

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 Hawaii Ocean Noise Coalition  
<http://www.hawaiionc.org/>  
<http://www.thepetitionsite.com/takeaction/332945156>  
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Humpback whale, abandoned calf alongside HWRF research boat. Maui, Hawaii, USA.  
 Stranding / Abandonment photos  
[http://www.oceanlight.com/lightbox.php?x=stranding/\\_abandonment\\_\\_whale\\_behavi](http://www.oceanlight.com/lightbox.php?x=stranding/_abandonment__whale_behavi)  
[or\\_\\_whale\\_\\_cetacean\\_\\_animal&pg=1](http://www.oceanlight.com/lightbox.php?x=stranding/_abandonment__whale_behavi)  
[http://hawaii.humpbackwhale.noaa.gov/mm\\_contact\\_info.html](http://hawaii.humpbackwhale.noaa.gov/mm_contact_info.html)  
[http://hawaii.humpbackwhale.noaa.gov/special\\_offerings/sp\\_off/publications.html](http://hawaii.humpbackwhale.noaa.gov/special_offerings/sp_off/publications.html)

US Navy's Misinformation To Congress About LFAS  
<http://www.oceanmammalinst.com/lfa-navy.html>

Quotes from the Navy's Head of Undersea Surveillance Concerning LFAS:  
 Navy Statement 1- "The Navy is committed to operating this system in an environmentally responsible manner."

\* Fact - From 1980 to 1995 the Navy developed and tested LFAS without obeying any of the applicable environmental laws. (National Environmental Policy Act, the Endangered Species Act, the Marine Mammal Protection Act, and the Coastal Zone Management Act.)  
 \* Fact - While the Navy was illegally developing and testing LFAS, they were also building a ship (TAGOS-23) estimated cost \$60 million to deploy the sonar.

\* Fact - In 1995, the Navy agreed to comply with federal laws and

**COMMENT  
NUMBER****D-E-0390  
(cont.)**



<p>prepare an Environmental Impact Statement (EIS) prior to final deployment of the system only after pressure from the Natural Resources Defense Council (NRDC).</p> <p>Navy Statement 2 - "Prior to preparing the Draft Environmental Impact Statement (DEIS) covering proposed system operation, the Navy sponsored an extensive Scientific Research Program (SRP) to specifically evaluate any potential effects."</p> <ul style="list-style-type: none"> <li>* Fact -This SRP tested LFAS on only 4 species of cetaceans (out of over 30) for about one month each in only 3 geographical areas.</li> <li>* Fact - This SRP tested LFAS at an acoustic intensity at least 5,000 times lower than the Navy's planned deployment levels.</li> <li>* Fact - After testing LFAS for only one month the impact on long term reproductive rates of whales, dolphins, fish and all marine life are not known.</li> <li>* Fact - The Marine Mammal Commission, (a federal agency created to help protect marine mammals), expressed grave concerns in their 1997 annual report to Congress about the effects of the sonar on whales and other marine life. Specifically their report states:</li> <li>* "If the LFA system were made available for worldwide use as proposed, all species and populations of marine mammals including those listed as endangered and threatened under the Endangered Species Act possibly could be affected."</li> </ul> <p>continued at link</p> <p>more <a href="http://www.oceanmammalinst.com/misinfo.html">http://www.oceanmammalinst.com/misinfo.html</a>  <a href="http://www.oceanmammalinst.com/navyconclusionsflawed.html">http://www.oceanmammalinst.com/navyconclusionsflawed.html</a></p> <p>-----</p> <p><a href="http://www.fpir.noaa.gov/PRD/prd_marine_mammal_response.html">http://www.fpir.noaa.gov/PRD/prd_marine_mammal_response.html</a></p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0390 (cont.)</b></p>	<p>Marine Mammal Response The Pacific Island Region Marine Mammal Response Network consists of cetacean and monk seal response in the main Hawaiian Islands, Northwest Hawaiian Islands, Guam, American Samoa, and the Northern Mariana Islands.</p> <p>-----</p> <p><a href="http://www.cdninfo/news/eco/e060218.html">http://www.cdninfo/news/eco/e060218.html</a>  NOAA blasts U.S. Navy over whale-killing sonar  Powered by CDNN - CYBER DIVER News Network  by MARC KAUFMAN  WASHINGTON (18 Feb 2006) -- The civilian agency in charge of marine issues has sharply challenged the Navy's plans to build an underwater sonar training range in the Atlantic Ocean, saying that the military significantly underestimated the danger posed to whales and other marine mammals and that the science the Navy used to reach its conclusions is flawed.  In a technical letter to the Navy, the National Oceanic and Atmospheric Administration (NOAA) said the Navy had neglected to address the likelihood that its mid-frequency sonar would kill some whales and that the highly endangered right whale makes its annual migrations near the proposed site off North Carolina and could be threatened. But most telling, the NOAA letter said that the Navy had used a measure for allowable noise 100 times as high as the level recommended by the agency.  The sonar testing range is a high priority for the Navy, which says that it needs an Atlantic Ocean site to train sailors to detect foreign submarines that come near American shores. But it is trying to get the project approved at a time when scientists have become increasingly convinced that the loud blasts of active sonar have caused whales to strand themselves and die.  The NOAA letter, which is a formal comment on the Navy's environmental impact statement regarding the sonar range, is the most public indication so far of what agency insiders have described as friction between NOAA and Navy officials regarding the sonar issue. In the past, NOAA has generally supported the Navy's plans with reservations, but the most recent letter makes little</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0390 (cont.)</b></p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



effort to hide significant disagreements.

NOAA, for instance, wrote that the Navy predicted only lower-level "harassment" of whales by the sonar, despite recent fatal and near-fatal mass strandings in Hawaii and elsewhere that many scientists think were caused by Navy sonar.

"NOAA believes the Navy should seriously reconsider the potential for mortality of [whales] due to strandings related to activities" in the proposed sonar testing range, the letter said.

NOAA officials did not respond yesterday to requests for comment about the specific issues raised in the letter, which was sent on Jan. 30. A Navy official said the service would like to respond, but that it could not until the letter was reviewed and a formal response prepared.

A representative of the Natural Resources Defense Council, an environmental group which has sued the Navy over its sonar programs, said that the NOAA letter was remarkable, given the pressure the civilian agency was known to be under.

"What the NOAA letter does is confirm that the Navy analysis is fundamentally flawed," said NRDC lawyer Michael Jasny. In the past, his organization has accused NOAA's National Marine Fisheries Service of minimizing the effects of sonar on whales, but he said that this time, the agency stood by the evolving science.

"They're an agency with their own institutional integrity," Jasny said. "No doubt NOAA -- like other agencies -- can bend. But here the Navy is asking them to snap."

"The NOAA letter is truly unbelievable," said Kyla Bennett of Public Employees for Environmental Responsibility, a national whistle-blower organization that supports government workers who come into conflict with policymakers and elected officials.

"It takes an amazing amount of courage for a federal employee to take this kind of strong stance against the Navy under the Bush administration," she said.

Here on the island of Hawaii, the first appropriate change the Navy should be making is to permanently shut down Pohakuloa Training Area. Citizens have never agreed to any bombing of Hawaii island from land, sea, or air. That

**COMMENT  
NUMBER**D-E-0390  
(cont.)

4

was started during martial law in WWII. Hawaii has been contaminated with radioactive weapons-the horrible depleted uranium- from a WMD system developed by the US that was kept secret for four decades. .

Auwe! Aole piikia! May akua preserve beautiful Hawaii in righteousness, peace, and health, not war industry. Cleanup, not buildup. Malama the pono!

Doug Fox

Honaunau, HI

**COMMENT  
NUMBER**D-E-0390  
(cont.)

	<div>COMMENT NUMBER</div> <div>D-E-0391</div> <div>1</div>		<div>COMMENT NUMBER</div> <div>D-E-0392</div> <div>1</div>
<div>From: Marcia Harter - Anahola, HI To: deis_hrc@govsupport.us Subject: sonar and whales Date: 9/16/2007 1:30:31 PM I urge the U.S. Navy to stop needlessly inflicting harm on whales and other ocean life with its use of high-intensity, mid-frequency sonar in its training exercises.  Whales, dolphins and other marine mammals depend on sound to navigate, find food, locate mates, avoid predators and communicate with each other. Blasting their environment with intense sound over large expanses of ocean disrupts these critical behaviors and threatens their survival.  Sonar also harms whales more directly: Navy exercises using mid-frequency sonar have resulted in whale strandings across the globe, including along the coasts of Washington State, the Canary Islands, the Bahamas, Madeira, the U.S. Virgin Islands and Greece. A recent whale stranding death in Hawaii, which occurred when a large pod of whales was driven in panic to shallow waters, took place with Navy sonar exercises nearby and may be the latest in this string of sonar casualties.  Whales should not have to die for military training. The Navy can no longer ignore the unnecessary harm inflicted by this technology. I urge the Navy to immediately adopt common-sense measures to keep whales safe.  There is no need for animals to suffer as a result of navy experimentation. I, for one, do not want to be "protected" at the expense of the animals and environment that provide such a richness to life especially when there are mitigating measures that can be taken. I urge the Navy to put forth all necessary effort to eliminate the deleterious effects of the sonar testing on marine mammals.  Marcia Harter Anahola, Hawaii  Marcia Harter</div>		<div>From: Caitlin Odom To: deis_hrc@govsupport.us Subject: stop the navy expansion Date: 9/16/2007 1:50:54 PM To whom it may concern, I am a long time resident of Kaua'i and strongly oppose the navy's expansion at PMRF. We need to focus on preservation of our land and seas and stop dangerous testing and polluting for the purpose of "testing." This is a new time we are living in and our focus should be on taking care of what is left of our environment. Remember land has eyes and teeth!!  Malama pono,  Caitlin</div>	

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

The text of comment D-E-0393 was the same as that of D-E-0062. This comment was submitted by Gian Andrea Morresi of Fairfield, CT.

**COMMENT  
NUMBER**
**D-E-0393**

From: Erin Foley  
To: deis\_hrc@govsupport.us  
Subject: Navy Actions Impacts Hawai'i  
Date: 9/16/2007 2:52:45 PM  
Dear Mr. Clements,

I would like to express my opposition to the Navy's plans to expand war games in the Hawaiian Islands. Hawai'i and its surrounding ocean contain thousands of unique and fragile organisms, many of which are on the brink of extinction, including the Hawaiian monk seal and the rare cold water coral reefs. The Hawaiian Islands are now protected by federal and state law and include the NWHI Marine Monument, State Refuge, and the Humpback Whale Sanctuary. The Navy's plan to use active sonar that harms marine mammals, the inevitable spreading of toxic chemicals that harm our environment and health, and the disrespect for Native Hawaiian cultural and sacred sites is unacceptable and cannot be allowed.

The Navy's proposal jeopardizes the rich cultural history of the NWHI. These islands are respected in Native Hawaiian traditions as the Elder Islands of the Main Hawaiian Islands. Rare, pre-contact burial sites, temples, and house plots are well-protected on Nihoa and Mokumanamana (Necker Island). Expanding the Navy's wargames over the NWHI will pose considerable damage to irreplaceable and sacred cultural sites. This risk is unjustified and cannot be permitted.

Please respect federal and state laws protecting the Hawaiian Islands. Our global treasure should not be defaced in wargames.

Sincerely,

Erin Foley

**COMMENT  
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**D-E-0394**

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The text of comment D-E-0395 was the same as that of D-E-0062. This comment was submitted by Erin Foley of Hilo, HI.

**COMMENT  
NUMBER**

D-E-0395

From: Lee Tepley - Kailua-Kona, HI  
To: deis\_hrc@govsupport.us  
Subject: Dr Lee Tepley's testimony on the draft EIS  
Date: 9/16/2007 10:46:13 PM  
Re: Hawaii Range Complex  
Draft Environmental Impact Statement/  
Draft Overseas Environmental Impact Statement

My entire testimony includes the attached pdf file "Bubble Activation and Growth in Cetaceans by a Relatively Low Energy Sound Wave. Please print this as part of my testimony in addition to the text below.

About 5 years ago, I was invited to present a paper at a workshop put on by National Marine Fisheries in Silver Springs, Maryland on sonar resonance effects which might cause tissue injuries and death to cetaceans. At that meeting Dr. John Potter proposed a mechanism based on earlier work by both civilian and Navy Scientists (See reference at end). Dr. Potter's mechanism is based on something called "bubble activation" and states that a currently unknown (but possibly quite low) sonar level could cause deep diving whales to get the bends from bubble expansion during a quick ascent from fear or other factors. I discussed and supported Dr. Potter's work in a long informal educational non-refereed paper on one of my web sites. I am attaching it below as a PDF file.

I believe that it is widely agreed that Dr. Potter's work is essentially correct and is the most likely reason for the strandings of beaked whales and other cetaceans following tests of mid-frequency sonar in both the Bahamas and the Canary Islands but, so far, not in Hawaii despite the fact that mid-frequency sonar tests have been going on in Hawaiian waters for many years. It seems likely that the reasons are (1) Differences in current patterns and geography which are not conducive to strandings in Hawaii so that dead animals may sink, get eaten by sharks or drift out to sea and (2) Differences in cetacean density in the three island groups.

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However, on July 11, 2004 during a low frequency active sonar test supposedly about 20 miles off shore, about 200 melon headed whales seemed to panic and swam into Hanalei Bay, Kauai. Apparently, they were far enough from the sonar tests so as to not have suffered direct injuries - or perhaps they were not in deep enough water during the actual time of the sonar transmissions to get the bends

In view of the above, please answer the following questions:

- (1). What are the received levels at which deep diving whale species would likely get the bends after exposure to mid-frequency sonar??
- (2). At what range would this occur assuming transmission of mid-frequency sonar at 235 dB??
- (3). Since sounds from deep diving whales are not likely to be loud and therefore are unlikely to be heard by any passive sonar array, how many of these whales are you likely to injure or kill during a test of mid-frequency sonar??

Sincerely,

Dr. Lee Tepley  
PhD in Physics

Kailua-Kona, Hawaii,

Reference: J.R. Potter, A Possible Mechanism for Acoustic Triggering of Decompression Sickness in Deep Diving Marine Mammals (paper presented at the IEEE International Symposium on Underwater Technology 2004, Taipei, Taiwan, April 2004

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**Bubble Activation and Growth in Cetaceans by a Relatively Low Energy Sound Wave and the Confusion about Rectified diffusion**

**Posted on April 6, 2002. 1st update on April 30, 2002. 2nd update on May 20, 2002. 3rd update on May 30, 2002.**

**Preface**

Recently, a very promising new mechanism was proposed by Houser, et al. (Reference 1) to explain how mid-frequency sonar tests could have caused the beaked whale strandings and deaths in the Bahamas. The proposed mechanism has important implications regarding possibly similar effects from LFA sonar. It is based on a largely mathematical treatment of rectified diffusion by Crum and Mao in 1996 (Reference 2). Unfortunately, due to an understandable mis-interpretation by Houser, et al. of the assumptions made by Crum and Mao, the catch-phrase "Rectified Diffusion" was used to describe the proposed mechanism. This catch phrase caught on and I used it myself in a series of e-mails about the proposed mechanism. However, "Rectified Diffusion" actually has little - or perhaps nothing - to do with the proposed mechanism. When I realized that this was the case, I wrote the first version of this message to try to set the record straight. However, the world did not sit up and take notice.

I am concerned that the importance of the proposed new mechanism is not likely to be fully appreciated as long as it continues to be confused with the mechanism of "Rectified Diffusion". This is discussed in the following Introduction and Q & A session. It is also discussed in this section taking a somewhat different approach. This could help clear up the confusion.

The mathematical treatment by Crum and Mao started with the concept of a bubble in a solution (say water) containing some dissolved gas. You could think of the bubble as just sitting there waiting for something to happen - like waiting for a sound wave coming along. However, in the real world the bubble would not just sit passively. Two things would be happening even before the sound wave arrived:

- (1). Gas molecules dissolved in the water would be flowing into the bubble. The more molecules dissolved in the water (that is, the greater the degree of saturation), the faster would be this inward flow (called static diffusion). This would cause the bubble to grow.
- (2). At the same time gas molecules in the bubble would be flowing outward and dissolving in the water. The rate of outward flow would depend partly on the surface tension of the bubble. If it were great enough, it could overcome the inward flow from the water. It could even cause the bubble to squeeze down and disappear.

So would the bubble grow or shrink?? Good question! ! It could go either way depending on the relationship between the degree of saturation of the water and the surface tension of the bubble. Crum and Mao probably already knew the answer - but they wanted to learn how adding a sound wave to the mix would effect the result. They also knew that the sound wave would cause the bubble to grow by a process called "Rectified Diffusion" (more on this in the Introduction and in the Q & A session).

So how did they set up this problem?? In effect, they pretended to put a "rigid spherical shell" around the spherical bubble. Next, they pretended that the shell disappeared at the very moment that they turned on the sound wave. Then, using the basic laws of physics and a computer simulation, they found out what happened; that is, they learned how their bubble grew or shrank depending on factors like sound level, water saturation level and bubble surface tension. They then presented their results in a very important paper.

So where did the confusion about "Rectified Diffusion" arise?? It all has do with the "rigid spherical

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shell" that Crum and Mao initially put around their bubble. The shell is called a "mathematical artifice". Physicists and mathematicians use such artifices frequently to help them set up mathematical problems. However, in this case, the rigid shell was more than just an artifice because it closely approximated the spherical membrane that surrounds and, in fact, forms a "stabilized bubble" or "nucleation site". So by taking away the artificial "rigid spherical shell", Crum and Mao, in effect, removed the real membrane. Therefore, the bubble was no longer stabilized. It was now free to grow or shrink. You could say that it was "activated". By resorting to this arbitrary procedure, Crum and Mao deliberately avoided having to consider the make-up of the membrane surrounding the bubble or what really caused the membrane to disappear. **This problem was left for another day.**

Anyhow, Crum and Mao solved an important problem. They demonstrated that, under certain conditions, a sound wave at a very low level (even zero) could cause an activated bubble to grow and lead to "the bends". They also demonstrated that rectified diffusion would make only a minor contribution to this process **unless the sound level was very high**. But they did not consider a problem of comparable interest which is: **What sound level is required to penetrate or break open the membrane that surrounds a bubble so that the growth process can start??** - or, alternatively - **What sound level is required to activate a bubble??**

Crum and Mao were well aware that they did not solve the latter problem. In fact, their paper included a discussion similar to that above but a lot more complex and rigorous. They even stated "**Although not indicated here in this analytical model, the role of acoustics might be to "activate" the bubble.**"

In summary, we are dealing with two separate but related problems. The first problem concerns the rate of bubble growth after it has been activated. This problem was solved in principle in 1996 by Crum and Mao. Recently, Dr. John Potter (private communication) extended their calculations to higher degrees of supersaturation so that the results could be applied more directly to the beaked whale strandings in the Bahamas. The second problem - which concerns the sound level required to activate a bubble - is currently unsolved. In fact, until recently, no one was even interested in this problem

Does the above discussion help reduce "The Confusion About Rectified Diffusion"?? It would be nice if it did. So on to the remainder of this effort - most of which was written earlier so there will be some repetition.

### End of Preface: Start of Introduction

I first came across an important paper by Navy-supported scientists published in Dec. 2001 (Reference 1). Some of the results in that paper were based on an earlier paper by Crum and Mao (Reference 2) on bubble growth by a mechanism called "Rectified Diffusion" . Although I had been familiar with the earlier paper for some time, I had not appreciated it's possible significance in leading to bubble activation and growth and consequent serious tissue damage to cetaceans by means of a **relatively low level sound wave**. Crum and Mao's paper considered tonal sound waves - such as those associated with Navy sonars. The following discussion is also limited to tonal sound waves. Anyhow, after the Navy-supported scientists pointed out the significance of the earlier work, I wrote a number of e-mails on the subject Starting in Dec. 2001. Because it seemed likely that NMFS might grant the Navy an LOA to permit LFA sonar to become operational at any time, it seemed urgent to publicize the proposed mechanism before this occurred. Therefore, my earlier efforts were a bit rushed. Because NMFS has not yet granted the Navy an LOA, I have had time to investigate the mechanism in more detail .

The earlier paper by Crum and Mao was largely an investigation of bubble growth which might be caused by rectified diffusion at relatively high levels of LFA sonar. The later paper by the Navy-supported scientists emphasized that under certain conditions, lower sound levels might also lead to bubble growth and tissue damage. It related these effects to rectified diffusion. However, as pointed out in the preface, rectified diffusion itself might play only a minor role - or perhaps no role - in the process so that the interpretation by the Navy supported scientists was not entirely correct.

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Nevertheless, their conclusions still turned out to be valid. The important point is that, under certain conditions, **bubbles activated by relatively low level sound waves could grow and cause serious tissue damage**. The dB value of this "relatively low level" is unknown and could be difficult to measure or estimate. This will be discussed further below.

1. In their important paper, the Navy-supported scientists referred to a sound level of 150 dB - thus implying that this sound level was of possible importance in leading to bubble growth and consequent tissue damage. In a letter to the Navy which pointed out various possible mechanisms for tissue damage, The National Research Council (NRDC) also referred to this sound level. **However, this sound level has no real significance**. It is only the lowest sound level used in the calculations in the paper on rectified diffusion by Crum and Mao. **Their calculations - which assumed that pre-activation of bubbles was not required - could have been extended down to a sound level of zero.**

2. A far more important sound level is that required to activate bubbles. The word "activate" means to form a bubble from an entity which is in a form that can be turned into a bubble. Such an entity is sometimes called a "nucleation site" or a "stabilized bubble". More on this below. In any case, for humans, **this sound level is also zero; that is, a sound wave is not required to activate a bubble which would then grow and cause tissue damage**. However, no one has the slightest idea of what sound level is required for bubble activation in cetaceans. It is not likely to be zero because cetaceans are not known to get the bends in the absence of a sound wave - probably because of evolutionary differences between cetaceans and humans. But cetaceans did not evolve in the presence of even moderate intensity sonar sound waves - so their bubble activation sound level could still be quite low. To complicate things even more, it is possible that different types of nucleation sites may exist in the same species. These different sites could have different characteristics so it may not be possible to determine a unique sound level for bubble activation for each species. For example, some nucleation sites might be activated at a low sound level. Others might require a far louder sound. In any case, it is of primary importance to get some idea of the bubble activation sound level (or range of levels) for cetaceans before permitting LFA sonar to become operational.

3. For relatively high sound levels - say 190 dB or higher - rectified diffusion by itself can lead to rapid growth of an existing bubble and to consequent tissue damage. However, we are far more interested in bubble growth caused by moderately low sound levels. In the latter case, despite the recent hype - by myself and others - about the possible importance of rectified diffusion - **it is only a single step in a multi-stage process consisting of bubble activation by a sound wave followed by diffusion of gas from blood into bubbles which can then lead to rapid bubble growth**. This process requires a **high degree of supersaturation of the cetacean blood and the primary process leading to bubble growth is static (rather than rectified) diffusion**. In fact, in this very important case, rectified diffusion may play only a small role - or, perhaps, no role at all. Surprised to learn that rectified diffusion is not all that important in the process?? So was I.

For more details read the following Q & A which goes into the subject in considerable detail and attempts to put the whole process into perspective. It was written at an earlier date than the above preface and introduction so, again, there will be some repetition. it also includes occasional feeble attempts at humor to reduce the overall tedium

### Q & A on Supersaturation, Bubble Activation and Growth, Rectified and Static Diffusion, etc.

Based on results based in the earlier paper by Crum and Mao, the Navy-supported scientists pointed out in their published paper that the activation and growth of air bubbles by a process called rectified diffusion - followed by additional bubble growth by static diffusion - could lead to serious tissue damage in marine mammals. This sequence of events could be initiated by a moderately low level acoustic signal (same as a sonar sound wave). After learning of the results of the Navy scientists, I re-read the paper by Crum and Mao. It now seems likely to me that rectified diffusion would play only a

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minor role - or perhaps no role in the process but , except for this point (which is confusing but not really important) the results of the Navy-supported scientists are correct. The following quotes are taken from their published paper.

"Thus, activation of nuclei by an acoustic signal could have severe consequences for a marine mammal with gas supersaturated tissue as bubbles will continue to grow until restricted by tissue boundaries."

"In the case of the beaked whale, gas concentrations could exceed 300% by the conclusion of a dive sequence. Once activated by an acoustic signal, supersaturation to this degree would drive rapid bubble growth via static diffusion."

Starting in Dec., 2001, I started to churn out e-mails on some aspects of the relationships between rectified diffusion, static diffusion and supersaturation. However, there were other factors that I barely touched on or did not go into. Some of them I did not fully understand - including the extremely important factor of bubble activation by the sonar sound wave. Writing the following Q & A session helped clear my mind. I hope it can make things clearer to others. It also corrects some minor errors that I made in some of my e-mails . It is not all easy reading and I won't feel bad if you don't understand everything that follows. However, I hope that it might provide some background information to impress a congressperson or an attorney in some future legal action against the Navy.

So here goes the Q and A session between me and myself.

Q: What is "Supersaturation"??

A: A dictionary states that "to supersaturate" means: "to add more of a substance to a solution than can be dissolved permanently".

Let's consider an example of applying pressure to a gas above a liquid. The gas will slowly dissolve into the liquid until the liquid can hold no more gas. At this point the liquid is said to be "saturated". Then if the pressure on the gas is increased further, more gas will be dissolved until the liquid is again "saturated". This is because the amount of gas that a liquid can hold will increase with the applied pressure. Finally, if the applied pressure should now be decreased, as when a bottle of carbonated water is opened, the liquid can no longer permanently hold all of the dissolved gas (in accordance with the above definition) - in which case we say that the liquid is "supersaturated". The gas will now have a tendency to come out of the solution - either in the form of bubbles or by diffusing directly into the air above the liquid. The gas will continue to leave the liquid until the liquid is no longer "supersaturated."

Q: This is kind of complicated but I think I almost understand. Next question: What is "Diffusion"??

A. Good question. I'm glad you asked. In my e-mail of 1/8/02, I was in a hurry and stated . "Now it is known that nitrogen molecules are constantly flowing from the water into the bubble and from the bubble back into the water . You could say that they are "diffusing" between the two -----".

Right! You could say that - and I did say it - but it does not accurately define "Diffusion" so let's go to a dictionary definition again: "Diffusion is the tendency of molecules of a substance (gaseous, liquid or solid) to move from a region of high concentration to one of lower concentration."

Q: Duh!! I'm sorry I asked - so what does this have to do with "Static diffusion"??

A. Think of a whale which has been cruising in deep water for a long enough time so that it's blood has been almost saturated with air from it's lungs. As the whale starts to swim upwards, the external water pressure - which is also called the "Hydrostatic Pressure" - starts to decrease. Unless there is some problem with "equalization" (which we won't worry about for now), the whales' body (including the blood vessels) will quickly come into equilibrium with the hydrostatic pressure. At some depth the

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whale's blood will reach nitrogen "saturation" and as the whale continues to ascend the blood will become "supersaturated". When this occurs, the dissolved air will want to come out of solution. If there are any bubbles present, the air is likely to diffuse into the bubbles. This is what is called "Static Diffusion".

Q: I think I get it - but why do you have to make it sound so complicated??

A. I am trying to avoid over-simplifying and saying something stupid. I probably will not succeed.

Q: OK - but what if there are no bubbles present? What happens then??

A: Great question!! Although the gas is eager to diffuse out of the supersaturated blood, it may not happen until the blood reaches the whale's lungs. At this point the dissolved gas can probably diffuse directly into the air in the lungs. Bubbles may not be involved at all.

However, the experts seem to agree that there are always very small bubbles present in the blood (or at least the "nuclei" of small bubbles) that stay about the same size for a long time; that is, they are "stabilized". You could think of them as having skins which are rather like the surface of balloons so it is difficult for gas to get either in or out of the bubbles (Reference 3). But in supersaturated blood, the dissolved gas keeps trying and eventually it may "penetrate" or "break through" the skins after which the bubbles start to expand by static diffusion - but it might take a long time before this happens. Still, these "stabilized" bubbles seem to provide good locations for dissolved gas to try to come out of solution.

Q: You are telling me that air bubbles have skins like balloons?? Do you expect me to believe this??

A. Well! We are talking here about bubbles that are so small that the experts can only guess at how they behave. Their skins are not exactly like balloons. They may be a bit porous. Scientists sometimes use terms like "semi-permeable membranes" to describe this type of thing. One of the "guesses" is that the balloon-like skins are made up of "contaminants" which give the skins a slightly different composition than the surrounding blood. The experts believe that these skins help to stabilize the very small bubbles which are also called "nucleation sites" (Reference 2). Also, there are other types of so-called nucleation sites. I won't go into this any further but the idea is that gas seems to require the presence of some kind of nucleation site (or an existing bubble) if it is to come out of solution at all. There is also something called "Surface Tension" which can help to stabilize bubbles. Ask me about this later.

Q: I'm glad that you are not going any further into balloon-like skins and nucleation sites. In fact, I think you have already gone too far - but let's go on to something else. Where does "Rectified Diffusion" come into all this??

A. First, let's forget about nucleation sites and assume that bubbles -big or small - are already present in the blood. By definition, Rectified diffusion requires a sound wave. This is equivalent to an alternating increase and decrease in the pressure of the blood surrounding a bubble. When the pressure decreases the bubble expands and a little bit of gas diffuses from the blood into the bubble. When the pressure increases, the bubble contracts and a little bit of gas diffuses from the bubble back into the blood. It turns out that a little bit more gas diffuses into the bubble when it expands than diffuses out when it contracts. Hence the overall diffusion is "rectified" and the bubble continues to expand. Do you get it??

Q: No. Do you??

A. Yes! -but it is a bit tricky. However, some very smart scientists figured it out many years ago so it is for real (Reference 2 again). Honest it is!!

Q: So what if there are no bubbles in the blood when the sound wave is turned on?? Can rectified diffusion still happen??

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A: No!! - because bubbles are required for rectified diffusion to occur. But the idea is that very small stabilized bubbles (or nucleation sites) are **always** likely to be present in a liquid. As I wrote earlier, dissolved gas wants to get into these bubbles but the "balloon-like" skin of the bubble can make it hard to happen. Then a sound wave comes along. The skin of the bubble gets shaken up by the alternating pressure changes caused by the sound wave. It then breaks open and allows gas to diffuse in to the bubble (Reference 2 again). This "shaking and breaking" process is called "activation" - so the first step is the activation of bubbles by a sound wave. The bubbles can then expand by rectified diffusion as explained above.

Q: OK, I don't really understand this but let's pretend that I do. So now let's get down to the practical stuff. You have written in earlier e-mails that, because of rectified diffusion, it may require only a "moderately low sound level" to start bubble growth which can ultimately result in serious tissue damage. So how low is "moderately low"??

A: This is a really important question. For starters, it depends partly on the degree of supersaturation. The more supersaturation, the lower the required sound level.

Q: What do you mean by "partly"?? What else affects the so-called "moderately low sound level"??

A: I was hoping you wouldn't ask. It partly depends on the surface tension of the liquid.

Q: I am starting to get irritated! What in the hell is "surface tension" and how does it come in to the act??

A: If you hadn't asked, I wouldn't have to answer. You might not like this rather long but very good dictionary definition: "Surface tension is a condition at the surface of a liquid that causes it's surface to act as a stretched rubber membrane. It results from the mutual attraction of the molecules to each other, thus producing a cohesive state that causes liquids to assume a shape presenting the smallest surface area to the surrounding medium. This accounts for the spherical shape assumed by fluids, such as drops of oil or water".

The above definition can be extended to "drops of air" immersed in a liquid. These "drops of air" are more commonly called "bubbles". If the surface tension of the liquid is large enough it can squeeze down on a bubble and keep it from expanding - maybe even make it smaller. In an extreme case it might make the bubble disappear by forcing all of the air molecules inside the bubble to diffuse back into the liquid.

Q: I'm sorry I asked - but does this mean that supersaturation and surface tension act in opposite directions??

A: Yes. Supersaturation tends to force dissolved air into the bubble and makes it larger. Surface tension tends to squeeze air out of the bubble and makes it smaller. It could even make the bubble disappear.

Q: Dammit!! Every question I ask seems to be making it more complicated. Are there other effects that contribute to the "partly" factor in determining the exact value of the "moderately low sound level"??

A: Yes! In fact, there may be a number of factors that I have never even heard of - but let's go on to something else.

Q: I'm for that! - but you still haven't told me what you mean by a "moderately low level" sound wave. I will re-phrase my question and give you one more chance. What is the lowest level of the sound wave that can start the process of bubble growth??

A: Alright already! ! I will give you the answer but you may not like it. The answer is "zero" (Reference 4). Surprised?? You shouldn't be because in supersaturated blood, bubbles sometimes form and grow in the absence of sound. Otherwise scuba divers would never get the bends.

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Q: So you have just told me that we may not even need a sound wave!! So if we don't need a sound wave, we sure as hell don't need "rectified diffusion". So now I am totally confused. Should we just forget about the whole thing??

A: No! Things can be darkest just before the dawn - so don't give up yet! What is really important here is that (as far as is known) cetaceans don't get the bends as humans do despite the fact that they sometimes dive very deep, stay down for a very long time and may even come up fast. (This is an important part of their every-day life-style.) In fact, the Navy supported scientists (Reference 1) have measured or estimated very high amounts of supersaturation for several types of cetaceans.

Q: So why don't cetaceans get the bends??

A: The experts are still debating this point but the idea is that during the evolutionary process, cetaceans developed protective mechanisms that make it more difficult for dissolved gases to diffuse from their blood into the very small stabilized bubbles or nucleation sites that we discussed above. This seems to be true even if the blood is highly supersaturated. Try to imagine a situation where the dissolved gas desperately wants to come out of the blood and diffuse into the very small bubbles but - due to their "balloon-like skins" - the bubbles manage to keep the dissolved gas out.

Q: OK. I can imagine this - so where do we go from here??

A: We are almost there!! Despite it's so-called "balloon-like skin", a very small bubble is not really a "balloon" and the "balloon-like skin" is not entirely stable. If the skin should somehow be broken or penetrated, dissolved gas would start rushing in and the bubble would start to grow.

Q: I think I can almost see where you are going. So, pray tell, what could possibly break open the skin of the bubble??

A: I think you may have gotten ahead of me!! A sound wave could do the job. It could cause the skin of the bubble to expand and contract and, if the sound wave is strong enough, it could break the skin open. This process is called "activation". Once the bubble is activated, bubble growth will start (Reference 2).

Q: So how large a sound wave would it take to "activate" a bubble??

A: Nobody has the slightest idea. For humans, bubbles can be activated without a sound wave (as discussed above). Research is needed to figure out the activation sound level for cetaceans - probably a lot of research. Although cetaceans have apparently evolved with built in protection against getting the bends, they did not evolve in the presence of sound waves which could possibly destroy their protective mechanisms. **I am referring here to "tonal" sonar-type sound waves rather than to transient or "noise-type" sound waves. Although an impulsive sound could conceivably break open the skin of a small stabilized bubble, it seems intuitively that the repetitive pressure changes of a tonal sound would be more likely to cause bubble activation.** In addition, there are many kinds of "white noise" in the ocean that apparently do not cause bubble activation - but there are relatively few tonal sounds. The loudest natural tonal sound in the ocean is probably the humpback whale song. There are various numbers given for whale song sound levels. "Marine Mammals and Noise" gives 144-174 dB (Reference 6). Some "experts" even give higher levels. But - due to spherical spreading - the sound level will decrease by 40 dB only 100 meters away from the singing whale so that, for example, a beaked whale would have to be very close to a singing humpback to experience a sound level of over 140 dB. In contrast, a sonar-type sound wave could exceed 160 dB at a considerable distance from the source.

Q: So you have just told me (I think) that once a bubble is activated by a sound wave, dissolved gases would start rushing in and bubble growth would start. This sounds like all that is necessary to do the job is activation followed by static diffusion - which we discussed earlier. So where does "rectified diffusion" come into act??

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A: I was afraid you might ask. This question bothered me for a long time. **There has been a lot of "hype" recently about the importance of "rectified diffusion" in contributing to bubble growth - and I have been doing some of the "hyping" myself. Still, it now seems likely that rectified diffusion is likely to be really important only when the sonar sound level is relatively high.** This was the case of primary interest to Crum and Mao (Reference 2). For this case, rectified diffusion can cause a bubble to grow rapidly when there is little or no supersaturation. However, when the degree of supersaturation is relatively high, both rectified and static diffusion contribute to bubble growth and both types of diffusion are included in the equation for bubble growth derived by Crum and Mao (Reference 2). Their results show that when the sound level is relatively low, bubble growth is due largely to static diffusion - but a higher degree of supersaturation is required.

We are mostly concerned with the latter case; That is, **How can a relatively low level sound wave lead to bubble growth and subsequent tissue damage??** The mechanism appears to be the activation of very small bubbles by a sound wave followed by bubble growth caused by static diffusion. It is conceivable (but not obvious) that rectified diffusion could play a part during or shortly after the activation process - **but the most important part of the process is the static diffusion of gas into the activated bubble.** Although we cannot assign a dB value to the sound level required to cause bubble activation in cetaceans, it could be extremely low when the degree of supersaturation is quite high. Clearly the required sound level is zero for the case of humans. For cetaceans, the value must be higher because of differences in evolutionary processes in the development of cetaceans and humans - but we have no idea how much higher. Therefore, it makes no sense to state - as the Navy does in its defense of LFA sonar - that any sound level below 180 dB is basically safe. In fact, the Navy's criterion seems to be based only on auditory processes. **It does not consider possible effects of bubble growth in supersaturated blood.**

It should also be pointed out that the joint NOAA/Navy interim report on the Bahamas strandings (Reference 5) stresses the existence and importance of a surface duct leading to an increased sound level close to the surface of the ocean. Consider a whale that has dived deep and has stayed down for a long time. Then it swims upwards into a surface duct. Within the duct both the sound level and the degree of supersaturation of the whale's blood are near their maximum values. Hence conditions in the duct are close to optimum for bubble activation by the sonar sound wave and growth by static diffusion.

Furthermore, if a surface duct indeed exists, It makes it less likely that air-space resonances of sinus cavities could have significantly contributed to the Bahamas strandings since most such resonances would occur in deep water (far below the surface duct) where the sonar sound level would be greatly attenuated. However, read the note added immediately below.

**Note added on 4-30-02:**

#### **Simultaneous occurrence of Resonance and Bubble Activation.**

At the NMFS workshop on April 24-25, 2002, I presented some results on the variation of the displacement of the surface of a free bubble at resonance as a function of depth. I considered a range of bubble volumes at the surface which could be related to various sinus cavities of cetaceans. It turned out that the larger air spaces resonated at greater depths and with correspondingly lower displacements. For example, for an 835 cc surface volume (like that of a ptergoid sinus cavity of a beaked whale), resonance occurred at a depth of about 4600 ft. with a displacement of less than 0.4 microns. This result is somewhat counter-intuitive and argues against tissue damage due to resonance occurring at great depths.

However, the displacement at resonance of smaller air spaces (such as the middle ear), could be on the order of a few microns in shallow water making tissue damage somewhat more likely in these air spaces. Although this displacement may not actually be great enough to directly cause tissue damage, it would lead to increased "shaking" of bubble nuclei in the spongy tissue

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**adjacent to the air space. This increased shaking could, in turn, lead to bubble activation. Thus, the mechanisms of air-space resonance and bubble activation could act together near the surface of the water.**

**Note added on 5-30-02:**

#### **Do Beaked whales decompress??**

Also, at the NMFS workshop on April 24-25, 2002, Ken Balcomb pointed out that he has observed that beaked whales make several brief shallow dives (about 15 minutes at 60-90 ft. depth) following a long deep dive (about 1 hour at a great but unknown depth). Snorklers observed that the whales appeared to be resting during the shallow dives. Balcomb believes that the whales could be decompressing while resting - a process which they may have acquired during evolution to prevent them from getting the bends. In contrast, Balcomb has observed that Sperm whales only have to rest for awhile at the surface between deep dives. This implies that they have less of a problem with decompression than do Beaked whales or, alternatively, that they do not have to decompress at all. This difference in behavior between Beaked and Sperm whales implies a more successful evolutionary adaptation to minimizing bubble activation and growth in the latter species. **Nevertheless, Beaked whales do not appear to get the bends in the absence of sonar sound waves.**

Furthermore, if sonar-induced bubble activation and growth in shallow water indeed cause Beaked whales to get the bends, it is likely that they would experience pain and would not be in the mood to descend for their routine shallow water decompression. But even if they did descend to decompress before they experienced pain, their evolutionary developed decompression schedule would no longer apply because bubble formation and growth would have been a lot greater than under normal conditions. Finally, if they were exposed to a moderately loud sonar signal during a large part of their 15 minute decompression interval, rectified diffusion could further upset their evolutionary decompression schedule. Although bubble growth by rectified diffusion would be slow for a moderately low level sound wave, it might still be great enough over a long decompression interval to cause or contribute to the bends. In fact, it could partly compensate for the decreased rate of static diffusion relative to its value at the surface. **This is one situation in which rectified diffusion caused by a moderately low level sound wave could conceivably play an important role.**

Reference 1: Can Diving-induced Tissue Nitrogen Supersaturation Increase the Chance of Acoustically Driven Bubble Growth in Marine Mammals?, D.S. Houser, R. Howard and S. Ridgway, Journal of Theoretical Biology, Pages 183-195, Vol 213, 2001. Also, posted for use of stoplfas members only. at <http://groups.yahoo.com/group/stoplfas/files/Super%20Saturation/Houser.pdf>

Reference 2: Acoustically enhanced bubble growth at low frequencies and its implications for human diver and marine mammal safety., L. Crum and Y. Mao, Journal of Acoustical Society of America, Pages 2898-2907, Vol. 99, 1996.

Reference 3: Generation of Stabilized Microbubbles in Seawater., B. Johnson and R. Cooke, Science, Pages 209-213, Vol. 213, 1981.

Reference 4: Rectified Diffusion, L. Crum. Ultrasonics, Pages 216-224, Vol. 22, 1984.

Reference 5: Joint Interim Report Bahamas Marine Mammal Stranding Event of 15-16 March 2000. Available at [http://www.nmfs.noaa.gov/prot\\_res/overview/New.html](http://www.nmfs.noaa.gov/prot_res/overview/New.html)

Reference 6: Marine Mammals and Noise, Richardson, et al., Page 163, Academic Press, Inc. 1995,

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<div>bubble_activ_and_growth</div> <div>file://localhost/Volumes/Maxtor%20Extra%20Storage/Z%20backu...</div> <div><a href="#">Return to LFAS Summary Page</a></div> <div>10 of 10</div> <div>9/15/07 5:23 PM</div>	<div>COMMENT NUMBER</div> <div>D-E-0397 (cont.)</div>	<div>From: Marj Dente - Kapa'a, HI</div> <div>To: deis_hrc@govsupport.us</div> <div>Subject: PMRF</div> <div>Date: 9/17/2007 3:01:03 AM</div> <div>I am totally against any further expansion of any military operations, equipment, land acquisition, and war games on Kauai. It is completely unnecessary and violates all Kanaka Maoli cultural practices. I am a resident and property owner since 1989.</div> <div>Marj Dente, Kapa'a, HI</div>	<div>COMMENT NUMBER</div> <div>D-E-0398</div> <div>1</div>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



<p>From: Louis Korn - Naalehu, HI To: deis_hrc@govsupport.us Subject: environmentally deadly R&amp;D vs improving police intelligence Date: 9/17/2007 3:26:15 AM</p> <p>fMaintaining our military supremacy requires constant research and development of our war-fighting capability, which must not be allowed to destroy the environment our lives depend on, the reason for having a deis.</p> <p>But the most modern weapons of mass destruction cannot protect us from dozens of determined people poisoning our water and food supplies, disabling transportation in any number of ways, disrupting vital communications, creating havoc in notoriously under protected nuclear facilities, etc. Such protection requires police intelligence vastly more sophisticated than our greatly resented blundering airport and border check points.</p> <p>Nevertheless, our annual multibillion dollar military R&amp;D increasingly weakens and erodes our environmental protections, the ozone layer, and globally poisoning air, water, soil, and food, increasingly damaging the DNA of human and other species human life depends on. Many conditions are converging toward human extinction. Many credible biologists doubt the trend is reversible. Why, then continue in a direction that will, without doubt, take us over the brink?</p> <p>Please confirm that this comment is received in your record.</p> <p>Louis Korn, Naalehu HI</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0399</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0399	1	
COMMENT NUMBER					
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<p>From: James V. Albertini - Ola'a (Kurtistown), HI To: deis_hrc@govsupport.us Subject: Comments of Draft EIS for Hawaii Range Complex Date: 9/17/2007 3:43:19 AM</p> <p>Comments on Navy Hawaii Range Complex draft EIS</p> <p>Testimony sent via email to deis_hrc@govsupport.us</p> <p>Time for military Clean-Up NOY Build-Up! September 16, 2007</p> <p>I do not support any military expansion in the Hawaii Range Complex. I reject both Alternatives 1 and 2, and I insist on protecting Hawaii (its land, its ocean, its wildlife, and its people) from further harm and degradation caused in large part by the U.S. military, which is the greatest polluter on earth. It is time for military clean up NOT further build up.</p> <p>All of our mother's teach us to clean up after ourselves. It is a basic lesson in life. All of us need to take that lesson to heart, including the U.S. Military – the U.S. Navy.</p> <p>The Navy says it takes environmental stewardship seriously. If that is the case, Before the Navy considers Hawaii Range Complex increased Navy training, questions need to be answered.</p> <p>1. When is the navy going to clean up the 750 contaminated sites, including superfund sites in Pearl Harbor?</p> <p>2. When is the Navy going to clean up the more than 2000 fifty-five gallon drums of radioactive waste dumped to the ocean floor off Oahu as acknowledged in a Honolulu Star-Bulletin article entitled "Nuclear Waste" of 4 April 1979 by Star Bulletin writer Nadine Scott?</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0400</td></tr><tr><td>2</td></tr><tr><td>3</td></tr></table>	COMMENT NUMBER	D-E-0400	2	3
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

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<p>3. When is the Navy going to clean up the nuclear waste dumped directly into Pearl Harbor? The Navy Seas System Command acknowledged discharging 4,843,000 gallons of radioactive liquid waste into Pearl Harbor between 1964-1973, and then it stopped releasing the data.</p> <p>4. When is the navy going to address its cumulative environmental impacts in Hawaii starting from its direct involvement in the illegal overthrow of the independent nation of hawaii in 1893 when the USS Boston landed 183 armed marines with gattling guns to assist the sugar barons in the treasonous act against the lawful Hawaiian government of Queen Liliuokalani?</p> <p>5. Actually the Navy dirty deeds started six years earlier when the Navy got exclusive use of Pearl Harbor as part of a deal under the so called Bayonet Constitution of 1887 when the sugar planters literally put the bayonets on King David Kalakaua to force concessions. The deal by the Sugar planters giving the U.S. Navy Pearl Harbor appears to have cemented the Navy backing of the Sugar planters in their overthrow of Queen Liliuokalani in 1893.</p> <p>One view of the cumulative impact of navy activities is reflected in a song entitled "Ballad of Pearl Harbor –Matthew 7:6"</p> <p>"Do not give what is holy to dogs or toss your pearls before swine. They will trample them under foot at best, and perhaps even tear you to shreds." Matthew 7:6</p> <p>Some of the words to the song ....</p> <p>1. We showered you with our pearls but you wanted even more. You took away our mother pearl, raped, plundered, and trampled her. We were blinded by your breath of fire. You made us very proud. We worshipped you not knowing, we were losing our souls.</p> <p>(Chorus) Take back the pearl for the people, let mother pearl shine again, and</p>	<p>D-E-0400 (cont.)</p> <p>4</p>	<p>give life back to the land, and welcome all of her rainbow children that bridge the ocean of peace.</p> <p>2. You poisoned the waters and destroyed the fishponds. You killed the fish and the oysters and desecrated holy lands. You put up fences and iron gates. You brought in disease and waves of death.</p> <p>3. We have been fools but our eyes are now opening. No longer will we worship you or follow in your ways. Depart from us with your poisoned quills and deadly unhatched eggs.</p> <p>Questions continued:</p> <p>6. Explain the big oyster kill in 1969 in Pearl Harbor and its relationship to the \$80 million dollars in damage to the nuclear powered and armed aircraft carrier Enterprise that was brought into Pearl Harbor for emergency repairs after a rocket accidentally exploded onboard the ship in Hawaiian waters killing 24 and injuring more than 85. Is it a fact that Atomic Energy emergency teams were flown in to Hawaii because of that accident? Release full details of that accident.</p> <p>7. Explain the link between the Navy low frequency navigation and communication towers in Lualualei Valley on the Waianae coast and the increase in Downs syndrome in the area.</p> <p>8. When is the U.S. military going to clean up all the unexploded ordnance dumped off the South Kohala coast of Hawaii Island and on Hawaii Island? This one island has more than 57 former military sites, including a land area of 250,000 acres (9 Kaho'olawes in size) littered with unexploded bombs and military toxins. See Army Corps of engineers for details and a map produced by our organization.</p> <p>9. Pohakuloa Training Area (PTA) on Hawaii Island has now been documented by the Army to be contaminated with Depleted Uranium (DU). Will the navy commit to no fire (live or otherwise) and other training at PTA that could create dust and thereby spread the DU? This action is urged in the interest of</p>	<p>D-E-0400 (cont.)</p> <p>5</p> <p>6</p> <p>3</p> <p>7</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div> <div>D-E-0400 (cont.)</div>		<div>COMMENT NUMBER</div> <div>D-E-0401</div>
<p>community health and safety and the safety of military troops involved in training?</p> <p>10. Where has the Navy used DU as weapons or ballast in Hawaii and the area in the Hawaii Range Complex and the overseas areas addressed in this OEIS? Please explain in detail the quantities used.</p> <p>11. Navy sonar is reported to be 235dp. That's a lethal level for humans and perhaps other creatures as well. There should be no exemptions for the Navy operating in a whale/marine sanctuary and a marine monument.</p> <p>IN SUMMARY, all of Hawaii (its land, its ocean, its wildlife, and its people) are in the same boat as the Ehime Maru, the Japanese training ship cut in half and sunk causing many deaths by a hot roding U.S. Navy submarine commander. It is time for the U.S. Navy to close its Hawaii Range Complex, pack its bags and ship out of the illegally occupied nation of Hawaii. On your way out, be sure to clean up after yourselves. You have left a big mess in your wake. Your mother, my mother, Mother earth herself, says enough!</p> <p>It's time for Military Clean-up NOT build up!</p> <p>James V. Albertini</p> <p>President</p> <p>Malu `Aina Center for Non-violent Education &amp; Action</p> <p>Ola`a (Kurtistown)</p> <p>Kingdom of Hawaii</p>	<div>8</div> <div>1</div>	<p>From: Susan Scott - Kapaa, HI To: deis_hrc@govsupport.us Subject: Sonar Dangers Date: 9/17/2007 4:14:39 AM Re NMFS study:</p> <p>I would like to express my concern about the Navy's opinion regarding sacrificing a few whales for their war games. The idea that marine life is expendable for the cause of war games is morally reprehensible.</p> <p>These gentle giants depend on their sense of sound to survive. The blasts of sound from sonar tests causes an agonizingly painful reaction in whales and dolphins and in some cases the blasts result in standings and death. These cases have been well documented. Can't the Navy restrict it's exercises to areas of the seas where whales are not known to congregate? Hawaii is their traditional breeding territory and as such not a sensible or responsible area to conduct war games.</p> <p>I urge the Navy to act responsibly and immediately adopt common-sense measures to keep whales safe. The Navy should be the protectors of the sea including all marine life. Mid-frequency sonar causes pain and death and should be used as sparingly as possible and only in extenuating circumstances in areas of the sea not known to harbor marine mammals.</p> <p>Thank you, Susan Scott</p> <p>Kapaa, HI</p>	<div>1</div>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Gia Baiocchi To: deis_hrc@govsupport.us Subject: Date: 9/17/2007 5:22:55 AM</p> <p>Aloha. I am writing in protest of the DEIS. It is my belief that increasing military presence is undesirable and unnecessary. The islands of Hawaii are not a war zone and there is absolutely no need to expand the military operations in this area. It has already been proven that research and development has done nothing more than damage the environment and all of its inhabitants. The earth, air and sea are much healthier, happier places without the presence of the military. I do not support any kind of expansion at the Pacific Missile Range Facility in Kauai. I promote and encourage peace and compassion.</p> <p>Mahalo nui loa. Mahalo ke akua. Gia Baiocchi</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0402</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0402	1	<p>From: Judith Altemus To: deis_hrc@govsupport.us Subject: Protect Marine Animals Date: 9/17/2007 9:37:03 AM To whom it may concern,</p> <p>I urge the U.S. Navy to stop needlessly inflicting harm on whales and other ocean life with its use of high-intensity, mid-frequency sonar in its training exercises.</p> <p>Whales, dolphins and other marine mammals depend on sound to navigate, find food, locate mates, avoid predators and communicate with each other. Blasting their environment with intense sound over large expanses of ocean disrupts these critical behaviors and threatens their survival.</p> <p>Sonar also harms whales more directly: Navy exercises using mid-frequency sonar have resulted in whale strandings across the globe, including along the coasts of Washington State, the Canary Islands, the Bahamas, Madeira, the U.S. Virgin Islands and Greece. A recent whale stranding death in Hawaii, which occurred when a large pod of whales was driven in panic to shallow waters, took place with Navy sonar exercises nearby and may be the latest in this string of sonar casualties.</p> <p>Whales should not have to die for military training. The Navy can no longer ignore the unnecessary harm inflicted by this technology. I urge the Navy to immediately adopt common-sense measures to keep whales safe.</p> <p>Thank you</p> <p>Judith Altemus</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0403</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0403	1
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



From: Robin W. Baird - Olympia, WA  
 To: deis\_hrc@govsupport.us  
 Subject: comments on the Hawaii Range Complex Draft EIS/OEIS  
 Date: 9/17/2007 11:25:06 AM

Please find attached my comments on the Hawaii Range Complex Draft Environmental Impact Assessment. In addition I have pasted my comments below.

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 September 17, 2007

Public Affairs Officer  
 Pacific Missile Range Facility

P.O. Box 128

Kekaha, HI 96752

Dear Sir or Madam,

I am writing in regards to the Draft Environmental Impact Statement/Overseas Environmental Impact Statement (HRC DEIS/OEIS) for the Hawai'i Range Complex (Fed Reg 72(149):43251-43252). In terms of my background relevant to this issue, I have been studying cetaceans since 1986, have a Ph.D. in Biology (1994), served as a member of the IUCN Cetacean Specialist Group (1992-1998), the Committee of Scientific Advisors for the Society for Marine Mammalogy (1995-2001), and the Marine Mammal Advisory Committee of the Western Pacific Fishery Management Council (2005-present), and have been undertaking research on cetacean populations around the main Hawaiian Islands since 1999. My research in Hawaiian waters has involved examining stock structure, estimating population sizes, and studying diving behavior,

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D-E-0404

ecology and social organization of more than 10 species of odontocetes, as well as studies of the diving behavior of humpback whales. I have published a number of papers and reports pertinent to understanding potential impacts of anthropogenic activities on these populations (see [www.cascadiaresearch.org/robin/hawaii.htm](http://www.cascadiaresearch.org/robin/hawaii.htm)). In addition, I have reviewed relevant sections of the HRC DEIS/OEIS, the Navy's Programmatic Environmental Assessment/Overseas Environmental Assessment and Finding of No Significant Impact for the USWEX exercises, the After-Action Report from RIMPAC 2006, and most publications and reports available on cetacean populations in Hawaiian waters, among other documents. I have a number of concerns regarding the analyses and measures outlined in the HRC DEIS/OEIS in regards to potential impacts on marine mammal populations, outlined below.

1. Do the lack of documented strandings associated with prior naval exercises in Hawai'i mean no impacts have occurred?

The HRC DEIS/OEIS bases conclusions on the potential for impacts from future naval exercises in Hawai'i in part on the relative lack of observed impacts from prior naval exercises. Faerber and Baird (2007a, 2007b) address the question of whether the lack of beaked whale strandings in Hawai'i in relation to military exercises mean no impacts have occurred. A number of recent cetacean strandings have been linked to naval exercises, particularly involving mid-frequency sonar. Two species most affected are Cuvier's and Blainville's beaked whales. In 22 years there have been six such strandings in the Canary Islands, yet none have occurred in the Hawaiian Islands, despite the existence of regular naval exercises in the islands and resident populations of both species of beaked whales (McSweeney et al. 2007). The HRC DEIS/OEIS and other assessments of potential impacts of ongoing naval exercises in Hawai'i have used the lack of mass strandings to imply that there have been no past impacts. Faerber and Baird (2007a, 2007b) hypothesize that the likelihood of a dead or moribund beaked whale stranding, and the probability of a stranded animal being detected, differ between the Canary and Hawaiian Islands. They examined near-shore bathymetry, shoreline slope, human population densities, fringing reef presence, ocean currents, sea surface temperature, and the presence of large scavenging sharks. The Canary Islands have a greater

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<p>proportion of beaked whale "habitat" (depths &gt;650 m) closer to shore (10.6% versus 6.3% within 3-km of shore), with a steeper slope (avg. slope Canaries - 134m/km, Hawai'i -95 m/km). Hawai'i is dominated by steeper (&gt;50°) shoreline cliffs (6% of shorelines vs. &lt;1% for Canaries), human population density is 28% of that in the Canaries, and population per kilometer of shoreline is 53% of that in the Canaries. Fringing reefs are common around the main Hawaiian Islands, while such reefs do not form in the Canaries. Suitable habitat closer to shore, more accessible coastlines, lack of fringing reefs, lower water temperature with slower currents, and increased human population densities all suggest moribund or dead beaked whales are more likely to strand and be detected in the Canary Islands than in the Hawaiian Islands. Faerber and Baird (2007b) thus conclude that a lack of mass strandings in the Hawaiian Islands cannot be used to indicate a lack of impact.</p> <p>In addition, a lack of sightings of dead floating whales or dolphins in monitoring efforts does not indicate that animals have not been killed. Most species of whales and dolphins (with the exception of sperm whales and right whales) usually sink upon death. If animals die in shallow water, decomposition processes may eventually result in the carcass re-floating (where it has a chance of being detected). In deep waters, however, increased hydrostatic pressure and differences in gas solubility may prevent carcasses from re-floating (Allison et al. 1991). Given that beaked whales and other potentially at risk species typically inhabit deep waters in Hawai'i, if an individual is killed the carcass may not re-float where it could be detected.</p> <p>2. Is the Hanalei Bay melon-headed whale embayment associated with RIMPAC 2006 related to the Rota sighting?</p> <p>The HRC DEIS/OEIS notes that (page 4-28) "A simultaneous "stranding" of 500 to 700 melon headed whales and Risso's dolphins occurred at Sasanhaya Bay, Rota, in the Northern Marianas Islands on the same morning as the Hanalei stranding", and suggest that this is in some way related to the embayment of melon-headed whales at Hanalei Bay associated with the RIMPAC 2006 exercise. It is factually incorrect to consider the sighting reported by Jefferson</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0404 (cont.)</p> <p>2</p>	<p>et al. (2006) as a "stranding", as the whales were first seen in a water depth of 77 m and moved into deeper water as the sighting progressed. Additionally, as noted by Ligon et al. (2007), inferring habitat preferences from other populations may be misleading, given population-level variability in habitat use. To assess melon-headed whale habitat preferences specific to the main Hawaiian Islands, Ligon et al. (2007) examined 2,515 hours of search effort between 2000-2006 for sighting depths and distance-from-shore. They recorded 23 melon-headed whale encounters with depths from 148-4,779m (median = 1,610m); distance-from-shore values ranged from 3.0-41.2km, (median = 9.8km). While over 55% of effort (1,402 hours) was in waters &lt;1,000m, only 21.7% of melon-headed whale sightings occurred in this range. At a finer resolution, 811 hours (32.2 %) were spent searching waters &lt;200m with only one melon-headed whale encounter (4.3%). For distance-from-shore values, 43.5% of sightings occurred between 5-10km from shore; only 17.4% occurred in waters &lt;5km; and none less than 3km. Consequently, when normalized against per-unit-effort, sighting rates were 4.5 times higher in depths &gt;1000m and 3.1 times higher for sightings &gt;20km from shore, indicating that melon-headed whales show a preference for deeper, offshore waters. Therefore, Ligon et al. (2007) conclude that the occurrence of melon-headed whales in the shallow waters of Hanalei Bay should be considered abnormal behavior within the main Hawaiian Islands.</p> <p>3. Mitigation measures outlined are ineffective at detecting long-diving and cryptic species</p> <p>The HRC DEIS/OEIS assumes that the measures it proposes will mitigate impacts on marine mammals. The mitigation measures outlined (Sec. 4.1.2.4.12) primarily involve a combination of visual and passive acoustic detection methods for the presence of marine mammals around vessels operating mid-frequency active sonar. However, a number of species of odontocetes found in Hawaiian waters dive for extended periods. For example, Blainville's and Cuvier's beaked whales have been documented diving for periods of up to 83 and 94 minutes, respectively (Baird et al. 2006, Baird unpublished), and regularly dive for periods of 50-60 minutes. Short-finned pilot whales may dive for periods of up to 27 minutes in Hawai'i (Baird unpublished), and dwarf and pygmy sperm whales dive for extended periods (&gt;10 minutes).</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0404 (cont.)</p> <p>3</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>According to the best available estimates, fewer than 2% of beaked whales would likely be detected by visual observations as outlined in the HRC DEIS/OEIS, even when directly on the ship's trackline (Barlow and Gisiner 2006). The detection rate would approach zero for beaked whales occurring one km away (Barlow and Gisiner 2006). The HRC DEIS/OEIS suggest that monitoring by passive sonar would allow detection of cetaceans, however the probability of locating all or most toothed whales through passive acoustic monitoring is extremely low. There is currently no information available on the sounds produced by some species of Hawaiian odontocetes (e.g., dwarf sperm whales) so it would be impossible to train passive sonar operators to detect these sounds. No information is available on the proportion of time individuals of most species spend producing sounds, of the sound pressure levels of vocalizations (and thus the potential distance at which they might be detected), or on the depths at which sounds are produced (some species, such as beaked whales, may only vocalize at depth). Information presented in the RIMPAC 2006 After Action Report documents the ineffectiveness of the Navy's passive acoustic monitoring. In this report it is noted that there were 29 instances where marine mammals were detected, 28 visually (at least 20 from ships) and only one acoustically. The fact that there was only a single acoustic detection and at least 20 ship-based visual detections indicates that passive acoustics are unlikely to be an effective means of monitoring marine mammal presence (and thus mitigating impacts) around naval vessels in Hawai'i. Given that passive acoustics are the primary method the Navy intends to use to detect marine mammals at night (and thus mitigate impacts), impacts at night will be impossible to avoid.</p>	<p>D-E-0404 (cont.)</p> <p>7</p>	<p>minke whale population around the Hawaiian Islands, because "minke whales are notoriously difficult to detect using visual methods due to their small size, short surfacing intervals, and lack of visual blow". Given this, the statement that "it is very likely that lookouts would detect a group of minke whales at the surface" (HRC DEIS/OEIS, page 4-113) in monitoring efforts misrepresents the likelihood that minke whales will be detected with visual monitoring efforts. The same is true for most other species of small/mid-sized cetaceans in Hawaiian waters.</p>	<p>D-E-0404 (cont.)</p>
<p>4. Estimated exposures for non-ESA species for the no-action alternative (4.1.2.5.3) misrepresent the likelihood of detecting species.</p> <p>Species accounts in this section continually assume that "whales that migrate into the Hawaii OPAREA would be detected by visual observers". This statement is not supported by available scientific evidence for most species of small/mid-sized cetaceans, particularly given that the HRC DEIS/OEIS assumes that observers on Navy vessels will have similar abilities to detect cetaceans as experienced observers on NMFS surveys. For minke whales, Rankin et al. (2007) found that visual surveys alone had underestimated the</p>	<p>4</p>	<p>5. The HRC DEIS/OEIS does not fully take into account evidence of population structure when assessing risks to populations.</p> <p>Understanding and predicting the impacts of anthropogenic activities on protected species such as marine mammals requires knowledge of population structure. If populations are fragmented into a number of smaller demographically isolated units, and some of these units are more exposed to anthropogenic activities, the impacts of anthropogenic activities on populations may be greater than otherwise predicted. In Hawaiian waters, population structure has been examined for only four species of odontocetes: false killer whales, short-finned pilot whales, bottlenose dolphins, and spinner dolphins. Genetic evidence from all four of these species indicates the presence of demographically-isolated island-associated populations (Andrews et al. 2006; Chivers et al. 2003, 2007; Martien et al. 2005). Given the high levels of site fidelity that have been documented for melon-headed whales, pygmy killer whales, Blainville's beaked whales, Cuvier's beaked whales, and rough-toothed dolphins (Huggins et al. 2005; McSweeney et al. 2005, 2007; Webster et al. 2005), it is likely that if sufficient genetic samples were available from these populations there would be similar evidence of demographically isolated island-associated populations. As such, instead of potentially impacting a small proportion of a number of widely-ranging populations of odontocetes, naval exercises around the main Hawaiian Islands have the potential to impact a large proportion of individuals in a number of relatively small island-associated populations. High levels of site fidelity documented from photo-identification suggest that if individuals were killed due to anthropogenic activities re-colonization from other populations would not occur quickly.</p>	<p>5</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>6. Data collected as part of the marine mammal exercise monitoring plan should be used to assess the effectiveness of the monitoring effort.</p> <p>The HRC DEIS/OEIS notes that U.S. Navy lookout watchstander reports (page 6-22) will be the primary data to be evaluated to examine the effectiveness of the monitoring. In particular, the "quality of the data" (line 17, page 6-25) will be examined to assess whether species were identified and animals that were exposed were detected, but no information is presented on how this will be done. Information presented in the RIMPAC After Action Report was insufficient to assess the efficacy of the visual monitoring, because no information was presented on the number of hours of visual monitoring that was undertaken by each vessel. To assess the efficacy of such visual monitoring, information on effort (number of vessels, number of observers, number of hours observed, and sea conditions during observations), and the number of sightings of each species must be recorded and reported. This would allow independent assessment of the efficacy of the monitoring, by comparing sighting rates (by species) to independent survey data from the Hawaiian Islands, to estimate what proportion of marine mammals in the operating area the observers are detecting.</p> <p>Sincerely,</p> <p>Robin W. Baird, Ph.D. Research Biologist</p> <p>References</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0404 (cont.)</b></p> <p>1</p>	<p>Allison, P.A., C.R. Smith, H. Kukert, J.W. Deming, and B.A. Bennett. 1991. Deep-water taphonomy of vertebrate carcasses: a whale skeleton in the bathyal Santa Catalina Basin. <i>Paleobiology</i> 17:78-89.</p> <p>Andrews, K.R., L. Karczmarski, W.W.L. Au, S.H. Rickards, C.A. Vanderlip and R.J. Toonen. 2006. Patterns of genetic diversity of the Hawaiian spinner dolphin (<i>Stenella longirostris</i>). <i>Atoll Research Bulletin</i> 543:65-73.</p> <p>Baird, R.W., D.L. Webster, D.J. McSweeney, A.D. Ligon, G.S. Schorr, and J. Barlow. 2006. Diving behaviour of Cuvier's (<i>Ziphius cavirostris</i>) and Blainville's (<i>Mesoplodon densirostris</i>) beaked whales in Hawai'i. <i>Canadian Journal of Zoology</i> 84:1120-1128.</p> <p>Barlow, J., and R. Gisiner. 2006. Mitigating, monitoring and assessing the effects of anthropogenic sound on beaked whales. <i>Journal of Cetacean Research and Management</i> 7:239-249.</p> <p>Chivers, S.J., R.G. LeDuc and R.W. Baird. 2003. Hawaiian island populations of false killer whales and short-finned pilot whales revealed by genetic analyses. In <i>Abstracts of the 15th Biennial Conference on the Biology of Marine Mammals</i>, Greensboro, NC, December 2003.</p> <p>Chivers, S.J., R.W. Baird, D.J. McSweeney, D.L. Webster, N.M. Hedrick, and J.C. Salinas. 2007. Genetic variation and evidence for population structure in eastern North Pacific false killer whales (<i>Pseudorca crassidens</i>). <i>Canadian Journal of Zoology</i> 85:783-794.</p> <p>Faerber, M.M., and R.W. Baird. 2007a. Beaked whale strandings in relation to</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0404 (cont.)</b></p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



<p>military exercises: a comparison between the Canary and Hawaiian Islands. Presentation at the 21st Annual Conference of the European Cetacean Society, San Sebastian, Spain, April 22-27, 2007. Presentation available at <a href="http://www.cascadiaresearch.org/robin/hawaii.htm">www.cascadiaresearch.org/robin/hawaii.htm</a></p> <p>Faerber, M.M., and R.W. Baird. 2007b. Does a lack of beaked whale strandings in relation to military exercises mean no impacts have occurred? A comparison of stranding and detection probabilities in the Canary and Hawaiian Islands. Abstract submitted to the 18th Biennial Conference on the Biology of Marine Mammals, Cape Town, South Africa, November-December 2007. (accepted for an oral presentation)</p> <p>Huggins, J., R.W. Baird, D.L. Webster, D.J. McSweeney, G.S. Schorr and A.D. Ligon. 2005. Inter-island movements and re-sightings of melon-headed whales within the Hawaiian archipelago. Presentation at the 16th Biennial Conference on the Biology of Marine Mammals, San Diego, CA, December 2005.</p> <p>Jefferson, T.A., D. Fertl, M. Michael, and T.D. Fagin. 2006. An unusual encounter with a mixed school of melon-headed whales (<i>Peponocephala electra</i>) and rough-toothed dolphins (<i>Steno bredanensis</i>) at Rota, Northern Mariana Islands. <i>Micronesica</i> 38:239-244.</p> <p>Ligon, A.D., R.W. Baird, D.L. Webster, D.J. McSweeney, G.S. Schorr. 2007. Habitat preferences of melon-headed whales (<i>Peponocephala electra</i>) around the main Hawaiian Islands: implications for interpretation of the 2004 Hanalei Bay stranding event. Abstract submitted to the 18th Biennial Conference on the Biology of Marine Mammals, Cape Town, South Africa, November-December 2007. (accepted for a poster presentation)</p> <p>Martien, K.K., R.W. Baird and K.M. Robertson. 2005. Population structure of</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0404 (cont.)</b></p>	<p>bottlenose dolphins (<i>Tursiops</i> sp.) around the main Hawaiian Islands. Presentation at the 16th Biennial Conference on the Biology of Marine Mammals, San Diego, CA, December 2005.</p> <p>McSweeney, D.J., R.W. Baird, D.L. Webster, G.S. Schorr and S.D. Mahaffy. 2005. Requirements for conservation action? Small population size, high site-fidelity, strong associations, and uncertainty: pygmy killer whales off the island of Hawai'i. Presentation at the 16th Biennial Conference on the Biology of Marine Mammals, San Diego, CA, December 2005.</p> <p>McSweeney, D.J., R.W. Baird and S.D. Mahaffy. 2007. Site fidelity, associations and movements of Cuvier's (<i>Ziphius cavirostris</i>) and Blainville's (<i>Mesoplodon densirostris</i>) beaked whales off the island of Hawai'i. <i>Marine Mammal Science</i> 23:666-687.</p> <p>Rankin, S., T.F. Norris, M.A. Smultea, C. Oedekoven, A.M. Zoidis, E. Silva, and J. Rivers. 2007. A visual sighting and acoustic detections of minke whales, <i>Balaenoptera acutorostrata</i> (Cetacea: Balaenopteridae), in nearshore Hawaiian waters. <i>Pacific Science</i> 61:395-398.</p> <p>Webster, D.L., R.W. Baird, D.J. McSweeney, A.D. Ligon and G.S. Schorr. 2005. High site-fidelity of a deep-water dolphin: rough-toothed dolphins in the Hawaiian archipelago. Presentation at the 16th Biennial Conference on the Biology of Marine Mammals, San Diego, CA, December 2005</p> <p>=====</p> <p>Robin W. Baird, Ph.D. Research Biologist Cascadia Research Collective</p> <p>Olympia, WA</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0404 (cont.)</b></p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



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September 17, 2007

Public Affairs Officer  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, HI 96752

Dear Sir or Madam,

I am writing in regards to the Draft Environmental Impact Statement/Overseas Environmental Impact Statement (HRC DEIS/OEIS) for the Hawai'i Range Complex (Fed Reg 72(149):43251-43252). In terms of my background relevant to this issue, I have been studying cetaceans since 1986, have a Ph.D. in Biology (1994), served as a member of the IUCN Cetacean Specialist Group (1992-1998), the Committee of Scientific Advisors for the Society for Marine Mammalogy (1995-2001), and the Marine Mammal Advisory Committee of the Western Pacific Fishery Management Council (2005-present), and have been undertaking research on cetacean populations around the main Hawaiian Islands since 1999. My research in Hawaiian waters has involved examining stock structure, estimating population sizes, and studying diving behavior, ecology and social organization of more than 10 species of odontocetes, as well as studies of the diving behavior of humpback whales. I have published a number of papers and reports pertinent to understanding potential impacts of anthropogenic activities on these populations (see [www.cascadiaresearch.org/robin/hawaii.htm](http://www.cascadiaresearch.org/robin/hawaii.htm)). In addition, I have reviewed relevant sections of the HRC DEIS/OEIS, the Navy's Programmatic Environmental Assessment/Overseas Environmental Assessment and Finding of No Significant Impact for the USWEX exercises, the After-Action Report from RIMPAC 2006, and most publications and reports available on cetacean populations in Hawaiian waters, among other documents. I have a number of concerns regarding the analyses and measures outlined in the HRC DEIS/OEIS in regards to potential impacts on marine mammal populations, outlined below.

1. Do the lack of documented strandings associated with prior naval exercises in Hawai'i mean no impacts have occurred?

The HRC DEIS/OEIS bases conclusions on the potential for impacts from future naval exercises in Hawai'i in part on the relative lack of observed impacts from prior naval exercises. Faerber and Baird (2007a, 2007b) address the question of whether the lack of beaked whale strandings in Hawai'i in relation to military exercises mean no impacts have occurred. A number of recent cetacean strandings have been linked to naval exercises, particularly involving mid-frequency sonar. Two species most affected are Cuvier's and Blainville's beaked whales. In 22 years there have been six such strandings in the Canary Islands, yet none have occurred in the Hawaiian Islands, despite the existence of regular naval exercises in the islands and resident populations of both species of beaked whales (McSweeney et al. 2007). The HRC DEIS/OEIS and other assessments of potential impacts of ongoing naval exercises in Hawai'i have used the lack of mass strandings to imply that there have been no past impacts. Faerber and Baird (2007a,

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2007b) hypothesize that the likelihood of a dead or moribund beaked whale stranding, and the probability of a stranded animal being detected, differ between the Canary and Hawaiian Islands. They examined near-shore bathymetry, shoreline slope, human population densities, fringing reef presence, ocean currents, sea surface temperature, and the presence of large scavenging sharks. The Canary Islands have a greater proportion of beaked whale "habitat" (depths >650 m) closer to shore (10.6% versus 6.3% within 3-km of shore), with a steeper slope (avg. slope Canaries -134m/km, Hawai'i -95 m/km). Hawai'i is dominated by steeper (>50°) shoreline cliffs (6% of shorelines vs. <1% for Canaries), human population density is 28% of that in the Canaries, and population per kilometer of shoreline is 53% of that in the Canaries. Fringing reefs are common around the main Hawaiian Islands, while such reefs do not form in the Canaries. Suitable habitat closer to shore, more accessible coastlines, lack of fringing reefs, lower water temperature with slower currents, and increased human population densities all suggest moribund or dead beaked whales are more likely to strand and be detected in the Canary Islands than in the Hawaiian Islands. Faerber and Baird (2007b) thus conclude that a lack of mass strandings in the Hawaiian Islands cannot be used to indicate a lack of impact.

In addition, a lack of sightings of dead floating whales or dolphins in monitoring efforts does not indicate that animals have not been killed. Most species of whales and dolphins (with the exception of sperm whales and right whales) usually sink upon death. If animals die in shallow water, decomposition processes may eventually result in the carcass re-floating (where it has a chance of being detected). In deep waters, however, increased hydrostatic pressure and differences in gas solubility may prevent carcasses from re-floating (Allison et al. 1991). Given that beaked whales and other potentially at risk species typically inhabit deep waters in Hawai'i, if an individual is killed the carcass may not re-float where it could be detected.

2. Is the Hanalei Bay melon-headed whale embayment associated with RIMPAC 2006 related to the Rota sighting?

The HRC DEIS/OEIS notes that (page 4-28) "A simultaneous "stranding" of 500 to 700 melon-headed whales and Risso's dolphins occurred at Sasanhaya Bay, Rota, in the Northern Marianas Islands on the same morning as the Hanalei stranding", and suggest that this is in some way related to the embayment of melon-headed whales at Hanalei Bay associated with the RIMPAC 2006 exercise. It is factually incorrect to consider the sighting reported by Jefferson et al. (2006) as a "stranding", as the whales were first seen in a water depth of 77 m and moved into deeper water as the sighting progressed. Additionally, as noted by Ligon et al. (2007), inferring habitat preferences from other populations may be misleading, given population-level variability in habitat use. To assess melon-headed whale habitat preferences specific to the main Hawaiian Islands, Ligon et al. (2007) examined 2,515 hours of search effort between 2000-2006 for sighting depths and distance-from-shore. They recorded 23 melon-headed whale encounters with depths from 148-4,779m (median = 1,610m); distance-from-shore values ranged from 3.0-41.2km, (median = 9.8km). While over 55% of effort (1,402 hours) was in waters <1,000m, only 21.7% of melon-headed whale sightings occurred in this range. At a finer resolution, 811 hours (32.2 %) were spent searching waters <200m with only one melon-headed whale encounter (4.3%). For distance-from-shore values, 43.5% of sightings occurred between 5-10km from shore; only 17.4% occurred in waters <5km; and none less than 3km. Consequently, when normalized against per-unit-effort, sighting rates were 4.5 times higher in depths >1000m and 3.1 times higher for sightings >20km from shore, indicating that melon-headed whales show a preference for deeper, offshore waters. Therefore, Ligon et al. (2007) conclude that the

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occurrence of melon-headed whales in the shallow waters of Hanalei Bay should be considered abnormal behavior within the main Hawaiian Islands.

### 3. Mitigation measures outlined are ineffective at detecting long-diving and cryptic species

The HRC DEIS/OEIS assumes that the measures it proposes will mitigate impacts on marine mammals. The mitigation measures outlined (Sec. 4.1.2.4.12) primarily involve a combination of visual and passive acoustic detection methods for the presence of marine mammals around vessels operating mid-frequency active sonar. However, a number of species of odontocetes found in Hawaiian waters dive for extended periods. For example, Blainville's and Cuvier's beaked whales have been documented diving for periods of up to 83 and 94 minutes, respectively (Baird et al. 2006, Baird unpublished), and regularly dive for periods of 50-60 minutes. Short-finned pilot whales may dive for periods of up to 27 minutes in Hawai'i (Baird unpublished), and dwarf and pygmy sperm whales dive for extended periods (>10 minutes). According to the best available estimates, fewer than 2% of beaked whales would likely be detected by visual observations as outlined in the HRC DEIS/OEIS, even when directly on the ship's trackline (Barlow and Gisiner 2006). The detection rate would approach zero for beaked whales occurring one km away (Barlow and Gisiner 2006). The HRC DEIS/OEIS suggest that monitoring by passive sonar would allow detection of cetaceans, however the probability of locating all or most toothed whales through passive acoustic monitoring is extremely low. There is currently no information available on the sounds produced by some species of Hawaiian odontocetes (e.g., dwarf sperm whales) so it would be impossible to train passive sonar operators to detect these sounds. No information is available on the proportion of time individuals of most species spend producing sounds, of the sound pressure levels of vocalizations (and thus the potential distance at which they might be detected), or on the depths at which sounds are produced (some species, such as beaked whales, may only vocalize at depth). Information presented in the RIMPAC 2006 After Action Report documents the ineffectiveness of the Navy's passive acoustic monitoring. In this report it is noted that there were 29 instances where marine mammals were detected, 28 visually (at least 20 from ships) and only one acoustically. The fact that there was only a single acoustic detection and at least 20 ship-based visual detections indicates that passive acoustics are unlikely to be an effective means of monitoring marine mammal presence (and thus mitigating impacts) around naval vessels in Hawai'i. Given that passive acoustics are the primary method the Navy intends to use to detect marine mammals at night (and thus mitigate impacts), impacts at night will be impossible to avoid.

### 4. Estimated exposures for non-ESA species for the no-action alternative (4.1.2.5.3) misrepresent the likelihood of detecting species.

Species accounts in this section continually assume that "whales that migrate into the Hawaii OPAREA would be detected by visual observers". This statement is not supported by available scientific evidence for most species of small/mid-sized cetaceans, particularly given that the HRC DEIS/OEIS assumes that observers on Navy vessels will have similar abilities to detect cetaceans as experienced observers on NMFS surveys. For minke whales, Rankin et al. (2007) found that visual surveys alone had underestimated the minke whale population around the Hawaiian Islands, because "minke whales are notoriously difficult to detect using visual methods due to their small size, short surfacing intervals, and lack of visual blow". Given this, the statement that "it is very likely that lookouts would detect a group of minke whales at the surface" (HRC DEIS/OEIS, page 4-113) in monitoring efforts misrepresents the likelihood that

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minke whales will be detected with visual monitoring efforts. The same is true for most other species of small/mid-sized cetaceans in Hawaiian waters.

### 5. The HRC DEIS/OEIS does not fully take into account evidence of population structure when assessing risks to populations.

Understanding and predicting the impacts of anthropogenic activities on protected species such as marine mammals requires knowledge of population structure. If populations are fragmented into a number of smaller demographically isolated units, and some of these units are more exposed to anthropogenic activities, the impacts of anthropogenic activities on populations may be greater than otherwise predicted. In Hawaiian waters, population structure has been examined for only four species of odontocetes: false killer whales, short-finned pilot whales, bottlenose dolphins, and spinner dolphins. Genetic evidence from all four of these species indicates the presence of demographically-isolated island-associated populations (Andrews et al. 2006; Chivers et al. 2003, 2007; Martien et al. 2005). Given the high levels of site fidelity that have been documented for melon-headed whales, pygmy killer whales, Blainville's beaked whales, Cuvier's beaked whales, and rough-toothed dolphins (Huggins et al. 2005; McSweeney et al. 2005, 2007; Webster et al. 2005), it is likely that if sufficient genetic samples were available from these populations there would be similar evidence of demographically isolated island-associated populations. As such, instead of potentially impacting a small proportion of a number of widely-ranging populations of odontocetes, naval exercises around the main Hawaiian Islands have the potential to impact a large proportion of individuals in a number of relatively small island-associated populations. High levels of site fidelity documented from photo-identification suggest that if individuals were killed due to anthropogenic activities re-colonization from other populations would not occur quickly.

### 6. Data collected as part of the marine mammal exercise monitoring plan should be used to assess the effectiveness of the monitoring effort.

The HRC DEIS/OEIS notes that U.S. Navy lookout watchstander reports (page 6-22) will be the primary data to be evaluated to examine the effectiveness of the monitoring. In particular, the "quality of the data" (line 17, page 6-25) will be examined to assess whether species were identified and animals that were exposed were detected, but no information is presented on how this will be done. Information presented in the RIMPAC After Action Report was insufficient to assess the efficacy of the visual monitoring, because no information was presented on the number of hours of visual monitoring that was undertaken by each vessel. To assess the efficacy of such visual monitoring, information on effort (number of vessels, number of observers, number of hours observed, and sea conditions during observations), and the number of sightings of each species must be recorded and reported. This would allow independent assessment of the efficacy of the monitoring, by comparing sighting rates (by species) to independent survey data from the Hawaiian Islands, to estimate what proportion of marine mammals in the operating area the observers are detecting.

Sincerely,



Robin W. Baird, Ph.D.  
Research Biologist

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D-E-0404  
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<p>References</p> <p>Allison, P.A., C.R. Smith, H. Kukert, J.W. Deming, and B.A. Bennett. 1991. Deep-water taphonomy of vertebrate carcasses: a whale skeleton in the bathyal Santa Catalina Basin. <i>Paleobiology</i> 17:78-89.</p> <p>Andrews, K.R., L. Karczmarski, W.W.L. Au, S.H. Rickards, C.A. Vanderlip and R.J. Toonen. 2006. Patterns of genetic diversity of the Hawai'i spinner dolphin (<i>Stenella longirostris</i>). <i>Atoll Research Bulletin</i> 543:65-73.</p> <p>Baird, R.W., D.L. Webster, D.J. McSweeney, A.D. Ligon, G.S. Schorr, and J. Barlow. 2006. Diving behaviour of Cuvier's (<i>Ziphius cavirostris</i>) and Blainville's (<i>Mesoplodon densirostris</i>) beaked whales in Hawai'i. <i>Canadian Journal of Zoology</i> 84:1120-1128.</p> <p>Barlow, J., and R. Gisiner. 2006. Mitigating, monitoring and assessing the effects of anthropogenic sound on beaked whales. <i>Journal of Cetacean Research and Management</i> 7:239-249.</p> <p>Chivers, S.J., R.G. LeDuc and R.W. Baird. 2003. Hawaiian island populations of false killer whales and short-finned pilot whales revealed by genetic analyses. In Abstracts of the 15th Biennial Conference on the Biology of Marine Mammals, Greensboro, NC, December 2003.</p> <p>Chivers, S.J., R.W. Baird, D.J. McSweeney, D.L. Webster, N.M. Hedrick, and J.C. Salinas. 2007. Genetic variation and evidence for population structure in eastern North Pacific false killer whales (<i>Pseudorca crassidens</i>). <i>Canadian Journal of Zoology</i> 85:783-794.</p> <p>Faerber, M.M., and R.W. Baird. 2007a. Beaked whale strandings in relation to military exercises: a comparison between the Canary and Hawaiian Islands. Presentation at the 21st Annual Conference of the European Cetacean Society, San Sebastian, Spain, April 22-27, 2007. Presentation available at <a href="http://www.cascadiaresearch.org/robin/hawaii.htm">www.cascadiaresearch.org/robin/hawaii.htm</a></p> <p>Faerber, M.M., and R.W. Baird. 2007b. Does a lack of beaked whale strandings in relation to military exercises mean no impacts have occurred? A comparison of stranding and detection probabilities in the Canary and Hawaiian Islands. Abstract submitted to the 18th Biennial Conference on the Biology of Marine Mammals, Cape Town, South Africa, November-December 2007. (accepted for an oral presentation)</p> <p>Huggins, J., R.W. Baird, D.L. Webster, D.J. McSweeney, G.S. Schorr and A.D. Ligon. 2005. Inter-island movements and re-sightings of melon-headed whales within the Hawaiian archipelago. Presentation at the 16th Biennial Conference on the Biology of Marine Mammals, San Diego, CA, December 2005.</p> <p>Jefferson, T.A., D. Fertl, M. Michael, and T.D. Fagin. 2006. An unusual encounter with a mixed school of melon-headed whales (<i>Peponocephala electra</i>) and rough-toothed dolphins (<i>Steno bredanensis</i>) at Rota, Northern Mariana Islands. <i>Micronesica</i> 38:239-244.</p> <p>Ligon, A.D., R.W. Baird, D.L. Webster, D.J. McSweeney, G.S. Schorr. 2007. Habitat preferences of melon-headed whales (<i>Peponocephala electra</i>) around the main Hawaiian</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0404 (cont.)</b></p>
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<p>Islands: implications for interpretation of the 2004 Hanalei Bay stranding event. Abstract submitted to the 18th Biennial Conference on the Biology of Marine Mammals, Cape Town, South Africa, November-December 2007. (accepted for a poster presentation)</p> <p>Martien, K.K., R.W. Baird and K.M. Robertson. 2005. Population structure of bottlenose dolphins (<i>Tursiops sp.</i>) around the main Hawaiian Islands. Presentation at the 16th Biennial Conference on the Biology of Marine Mammals, San Diego, CA, December 2005.</p> <p>McSweeney, D.J., R.W. Baird, D.L. Webster, G.S. Schorr and S.D. Mahaffy. 2005. Requirements for conservation action? Small population size, high site-fidelity, strong associations, and uncertainty: pygmy killer whales off the island of Hawai'i. Presentation at the 16th Biennial Conference on the Biology of Marine Mammals, San Diego, CA, December 2005.</p> <p>McSweeney, D.J., R.W. Baird and S.D. Mahaffy. 2007. Site fidelity, associations and movements of Cuvier's (<i>Ziphius cavirostris</i>) and Blainville's (<i>Mesoplodon densirostris</i>) beaked whales off the island of Hawai'i. <i>Marine Mammal Science</i> 23:666-687.</p> <p>Rankin, S., T.F. Norris, M.A. Smultea, C. Oedekoven, A.M. Zoidis, E. Silva, and J. Rivers. 2007. A visual sighting and acoustic detections of minke whales, <i>Balaenoptera acutorostrata</i> (Cetacea: Balaenopteridae), in nearshore Hawaiian waters. <i>Pacific Science</i> 61:395-398.</p> <p>Webster, D.L., R.W. Baird, D.J. McSweeney, A.D. Ligon and G.S. Schorr. 2005. High site-fidelity of a deep-water dolphin: rough-toothed dolphins in the Hawaiian archipelago. Presentation at the 16th Biennial Conference on the Biology of Marine Mammals, San Diego, CA, December 2005</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0404 (cont.)</b></p>
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	<div>COMMENT NUMBER</div> <div>D-E-0405</div>		<div>COMMENT NUMBER</div> <div>D-E-0405 (cont.)</div>
<div>From: Katy Rose - Hanalei, HI</div> <div>To: deis_hrc@govsupport.us</div> <div>Subject: Public Comment - EIS</div> <div>Date: 9/17/2007 11:26:37 AM</div> <div>To Whom It May Concern:</div> <div>I stand firmly opposed to the Navy's plans for expansion of training operations at the Hawai'i Range Complex and Pacific Missile Range Facility.</div> <div>The history of environmental degradation caused by such training exercises around the world leaves no doubt that the plans of the Navy to expand training exercises will cause irreparable harm.</div> <div>Mid-frequency soanr will destroy uncountable numbers of fish and marine mammals.</div> <div>Expeditionary Assault Activities will tear up beaches and dunes between Polihale and Barking Sands.</div> <div>Further, I would like to quote Juan Wilson, a Kaua'i citizen who has studied the EIS extensively:</div> <div>"Worse is the Directed Energy Laser Weapons Program. These are chemical lasers in which use hydrogen fluoride, a corrosive material which can be made to release a powerful burst of infrared radiation. The laser can be focused and aimed as a weapon (death ray). These laser can generate least 25 megawatts of energy that could destroy a missile 2,000 miles away. For the scale of this realize 25megawatts is half the electrical power generating capacity of Kauai. The firing of this weapon also destroys the lasing device and contaminates its site with hydrogen fluoride. A thousand foot radius danger zone, that could close the state park, will persist for days.</div> <div>The Navy has not told us what effect on the environment hydrogen fluoride waste will have. What if there is a heavy rain and runoff after a test? What effect on coral reefs and offshore marine life would there be from hydrogen fluoride contaminated runoff into the ocean? What efforts will guarantee the safety of people using the access road to Poli Hale State Park after a test?</div>	<div>2</div> <div>3</div>	<div>In its Navy's EIS executive summary it simply says, "Appropriate remedial procedures would be taken before initiation of potentially hazardous laser operations on PMRF".</div> <div>That's it?!! That is unacceptable. "</div> <div>We must also accept the ethical responsiblity that arises from our collusion with a plan which is intended to bolster our ability to cause death to countless men, women and children around the world.</div> <div>We must not blindly follow wherever the military leads in a knee-jerk desire for "security." True security rises from a people's ability to provide for their basic needs in a sustainable way while protecting their environment.</div> <div>I urge you do deny the Navy's expansion plans.</div> <div>Sincerely,</div> <div>Katy Rose</div> <div>Hanalei, HI</div>	<div>4</div>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Casey Holaday - Hauula, HI To: deis_hrc@govsupport.us Subject: environmental impact statment Date: 9/17/2007 11:55:25 AM</p> <p>As a citizen of the state of Hawaii and the world I would like to express my opposition to the use of the Hawaiian Islands as a military training site. As the recent discovery of unexploded munitions in Makua bay and the unsafe conditions still found on Kahoolawe prove, there is no way for the environment not to be adversely affected by military training. The recent designation of the northwest Hawaiian Island as a national marine sanctuary/monument makes this area an inappropriate choice for a military training site as well. I believe Hawaii should operate on the "precautionary principle" which dictates that if we do not know the harm something will cause (i.e. sonar) we should not do it.</p> <p>Mahalo, Casey Holaday Hauula, Hawaii</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0406</td></tr><tr><td>4</td></tr><tr><td>2</td></tr><tr><td>3</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0406	4	2	3	1	<p>From: Elaine Dunbar - Lihue, HI To: deis_hrc@govsupport.us Subject: DEIS COMMENTS Date: 9/17/2007 11:53:31 AM</p> <p>WRITTEN TESTIMONY DEIS-NAVY EXPANSION PROPOSAL PMRF (Copies Forwarded to Appropriate Agencies and Departments)</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0407</td></tr></table>	COMMENT NUMBER	D-E-0407
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COMMENT NUMBER											
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



SEPTEMBER 16, 2007

Elane Dunbar  
POB 861  
Lihue, Hawaii 96766

Public Affairs Officer  
PACIFIC MISSILE RANGE FACILITY  
P.O. Box 128  
Kekaha, Hawaii 96752-0128

**TESTIMONY IN OPPOSITION TO NAVY EXPANSION AT  
PMRF-ISLAND OF KAUAI AND HAWAIIAN WATERS**

**I. ILLEGAL OCCUPATION**

A. I OBJECT TO THE NAVY'S PROPOSAL AS IT WILL BE CONTRARY TO **PUBLIC LAW 103-150**.

B. PLEASE REFER TO **PUBLIC LAW 103-150**, PARAGRAPH 29, WHICH STATES: WHEREAS, THE INDIGENOUS HAWAIIAN PEOPLE NEVER DIRECTLY RELINQUISHED THEIR CLAIMS TO THEIR INHERENT SOVEREIGNTY AS A PEOPLE OR OVER THEIR NATIONAL LANDS TO THE UNITED STATES, EITHER THROUGH THEIR MONARCHY OR THROUGH A PLEBISCITE OR REFERENDUM.

C. THE PUBLIC LAW 103-150 IS A DOCUMENT CONTAINING APPROXIMATELY NINETEEN HUNDRED WORDS, APPROXIMATELY 174 SENTENCES. THE NAVY'S **DEIS** RESPONSE REGARDING **PUBLIC LAW 103-150** SITED THE VAGUE AND AMBIGUOUS DISCLAIMER AT THE END OF THE DOCUMENT (*SEC. 3. DISCLAIMER. NOTHING IN THIS JOINT RESOLUTIONS INTENDED TO SERVE AS A SETTLEMENT OF ANY CLAIMS AGAINST THE UNITED STATES.*) WHICH CONSISTS OF ONE SENTENCE CONTAINING 19 WORDS. THE QUESTION TO THE **DEIS** WAS PERTAINING TO THE EXISTING ILLEGAL OCCUPATION OF THE HAWAIIAN ISLANDS BY THE U.S. (NOTHING TO DO WITH SETTLING CLAIMS)

D. WITH REGARD TO THESE 19 WORDS BEING A BASIS FOR THE **DEIS** RESPONSE TO THE QUESTION OF ILLEGAL OCCUPATION, **THE QUESTION HAS STILL NOT BEEN ANSWERED.**

E. THE U.S. HAS REPEATEDLY DEMONSTRATED DISREGARD FOR HAWAIIAN CULTURE. THE U.S. HAS REPEATEDLY DESECRATED SACRED SITES OF THE HAWAIIAN PEOPLE. FOR THIS I ALSO OBJECT TO THE EXPANSION AS THERE HAVE BEEN MANY YEARS TO RECTIFY THESE WRONGS YET THE U.S. ONLY SEEKS TO DO MORE HARM RATHER THAN MAKE THINGS RIGHT.

**COMMENT  
NUMBER**

**D-E-0407  
(cont.)**

1

3

F. THE WRITERS OF THE **DEIS** RENDERED AN OPINION OF THE POLITICAL STATUS OF HAWAII AS IT RELATES TO THE (ILLEGAL) OCCUPATION OF HAWAIIANS' LANDS.

G. I ASK WHO, IN THE **DEIS** FIRM, LEGAL CONSULT, MILITARY OR U.S. GOVERNMENT HAS THE AUTHORITY, AT THIS TIME, TO PRESENT THAT OPINION/DECISION AS IT RELATES TO THE TAKING OF HAWAIIANS' LANDS? PLEASE SUPPLY THE ANSWER TO THIS QUESTION. IT IS THE CONDITIONAL THREAD OF THE NAVY'S PROPOSAL.

H. AS HAWAIIAN SOVEREIGNTY AND THE AKAKA BILL ARE IN AN UNRESOLVED STATUS AT THIS TIME, HOW IS IT THAT THE **DEIS** COMPANY FOR THE NAVY ASSUMES TO KNOW THE ANSWER TO THIS QUESTION?

I. WHICH BRINGS ME TO THE NEXT OBSERVATION; FOR THE NAVY TO MAKE THIS DETERMINATION ON SUCH A HOTLY DISPUTED POLITICAL QUESTION, DOES THIS INDICATE THE NAVY IS ASSUMING A POSITION OF POLITICAL AUTONOMY WITH REGARD TO INTERPRETATION OF LAW?

**II. MARINE LIFE AND SONAR**

A. I OBJECT TO THE NAVY'S PLAN TO TRAIN WITH DANGEROUS LFA SONAR OVER 70% OF THE WORLD'S OCEANS. THE INTENSE NOISE THAT THE SYSTEM GENERATES WILL HAVE A PROVEN LETHAL EFFECT ON POPULATIONS OF MARINE MAMMALS.

B. THE NAVY WAS UNABLE TO DISPROVE THIS FACT IN THE **DEIS**. PARTS OF THE **DEIS** REVEAL PREMEDITATED IMPACTS/HARRASSMENT TO MARINE MAMMALS STATING INTENT TO DO HARM BY INCREASING SONAR DECIBELS BEYOND THE ALREADY LETHAL LEVELS AS DOCUMENTED IN PROVEN CASES AND COURT RULINGS FORBIDDING THIS ACTIVITY.

**III. NUCLEAR, LASER AND EMP WEAPONS**

A. IN THE **DEIS** THERE IS A LIST OF 150 PLUS TYPES OF WEAPONS; HOW MANY ARE THERE OF EACH TYPE? THESE WEAPONS AREN'T A BUNCH OF RIFLES AND PISTOLS - THEY ARE THE MORTAL COMBAT ARMAGEDDON WEAPONS THAT MAY BE COOL ON GAMES AND MOVIES BUT THE REALITY IS THEY HAVE CAPABILITIES TO DESTROY THE WORLD.

B. IT WOULD VIOLATE INTERNATIONAL TREATIES OF NUCLEAR NON PROLIFERATION BECAUSE SOME OF THESE WEAPONS ARE NUCLEAR.

C. I ABSOLUTELY OBJECT TO NUCLEAR WEAPON ACTIVITY IN THE HAWAIIAN ISLANDS OR ANYWHERE.

**COMMENT  
NUMBER**

**D-E-0407  
(cont.)**

2

4



	COMMENT NUMBER		COMMENT NUMBER
<p>D. I OBJECT TO THIS PROPOSAL IN THAT IT WILL CAUSE HAZARDS AND DANGERS TO PERSONNEL, FUELS, ORDNANCE. SOME WEAPONS CREATING A DANGER RADIUS OF 10,000 FT. AND IT WILL INADVERTENTLY SET OFF ORDNANCE THAT HAVE ELECTRONICALLY TRIGGERED MECHANISMS.</p>	D-E-0407 (cont.)	<p>D. THE MILITARY'S OCEAN EXERCISES WILL CREATE A DETRIMENT TO THE PUBLIC.</p>	D-E-0407 (cont.)
<p>E. IS THE NAVY ABLE TO PROVE THEY DID NOT CAUSE THE RECENT HELICOPTER CRASHES IN HAWAII THROUGH THE USE OF EMPS OR SIMILAR DEVICES?</p>		<p>E. WHAT GUARANTEES AND MEASURES DOES THE NAVY PROPOSE TO ELIMINATE THE POSSIBILITY OF EVEN ONE SINGLE MISTAKE?</p>	2, 8
<p><b>IV. HAARP TYPE EXPERIMENTATION</b></p> <p>A. I OBJECT TO THE TRESPASS ON THE INTERNATIONAL COMMUNITY'S PROPERTY RIGHTS BY THE USE OF AND EXPERIMENTATION WITH ATMOSPHERIC ALTERING MECHANISMS, WEATHER MODIFICATION AND OR HAARP. THAT IS INTERNATIONAL TERRITORY, NOT FOR THE U.S. TO TAMPER WITH.</p>	5	<p><b>VII. UNCLEAN HANDS</b></p> <p>A. I OBJECT TO THIS PROPOSAL BECAUSE THE NAVY IS ATTEMPTING TO IMPLEMENT C-17 RUNWAYS. THAT REQUEST WAS ALREADY DENIED SEVERAL YEARS AGO BY OUR COUNTY COUNCIL.</p>	
<p>B. IT WOULD VIOLATE FUNDAMENTALS OF THE LAW OF NATIONS WITH RESPECT TO WORLDWIDE TERRESTRIAL DAMAGE.</p>		<p>B. THE U.S. MILITARY IS GUILTY OF IRREPARABLE DAMAGE TO THE HAWAIIAN ISLANDS. THEY ARE NOW ASKING PERMISSION TO DO SOME MORE. IF THEY DON'T RECEIVE PERMISSION, WILL THEY PROCEED REGARDLESS?</p>	
<p><b>V. CONSTITUTION</b></p> <p>A. I OBJECT TO THE NAVY'S PROPOSAL FOR EXPANSION ON THE GROUNDS THAT IT IS UNCONSTITUTIONAL. A VIOLATION OF THE HAWAII STATE CONSTITUTION, THE BILL OF RIGHTS - ARTICLE 1, <b>SUPREMACY OF CIVIL POWER</b> SECTION 16. <b>THE MILITARY SHALL BE HELD IN STRICT SUBORDINATION TO THE CIVIL POWER.</b> [Ren Const Con 1978 and election Nov 7, 1978]</p>	6	<p><u><b>I OBJECT AND AM IN OPPOSITION TO ANY AND ALL PROPOSALS BY THE NAVY FOR EXPANSION AT PMRF.</b></u></p>	2
<p>B. I DO NOT WAIVE THE RIGHTS GRANTED TO ME AS AN AMERICAN BY THE U.S. CONSTITUTION, NOR DO I WAIVE THE RIGHTS GRANTED TO ME UNDER THE HAWAII REVISED STATUTES OF THE HAWAII STATE CONSTITUTION THEREFORE, IT IS MY RESPONSIBILITY TO OBJECT TO THE NAVY'S PROPOSED EXPANSION AT PMRF.</p>			
<p><b>VI. SHIP STRIKES</b></p>			
<p>A. SHIP STRIKES TO MARINE MAMMALS ARE BRIEFLY AND INADEQUATELY DISCUSSED AND SHIP STRIKES WILL OCCUR.</p>	7		
<p>B. SHIP STRIKES TO SHIPS ARE NOT DISCUSSED AND THE QUESTION WAS RAISED IN MY SCOPING COMMENTS CITING THE EHIME MARU DISASTER AND OTHER VERY LIKELY SHIP STRIKES TO SMALL FISHING AND RECREATIONAL VESSELS.</p>	8		
<p>C. THAT THESE CRAFTS MAY NOT HAVE ADEQUATE BOAT RADIOS OR FOR THE SAKE OF REALITY MAY NOT RECEIVE OR BE AWARE OF WARNINGS TO GET OUT OF AN AREA.</p>			

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

From: Ken Posney  
 To: deis\_hrc@govsupport.us  
 Subject: EIS Comment

Date: 9/17/2007 12:50:13 PM

I'd like to comment on the public information given on the Government  
 Support site: Realistic Training in Hawai'i

1. Who is our threat?
2. What is our specific threat?
3. Who has the modern diesel submarines?
4. How many do they have?
5. When did tracking diesel subs passively in shallow water become so difficult?
6. What is so difficult about sending out a deafening "ping" ...in shallow water?
7. What happened to off-site sonar training? ("...sonar is a perishable skill")
8. Passive sonar can provide bearing, speed, depth and range (distance).
9. Why not train in commercial shipping areas, where submarines are more likely to hide?
10. Is anyone concerned about our fragile environment (i.e., monk seals, outer islands)
11. Do the right thing here...

Mahalo for your time.

**COMMENT  
NUMBER**

D-E-0408

1

COPIED FROM HYPERLINK

"http://www.govsupport.us/navynepahawaii/training.aspx"http://www.govsupport.us/navynepahawaii/training.aspx web site

"Modern, quiet diesel submarines operating in shallow water have become a serious risk to the United States and its allied armed forces, and the U.S. Navy must be prepared to counter them. Mid-frequency active sonar is currently the only way to detect these modern submarines, and the only way to safeguard our men and women in uniform is through realistic training and testing with this sonar technology. The effective use of sonar is a perishable skill that must be practiced frequently.

Why is the Navy using active vs. passive sonar

To successfully defend against submarine threats, our Sailors must train realistically with the latest technology, including next-generation passive and active sonars. Although the Navy is researching improvements in passive sonar, it does not provide the full capabilities of active sonar systems. The disadvantage of passive sonar is that it only provides a general bearing (direction) to the object, but not an accurate distance. Because it does not give a precise range, passive sonar cannot effectively be used for targeting enemy ships. Diesel submarines are designed to operate quietly and effectively in coastal and littoral waters, and are virtually undetectable with passive sonar, leaving active tactical sonar as the only viable means for locating and neutralizing them before they are able to strike. Active sonar is needed for precise location and targeting purposes because it gives both bearing and distance to the enemy it detects. In addition, passive sonar is less effective in areas where ambient (or background) noise levels are high, such as high traffic areas associated with commercial shipping. High background noise levels make it very difficult for passive sonar to detect quiet, diesel-electric submarines."

Ken Posney

**COMMENT  
NUMBER**

D-E-0408  
(cont.)

	<div>COMMENT NUMBER</div> <div>D-E-0409</div> <div>1</div>		<div>COMMENT NUMBER</div> <div>D-E-0410</div> <div>1</div>
<div>From: Loreen Walker &amp; family - O'ahu, HI To: deis_hrc@govsupport.us Subject: =?windows-1252?Q?Opposition_to_Inc?=?windows-1252?Q?reased_Training_&amp;?=?windows-1252?Q?_Testing_in_Hawai?=?windows-1252?Q?91i? Date: 9/17/2007 1:01:56 PM Aloha:  Our family opposes granting any permits for the Navy to conduct increased ship and submarine training in the Hawai'i Range Complex.  We watch the humpback whales annual migration, and have enjoyed the rare visit of Hawaiian monk seals on the beach in front of our home on the North Shore of O'ahu. Long term consequences of high frequency sonar is unknown but it is clear immediate damage is caused to harm these animals.  The Navy's stated interests for this permit, i.e. sailor training, is bogus. I work part-time at the Pearl Harbor Shipyard and have seen numerous sailors floundering in the pool I use there--these sailors--and there are many--can barely get across the length of the pool. If the Navy truly was interested in increasing sailor training it would teach all the sailors how to swim, which can be done in any pool anywhere.  The Navy's claimed need for this permit is clearly outweighed by the potential harm to our fragile ocean environment.  Please deny the Navy's application.  Mahalo,  Lorenn Walker &amp; family</div>		<div>From: Spencer McDonald - Kilauea, HI To: deis_hrc@govsupport.us Subject: ATTN: HRC/OEIS Date: 9/17/2007 1:17:10 PM Dear Public Affairs Officer,  Please leave our planet alone. If you were able to shift your perception just slightly away from your "R&amp;D" and "test evaluations" you might find that humanity has had enough of war and hatred. Please stop your expanded training ops. Please stop your sonar experiments. Please just stop! Our existence on this planet depends on you just stopping.  Mahalo,  Spencer McDonald  Kilauea, Hi</div>	

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Fred Dente - Kapa'a, HI To: deis_hrc@govsupport.us Subject: PMRF expansion Date: 9/17/2007 1:27:08 PM Sept. 17, 2007</p> <p>Pacific Missile Range Facility Public Affairs Officer</p> <p>I am totally against the expansion of the Navy base for training exercises, or for any other reason. I am for the dismantling of the entire base and the complete removal of any and all remnants of that facility and all the people who work there. The merchants of death and destruction at PMRF are trespassing on sacred Hawaiian burial grounds, and they are part of the occupation forces of the United States military, who have have been occupying the Hawaiian Nation since 1893, in gross violation of international treaties and laws.</p> <p>Very Sincerely,</p> <p>Fred Dente</p> <p>Kapa'a HI</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0411</p> <p>1</p>	<p>From: Debra Baruch - Kapaa, HI To: deis_hrc@govsupport.us Subject: Opposition to Navy expansion - Hawaii Range Complex &amp; PMRF Date: 9/17/2007 1:33:32 PM</p> <p>To Whom It May Concern:</p> <p>I stand firmly opposed to the Navy's plans for expansion of training operations at the Hawai'i Range Complex and Pacific Missile Range Facility.</p> <p>The history of environmental degradation caused by such training exercises around the world leaves no doubt that the plans of the Navy to expand training exercises will cause irreparable harm.</p> <p>Mid-frequency sonar will destroy uncountable numbers of fish and marine mammals.</p> <p>Expeditionary Assault Activities will tear up beaches and dunes between Polihale and Barking Sands.</p> <p>Further, I would like to quote Juan Wilson, a Kaua'i citizen who has studied the EIS extensively:</p> <p>"Worse is the Directed Energy Laser Weapons Program. These are chemical lasers in which use hydrogen fluoride, a corrosive material which can be made to release a powerful burst of infrared radiation. The laser can be focused and aimed as a weapon (death ray). These laser can generate least 25 megawatts of energy that could destroy a missile 2,000 miles away. For the scale of this realize 25megawatts is half the electrical power generating capacity of Kauai. The firing of this weapon also destroys the lasing device and contaminates its site with hydrogen fluoride. A thousand foot radius danger zone, that could close the state park, will persist for days.</p> <p>The Navy has not told us what effect on the environment hydrogen fluoride waste will have. What if there is a heavy rain and runoff after a test? What effect on coral reefs and offshore marine life would there be from hydrogen fluoride contaminated runoff into the ocean? What efforts will guarantee the safety of people using the access road to Poli Hale State Park after a test?</p> <p>In its Navy's EIS executive summary it simply says, "Appropriate remedial procedures would be taken before initiation of potentially hazardous laser operations on PMRF".</p> <p>That's it?!! That is unacceptable. "</p> <p>We must also accept the ethical responsibility that arises from our collusion with a plan which is intended to bolster our ability to cause death to countless</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0412</p> <p>2</p> <p>3</p> <p>1</p> <p>4</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

men, women and children around the world. We must not blindly follow wherever the military leads in a knee-jerk desire for "security." True security rises from a people's ability to provide for their basic needs in a sustainable way while protecting their environment. I urge you to deny the Navy's expansion plans. Sincerely, Debra Baruch  Kapaa, HI	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0412 (cont.)</td></tr></table>	COMMENT NUMBER	D-E-0412 (cont.)	<p>From: Ihor Basko - Kapaa, HI To: deis_hrc@govsupport.us Subject: Expansion Date: 9/17/2007 1:39:27 PM To Whom It May Concern:</p> <p>I am AGAINST the Expansion of the Missile Range and military activity on the Garden Island of Kauai.</p> <p>This is not a waste land, this is a tourist destination. Beach access and fishing access to locals is already difficult on the Westside because the military exercises.</p> <p>Please go to another state!!!!</p> <p>Ihor Basko, DVM Kapaa, HI</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0413</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0413	1
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



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<p>From: Healani Trembath To: deis_hrc@govsupport.us Subject: Date: 9/17/2007 1:50:40 PM</p> <p>I urge the U.S. Navy to stop needlessly inflicting harm on whales and other ocean life with its use of high-intensity, mid-frequency sonar in its training exercises.</p> <p>Whales, dolphins and other marine mammals depend on sound to navigate, find food, locate mates, avoid predators and communicate with each other. Blasting their environment with intense sound over large expanses of ocean disrupts these critical behaviors and threatens their survival.</p> <p>Sonar also harms whales more directly: Navy exercises using mid-frequency sonar have resulted in whale strandings across the globe, including along the coasts of Washington State, the Canary Islands, the Bahamas, Madeira, the U.S. Virgin Islands and Greece. A recent whale stranding death in Hawaii, which occurred when a large pod of whales was driven in panic to shallow waters, took place with Navy sonar exercises nearby and may be the latest in this string of sonar casualties.</p> <p>Whales should not have to die for military training. The Navy can no longer ignore the unnecessary harm inflicted by this technology. I urge the Navy to immediately adopt common-sense measures to keep whales safe.</p> <p>CAN YOU JUST GO AWAY TO SOME OTHER PLACE!!!! H. Trembath. YOU POSE A THREAT TO THIS FRAGILE ISLAND OF KAUAI... YOU SEND A SIGNAL FOR ENEMIES TO TARGET US AS WELL!!!!</p>	<table><tr><td>1</td></tr><tr><td>2</td></tr></table>	1	2	<p>From: Russell Hoffman - Carlsbad, CA To: deis_hrc@govsupport.us Subject: Hawaii Range Complex Environmental Impact Statement Date: 9/17/2007 1:46:58 PM September 17th, 2007</p> <p>Re: Hawaii Range Complex Environmental Impact Statement</p> <p>To Whom It May Concern, US Government:</p> <p>I just have NO IDEA who might have written the statement shown below, but I wish to submit it as my opposition statement to the proposed poisoning of nearly one quarter million square miles (unfenced) of the Pacific Ocean by the United States Navy.</p> <p>Sincerely Yours,</p> <p>Russell "Ace" Hoffman</p> <p>Carlsbad, CA</p> <p>=====</p> <p>September 13th, 2007</p> <p>=====</p> <p>Death is upon us. A rogue army is maneuvering to destroy our planet. Its name is Navy.</p> <p>U.S. Navy.</p> <p>Step by step by step over the past decade, the military has asked for -- and received --enormous exemptions from caring for humanity. Environmental laws everyone else must obey -- laws which save lives -- mean nothing to them. No longer are they required to obey their civilian leaders. No longer are they required to atone for sins they commit. No longer are they culpable for YOUR death.</p>			
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>You, who they WERE charged to protect.</p> <p>You, who WERE to be their masters.</p> <p>You, who FUNDS them.</p> <p>Citizens of the United States: Rise up! Rise up against your oppressors! Rise up against the randomization of death! Rise up against the destruction of YOUR HOMELAND!</p> <p>Rise up against the U.S. Navy!</p> <p>A decade ago, the United States military was granted an exemption from environmental laws. The U.S. Navy is the most egregious -- and dirty -- of all militaries in history. They kill their own sailors, with radiation, with chemicals used in warfare, with chemicals used to keep their ships "ship-shape."</p> <p>My friends are dying. Your friends are dying. You and I are dying because we cannot -- no, because we WILL NOT -- rein in these cutthroats.</p> <p>The Navy's most recent crime involves directly poisoning nearly a quarter of a million square miles of "open ocean" -- where our fish grow, where our whales and dolphins frolic, where earth's balancing life develops. No fence will keep the poisons in the designated area.</p> <p>They will use radiation weapons, Directed Energy Laser Weapons, pressure (concussive and / or vacuum (over- / under-pressure) killing devices, and nearly 150 other kinds of "toys."</p> <p>These are the same guys who brought you Bikini, Eniwetok, and Rongelap. All radiation-poisoned islands.</p> <p>The same guys who pollute Vieques, Puerto Rico with Depleted Uranium -- as well as Okinawa and various sites on the U.S. mainland. And Iraq. And Kosovo. And Afghanistan. And tomorrow? Iran.</p> <p>The same guys who lie about how many of their own -- their submarine sailors -- are dying of brain tumors as their payment for service</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0415 (cont.)</b></p>	<p>aboard nuclear submarines.</p> <p>Hail the U.S. Navy! Professional killers! Professional planet-destroyers! Professional liars! Professionals in every way.</p> <p>Damn the torpedos. Damn the missiles. Damn the truth. Damn the citizens they claim to protect. Damn us all.</p> <p>Damn the U.S. Navy: Killers of U. S. citizens. Killers of the planet. Killers of us all.</p> <p>-----</p> <p>(Written by a patriotic citizen.)</p> <p>=====</p> <p>*****</p> <p><b>** THE ANIMATED SOFTWARE COMPANY</b></p> <p><b>** Russell "Ace" Hoffman, Owner &amp; Chief Programmer</b></p> <p>*****</p> <p>IF YOU RECEIVED THIS EMAIL IN ERROR AND/OR DO NOT WISH TO RECEIVE ANY MORE EMAILS FROM US FOR ANY REASON, PLEASE CONTACT RUSSELL HOFFMAN AT:</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0415 (cont.)</b></p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Jonathan Jay - Kaua'i, HI To: deis_hrc@govsupport.us Subject: Please Reject Naval Range Expansion Date: 9/17/2007 1:59:41 PM To Whom It May Concern:</p> <p>I stand firmly opposed to the Navy's plans for expansion of training operations at the Hawai'i Range Complex and Pacific Missile Range Facility. Instead of training to fight yesterdays phantoms, the Navy should provide real leadership and confront the challenges that face us today - preservation and remediation of our global environment on this watery world.</p> <p>The history of environmental degradation caused by such training exercises around the world leaves no doubt that the plans of the Navy to expand training exercises will cause irreparable harm.</p> <p>Mid-frequency sonar will destroy uncountable numbers of fish and marine mammals.</p> <p>Expeditionary Assault Activities will tear up beaches and dunes between Polihale and Barking Sands.</p> <p>Further, I would like to quote Juan Wilson, a Kaua'i citizen who has studied the EIS extensively:</p> <p>"Worse is the Directed Energy Laser Weapons Program. These are chemical lasers in which use hydrogen fluoride, a corrosive material which can be made to release a powerful burst of infrared radiation. The laser can be focused and aimed as a weapon (death ray). These laser can generate least 25 megawatts of energy that could destroy a missile 2,000 miles away. For the scale of this realize 25megawatts is half the electrical power generating capacity of Kauai. The firing of this weapon also destroys the lasing device and contaminates its site with hydrogen fluoride. A thousand foot radius danger zone, that could close the state park, will persist for days</p> <p>The Navy has not told us what effect on the environment hydrogen fluoride waste will have. What if there is a heavy rain and runoff after a test? What effect on coral reefs and offshore marine life would there be from hydrogen</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0416</td></tr><tr><td>1</td></tr><tr><td>2</td></tr><tr><td>3</td></tr><tr><td>4</td></tr></table>	COMMENT NUMBER	D-E-0416	1	2	3	4	<p>fluoride contaminated runoff into the ocean? What efforts will guarantee the safety of people using the access road to Poli Hale State Park after a test?</p> <p>In its Navy's EIS executive summary it simply says, "Appropriate remedial procedures would be taken before initiation of potentially hazardous laser operations on PMRF".</p> <p>That's it?!! That is unacceptable. "</p> <p>We must also accept the ethical responsibility that arises from our collusion with a plan which is intended to bolster our ability to cause death to countless men, women and children around the world.</p> <p>We must not blindly follow wherever the military leads in a knee-jerk desire for "security." True security rises from a people's ability to provide for their basic needs in a sustainable way while protecting their environment.</p> <p>I urge you do deny the Navy's expansion plans.</p> <p>Sincerely,</p> <p>jonathan jay</p> <p>Kapa`a Moku Puna Kaua`i, Hawai`i Nei</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0416 (cont.)</td></tr><tr><td>5</td></tr></table>	COMMENT NUMBER	D-E-0416 (cont.)	5
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>From: Marya Mann - Kailua-Kona, HI To: deis_hrc@govsupport.us Subject: Public Comment on Hawaii Range Complex Date: 9/17/2007 2:27:58 PM</p> <p><u>Deis_hrc@govsupport.us</u> (mailto:Deis_hrc@govsupport.us) AND <u>PR1.050107N@noaa.gov</u> (mailto:PR1.050107N@noaa.gov) .</p> <p>Public Comment on Draft EIS from Marya Mann, Ph. D. Please Send confirmation of receipt of this public comment into record.</p> <p>I am opposed to the dangerous activities of the U. S. Navy in the sea, on the land, and in the air around the Hawaiian islands.</p> <p>Wargames aren't games. There are no winners in wargames. Everyone is a loser in wargames. From the desk-ridden battle planners to the innocent bystanders who breathe lethal fumes, from the whales and other cetaceans who are being killed by high-powered sonar from Navy ships, to the damaged coral and other sea life, losers will continue to accumulate if you allow the Navy to expand training practice in our delicate region.</p> <p>Wargames are deadly because they express what is most insidious in human nature – aggression, greed, and anger. The Pentagon's short-sighted practices have bankrupt our national ethics and spread death, mayhem, and despair at home and around the world.</p> <p>Wargames disseminate chemical, toxic, and sometimes radioactive debris that will – this is not hypothetical: this is reality – pose serious risks to the welfare of our oceans, especially the delicate and highly protected Northwestern Hawaiian Islands. Consider....</p>	<p>D-E-0417</p> <p>1</p> <p>5</p>	<p>* The National Marine Fisheries Service (NMFS) - the federal agency charged with protecting our oceans - held that the Navy's use of active sonar was the most likely reason 150 melonhead whales attempted to beach themselves in Hanalei Bay in 2004.</p> <p>* In 1998, three whale calves and one dolphin calf were found dead or abandoned during and immediately following sonar testing, even though in 15 years of research this phenomenon had never been observed. One of these was a distressed whale calf who breached 230 times and pectoral slapped 658 times in front of Dr. Marsha Green's research team in a four-hour period.</p> <p>* In 2003, a study LINKING BEND-LIKE WHALE DEATHS TO SONAR was published and reported in the Washington Post and Honolulu Advertiser. Sonar caused whales to develop dangerous gas bubbles in some vital organs and blood vessels, to beach themselves and die, according to the study first published in the journal Nature.</p> <p>The Navy has said it is "committed to operating this system in an environmentally responsible manner," but the facts show otherwise.</p> <p>* Fact - From 1980 to 1995 the Navy developed and tested LFAS without obeying any of the applicable environmental laws. (National Environmental Policy Act, the Endangered Species Act, the Marine Mammal Protection Act, and the Coastal Zone Management Act.)</p> <p>* Fact - While the Navy was illegally developing and testing LFAS, they were also building a ship (TAGOS-23) estimated cost \$60 million to deploy the sonar.</p> <p>* Fact - In 1995, the Navy agreed to comply with federal laws and prepare an Environmental Impact Statement (EIS) prior to final deployment of the system only after pressure from the Natural Resources Defense Council (NRDC). The Navy has said, "Prior to preparing the Draft Environmental Impact Statement (DEIS) covering proposed system operation, the Navy sponsored an extensive Scientific Research Program (SRP) to specifically evaluate any</p>	<p>D-E-0417 (cont.) 2</p> <p>3</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)




	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0417 (cont.)</td></tr></table>	COMMENT NUMBER	D-E-0417 (cont.)	<p>Kailua-Kona, HI</p> <p>Long Live the Loom of Love *")</p>  <p>Ø²ºººº²º, Ø²ºººº²º, Ø²ºººº²º, Ø²ºººº²º</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0417 (cont.)</td></tr></table>	COMMENT NUMBER	D-E-0417 (cont.)
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D-E-0417 (cont.)							
<p>potential effects."</p> <p>* Fact -This SRP tested LFAS on only 4 species of cetaceans (out of over 30) for about one month each in only 3 geographical areas.</p> <p>* Fact - This SRP tested LFAS at an acoustic intensity at least 5,000 times lower than the Navy's planned deployment levels.</p> <p>* Fact - After testing LFAS for only one month the impact on long term reproductive rates of whales, dolphins, fish and all marine life are not known.</p> <p>* Fact - The Marine Mammal Commission, (a federal agency created to help protect marine mammals), expressed grave concerns in their 1997 annual report to Congress about the effects of the sonar on whales and other marine life. Specifically their report states: "If the LFA system were made available for worldwide use as proposed, all species and populations of marine mammals including those listed as endangered and threatened under the Endangered Species Act possibly could be affected.</p> <p>In the name of peace, in the name of protecting whales, the creature with the largest brains on earth, let's use our human brains and stop the madness!</p> <p>The thoughtful, innocent people of Kauai, the Big Island, and all of Hawaii oppose the U. S. Navy's destructive actions. To protect our culture, the pristine land, the open sea, and the vibrant air of this magical paradise, we encourage you to stop your wargames and use your big brains to figure out how to build the peace, not continue with sub-human forms of bloodshed.</p> <p>The mission of the Navy is "to maintain, train and equip combat-ready naval forces capable of winning wars, deterring aggression and maintaining freedom of the seas."</p> <p>The irony of your saying your mission is to win wars when you're creating so many losers is astonishing. The aggression within the military has become so dangerous that suicide is one of the leading causes of death among Navy enlisted men and women! And if you want to maintain the freedom of the seas, let the whales swim free and unfettered by your deadly sonar!</p> <p>Mahalo nui loa, Marya Mann, Ph. D.</p>	<table><tr><td>1</td></tr><tr><td>4</td></tr></table>	1	4				
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



<p>From: Glenn Giles To: deis_hrc@govsupport.us Subject: There should be NO ACTION-ALTERNATIVE taken on the Draft Environmental Impact St Date: 9/17/2007 2:35:30 PM</p> <p>There should be NO ACTION-ALTERNATIVE taken on the Draft Environmental Impact Statement for the Hawaii Range Complex. The alternatives will have detrimental impact upon the health of the Hawaiian people and the environment. It would also be bad for tourism.</p> <p>Glenn Giles</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0418</b></p> <p>1</p>	<p>From: David and Carol Gerow - Kilauea, HI To: deis_hrc@govsupport.us Subject: Comments to Draft EIS for Navy Operations Hawaii Date: 9/17/2007 2:46:58 PM Comments included in this e-mail and as .pdf attached.</p> <p>David Gerow</p> <p>Kilauea, Hawaii September 15, 2007</p> <p>Re: Comments to Draft Environmental Impact Statement Hawaii Range Complex</p> <p>Sirs,</p> <p>I have reviewed the Draft EIS for the Hawaii Range Complex and would like to reject the request for the Navy to expand it's operations and to reject Alternatives 1 and 2 due to unacceptable environmental risks.</p> <p>I believe that Hawaii bears an unproportional presence of military activities and think that we should reduce the amount of military testing in the area for the peace of Hawaii's residents and the health of the environment. Many of the activities performed and proposed by the Navy are very damaging to the environment, particularly the use of high intensity sonar, high energy laser weapons, underwater detonations, beach assault landings, and the general impacts from the large number of ships and activities in the area. Within the study area is also a Marine National Monument, an area that contains many endangered species of plants and animals that could be harmed by these activities.</p> <p>The impact that I am most concerned about is the use of the high intensity sonar. This technology is extremely damaging to marine life, particularly cetaceans (whales and dolphins). There have been numerous beachings of these animals around the world from the use of this sonar, including an event near my house in Hanalei in 2004. The EIS says that the damage to mammals is minimal above 195 dB, however this level has shown harm in whales who depend on their hearing for their survival.</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0419</b></p> <p>1</p> <p>2</p> <p>3</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div>		<div>COMMENT NUMBER</div>
<p>The Navy has a bad record in Hawaii for destroying the environment, downplaying the damage, and neglecting its responsibility to clean the sites up. Take a look at Pearl Harbor and the massive contamination on the land and in the water and then look at Kahoolawe and the residual munitions there. They should spend the money to clean up those sites and not to contaminate more.</p> <p>Please reject the EIS and stop the increase of the areal extent and use of the Hawaii Range Complex.</p> <p>Sincerely,</p> <p>David and Carroll Gerow</p>	<div>D-E-0419 (cont.)</div> <div>4</div> <div>1</div>	<p>From: Ka'iulani Huff - Kapa'a, HI To: deis_hrc@govsupport.us Subject: Naval plans for Kaua'i Date: 9/17/2007 3:21:15 PM</p> <p>As an indiginous person, I am in favor of the entire military leaving our island. Your presence here puts us in the middle of the target. Your structures and buildings and tests desecrate our sacred island. You bring fear and evil. Leave our island home, we don't want or need you and your "war games", and your presence here isin fact in violaqtion of international law; you are illegally occupying a peaceful and Sovereign Nation. (See public law 150-President Bill Clinton)</p> <p>Ka'iulani Huff Kapa'a, Hawaii Hawaiian Kingdom</p>	<div>D-E-0420</div> <div>1</div>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>From: Romi Elnagar - Baton Rouge, LA To: deis_hrc@govsupport.us Subject: Alternative Actions regarding a Draft E. I. S. for the Hawaiian Islands</p> <p>Date: 9/17/2007 3:25:02 PM Dear Sir or Madam,</p> <p>The Hawaiian Range is a precious natural resource that we MUST pass on to our children undisturbed, as far as is within our means. This will not happen if it is used by the US Government for military purposes, which are entirely unnecessary for a nation that possesses the largest concentration of nuclear firepower on the globe.</p> <p>May I point to the following factors which also militate [pardon the expression!] against the use of the Hawaiian islands for military exercises?</p> <p>the high use of energy the cumulative impacts upon human and animal health the socio/economic injustice to the native Hawaiian Islanders who live in this militarized impacted area, radioactive and chemical hazards and problems associated with storage and waste products the permanency of radioactivity from Uranium munitions in the environment (U-238, for example, has a half-life of 4.5 Billion years) destruction to natural, pristine areas and natural resources and vegetation the erosion of air quality and water quality of the sea the financial taxpayers' burden of these military operations the impact on Hawaiian tourism and desirability as a place to live the risks to health and safety of humans and all impacted life forms</p> <p>I urge you to not to allow these beautiful islands to be destroyed by unnecessary military operations of any sort.</p> <p>Romi Elnagar Baton Rouge, Louisiana</p>	<p>D-E-0421</p> <p>1</p> <p>2</p> <p>1</p>	<p>From: Judith Heath - Kailua-Kona Big Island, HI To: deis_hrc@govsupport.us Subject: Public Comment on Draft EIS regarding Navy Sonar Use</p> <p>Date: 9/17/2007 3:30:21 PM Public Comment on Draft EIS from Judith Heath, retired science teacher, Kailua-Kona.</p> <p>Please Send confirmation that you have received my testimony and entered it into the record.</p> <p>I am distressed that the Navy has not complied with the spirit and intent of the regulations in place to protect marine mammals from the deadly barrage of sonar. This is the history, as I know it:</p> <p>--The National Marine Fisheries Service (NMFS) - the federal agency charged with protecting our oceans - held that the Navy's use of active sonar was the most likely reason 150 melonhead whales attempted to beach themselves in Hanalei Bay in 2004.</p> <p>--In 1998, three whale calves and one dolphin calf were found dead or abandoned during and immediately following sonar testing, even though in 15 years of research this phenomenon had never been observed. One of these was a distressed whale calf who breached 230 times and pectoral slapped 658 times in front of Dr. Marsha Green's research team in a four-hour period.</p> <p>--In 2003, a study LINKING BEND-LIKE WHALE DEATHS TO SONAR was published and reported in the Washington Post and Honolulu Advertiser. Sonar caused whales to develop dangerous gas bubbles in some vital organs and blood vessels, to beach themselves and die, according to the study first published in the journal Nature.</p> <p>The Navy insists it is "committed to operating this system in an environmentally responsible manner," but their record show otherwise:</p> <p>1 - From 1980 to 1995 the Navy developed and tested LFAS without obeying any of the applicable environmental laws. (National Environmental Policy Act, the Endangered Species Act, the Marine Mammal</p>	<p>D-E-0422</p> <p>1</p> <p>2</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div> <div>D-E-0422 (cont.)</div>		<div>COMMENT NUMBER</div> <div>D-E-0422 (cont.)</div>
<p>Protection Act, and the Coastal Zone Management Act.)</p> <p>2 -While the Navy was illegally developing and testing LFAS, they were also building a ship (TAGOS-23) estimated cost \$60 million to deploy the sonar.</p> <p>3 - In 1995, the Navy agreed to comply with federal laws and prepare an Environmental Impact Statement (EIS) prior to final deployment of the system only after pressure from the Natural Resources Defense Council (NRDC).</p> <p>The Navy has said, "Prior to preparing the Draft Environmental Impact Statement (DEIS) covering proposed system operation, the Navy sponsored an extensive Scientific Research Program (SRP) to specifically evaluate any potential effects."</p> <p>1 -This SRP tested LFAS on only 4 species of cetaceans (out of over 30) for about one month each in only 3 geographical areas.</p> <p>2 - This SRP tested LFAS at an acoustic intensity at least 5,000 times lower than the Navy's planned deployment levels.</p> <p>3 - After testing LFAS for only one month the impact on long term reproductive rates of whales, dolphins, fish and all marine life are not known.</p> <p>The Marine Mammal Commission, (a federal agency created to help protect marine mammals), expressed grave concerns in their 1997 annual report to Congress about the effects of the sonar on whales and other marine life. Specifically their report states: "If the LFA system were made available for worldwide use as proposed, all species and populations of marine mammals including those listed as endangered and threatened under the Endangered Species Act possibly could be affected.</p> <p>Please. Look at the "token gesture" SRP and see it for what it is, inadequate in scope and duration. My friends, family, and neighbors believe you can do better, and trust you to make the effort.</p> <p>Sincerely,</p>	<p>Judith Heath</p> <p>Kailua-Kona Big Island</p>		

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>From: Shannon Rudolph - Holualoa, HI To: deis_hrc@govsupport.us Subject: Public Comment on Draft EIS Date: 9/17/2007 3:36:56 PM Aloha,</p> <p>I can't understand the irony of a military charged with protecting the people of the United States, when in fact this is the very same group that is poisoning us.</p> <p>The military is the largest polluter in Hawaii; spreading deadly depleted uranium radiation, lead, and many other toxins on land and sea. Not to mention sonar, which are harming whales, dolphins, and human businesses connected with same.</p> <p>The military is supposed to look out for our welfare but it is doing just the opposite.</p> <p>Please clean up your act; no war games in Hawaii, stop the contamination of our planet by all military actions that harm us.</p> <p>The Army has reported 828 contaminated sites in Hawaii.. how many sites does the Navy have... so far?</p> <p>Mahalo, Shannon Rudolph</p> <p>Holualoa, HI.</p>	<p>D-E-0423</p> <p>1</p>	<p>From: Robert V. Crifasi To: deis_hrc@govsupport.us Subject: Navy's Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) for the Hawaii Range Complex. Date: 9/17/2007 3:39:19 PM</p> <p>To the Principals at work in the Department of the Navy:□□The principals of the US Navy have stated their plans to wage increased military operations on the Hawaiian Islands and the □Pacific Ocean with increased "war games" and military exercises in order to □expand military capabilities. □□This email is sent to □strongly oppose Alternative Actions regarding a Draft Environmental Impact Statement for □the Hawaii Range Complex. These Alternative Actions will have an adverse, □damaging impact upon the Hawaiian Islands – the Hawaiian people and all forms of □marine mammals and sea life including fragile and Endangered Species such as: □humpback whales, green sea turtles, Hawaiian monk seals, Hawaiian stilt a'eo, □and laysan albatross in the Pacific and on/around the Islands of: Kauai, Niihau, □Kaula, Oahu, and Hawaii* ... within a total area of 2.1 Million square nautical □miles in the Pacific Ocean. □□This email is my Voice to your ears in STRONG OPPOSITION to the war military operations buildup/testing program, the high use □of energy, the approval process for these actions, the cumulative impacts upon □human and animal health, the socio/economic injustice to the native Hawaiian □Islanders who live in this militarized impacted area, radioactive and chemical □hazards and problems associated with storage and waste products, the permanency □of radioactivity from Uranium munitions in the environment (U-238, for example, □has a half-life of 4.5 Billion years), destruction to natural, pristine areas □and natural resources and vegetation, the erosion of air quality and water □quality of the sea, the financial taxpayers' burden of these military □operations, impact on Hawaiian tourism and desirability as a place to live, and □the risks to health and safety of humans and all impacted life forms.□□Why are you FIENDS so ready to destroy what you did not and cannot create, nor can you re-create what you plunder!?□□The damaging effects of these weapons and military "war □games exercises" are not merely a problem for Hawaiians and those living near □the Pacific Ocean alone! □□*Affected areas on the Hawaiian Islands (not □including the Pacific Ocean): □* Kauai, Niihau, Kaula, Pearl Harbor Oahu, □Coast Guard Air Station Barbers Point/Kalaeloa Airport Oahu, Marines Marine □Corps Base Hawaii Oahu, Marine Corps Training Area</p>	<p>D-E-0424</p> <p>1</p> <p>2</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



Bellows Oahu, Air Force □Hickam Air Force Base Oahu, Army Kahuku Training Area Oahu, Makua Military □Reservation Oahu, Dillingham Military Reservation Oahu, Wheeler Army Airfield □Oahu, K-Pier, Kawaihae Hawaii, Bradshaw Army Airfield Hawaii, □Pohakuloa □Training Area Hawaii.□□STOP! DO NOT PROCEED! BEAT YOUR WEAPONS INTO PLOWSHARES AND FEED THE PEOPLE, NOT THE GREEDY CORPORATE ENEMIES OF WE PEOPLE!□□Ending the so called "war on terror" starts at home! □You have a DUTY to REFUSE an ILLEGAL ORDER. □□Robert V. Crifasi□Representative of the united States of America□□□ □□

**COMMENT  
NUMBER**D-E-0424  
(cont.)

From: Cathy Garger - MD  
To: deis\_hrc@govsupport.us  
Subject: Hawaii Range Complex Comment  
Date: 9/17/2007 3:50:59 PM  
To the decision makers for the HRC,

With regards to the Hawaii Range Complex, I must urge you to go with the No-Action Alternative. The military actions and exercises in that region are already more than sufficient to train and prepare for the world war-making situation.

By saying that you feel the need to gear up for more military action this can only imply that the US feels the need to go forth and invade, attack, and then rob and steal the resources of other nations still yet-to-be invaded and occupied by those imperialists in positions of power.

The alternatives that you have stated that would allow many dozens of military operations and exercises to be expanded - and new programs implemented - will do untold harm to the Pacific Ocean, to all life forms therein - to all creatures of the air, land, and sea.

You will further erode the fragile ecosystems of the Hawaiian Islands and devastate the various Endangered Species in that region as well.

Hawaii has already been tragically militarized since 1900 when we first built the now-horribly contaminated Pearl Harbor. It is as if the US Military has chosen Hawaii as its own personal, private, war-making, destructive playground.

How dare our government go in and take over these lands that were held in sacred, spiritual reverence for so many centuries? How dare we invade the culture of the Hawaiian people and replace it with tanks, bullets, submarines, jet fighter planes, and guns instead? How dare we radioactively contaminate the Hawaiian lands with chemical toxics and tremendous quantities of radioactive materials such as U-238 already present on many of the military bases?

And now our military want to add insult to injury? We want to add more live-fire DU munitions, more missiles, more torpedoes, more rounds from gunnery

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<p>ranges and shot from planes and ships and Stryker brigade combat vehicles on the ground?</p> <p>Have we lost our sanity? Have we honestly all "bought into" this crazed military war-making madness that is only happy when it brings death, devastation, and destruction upon the air, the water, the land, and the wildlife upon which humans depend on for our very survival?</p> <p>How could we possibly even contemplate even one more day of radioactive weaponry when we know enough to know that this ordnance causes not only cancers, diabetes, kidney disease, respiratory disorders, blood disorders, auto immune system disorders but also alters the genetic materials of cells, our very own ability to reproduce? How can we continue to use Uranium munitions when we realize that the damage is done to the genetics of that individual that will affect all future descendants of that individual forevermore?</p> <p>Do you study only the studies that the US Army gives you to read? Have you read nothing else but what the federal government, your employer, wishes you to know? Read the scientific works of Rosalie Bertell, Ph.D., and Asaf Durakovic, MD, Ph.D. and Chris Busby, Ph.D. and Ernest Sternglass, Ph.D., and John Goffman, MD and Diane Stearns, Ph.D., and you will find out all about the damage that Uranium does to life - all forms of life (not just human life).</p> <p>Your desire to expand military operations in Hawaii is deplorable and unacceptable. It will create injustice - social and environmental both - upon the Hawaiian indigenous peoples who live near the bases and the others who DEPEND on clean and NON-contaminated (chemical toxic and radioactive contamination both) waters in which to make their living and eat their food from the sea!</p> <p>The further militarization and degradation of the Hawaiian Islands and surrounding 2.1 million square nautical miles will also harm tourism there and thus, the economics of the Islands. True, you will help to expand the economy brought in by some new military vendors and related contractors, but you will continue to scare tourists away!</p> <p>Then again, come to think of it, perhaps that is precisely what you want? If you scare enough tourists away, perhaps then you can have the Islands all to yourself eventually, in order to exclusively be able to play war? Are you looking</p>	<p>D-E-0425 (cont.)</p> <p>3</p> <p>5</p>	<p>to take over more of the Hawaiian Islands just like you have San Nicolas and San Clemente Islands off the California coast? Meanwhile all of you who work there will get only sicker and die more quickly as radioactive contamination lasts, depending on the material, from thousands to billions of years.</p> <p>You are also making your own selves sick by this chemical and radiological war-play madness. Do you not even respect your own selves, your own families, and your fellow soldiers and their families there? Do you not know that a sub-micron-sized nanoparticle of Depleted Uranium can lodge itself in your lung and stay there for decades until one day you reap the horrible effects such as cancer or the other afore-mentioned diseases?</p> <p>I resent our American taxpayer monies being used to practice playing war in order to kill countless Millions of innocents. We are killing innocent people in Afghanistan and Iraq as we speak and the fact that the Navy is being told to expand in the Pacific is only telling many of us that there are plans to invade and occupy "multiple theaters".</p> <p>It is time that those who work for the military - who are not all inherently evil - to wake up and realize the harm that you are doing to the planet. As an environmentalist, I weep for the harm our government has already done to our natural resources, to our wildlife, and to the genetic code of humans and all animal life.</p> <p>If you have any sense of decency, any conscience, any morsel of humanity whatsoever, you will decide to go with No Action Alternative and at least not expand the harm you are currently doing to all forms of life in the Pacific.</p> <p>Thank you for your consideration to my thoughts on this matter. I pray that a human reads this and not a person who has been taught only how to make war and kill.</p> <p>If you care about life - human life, animal life, marine life - future generations of animal and humans, you will decide to go the No Action Alternative and minimize the damage you are doing in the Pacific.</p> <p>Our government has already done irreparable damage to Paradise. I beg you to not allow the US to make things go from very bad to even worse.</p> <p>Sincerely, Cathy Garger Maryland</p>	<p>D-E-0425 (cont.)</p> <p>4</p> <p>2</p> <p>1</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div> <div>D-E-0426</div> <div>1</div>		
<div>From: Camellia May - Houston, TX</div> <div>To: deis_hrc@govsupport.us</div> <div>Subject: No Munitions Testing in Hawaii!</div> <div>Date: 9/17/2007 3:55:08 PM</div> <div>I want to go to Hawaii one day! No to testing of live munitions in Hawaii.</div> <div>No to use of depleted uranium!</div> <div>I vote!</div> <div>Camellia May</div> <div>Houston, TX</div>		<div>From: Jason S. Nichols - Lawai, HI</div> <div>To: deis_hrc@govsupport.us</div> <div>Subject: What are you people doing?</div> <div>Date: 9/17/2007 4:20:55 PM</div> <div>Is a weapon or an exercise really worth it, if it does damage to the place it is supposed to be defending? The evidence is overwhelming that sonar is hurting undersea mammals. I personally feel the U.S. Navy should be leaning more towards a humanitarian role on this planet. With climate change there is going to be much more of a need for disaster relief than for fighting. Maybe time and money would be better served practicing helping the many who will soon need help.</div> <div>Jason S. Nichols</div> <div>Lawai, HI</div>	<div>COMMENT NUMBER</div> <div>D-E-0427</div> <div>1</div>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div>		<div>COMMENT NUMBER</div>
<div>From: Miriam Clarke - Hanalei, HI To: deis_hrc@govsupport.us Subject: Opposition to proposed expansion of training facilities at PMRF Date: 9/17/2007 4:54:09 PM To Whom it May Concern:</div> <div>I borrow freely the words of my friend to express my own feelings regarding the proposed expansion of training facilities and exercises at PMRF as follows:</div> <div>I stand firmly opposed to the Navy's plans for expansion of training at the Hawai'i Range Complex and Pacific Missile Range Facility.</div> <div>The history of environmental degradation caused by such training exercises around the world leaves no doubt that the plans of the Navy to expand training exercises will cause irreparable harm.</div> <div>Mid-Frequency sonar will destroy uncountable numbers of fish and marine mammals.</div> <div>Expeditionary Assault Activities will tear up beaches and dunes between Polihale and Barking Sands.</div> <div>We must also accept the ethical responsibility that arises from our collusion with a plan which is intended to bolster our ability to cause death to countless men, women and children around the world.?</div> <div>I urge you to deny the Navy's expansion plans.</div> <div>Sincerely,</div> <div>Miriam Clarke  Hanalei, HI</div>	<div>D-E-0428</div> <div>1</div> <div>2</div> <div>3</div> <div>1</div>	<div>From: Daniel Hoffman To: deis_hrc@govsupport.us Subject: Hawaii Range Complex Environmental Impact Statement Date: 9/17/2007 5:02:08 PM To Whom It May Concern, US Government:</div> <div>Pease do not make the whales become extinct for the good of our nation. Sincerely Yours,</div> <div>Daniel Hoffman</div>	<div>D-E-0430</div> <div>1</div>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



	<div>COMMENT NUMBER</div> <div>D-E-0431</div>		<div>COMMENT NUMBER</div> <div>D-E-0431 (cont.) 4</div>
<div>From: Duane Erway - Kailua-Kona, HI To: deis_hrc@govsupport.us Subject: Duane D. Erway's comments on the draft EIS Date: 9/17/2007 5:04:26 PM P.O. Box 2807 Kailua-Kona, HI 96745 16 September 2007  Re: Hawaii Range Complex Draft Environmental Impact Statement/ Draft Overseas Environmental Impact Statement  This text below supercedes any testimony you may or may not have from me from the meeting on 29 August 2007 in Hilo. Please publish this as my comments on the Draft Environmental Impact Statement and delete any comments of mine from Hilo meeting.  Sirs/madam:  I wish to focus on the danger from the mid-frequency sonar (3.5-7.5 kHz) operating at 235 decibels. Use of mid-frequency sonar in Hawaiian waters at 235 dB, as planned, will likely injure or kill the Cuvier's beaked whales and we may not get an accurate body count. Other deep diving marine mammals may also be at risk. Use of mid-frequency sonar in Hawaiian waters at 235 dB, as planned, has the potential to disrupt the behavioral patterns essential for survival of the highly endangered monk seals including migration, breathing, nursing, breeding, feeding, or sheltering*.  The EIS makes a totally fallacious statement when it says that there is no indication of any adverse impact on beaked whales from exposure to sonar use for 30 years in Hawaiian waters. Just because there have been no visible/apparent strandings in Hawaii, does not mean that the beaked whales have not been injured. Previously studied pods of Cuvier's beaked whales in the Bahamas disappeared the year following the beaching there. One can assume they died without beaching after exposure to sonar or decided to leave the area.</div>	<div>2</div> <div>3</div> <div>1</div>	<div>On March 15, 2000 17 cetaceans of 4 species, including Cuvier's beaked whales, stranded themselves in the Bahamas right after the Navy conducted a sonar test during an anti-submarine warfare Gap Exercise using mid-frequency sonar. The National Marine Fisheries Service and the Navy considered the strandings to be "highly likely" linked to the sonar tests. High-decibel sonar tests in other parts of the world have also coincided with stranded whales, but the Bahamas' whales showed the first clear sign of internal damage that might have been linked to the tests. And the stranded whales may only have been the tip of the iceberg. Subsequently, Earthwatch teams sighted no Cuvier's beaked whales in the Bahamas. See: <a href="http://www.earthwatch.org/site/pp.asp?c=dsJSK6PFJnH&amp;b=1849941">http://www.earthwatch.org/site/pp.asp?c=dsJSK6PFJnH&amp;b=1849941</a>  I call the Navy's attention to the workshop organized by Dr. Roger Gentry of NMFS in May, 2002 which examined theoretical reasons why Cuvier's beaked whales beached. At this workshop, Dr John Potter built on the work of Drs. Crum and Mao, showing the likely culprit was due to sound activation of bubbles in the animal's blood, rather than resonance of air cavities in the animal or panic*. Dr. Lee Tepley made important contributions at this workshop and he provides analysis of some aspects of bubble activation in the .pdf file attached to his testimony: "Bubble Activation and Growth in Cetaceans by a Relatively Low Energy Sound Wave."  A troubling conclusion of the theoretical work was that the sound level at which this occurs might be very low: only a very small received level might induce the bends in the animal.  Cuvier's beaked whales have stranded after very modest received levels: 145 to 150 dB. A safe received level is likely to be much lower than this.  Navy scuba divers had a "very severe aversion" to the low frequency sonar at 148 dB. While the Navy can order scuba divers out of the water during mid frequency sonar tests, Cuvier's beaked whales and monk seals will not be so fortunate. See details at: <a href="http://www.surtass-lfa-eis.com/DiverStudies/index.htm">http://www.surtass-lfa-eis.com/DiverStudies/index.htm</a>  The Navy needs to operate the mid-frequency sonar at power levels</div>	<div>7</div> <div>6</div> <div>5</div>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER		COMMENT NUMBER
that protects Cuvier's beaked whales and the highly endangered monk seals. I will close with these questions:	D-E-0431 (cont.)	number that may be killed by other than natural causes, without compromising the OSP." (From the August, 2007 NMFS report.) Details at: <a href="http://www.nmfs.noaa.gov/pr/pdfs/recovery/hawaiianmonkseal.pdf">http://www.nmfs.noaa.gov/pr/pdfs/recovery/hawaiianmonkseal.pdf</a>	D-E-0431 (cont.)
1)□What is a safe received-level of mid-frequency sonar for Cuvier's beaked whales that will not cause injury or death? 2)□At what range will passive listening devices hear the sounds made by Cuvier's beaked whales? 3)□At what power level will it be safe to operate the mid-frequency sonar so that it will NOT exceed the acceptable received level at the ranges where Cuvier's beaked whales will be detected? 4)□What is the safe-received-level of mid-frequency sonar to prevent disrupting the behavioral patterns the highly endangered monk seal including migration, breathing, nursing, breeding, feeding, or sheltering? 5)□At what range will passive listening devices hear the sounds made by monk seals? 6)□At what power level will it be safe to operate the mid-frequency sonar so that it will NOT exceed the acceptable received level at the ranges where monk seals will be detected? 7)□What other deep diving marine mammals are at risk of injury or death due to sound activation of bubbles in the animal's blood?	1	** Resonance is not very important because of the low "Q" of the air cavities within marine mammals. Panic would in occur in situations where the animals could actually hear the sonar signal but eleven Cuvier's beaked whales beached in Greece in May 1996 after NATO tests of low frequency sonar. This sonar operates at 100 to 500 Hz, completely out of the range of Cuvier's beaked whales hearing. This leaves sound activation of bubbles in the animal's blood as the likely cause of the strandings.	
Sincerely,			
Duane D. Erway			
* "The Hawaiian monk seal ( <i>Monachus schauinslandi</i> ) is in crisis: the population is in a decline that has lasted 20 years and only around 1200 monk seals remain. Modeling predicts the species' population will fall below 1000 animals in the next five years. Like the extinct Caribbean monk seal and the critically endangered Mediterranean monk seal, the Hawaiian monk seal is headed to extinction if urgent action is not taken. Implementation of this plan, adequate resources, and improved coordination and cooperation provide hope that the species decline can be reversed. The population is so in decline that NMFS can't calculate a meaningful Potential Biological Removal (PBR) rate that allows the Monk Seal population to survive. The PBR defines the			

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Karin Friedemann - Boston, MA To: deis_hrc@govsupport.us Subject: Preserve Hawaii Date: 9/17/2007 5:12:34 PM Dear Sir,</p> <p>I am writing to express my concern about military actions that would pollute the environment of Hawaii. I urge you to do all that is in your power to prevent the contamination of our honeymoon island by Deplete Uranium.</p> <p>Karin Friedemann, Boston</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0432</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0432	1	<p>From: Napuanani McKeague - Kauai, HI To: deis_hrc@govsupport.us Subject: Date: 9/17/2007 5:27:53 PM</p> <p>I urge the Military to stop its use of high-intensity, mid-frequency sonar in its training exercises.</p> <p>Marine life such as whales and dolphins depend on sound to navigate, find food, avoid predators and communicate. Using mid-frequency in this environment disrupts these critical behaviors and threatens their survival.</p> <p>Marine life should not have to suffer for military training and the Military should no longer ignore the unnecessary harm inflicted by this technology.</p> <p>Today's Military should be using its vast resources to protect not just our nation but the health of the environment that it surrounds its' self with whether it is land, sea or air.</p> <p>There are many common-sense precautions that would not compromise military readiness and with a budget that seems to have no limits and comes before the nation's need of focusing education, out of control homelessness, and health care that costs more than even a upper average American citizen can afford it would seem a fair compromise.</p> <p>Sincerely,</p> <p>Napuanani McKeague Resident of Kauai, HI</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0433</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0433	1
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>From: Jacquelyn Dillon - Maui, HI To: deis_hrc@govsupport.us Subject: Mid-Frequency Sonar testing in Hawaii Date: 9/17/2007 5:45:56 PM To Whom it may concern:</p> <p>As a citizen of the United States, I wish it to be known that I in no way support the proposed active sonar in Hawaiian waters.</p> <p>The merest intelligent consideration of the evidence of probable destruction to be caused by such tests is all it would take to see need to seriously reconsider such action. I can only assume ignorance and denial on the Navy's part, and their proposal reeks of such qualities.</p> <p>If any human being making up the organization that is the U.S. Navy is guided by any sense of moral purpose or responsibility in life, I can only assume one such moral value may be a sense of service to one's country. You do no service to me, you do no service to my family, no service to the children of our country, to the people of Hawaii by callously and arrogantly acting so foolishly and destructive in the name of the preservation of our country. You do not preserve the United States by destroying the very fiber of the natural world in which it is housed.</p> <p>May the God of your choice be willing to turn the tide on such an outdated policy of abuse of power. Grow up. It is a sincere request. Be men and women of sanity and intelligence. Again, THE PRESERVATION OF OUR COUNTRY IS NOT TO BE HAD IN THE DESTRUCTION OF THE NATURAL WORLD IN WHICH IT IS HOUSED.</p> <p style="text-align: right;">Sincerely, Jacquelyn Dillon Maui, HI</p>	<p>D-E-0434</p> <p>1</p> <p>2</p>	<p>From: Kirsten Jackson - Kaua'i, HI To: deis_hrc@govsupport.us Subject: ATTN: HRC EIS/OEIS Date: 9/17/2007 6:00:26 PM</p> <p>To whom it may concern:</p> <p>The expansion and upgrading of the Hawaii Range Complex (especially PMRF) is of great concern to me. We live in a very fragile ecosystem that supports endangered marine life and plant species. Our actions in altering these natural ecosystems have consequences that are farther reaching that we can imagine.</p> <p>How many underwater fish and mammals will die from increased mid-frequency sonar?</p> <p>Irreversible damage will be done by tearing up the dunes and beaches in Expeditionary Assault Activities. How thorough will you really be when checking for marine mammals in the target area? When you are already doing so much damage to the environment, what is one monk seal to the Navy?</p> <p>But, it is the Directed Energy Laser Weapons that worries me the most. What effects will Hydrogen Fluoride have on us, our beaches, our oceans, our ground water, our air? With a thousand foot dead zone, how often will the beaches I access all of the time be closed? Once they are reopened, are they really safe?</p> <p>I strongly oppose the expansion of PMRF and Hawaii Range Complex. What good is it to expand our military &amp; safety from foreign attack if we don't have an inhabitable island left to live on?</p> <p>Sincerely, Kirsten Jackson Resident of Kaua'i</p>	<p>D-E-0435</p> <p>1</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Ru Carley To: deis_hrc@govsupport.us Subject: Sonar Practices in Hawaiian Waters Date: 9/17/2007 6:07:49 PM I am opposed to the dangerous activities of the U.S. Navy in the sea, on the land, and in the air around the Hawaiian islands.</p> <p>If you want to maintain freedom of the seas, let the whales, dolphins, seals and any other sealife swim free and unfettered by deadly sonar!</p> <p>Mahalo nui loa,</p> <p>Ru Carley</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0436</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0436	1	<p>From: Patricia S Port - Oakland, CA To: deis_hrc@govsupport.us Subject: Comment letter for ER07/615 Date: 9/17/2007 6:16:09 PM Attached is a copy of the Comment Letter for ER 07/615. The letter was filed today with the Public Affairs Office, Pacific Missile Range. If you have any further questions, please do not hesitate to ask.</p> <p>Thank you.</p> <p>Patricia Sanderson Port</p> <p>Regional Environmental Officer Office of Environmental Policy &amp; Compliance US Department of the Interior, Region 9</p> <p>Oakland, CA</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0437</td></tr></table>	COMMENT NUMBER	D-E-0437
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



## United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Pacific Southwest Region  
1111 Jackson Street, Suite 520  
Oakland, California 94607

IN REPLY REFER TO:  
ER#07/615

*Filed Electronically*

24 September 2007

ATTN: HRC EIS/OEIS  
Public Affairs Officer,  
Pacific Missile Range  
Facility, P.O. Box 128,  
Kekaha, Kauai, Hawaii, 96752-0128  
[deis\\_hrc@govsupport.us](mailto:deis_hrc@govsupport.us)

Subject: Review of the Draft Environmental Impact Statement (DEIS), for the Hawaii Range Complex (HRC) Project, Honolulu, Maui, and Hawaii Counties, HI

Dear Public Affairs Officer:

The Department of the Interior has received and reviewed the subject document and has the following comments to offer:

The Department of the Interior (DOI) is submitting supplemental comments for Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) for the Hawaii Range Complex (HRC), including the revised sections, provided by your office on July 27, 2007. Please consider these comments, and disregard our previous no comment letter.

These comments are provided in accordance with the National Environmental Policy Act of 1969 [42 U.S.C. 4321 *et seq.*; 83 Stat. 852] (NEPA); and other authorities mandating Federal oversight of environmental resources including the Fish and Wildlife Coordination Act of 1934 [16 U.S.C. 661 *et seq.*; 48 Stat. 401], as amended (FWCA); the Federal Clean Water Act [33 U.S.C. 1251 *et seq.*; 62 Stat. 1155], as amended (CWA); the Endangered Species Act of 1973 [16 U.S.C. 1531 *et seq.*; 87 Stat. 884], as amended (ESA); the Migratory Bird Treaty Act of 1918 [16 U.S.C. 703 *et seq.*; 40 Stat. 755] as amended (MBTA); and the Sikes Act of 1960 [16 USC *et seq.*; 74 stat. 1052], as amended.

Proposed action would upgrade and modernize capabilities of HRC, which encompasses land, air and sea training ranges in and around the Hawaiian Islands. HRC supports local military units,

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multi-national exercises, and facilitates rapid deployment of U.S. defense forces, as necessary. Proposed action is intended to fulfill and improve U.S. government national security and alliance requirements in Pacific Region and increase strategic defense role of the Hawaiian Islands.

We have provided general comments on the Draft EIS/OEIS below. Document-specific comments are provided in Appendix 1.

#### *Adequacy and scope*

Overall, Draft EIS/OEIS lacks adequate information to assess potential impacts of proposed actions to fish and wildlife resources. Descriptions of affected environment and impact analyses are cursory, and role of other facility and management plans, particularly at facilities not under direct control of the Department of the Navy, are unclear. Due to these deficiencies, we recommend that a Revised Draft EIS/OEIS be prepared and re-submitted for public review.

For many facilities or locations, Draft EIS/OEIS only provides a description of proposed HRC actions that will be conducted at the site (*e.g.*, Section 3.4.2.15 Kaena Point, page 3-276 among others); and other key information is missing. For example, federally listed species and other Federal trust species have not been accurately identified for some facilities. We recommend affected environment section for each facility be reviewed and revised to be accurate and complete. Where appropriate, we recommend relevant reference material is cited and, as necessary, surveys be conducted.

No definition of terms "tempo" or "frequency" is provided and meaning of these terms is unclear. In many instances throughout Draft EIS/OEIS, no specific description of changes in duration (*i.e.*, length of time the action will occur), timing (*i.e.*, month or season of the year), and frequency (*i.e.*, number of events each year) of training action is provided.

We believe that to assess potential impacts it is critical to account for duration, timing, and frequency of activities, as all factors will have an effect on magnitude of potential impact to fish and wildlife resources. We recommend each activity be clearly described, including expected duration, timing, and frequency of each proposed action for all alternatives.

Draft EIS/OEIS does not analyze potential threats to vegetation, wildlife, geology, and water resources expected as a result of proposed actions. Analysis in Draft EIS/OEIS generally indicates that effects to wildlife will be minimized or that no impacts are anticipated.

However, few potential impacts are identified or quantified, and little data and few citations to other scientific reports or literature are provided to support determination of minimized impact or no effect. Potential impacts such as wildfire, trampling, downdraft from aircraft, lighting effects, general harassment of animals over multiple seasons and longer durations, noise, dust, debris, explosions and vibrations, soil erosion and sedimentation, introduction of non-native species, construction related impacts, electromagnetic radiation (EMR), and increases in release and accumulation of potential environmental contaminants receive cursory, and in some cases no examination in Draft EIS/OEIS.

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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



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<p>We recommend all potential impacts be identified in a Revised Draft EIS/OEIS and quantitative data be included in impact analysis. Where results warrant, we recommend appropriate mitigative measures be developed in cooperation with Fish and Wildlife office in Honolulu, to compensate for damages or losses to fish and wildlife resources as a result of proposed actions.</p> <p>While Draft EIS/OEIS frequently states that new training activities have not been proposed, we find that numerous new activities and facilities have been included.</p>	<p>D-E-0437 (cont.)</p>	<p>We recommend that this list, in conjunction with information from the Hawaii Biodiversity and Mapping Program, be used to determine which federally listed species occur at each facility. We also recommend that all federally listed species be included in tables in Revised Draft EIS/OEIS.</p>	<p>D-E-0437 (cont.)</p>
<p>Currently, Draft EIS/OEIS states that additional environmental documentation and planning for new Directed Energy Operations (page 2-65) will be completed in future, but it does not contain sufficient detail to assess potential impacts associated with many other new activities or facilities, including: conducting Field Carrier Landing Practices; adding new chemical simulants; launching Intercept Targets into the Temporary Operating Area; SM-6s from sea based platforms and Micro-Satellites; testing Unmanned Aerial Vehicles and hypersonic vehicles; implementing Advanced Hypersonic Weapons training; constructing a large area tracking range and installing FORCEnet antenna arrays; implementing electronic warfare training and transient air wings; installing Automatic Identification System equipment; constructing a range operations control building and fiber optic infrastructure at the Pacific Missile Range Facility (PMRF); sinking a vessel to support Mobile Diving and Salvage Unit training; installing new buoys in Kingfisher Underwater Training Area; and developing and installing the Portable Undersea Tracking Range.</p> <p>This document appears to be "programmatic" in scope and written as if additional environmental review documents will be tiered from it. Therefore, we recommend new actions be clearly identified, and, if additional environmental documentation will <i>not</i> be developed for these activities and facilities, we recommend more details regarding specifics of each proposed action, alternatives that were explored, discussion of affected environment, analysis of potential effects to federal trust species, and appropriate compensatory mitigation to compensate for damages to federal trust resources be included in Revised Draft EIS/OEIS.</p> <p>As we have stated in previous comments provided on earlier versions of the Draft EIS/OEIS, it is unclear how pre-existing management plans and regulations, especially for facilities not operated by the Navy, fit into the structure of HRC. With exception of a 1999 biological opinion for Makua, no other facility-specific document or plan is described in Draft EIS/OEIS.</p>	<p>4</p>	<p>While many facilities are not located within critical habitat for threatened or endangered species, critical habitat may be located adjacent to or near lands considered in HRC. In many cases these military lands were excluded from critical habitat designation, because of development of an INRMP. This habitat is still considered essential to survival and recovery of species and has not been given consideration in Draft EIS/OEIS. Many proposed actions have potential to affect areas outside property boundaries, including adjacent critical habitat.</p> <p>For those facilities adjacent to or near critical habitat units, or contain essential habitats, we recommend Revised Draft EIS/OEIS include discussion of these habitats under Environmentally Sensitive Habitat section for that facility.</p> <p>With exception of the 1999 biological opinion for Makua, Draft EIS/OEIS does not acknowledge existing biological opinions for any military lands covered, nor does it adequately describe if any proposed activities would in conformance with those biological opinions. Draft EIS/OEIS does not define policies and procedures regularly implemented by the Navy to avoid and minimize effects to protected species and their habitats.</p> <p>All Navy activities must be in conformance with most recent, existing biological opinions for areas within HRC. Increases in tempo and frequency could be above and beyond what was analyzed in existing biological opinions.</p> <p>Draft EIS/OEIS indicates new training operations, enhancements, and/or construction, including adding equipment to existing facilities and communication towers, may be needed to facilitate Navy activities. If Navy activities are not in conformance with existing biological opinions or actions are new or beyond those previously analyzed, the Navy will need to consult with us pursuant to section 7 of the ESA regarding any potential impact to threatened and endangered species and/or critical habitat.</p>	<p>6</p>
<p>We are concerned that activities proposed in Draft EIS/OEIS may not be covered by management plans, Integrated Natural Resource Management Plans (INRMP), or biological opinions of these other facilities. We recommend Revised Draft EIS/OEIS clearly state the role of these other management documents in framework of proposed activities.</p> <p><i>Threatened and Endangered Species</i></p> <p>Draft EIS/OEIS provides an incomplete list of threatened and endangered species and presentation of information is inconsistent and at times confusing. For example, threatened and endangered species discussed are sometimes absent from tables. To assist you, we have provided a draft threatened and endangered species lists for facilities included in Draft EIS/OEIS (Enclosure 1).</p>	<p>5</p>	<p>We commend the Navy for its early coordination with National Marine Fisheries Service (NMFS) regarding potential impacts to marine mammals. Due to potential adverse effects of mid-frequency sonar on marine vertebrates, and specifically federally threatened and endangered marine species, we recommend the Navy continue to coordinate with NMFS and Hawaii Division of Aquatic Resources to assess potential impacts of sonar use on these species.</p> <p><i>Use of Chemical Simulants</i></p> <p>Discussion of contaminants contained in Draft EIS/OEIS does not include information on expected concentrations or thresholds at which impacts to fish or wildlife resources are expected to occur. Contaminants are routinely described as environmentally safe, but no references or data are provided to support the determination.</p> <p>For example, tributyl phosphate (TBP), one of the chemical simulants proposed for use in large quantity and described in Draft EIS/OEIS as "without toxic effects, has been identified as "toxic</p>	<p>7</p>
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to aquatic organisms” by World Health Organization’s International Programme on Chemical Safety<sup>1</sup>.

While Draft EIS/OEIS correctly assesses importance of dilution when considering environmental impact, we are concerned analysis has not fully taken into account sensitivity of marine organisms to low contaminant concentrations<sup>2,3,4,5</sup>. Concentrations well below levels established for human health and safety can adversely impact marine invertebrates, especially their planktonic larval stages, which can spend up to several months in open ocean. We recommend that Revised Draft EIS/OEIS better describe concentrations of proposed simulants expected as a result of proposed actions and that low impact threshold of marine organisms be incorporated into analysis and discussion of potential impacts.

#### *Electromagnetic Radiation and Electromagnetic Fields*

Wildlife species, particularly bats and birds, can be negatively impacted by electromagnetic radiation and electromagnetic fields. For example, bats can experience reduced activities when exposed to electromagnetic field strengths less than 2 volts/meter and have significantly reduced activities when the electromagnetic fields is greater than 2 volts/meter<sup>6</sup>.

Bat behavior varies by radar type and may be associated with the characteristics and operating times of individual radar units. Electromagnetic radiation can also exert an aversive behavioral response in bats<sup>7</sup>. A recent literature review described behavioral, reproductive and physiological response of different bird species to electromagnetic fields emanating from powerlines<sup>8</sup>. Response was found to vary by magnitude of exposure and species.

Draft EIS/OEIS does not provide analysis of existing electromagnetic radiation and electromagnetic fields for facilities discussed, nor does it provide biological analyses of impacts resulting from increased tempo and frequency or addition of equipment, its operation, or construction of equipment, towers, antennas, or facilities, that will emit electromagnetic radiation and create an electromagnetic field.

Frequencies of radio waves or electromagnetic radiation have not been specified and electromagnetic fields have not been quantified. We recommend analysis be conducted to examine potential impacts of electromagnetic radiation and electromagnetic fields on breeding

<sup>1</sup>International Chemical Safety Card 0584 available online from the Center of Disease Control at <http://www.cdc.gov/niosh/ipcsneng/neng0584.html>

<sup>2</sup>Heslinga, G. A. 1976. Effects of copper on the coral-reef enchinoid *Echinometra mathaei*, *Mar. Biol.* 35: 155-60.

<sup>3</sup>Negri, A. P., L. D. Smith, N. S. Webster, and A. J. Heyward. 2002. Understanding ship-grounding impacts on a coral reef: potential effects of anti-foulant paint contamination on coral recruitment. *Mar. Poll. Bull.* 44:111-7.

<sup>4</sup>Victor, S. and Richmond, R.H.. 2005. Effect of copper on fertilization success in the coral *Acropora surculosa*. *Mar. Poll. Bull.* 50: 1448-51.

<sup>5</sup>Reichelt-Brushett, A.J. and P. L. Harrison. 2005. The effect of selected trace metals on the fertilization success of several scleractinian corals species. *Coral Reefs* 24: 524-34.

<sup>6</sup>Nicholls B. and P.A. Racey. 2007. Bats avoid radar installations: could electromagnetic fields deter bats from colliding with wind turbines? *PLoS ONE* 2(3): e297.

<sup>7</sup>Nicholls B. and P.A. Racey. 2007. *op. cit.*

<sup>8</sup>Fernie, K.J. and J. Reynolds. 2005. The effects of electromagnetic fields from power lines on avian reproductive biology and physiology: a review. *Journal of Toxicology and Environmental Health, Part B*, 8:127-140.

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success, foraging, and behavior of Hawaiian hoary bat (*Lasurus cinereus semotus*) and all federally listed or migratory bird species that are known to breed, forage, or shelter near these facilities and this information should be included in Revised Draft EIS/OEIS.

As appropriate, we also recommend mitigative and conservation measures be developed to offset potential impacts from the proposed activities.

In summary, to serve as a decision document, we recommend Draft EIS/OEIS be strengthened and re-released for public comment as Revised Draft EIS/OEIS. As currently written, Draft EIS/OEIS lacks details on proposed actions, affected environment and its analysis to adequately assess potential impacts to fish and wildlife, especially federally listed and other Federal trust species.

If a Revised Draft EIS/OEIS will not be prepared, we recommend you coordinate with Pacific Islands Fish and Wildlife Office to address these concerns prior to issuing Final EIS.

Draft EIS/OEIS contains numerous new proposed activities for which insufficient detail has been provided in order to assess their potential impacts to fish and wildlife resources and their habitats. We believe that separate environmental review should be conducted for these new activities.

This review should include full disclosure of proposed action, alternatives considered, affected environments and complete analysis of impacts. As appropriate, compensatory mitigation will need to be developed.

Coordination with the Service, NMFS, and the Hawaii Department of Land and Natural Resources is recommended during development of detailed mitigation plans. If proposed project, including increased frequency and tempo, new activities, or any construction, is determined to affect listed species, their habitats, or critical habitat, then consultation under the ESA would be required prior to project implementation.

We appreciate the opportunity to comment on this Draft EIS/OEIS.

If you have questions regarding these comments please contact Fish and Wildlife Biologist Dwayne Minton at 808-792-9445.

Appendix 1: Specific Comments  
Enclosures 1: Draft List of Federally Listed Species

cc:  
Director/OEPC, Washington D.C.  
Mr. Don Steffek, USFWS, Region 1, Portland  
EPA Region 9, Honolulu  
NMFS – PIRO, Honolulu  
Hawaii DAR  
Hawaii DOFAW

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	COMMENT NUMBER		COMMENT NUMBER
<p style="text-align: center;">APPENDIX 1 Specific Comments on the Draft EIS/OEIS for the Hawaii Range Complex</p>	<p>D-E-0437 (cont.)</p>		<p>D-E-0437 (cont.)</p>
<p><u>Section ES 1.4 Proposed Action and Alternatives (page ES-12)</u>. While the number of training operations per year, including baseline and estimates for proposed alternatives, is described, it is not clear how this baseline number was determined. It is unclear if the baseline at each location includes the number of operations that could be completed by any military organization (including National Guard or other Foreign governments), as evaluated under existing biological opinions, or only the number of existing operations at each location that are completed by the dominant military unit (e.g., the Army actions at Makua but not the Air Force activities that could occur at Makua). We recommend that clarification and supporting documentation that describes how the baseline numbers were established be included in the Revised Draft EIS/OEIS.</p>		<p>and our office regarding buoy placement so that potential environmental impacts are reduced and appropriate mitigative measures can be developed.</p> <p><u>Section 2.2.4.4 Future RDT&amp;E Operations (page 2-65)</u>. The Draft EIS/OEIS describes two potential locations for the Maritime Directed Energy Test Center (Test Center) at PMRF and notes that separate/additional environmental documentation will be required for this action. One of the proposed locations is within or adjacent to critical habitat for <i>Sesuvium tomentosum</i> and <i>Panicum nihaense</i>. An analysis of the potential adverse effects of the construction and use of the Test Center on this critical habitat should be conducted. We recommend coordinating with our office regarding any direct or indirect effects from the proposed activity to critical habitat.</p>	<p>15</p>
<p><u>Section 2.2.3.5.3 Offshore Enhancements (page 2-48)</u>. The proposed Portable Undersea Tracking Range is a new activity proposed in this Draft EIS/OEIS. Anchors will be left in place when collecting sensor equipment, requiring the use of new anchors with each deployment. We are concerned that repeated deployment of anchors will result in measurable damage to deep-water coral reefs, especially if consistently deployed in the same area. Insufficient information on proposed location for deployment has been provided to assess its potential impact to deep-water coral reef habitats; as currently described the proposed area of use is extensive, covering many thousands of square kilometers. We recommend that additional information be provided on location(s) for the Portable Undersea Tracking Range and the frequency (e.g., deployments/year) with which it will be relocated.</p>	<p>12</p>	<p><u>Section 3.2 Northwestern Hawaiian Islands (page 3-80)</u>. The Draft EIS/OEIS incorrectly states that only 12 species of algae, invertebrates and fish are recorded from the Northwest Hawaii Islands (NWHI). The coral reef fauna from the NWHI is rich, with over 1,000 identified species<sup>9</sup>. We recommend that this section be revised to accurately depict the biodiversity present in the NWHI.</p> <p><u>Section 3.2 Northwestern Hawaiian Islands (page 3-80)</u>. The Northwest Hawaiian Islands Ecosystem Reserve is now called <i>Papahānaumokuākea Marine National Monument</i>. We recommend that the Revised Draft EIS/OEIS be updated to reflect the change in status of this area.</p>	<p>16</p> <p>17</p>
<p><u>Section 2.2.3.5.3 Offshore Enhancements (page 2-48)</u>. The anchor size and weight for the electronic packages of the Portable Undersea Tracking Range are not specified. These anchor packages could adversely impact deep-water coral reef habitat. We recommend more information on the physical parameters of the anchors and any relevant deployment protocols be included in the Revised Draft EIS/OEIS. We also recommend that the Navy coordinate with NMFS and our office regarding buoy placement so that potential environmental impacts are reduced and appropriate mitigative measures can be developed.</p>	<p>13</p>	<p><u>Section 3.3.1.1.1 Biological Resources – PMRF – Offshore (page 3-92)</u>. <i>Ophi</i> have been incorrectly identified as “keyhole limpets” (line 40). We recommend correcting the common name to “limpet.”</p>	<p>18</p>
<p><u>Section 2.2.3.5.4 PMRF Enhancements (page 2-52)</u>. The proposed addition of a new area to the existing Kingfisher Underwater Training Area should be considered a new facility if it was not covered under the original environmental review. Insufficient information on the proposed action and the biological resources in the proposed facility area has been provided to make an assessment of the potential impacts. We recommend inclusion of additional information regarding the proposed locations of the buoys, whether the buoys are intended to be permanently deployed or occasionally relocated, and the deployment/retrieval protocols to ensure buoys are deployed/retrieved in ways that minimize environmental impacts. We also recommend that the Navy begin coordination with NMFS</p>	<p>14</p>	<p><u>3.3.2.1.3 Biological Resources – PMRF/Main Base (page 3-117)</u>. The Biological Resources section for each installation has an Environmentally Sensitive Habitats subsection. The descriptions of wetlands, estuaries, coastal areas and streams appear to reflect aquatic and marine habitat delineation and mapping performed by the Service’s National Wetlands Inventory Program (NWI). We recommend that the source information be cited and definitions for habitat types and hydrologic regimes should either be included in the document or incorporated by reference. Note that the NWI maps for Oahu were updated in 2006-2007 and that the new NWI maps should be used to describe aquatic and coastal marine areas in Revised Draft EIS/OEIS.</p> <p><u>Section 3.3.2.8 Mt. Kahili (page 3-168)</u>. This area is known to have Newell’s shearwater (<i>Puffinus auricularis newelli</i>) and Hawaiian petrel (<i>Pterodroma phaeopygia sandwichensis</i>) traversing the area and may support breeding locations for these species. Hawaiian</p>	<p>19, 20</p>
		<p><sup>9</sup> Friedlander, A.M., G. Aety, R. Brainard, A. Clark, E. DeMartini, S. Godwin, J. Kenyon, R. Koski, J. Muragou, and P. Vroom. 2005. The State of Coral Reef Ecosystems of the Northwestern Hawaiian Islands. pp. 270-311. In: J. Waddell (ed.), The State of Coral Reef Ecosystems of the United States and Pacific Freely Associated States: 2005. NOAA Technical Memorandum NOS NCCOS 11. NOAA/NCCOS Center for Coastal Monitoring and Assessment’s Biogeography Team. Silver Spring, MD. 522 pp.</p>	

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<p>hoary bats are also likely to be using Mt. Kahili. The EIS has not provided information on the outdoor lighting configuration, the duration of the past and projected use of this facility, the frequencies of radio waves used by the repeater station, or the electromagnetic field created. No assessment of the potential impacts on these federally listed sea bird and mammal species resulting from changes in the intensity or frequency of use for this facility has been included in the Draft EIS/OEIS. We recommend that additional information, including the FCC license and related consultations that evaluate the potential effects of this facility on endangered species, be provided in the Revised Draft EIS/OEIS.</p> <p><u>3.3.2.9.1. Biological Resources – Niihau Vegetation (page 3-169).</u> No threatened or endangered plants have been identified in the Draft EIS/OEIS for Niihau. However, Niihau supports populations of several listed plants (see Enclosure 1), including designated critical habitat for olulu or alula (<i>Brighamia insignis</i>). We recommend that the Revised Draft EIS/OEIS be updated to reflect the presence of these endangered species.</p> <p><u>Section 3.3.2.9 Niihau (page 3-169).</u> Based on its close proximity, it appears that the Microwave and EMES 1 site may impact the endangered Newell's shearwater<sup>10</sup> and other MBTA seabird species nesting on Lehua. We recommend that additional information is provided about the potential area of effect for the microwave facilities on Niihau, and, as necessary, that the area of influence for Niihau be expanded to include Lehua and its biological resources.</p> <p><u>Section 3.4.2.1.1 Biological Resources – Naval Station Pearl Harbor (page 3-209).</u> The Draft EIS/OEIS indicates that there are no threatened or endangered plant species at the Naval Station Pearl Harbor. Recently, three endangered plants, kooloauala (<i>Abutilon mercesii</i>), ohai (<i>Sesbania tomentosa</i>) and loulou (<i>Pritchardia kaalae</i>) were established at the Honouliuli Unit of the Pearl Harbor National Wildlife Refuge as mitigation for past projects. Due to the proximity of the endangered plants to the Naval Station Pearl Harbor we recommend that these plant populations be included in the discussion of the affected environment and that they are considered in the analysis of potential impacts resulting from the proposed actions.</p> <p><u>Section 3.4.2.6.2 Biological Resources – U.S. Coast Guard Air Station Barbers Point/Kalaheo Airport (page 3-237).</u> The Kalaheo Unit, which was once part of the former Barbers Point Naval Air Station, has been added to the Pearl Harbor National Wildlife Refuge and should be included under Environmentally Sensitive Habitat. The Kalaheo Unit supports the second largest population of endangered ewa hina hina (<i>Achyranthes splendens</i>), which is not included in the list of threatened and endangered plant species. We recommend that the current status of this unit be corrected in the Revised Draft EIS/OEIS and that <i>A. splendens</i> be included in the list of threatened and endangered plant species for this area.</p> <p><sup>10</sup> VanderWerf, E.A., K.R. Wood, C. Swenson, M. LeGrande, H.Eijazanga, and R.L. Walker. 2007. Avifauna of Lehua Islet, Hawaii: Conservation value and management needs. Pacific Science 61(1):39-52.</p>
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<p><u>Section 3.4.2.9.2 Biological Resources – Hickam AFB (page 3-252).</u> Federally endangered Hawaiian waterbirds, primarily Hawaiian Stilts (<i>Himantopus mexicanus knudseni</i>), are regular visitors to Hickam Air Force Base, having been observed foraging and nesting on Base and adjacent to the runway. On March 2006, at least two separate stilt pairs nested adjacent to the runway where dewatering ponds were in place on Hickam AFB<sup>11</sup>. We recommend that the discussion of threatened and endangered wildlife species be amended to include this information and address ways to minimize this issue (e.g., remove the attraction of stilts to the ponds).</p> <p><u>Section 3.4.2.11.1 Biological Resources – Makua Military Reservation (page 3-259).</u> The consultation completed in 1999 for Makua Military Reservation (Makua) has been reinitiated three times, most recently in June 2007<sup>12</sup>. The new consultation covers 38 endangered or threatened plant species, critical habitat units for 36 plant species, the Oahu elepaio (<i>Chasiempis sandwichensis ibidis</i>), critical habitat for the Oahu clepaio, and an Oahu tree snail (<i>Achatinella mustelina</i>). The Oahu tree snail was not included in Table 3.4.2.11.1-1 and the plant list is incomplete. Figure 3.4.2.11.1-1 indicates that there is critical habitat within the boundary of Makua; however, the text indicates there is no critical habitat on site. The Makua action area includes areas outside of the reservation boundary, as training actions could impact species and critical habitat adjacent to Makua proper. We recommend that the Revised Draft EIS/OEIS include a discussion regarding whether the Navy's actions will be in compliance with the biological opinion.</p> <p><u>3.4.2.11.1 Biological Resources - Makua Military Reservation (page 3-259 through 3-261).</u> We recommend that the description of the intermittent stream and estuary that is found at the Makua Military Reservation be clarified. These aquatic features may be found on U.S. Geological Survey topographic maps and current NWI maps.</p> <p><u>Section 3.4.2.12.1 Biological Resources – Kahuku Training Area (page 3-267) and Section 3.4.2.13.1 Biological Resources – Dillingham Military Reservation (page 3-272).</u> The Kahuku Training Area and the Dillingham Military Reservation were addressed in the 2003 biological opinion for routine and transformation training conducted by the U.S. Army<sup>13</sup>. The Draft EIS/OEIS does not reference this biological opinion. We recommend that the Revised Draft EIS/OEIS include a discussion regarding whether or not the Navy's actions are in compliance with the biological opinion.</p> <p><sup>11</sup> A. Hebshi, personal communication, 2007. Electronic mail dated May 24, 2007 with twelve attachments including "Hawaiian Stilt Incidental Take Biological Assessment Revised March 8, 2007".</p> <p><sup>12</sup> Reinitiation of the 1999 Biological Opinion of the U.S. Fish and Wildlife Service For U.S. Army Military Training at Makua Military Reservation Island off Oahu June 22, 2007 (1-2-2005-F-0356). This document is available from the Department of Army.</p> <p><sup>13</sup> Biological Opinion of the U.S. Fish and Wildlife Service for Routine Military Training and Transformation of the 2nd Brigade 25th Infantry Division (Light) U.S. Army Installations Island of Oahu. October 23, 2003. (1-2-2003-F-0004). This document is available from the Department of Army.</p>
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	COMMENT NUMBER		COMMENT NUMBER
<p><u>Section 3.4.2.15 Kaena Point (page 3-276) and 4.4.2.15 Kaena Point (page 4-423)</u>. Kaena Point provides habitat for several listed plant species, nesting habitat for wedge-tailed shearwater (<i>Puffinus pacificus cholrorhynchus</i>) and Laysan albatross (<i>Phoebastria immutabilis</i>), and resting areas for the endangered monk seal (<i>Monachus schauinslandi</i>). The Draft EIS/OEIS does not provide information on the duration of the past and proposed future use of this area, particularly the frequencies of radio waves or strength of the electromagnetic field used. No assessment of the potential impacts to these species resulting from changes in the intensity or frequency of use for this site has been included. We recommend that additional information be provided in the Revised Draft EIS/OEIS to better evaluate potential impacts to the breeding sea birds and monk seal resulting from the proposed actions.</p> <p><u>Section 3.6.2.1.2 Biological Resources – PTA (page 3-295); 4.6.2.1.1 Biological Resources – Pohakuloa Training Area (page 4-445) and 4.6.2.2.2 Biological Resources – Bradshaw Army Airfield (page 4-454)</u>. Routine and transformation training actions at Pohakuloa Training Area (PTA) and Bradshaw Army Airfield were addressed in the 2003 biological opinion for PTA<sup>14</sup>. We recommend that the Revised Draft EIS/OEIS include a discussion regarding whether or not the Navy's actions are in compliance with the biological opinion. We also recommend that Figure 3.6.2.1.2-1 be revised to include palila (<i>Loxia bairdi</i>) critical habitat designated within and adjacent to PTA.</p> <p><u>Section 4.1.2.2.1 No-action Alternative (Fish – Biological Resources – Open Ocean) (page 4-15)</u>. Information on peak sonar levels and length of operation at peak levels is not provided. "Normal Operation" is not described. We recommend that additional information be provided on sonar peak levels and operation in order to allow assessment of the potential impacts of these proposed activities.</p> <p><u>Section 4.1.2.2.2 Alternative 1 (Fish – Biological Resources – Open Ocean) (page 4-17)</u>. The Draft EIS/OEIS states that Alternative 1 will increase Anti Submarine Warfare (ASW) training to 4,027 hours, but does not provide a baseline value with which to compare this figure. We recommend that Revised Draft EIS/OEIS include in the text the hours of ASW training for the No-action Alternative to allow readers to better assess the magnitude of the training increase.</p> <p><u>Section 4.1.2.2.2 Alternative 1 (Fish – Biological Resources – Open Ocean) (page 4-18)</u>. The text contained in the Draft EIS/OEIS is confusing and appears contradictory. It states that "[t]he number of hours of sonar for Alternative 1 is the same as the No-action Alternative" (line 5-7), but later in the same paragraph states "the number of sonar and the number of underwater detonations would increase" (line 9-10). We recommend clarifying the text in this section.</p>	<p><b>D-E-0437 (cont.)</b></p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p>	<p><u>Section 4.1.2.2.2 Alternative 1 (Fish – Biological Resources – Open Ocean) (page 4-19)</u>. The Draft EIS/OEIS states that Alternative 2 will have 1,590 hours of sonar activity, but does not provide a baseline value with which to compare this value. We recommend that Revised Draft EIS/OEIS include in the text the number of hours of sonar activity for the No-action Alternative to allow better assessment of the magnitude of the proposed training increase.</p> <p><u>Section 4.1.2.3 Sea Turtles (Biological Resources – Open Ocean) (page 4-21)</u>. It is unclear if collisions with sea turtles have occurred in the past. We recommend that any collisions with sea turtles be disclosed in order to assess the Navy's Standard Operating Procedures (SOP) to reduce collisions.</p> <p><u>Section 4.1.2.3 Sea Turtles (Biological Resources – Open Ocean) (page 4-20 through 4-21)</u>. The Draft EIS/OEIS states that "[e]xtrapolation from human and marine mammal data to turtles is inappropriate" (page 4-20, line 10) for potential sonar impacts to hearing, but in the discussion of impacts to hearing associated with underwater detonations, marine mammal data are extrapolated to turtles (page 4-21, line 35). We recommend that this apparent discrepancy be explained.</p> <p><u>Section 4.1.4.1.1 HRC Training operations (page 4-178)</u>. Marine organisms have been shown to be susceptible to low concentrations of contaminants. No data has been provided in the Draft EIS/OEIS on expected concentrations or known toxicity thresholds for marine organisms to support the determination of no effect. We recommend that additional data be provided in the Revised Draft EIS/OEIS to support the determination of no effect.</p> <p><u>Section 4.2.2 Northwestern Hawaiian Islands Onshore (page 4-202 through 4-205)</u>. Both Alternatives 1 and 2 include an increase in the use of chemical simulants, but no analysis or data has been provided to support the determination of no effect to fish and wildlife resources. We recommend that details of the analysis conducted to reach the determination of no effect, including the estimated probability of debris striking each island as conducted in Section 4.1.1.1.1.1 for marine mammals, be provided in the Revised Draft EIS/OEIS.</p> <p><u>Section 4.2.2 Northwestern Hawaiian Islands Onshore (page 4-202 through 4-205)</u>. Quantitative data on the amount of debris and its impacts on the ecosystems of the NWHI are lacking. We recommend that the Navy coordinate with the NMFS's debris removal effort and our office to better quantify the amount of debris and its impacts resulting to fish and wildlife on and around the NWHI.</p> <p><u>Section 4.3.1.1.1 Biological Resources – PMRF Offshore (page 4-209) and Section 4.3.1.2.1 Biological Resources – Niihau Offshore (page 4-221)</u>. No data on potential impacts to coral reefs resulting from Expeditionary Assault or SPECWAROPS amphibious landing exercises have been provided. We recommend that these potential impacts be analyzed and discussed in the Revised Draft EIS/OEIS and that appropriate compensatory mitigative measure be developed in cooperation with NMFS and our office.</p>	<p><b>D-E-0437 (cont.)</b></p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p>

<sup>14</sup>Biological Opinion of the U.S. Fish and Wildlife Service for Routine Military Training and Transformation of the 2nd Brigade 25th Infantry Division (Light) U.S. Army Installations Island of Hawaii. December 23, 2003. (1-2-2003-F-0002). This document is available from the Department of Army.

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<p><u>Section 4.3.1.2 Niihau Offshore (pages 4-220 through 4-222).</u> Buoys deployed at Kingfisher Underwater Training Area can act Fish Aggregating Devices (FAD), and in Hawaii can attract pelagic species such as tuna, mahimahi, wahoo, and numerous shark species<sup>15</sup>. The Draft EIS/OEIS fails to discuss the possibility that deployed buoys may act as FADs and attract fishermen. We recommend that Revised Draft EIS/OEIS include an analysis of the buoys as FADs and include a discussion of the proposed provisions for public safety and management.</p> <p><u>Section 4.3.1.3.1 Biological Resources – Kaula Offshore (page 4-223 through 4-225) and 4.3.2.10.2.1 No-action Alternative (Biological Resources – Kaula) (page 4-320).</u> It is unclear from the text whether Alternatives 1 and 2 will result in increased GUNEX training operations. Many species of seabirds nest on Kaula and any training activities near or on Kaula need to be assessed pursuant to each action. In addition, a revised avian survey should be conducted to determine if any threatened or endangered seabirds nest at Kaula and this information should be included in the Revised Draft EIS/OEIS. Increased GUNEX operations would likely result in increased soil erosion from Kaula and Niihau that may adversely impact nearshore coral reefs. No analysis of this potential impact has been conducted. We recommend that the Revised Draft EIS/OEIS clarify if an increase (including its magnitude over the No-action alternative) in GUNEX operations will occur under the two alternatives. If an increase is proposed, we recommend that an analysis of the potential impact of soil erosion and coastal sedimentation be conducted.</p> <p><u>4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) Vegetation (page 4-240 through 2-241).</u> We are concerned that military inspectors do not inspect goods and personnel transferred to Hawaii from the U.S. mainland. Non-native species can be brought to Hawaii from the mainland, and, if they become established, can result in significant damage to Federal trust species. We recommend that in order to assist in the effort to prevent the introduction of non-native species to Hawaii that the Navy consider inspecting all inbound flights in a manner similar to those originating from foreign areas.</p> <p><u>4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) Vegetation (page 4-241).</u> The Draft EIS/OEIS indicates that vegetation near the Strategic Target System launch pad can be temporarily impacted from missile launches, but that no long-term adverse effects have been detected. Neither the impact radius from the missile launch pad nor the duration of the detected effects and their recovery time has been provided. Short-term or temporary effects may potentially have lasting negative impacts to listed plants. To prevent potential impacts to listed plant species or critical habitat, we recommend that all launch sites be located such that no listed species or their habitat, including critical habitat, is within the impact radius. We further recommend that adequate fuel or fire breaks be established around the impact area.</p> <p><sup>15</sup>For information on FADs in Hawaii, check the State of Hawaii's Fish Aggregation Device Program's webpage at <a href="http://www.hawaii.edu/HIMB/FADS/">http://www.hawaii.edu/HIMB/FADS/</a>.</p>	<p>41</p> <p>42</p> <p>43</p> <p>44</p>	<p><u>4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) Wildlife (page 4-241).</u> The Draft EIS/OEIS indicates that if marine mammals or sea turtle are found on the beach at PMRF, planned exercises are "...delayed until the animals leave the area" (line 23), but no time limit is provided for the length of the delay. We recommend that the length of the delay be included in the Revised Draft EIS/OEIS.</p> <p><u>4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) Wildlife (page 4-241).</u> No discussion about the potential impacts of amphibious landings on nesting seabirds (e.g., wedge-tail shearwater and Laysan albatross) has been provided in the Draft EIS/OEIS. We recommend that an analysis of these potential impacts on nesting seabirds be conducted to include avoidance measures such as conducting amphibious landings only after nestlings have fledged, or prior to the start of the next nesting season, or move activities to unoccupied areas.</p> <p><u>4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) Wildlife (page 4-241).</u> The Draft EIS/OEIS provides no discussion of the potential effect on Laysan albatross resulting from the proposed increased in activity at PMRF. Laysan albatross nest at PMRF and are currently the focus of facility management actions. We recommend the current management Standard Operating Procedures (SOPs) for the Laysan albatross (e.g., egg and chick removal) and the potential impacts resulting from the proposed actions on this species be discussed in the Revised Draft EIS/OEIS. We also recommend that PMRF continue to work with our office, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service, and the Bird Aircraft Strike Hazard Program to further reduce impacts to this federally protected species while better facilitating military actions.</p> <p><u>4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) Wildlife (page 4-241).</u> The Draft EIS/OEIS does not provide sufficient analysis of the potential impacts resulting from the launching of drones. No impact radius associated with the launches is provided. Potential impacts from wildfire are not analyzed for vegetation and wildlife resources. We recommend that additional information and analysis of the potential impacts of drone launches be provided in the Revised Draft EIS/OEIS.</p> <p><u>4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) Noise (page 4-241 through 4-242).</u> The Draft EIS/OEIS states that wildlife in the vicinity of missile launches resume normal behaviour patterns after a launch; however, no data or citation is provided to support this statement. We recommend that supporting data be cited. We also recommend that the terms "severe" and "repeated" (page 4-241, line 41) be defined and the species routinely affected by the noise be specified.</p> <p><u>4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) Air Emissions (page 4-242).</u> The Draft EIS/OEIS provides no discussion regarding the chemical breakdown, by-products, or the biological impacts of these products for aluminium oxide and hydrogen chloride. We recommend that a discussion of the chemical breakdown and the by-products of these chemicals be</p>	<p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p>

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	COMMENT NUMBER		COMMENT NUMBER
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included in the Revised Draft EIS/OEIS. We also recommend that analysis of the potential impacts of these products on wildlife resources, including both effects on species and the possibility of bioaccumulation, be conducted as appropriate.		wires, and other tall objects. Additional equipment added to existing towers may impact species via changes to lighting, electromagnetic radiation or electromagnetic fields, or the physical size of the structure. We recommend that an analysis of potential impacts to biological resources from the proposed activities, including the development of appropriate mitigative and minimization measures be included in the Revised Draft EIS/OEIS. The following website may help in avoiding and minimizing impacts to wildlife species from communications towers, <a href="http://www.fws.gov/migratorybirds/issues/towers/contow.html">http://www.fws.gov/migratorybirds/issues/towers/contow.html</a> .	
<u>4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) Debris (page 4-242 through 4-243)</u> . No information is provided on the launch safety zone (page 2-242, line 29), and little information has been provided on the location of the safety zones or the SOPs for sea turtles or monk seals that are observed in the safety zone prior to launch. We recommend that additional information on the location of the safety zone and the duration of delays for animals in the safety zone be provided.	51	<u>4.3.2.1.3.2 Alternative 1 (Biological Resources – PMRF/Main Base) HRC Enhancements (page 4-245)</u> . The Draft EIS/OEIS states that PMRF will provide “dedicated equipment and other support to Strike Groups” (line 33), but the nature of this support is not described. We recommend that additional details about the dedicated equipment and other support be provided as well as the details of the analysis used to reach the determination of no effect.	56
<u>4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) Debris (page 4-242 through 4-243)</u> . A launch mishap involving a liquid-propelled missile has been described as an “unlikely event” (page 2-242, line 35) that could result in contaminated soil. No discussion of soil mitigative measures and no analysis of potential impacts to vegetation and wildlife have been provided. We recommend that information on the expected burn area and the vegetation and wildlife that could be impacted be provided and that appropriate mitigation measures, such as restoring other habitat to attract species away from the potential burn zone, be considered in the Revised Draft EIS/OEIS.	52	<u>4.3.2.1.3.2 Alternative 1 (Biological Resources – PMRF/Main Base) Construct Range Operations Control Building (page 4-246)</u> . The construction of a Control Range Operations Control Building is a new activity, and currently, the analysis conducted as part of this Draft EIS/OEIS lacks sufficient data and analysis to assess the potential impacts to fish and wildlife resources. The Draft EIS/OEIS indicates that construction would not likely directly impact any wetlands, but provides no supporting data. The analysis fails to consider indirect effects from construction to the wetlands, nor does it adequately address any avoidance, minimization, or mitigation measures to offset impacts to federally listed and other Federal trust species. The Hawaiian duck ( <i>Anas wyvilliana</i> ), Hawaiian moorhen ( <i>Gallinula chloropus sarvicensis</i> ), Hawaiian coot ( <i>Fulica alai</i> ), and Hawaiian stilt ( <i>Himantopus mexicanus knudseni</i> ) are known from this area and could be using the wetlands for nesting; however, potential impacts to these species from the construction of a new Control Building are not addressed. We recommend that additional detailed environmental information be prepared for this new proposed action.	57
<u>4.3.2.1.3.1 No-action Alternative (Biological Resources – PMRF/Main Base) Environmentally Sensitive Habitat (page 4-243)</u> . While training does not occur within environmentally sensitive dune systems or wetlands, it is unclear if these areas may potentially be impacted by debris or wildfire. We recommend that a map depicting the locations of sensitive habitat and the potential areas of debris and wildfire impact be included in the Revised Draft EIS/OEIS. If appropriate, we also recommend that conservation measures to minimize adverse effects to sensitive habitats be developed. The minimization measures should be such that the primary constituent elements are maintained intact within any critical habitat, even if currently unoccupied, so that it remains viable for future occupation.	53	<u>4.3.2.1.3.2 Alternative 1 (Biological Resources – PMRF/Main Base) Enhanced and Future RDT&amp;E Operations (page 4-246)</u> . The Draft EIS/OEIS correctly states that additional environmental documentation will be needed for the construction of a permanent facility to house and operate a high energy laser system. Without completing appropriate environmental planning and review, it is premature to determine that “...impacts [from constructions of the facility] would be similar to those from other constructions...” (lines 34-35) described in other sections of the Draft EIS/OEIS. We recommend that this statement is removed from the Revised Draft EIS/OEIS.	58
<u>4.3.2.1.3.2 Alternative 1 (Biological Resources – PMRF/Main Base) New Training Operation (page 4-244)</u> . The Draft EIS/OEIS states that sound levels from adding Field Carrier Landing Practice will be similar to existing sound levels. However, no data are provided for comparison. We are concerned that night time activities could impact migratory and federally listed seabird species that disperse at night and Hawaiian hoary bats that actively forage at night. As the proposed activity is new for PMRF, we recommend a more detailed evaluation of potential effects of Field Carrier Landing Practices on these nocturnally active species.	54	<u>4.3.2.1.3.2 Alternative 1 (Biological Resources – PMRF/Main Base) Advanced Hypersonic Weapon (page 4-247)</u> . The Draft EIS/OEIS indicates that the Advanced Hypersonic Weapons will have payloads that impact on Illegimi Island in U.S. Army Kwajalein Atoll. No information has been provided on the resources present at the impact location and no analysis of the potential impacts to these resources has been included in the Draft EIS/OEIS. Without additional information, it is unclear if this new activity is addressed in existing	59
<u>4.3.2.1.3.2 Alternative 1 (Biological Resources – PMRF/Main Base) HRC Enhancements (page 4-245 through 4-246)</u> . The Navy is proposing to use existing towers for the placement of new equipment to enhance electronic warfare training capability; however, the Draft EIS/OEIS provides no biological analyses of impacts resulting from the addition of equipment and its operation. Many bird species are known to strike objects, such as antennas or guy-wires that protrude above the surrounding vegetation height. In Hawaii there are several species of federally listed seabirds that are attracted to lights and are known to collide with buildings, light poles,	55		

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	COMMENT NUMBER		COMMENT NUMBER
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management plans or environmental documentation for Illeginni Island. We recommend that additional information be provided in order to fully assess the potential impacts of this proposed activity.		poles <sup>20</sup> . The risk of adult seabird mortality at powerlines is correlated to the number and spread of lines in the array <sup>21</sup> . We recommend that a complete analysis of the potential impacts to federally listed species from the installation of additional cables be included in the Revised Draft EIS/OEIS.	
<u>4.3.2.1.3.2 Alternative 1 (Biological Resources – PMRF/Main Base) Additional Major Exercises – Multiple Strike Group Training (page 4-247) and 4.3.2.2.3 Alternative 2 (Biological Resources – Makaha Ridge) (page 4-297).</u> The Draft EIS/OEIS does not indicate if separate environmental documentation will be prepared to analyze the Multiple Strike Group Training activity. If a separate document will not be prepared, additional information and analysis is needed with respect to changes in lighting, fire potential, noise, electromagnetic radiation/ electromagnetic fields from increased operations, and the introduction of non-native species. We recommend that the Navy clarify its intentions regarding environmental documents and, as necessary, provide adequate information in the Revised Draft EIS/OEIS to assess the potential impacts of this proposed activity.	60	<u>4.3.2.6 Port Allen and 4.3.2.7 Kikilaola Small Boat Harbor (pages 4-310 through 4-311) and 4.6.2.3. Kawaihae Pier (page 4-457 through 4-458).</u> Ports and harbors can be initial invasion sites for non-native species transported via ships. The Draft EIS/OEIS has not provided information on the proposed increase in berthing or arrival of vessels from new areas and the potential impacts of the inter-island transport of non-native species. We recommend that additional information, including and procedures used to prevent the introduction of non-native species, be provided in the Revised Draft EIS/OEIS.	64
<u>4.3.2.2.2.2 Alternative 1 (Biological Resources – Makaha Ridge) Vegetation (page 4-296) and 4.3.2.3.2.2 Alternative 1 (Biological Resources – Kokee) Vegetation (page 4-303).</u> We are concerned about impacts to Federal trust species resulting from SPECWAROPS training. In the event that these species cannot be avoided, we recommend that the Navy coordinate with us regarding potential impacts from this proposed training.	61	<u>Section 4.3.2.9.1 Biological Resources – Niihau (page 4-314).</u> Niihau supports populations of several listed plants (Enclosure 1), and fire is a significant threat. The Draft EIS/OEIS details measures "...to deal with potential fire hazard..." (line 9), but contains no analysis of potential impacts of wildland fire on federally listed species that may occur as a result of the proposed increase in training operations. We recommend that an analysis of wildland fire impact impacts on federally listed plant species be included in the Draft EIS/OEIS, and, as appropriate, mitigative measures be developed in cooperation with our office.	65
<u>4.3.2.3.2.2 Alternative 1 (Biological Resources – Kokee) HRC Enhancements (page 4-303).</u> No analysis of the potential impacts resulting from the proposed FORCEnet Integration Laboratory or antenna arrays is presented in the Draft EIS/OEIS. Equipment, including antenna arrays, added to existing towers may potentially impact Federal trust species via changes to lighting, electromagnetic radiation or electromagnetic fields, or by altering the physical size of the structure. We recommend that an analysis of the potential impacts to fish and wildlife resources from these proposed activities be provided in the Revised Draft EIS/OEIS and that appropriate avoidance and minimization measures be developed.	62	<u>Section 4.3.2.9.1 Biological Resources – Niihau (page 4-314) and Section 4.3.2.10.4 Geological Resource – Niihau (page 4-322).</u> Increased GUNNEX training operation can alter terrestrial fire regimes, increasing soil erosion and sedimentation on nearshore coral reefs. No analysis has been conducted examining the potential impact of altered wildfire regimes associated with the proposed activities on nearshore coral reefs. We recommend that an analysis of wildfire impacts on soil stability, erosion, and coastal sedimentation be included in the Revised Draft EIS/OEIS, and, as appropriate, mitigative measures to stabilize soils and reduce sediment impacts be developed in cooperation with the U.S. Environmental Protection Agency, NMFS, and our office.	66
<u>4.3.2.3.2.2 Alternative 1 (Biological Resources – Kokee) HRC Enhancements (page 4-303).</u> The Draft EIS/OEIS does not include an analysis of potential impacts to Federal trust species resulting from the installation of fiber optic cables to existing and new poles. Federally listed seabirds and birds protected under the MBTA in Hawaii are prone to collisions with powerlines and other structures <sup>16,17,18,19</sup> . The federally listed Newell's shearwater and Hawaiian petrel have been observed colliding with powerlines and	63	<u>4.3.2.10.2.1 No-action Alternative (Biological Resources – Kaula) (page 4-320); 4.4.2.7.2 Biological Resources – MCBH (page 4-387); 4.4.2.9.2 Biological Resources – Hickam AFB (page 4-401); 4.4.2.10.1 Biological Resources – Wheeler Army Airfield (page 4-404); 4.4.2.10.1 Biological Resources – Wheeler Army Airfield (page 4-404).</u> These sections of the Draft EIS/OEIS state that migratory seabirds may be impacted by the various proposed training operations and exercises, but do not identify which species may be affected	67
<sup>16</sup> Reed, J.R., J.L. Sincoc, and J.P. Hailman. 1985. Light attraction in endangered procellariiform birds: reduction by shielding upward radiation. The Auk, 102:377-383.		<sup>19</sup> Podolsky, R., D.G. Ainley, G. Spencer, L. DeForest, and N. Nur. 1998. Mortality of Newell's shearwaters caused by collisions with urban structures on Kauai. Colonial Waterbirds, Vol. 21, No. 1, pp. 20-34.	
<sup>17</sup> Teller, T.C., J.L. Sincoc, G.V. Byrd, and J.R. Reed. 1987. Attraction of Hawaiian seabirds to lights: conservation efforts and effects of moon phase. Wildlife Society Bulletin, 15:406-413.		<sup>20</sup> Cooper, B.A., and R.H. Day. 1995. Interactions of dark-rumped petrels and Newell's shearwaters with utility structures in Kauai, Hawaii. Final report, EPRI TR-105847-VI, Electric Power Research Institute, Palo Alto, CA.	
<sup>18</sup> Cooper, B.A., and R.H. Day. 1998. Summer behavior and mortality of dark-rumped petrels and Newell's shearwaters at power lines on Kauai. Colonial Waterbirds, Vol. 21, No. 1, pp. 11-19.		<sup>21</sup> Podolsky, R., D.G. Ainley, G. Spencer, L. DeForest, and N. Nur. 1998. op. cit.	

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nor provide data to describe the magnitude of the impact. We recommend that the Navy provide the data and analysis to support their conclusions regarding effects to the migratory birds for each facility where migratory birds may be impacted.

Section 4.4.1.1.1 Biological Resources – Pauloa Underwater Range (page 4-327) and Section 4.4.1.1.1 Biological Resources – Naval Defense Sea Area (page 4-332). Prior to the sinking of any vessels or deployment of steel frames for Naval Special Warfare exercises, appropriate environmental documents need to be developed and reviewed. We recommend that the Navy begin early coordination with NMFS and our office to assist with the planning and appropriate placement of the vessel to reduce environmental impacts and to assist with the development of appropriate mitigative measures.

Section 4.4.1.9.1 Biological Resources – SESEF (page 4-354). Under Alternative 1, the total number of training hours per day is unclear. The Draft EIS/OEIS states that "...12 to 16 tests per day and an average duration of about 2 hours per test..." (lines 15-16) will be conducted. This suggests 24 to 36 hours of training per day. We recommend that the total hours of training be clarified.

4.4.2.1.1 Biological Resources – Naval Station Pearl Harbor (page 4-360). The Draft EIS/OEIS indicates that the proposed activities have a low probability of affecting migratory birds (lines 24-25) and that current activities "...have not resulted in any significant impacts to the four endangered waterbirds..." identified at the site (lines 20-21). The term "low probability" has not been quantified and no data to support the determination of no significant impact to endangered waterbirds has been provided. We recommend that the term "low probability" be defined quantitatively and that the data be used to determine if there is a potential impact to endangered waterbirds from current training operations. This information should be provided in the Revised Draft EIS/OEIS.

4.4.2.3.1 Biological Resources – Naval Inactive Ship Maintenance Facility, Pearl Harbor (page 4-368) and 4.4.2.5.1 Biological Resources – Lima Landing (page 4-377). The Naval Inactive Ship Maintenance Facility is located adjacent to the Pearl Harbor National Wildlife Refuge, which supports breeding populations of endangered waterbirds. Lima Landing is located near known waterbird habitat. Explosives are currently used in these facilities, but the potential impacts (e.g., noise, vibration, etc.) resulting from the increase in underwater explosions on endangered waterbirds are unclear. We recommend that additional detail regarding the potential impacts from explosives on endangered waterbirds be provided in the Draft EIS/OEIS.

4.4.2.4.1 Biological Resources – EOD Land Range – NAVMAG Pearl Harbor West Losh (page 4-371). The EIS/OEIS indicates that explosions at the EOD pit could startle wildlife at the Pearl Harbor National Wildlife Refuge. A discussion of noise levels that could be generated is included, but information on the noise level at which a startle response is generated in birds and the actual noise levels occurring at the Refuge during the current training operations are not provided. We recommend that additional detail be provided so that potential effects of explosive noise on birds at the Refuge as a result of the proposed actions can be evaluated.

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4.4.2.6.2 Biological Resources – U.S. Coast Guard Air Station Barbers Point/Kalaheo Airport (page 4-382). Mitigative measures to protect endangered plants from aircraft downdraft, wildfire, and the introduction of non-native species are not described. We recommend that the mitigative measures to decrease potential impacts from these issues be included in the Revised Draft EIS/OEIS.

4.4.2.6.2 Biological Resources – U.S. Coast Guard Air Station Barbers Point/Kalaheo Airport (page 4-382). The Draft EIS/OEIS states that "...[m]ajor exercises do not appear to affect threatened green turtles ...or the endangered Hawaiian stilt" (lines 25-26), but no supporting data are provided. We recommend data to support this determination be provided in the Revised Draft EIS/OEIS.

4.4.2.9.2 Biological Resources – Hickam AFB (page 4-401). Hickam AFB has had recent airstrikes with federally protected birds<sup>22</sup>. We anticipate that increased operations would increase the chance of further airstrikes. The EIS/OEIS does not examine the potential impact of increased airstrikes to threatened and endangered bird species that may result from the proposed actions. We recommend that a full analysis of the potential impacts to federally listed species be included in the EIS/OEIS and that the Navy and Hickam AFB coordinate with us to develop an action plan that would reduce the possibility of airstrikes.

4.4.2.11.1 Biological Resources – Makua Military Reservation (page 4-408). A more recent biological opinion (June 22, 2007) has been completed for Makua<sup>23</sup> that addressed training impacts to listed plants, Oahu elepaio, and Oahu tree snail. Beaches and the species using them are not included in the 2007 biological opinion, and the proposed SPECWAROPS are not covered in the biological opinion. We recommend that this section be revised to describe how the Navy will be compliant with the ESA for this action.

Section 4.4.2.16 Mt. Kaala (page 4-424). The Draft EIS/OEIS does not provide an assessment of the use of the facility and potential impacts to plant and wildlife resources. We recommend that additional information be provided in the Revised Draft EIS/OEIS, including the identity of the leaser and any prior reviews of the use of this site for impacts to plant and wildlife resources.

Section 4.4.2.17 Wheeler network Segment Control / PMRF Communication sites (page 4-425); Section 4.4.2.18 Mauna Kapu Communication Site (page 4-426); Section 4.4.2.19 Makua Radio/Repeater/Cable Head (page 4-427); Section 4.5.2 Maui Space Surveillance System (page 4-434); Section 4.3.5.2.3 Sandia Maui Haleakala Facility (page 4-436); Section 4.5.2.4 Molokai Mobile Transmitter Site (page 4-437). The Draft EIS/OEIS has not provided information on the duration of the current use of these facilities nor proposed future use. The frequencies of radio waves or electromagnetic radiation have not been specified. No assessment of the potential impacts to Federal trust resources resulting from the proposed actions has been included. We recommend that additional

<sup>22</sup>Jaron Hebbshi. 2007. *op. cit.*

<sup>23</sup>Reinitiation of the 1999 Biological Opinion of the U.S. Fish and Wildlife Service For U.S. Army Military Training at Makua Military Reservation Island off Oahu June 22, 2007 (1-2-2005-F-0356). This document is available from the Department of Army.

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information and analysis, particularly in relation to electromagnetic radiation and wildlife species, be provided to support the determination of no effect.

Section 4.8 Conflicts with Federal, State, and Local Land Use Plans, Policies, and Controls (page 4-461 to 4-462). We recommend that Executive Order 13089 (Coral Reef Protection) and Wildlife Coordination Act of 1934 [16 U.S.C. 661 et seq.; 48 Stat. 401] be added to table 4.8-1.

Section 6.1.2 General Maritime Mitigation Measures (page 6-2). The SOPs do not appear to include instructions for handling or reporting marine life that has been accidentally struck. We recommend that the Navy develop SOPs to potentially assist injured animals and to report the collision to NMFS.

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**ENCLOSURE 1**
**Draft List of Federally Listed Species at Military Facilities in the Hawaiian Islands.**

Species Scientific Name	Pohakuloa Training Area	Barakham Air Force Base	Pearl Harbor Naval Station	Hickam Air Force Base	Barbers Pt. Coast Guard Airfield	Makua Military Reservation	Wheeler Air Force Base	Schofield Barracks	Dillingham Airfield	Kahuku Training Area	Marine Corps Base Hawaii	Marine Corps Training Area Bellows	Pacific Missile Range Facility	Makaha Ridge	Mount Kahali	Kokee Air National Guard	Niihau	Niihau and Necker Islands
<b>Plants</b>																		
<i>Abutilon sandwicense</i>						X		X										
<i>Achyranthes splendens</i>					X	X				X								
<i>Adenophorus periens</i>																		
<i>Alectryon macrococcus</i>						X		X										
<i>Amaranthus brownii</i>																		
<i>Asplenium fragile</i> var. <i>insulare</i>	X	X																
<i>Bonania menziesii</i>						X												
<i>Brighamia insignis</i>																X		
<i>Cenchrus agrimonoides</i>						X												
<i>Centaurium sebaeoides</i>						X												
<i>Chamaesyce celastroides</i>						X												
<i>Chamaesyce herbsteri</i>						X												
<i>Chamaesyce rockii</i>								X		X								
<i>Chamaesyce skottsbergii</i> <i>skottsbergii</i>					X													

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Species Scientific Name	PTA	Bradshaw AFB	Pearl Harbor	Hickam AFB	Barbers Pt.	Makua	Wheeler AFB	Schofield	Dillingham	KTA	MCBI	Bellows	PMRF	Makaha	Mt. Kahali	Kokee	Niihau	Niihau & Necker
<i>Ctenitis squamigera</i>						X												
<i>Cyanea acuminata</i>							X											
<i>Cyanea grimesiana</i>						X	X		X									
<i>Cyanea koolauensis</i>							X		X									
<i>Cyanea longiflora</i>						X			X									
<i>Cyanea superba</i>						X												
<i>Cyperus trachysanthos</i>						X			X								X	
<i>Cyrtandra dentata</i>						X												
<i>Cyrtandra subumbellata</i>							X											
<i>Cyrtandra viridiflora</i>							X											
<i>Delissea subcordata</i>						X	X											
<i>Diella falcata</i>						X	X											
<i>Dubautia herbastobatae</i>						X												
<i>Eugenia koolauensis</i>										X								
<i>Euphorbia haeleleana</i>						X												
<i>Flueggea neowwraea</i>						X	X											
<i>Gardonia mannii</i>							X		X									
<i>Gouania vitifolia</i>						X												
<i>Haplostachys haplostachya</i>	X	X																
<i>Hedyotis coriacea</i>	X	X																
<i>Hedyotis degeneri</i>						X												
<i>Hedyotis parvula</i>						X												
<i>Hesperomannia arborescens</i>							X		X									

COMMENT  
NUMBERD-E-0437  
(cont.)

Species Scientific Name	PTA	Bradshaw AFB	Pearl Harbor	Hickam AFB	Barbers Pt.	Makua	Wheeler AFB	Schofield	Dillingham	KTA	MCBI	Bellows	PMRF	Makaha	Mt. Kahali	Kokee	Niihau	Niihau & Necker
<i>Hesperomannia arbuscula</i>						X												
<i>Hibiscus brackenridgei</i>						X			X									
<i>Isodendron hosakae</i>	X	X																
<i>Isodendron laurifolium</i>						X												
<i>Isodendron longifolium</i>							X											
<i>Isodendron pyriformis</i>						X												
<i>Labordia cyrtandrae</i>							X											
<i>Lepidium arbuscula</i>						X	X											
<i>Lipochaeta tenuifolia</i>						X												
<i>Lipochaeta venosa</i>	X	X																
<i>Lobelia ganahchaudi</i> ssp. <i>koolauensis</i>							X											
<i>Lobelia nihaensis</i>						X											X	
<i>Mariscus pennatifolius</i>						X												
<i>Melicope hiakae</i>							X											
<i>Nerandria angulata</i>	X	X				X												
<i>Nerandria ovata</i>	X	X																
<i>Nototrichum humile</i>						X			X									
<i>Panicum nihaense</i>													X				X	
<i>Peucedanum sandwicense</i>						X												
<i>Phlegmarium mutans</i>							X											
<i>Phyllostegia hirsuta</i>							X		X									
<i>Phyllostegia kaalaensis</i>						X	X		X									
<i>Phyllostegia mollis</i>							X											

COMMENT  
NUMBERD-E-0437  
(cont.)

Species Scientific Name	PTA	Bradshaw AFB	Pearl Harbor	Hickam AFB	Barbers Pt.	Makua	Wheeler AFB	Schofield	Dillingham	KTA	MCBI	Bellows	PMRF	Makaha	Mt. Kahili	Kokee	Niihau	Niihau & Necker
<i>Plantago princeps</i>						X		X										
<i>Portulaca sclerocarpa</i>	X	X																
<i>Pritchardia cyllmer-robinsonii</i>																	X	
<i>Pritchardia kaalae</i>						X												
<i>Pritchardia remota</i>																		X
<i>Psychotria grandiflora</i>																X		
<i>Pteris lidgei</i>							X											
<i>Sanicula maritima</i>						X												
<i>Sanicula purpurea</i>							X	X										
<i>Schiedea hookeri</i>						X	X	X	X									
<i>Schiedea kaalae</i>						X	X											
<i>Schiedea muttalli</i>						X												
<i>Schiedea obovatum</i>						X												
<i>Schiedea trinervis</i>							X											
<i>Schiedea verticillata</i>						X												
<i>Stebania tomentosa</i>													X				X	X
<i>Silene hawaiiensis</i>	X	X																
<i>Silene lanceolata</i>	X	X				X												
<i>Solanum incompletum</i>	X	X																
<i>Solanum sandwicense</i>						X												
<i>Spermolepis hawaiiensis</i>	X	X				X								X				
<i>Stenogyne angustifolia</i>	X	X																
<i>Tetramolopium arenarium</i> spp. <i>arenarium</i>	X	X																

COMMENT  
NUMBERD-E-0437  
(cont.)

Species Scientific Name	PTA	Bradshaw AFB	Pearl Harbor	Hickam AFB	Barbers Pt.	Makua	Wheeler AFB	Schofield	Dillingham	KTA	MCBI	Bellows	PMRF	Makaha	Mt. Kahili	Kokee	Niihau	Niihau & Necker
<i>Tetramolopium filiforme</i>						X												
<i>Tetraplasandra gymnocarpa</i>							X		X									
<i>Vigna o-wahuensis</i>	X	X				X												
<i>Viola chamissoniana</i>						X		X										
<i>Viola oahuensis</i>							X											
<i>Wilkesia hobbii</i>														X				
<i>Zanthoxylum hawaiiense</i>	X	X																
<b><u>Reptiles</u></b>																		
<i>Chelonia myda</i>			X	X	X				X		X	X	X				X	X
<i>Eremochelys imbricata</i>											X	X						
<b><u>Birds</u></b>																		
<i>Acrocephalus familiaris kingi</i>																		X
<i>Anas wyvilliana</i>			X	X					X		X	X	X	X	X		X	
<i>Branta sandvicensis</i>	X	X											X	X	X			
<i>Buteo solitarius</i>	X	X																
<i>Chasiempis sandwicensis ibidis</i>						X		X	X	X								
<i>Fulica americana alai</i>			X	X				X			X	X	X		X		X	
<i>Gallinula chloropus sandvicensis</i>			X	X					X		X	X	X		X			
<i>Hemignathus munroi</i>	X																X	
<i>Himantopus mexicanus knudseni</i>			X	X	X				X		X	X	X		X		X	
<i>Loxia baileyi</i>	X																	
<i>Paroreomyza maculata</i>							X	X	X									
<i>Pterodroma phaeopygia sandwicensis</i>	X	X									X	X	X	X	X	X		

COMMENT  
NUMBERD-E-0437  
(cont.)

Species Scientific Name	PTA	Braden AFB	Pearl Harbor	Hickam AFB	Barbers Pt.	Makua	Wheeler AFB	Schofield	Dillingham	KT A	MCBI	Bellevue	PMRF	Makaha	Mt. Kahili	Kokee	Niihau	Niihau & Necker
<i>Puffinus auricularis newelli</i>	X	X									X	X	X	X	X	X		X
<i>Telescopus ultima</i>																		
<b>Mammals</b>																		
<i>Lasturus cinereus</i>	X		X	X		X	X	X	X	X		X	X	X	X	X		
<b>Invertebrates</b>																		
<i>Achatinella bulimoides</i>										X								
<i>Achatinella byronii</i>									X									
<i>Achatinella caesia</i>										X								
<i>Achatinella curta</i>										X								
<i>Achatinella decipiens</i>									X									
<i>Achatinella dimorpha</i>										X								
<i>Achatinella elegans</i>										X								
<i>Achatinella leucorraphe</i>									X									
<i>Achatinella mustelina</i>						X			X									
<i>Achatinella sowerbyana</i>									X									
<i>Achatinella valida</i>									X									
<i>Drosophila aglaia</i>									X									
<i>Drosophila hemipeza</i>									X									
<i>Drosophila montgomeryi</i>									X									
<i>Drosophila musaphila</i>																X		
<i>Drosophila obatai</i>						X												
<i>Drosophila substenoptera</i>								X										
<i>Drosophila tarphyrichia</i>								X										

**COMMENT  
NUMBER****D-E-0437  
(cont.)**

Thank you for the opportunity to review this project.

Sincerely,



Patricia Sanderson Port  
Regional Environmental Officer

cc:  
Director, OEPC  
FWS, HI  
FWS, Portland

**COMMENT  
NUMBER****D-E-0437  
(cont.)**

<p>From: DJ Colbert - Kilauea, HI  To: deis_hrc@govsupport.us  Subject: EIS for the Navy's proposed expansion of training facilities and exercises at PMRF.</p> <p>Date: 9/17/2007 6:22:28 PM  To Whom It May Concern:</p> <p>I stand firmly opposed to the Navy's plans for expansion of training operations at the Hawai'i Range Complex and Pacific Missile Range Facility.</p> <p>The history of environmental degradation caused by such training exercises around the world leaves no doubt that the plans of the Navy to expand training exercises will cause irreparable harm.</p> <p>Mid-frequency sonar will destroy uncountable numbers of fish and marine mammals.</p> <p>Expeditionary Assault Activities will tear up beaches and dunes between Polihale and Barking Sands.</p> <p>Further, I would like to quote Juan Wilson, a Kaua'i citizen who has studied the EIS extensively:</p> <p>"Worse is the Directed Energy Laser Weapons Program. These are chemical lasers in which use hydrogen fluoride, a corrosive material which can be made to release a powerful burst of infrared radiation. The laser can be focused and aimed as a weapon (death ray). These laser can generate least 25 megawatts of energy that could destroy a missile 2,000 miles away. For the scale of this realize 25megawatts is half the electrical power generating capacity of Kauai. The firing of this weapon also destroys the lasing device and contaminates its site with hydrogen fluoride. A thousand foot radius danger zone, that could close the state park, will persist for days.</p> <p>The Navy has not told us what effect on the environment hydrogen fluoride waste will have. What if there is a heavy rain and runoff after a test? What effect on coral reefs and offshore marine life would there be from hydrogen fluoride contaminated runoff into the ocean? What efforts will guarantee the safety of people using the access road to Poli Hale State Park after a test?</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0438</p> <p>2</p> <p>3</p> <p>1</p>	<p>In its Navy's EIS executive summary it simply says, "Appropriate remedial procedures would be taken before initiation of potentially hazardous laser operations on PMRF".</p> <p>That's it?! That is unacceptable. "</p> <p>We must also accept the ethical responsibility that arises from our collusion with a plan which is intended to bolster our ability to cause death to countless men, women and children around the world.</p> <p>We must not blindly follow wherever the military leads in a knee-jerk desire for "security." True security rises from a people's ability to provide for their basic needs in a sustainable way while protecting their environment.</p> <p>I urge you do deny the Navy's expansion plans.</p> <p>Sincerely,  Ms. DJ Colbert</p> <p>Kilauea HI</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0438 (cont.)</p> <p>4</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>From: Andrea Brower - Anahola, HI To: deis_hrc@govsupport.us Subject: EIS comment Date: 9/17/2007 6:42:31 PM To whom it may concern,</p> <p>I am deeply concerned about the Navy's proposed plan to expand training operations at the Hawai'i Range Complex and Pacific Missile Range Facility. After reading the draft EIS, I remain firmly opposed to the operation.</p> <p>The degradation of environment and culture that results from such Navy activity is already well document. Instead of spending resources on expanding Navy testing and training, we should be working to clean up the damage the Navy has already done. I am infuriated that my tax dollars are spent on such ethically wrong activities.</p> <p>It is already proven that mid-frequency sonar harms marine wildlife.</p> <p>Expeditionary Assault Activities will destroy the delicate dune ecosystems of the west side of Kaua'i.</p> <p>The Directed Energy Laser Weapons Program is deeply concerning for its potential risks to human health and the environment. Why are we continuing to test such dangerous war weapons? Why do we insist on maintaining such a strong military? Are we protecting our economic and resource interests at the cost of human lives?</p> <p>We must question the military industrial complex that Eisenhower warned us about. It is unethical to continue to kill other human beings and the earth to insure that Americans can maintain their consumptive and gluttonuos lifestyles.</p> <p>Sincerely, Andrea Brower  Anahola, HI.</p>	<p>D-E-0439</p> <p>1</p> <p>2</p> <p>3</p> <p>1</p> <p>4</p>	<p>From: Julie Penny - Sag Harbor, NY To: deis_hrc@govsupport.us Subject: NO ACTION ALTERNATIVE for Hawaii Range Complex Date: 9/17/2007 6:53:40 PM STATEMENT BY JULIE PENNY FOR THE RECORD September 17, 2007</p> <p>What's good for the military/industrial/Congressional complex is not good for we citizens and our nation. Certain individuals in the military, defense companies, and enablers in Congress have proven themselves to be completely wasteful, corrupt, and out of control and represent a great threat to our nation. This is a continuation of business as usual without taking into account the injurious ramifications that will accrue from this project.</p> <p>As someone who has dealt with government and read many a DEIS one can only conclude that the impacts from this will be thoroughly monstrous and grotesque. The NO ACTION-ALTERNATIVE should be taken on the Draft Environmental Impact Statement for the Hawaii Range Complex.</p> <p>The deleterious effects of the war military operations buildup/testing program, along with the high use of energy, the approval process for these actions, the cumulative impacts upon human and animal health, the socio/economic injustice to the native Hawaiian Islanders who live in this militarized impacted area, radioactive and chemical hazards and problems associated with storage and waste products, the permanency of radioactivity from Uranium munitions in the environment (U-238, for example, has a half-life of 4.5 Billion years), destruction to natural, pristine areas and natural resources and vegetation, the erosion of air quality and water quality of the sea, the financial taxpayers' burden of these military operations, impact on Hawaiian tourism and desirability as a place to live, and the risks to health and safety of humans and all impacted life forms--not only in Hawaii but throughout the Pacific and West Coast represents an untoward AND IRREVERSIBLE risk to humans and the environment.</p> <p>Julie Penny Sag Harbor, NY</p>	<p>D-E-0440</p> <p>2</p> <p>1</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



<p>From: Kelley Burg To: deis_hrc@govsupport.us Subject: whales draft environmental impact Date: 9/17/2007 7:28:54 PM 9/17/07</p> <p>To Whom It May Concern:</p> <p>My family, which includes my husband, Eric Hannah, PhD, myself, Kelley Burg, JD, my daughter, Kelley Withy, MD, my son-in-law, Shaun Berry, MD, my mother, Delores Burg, age 95, and my grandsons, ages 12, 10 and 8 DO NOT APPROVE OF NAVAL SONAR TESTING AND SUB TRAINING. Hawaii is a whale sanctuary. Whales pick up sound for thousands of miles and it has never been shown that such testing is harmless. In fact, the opposite is more certain. We do not support blanket authorization. Thank you. Kelley Burg</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0442</p> <p>1</p>	<p>From: John P. Shannon To: deis_hrc@govsupport.us Subject: Re: The Rogue Army of the Pacific (comment by Major Jack Shannon) Date: 9/17/2007 7:38:47 PM Date: Mon, 17 Sep 2007 19:00:08 EDT Subject: Re: The Rogue Army of the Pacific</p> <p>Ace: Send this to any one you wish. I'm tired of howling at the moon.</p> <p>The exemption that the Navy claims is actually no exemption at all. The exemption the Navy claims comes from Executive Order 12344, written by none other than Ronald Reagan [the hero of the right wing nut cakes].</p> <p>The Executive Order, 12344 (XO for short) is nothing more than a document written to show where the Naval Reactor program fits into the DOE organizational chart, and who should head the program [Namely a Navy Admiral]. Not a single word mentions exemption of any kind. The Navy (specifically the Naval Reactor organization - NR) took the organizational exemption and inserted a reference to XO 12344, to all DOE orders that apply to all other DOE organizations, and exempted NR from having to comply with those orders.</p> <p>I doubt that a single member of the House or the Senate has ever read a DOE order or XO 12344 for that matter. The net effect is to guarantee that NR has no oversight at all. The NR Program needed these exemptions since even a cursory investigation would have forced a shutdown of the entire program. NR runs land based power plants [ 2 at the last count] without the benefit of containment vessels, emergency core cooling systems, pressure suppression systems, or separate operating rooms for the reactor operators [ the operators die at the same moment that the plants have a loss of coolant accident - so who is left to explain what went wrong].</p> <p>All Nuclear Powered Surface Ships and Submarines enter and leave all American and Foreign Ports under Nuclear Power Generated steam [i.e. the Nuclear Reactors are operating].</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0443</p> <p>1</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

All Nuclear Powered Surface Ships and Submarines are refueled [old core taken out - new core put in] within a baseball throw of most cities located in or near a shipyard, Cities such as Norfolk Virginia, Pearl Harbor, etc..

With the lack of even rudimentary safety measures the Nuclear Navy is run under no oversight, and no legal protection for those Nuclear Power experts who work for Naval Reactors. No one will dare raise a voice [except the undersigned], and NR keeps on rolling along just like old man river.

The King has no clothes, in this case the King[s] are the President, the Senate, the House, all Navy Officers, All Marine Corps Officers, all Army Officers, all Coast Guard Officers, the DOE, the NRC, the National Resource Defense Council, River keepers, all Judges within the Northern District of the Second Circuit Court, basically everyone in Washington with any power knows about the outrageous behavior of the Nuclear Navy. I think it's fair to say that we live in a land of cowards and blind men. I keep getting notices that one or more of the sirens at Indian Point have been found to be not working, or a guard has fallen asleep, etc. ad nauseam. Who cares when the Navy is running around the Oceans with hundreds of the most unsafe Nuclear Power Plants in the World and no one raises a bleep? A Navy that refuels ships within spitting distance of grade schools, high schools City Halls, etc..

I have heard the arguments that Navy Nuclear Plants run at only about 10% of commercial plants. So what. The comment is irrelevant because any Nuclear Power, including Navy plants, during an accident scenario can easily raise to 10 times, 100 times, 1000 times or even 1,000,000 times rated power and the consequences are the same. Commercial or Navy. Catastrophe beyond description. And deaths and injuries beyond repair.

No one in the industry can contradict me because all Nuclear Engineers/Nuclear Physicists [even those who work for NR] are familiar with the equations for a power excursion. Ignoring the fact does not make the fact disappear.

A FACT IS A FACT!!!! WAKE UP AMERICA.

**COMMENT  
NUMBER**

D-E-0443  
(cont.)

2

Major John P. Shannon  
Nuclear Physicist/Nuclear Engineer Retired

=====  
Sent by Ace Hoffman:  
=====

\*\*\*\*\*  
\*\* THE ANIMATED SOFTWARE COMPANY  
\*\* Russell "Ace" Hoffman, Owner & Chief Programmer  
Carlsbad CA

\*\*\*\*\*

IF YOU RECEIVED THIS EMAIL IN ERROR AND/OR DO NOT WISH TO  
RECEIVE ANY  
MORE EMAILS FROM US FOR ANY REASON, PLEASE CONTACT  
RUSSELL HOFFMAN

**COMMENT  
NUMBER**

D-E-0443  
(cont.)

<p>From: Gordon La Bedz  To: deis_hrc@govsupport.us  Subject: Surfrider Founddation, Kaua'i on Sonar Blasting in Hawai'i  Date: 9/17/2007 7:41:31 PM</p> <p>The Navy consistently claims that they do not harm whales with no evidence whatsoever and plenty of evidence and common sense to the contrary. The EIS should have a serious body of evidence that the Navy will not harm whales and not disobey the Marine Mammal Protection Act or the Endangered Species Act with their sound blasting active sonar.</p> <p>Gordon LaBedz  Surfrider Foundation</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0444</b></p> <p>1</p>	<p>From: Alika Parks  To: deis_hrc@govsupport.us  Subject: environmental impact  Date: 9/17/2007 7:46:57 PM</p> <p>Aloha I would like to comment about the proposed expansion that is being talked about. I will say that I am whole heartedly against any further degradation and exploitation of the environment in the name of training and preparedness. I have spent time as a US navy sailor, and in my time I have seen blatant disregard by my fellow sailors for the care of the environment. For example I have seen a dozen open paint cans laughingly dumped straight into the ocean, and miscellaneous rubbish of every type carelessly thrown overboard. Although the navy has policies against this type of behavior, it is often overlooked and these rules are hardly even mentioned. You see it is almost a navy tradition to treat the environment in this way. What safegaurds are in place to insure navys compliance with its own procedures? None. They are out in the ocean and they do as they please. Ive also seen Sailors during gunnery exercises purposely aim for sea life when they come into range, dolphins are a favorite target. Is it a coincidence that the declining of monk seal populations has coincided with increased naval activity in the training range? The US navy is a beast with an appetite for more and more and more. 13 aircraft carriers is a good example, heck one of those things alone can take out an entire country. Us military does not have the intelligence to conduct its operations in a reasonable manner. And unless kept in check by US citizens the military will conduct and increase its training to a point where they will have good reason to do anything, and go anywhere. To the detriment of all. I also hold firmly that the armed forces are little more than a government welfare program, and honest communication within its own walls regarding the footprint its leaving on the environment is non existent as doing so would amount to treason, especially if it is in opposition to its sacred and precious training and preparedness. I could go on but i feel it is futile in that this whole EIS is just a charade. I live in an ignorant time. I just have one last thing, what type of opposition or concerns would have to be raised in order for the Navy to conclude that it is not in its best interest to continue? Like I said the Military is a beast.</p> <p>Thanks for the charade  Alika</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0445</b></p> <p>1</p> <p>2</p> <p>3</p> <p>1</p> <p>4</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

From: None MomBurgess@aol.com  
 To: deis\_hrc@govsupport.us  
 Subject: Military games in Hawaii  
 Date: 9/17/2007 7:56:26 PM

I strongly oppose using our islands in preparing for war. The justification that we need a trained military for security does not solve the problems created. Damage to the environment and to people is dangerous and ruins the existence of the people and land it hopes to defend. We who live in the Pacific Region are aware of the ongoing tragedies in the region of bomb practice and other military operations. Before more exercises are even considered, the damage done in the past must be cleaned up. An environmental assessment is a waste of time and money because it is already established that military exercises damage the environment. Let the duty of the military be to defend the environment by cleaning up their mess and directing their skills and abilities to helping people who have their lives ruined by past activities of the kind proposed.

**COMMENT  
NUMBER**
**D-E-0446**

1

From: Maren Orion - Kilauea, HI  
 To: deis\_hrc@govsupport.us  
 Subject: Navy plans for Kaua'i  
 Date: 9/17/2007 8:11:44 PM

Dear folks...Please do not allow the Navy to further expand their operations on Kaua'i and the rest of the Hawai'ian Islands. Having the PMRF on Kaua'i makes us a target for terrorist activity, it does not make us safer. The military of the US already spends more than all the rest of the governments of the world put together...isn't enough, enough? Let's work on making Peace...not on making WAR. Sincerely, Maren Orion Oppenheimer, Kilauea, Hawai'i.

**COMMENT  
NUMBER**
**D-E-0447**

1

<p>From: Linda Harmon To: deis_hrc@govsupport.us Subject: stop the expansion of the Military Date: 9/17/2007 8:38:30 PM</p> <p>I am against the expansion of the Military. We spend more money on it than all other nations combined. Its time we help people around the globe cope with global warming and down play the military.We can make friends that way and avoid confrontation.</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0448</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0448	1	<p>From: Ellen Caldwell - Koloa, HI To: deis_hrc@govsupport.us Subject: Do not increase Navy exercises Date: 9/17/2007 9:03:27 PM</p> <p>Dear Navy Personnel,</p> <p>As a citizen of the United States and Hawaii, I am writing to urge you NOT to increase the number, size or frequency of your exercises around the Hawaiian Islands.</p> <p>As you yourself have acknowledged, mid-frequency active sonar can harm marine life. You are proposing to use a higher decibel level in your sonar exercises, which will certainly hurt marine life. If you recall the incident of the marine life killed after sonar usage in the Bahamas in 2000, you will realize the decibels used in that incident were over one million times less than the 229-decibel range you plan to use now. If your exercises cause harm and death to marine life, not only is it an intrinsically tragic event but could be devastating to Hawaii's tourism industry.</p> <p>Please consider decreasing, not increasing, your military activities around the Hawaiian Islands.</p> <p>Sincerely,</p> <p>Ellen Caldwell Koloa, HI</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0449</td></tr><tr><td>2</td></tr><tr><td>1</td></tr><tr><td>2</td></tr></table>	COMMENT NUMBER	D-E-0449	2	1	2
COMMENT NUMBER											
D-E-0448											
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COMMENT NUMBER											
D-E-0449											
2											
1											
2											

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



From: Jose Bulatao, Jr. - Kekaha, HI  
 To: deis\_hrc@govsupport.us  
 Subject: Response from: Kauai Westside Watershed Council  
 Date: 9/17/2007 9:05:14 PM

From: Kauai Westside Watershed Council  
 Attn: Jose Bulatao, Jr., Vice-chairman  
 P.O. Box 640  
 4614 Kokee Road, Kekaha, HI 96752

With a steadfast commitment to maintain and preserve the environmental, cultural and historical integrity of our Beloved Kaua'i, we, as Executive Officers and members of the Kaua'i Westside Watershed Council have been unswerving in our mission. While our "area of responsibility" (regional precedence) is the Kona District of the island of Kaua'i (from the tunnel of trees on the Lihu'e side of Koloa to the entire area covering the leeward portion of the island of Kaua'i), it is also evidently clear that watershed concerns for the entire island of Kaua'i are intertwined.

At the same time, we have sought avenues by which it may be possible for us to be cognizant of the presence and purpose of the United States Navy in our midst with the Pacific Missile Range Facility serving as the vanguard and exponent of strategic and defense mechanisms for the entire "free world" with technological capabilities that range from subsurface, surface, to space arenas. It is a "fact of life", as it may be, that sovereign entities on our planet have opposing and territorial perspectives that often bring confrontational and adversarial conflicts against each other.

It has been a delicate walk in considering the realm of possibilities as to how the environmental, cultural, and historical aspects may be preserved, honored and respected in light of the impacts that may result from the range of testing, applications, and proposals that are part and parcel of the Navy's perspectives, intents, and reasons for being.

We have been assured of the Navy's concerns and awareness of our island's fragile eco-system. The Navy has clearly demonstrated its willingness to work with, contribute to, and support our island communities. Opportunities have

**COMMENT  
NUMBER**

D-E-0450

been explored on both sides in which the scope of understanding and mutual respect has been fostered between the Navy and Kaua'i's public officials and grass-roots constituency.

Good intentions, however, must be followed with specific actions to maintain the cordial relationships that have been built. In this respect, there needs to be an extremely close monitoring of our ocean's resources. PMRF is at a pivotal point, geographically, with the marine reserve conservancy that has been recently established. As such, PMRF is "front and center" on how it will affect the vast region it uses for its sub-surface and surface testing and other relevant activities. It is in that process that we raise our concerns on how our ocean's resources may be directly impacted irreparably.

PMRF hugs a major portion of the coastline that stretches from the black sand beach of Waimea to the white sand beaches of Kekaha that continue unbroken on to the far, far west coast of Kauai that reaches to Polihale and the north shore of our island. The reefs within that coastal stretch reflect the history of the planet, Earth, that dates back to millions of years. Indeed, the whales that come from the Alaskan coastline traverse to our warmer ocean waters in their north-south treks across the Pacific Ocean. More so, the ahupua'a system conceived by the Hawaiian people who tended the land and the surrounding waters in the most isolated spot on Earth also needs to be respected and held in highest esteem.

The three main areas of concern where we need assurances and clear plans that protect the land, air and water are: The mid frequency Sonar Operations where there will be underwater detonation which definitely impacts all marine life; Expeditionary Assaults which will tear up and disrupt land vegetation and wildlife; and the use of Flouride Directed Energy Laser Weapons that can negatively affect our water table for human consumption.

As we continue that delicate walk together, let us keep in mind the following: "The land belongs to God. We are but stewards of the land. It is our responsibility to take care of that land (and in this case, all of the surrounding waters.)" as we pursue to maintain the integrity of our respective missions.

Let us not have history repeat the mistakes that came with the way past deeds may have diminished the islands the Navy used for testing elsewhere. The opportunity for us to make "pono" (to do things right) is the challenge that is before us.

**COMMENT  
NUMBER**

D-E-0450  
(cont.)

1

2

3

<p>Sincerely,</p> <p>Kauai Westside Watershed Council,</p> <p>Rhoda Libre-Hayton, Chairperson      Jose Bulatao, Jr., Vice-chairperson Erik Coopersmith, Secretary-Treasurer</p> <p>Paullie Purdy, Board Member      Patrick Pereira, Board Member      Mary Buza-Sims, Board Member      Lyndon Yamane, Board Member</p>	COMMENT NUMBER	<p>From: Kyle Kajihiro - Honolulu, HI To: deis_hrc@govsupport.us Subject: Comments Hawaii Range Complex Draft EIS/OEIS Date: 9/17/2007 9:23:01 PM Hawai'i Area Program</p> <p>Honolulu, HI</p> <p>September 15, 2007</p> <p>Public Affairs Officer, Pacific Missile Range Facility, P.O. Box 128, Kekaha, Kauai, Hawaii, 96752-0128, ATTN: HRC EIS/OEIS Fax 808-335-4520 e-mail to deis_hrc@govsupport.us. &lt;mailto:deis_hrc@govsupport.us&gt;</p> <p>To:            Commander, Hawaii Range Complex</p>	COMMENT NUMBER
	D-E-0450 (cont.)		D-E-0451

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>From: Kyle Kajihiro</p> <p>Subject: Comments on the Draft EIS/OEIS for Hawai'i Navy Range Complex</p> <p>We strongly oppose any U.S. military expansion in Hawai'i, including the proposed expansion of the activities in the Hawai'i Range Complex.</p> <p>Scoping</p> <p>Although we requested inclusion of scoping comments in the Draft EIS/OEIS, the Draft EIS/OEIS failed to include scoping comments. As a result the public cannot assess the completeness and accuracy of recorded comments nor evaluate whether their concerns were given consideration in the analysis. We again request that the written scoping comments and transcripts of oral scoping comments be printed for public review, and that all comments on the Draft EIS/OEIS be included in the final draft of the document.</p> <p>The scope of the Draft EIS/OEIS is overly broad and the document contains repetitive and pat answers to many of the issues, while providing relatively little original or substantive investigation and analysis. The one notable exception is the section on ocean noise.</p> <p>This document leaves many of the specific elements yet undefined and unstudied. This Draft EIS/OEIS must not be a substitute for NEPA analysis of specific projects.</p>	<p>D-E-0451 (cont.)</p> <p>3</p> <p>1</p> <p>2</p> <p>1</p>	<p>Many of the RDT&amp;E projects are experimental and speculative. In many instances the projects have not even been funded or described in any detail. It must be made clear that these are required to have additional project specific NEPA analysis before embarking on these projects.</p> <p>Alternatives Analysis</p> <p>The Draft EIS/OEIS fails to consider alternative sites for the proposed actions because of its circular logic, i.e. that all alternatives studied will occur in Hawai'i because the criteria states that the project must be in Hawai'i ("Use existing Navy ranges and facilities in and around Hawaii"). Alternative locations must be considered.</p> <p>The process is driven solely by the military's definition of purpose and need and fails (again) to consider what is the interest and genuine security for the affected people and environment.</p> <p>The Draft EIS/OEIS wrongly dismisses the alternative of reducing Navy training in Hawai'i. We dispute the unstated assumption within the Draft EIS/OEIS that increased militarization and military training and RDT&amp;E in Hawai'i will bring greater security to Hawai'i and the Pacific. On the contrary, aggressive U.S. military exercises and missile defense expansion in the Pacific have increased tensions with China and North Korea. If there is any truth to the overblown threat of North Korea's capability to target Hawai'i, it would be in response to the enormous military presence here that it perceives as a threat to its survival.</p>	<p>D-E-0451 (cont.)</p> <p>4</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>Furthermore, the combined environmental, social and cultural impacts of militarization in Hawai'i has been disastrous for the environment and many local communities living in the toxic shadow of military installations, in particular Native Hawaiian communities whose cultural survival is placed in jeopardy by the pervasive negative impacts on cultural sites, resources, and traditional knowledge and practices. For these reasons, a reduction of Navy training will have positive benefits for the Hawaiian environment and cultural sites and practices.</p> <p>Hawaiian Sovereignty and Human Rights</p> <p>We appreciate that the Draft EIS/OEIS did include discussion of the so-called "ceded" lands. However the document arrived at the erroneous conclusion that "valid legal title to these lands was vested in the United States." [p. I-1]</p> <p>International law and the U.S. Constitution do not permit the annexation of the territory of a sovereign country without a lawful treaty of annexation. There was no treaty annexing Hawai'i to the United States, only a joint resolution of Congress claiming to accept the cession of Hawai'i to the U.S. by the illegitimate "Republic of Hawai'i", a government that the U.S. administration refused to recognize after the overthrow of the Hawaiian monarchy in 1893. Two attempted treaties of annexation put forth by the leaders of the illegal U.S. military-backed coup d'etat failed.</p> <p>If the Navy maintains that it has legal title to these lands, please provide proof of a lawful treaty transferring sovereignty from the Kingdom of Hawai'i to the U.S. Domestic U.S. legislation is insufficient to acquire sovereignty over Hawaiian territory.</p>	<p>D-E-0451 (cont.)</p> <p>5</p>	<p>In 1988, the U.S. Department of Justice could not determine how the U.S. annexed Hawai'i when it issued a memo that stated in part, "It is therefore unclear which constitutional power Congress exercised when it acquired Hawaii by joint resolution. Accordingly, it is doubtful that the acquisition of Hawaii can serve as an appropriate precedent for a congressional assertion of sovereignty over an extended territorial sea." [United States Department of Justice, Legal Issues Raised by Proposed Presidential Proclamation to Extend the Territorial Sea, Opinions of the Office of Legal Counsel, vol. 12, p. 238-263, October 4, 1988. Excerpts commenting on the annexation of Hawai'i taken from pp. 250 - 252]</p> <p>Thus a number of scholars of international law have concluded that proper status of Hawai'i is one of prolonged U.S. occupation. This would also mean that the U.S. does not have clear title to "ceded" lands. This is one of the fundamental sources of conflict with regard to U.S. military installations and activities in Hawai'i. The EIS must address the human rights implications of the continued suppression of Hawaiian sovereignty and self-determination.</p> <p>Social Impacts Analysis</p> <p>The Draft EIS/OEIS is quick to claim "beneficial" economic impacts due to federal spending. But the document fails to investigate and account for the social costs and impacts on traffic, noise, utilities, schools, social services, water usage and sewage due to changes, including temporary changes, in the number of personnel and dependents in Hawai'i.</p>	<p>D-E-0451 (cont.)</p> <p>6</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER		COMMENT NUMBER
How are women affected by the proposed action? Despite specific requests to analyze the issue of prostitution, violence against women and related social impacts on women when large numbers of military personnel are in port during exercises, the Draft EIS/OEIS fails to even mention that this issue was raised in scoping. So here I raise the question again: What will be the impacts on prostitution, alcohol and drug consumption, fights and other crime that may accompany the large influx of military personnel on shore leave during large exercises? Please include relevant incident report data.	D-E-0451 (cont.) 17	Energy	D-E-0451 (cont.) 9
How will housing prices and homelessness be affected by the proposed action? How will an increased U.S. military presence in Hawai'i aggravate tensions between the community and the military? How will recreation, fishing, surfing, and other activities be affected by the proposed actions.	18 19 20	What is the Navy's energy consumption in Hawai'i? How will the proposed action affect the Navy's energy "footprint"?	21
Ocean Noise		Describe how a 30 megawatt laser would impact Kaua'i.	
Describe the Navy's attempts to exempt its sonar exercises from various laws protecting the environment and marine mammals, and explain how these exemptions affect the proposed actions and impacts described in the Draft EIS/OEIS.	7	Cultural Impacts Analysis	
Migratory Bird Treaty Act		What is the significance of kohola (humpback whales), naia (dolphin) and other marine species in Native Hawaiian culture and religion? How will proposed actions impact these species? How will Native Hawaiian cultural and religious practices and beliefs be affected by the proposed actions? Please conduct thorough cultural impact analysis including cultural, ethnographic and oral history investigations to document the significance of affected species to Native Hawaiians.	10 23
Describe the military's exemption from the Migratory Bird Treaty Act and how this exemption affects the proposed actions and impacts described in the Draft EIS/OEIS.	8	Where are cultural sites and resources located, and how are they affected by the proposed actions? What studies have been done to identify cultural impacts? The Navy must conduct new and expanded consultations with Native Hawaiian organizations under section 106 of the National Historic Preservation Act. The list of groups consulted in previous consultations does not include all affected parties.	10 22
		Cumulative Impacts	

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER		COMMENT NUMBER
<p>The Draft EIS/OEIS includes a 12 page table of cumulative impacts, most of which are "additive" to the impacts of the proposed action. Yet there is no analysis of the significance of these combined impacts to the environment, the community and environmental health and sustainability. In most military NEPA processes, community testimony has overwhelmingly opposed military expansion due to the unbearable combined effects of military activities in Hawai'i. How does the combined burden of military installations and activities in Hawai'i compare to other locations?</p>	D-E-0451 (cont.) 11	<p>The Draft EIS/OEIS mentioned that perchlorate was detected in the ground water. The Navy uses 24 ppb as the level of concern for perchlorate, but based on new toxicity data, states such as California and Oregon have lowered their action levels to 4 ppb. We demand that the Navy utilize the most precautionary standards, in this case action levels of 4 ppb for perchlorate. Since perchlorate was detected for the first time in Kaua'i, we urge the Navy to continue and expand the sampling and testing of groundwater for this toxic substance. Please characterize the groundwater contamination, i.e. the size, shape and movement/behavior of the perchlorate plume. Are any agricultural crops and milk from the vicinity contaminated with perchlorate? What steps are being taken to clean up the perchlorate contamination? What is the source of the perchlorate? What is being done to prevent further contamination?</p>	D-E-0451 (cont.) 14
<p>Live Fire Exercises</p>			
<p>The Draft EIS/OEIS mentions live fire exercises at Makua and Pohakuloa and bombing and gunnery exercises in Kaula. Describe the types of live fire exercises planned for Makua and Pohakuloa, the types and number of munitions to be expended, the environmental impacts of these munitions, and the plans for clean up and removal of shrapnel and unexploded munitions. How are the training activities incorporated into the existing plans and environmental impact studies for both sites? Describe in greater detail the nature of the bombing and gunnery exercises on Kaula and analyze their environmental impacts including impacts on birds, marine life and cultural sites.</p>	12	<p>Cost Analysis</p>	
<p>Environmental Justice and Environmental health impacts:</p>		<p>What will be the cost of the proposed expansion? What are the opportunity costs of the proposed expansion, such as alternative uses for the affected areas and their potential benefits to the people and the environment? What will be the cost of mitigation, prevention and restoration of the likely impacts of the proposed actions?</p>	15
<p>What are the existing health conditions in the affected communities? What health conditions may be attributable to environmental factors, and in particular military environmental impacts? How will the proposed actions affect community health?</p>	13	<p>Safety and Threat Analysis</p>	
		<p>What are the health and environmental impacts of the chemical simulants proposed for launch at PMRF? Describe how hypersonic vehicles will be tested. What are the impacts of hypersonic vehicle launches, flights, noise, accidents, etc.? Describe the directed energy tests proposed for PMRF. What are the impacts and hazards associated with high energy lasers?</p>	16

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>Provide a list of military accidents and other incidents that could have threatened the health and safety of the public and/or military personnel. Include collisions and near collisions. How will the increase in proposed activity increase the risk of accidents occurring?</p> <p>What is the security threat assessment for Hawai'i due to the military presence? And how would expanding the military activities and presence in Hawai'i affect that level of risk?</p> <p>To reiterate, we oppose the proposed expansion of the Navy Range Complex in Hawai'i and call for the inclusion of our preferred alternative to reduce the military footprint in Hawai'i. Thank you for your attention to these concerns.</p> <p>Kyle Kajihira Program Director AFSC Hawai'i Area Program</p> <p>Honolulu, Hawai'i</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0451 (cont.)</p>	<p>From: Diana La Bedz To: deis_hrc@govsupport.us Subject: Comment on the US Navy's draft EIS Date: 9/17/2007 9:54:19 PM Public Affairs Officer, Pacific Missile Range Facility, P.O. Box 128, Kekaha, Kaua'i, Hawaii'i, 96752-0128,</p> <p>ATTN: HRC EIS/OEIS.</p> <p>What is not address in an EIS is the impact that a degrading environment has on the the peoples living on the island. People become depressed, disillusioned and fearful. Is the Navy going to do anything about the state of oppression they are causing by endless war games. While so many earth citizens are trying to save our planet from global warming and drastic climate changes, the US Navy is not only doing harm to the islands but the whole planet as well.</p> <p>When sea mammals are carelessly harmed people feel helplessly fooled by the military message that the Military needs to practice war games for their protection. People are unhappy about the state of their island, angry at the torture of sea mammals during war games, and saddened by the loss of wild life.</p> <p>When the US military takes actions that are above the law, people be come depressed and fearful. The fear of the US Military is becoming deep and growing with each turn of events. People become distressed and alarmed about the future for their children and the island. The distrust and alarm has a long term psychological effect on whole families. Grandparents understand best for they suffer sadness and loss of what once was abundant. Parents don't understand and are often confused as to what to tell their children about what is morally right thinking and right acting. How do parents teach their children</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0452</p> <p>1</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>to obey the laws when their government and military break the laws and are sued by responsible citizens, to obey them. Island citizens feel they are often deliberately deceived by the double speak coming from the military and government officials.</p> <p>This harm has the most effect on the children. Kaua'i children struggle daily to do the right thing and weigh the right and wrong while witnessing the world around them. This dual correctness has a long term troubling effect on children, especially when harm is coming to their wild life that is so dearly loved. One thing island people understand, Natures Laws. There is no escaping the effects to all when natures laws have been broken.</p> <p>The US Navy uses clever often underhanded means to achieve an end. I am speaking to the way the Navy tries to convince the Kaua'i Island People that they are environmentally friendly and are concerned for the ocean and all that lives there. Their intentions clearly show us their plans are quite horrible and deadly. This again has a harmful effect on Island People. Where is the Navy accountable. Is there an obligation to do the right thing. Who will suffer the consequences for the feelings and suffering emotional state of the Kaua'i Island Peoples.</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0452 (cont.)</b></p>	<p>From: Keone Kealoha - Kilauea, HI To: deis_hrc@govsupport.us Subject: EIS Comments Date: 9/17/2007 9:59:56 PM</p> <p>To Whom It May Concern:</p> <p>I stand firmly opposed to the Navy's plans for expansion of training operations at the Hawai'i Range Complex and Pacific Missile Range Facility.</p> <p>The history of environmental degradation caused by such training exercises around the world leaves no doubt that the plans of the Navy to expand training exercises will cause irreparable harm.</p> <p>Mid-frequency sonar will destroy uncountable numbers of fish and marine mammals.</p> <p>Expeditionary Assault Activities will tear up beaches and dunes between Polihale and Barking Sands.</p> <p>Further, I would like to quote Juan Wilson, a Kaua'i citizen who has studied the EIS extensively:</p> <p>"Worse is the Directed Energy Laser Weapons Program. These are chemical lasers in which use hydrogen fluoride, a corrosive material which can be made to release a powerful burst of infrared radiation. The laser can be focused and aimed as a weapon (death ray). These laser can generate least 25 megawatts of energy that could destroy a missile 2,000 miles away. For the scale of this realize 25megawatts is half the electrical power generating capacity of Kauai. The firing of this</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0453</b></p> <p>2</p> <p>3</p> <p>4</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER			COMMENT NUMBER
	D-E-0453 (cont.)			D-E-0453 (cont.)
<p>weapon also destroys the lasing device and contaminates its site with hydrogen fluoride. A thousand foot radius danger zone, that could close the state park, will persist for days.</p> <p>The Navy has not told us what effect on the environment hydrogen fluoride waste will have. What if there is a heavy rain and runoff after a test? What effect on coral reefs and offshore marine life would there be from hydrogen fluoride contaminated runoff into the ocean? What efforts will guarantee the safety of people using the access road to Poli Hale State Park after a test?</p> <p>In its Navy's EIS executive summary it simply says, "Appropriate remedial procedures would be taken before initiation of potentially hazardous laser operations on PMRF".</p> <p>That's it?!! That is unacceptable. "</p> <p>We must also accept the ethical responsibility that arises from our collusion with a plan which is intended to bolster our ability to cause death to countless men, women and children around the world.</p> <p>We must not blindly follow wherever the military leads in a knee-jerk desire for "security." True security rises from a people's ability to provide for their basic needs in a sustainable way while protecting their environment.</p> <p>I urge you do deny the Navy's expansion plans.</p> <p>Sincerely,</p>	5	<p>Keone Kealoha</p> <p>Kilauea, HI</p> <p>-----</p> <p>Keone Kealoha Director</p> <p>Malama Kaua'i</p>		

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

From: Janet Rapoport - Royal Oak, MI To: deis_hrc@govsupport.us Subject: Please no more weapons! Date: 9/17/2007 10:11:04 PM Please no more weapons and testing in Hawaii!  Jan Rapoport  Healing Everything Goddess Healing Arts Inc.  <
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER	D-E-0456 (cont.)		COMMENT NUMBER	D-E-0456 (cont.)
Thank you for the work that went into preparing this document and for all your careful attention and response to our comments. I humbly request responses to the following:			7) Could you please detail the notification procedures for training activities on Kaua'i as cited in your Socio-economic impacts assessment. I've lived on Kaua'i all my life, and never received formal notification in newspaper, on radio, or in any public forum of training activities. Please advise.		7
1) I request a fuller analysis of the potential cumulative effects of bio-toxins released from Navy's existing activities at PMRF, as well as the activities of GMO farming including high levels of pesticide and chemical use in surrounding areas of Mana and Kekaha. GMO crop cultivation was not included in table of related projects considered for cumulative impacts, nor were Navy's existing activities listed.	1		8) Marine debris poses a significant threat to sea birds such as Laysan albatross, sea turtles, and monk seals. The draft EIS recognizes this proposal stands to increase marine debris, both from detonated equipment and out going missiles themselves. Please provide scientific evidence that these particles won't be consumed by any of the above species or fish species.		8
2) Have carbon offsets been considered for massive potential fossil fuel emission increase. Has the projected increase in emissions been quantified?	2		9) Please comment on the current status of clean up efforts on Kaho'olawe and other Hawaiian isles areas previously used by the navy, including off shore naval debris still being recovered throughout our islands. What of making completion of these clean up efforts a pre-requisite for this current expansion?		9
3) The executive summary states that activities "would not affect biodiversity, cultural integrity or humans." Could you please clarify how you have defined and measured each of these?	3		10) Many sea birds nest in proposed expansion areas and research has shown that startle effects and disturbance of nesting sea birds can dramatically decrease growth and survival rates, yet these effects are dismissed as negligible. What scientific evidence supports this claim?		10
4) Could you please comment on the impacts of increased training on traditional and customary rights including subsistence fishing and gathering, religious exercise etc.?	4		11) Please provide the definition of "cultural site" which you are utilizing as many locations you've listed as having "no cultural sites" do indeed. Who conducted this study and made this determination and what are their qualifications? Were cultural practitioners from those areas consulted? If so, please list who.		11
5) DRAFT EIS STATES: "The Navy has appropriate plans in place to manage hazardous materials used and generated. Hazardous materials will continue to be controlled in compliance with OPNAVINST 5090.1B. Fragments of expended training materials, e.g. ammunition, bombs and missiles, targets, sonobouys, chaff, and flares, could be deposited on the ocean floor. The widely dispersed, intermittent, minute size of the material minimizes the impact. Wave energy and currents will further disperse the materials."	5		12) Please explain why there are no mitigation measures listed for biological resources in Northwestern Hawaiian Isles?		12
Please explain what materials debris will consist of and how widely they can be expected to be dispersed, as well as what controlling them in compliance entails. Also, what impacts on the sea floor might impact wider aspects of the system, i.e. food webs etc.			13) How is expansion to Nihoa and Necker sites listed compatible with authorizing statute for the national monument, Papahānaumokuākea?		13
6) Please explain how risk to public health and safety is minimized through standard operating procedures and compliance with DoD Directive 4540.1, OPNAVINST 3770.4 and Commander, Naval Surface Force, U.S. Pacific Fleet (COMNAVSURFPAC) Instruction 3120.8F. Specifically, how is accumulation of biotoxins and hazardous materials in <b>fresh water, ground water, sea floor, ocean water, and soils</b> (as well as movement in air) to be controlled?	6		14) The mitigations list stopping operations once iwi are uncovered. What mitigations are taken to prevent them being uncovered in the first place when many of these proposed areas contain high concentrations?		14
<ul style="list-style-type: none"> <li>○ What systems are used to measure levels of the above? What are existing and projected levels under each alternative?</li> <li>○ What levels are considered to pose a risk to human health?</li> <li>○ Please provide a list of environmental contaminants and biotoxins used and how much of each is emitted for each of the proposed training activities.</li> </ul>			15) What of species that enter activity areas after this check is performed and before launch. Which species frequent the area that are not considered to be "sensitive wildlife?"		16
			16) What levels of electromagnetic generation are to be expected from each activity under each alternative?		15

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Dennis Dias  To: deis_hrc@govsupport.us  Subject: No to any Training or Testing of Weapons or Sonar in Hawaiian Waters  Date: 9/17/2007 11:02:08 PM</p> <p>To, Whom it may concern!</p> <p>I am writing to say I do not approve of any kind of "Training", in Hawaiian Waters of any Kind of [Weapons or Sonar] Testing due to the fragile Enviroment that we have here in the Islands we the people, would like to keep it prestine and beautiful for the next generation of families here in the islands to enjoy. We don't like seeing it being Desacrated by more - military testing and being polluted, like explosives &amp; depleted Uranium rounds found on Oahu and the Makua Army Training areas.</p> <p>This I already know, with more expantions to the outer Islands of the Big-Island &amp; Kauai. where more ammuniton &amp; explosives left behind and more pollution in Hawaiian waters. Would like you to take your training and excersises, back to the Continental United States, where you'll have all the space and room to do your training.</p> <p>"Thank,You"  Dennis Dias</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0457</p> <p>1</p>	<p>From: Gregory I. Goodwin - Hanalei, HI  To: deis_hrc@govsupport.us  Subject: EIS , re: increasing U.S. militarization of Archipelago Hawai'i  Date: 9/17/2007 11:03:25 PM</p> <p>On environmental, moral, political, economic, social and militarist basis I am opposed to the U.S. Navy's plan to increase training operations on land, sea and in the air.</p> <p>I am opposed to existing and increased research, development, test and evaluation of operations at the Hawaii Range Complex and Pacific Missile Range Facility.</p> <p>I do not support existing or increased U.S., or anyone else's, militaristic enterprises in the Hawai'i Archipeligo within at least a 500 mile exclusion zone of said islands.</p> <p>Gregory I. Goodwin  Hanalei, HI</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0458</p> <p>1</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div>		<div>COMMENT NUMBER</div>
<div>From: Mehana Blaich Vaughan To: deis_hrc@govsupport.us Subject: Public Comment Date: 9/17/2007 11:07:04 PM  Aloha, I have read and requested comment on the NAVY's draft EIS for expansion of training activities in Hawai'i. As a life long, native Hawaiian resident of Kaua'i, I respectfully ask you to deny the NAVY's expansion plans. I found a number of areas of the draft to be insufficient including consideration of impacts to cultural resources and subsistence gathering sites as well as consideration of impacts to ground and surface water as well as to soil, the ocean, and coral reefs. The analysis of which chemicals such as hydrogen flouride are used and created as waste products in these training exercises, falls far short of fully considering, much less protecting against, their potential, hazardous impacts. Hawai'i is rife with examples of areas damaged by Navy training and manuevers, areas yet to be cleaned up. I implore you to deny further expansion without much more in depth analysis of potential impacts, more comprehensive public information, and completion of clean up of areas utilized in the past such as Kaho'olawe and Waikane.  Mahalo nui for your time and attention, Mehana Blaich Vaughan</div>	<div>D-E-0459</div> <div>1</div> <div>2, 3</div> <div>3</div> <div>2, 3</div>	<div>From: Judy Walker - Hilo, HI To: deis_hrc@govsupport.us Subject: Navy EIS comments Date: 9/17/2007 9:56:27 PM  Attached are my comments on the Navy EIS. I consider them incomplete. As part of my comments, I would note that a 1742-page document of such complexity should have an extended comment period.  Thank you for reviewing my comments, and I hope to receive a written response to them.  Judy K. Walker  Hilo, HI</div>	<div>D-E-0460</div> <div>1</div>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



Because the EIS was so lengthy and not arranged intuitively, I have separated out questions generally prompted by reading the EIS and left most others in areas (or one of the areas) that they are drawn from.

#### General Questions

1. My understanding of military operations is that clean-up may not begin until the operation is ended or, for example, an area is de-commissioned. What is the Navy's policy on clean-up generally, and for the HRC specifically? 2
2. When will clean-up begin, and what will be cleaned up and recovered? 3
3. Has there been any assessment, particularly in the Northwestern Hawaiian Islands and open ocean areas, of the Navy's impact on the ecosystem? Here I am speaking not of generalizations, but of specific data. Most of the Navy's conclusions that operations will have no effect, particularly in open ocean areas, are based upon the idea of dispersal in a pristine environment, and no place in the Hawaiian archipelago could be considered pristine. Have there been assessments of flora and fauna species diversity, abundance, and general health; toxin levels in the water column; toxin levels in ocean sediments and among benthic organisms; presence of debris, including unexploded ordnance and targets? 4
4. I am particularly concerned about the slipshod analysis of the effect of operations on monk seals and sea turtles. The population on Hawaiian monk seals currently stands at less than 1200 individuals and continues to drop at a rate of 4% per year. A single paragraph (6-18) was devoted to the Hawaiian monk seal recovery plan, draft revision 2006. It is a boilerplate paragraph, applicable to almost any marine organism. This is wholly inadequate and fails to meet the requirements of a meaningful EIS. Further, the new monk seal recovery plan was released by NMFS in August of 2007, and all environmental impacts should be evaluated using the current recovery plan. All portions of the EIS relating to the Hawaiian monk seal or its habitat (particularly the Northwestern Hawaiian Islands) should be reconsidered and redrafted. 5
5. Is depleted uranium or any other radioactive material being used (in any form, including as ballast in missiles) or proposed to be used in Navy operations in the HRC? 6
6. Was the Navy aware, prior to August 20, 2007, that depleted uranium was present at Pohakuloa Training Area? 7
7. Will the Navy be reconsidering and/or supplementing its environmental assessment of operations at Pohakuloa Training Area in light of the Army's admission that depleted uranium is present there?
8. What radioactive and toxic materials have the Navy disposed of in the HRC, in what quantities, and in what areas, including the open ocean?
9. What effect may current and proposed Navy operations have on previously discarded radioactive or toxic materials?
10. Where will the hazardous waste generated by current and proposed operations be disposed of?
11. There are numerous documents, most previously generated by the military, that are referenced and relied upon. (Examples include the SEAWOLF Final EIS and Churchill Final EIS at 4-21; Biological Opinion for RIMPAC 2006 and USWEX Programmatic EA/OEA at 4-31.) These are often the sole and direct source of the conclusions

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contained in the EIS and should have been included in an appendix, or at least listed with url's for web accessibility.

12. The sections devoted to marine mammals and sonar effects require a background in advanced statistics to gain any understanding of them and certainly weren't written for a layperson, as the EIS is required to do. 8
13. I am concerned that the evaluation of TTS in marine mammals relies almost entirely upon a small sample (I disagree with the EIS assertion at 4-40 that five dolphins and two white whales constitute a large number of test subjects) of relatively small, shallow diving odontocetes, generally bottlenose dolphins. There is little data on or analysis of large and/or deep-diving odontocetes, mysticetes and pinnipeds. 9
14. In many areas, for example in the analysis of marine mammals and sonar response, the EIS acknowledges the limitations of the data available. What is being done to remedy this situation? Is the Navy actively seeking to supplement its information (physiological, behavioral, abundance, etc.) about particular species of sea turtles and marine mammals, and if so, how?
15. When I spoke to a Navy representative at the Hilo EIS meeting, he was surprised when I informed him that there had been at least four cetacean strandings on the main Hawaiian Islands in the past year. I attended a public lecture this summer where three of the strandings were discussed (necropsy results were not yet available) and just a few weeks later saw a melon-head whale carcass that had been recovered from the south end of the Big Island. What are the procedures in place to ensure that the Navy is aware of all strandings, and how often does reporting take place? 10
16. My understanding is that the NMFS debris recovery program, touted by the EIS, has been defunded. Please address this. How does this affect the overall picture of debris impact, by the Navy and others, if no one is picking it up? Would the Navy be willing to fund the program or provide support so that it continues? 11

#### Open Ocean

- 4-17  
17. Table 4.1.2.2.1-1 gives the maximum fish effects range in feet. A Navy representative confirmed for me at the August 29, 2007, Hilo EIS meeting that the values given are a radius, not an area. It is misleading to tell the public that for one-ounce fish, there is a 10% mortality range of 518.3 feet, when in actuality 10% of the fish within a 286,634 square feet area (6.58 acres) will die. Have there been any estimates of fish density in the particular area to be affected? 12
18. What is the scientific basis for expecting fish to return to the area after vacating it?
19. Will a given area be subjected to multiple operations or detonations on multiple occasions? If so, how will this affect the conclusion that fish will return to the area once operations are completed?
20. If fish are expected to leave the area as operations begin, wouldn't the same be true of marine mammals and sea turtles? If so, won't such operations inherently and unavoidably constitute Level B harassment under the MMPA and ESA?

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(cont.)

<p>21. The leatherback turtle is in many ways functionally and physiologically closer to marine mammals than to cheloniids. What is the scientific support for assuming that leatherback TTS will follow that of cheloniids?</p> <p><u>4-21</u></p> <p>22. What is the scientific basis for the assertion that the sea turtles will be affected less by active ASW sonar events because, “although there may be many hours of active ASW sonar events, the actual ‘pings’ of the sonar signal may only occur several times a minute”?</p> <p>23. How many hours is “many” hours?</p> <p>24. How many times per minute is “several,” and what is the likelihood that there will be more than several pings per minute?</p> <p>25. If one were to assume that several means, for example, five times per minutes, then a ping would sound every 15 seconds. What, if any, support is there for the idea that 15 seconds is a sufficient recovery time to avoid a TTS, particularly when the sound is repeated for many hours?</p> <p>26. At 4-21, the EIS states, “Based on the current available data, we have concluded that sonar would not affect sea turtles.” What is the “data” referenced here that was relied upon?</p> <p>27. There is no differentiation here among or reference to the different species of sea turtles, who each have very different life histories (foraging areas and habits, including dive profiles and patterns, nesting behaviors, etc.) and different population levels that would determine their vulnerabilities to impacts by operations.</p> <p>28. At 4-21, referring to the possibility of ships striking sea turtles, the EIS notes, “At all times when ships are underway, there are many people on watch scanning the area around the ship.” Does this mean there are specific crews dedicated to watching for marine mammals and sea turtles at all times, not just during and prior to operations? Please clarify with details regarding any dedicated watch system.</p> <p>29. There is no analysis here of the likelihood of seeing a sea turtle present in the area with visual scanning. What is the percentage of time spent (visibly) at the surface by the species of sea turtles commonly found in Hawaii, and how long does a sea turtles remain at the surface while breathing?</p> <p>30. What is the purpose of a torpedo control wire, and what is the effect of breaking or releasing the wire?</p> <p>31. What is the breaking strength of torpedo wire?</p> <p>32. Has there been any research done on the possibility of entanglement in torpedo wire by sea turtles, sea birds, marine mammals, or other marine life?</p> <p>33. What is torpedo wire made of?</p> <p>34. What is the average length of a torpedo wire?</p> <p>35. Is it likely to retain that length, or break into smaller pieces?</p> <p>36. How does the torpedo wire degrade or decompose?</p> <p>37. What quantity of torpedo wire will be introduced into the HRC open ocean area annually under each of the alternatives?</p> <p>38. What is the possibility of ingestion of torpedo wire by sea turtles, sea birds, marine mammals, or other marine life?</p>	3
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COMMENT NUMBER
D-E-0460 (cont.)
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<p>39. Why is it acceptable to extrapolate the criterion for TTS (p. 4-21) when it was “inappropriate” to extrapolate from marine mammal data when discussing sonar on the previous page?</p> <p><u>4-22</u></p> <p>40. The only data used for sea turtle vulnerability to underwater detonations is marine mammal data. Has there or will there be any effort to procure data pertaining to sea turtles?</p> <p>41. Do sea turtles (considering both cheloniids and leatherbacks) have vulnerabilities for injury unique from marine mammals (i.e. other than lung and TM)?</p> <p>42. My understanding from speaking to Navy representatives at the Hilo EIS meeting is that “clearance” is not an active process (herding animals) but rather an acknowledgement that an area is clear. To call this “clearance” gives a false impression to the public as to what’s occurring and the likelihood that sea turtles or marine mammals will remain in the area. Again, my understanding from my discussions with Navy representatives is that people simply watch from the deck (and listen for acoustics), that there isn’t an active survey of the area performed. Is this accurate?</p> <p>43. 6.1.1-6.1.4 give few details as to clearance procedure. What is clearance procedure, and who determines an area is clear?</p> <p>44. The EIS gives a lead time of 30 minutes to several hours for set-up and clearance of the impact area, and Navy representatives I spoke with relied upon this timeframe (approximately an hour) for successful clearance, noting that no marine mammal or sea turtles could stay underwater that long and would be seen surfacing for air. Of course, that’s not true, either as to the practicality of seeing an animal for the moment it surfaces, or as to the characterization of dive patterns and capabilities for marine mammals and sea turtles. Were dive characteristics (including duration and depth and foraging patterns) taken into account when arriving at the conclusions in the EIS? If so, where?</p> <p><u>4-23</u></p> <p>45. At 4-23 the EIS states that “The weapons used in most missile and Live Fire Exercises pose little risk to sea turtles unless they were to be near the surface at the point of impact.” What depth constitutes “near the surface” in this context, and what is the average depth of these affected areas?</p> <p><u>4-24</u></p> <p>46. At 4-24 the EIS mentions ongoing research into the effects of sound on marine mammals. What studies are ongoing, and under the auspices of which agencies and/or individuals?</p> <p>47. At 4-24, the EIS states that the primary source(s) of potential marine mammal habitat impacts is underwater sound from various exercises and “pressure effects from underwater detonations during mine clearing exercise.” Why isn’t this mentioned and addressed in the sea turtle section?</p> <p><u>4-25</u></p> <p>48. It appears that the critical habitat designation within the HRC for the Hawaiian monk seal used for this EIS was made by NMFS in 1988 when the previous recovery plan was drafted. According to the EIS, this designation runs out to the 120-fathom line for the Northwestern Hawaiian Islands. There have been breakthroughs since 1988 in our knowledge of Hawaiian monk seal foraging behavior and we now know that they spend much more time in much deeper water than was previously suspected. Has there been a</p>	4
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER		COMMENT NUMBER
	D-E-0460 (cont.)		D-E-0460 (cont.)
<p>recent change in the designation of critical habitat for the seal, either in conjunction with its new recovery plan (released 2007, draft revision 2006 examined for this EIS) or associated with the national marine monument designation?</p> <p><u>4-26</u></p> <p>49. At 4-25, the EIS seems to equate harassment with physical harm rather than using the standards of the Endangered Species Act or Marine Mammal Protection Act. What is the likelihood of harassment (falling short of physical injury) of marine mammals or sea turtles for the 4.1.2.4.1 "potential non-acoustic impacts" section?</p> <p>50. Where is the previous analysis of torpedo launch accessories referenced at 4-26? It should be included in an appendix.</p> <p>51. How "rapidly" will the launch pieces sink to the bottom?</p> <p>52. What material is the canopy made of?</p> <p>53. What is the likelihood of the canopy entangling or becoming a host/habitat to marine organisms other than marine mammals or sea turtles?</p> <p>54. Where is the scientific support for the assertion that the canopy will not pose an entanglement risk because it is highly visible? Marine mammals often become entangled in perfectly visible materials because they appear to be a food source, either directly or as a host to other organisms.</p> <p>55. At 4-26, the EIS says that "marine animals would only be vulnerable to entanglement or ingestion impacts if their diving and feeding behaviors place them in contact with the sea floor." Where is the evaluation of the danger to those marine animals that fall into this category? For example, monk seals often feed on the bottom. Green sea turtles crawl into pukas on the bottom to rest. Likewise, although specifically mentioned as vulnerable to ingestion, there is no assessment of bottom-feeding whales in Hawaii. The same is true on the next page when discussing sonobuoy and other parachutes.</p> <p>56. 4-27</p> <p>57. Will MK-48 torpedo and other debris aggregate on the bottom or in the water column?</p> <p>58. How many flex hoses will be deposited, and in what area (square feet) on an annual basis?</p> <p>59. Is there any intention to recover any of the torpedo, sonobuoy, or other debris?</p> <p>60. Have sinking rates of parachute assemblies (from surface to bottom) and time at surface been observed?</p> <p><u>4-32</u></p> <p>61. I'd like a bibliography of the literature search referenced at 4-32.</p> <p><u>4-35</u></p> <p>62. Ecological information is used to analyze individual species. Is there an overall ecological evaluation, or an ecological evaluation of cumulative effects, within the EIS? If not, why not?</p> <p><u>4-42</u></p> <p>63. Please define the terms "intermittent" and "continuous" in the TS/exposure context.</p> <p><u>4-46</u></p> <p>64. At what point does intermittent sound have a cumulative effect rather than allowing recovery time?</p> <p><u>4-49</u></p>	<p>21</p> <p>22</p> <p>58</p> <p>23</p> <p>24</p>	<p>65. What is the scientific support for the assertion at 4-49 that deep diving animals would dive rather than ascend at times of stress, and how does depletion of oxygen reserves fit into that scenario?</p> <p><u>4-51</u></p> <p>66. Why is it unacceptable to extrapolate behavioral effects of sound from humans and terrestrial animals to marine mammals but acceptable to extrapolate PTS data?</p> <p><u>4-60</u></p> <p>67. Beaked whales appear twice on Tables 4.1.2.4.9.3-1 and -2. Is one of the beaked whale rows supposed to be designated for harbor porpoises?</p> <p><u>4-176</u></p> <p>68. What, if any, hazardous shipboard materials may be disposed of at sea, in near-shore waters, or in any way other than being offloaded in port?</p> <p>69. What, if any, expended training materials will be recovered or attempted to be recovered from the open ocean?</p> <p>70. If any expended training materials may be recovered or attempted to be recovered, what are the protocols for recovery? When will they be recovered and in what manner?</p> <p>71. The EIS discusses sonobuoys, pyrotechnic residue, and chaff in the No Action alternative section 4.1.4.1.1. However, other expended training materials, including gun ammunition, bombs and missiles, and targets are mentioned in the text but not discussed. Why is this?</p> <p>72. What is a JATO bottle?</p> <p>73. Various missiles and ammunition are listed in Table 4.1.4.1.1-1. They are not discussed. What will be the impact of these approximately 231,400 items?</p> <p>74. For each of the items listed in the Table but not otherwise discussed in Section 4.1.4.1.1, what hazardous materials are produced, and in what quantity?</p> <p>75. What is the open ocean area (in square feet) over which these materials will be dispersed?</p> <p>76. What is a training item containing energetic materials?</p> <p>77. What percent of materials containing energetic materials is likely to fail to detonate?</p> <p>78. Historically, in similar HRC operations, what percent of materials containing energetic materials failed to detonate?</p> <p>79. What is the policy for recovery of unexploded ordnance? Under what conditions is a recovery attempted, and in what manner, and when is a recovery operation terminated?</p> <p>80. What specific information do you have about: the rate and manner of decomposition of training debris; what toxic substances are released; likely resultant concentrations; the potential effect on benthic flora and fauna; and specific areas (both in location and square footage) likely to be affected?</p> <p><u>4-178</u></p> <p>81. According to the EIS, "A sonobuoy's seawater batteries may release copper, lithium, or other metals." (4-178) What other metals may be released?</p> <p>82. How long may batteries release metals?</p> <p>83. Are the battery effluents marine organisms may be exposed to for up to 8 hours distinct from the aforementioned releases? If so, what may be released that has not already been named?</p> <p>84. How is a sonobuoy scuttled?</p>	<p>25</p> <p>30</p> <p>40</p> <p>41</p> <p>42</p> <p>41</p> <p>43</p> <p>44</p> <p>45</p> <p>31</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

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<p>85. The EIS provides information for the types of sonobuoys used on San Clemente Island, but will not commit as to the type that will be used in the HRC, and thus the hazardous materials that may be used in HRC. What hazardous materials other than fluorocarbons, copper and lead may be contained in or released by sonobuoys?</p> <p>86. Are there sonobuoys that may be used that contain greater levels of fluorocarbons, copper and lead than those set forth in Table 4.1.4.1.1-2? If so, what are those levels?</p> <p>87. The EIS characterizes the No Action Alternative as about 2200 flares and 300 smoke grenades. However, Table 4.1.4.1.1-1 lists 2220 flares and 478 smoke canisters. Why is there a 63% discrepancy in the number of smoke grenades?</p> <p>88. Do both flares and smoke canisters weigh approximately 0.85 pounds per item, or is that an average of the two items? If their weights are different, what does each one weigh, per item?</p> <p>89. If Table 4.1.4.1.1-1 is accurate, wouldn't 168 more pounds than are enumerated in the EIS of the materials itemized in paragraph 1 of "Pyrotechnic Residues" be deposited on the sea floor each year in the No Action alternative?</p> <p>90. What is the actual area, (i.e. not the 250,000 square nm of HRC unless the entire area will be subjected to flares and smoke grenades), in square feet, that may be directly affected or impacted by pyrotechnic residues?</p> <p>91. According to the EIS, if the materials itemized in paragraph 1 of "Pyrotechnic Residues" were scattered uniformly across the 235,000 square nm of the HRC, the materials would be deposited at a rate of 0.01 lb/square nm per year. What is the actual rate of deposition in affected areas of the materials itemized in paragraph 1 of "Pyrotechnic Residues," using an accurate estimate of both pyrotechnic residues and the areas likely to be impacted?</p> <p>92. What are the Resource Conservation and Recovery Act criteria for characterizing hazardous wastes?</p> <p>93. Do any of the materials that may foreseeably find their way into the open ocean HRC area, through either current or proposed military operations, meet the RCRA criteria under any legally supportable interpretation of the criteria?</p> <p>4-179</p> <p>94. Does chaff float?</p> <p>95. What chemicals leach out of the chaff?</p> <p>96. Having admitted that chaff may be ingested by marine life, what will be the effect of the chemicals leaching out of the chaff after being consumed, and how do you know?</p> <p>97. How is chaff in effect different from nurdles and other debris ingested by marine life that results in that marine life's starvation?</p> <p>98. Has anyone examined deceased marine life, including seabirds in the Northwestern Hawaiian Islands, for the presence of ingested chaff? If so, who performed the examination, under what conditions and with what results?</p> <p>99. How long specifically are turbidity and clarity of ocean waters affected by chaff (i.e. define "temporarily")?</p> <p>100. What is the area, in square feet, affected by a single discharge of chaff?</p> <p>101. How many packages of chaff are released in a single discharge?</p> <p>102. How large is a single unit or particle of chaff, and approximately how many of these units is contained in a single package?</p> <p>103. What is the weight of one package of chaff?</p>	<p>D-E-0460 (cont.)</p> <p>34</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>26</p> <p>35</p> <p>38</p> <p>36</p>	<p>104. What is the specific area (i.e. not the 250,000 square nm of HRC unless the entire area will be blanketed), in square feet, that will be affected or impacted or host to chaff discharge on an annual basis?</p> <p>105. How widely (note whether answer is a single radius or area) will chaff be dispersed by wind, waves and currents?</p> <p>106. Have there been experiments, modeling, or other investigation into the dispersal of chaff by wind, waves and currents? If so, what variables affected the dispersal and what were the results? If not, what is your support for the assertion that, "The fibers are quickly dispersed more widely by wind, waves, and currents." (4-179)</p> <p>107. What is the difference between ACM chaff and the CHAFFEX MK-36 rapid bloom offboard chaff? Will they have different impacts on the open ocean environment, either in their launch or subsequent dispersal?</p> <p>108. Are or will any used hazardous wastes and chemical by-products generated at sea, materials that would otherwise be considered hazardous wastes when offloaded in port, be disposed of at sea, in near-shore waters, or in any way other than being offloaded in port?</p> <p><u>Northwestern Hawaiian Islands</u></p> <p>109. What happens when a missile fails to intercept its target? (Presumably there will be misses or there would be no need of practice.) Where would the missile, and the target, impact and what would be the effect on the area?</p> <p>110. Would any effort be made to assess damage caused by the failure, and/or to recover any unexploded ordnance or otherwise unconsumed hazardous materials?</p> <p>4-198</p> <p>111. What are the 20 coral species alluded to (p. 4-198) as being present offshore of Nihoa, and are any of these species endemic?</p> <p>112. What is the estimated age range of the coral offshore of Nihoa that may be impacted?</p> <p>113. What is the actual area (in square feet) of coral that may be affected?</p> <p>114. If coral cover in the area is approximately 25%, and falling debris is widely scattered over that area, then wouldn't every piece of debris have a 25% chance of impacting coral?</p> <p>115. What types of chemicals (simulants, accelerants, etc.), heavy metals, or toxic or hazardous materials may a piece of falling debris be contaminated with?</p> <p>116. If the touch of a human finger can damage some coral organisms, how can falling (possibly chemically contaminated) debris have no impact on coral communities?</p> <p>117. How were potential impacts on coral communities evaluated? What scientific resources (publications, experts in the field, etc.) were consulted?</p> <p>118. What does "impacts" on coral communities mean in this context—simply direct physical impact or collision?</p> <p>119. How was the 1 in 1 million chance of a marine mammal (offshore of Nihoa) being affected by falling debris arrived at?</p>	<p>D-E-0460 (cont.)</p> <p>37</p> <p>39</p> <p>29</p> <p>27</p> <p>32</p> <p>55</p> <p>56</p> <p>57</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



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<p>120. What does “affecting a marine mammal” mean in this context—only being struck by debris?</p> <p><u>4-199</u></p> <p>121. On p. 4-199, “Interceptor missile element test activities associated with the Missile Defense Agency lethality program could include development and testing of Nuclear, Biological, or Chemical material simulants... The only proposed chemical simulant that might be included as part of the No-Action Alternative in a target payload will be small quantities of tributyl phosphate (TBP), which is a non-flammable, non-explosive, colorless, odorless liquid typically used as a solvent in commercial industry.” Will any other chemical simulants be used in the No-Action Alternative, Alternative 1, or Alternative 2 in a target payload or any other capacity?</p> <p>122. Will any Nuclear or Biological Material simulants be used in any of the three alternatives?</p> <p>123. What toxins other than TBP may be present on falling debris?</p> <p>124. Do the toxicity levels given for aquatic species on 4-199 only include TBP, or are other toxins included as well?</p> <p>125. Were TBP dispersal patterns analyzed using any scientific models or simulations (laboratory, computer, etc.)? If not, how are these conclusions supported? More specifically, what information does the Navy have about effects and properties of TBP in a marine versus aquatic environment?</p> <p>126. The Material Safety Data Sheet on TBP advises that, among other things, it may affect the central nervous system. In case of accidental release, the MSDS warns, “Do not flush to sewer!” My understanding, based upon this warning and some cursory research, is that TBP is relatively water-insoluble. What is meant when the EIS says that seawater will “neutralize” TBP?</p> <p>127. If TBP is relatively water-insoluble and less dense than water, it seems likely that TBP will float on the surface of seawater. What effect will this have on neuston and the organisms who consume it?</p> <p>128. Is the Navy currently using TBP in its operations in the HRC? If so, what quantity of TBP has been used to date, and over what area (in square feet)? And if so, has there been any follow-up observation or sampling that can prove or disprove the conclusions made in the EIS regarding TBP dispersal and effects?</p> <p>129. Does the Navy have any data on toxicity levels for marine species?</p> <p>130. Many things that would not otherwise be considered toxic (meaning chemically toxic or poisonous) are toxic (meaning causing serious injury or death) to some coral organisms. For example, sediment run-off due to shoddy construction practices or unusual rain events can blanket coral communities and cause mortality. What substances or materials that are potentially toxic to coral could be introduced to the Northwestern Hawaiian Islands, and also to other areas of HRC with coral communities, through the Navy’s “No-Action” alternative?</p> <p>131. What additional toxins and differences in quantity and quality may be present for Alternatives 1 and 2?</p> <p>132. The possibility of debris ingestion, either directly or through ingesting other flora or fauna that have been affected by debris, was not addressed in 4.2.1.1. Why not? Please do so.</p> <p style="text-align: right;">9</p>	<p><b>D-E-0460 (cont.)</b></p> <p style="text-align: center;"><b>32</b></p> <p style="text-align: center;"><b>33</b></p>	<p><u>4-199</u></p> <p>133. According to the EIS (p. 4-199) an exercise is halted if a marine mammal is detected in the target area. Is the exercise halted if a sea turtle is detected in the target area?</p> <p style="text-align: right;">10</p>	<p><b>D-E-0460 (cont.)</b></p> <p style="text-align: center;"><b>28</b></p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

From: Gordana Leonard - Kailua Kona, HI  
 To: deis\_hrc@govsupport.us  
 Subject: I OPPOSE the proposed Hawaii/Pacific Range and "Alternative Actions"!

Date: 9/17/2007 11:32:04 PM  
 Aloha!

As a 10-year Hawaii resident who relocated from the poisoned and polluted area of San Jose CA first to Kaua'i and then to the Big Island, I became aware \_from the outset\_ that the paradise which had been Hawaii had already been misused and extensively polluted and abused by various activities of my country's military. Now, with the discovery of DU on Oahu and Hawaii Island, and some awareness of the horrors dumped in the past off the coast of Oahu, I realize that even CA is not as badly toxically compromised, for the CA poisons of air, water table and earth are not as vile, nor have a half-life of 4.5 million years!!!

So, for a great many reasons, I am writing to formally oppose all facets of the Hawaii/Pacific Range and any and all "Alternatives" in the Hawaii Pacific Waters./\_

\_/\_ I believe that there is NO justification to /\_further destroy\_/ Hawaii -- in fact would strongly endorse the closure of the Pohakuloa Training Area if that were to ever be on the table. I believe it unconscionable that the one and ONLY Hawaii, "Paradise on Earth", is being used as a training ground and missile range while our State promotes Hawaii as a tourist mecca and our various tourist agencies are trying to lure tourists from the U.S. and abroad! Tourism is our LIFE BLOOD! Our economy depends on it! I would personally NEVER vacation in an area in which military activities and training exercises are apparent, and where the ocean, watertable, air and earth are being affected by the effects of whatsoever weaponry.

But, more to the point, I participated for years in efforts to protect Hawaiian waters from the potentially deadly impact of SURTASS LFAS, as well as on the effort to protect the Northwestern Hawaiian Islands. I have read enough research, enough so called "objective" EIS assessments to be able to categorically state that each, everything and all you

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currently propose will either be de facto damaging to the Pacific Ocean and its life forms -- not merely the endangered monk seals or the whales -- or is laughably inadequate for the prevention of such damage, and the likely death and destruction.

No matter how much I appreciate our military, my top, middle and bottom lines are NO TO THE HAWAII / PACIFIC RANGE. To allow it to proceed could damage human life, WOULD damage tourism, and WOULD damage our precious ocean and its entire ecosystem.

Thank you for considering my input.

Gordana Leonard

Kailua Kona HI

**COMMENT  
NUMBER**

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(cont.)

<p>From: Barbara Saiki To: deis_hrc@govsupport.us Subject: stop the war games and move on Date: 9/17/2007 11:43:30 PM</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0462</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0462	1	<p>From: Michael Jasny - Santa Monica, CA To: deis_hrc@govsupport.us Subject: Comments on HRC DEIS Date: 9/17/2007 11:58:46 PM Dear Sir or Madam:</p> <p>Attached are comments from NRDC on the Draft Environmental Impact Statement for the Hawaii Range Complex. Please add these comments to the record.</p> <p>Thank you,</p> <p>Michael Jasny</p> <p>Michael Jasny Senior Policy Analyst Natural Resources Defense Council</p> <p>Vancouver, BC</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0463</td></tr></table>	COMMENT NUMBER	D-E-0463
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



## PRIVILEGE AND CONFIDENTIALITY NOTICE

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NATURAL RESOURCES DEFENSE COUNCIL

## By Electronic and Regular Mail

September 17, 2007

Public Affairs Officer  
Pacific Missile Range Facility  
P.O. Box 128  
Kekaha, Kauai, Hawaii 96752-0128  
ATTN: HRC EIS/OEIS  
deis\_hrc@govsupport.us

Re: Draft Environmental Impact Statement for the Hawaii Range Complex

Dear Sir or Madam:

On behalf of the Natural Resources Defense Council ("NRDC"), the International Fund for Animal Welfare, Cetacean Society International, the International Ocean Noise Coalition, and Ocean Futures Society and its founder Jean-Michel Cousteau, and on behalf of our millions of members, thousands of whom reside in Hawaii, we are writing to submit comments on the Navy's Draft Environmental Impact Statement/ Overseas Environmental Impact Statement for the Hawaii Range Complex ("DEIS"). See 72 Fed. Reg. 43251 (Aug. 3, 2007).<sup>1</sup>

The Navy's DEIS for the range complex encompasses an astonishing quantity and variety of activity, amounting to more than 1000 annual exercises in ocean waters alone. Individually and collectively, many of these activities pose a risk to Hawaii's unique environment. Some make use of live ordnance, some use live explosives—and still others employ high-intensity active sonar, a technology whose impacts on marine life have in recent years been the subject of broad scientific recognition and concern. During a major exercise in 2004, as sonar sounded some 25 nautical miles offshore, 200 whales from a species that is rarely seen from shore and had never mass-stranded on Kauai came into Hanalei Bay. Many of the exercises proposed in the DEIS would employ the same hull-mounted sonar systems that were used during that incident and, more broadly, have been implicated in mass injuries and mortalities of whales around the globe. The same technology is known to affect marine mammals in countless other ways, inducing panic responses, displacing animals, and disrupting crucial behavior.

<sup>1</sup> NRDC is aware that comments may be submitted separately by government agencies, individual scientists, environmental organizations, and the public. The comments that follow do not constitute a waiver of any factual or legal issue raised by any of these organizations or individuals and not specifically discussed herein.

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such as foraging. The Navy's proposal for the Hawaii Range Complex ("HRC") would increase current levels of sonar use—already exceeding 3000 hours per year—by almost 70 percent.

It is undisputed that sound is a fundamental element of the marine environment. Whales, fish, and other wildlife depend on it for breeding, feeding, navigating, and avoiding predators—in short, for their survival. Under these circumstances, exercises like the ones proposed for Hawaii must be undertaken with particular care, dictated not by assertions of convenience or of history, but by a recognition that protection of the marine environment and safeguarding of our national defense are mutually dependent national interests that can and must be achieved through compliance with our federal environmental laws.

To that end, Congress has dictated through NEPA that, in planning exercises, the Navy must employ rigorous standards of environmental review, including a fair and objective description of potential impacts of the range, a comprehensive analysis of all reasonable alternatives, and a thorough delineation of measures to mitigate harm. Unfortunately, the DEIS released by the Navy falls far short of these standards. To cite just a few examples:

- The Navy throws out nearly the entire literature on behavioral impacts on marine mammals, in support of a standard that lowers previous estimates of predicted harm.
- It presumes, entirely without analysis, that all of its impacts are short-term in nature and that none will have cumulative effects, even though the same populations would repeatedly be affected.
- It disregards numerous studies showing that every Hawaiian population of toothed whales examined to date is genetically distinct from other North Pacific populations, posing a heightened risk of population-level effects.
- It claims, against generations of field experience, that marine mammals—even cryptic, deep-diving marine mammals like beaked whales—can effectively be spotted from fast-moving ships and avoided.
- It adopts mitigation that a federal court recently found to be “woefully inadequate and ineffectual,” supported by no more than abstract statements of operational need.

The picture that the Navy paints with such an analysis belies common sense. Although mass mortalities of beaked whales have resulted from the single transit of a sonar ship, the DEIS concludes that virtually no animals would suffer injury or die during the HRC's many years of operation. Although the Navy would use sonar extensively in the same areas of ocean, the DEIS concludes that no cumulative impacts would occur. And although marine mammal populations around Hawaii have shown themselves to be discrete, reproductively isolated, and associated with individual islands, the DEIS

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asserts without analysis that all of the Navy's activities have not and will not result in any population-level effects.

Nor is the Navy's analysis of alternatives any more credible. For sonar training, there is no step more crucial to reducing impacts than the careful siting of exercises, avoiding concentrations of vulnerable and endangered species and high abundances of marine life to the greatest extent possible. Yet the Navy did not consider alternative sites or establish a single environmental exclusion zone, either within or outside the vast Hawaii Operating Area, which alone comprises some 235,000 square nautical miles of ocean. And the Navy fails to consider a variety of other options, some employed by other navies, that would reduce its impacts. What it presents instead is an unlawfully narrow set of alternatives, a Hobson's choice that bears no relation to what might be done to mitigate harm in Hawaii's marine environment.

The DEIS is fatally flawed by its inconsistency with the weight of scientific evidence and with the standards of environmental review embodied in NEPA. As a matter of science, it lacks objectivity; as a matter of law, it is insupportable. We urge the Navy to revise its analysis consistent with federal law and to produce a mitigation plan that truly maximizes environmental protection given the Navy's actual operational needs. We also urge the Navy to make available to the public the data and modeling on which its analysis is based.

I. BACKGROUND

A. Impacts of High-Intensity Sonar

Scientists agree, and the publicly available scientific literature confirms, that the intense sound generated by military active sonar can induce a range of adverse effects in whales and other species, from significant behavioral changes to stranding and death. By far the most widely-reported and dramatic of these effects are the mass strandings of beaked whales and other marine mammals that have been associated with military sonar use. Associated strandings have occurred in Greece, during the trial of a NATO sonar system; on the islands of Madeira and Porto Santo, during a NATO event involving subs and surface ships; in the U.S. Virgin Islands, during a training exercise for Navy battle groups; in the Bahamas, the Canaries, Japan, Hawaii, Alaska, and other spots around the world.<sup>2</sup> On several occasions, bodies have been recovered in time to give evidence of acoustic trauma. In a 2004 symposium at the International Whaling Commission, more than 100 whale biologists concluded that the association between

<sup>2</sup> A summary of the strandings record appears below at section II(B)(2)(a) ("Strandings and Mortalities Associated with Mid-Frequency Sonar").

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sonar and beaked whale deaths "is very convincing and appears overwhelming."<sup>3</sup> In the United States, an expert report commissioned by the Navy said much the same thing.<sup>4</sup>

Mass mortalities, though an obvious focus of much reporting and concern, are likely only the tip of the iceberg of sonar's harmful effects. Marine mammals are believed to depend on sound to navigate, find food, locate mates, avoid predators, and communicate with each other. Flooding their habitat with man-made, high-intensity noise interferes with these and other functions. In addition to strandings and non-auditory injuries, the harmful effects of high-intensity sonar include:

- temporary or permanent loss of hearing, which impairs an animal's ability to communicate, avoid predators, and detect and capture prey;
- avoidance behavior, which can lead to abandonment of habitat or migratory pathways;
- disruption of biologically important behaviors such as mating, feeding, nursing, or migration, or loss of efficiency in conducting those behaviors;
- aggressive (or agonistic) behavior, which can result in injury;
- masking of biologically meaningful sounds, such as the call of predators or potential mates;
- chronic stress, which can compromise viability, suppress the immune system, and lower the rate of reproduction;
- habituation, causing animals to remain near damaging levels of sound, or sensitization, exacerbating other behavioral effects; and
- declines in the availability and viability of prey species, such as fish and shrimp.

Over the past 20 years, a substantial literature has emerged documenting the range of effects of ocean noise on marine mammals.<sup>5</sup>

Marine mammals are not the only species affected by undersea noise. Impacts on fish are of increasing concern due to several recent studies demonstrating hearing loss and widespread behavioral disruption in commercial species of fish and to reports, both experimental and anecdotal, of catch rates plummeting in the vicinity of noise sources.<sup>6</sup>

<sup>3</sup> International Whaling Commission, 2004 Report of the Scientific Committee, Annex K at § 6.4 (2004).

<sup>4</sup> H. Levine, Active Sonar Waveform 1 (2004) (JASON Group Rep. JSR-03-200) (describing evidence of sonar causation as "completely convincing"). The strandings record is further described infra at section II(B)(2)(a).

<sup>5</sup> For a review of research on behavioral and auditory impacts of undersea noise, see, e.g., W.J. Richardson, C.R. Greene, Jr., C.I. Malm, and D.H. Thomson, Marine Mammals and Noise (1995); National Research Council, Ocean Noise and Marine Mammals (2003); Whale and Dolphin Conservation Society, Oceans of Noise (2004).

<sup>6</sup> See the discussion below, at section II(C) of "Impacts on Fish and Fisheries."

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Sea turtles, most of which are considered threatened or endangered under federal law, have been shown to engage in escape behavior and to experience heightened stress in response to noise. And noise has been shown in several cases to kill, disable, or disrupt the behavior of invertebrates, many of which possess ear-like structures or other sensory mechanisms that could leave them vulnerable. It is clear that intense sources of noise are capable of affecting a wide class of ocean life.

**B. The Proposed Activity**

The HRC is one of the focal points for anti-submarine warfare (ASW) training in the Pacific, involving tracking exercises (TRACKEX), torpedo exercises (TORPEX), major integrated exercises (such as USWEX), and exercises with extended echo rangers. A variety of acoustic sources are used in these exercises, deployed from surface ships, submarines, aircraft, training targets, and nodes on the Navy's instrumented ranges off Kauai; and some events involve the use of multiple sources at one time, potentially creating a complex sound field. Among the high-intensity active sonars to be employed are the systems that caused 16 whales to strand in the Bahamas in 2000, following a Navy exercise, and is believed to have been involved in several other mass mortalities; at least one of the systems was also used by the U.S. Navy during the mass embayment of melon-headed whales in July 2004.<sup>7</sup> According to the DEIS, six major Undersea Warfare Exercises (USWEX), close to 900 other ASW training exercises, and approximately 20 ASW research trials would continue to take place each year within the Hawaii Operating Area, both within and outside the 12 nautical mile limit. DEIS at 2-17, 2-19. In addition, the Navy would continue to host the biennial Rim of the Pacific, or RIMPAC, exercise, one of the largest naval training events in the world.

These sonar exercises occur amid a host of other activities with the potential to harm marine animals. Such activities include ship maneuvers and amphibious landings, gunnery, bombing, and missile exercises, mine and demolition training, hulk sinking activities, and special warfare operations. In some of these exercises, live bombs, missiles, or ordnance are used. DEIS at 2-17.

The Navy does not consider any reduction of this activity in its DEIS: on the contrary, it proposes to increase it. Its first alternative would double the number of sonar operating hours planned for RIMPAC, and add one half dozen other ASW exercises and a few ASW research trials to the annual battery; it would also (among other things) substantially increase the number of missile and mine countermeasures exercises taking place in the Hawaii Operating Area and establish a portable undersea tracking range within roughly 20 nautical miles of the main islands. DEIS at 2-36 to 2-37, 2-40. The Navy's preferred alternative would add an additional multiple strike-group exercise involving over 900 hours of sonar use – twice as much as currently takes place during RIMPAC exercises; and close to 200 additional unit-level training exercises and research tests. DEIS at 2-52 to 2-58.

<sup>7</sup> Department of Commerce & Secretary of the Navy, Joint Interim Report: Bahamas Marine Mammal Stranding Event of 15-16 March 2000 at iii, 16, 23 (2001).

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## II. THE NAVY'S COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

Enacted by Congress in 1969, NEPA establishes a national policy to "encourage productive and enjoyable harmony between man and his environment" and "promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man." 42 U.S.C. § 4321. In order to achieve its broad goals, NEPA mandates that "to the fullest extent possible" the "policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with [NEPA]." 42 U.S.C. § 4332. As the Supreme Court explained,

NEPA's instruction that all federal agencies comply with the impact statement requirement – and with all the requirements of § 102 – "to the fullest extent possible" [cit. omit.] is neither accidental nor hyperbolic. Rather the phrase is a deliberate command that the duty NEPA imposes upon the agencies to consider environmental factors not be shunted aside in the bureaucratic shuffle. Flint Ridge Development Co. v. Scenic Rivers Ass'n, 426 U.S. 776, 787 (1976).

Central to NEPA is its requirement that, before any federal action that "may significantly degrade some human environmental factor" can be undertaken, agencies must prepare an environmental impact statement. Steamboaters v. F.E.R.C., 759 F.2d 1382, 1392 (9th Cir. 1985) (emphasis in original). The fundamental purpose of an EIS is to force the decision-maker to take a "hard look" at a particular action – at the agency's need for it, at the environmental consequences it will have, and at more environmentally benign alternatives that may substitute for it – before the decision to proceed is made. 40 C.F.R. §§ 1500.1(b), 1502.1; Baltimore Gas & Electric v. NRDC, 462 U.S. 87, 97 (1983). The law is clear that the EIS must be a pre-decisional, objective, rigorous, and neutral document, not a work of advocacy to justify an outcome that has been foreordained.

In nearly every respect, the Navy's DEIS fails to meet the high standards of rigor and objectivity established under NEPA.

### A. Statement of Purpose and Need

It is a fundamental requirement of NEPA that agencies preparing an EIS specify their project's "purpose and need." 40 C.F.R. § 1502.13. Not any statement of purpose and need will suffice: "An agency cannot define its objectives in unreasonably narrow terms" so as to exclude consideration of reasonable alternatives. City of Camel-by-the-Sea v. United States Dep't of Transp., 123 F.3d 1142, 1155 (9th Cir. 1997) (citing Citizens Against Burlington, Inc. v. Busey, 938 F.2d 190, 196 (D.C. Cir. 1991)). Instead, the statement must reflect the agency's core aim without foreclosing reasonable alternatives. Id.

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Here, the Navy's stated purpose is to "[a]chieve and maintain fleet readiness using the HRC to support and conduct current, emerging, and future training events and RDT&E training and testing events," "[c]onduct missions supported by the HRC, consistent with the requirements of the FRTP and other transformation initiatives," and "[u]pgrade/modernize existing range capabilities to enhance and ensure the sustainability of Navy training and testing." DEIS at 1-11. These statements contain no language that would justify the narrow alternatives analysis that the Navy performs.<sup>8</sup> As the language is somewhat opaque, however, we would remind the Navy that its statement of purpose must allow meaningful review. "The existence of a viable but unexamined alternative renders an environmental impact statement inadequate," Idaho Conservation League v. Mumma, 956 F.2d 1508, 1519 (9th Cir. 1992), and an EIS errs when it accepts "as a given" parameters that it should have studied and weighed. Simmons v. U.S. Army Corps of Eng'rs, 120 F.3d 664, 667 (7th Cir. 1997).

### B. Impacts on Marine Mammals

Fundamental to satisfying NEPA's requirement of fair and objective review, agencies must ensure the "professional integrity, including scientific integrity," of the discussions and analyses that appear in environmental impact statements. 40 C.F.R. § 1502.24. To this end, they must make every attempt to obtain and disclose data necessary to their analysis. The simple assertion that "no information exists" will not suffice; unless the costs of obtaining the information are exorbitant, NEPA requires that it be obtained. See 40 C.F.R. § 1502.22(a). Agencies are further required to identify their methodologies, indicate when necessary information is incomplete or unavailable, acknowledge scientific disagreement and data gaps, and evaluate indeterminate adverse impacts based upon approaches or methods "generally accepted in the scientific community." 40 C.F.R. §§ 1502.22(2), (4), 1502.24. Such requirements become acutely important in cases where, as here, so much about a program's impacts depend on newly emerging science.

In this case, the Navy's assessment of impacts on marine mammals is consistently undermined by its failure to meet these fundamental responsibilities of scientific integrity, methodology, investigation, and disclosure. As with the Navy's Draft Environmental Impact Statement for the east-coast Undersea Warfare Training Range, the DEIS excludes a great deal of relevant information adverse to the Navy's interests, uses approaches and methods that would not be acceptable to the scientific community, and ignores whole categories of impacts. In short, it leaves the public with an analysis of environmental harm—behavioral, auditory, and physiological—that is at odds with established scientific authority and practice.

### 1. Thresholds of Injury, Hearing Loss, and Significant Behavioral Change

<sup>8</sup> The inadequacy of the Navy's alternatives analysis is discussed below at section II(F).

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At the core of the Navy's assessment of acoustic impacts on the training range are the thresholds it has established for physical injury, hearing loss, and significant behavioral harassment, the levels above which meaningful effects on marine mammals are found to occur. There are gross problems with the Navy's thresholds here.

a. Injury Threshold

The Navy fixes its highest threshold of 215 dB re 1  $\mu\text{Pa}^2\text{s}$ —which it considers the ground floor for direct physical injury—on the amount of energy necessary to induce permanent hearing loss (or “threshold shift”) in marine mammals. Beneath this decision lies an assumption that the tissues of the ear are “the most susceptible to physiological effects of underwater sound” (DEIS at 4.39), and, indeed, a few paragraphs are spent in an effort to set aside other types of injury that have been identified or observed. Unfortunately, the Navy's position is inconsistent with the scientific literature and with the legal standard of review.

First, the DEIS disregards data gained from actual whale mortalities. The best available scientific evidence, as reported in the peer-reviewed literature, indicates that sound levels at the most likely locations of beaked whales beached in the Bahamas strandings run far lower than the Navy's threshold for injury here: approximately 150-160 dB re 1  $\mu\text{Pa}$  for 50-150 seconds, over the course of the transit.<sup>9</sup> A further modeling effort, undertaken in part by the Office of Naval Research, suggests that the mean exposure level of beaked whales, given their likely distribution in the Bahamas' Providence Channels, was lower than 140 dB re 1  $\mu\text{Pa}$ .<sup>10</sup> (In another context, where it wishes to dismiss evidence of impacts to hearing at lower levels than its standard allows, the Navy refers to the statistical mean as “the best unbiased estimator.” DEIS at 4-47.) Factoring in duration, then, evidence of actual sonar-related mortalities would compel a maximum energy level (“EL”) threshold for injury on the order of 182 dB re 1  $\mu\text{Pa}^2\text{s}$ , at least for beaked whales. The Navy's claim that no beaked whales would suffer injury because none would be exposed to levels above 215 dB re 1  $\mu\text{Pa}$  is simply not tenable.

Second, the DEIS fails to take proper account of published research on bubble growth in marine mammals, which separately indicates the potential for injury and death at levels far lower than the Navy proposes. According to the best available scientific evidence, as represented by multiple papers in flagship journals such as *Nature* and *Veterinary Pathology*, gas bubble growth is the

<sup>9</sup> J. Hildebrand, “Impacts of Anthropogenic Sound,” in T.J. Ragen, J.E. Reynolds III, W.F. Perrin, and R.R. Reeves, *Conservation beyond Crisis* (2005). See also International Whaling Commission, 2004 *Report of the Scientific Committee*, Annex K at § 6.3.

<sup>10</sup> J. Hildebrand, K. Balcomb, and R. Gisiner, *Modeling the Bahamas Beaked Whale Stranding of March 2000* (2004) (presentation given at the third plenary meeting of the U.S. Marine Mammal Commission Advisory Committee on Acoustic Impacts on Marine Mammals, 29 July 2004).

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causal mechanism most consistent with the observed injuries;<sup>11</sup> in addition, it was singularly and explicitly highlighted as plausible by an expert panel convened by the Marine Mammal Commission, in which the Navy participated.<sup>12</sup> The Navy's argument to the contrary simply misrepresents the available literature. What is more, the default assumption in the DEIS – that whales suffer injury only through the physical act of stranding itself (or through direct tissue injury) – has been soundly rejected in the literature.<sup>13</sup> The Navy's refusal to consider these impacts is insupportable under NEPA. 42 C.F.R. §§ 1502.22, 1502.24.

Third, the numbers do not reflect other non-auditory physiological impacts, as from stress and from chronic exposure during development, which are discussed further among “Other Impacts on Marine Mammals” (below).

Fourth, the Navy's exclusive reliance on energy flux density as its unit of analysis does not take other potentially relevant acoustic characteristics into account. For example, an expert group commissioned by the Office of Naval Research in 2003 to provide recommendations on mitigation suggested that peak power may matter more to beaked whale mortalities than integrated energy.<sup>14</sup> Reflecting this uncertainty, the Navy should establish a dual threshold for marine mammal injury.

Fifth, the Navy's calculation of permanent threshold shift (which it equates to the onset on injury) is based on studies of temporary threshold shift that, as discussed below, have a number of significant limitations.

b. Hearing Loss Threshold

<sup>11</sup> See, e.g., A. Fernández, J.F. Edwards, F. Rodríguez, A. Espinosa de los Monteros, P. Herráez, P. Castro, J.R. Jaber, V. Martín, and M. Arbelo, “Gas and Fat Embolic Syndrome” Involving a Mass Stranding of Beaked Whales (Family Ziphiidae) Exposed to Anthropogenic Sonar Signals, 42 *Veterinary Pathology* 446 (2005); P.D. Jepson, M. Arbelo, R. Deaville, I.A.P. Patterson, P. Castro, J.R. Baker, E. Degollada, H.M. Ross, P. Herráez, A.M. Pocknell, F. Rodríguez, F.E. Howie, A. Espinosa, R.J. Reid, J.R. Jaber, V. Martín, A.A. Cunningham, and A. Fernández, *Gas-Bubble Lesions in Stranded Cetaceans*, 425 *Nature* 575-576 (2003); R.W. Baird, D.L. Webster, D.J. McSweeney, A.D. Ligon, G.S. Schorr, and J. Barlow, *Diving Behavior of Cuvier's (Ziphius cavirostris) and Blainville's (Mesoplodon densirostris) Beaked Whales in Hawaii*, 84 *Canadian Journal of Zoology* 1120-1128 (2006).

<sup>12</sup> T.M. Cox, T.J. Ragen, A.J. Read, E. Vos, R.W. Baird, K. Balcomb, J. Barlow, J. Caldwell, T. Cranford, L. Crum, A. D'Amico, G. D'Spain, A. Fernández, J. Finneran, R. Gentry, W. Gerth, F. Gulland, J. Hildebrand, D. Houser, T. Hullar, P.D. Jepson, D. Ketten, C.D. MacLeod, P. Miller, S. Moore, D. Mountain, D. Palka, P. Ponganis, S. Rommel, T. Rowles, B. Taylor, P. Tyack, D. Wartzk, R. Gisiner, J. Mead, and L. Benner, *Understanding the Impacts of Anthropogenic Sound on Beaked Whales*, 7 *Journal of Cetacean Research & Management* 177-87 (2006).

<sup>13</sup> *Id.*

<sup>14</sup> Levine, *Active Sonar Waveform* at 27.

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The DEIS sets its threshold for temporary hearing loss, or “threshold shift” (“TTS”), at 195 dB re 1  $\mu\text{Pa}^2\text{s}$ . DEIS at 4-45. It bases this threshold primarily on a synthesis of studies on two species of cetaceans, bottlenose dolphins and beluga whales, conducted by the Navy’s SPAWAR laboratory in San Diego and, to a lesser extent, by researchers at the University of Hawaii. DEIS at 4-40 to 4-41.

First, the Navy’s extrapolation of data from bottlenose dolphins and belugas to all cetaceans is not justifiable. Given the close association between acoustic sensitivity and threshold shift, such an approach must presume that belugas and bottlenose dolphins have the best hearing sensitivity in the mid-frequencies of any cetacean. Yet, as noted below at subsection (c) (“Threshold for Significant Behavioral Change”), harbor porpoises and orcas are more sensitive over part of the mid-frequency range than are the two species in the SPAWAR and Hawaii studies.<sup>15</sup> Furthermore, the animals in the studies may not represent the full range of variation even within their own species, particularly given their age and situation (the SPAWAR animals, for example, have been housed for years in a noisy bay).<sup>16</sup>

Second, the small size of the data set generated by the studies leads the Navy to some arbitrary interpretations. For example, the Navy effectively excludes the results of one study that found threshold shift originating in a bottlenose dolphin at 190 re 1  $\mu\text{Pa}^2\text{s}$ , which is a full 5 dB re 1  $\mu\text{Pa}^2\text{s}$  below its proposed standard. DEIS at 4-42. The basis for this exclusion is the equal energy hypothesis: if you assume that the threshold for hearing loss decreases by a constant amount as the duration of a sound increases, you can fit a straight line connecting the data points that the studies have produced. Yet where the line falls can remain somewhat arbitrary given the small number of points on the chart. In this case, the Navy relied for its line-drawing on a single data point, from a single subject, lying at a distance from the main data cluster (Nachtigall *et al.* 2003b); alternatively, it might have dropped the line about 5 dB lower, which would have brought it closer to a second cluster, made of multiple data points from multiple subjects. See DEIS at Fig. 4.1.2.4.6-1. That choice would have fit the data just as well (perhaps better) and would have had the advantage of being marginally more conservative—yet there is no justification in the DEIS for the choice it made. The Navy’s assumption of a 195 re 1  $\mu\text{Pa}^2\text{s}$  EL threshold in the present DEIS, as in all documents that depend on the same methodology, is arbitrary and capricious.

c. Threshold for Significant Behavioral Change

<sup>15</sup> Richardson *et al.*, *Marine Mammals and Noise* at 209.

<sup>16</sup> M.L.H. Cook, *Behavioral and Auditory Evoked Potential (AEP) Hearing Measurements in Odontocete Cetaceans* (2006) (Ph.D. thesis).

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The threshold used in the DEIS differs the one used by the Navy to estimate marine mammal take during RIMPAC 2006 and during subsequent major exercises off California and Hawaii. In short, instead of using an EL standard of 173 dB re 1  $\mu\text{Pa}^2\text{s}$ , which NMFS had insisted the Navy adopt, the Navy rather applies a dose-response function that begins, for some species, below 145 dB re 1  $\mu\text{Pa}$  and reaches its mean at a point between 180 and 190 dB re 1  $\mu\text{Pa}$ .

The change from the current standard is significant: it substantially accounts for the modeled result of slightly over 48,000 takes from current levels of ASW sonar use (DEIS at 4-104), which while still a large number, represents far less than what the Navy would have predicted had it continued to use the previous EL-based standard of 173 re 1  $\mu\text{Pa}^2\text{s}$ . Under the current standard, RIMPAC 2006 was expected to result in slightly less than 33,000 behavioral takes of marine mammals; under the proposed one, RIMPAC events conducted with the same number of hours of sonar use would supposedly cause little more than 2600 takes. DEIS at 4-129. Under the current standard, the conduct of 6 USWEX events was predicted to cause over 30,000 behavioral takes of marine mammals; under the proposed one, annual takes are expected to approach 26,000. DEIS at 4-130. Considering major exercises alone, and only those conducted under the so-called “No-Action Alternative,” the difference between the two models amounts to over 34,000 takes – or more than the total number of takes projected for those two classes of events.

As the Navy should well know, agencies are not entitled to substantial deference under the Administrative Procedure Act when they reverse previously held positions. The discussion in the DEIS fails to give a complete description of the new methodology; but even within these limits, it is clear that it is deeply flawed. Among the most significant problems:

First, as a threshold matter, it is difficult, if not impossible, to comment on the Navy’s methodology. The Navy fails to provide critical information, inter alia, on how its dose-function means were generated from the data; on how the standard deviations were developed; and on whether the effects of multiple pings are considered. Furthermore, as the text makes clear, the Navy remains in negotiation with NMFS over numerous elements of its methodology, including source data, means, and other aspects of the dose-response function. The Navy must provide the public and scientific community an opportunity for fully informed participation on what is plainly a core factual issue. 42 C.F.R. §§ 1502.9(a), 1503.1(a); see also, e.g., *The Lands Council v. Powell*, 395 F.3d 1019, 1027 (9th Cir. 2005) (citing informed public comment as one of the purposes of NEPA). Accordingly, we urge the Navy to release a supplemental EIS for public comment before finalizing the document.

Second, the Navy again relies on inapposite studies of temporary threshold shift in captive animals for its primary source of data. Marine mammal scientists have long recognized the deficiencies of using captive subjects in behavioral

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experiments, and to blindly rely on this material, to the exclusion of copious data on animals in the wild, is not supportable by any standard of scientific inquiry. Cf. 42 C.F.R. § 1502.22. The problem is exacerbated further by the fact that the subjects in question, roughly two belugas and five bottlenose dolphins, are highly trained animals that have been working in the Navy's research program in the SPAWAR complex for years.<sup>17</sup> Indeed, the disruptions observed by Navy scientists, which included pronounced, aggressive behavior ("attacking" the source) and avoidance of feeding areas associated with the exposure, occurred during a research protocol that the animals had been rigorously instructed to complete.<sup>18</sup>

Remarkably, the Navy cites undisclosed "public comments" as the reason for its shift in approach—ignoring the numerous comments from members of the marine biology community on the Navy's earlier North Carolina DEIS, sharply criticizing the Navy for using those studies in the first place.<sup>19</sup>

Third, the Navy ignores a substantial body of research on wild animals (and some research on other experimental animals as well, within a behavioral experimental protocol). By contrast, the record clearly demonstrates significant behavioral impacts from mid-frequency sources, including mid-frequency sonar, on a diverse range of wild species (e.g., right whales, minke whales, killer whales, harbor porpoises, Dall's porpoises) at levels that simply do not support the Navy's mean.<sup>20</sup> There is simply no rationale for taking a study that has little

<sup>17</sup> See, e.g., S.H. Ridgway, D.A. Carder, R.R. Smith, T. Kamolnick, C.E. Schlundt, and W.R. Elsberry, Behavioral Responses and Temporary Shift in Masked Hearing Threshold of Bottlenose Dolphins, Tursiops truncatus, to 1-Second Tones of 141 to 201 dB re 1 µPa (1997) (SPAWAR Tech. Rep. 1751, Rev. 1).

<sup>18</sup> C.E. Schlundt, J.J. Finneran, D.A. Carder, and S.H. Ridgway, Temporary Shift in Masked Hearing Thresholds of Bottlenose Dolphins, Tursiops truncatus, and White Whales, Delphinapterus leucas, after Exposure to Intense Tones, 107 Journal of the Acoustical Society of America 3496, 3504 (2000).

<sup>19</sup> See comments from M. Johnson, D. Mann, D. Nowacek, N. Soto, P. Tyack, P. Madsen, M. Wahlberg, and B. Mohl, received by the Navy on the Undersea Warfare Training Range DEIS. These comments, and those of the fishermen cited below, are hereby incorporated into this letter. See also Letter from Rodney F. Weiher, NOAA, to Keith Jenkins, Naval Facilities Engineering Command Atlantic (Jan. 30, 2006); Memo, A.R. document 51, NRDC v. Winter, CV 06-4131 FMC (JCS) (undated NOAA memorandum).

<sup>20</sup> See, e.g., id.; R.A. Kastelein, H.T. Rippe, N. Vaughan, N.M. Schooneman, W.C. Verboom, and D. de Haan, The Effects of Acoustic Alarms on the Behavior of Harbor Porpoises in a Floating Pen, 16 Marine Mammal Science 46 (2000); P.F. Olesiuk, L.M. Nichol, M.J. Sowden, and J.K.B. Ford, Effect of the Sound Generated by an Acoustic Harassment Device on the Relative Abundance of Harbor Porpoises in Retreat Passage, British Columbia, 18 Marine Mammal Science 843 (2002); NMFS, Assessment of Acoustic Exposures on Marine Mammals in Conjunction with USS Shoup Active Sonar Transmissions in the Eastern Strait of Juan de Fuca and Haro Strait, Washington, 5 May 2003 at 10 (2005); D.P. Nowacek, M.P. Johnson, and P.L. Tyack, North Atlantic Right Whales (Eubalaena glacialis) Ignore Ships but Respond to Alerting Stimuli, 271 Proceedings of the Royal Society of London, Part B: Biological Sciences 227 (2004); Statements of D. Bain, K. Balcomb, and R. Osborne (May 28, 2003) (taken by NMFS enforcement on Haro Strait incident); Letter from D. Bain to California Coastal

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credibility (with respect to behavioral effects) among marine mammal behaviorists, and then extrapolating its results to cover all other species—even those, like killer whales, for which other data exist—with only minor adjustments.

Fourth, any risk function must take account of the social ecology of some marine mammal species. For species that travel in tight-knit groups, an effect on certain individuals can adversely influence the behavior of the whole. (Pilot whales, for example, are prone to mass strand for precisely this reason; the plight of those 200 melon-headed whales in Hanalei Bay, and of the "J" pod of killer whales in Haro Strait, may be pertinent examples.) Should those individuals fall on the more sensitive end of the spectrum, the entire group or pod can suffer significant harm at levels below what the Navy would take as the mean. In developing any behavioral risk function, the Navy must take account of such potential indirect effects. 42 C.F.R. § 1502.16(b).

Fifth, the Navy's exclusive reliance on ELs in setting a behavioral threshold is misplaced. The discussion in the DEIS speaks repeatedly of uncertainty in defining the risk function and recapitulates, in its summary of the earlier methodology, the benefits implicit in the use of a criterion that takes duration into account. It is therefore appropriate for the Navy to set dual thresholds for behavioral effects, one based on ELs and one based on sound pressure levels ("SPLs"). Indeed, that is what has been recommended for NMFS' own acoustic criteria.<sup>21</sup>

Sixth, as noted below in the discussion of Cumulative Impacts, the Navy's threshold is applied in such a way as to preclude any assessment of long-term behavioral impacts on marine mammals. It does not account, to any degree, for the problem of repetition: the way that apparently insignificant impacts, such as subtle changes in dive times or vocalization patterns, can become significant if experienced repeatedly or over time.<sup>22</sup>

Commission (Jan. 9, 2007); E.C.M. Parsons, I. Birks, P.G.H. Evans, J.C.D. Gordon, J.H. Shrimpton, and S. Pooley, The Possible Impacts of Military Activity on Cetaceans in West Scotland, 14 European Research on Cetaceans 185-190 (2000); P. Kvadsheim, F. Benders, P. Miller, L. Doksaeter, F. Knudsen, P. Tyack, N. Nordlund, F.-P. Lam, F. Samarra, L. Kleivane, and O.R. Godø, Herring (Sild), Killer Whales (Spekkhogger) and Sonar – the 3S-2006 Cruise Report with Preliminary Results (2007).

<sup>21</sup> B. Southall, NMFS, Noise Exposure Criteria: Structure of the Matrix at sl. 5 (2004) (presentation given by NMFS' Acoustic Criteria Panel at the Third Plenary of the Marine Mammal Commission Advisory Committee on Acoustic Impacts on Marine Mammals, San Francisco, Cal., 28-30 Apr. 2004).

<sup>22</sup> The importance of this problem for marine mammal conservation is reflected in a recent NRC report, which calls for models that, *inter alia*, translate such subtle changes into disruptions in key activities like feeding and breeding that are significant for individual animals. National Research Council, Marine Mammal Populations and Ocean Noise: Determining When Noise Causes Biologically Significant Effects 35-68 (2005).

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For all these reasons, the thresholds of injury, hearing loss, and significant behavioral change utilized by the Navy in this DEIS are fundamentally inconsistent with the scientific literature on acoustic impacts, and, indeed, with marine mammal science in general, and, if used to support a Record of Decision, would violate NEPA.

## 2. Strandings and Mortalities Associated with Mid-Frequency Sonar

Over the last decade, the association between military active sonar and whale mortalities has become a subject of considerable scientific interest and concern. That interest is reflected in the publication of numerous papers in peer-reviewed journals, in reports by inter-governmental bodies such as the IWC's Scientific Committee, and in evidence compiled from a growing number of mortalities associated with sonar.

In March 2000, for example, sixteen whales from at least three species— including two minke whales—stranded over 150 miles of shoreline along the northern channels of the Bahamas. The beachings occurred within 24 hours of Navy ships using mid-frequency sonar (AN/SQS-53C and AN/SQS-56) in those same channels.<sup>23</sup> Post-mortem examinations found, in all whales examined, hemorrhaging in and around the ears and other tissues related to sound conduction or production, such as the larynx and auditory fats, some of which was debilitating and potentially severe.<sup>24</sup> It is now accepted that these mortalities were caused, through an unknown mechanism, by the Navy's use of mid-frequency sonar.

The Bahamas event is one of numerous strandings coincident with military activities and active sonar that have now been documented.<sup>25</sup>

(1) Canary Islands 1985-1991 – Between 1985 and 1989, at least three separate mass strandings of beaked whales occurred in the Canary Islands, as reported in *Nature*.<sup>26</sup> Thirteen beaked whales of two species were killed in the February 1985 strandings, six whales of three species stranded in November 1988, and some twenty-four whales of three species stranded in October 1989—all while naval vessels were conducting exercises off shore.<sup>27</sup> An additional stranding of

<sup>23</sup> Commerce and Navy, *Joint Interim Report* at iii, 16.

<sup>24</sup> *Id.*

<sup>25</sup> The following is not a complete list, as other relevant events have been reported in Bonaire, Japan, Taiwan, and other locations. See, e.g., R.L. Brownell, Jr., T. Yamada, J.G. Mead, and A.L. van Helden, *Mass Strandings of Cuvier's Beaked Whales in Japan: U.S. Naval Acoustic Link?* (2004) (IWC SC/56E37); J.Y. Wang and S.-C. Yang, *Unusual Cetacean Stranding Events of Taiwan in 2004 and 2005*, 8 *Journal of Cetacean Research and Management* 283-292 (2006); P.J.H. van Bree and I. Kristensen, *On the Intriguing Stranding of Four Cuvier's Beaked Whales, Ziphius cavirostris, G. Cuvier, 1823, on the Lesser Antillean Island of Bonaire*, 44 *Bijdragen tot de Dierkunde* 235-238 (1974).

<sup>26</sup> M. Simmonds and L.F. Lopez-Jurado, *Whales and the Military*, 337 *Nature* 448 (1991).

<sup>27</sup> *Id.*

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Cuvier's beaked whales, also coinciding with a naval exercise, occurred in 1991.<sup>28</sup> It was reported that mass live strandings occurred each time exercises took place in the area.<sup>29</sup>

(2) Greece 1996, 1997 – In 1996, twelve Cuvier's beaked whales stranded along 35 kilometers on the west coast of Greece. The strandings were correlated, by an analysis published in *Nature*, with the test of a low- and mid-frequency active sonar system operated by NATO.<sup>30</sup> A subsequent NATO investigation found the strandings to be closely timed with the movements of the sonar vessel, and ruled out all other physical environmental factors as a cause.<sup>31</sup> The following year saw nine additional Cuvier's beaked whales strand off Greece, again coinciding with naval activity.<sup>32</sup>

(3) Virgin Islands 1999 – In October 1999, four beaked whales stranded in the U.S. Virgin Islands as the Navy began an offshore exercise. A wildlife official from the Islands reported the presence of "loud naval sonar."<sup>33</sup> When NMFS asked the Navy for more information about its exercise, the Department's response was to end the consultation that it had begun for the exercise under the Endangered Species Act.<sup>34</sup> In January 1998, according to a NMFS biologist, a beaked whale "stranded suspiciously" at Vieques as naval exercises were set to commence offshore.<sup>35</sup>

(4) Bahamas 2000 – As described above.

(5) Madeira 2000 -- In May 2000, four beaked whales stranded on the beaches of Madeira while several NATO ships were conducting an exercise near shore. Scientists investigating the stranding found that the whales' injuries—including

<sup>28</sup> V. Martin, A. Servidio, and S. Garcia, *Mass Strandings of Beaked Whales in the Canary Islands*, in P.G.H. Evans and L.A. Miller, *Proceedings of the Workshop on Active Sonar and Cetaceans* 33-36 (2004).

<sup>29</sup> Simmonds and Lopez-Jurado, *Whales and the Military*, 337 *Nature* at 448.

<sup>30</sup> A. Frantzis, *Does Acoustic Testing Strand Whales?* 392 *Nature* 29 (1998).

<sup>31</sup> See SACLANT Undersea Research Center, *Summary Record, La Spezia, Italy, 15-17 June 1998*, SACLANTCEN Bioacoustics Panel, SACLANTCEN M-133 (1998).

<sup>32</sup> *Id.*; A. Frantzis, *The First Mass Stranding That Was Associated with the Use of Active Sonar* (Kyparissiakos Gulf, Greece, 1996), in P.G.H. Evans and L.A. Miller, *Proceedings of the Workshop on Active Sonar and Cetaceans* 14-20 (2004).

<sup>33</sup> Personal communication of Dr. David Nellis, U.S. Virgin Island Department of Fish and Game, to Eric Hawk, NMFS (Oct. 1999); personal communication from Ken Hollingshead, NMFS, to John Mayer, Marine Acoustics Inc. (March 19, 2002).

<sup>34</sup> Letter from William T. Hogarth, Regional Administrator, NMFS Southeast Regional Office, to RADM J. Kevin Moran, Navy Region Southeast (undated); personal communication from Ken Hollingshead, NMFS, to John Mayer, Marine Acoustics Inc. (March 19, 2002).

<sup>35</sup> Personal communication from Eric Hawk, NMFS, to Ken Hollingshead, NMFS (Feb. 12, 2002).

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“blood in and around the eyes, kidney lesions, pleural hemorrhage”—and the pattern of their stranding suggest “that a similar pressure event [*i.e.*, similar to that at work in the Bahamas] precipitated or contributed to strandings in both sites.”<sup>36</sup>

(6) Canary Islands 2002 – In September 2002, at least fourteen beaked whales from three different species stranded in the Canary Islands. Four additional beaked whales stranded over the next several days.<sup>37</sup> The strandings occurred while a Spanish-led naval exercise that included U.S. Navy vessels and at least one ship equipped with mid-frequency sonar was conducting anti-submarine warfare exercises in the vicinity.<sup>38</sup> The subsequent investigation, as reported in the journals *Nature* and *Veterinary Pathology*, revealed a variety of traumas, including emboli and lesions suggestive of decompression sickness.<sup>39</sup>

(7) Washington 2003 – In May 2003, the U.S. Navy vessel USS *Shoup* was conducting a mid-frequency sonar exercise while passing through Haro Strait, off the coast of Washington. According to one contemporaneous account, “[d]ozens of porpoises and killer whales seemed to stampede all at once . . . in response to a loud electronic noise echoing through” the Strait.<sup>40</sup> Several field biologists present at the scene reported observing a pod of endangered orcas bunching near shore and engaging in very abnormal behavior consistent with avoidance, a minke whale “porpoising” away from the sonar ship, and harbor porpoises fleeing the vessel in large numbers.<sup>41</sup> Eleven harbor porpoises—an abnormally high number given the average stranding rate of six per year—were found beached in the area of the exercise.<sup>42</sup>

<sup>36</sup> D.R. Ketten, *Beaked Whale Necropsy Findings* 22 (2002) (paper submitted to NMFS); L. Freitas, *The Stranding of Three Cuvier's Beaked Whales Ziphius Cavirostris in Madeira Archipelago—May 2000*, in P.G.H. Evans and L.A. Miller, *Proceedings of the Workshop on Active Sonar and Cetaceans* 28-32 (2004).

<sup>37</sup> Vidal Martin et al., *Mass Strandings of Beaked Whales in the Canary Islands*, in *Proceedings of the Workshop on Active Sonar and Cetaceans* 33 (P.G.H. Evans & L.A. Miller eds., 2004); Fernández et al., *‘Gas and Fat Embolic Syndrome’*, 42 *Veterinary Pathology* at 446-57.

<sup>38</sup> Fernández et al., *‘Gas and Fat Embolic Syndrome’*, 42 *Veterinary Pathology* at 446; K.R. Weiss, *Whale Deaths Linked to Navy Sonar Tests*, L.A. Times, Oct. 1, 2002, at A3.

<sup>39</sup> Fernández et al., *‘Gas and Fat Embolic Syndrome’*, 42 *Veterinary Pathology* at 446-57; Jepson et al., *Gas-Bubble Lesions*, 425 *Nature* at 575-76.

<sup>40</sup> Christopher Dunagan, *Navy Sonar Incident Alarms Experts*, Bremerton Sun, May 8, 2003.

<sup>41</sup> NMFS, *Assessment of Acoustic Exposures* at 6, 9.

<sup>42</sup> NMFS, *Preliminary Report: Multidisciplinary Investigation of Harbor Porpoises (Phocoena phocoena) Stranded in Washington State from 2 May – 2 June 2003 Coinciding with the Mid-Range Sonar Exercises of the USS Shoup 53-55* (2004) (conclusions unchanged in final report). Unfortunately, according to the report, freezer artifacts and other problems incidental to the preservation of tissue samples made the cause of death in most specimens difficult to determine; but the role of acoustic trauma could not be ruled out. *Id.*

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(8) Alaska 2004 – In June 2004, six beaked whales were found stranded along the Gulf of Alaska, on the state's southern coast. The strandings coincided with a U.S. naval exercise called Northern Edge.<sup>43</sup>

(9) Kauai 2004 – During the Navy's conduct of a major training exercise off Hawaii, called RIMPAC 2004, some 150-200 whales from a species that is rarely seen near shore and had never naturally mass-stranded in Hawaii came into Hanalei Bay, on the island of Kaua'i. The whales crowded into the shallow bay waters and milled there for over 28 hours. Though the whales were ultimately assisted into deeper waters by members of a local stranding network, one whale calf was left behind and found dead the next day. NMFS undertook an investigation of the incident and concluded that the Navy's nearby use of sonar in RIMPAC 2004 was the “plausible, if not likely” cause of the stranding.<sup>44</sup>

(10) Canary Islands 2004 – In July 2004, four dead beaked whales were found around the coasts of the Canary Islands, within one week of an NATO exercise. The exercise, *Majestic Eagle 2004*, was conducted approximately 100 kilometers north of the Canaries. Although the three whale bodies that were necropsied were too decomposed to allow detection of gas embolisms (see below), systematic fat embolisms were found in these animals.<sup>45</sup> The probability that the whales died at sea is extremely high.<sup>46</sup>

(11) North Carolina 2005 – During and just after a U.S. training exercise off North Carolina, at least thirty-seven whales of three different species stranded and died along the Outer Banks, including numerous pilot whales (six of which were pregnant), one newborn minke whale, and two dwarf sperm whales. NMFS investigated the incident and found that the event was highly unusual, being the only mass stranding of offshore species ever to have been reported in the region, and that it shared ‘a number of features’ with other sonar-related mass stranding events (involving offshore species which stranded alive and were

<sup>43</sup> S.E. Moore and K.M. Stafford, *Habitat Modeling, Ambient Noise Budgets, and Acoustic Detection of Cetaceans in the North Pacific and Gulf of Alaska* sl. 27-28 (2005) (presentation given at ECOUS 2005, Office of Naval Research, 16-18 Mar. 2005).

<sup>44</sup> B.L. Southall, R. Braun, F.M.D. Gulland, A.D. Heard, R.W. Baird, S.M. Wilkin, and T.K. Rowles, *Hawaiian Melon-Headed Whale (Peponacephala electra) Mass Stranding Event of July 3-4, 2004* (2006) (NOAA Tech. Memo. NMFS-OPR-31).

<sup>45</sup> A. Espinosa, M. Arbelo, P. Castro, V. Martín, T. Gallardo, and A. Fernández, *New Beaked Whale Mass Stranding in Canary Islands Associated with Naval Military Exercises (Majestic Eagle 2004)* (2005) (poster presented at the European Cetacean Society Conference, La Rochelle, France, April 2005); A. Fernández, M. Méndez, E. Sierra, A. Godinho, P. Herráez, A. Espinosa de los Monteros, F. Rodríguez, F. and M. Arbelo, M., *New Gas and Fat Embolic Pathology in Beaked Whales Stranded in the Canary Islands (2005)* (poster presented at the European Cetacean Society Conference, La Rochelle, France, April 2005).

<sup>46</sup> *Id.*

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atypically distributed along the shore). NMFS concluded that sonar was a possible cause of the strandings and also ruled out the most common other potential causes, including viral, bacterial, and protozoal infection, direct blunt trauma, and fishery interactions.<sup>47</sup>

(12) Spain 2006 – Four Cuvier's beaked whales stranded on the Almerian coast of southern Spain, with the same suite of bends-like pathologies seen in the whales that stranded in the Canary Islands in 2002 and 2004.<sup>48</sup> A NATO response force was performing exercises within 50 miles at the time of the strandings. DEIS at 4-91.

Some preliminary observations can be drawn from these incidents. For example, beaked whales, a group of deep-water species that are seldom seen and may in some cases be extremely rare, seem to be particularly vulnerable to the effects of active sonar. A 2000 review undertaken by the Smithsonian Institution, and reported and expanded by the IWC's Scientific Committee and other bodies, supports this conclusion, finding that every mass stranding on record involving multiple species of beaked whales has occurred with naval activities in the vicinity.<sup>49</sup> Indeed, it is not even certain that some beaked whales naturally strand in numbers.

But the full magnitude of sonar's effects on these species—or on other marine mammals—is not known. Most of the world lacks networks to identify and investigate stranding events, particularly those that involve individual animals spread out over long stretches of coastline, and therefore the mortalities that have been identified thus far are likely to represent only a subset of a substantially larger problem. For example, most Cuvier's beaked whale casualties (according to NMFS) are bound to go undocumented because of the remote siting of sonar exercises and the small chance that a dead or injured animal would actually strand.<sup>50</sup> In conservation biology

Furthermore, although the physical process linking sonar to strandings is not perfectly understood, the record indicates that debilitating, possibly lethal injuries are occurring in whales exposed to sonar at sea—only some of which may then strand. As first reported in the journal *Nature*, animals that came ashore during

<sup>47</sup> A.A. Hohn, D.S. Rotstein, C.A. Harms, and B.L. Southall, Multispecies Mass Stranding of Pilot Whales (Globicephala macrorhynchus), Minke Whale (Balaenoptera acutorostrata), and Dwarf Sperm Whales (Kogia sima) in North Carolina on 15-16 January 2005 (2006) (NOAA Tech. Memo. NMFS-SEFSC-53).

<sup>48</sup> International Whaling Commission, Report of the Scientific Committee, Annex K at 28 (2006) (IWC/58/Rep1).

<sup>49</sup> Marine Mammal Program of the National Museum of Natural History, Historical Mass Mortalities of Ziphiids 2-4 (Apr. 6, 2000); see also 2 J. Cetacean Res. & Mgmt., Supp., Annex J at § 13.8 (2000) (report of the IWC Scientific Committee, Standing Working Group on Environmental Concerns).

<sup>50</sup> J.V. Carretta, K.A. Forney, M.M. Muto, J. Barlow, J. Baker, and M. Lowry, U.S. Pacific Marine Mammal Stock Assessments: 2006 (2007).

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sonar exercises off the Canary Islands, in September 2002, had developed large emboli in their organ tissue and suffered from symptoms resembling those of severe decompression sickness, or "the bends."<sup>51</sup> It has been proposed that the panic led them to surface too rapidly or because it pushed them to dive before they could eliminate the nitrogen accumulated on previous descents, or because the sound itself precipitated the growth of nitrogen bubbles in the blood, which expanded to devastating effect. This finding has since been supported by follow-on papers, by published work in other fields, and by expert reviews.<sup>52</sup> In any case, the evidence is considered "compelling" that acoustic trauma, or injuries resulting from behavioral responses, has in some way led to the deaths of many of these animals.<sup>53</sup>

In this light, the Navy's assessment of the risk of marine mammal injury and mortality is astonishingly poor. Despite the presence of several beaked whale species, including Cuvier's beaked whales, within the exercise area, and despite the recognition that has been paid to Hawaii as a global beaked whale hotspot,<sup>54</sup> the DEIS assumes away the potential for strandings and injuries of beaked whales.

In its analysis, the Navy capriciously (1) denies the potential for beaked whale mortalities during the myriad training and testing activities on the HRC; (2) dismisses the potential for sonar to injure whales at sea, mischaracterizing the literature; (3) insists that beaked whale mortality cannot occur absent five "contributory factors" present during the Bahamas 2000 mass strandings in the Bahamas; (4) fails to consider the potential for strandings and mortalities in other species of cetaceans, (5) fails even to consider the larger set of stranding events that have been linked to sonar use or naval exercises, and (6) analyzes the 2004 Hanalei Bay strandings in a manner that is wholly inconsistent with NMFS' technical report.<sup>55</sup> As discussed elsewhere in this letter, NMFS' own analysis is problematic primarily in its conclusions about the injury threshold and in its treatment of

<sup>51</sup> See P.D. Jepson, M. Arbelo, R. Deaville, I.A.P. Patterson, P. Castro, J.R. Baker, E. Degollada, H.M. Ross, P. Herráez, A.M. Pocknell, F. Rodríguez, F.E. Howie, A. Espinosa, R.J. Reid, J.R. Jaber, V. Martin, A.A. Cunningham, A. Fernández, Gas-Bubble Lesions in Stranded Cetaceans, 425 *Nature* 575-576 (2003); Fernández et al., 'Gas and Fat Embolic Syndrome', 42 *Veterinary Pathology* at 415.

<sup>52</sup> Cox et al., Understanding the Impacts. For additional papers, see also the studies referenced at section II(B)(1)(a) ("Injury Threshold"). Of course it would be a mistake to assume that an animal must suffer bends-like injury or some other sort of acoustic trauma in order to strand. Some may die simply because the noise disorients them, for instance. See, e.g., NMFS, Assessment of Acoustic Exposures at 9-10.

<sup>53</sup> Cox et al., Understanding the Impacts; see also P.G.H. Evans and L.A. Miller, Concluding Remarks in Proceedings of the Workshop on Active Sonar and Cetaceans 74 (2004); K.C. Balcomb and D.E. Claridge, A Mass Stranding of Cetaceans Caused by Naval Sonar in the Bahamas, 8(2) *Bahamas Journal of Science* 1 (2001); D.E. Claridge, Fine-Scale Distribution and Habitat Selection of Beaked Whales (2006) (M.Sc. thesis).

<sup>54</sup> C. MacLeod, Insights into the Determination of Beaked Whale Hotspots through the Development of a Global Database (2003) (presentation given at the Conference on the Environmental Consequences of Underwater Sound, San Antonio, Texas, 12-16 May 2003).

<sup>55</sup> For a detailed discussion, see NRDC Comment Letter at 18-33.

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potential for injury at sea (71 Fed. Reg. 20995, 21002), which do not reflect the best available science and violate NEPA. 42 C.F.R. § 1502.22 (requiring agencies to evaluate all “reasonably foreseeable” impacts).

### 3. Modeling of Acoustic Impacts

The Navy bases its calculation of marine mammal impacts on a series of models. Its CASS/GRAB model determines received levels of sound within a limited distance of a sonar array; its MATLAB model converts those received levels into energy levels; its MMEM model translates the Navy’s energy levels into a graph of where marine mammal “take” will occur; and its Take Estimation Model calculates the number of animals (and therefore the number of “takes”) within the area of harm. In other words, the models estimate the amount of energy received at each point (or “cell”) within the immediate area of an exercise and then estimate the number of animals that would therefore suffer injury or disruption.

It is difficult to fully gauge the accuracy and rigor of these models with the paucity of information that the DEIS provides. But even from the limited description in the RSPEA, it is clear that they are deeply flawed. Among the non-conservative assumptions that are implicit in the model:

- (1) As discussed above, the thresholds established for injury, hearing loss, and significant behavioral change are inconsistent with the available data and are based, in part, on assumptions not acceptable within the field.
- (2) The Navy does not properly account for reasonably foreseeable reverberation effects (as in the Haro Strait incident),<sup>56</sup> giving no indication that its modeling sufficiently represents areas in which the risk of reverberation is greatest;
- (3) The Navy does not appear to have modeled for surface ducting, a reasonably foreseeable event that can significantly enhance propagation in the upper layers of the water column and that seems to have occurred during the 2004 mass stranding in Hanalei Bay;
- (4) The Navy’s modeling excludes most of the active acoustic systems that it plans to use during training and testing events, such as some forms of dipping sonar, certain active sonobuoys, some torpedoes, acoustic device countermeasures, training targets, and range sources;
- (5) The model fails to consider the possible synergistic effects of using multiple sources, such as ship-based sonars, in the same exercise, which can significantly alter the sound field, and fails to consider the combined effects of multiple

<sup>56</sup> NMFS, Assessment of Acoustic Exposures on Marine Mammals in Conjunction with USS Shoup Active Sonar Transmissions in the Eastern Strait of Juan de Fuca and Haro Strait, Washington, 5 May 2003 (2005).

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exercises, which, as NMFS indicates, may have played a role in the 2004 Hanalei Bay strandings;<sup>57</sup>

(6) The Navy’s analysis of marine mammal distribution and abundance does not incorporate recent data (discussed below) that suggests greater densities and smaller population sizes for certain species; and

(7) The model, in assuming that every whale encountered during subsequent exercises is essentially a new whale, does not address cumulative impacts on the breeding, feeding, and other activities of species and stocks.

### 4. Other Impacts on Marine Mammals

As the Navy’s conceptual impact model suggests, the training and testing activities proposed for the HRC can have impacts that are not limited to the overt physiological and behavioral effects of ocean noise. Unfortunately, the Navy’s analysis of most of these other impacts is cursory and inadequate.

- (1) The Navy fails to adequately assess the impact of “stress” on marine mammals, a serious problem for animals exposed even to moderate levels of sound for extended periods.<sup>58</sup> As the Navy observed, stress from ocean noise—alone or in combination with other stressors, such as biotoxins—may weaken a cetacean’s immune system, making it “more vulnerable to parasites and diseases that normally would not be fatal.” DEIS at 5-19 to 5-20.<sup>59</sup> And one might add, following studies on terrestrial mammals, that chronic noise can interfere with brain development, increase the risk of myocardial infarctions, depress reproductive rates, cause malformations and other defects in young—all at moderate levels of exposure, well below the Navy’s absolute thresholds of harm.<sup>60</sup> Because physiological stress responses are highly conservative across species, it is reasonable to assume that marine mammals would be subject to the same effects, particularly—as appears to be the case here—if they are resident animals exposed repeatedly to a variety of stressors on the range. Yet despite the potential for stress in marine mammals and the significant consequences that can flow from it, the Navy assumes that such effects would be minimal.

<sup>57</sup> Southall *et al.*, Hawaii Melon-Headed Whale at 31, 45.

<sup>58</sup> See National Research Council, Ocean Noise and Marine Mammals.

<sup>59</sup> Some additional evidence relevant to the problem of stress in marine mammals is summarized in T.A. Romano, M.J. Keogh, C. Kelly, P. Feng, L. Berk, C.E. Schlundt, D.A. Carder, and J.J. Finneran, Anthropogenic Sound and Marine Mammal Health: Measures of the Nervous and Immune Systems Before and After Intense Sound Exposure, 61 Canadian Journal of Fisheries and Aquatic Sciences 1124, 1130-31 (2004).

<sup>60</sup> See, e.g., E.F. Chang and M.M. Merzenich, Environmental Noise Retards Auditory Cortical Development, 300 Science 498 (2003) (rats); S.N. Willich, K. Wegscheider, M. Stallmann, and T. Keil, Noise Burden and the Risk of Myocardial Infarction, European Heart Journal (2005) (Nov. 24, 2005) (humans); F.H. Harrington and A.M. Veitch, Calving Success of Woodland Caribou Exposed to Low-Level Jet Fighter Overflights, 45 Arctic vol. 213 (1992) (caribou).

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(2) The Navy fails to consider the risk of ship collisions with large cetaceans, which is only exacerbated by the use of active acoustics. Right whales have been shown to engage in dramatic surfacing behavior, increasing their vulnerability to ship strikes, on exposure to mid-frequency alarms above 133 dB re 1  $\mu$ Pa—a level of sound that can occur many tens of miles away from the sonar systems slated for the range.<sup>61</sup> It should be assumed that other large whales, including humpbacks, are subject to the same hazard.

(3) In the course of its activities, the Navy would release a host of toxic chemicals into the marine environment that could pose a threat to local wildlife over the life of the range. Nonetheless, while there is some brief discussion of potential impacts on human health and safety, the DEIS generally fails to consider the cumulative impacts of these toxins on marine mammals, from past, current, and proposed exercises. Careful study is needed into the way they might disperse and circulate around the islands and how they may affect marine wildlife. The Navy's analysis of hazardous materials is therefore incomplete.

(4) Finally, the Navy's analysis cannot be limited only to direct effects, i.e., effects that occur at the same time and place as the exercises that would be authorized. See id. § 1508.8(a). It must also take into account the activity's indirect effects, which, though reasonably foreseeable, may occur later in time or at a farther remove. See id. § 1508.8(b). This requirement is particularly critical in the present case given the potential of sonar exercises to cause significant long-term impacts not clearly observable in the short or immediate term (a serious problem, as the National Research Council has observed).<sup>62</sup> Thus, for example, the Navy must not only evaluate the potential for mother-calf separation but also the potential for indirect effects—on survivability—that might arise from that transient change. 42 C.F.R. § 1502.16(b).

#### C. Impacts on Fish and Fisheries

Though the architecture of their ears may differ, fish are equipped, like all vertebrates, with thousands of sensory hair cells that vibrate with sound; and a number of specialized organs like the abdominal sac, called a "swim bladder," that some species possess can boost hearing. Fish use sound in many of the ways that marine mammals do: to communicate, defend territory, avoid predators, and, in

<sup>61</sup> Nowacek et al., North Atlantic Right Whales, 271 Proceedings of the Royal Society of London, Part B: Biological Sciences at 227.

<sup>62</sup> "Even transient behavioral changes have the potential to separate mother-offspring pairs and lead to death of the young, although it has been difficult to confirm the death of the young." National Research Council, Ocean Noise and Marine Mammals at 96.

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some cases, locate prey.<sup>63</sup> Increasing concern from fishermen and fisheries managers has led to

One series of recent studies showed that passing airguns can severely damage the hair cells of fish (the organs at the root of audition) either by literally ripping them from their base in the ear or by causing them to "explode."<sup>64</sup> Fish, unlike mammals, are thought to regenerate hair cells, but the pink snapper in those studies did not appear to recover within approximately two months after exposure, leading researchers to conclude that the damage was permanent.<sup>65</sup> It is not clear which elements of the sound wave contributed to the injury, or whether repetitive exposures at low amplitudes or a few exposures at higher pressures, or both, were responsible.<sup>66</sup> As with marine mammals, sound has also been shown to induce temporary hearing loss. Even at fairly moderate levels, noise from outboard motor engines is capable of temporarily deafening some species of fish, and other sounds have been shown to affect the short-term hearing of a number of other species, including sunfish and tilapia.<sup>67</sup> For any fish that is dependent on sound for predator avoidance and other key functions, even a temporary loss of hearing (let alone the virtually permanent damage seen in snapper) will substantially diminish its chance of survival.<sup>68</sup>

Nor is hearing loss the only effect that ocean noise can have on fish. For years, fisheries in various parts of the world have complained about declines in their catch after intense acoustic activities (including naval exercises) moved into the area, suggesting that noise is seriously altering the behavior of some commercial species.<sup>69</sup> A group of Norwegian scientists attempted to document these declines in

<sup>63</sup> See, e.g., A.N. Popper, Effects of Anthropogenic Sounds on Fishes, 28(10) Fisheries 26-27 (2003); M.C. Hastings & A.N. Popper, Effects of Sound on Fish 19 (2005) (Report to the California Department of Transportation, Contract No. 43A0139), p. 19; D.A. Croll, Marine Vertebrates and Low Frequency Sound—Technical Report for LFA EIS 1-90 (1999).

<sup>64</sup> R. McCauley, J. Fewtrell, and A.N. Popper, High Intensity Anthropogenic Sound Damages Fish Ears, 113 Journal of the Acoustical Society of America 640 (2003).

<sup>65</sup> Id. at 641 (some fish in the experimental group sacrificed and examined 58 days after exposure).

<sup>66</sup> Id.

<sup>67</sup> A.R. Scholik and H.Y. Yan, Effects of Boat Engine Noise on the Auditory Sensitivity of the Fathead Minnow, Pimephales promelas, 63 Environmental Biology of Fishes 203-09 (2002); A.R. Scholik and H.Y. Yan, The Effects of Noise on the Auditory Sensitivity of the Bluegill Sunfish, Lepomis macrochirus, 133 Comparative Biochemistry and Physiology Part A at 43-52 (2002); M.E. Smith, A.S. Kane, & A.N. Popper, Noise-Induced Stress Response and Hearing Loss in Goldfish (Carassius auratus), 207 Journal of Experimental Biology 427-35 (2003); Popper, Effects of Anthropogenic Sounds at 28.

<sup>68</sup> See Popper, Effects of Anthropogenic Sounds at 29; McCauley et al., High Intensity Anthropogenic Sound Damages Fish Ears, at 641.

<sup>69</sup> See "'Noisy' Royal Navy Sonar Blamed for Falling Catches," Western Morning News, Apr. 22, 2002 (sonar off the U.K.); Percy J. Hayne, President of Gulf Nova Scotia Fleet Planning Board, "Coexistence of the Fishery & Petroleum Industries," [www.elements.nb.ca/theme/fuels/percy/hayne.htm](http://www.elements.nb.ca/theme/fuels/percy/hayne.htm) (accessed May 15, 2005) (airguns off Cape Breton); R.D. McCauley, J. Fewtrell, A.J. Duncan, C. Jenner, M.-N. Jenner, J.D. Penrose, R.I.T. Prince, A. Adhitya, J. Murdoch, and K. McCabe, Marine Seismic Surveys:

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a Barents Sea fishery and found that catch rates of haddock and cod (the latter known for its particular sensitivity to low-frequency sound) plummeted in the vicinity of an airgun survey across a 1600-square-mile area, an area three times the size of the proposed USWTR range and larger than the state of Rhode Island; in another experiment, catch rates of rockfish were similarly shown to decline.<sup>70</sup> Drops in catch rates in these experiments range from 40 to 80 percent.<sup>71</sup> A variety of other species, herring, zebrafish, pink snapper, and juvenile Atlantic salmon, have been observed to react to various noise sources with acute alarm.<sup>72</sup>

In their comments on the Navy's DEIS for the proposed Undersea Warfare Training Range, off North Carolina, several fishermen and groups of fishermen independently reported witnessing sharp declines in catch rates of various species when in the vicinity of Navy exercises.<sup>73</sup> These reports are indicative of behavioral changes, such as a spatial redistribution of fish within the water column, that could affect marine mammal foraging as well as human fisheries. In addition, as NMFS itself has observed, the use of mid-frequency sonar could affect the breeding behavior of certain species, causing them, for example, to cease their spawning choruses, much as certain echolocation signals do.<sup>74</sup> The repetitive use of sonar and other active acoustics could have significant adverse behavioral effects on some species of fish and those who depend on them.

Finally, high mortalities from noise exposure seen in developmental stages of fish. A number of studies, including one on non-impulsive noise, show that intense sound can kill eggs, larvae, and fry outright or retard their growth in ways that may hinder their survival later.<sup>75</sup> Significant mortality for fish eggs has been shown to occur at

Analysis and Propagation of Air-Gun Signals, and Effects of Air-Gun Exposure on Humpback Whales, Sea Turtles, Fishes, and Squid 185 (2000) (airguns in general).

<sup>70</sup> A. Engås, S. Løkkeborg, E. Ona, and A.V. Soldal, Effects of Seismic Shooting on Local Abundance and Catch Rates of Cod (Gadus morhua) and Haddock (Melanogrammus aeglefinus), 53 Canadian Journal of Fisheries and Aquatic Sciences 2238-49 (1996); J.R. Skalski, W.H. Pearson, and C.I. Malmé, Effects of Sound from a Geophysical Survey Device on Catch-Per-Unit-Effort in a Hook-and-Line Fishery for Rockfish (Sebastes spp.), 49 Canadian Journal of Fisheries and Aquatic Sciences 1357-65 (1992). See also S. Løkkeborg and A.V. Soldal, The Influence of Seismic Exploration with Airguns on Cod (Gadus morhua) Behaviour and Catch Rates, 196 ICES Marine Science Symposium 62-67 (1993).

<sup>71</sup> Id.

<sup>72</sup> See J.H.S. Blaxter and R.S. Batty, The Development of Startle Responses in Herring Larvae, 65 Journal of the Marine Biological Association of the U.K. 737-50 (1985); F.R. Knudsen, P.S. Enger, and O. Sand, Awareness Reactions and Avoidance Responses to Sound in Juvenile Atlantic Salmon, *Salmo salar* L., 40 Journal of Fish Biology 523-34 (1992); McCauley et al., Marine Seismic Surveys at 126-61.

<sup>73</sup> See comments compiled by the Navy and posted on the Undersea Warfare Training Range EIS site.

<sup>74</sup> Letter from Miles M. Croom, NMFS Southeast Regional Office, to Keith Jenkins, Navy (Jan. 31, 2006); see also J.J. Luczkovich, "Potential Impacts of the U.S. Navy's Proposed Undersea Warfare Training Range on Fishes" (2006) (presentation to Navy).

<sup>75</sup> See, e.g., C. Booman, J. Dalen, H. Leivestad, A. Levsen, T. van der Meer, and K. Toklum, Effector av luftkanonskyting på egg, larver og yngel (Effects from Airgun Shooting on Eggs, Larvae, and Fry), 3 Fiskeri og Havet 1-83 (1996) (Norwegian with English summary); J. Dalen and G.M. Knutsen, Scaring

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distances of 5 meters from an airgun source; mortality rates approaching 50 percent affected yolk sac larvae at distances of 2 to 3 meters.<sup>76</sup> Also, larvae in at least some species are known to use sound in selecting and orienting toward settlement sites.<sup>77</sup> Acoustic disruption at that stage of development could have significant consequences.<sup>78</sup>

The Navy capriciously dismisses the potential for significant adverse impacts on fish. First, while admitting that mid-frequency sonar can cause significant injury at distances of hundreds of feet, and noting (with reference to Norwegian studies) that "some sonar levels have been shown to be powerful enough to cause injury to particular size classes of juvenile herring from the water's surface to the seafloor," the Navy claims that Hawaiian populations would not suffer significant impacts. DEIS at 4-15. For this conclusion, it offers only a single, qualitative statement (e.g., noting that sound sources would be moving, reducing exposure), unsupported by modeling or any specific consideration of Hawaii's fish populations.

Second, while admitting that mid-frequency noise can alter behavior, the DEIS argues that fish are less responsive to mid-frequency than to low- and high-frequency sounds. DEIS at 4-14 to 4-15. For this proposition, it improperly relies entirely on two studies on acoustic deterrent devices, otherwise known as "pingers": a technology used in some American fisheries to ward harbor porpoises and certain other marine mammals away from gillnets. Id. Not only do the deterrents featured in the two papers differ from the Navy's mid-frequency tactical sonar, presenting a different wave form and operating at a source level literally billions of times less intense (130 dB versus 235 dB re 1 µPa); but, in at least one of the studies, it actually altered the behavior of the fish, drawing them into the gillnet for reasons that are not explored.<sup>79</sup> Of course, it is more parsimonious to assume that mid-frequency sound can induce similar kinds of behavioral change.

The Navy must rigorously analyze the potential for behavioral, auditory, and physiological impacts on fish, including the potential for population-level effects, using models of fish distribution and population structure and conservatively estimating areas of impact from the available literature. 42 C.F.R. § 1502.22.

Effects on Fish and Harmful Effects on Eggs, Larvae and Fry by Offshore Seismic Explorations, in H.M. Merklinger, Progress in Underwater Acoustics 93-102 (1987); A. Banner and M. Hyatt, Effects of Noise on Eggs and Larvae of Two Estuarine Fishes, 1 Transactions of the American Fisheries Society 134-36 (1973); L.P. Kostyuchenko, Effect of Elastic Waves Generated in Marine Seismic Prospecting on Fish Eggs on the Black Sea, 9 Hydrobiology Journal 45-48 (1973).

<sup>76</sup> Booman et al., Effector av luftkanonskyting på egg, larver og yngel at 1-83.

<sup>77</sup> S.D. Simpson, M. Meekan, J. Montgomery, R. McCauley, R., and A. Jeffs, Homeward Sound, 308 Science 221 (2005).

<sup>78</sup> Popper, Effects of Anthropogenic Sounds at 27.

<sup>79</sup> B.M. Culik, S. Koschinski, N. Tregenza, and G.M. Ellis, Reactions of Harbor Porpoises Phocoena phocoena and Herring Clupea harengus to Acoustic Alarms, 211 Marine Ecology Progress Series 255, 258 (2001).

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Having concluded—without basis—that mid-frequency sonar would have no significant impact on fish and fish habitat, the Navy dismisses the notion that fisheries in the area would suffer economic loss. But, just as in North Carolina, the available evidence underscores the need for a more serious and informed analysis than the DEIS currently provides. The Navy must assess the economic consequences of reduced catch rates on Hawaii's commercial and recreational fisheries and on marine mammal foraging.<sup>80</sup>

D. Other Impacts on Marine Wildlife

The Navy's current and proposed activities pose risks to marine wildlife beyond ocean noise: injury or death from live ordnance, entanglement in cables and detritus, collisions with ships, bioaccumulation of toxins, and the like. Indeed, many of the same concerns that apply to marine mammals (and are discussed above) apply to fish, sea turtles, and other biota as well. The Navy must evaluate impacts and propose mitigation for each category of harm. 42 C.F.R. §§ 1502.14, 1502.16.

E. Cumulative Impacts

In order to satisfy NEPA, an EIS must include a "full and fair discussion of significant environmental impacts." 40 C.F.R. § 1502.1. It is not enough, for purposes of this discussion, to consider the proposed action in isolation, divorced from other public and private activities that impinge on the same resource; rather, it is incumbent on the Navy to assess cumulative impacts as well, including the "impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future significant actions." *Id.* § 1508.7. Thus, for example, it will be necessary to consider the impacts of the proposed exercise alongside those of other activities in the region, including industrial and commercial activities such as fishing, shipping, and coastal development.

As it stands, the Navy says little more than that the behavioral harassment it predicts for the exercise would necessarily be short-term in nature and therefore would not affect

<sup>80</sup> Sea turtles are also effectively excluded from further analysis of acoustic impacts on the grounds that their best hearing range appears to occur below 1 kHz. DEIS at 4-20 to 4-21. But having their best acoustic sensitivity in this range does not mean that sea turtles are oblivious to noise at higher frequencies. Juvenile loggerheads, for example, have their best sensitivity at frequencies all the way up to 1 kHz, suggesting that they continue to detect sounds at higher levels, including potentially the lower end of the intense mid-frequency sources intended for the range. S.M. Bartol, J.A. Musick, and M. Lenhardt, *Auditory Evoked Potentials of the Loggerhead Sea Turtle (Caretta caretta)*, 99 Copeia 836 (1999). Furthermore, they have been shown to engage in startle and escape behavior—behavior that may involve diving and surfacing—and to experience heightened stress in response to vessel noise, which receives no discussion (neither for sea turtles nor for any other species) in the DSEPA. National Research Council, *The Decline of Sea Turtles: Causes and Prevention* (1990). Given these findings, and given that all of the sea turtles on the proposed sites belong to endangered or threatened populations, a more rigorous analysis of potential impacts is necessary.

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vital rates in individuals or populations. DEIS at 5-19 to 5-20. The Navy also offers the bromide that mitigation will preclude any significant or long-term impacts on marine mammals and the marine environment. DEIS at 5-20. Not only are both statements factually insupportable given the lack of any population analysis or quantitative assessment of long-term effects in the document (and the numerous errors in the Navy's thresholds and modeling, discussed above)—but they misapprehend the definition of "cumulative impact," which, according to NEPA's regulations, "can result from individually minor but collectively significant actions taking place over a period of time." 42 C.F.R. § 1508.7.

The Navy's failure of analysis is only compounded by its failure to consider the best available evidence of population structuring in Hawaiian marine mammals. That evidence indicates that a number of populations around the main islands—short-finned pilot whales, false killer whales, bottlenose dolphins, and spinner dolphins, or, in other words, every local odontocete species that has been genetically studied to date—are reproductively distinct from their conspecifics in the tropical Pacific.<sup>81</sup> Cuvier's and Blainville's beaked whales seem to maintain considerable site fidelity around the islands, which is likewise suggestive of residency and additional population structuring.<sup>82</sup> The Navy significantly overestimates the size of these populations in its DEIS and thus significantly underestimates the proportion that would be taken and the effects that its repeated activities would have. All of this only amplifies the need for

<sup>81</sup> K.R. Andrews, L. Karczmarski, W.W.L. Au, S.H. Rickards, C.A. Vanderlip, and R.J. Toonen, *Patterns of Genetic Diversity of the Hawaiian Spinner Dolphin (Stenella longirostris)*, 543 Atoll Research Bulletin 65-73 (2006); R.W. Baird, A.M. Gorgone, A.D. Ligon, and S.K. Hooker, *Mark-Recapture Abundance Estimate of Bottlenose Dolphins (Tursiops truncatus) around Maui and Lanai, Hawaii, During the Winter of 2000/2001* (2001) (report prepared for NMFS under Contract #40JGNF000262); R.W. Baird, A.M. Gorgone, and D.L. Webster, *An Examination of Movements of Bottlenose Dolphins between Islands in the Hawaiian Island Chain* (2002) (report prepared for NMFS under Contract #40JGNF110270); R.W. Baird, D.J. McSweeney, D.L. Webster, A.M. Gorgone, and A.D. Ligon, *Studies of Odontocete Population Structure in Hawaiian Waters: Results of a Survey through the Main Hawaiian Islands in May and June 2003* (2003) (report prepared for NMFS under Contract #AB133F-02-CN-0106); R.W. Baird, G.S. Schorr, D.L. Webster, S.D. Mahaffy, A.B. Douglas, A.M. Gorgone, and D.J. McSweeney, *A Survey for Odontocete Cetaceans off Kauai and Ni'ihau, Hawaii, during October and November 2005: Evidence for Population Structure and Site Fidelity* (2006) (report prepared for NMFS under Order #AB133F05SE5197); S.J. Chivers, R.G. LeDuc, and R.W. Baird, "Hawaiian Island Populations of False Killer Whales and Short-Finned Pilot Whales Revealed by Genetic Analyses," in Abstracts of the 15th Biennial Conference on the Biology of Marine Mammals, 14-19 December 2003, Greensboro, North Carolina 32 (2003); S.J. Chivers, R.W. Baird, D.J. McSweeney, D.L. Webster, N.M. Hedrick, and J.C. Salinas, *Genetic Variation and Evidence for Population Structure in Eastern North Pacific False Killer Whales (Pseudorca crassidens)*, 85 Canadian Journal of Zoology 783-94 (2007); K. Martien, R.W. Baird, and K. Robertson, *Population Structure of Bottlenose Dolphins around the Main Hawaiian Islands* (2005) (paper presented to the Pacific Scientific Review Group, January 2005).

<sup>82</sup> See, e.g., R.W. Baird, G.S. Schorr, D.L. Webster, D.J. McSweeney, and S.D. Mahaffy, *Studies of Beaked Whale Diving Behavior and Odontocete Stock Structure in Hawaii in March/April 2006* (report prepared for NMFS under Contract #AB133F-06-CN-0053); D.J. McSweeney, R.W. Baird, and S.D. Mahaffy, *Site Fidelity, Associations, and Movements of Cuvier's (Ziphius cavirostris) and Blainville's (Mesoplodon densirostris) Beaked Whales off the Island of Hawaii*, 23 Marine Mammal Science 666-687 (2007).

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NMFS' careful consideration of cumulative effects and for biologically meaningful mitigation of the Navy's impacts on Hawaiian marine mammals.

F. Alternatives Analysis

At bottom, an EIS must "inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." 40 C.F.R. § 1502.1. This requirement has been described in regulation as "the heart of the environmental impact statement." *Id.* § 1502.14. The agency must therefore "[r]igorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." *Id.* § 1502.14(a). Consideration of alternatives is required by (and must conform to the independent terms of) both sections 102(2)(C) and 102(2)(E) of NEPA.

First, the Navy declines to consider a reduction in the level of current training in the HRC or the siting of exercises in locations outside the HRC. Yet the Navy's assumption that exercises on the range must increase may well be an artifact of the Navy's Tactical Training Theater Assessment and Planning Program (TAP) process, which, in requiring separate environmental analysis of existing ranges and operating areas, seems to assume a priori that exercises cannot be reapportioned or alternative sites found. Moreover, the Navy does not consider alternative geographic siting within the HRC itself. Avoiding concentrations of vulnerable and endangered populations and high abundances of marine life is perhaps the most critical step the Navy can take in reducing impacts, and a "hard look" at geographical alternatives is plainly required by NEPA and other laws. *NRDC v. Evans*, 279 F.Supp.2d at 1664-66; *NRDC v. Navy*, 857 F.Supp. at 734. Because the Navy has failed to undertake an alternatives analysis that allows it to make an informed siting choice, the DEIS is inadequate.

Second, the DEIS fails to analyze meaningfully whether a different mix of simulators and at-sea exercises would accomplish its aims. Instead, it rules out the increased use of simulators by stating, in a cursory three sentences, that they do not obviate the need for realistic training. DEIS at 2-11. But its summary treatment of this issue does not sufficiently justify the precise number of exercises that have been proposed. Alternatives that combine greater use of simulators with fewer open-water exercises should have been analyzed, not dismissed out of hand.

Third, even aside from the omission of reasonable alternative locations, the Navy fails to consider alternatives of any other kind. While the question of proper siting is crucial, it is not the only factor that must be considered in identifying other, less harmful ways to fulfill the Navy's purpose. Indeed, it appears that many reasonable alternatives are missing from the Navy's analysis that might fulfill that purpose while reducing harm to marine life and coastal resources. For example, and as discussed at greater length below, the DEIS fails to include a range of mitigation measures among its alternatives. Many such measures are employed by other countries in their sonar exercises and even by the U.S. Navy in other contexts; and there are many others that should be considered.

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Such measures are reasonable means of reducing harm to marine life and other resources on the HRC, and their omission from the alternatives analysis renders that analysis inadequate.

In sum, the DEIS omits from its analysis reasonable alternatives—with regard to both the siting of the range and other operational choices—that might achieve the Navy's core aim while minimizing environmental harm. These omissions are all the more unreasonable given the long period during which the Navy has worked on this document and its predecessors. For these reasons, we urge the Navy to issue an EIS that adequately informs the public of all reasonable alternatives that would reduce adverse impacts to whales, fish, and other resources. 40 C.F.R. § 1502.1.

G. Mitigation Measures

To comply with NEPA, an agency must discuss measures designed to mitigate its project's impact on the environment. *See* 42 C.F.R. § 1502.14(f). There is a large and growing set of options for the mitigation of noise impacts to marine mammals and other marine life, some of which have been imposed by navies—and by the Navy itself, in other contexts—to limit harm from high-intensity sonar exercises. Yet here the Navy does little more than set forth a cribbed set of measures, falling short even of what other navies have implemented for transient exercises and providing no discussion on a variety of other options.

All of the mitigation that the Navy has proposed for acoustic impacts boils down to the following: a very small safety zone around the sonar vessel, maintained primarily with visual monitoring by onboard lookouts, with aid from non-dedicated aircraft (when in the vicinity) and passive monitoring (though the vessel's generic sonar system). Under the proposed scheme, which is identical to that in the Navy's current national defense exemption under the MMPA, operators would power down the system by 6 dB if a marine mammal is detected within 1000 yards, power it down by 10 dB if the protected species is detected within 500 yards, and shut it down if the animal is detected within 200 yards. DEIS at 6-3. Operators could resume operations at full levels when, inter alia, the vessel has transited 2000 yards, which, given vessel speeds during ASW exercises, may take only a few minutes.

This mitigation scheme disregards the best available science on the significant limits of that technique. Indeed, the species perhaps most vulnerable to sonar-related injuries, beaked whales, are among the most difficult to detect because of their small size and diving behavior. It has been estimated that in anything stronger than a light breeze, only one in fifty beaked whales surfacing in the direct track line of a ship would be sighted; as the distance approaches 1 kilometer, that number drops to zero.<sup>83</sup> The Navy's reliance on visual observation as the mainstay of its mitigation plan is therefore profoundly misplaced.

<sup>83</sup> J. Barlow and R. Gisiner, *Mitigating, Monitoring, and Assessing the Effects of Anthropogenic Noise on Beaked Whales*, 7 Journal of Cetacean Research and Management 239-249 (2006).

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The Navy's analysis ignores or improperly discounts an array of options that have been considered and imposed by other active sonar users, including avoidance of coastal waters, high-value habitat, and complex topography; the employment of a safety zone more protective than the 1000-yard power-down and 200-yard shutdown proposed by the Navy; general passive acoustic monitoring for whales; special rules for surfacing ducting and low-visibility conditions; monitoring and shutdown procedures for sea turtles and large schools of fish; and many others.<sup>84</sup>

Measures that the Navy should consider must include, *inter alia*:

- (1) Establishment of a coastal exclusion zone for acoustics training and testing that would run 25 nm from the 200 meter isobath;<sup>85</sup>
- (2) Seasonal avoidance of humpback calving grounds, including the Hawaiian Islands Humpback Whale National Marine Sanctuary and other areas,<sup>86</sup> given the high incidence of estimated takes;
- (3) Avoidance of federal and state marine protected areas, including seasonal avoidance of the Hawaiian Islands Humpback Whale National Marine Sanctuary and year-around avoidance of the Papahānaumokuākea Marine National Monument;
- (4) Avoidance of bathymetry likely to be associated with high-value habitat for species of particular concern, including seamounts rising within 1000 m of the ocean surface, or bathymetry whose use poses higher risk to marine species;<sup>87</sup>
- (5) Avoidance of oceanographic fronts, such as cyclonic eddies, that have the potential to attract offshore concentrations of animals;<sup>88</sup>
- (6) Avoidance of areas with higher modeled takes or other high-value habitat;
- (7) Concentration of exercises to the maximum extent practicable on the Navy's instrumented range or in surveyed offshore habitat of low value;

<sup>84</sup> See, e.g., Royal Australian Navy, "Maritime Activities Environmental Management Plan," Procedure S-1 and Planning Guide 16 (July 8, 2005); NATO Undersea Research Centre, Human Diver and Marine Mammal Risk Mitigation Rules and Procedures (2006) (NURC-SP-2006-008); ICES, Report of the Ad-hoc Group on the Impacts of Sonar on Cetaceans and Fish 33-36 (2005) (ICES CM 2005/ACE/06). The U.S. Navy has also used additional mitigation measures for various exercises in the past.

<sup>85</sup> J. Barlow, Cetacean Abundance in Hawaiian Waters Estimated from a Summer/Fall Survey in 2002, 22 Marine Mammal Science 457-58 (2006); see also discussion of population structuring in Hawaiian marine mammal populations, above.

<sup>86</sup> D.W. Johnston, M.E. Chapla, L.E. Williams, and D.K. Mattila, *Identification of Humpback Whale Megaptera novaeangliae Wintering Habitat in the Northwestern Hawaiian Islands Using Spatial Habitat Modeling*, 3 Endangered Species Research 249-57 (2007).

<sup>87</sup> Letter from R.W. Baird, Cascadia Research, to S.L. Leathery (May 20, 2006) (comments on RIMPAC 2006).

<sup>88</sup> M.P. Seki, R. Lumpkin, and P. Flament, Hawaii Cyclonic Eddies and Blue Marlin Catches: The Case Study of the 1995 Hawaiian International Billfish Tournament, 58 J. Oceanography 739, 739-45.

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(8) Use of sonar and other active acoustic systems at the lowest practicable source level, with clear standards and reporting requirements for different testing and training scenarios;

(9) Expansion of the marine species "safety zone" to a 4 km shutdown, reflecting international best practice, or 2 km, reflecting the standard prescribed by the California Coastal Commission;<sup>89</sup>

(10) Suspension of relocation of exercises when beaked whales or significant aggregations of other species, such as melon-headed whales, are detected by any means within the orbit circle of an aerial monitor or near the vicinity of an exercise;

(11) Use of simulated geography to reduce or eliminate chokepoint exercises in near-coastal environments, particularly within channels;

(12) Restriction or capping of training during surface ducting conditions;

(13) Avoidance of beaked whale habitat, or requiring the powering down of sonar during surface ducting conditions;

(14) Planning of ship tracks to avoid embayments and provide escape routes for marine animals;

(15) Suspension or postponement of chokepoint exercises during surface ducting conditions and scheduling of such exercises during daylight hours;

(16) Use of dedicated aerial monitors during chokepoint exercises;

(17) Use of dedicated passive acoustic monitoring to detect vocalizing species, through established and portable range instrumentation and the installation of hydrophone arrays;

(18) Modification of sonobuoys for passive acoustic detection of vocalizing species;

(19) Suspension of acoustic exercises or power-down of sonar outside daylight hours and during periods of low visibility;

(20) Use of aerial surveys and ship-based surveys before, during, and after exercises;

(21) Use of all available range assets for marine mammal monitoring, including unique assets available on the Navy's instrumented ranges off Kauai;

(22) Use of third-party monitors for marine mammal detection;

(23) Establishment of long-term research, to be conducted through an independent agent such as the National Fish and Wildlife Foundation, on the distribution, abundance, and population structuring of protected species in the HRC, with the goal of supporting adaptive geographic avoidance of high-value habitat;

<sup>89</sup> California Coastal Commission, Adopted Staff Recommendation on Consistency Determination CD-086-06 (2007); Approved Letter from M. Delaplaine, California Coastal Commission, to Rear Adm. Len Hering, Navy (Jan. 11, 2007).

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- (24) Application of mitigation prescribed by the California Coastal Commission, by other navies or research centers, or by the U.S. Navy in other contexts;
- (25) Avoidance of fish spawning grounds and of important habitat for fish species potentially vulnerable to significant behavioral change, such as wide-scale displacement within the water column or changes in breeding behavior.
- (26) Dedicated research and development of technology to reduce impacts of active acoustic sources on marine mammals;
- (27) Prescription of specific mitigation requirements for individual classes of testing and training activities, in order to maximize mitigation given varying sets of operational needs; and
- (28) Timely, regular reporting to NOAA, state coastal management authorities, and the public to describe and verify use of mitigation measures during testing and training activities.

Consideration of these measures is minimally necessary to satisfy the requirements of NEPA, and we note that similar or additional measures may be required under the Marine Mammal Protection Act, Endangered Species Act, and other statutes.

#### H. Project Description and Meaningful Public Disclosure

Disclosure of the specific activities contemplated by the Navy is essential if the NEPA process is to be a meaningful one. See, e.g., *LaFlamme v. F.E.R.C.*, 852 F.2d 389, 398 (9th Cir. 1988) (noting that NEPA's goal is to facilitate "widespread discussion and consideration of the environmental risks and remedies associated with [a proposed action]").

With regard to noise-producing activities, for example, the Navy must describe source levels, frequency ranges, duty cycles, and other technical parameters relevant to determining potential impacts on marine life. The Hawaii DEIS and its predecessors provide some of this information, indicating, for example, the nominal source level of the SQS-53 system, which is deployed on surface ships. But it fails to disclose sufficient information about helicopter dipping sonar, active sonobuoys, acoustic device countermeasures, training targets, or range sources that would be used during the exercise; and, even with respect to the SQS-53 system, refrains from giving any indication of platform speed, pulse length, repetition rate, beam widths, or operating depths—that is, most of the data that the Navy presumably used in modeling acoustic impacts.

Just as important, the Navy has not released or offered to release any of the modeling systems (CASS/GRAB, MATLAB, MMEM, or the Take Estimation Model) it used to calculate acoustic harassment and injury. These models must be made available to the public, including the independent scientific community, for public comment to be meaningful under NEPA and the Administrative Procedure Act. 42 C.F.R. §§ 1502.9(a), 1503.1(a) (NEPA); 5 U.S.C. § 706(2)(D) (APA). And guidelines adopted

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under the Data (or Information) Quality Act also require their disclosure. The Office of Management and Budget's guidelines require agencies to provide a "high degree of transparency" precisely "to facilitate reproducibility of such information by qualified third parties" (67 Fed. Reg. 8452, 8460 (Feb. 22, 2002)); and the Defense Department's own data quality guidelines mandate that "influential" scientific material be made reproducible as well.<sup>90</sup> We encourage the Navy to contact us immediately to discuss how to make this critical information available.

#### I. Scope of Review

As a threshold issue, we are concerned about the Navy's understanding of its obligations under applicable law. The Navy indicates that its analysis of "extraterritorial" activities, those activities that would take place outside U.S. territorial waters, was prepared under the authority of Executive Order 12114 rather than under NEPA. See DEIS at 1-16. Not only is this position on the scope of review inconsistent with the statute (see, e.g., *Environmental Defense Fund v. Massey*, 968 F.2d 528 (D.C. Cir. 1994) and *NRDC v. Navy*, No. CV-01-07781, 2002 WL 32095131 at \*9-12 (C.D. Cal. Sept. 19, 2002)), but, insofar as it represents a broader policy, it suggests that current operations off Hawaii may likewise be out of compliance. Nearly all of the vast HRC is sited beyond the 12nm territorial boundary, within the U.S. Exclusive Economic Zone. If, as we expect, activities currently taking place there have not received their due analysis in a prior environmental impact statement, then the Navy is operating in ongoing violation of NEPA.

#### J. Compliance with Other Applicable Laws

A number of other statutes and conventions are implicated by the proposed activities, considering their marine acoustic impacts alone. Among those that must be disclosed and addressed during the NEPA process are the following:

- (1) The Marine Mammal Protection Act ("MMPA"), 16 U.S.C. § 1361 *et seq.*, which requires the Navy to obtain a permit or other authorization from NMFS or the U.S. Fish and Wildlife Service prior to any "take" of marine mammals. The Navy has applied for an Incidental Harassment Authorization under the MMPA, and NRDC will submit comments regarding the Navy's application to NMFS at the appropriate time.
- (2) The Endangered Species Act, 16 U.S.C. § 1531 *et seq.*, which requires the Navy to enter into formal consultation with NMFS or the U.S. Fish and Wildlife

<sup>90</sup> Navy, Ensuring the Quality of Information Disseminated to the Public by the Department of Defense: Policy and Procedural Guidance § 3.2.3.1 (Feb. 10, 2003). The Defense Department defines "influential" to mean "that the Component can reasonably determine that dissemination of the information will have or does have clear and substantial impact on important public policies or important private sector decisions"—which is clearly the case here. See Ensuring the Quality of Information Disseminated to the Public by the Department of Defense: Definitions § 3 (Feb. 10, 2003).

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Service, and receive a legally valid Incidental Take Permit, prior to its "take" of any endangered or threatened marine mammals or other species, including fish, sea turtles, and birds, or its "adverse modification" of critical habitat. See, e.g., 1536(a)(2); Romero-Barcelo v. Brown, 643 F.2d 835 (1st Cir. 1981), rev'd on other grounds, Weinberger v. Romero-Barcelo, 456 U.S. 304, 313 (1982). The Navy must consult with the NMFS over humpback whales, blue whales, fin whales, North Pacific right whales, sei whales, sperm whales, Hawaiian monk seals, green sea turtles, hawksbill sea turtles, leatherback sea turtles, loggerhead sea turtles, Pacific ridley sea turtles, Hawaiian dark-rumped petrels, and Newell's Townsend's shearwaters, all of which are listed under the Act.

(3) The Coastal Zone Management Act, and in particular its federal consistency requirements, 16 U.S.C. § 1456(c)(1)(A), which mandate that activities that affect the natural resources of the coastal zone—whether they are located "within or outside the coastal zone"—be carried out "in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs." The Navy must engage in a new consistency determination given the "significant new information" that has come to light since any previous determinations were undertaken.

(4) The Magnuson-Stevens Fisheries Conservation and Management Act, 16 U.S.C. § 1801 et seq. ("MSA"), which requires federal agencies to "consult with the Secretary [of Commerce] with respect to any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken" that "may adversely affect any essential fish habitat" identified under that Act. 16 U.S.C. § 1855 (b)(2). In turn, the MSA defines essential fish habitat as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity." 16 U.S.C. § 1802 (10). The HRC contains such habitat. PEA at E-3 to 5. As discussed at length above, Anti-Submarine Warfare exercises along have the significant potential to adversely affect at least the waters, and possibly the substrate, on which fish in these areas depend. Under the MSA, a thorough consultation is required.

(5) The Marine Protection, Research and Sanctuaries Act, 33 U.S.C. § 1401 et seq., which requires federal agencies to consult with the Secretary of Commerce if their actions are "likely to destroy, cause the loss of, or injure any sanctuary resource." 16 U.S.C. § 1434(d)(1). Since, in this case, the Navy's exercises would cause injury and mortality of humpback whales, the titular resource of the Hawaiian Islands Humpback Whale National Marine Sanctuary, consultation is clearly required. In addition, the Sanctuaries Act is intended to "prevent or strictly limit the dumping into ocean waters of any material that would adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities" (33 U.S.C. § 1401(b)), and prohibits all persons, including Federal agencies, from dumping materials into ocean waters, except as authorized

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by the Environmental Protection Agency. 33 U.S.C. §§ 1411, 1412(a). The Navy has not indicated its intent to seek a permit under the statute.

(6) The Migratory Bird Treaty Act, 16 U.S.C. § 703 et seq. ("MBTA"), which makes it illegal for any person, including any agency of the Federal government, "by any means or in any manner, to pursue, hunt, take, capture, [or] kill" any migratory birds except as permitted by regulation. 16 U.S.C. § 703. After the District Court for the D.C. Circuit held that naval training exercises that incidentally take migratory birds without a permit violate the MBTA, see Center for Biological Diversity v. Pirie, 191 F. Supp. 2d 161 (D.D.C. 2002) (later vacated as moot), Congress exempted some military readiness activities from the MBTA but also placed a duty on the Defense Department to minimize harms to seabirds. Under the new law, the Secretary of Defense, "shall, in consultation with the Secretary of the Interior, identify measures-- (1) to minimize and mitigate, to the extent practicable, any adverse impacts of authorized military readiness activities on affected species of migratory birds; and (2) to monitor the impacts of such military readiness activities on affected species of migratory birds." Pub.L. 107-314, § 315 (Dec. 2, 2002). As the Navy acknowledges, migratory birds occur within the HRC. The Navy must therefore consult with the Secretary of the Interior regarding measures to minimize and monitor the effects of the proposed range on migratory birds, as required.

(7) Executive Order 13158, which sets forth protections for marine protected areas ("MPAs") nationwide. The Executive Order defines MPAs broadly to include "any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein." E.O. 13158 (May 26, 2000). It then requires that "[e]ach Federal agency whose actions affect the natural or cultural resources that are protected by an MPA shall identify such actions," and that, "[t]o the extent permitted by law and to the maximum extent practicable, each Federal agency, in taking such actions, shall avoid harm to the natural and cultural resources that are protected by an MPA." Id. The Navy must therefore consider and, to the maximum extent practicable, must avoid harm to the resources of all federally- and state-designated marine protected areas, including the Hawaiian Islands Humpback Whale National Marine Sanctuary and Papahānaumokuākea Marine National Monument, potentially affected by activities taking place on its proposed range.

The proposed activities also implicate the Clean Air Act and Clean Water Act as well as other statutes protecting the public health. Exercises on the HRC cannot legally be undertaken absent compliance with these and other laws.

**K. Conflicts with Federal, State, and Local Land-Use Planning**

NEPA requires agencies to assess possible conflicts that their projects might have with the objectives of federal, regional, state, and local land-use plans, policies, and controls. 40 C.F.R. § 1502.16(c). HRC training and testing activities may certainly affect resources in the coastal zone and within other state and local jurisdictions, in conflict

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with the purpose and intent of those areas. The consistency of Navy operations with these land-use policies must receive more thorough consideration.

L. Alternatives Analysis under Section 102(2)(E) of NEPA

Above and beyond the EIS requirement, NEPA directs agencies to "study, develop, and describe appropriate alternatives" to any project that presents "unresolved conflicts concerning alternative uses of available resources." 42 U.S.C. § 4332(2)(E). Courts have concluded that this duty is "both independent of, and broader than, the EIS requirement." Bob Marshall Alliance v. Hodel, 852 F.2d 1223, 1229 (9th Cir. 1988), cert. denied, 109 S.Ct. 1340 (1989). Because its offshore range proposal presents "unresolved conflicts" about the proper use of "available resources," the Navy must explicitly address its separate and independent obligations under section 4332(2)(E).

III. CONCLUSION

For the reasons set forth above, we urge the Navy to withdraw its DEIS on the Hawaii Range Complex and to revise the document prior to its recirculation for public comment. In particular, we call on the Navy immediately to undertake a thorough, detailed assessment of a broad range of alternatives and mitigation measures, to ensure that its decision will result in the least practicable adverse impact on marine species.

Very truly yours,



Michael Jasny  
Senior Policy Analyst

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From: Amy Dunn - Hilo, HI  
To: deis\_hrc@govsupport.us  
Subject: HRC DEIS  
  
Date: 9/18/2007 12:20:52 AM  
  
Department of the Navy  
Commander, United States Pacific Fleet  
250 Makalapa Drive  
Pearl Harbor, Hawaii

Public Affairs Officer  
Pacific Missile Range Facility  
HRC EIS/OEIS  
P.O. Box 128  
Kekaha, Kauai, Hawaii

imited deployment of sonar with respect to impacts on dolphins and whales. Although I am aware that there are other factors that could be involved in marine mammal strandings [Kirschvink et al 1986], the extreme audiosensitivity of this taxa makes it uniquely vulnerable to neural disturbance, disorientation and even physical cochlear and tympanic damage when exposed to intense sound pulses [Nachtigall 2004]. Although death or auditory nervous system damage may not occur, disorientation can be sufficient to disrupt normal feeding behaviour [Croll et al, 2001]. That said, research on the short and long term physiological and ecological effects of 'sound pollution' [from multiple sources, not merely sonar usage] remains inadequate [Nowacek, D.P., 2007].

Therefore I respectfully request that you ensure the safety of these animals before proceeding with the proposed expansion. In the event that the expansion will go forward, may I suggest that you increase threat identification efforts for marine mammals in the area via employment of independent observers, airborne, on and below sea surface, to ensure there are not animals in the area when the sound pulses will be deployed. Additionally I would suggest that the mammal survey perimeter be enlarged as the sound pulses can travel far before attenuating, depending on the frequency of the pulse. Finally I would like to request that you ensure that the sound pulses do not enter the SOFAR channel to be accidentally transmitted over great distance to animals outside the possible perimeter of the pre-pulse survey.

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Students in the Marine Science department have made good use of Navy public records on marine mammal research over the yearss, and will follow this expansion proposal/program with much interest. May I state for the record that I am aware that the US Navy treats its cetaceans very well, and trainers develop profound bonds with the animals with which they work. I am therefore aware of the esteem in which the Navy holds these mammals. Let us please extend that esteem to those that remain in the wild.

Thank you for taking the time to read this letter.

Mahalo nui loa,

Amy Dunn

Hilo, Hawaii

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From: Judy Walker - Hilo, HI  
To: deis\_hrc@govsupport.us  
Subject: Additional EIS comments

Date: 9/17/2007 10:14:38 PM

I recently sent comments on the Navy's HRC EIS. I would like to supplement with the following:

NOAA had two important press releases in August 2007 about marine mammals. On August 10, 2007, the headline read, "SCIENTISTS RECORD FIRST 'MEGAPCLICKS' FROM FEEDING HUMPBACK WHALES IN NOAA'S STELLWAGEN BANK NATIONAL MARINE SANCTUARY." On August 28, 2007, the headline read, "STUDY REVEALS HAWAII'S FALSE KILLER WHALES ARE A DISCRETE POPULATION." I would like the Navy to respond to these developments. If humpback whales have been documented to use megapclicks, the impacts of acoustics on mysticetes need to be reevaluated. Likewise, if the Hawaiian false killer whales are a discrete population, they must be evaluated separately from false killer whales as a whole, which is not done in the current EIS.

Thank you--

Judy Walker

Hilo, HI

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<p>From: Harriet Smith To: deis_hrc@govsupport.us Subject: militarytraining in hawaiian waters Date: 9/18/2007 12:52:23 AM I have come to a place where I feel as much endangered as protected by the U.S.military.</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0467</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0467	1	<p>From: Elizabeth Freeman - Kilauea, HI To: deis_hrc@govsupport.us Subject: Draft EIS Commentary Date: 9/18/2007 1:34:13 AM Elizabeth Freeman  Kilauea, HI  To: Public Affairs Officer Pacific Missile Range Facility  I wish to express my strong opposition to the proposed increase in training operations on land, sea and air well as the proposed increase in the research, development, test and evaluation of operations at the Pacific Missile Range Facility. I don't feel environmental concerns have been adequately addressed. Kauai has a fragile ecosystem and the increases noted in this proposal are unacceptable.  Thank you, Elizabeth Freeman  PS You have already been conducting testing that is harmful to whales and marine life so I do not wish to see testing expanded. I saw for myself the stranded melon-head whales about 2 years ago in Hanalei Bay. I participated in helping usher them back out to sea. Although the Navy claimed the stranding had nothing to do with their sonar testing, I don't feel this to be true. I, too, have the upmost respect for the Navy; however, considering the fragile ecosystems on land, sea and air that make up the soul of Kauai I feel a program of this magnitude is dangerous and unacceptable on our tiny island.  I am including this letter from James Taylor.  Dear Friend,  The Navy's sonic assault on whales should be stopped</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0469</td></tr><tr><td>1</td></tr><tr><td>2</td></tr></table>	COMMENT NUMBER	D-E-0469	1	2
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

immediately. I'm asking for your help to make it happen.

Let me be clear: I have the deepest respect for the U.S. Navy. When I was growing up, my father was a doctor and commander in the Navy. His role in helping to establish a base at the South Pole in 1957, as part of the International Geophysical Year, had a lifelong impact on me.

We loved the Navy because it helped win World War II. But we also loved the Navy because it was a leader in the scientific study of the natural world.

That's why I feel so strongly that today's Navy should be using its vast resources to protect not just our nation but the health of our planet's oceans as well.

And it's why I am so distressed by the acoustic onslaught the Navy is now waging beneath our planet's oceans -- an onslaught that is regularly killing whales with dangerous mid-frequency sound waves.

Mid-frequency sonar is designed to detect enemy submarines. The Navy's warships tow underwater speakers that blast the ocean with noise up to 245 decibels -- a sonic barrage roughly comparable to a Saturn V rocket at blast-off.

That explosive level of noise can cause whales -- who have an exquisite sense of hearing -- to panic, surface too quickly, and hemorrhage internally. Many beached whales have been found bleeding around their brains and ears after their fatal encounters with sonar systems.

Imagine a sound so painful that you jump out of the sea and die on the beach rather than be subjected to it for another minute! From a whale's point of view, the Navy's sonic assault almost seems designed to torture them.

But that torture isn't just cruel, it's unnecessary.

You see, the Navy could adopt simple safety measures when

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training with sonar that would prevent the infliction of pain and death on these magnificent animals. For example, the Navy could avoid marine habitats where whales are known to migrate and raise their young. These commonsense precautions would not compromise military readiness.

But the Navy refuses. So the maiming and killing of whales goes on.

This callousness toward nature -- toward the ocean itself -- does not reflect the Navy I grew up with. We deserve better. And, as Americans, it's our right to demand better.

Our message is simple: Whales should not have to die for military practice.

Please join me and millions of other people in getting that message to the U.S. Navy and to Congress. Go to [www.nrdcactionfund.org/sonaraction](http://www.nrdcactionfund.org/sonaraction) and tell the Navy to do the right thing.

Then please help us build a nationwide outcry by forwarding this message to your friends and family members who would want to know about the Navy's reckless killing of whales.

Let's not wait for hundreds, or even thousands, more whales to suffer and die. Please stand with me in demanding a more humane Navy right now.

Sincerely,

James Taylor  
NRDC Action Fund

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(cont.)**

	COMMENT NUMBER		COMMENT NUMBER
From: Bruce Pleas - Waimea, HI To: deis_hrc@govsupport.us Subject: Comments on DEIS/OEIS Date: 9/18/2007 1:54:19 AM Public Comments on the Hawaii Range Complex Draft EIS/OEIS from; Bruce Pleas Kekaha Resident Waimea, Hawaii, USA	D-E-0470	sometimes only) area for surfing on Kauai. The PMRF area of western Kauai is the heart and soul of surfing of western Kauai.  There is also no reference given for information on this section and that is apparent in the inadequate information given in this section of the DEIS/OEIS.  Appendix I Land Use Pages I-1 thru I-4  These pages are very uninformative on the land use and come from only one perspective. The perspective of the proponents of Hawaii as a Sovereign Nation that was taken by a group of foreign nationals needs to be included in the DEIS/OEIS with complete disclosure on the KUE (spelling) Petition (over 80% of the living citizens of the overthrown Sovereign Hawaii Nation signed and presented this petition to the President and Senate of the US demanding that the Sovereign Hawaii Nation be restored), President Grover Cleveland's message to Congress, 18 December 1893 and Mr. Blunts findings on the overthrow. There should also be complete disclosure on all aspects of land use and ownership from all different viewpoints.  I find this section completely lacking to what I have come up with in my research of Hawaiian history of land ownership and I am requesting that all aspects and views of Hawaii land ownership be included in Appendix I.  Pages I-5 thru I-20  All of these documents need to be presented in their full text, not just partial documents as they are presented in the DEIS/OEIS.  General comments  Following are the statements I presented after the scoping meetings and at this point most of these concerns have not been addressed fully and accurately in the DEIS/OEIS at this point. Please address these concerns fully in the Final EIS/OEIS.  It is of grave concern to me that the EIS/OEIS for the HRC will end up to be a	D-E-0470 (cont.)  3          4          1
Section 4.3.2.1.8 Land Use---PMRF/Main Base Section 4.3.2.1.8.1, Page 4-266 On-base Recreation, Lines 3-10  "The installation's approximately 1,000-ft by 2-mi beach in the southern zone of PMRF will remain accessible to Kauai residents possessing an approved beach access pass." Items that need to be addressed in the final EIS/OEIS are; 1) The beach access pass is available to other persons than Kauai residents. Update this information. 2) The specifics on the beach access pass need to be included.  "The beaches on PMRF only represent a small portion of the available beaches on western Kauai and do not provide any unique recreational coastal opportunities that cannot be provided elsewhere on the island." This is a completely untrue statement that needs to be researched and corrected. 1) The surf breaks that are on PMRF are unique to themselves like snowflakes are unique to each other. There is only one Majors Bay or Kini Kini on Kauai (and on the entire earth). The entire coastline of PMRF is a very important coastal recreation area for fishing, diving, surfing, sailboarding, kite surfing, stand up paddle boarding, boogie boarding, body boarding, etc.. 2) This section needs to have all aspects of coastal recreational use and activities, past and present, researched and presented in a true form that represents the unique area that this 7-8 mile section (PMRF) of the 15 mile western Kauai coastline is to both the residents and visitors of Kauai. 3) With strong North winds and a 6'+ NW swell PMRF is the best (and	2		

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>document that covers a very large area of vague scenarios that can be loosely interpreted and that pretty much anything can be done within the HRC without any specific investigation being done on the effects that these 'increased activities' will have on the HRC specifically and the populated areas adjacent to the HRC. As I live within 2 miles of the HRC I have grave concerns for the safety of my family with increased activities that are not specifically identified and then put forth to the public for public comments and questions. The 'Capabilities to support high energy laser systems' is a prime example of "What does this statement cover?" type of question that I need answered as to what type of laser, how strong of laser, what is the power requirement, who will supply the power, how will the power be produced, what is the safety range (both ground, water and air) for each specific type of system, what will these laser systems do to the ground air and atmosphere, how many people will be stationed on board, how many people will be on island for each test, where will these people stay, how will they travel to and from the HRC, are these lasers reusable or do they self destruct after one use/multiple uses, what is the contamination to the ground around the laser, how will it affect the publics use of the HRC, and so on.</p> <p>Areas to be covered by the Final EIS/OEIS</p> <p>Following is a list of topics that need to be covered in the DEIS/OEIS in full;</p> <p>1) Introduction and Summary that should include general information, background, summary of probable impacts and mitigation measures, alternatives considered, compatibility with land/water use plans and policies, necessary permits and approvals, statement of purpose and need for action, purpose and need for this EIS and unavoidable adverse effects.</p> <p>2) Project description that should include location and complete information on ownership from pre contact (1700) to present day (2006-07), prior and existing uses, project(s) description(s), cost and phasing of all projects/systems.</p> <p>3) Relationship of the proposed project(s) to existing public plans, policies and controls that should cover the following; for the State of Hawaii the Hawaii State Plan, State Functional Plans, State Land Use Laws, and the Coastal Zone Management laws; for the County of Kauai the Special Management Area laws and permits, the General Plan, the regional development plans for the entire island, and the Comprehensive Zoning Ordinance.</p>	<p>D-E-0470 (cont.)</p>	<p>4) Assessment of existing conditions, probable impacts and mitigation for the Physical Environment that includes climate, topography, hydrogeology, soils, agriculture capability, flora, terrestrial fauna, marine environment, historical, cultural and archaeological resources, scenic resources, flood hazards, safety zones for all and specific projects, air quality, noise, interrelationships and cumulative impacts on the physical environment.</p> <p>5) Assessment of existing conditions, probable impacts and mitigation for the Socio-Economic Environment that includes population impacts, economic impacts, fiscal impacts, impacts on housing on both rental and purchase pricing along with availability of housing, impacts on traditional customs and practices, interrelationships and cumulative impacts on the socio-economic environment.</p> <p>6) Assessment of existing conditions, probable impacts and mitigation on Public Facilities that includes transportation studies (including LOS-Level of Service along the main road to and from PMRF) for the entire island, utility usage and additional utilities that could be needed for all proposed projects, wastewater disposal and reuse, grading and drainage plans and permits, solid waste disposal and reuse/recycle, the affect on all recreational facilities and recreational uses on both the land and water, shoreline access, police/fire/emergency services, evacuation routes and safe shelters for employees, contractors and the public, interrelationships and cumulative impacts on Kauai's public facilities and services.</p> <p>7) Alternatives to the proposed action which should include 'No action', alternative #1, alternative #2 and any other scenario/project/system that may be used in the HRC.</p> <p>8) Irreversible and irretrievable commitments to resources.</p> <p>9) Relationship between local short-term uses of the environment and maintenance and enhancement of long-term productivity.</p> <p>Mahalo,</p> <p>Bruce Pleas</p> <p>Waimea, Hawaii</p>	<p>D-E-0470 (cont.)</p>
	<p>13</p> <p>7</p>		<p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



<p>From: Joan Lander - Na'alehu, HI To: deis_hrc@govsupport.us Subject: =?8bit?Q?Comments_on_the_Draft_EIS/OEIS_for_Hawai=C3=A2=E2=82=AC=CB=9Ci_Navy_Range_Complex?=</p> <p>Date: 9/18/2007 1:54:57 AM</p> <p>I strongly oppose any expansion of military activities in Hawai'i.</p> <p>starting with the attack on Pearl Harbor, the U.S. military presence in these islands has caused nothing but harmful impacts, including the contamination of our valleys and bays, the contamination of air and water, the presence of dangerous unexploded ordnance on land and undersea, the stealing of one quarter of our limited land mass, and the violation of Hawai'i's reputation as a place of aloha and legal standing as a neutral country.</p> <p>the U.S. military has no right to be here.</p> <p>~Joan Lander</p> <p>Na'alehu, Hawai'i</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0471</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0471	1		
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D-E-0471						
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<p>From: Pono Kealoaha - Pearl City, HI To: deis_hrc@govsupport.us Subject: Time for military Clean-Up NOT Build-Up! Date: 9/18/2007 1:57:32 AM</p> <p>Time for military Clean-Up NOT Build-Up! <span style="float: right;">September 17, 2007</span></p> <p>I do not support any military expansion in the Hawaii Range Complex. I reject both Alternatives 1 and 2, and I insist on protecting Hawaii (its land, its ocean, its wildlife, and its people) from further harm and degradation caused in large part by the U.S. military, which is the greatest polluter on earth. It is time for military clean up NOT further build up.</p> <p>All of our mother's teach us to clean up after ourselves. It is a basic lesson in life. All of us need to take that lesson to heart, including the U.S. Military – the U.S. Navy.</p> <p>The Navy says it takes environmental stewardship seriously. If that is the case, Before the Navy considers Hawaii Range Complex increased Navy training, questions need to be answered.</p> <p>1. When is the navy going to clean up the 750 contaminated sites, including superfund sites in Pearl Harbor?</p> <p>2. When is the Navy going to clean up the more than 2000 fifty-five gallon drums of radioactive waste dumped to the ocean floor off Oahu as acknowledged in a Honolulu Star-Bulletin article entitled "Nuclear Waste" of 4 April 1979 by Star Bulletin writer Nadine Scott?</p> <p>3. When is the Navy going to clean up the nuclear waste dumped directly into Pearl Harbor? The Navy Seas System Command acknowledged discharging 4,843,000 gallons of radioactive liquid waste into Pearl Harbor between 1964-1973, and then it stopped releasing the data.</p> <p>4. When is the navy going to address its cumulative environmental impacts in Hawaii starting from its direct involvement in the illegal overthrow of the independent nation of hawaii in 1893 when the USS Boston landed 183 armed marines with gattling guns to assist the sugar barons in the treasonous act against the lawful Hawaiian government of Queen Liliuokalani?</p> <p>5. Actually the Navy dirty deeds started six years earlier when the Navy got exclusive use of Pearl Harbor as part of a deal under the so called Bayonet</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0472</td></tr><tr><td>1</td></tr><tr><td>2</td></tr><tr><td>3</td></tr></table>	COMMENT NUMBER	D-E-0472	1	2	3
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



One view of the cumulative impact of navy activities is reflected in a song entitled "Ballad of Pearl Harbor –Matthew 7:6"

"Do not give what is holy to dogs or toss your pearls before swine. They will trample them under foot at best, and perhaps even tear you to shreds."  
Matthew 7:6

Some of the words to the song ....

1. We showered you with our pearls but you wanted even more. You took away our mother pearl, raped, plundered, and trampled her. We were blinded by your breath of fire. You made us very proud. We worshipped you not knowing, we were losing our souls.

(Chorus) Take back the pearl for the people, let mother pearl shine again, and give life back to the land, and welcome all of her rainbow children that bridge the ocean of peace.

2. You poisoned the waters and destroyed the fishponds. You killed the fish and the oysters and desecrated holy lands. You put up fences and iron gates. You brought in disease and waves of death.

3. We have been fools but our eyes are now opening. No longer will we worship you or follow in your ways. Depart from us with your poisoned quills and deadly unhatched eggs.

Questions continued:

6. Explain the big oyster kill in 1969 in Pearl Harbor and its relationship to the \$80 million dollars in damage to the nuclear powered and armed aircraft carrier Enterprise that was brought into Pearl Harbor for emergency repairs after a rocket accidentally exploded onboard the ship in Hawaiian waters killing 24 and injuring more than 85. Is it a fact that Atomic Energy emergency teams were flown in to Hawaii because of that accident? Release full details of that accident.

7. Explain the link between the Navy low frequency navigation and communication towers in Lualualei Valley on the Waianae coast and the increase in Downs syndrome in the area.

8. When is the U.S. military going to clean up all the unexploded ordnance

COMMENT  
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**D-E-0472**  
**(cont.)**

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dumped off the South Kohala coast of Hawaii Island and on Hawaii Island? This one island has more than 57 former military sites, including a land area of 250,000 acres (9 Kaho`olawe in size) littered with unexploded bombs and military toxins. See Army Corps of engineers for details and a map produced by our organization.

9. Pohakuloa Training Area (PTA) on Hawaii Island has now been documented by the Army to be contaminated with Depleted Uranium (DU). Will the navy commit to no fire (live or otherwise) and other training at PTA that could create dust and thereby spread the DU? This action is urged in the interest of community health and safety and the safety of military troops involved in training?

10. Where has the Navy used DU as weapons or ballast in Hawaii and the area in the Hawaii Range Complex and the overseas areas addressed in this OEIS? Please explain in detail the quantities used.

11. Navy sonar is reported to be 235dp. That's a lethal level for humans and perhaps other creatures as well. There should be no exemptions for the Navy operating in a whale/marine sanctuary and a marine monument.

IN SUMMARY, all of Hawaii (its land, its ocean, its wildlife, and its people) are in the same boat as the Ehime Maru, the Japanese training ship cut in half and sunk causing many deaths by a hot roding U.S. Navy submarine commander. It is time for the U.S. Navy to close its Hawaii Range Complex, pack its bags and ship out of the illegally occupied nation of Hawaii. On your way out, be sure to clean up after yourselves. You have left a big mess in your wake. Your mother, my mother, Mother earth herself, says enough!

It's time for Military Clean-up NOT build up!

Pono Kealoaha McNeil

Kanaka Maoli

Pearlcity ,HI

ILLEGALLY OCCUPIED SOVEREIGN NATION of HAWAII

alwayz aloha ,

Pono



COMMENT  
NUMBER

D-E-0472  
(cont.)

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7

	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0473</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0473	1	<p>From: Judy Walker - Hilo, HI To: deis_hrc@govsupport.us Subject: EIS comment correction Date: 9/17/2007 10:55:27 PM I'm writing to correct a figure on my previous comments. (In my haste to get my questions sent in a timely manner, I failed to proofread.) On Question # 17, the actual area of 10% mortality for 1 ounce fish is 843,916.5 square feet, or 19.4 acres.</p> <p>Thank you, and I apologize for the confusion--</p> <p>Judy Walker</p> <p>Hilo, HI</p>						
COMMENT NUMBER											
D-E-0473											
1											
		<p>From: Hugh Y. Starr - Makawao, HI To: deis_hrc@govsupport.us Subject: DEIS comments Date: 9/18/2007 2:15:54 AM September 17, 2007</p> <p>Commander Hawaii Range Complex Pacific Missile Range Facility P.O. Box 128 Kekaha, HI 96752-0128</p> <p>Why is not the elimination of any underwater sonar testing within significant sound range of the Hawaii Humpback Whale National Marine Sanctuary considered as an alternative? If not, why not?</p> <p>Please outline in simple language the discussions regarding "harassment" with respect to sonar activity that is in proximity of marine mammals, especially the various species of whales.</p> <p>Please provide a schedule of relative sound levels (dB's) as one moves away from the source of sonar wave generation.</p> <p>Consider the possible economic impact of the various alternatives on Hawaii's tourism industry.</p> <p>In executive summary ES1.2 Background, please amplify how Hawaii provided advantages to allied forces during Korean and Vietnam wars.</p> <p>Given the critical marine mammal habitat around the Hawaiian Islands, and considering that the PMRF is used for subsurface, surface, air, and space training. Why is not the reduction or elimination of the underwater sonar testing component alone considered?</p> <p>Will the U.S. Navy commit to assuring that frozen mammal head studies are immediately conducted when mammal deaths are found in proximity to sonar testing? If not, why not?</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0474</td></tr><tr><td>2</td></tr><tr><td>1</td></tr><tr><td>3</td></tr><tr><td>6</td></tr><tr><td>1</td></tr><tr><td>5</td></tr></table>	COMMENT NUMBER	D-E-0474	2	1	3	6	1	5
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>Will the U.S. Navy incorporate mitigation measures similar to those implemented by the Australian Navy with respect to sonar testing in proximity to mammal habitat? If not, why not?</p> <p>Will the U.S. Navy incorporate mitigation measures used by RIMPAC 2006? If not, why not?</p> <p>Please report on the status of the U.S. Navy's 5-year science and technology objective to ensure adequate research funding for hearing physiology.</p> <p>Thank you.</p> <p>Hugh Y. Starr Makawao, HI</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0474 (cont.)</b></p>	<p>From: Ron Agor To: deis_hrc@govsupport.us Subject: Draft EIS PMRF Date: 9/18/2007 2:18:48 AM Gentlemen/Ladies,</p> <p>I would like to see a change in the characterization of the beach and shores at PMRF. The Draft EIS refers the beaches and shoreline as being nothing unusual.</p> <p>The beaches and shores there provide some of the best surfing and swimming areas on the Island.</p> <p>The Draft EIS should reflect the importance of the beach and shores of PMRF for public recreation, in particular surfing. A recommendation to continue keeping the beach and shores open to the public under existing conditions should certainly be included in the study.</p> <p>Aloha!</p> <p>Ron Agor</p> <p>Kauai Member</p> <p>State Board of Land and Natural Resources</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0475</b></p> <p>1</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Harriet Smith - Pahoa, HI To: deis_hrc@govsupport.us Subject: EIS Comment from Harriet Smith Date: 9/18/2007 2:41:50 AM</p> <p>Please see that this comment is inserted into the record concerning the Navy: EIS on military training in Hawaiian waters</p> <p>The US Navy is seeking public comment on its hefty study on proposed military training in Hawaiian waters.</p> <p>I have come to a place where I feel as much endangered as protected by the US military.</p> <p>I feel that any kind of accelerated/intensified energy in the direction of military might is going a different direction than needed to create the kind of world I want to live in and which may assure the world as we know it exists.</p> <p>It would help if I could just believe you when you speak but that trust is just missing.</p> <p>I most emphatically want the military to cease and desist anything such as LFAS that would harm sea creatures, especially whales and dolphins.</p> <p>I have looked deeply into the issue and am fully convinced whales and dolphins are the other intelligent species we have for so long fantasized and looked for, and, as such, must be protected at all costs as absolutely essential to the vibrancy of humanity's future and to the integrity of the planet as we know it and wish it to be.</p> <p>My deep hope is that the military is less monolithic than it seems from the outside; and that there are new more harmonizing open-minded elements coming up though the ranks that can transform it so it could respond fully to common human needs; because right now from the top down, it is looking pretty lawless and that's pretty scary when you consider that it is you who have the guns.</p> <p>Yours truly, Harriet Smith Pahoa, HI</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0476</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0476	1	<p>From: Marguerite Beavers To: deis_hrc@govsupport.us Subject: Please STOP! Date: 9/18/2007 2:45:18 AM</p> <p>WE utterly oppose escalation in the Hawaiian Islands of the war military operations buildup/testing program, the high use of energy, the approval process for these actions, the cumulative impacts upon human and animal health, the socio/economic injustice to the native Hawaiian Islanders who live in this militarized, impacted area, radioactive and chemical hazards and problems associated with storage and waste products, the permanency of radioactivity from Uranium munitions in the environment (U-238, for example, has a half-life of 4.5 Billion years), destruction to natural, pristine areas and natural resources and vegetation, the erosion of air quality and water quality of the sea, the financial taxpayers' burden of these military operations, impact on Hawaiian tourism and desirability as a place to live, and the risks to health and safety of humans and all impacted life forms.</p> <p>Malama Pono, Marguerite Beavers by Divine Design</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0477</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0477	1
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>From: Maria Walker - Kapaa, HI To: deis_hrc@govsupport.us Subject: public hearing on NMFS 062206A Date: 9/18/2007 3:16:12 AM</p> <p>Aloha,</p> <p>I am writing to express my strong opposition to the Navy's conducting of sonar testing in Hawaiian waters. I believe LFA causes serious and unacceptable damage to marine life where ever it has been tested, and I also strongly believe that the Navy must abide by any and all restrictions placed by coastal commissions or the courts on when and where and at what intensity the sonar can be used. In my opinion, the Navy is not above the law and the interests of national security should not override protecting the ecosystems and animals living in our oceans. I am opposed not only to an expansion of this testing, as the Navy has requested, but am opposed to any further testing of sonar anywhere around the Hawaiian archipelago, a place recognized worldwide as a marine sanctuary for many species, especially whales.</p> <p>I am also expressing my appreciation for the extension of the very short public comment period assigned to your deliberations of these important issues. The military presence in the island must make every effort to be a responsible member of our island communities and needs to abide by the wishes of the local community. Giving sufficient time for public comment is the most elementary form of being a "good neighbor" and is the foundation for the trust and continued acceptance of the Hawaiian people. I request that you make your decisions based on the feedback you receive from the residents of the islands, rather than simply acquiescing to whatever requests the Navy makes.</p> <p>In closing, I am calling upon you to prevent the Navy from performing any more sonar testing in and around Hawaii; their request to expand sonar testing, and to test even in the National Marine Sanctuary area, is completely unacceptable. I believe that even to maintain the status quo is unacceptable, and I strongly urge you to protect all life in the Pacific around Hawaii by preventing the continuation of any LFA testing.</p> <p>Sincerely, Maria Walker</p> <p>Kapaa, HI</p>	<p>D-E-0478</p> <p>1</p> <p>2</p> <p>3</p>	<p>From: Emil Wolfgramm - Kane`ohe, HI To: deis_hrc@govsupport.us Subject: Comments on Navy EIS for Hawai`i Range Complex! Date: 9/18/2007 4:37:13 AM</p> <p>Dear Sirs:</p> <p>The entire idea of using the Hawai`i Range Complex as an experimental site for antisubmarine warfare sonar SHOULD NOT take place due to the fact that the Hawai`i Archipelago is a birthing and nursing site for whale species.</p> <p>The birthing and nursing whale mothers and their offspring will be adversely affected by the sonar warfare use.</p> <p>Select another site other than the Hawaiian Archipelago to do sonar warfare use. Use East Coast sites where there are no whale nursery locations.</p> <p>Go to another site where nature will not be harmed.</p> <p>Yours, Emil Wolfgramm. Kane`ohe</p>	<p>D-E-0479</p> <p>1</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



From: Sharon Goodwin  
To: deis\_hrc@govsupport.us  
Subject: Blanket consent for Hawaii sonar use & military expansion  
on Kaua'i Island  
Date: 9/18/2007 4:51:07 AM  
To the Public Affairs Officer, Pacific Missile Range Facility,  
  
I deeply disagree that the US Navy should have blanket authorization  
for sonar use in and around the Hawaiian Islands.  
  
I do not favor any kind of military expansion on Kaua'i Island.  
  
Sharon Goodwin

**COMMENT  
NUMBER**

D-E-0480

1

From: Marsha Green  
To: deis\_hrc@govsupport.us  
Subject: Comments on the Navy's HRC expansion  
Date: 9/18/2007 5:09:34 AM

**COMMENT  
NUMBER**

D-E-0481



To: Tom Clements  
Pacific Missile Range Facility at Nohili  
P.O. Box 128  
Kekaha, Kauai 96752-0128

Michael Payne  
National Marine Fisheries Service  
1315 East-West Highway  
Maryland 20910-3225

This is to document our strong opposition to the U.S. Navy's plan to expand wargames in the Hawaiian Archipelago. KAHEA: The Hawaiian-Environmental Alliance is a network of Native Hawaiian cultural practitioners, environmentalists, scientists, and concerned citizens working to protect Hawai'i's unique natural and cultural public trust resources. We have worked along side our allies for more than six years to secure the strongest possible protections Northwestern Hawaiian Islands (NWHI). Due in part to our advocacy, today the state and federal governments both recognize their obligation to protect the profoundly unique marine environment in the NWHI.

The Navy's proposed expansion should be rejected because: 1) it contradicts the stated policy of the current President of the U.S. to protect the Northwestern Hawaiian Islands, 2) it lacks sufficient analysis to provide decision-makers with quality information and/or pass the basic EIS-quality inspections, 3) the general public strongly opposes the military presence in Hawai'i.

#### Naval expansion in the NWHI contradicts the stated policy of the current president

In September 2005, the State of Hawai'i established the visionary NWHI State Marine Refuge (Hawai'i Revised Statutes §13-60.5-1). In June 2006, President George W. Bush followed suit by signing the proclamation establishing the Papahānaumokuākea Marine Monument in the NWHI (50 CFR 404.1). Both regulatory regimes recognize the NWHI as one of the last intact marine ecosystems on earth and impose strict rules to protect the irreplaceable cultural and natural resources in the NWHI. The Navy's proposal to expand its wargames in the Hawaiian Islands, especially the "temporary operating area" (TOA) in the NWHI, directly contradicts the state and federal efforts to protect this cultural and natural wonder of the world.

How will the Navy modify its proposed expansion to make it consistent with the state and federal policies to protect the NWHI?

#### The Public Supports Protecting the NWHI, Rejects Military Expansion

#### COMMENT NUMBER

D-E-0481  
(cont.)

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The public strongly supports ensuring the strongest possible protections for the NWHI. More than 5,000 people participated in countless public hearings and meetings over the last five years. Most recently, more than 1,000 people have signed a petition in opposition to the Navy's use of sonar.

#### Insufficient Analysis Upon Which To Base A Decision

This EIS is shocking for its lack of analysis on key issues:

- a) cultural impact: The Navy's analysis of the impacts on cultural practice and resources from expanded military exercises is woefully insufficient. The Navy must go back and document all of the cultural sites and assess the threat to these irreplaceable resources from their proposed activities. Of key concern are the heiau, ahu, iwi located on the islands of Nihoa and Mokumanamana.
- b) Chemical pollution: The Navy proposes to release into the environment chemical simulants, chaffe, debris, and other harmful materials, yet fails to adequately analyze the potential harm to the environment and public health. What affect will the accumulation of missile debris have the ecosystem (i.e. toxicity levels)?
- c) Cumulative impacts: despite the impressive list of identified cumulative impacts from the expanded wargames, that list is not supported by actual analysis of the effect these exercises will have on our beaches, shorelines, and natural predator.

#### Lack of Alternatives Analysis

The Navy's proposal to expand its wargames is deeply flawed because it fails to consider other possible places to impose this sentence. Both state and federal law require an EIS to analyze other locations for the propose activity so as to give the final decision makers all they need to make an informed decision.

#### Navy Expansion Threatens Public Health

The discovery of depleted uranium at Pohakuloa Training Area and likelihood of DU at Makua Training Range means the Navy should cease all live fire events at these locations. The risk of spreading DU to the wider community is simply unacceptable. Please explain how the Navy will aid the community in cleaning up these contaminated locations. How will the Navy modify its proposal to prevent the spread these diseases

#### Navy Plans Jeopardize Significant Cultural Sites

The NWHI are extremely important to Native Hawaiian traditional and customary practices. The Draft EIS ignored that the NWHI are revered in Hawaiian history, mele, and oli. The NWHI are the jumping off point into the next life. What mitigations will the Navy undertake to prevent harm to the people and the environment of this true cultural pu'uhonua.

#### COMMENT NUMBER

D-E-0481  
(cont.)

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	COMMENT NUMBER		COMMENT NUMBER
<p><b>Naval Expansion Harms Endangered Species</b></p> <p>The NWHI are host to many endangered and threatened species, including the near extinct Hawaiian monk seal and the rare green sea turtle. Falling debris from naval missile interceptions could harm these and other marine wildlife in the NWHI. The Navy also fails to analyze the threat to marine wildlife from the chronic exposure to shrapnel in the sea. In the same way the Navy's presence is killing Albatross chicks today decades after the Navy left Midway, this EIS should anticipate the harm to marine wildlife from decades of exposure to decomposing shrapnel in the environment.</p> <p><b>Naval Active Sonar Kills Marine Wildlife</b></p> <p>Despite the overwhelming evidence supporting a precautionary approach to the introduction of anthropogenic noise into our oceans, the Navy is persisting in planning for the proliferation of ocean noise. This is in total conflict with recognized international environmental practice that promulgates the United Nations Rio Declaration of 1992, which passed through consensus by over 100 member nations, including the United States.</p> <p>The Navy insists on using selective science and desktop modeling to generate assumptions that cannot be applied in the real and dynamic marine environment, yet dismiss or choose to ignore empirical evidence and calls for caution from the international community.</p> <p>The mitigation methods proposed by the Navy are woefully inadequate and are not in line with those used by other navies. Our specific concerns follow.</p> <p><i>Sound exposure thresholds</i></p> <p>In the DEIS, the Navy proposes exposing hundreds of thousands of marine mammals to levels of sonar much higher than levels that are known to have caused the stranding and death of whales in the Bahamas in 2000. The whales in the Bahamas stranding died when exposed to between 150 and 160 dB of mid-frequency sonar. Yet the Navy asserts in the DEIS that permanent threshold shift (PTS) and tissue damage will not occur until an exposure level above 215 dB is reached. This argument flies in the face of reason and the best empirical evidence we have.</p> <p>The Navy's argument that behavioral disruption won't occur until above 195 dB (its threshold for Temporary Threshold Shift (TTS)) is equally untenable. Firstly, TTS is not an appropriate indicator of behavioral disruption. It occurs only after much higher exposure levels than more appropriate measurements of behavioral disruption. For example, a published study (Nowacek et al, 2004) indicates that Atlantic right whales stopped foraging and swam rapidly to the surface when exposed to a mid-frequency</p> <p style="text-align: right;">3</p>	<p><b>D-E-0481 (cont.)</b></p> <p>9</p> <p>10</p> <p>11</p> <p>12</p>	<p>alarm of 154 dB. NOAA, NMFS parent agency reportedly characterized this response as "profound."<sup>1</sup></p> <p>Additionally, several published studies of harbor porpoises indicate avoidance of mid-frequency sounds at levels well below 140 dB. A study sponsored by the Norwegian navy found that mid-frequency sonar caused killer whales to change their dive pattern and rapidly flee an area at a maximum pressure level of 150 dB (Kvadsheim et al, 2006).</p> <p>The best available scientific evidence simply does not support the Navy's thresholds and clearly supports the necessity for lower thresholds. In fact, the Navy's 195 and 215 dB thresholds are quite shocking in view of the scientific literature.</p> <p><i>Stranding data</i></p> <p>The Navy commonly argues that it has used sonar for decades without systemic declines in marine mammal populations. This has no meaningful basis since NMFS' stock assessments indicate that no meaningful information on abundance trends is available.</p> <p>Furthermore, if animals are injured or killed around Hawaii the probability of anyone finding their bodies is very remote. Most bodies will sink, be eaten by sharks, or be carried away by the strong currents around Hawaii. If animals do happen to strand the probability of their being found is very low given the many hundreds of miles of unmonitored beaches and the fact that no one was looking. Thus the lack of strandings associated with active sonar use or other anthropogenic noise use is not evidence that animals have not been injured or killed from that use in the past.</p> <p><i>Auditory damage is not the only risk</i></p> <p>The Navy disingenuously dismisses non-auditory impacts in marine mammals. It assumes that the only risk created by sonar use is auditory damage or PTS which it argues occurs at or above 215 dB. This flies in the face of the scientific evidence and the consensus of leading marine mammal scientists. It is well accepted that the primary threat posed by sonar is not direct tissue damage causing deafness but the fact that cetaceans react to sound at much lower levels in behavioral ways that can indirectly cause injury and death.</p> <p>Scientists agree that sonar can cause a behavioral reaction in that whales (especially beaked whales) panic in response to active sonar and come to the surface too quickly thereby suffering "the bends." The DEIS mentions this phenomenon as a "hypothesis" and states that per Cox et al, 2006, it needs further investigation. It then continues by concluding that rapid ascent would be unlikely to produce the "bends" in beaked whales because they dive deep and remain at depth for long periods and so, per Fahlman et al. (2006) have reduced nitrogen saturation. The converse is true – a rapid ascent from such</p> <p><sup>1</sup> Letter from Rodney F. Weiher, Ph.D., NEPA Coordinator, NOAA, to Keith Jenkins, Naval Facilities Engineering Command Atlantic, Jan. 30, 2006 per letter from NRDC to Steve Leathery and Michael Payne, NMFS, May 24, 2006.</p> <p style="text-align: right;">4</p>	<p><b>D-E-0481 (cont.)</b></p> <p>13</p> <p>14</p> <p>15</p>

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER		COMMENT NUMBER
<p>whales would be and has been lethal. The evidence is that mid-frequency active sonar can kill beaked whales at exposure levels well below the Navy's proposed thresholds for behavioral disruption.</p> <p>For beaked whales the science indicates that an appropriate and precautionary threshold is a pressure level below 160 dB as indicated by data from the Bahamas stranding (Hildebrand, 2005). A consensus exists in the scientific community that the formation of gas bubbles in tissue, most likely from rapid surfacing in response to sound pressure levels much lower than those that cause tissue damage directly is the most plausible cause of the deaths of beaked whales exposed to noise. Hawaii has been identified as one of the world's 23 known "key areas" for beaked whales (McLeod and Mitchell, 2006) and they will be placed at direct risk from the proposed action.</p> <p>Additionally, the harmful effects of active sonar, in addition to physical injury and death from stranding, include behavioral disruption, habitat displacement and interference with mating, calving, nursing, feeding and communication. Such disruptions can have significant implications for the survival of marine animal populations. The Navy also does not adequately address in the DEIS, the cumulative effects of ocean noise produced by the large number of exercises (1,145 using active sonar alone) around the Hawaiian Islands on the above behaviors.</p> <p><i>Geographic issues</i></p> <p>There are steep seamounts off the Hawaiian Islands which provide a concentrated haven for marine life. To the west of the island of Hawaii there are a number of sea mounts and these waters are also characterized by regular cyclonic eddies which increase productivity and are likely to result in greater densities of cetaceans. These areas should be avoided during sonar use.</p> <p>The steep seamounts provide important habitat for short-finned pilot whales and three species of beaked whales. Beaked whales are known to be especially sensitive to sonar and their habitat should be avoided in any well-intentioned mitigation plan. Hawaii's oceanic conditions are quite similar to areas where mass strandings have occurred in the past and, thus, it is very risky to conduct war games using sonar around these islands.</p> <p><i>Population level impacts</i></p> <p>The DEIS uses abundance estimated for near shore marine mammals based on aerial surveys (Mobley et al 2000, Mobley et al 2001). These estimates are then used to predict the numbers of affected animals using the Navy's modeling techniques.</p> <p>Estimates based on estimates can hardly be categorized as good science, especially for deep-diving marine mammal species which are hard to observe and are likely the most susceptible to noise. Furthermore behavioral impacts, including the disruption of foraging or the displacement of marine mammals, could have population level effects especially when the impacts are repeated. Certainly it appears that a single sonar exercise</p> <p style="text-align: right;">5</p>	<p>D-E-0481 (cont.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p>	<p>in the Bahamas resulted in the death or displacement of a population of beaked whales in the area. Yet the Navy is only concerned with species-level impacts.</p> <p>Dr. Robin Baird, a marine mammal scientist who has conducted extensive research on whale and dolphin populations of the Hawaiian Islands and whose abundance data is used in the DEIS, notes the genetic studies of all species studied so far around the Hawaiian Islands have indicated that these animals are reproductively differentiated from animals elsewhere in the tropical Pacific (Chivers et al, 2001; Martien et al, 2005; Andrew et al, 2006). In the case of spinner and bottlenose dolphins there appears to be multi-population structures within the Hawaiian Islands with genetic differences among populations and no evidence of movements of individuals among the four main groups of islands. Yet the Navy states that the abundance estimates can be based for most populations on the entire Hawaiian Exclusive Economic Zone.</p> <p>Based on genetic and photo ID evidence (Baird et al 2002, 2003, 2006) there are likely small, reproductively isolated odontocete populations around each island. Thus, it is likely that the Navy has strongly underestimated the proportion of some populations that may be taken by the action and consequently the probability of population level impacts is significantly higher than discussed in the DEIS.</p> <p>Of particular concern is the potential population-level impacts on melon-headed whales. NMFS most recent stock assessment (Caretta et al, 2006) sets the level of potential biological removal for Hawaiian melon-headed whales at 14 whales per year. By comparison, at least 150 melon-headed whales were embayed off Kauai during the 2004 RIMPAC exercises. Had efforts to lead the whales back to sea not been successful, the loss could potentially have been over ten times greater than what, according to NMFS, the Hawaiian stock can annually absorb. This is a very serious issue that has not been adequately considered.</p> <p><i>Mitigation</i></p> <p>The DEIS does not include even those few additional mitigation measures it agreed to include during the RIMPAC 2006. The Navy's proposed mitigation measures are ineffective and inadequate. There are no dedicated marine mammal observers and the Navy's paltry description of its 'marine species awareness training' does not appear adequate. Many of the marine mammal species are deep diving and remain beneath the surface for more than an hour.</p> <p>Whales are difficult to spot in rough water and windy weather and are almost impossible to spot at night. Thus visual detection is very inadequate. Passive acoustic detection is only effective when whales are vocalizing which not all whales do and is only effective at certain frequencies. We do not agree with the Navy's 'mitigation safety zone' of 1,000 yards (175 db RL) and contend that active sonar impacts can occur beyond this isopleth and beyond the field of view of an observer on a ship.</p> <p style="text-align: right;">6</p>	<p>D-E-0481 (cont.)</p> <p>20</p>

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The Navy cannot have much confidence in its marine mammal detection methods since it allows for the eventualities of animals getting as close as 200 yards from the sonar dome. However, if a marine mammal is detected within 1,000 yards of the sonar dome the Navy says that the sonar will be reduced by 6dB from 235 to 229 dB. This is still incredibly loud and many thousands times more intense than the sonar that killed the whales in the Bahamas incident.

Similarly a reduction of 10 dB will be made if an animal is observed within 500 yards of the dome. The Navy will only cease operation of the sonar if a marine mammal is observed within 200 yards of the dome. Whales have been injured and killed at greater distances from the source than 200 yards. The Navy will not slowly ramp up transmissions to allow whales to leave the area before the sonar is intensified, citing operation impediment as the reason.

In the DEIS the Navy appears to have selected training sites where active sonar will be used based entirely on its own operational needs and convenience. It does not make allowances for marine mammal escape routes or require that ships avoid embayments, even though NMFS concluded the Navy's sonar use in 2004 was the "plausible, if not likely, contributing factor" in the causation of Hanalei Bay, Kaua'i incident in which 150-200 melon headed whales 'milled' in an unusual manner in the shallows of Hanalei Bay for over 28 hours.

Other navies use more effective mitigation procedures.

The NATO Undersea Research Center requires much stricter measures for the protection of marine mammals during high intensity active sonar use. Sonar test sites are selected only after an environmental assessment has considered known marine mammal habitat and noise propagation. Sonar test sites are selected to avoid enclosed areas and coastal areas with complex steep sea bed topography. Ship tracks are planned to provide marine mammal escape routes and avoidance of embayments. Operations are suspended if marine mammals enter the safety zone which is defined as the area ensounded to 160 dB for large whales. The safety zone for endangered species, or for Cuvier's beaked whales is twice the above-mentioned safety zone.

The Australian Navy also takes more cautious and significant steps to minimize harm to marine life from sonar exercises. It has seasonal and geographic restrictions on the use of the mid-frequency sonar system at its highest power levels. It avoids transmissions with source levels greater than 210 dB within 30 nautical miles off certain coastlines during times when whales are likely to be present and uses lower power levels in conditions that may produce surface ducting or embayments. The Australian Navy also avoids seamounts and monitors a 4,000 yard safety zone for 30 minutes prior to sonar transmission. Similarly it maintains this 4,000 yard safety zone during active sonar transmissions and institutes immediate shut-down procedures if a marine mammal is detected within the safety zone.

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(cont.)**

The U.S. Navy can and has complied with the Australian Navy's mitigation methods, for example during Operation Talisman Saber in 2007. Therefore for the Navy to be aware of the existence and implications of more stringent mitigation methods, to have implemented them and then to not use them elsewhere is unsatisfactory.

The Navy has in the past employed more effective mitigation measures in Hawaiian waters than it is proposing in this DEIS. In RIMPAC 2006 the Navy adopted larger marine mammal safety zones, had at least one dedicated marine mammal observer, implemented restrictions on exercises involving the use of active sonar taking place in channels between islands with steep underwater topography and instituted a reduction of power levels in conditions of low visibility. These improved mitigation procedures in RIMPAC 2006 were only implemented after the courts deemed the Navy's proposed mitigation to be inadequate.

The Navy should be adhering to much stricter mitigation methods in use by other navies for similar exercises and to include those that the U.S. Navy when required to, has used before. These stricter mitigation methods should include restrictions on active sonar use to avoid seasonal migrations such as the migration of endangered humpback whales into the US Hawaiian Islands Humpback Whale National Marine Sanctuary and avoiding seamounts and other sensitive habitats frequented by marine mammals, especially vulnerable beaked whales.

We appreciate the opportunity to submit these comments and look forward to them being addressed in full.

Sincerely,

Marsha Green  
North American Representative

Marti Townsend  
Hawaiian Ocean Noise Coalition

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**COMMENT  
NUMBER**
**D-E-0481  
(cont.)**

21



<p><i>References</i></p> <p>Andrews, K. R., Karczmarski, L., Au, W.W.L., Rickards, S.H., Vanderlip, C.A., and Toonen, R.J. (In press) Patterns of genetic diversity of the Hawaiian spinner dolphin (<i>Stenella longirostris</i>). Atoll Research Bulletin.</p> <p>Baird, R.W., Gorgone, A.M. and Webster, D.L. (2002) An examination of movements of bottlenose dolphins between islands in the Hawaiian Island chain. Report prepared under Contract NO. 40JGLNF110270 for the National Marine Fisheries Service Southwest Fisheries Science Center, La Jolla, California.</p> <p>Baird, R.W., McSweeney, D.J., Webster, D.L., Gorgone, A.M., and Ligon, A.D. (2003) Studies of odontocete population structure in Hawaiian waters: results of a survey through the main Hawaiian Islands in May and June 2003. Report prepared under Contract No. AB133F02-CN-0106 for the National Marine Fisheries Service, NOAA.</p> <p>Baird, R.W., Schorr, G.S., Webster, D.L., Mahaffy, S.D., Douglas, A.B., Gorgone, A.M., and McSweeney, D.J. (2006) A survey for odontocete cetaceans off Kauai and Niihau, Hawaii during October and November 2005: evidence for population structure and site fidelity. Report prepared under Order No. AB133F05SE5197 for National Marine Fisheries Service Pacific Islands Fisheries Science Center, Honolulu, Hawaii.</p> <p>Caretta, J.C., Forney, K.A., Muto, M.M., Barlow, J. Baker, J., Hanson, B. and Lowry, M.S. (2006) U.S. Pacific Marine Mammal Stock Assessments: 2005, NOAA Tech. Memo. NOAA TML-NMFS-SWFSC-388.</p> <p>Chivers, S.J, LeDuc, R.G. and Baird, R.W. (2003) Hawaiian island populations of false killer whales and short-finned pilot whales revealed by genetic analyses. P.32 in Abstracts of the 15<sup>th</sup> Biennial Conference on the Biology of Marine Mammals, 14-19 December 2003, Greensboro, North Carolina.</p> <p>Cox, T.M., et. al., Why beaked whales? Report of workshop to understand the impacts of anthropogenic sound. 2006 J. Cetacean Res. Manag. (7), 177 -187.</p> <p>Fahlman, A., A. Olszowka, B. Bostrom, and D. R. Jones, 2006. Deep diving mammals: dive behavior and circulatory adjustments contribute to bends avoidance. Respiratory Physiology and Neurobiology. 153:66-77.</p> <p>Hildebrand, J.A. (2005) Impacts of anthropogenic sound. In Marine mammal research: conservation beyond crisis. Edited by J.E. Reynolds, III, Perrin, W. F., Reeves, R. R., Montgomery, S. and Ragen, T. J. Johns Hopkins University Press, Baltimore, Maryland. Pp. 101-124.</p> <p>Kvadsheim, P., Benders, F. Miller, P., Doksaeter, L., Knudson, F. Tyack, P., Nordlund, N., Lam, FP., Samarra, L. K. and Gode, O.R. (2006) Herring, killer whales and sonar. 3S-2006 cruise report with preliminary results prepared for Norwegian Defense Research Establishment, Maritime Systems, Norway.</p> <p>MacLeod, C.D. and Mitchell, G. (2006) Known key areas for beaked whales around the world. J. Cetacean Management and Research 7(3): 309-322.</p> <p>Martien, K., Baird, R. W., and Robertson, K. (2005) Population structure of bottlenose dolphins around the main Hawaiian Islands. Paper presented to the Pacific Scientific Review Group, January 2005.</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0481 (cont.)</b></p>	<p>Mobley, J. R., Spitz, S.S., Forney, K. A., Grotefendt, R., and Forestell, P.H. (2000) Distribution and abundance of odontocete species in Hawaiian waters: preliminary results of 1993-98 aerial surveys. National Marine Fisheries Service Southwest Fisheries Science Center Administrative Report LJ-00-14C.</p> <p>Mobley, J.R., S.S. Spitz, and R. Grotefendt, 2001. Abundance of humpback whales in Hawaiian waters: Results of 1993-2000 aerial surveys, Report prepared for the Hawaii Department of Land and Natural Resources and the Hawaiian Islands Humpback Whale National Marine Sanctuary, NOAA, U.S. Department of Commerce.</p> <p>Nowacek, D.P., Johnson, M. P. and Tyack, P. L. (2004) North Atlantic right whales (<i>Eubalaena glacialis</i>) ignore ships but respond to alerting stimuli. Proceedings of the Royal Society of London, B 271, 227-231.</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0481 (cont.)</b></p>
9		10	

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Akahi Nui - Maui, HI  To: deis_hrc@govsupport.us  Subject: DECLARATION OF DEFAULT  Date: 9/18/2007 5:23:16 AM  Kingdom of Hawai i  Majesty Akahi Nui, Trustee Sovereign Nation of God</p> <p>Moku aina O Wailuku, Mokupuni O Maui,  Ke Aupuni O Hawai i</p> <p>COMMANDER LEACH  C/O Public Affairs Officer  Pacific Missile Range Facility  P.O. Box 128  Kekaha, Hawaii [96752]</p> <p>REFUTATION TO ANSWER WITHIN (7) SEVEN DAY(S) NOTICE OF  OFFICIAL PROTEST OF  US NAVY LOW/MID FREQUENCY SONAR EXERCISES IN HAWAIIAN  WATERS WITH EXHIBIT "A"  HAWAIIAN ISLAND ALLODIAL LAND TITLE DEED AND DECLARATION AND  COMMON LAW LIEN  WITH AN ORDER TO RECIEVE AN ANSWER OF TRUE AND LAWFUL  DOCUMENTED FACTS OF  EVIDENCE OF JURISDICTION WITHIN (7) SEVEN DAY(S)</p> <p>DEPARTMENT OF THE NAVY, COMMANDER, UNITED STATES PACIFIC  FLEET, Public  Affairs Officer Pacific Missile Range Facility, United States National Marine  Fisheries Service, Michael Payne, US DEPARTMENT OF DEFENSE, STATE  OF HAWAII,  STATE OF HAWAII DEPARTMENT OF PLANNING, and 1 THROUGH 1000  John Does and Jane  Does.  DECLARATION OF DEFAULT</p>	<p>COMMENT  NUMBER</p> <p>D-E-0482</p> <p>1</p>	<p>IN THE MATTER OF  ownership and jurisdiction of soil of the Hawaiian Islands, and the Pacific  Ocean, SEE Bureau of Conveyance document numbers: Deeds 2002-005573  through  2002-005574 (Oahu) ,Deeds 2002- 005579 through 2002-005580 (Maui),  2002-005577 through 2002-005578 (Hawai'i), and 2002-005575 through 2002-  005576 (Kauai)</p> <p>The above Demandant(s) Kingdom of Hawaii, Sovereign Nation of God under  His  Royal Hawaiian Majesty Akahi Nui King of the Hawaiian islands, indigenous  aboriginal inhabitants Na Kanaka maoli, Hawaii Nationals and Hawaiian  citizens  of the lawful independent nation.</p> <p>COME NOW, the Demandant(s) Kingdom of Hawaii, Sovereign Nation of God  under  His Royal Hawaiian Majesty Akahi Nui King of the Hawaiian islands,  indigenous aboriginal inhabitants Na Kanaka maoli, Hawaii Nationals and  Hawaiian  citizens of the lawful independent nation; and hereby file thier Declaration of  Default against COMMANDER LEACH, DEPARTMENT OF THE NAVY,  COMMANDER, UNITED  STATES PACIFIC FLEET, Public Affairs Officer Pacific Missile Range Facility,  United States National Marine Fisheries Service, Michael Payne, US  DEPARTMENT OF  DEFENSE, STATE OF HAWAII, STATE OF HAWAII DEPARTMENT OF  PLANNING, and 1  THROUGH 1000 John Does and Jane Does.</p> <p>That on the 23rd day of August, 2007, time on or about 8:45 P.M., NOTICE  OF  OFFICIAL PROTEST OF US NAVY LOW/MID FREQUENCY SONAR  EXERCISES IN HAWAIIAN  WATERS WITH EXHIBIT "A" HAWAIIAN ISLAND ALLODIAL LAND TITLE  DEED AND  DECLARATION AND COMMON LAW LIEN WITH AN ORDER TO RECIEVE  AN ANSWER OF TRUE AND LAWFUL  DOCUMENTED FACTS OF EVIDENCE OF JURISDICTION WITHIN (7)  SEVEN DAY(S) was</p>	<p>COMMENT  NUMBER</p> <p>D-E-0482  (cont.)</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>signed for by Commander Leach at the Baldwin High School Cafeteria, Wailuku, Maui, Hawaii.</p> <p>I have hereunto set my hand and caused the Great Seal of the Kingdom and Islands of Hawaii to be affixed on this Seventeenth day of the Ninth month in the holy year of our Lord Iesu Kristo Two Thousand and Seven.</p> <p>In Sacred Trust, I am;</p> <p>Majesty Akahi Nui Lineal Descent Sovereign Heir of Hawaii &amp; Trustee of the Kingdom of Hawaii Nation Ministry Trust</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0482 (cont.)</p>	<p>From: Rayne Regush - Kauai, HI To: deis_hrc@govsupport.us Subject: Comments-HawaiiRangeComplex-EIS/OEIS Date: 9/18/2007 9:33:55 AM</p> <p>September 17, 2007</p> <p>Public Affairs Officer Pacific Missile Range Facility P.O. Box 128, Kekaha, Kauai, Hawaii, 96752-0128</p> <p>ATTN: HRC EIS/OEIS</p> <p>I do not support any military expansion in the Hawaii Range Complex, and reject both Alternatives 1 and 2. Instead, the Navy should ensure that it protects and defends Hawaii's land, its ocean, its wildlife, and its people from further military harm and degradation.</p> <p>The Navy could avoid all marine habitats where whales are known to migrate, feed, and raise their young. These common-sense precautions would not compromise military readiness.</p> <p>The impacts of military expansion is not fully acknowledged or sufficiently mitigated in the DEIS.</p> <p>The social impacts on Kauai have not been sufficiently addressed.</p> <p>Proposed military expansion should be put to a vote of all island residents.</p> <p>I fully reject Alternatives 1 and 2 and the unfair pro-military bias of the DEIS/OEIS.</p> <p>Sincerely,</p> <p>Rayne Regush Kapaa, Kauai, HI</p>	<p><b>COMMENT NUMBER</b></p> <p>D-E-0484</p> <p>1</p> <p>2</p> <p>3</p> <p>1</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>From: Jeri Baumgardner - Holualoa, HI To: deis_hrc@govsupport.us Subject: Sonar testing Date: 9/18/2007 11:32:38 AM</p> <p>Please add me to the growing list of citizens opposed to the use of low frequency sonar testing in 'war games' near the Hawaiian Islands and anywhere that precious marine mammals are likely to be impacted.</p> <p>Thank You</p> <p>Jeri Baumgardner</p> <p>Holualoa, HI</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0485</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0485	1	<p>From: J.J. Holt Jr. - Kailua-Kona, HI To: deis_hrc@govsupport.us Subject: Citizen's Input on Draft EIS/OEIS - Hawaii Range Complex Date: 9/18/2007 7:22:54 PM</p> <p>One citizen and Hawaii resident's views on the Navy's Draft EIS/OEIS for the Hawaii Range Complex:</p> <p>Greetings:</p> <p>While I certainly recognize the need for military exercises and weapons testing, I would urge the Navy and those in charge to consider the following:</p> <p>Hawaii is one of the earth's most unique and fragile ecosystems. While consideration in military exercises nowadays incorporates environmental concerns to a greater, or lesser extent, I would urge you to take vastly more stringent steps to safeguard the Hawaiian islands, their ecosystem and the ocean life in all surrounding waters. Next to human life, this is one of our most precious resources.</p> <p>If any exercises could be transferred to other areas, that would be a good first step. Obviously all military services operate on a budget, but consider the possibility for procuring additional funds and transferring some of the exercises and testing elsewhere. The public, such as myself could be a formidable ally in this regard.</p> <p>Bottom-line, if it turns-out that military exercises and weapons testing are not only ongoing, but become much more prevalent in this geographic area, then every possible precaution should be taken to eliminate, or mitigate any harm and damage from occurring to Hawaii, the environment and the ocean life. This may have to go far above-and-beyond the actual regulations, regardless of cost and proximity.</p> <p>If exercises are conducted (as it indeed seem they will be), I would further urge that they be held as far away from the Hawaiian island</p>	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-E-0486</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-E-0486	1
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

<p>as is possible, while still staying within your dictated area.</p> <p>Finally, thank you for this opportunity to give my input and I hope that it falls on responsive ears, of individuals who are not afraid to take action, and will consider alternatives to their plans.</p> <p>Sincerely,</p> <p>Mr. J.J. Holt Jr.</p> <p>Kailua-Kona, Hawaii U.S.A.</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0486 (cont.)</b></p>	<p>From: Claire Mortimer - Kilauea, HI To: deis_hrc@govsupport.us Subject: Public comment on Navy EIS Date: 9/18/2007 8:15:04 PM</p> <p>To Whom It May Concern:</p> <p>I stand firmly opposed to the Navy's plans for expansion of training operations at the Hawai'i Range Complex and Pacific Missile Range Facility.</p> <p>The history of environmental degradation caused by such training exercises around the world, and particularly in Hawaii, leaves no doubt that the plans to expand Navy training exercises will cause irreparable harm to Kauai.</p> <p>Mid-frequency sonar will destroy uncountable numbers of fish and marine mammals.</p> <p>Expeditionary Assault Activities will tear up beaches and dunes between Polihale and Barking Sands.</p> <p>Worse is the Directed Energy Laser Weapons Program. These are chemical lasers in which use hydrogen fluoride, a corrosive material which can be made to release a powerful burst of infrared radiation.</p> <p>The laser can be focused and aimed as a weapon (death ray).</p> <p>These laser can generate least 25 megawatts of energy that could destroy a missile 2,000 miles away. For the scale of this, consider that 25megawatts is half the electrical power generating capacity of Kauai.</p> <p>The firing of this weapon also destroys the lasing device and contaminates the site with hydrogen fluoride. A thousand foot radius danger zone, that could close the state park, will persist for days.</p> <p>The immediate and long-term health consequences for the people of Kauai,</p>	<p><b>COMMENT NUMBER</b></p> <p><b>D-E-0487</b></p> <p>2</p> <p>3</p> <p>4</p>
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Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER	COMMENT NUMBER
<p>expecially children and elderly, are unknown.</p> <p>The Navy has not told us what effect on the environment hydrogen fluoride waste will have. What if there is a heavy rain and runoff after a test? What effect on coral reefs and offshore marine life would there be from hydrogen fluoride contaminated runoff into the ocean? What efforts will guarantee the safety of people using the access road to Poli Hale State Park after a test?</p> <p>In its Navy's EIS executive summary it simply says, "Appropriate remedial procedures would be taken before initiatin of potentially hazardous laser operations on PMRF."</p> <p>That is inadequate and unacceptable.</p> <p>We must also accept the ethical responisiblity that arises from our collusion with a plan which is intended to bolster our ability to cause death to countless men, women and children around the world.</p> <p>We must not blindly follow wherever the military leads in a knee-jerk desire for "security." True security rises from a people's ability to provide for their basic needs in a sustainable way while protecting their environment.</p> <p>I strongly urge you do deny the Navy's expansion plans.</p> <p>Sincerely,</p> <p>Claire Mortimer</p> <p>Kilauea, HI</p>	<p>D-E-0487 (cont.)</p> <p>5</p>	

Exhibit 13.4.2-1. Copy of Email Documents - Draft EIS/OEIS (Continued)

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Pearl Johnson	D-E-0038-1	Alternatives	4.1.2.4, 4.1.2.4.11	The use of sonar as presented in the EIS/OEIS does not violate the MMPA. Takes may be authorized as long as negligible impact occurs. Sonar does not violate NEPA, as this is a process statute.
Elizabeth Connors	D-E-0042-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
Randyl Rupar	D-E-0043-1	Biological Resources - Marine	3.2, 4.2, 4.8	The EIS/OEIS provides an analysis of the potential impacts on the Monument in Section 4.2. The EIS/OEIS notes that Presidential Proclamation 8031, which established the Monument, made the prohibitions required in the Proclamation, such as the prohibition on entry into the Monument, inapplicable to activities and exercises of the Armed Forces. The EIS/OEIS also acknowledges that it is the Navy's obligation to ensure that all "activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities."
Joel Fischer --University of Hawai'i	D-E-0050-1	Cumulative Impacts		Detailed analysis for the permanent stationing of the 2/25th Stryker Brigade Combat Team is beyond the scope of this EIS/OEIS but can be found at the following website: <a href="http://www.sbct-seis.org/">http://www.sbct-seis.org/</a> . However, cumulative impacts from Army activity are considered in Chapter 5.0 of this EIS/OEIS.
David H Dinner	D-E-0055-1	Program		Thank you for your comment.
Ru Carley	D-E-0057-1	Alternatives	4.1.2.4, 4.1.2.4.11	There are no known strandings or marine mammal deaths as a result of sonar use in the Hawaiian Islands, but there are uncertainties. While there have been incidents occurring in other locations, the context of those incidents and marine mammals in Hawaii are different. Section 4.1.2.4 of the EIS/OEIS explains the potential effects on marine mammals from Navy mid-frequency active (MFA) sonar in the HRC. MFA sonar use analyzed in the EIS/OEIS is not new and has occurred in the HRC using the same basic sonar equipment and output for over 30 years. Given this history and the scientific evidence, the Navy believes that risk to marine mammals from sonar training is low. NMFS can authorize mortality as long as negligible impact is found.
Juan Wilson	D-E-0060-2	Cumulative Impacts	5.3.11	Guidance regarding depleted uranium provided to users of Pohakuloa Training Area will be followed. 'Your comments regarding the use of the Superferry for military activities are noted but are outside the scope of this EIS/OEIS. Given the location of the ferry water lanes, it is not anticipated that the increased vessel traffic from this commuting ferry will contribute to the cumulative effects when assessed in combination with the actions proposed in this EIS/OEIS.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Juan Wilson	D-E-0060-3	Program	4.1.1.3 and 4.1.5.3	Projected RDT&E laser programs do not include the use of hydrogen fluoride, and therefore the use of hydrogen fluoride is not part of the Proposed Action. Construction of the Directed Energy Test Center, which may include a high-energy laser program, would require separate and additional environmental documentation initiated from the program office for Directed Energy. Analysis is included in this EIS/OEIS as Alternatives 2 or 3 and includes the development of the necessary standard operating procedures and range safety requirements necessary to provide safe operations associated with directed energy R & D. Directed energy is discussed in Section 2.2.4.4 and the impacts are analyzed in airspace and health and safety sections (see Sections 4.1.1.3 and 4.1.5.3).
Eric Hanson	D-E-0062-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7, 12	<p>Based on this EIS/OEIS, Navy's Coastal Consistency Determination reviewed the activities proposed internal or external to the Humpback Whale National Marine Sanctuary, and find them to be within the range of activities previously reviewed and allowed by the Sanctuary as indicated in 15 CFR Part 922, Subpart Q. None of the activities have been modified such that they would be likely to destroy, cause the loss of, or injure any Sanctuary resource in a manner significantly greater than what had been previously reviewed by NOAA at the time of the Sanctuary's creation. Under the Sanctuary regulations, military activities are allowed within the sanctuary and not subject to vessel/aircraft approach distances, discharge of materials prohibitions within the sanctuary and consultation requirements if they are "classes of military activities, internal and external to the Sanctuary, conducted prior to 1997" (provided in Exhibit C-1 of the EIS/OEIS). Proposed military activity after 1997 is also allowable but subject to prohibited activities such as vessel/aircraft approach to humpback whales and discharge of materials.</p> <p>Sections 3.2 and 4.2 of the EIS/OEIS reviewed the NWHI Marine Monument. Navy notes that Presidential Proclamation 8031 (71 FR 36443, June 26, 2006), which established the Monument under the authority of the Antiquities Act (16 U.S.C. 431), made the prohibitions required in the Proclamation, such as the prohibition on entry into the Monument, inapplicable to activities and exercises of the Armed Forces. Navy acknowledges, as stated in the Proclamation, that it is their obligation to ensure that all "activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities."</p> <p>Consideration has also been given to Executive Order 13089 of June 11, 1998, "Coral Reef Protection," and consistent with the policies stated in that Order, to the extent permitted by law, the Navy will ensure that the Proposed Actions will not degrade the conditions of U.S. coral reef ecosystems.</p>

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Eric Hanson	D-E-0062-2	Alternatives	4.1.2.4, 4.1.2.4.11	Section 4.1.2.4 of the EIS/OEIS explains the potential effects on marine mammals from Navy mid-frequency active (MFA) sonar in the HRC. MFA sonar use analyzed in the EIS/OEIS is not new and has occurred in the HRC using the same basic sonar equipment and output for over 30 years. Given this history and the scientific evidence, the Navy believes that risk to marine mammals from sonar training is low. Over the past 30 years, the numbers of marine mammals around Hawaii appear to be increasing and there are no indications that sonar has affected marine mammals. As discussed in Section 4.1.2.4.11, the Navy believes that evidence not considered previously involving the Hanalei "stranding" of July 2004 indicates that the full moon could have been a contributing factor in terms of bringing the animals closer to the shore. A few strandings of beaked whales have occurred elsewhere (locations far from Hawaii) that seem to be related to MFA sonar in combination with specific ocean conditions. Strandings of beaked whales associated with sonar have not happened in Hawaii to anyone's knowledge.
	D-E-0062-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	The use of hazardous materials is inherent in most military training activities and cannot be avoided. However, analysis within this EIS/OEIS indicates that there will no significant effects on the environment from hazardous materials usage. Discussions of hazardous materials and waste can be found throughout Chapters 3.0 and 4.0 and in Section 5.3.6.
	D-E-0062-4	Cultural Resources	Appendix H	<p>EIS cultural resources analysts comprehensively research affected areas by reviewing reports, histories, maps and databases that describe the types of resources known and expected within the area affected by the proposed activities. Sections of the EIS/OEIS are prepared based on this information, which covers prehistoric, historic, traditional and modern usage of the lands and underwater areas.</p> <p>Documents for the protection of cultural resources at affected locations (which includes mitigation measures such as monitoring during construction) have been developed through consultation with various local agencies and native Hawaiian groups. These include Integrated Cultural Resources Management Plans (ICRMPs), Memoranda of Agreement (MOAs), and Programmatic Agreements (PAs), which specify mitigation measures and contingencies for unexpected discoveries of cultural materials. In addition, there is close coordination between construction personnel and installation cultural resources managers to ensure site protection; additional consultation with agencies and native Hawaiian groups is conducted as situations arise.</p>

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Eric Hanson	D-E-0062-5	Program	1.1, 1.2, 1.3	The training events that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. As noted in Sections 1.1 through 1.3, the requirement to have a trained and prepared naval force is not a discretionary matter. The Navy's mission is to maintain, train, and equip combat-ready naval forces capable of winning wars, deterring aggression and maintaining freedom of the seas. This mission is mandated by Federal law. Title 10, Section 5062 of the U.S. Code requires the Navy to be organized, trained, and equipped for prompt and sustained combat incident to operations at sea. The Navy is responsible for the preparation of forces necessary for the effective prosecution of war. Training is a vital component of the Navy's mission obligation.
John Cusick	D-E-0063-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0063-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0063-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0063-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0063-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Email alohajai	D-E-0064-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0064-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0064-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0064-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0064-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Jonathan Boyne	D-E-0065-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0065-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0065-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0065-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0065-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kylie Polzin	D-E-0066-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kylie Polzin	D-E-0066-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0066-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0066-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0066-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Janice Brencik	D-E-0067-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0067-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0067-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0067-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0067-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Nancy O'Harrow	D-E-0068-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0068-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0068-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0068-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0068-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
J. Scott Daniels	D-E-0069-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0069-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0069-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0069-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0069-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Maya Moiseyev	D-E-0070-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0070-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0070-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0070-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Maya Moiseyev	D-E-0070-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Momi Wheeler	D-E-0071-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0071-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0071-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0071-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0071-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Donald Stevens	D-E-0072-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0072-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0072-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0072-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0072-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Ilana Waxman	D-E-0073-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0073-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0073-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0073-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0073-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Cheryl Rosenfeld	D-E-0074-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0074-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0074-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0074-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0074-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Mary K Gionson	D-E-0075-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0075-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Mary K Gionson	D-E-0075-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0075-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0075-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Jim Albertini	D-E-0076-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0076-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0076-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0076-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0076-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Holly Lazo	D-E-0077-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0077-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0077-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0077-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0077-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Den Mark Wichar	D-E-0078-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0078-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0078-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0078-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0078-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Nadine Newlight	D-E-0079-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0079-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0079-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0079-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0079-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Pat Porter	D-E-0080-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0080-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0080-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0080-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0080-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Dick Artley	D-E-0081-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0081-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0081-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0081-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0081-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Helen Anne Schonwalter	D-E-0082-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0082-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0082-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0082-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0082-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Martha Hodges	D-E-0083-1	Biological Resources - Marine	3.2, 4.2, 4.8	See response to comment D-E-0043-1.
	D-E-0083-2	Alternatives	5	The Navy has made every effort to provide objective, sound environmental analysis based on the best available scientific data. Detailed analysis for the permanent stationing of the 2/25th Stryker Brigade Combat Team is beyond the scope of this EIS/OEIS but can be found at the following website: <a href="http://www.sbct-seis.org/">http://www.sbct-seis.org/</a> . However, cumulative impacts from Army activity are considered in Chapter 5.0 of this EIS/OEIS.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Martha Hodges	D-E-0083-3	Alternatives	2.2.1.3	As stated in Section 2.2.1.3 of the EIS/OEIS, the use of computer simulation was considered as an alternative. Under this alternative considered, naval training would be completed through the use of simulation in place of actual exercises. Computer simulators and other types of simulation training tools are already used extensively in the Navy's training programs. While computer simulation is essential in training, it cannot substitute the high-stress environment that is encountered during actual non-training situations. This alternative was deemed inadequate since it would fail to meet the purpose and need of the Proposed Action of the EIS/OEIS.
	D-E-0083-4	Hazardous Materials and Waste		The Navy recognizes that past practices may have resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available. The cleanup of existing remediation sites is not discussed in this EIS/OEIS because the proposed activities are unrelated to ongoing or planned remediation of historical contamination.
Philip Simon	D-E-0085-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0085-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0085-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0085-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0085-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Robert Wagner	D-E-0086-1	Alternatives	4.1.2.4.2, 4.1.5.1.1	New low-frequency active (LFA) sonar language has been added to the EIS/OEIS, Section 4.1.2.4.2 and 5.0 to avoid further confusion. Comparisons between humans and marine mammals with regard to hearing are not valid. Furthermore, the reference to "a limit of 145 dB for human divers," does not appear in the HRC EIS/OEIS and may stem from materials presented in reference to use of LFA sonar, which is not part of the Proposed Action in this EIS/OEIS.
				As stated in Section 4.1.5.1.1, research was conducted for mid-frequency active (MFA) sonar at the Naval Submarine Medical Research Laboratory and the Navy Experimental Diving Unit to determine permissible limits of exposure to MFA sonar. Based on this research, an unprotected diver could safely operate for over 1 hour at a distance of 1,000 yards from the Navy's most powerful sonar. At this distance, the sound pressure level will be approximately 190 dB. At 2,000 yards or approximately 1 nm, this same unprotected diver could operate for over 3 hours.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Robert Wagner	D-E-0086-2	Biological Resources - Marine	1.1, 1.2, 1.3, 3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary) - The training exercises that are conducted within the HRC are not recreational but necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. As noted in Sections 1.1 -1.3, the requirement to have a trained and prepared Naval force is not a discretionary matter.
Email stfpare	D-E-0087-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0087-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0087-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0087-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0087-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Chris Perritt	D-E-0088-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0088-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0088-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0088-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0088-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
William Golove	D-E-0089-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0089-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0089-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0089-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0089-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kelly Silberstein	D-E-0090-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0090-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0090-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0090-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kelly Silberstein	D-E-0090-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Harvey Arkin	D-E-0091-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0091-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0091-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0091-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0091-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Pilipo Souza Leota	D-E-0092-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0092-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0092-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0092-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0092-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kathlen Ireland	D-E-0093-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0093-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0093-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0093-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0093-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Email katrinaa	D-E-0094-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0094-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0094-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0094-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0094-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Graham Parkes	D-E-0095-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0095-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Graham Parkes	D-E-0095-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0095-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0095-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Elisha Belmont	D-E-0096-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0096-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0096-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0096-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0096-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Joseph Bateman	D-E-0097-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0097-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0097-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0097-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0097-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Bobbie Alicen	D-E-0098-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0098-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0098-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0098-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0098-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Ralph Davis	D-E-0099-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0099-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0099-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0099-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0099-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Selina Heaton	D-E-0100-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0100-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0100-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0100-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0100-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Dick Miller	D-E-0101-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0101-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0101-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0101-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0101-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Virginia Walden	D-E-0102-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0102-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0102-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0102-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0102-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kaj Dorstenia	D-E-0103-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0103-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0103-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0103-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0103-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Shannon Rudolph	D-E-0104-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0104-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Shannon Rudolph	D-E-0104-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0104-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0104-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Jacqueline Remington	D-E-0105-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0105-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0105-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0105-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0105-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Pete Doktor	D-E-0106-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0106-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0106-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0106-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0106-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Alexander Jelinek	D-E-0107-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0107-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0107-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0107-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0107-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Sara Hayes	D-E-0108-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0108-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0108-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0108-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0108-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Odette Rickert	D-E-0109-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0109-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0109-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0109-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0109-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kaleopono Norris	D-E-0110-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0110-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0110-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0110-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0110-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Bryson Embernate	D-E-0111-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0111-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0111-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0111-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0111-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Dawn Wooten	D-E-0112-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0112-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0112-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0112-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0112-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kathy-Lyn Allen	D-E-0113-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0113-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kathy-Lyn Allen	D-E-0113-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0113-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0113-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Hana Hill	D-E-0114-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0114-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0114-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0114-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0114-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Marilyn Mick	D-E-0115-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0115-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0115-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0115-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0115-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Christine Kauahikau	D-E-0116-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0116-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0116-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0116-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0116-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Jon Schmitz	D-E-0117-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0117-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0117-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0117-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0117-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Dafydd Nicholas	D-E-0118-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0118-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0118-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0118-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0118-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Douglas Phillips	D-E-0119-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0119-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0119-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0119-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0119-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Carmen Stevens	D-E-0120-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0120-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0120-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0120-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0120-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Dafydd Nicholas	D-E-0121-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0121-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0121-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0121-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0121-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Maureen O'Dea Spencer	D-E-0122-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0122-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Maureen O'Dea Spencer	D-E-0122-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0122-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0122-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
	D-E-0122-7	Socioeconomics		The Navy takes its environmental stewardship role seriously, complies with all applicable environmental laws, and has established procedures to ensure that programs are protective of Hawaii's environment. Your comment regarding competitive commercial fishing is noted, but is beyond the scope of this EIS/OEIS.
David Meanwell	D-E-0123-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0123-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0123-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0123-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0123-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Amanda Sims	D-E-0124-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0124-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0124-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0124-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0124-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Fred Dodge	D-E-0125-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0125-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0125-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0125-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0125-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Roy Kincaid	D-E-0126-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0126-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Roy Kincaid	D-E-0126-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0126-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0126-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kevin Correll	D-E-0127-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0127-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0127-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0127-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0127-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Paul Moss	D-E-0128-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0128-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0128-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0128-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0128-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Jacquelyn Baetz	D-E-0129-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0129-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0129-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0129-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0129-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Frederika Ebel	D-E-0130-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0130-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0130-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0130-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0130-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Briana Wagner	D-E-0131-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0131-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0131-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0131-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0131-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Andrew Hina	D-E-0133-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0133-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0133-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0133-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0133-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Lee Bowden	D-E-0134-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0134-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0134-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0134-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0134-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Forrest Hurst	D-E-0135-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0135-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0135-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0135-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0135-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
David Letourneau	D-E-0136-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0136-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
David Letourneau	D-E-0136-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0136-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0136-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Nadine Apo	D-E-0137-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0137-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0137-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0137-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0137-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Marty Wilson	D-E-0138-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0138-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0138-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0138-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0138-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kathryn Letkey	D-E-0139-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0139-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0139-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0139-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0139-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Jeff Sacher	D-E-0140-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0140-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0140-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0140-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0140-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Matthew Pintar	D-E-0141-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0141-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0141-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0141-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0141-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Ed Schlegel	D-E-0142-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0142-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0142-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0142-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0142-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Joseph Rodrigues	D-E-0143-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0143-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0143-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0143-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0143-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kalai Kamauoha	D-E-0144-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0144-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0144-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0144-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0144-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Robert Conlan	D-E-0145-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0145-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Robert Conlan	D-E-0145-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0145-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0145-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Melissa Castaneda	D-E-0146-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0146-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0146-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0146-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0146-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Sarah Sharp	D-E-0147-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0147-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0147-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0147-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0147-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Royelen Lee Boykie	D-E-0148-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0148-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0148-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0148-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0148-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Colleen Kelly	D-E-0149-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0149-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0149-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-4.
	D-E-0149-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0149-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kalinke ten Hulzen	D-E-0150-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0150-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0150-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0150-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0150-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Moana Bjur	D-E-0151-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0151-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0151-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0151-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0151-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Colleen Soares	D-E-0152-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0152-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0152-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0152-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0152-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
A. Russell	D-E-0153-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0153-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0153-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0153-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0153-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Linda M. Karr	D-E-0154-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0154-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Linda M. Karr	D-E-0154-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0154-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0154-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Alapaki Luke	D-E-0155-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0155-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0155-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0155-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0155-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Felicita Garrido	D-E-0156-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0156-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0156-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0156-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0156-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Bina Robinson	D-E-0157-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0157-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0157-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0157-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0157-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kekama Galioto	D-E-0158-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0158-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0158-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0158-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0158-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Nina Puhipau	D-E-0159-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0159-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0159-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0159-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0159-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Pumehana Paisner	D-E-0160-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0160-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0160-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0160-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0160-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Sheila Ward	D-E-0161-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0161-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0161-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0161-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0161-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Ka`iana Haili	D-E-0162-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0162-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0162-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0162-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0162-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Sonja and Andy Kass	D-E-0163-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0163-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Sonja and Andy Kass	D-E-0163-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0163-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0163-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Steve LaFleur	D-E-0164-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0164-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0164-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0164-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0164-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Anjali Puri	D-E-0165-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0165-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0165-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0165-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0165-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Pualani Kauila	D-E-0166-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0166-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0166-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0166-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0166-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Aarin Gross	D-E-0167-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0167-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0167-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0167-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0167-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Addie Texeira	D-E-0168-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0168-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0168-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0168-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0168-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Caren Diamond	D-E-0169-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0169-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0169-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0169-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0169-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Patricia Blair	D-E-0170-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0170-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0170-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0170-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0170-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Uhane Pono	D-E-0171-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0171-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0171-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0171-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0171-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kealii Pang	D-E-0172-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0172-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kealii Pang	D-E-0172-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0172-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0172-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Sarah Thornton	D-E-0173-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0173-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0173-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0173-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0173-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Garid Faria	D-E-0174-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0174-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0174-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0174-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0174-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Nola Conn	D-E-0175-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0175-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0175-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0175-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0175-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Pake Salmon	D-E-0176-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1
	D-E-0176-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0176-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0176-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0176-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Randy Tashjian	D-E-0177-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0177-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0177-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0177-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0177-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Pono Kealoha	D-E-0178-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0178-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0178-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0178-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0178-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Zachary Klaja	D-E-0179-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0179-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0179-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0179-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0179-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Thomas Loudat	D-E-0180-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0180-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0180-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0180-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0180-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Alison Hartle	D-E-0181-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0181-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Alison Hartle	D-E-0181-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0181-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0181-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Francisca Sopacua	D-E-0182-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0182-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0182-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0182-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0182-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Beryl Blaich	D-E-0183-1	Biological Resources - Marine	3.2, 4.2	Navy understands and respects the value and importance of the Papahānaumokuākea National Marine Monument (the Monument) to many people. Navy also recognizes that the primary management philosophy for the Monument is protection and preservation and they share that philosophy. The Navy takes precautions when possible to minimize harm to the Monument. There are protections in place to minimize the possibility of any adverse impacts on the Monument. Many of these protections have been in place since the late 1990s, long before the Monument was designated. Sections 3.2 and 4.2 of the EIS/OEIS address the Monument. Navy will do their best, as the President's Proclamation requires, minimizing and avoiding adverse impacts, keeping in mind that their primary mission is defense of the nation. Navy will continue to confer with the three Monument partners (NMFS, Fish & Wildlife, and the State of Hawaii) and seek their opinions and expertise.
	D-E-0183-2	Program	1.1, 1.2, 1.3	The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. As discussed in Sections 1.1 through 1.3, the requirement to have a trained and prepared naval force is not a discretionary matter.
Neil Frazer	D-E-0184-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0184-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0184-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0184-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Neil Frazer	D-E-0184-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Rana Jackson	D-E-0185-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0185-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0185-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0185-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0185-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Dona Van Bloemen	D-E-0186-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0186-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0186-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0186-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0186-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Donna Cussac	D-E-0187-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0187-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0187-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0187-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0187-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Alison Mocerri	D-E-0188-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0188-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0188-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0188-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0188-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Katie Velasquez	D-E-0189-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0189-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Katie Velasquez	D-E-0189-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0189-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0189-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Tara Cornelisse	D-E-0190-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0190-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0190-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0190-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0190-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Bill Akiona	D-E-0191-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0191-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0191-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0191-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0191-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Makana Cameron	D-E-0192-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0192-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0192-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0192-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0192-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kanoë Kapu	D-E-0193-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0193-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0193-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0193-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0193-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Fern Holland	D-E-0194-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0194-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0194-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0194-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0194-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Stephen Dinion	D-E-0195-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0195-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0195-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0195-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0195-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kim L. Ramos	D-E-0196-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0196-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0196-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0196-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0196-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Felicia Ann Waialae	D-E-0197-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0197-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0197-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0197-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0197-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Ron Whitmore	D-E-0198-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0198-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Ron Whitmore	D-E-0198-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0198-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0198-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Barbara Leighton	D-E-0199-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0199-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0199-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0199-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0199-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Barbara Long	D-E-0200-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0200-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0200-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0200-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0200-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Cara Petty	D-E-0201-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0201-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0201-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0201-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0201-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Pi'ilani Akina	D-E-0202-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0202-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0202-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0202-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0202-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Greg Schneider	D-E-0203-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0203-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0203-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0203-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0203-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5
Sam Chung Hoon	D-E-0204-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0204-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0204-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0204-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0204-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5
Masako Uematsu	D-E-0205-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0205-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0205-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0205-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0205-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5
Noyita Saravia	D-E-0206-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0206-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0206-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0206-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0206-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5
Denise Lytle	D-E-0207-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0207-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Denise Lytle	D-E-0207-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0207-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0207-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5
Carrie Ginnane	D-E-0208-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0208-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0208-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0208-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0208-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kahea Stocksdales	D-E-0209-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0209-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0209-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0209-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0209-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Angela Franco	D-E-0210-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0210-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0210-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0210-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0210-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Roy Moss	D-E-0211-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0211-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0211-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0211-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0211-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Lea Padilla	D-E-0212-1	Biological Resources - Marine	3.2, 3.7.4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0212-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0212-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0212-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0212-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
James M. Nordlund	D-E-0213-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0213-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0213-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0213-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0213-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Sandra Phillips --15751 S Eaden Rd	D-E-0214-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0214-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0214-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0214-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0214-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Claire Mortimer	D-E-0215-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0215-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0215-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0215-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0215-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Jay Miller	D-E-0216-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0216-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Jay Miller	D-E-0216-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0216-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0216-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Leslie Conder	D-E-0217-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0217-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0217-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0217-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0217-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Vic Maietta	D-E-0218-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0218-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0218-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0218-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0218-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Debbie Burack	D-E-0219-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0219-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0219-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0219-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0219-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Hilary Harts	D-E-0220-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0220-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0220-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0220-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0220-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
James Mason	D-E-0221-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0221-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0221-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0221-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0221-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Tim Brause	D-E-0222-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0222-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0222-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0222-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0222-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kelley Uyeoka	D-E-0223-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0223-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0223-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0223-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0223-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Ruth Callahan	D-E-0224-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0224-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0224-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0224-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0224-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Amber McClure	D-E-0225-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0225-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Amber McClure	D-E-0225-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0225-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0225-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
	D-E-0226-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0226-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0226-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0226-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0226-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
	D-E-0227-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0227-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
Jordan Davis	D-E-0227-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0227-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0227-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
	D-E-0228-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0228-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
Joe Meagher	D-E-0228-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0228-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0228-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
	D-E-0229-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
Cynthia Romero				

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Cynthia Romero	D-E-0229-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0229-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0229-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0229-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Matthew Laclair	D-E-0230-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0230-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0230-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0230-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
Delaney Jeter	D-E-0230-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
	D-E-0231-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0231-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0231-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
Tabitha McCoy	D-E-0231-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0231-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
	D-E-0232-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0232-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
Marti Townsend	D-E-0232-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0232-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0232-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
	D-E-0233-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0233-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0233-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0233-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Marti Townsend	D-E-0233-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Shelby Sargent	D-E-0234-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0234-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0234-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0234-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0234-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Robin Tomer	D-E-0235-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0235-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0235-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0235-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0235-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Estrella Ferrer	D-E-0236-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0236-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0236-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0236-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0236-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Matt Mason	D-E-0237-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0237-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0237-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0237-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0237-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Elyse Rollins	D-E-0238-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0238-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Elyse Rollins	D-E-0238-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0238-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0238-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Catherine Taylor	D-E-0239-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0239-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0239-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0239-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0239-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Susan Rasmussen	D-E-0240-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0240-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0240-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0240-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0240-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
J T Dunlap	D-E-0241-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0241-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0241-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0241-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0241-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Jo Greenwald	D-E-0242-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0242-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0242-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0242-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0242-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Melinda Ahn	D-E-0243-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0243-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0243-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0243-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0243-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
David Bishaw	D-E-0244-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0244-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0244-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0244-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0244-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Donna Blackwell	D-E-0245-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0245-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0245-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0245-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0245-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Michele McKay	D-E-0246-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0246-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0246-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0246-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0246-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Lehua Kaulukukui	D-E-0247-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0247-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Lehua Kaulukukui	D-E-0247-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0247-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0247-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Naia Kelly	D-E-0248-1	Biological Resources - Marine		Thank you for your comment.
	D-E-0248-2	Socioeconomics	3.3.1.1.3, 4.3.1.1.3	Disruptions to day-to-day activities of the public and Hawaiian visitors are minimal, and temporary clearance procedures via Notices to Airmen (NOTAMs) and Notices to Mariners (NOTMARs) have been employed periodically over time without significant socioeconomic impacts on tourist-related activities. NOTAMs and NOTMARs provide information to pilots, ship operators, commercial fisherman, recreational boaters, and other area users that the military will be operating in a specific area, allowing them to plan their activities accordingly (see Section 4.1.5.1.1, and Chapter 8.0). NOTAMs and NOTMARs are available through subscription services, email notifications, or via Internet postings. In order to stay current individuals should subscribe to the local notices or check the online version frequently to see what notices have been posted. Additional information can be found at <a href="http://www.faa.gov/airports_airtraffic/air_traffic/publications/notices/">http://www.faa.gov/airports_airtraffic/air_traffic/publications/notices/</a> and <a href="http://www.navcen.uscg.gov/lnm/">http://www.navcen.uscg.gov/lnm/</a>
	D-E-0248-3	Biological Resources - Marine		Thank you for your comment.
Janice Palma-Glennie	D-E-0249-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0249-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0249-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0249-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0249-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Stela Vasques	D-E-0250-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0250-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0250-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0250-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0250-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
David Nelson	D-E-0251-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0251-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0251-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0251-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0251-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Christy Church	D-E-0252-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0252-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0252-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0252-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0252-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Ursula Brackett	D-E-0253-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0253-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0253-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0253-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0253-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Sara Hult	D-E-0254-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0254-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0254-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0254-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0254-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Janice Saaristo	D-E-0255-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0255-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Janice Saaristo	D-E-0255-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0255-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0255-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Bobby McClintock	D-E-0256-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0256-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0256-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0256-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0256-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Christopher Glenn	D-E-0257-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0257-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0257-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0257-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0257-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Katie Marshall	D-E-0258-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0258-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0258-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0258-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0258-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kourtney Startin	D-E-0259-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0259-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0259-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0259-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0259-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Edgar Guiher	D-E-0260-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0260-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0260-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0260-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0260-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Michael Myers	D-E-0261-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0261-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0261-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0261-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0261-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Jamie Oshiro	D-E-0262-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0262-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0262-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0262-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0262-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Denise Weber	D-E-0263-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0263-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0263-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0263-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0263-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Cathy Robinson	D-E-0264-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0264-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Cathy Robinson	D-E-0264-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0264-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0264-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Phin MacDonald	D-E-0265-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0265-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0265-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0265-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0265-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
	D-E-0265-6	Hazardous Materials and Waste	1.1, 1.2, 1.3, 3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.1	Additional information about the levels of depleted uranium (DU) at Pohakuloa Training Area and Makua and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS. HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain DU. The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the EIS/OEIS Proposed Action.
Andrea Hauck	D-E-0266-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0266-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0266-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0266-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0266-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Robert Tanner	D-E-0267-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0267-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0267-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0267-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0267-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Katt McConiga	D-E-0268-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0268-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0268-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0268-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0268-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Mishelle Morales	D-E-0269-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0269-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0269-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0269-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0269-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Jason Leverett	D-E-0270-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0270-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0270-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0270-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0270-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kelsey Peterson	D-E-0271-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0271-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0271-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0271-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0271-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Emily Castro	D-E-0272-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0272-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Emily Castro	D-E-0272-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0272-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0272-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Angela Rosa	D-E-0273-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0273-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0273-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0273-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0273-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Chessa Au	D-E-0274-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0274-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0274-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0274-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0274-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Sarah Daniels	D-E-0275-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0275-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0275-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0275-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0275-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Aaron Warren	D-E-0276-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0276-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0276-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0276-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0276-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Suzanne Kim	D-E-0277-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0277-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0277-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0277-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0277-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Samantha Stewart	D-E-0278-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0278-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0278-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0278-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0278-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Michael Howells	D-E-0279-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0279-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0279-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0279-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0279-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Anna Reyecraft	D-E-0280-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0280-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0280-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0280-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0280-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Vanda Hauserova	D-E-0281-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0281-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Vanda Hauserova	D-E-0281-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0281-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0281-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Bryan Milne	D-E-0282-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0282-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0282-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0282-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0282-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Deanna Chang	D-E-0283-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0283-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0283-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0283-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0283-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Scott Jarvis	D-E-0284-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0284-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0284-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0284-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0284-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kevin Stockhausen	D-E-0285-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0285-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0285-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0285-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0285-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Lisa Diaz	D-E-0286-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0286-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0286-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0286-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0286-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Jeannette Lyons	D-E-0287-1	Alternatives	4.1.2.4.2, 4.1.5.1.1	See response to comment D-E-0086-1.
	D-E-0287-2	Cultural Resources	3.2.2.2	See response to comment D-W-0091-10.
	D-E-0287-3	Biological Resources - Marine	1.1, 1.2, 1.3, 3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary) - The training exercises that are conducted within the HRC are not recreational but necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. As noted in Section 1.1-1.3, the requirement to have a trained and prepared Naval force is not a discretionary matter.
Don Cooke	D-E-0288-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0288-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0288-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0288-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0288-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Ednette Chandler	D-E-0289-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0289-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0289-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0289-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0289-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Rhonda Black	D-E-0290-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0290-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Rhonda Black	D-E-0290-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0290-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0290-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Jerry Taber	D-E-0291-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0291-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0291-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0291-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0291-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Tina Pope	D-E-0292-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0292-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0292-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0292-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0292-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kristin Duin	D-E-0293-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0293-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0293-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0293-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0293-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Angela Macken	D-E-0294-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0294-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0294-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0294-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0294-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Lisa Muehlstein	D-E-0295-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0295-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0295-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0295-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0295-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Angeline Winsor	D-E-0296-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0296-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0296-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0296-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0296-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Joan Lander	D-E-0297-1	Biological Resources - Marine	3.2, 4.2	Navy understands and respects the value and importance of the Papahānaumokuākea National Marine Monument (the Monument) to many people. Navy also recognizes that the primary management philosophy for the Monument is protection and preservation and they share that philosophy. The Navy takes precautions when possible to minimize harm to the Monument. There are protections in place to minimize the possibility of any adverse impacts on the Monument. Many of these protections have been in place since the late 1990s, long before the Monument was designated. Sections 3.2 and 4.2 of the EIS/OEIS address the Monument. Navy will do their best, as the President's Proclamation requires, minimizing and avoiding adverse impacts, keeping in mind that their primary mission is defense of the nation. Navy will continue to confer with the three Monument partners (NMFS, Fish & Wildlife, and the State of Hawaii) and seek their opinions and expertise.
	D-E-0297-2	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0297-3	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0297-4	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0297-5	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0297-6	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Joan Lander	D-E-0297-7	Environmental Justice		Your comments regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense are noted but are beyond the scope of this EIS/OEIS.
Dawn Stobart	D-E-0298-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0298-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0298-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0298-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0298-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Michal Stover	D-E-0299-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0299-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0299-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0299-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0299-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Sarah Rickerby	D-E-0300-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0300-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0300-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0300-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0300-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Catherine Okimoto	D-E-0301-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0301-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0301-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0301-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0301-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Joy Gardner --Vibrational Healing Program	D-E-0302-1	Alternatives	4.1.2.4.2, 4.1.5.1.1	See response to comment D-E-0086-1.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Sherry Chambers	D-E-0303-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0303-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0303-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0303-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0303-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Aimee Love	D-E-0305-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
Rosemary Alles	D-E-0306-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0306-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0306-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0306-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0306-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Email ocean5	D-E-0307-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0307-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0307-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0307-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0307-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Email rocokona	D-E-0308-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0308-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0308-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0308-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0308-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Lynne Torres	D-E-0309-2	Health and Safety	4.1.7.1.1	More details on the analysis of potential impacts from these depleted uranium (DU) projectiles has been added to Section 4.1.7.1.1. The HRC EIS/OEIS Proposed Action includes the continued use of 20 mm projectiles, some of which may contain DU. The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the HRC EIS/OEIS Proposed Action. Training activities are proposed at the Pohakuloa Training Area. Guidance provided to users of Pohakuloa Training Area will be followed.
	D-E-0309-3	Policy/NEPA Process		The proponent agency (Lead Agency/Sponsor) is responsible for performing the environmental analysis of its actions. Section 1501.5 of the National Environmental Policy Act (NEPA) states that a lead agency shall supervise the preparation of an environmental impact statement. Additionally, Section 1501.2 of NEPA states that "Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts."
	D-E-0309-4	Policy/NEPA Process		Thank you for your comment.
Guenter Monkowski	D-E-0310-1	Policy/NEPA Process		Thank you for your comment.
Charlene Avallone	D-E-0312-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0312-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0312-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0312-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0312-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Marilynn Tolmachoff	D-E-0313-1	Biological Resources - Marine	3.7, 4.7, 12	Sections 3.7 and 4.7 of the EIS/OEIS and the Coastal Consistency Determination in accordance with the CZMA (see Chapter 12 for submittal letter) reviewed the proposed activities internal or external to the Humpback Whale National Marine Sanctuary, and find them to be within the range of activities previously reviewed and allowed by the Sanctuary as indicated in 15 CFR Part 922, Subpart Q. None of the activities have been modified such that they would be likely to destroy, cause the loss of, or injure any Sanctuary resource in a manner significantly greater than what had been previously reviewed by NOAA at the time of the Sanctuary's creation.
Marianne Merki	D-E-0315-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Marianne Merki	D-E-0315-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0315-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0315-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0315-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Doug Fox	D-E-0316-1	Cumulative Impacts		The Navy recognizes that past practices conducted decades ago resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceed with the available funds.
LiLi Townsend	D-E-0317-1	Biological Resources - Marine	1.1., 1.2, 1.3, 3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary). The training exercises that are conducted within the HRC are not recreational but necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. As noted in Section 1.1-1.3, the requirement to have a trained and prepared Naval force is not a discretionary matter.
Katy Fogg	D-E-0318-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0318-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0318-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0318-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0318-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Ruby Roth	D-E-0319-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0319-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0319-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0319-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0319-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Linda Ballou	D-E-0320-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0320-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0320-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Linda Ballou	D-E-0320-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0320-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Michelle DeFelice	D-E-0321-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0321-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0321-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0321-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0321-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Bryan Lovsness	D-E-0322-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1
	D-E-0322-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0322-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0322-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0322-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Lisa Damon	D-E-0323-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0323-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0323-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0323-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0323-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Michael Jones --Univ. of Hawaii	D-E-0324-1	Policy/NEPA Process		The document was placed in seven public libraries in the state of Hawaii (Hilo Public Library-Hilo, Hawaii HI; Kahului Public Library Kahului, Maui HI; Wailuku Public Library Wailuku, Maui HI; Lihue Public Library Lihue, Kauai HI; Princeville Public Library Princeville, Kauai, HI 96722; Waimea Public Library Waimea, Kauai HI; Hawaii State Library Hawaii and Pacific Section Document Unit Honolulu, Oahu HI). As requested, the University of Hawaii, Hamilton Library in Honolulu, HI has been added as an Information Repository for the HRC EIS/OEIS.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jones --Univ. of Hawaii	D-E-0324-1	Alternatives	2.2	Section 2.2 includes the Proposed Action and alternatives along with alternatives considered, but eliminated from further consideration. The alternatives carried forward were selected based on their ability to meet the following criteria: (a) use existing Navy ranges and facilities in and around Hawaii; (b) be consistent with the stated current and emerging requirements for the range complex; (c) achieve training tempo requirements based on Fleet deployment schedules; (d) meet the requirements of DoD Directive 3200.15, Sustainment of Ranges and Operating Areas; (e) implement new training requirements and RDT&E actions; and (f) support realistic training that replicates expected operating environments for naval forces.
	D-E-0324-2	Policy/NEPA Process		Scoping transcripts/records of scoping comments are not a part of the EIS/OEIS but are included in the Administrative Record. All comments were reviewed and incorporated where appropriate. Some comments may have been outside the scope of the document and therefore were not addressed in the EIS/OEIS.
	D-E-0324-4	Alternatives	1.0, 2.0	As discussed in Chapters 1.0 and 2.0, the HRC provides the geography, infrastructure, space, and location necessary to accomplish complex military training and RDT&E activities. The large area available to deploy forces within the HRC allows training to occur using a geographic scope that replicates possible real world events. In addition, the HRC has the infrastructure to support a large number of forces, has extensive existing range assets, and accommodates Navy training and testing responsibilities both geographically and strategically, in a location under U.S. control. The Navy's physical presence and training capabilities are critical in providing stability to the Pacific Region.
	D-E-0324-5	Program	4.3.2.1.1.1	Operational security guidance prohibits publication of specific propellant information for target or interceptor missiles. When necessary for purposes of analysis, general approximations or ranges of propellant weights are referenced. Relative comparisons of propellant weights are also made by differences/similarities in size (i.e., bigger missiles have more propellant than smaller missiles). Table 4.3.2.1.1.1-2 provides estimated emissions from typical missile launches at PMRF.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jones --Univ. of Hawaii	D-E-0324-6	Program		The Final Missile Defense Agency (MDA) Ballistic Missile Defense System Programmatic Environmental Impact Statement, 2007; the MDA Ground-Based Midcourse Defense Extended Test Range EIS, 2003; the Theater High Altitude Area Defense (THAAD) Pacific Test Flights, 2002; the North Pacific Targets Program EA, 2001; and the Pacific Missile Range Facility Enhanced Capability EIS, 1998 all address ballistic missile flight corridors across the broad ocean areas of the north and south Pacific Ocean. Within the corridors, the majority of DoD representative target and interceptor missiles have been launched from either Kodiak Launch Complex, AK; Vandenberg AFB, CA; Pacific Missile Range Facility, HI; Ronald Reagan Ballistic Missile Test Site, Marshall Islands, Wake Island, or mobile platforms into the Hawaii Temporary Operating Area.
	D-E-0324-7	Program		Comments pertaining to the INF and START treaties are not applicable to the proposed tests discussed in this EIS/OEIS. The limits and restrictions posed by both the INF and START treaties apply only to those systems specifically captured by the respective treaties. All programs involving ballistic missiles are reviewed for treaty compliance by the DoD Compliance Review Group and/or Missile Defense Agency (MDA) General Counsel. To the extent that MDA utilizes treaty accountable ballistic missiles subject to treaties as targets, it does and will continue to comply with all applicable treaty provisions. A detailed discussion of treaty compliance is outside the scope of this EIS/OEIS.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jones --Univ. of Hawaii	D-E-0324-8	Airspace	3.1.1	As Figure 3.1.1-1 shows, there are very few routes that cross the Temporary Operating Area (TOA). Four routes enter the south end of the TOA and remain near the edge of the area. Two routes enter the eastern edge of the TOA and remain near the edge of the area. The intercept debris from targets launched from Wake, Kwajalein, or Vandenberg is not likely to affect these routes that are near the edge of the TOA. Route A-450 and route 3MIL20 cross the TOA where debris could fall. However, as stated in the EIS/OEIS, the continuing training will be conducted in compliance with Department of Defense (DoD) Directive 4540.1, as directed by Office of the Chief of Naval Operations Instruction (OPNAVINST) 3770.4A, which specifies procedures for conducting aircraft operations and for missile/projectile firing. Namely, that missile and projectile firing areas shall be selected so that trajectories are clear of established oceanic air routes or areas of known surface or air activity. In addition, before conducting a training event that is hazardous to nonparticipating aircraft, Notices to Airmen (NOTAMs) published by the FAA will be sent in accordance with the conditions of the directive specified in OPNAVINST 3721.20A. Diagrams of the debris areas are therefore not necessary for the EIS/OEIS. As part of the planning process for each missile flight test, intercept debris patterns will be generated and reviewed to minimize potential impacts and to define the area for the NOTAM.
	D-E-0324-9	Program		Explosive Safety Quantity-Distance (ESQD) is based on propellant weight. In this case, the propellant is Class 1.3, which is much less energetic than the Class 1.1 of STARS; thus the ESQD is smaller even though there is more propellant mass. On the other hand, the Ground Hazard Area (GHA) is not directly based on propellant weight. It is largely a function of the dynamic flight environment of the vehicle (acceleration, drag, ability to steer, launcher elevation, etc...). This is an unguided sounding rocket (albeit larger than most), but the analysis shows (through thousands of impact simulations per standard rail launched sounding rocket practice) that the GHA is still contained within the areas typical of smaller sounding rockets. (In fact, some of the smaller sounding rockets might be worse because they can accelerate faster and be more susceptible to wind excursions.) The argument of whether to use a 2000 ft. GHA versus a 1500 ft. GHA is somewhat arbitrary. If PMRF wants to use a the larger number to be consistent with the "unguided systems" GHA sizes they used in the past, the analysis shows that the Super Strypi is contained well within those boundaries.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jones --Univ. of Hawaii	D-E-0324-10	Program		Additional environmental documentation for construction and use of the Maritime Directed Energy Test Center would include analysis of the safety issues associated with such high-power laser beams projected onto air and surface targets. The additional environmental documentation would also examine alternative locations. The HRC EIS/OEIS only addresses potential locations of the center on PMRF as part of the range complex activities.
	D-E-0324-11	Program	4.3.2.1.7.1, K	As described in Appendix K, each missile is evaluated for the toxic release hazard and explosive potential. When appropriate, more-detailed modeling of the transport of the toxic species is performed that incorporates atmospheric effects, such as local winds and turbulence. In addition, the facility flight corridor azimuth limits for PMRF are depicted in Figure 4.3.2.1.7.1-1.
	D-E-0324-12	Geology and Soils	3.3.2.1.5	The reference in Section 3.3.2.1.5 has been changed to: U.S. Department of the Navy, Naval Facilities Engineering Command, Pearl Harbor, 1996. Environmental Baseline Study, Pacific Missile Range Facility, Second Working Copy, January (for official use only).
	D-E-0324-13	Hazardous Materials and Waste	3.3.2.1.5	The Navy continues to recognize the referenced 1993 Lease of Exclusive Easement, which can be found in Appendix C of the Enhanced Capabilities EIS. As described in Chapter 3, soils within 100 feet of the Vandal launch pad have been sampled. The results of metal-in-soil sampling conducted in 1999, 2002, and 2007 in rocket motor staging areas are presented in Sandia National Laboratories, 2008. The results show that most reported values are below the EPA residential screening level. Iron and thallium exceeded the residential screening; however, they are below industrial screening level. Arsenic exceeds the industrial screening level; however, the state of Hawaii has identified special circumstances for arsenic. Sampling for perchlorate was conducted at PMRF in October and November 2006 and the results indicated perchlorate levels were within guidelines.
	D-E-0324-14	Health and Safety	4.3.2.1.7	Flight termination systems, as described in Section 4.3.2.1.7, are used by the Missile Flight Safety Officer at PMRF if a missile malfunctions and leaves a predefined region or violates other predefined mission rules. Due to a shortened response time required for flight termination systems at PMRF, the required hazard area is also reduced.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jones --Univ. of Hawaii	D-E-0324-15	Land Use	3.3.2.1.8, 4.3.2.1.8	Information was added to Section 3.3.2.1.8 regarding the 30 times per year for closures due to missile launches from PMRF. Information on the number of times the easement has been used in the past several years, and anticipated due to Alternatives 1, 2, or 3, was added to Section 4.3.2.1.8. In 2002 it was less than 4 launches; in 2006 less than 9 launches; and in 2007 less than 11 launches. The anticipated times the easement is expected to be used per year due to Alternatives 1, 2 or 3 could be between 7 and 28 (if PMRF provides support for the exercise).
	D-E-0324-16	Utilities	2.2.4.4, 4.1.1.3, 4.1.5.3	Requirements for the Directed Energy program are not yet complete. As discussed in Section 2.2.4.5, "should the Airborne Laser program decide to perform testing at PMRF, separate environmental documentation would be required to analyze potential impacts." At that time, the public will be involved in accordance to the requirements of the National Environmental Policy Act (NEPA). See response to comment D-E-0060-3.
	D-E-0324-17	Cumulative Impacts	5.1	Table 5.2-1 has been revised to include Long-range missile tests in the HRC Temporary Operating Area. Between 2003 - 2007, 68 different types of DoD target and interceptor missiles were launched from either Kodiak Launch Complex, AK; Vandenberg AFB, CA; Pacific Missile Range Facility, HI; Ronald Reagan Ballistic Missile Test Site, Marshall Islands, Wake Island, or mobile platforms in to or near the Hawaii Temporary Operating Area. A total of approximately 628 missile launches occurred during this time period and the majority of this missile activity was associated with the PMRF fleet training.
	D-E-0324-18	Health and Safety		Navy does not see a catastrophic launch failure as a reasonably foreseeable impact, and thus an analysis of the impact would be based on pure conjecture. Navy would establish launch hazard areas to account for a malfunction/catastrophic impact.
	D-E-0324-19	Program	2.2.2.1, 2.2.2.3, 2.2.2.4, 2.2.2.4.1	The HRC EIS/OEIS does evaluate Aegis Ballistic Missile Defense (BMD) tests. Specifically, section 2.2.2.4.1 Pacific Missile Range Facility, subsection Anti-Air Warfare RDT&E, addresses the Aegis BMD tests. Aegis BMD (under Anti-Air Warfare (AAW)) activities are further described in each of proposed training and RDT&E activities. Tables 2.2.2.1-1 through 2.2.2.4-1 describe the alternatives, including Aegis BMD.
	D-E-0324-20	Program		The Missile Defense Agency fiscal year 08 line budget for Classified Programs does not include activities at PMRF.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jones --Univ. of Hawaii	D-E-0324-21	Health and Safety	ES	The proposed Maritime Directed Energy Test Center in Alternatives 2 or 3 includes development of standard operating procedures and range safety requirements necessary to provide safe operations associated with future high-energy laser tests. Should a directed energy program decide to perform tests at PMRF, separate environmental documentation would be required to analyze potential impacts from training activities. There is no current proposal for laser targets on or near Niihau. Table ES-11 has been revised.
Ellen Levinsky	D-E-0325-1	Alternatives	2.0, 4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1. As discussed in Chapter 2.0, the Proposed Action does not include the use of underwater missile testing or high-frequency sonar.
Ravi Grover	D-E-0326-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0326-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0326-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0326-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0326-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Sandy Kamaka	D-E-0327-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0327-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0327-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0327-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0327-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Cynthia Taylor	D-E-0328-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0328-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0328-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0328-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0328-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Essence Satterfield	D-E-0329-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
Emilie Howlett	D-E-0330-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Emilie Howlett	D-E-0330-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0330-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0330-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0330-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Lorraine Howlett	D-E-0331-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0331-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0331-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0331-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0331-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Tom Jackson	D-E-0332-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0332-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0332-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0332-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0332-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Jade Silver	D-E-0333-1	Biological Resources - Marine		Thank you for your comment.
	D-E-0333-2	Policy/NEPA Process		Thank you for your comment.
Ron Howlett	D-E-0334-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
Tom Scallon	D-E-0335-1	Hazardous Materials and Waste		Although the scope of the proposed activities in the EIS/OEIS does not extend to developing new training materials, such as chaff, your suggestion is appreciated. The environmental fate of the chaff now in use has been studied, and it has been found to be environmentally benign. Chaff has undergone a long development process to ensure that it functions as designed and achieves its intended purpose, with a minimal effect on the environment. Any replacement material would need to undergo a similar development process, and would not be ready for deployment in the near future.
Suzanne Chantal Godbout	D-E-0336-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Suzanne Chantal Godbout	D-E-0336-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0336-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0336-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0336-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
John Garvison	D-E-0337-1	Alternatives		Thank you for your comment.
Stephen MacDonald	D-E-0338-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0338-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0338-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0338-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0338-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
JoJo JoJo	D-E-0339-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0339-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0339-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0339-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0339-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Antoinette Tenhunen Tukholmankatu	D-E-0340-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0340-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0340-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0340-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0340-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Kristie Nakasato	D-E-0341-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0341-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kristie Nakasato	D-E-0341-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0341-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0341-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Priscilla Derven	D-E-0343-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0343-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0343-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0343-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0343-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Rob Kinslow	D-E-0344-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0344-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0344-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0344-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0344-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
	D-E-0344-6	Policy/NEPA Process		Thank you for your comment.
Lorena Werner	D-E-0345-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0345-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0345-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0345-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0345-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Lynn Manheim	D-E-0346-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0346-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0346-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0346-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Lynn Manheim	D-E-0346-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Puanani Rogers	D-E-0347-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0347-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0347-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0347-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0347-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Email ponoau	D-E-0348-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0348-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0348-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0348-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0348-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Sam Long	D-E-0349-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0349-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0349-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0349-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0349-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Zena Seeley	D-E-0350-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0350-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0350-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Zena Seeley	D-E-0350-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0350-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Monica Hall	D-E-0351-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0351-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0351-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0351-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0351-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Email ckeala	D-E-0352-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0352-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0352-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0352-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0352-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Email Dolphinarina	D-E-0353-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0353-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0353-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0353-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0353-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Erin Rietow	D-E-0354-1	Biological Resources - Terrestrial	6	As discussed in Chapter 6.0 and Appendix C, Navy policies and procedures that minimize effects of their actions include wash downs, agricultural inspections, brown tree snake inspections, and ballast water procedures.
	D-E-0354-2	Alternatives	6.4.11.1, 6.4.12	The Navy would also like to see more research on mid-frequency active (MFA) sonar. See Sections 6.4.11.1 and 6.4.12 for information regarding future Navy research. There are no records of adverse impacts on marine mammals from MFA sonar around Hawaii, but there are uncertainties. The model presented in the EIS/OEIS represents the best science currently available, and was developed by the Navy and NOAA with input from non-governmental organizations. The EIS/OEIS indicates that we should not see significant impacts on marine mammals from MFA sonar around Hawaii, although the model tells us that in certain circumstances, animals could be exposed to sound levels that may cause them to change their behavior.
	D-E-0354-3	Hazardous Materials and Waste	4.1.4, 4.1.7	See response to comment D-T-0095-1. The HRC EIS/OEIS addresses expended training materials and the potential for leaching of potentially toxic materials in Sections 4.1.4 and 4.1.7. The analysis presented concludes that the amounts and concentrations of these materials will have no noticeable effect on ocean water quality and will affect an insignificant portion of the ocean bottom sediments.
	D-E-0354-4	Air Quality	4.3.2.1.1	Section 4.3.2.1.1 has been updated to include analysis of ozone depleting substances, particularly as they relate to emissions from missile launches at PMRF. Air quality impacts locally would be limited to temporary, short-term missile exhaust emissions from CastorIV, STS, STRYPI, Vandal, PAC-3 MEADS, THAAD, Hera, and Lance missiles.
	D-E-0354-5	Biological Resources - Marine	3.2, 3.7, 4.2, 4.0, 12	Use of the sanctuary areas by the Navy for training and RDT&E activities is historic. See response to comment D-E-0062-1. Geographic training restrictions are not required.
	D-E-0354-6	Program	1.3.3	Section 1.3.3 describes the Tactical Training Theater Assessment and Planning Program (TAP). NEPA and subsequent consultation with regulatory agencies is the protocol within TAP to check impact on the environment.
Margaret Guiler	D-E-0355-1	Program		Thank you for your comment.
David Kane	D-E-0356-1	Biological Resources - Marine		Your comments regarding discovering new species are noted but are outside the scope of this EIS/OEIS.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
David Kane	D-E-0356-2	Program	1.1, 1.2, 1.3, 1.4	The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The Navy has broadly defined its objectives and offers appropriate alternatives to achieve them. To implement its Congressional mandates, the Navy needs to support and to conduct current and emerging training and RDT&E training events in the HRC and upgrade or modernize range complex capabilities to enhance and sustain Navy training and testing. These objectives are required to provide combat capable forces ready to deploy worldwide in accordance with U.S.C. Title 10, Section 5062. The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this document are both reasonable and necessary.
	D-E-0356-3	Program		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
	D-E-0356-4	Air Quality	4.3.2.1.1.1	See response to comment D-E-0456-2.
	D-E-0356-5	Cumulative Impacts		Examples of Navy's environmental stewardship programs include protection of haulout locations for the Hawaiian monk seal, improved nesting habitat for the wedge-tailed shearwater, beach trash pickup during documentation of marine debris, and active programs to conserve energy and use renewable resources (including solar powered water heating panels and shielded street lights).
Michael Dahlem	D-E-0357-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
Rana Jackson	D-E-0358-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0358-2	Policy/NEPA Process		Thank you for your comment.
Petra Sundheim	D-E-0359-1	Program		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Bob Jacobson --HAWAII COUNTY COUNCIL	D-E-0360-1	Hazardous Materials and Waste	4.1.7.11	The HRC EIS/OEIS Proposed Action includes the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. More details on the analysis of potential impacts from these DU projectiles can be found in Section 4.1.7.1.1. This is the only use of DU in the HRC EIS/OEIS Proposed Action. The Navy recognizes that past practices conducted decades ago resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded with the available funds.
	D-E-0360-2	Biological Resources - Marine	4.1.2	Section 4.1.2 includes analysis regarding marine resources and the Navy's use of sonar.
	D-E-0360-3	Program		Your comment regarding aggressors is noted but is outside the scope of this EIS/OEIS.
Paul Clark --Save Our Seas	D-E-0361-1	Alternatives	4.1.2.4, 4.1.2.4.11, 6.0	See response to comment D-W-0066-1. In addition, the Navy's mitigation measures to protect marine species are presented in Chapter 6.0.
Dmitry Boldvrev	D-E-0362-1	Alternatives		Your comments on the Superferry are noted, but are outside the scope of this EIS/OEIS.
	D-E-0362-2	Cultural Resources		Thank you for your comment.
Claudia Herfurt	D-E-0363-1	Alternatives	4.1.2.4, 4.1.2.4.11, 6.0	See response to comment D-W-0066-1. In addition, the Navy's mitigation measures to protect marine species are presented in Chapter 6.0.
Pat Blair	D-E-0364-1	Alternatives	4.1.2.4, 4.1.2.4.11, 6.0	See response to comment D-W-0066-1. In addition, the Navy's mitigation measures to protect marine species are presented in Chapter 6.0.
Michael Kline	D-E-0365-1	Alternatives	4.1.2.4, 4.1.2.4.11, 6.0	See response to comment D-W-0066-1. In addition, the Navy's mitigation measures to protect marine species are presented in Chapter 6.0.
Michal Stover	D-E-0366-1	Alternatives	4.1.2.4, 4.1.2.4.11, 6.0	See response to comment D-W-0066-1. In addition, the Navy's mitigation measures to protect marine species are presented in Chapter 6.0.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michal Stover	D-E-0366-2	Mitigation Measures	6	What is presented in Chapter 6.0, Mitigation Measures have been standard operating procedures (SOP) for unit-level antisubmarine warfare training since 2004. The effectiveness of the SOPs is addressed on an ongoing basis. It is critical for the Navy to be able to conduct training in a variety of environmental and bathymetric conditions, which may overlap with marine habitat. Seamounts allow the submarine to hide in an area that is shadowed by the seamount because the active transmission cannot reach the submarine via the bottom bounce path. Most coastal restrictions that have been proposed would prohibit operations in a significant portion of the HRC.
Joan Levy	D-E-0368-1	Alternatives	4.1.2.4, 4.1.2.4.11, 2.0	See response to comment D-W-0066-1.
Humberto Blanco	D-E-0369-1	Alternatives	4.1.2.4, 4.1.2.4.11, 6.1.2	See response to comment D-W-0066-1. Section 6.1.2 now discusses habitat avoidance as a mitigation measure that was considered but eliminated. The habitat requirements for most of the marine mammals in the Hawaiian Islands are unknown. Accordingly, there is no information available on possible alternative exercise locations or environmental factors that would otherwise be less important to marine mammals in the Hawaiian Islands.
Ingrid Wedel	D-E-0370-1	Alternatives	5.2.1.6	The proposed action regarding sonar is generally to continue training similar to that which has occurred for decades without any known impacts on marine mammals. Section 4.1.2.4 of the EIS/OEIS explains the potential effects on marine mammals from Navy mid-frequency active (MFA) sonar in the HRC. MFA sonar use analyzed in the EIS/OEIS is not new and has occurred in the HRC using the same basic sonar equipment and output for over 30 years. Given this history and the scientific evidence, the Navy believes that risk to marine mammals from sonar training is low. Over the past 30 years, the numbers of marine mammals around Hawaii appear to be increasing and there are no indications that sonar has affected marine mammals. As discussed in Section 4.1.2.4.11, Navy believes that evidence not considered previously involving the Hanalei stranding of July 2004 indicates that the full moon could have been a contributing factor in terms of bringing the animals closer to the shore. A few strandings of beaked whales have occurred elsewhere (locations far from Hawaii) that seem to be related to MFA sonar in combination with specific ocean conditions. Strandings of beaked whales associated with sonar have not happened in Hawaii to anyone's knowledge.
William D. Perry	D-E-0371-1	Alternatives	4.1.2.4.2, 4.1.5.1.1	See response to comment D-E-0086-1.
Everett Hullum	D-E-0372-1	Alternatives	4.1.2.4, 4.1.2.4.11, 6.1.2	See response to comment D-E-0369-1.
Bill Young	D-E-0373-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
Candy McCaslin	D-E-0374-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Arius Hopman	D-E-0375-1	Program		Thank you for your comment.
	D-E-0375-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
Rebecca Miller	D-E-0376-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea, or airspace; therefore, there is no proposal to expand.
Sandi Sterker --Kauai Republican Women's Club of Kauai	D-E-0377-1	Biological Resources - Marine		Thank you for your comment.
Wendy Raebeck	D-E-0378-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea, or airspace; therefore, there is no proposal to expand. It is true that the proposal includes increases in the frequency of training.
	D-E-0378-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
L. Osterer	D-E-0379-1	Alternatives		Thank you for your comment.
	D-E-0379-2	Alternatives	1.0, 2.0	As discussed in Chapters 1.0 and 2.0, the HRC provides the geography, infrastructure, space, and location necessary to accomplish complex military training and RDT&E activities. The large area available to deploy forces within the HRC allows training to occur using a geographic scope that replicates possible real world events. In addition, the HRC has the infrastructure to support a large number of forces, has extensive existing range assets, and accommodates Navy training and testing responsibilities both geographically and strategically, in a location under U.S. control. The Navy's physical presence and training capabilities are critical in providing stability to the Pacific Region.
	D-E-0379-3	Program		Your comment regarding adversarial threats to the United States is noted but is outside the scope of this EIS/OEIS.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
L. Osterer	D-E-0379-4	Program	1.0, 2.0	The Navy has broadly defined its objectives and offers appropriate alternatives to achieve them (see Chapters 1.0 and 2.0). To implement its Congressional mandates, the Navy needs to support and to conduct current and emerging training and RDT&E training events in the HRC and upgrade or modernize range complex capabilities to enhance and sustain Navy training and testing. These objectives are required to provide combat capable forces ready to deploy worldwide in accordance with U.S.C. Title 10, Section 5062. The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The objectives set forth in this document are both reasonable and necessary. Your comments regarding funding and budgetary matters are noted but are outside the scope of this EIS/OEIS.
Andrea Baer	D-E-0380-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0380-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0380-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0380-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0380-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Eve Powers	D-E-0381-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
	D-E-0381-2	Mitigation Measures		It is critical for the Navy to be able to conduct training in a variety of environmental and bathymetric conditions, which may overlap with marine mammal areas. Seamounts allow the submarine to hide in an area that is shadowed by the seamount because the active transmission cannot reach the submarine via the bottom bounce path. Most coastal restrictions that have been proposed would prohibit operations in a significant portion of the HRC.
Linda Pascatore	D-E-0382-1	Land Use	3.3.2.1.8	As detailed in Section 3.3.2.1.8, the Navy will maintain its current property boundaries at PMRF and has no intention of expanding land ownership in the PMRF/Main Base Area. PMRF does not control the approximately 6,000 acres that make up the Mana Plain. The agricultural land is owned by the State of Hawaii and is leased by the Agribusiness Development Corporation.
	D-E-0382-2	Alternatives	4.1.2.4, 4.1.2.4.11, 2.0	See response to comment D-W-0066-1. As discussed in Chapter 2.0, the Proposed Action does not include the use of low-frequency active sonar.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Linda Pascatore	D-E-0382-3	Alternatives		Projected RDT&E laser programs do not include the use of hydrogen fluoride, and therefore the use of hydrogen fluoride is not part of the Proposed Action.
	D-E-0382-4	Alternatives		Your comments regarding closing PMRF are noted but are outside the scope of this EIS/OEIS.
Sandy Herndon	D-E-0383-1	Program	2	The Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace; therefore, there is no proposal to expand. It is true that the proposal includes increases in the frequency of training. Chapter 2.0 has been modified to clarify the alternatives that are being proposed.
	D-E-0383-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
	D-E-0383-3	Program	2	As noted in Chapter 2.0, the Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace; therefore, there is no proposal to expand PMRF.
Mark Hubbard	D-E-0384-1	Alternatives		Thank you for your comment.
Gabriela Taylor	D-E-0385-1	Land Use	3.3.2.1.8	As detailed in Section 3.3.2.1.8, the Navy will maintain its current property boundaries at PMRF and has no intention of expanding land ownership in the PMRF/Main Base Area.
	D-E-0385-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
Marilyn & Ed Pollock	D-E-0386-1	Alternatives	1.1, 1.2, 1.3, 4.1.2.4, 4.1.2.4.11	See response to comment D-E-0066-1. In addition, use of low-frequency active (LFA) sonar in the HRC is not part of the Proposed Action of this EIS/OEIS.
Donald H. Wilson	D-E-0387-1	Program		Thank you for your comment.
	D-E-0387-2	Socioeconomics		Thank you for your comment.
	D-E-0387-3	Cultural Resources		Thank you for your comment.
	D-E-0387-4	Biological Resources - Terrestrial		The Navy also tries to be a good environmental steward on its other installations.
	D-E-0387-5	Socioeconomics		Thank you for your comment.
	D-E-0387-6	Water Resources		Thank you for your comment.
	D-E-0387-7	Land Use		Thank you for your comment.
	D-E-0387-8	Mitigation Measures		Thank you for your comment.
	D-E-0387-9	Socioeconomics		Thank you for your comment.
	D-E-0387-10	Socioeconomics		Thank you for your comment.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Ron Tuason	D-E-0388-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0388-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0388-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0388-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0388-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Noreen Dougherty	D-E-0389-1	Alternatives		Thank you for your comment.
Doug Fox	D-E-0390-1	Policy/NEPA Process		Thank you for your comment.
	D-E-0390-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
	D-E-0390-3	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0297-1.
	D-E-0390-4	Cumulative Impacts		Thank you for your comment.
Marcia Harter	D-E-0391-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1 regarding strandings across the globe. As discussed in Section 4.1.2.4.11, the Navy believes that evidence not considered previously involving the Hanalei stranding of July 2004 indicates that the full moon could have been a contributing factor in terms of bringing the animals closer to the shore.
Caitlin Odom	D-E-0392-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea, or airspace; therefore, there is no proposal to expand.
Gian Andrea Morresi	D-E-0393-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0393-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0393-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0393-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0393-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Erin Foley	D-E-0394-1	Program		Training that is conducted within the HRC is not recreational but is necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared Naval force is not a discretionary matter.
	D-E-0394-2	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	Use of the sanctuary areas by the Navy for training and RDT&E operations is historic. See response to comment D-E-0062-1.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Erin Foley	D-E-0394-3	Cultural Resources	3.2.2.2	See response to comment D-W-0091-10.
	D-E-0395-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
	D-E-0395-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0395-3	Hazardous Materials and Waste	3.0, 4.0, 5.3.6	See response to comment D-E-0062-3.
	D-E-0395-4	Cultural Resources	Appendix H	See response to comment D-E-0062-4.
	D-E-0395-5	Program	1.1, 1.2, 1.3	See response to comment D-E-0062-5.
Lee Tepley	D-E-0397-1	Alternatives	4.1.2.4.7	There are no answers to the first two specific questions given that they are predicated on the assumption that whales "get the bends", which has not been established. As explained in Section 4.1.2, the issue raised and other potential hypotheses with regards to causes of marine mammal strandings remain highly speculative. With regards to the third question, given that there has never been, to anyone's knowledge, any marine mammal that has died or been injured as a result of sonar use in Hawaiian waters over decades of sonar training, it is unlikely that any marine mammals will be killed or injured by the continuation of training.
Marj Dente	D-E-0398-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea, or airspace, therefore there is no proposal to expand. In addition, the training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared Naval force is not a discretionary matter.
Louis Korn	D-E-0399-1	Program		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment. Navy has provided protected haul-out locations for the Hawaiian monk seal, improved nesting habitat for the wedge-tailed shearwater, and organized volunteers to pick-up beach trash while documenting marine debris. Navy has also participated in a program to remove invasive plants from endangered Hawaiian stilt habitat. Navy has active programs to conserve energy and use renewable resources including solar powered water heating panels and shielded street lights.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
James V. Albertini --Malu `Aina Center for Non-violent Education & Action	D-E-0400-1	Alternatives	3.7, 4.7, 4.1.2.4, 4.1.2.4.11	Sonar at 235dB is the level at the source. It is impossible for that sound level to reach an animal since that is the level measured within the sonar dome (within the bow) of the ship. In addition, it is extremely unlikely that the receiving level could be anywhere near that high, again, because the distances are so short to that received level and the Navy has mitigation measures that require a shut-down of the sonar if a marine mammal comes within 200 yards of the bow. Finally, it is not accurate to compare human physiology to that of marine mammals with regard to the thresholds of injury, which is why Navy and NMFS worked in cooperation to develop the criteria for marine mammals used in this analysis. The Navy respectfully disagrees regarding the need for exemptions to continue training in the Hawaiian Islands Humpback Sanctuary.
	D-E-0400-2	Alternatives		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. The Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
	D-E-0400-3	Hazardous Materials and Waste		The Navy recognizes that past practices may have resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available. The Proposed Action described in this EIS/OEIS addresses a need to continue and enhance personnel training, which is unrelated to ongoing, planned, or prospective remediation of historical contamination.
	D-E-0400-4	Environmental Justice		Your comments regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense, are noted but are beyond the scope of this EIS/OEIS.
	D-E-0400-5	Hazardous Materials and Waste		A discussion of a 38-year-old incident that did not result in any public health or safety impact (only Navy personnel were injured) is outside of the scope of the EIS/OEIS for the HRC. The Navy's training materials and safety protocols both have evolved so extensively during the intervening period as to make that incident irrelevant to any discussion of existing or future public health and safety.
	D-E-0400-6	Health and Safety		Your comment regarding the link between the Navy low-frequency navigation and communication towers in Lualualei Valley on the Waianae coast and the increase in Down syndrome in the area is noted but is outside the scope of this EIS/OEIS.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
James V. Albertini --Malu `Aina Center for Non-violent Education & Action	D-E-0400-7	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.1	HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the HRC EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
	D-E-0400-8	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.1	The Navy does not maintain records of the exact quantities of weapons previously used in the HRC.
Susan Scott	D-E-0401-1	Alternatives	1.1, 1.2, 1.3, 4.1.2.4, 4.1.2.4.11, 6.1.2	See response to comment D-W-0066-1. Section 6.1.2 now discusses habitat avoidance as a mitigation measure that was considered but eliminated. The habitat requirements for most of the marine mammals in the Hawaiian Islands are unknown. Accordingly, there is no information available on possible alternative exercise locations or environmental factors that would otherwise be less important to marine mammals in the Hawaiian Islands.
Gia Baiocchi	D-E-0402-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace; therefore there is no proposal to expand. It is true that the proposal includes increases in the frequency of training.
Judith Altemus	D-E-0403-1	Alternatives	4.1.2.4, 4.1.2.4.11, 6.0	See response to comment D-W-0066-1. In addition, the Navy's mitigation measures to protect marine species are presented in Chapter 6.0.
Robin W. Baird --Cascadia Research Collective	D-E-0404-1	Mitigation Measures	6.4.12	As described in Section 6.4.12, the Navy is developing a long-term marine mammal monitoring plan to determine behavioral and population level changes to marine mammals within Navy ranges. This plan will continue or initiate studies of abundance, distribution, habitat utilization, etc. for sensitive species of concern using visual surveys, passive and acoustic monitoring, radar and data logging tags (satellite or radio linked to record data on acoustics, diving and foraging behavior, and movements). The plan will include the validation of Navy lookouts that monitor all exercises. As of this EIS/OEIS, the Long-term Marine Mammal Monitoring Plan is under review by NMFS.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Robin W. Baird --Cascadia Research Collective	D-E-0404-2	Biological Resources - Marine	4.1.2.4.11	The reason the Rota Stranding was noted is that NMFS considered the Hanalei "Mass Stranding" anomalous when considering causal factors leading to the event. Given the Rota stranding was simultaneous, this and other information were not considered in the NMFS report on the Hanalei event, the previous findings presented in the NMFS report should be re-examined. The Rota event was termed a stranding under the same criteria that the Hanalei event was termed a "Mass Stranding" by NMFS. Section 4.1.2.4.11 includes specific stranding events that have been linked to potential sonar operations. Of note, these events represent a small overall number of animals over an 11 year period (approximately 40 animals) worldwide.
	D-E-0404-3	Mitigation Measures	4.1.2.4.12	Section 4.1.2.4.12 and 'Chapter 6.0, Mitigation Measures, presents the U.S. Navy's protective measures, outlining steps that would be implemented to protect marine mammals and Federally listed species during training events. Navy does not expect that 100% of the animals present in the vicinity of training events will be detected and the acoustic impact modeling quantification is not reduced as a result of mitigation effectiveness. In addition, the probability of trackline detection is for visual observers during a survey. In general, there will be more ships, more observers present on Navy ships, and additional aerial assets all engaged in exercise events having the potential to detect marine mammals, than is present on a single, generally smaller (having a lower height of eye), survey ship from which the 2% figure is derived.
	D-E-0404-4	Biological Resources - Marine	4.1.2	There is no reduction in the number of exposures resulting from the acoustic impact modeling being quantified in the EIS/OEIS. For example, it is argued that large animals, or those generally having a large group size, are likely to be detected by the Navy's standard lookout procedures. Navy agrees with the comment regarding minke whales, and the test has been altered accordingly.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Robin W. Baird --Cascadia Research Collective	D-E-0404-5	Biological Resources - Marine		The Navy is required to assess impacts based on the resources as defined by NMFS, who serves as the regulator for these resources (marine mammals). Research indicating genetic distinctions between possible sub-populations of marine mammals currently considered one stock by NMFS has been discussed during preliminary consultations with NMFS over this EIS/OEIS. The Navy believes that years of site fidelity by individual beaked whales in areas where sonar has operated for years is an indicator that beaked whales in Hawaii are not comparable to resident beaked whales in locations on the other side of the planet. In fact, implicit in the statements, that resident populations have been identified in the Hawaiian Islands and that there is a genetic segregation between some marine mammals of Hawaiian Islands and the rest of the Pacific Stock, is an acknowledgment that the animals of the Hawaiian Islands have coexisted with sonar operations without long term detriment to populations. Findings by Baird and McSweeney are contrary to speculation that large numbers of marine mammals die or abandon sites due to sonar but are not observed, potentially resulting in population level impacts. Residency demonstrates that the animals are remaining in the area despite sonar exercises.
	D-E-0404-6	Biological Resources - Marine	4.1.2.4.11	Section 4.1.2.4.11 includes specific stranding events that have been linked to potential sonar operations. Of note, these events represent a small overall number of animals over an 11-year period (approximately 40 animals), and not all worldwide strandings can be linked to naval activity.
	D-E-0404-7	Mitigation Measures		Navy's current mitigation measures reflect the use of the best available science balanced with the National Marine Fisheries Service (NMFS) approach and the requirements of the Navy to train. In the RIMPAC 2006 After Action Report, passive detection of a marine mammal led to the implementation of mitigation measures (having a detrimental effect on the training event), so the contention that the Navy's mitigation measure involving passive detection was ineffective is incorrect. There is no suggestion that mitigation measures are 100% effective, but are meant to mitigate impacts while still being able to conduct critical training activities around the clock including periods at darkness.
Katy Rose	D-E-0405-1	Program		See responses to comment D-E-0428-1.
	D-E-0405-2	Biological Resources - Marine		See response to comment D-W-0066-1.
	D-E-0405-3	Biological Resources - Terrestrial	4.3.1.1.1.1	As stated in Section 4.3.1.1.1.1, amphibious landings as part of Expeditionary Assault activities on PMRF would occur only at Majors Bay and are restricted to existing routes. The area used is not typically used by sea turtles or Hawaiian monk seals.
	D-E-0405-4	Policy/NEPA Process		Thank you for your comment.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Casey Holaday	D-E-0406-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
	D-E-0406-2	Hazardous Materials and Waste		The comment cites instances of past contamination from military activities, perhaps more than 50 years old. As with other industries and institutions, the military's practices have evolved over the years to be much more environmentally benign, so past effects are not indicative of potential future effects. Congress has created and funded programs to identify those historic sites in need of remediation and to clean them up as funds become available. For example, the Navy received more than \$400 million for a 10-year cleanup of Kahoolawe conducted in consultation with the State of Hawaii.
	D-E-0406-3	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	Use of the sanctuary areas by the Navy for training and RDT&E operations is historic. See response to comment D-E-0062-1.
	D-E-0406-4	Program		Thank you for your comment.
Elaine Dunbar	D-E-0407-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace; therefore, there is no proposal to expand.
	D-E-0407-2	Alternatives	2.0, 4.1.2.4, 4.1.2.4.11	See response to comment D-E-0066-1. In addition, as noted in Chapter 2.0, the Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace, therefore there is no proposal to expand. It is true that the proposal includes increases in the frequency of training.
	D-E-0407-3	Environmental Justice		Your comments regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense are noted but are beyond the scope of this EIS/OEIS.
	D-E-0407-4	Hazardous Materials and Waste	2.2.1, 2.2.3, 2.2.4	An accounting of the exact numbers of each type of weapon is neither possible nor pertinent, because it is the expended ordnance - not the weapon that discharged it - that has an effect. The EIS/OEIS provides numbers for each ordnance item to be used in Sections 2.2.1, 2.2.3, and 2.2.4. No nuclear weapons are included in the Proposed Action. The purpose of establishing a safety area (e.g., a 10,000-foot radius) is specifically to prevent risks to personnel. The discussion of electromagnetic hazards to personnel, fuel, and ordnance is an explanation of how the military's procedures avoid such hazards, not a description of the hazards to be expected under the Proposed Action.
	D-E-0407-5	Air Quality		High-frequency Active Auroral Research Program (HAARP) or atmospheric/weather experimentation is not part of the Navy's Proposed Action.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Elaine Dunbar	D-E-0407-6	Miscellaneous		The Navy is not expanding within the HRC. The Proposed Action presented in the EIS/OEIS does not require the Navy to acquire additional land, nor alter on-base or off-base land use patterns. The Navy's mission to maintain, train, and equip combat ready naval forces capable of winning wars deterring aggression, and maintaining freedom of the seas is mandated by Federal law - Title 10 U.S.C. section 5062, which charges the Chief of Naval Operations with the responsibility for ensuring the readiness of the Nation's naval forces.
	D-E-0407-7	Biological Resources - Marine	4.1.2.4.1	Additional information has been added to Section 4.1.2.4.1.
	D-E-0407-8	Transportation	4.1.5.1.1, 8.0	Public notifications are made via Notices to Airmen (NOTAMs) and Notices to Mariners (NOTMARs), which provide information to pilots, ship operators, commercial fisherman, recreational boaters, and other area users that the military will be operating in a specific area, allowing them to plan their activities accordingly (see Section 4.1.5.1.1, and Chapter 8.0). NOTAMs and NOTMARs are available through subscription services, email notifications, or via Internet postings. In order to stay current individuals should subscribe to the local notices or check the online version frequently to see what notices have been posted. Additional information can be found at <a href="http://www.faa.gov/airports_airtraffic/air_traffic/publications/notices/">http://www.faa.gov/airports_airtraffic/air_traffic/publications/notices/</a> and <a href="http://www.navcen.uscg.gov/lnm/">http://www.navcen.uscg.gov/lnm/</a>
	D-E-0407-9	Policy/NEPA Process		Although the EIS/OEIS states that aircraft at MCBH include, but are not limited to P-3s, C-130s, C-17s, F/A-18s, CH-53Ds, SH-60s, and C-29 20Gs, any proposed "C-17 Runways" are outside the scope of this document.
Ken Posney	D-E-0408-1	Miscellaneous	3.4.1.2.1	More than 40 nations have diesel-electric submarines, which are extremely difficult to detect. They include Iran and North Korea. Littoral (coastal) waters are noisy environments that offer acoustic cover for modern diesel-electric submarines that make no more noise than the fan on your home computer. Active sonar is the most effective way to detect them, but it's not an easy skill to master, and it cannot be duplicated in a simulator. Commercial shipping areas are very busy places, therefore not conducive to training. The analysis of biological resources in the EIS/OEIS (Section 3.4.1.2.1) includes the native or naturalized vegetations, wildlife, and the habitats in which they occur collectively (open ocean, offshore, and onshore). Coral, fish, sea turtles, and marine mammals (whales, dolphins and seals) are analyzed in the document.
Loreen Walker & family	D-E-0409-1	Program		Thank you for your comment.
Spencer McDonald	D-E-0410-1	Program		Thank you for your comment.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Fred Dente	D-E-0411-1	Environmental Justice	2.2	As noted in Section 2.2, the Navy will be using existing Navy ranges and facilities in and around the state of Hawaii. The Proposed Action does not include plans to acquire any new lands or rights over land, sea, or airspace, therefore there is no proposal to expand. It is true that the proposal includes increases in the frequency of training. Your comments regarding ownership of the Hawaiian Islands are noted but are beyond the scope of this EIS/OEIS.
Debra Baruch	D-E-0412-1	Water Resources	2.2.4.4	Projected RDT&E laser programs do not include the use of hydrogen fluoride, and therefore the use of hydrogen fluoride is not part of the Proposed Action. Because the directed energy programs have not been defined they cannot be fully analyzed in this EIS/OEIS. As stated in Section 2.2.4.5 of the EIS/OEIS, "Should the Airborne Laser program decide to perform testing at PMRF, separate environmental documentation would be required to analyze potential impacts."
	D-E-0412-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0412-3	Biological Resources - Terrestrial	4.3.1.1.1.1	See response to comment D-E-0405-3.
	D-E-0412-4	Policy/NEPA Process		Thank you for your comment.
Ihor Basko	D-E-0413-1	Socioeconomics		The Baseline, Alternatives 1, 2, and 3 for the Proposed Training Operations and RDT&E Activities considered in the HRC EIS/OEIS do not include expanding the HRC or the Temporary Operating Area (TOA). The Navy is not proposing any activities that would have a significant amount of impacts or irretrievable commitment of resources on Kauai. The Navy is a good environmental steward and wants to keep Kauai as a tourist destination.
Healani Trembath	D-E-0414-1	Alternatives	4.1.2.4, 4.1.2.4.11	The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
	D-E-0414-2	Alternatives		Thank you for your comment.
Russell Hoffman	D-E-0415-1	Program		See responses for issues identified at D-N-0071-1.
Jonathan Jay	D-E-0416-1	Program		See responses for issues identified at D-E-0428-1.
	D-E-0416-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-E-0416-3	Biological Resources - Terrestrial	4.3.1.1.1.1	See response to comment D-E-0405-3.
	D-E-0416-4	Water Resources	2.2.4.4	See response to comment D-E-0412-1.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Jonathan Jay	D-E-0416-5	Policy/NEPA Process		Thank you for your comment.
Marya Mann	D-E-0417-1	Program		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter.
	D-E-0417-2	Alternatives	4.1.2.4.7, 4.1.2.4.11	As discussed in Section 4.1.2.4.11, Navy believes that evidence not considered previously involving the Hanalei "stranding" of July 2004 indicates that the full moon could have been a contributing factor in terms of bringing the animals closer to the shore. The 1998 observations referenced were in regard to use of low-frequency active (LFA) sonar. The use of LFA in the HRC is not part of the Proposed Action of this EIS/OEIS. In addition, Section 4.1.2.4.7 contains a discussion of the "bends-like" issue raised in your comment. It has not been demonstrated that sonar causes the effects noted.
	D-E-0417-3	Alternatives	4.1.2.4.2	The use of low-frequency active sonar in the HRC is not part of the Proposed Action of this EIS/OEIS. As discussed in Section 4.1.2.4.2, MFA and LFA sonar are not directly comparable, so operational parameters established for an LFA system are not appropriate for MFA.
	D-E-0417-4	Alternatives		Thank you for your comment.
	D-E-0417-5	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1.
Glenn Giles	D-E-0418-1	Alternatives		Thank you for your comment.
David and Carol Gerow	D-E-0419-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace; therefore, there is no proposal to expand. It is true that the proposal includes alternatives that require increases in the frequency of training. The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this document are both reasonable and necessary. The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter, but is required under U.S. Code Title 10. Reduction in training does not meet Federal requirements.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
David and Carol Gerow	D-E-0419-2	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	Use of the sanctuary areas by the Navy for training and RDT&E operations is historic. The Navy is aware of the endangered species and takes their presence into consideration during operations. See response to comment D-E-0062-1.
	D-E-0419-3	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1. As discussed in Section 4.1.2.4.11, the Navy believes that evidence not considered previously involving the Hanalei "stranding" of July 2004 indicates that the full moon could have been a contributing factor in terms of bringing the animals closer to the shore.
	D-E-0419-4	Hazardous Materials and Waste		The Navy recognizes that past practices may have resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available. The Proposed Action described in this EIS/OEIS addresses a need to continue and enhance personnel training, which is unrelated to ongoing, planned, or prospective remediation of historical contamination.
Ka'iulani Huff	D-E-0420-1	Environmental Justice		Your comments regarding ownership of the Hawaiian Islands and the illegal presence of the U.S. Department of Defense therein are noted but are beyond the scope of this EIS/OEIS.
Romi Elnagar	D-E-0421-1	Program		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter.
	D-E-0421-2	Cumulative Impacts	5	Cumulative impacts of the Proposed Action are addressed by resource area (including socioeconomic and health and safety) in Chapter 5.0 of this EIS/OEIS.
Judith Heath	D-E-0422-1	Alternatives	4.1.2.4.7, 4.1.2.4.11	As discussed in Section 4.1.2.4.11, Navy believes that evidence not considered previously involving the Hanalei "stranding" of July 2004 indicates that the full moon could have been a contributing factor in terms of bringing the animals closer to the shore. The 1998 observations referenced were in regard to use of low-frequency active sonar. The use of low-frequency active sonar in the HRC is not part of the Proposed Action of this EIS/OEIS. In addition, Section 4.1.2.4.7 contains a discussion of the "bends-like" issue raised in your comment. It has not been demonstrated that sonar causes the effects noted.
	D-E-0422-2	Alternatives		See response to comment D-E-0417-3.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Shannon Rudolph	D-E-0423-1	Hazardous Materials and Waste		The Navy recognizes that past practices conducted decades ago resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available. The training exercises that are conducted within the HRC are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter.
Robert V. Crifasi	D-E-0424-1	Alternatives		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. The Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
	D-E-0424-2	Program		The Navy is particularly sensitive to native Hawaiian cultural concerns, making areas under our control accessible for cultural and religious activities when not in conflict with operational needs (see response to comment D-W-0097-7). The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines.
Cathy Garger	D-E-0425-1	Alternatives		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. The Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
	D-E-0425-2	Policy/NEPA Process		Thank you for your comment.
	D-E-0425-3	Environmental Justice		Your concerns and comments are noted. Additionally, the Proposed Action presented in the EIS/OEIS does not require the Navy to acquire additional land, nor alter on-base or off-base land use patterns.
	D-E-0425-4	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.1	HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Cathy Garger	D-E-0425-5	Socioeconomics	3.3.1.1.3, 4.3.1.1.3	The 2006 Annual Visitor Research Report published by the State of Hawaii, Department of Business, Economic Development and Tourism noted that Hawaii had 2 years of exceptional growth in 2004 and 2005, and the Hawaii's visitor industry reported more modest increases in 2006 by visitors who came by air to the islands, particularly in terms of total visitor expenditures, visitor days, and arrivals. Growth in visitors who came to Hawaii by cruise ships, on the other hand, rose significantly from the previous year ( <a href="http://www.hawaii.gov/dbedt/info/visitor-stats/visitor-research/2006-annual-research-r.pdf">http://www.hawaii.gov/dbedt/info/visitor-stats/visitor-research/2006-annual-research-r.pdf</a> ). See Sections 3.3.1.1.3 and 4.3.1.1.3.
Camellia May	D-E-0426-1	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.1	Live munitions have been safely tested and used for training in Hawaii for more than 50 years. The Proposed Action would continue and enhance existing training and test activities. HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
Jason S. Nichols	D-E-0427-1	Program		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter, but is required by U.S. Code Title 10. The Navy does take its environmental stewardship role seriously, providing funds, efforts, and professional staff dedicated to this important matter.
Miriam Clarke	D-E-0428-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace; therefore, there is no proposal to expand. It is true that the proposal includes alternatives that require increases in the frequency of training. The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this document are both reasonable and necessary. The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter.
	D-E-0428-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Miriam Clarke	D-E-0428-3	Biological Resources - Terrestrial	4.3.1.1.1.1	See response to comment D-E-0405-3.
Daniel Hoffman	D-E-0430-1	Biological Resources - Marine	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1. In addition, refer to the status of species (Chapter 3.0). Based on the references none of the whale species listed are likely to go extinct due to Navy sonar use. The NEPA process includes coordination with state and Federal regulatory agencies to reduce potential for harm to marine species from Navy training. These agencies include many of the nation's experts on a variety of sensitive species.
Duane Erway	D-E-0431-1	Alternatives	4.1.2.4.5, 4.1.2.4.7, 4.1.2.4.11.2, 4.1.2.7.3, 6.0, 6.1.3	<p>The Hawaii context cannot be compared to the Bahamas (see Southall et al., 2007 for a general discussion of "context"). Regarding the Bahamas stranding, see the discussion of stranding events in Section 4.1.2 and a discussion of the thresholds established injury. There remain many unknowns regarding marine mammals in general and specific answers to the questions posed have not been scientifically investigated. The Navy and NMFS believe the thresholds established for the physiological effects and those established for behavioral effects are comprehensive. Estimated exposures to Cuvier's beaked whales can be found in each discussion of the various Alternatives (e.g., Section 4.1.2.7.3, sub-heading Cuvier's Beaked Whales). Also see the discussion in Chapter 6.0 regarding the limitations of passive acoustic detection of marine mammals.</p> <p>See the discussion in Section 4.1.2.4.5 regarding threshold levels for marine mammals.</p> <p>See the discussion of mitigation measures provided in Section 6.1.3.</p> <p>See Section 4.1.2.4.7 containing discussion of Acoustically Mediated Bubble Growth and Decompression Sickness.</p>
	D-E-0431-2	Miscellaneous	13	All comments received during the public comment period are published. Transcripts from the public meeting held on 29 August 2007 in Hilo cannot be altered or deleted (See D-T-0081-1).
	D-E-0431-3	Health and Safety	4.1.5.1.1	As stated in Section 4.1.5.1.1, research was conducted for mid-frequency active (MFA) sonar at the Naval Submarine Medical Research Laboratory and the Navy Experimental Diving Unit to determine permissible limits of exposure to MFA sonar. Based on this research, an unprotected diver could safely operate for over 1 hour at a distance of 1,000 yards from the Navy's most powerful sonar. At this distance, the sound pressure level will be approximately 190 dB. At 2,000 yards or approximately 1 nm, this same unprotected diver could operate for over 3 hours.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Duane Erway	D-E-0431-4	Biological Resources - Marine	4.1.2.4.11	Section 4.1.2.4.11 includes specific stranding events that have been linked to potential sonar operations. Of note, these events represent a small overall number of animals over an 11-year period (approximately 40 animals), and not all worldwide strandings can be linked to naval activity.
	D-E-0431-5	Biological Resources - Marine	4.1.5.1.1	As stated in Section 4.1.5.1.1, research was conducted for mid-frequency active (MFA) sonar at the Naval Submarine Medical Research Laboratory and the Navy Experimental Diving Unit to determine permissible limits of exposure to MFA sonar. Based on this research, an unprotected diver could safely operate for over 1 hour at a distance of 1,000 yards from the Navy's most powerful sonar. At this distance, the sound pressure level will be approximately 190 dB. At 2,000 yards or approximately 1 nm, this same unprotected diver could operate for over 3 hours.
	D-E-0431-6	Biological Resources - Marine	4.1.2.4.11	See response to D-E-0431-4.
	D-E-0431-7	Alternatives	4.1.2.4.7	Section 4.1.2.4.7 contains a discussion of the issues raised. It has not been demonstrated that sonar causes the effects noted in the referenced paper.
Karin Friedemann	D-E-0432-1	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.1	Live munitions have been safely tested and used for training in Hawaii for more than 50 years. The Proposed Action would continue and enhance existing training and test activities. HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
Napuanani McKeague	D-E-0433-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1. In addition, your comments regarding education, homelessness, and health care are noted but are outside the scope of this EIS/OEIS.
Jacquelyn Dillon	D-E-0434-1	Alternatives		Thank you for your comment.
	D-E-0434-2	Policy/NEPA Process		Thank you for your comment.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kirsten Jackson	D-E-0435-1	Program		The training exercises that are conducted within the HRC are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter, but is required by U.S. Code Title 10. The Navy does take its environmental stewardship role seriously, providing funds, efforts, and professional staff dedicated to this important matter. Navy has provided protected haul-out locations for the Hawaiian monk seal, improved nesting habitat for the wedge-tailed shearwater, and organized volunteers to pick up beach trash while documenting marine debris. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
Ru Carley	D-E-0436-1	Alternatives		Thank you for your comment.
Patricia S Port --US Dept of Interior	D-E-0437-1	Miscellaneous		Your latest comments will be considered (see D-W-0076-1).
	D-E-0437-2	Biological Resources - Terrestrial	3.9, 4.0	The affected environment and environmental consequences have been revised as applicable. The role of other facility and management plans has been clarified. Navy activities on other Services' installations will be performed in accordance with all applicable regulations, management plans, and Biological Opinions.
	D-E-0437-3	Program	2.0, 2.2.3.2, 8.0, D	The definitions for tempo and frequency as they apply to the activities in this EIS/OEIS are provided in Section 2.2.3.2 and has been added to the glossary (Chapter 8.0). The terms are applied to the various activities and locations throughout the document and in Chapter 2.0. The foundation for the analysis is also described in Appendix D.
	D-E-0437-4	Program	1.9, 1.9.1	Most of the actions listed within this comment have required additional environmental documentation in the forms of EAs and EISs. Lists of related environmental documents and environmental documents being prepared concurrent with this EIS/OEIS are provided in Sections 1.9 and 1.9.1.
	D-E-0437-5	Biological Resources - Terrestrial	3.0, 4.0	The role of other facility and management plans has been clarified. Navy activities on other Services' installations will be performed in accordance with all applicable regulations, management plans, and Biological Opinions.
	D-E-0437-6	Biological Resources - Terrestrial		Navy activities will be performed in accordance with all applicable regulations, management plans, and Biological Opinions, which provide guidance on avoiding impacts on critical habitat.
	D-E-0437-7	Biological Resources - Terrestrial	4.0, 6.0	Policies and procedures regularly implemented are provided throughout Chapter 4.0 and also in Chapter 6.0.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Patricia S Port --US Dept of Interior	D-E-0437-8	Hazardous Materials and Waste	3.1.7	In most cases, based on the assumptions presented in the EIS/OEIS, the concentrations of potential marine contaminants would be far below the concentrations that are measurable by laboratory analytical methods. Thus, such concentrations could not be correlated with biological effects. To the extent such information is available from governmental or peer-reviewed technical sources, threshold concentrations for biological effects have been added to Section 3.1.7 of the EIS/OEIS.
	D-E-0437-9	Biological Resources - Marine	4.3.2.1.3.1	Results of a study of EMR and bats has been added and the text in the EIS/OEIS biological resources sections has been expanded to include additional analysis of EMR.
	D-E-0437-10	Mitigation Measures		Thank you for your comment.
	D-E-0437-11	Program	2	The training and RDT&E activities covered under the Proposed Action fall into one of three categories: (1) U.S. Navy units (ships, aircraft, personnel) conducting unit-level activities on any military's range within the HRC; (2) any U.S. or foreign military unit conducting activities on U.S. Navy-operated ranges; and, (3) any U.S. or foreign military unit conducting activities on any military's range in Hawaii as part of a Navy-sponsored exercise. Clarifying text has been added to Chapter 2.0 of the EIS/OEIS.
	D-E-0437-12	Biological Resources - Marine	2.2.3.5.3	The anchors (concrete or sand bags) would be approximately 1.5 feet-by-1.5 feet and would weigh approximately 300 pounds. The majority of deep water corals are located at depths between 162 and 774 ft. The anchors would be located at depths greater than 600 ft which should avoid the majority of deep corals. The Portable Undersea Tracking Range could be located anywhere within the area shown on Figure 2.2.3.5.3-1 and not necessarily consistently deployed in the same area. According to Section 2.2.3.5.3, the Navy proposes using the system for only 2 days per month.
	D-E-0437-13	Program	2.2.3.5.3	Additional information on the anchor size and weight has been added to Section 2.2.3.6.3 of the EIS/OEIS. See response to comment D-E-0437-12.
	D-E-0437-14	Program	2.2.3.5.4	The new location of the Kingfisher Underwater Training Area is analyzed in this EIS/OEIS (see Sections 2.2.3.5.4, 3.3.1.1.1, and 4.3.1.1.1). Additional environmental documentation and coordination with USFWS and NMFS would be completed prior to establishment of the new location.
	D-E-0437-15	Biological Resources - Terrestrial	2.2.4.4, 3.3.2.1.3	The circles on Figure 2.2.4.5-1 depicting the proposed locations for the Maritime Directed Energy Test Center do not represent the actual footprint of the area to be disturbed. Construction would not take place in critical habitat for Sesbania tomentosa or Panicum niuhauensis shown in Figure 3.3.2.1.3-1.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Patricia S Port --US Dept of Interior	D-E-0437-16	Biological Resources - Terrestrial	3.2	This statement in Section 3.2 is correct. Only 12 species of "alien" marine algae, invertebrates, and fish have been recorded in the Northwestern Hawaiian Islands. However, your statement regarding rich faunal presence has been added to the EIS/OEIS.
	D-E-0437-17	Biological Resources - Terrestrial	3.2	Section 3.2 states that the Papahānaumokuākea Marine National Monument includes the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve among other special areas.
	D-E-0437-18	Biological Resources - Marine	3.3.1.1.1	Keyhole limpet has been replaced with "limpets" in Section 3.3.1.1.1.
	D-E-0437-19	Biological Resources - Terrestrial	3.3.2.1.3, 3.4.2	Citations have been added to the Environmentally Sensitive Habitat sections in Chapter 3.0 as appropriate. Navy has reviewed the 2006-2007 NWI data and has incorporated any changes as a result of the information provided therein.
	D-E-0437-20	Biological Resources - Marine	4.3.2.1.3.1, 4.3.2.9.1.1, 4.3.2.10.2, 4.6.2.1.2.1,	Citations have been added to the Environmentally Sensitive Habitat sections in the EIS/OEIS as appropriate. Navy has reviewed the 2006-2007 NWI data and has incorporated any changes as a result of the information provided therein.
	D-E-0437-21	Biological Resources - Terrestrial	3.3.2.9.1	The presence of the olulu or alula ( <i>Brighamia insignis</i> ) and its critical habitat are addressed in the EIS/OEIS in Section 3.3.2.9.1. The additional listed plants have been added, although the majority of the plants were historically observed on Niihau.
	D-E-0437-22	Biological Resources - Marine	4.3.1.2.1.1	The Microwave and EMESS 1 on Niihau are focused on PMRF only. A small signal (~5 watts, similar to a cell phone) is transmitted from the sites. Nesting seabirds on Lehua are outside the transmission area and would not be affected.
	D-E-0437-23	Biological Resources - Terrestrial	3.4.2.1.1	The locations of the two units of the Pearl Harbor National Wildlife Refuge mentioned have been added to Figure 3.4.2.1.1-1. Plants within the Honouliuli Unit would not be affected by existing or proposed activities. The text has been revised to state that "Recently, three endangered plants, kooloaula ( <i>Abutilon menziesii</i> ), ohai ( <i>Sesbania tomentosa</i> ), and loulou ( <i>Pritchardia kaalae</i> ) were established as mitigation for past projects at the Honouliuli Unit of the Pearl Harbor National Wildlife Refuge. These three plants are at least 3 mi from the EOD Land Range and Lima Landing, the closest facilities along West Loch."
	D-E-0437-24	Biological Resources - Terrestrial	3.4.2.6.2	The Kalaeloa Unit of the Pearl Harbor National Wildlife Refuge has been added to the Environmentally Sensitive Habitat, Section 3.4.2.6.2. <i>Achyranthes splendens</i> is already listed in the Endangered Plant Species section as being located in the southwestern corner of Kalaeloa. Activities performed on U.S. Coast Guard Air Station Barbers Point/Kalaeloa Airport would avoid this unit of the refuge.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Patricia S Port --US Dept of Interior	D-E-0437-25	Biological Resources - Terrestrial	3.4.2.9.2	Nesting by stilts on Hickam AFB has been added to the discussion of endangered birds in Section 3.4.2.9.2. Hawaiian stilts are low-flying birds and the potential for strikes is not a major concern. All activities would be performed in accordance with both Air Force and Navy Bird/Animal Strike Hazard (BASH) requirements. The BASH programs include ways to minimize impacts on both the birds and planes.
	D-E-0437-26	Biological Resources - Terrestrial	3.4.2.11.1, 4.4.2.11.1.1	Section 3.3.2.11.1 table has been revised as applicable. The text in 3.4.2.11.1 has been clarified to match the depiction of critical habitat shown on the figure. The Navy's compliance has been added to Section 4.4.2.11.1.1.
	D-E-0437-27	Biological Resources - Terrestrial	3.4.2.11.1	The description of the Reservation's intermittent stream and estuary provided in the Makua Military Reservation Implementation Plan has been added to Section 3.4.2.11.1.
	D-E-0437-28	Biological Resources - Terrestrial	4.4.2.12.1, 4.4.2.13.1	Text added to Chapter 4.0 to explain that Navy activities at Kahuku and Dillingham would be performed in accordance with applicable Army/USFWS biological opinions.
	D-E-0437-29	Biological Resources - Marine	3.4.1.6.1	Species have been added as suggested and additional information added as appropriate.
	D-E-0437-30	Biological Resources - Terrestrial	3.6.2.1.2, 4.6.2.2.1, 4.6.2.2.2	Figure 3.6.2.1.2-1 has been revised to include the Pohakuloa Training Area boundary, thus showing where palila ( <i>Loxioides bailleui</i> ) critical habitat is designated within and adjacent to Pohakuloa Training Area. Text added in Chapter 4.0 to explain that Navy activities at Pohakuloa Training Area and Bradshaw Army Airfield would be performed in accordance with applicable Army/USFWS biological opinions.
	D-E-0437-31	Biological Resources - Marine	4.1.2.2.1	Section 4.1.2 has been fully revised.
	D-E-0437-32	Program	4.1.2.2.1	The baseline number of 3,134 hours is provided in the discussion of the No-action Alternative, under Section 4.1.2.2.1.
	D-E-0437-33	Biological Resources - Marine	4.1.2.2.2	Section 4.1.2 has been fully revised. The number of hours of sonar analyzed in Alternative 1 is greater than the number of hours analyzed in the No-action Alternative. The text will be corrected to eliminate the confusion. 'Section 4.1.2 has been fully revised. The number of hours of sonar analyzed in Alternative 1 is greater than the number of hours analyzed in the No-action Alternative. The text will be corrected to eliminate the confusion. In addition, the number of hours of sonar analyzed includes all AN/SQS-53 and AN/SQS-56 surface ship sonar, the AN/AQS-22 helicopter dipping sonar, the AN/SSQ-62 sonobuoy sonar, and the MK-48 torpedo sonar hours, not just those associated with ASW TRACKEX and ASW TORPEX.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Patricia S Port --US Dept of Interior	D-E-0437-34	Program	4.1.2.2.1, 4.1.2.2.3,	The baseline number of 3,134 hours is provided in the discussion of the No-action Alternative, under Section 4.1.2.2.1. The number of 1,590 hours of sonar activity included in the Alternatives 2 and 3 discussion is not inclusive of all sonar activities. The total number is 5,179, which is noted in Section 4.1.2.2.3 (Alternatives 2 or 3).
	D-E-0437-35	Biological Resources - Marine	4.1.2.3	PMRF does not collect data on collisions with sea turtles. A study of green sea turtle strandings in the Hawaiian Archipelago from 1982-2003 showed that boat strikes and shark attacks each accounted for 2.7 percent of the 3,732 green sea turtle strandings. Green turtle strandings attributable to boat strikes were likely from Kauai and Oahu. The most common cause of the strandings was the tumor-forming disease, fibropapillomatosis (28 percent); 49 percent of the strandings could not be attributed to any known cause. (Chaloupka et al, 2004).
	D-E-0437-36	Biological Resources - Marine	4.1.2.3, 4.1.2.3.1	<p>Section 4.1.2.3 includes the potential impacts of sonar on sea turtles and discusses the measured hearing threshold of green turtles and other hard-shell turtles, the appropriateness of extrapolating marine mammal and human hearing data notwithstanding.</p> <p>The following section, 4.1.2.3.1, discusses the impact of underwater detonations on marine mammals and sea turtles and outlines the criteria and thresholds for injury and harassment. Potential injury and mortality is indexed to charge size and distance as well as animal size. For non-injurious harassment (Level B and onset TTS) two criteria are used: 182dB (Energy Flux Density Level) and 23 psi peak pressure level for charge sizes less than 2,000 lbs.</p> <p>The available experimental and observational data on the effects of detonations/explosives on sea turtles is limited, but using these data in conjunction with the modeling done for ship-shock and other Navy projects (which extrapolated effects on sea turtles) provided the best thresholds for effects.</p>
	D-E-0437-37	Hazardous Materials and Waste	3.1.7	In most cases, based on the assumptions presented in the EIS/OEIS, the concentrations of potential marine contaminants would be far below the concentrations that are measurable by laboratory analytical methods. Thus, such concentrations could not be correlated with biological effects. To the extent such information is available from governmental or peer-reviewed technical sources, threshold concentrations for biological effects have been added to Section 3.1.7 of the EIS/OEIS.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Patricia S Port --US Dept of Interior	D-E-0437-38	Biological Resources - Terrestrial	4.2.1.1.1.1	Analysis regarding the use of chemical simulants is found in offshore sections of the EIS/OEIS because simulants are dispersed offshore. Section 4.2.1.1.1.1 has additional information regarding debris as follows: "In a successful intercept, both missiles would be destroyed by the impact. Momentum would carry debris along the respective paths of the two missiles until the debris falls to earth. The debris would consist of a few large pieces, (approximately 110 lb) of each missile, many medium pieces, (approximately 11 lb), and mostly tiny particles. This debris is subject to winds on its descent to the surface. The debris would generally fall into two elliptically-shaped areas. Most debris would fall to earth within 3 to 40 minutes after intercept, but some of the lighter particles may drift, airborne, for as long as 2 to 4 hours before landing."
	D-E-0437-39	Biological Resources - Terrestrial		The Navy has participated in the NMFS debris removal efforts. Ocean debris and non-Navy activities such as fishing and whale-watching pose a real, documented threat to marine mammals in Hawaii. For example, in the 2006-07 humpback whale season, there were 26 reports of whales or dolphins entangled in fishing gear, numerous hooked monk seals and eight collisions between humpbacks and whale-watching vessels (see NMFS Stranding Response Network Newsletter [ <a href="http://www.fpir.noaa.gov/Library/PRD/Marine%20Mammal%20Response/Newsletter%205.pdf">http://www.fpir.noaa.gov/Library/PRD/Marine%20Mammal%20Response/Newsletter%205.pdf</a> ]).
	D-E-0437-40	Biological Resources - Marine	4.3.1.1.1.1, 4.3.1.2.1	Expeditionary Assault or SPECWAROPS amphibious landing exercises on PMRF occur at Majors Bay, which has coral coverage of less than 2 percent. The exercises take place in specific routes in order to minimize to the extent practicable impacts on coral and other sensitive marine life (see Section 4.3.1.1.1.1). As stated in Section 4.3.1.2.1, "Reefs offshore of Niihau are poorly developed and SPECWAROPS on Niihau use existing openings, which will minimize the potential for impacts from Major Exercises.
	D-E-0437-41	Biological Resources - Marine	4.3.1.2.1.2	The text in Section 4.3.1.2.1.2 has been clarified. Buoys deployed by the Navy at Kingfisher Underwater Training Area could act as Fish Aggregating Devices (FADs) that could attract pelagic species such as tuna, mahimahi, wahoo, and numerous shark species and thus also attract fishermen. However, this has not been an issue for the current Kingfisher training area offshore of PMRF.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Patricia S Port --US Dept of Interior	D-E-0437-42	Biological Resources - Marine	4.3.1.3.1, 4.3.2.10.2.1	To summarize Sections 4.3.1.3.1 and 4.3.2.10.2.1, two additional Air-to-Ground GUNEX events per year could occur under Alternatives 1, 2, or 3 at Kaula. Niihau is not used for GUNEX training. Only small caliber weapons are used. Only the southern tip of Kaula (less than 10 percent of the total acreage) is used for Navy activities. There are no known threatened or endangered plant species. Some individual migratory seabirds may be lost to GUNEX training in the designated impact area. Gunnery rounds that may occasionally miss the designated impact area may also result in the loss of some individuals elsewhere on the island. However, current migratory seabird populations appear to be healthy and reproducing normally. Kaula is covered by a sparse grass landscape and earthen/rock outcrops, reportedly underlain by a relatively thin soil layer with highly weathered limestone bedrock. Soil erosion is not an issue for the island. The Navy does not agree that a avian survey is necessary at this time because s are being proposed to the nature of activities at Kaula.
	D-E-0437-43	Biological Resources - Terrestrial		The Navy has considered inspections of inbound flights from the U.S. mainland.
	D-E-0437-44	Biological Resources - Terrestrial	4.3.2.1.3.1	Section 4.3.2.1.3.1 now states that no listed plants have been identified adjacent to the Strategic Target System launch pad. The launch pad is kept clear and the surrounding area contains landscaped vegetation. Additional measures from the PMRF Enhanced Capability EIS are now listed that reduce possible environmental impacts around the launch pad. The installation of a portable blast deflector on the launch pad could protect the vegetation on the adjacent sand dunes. The potential for starting a fire would be further reduced by clearing dry vegetation from around the launch pad. Spraying the vegetation adjacent to the launch pad with water just before launch would reduce the risk of ignition. Emergency fire crews would be available during launches to quickly extinguish any fire and minimize its effects. An open (spray) nozzle will be used, when possible, rather than a directed stream when extinguishing fires, to avoid erosion damage to the sand dunes and to prevent possible destruction of cultural resources.
	D-E-0437-45	Biological Resources - Marine	4.3.2.1.3.1	Text revised in Section 4.3.2.1.3.1 to "...delayed as long as necessary until..."
	D-E-0437-46	Biological Resources - Marine	4.3.1.1.1.1	Amphibious landings, which occur at Majors Bay, are not located within nesting areas. As stated in Section 4.3.1.1.1.1, "Within 1 hour prior to initiation of Expeditionary Assault landing exercises, landing routes and beach areas are surveyed for the presence of sensitive wildlife."

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Patricia S Port --US Dept of Interior	D-E-0437-47	Biological Resources - Terrestrial	4.3.2.1.3.2	The Laysan albatross is being discouraged from nesting at PMRF to prevent interaction between the species and aircraft using the runway. Text has been added to Section 4.3.2.1.3.2 regarding the Navy's albatross egg and chick removal surrogate parenting program. This program is anticipated to continue as long as viable eggs are available at PMRF.
	D-E-0437-48	Biological Resources - Terrestrial	4.3.2.9.2.1	As stated in Section 4.3.2.9.2.1, target drones are currently flown along the west coast of the island away from inhabited areas. The drones do not fly over occupied areas; however, there is the potential for a drone to crash and deposit hazardous waste onto the island. The PMRF Hazardous Material Spill Response Team will be dispatched to the crash site of any mishap to ensure proper removal of all hazardous material/hazardous waste.
	D-E-0437-49	Biological Resources - Terrestrial	4.3.2.1.3.1	This statement has been removed from Section 4.3.2.1.3.1. There is supporting data already in the EIS/OEIS regarding launches of NASA rockets and the effects of noise on the wildlife in the vicinity. AT PMRF, an inspection of the launch area follows each launch.
	D-E-0437-50	Biological Resources - Terrestrial	4.3.2.1.3.1	As stated in Section 4.3.2.1.3.1, monitoring data from PMRF show wildlife would not be affected by aluminum oxide and hydrogen chloride exhaust. Birds will not come into contact with the exhaust plume because of their flight away from the initial launch noise. In addition, because aluminum oxide and hydrogen chloride do not bioaccumulate, no indirect effects on the food chain are anticipated from these rocket exhaust emissions.
	D-E-0437-51	Biological Resources - Terrestrial	3.3.2.1.7	Safety zones and their locations are discussed under Health and Safety and shown in Figure 3.3.2.1.7-1. The launch would be delayed until the animal has left the area. Chapter 6.0 provides standard operating procedures and mitigation measures for sea turtles and monk seals observed in the safety zone prior to a launch.
	D-E-0437-52	Biological Resources - Terrestrial	4.3.2.1.6	impacts on soils and any associated mitigation measures are described in Section 4.3.2.1.6--Hazardous Materials and Waste.
	D-E-0437-53	Biological Resources - Terrestrial	4.3.2.1.3.1	See response to comment D-E-0437-44.
	D-E-0437-54	Biological Resources - Marine	4.3.2.1.3	Information from Section 4.3.2.1.9.2 (Noise) has been added to Section 4.3.2.1.3.2. Other touch and go procedures currently take place at the runway.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Patricia S Port --US Dept of Interior	D-E-0437-55	Biological Resources - Marine	4.3.2.1.3.2	The placement of new equipment to enhance electronic warfare training capability would be collocated on an existing communication tower or other structure. Any new towers would not be sited in or near wetlands, other known bird concentration areas (e.g., state or Federal refuges, staging areas, rookeries), in known migratory or daily movement flyways, or in habitat of threatened or endangered species. The towers proposed for use are not located in Newell's shearwater nesting areas. Any required lighting would be shielded in accordance with existing PMRF policy. PMRF works directly with Save our Shearwaters to minimize effects on the birds from its activities.
	D-E-0437-56	Biological Resources - Terrestrial	4.3.2.1.3.2	The text in question has been deleted.
	D-E-0437-57	Biological Resources - Terrestrial	4.3.2.1.3.2	The Control Building would not be constructed in a wetland. Section 4.3.2.1.3.2 states: "The proposed building site is within the previously disturbed administrative area." An environmental review of the proposed Consolidated Range Operations Complex construction was conducted that determined that the effects of the proposed construction on the environment are minimal and a categorical exclusion (CATEX) for the proposed project was approved on 14 May 2004.
	D-E-0437-58	Biological Resources - Terrestrial	4.3.2.1.3.3	This statement has been removed from Section 4.3.2.1.3.3.
	D-E-0437-59	Biological Resources - Terrestrial	4.3.1.1.1.3	Section 4.3.1.1.1.3-Biological Resources—PMRF Offshore now states: Effects from reentry vehicles and missiles impacting Illeginni have been assessed in several documents including the 1977 EA Missile Impacts, Illeginni Island and the 2004 EA for Minuteman III Modification, which includes the Summary of the 1992 EA for Department of Energy (DOE) Reentry Vehicles, Flight Test Program, U.S. Army Kwajalein Atoll, Republic of the Marshall Islands (Ballistic Missile Defense System Command, 1977; U.S. Department of the Air Force, 2004). Reentry vehicles' impacts on Illeginni most often occur in cleared or maintained areas in the center of the island. Mitigation measures include the use of best management practices developed by USAKA to prevent any unnecessary additional disturbance of bird nesting sites and the least possible disruption of vegetation and habitat in the post-test cleanup process.
	D-E-0437-60	Biological Resources - Terrestrial	4.3.2.2.2.3	As stated in Section 4.3.2.1.3.3, Multiple Strike Group activities would occur mainly offshore and would involve many of the training operations identified under the No-action Alternative. No new lighting, fire potential, noise, electromagnetic radiation/ electromagnetic fields from increased operations, or introduction of non-native species would occur.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Patricia S Port --US Dept of Interior	D-E-0437-61	Biological Resources - Terrestrial	4.3.2.2.2.2, 4.3.2.3.2.2	As stated in 4.3.2.2.2.2 and 4.3.2.3.2.2, SPECWAROPS troops would avoid sensitive biological resources, such as the dwarf iliau, when possible since regular existing routes are used. All participants would continue to be briefed on current guidelines to avoid undue impacts on vegetation.
	D-E-0437-62	Biological Resources - Terrestrial	4.3.2.3.2.2	Text in Section 4.3.2.3.2.2 has been added to clarify the impacts: The installation of the antennas would not require additional lighting or changes to the physical size of the structure. Telemetry, command and control, and optical sensors are passive systems that do not present the same potential for impacts on wildlife as the radar systems such as the THAAD radar used on the HRC, even though they may use a radar or other active sensors for tracking and pointing activities.
	D-E-0437-63	Biological Resources - Marine	4.3.2.3.2.2	The text has been revised. Newell's shearwaters and Hawaiian dark-rumped petrels often fly into utility wires and poles and fall to the ground. KIUC has implemented a number of conservation measures to benefit listed seabird species on Kauai. The cooperative has shielded all streetlights on utility poles along county and state highways to reduce light-attraction impacts. KIUC has also placed power line marker balls in areas of concentrated seabird flight paths. (Kauai Island Utility Cooperative, 2006) These measures could also be used for the proposed installation of additional poles and cable between PMRF and Kokee.
	D-E-0437-64	Biological Resources - Terrestrial	4.3.2.6 and 4.3.2.7	The text has been revised in Section 4.3.2.6 and 4.3.2.7 to include the following: Activities would follow existing procedures used to prevent the introduction of non-native species. All Navy ships calling on Hawaiian ports are advised of important natural resource issues, including precautions regarding whales, in the reply to their request for a berth. Because this anticipates the actual date of arrival by approximately 2 days, the ships are advised of humpback precautions and other possible issues well before they approach Hawaii.
	D-E-0437-65	Biological Resources - Terrestrial	4.3.2.9.1	Text in Section 4.3.2.9.1 has been deleted. However, the presence of listed plants is acknowledged.
	D-E-0437-66	Biological Resources - Marine		Niihau is not used for GUNEX training. Therefore, nearshore environments would not be affected.
	D-E-0437-67	Biological Resources - Marine	4.3.2.10.2.1	Section 4.3.2.10.2.1 now states that seabirds, such as the sooty tern ( <i>Sterna fuscata</i> ), brown noddy, red-footed booby, and masked booby will be reduced on Kaula.
	D-E-0437-68	Biological Resources - Marine	4.4.1.1.1.2, 4.4.1.2.1.1	Text added to Sections 4.4.1.1.1.2 and 4.4.1.2.1.1: "Prior to the sinking of any vessels or deployment of steel frames for Naval Special Warfare exercises, environmental documents would be developed and reviewed as appropriate. The Navy would begin early coordination with regulatory agencies as applicable to reduce environmental impacts and to assist with the development of any required mitigative measures."

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Patricia S Port --US Dept of Interior	D-E-0437-69	Biological Resources - Marine	4.4.1.9.1	The exercises are performed concurrently. To clarify, "concurrent" has been added to the text in Section 4.4.1.9.1.
	D-E-0437-70	Biological Resources - Marine	4.4.2.1.1.1	The text has been revised to: "While individual birds may be startled, the training operations (C2, In-port and Personnel Support Operations, SPECWAROPS, and Salvage Operations) being currently performed are not likely to adversely affect a population of one of the 46 migratory species that occur in the Naval Station Pearl Harbor area and thus should exempt the HRC from the take prohibitions."
	D-E-0437-71	Biological Resources - Marine	4.4.2.3.1.1, 4.4.2.5.1	Additional text has been added. The Waiawa Unit of the Pearl Harbor National Wildlife Refuge, which supports breeding populations of endangered water birds, is across the Loch from the Naval Inactive Ship Maintenance Facility, Pearl Harbor. Mine Neutralization activities could startle these birds, but suspension of the mines at least 10 ft underwater would dampen the potential for airborne noise effects. Lima Landing is approximately 3 mi from the Honouiliuli Unit of the refuge. Mine Neutralization activities could startle these birds, but suspension of the mines at least 10 ft underwater would dampen the potential for airborne noise effects.
	D-E-0437-72	Biological Resources - Marine	4.4.2.4.1.1	The following text has been added: "There is no significance cut-off for noise impacts on wildlife, including birds. While individual foraging or transient birds in the vicinity of the EOD pit may be startled, training is unlikely to adversely affect a population of one of the 46 migratory species that occur in Pearl Harbor vicinity. At 4,000 ft from the EOD pit, the noise levels would be reduced to approximately 94 dB. The EOD Land Range is approximately 3 mi from the Honouiliuli Unit of the refuge, which would result in even lower noise levels at that site."
	D-E-0437-73	Biological Resources - Terrestrial	4.4.2.6.2	Mitigation measures are provided in Chapter 6.0. A statement has been added to Section 4.4.2.6.2 to clarify that Navy activities would be conducted in accordance with all applicable Biological Opinions and U.S. Coast Guard regulations.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Patricia S Port --US Dept of Interior	D-E-0437-74	Biological Resources - Marine	4.4.2.6.2	Text in Section 4.4.2.6.2 has been revised to: "Noise and movement of personnel, vehicles, helicopters, and landing craft may temporarily displace sensitive bird species such as the ae`o (Hawaiian stilt) from feeding and resting areas. However, training operations are generally short in duration and they occur in areas regularly used for such training operations. Air operations are a routine occurrence on the installation. All participants in training operations are to adhere to the Navy guidelines provided in Table 4.4.1.2.1.1-1, along with applicable U.S. Coast Guard procedures, to assist in minimizing impacts on biological resources. While individual birds may be startled, the training events (Air Operations, Aircraft Support Operations, and SPECWAROPS) currently being performed are not likely to adversely affect a population of one of the migratory species that occur in the U.S. Coast Guard Air Station Barbers Point/Kalaheo Airport area and thus should exempt the HRC from the take prohibitions.
	D-E-0437-75	Biological Resources - Marine	4.4.2.9.2.1	The Bird Aircraft Strike Hazard (BASH) Program is at every Air Force base with a runway in order to prevent as many wildlife strikes to aircraft as possible. Habitat and terrain controls include mowing for specific vegetation heights, brush and tree removal, and dewatering and netting small ponds near runways. Navy operations would be performed in accordance with all applicable Air Force Biological Opinions, rules and regulations, including those addressed under the Air Force BASH Program.
	D-E-0437-76	Biological Resources - Terrestrial	4.4.2.11.1	A statement was added to Section 4.4.2.11.1 advising that Navy operations at the site would be performed in accordance with all applicable biological opinions and existing Army regulations.
	D-E-0437-77	Biological Resources - Terrestrial	4.4.2.16	A statement has been added to Section 4.4.2.16 to clarify that telemetry, command and control, and optical sensors are passive systems that do not present the same potential for impacts on wildlife as the radar systems such as the THAAD radar used on the HRC, even though they may use a radar or other active sensors for tracking and pointing activities.
	D-E-0437-78	Biological Resources - Terrestrial	4.4.2.17, 4.4.2.18, 4.4.2.19	See response to comment D-E-0437-77.
	D-E-0437-79	Biological Resources - Marine	4.8	The suggested regulations have been added to Section 4.8.
	D-E-0437-80	Biological Resources - Marine	6.2.1.4, 6.4.11	The Navy has existing standard operating procedures to provide guidance on how to assist injured animals and to report collisions with marine life. Text to that effect has been added to Chapter 6.0.
	D-E-0438-1	Water Resources	2.2.4.4	See response to comment D-E-0412-1.
DJ Colbert	D-E-0438-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
DJ Colbert	D-E-0438-3	Biological Resources - Terrestrial	4.3.1.1.1.1	As clarified in Section 4.3.1.1.1.1--Biological Resources—PMRF Offshore, amphibious landings as part of Expeditionary Assault activities on PMRF would occur only at Majors Bay and are restricted to existing routes. The area used is not typically used by sea turtles or Hawaiian monk seals.
	D-E-0438-4	Policy/NEPA Process		Thank you for your comment.
Andrea Brower	D-E-0439-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace; therefore, there is no proposal to expand. It is true that the proposal includes alternatives that require increases in the frequency of training. The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this document are both reasonable and necessary. The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter. The Navy does take its environmental stewardship role seriously, providing funds, efforts, and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
	D-E-0439-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
	D-E-0439-3	Biological Resources - Terrestrial	4.3.1.1.1.1	See response to comment D-E-0438-3.
	D-E-0439-4	Policy/NEPA Process		Thank you for your comment.
Julie Penny	D-E-0440-1	Alternatives		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. The Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
	D-E-0440-2	Policy/NEPA Process		Thank you for your comment.
Kelley Burg	D-E-0442-1	Biological Resources - Marine		Thank you for your comment.
John P. Shannon	D-E-0443-1	Health and Safety		An evaluation of the adequacy of the Navy's nuclear power management and safety programs is beyond the scope of the Proposed Action. This EIS/OEIS addresses increased levels of personnel training using the current inventory of nuclear-powered ships and land facilities.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
John P. Shannon	D-E-0443-2	Policy/NEPA Process		Thank you for your comment.
Gordon La Bedz --Surfrider Foundation	D-E-0444-1	Biological Resources - Marine	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0062-2.
Alika Parks	D-E-0445-1	Program		Individuals may not follow regulations and controls; however, the Navy does have regulations and controls established to protect the environment. The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
	D-E-0445-2	Hazardous Materials and Waste		Thank you for your comment.
	D-E-0445-3	Biological Resources - Marine		NWHI is experiencing a decline of monk seal population; however, sightings of monk seals have increased in the Main Hawaiian Islands.
	D-E-0445-4	Policy/NEPA Process		Thank you for your comment.
Email MomBurgess	D-E-0446-1	Program		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
Maren Orion	D-E-0447-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace; therefore, there is no proposal to expand.
Linda Harmon	D-E-0448-1	Program		It is true that the proposal includes alternatives that require increases in the frequency of training. The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this document are both reasonable and necessary. The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter.
Ellen Caldwell	D-E-0449-1	Alternatives	4.1.2.4, 4.1.2.4.11.4.1.2.4.11.2	See response to comment D-W-0066-1. Regarding the Bahamas stranding, see Section 4.1.2.4.11.2.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Ellen Caldwell	D-E-0449-2	Program		An alternative that would decrease military training from current levels would not meet the purpose and need of the Proposed Action or support the Navy's ability to meet Federal statutory requirements. In addition, a reduction in training operations could jeopardize the ability of specialty forces, transient units, and Strike Groups using the HRC for training purposes to be ready and qualified for deployment.
Jose Bulatao, Jr. --Kauai Westside Watershed Council	D-E-0450-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
	D-E-0450-2	Biological Resources - Terrestrial	4.3.1.1.1.1	See response to comment D-E-0438-3.
	D-E-0450-3	Water Resources	2.2.4.4	There are currently no plans for chemical lasers. Because the directed energy programs have not been defined, they cannot be fully analyzed in this EIS. As stated in Section 2.2.4.5 of the EIS/OEIS, "Should the Airborne Laser program decide to perform testing at PMRF, separate environmental documentation would be required to analyze potential impacts from training operations."
Kyle Kajihira --American Friends Service Committee	D-E-0451-1	Policy/NEPA Process		Scoping transcripts/records of scoping comments are not a part of the EIS/OEIS but are included in the Administrative Record.
	D-E-0451-2	Program		Thank you for your comment.
	D-E-0451-3	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace, therefore there is no proposal to expand. It is true that the proposal includes increases in the frequency of training.
	D-E-0451-4	Alternatives	2.2.1.1	Thank you for your comment.
	D-E-0451-5	Environmental Justice		Your comments regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense are noted but are beyond the scope of this EIS/OEIS.
	D-E-0451-6	Socioeconomics	3.3.2.1.10, 4.3.2.1.11.2, 4.3.2.1.12.2, 4.3.2.1.12, 4.4.6.1, 4.3.2.1.9.2, 4.4.2.7.42, 4.6.2.1.5.2	The social costs of and impacts on the various resources have been considered in the EIS/OEIS. Social costs incorporate the total of all the costs associated with an economic activity and are borne by the economic agent (in this case the U.S. Navy) and by society at large. Sections 3.3.2.1.10, 4.3.2.1.11.2, 4.3.2.1.12.2, 4.3.2.1.12, 4.4.6.1, 4.3.2.1.9.2, 4.4.2.7.42, and 4.6.2.1.5.2 discuss various socioeconomic factors and impacts.
	D-E-0451-7	Alternatives	4.1.2.4.3	See Section 4.1.2.4.3, which describes the analytical framework and history behind the development of the Navy's compliance efforts.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kyle Kajihira --American Friends Service Committee	D-E-0451-8	Biological Resources - Marine	C.3	The military's responsibility with regard to the Migratory Bird Treaty Act is described in Appendix C, Section C.3 Biological Resources. Military readiness activities are exempt from the take prohibitions of the Migratory Bird Treaty Act, provided they do not result in a significant adverse effect on the population of a migratory bird species. Navy activities in the HRC are not expected to adversely affect populations of a particular bird species.
	D-E-0451-9	Utilities	4.3.2.1.1.1, 5.3.12	As noted in Section 5.3.12, activities proposed within this EIS/OEIS would not significantly increase utility service demand. See response to comment D-E-0456-2 for a quantification of carbon dioxide emissions.
	D-E-0451-10	Cultural Resources	3.1.3, 3.1.2.4.1	The cultural significance of marine species is well documented in numerous documents, many of which can be accessed at local libraries and museums and on various Internet websites. Among these are The Works of the People of Old (Mary Kawena Pukui, 1976); Hawaiian Reflections (Rick Golt, 1978); Feathered Gods and Fishhooks (Patrick Kirch, 1985); An Account of the Polynesian Race (Fornander, 1878); and in several articles by NOAA posted at <a href="http://hawaii.humpbackwhale.noaa.gov">http://hawaii.humpbackwhale.noaa.gov</a> (including "The Cultural Significance of Whales in Hawaii." Laws that protect cultural resources are not directly applicable to animals, including marine mammals; however, they are protected by the Endangered Species Act and the Marine Mammals Protection Act. Any potential effects on marine mammals and associated mitigation measures are discussed within the biological sections (Open Ocean and Offshore areas) of the EIS/OEIS and supported through consultation with Hawaiian agencies and cultural groups.
	D-E-0451-11	Cumulative Impacts	5.4.1-1	A detailed cumulative impact analysis relative to projects listed in Table 5.4.1-1 is provided in Section 5.
	D-E-0451-12	Program	3.1.4, 4.3.1.3, C.5	Section 3.1.4 of the EIS/OEIS describes various types of ordnance to be used during training. Under the Military Munitions Rule (MMR), the munitions expended on a military range need not be cleaned up until the range is formally closed. Under the MMR, land ranges in the HRC would be cleaned up when the military no longer needs them, and decides to close them. Navy activities on other Services' installations will be performed in accordance with all applicable regulations, management plans, and Biological Opinions associated with each installation. Kaula has been used as a target location by U.S. and Allied forces since 1952. At one time the entire island was used for training in air-to-surface and surface-to-surface weapons delivery. Today only the southeastern tip, approximately 8 percent, of the island is used for training.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kyle Kajihiro --American Friends Service Committee	D-E-0451-13	Health and Safety	5	General community health conditions are outside the scope of this EIS/OEIS. Cumulative effects from the proposed action are discussed in Chapter 5.0.
	D-E-0451-14	Water Resources	3.3.2.1.13	USEPA has recommended 24 parts per billion (ppb) as the level of concern for perchlorate. However, as stated in Section 3.3.2.1.13 of the EIS/OEIS, the Navy has adopted 4 ppb. Results from tests at PMRF have shown the perchlorate level to be below 4 ppb.
	D-E-0451-15	Program		The Navy has broadly defined its objectives and offers appropriate alternatives to achieve them. To implement its Congressional mandates, the Navy needs to support and to conduct current and emerging training and RDT&E training events in the HRC and upgrade or modernize range complex capabilities to enhance and sustain Navy training and testing. These objectives are required to provide combat capable forces ready to deploy worldwide in accordance with U.S.C. Title 10, Section 5062. The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The objectives set forth in this document are both reasonable and necessary. Your comments regarding costs and budgetary matters are noted but are outside the scope of this EIS/OEIS.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kyle Kajihiro --American Friends Service Committee	D-E-0451-16	Health and Safety	4.2.1.1.1.1, 4.2.1.1.1.2, 4.3.2.1.7.2	<p>Sections 4.2.1.1.1.1 and 4.2.1.1.1.2 includes analysis of potential impacts on biological resources from the use of chemical simulants. The potential ingestion of toxins, such as the small amount of propellant or simulant remaining in the spent boosters or on pieces of missile debris, by marine mammals or fish species in the offshore area will be remote because of (1) atmospheric dispersion, (2) the diluting and neutralizing effects of seawater, and (3) the relatively small area that could potentially be affected.</p> <p>Section 4.3.2.1.7.2 includes health and safety analysis of the chemical simulants proposed. The top three preferred stimulants would be TBP, glyceryl tributyrates, and propylene glycol. None of proposed simulants are considered hazardous substances or constituents; however, caution would be used when they are handled.</p> <p>The proposed testing of the Advanced Hypersonic Weapon would include launches using the previously analyzed Strategic Target System boosters. However, launches using the two ORION boosters (Orion 50S XLG first stage and Orion 50S XL second stage) have not been analyzed at PMRF. The effects would be similar to previous launches at PMRF and would have minimal impacts.</p> <p>For the proposed high-energy laser, PMRF would develop the necessary standard operating procedures and range safety requirements necessary to provide safe operations associated. Should a high-energy program decide to perform testing at PMRF, separate environmental documentation would be required to analyze potential impacts from training activities.</p>

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kyle Kajihira --American Friends Service Committee	D-E-0451-17	Socioeconomics		<p>Discussions of these types of social issues are outside the scope of the environmental impact analysis process. The scoping issues raised in this comment were reviewed for applicability. Transcripts/ comments from scoping are available in the Administrative Record. Regarding crime, there does not appear to be a correlation between crime and the largest influx of personnel during RIMPAC, which occurs every 2 years. A review of the Honolulu Crime Index for 1996-2005 indicates the following non-statistically tested correlations regarding the influx of military personnel in Oahu during RIMPAC 2000, 2002, and 2004. In 2000, 46,659 crimes were committed, the population of Oahu was 876,156, and the total number of tourists on Oahu was 4,719,244. The total number of military personnel that could have possibly visited Oahu when they were not participating in RIMPAC 2000 was 25,000, or 2.8 percent of the permanent population and 0.5 percent of the annual tourists.</p> <p>In 2002, crime rose on Oahu by approximately 23 percent. The number of military personnel that participated in RIMPAC 2002 was 44 percent less than the 2000 exercise (a total of 11,000), or 1.2 percent of the permanent population.</p> <p>In 2004 crime decreased by 18.6 percent from 2002 and by 0.07 percent from 2000. The population of Oahu was 897,969. The total number of military personnel that could have possibly visited Oahu when they were not participating in RIMPAC 2004 was 17,000 or only 1.9 percent of the permanent population and 0.4 percent of the tourists that visited Oahu during the entire year of 2004.</p>
	D-E-0451-18	Socioeconomics		Your comment regarding housing prices and homelessness is noted but is outside the scope of this EIS/OEIS.
	D-E-0451-19	Socioeconomics		Your comment regarding tensions between the community and the military is noted but is outside the scope of this EIS/OEIS.
	D-E-0451-20	Land Use		The Proposed Action presented in the EIS/OEIS does not require the Navy to acquire additional land, nor alter on-base or off-base land use patterns. All recreational services available to military personnel and civilians will remain at current status during non-hazardous training operations. Additionally, temporary clearance procedures for safety purposes have been employed regularly over time without significant impact on commercial shipping, commercial fishing, or tourist-related activities.
	D-E-0451-21	Utilities	2.2.4.4	None of the proposed activities described within this EIS/OEIS would increase utility service demands. Once final decisions have been made regarding the directed energy program, additional environmental documents would be prepared (see Section 2.2.4.5).



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kyle Kajihira --American Friends Service Committee	D-E-0451-22	Cultural Resources	4.2.2.2, Appendix H.2	See response to comment issues identified for comment D-W-0091-12.
	D-E-0451-23	Cultural Resources		Hawaiian cultural and religious practices will remain unaffected by Proposed Actions. Oral histories, interviews and ethnographic studies are not conducted for routine undertakings; however, they are conducted when complex or special circumstances arise or if there is insufficient information available for analysis. For this EIS, there were existing reports, histories, maps and databases that describe the types of resources known and expected within the area affected by the proposed activities. Sections of the EIS/OEIS are prepared based on this information, which covers prehistoric, historic, traditional and modern usage of the lands. Location-specific information of archaeological and traditional resources sites (e.g., shrines, sacred sites, burials) is protected by several laws. Restricting this information ensures the protection of sensitive areas and prevents inadvertent disturbance.
Diana La Bedz	D-E-0452-1	Policy/NEPA Process		Thank you for your comment.
Keone Kealoha	D-E-0453-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
	D-E-0453-3	Biological Resources - Terrestrial	4.3.1.1.1.1	See response to comment D-E-0438-3.
	D-E-0453-4	Water Resources	2.2.4.4	There are currently no plans for chemical lasers. Because the directed energy programs have not been defined they cannot be fully analyzed in this EIS/OEIS. As stated in Section 2.2.4.5, "Should the Airborne Laser program decide to perform testing at PMRF, separate environmental documentation would be required to analyze potential impacts from training operations."
	D-E-0453-5	Policy/NEPA Process		Thank you for your comment.
Janet Rapoport	D-E-0455-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace; therefore, there is no proposal to expand.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Mehana Blaich Vaughan	D-E-0456-1	Cumulative Impacts	4.3.2.1.6, 4.3.2.1.13, 5.2.1.4	Sections 4.3.2.1.6 and 4.3.2.1.13 provide an analysis of potential hazardous materials and wastes and water quality impacts (respectively) associated with Navy activities at PMRF. The cumulative impact analysis includes a discussion on environmental contamination and biotoxins. However, there is insufficient information available to determine how, or at what levels and in what combinations, environmental contaminants may affect marine mammals or other marine species. Existing Navy activities are analyzed as part of the No -Action Alternative. Based on the cumulative impact analysis, it was determined that implementation of the Proposed Action in conjunction with the cumulative actions listed in Table 5.2-1 would not result in incremental cumulative impacts. GMO crop cultivation is out of the scope of the cumulative analysis.
	D-E-0456-2	Air Quality	4.3.2.1.1.1	Projected increases in carbon dioxide emissions have been quantified at PMRF. Most propellant systems produce carbon dioxide, which is a greenhouse gas. Greenhouse gas emissions in the troposphere and stratosphere are of concern as they contribute to global warming by trapping re-radiated energy in the atmosphere (e.g., water vapor, carbon dioxide, methane, nitrous oxide, ozone, chlorofluorocarbons, hydrofluorocarbons, and perfluorinated carbons). Table 4.3.2.1.1.1-2 shows the total quantity of carbon dioxide emissions ranges from 0 to ½ ton per launch, depending on the missile. The worst case estimated total carbon dioxide emissions from launches into the troposphere for the No-action Alternative would be 36 tons per year (TPY). Alternative 1 emissions of carbon dioxide from launches would be 52 TPY, and Alternatives 2 and 3 emissions of carbon dioxide from launches would be 56 TPY (see Table 2.2.2.3-1 for number of launches per year). In comparison, the total carbon dioxide emissions from all sources in the United States was 5,945 million tons in 2005 (U.S. Office of Energy Statistics, 2005). Although it is not easy to know with precision how long it takes greenhouse gas to leave the atmosphere, missile exhaust emissions per launch are relatively small and short-term. Therefore, carbon dioxide from launches would have an insignificant effect on global warming.
	D-E-0456-3	Cultural Resources	ES1.2.4.3	Biodiversity refers to threatened and endangered species and cultural integrity refers to the condition of the various types of cultural sites, such as archeological or historic sites described in the EIS/OEIS.
	D-E-0456-4	Cultural Resources	4.6.2.1.3	See response to comment D-W-0097-7.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Mehana Blaich Vaughan	D-E-0456-5	Hazardous Materials and Waste	4.1.4, 4.1.7	Sections 4.1.4 and 4.1.7 of the EIS/OEIS describe the expended training and testing materials that would be deposited in the HRC as a result of the proposed activities. Any potential impacts on the bottom sediments and other elements of the ecosystem are also addressed in these sections. The actual dispersal will depend on the exact locations where training and testing events occur.
	D-E-0456-6	Hazardous Materials and Waste	4.1.4, 4.1.7	Standard operating procedures (SOPs) and compliance with the DoD instructions referenced in this comment minimize risks to public safety by insuring that hazardous materials (e.g., ordnance) are stored, handled, and used under controlled conditions by trained individuals, and that non-participants are excluded from potentially hazardous areas. The SOPs and instructions also insure that hazardous wastes are identified, stored, handled, and disposed in an appropriate manner. Sections 4.1.4 and 4.1.7 of the EIS/OEIS describe the expended training and testing materials that would be deposited in the HRC as a result of the proposed activities.
	D-E-0456-7	Socioeconomics	4.1.5.1.1, 8.0	Public notifications are made via Notices to Airmen (NOTAMs) and Notices to Mariners (NOTMARs), which provide information to pilots, ship operators, commercial fisherman, recreational boaters, and other area users that the military will be operating in a specific area, allowing them to plan their activities accordingly (see Section 4.1.5.1.1, and Chapter 8.0). NOTAMs and NOTMARs are available through subscription services, email notifications, or via Internet postings. In order to stay current individuals should subscribe to the local notices or check the online version frequently to see what notices have been posted. Additional information can be found at <a href="http://www.faa.gov/airports_airtraffic/air_traffic/publications/notices/">http://www.faa.gov/airports_airtraffic/air_traffic/publications/notices/</a> and <a href="http://www.navcen.uscg.gov/lnm/">http://www.navcen.uscg.gov/lnm/</a>
	D-E-0456-8	Biological Resources - Marine	4.1.7.1.1, 4.3.1.1.1	Ocean debris and non-Navy activities such as fishing and whale-watching pose a real, documented threat to marine mammals in Hawaii. For example, in the 2006-07 humpback whale season, there were 26 reports of whales or dolphins entangled in fishing gear, numerous hooked monk seals and eight collisions between humpbacks and whale-watching vessels (see NMFS Stranding Response Network Newsletter [ <a href="http://www.fpir.noaa.gov/Library/PRD/Marine%20Mammal%20Response/Newsletter%205.pdf">http://www.fpir.noaa.gov/Library/PRD/Marine%20Mammal%20Response/Newsletter%205.pdf</a> ]). NMFS is working these issues; they can be contacted at the provided web address; and the stranding network is in need of volunteers interested in marine mammal protection. In addition, Sections 4.1.7.1.1 HRC Training Operations and 4.3.1.1.1 Biological Resources - PMRF Offshore (BARSTUR, BSURE, SWTR, Kingfisher) address training debris and the potential for leaching of toxic materials.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Mehana Blaich Vaughan	D-E-0456-9	Hazardous Materials and Waste		The activities proposed in this EIS/OEIS address a need to continue and enhance personnel training, which is unrelated to ongoing, planned, or prospective remediation of historical contamination.
	D-E-0456-10	Biological Resources - Marine		No expansion of the HRC is being proposed. All locations mentioned have been used in the past or are currently being used for Navy training and RDT&E operations. The best available evidence based on prior installation reports supports the claim, such as no mortality or reduction in habitat use by birds within 820 feet of Titan launch complexes and the continued use of PMRF for successful shearwater nesting.
	D-E-0456-11	Cultural Resources	ES, 7	See responses to issues identified in comments D-E-0062-4 and D-E-0451-23. NEPA analysis is an interdisciplinary process that is conducted by individuals with various experience and educational credentials. The list of preparers for this EIS/OEIS is provided in Chapter 7.0.
	D-E-0456-12	Mitigation Measures		There are no mitigation measures because Northwestern Hawaiian Islands would not be affected by the proposed actions and alternatives in the EIS/OEIS. Conditions associated with laws and regulations of the Sanctuary apply. All Navy mitigation in Chapter 6.0 applies to the location as well.
	D-E-0456-13	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	Navy activities near Nihoa and Necker as discussed in the EIS/OEIS are not new, but a continuation of past and current activities. See response to comment D-E-0062-1.
	D-E-0456-14	Cultural Resources		The exact location of iwi cannot always be pre-determined or anticipated. Cultural resources specialists make every effort to identify high sensitivity areas during project planning and closely monitor any ground disturbing projects. When iwi, or any other type of cultural remain is unexpectedly encountered, work stops in the immediate vicinity of the find and the appropriate individuals and organizations are notified (e.g., the Hawaii SHPO, the affected island Burial Council).
	D-E-0456-15	Health and Safety	4.3.2.1.7	Health and safety concerns regarding electromagnetic radiation (EMR) at PMRF are detailed in Section 4.3.2.1.7. EMR health and safety issues described address hazards of EMR to people, fuel, and ordnance (HERP, HERF, and HERO, respectively). The levels of EMR anticipated vary with the type and length training and RDT&E activity. However, prior to the installation of any new radar or modifications to existing radar, PMRF conducts an EMR hazard review that considers hazards of EMR on personnel, fuel, and ordnance. The review provides recommendations for sector blanking (areas off-limits to EMR) and safety systems. Regular radiation hazard surveys occur of the radar and other EMR generating equipment used on PMRF.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Mehana Blaich Vaughan	D-E-0456-16	Biological Resources - Terrestrial		Every effort is made to ensure that marine mammals and sea turtles are not present in applicable activity (missile testing, detonations, etc.) areas prior to operations. Species that can be found in the activity areas include coral, fish, and nonlisted birds.
Dennis Dias	D-E-0457-1	Program		Thank you for your comment.
Gregory I. Goodwin	D-E-0458-1	Alternatives		Thank you for your comment.
Mehana Blaich Vaughan	D-E-0459-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea, or airspace; therefore, there is no proposal to expand. It is true that the proposal includes increases in the frequency of training.
	D-E-0459-2	Cultural Resources	4.2.2.2	See response to comment D-E-0062-4 and D-W-0097-7. Completion of the cleanup of Kahoolawe and Waianae is beyond the scope of this EIS/OEIS.
	D-E-0459-3	Water Resources	2.2.4.4	There are currently no plans for chemical lasers. Because the directed energy programs have not been defined they cannot be fully analyzed in this EIS/OEIS. As stated in Section 2.2.4.5, "Should the Airborne Laser program decide to perform testing at PMRF, separate environmental documentation would be required to analyze potential impacts."
Judy Walker	D-E-0460-1	Policy/NEPA Process		Due to the technical and complex issues surrounding the activities and operations performed in the Hawaiian Range Complex, the document had to address them all in detail, which produced the 1,742 pages. The public comment period was extended 15 days beyond the required 30-day review period for a total review period of 45 days.
	D-E-0460-2	Hazardous Materials and Waste	C.5	Under the Military Munitions Rule (MMR), which is explained in Section C.5 of the EIS/OEIS, the munitions expended on a military range need not be cleaned up until the range is formally closed. Under the MMR, land ranges in the HRC would be cleaned up when the military no longer needs them, and decides to close them. The Navy has no plans to recover training materials expended at sea.
	D-E-0460-3	Biological Resources - Marine		Impacts on wildlife from an increase in frequency and tempo of operations would be similar to those described for the No-action Alternative since the additional training operations would be performed throughout the HRC and not confined to one particular area. It is therefore unlikely that an individual listed species or other wildlife offshore would be repeatedly exposed to noise, debris, EMR, or emissions as a result of increased training operations.
	D-E-0460-4	Biological Resources - Marine	3.0, 4.0	Additional information has been added throughout Chapters 3.0 and 4.0 regarding the Hawaiian monk seal.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Judy Walker	D-E-0460-5	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.1	The HRC EIS/OEIS Proposed Action includes the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS. Guidance provided to users of Pohakuloa Training Area will be followed for proposed training activities there. The Navy recognizes that past practices may have resulted in contamination of certain sites. Congress has created and funded programs to identify sites in need of remediation and has proceed with cleanup as funds are available.
	D-E-0460-6	Hazardous Materials and Waste	3.1.4, C.5	As discussed in Section 3.1.4 of the EIS/OEIS, hazardous wastes generated by current and proposed Navy training and test activities are disposed in accordance with standard Navy policy (OPNAVINST 5090.1). On land facilities, hazardous wastes would be characterized, containerized, accumulated, and shipped to transfer, storage, or disposal (TSD) facilities in accordance with the Federal Resource Conservation and Recovery Act (RCRA). Navy vessels would characterize, containerize, and accumulate used hazardous materials generated aboard ship in an appropriate manner, and then offload them to shore-side hazardous waste accumulation points while in port. From there, the wastes generated at sea would enter the same land-side hazardous wastes management system as described for land ranges. Because Hawaii lacks the disposal facilities for most hazardous wastes, much of this material would be shipped to mainland sites for disposal.
	D-E-0460-7	Miscellaneous	9	Due to the size and number of documents used as references for the EIS/OEIS, they will not be included in an appendix. If a document is available on the internet, the words "URL-available" appear in Chapter 9.0. The public can request that the Navy provide information regarding a reference used. If the document is not labeled "For Official Use Only/Confidential," information will be provided.
	D-E-0460-8	Alternatives		Technical terms must be used to present a precise and accurate discussion for some sections of the EIS/OEIS.
	D-E-0460-9	Alternatives	4.1.2	As presented in Southall et al., 2007, "data gaps severely restrict the derivation of scientifically-based noise exposure criteria." As explained in Section 4.1.2, the changed thresholds and method for acoustic analysis take into account behaviors from wild animals where that data was applicable. In addition in Chapter 6.0, the Navy is proposing research and monitoring to obtain more information about the potential impacts resulting from navy operations.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Judy Walker	D-E-0460-10	Biological Resources - Marine	4.1.2.4.11	Section 4.1.2.4.11 includes specific stranding events that have been linked to potential sonar operations are discussed. Of note, these events represent a small overall number of animals over an 11-year period (approximately 40 animals), and not all worldwide strandings can be linked to naval activity.
	D-E-0460-11	Mitigation Measures		The collection of marine debris by Navy forces engaged in training is outside the scope of this EIS/OEIS. Ocean debris and non-Navy activities such as fishing and whale-watching pose a real, documented threat to marine mammals in Hawaii. For example, in the 2006-07 humpback whale season, there were 26 reports of whales or dolphins entangled in fishing gear, numerous hooked monk seals and eight collisions between humpbacks and whale-watching vessels (see NMFS Stranding Response Network Newsletter [ <a href="http://www.fpir.noaa.gov/Library/PRD/Marine%20Mammal%20Response/Newsletter%205.pdf">http://www.fpir.noaa.gov/Library/PRD/Marine%20Mammal%20Response/Newsletter%205.pdf</a> ]).
	D-E-0460-12	Biological Resources - Marine		There have been no estimates of the density of fish where demolition training has been occurring for decades. Given that the activities are intermittent and short in duration, it is likely that any fish generally inhabiting the area will return when activities that displaced them cease. The areas used for demolition training are shallow water and unlikely to contain marine mammals. The setup time for demolition training using explosive charges is lengthy given the necessity to ensure all safety procedures are accomplished. These safety procedures will likely result in the detection of marine mammals and sea turtles in the area, Navy has applying for harassment authorizations as a result of modeled exposures without consideration of the mitigation measures which should most likely preclude those exposures.
	D-E-0460-13	Biological Resources - Marine	4.1.2.3	While leatherbacks might be functionally and physiologically closer to marine mammals than chelonids they are still sea turtles, though of a distinct and different family. Their migratory, breeding, nesting, and developmental behaviors and anatomical features are closer to their chelonid brethren than marine mammals. As such one could argue either way as to which order or family leatherbacks most resemble. In the absence of empirical data it is difficult to say with certainty that leatherbacks will follow the model of chelonid TTS. However, given the best available information regarding the anatomical differences between marine mammal and leatherback auditory structures and data from hard-shell turtles, extrapolations using the chelonid examples were made.
	D-E-0460-14	Biological Resources - Marine	4.1.2.4.1	The potential for impacts from a torpedo guidance wire are discussed in section 4.1.2.4.1. Entanglement and ingestion of this equipment is considered low.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Judy Walker	D-E-0460-15	Biological Resources - Marine	3.1.2.3, 4.1.2.3	Text has been revised to clarify what was meant and to provide the framework for analysis. All discussions regarding sea turtles can be found in Sections 3.1.2.3 and 4.1.2.3.
	D-E-0460-16	Mitigation Measures	6.2	Section 6.2 --underwater detonations mitigation section --has details regarding clearance procedures. The EIS/OEIS states that 30 minutes is based on a typical dive time of 30 minutes for traveling listed species of concern.
	D-E-0460-17	Biological Resources - Marine	4.1.2.3.1	A turtle would have to be near the point of projectile impact on be in the affected area. Given the density of water and the variable direction and energy loss of projectiles hitting the water, there is no accurate average answer in regard to a specific "area" or "depth."
	D-E-0460-18	Biological Resources - Marine		Section 5.2.1.6 describes current research by NMFS for cetacean work in the wild in the North Pacific.
	D-E-0460-19	Biological Resources - Marine	4.1.2.3.1	As discussed in Section 4.1.2.3.1, pressure effects from underwater detonations are a second criterion for estimating sea turtle threshold.
	D-E-0460-20	Biological Resources - Marine	3.1.2.4.1.3	The critical habitat of Hawaiian monk seals has not changed since 1988; therefore, the NMFS reference document is still relevant. Additional information from National Marine Fisheries Service 2007 Recovery Plan has been added to Chapter 3.0.
	D-E-0460-21	Biological Resources - Marine	4.1.2.4	Green turtles generally do not "crawl" into pukas on the bottom to rest. Resting areas are relatively shallow and more often in proximity to the shore at the edge of the offshore reefs or at the 10 fathom drop off offshore and consist of holes and small caves or openings or shallow depressions in the hard substrate in these waters. Of the large baleen whales found within the HRC none could be classified as bottom feeders. Humpbacks are present only during the winter breeding season and generally do not feed. If observed feeding they concentrate on small schooling fish and crustaceans at or near the surface. Blue, fin, sei and Bryde's whales are generally surface to mid-water feeders on small schooling fish, crustaceans and euphausiids. The closest to a bottom feeding whale might be the sperm whale which is known to dive to great depths to feed on giant squid. Sperm whales have been found entangled in deep water cables, but the reason(s) for the entanglements are not entirely clear. Other small toothed whales such as beaked whales, pilot whales, false killer whales, pygmy and dwarf sperm whales, and Risso's dolphins may feed on different species of fish and squid within the water column, but not likely on sea floor.
	D-E-0460-22	Biological Resources - Marine	4.1.2.4	See response to comment D-E-0460-21.
	D-E-0460-23	Alternatives	4.1.2.4.3, 9.0	All literature used and cited in Section 4.1.2.4.3, as well as the remainder of the EIS/OEIS are included in Chapter 9.0, References.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Judy Walker	D-E-0460-25	Alternatives	4.1.2	Cumulative effects analysis is presented in Chapter 5.0 of the EIS/OEIS. The discussion of the framework for derivation and analysis of acoustic effects is provided in Section 4.1.2 of the EIS/OEIS. The recovery time for TTS in marine mammals is believed to be relatively short (less than an hour), so there is no direct physiological cumulative effects given that sonar training is not static in one location relative to marine mammals and acoustic exposures that may result in TTS. Extrapolation from terrestrial animals is appropriate in terms of general mammalian physiology. The table referenced does not appear in the Final EIS/OEIS, given the change to the risk function.
	D-E-0460-26	Hazardous Materials and Waste	3.1.4, 4.1.4	Chaff is neutrally buoyant, and thus does not float. Aluminum, and possibly other metals depending upon the type of chaff used, would leach from the chaff fibers over time as it degraded. Chaff cartridges dispensed by aircraft generally weigh 6 to 7 ounces, while chaff cartridges fired by surface vessels can weigh up to about 28 pounds. Sections 3.1.4 and 4.1.4 for a discussion of chaff.
	D-E-0460-27	Hazardous Materials and Waste	Appendix K	Appendix K, Missile Launch Safety and Emergency Response, discusses in general terms the potential health and safety hazards associated with missile launch operations and the corresponding procedures that are in place to protect people and assets. The Range Safety System is in place to anticipate mishaps and plan responses ahead of time. These response plans both minimize the potential harm and speed recovery from the mishap.
	D-E-0460-28	Biological Resources - Marine	4.2.1.1.1.1	Yes, text in Section 4.2.1.1.1.1 has been revised to include sea turtles.
	D-E-0460-29	Hazardous Materials and Waste		No used hazardous materials generated aboard ship that would be considered hazardous wastes when offloaded in port would be disposed of at sea during Navy training or testing activities described as elements of the Proposed Action in the EIS/OEIS.
	D-E-0460-30	Hazardous Materials and Waste		No used hazardous materials generated aboard ship that would be considered hazardous wastes when offloaded in port would be disposed of at sea during Navy training or testing activities described as elements of the Proposed Action in the EIS/OEIS.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Judy Walker	D-E-0460-31	Hazardous Materials and Waste	3.14, 3.1.7, 4.1.4, 4.1.7	The sentence cited in the comment actually states, "A sonobuoy's seawater batteries can release copper, silver, lithium, or other metals." These other metals (e.g., lead) are listed in Table 4.1.4.1.1-2. Batteries actively release their constituents during operation, which may last up to 8 hours (as described in the EIS/OEIS), after which trace amounts of their constituents could continue to leach into surrounding seawater for an indefinite period. The battery effluents discussed here are the same as those previously mentioned; all substances having a potential effect on marine organisms are identified. Sonobuoys generally self-scuttle by allowing seawater to flood the device. The types of sonobuoys used for the analysis are those now in the Navy's inventory and in common use; the type of item used is determined by its function, not the training location. San Clemente Island information is used because that is where the Navy's Sonobuoy Quality Assurance testing is done, and detailed information from that program is available. All sonobuoys of a given type are manufactured with the same quantities of constituents. Sections 3.1.4, 3.1.7, 4.1.4, and 4.1.7 of the EIS/OEIS discuss sonobuoys, based on those sonobuoys now in general use by the Navy.
	D-E-0460-32	Biological Resources - Marine	4.2.1.1	Text in Section 4.2.1.1 has been revised to (1) remove "20 species", (2) add discussion of debris size and extent, and (3) add discussion of additional chemical simulants proposed for use. The probability of a marine mammal (offshore of Nihoa) being affected by falling debris is described. "Affecting a marine mammal" in this context means only being struck by debris.
	D-E-0460-33	Biological Resources - Marine	4.2.1.1.1.2	Section 4.2.1.1.1.2 has been revised to add discussion of the additional chemical simulants proposed for use in Alternative 1, 2, or 3. Only TBP will be used in the No-action Alternative.
	D-E-0460-34	Hazardous Materials and Waste	4.1.4	The estimated number of smoke canisters expended in the HRC has been revised in the EIS/OEIS. While the specific number of canisters expended has changed, the overall conclusion - that the rate of discharge and density of such items is insufficient to have an environmental effect - has not changed. (see Section 4.1.4, Table 4.1.4.1.1-1)
	D-E-0460-35	Hazardous Materials and Waste	3.14, 3.1.7, 4.1.4, 4.1.7	Chaff is discussed in Sections 3.1.4, 3.1.7, 4.1.4, and 4.1.7 of the EIS/OEIS. The substances that leach from the chaff fibers are environmentally benign, and chaff concentrations in the water will not be sufficient to affect the digestive systems of vertebrates. Chaff is not comparable to nurdles, in that it is not used in such huge quantities as are nurdles, the fibers are not buoyant as are nurdles, and chaff fibers appear to degrade more quickly than nurdles.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Judy Walker	D-E-0460-36	Hazardous Materials and Waste	3.14, 3.1.7, 4.1.4, 4.1.7	Chaff cartridges dispensed from aircraft generally weigh 6 to 7 ounces, each with approximately 5 million individual chaff fibers, and aircraft can dispense numerous such cartridges. Chaff cartridges fired by vessels can weigh from 10 to 30 pounds, each with up to 100 million individual chaff fibers, and vessels can fire numerous such cartridges. The size and physical characteristics of the individual fibers are similar, so their dispersal in water will be similar. Chaff is discussed in Sections 3.1.4, 3.1.7, 4.1.4, and 4.1.7 of the EIS/OEIS.
	D-E-0460-37	Hazardous Materials and Waste	3.14, 3.1.7, 4.1.4, 4.1.7	See response to comment D-E-0460-36.
	D-E-0460-38	Hazardous Materials and Waste	3.14, 3.1.7, 4.1.4, 4.1.7	Depending upon the altitude at which the chaff is released and weather conditions at the time of release, the area affected will vary, but generally will be so large as to preclude any noticeable effects on turbidity and clarity. Even under worst-case conditions of heavy chaff releases at low altitudes, any surface concentrations of chaff would disperse in a matter of minutes. Chaff is discussed in Sections 3.1.4, 3.1.7, 4.1.4, and 4.1.7 of the EIS/OEIS.
	D-E-0460-39	Hazardous Materials and Waste	3.14, 3.1.7, 4.1.4, 4.1.7	See response to comment D-E-0460-36.
	D-E-0460-40	Hazardous Materials and Waste	4.1.4	Expended training materials are, by definition, those training materials that are generally not recovered because their recovery would be either impractical or hazardous to personnel. The Navy, thus, has no protocols for the recovery of expended materials. Additional information about expended training materials is provided in Section 4.1.4 of the EIS/OEIS.
	D-E-0460-41	Hazardous Materials and Waste	4.1.4, 4.1.4	Sections 4.1.4 and 4.1.7 of the EIS/OEIS contain an expanded discussion of expended training materials, their constituents, and environmental fates and effects. They would be dispersed over the 235,000 square nm of the HRC.
	D-E-0460-42	Hazardous Materials and Waste	8	JATO stands for Jet-Assisted Takeoff. These are bottle rockets, generally weighing from about 70 to about 165 pounds, that can be attached to various types of aerial targets or aircraft to assist their takeoffs. The definition of JATO bottle has been added to the glossary (Chapter 8.0)
	D-E-0460-43	Hazardous Materials and Waste	4.1.4	"Energetic materials" means ordnance. Failure rates for various ordnance items vary widely, and failure rates for the same items vary depending upon the circumstances under which they are used. A failure rate of 5 percent and a low-order detonation rate of 0.02 percent are assumed to be representative, overall, for purposes of analysis. Section 4.1.4 of the EIS/OEIS estimates the amounts of unexploded ordnance (UXO) generated by failures and low-order detonations.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Judy Walker	D-E-0460-44	Hazardous Materials and Waste	C.5	No requirement exists for the removal of unexploded ordnance (UXO) from an active range. UXO on land ranges may be periodically removed or destroyed in place during sweeps by explosive ordnance disposal (EOD) personnel as part of their training, but the frequency and scope of these operations vary from range to range. UXO expended on sea ranges is generally not recovered. The Navy's approach to UXO includes minimizing the risk to its personnel from UXO, restricting access to active ranges to the extent possible, training range users in UXO avoidance, and deferring the general cleanup of UXO until the range is closed (see Appendix C.5)
	D-E-0460-45	Hazardous Materials and Waste	4.1.4, 4.1.7	Deposition and decomposition of expended training materials, and their effects on human health and the environment, are addressed in Section 4.1.4 and 4.1.7 of the EIS/OEIS. These discussions include qualitative discussions about the fate of expended training materials, potential for releases of toxic substances, and anticipated effects on benthic organisms. More-specific information is unavailable because little research in this area has been accomplished. As noted in other responses, the Navy may train in any portion of the HRC, so no specific sub-areas can be identified as more likely than others to be affected by deposits of expended training materials.
	D-E-0460-46	Hazardous Materials and Waste	4.1.4	The 0.85 lb per item is the estimated amount of residue, not the initial weight of the item. The amount of residue will vary, based on the size and type of flare or smoke canister, which will vary from one activity to another, and may change in the future if new versions of these training items are introduced. The average of 0.85 lb per item used in the EIS/OEIS is deemed, based on available data, to be reasonably representative of the actual amounts of debris for purposes of environmental impact analysis (see Section 4.1.4.)
	D-E-0460-47	Hazardous Materials and Waste	4.1.4	The numbers in Table 4.1.4.1.1-1 and the paragraph titled "Pyrotechnic Residues" have been revised for the EIS/OEIS.
	D-E-0460-48	Hazardous Materials and Waste	4.1.4	The Navy intends to fully use the available 235,000 square nm of the HRC, although both areas and activities would vary. In fact, a vital component of advanced training is "free play" in which commanders are encouraged to improvise and their actions, while conforming to standard Navy protocols and procedures, are thus unpredictable. For purposes of analysis only, the EIS/OEIS assumes that >99 percent of the training materials expended at sea would be deposited over no more than 20 percent of the range, or about 47,000 square nm. Additional text has been added to Section 4.1.4 of the EIS/OEIS.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Judy Walker	D-E-0460-49	Hazardous Materials and Waste	4.1.4	The exact numbers of flares that would be expended in each portion of the range are not known at this time, because decisions about future training locations, schedules, and durations will be made at that time. Furthermore, the deposition pattern of pyrotechnic residues generated in the air will depend upon their initial altitude and the wind speeds and directions at that time. The numbers of flares estimated in the EIS/OEIS for purposes of evaluating their likely impact on human health and the environment are an annual average; actual numbers may vary. The EIS/OEIS provides estimates of the density of training materials expended at sea that are based on an assumption that >99 percent of the materials would be deposited on no more than 20 percent of the range area, yielding a conservative scenario for purposes of identifying the potentially significant effects of these materials.
	D-E-0460-50	Hazardous Materials and Waste	Appendix C.5	RCRA's generic criteria for characterizing hazardous wastes include the characteristics of reactivity, ignitability, corrosivity, and toxicity.
	D-E-0460-51	Hazardous Materials and Waste	Appendix C.5	Some unexploded ordnance (UXO) would meet the criteria for RCRA reactivity and some of the components and residues of expended training materials would meet the criteria for toxicity, assuming that these materials were subject to RCRA. Some materials that did not meet the RCRA criteria for reactivity, such as unburned propellants, may meet the criteria for ignitability. The applicability of RCRA to these materials does not rest on their hazardous characteristics, however, but is prescribed by other laws, regulations, and policies (see Appendix C.5).
	D-E-0460-52	Biological Resources - Marine	4.1.2.3	To summarize Section 4.1.2.3, the intensity of sound and how turtles sense it is dependent on them being able to "hear" at that frequency. Turtles do not hear mid-frequency sounds, so the intensity is irrelevant.
	D-E-0460-53	Biological Resources - Marine	4.1.2.3	The most complete information on distribution is for Hawaiian green turtles and hawksbills that breed, nest and forage in the Hawaiian Archipelago. Distribution data for the other species of sea turtles found within the HRC come mostly from tagging studies conducted on the west coast of the United States and Mexico and from tagged and released loggerheads taken in the Hawaii-based longline fishery. Migration routes and distribution for loggerheads, olive ridleys, and leatherbacks are described in Chapter 3.0. The distribution, behavior, and status of the five sea turtle species discussed in the EIS/OEIS is covered in Chapter 3.0 in some detail. The life history stages of each species found within the HRC are also described. Any differential impacts on specific age classes and behaviors from training operations will be determined in consultation with NMFS.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Judy Walker	D-E-0460-54	Biological Resources - Marine	4.1.2.3	Monitoring for sea turtles and marine mammals from ships is covered in the mitigation section of the EIS/OEIS and in the Long-term Monitoring Plan that Navy will prepare per a NMFS permit. The percentage of time spent at the surface by sea turtles depends on many factors. Among these are the behaviors that affect diving and swimming such as foraging, transiting, resting (logging), and migration. These times are also affected by age class, species and gender. It would be extremely difficult to make a general statement about a sight ability index for any sea turtle species, except perhaps loggerheads taken and released with satellite tags in the Hawaii-based longline fishery.
	D-E-0460-55	Biological Resources - Marine	3.2.1.1.1	The following text has been added to Section 3.2.1.1.1: No age data are available for coral communities off Nihoa; however, marine surveys indicate that the rocky bottoms around Nihoa are scoured by powerful surf and has limited coral growth, suggesting that coral communities are composed of relatively young colonies. High-wave energy coral communities appear to be most common and are dominated by cauliflower coral ( <i>Pocillopora</i> spp.) and lobe coral ( <i>Porites</i> spp.).
	D-E-0460-56	Biological Resources - Marine	4.2.1.1.1.1	The text in Section 4.2.1.1.1.1 has been revised to read: No estimate of the actual area impacted was calculated since the likelihood of impacts on submerged coral reef habitat at Nihoa is anticipated to be low. A debris analysis to identify weight and toxicity of the debris that could potentially impact Nihoa was performed by the Terminal High Altitude Area Defense (THAAD) (one of the missiles with a trajectory that could potentially result in debris offshore of Nihoa) Project Office. Low-force debris (under 0.5 foot-pound) is not expected to severely harm threatened, endangered, or other marine species occurring in offshore waters. Quantities of falling debris (e.g., solid rocket propellant) will be low and widely scattered so as not to present a toxicity issue. The potential exists for debris greater than 0.5 foot-pound to impact the offshore waters of Nihoa. Since most of the 20 species of coral present only survive at depths less than 40 feet, coral cover is not greater than 25 percent, the debris will be widely scattered, and the velocity will be slowed following impact at the water's surface, the likelihood of impacts on submerged coral reef habitat associated with Nihoa will be low.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Judy Walker	D-E-0460-57	Biological Resources - Marine		<p>Criteria for assessing potential impacts on marine biological resources, including coral communities were based on the following: (1) Loss of habitat (destruction, degradation, denial, competition); (2) Over-harvesting or excessive take (accidental or intentional death, injury); (3) Increases in exposure or susceptibility to disease and predation; (4) Decrease in breeding success. Collision with ordnance, debris, or vessels; release of contaminants from munitions constituents or range debris; sound; or human contact could potentially cause impacts. Impacts were considered substantial if they have the potential to result in reduction of population size of Federally listed threatened or endangered species, degradation of biologically important unique habitat, or reduction in capacity of a habitat to support species. If impacts are anticipated, consultation with resources agencies would occur to either minimize or remove such impacts.</p> <p>Existing conditions were determined from an extensive search and review of the literature, including peer-reviewed, technical reports produced by resource agencies, academics, and gray literature. The most current benthic habitat maps and data were provided by the NOAA, prepared by the National Ocean Service, Biogeography Program, in cooperation with Analytical Laboratories of Hawaii (2002).</p>
	D-E-0460-58	Biological Resources - Marine	4.1.2.4.1	The potential for impacts from torpedo guidance wire, launch accessories, flex hoses, and sonobuoys parachutes are discussed in section 4.1.2.4.1. Entanglement and ingestion of these equipment is considered low.
Gordana Leonard	D-E-0461-1	Program		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. The Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
Barbara Saiki	D-E-0462-1	Program		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter.
Michael Jasny --National Resources Defense Council	D-E-0463-2	Biological Resources - Marine	4.1.2.4, 4.1.2.9	Available literature, including those cited throughout Section 4.1.2, have been reviewed by NMFS and the Navy in the development of the behavioral impact criteria. Having reviewed and considered the available literature, the weight of the evidence has led Navy and NMFS scientists to determine appropriate thresholds.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jasny --National Resources Defense Council	D-E-0463-3	Cumulative Impacts	4.0, 5.0	The EIS/OEIS includes an analysis of potential impacts of the HRC (Chapter 4.0) as well as a comprehensive analysis of reasonable alternatives. Chapter 2.0 provides a description of alternatives considered and Chapter 4.0 provides an impact analysis by resource area for each of the alternatives carried forward. Cumulative impacts are addressed in detail in Chapter 5.0 of the EIS/OEIS.
	D-E-0463-4	Biological Resources - Marine	4.1.2.4.10, 4.1.2.4.11.1	The Navy believes that years of site fidelity by individual beaked whales in areas where sonar has operated for years is an indicator that beaked whales in Hawaii are not comparable to resident beaked whales in locations on the other side of the planet. In fact, implicit in the statements, that resident populations have been identified in the Hawaiian Islands and that there is a genetic segregation between some marine mammals of Hawaiian Islands and the rest of the Pacific Stock, is an acknowledgment that the animals of the Hawaiian Islands have coexisted with sonar operations without long term detriment to populations. Findings by Baird and McSweeney are contrary to speculation that large numbers of marine mammals die or abandon sites due to sonar but are not observed, potentially resulting in population level impacts. Residency demonstrates that the animals are remaining in the area despite sonar exercises.
	D-E-0463-5	Mitigation Measures		Visual monitoring is critical for ship safety, irrespective mitigation. Navy lookouts and bridge personnel (5 in total on surface ships) are highly qualified and experienced marine observers. Compared to commercial vessels, Navy ships' bridges are positioned forward to allow more optimal scanning of the ocean area from the bridge and bow area. Navy lookouts undergo extensive training to include on-the job instruction under supervision of an experienced lookout followed by completion of Personnel Qualification Standard Program. NMFS-approved Marine Species Awareness training is required before every USWEX exercise using MFA sonar. Navy lookouts use both hand held and "Big Eye" (20X110) binoculars. Aerial platforms also undertake visual monitoring prior to commencement of ASW operations. Passive acoustic systems are used by all platforms to monitor for marine mammal vocalizations, which are then reported to the appropriate watch station for dissemination. Navy ships also monitor their surroundings using all appropriate sensors at night and with night vision goggles as appropriate for activities conducted at night.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jasny --National Resources Defense Council	D-E-0463-6	Mitigation Measures		<p>The US Navy is best suited to determine what mitigation it can effectively use during its training and testing activities to mitigate harm to marine mammals while still being able to meet its operational needs to train for the real-world conditions it may face.</p> <p>A thorough understanding of tactical sonar acoustic propagation characteristics, marine mammal physiology and population ecology, and oceanographic vagaries in the waters of the Hawaiian Islands Operating area has been a benchmark of the Navy's effective mitigation program. Refer to the discussion of the ASW history/how Navy operates with sonar in the EIS.</p>
	D-E-0463-7	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0066-1.
	D-E-0463-8	Alternatives	2.2, 6.1	<p>As noted in Section 2.2, alternative locations for training and RDT&amp;E activities were considered. The alternatives carried forward were selected based on their ability to meet the following criteria: (a) use existing Navy ranges and facilities in and around Hawaii; (b) be consistent with the stated current and emerging requirements for the range complex; (c) achieve training tempo requirements based on Fleet deployment schedules; (d) meet the requirements of DoD Directive 3200.15, Sustainment of Ranges and Operating Areas; (e) implement new operational training requirements and RDT&amp;E operations; and (f) support realistic training that replicates expected operating environments for naval forces.</p> <p>In addition, Section 6.1 presents the Navy's mitigation measures, outlines steps that would be implemented to protect marine mammals and Federally listed species during HRC training events. This section also presents a discussion of other measures that have been considered and rejected because they are either: (a) not feasible; (b) present a safety concern; (c) provide no known or ambiguous protective benefit; or (d) have an unacceptable impact on training fidelity.</p>
	D-E-0463-9	Policy/NEPA Process		Thank you for your comment.
	D-E-0463-10	Mitigation Measures		See response to comment D-E-0463-6

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jasny --National Resources Defense Council	D-E-0463-11	Alternatives		The model is new (January 2007) and will eventually be subject to independent peer review for conferences or journal submissions. The EIS/OEIS provides all source levels, frequency ranges, duty cycles, and other technical parameters relevant to determining potential impact on marine life unless this information was classified. Based on the information provided in the EIS/OEIS, others with the required technical expertise can use the existing information to calculate similar results. The CASS/GRAB program is export controlled and not available for public release, however, approximate results can be obtained using other mathematical models commonly available to those with the technical expertise to utilize those tools.
	D-E-0463-12	Alternatives	4.1.2.4.11	The Hanalei Bay "stranding" is discussed in Section 4.1.2.4.11. Investigations of Hanalei Bay concluded that it was not known what caused the pod to enter the bay. The report indicated that sonar "may have contributed to a 'confluence of events', including human presence (notably the uncontrolled and random human interactions fragmenting the pods of whales on 3 July) and/or other unknown biological or physical factors.' The full moon could have been a contributing factor in terms of bringing the animals closer to the shore. Many assumptions and qualifications went into the findings documented in the Hanalei Bay report. Dr. Southall has indicated since the report was written that he is aware of a separate event involving melon-headed whales and rough-toothed dolphins that took place over the same period of time off Rota in the Northern Marianas Islands, which is several thousand miles from Hawaii. No known active sonar transmissions occurred in the vicinity of that event. NOAA's original report on the Hanalei Bay event was issued before it knew of the events near Rota." Therefore, coupled with extensive marine mammal awareness training, regulatory reporting and coordination requirements, and investments in scientific, peer-reviewed data, the Navy has safely operated MFA systems in Hawaiian Islands waters in conjunction with major range events for decades.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jasny --National Resources Defense Council	D-E-0463-13	Alternatives	2.2.1.1	<p>During scoping, the alternative to reduce the level of training operations in the HRC was suggested. As stated in Section 2.2.1.1 of the EIS/OEIS, an alternative that would decrease military training from current levels would not meet the purpose and need of the Proposed Action. A reduction in levels of training within the HRC would not support the Navy's ability to meet United States Code (U.S.C.) Title 10 requirements. In addition, a reduction in training operations could jeopardize the ability of specialty forces, transient units, and Strike Groups using the HRC for training purposes to be ready and qualified for deployment.</p> <p>The Navy has broadly defined its objectives and offers appropriate alternatives to achieve them. To implement its Congressional mandates, the Navy needs to support and to conduct current and emerging training and RDT&amp;E training events in the HRC and upgrade or modernize range complex capabilities to enhance and sustain Navy training and testing. These objectives are required to provide combat capable forces ready to deploy worldwide in accordance with U.S.C. Title 10, Section 5062. The Assistant Secretary of the Navy (Installations &amp; Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this document are both reasonable and necessary.</p> <p>In regard to studied alternatives, the No-action Alternative consists of the current baseline of operations at the HRC, including over 9,300 training and RDT&amp;E operations being conducted in the HRC annually. This Alternative appropriately uses current activities as the no-action status quo. CEQ regulations allow the status quo to properly be the No-action Alternative. The "No-action" alternative may be thought of in terms of continuing with the present course of action until that action is changed. In requiring consideration of a No-action Alternative, the CEQ intended that agencies compare the potential impacts of the proposed major Federal action to the known impacts of maintaining the status quo. The Navy has done just that in the EIS/OEIS.</p>
	D-E-0463-14	Policy/NEPA Process		The EIS/OEIS is prepared by the Department of the Navy in compliance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality, the Department of the Navy procedures for implementing NEPA, and Executive Order 12114.
	D-E-0463-15	Alternatives		See response to comment D-E-0463-13.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jasny --National Resources Defense Council	D-E-0463-16	Program		The Navy in Hawaii complies with all applicable environmental laws, including NEPA and its requirements. The Navy has broadly defined its objectives and offers appropriate alternatives to achieve them. To implement its Congressional mandates, the Navy needs to support and to conduct current and emerging training and RDT&E training events in the HRC and upgrade or modernize range complex capabilities to enhance and sustain Navy training and testing. These objectives are required to provide combat capable forces ready to deploy worldwide in accordance with U.S.C. Title 10, Section 5062. The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this document are both reasonable and necessary. In regard to statement of purpose, studied alternatives, and studied parameters, the Navy is in full compliance with NEPA.
	D-E-0463-17	Biological Resources - Marine	4.1.2	The Navy disagrees and notes that, for example, Section 4.1.2 in the EIS/OEIS includes relevant information even though it may be seen as being adverse to the Navy's interests. This includes discussions of all strandings alleged to have been associated with the use of sonar.
	D-E-0463-18	Alternatives		The Navy respectfully disagrees.
	D-E-0463-19	Alternatives	4.1.2	The explanation for the derivation of the thresholds and the use of the specific data sets is explicit in Section 4.1.2. While there are many limitations on these data sets (as detailed), there remain no other more representative or rigorous data from which to derive alternative thresholds. The thresholds and criteria were developed in cooperation with NMFS and as more data becomes available, the methodology and thresholds will be revised as warranted.
	D-E-0463-20	Alternatives	4.1.2	The EIS/OEIS contains a revised methodology provided by NMFS for the Navy, presented to the public in the Supplement to the Draft EIS/OEIS, and incorporated into the revised discussion in Section 4.1.2. Affects of multiple pings are considered under the energy metric (EFD) criteria beginning with TTS, which is the first measurable physiological effect presently known. A new risk function is used in the present analysis has behavioral response curve with a lower mean (165 dB SPL) than the previously proposed 173 dB SPL.
	D-E-0463-21	Biological Resources - Marine	4.1.2	The marine mammal acoustical analysis is based on the use of the best available and applicable science (see Section 4.1.2) as it applies to mid-frequency and high-frequency sources used during training in Hawaii. The thresholds used in this analysis were developed in cooperation with NMFS, who serves as the regulator for these resources.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jasny --National Resources Defense Council	D-E-0463-22	Alternatives	4.1.2.4.10, 4.1.2.4.11.2	For the Hawaii context, there are beaked whales with long-term residency in locations where the Navy has been training with sonar for decades, including the range at PMRF and the Alenuihaha Channel. An in-depth discussion is presented in Section 4.1.2.4.10 including a discussion of beaked whales in relation to Navy sonar events. In Hawaii, there have been no known beaked whales strandings associated with the use of mid-frequency active sonar. While the absence of evidence does not prove there have been no effects on beaked whales, 30 years of history with no evidence of any impacts or strandings would seem to indicate that problems encountered in locations far from Hawaii involving beaked whales are location and context specific and do not apply in Hawaiian waters. In addition, see Section 4.1.2.4.11.2 regarding an analysis of stranding events.
	D-E-0463-23	Alternatives	4.1.2.4.10, 4.1.2.4.11.2	Section 4.1.2.4.10 includes a discussion of beaked whales in relation to Navy sonar events. In addition, see Section 4.1.2.4.11.2 regarding an analysis of stranding events.
	D-E-0463-24	Alternatives	4.1.2	The EIS/OEIS contains a revised methodology provided by NMFS for the Navy, presented to the public in the Supplement to the Draft EIS/OEIS, and incorporated into the revised discussion in Section 4.1.2. The Navy and NMFS disagree that the methods for analysis are not accepted within the field, given that the thresholds and criteria were established in cooperation with NMFS and leading scientists. Data from the Haro Strait incident were incorporated into the current risk function. The effects of surface ducting were incorporated into the modeling given that average conditions (including the occasional presence of a surface duct) were taken into account. As discussed in Section 4.1.2.4.11, Navy believes that evidence not considered previously involving the Hanalei "stranding" of July 2004 indicates that the full moon could have been a contributing factor in terms of bringing the animals closer to the shore. The Navy's modeling analyzes the systems that are most likely to affect marine mammals.
	D-E-0463-25	Biological Resources - Marine	4.1.2	There are no data in regards to increased stress on marine mammals as a result of sonar. A discussion of potential effects of stress are presented in Section 4.1.2 and Chapter 5 in sections discussing whale watching, which has been shown to have effects. In general, studies on high levels of continuous noise effects on terrestrial species cannot be correlated with marine mammal species in the ocean exposed to intermittent and temporary exposure to relatively low sound pressure levels.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jasny --National Resources Defense Council	D-E-0463-26	Biological Resources - Marine	4.1.2	Ship strikes are discussed in Section 4.1.2 and Chapter 5. Results of the research by Nowacek et al (2004) where right whales reacted to an "alert stimuli", used a sound source that has almost no correlation to MFA sonar. The result of that study were, however, used to develop the risk function from which the quantification of predicted exposures was derived.
	D-E-0463-27	Hazardous Materials and Waste	3.0, 5.0	Past expenditures are part of the baseline environmental conditions described in Chapter 3.0 of the EIS/OEIS. The EIS/OEIS evaluates the proposed future expenditure and environmental fate of a variety of training materials. Both qualitative and quantitative assessments of these expenditures conclude that their effects on water quality and bottom sediments, and on the biota that inhabit these environments, would be negligible. A cumulative impact is the sum of the Proposed Action's effects and the effects of other projects. Thus, while the combined ocean discharges of wastewater treatment plants, urban runoff, marine vessels, and other sources may result in unhealthful concentrations of marine pollutants, the Navy's expended training materials would not contribute to that impact. The EIS/OEIS addresses this issue accordingly.
	D-E-0463-28	Policy/NEPA Process	5	Assessment of indirect effects of the Proposed Action is provided in Chapter 5.0 of the EIS/OEIS. There are no quantified indirect effects identified. In addition, as described in this analysis, the training activities being analyzed have been occurring in Hawaiian waters using the same equipment for many decades. It is not, therefore, reasonably foreseeable that there are significant long-term effects from the continuation of training by the Navy.
	D-E-0463-29	Biological Resources - Marine	4.1.2.2	The EIS/OEIS includes new findings by Popper et al.(2007) who exposed rainbow trout, a fish sensitive to low frequencies, to high-intensity low-frequency sonar (215 dB re 1 µPa <sup>2</sup> 170-320 Hz) with receive level for two experimental groups estimated at 193 dB for 324 or 648 seconds. Fish exhibited a slight behavioral reaction, and one group exhibited a 20-dB auditory threshold shift at one frequency. No direct mortality, morphological changes, or physical trauma was noted as a result of these exposures. While low-frequency sonar is not included in the Proposed Action, these results of low-frequency sonar effects on low-frequency sensitive rainbow trout are encouraging in that similar results may be found with mid-frequency active sonar use when applied to mid-frequency sensitive fish.
	D-E-0463-30	Socioeconomics	4.1.2.2	Reduced catch rates and any associated economic effects are not anticipated. The potential effects on fish from sonar will be negligible as most fish hear below the range of mid-frequency active sonar. Although some fishes may detect sonar, they will likely not respond to it, and it will not affect their hearing. A discussion of sonar and its effects on fishes is found in Section 4.1.2.2.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jasny --National Resources Defense Council	D-E-0463-31	Biological Resources - Marine	5	Each of these activities is now described in detail in Chapter 5.0.
	D-E-0463-32	Socioeconomics	3.3.2.10.5	The Navy does consider its activities alongside those of other activities in the region. As an example, near Kaula the Navy opens the Surface Danger Zone for fishing on weekends and holidays in accordance with 33 CFR § 165.1406. The Commander Fleet Air Hawaii, as the controlling and scheduling agency for the military use of Kaula, is responsible for notifying the State of Hawaii Department of Land and Natural Resources, Division of Fish and Game, State of Hawaii, and Commander Fourteenth Coast Guard District, in writing, of the period of time the Surface Danger Zone will be opened for fishing. These agencies then make official notifications to the public (see Section 3.3.2.10.5).
	D-E-0463-33	Cumulative Impacts	5.2.1.3	Section 5.2.1.3 provides additional detail on potential cumulative impacts on marine mammals as it relates to anthropogenic oceanic noise.
	D-E-0463-34	Cumulative Impacts		The Navy is required to assess impacts based on the resources as defined by NMFS, who serves as the regulator for these resources (marine mammals). Research indicating genetic distinctions between possible sub-populations of marine mammals currently considered one stock by NMFS has been discussed during preliminary consultations with NMFS over this EIS/OEIS. The Navy believes that years of site fidelity by individual beaked whales in areas where sonar has operated for years is an indicator that beaked whales in Hawaii are not comparable to resident beaked whales in locations on the other side of the planet. In fact, implicit in the statements, that resident populations have been identified in the Hawaiian Islands and that there is a genetic segregation between some marine mammals of Hawaiian Islands and the rest of the Pacific Stock, is an acknowledgment that the animals of the Hawaiian Islands have coexisted with sonar operations without long term detriment to populations. Findings by Baird and McSweeney are contrary to speculation that large numbers of marine mammals die or abandon sites due to sonar but are not observed, potentially resulting in population level impacts. Residency demonstrates that the animals are remaining in the area despite sonar exercises.
	D-E-0463-35	Alternatives	2.2.1.1	The EIS/OEIS baseline (No-action Alternative) is evaluated for potential impacts just like Alternatives 1, 2 and 3. An alternative that would decrease military training from current levels would not meet the purpose and need of the Proposed Action. A reduction in levels of training within the HRC would not support the Navy's ability to meet Federal statutory requirements. In addition, a reduction in training could jeopardize the ability of specialty forces, transient units and Strike Groups using the HRC for training purposes to be ready and qualified for deployment. Also see response to comment D-E-0463-13.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jasny --National Resources Defense Council	D-E-0463-36	Alternatives	2.2.1.3	As stated in Section 2.1.1.3 of the EIS/OEIS, computer simulators and other types of simulation training tools are already used extensively in the Navy's training programs. Computer technologies provide excellent tools for implementing a successful, integrated training program while reducing the risk and expense typically associated with training at sea. Simulators may also assist in developing an understanding of basic skills and equipment operation, but cannot offer a complete picture of the detailed and instantaneous interaction within each command and among the many commands and warfare communities that actual training at sea provides. Simulated training does not fully develop the skills and capabilities necessary to attain appropriate military readiness. Conducting all naval training by simulation was deemed inadequate in the EIS/OEIS since it fails to meet the purpose and need of the Proposed Action.
	D-E-0463-37	Mitigation Measures		Each nation has its own training needs based on that nation's forces, capabilities and missions. For the U.S. Navy, the ability to conduct ASW in the littorals is critically necessary in order to fight the diesel submarine threat.
	D-E-0463-38	Alternatives	2.2.1.1	Consideration of alternative geographic siting does not support the Navy's purpose and need and is not required within the choice of alternatives. Consideration of alternative locations for training conducted in the HRC was rejected from further analysis because it does not meet the purpose and need of the Proposed Action. In accordance with the At Sea Policy and the Tactical Training Theater Assessment and Planning Program, the Navy is conducting range-by-range NEPA and Executive Order (EO) 12114 analyses. Naval ranges will be analyzed separately on a case-by-case basis for potential environmental impacts arising from requirements to sustain capabilities at each site. The HRC provides the geography, infrastructure, space, and location necessary to accomplish naval training. The large area available to deploy forces within HRC allows a CSG/ESG to train using a geographic scope that replicates possible real world events, with the channels between islands serving as strategic choke-points to ocean commerce. The presence of the instrumented tracking ranges at PMRF as well as DoD-controlled warning areas and special use airspace also enable submarine warfare training to proceed in a safe and structured manner while retaining the flexibility for controllers to interject tactical challenges to enhance realism for exercise participants.
	D-E-0463-39	Mitigation Measures		Each nation has its own training needs based on that nation's forces, capabilities and missions. For the U.S. Navy, the ability to conduct ASW in the littorals is critically necessary in order to fight the diesel submarine threat.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jasny --National Resources Defense Council	D-E-0463-40	Mitigation Measures	4.1.2	The Navy's mitigation scheme is more than just visual monitoring. Aerials and sonar power-down protocols are used as well. Section 4.1.2.4.12 and 'Chapter 6.0, Mitigation Measures, presents the U.S. Navy's protective measures, outlining steps that would be implemented to protect marine mammals and Federally listed species during training events. Navy does not expect that 100% of the animals present in the vicinity of training events will be detected and the acoustic impact modeling quantification is not reduced as a result of mitigation effectiveness. In addition, the probability of trackline detection is for visual observers during a survey. In general, there will be more ships, more observers present on Navy ships, and additional aerial assets all engaged in exercise events having the potential to detect marine mammals, than is present on a single, generally smaller (having a lower height of eye), survey ship from which the 1 in 50 figure is derived
	D-E-0463-41	Mitigation Measures		See response to comment D-W-0111-8
	D-E-0463-42	Mitigation Measures		The 28 mitigation measures are covered in other NRDC comments.
	D-E-0463-43	Alternatives	4.1.2.4.13.1	As described in the EIS/OEIS, this information is classified.
	D-E-0463-44	Miscellaneous		The model was first used in January 2007 and will eventually be subject to independent peer review for conferences or journal submissions. The EIS/OEIS provided all source levels, frequency ranges, duty cycles and other technical parameters relevant to determining potential impact on marine life unless this information was classified.
	D-E-0463-45	Policy/NEPA Process		The EIS/OEIS has received extensive legal review to ensure that current operations are in compliance all required Federal, state, and local regulations/laws.
	D-E-0463-46	Biological Resources - Marine	4.1.2.5.4	The Navy is currently in consultation with NMFS and USFWS regarding Endangered Species Act requirements.
	D-E-0463-47	Land Use	12	The Navy has made a Coastal Consistency Determination in accordance with the CZMA. The submittal letter is provided in Chapter 12 of the EIS/OEIS.
	D-E-0463-48	Biological Resources - Marine	4.1.2.2	The Navy does not believe that activities analyzed in the EIS/OEIS will impact any Essential Fish Habitat in Hawaiian waters.
	D-E-0463-49	Biological Resources - Marine		No permit is required based on specific provisions of regulations regarding the Hawaiian Islands. Military activities were deemed to be allowed activities in the sanctuary.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jasny --National Resources Defense Council	D-E-0463-50	Biological Resources - Marine	4.0, C.3	The military's responsibility with regard to the Migratory Bird Treaty Act is described in Appendix C, Section C.3 Biological Resources. Impacts on migratory birds are discussed in Chapter 4.0 biological resources sections. Military readiness activities are exempt from the take prohibitions of the Migratory Bird Treaty Act, provided they do not result in a significant adverse effect on the population of a migratory bird species. Navy activities in the HRC are not expected to adversely affect populations of a particular bird species.
	D-E-0463-51	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary).
	D-E-0463-52	Land Use	12	The consistency of Navy operations within the HRC with public land use policies was thoroughly considered in the Coastal Consistency Determination in accordance with the CZMA (see submittal letter in Chapter 12 of the EIS/OEIS).
	D-E-0463-53	Alternatives		Thank you for your comment.
	D-E-0463-54	Alternatives	2	The choice of alternatives is bounded by some notion of feasibility, and the Navy is not required to consider alternatives which are infeasible, ineffective, or inconsistent with its basic policy objectives. The scope of environmental impact analysis consists of the range of actions, alternatives and impacts. The CEQ requires consideration of a reasonable range of alternatives in EISs. [40 CFR Section 1508.9 (b)]. Under a rule of reason, an EIS need not consider an infinite range of alternatives, only reasonable, or feasible ones. Navy has considered a wider range of mitigation. Steps would be implemented to protect marine life and Federally listed species during HRC operations as outlined in Chapter 6.0 of the EIS/OEIS. Several of these protective measures are standard operating procedures for training and were implemented for previous HRC exercises such as USWEX.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jasny --National Resources Defense Council	D-E-0463-55	Alternatives	4.1.2.4.10,	<p>Whale mortalities in other locations (such as the Bahamas) far from Hawaii do not relate to the Hawaiian context. See EIS/OEIS discussion 4.1.2.4.10 on the critical nature of "context" presented in Southall et al. (2007). Since there has never been a stranding or death to any beaked whales associated with the use of sonar in Hawaii, Navy does not believe that continuing what has been decades of sonar use in Hawaii will result in any injury to beaked whales.</p> <p>In spite of this, Navy is not claiming there will be "no injury" and has requested a certain number of mortalities in acknowledgement of the fact that there are uncertainties associated with even very unexpected events.</p> <p>There are significant limitations and challenges to any risk function derived to estimate the probability of marine mammal behavioral responses; these are largely attributable to sparse data. Ultimately there should be multiple functions for different marine mammal taxonomic groups, but the current data are insufficient to support them. The goal is unquestionably that risk functions be based on empirical measurement.</p> <p>The risk function presented in EIS/OEIS Section 4.1.2.4.9.4 is based on three data sets that NMFS and Navy have determined are the best available science at this time. Until additional data are available, NMFS and the Navy have determined that these datasets are the most applicable for the direct use in the development of risk function parameters to describe what portion of a population exposed to specific levels of MFA sonar will respond in a manner that NMFS would classify as harassment.</p> <p>Navy is contributing to an ongoing behavioral response study in the Bahamas that is anticipated to provide some initial information on beaked whales, the species identified as the most sensitive to MFA sonar.</p>
	D-E-0463-56	Alternatives	4.1.2.4, 4.1.2.4.7, 4.1.2.4.11	See response to comment D-W-0066-1. In addition, Section 4.1.2.4.7 contains a discussion of the issues raised.
	D-E-0463-57	Alternatives	5	The discussion of cumulative effects is provided in Chapter 5.0.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael Jasny --National Resources Defense Council	D-E-0463-58	Alternatives	4.1.2	Regarding a dual threshold, as most recently discussed in Southall et al (2007), the Navy is applying a more conservative approach by using the risk function (SPL) for behavior and energy for PTS /TTS onset given that the 230 dB SPL (peak) metric would not reach beyond the sonar dome containing a 235 dB source. The methodology for assessing potential impacts from sound are discussed in Section 4.1.2 including the use of both an energy (EFD) metric and the sound pressure level (SPL) metric developed in coordination with NMFS.
	D-E-0463-59	Alternatives	4.1.2	The methodology for assessing potential impacts from sound are discussed in Section 4.1.2 including a discussion on why TTS reflects the use of best available and applicable science.
	D-E-0463-61	Alternatives	4.1.2.4.6	As explained in Section 4.1.2.4.6 and as presented in Southall et al., 2007, "data gaps severely restrict the derivation of scientifically-based noise exposure criteria." The analysis presented in the EIS/OEIS represents the use of best available science as developed in cooperation with NMFS.
	D-E-0463-62	Alternatives	4.1.2.4.9.2	As explained in Section 4.1.2.4.9.2, the thresholds established for the risk function did take into account behaviors from wild animals where that data was applicable.
	D-E-0463-63	Alternatives	5.2.1	The modeling undertaken does so, as explained in Appendix J, based on marine mammal densities evenly distributed over the entire area of potential effect. This is conservative since the tendency is to overestimate effects given that marine mammals appearing in pods will be easier to detect and therefore be avoided by use of the Navy's standard operating procedures serving as mitigation measures. Potential indirect effects were discussed in Section 4.1.2.4.12 and Section 5.3.3.2 of the Draft EIS/OEIS. This discussion was expanded in Section 5.2.1 of the EIS/OEIS.
	D-E-0463-64	Alternatives		In this case, the Navy is using dual thresholds for assessing impacts on marine mammals by use of the sound exposure level (SEL) energy metric and the sound pressure level (SPL) behavioral criteria.
	D-E-0463-65	Alternatives	5.2.1	Potential indirect effects were discussed in Section 4.1.2.4.12 and Section 5.3.3.2 of the Draft EIS/OEIS. This discussion was expanded in Section 5.2.1 of the EIS/OEIS.
	D-E-0463-66	Policy/NEPA Process		The Navy released a supplement to the EIS/OEIS for public comment in light of the new sonar data and noise modeling methodology.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Amy Dunn	D-E-0465-1	Mitigation Measures	6.1.2	As noted in Section 6.1.2, use of non-Navy observers is not necessary given that Navy lookouts are extensively trained in spotting and reporting anything detected at or near the water surface. In addition, using non-Navy personnel onboard Navy vessels or having civilian aircraft surveillance of all ASW or other exercise areas is impractical (given the sizes of the areas involved), could adversely impact the effectiveness of the military readiness activities, and raises issues involving survey personnel safety given the distances offshore. The SOFAR channel acts as a waveguide for low-frequency sound waves, which are not part of the proposed actions involving mid- and high-frequency sound sources. Thank you for your comment noting the professionalism of those engaged in the Navy's marine mammal program.
Judy Walker	D-E-0466-1	Biological Resources - Marine	4.1.2	Thresholds for analysis of impacts and the applicable science in this regard were developed in coordination with NMFS. Also see discussion of humpback whale vocalizations in 4.1.2. The Navy is required to assess impacts based on the resources as defined by NMFS, who serves as the regulator for these resources (marine mammals). Research indicating genetic distinctions between possible sub-populations of marine mammals currently considered one stock by NMFS has been discussed during preliminary consultations with NMFS over this EIS/OEIS. The Navy believes that years of site fidelity by individual beaked whales in areas where sonar has operated for years is an indicator that beaked whales in Hawaii are not comparable to resident beaked whales in locations on the other side of the planet. In fact, implicit in the statements, that resident populations have been identified in the Hawaiian Islands and that there is a genetic segregation between some marine mammals of Hawaiian Islands and the rest of the Pacific Stock, is an acknowledgment that the animals of the Hawaiian Islands have coexisted with sonar operations without long term detriment to populations. Findings by Baird and McSweeney are contrary to speculation that large numbers of marine mammals die or abandon sites due to sonar but are not observed, potentially resulting in population level impacts. Residency demonstrates that the animals are remaining in the area despite sonar exercises.
Harriet Smith	D-E-0467-1	Policy/NEPA Process		Thank you for your comment.
Elizabeth Freeman	D-E-0469-1	Program	3.3, 4.3	Refer to Section 3.3 of the EIS/OEIS for the affected environment of locations of current and proposed HRC operations on Kauai and Section 4.3 for the potential environmental consequences of the current and proposed operations.
	D-E-0469-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
Bruce Pleas	D-E-0470-1	Program		Thank you for your comment.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Bruce Pleas	D-E-0470-2	Land Use	4.3.2.1.8.1	Public access to the installation's coastline is outlined in PMRF Instruction 5530.7 (March 2004). The content of this Instruction is explained to unauthorized individuals who request access to PMRF. The on-base recreation section of 4.3.2.1.8.1 has been revised.
	D-E-0470-3	Land Use	Appendix I	Appendix I describes the circumstances by which the lands now known as PMRF came into Federal ownership. This section is not intended to represent the full or complete recitation of law(s) relating to the lands now known as PMRF.
	D-E-0470-4	Land Use	Appendix I	See response to comment D-E-0470-3.
	D-E-0470-5	Program		Refer to the EIS/OEIS table of contents to locate each of the sections cited.
	D-E-0470-6	Program		Your comments regarding ownership from pre-contact, historical data and costs associated with projects are noted but outside the scope of this EIS/OEIS.
	D-E-0470-7	Land Use	12	The Navy has made a Coastal Consistency Determination in accordance with the CZMA. The submittal letter is provided in Chapter 12 of the EIS/OEIS.
	D-E-0470-8	Miscellaneous	3	As stated in Section 3.0, 13 environmental resource areas were evaluated to provide a context for understanding the potential effects of ongoing and proposed naval activities in the Hawaiian Range Complex. These areas include air quality, airspace, biological (fish, sea turtles, marine mammals, terrestrial fauna), cultural, geology and soils, hazardous materials and waste, health and safety, land use, noise, socioeconomics, transportation, utilities, and water resources. Some potential topics are not listed separately, but that does not mean that they are not considered during training procedures, research and development and analysis of potential impacts (e.g., climate, topography, hydrogeology, agriculture capability, flora, terrestrial fauna, historical, scenic resources, and flood hazards).
	D-E-0470-9	Socioeconomics		The socioeconomic analysis within the EIS/OEIS is based on several metrics, including population size, employment characteristics, income generated, and the type and cost of housing. Analysis of socioeconomic existing conditions, impacts, and mitigation are discussed throughout the EIS/OEIS for each affected location.
	D-E-0470-10	Utilities	4.3.2.1.8, 4.3.2.1.11, 4.3.2.1.12	Utility discussions for PMRF and the local environs are covered in Sections 4.3.2.1.8, 4.3.2.1.11 and 4.3.2.1.12 of the EIS/OEIS.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Bruce Pleas	D-E-0470-11	Alternatives	1.0, 2.0	The Navy has broadly defined its objectives and offers appropriate alternatives to achieve them. To implement its Congressional mandates, the Navy needs to support and to conduct current and emerging training and RDT&E training events in the HRC and upgrade or modernize range complex capabilities to enhance and sustain Navy training and testing. These objectives are required to provide combat capable forces ready to deploy worldwide in accordance with U.S.C. Title 10, Section 5062. The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this document are both reasonable and necessary.
	D-E-0470-12	Miscellaneous	4.10, 4.11	Sections 4.10 and 4.11 cover these issues as they relate to the Proposed Action discussed in the EIS/OEIS.
	D-E-0470-13	Program	2.2.4.4, 4.1.1.3.2	The proposed Maritime Directed Energy Test Center in Alternatives 2 or 3 includes development of standard operating procedures and range safety requirements necessary to provide safe operations associated with future directed energy tests. Should a direct energy program decide to perform tests at PMRF, separate environmental documentation would be required to analyze potential impacts from training activities.
Joan Lander	D-E-0471-1	Program		Navy practices conducted decades ago resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceed with the available funds.
Pono Kealoaha	D-E-0472-1	Alternatives		Thank you for your comment.
	D-E-0472-2	Hazardous Materials and Waste		The Navy recognizes that past practices may have resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available. The Proposed Action described in this EIS/OEIS addresses a need to continue and enhance personnel training, which is unrelated to ongoing, planned, or prospective remediation of historical contamination.
	D-E-0472-3	Environmental Justice		Your comments regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense are noted but are beyond the scope of this EIS/OEIS.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Pono Kealoaha	D-E-0472-4	Health and Safety		A discussion of a 38-year old incident that did not result in any public health or safety impact (only Navy personnel were injured) is outside of the scope of this EIS/OEIS. The Navy's training materials and safety protocols both have evolved so extensively during the intervening period as to make that incident irrelevant to any discussion of existing or future public health and safety.
	D-E-0472-5	Health and Safety		It is outside the scope of this EIS/OEIS to address an increase in Down syndrome in the Lualualei Valley.
	D-E-0472-6	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.	HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
	D-E-0472-7	Biological Resources - Marine	4.1.5.1.1, 3.7, 4.0, 12	As stated in Section 4.1.5.1.1, research was conducted for mid-frequency active (MFA) sonar at the Naval Submarine Medical Research Laboratory and the Navy Experimental Diving Unit to determine permissible limits of exposure to MFA sonar. Based on this research, an unprotected diver could safely operate for over 1 hour at a distance of 1,000 yards from the Navy's most powerful sonar. At this distance, the sound pressure level will be approximately 190 dB. At 2,000 yards or approximately 1 nm, this same unprotected diver could operate for over 3 hours. In addition, Sections 3.7 and 4.7 of the EIS/OEIS and the Coastal Consistency Determination in accordance with the CZMA reviewed the proposed activities internal or external to the Humpback Whale National Marine Sanctuary, and find them to be within the range of activities previously reviewed and allowed by the Sanctuary as indicated in 15 CFR Part 922, Subpart Q. None of the activities have been modified such that they would be likely to destroy, cause the loss of, or injure any Sanctuary resource in a manner significantly greater than what had been previously reviewed by NOAA at the time of the Sanctuary's creation.
Judy Walker	D-E-0473-1	Biological Resources - Marine		Thank you for your input and clarification.
Hugh Y. Starr	D-E-0474-1	Alternatives	2.2.1.1, 4.1.2.4.3, 4.1.2.4.4, 4.1.2.4.5,	See Section 4.1.2.4.3 thru 4.1.2.4.4 regarding discussions on harassment. Section 4.1.2.4.5 provides a discussion of relative sound levels. As noted in Section 2.2.1.1, a reduction in the level of current training in the HRC would not meet the purpose and need of the Proposed Action and would not support the Navy's mandate to be prepared.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Hugh Y. Starr	D-E-0474-2	Biological Resources - Marine	1.1, 1.2, 1.3, 3.7, 4.1.2.4, 4.1.2.4.11, 4.7	See response to comment D-E-0472-7.
	D-E-0474-3	Socioeconomics	5.3.10	The cumulative effects of the various alternatives on socioeconomic issues are discussed in Section 5.3.10.
	D-E-0474-5	Mitigation Measures		Regarding necropsies on stranded marine mammals, Navy and NMFS are coordinating on a stranding protocol designed to provide the most effective use of resources from the two agencies. The desire is to investigate all stranded marine mammals in the Hawaiian Islands so that a baseline of common morphology found in stranded marine mammals can be established so if there is a stranding coincident with sonar use any differences could be investigated. Imposing training restrictions from other countries on the U.S. Navy without considering the differences between each navies' capabilities, systems, mission requirements, and threats; and without considering whether the foreign country's training restrictions are more effective in protecting marine mammals from harm than the extensive precautions currently taken by the U.S. Navy, would arbitrarily undermine the U.S. Navy's ability to maintain military readiness. The RIMPAC After Action Report, in Appendix F, provides an analysis detailing the reasons for adoption, modification, or rejection of the RIMPAC 2006 mitigation measures. The programs undertaking research involving the hearing physiology of marine mammals are not part of the proposed action and are therefore beyond the scope of this document.
	D-E-0474-6	Miscellaneous		Due to the extensive historical military support provided by the State of Hawaii we are not able to include all events in the EIS/OEIS.
Ron Agor --State Board of Land and Natural Resources	D-E-0475-1	Land Use	4.3.2.1.8	Any reference to the "uniqueness" of beaches on PMRF has been removed from the document. The document also states, in Section 4.3.2.1.8, that recreation services available to military personnel and civilians at PMRF/Main Base will remain at current status during non-hazardous training operations. The installation's approximately 200-ft by 2-mi beach in the southern zone of PMRF will remain accessible to Kauai residents possessing an approved beach access pass. Potential exists to increase the number of times beaches will be closed. Areas within the region of influence that are typically accessible by the public will not change as a result of the No-action, Alternative 1,2, or 3.
Harriet Smith	D-E-0476-1	Program	4.1.2.4.2	The use of low-frequency active (LFA) sonar is not included in the Proposed Action. Section 4.1.2.4.2 discusses the difference between LFA and the proposed use of mid-frequency active (MFA) sonar.



**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Marguerite Beavers -- Divine Designs	D-E-0477-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea, or airspace; therefore, there is no proposal to expand. It is true that the proposal includes alternatives that require increases in the frequency of training. The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this document are both reasonable and necessary. The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter, but a Federal legal requirement. The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts and professional staff dedicated to this important matter. The Navy is particularly sensitive to native Hawaiian cultural concerns, making areas under our control accessible for cultural and religious activities when not in conflict with operational needs.
Maria Walker	D-E-0478-1	Alternatives	2, 12, 5.0	The Proposed Action does not include the use of low-frequency active sonar. The Coastal Consistency Determination in accordance with the CZMA (see submittal letter in Chapter 12) reviewed the activities proposed to be conducted internal or external to the Humpback Whale National Marine Sanctuary, and find them to be within the range of activities previously reviewed and allowed by the Sanctuary as indicated in 15 CFR Part 922, Subpart Q. None of the activities have been modified such that they would be likely to destroy, cause the loss of, or injure any Sanctuary resource in a manner significantly greater than what had been previously reviewed by NOAA at the time of the Sanctuary's creation.
	D-E-0478-2	Policy/NEPA Process		Thank you for your comment.
	D-E-0478-3	Biological Resources - Marine	1.1, 1.2, 1.3, 3.7, 4.1.2.4, 4.1.2.4.11, 4.7	See response to comment D-E-0472-7.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Emil Wolfgramm	D-E-0479-1	Alternatives	1.1, 1.2, 1.3, 2.2.1.2, 4.1.2.4, 4.1.2.4.11	As noted in Section 2.2.2.1, alternative locations for training and RDT&E activities were considered. The alternatives carried forward were selected based on their ability to meet the following criteria: (a) use existing Navy ranges and facilities in and around Hawaii; (b) be consistent with the stated current and emerging requirements for the range complex; (c) achieve training tempo requirements based on Fleet deployment schedules; (d) meet the requirements of DoD Directive 3200.15, Sustainment of Ranges and Operating Areas; (e) implement new operational training requirements and RDT&E operations; and (f) support realistic training that replicates expected operating environments for naval forces.
Sharon Goodwin	D-E-0480-1	Alternatives	2.2, 4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1. In addition, Section 2.2 describes the Proposed Action which does not include plans to acquire any new lands or rights over land, sea or airspace, therefore there is no proposal to expand. It is true that the proposal includes increases in the frequency of training.
Marsha Green --KAHEA, the Hawaiian Environmental Alliance	D-E-0481-1	Program		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter, but a Federal legal requirement.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Marsha Green --KAHEA, the Hawaiian Environmental Alliance	D-E-0481-2	Biological Resources - Marine	3.2, 4.2	<p>The largest portion of the Temporary Operating Area (TOA), i.e., the area north and west of Kauai, is used only 8 to 10 times per year for missile testing and evaluation for short periods of time (usually a few hours). Navy restricts access at those times to protect the public in the unlikely case of falling missile debris. Navy understands and respects the value and importance of the Papahānaumokuākea National Marine Monument (the Monument) to many people. Navy also recognizes and shares the primary philosophy of the Monument, which is protection and preservation. The Navy takes precautions when possible to minimize harm to the Monument.</p> <p>According to the Presidential Proclamation establishing the Monument regarding military activities in the area:</p> <p>"The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard) that are consistent with applicable laws."</p> <p>"All activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities."</p> <p>"In the event of threatened or actual destruction of, loss of, or injury to a monument resource or quality resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the USCG [U.S. Coast Guard], the cognizant component shall promptly coordinate with the Secretaries for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the monument resource or quality."</p>
	D-E-0481-3	Cultural Resources	3.2.2.2	See response to comment D-W-0091-10.
	D-E-0481-4	Hazardous Materials and Waste	3.1.4, 4.1.4	Section 3.1.4 of the EIS/OEIS addresses chemical simulants, chaff, missile debris, and other expended training materials, and Section 4.1.4 analyzes their potential short-term and long-term effects on human health and the environment, including the accumulation of missile debris.
	D-E-0481-5	Cumulative Impacts	5.3	The cumulative impact analysis presented in Section 5.3 provides the adequate level of analysis to determine the potential for cumulative impacts as a result of implementation of the Proposed Action. As a result of the analysis, it was determined that no significant cumulative impacts would occur within the 13 resource areas.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Marsha Green --KAHEA, the Hawaiian Environmental Alliance	D-E-0481-6	Alternatives	2	Consideration of alternative locations for training conducted in the HRC was rejected from further analysis because it does not meet the purpose and need of the Proposed Action. In accordance with the At Sea Policy and the Tactical Training Theater Assessment and Planning Program, the Navy is conducting range-by-range NEPA and Executive Order (EO) 12114 analyses. Naval ranges will be analyzed separately on a case-by-case basis for potential environmental impacts arising from requirements to sustain capabilities at each site. The HRC provides the geography, infrastructure, space, and location necessary to accomplish naval training. The large area available to deploy forces within HRC allows a CSG/ESG to train using a geographic scope that replicates possible real world events, with the channels between islands serving as strategic choke-points to ocean commerce. The presence of the instrumented tracking ranges at PMRF as well as DoD-controlled warning areas and special use airspace also enable submarine warfare training to proceed in a safe and structured manner while retaining the flexibility for controllers to interject tactical challenges to enhance realism for exercise participants.
	D-E-0481-7	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.	HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
	D-E-0481-8	Mitigation Measures	3.2.2.2, 4.2.2.2	Sections 3.2.2.2 and 4.2.2.2 state that some of these islands are known to have significant cultural resources sites, and the islands of Nihoa and Necker are listed in the National and Hawaii State Registers of Historic Places. Previous debris analyses of the types, quantities, weights, and sizes associated with the PMRF missile exercises indicate that the potential to impact land resources of any type is very low and extremely remote. In addition, trajectories can be altered under certain circumstances to further minimize the potential for impacts. As a result, impacts on cultural resources within the Northwest Hawaiian Islands are not expected.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Marsha Green --KAHEA, the Hawaiian Environmental Alliance	D-E-0481-9	Hazardous Materials and Waste	4.2.1.1.1.1	Text has been added to Section 4.2.1.1.1.1 clarifying the size and area of an anticipated debris field. The exact size of debris anticipated would vary with each intercept. In a successful intercept, both missiles would be destroyed by the impact. Momentum would carry debris along the respective paths of the two missile until the debris falls to earth. The debris would consist of a few large pieces (approximately 110 pounds [lb]), of each missile, many medium pieces (approximately 11 lb), and mostly tiny particles. This debris is subject to winds on its descent to the surface. The debris would generally fall into two elliptically-shaped areas.
	D-E-0481-10	Alternatives		Thank you for your comment.
	D-E-0481-11	Alternatives	4.1.2.4.10	See response to comment D-W-0111-1.
	D-E-0481-12	Alternatives		See response to comment D-W-0111-2.
	D-E-0481-13	Alternatives	4.1.2.4.6	See response to comment D-W-0111-3.
	D-E-0481-14	Alternatives	4.1.2.4.10	See response to comment D-W-0111-4.
	D-E-0481-15	Alternatives	4.1.2.4.11.1	See response to comment D-W-0111-5.
	D-E-0481-16	Alternatives	4.1.2.4.10	See response to comment D-W-0111-6.
	D-E-0481-17	Alternatives		See response to comment D-W-0111-7.
	D-E-0481-18	Mitigation Measures		See response to comment D-W-0111-8.
	D-E-0481-19	Alternatives		See response to comment D-W-0111-9.

**Table 13.4.2-2. Responses to Email Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Marsha Green --KAHEA, the Hawaiian Environmental Alliance	D-E-0481-20	Alternatives	4.1.2.4.11.3	See response to comment D-W-0111-10.
	D-E-0481-21	Mitigation Measures		See response to comment D-W-0111-11.
Akahi Nui --Kingdom of Hawaii	D-E-0482-1	Environmental Justice		Your comments regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense are noted but are beyond the scope of this EIS/OEIS.
Rayne Regush	D-E-0484-1	Alternatives		Thank you for your comment.
	D-E-0484-2	Mitigation Measures	2	As noted in Chapter 2.0, the Proposed Action does not include plans to acquire any new lands or rights over land, sea, or airspace, therefore there is no proposal to expand.
	D-E-0484-3	Socioeconomics		Thank you for your comment.
Jeri Baumgardner	D-E-0485-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0066-1. In addition, use of low-frequency active sonar in the HRC is not part of the Proposed Action of this EIS/OEIS.
J.J. Holt Jr.	D-E-0486-1	Alternatives		Your comments regarding transferring exercises to other areas are noted but are outside the scope of this EIS/OEIS. The Council on Environmental Quality requires consideration of a reasonable range of alternatives in EIS/OEISs [40 CFR Section 1508.9 (b)]. Under a rule of reason, an EIS/OEIS need not consider an infinite range of alternatives, only reasonable, or feasible ones. The choice of alternatives is bounded by some notion of feasibility, and the Navy is not required to consider alternatives which are infeasible, ineffective, or inconsistent with its basic policy objectives.
Claire Mortimer	D-E-0487-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
	D-E-0487-3	Biological Resources - Terrestrial	4.3.1.1.1.1	See response to comment D-E-0438-3.
	D-E-0487-4	Water Resources	2.2.4.4	There are currently no plans for chemical lasers. Because the directed energy programs have not been defined they cannot be fully analyzed in this EIS/OEIS. As stated in Section 2.2.4.5, "Should the Airborne Laser program decide to perform testing at PMRF, separate environmental documentation would be required to analyze potential impacts."
	D-E-0487-5	Policy/NEPA Process		Thank you for your comment.



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### 13.4.3 PUBLIC HEARING COMMENTS

Eighty-three people testified at the public hearings held in Hawaii for the Draft EIS/OEIS.

Table 13.4.3-1 presents individuals who testified at the hearings with their respective commenter identification number. This number can be used to find their testimony in the four transcripts prepared for hearings in Kauai, Oahu, Maui, and the Island of Hawaii and to locate the corresponding table on which responses to each comment are provided.

Exhibit 13.4.3-1 presents reproductions of the hearing transcripts for the Draft EIS/OEIS. Transcripts are identified by commenter ID number, and each statement or question that was categorized as addressing a separate environmental issue is designated with a sequential comment number.

Table 13.4.3-2 presents the responses to testimony on the Draft EIS/OEIS. Responses to specific comments can be found by locating the corresponding commenter ID number and sequential comment number identifiers.

**Table 13.4.3-1. Commenters on the HRC Draft EIS/OEIS (Public Hearings)**

Commenter	Comment ID	Commenter	Comment ID
Moanikeala Akaka	D-T-0088	Rich Hoeffner	D-T-0020
Jim Albertini	D-T-0083	Pauahi Hookano	D-T-0073
Jasmin Asis	D-T-0062	Michael T. Hyson	D-T-0080
David Bayly	D-T-0065	David Jimenez	D-T-0057
Carl Berg	D-T-0031	Kyle Kajihiro	D-T-0039
Stewart Burley	D-T-0018	Reynolds Kamakawiwoole	D-T-0078
Nicole Carbonel	D-T-0063	L.V. Kelley	D-T-0097
Juliann Castelhuono	D-T-0049	Galen Kelly	D-T-0096
Stephany Cecil	D-T-0042	Amber King	D-T-0061
Jeff Connolly	D-T-0032	Manuel Kuloloio	D-T-0059
Kurt De Keukeleere	D-T-0101	Manuel Kuloloio	D-T-0091
Samuel Dolphin	D-T-0074	Manuel Kuloloio	D-T-0038
Christiane Douglas	D-T-0043	Leslie Kuloloio	D-T-0056
Bruce Douglas	D-T-0054	Diana La Bedz	D-T-0021
Elaine Dunbar	D-T-0027	Home Le'amohala	D-T-0048
Marjorie Erway	D-T-0090	Kahu Charles Maxwell	D-T-0055
Duane Erway	D-T-0081	Kristin McCleery	D-T-0067
Michael Fox	D-T-0028	Bob McDermott	D-T-0037
Aukai Gonsalves	D-T-0022	Lisa Messenger	D-T-0060
Mary Groode	D-T-0071	Mike Moran	D-T-0041
Cory Harden	D-T-0075	Hans Mortensen	D-T-0086

**Table 13.4.3-1. Commenters on the HRC Draft EIS/OEIS (Public Hearings) (Continued)**

<b>Commenter</b>	<b>Comment ID</b>	<b>Commenter</b>	<b>Comment ID</b>
Kalei'ileihi Muller	D-T-0079	Helen Schonwatter	D-T-0068
Thomas Nakagawa	D-T-0045	Howard Sharpe	D-T-0044
Lynn Nakkim	D-T-0077	Eli Sheetz	D-T-0066
Star Newland	D-T-0094	Lanny Sinkin	D-T-0076
Christine Nonnenmacher	D-T-0072	Bunny Smith	D-T-0100
Paul Norman	D-T-0098	Summer Starr	D-T-0069
Jon Olson	D-T-0089	Hugh Starr	D-T-0053
Jeff Pantukhoff	D-T-0040	Shelley Stephens	D-T-0093
Louis Parraga, Jr.	D-T-0035	Mahelani Sylvia	D-T-0033
Cynthia Piano	D-T-0092	Ken Taylor	D-T-0034
Frances Pitzer	D-T-0047	Lee Tepley	D-T-0084
Bruce Pleas	D-T-0023	Marti Townsend	D-T-0036
Brooke Porter	D-T-0050	James Trujillo	D-T-0025
Wendy Raebeck	D-T-0029	Mark Van Doren	D-T-0095
Kboki Raymond	D-T-0070	Frank Vesperes	D-T-0087
Tony Ricci	D-T-0019	Dwight Vicente	D-T-0085
Puanani Rogers	D-T-0026	Akahi Wahine	D-T-0064
Robert Roggasch	D-T-0046	Judy Walker	D-T-0099
Faith Rose	D-T-0051	Juan Wilson	D-T-0024
Ken Rose	D-T-0052	Anita Wintner	D-T-0058
George W. Saunders, Jr.	D-T-0030		

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NUMBER

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NUMBER

**Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS**

## Lihue, Hawaii

		Aunty Aletha Kaohi	3
	1	PROCEEDINGS:	
18:00:24	2	MS. MOSSMAN: Aloha and good evening	
18:00:26	3	everyone. Thank you. Thank you very much for coming.	
18:00:30	4	Before we begin, I would like to invite a noted and respected	
18:00:36	5	kupuna, Aunty Aletha Kaohi to say a blessing. Aunty Aletha.	
18:00:46	6	(Applause.)	
18:00:57	7	MS. KAOHI: The evening is fragrant with the	
18:01:00	8	breath of the land. The land that has sustained us for many	
18:01:05	9	generations. I look forward to the essence now that we are	
18:01:08	10	together, and that is not where you may come from or where	
18:01:10	11	you may go from here, but if there is aloha in your heart,	
18:01:15	12	all things will be right.	
18:01:17	13	I haven't been invited to give a pule. I'm	
18:01:20	14	not an ordinary person that gets up and says, "Let's pray."	
18:01:24	15	You're going to have to bear with me. However, I prefer	
18:01:28	16	to -- for all of us who understand what it means to pule, and	
18:01:33	17	especially for a Hawaiian. We know that we need pule in	
18:01:38	18	every language, that we need to connect with an invisible	
18:01:42	19	being, to be a visionary. We experience the truly Hawaii.	
18:01:48	20	To call for admiration, to be in congregation, to beg for	
18:01:52	21	favor from aouli or heaven, and to seek advice.	
18:01:57	22	We come from different places with different	
18:02:00	23	values, with different cultures and traditions, different	
18:02:04	24	beliefs and different religious practices. And the invisible	
18:02:09	25	being is called by many different names. My presence is to	
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		Aunty Aletha Kaohi	4
18:02:15	1	see -- to set the tone for the evening. And together we will	
18:02:19	2	pray that aloha will prevail. This evening we gather with	
18:02:23	3	aloha, the basic and one of the most important Hawaiian	
18:02:29	4	covenants, seeking guidance from kupuna, my ohana.	
18:02:33	5	If you're sitting next to someone, reach out	
18:02:36	6	and touch that person that their mind and your mind might be	
18:02:42	7	intertwined. For when there are many, God hears our call.	
18:02:58	8	Let's bow our heads in prayer.	
18:03:04	9	Kupuna aloha, we gather by invitation to this	
18:03:09	10	informational open house which will be followed by public	
18:03:13	11	comments. We come to assist, to assess, to make comments	
18:03:16	12	that will preserve our aina, our land, the moana, the sea and	
18:03:24	13	the ocean that surround the beautiful Kauai. (Statement in	
18:03:29	14	Hawaiian.)	
18:03:29	15	That there is presence -- that there is a	
18:03:30	16	presence of the Navy in Hawaii and its past global defense.	
18:03:36	17	We, the Navy and the public, have different values, yet	
18:03:40	18	guided by the spirit of the land and the sea, it can be	
18:03:44	19	beneficial to all.	
18:03:47	20	Ke Akua, the God of Creation, help all	
18:03:50	21	parties to keep our aina and moana for future generations and	
18:03:55	22	to understand the proposal by the Navy. To have an open mind	
18:03:59	23	that our input will not be based on emotions, rather, with	
18:04:04	24	what is best for all people of this place.	
18:04:09	25	Ke Akua, God of Love, fill our being with	
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# Lihue, Hawaii

		Vida Mossman	5
18:04:12	1	unconditional love not only for mankind, but for all	
18:04:18	2	creation. Come and share will be said with respect for	
18:04:22	3	people and the place.	
18:04:24	4	Ke Akua, God of Hope, help us work together	
18:04:27	5	to make Kauai a place that visitors and locals can say, Amen,	
18:04:33	6	and that is the visionaries with a clear mission guided by	
18:04:38	7	the values of the ancient Hawaiians remembering that it is	
18:04:43	8	the people of the past that kept Kauai safe and productive.	
18:04:47	9	Let us listen with our naoa, the sea of our	
18:04:52	10	soul, our gut, and together as we listen and respond to this	
18:04:56	11	draft, let us be guided by the spirit reflecting the	
18:05:01	12	diversity of ethnicity, experiences and place with a prayer	
18:05:07	13	unlikely to be found anywhere else, with a rich history and	
18:05:13	14	authority and heritage of the Hawaiian people.	
18:05:16	15	So now, oh, Holy One, address in many	
18:05:20	16	different things come and be with us. (Statement in	
18:05:27	17	Hawaiian.) In the name of Ke Akua, aloha, amen. The prayer	
18:05:32	18	is free.	
18:05:33	19	Thank you.	
18:05:37	20	MS. MOSSMAN: Mahalo, Aunty Aletha.	
	21	This is the public hearing on the Draft	
	22	Environmental Impact Statement - Overseas Environmental	
18:05:55	23	Impact Statement for the Hawaii Range Complex. I am Vida	
	24	Mossman, and I will be the hearing moderator for tonight's	
18:06:02	25	meeting.	
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		Vida Mossman	6
1		This hearing is being held in accordance with	
2		provisions of the National Environmental Policy Act	
3		and implementing regulations. The act requires federal	
4		agencies to analyze the potential environmental impacts of	
5		certain proposed actions and alternatives, and to consider	
6		the findings of those analyses in deciding how to	
18:06:31	7	proceed.	
8		The purpose of tonight's hearing is to	
9		receive your comments and suggestions on the Draft EIS.	
10		Those of you who have not had an opportunity to review the	
11		Draft EIS may want to read the summary of the major findings	
12		in the handout available at the registration table. Those	
13		findings will also be summarized briefly by one of our panel	
18:07:03	14	members in his presentation.	
15		Let's look at the agenda for tonight.	
16		Hopefully you all had the opportunity to talk to the many	
17		knowledgeable experts and program officials who were staffing	
18		the exhibits during the past hour. After I finish this	
19		introduction, Captain Cudnohufsky will give a brief	
20		introduction to the Navy's activities in the Hawaii Range	
21		Complex. Captain Cudnohufsky is both the commanding officer	
22		of the Pacific Missile Range Facility and the Hawaii Range	
18:07:39	23	Complex Commander.	
18:07:40	24	Next, Mr. Neil Sheehan will brief you on the	
25		environmental impact analysis process and summarize the	
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Lihue, Hawaii

	Vida Mossman	7
1	results reported in the Draft EIS. Mr. Sheehan is the EIS	
18:07:58 2	team leader for the U.S. Navy.	
18:07:58 3	The last item on the agenda, however, is the	
4	most important. The comment period is your opportunity to	
5	provide information and make statements for the record.	
6	This input ensures that the decision makers can benefit from	
7	your knowledge of the local area and any	
8	environmental effects you think may result from the proposed	
18:08:27 9	action or alternatives.	
18:08:29 10	Keep in mind that the EIS is intended to	
11	ensure that future decision makers will be fully informed	
12	about the environmental impacts associated with the various	
13	alternatives before they decide on a course of action.	
14	Consequently, comments tonight on issues unrelated to this	
15	EIS are beyond the scope of this hearing and cannot be	
18:08:55 16	addressed.	
18:08:56 17	To comment verbally tonight, please fill out	
18	a verbal comment card available at the registration table and	
19	turn it in. After the presentations, we will take a short	
20	recess to collect any remaining cards, then I will start	
21	calling on speakers in the following order: I will recognize	
22	elected officials first, then I will call on members of the	
18:09:20 23	public in the order in which the cards were turned in.	
24	Each person will have 3 minutes to speak,	
25	including public officials, organizational spokespersons, and	
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	Captain Cudnohufsky	8
1	private individuals. We want to make sure that all who wish	
2	to speak have a fair chance to be heard. We have a	
3	stenographer here who will be making a verbatim record of	
4	everything that is said tonight. The verbatim record will	
18:09:57 5	become a part of the Final EIS.	
6	If you don't feel comfortable standing up	
7	here tonight and making a statement, you have until September	
8	17th of this year to submit a written statement for	
9	consideration in the Final EIS. Keep in mind that written	
10	comments are given the same consideration as verbal comments	
18:10:20 11	offered here tonight.	
12	Now it is my pleasure to introduce Captain	
18:10:25 13	Cudnohufsky.	
18:10:29 14	(Applause.)	
18:10:34 15	CAPTAIN CUDNOHUFSKY: Aloha and good evening	
18:10:36 16	to all of you. Thank you. I'm Captain Aaron Cudnohufsky,	
17	commanding officer of the Pacific Missile Range Facility and	
18	the Hawaii Range Complex Coordinator.	
19	Welcome to tonight's public hearing on our	
20	Draft Environmental Impact Statement for the Hawaii Range	
21	Complex. In just a few minutes Mr Neil Sheehan will give a	
22	brief presentation on the draft document. I have just a	
23	couple of things to say, but Neil and I will keep our parts	
18:11:15 24	very short so that we can maximize your time for comment.	
25	First of all, I would like to thank Aunty	
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

# Lihue, Hawaii

Captain Cudnohufsky		9
1	Aletha Kaohi for the prayer. Thank you very much for that	
18:11:26 2	wonderful prayer to open this event.	
18:11:26 3	Also, I would like to acknowledge Mayor	
18:11:31 4	Baptiste for being here tonight as well.	
18:11:33 5	As many of you know, the Hawaii Range Complex	
6	is a collection of significant testing and training	
18:11:44 7	capabilities throughout the state. The new technology that	
8	is tested here, along with the vital training that is	
18:11:50 9	conducted, is of incredible importance to this nation. Our	
18:11:52 10	sailors depending on this training to hone their skills	
18:11:56 11	before we send them into harm's way. They also deserve the	
18:12:00 12	best technology our country can provide to them. They also	
18:12:05 13	deserve the opportunity to train and be equipped with our	
18:12:07 14	best so we can help them be as safe as possible when they're	
18:12:14 15	out there protecting our freedoms. The Hawaii Range Complex	
16	contributes in both ways, providing premier testing and	
18:12:28 17	training range facilities in order to do that.	
18:12:28 18	At the Pacific Missile Range Facility we	
19	employ about 800 civilians. These are predominantly	
20	Kauai people from families that have provided generations of	
21	dedicated and capable people to our workforce. It is from	
22	this talented pool that we entrust our most important work:	
23	From management of our Missile Defense Agency programs, to	
24	qualifying our nation's newly selected submarine commanders,	
18:13:02 25	you will find people born and raised on Kauai involved in	
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Captain Cudnohufsky		10
18:13:02 1	each one of our programs.	
18:13:03 2	We are the largest high tech employer on the	
18:13:06 3	island as well. But we're not just all about the technology	
4	and employment. We recognize our responsibilities as	
5	stewards of a very special place with very special resources.	
6	We are very proud of our accomplishments. Hopefully, you had	
7	a opportunity to go back to our poster board station on	
18:13:28 8	environmental stewardship that point out a lot of these	
18:13:29 9	programs that we have working on the base.	
18:13:31 10	We take a formal approach to our	
18:13:35 11	environmental management, but our success can also be	
18:13:38 12	attributed to the input received from the community. As I	
18:13:44 13	stated before, Hawaii families work here and they're very	
18:13:47 14	involved and concerned about their surroundings and	
18:13:50 15	environment.	
18:13:50 16	Speaking of input from the community, that's	
18:13:52 17	why we're here tonight, so I'll wrap up my part here. I	
18:13:56 18	can't stress enough how important your part and involvement	
18:14:00 19	and your statements are with this process, this democratic	
18:14:04 20	process that we're going to go through here tonight.	
21	Let's make this a time to share not only our	
18:14:12 22	views, but our respect for one another. Mahalo. Thanks.	
18:14:14 23	(Applause.)	
18:14:19 24	MR. SHEEHAN: Aloha, everyone. As Vida	
18:14:24 25	pointed out, my name is Neil Sheehan. I'm the manager for	
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Lihue, Hawaii

	Neil Sheehan	11
1	the Hawaii Range Complex Environmental Impact Statement. I'm	
2	here to discuss the findings in the Hawaii Range Complex	
3	Environmental Impact Statement or EIS and the Overseas	
18:14:44 4	Environmental Impact Statement or OEIS.	
18:14:44 5	The EIS is done under the National	
18:14:48 6	Environmental Policy Act and the OEIS, which is set out under	
18:14:52 7	Presidential Executive Order 12114, analyzes Navy activities	
18:14:58 8	12 miles and out from land. So that's the distinction	
18:15:01 9	between the EIS and OEIS.	
18:15:04 10	The environmental study has been ongoing for	
18:15:08 11	several years. In order to receive the public's input, in	
18:15:11 12	September the Navy conducted scoping meetings on Maui, Kauai,	
18:15:19 13	in Hilo and Oahu. Now the Navy is receiving input from the	
18:15:23 14	public at this draft EIS stage. The current schedule shows	
18:15:27 15	the Navy could be signing a record of decision in May of	
18:15:31 16	2008, and it's critical that the Navy decision-makers receive	
18:15:35 17	comments during the Draft Environmental Impact Statement	
18:15:38 18	stage.	
18:15:38 19	In order to help facilitate comments, the	
18:15:41 20	Navy will be accepting comments tonight. We will also be	
18:15:45 21	accepting comments via fax, regular mail, e-mail and also	
18:15:49 22	through our website. The deadline to receive comments is the	
18:15:53 23	17th of September.	
18:15:56 24	This draft EIS/OEIS studies Navy training	
18:16:02 25	activities within the Hawaii Range Complex as shown here. It	
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	Neil Sheehan	12
18:16:05 1	also analyzes research, development, test and evaluation of	
18:16:09 2	new technologies done by other federal agencies such as the	
18:16:15 3	Missile Defense Agency.	
18:16:16 4	The Hawaii Range Complex consists of surface,	
18:16:18 5	subsurface and special use airspace in and around the main	
18:16:23 6	Hawaiian Islands and is an area in which the Navy has been	
18:16:26 7	conducting training for many, many decades. It also includes	
18:16:30 8	what is referred to as the Temporary Operating Area or TOA,	
18:16:35 9	which is a large area north and west of Kauai. The TOA is	
18:16:39 10	used for missile testing and evaluation for very short	
18:16:44 11	periods of time.	
18:16:44 12	What this Draft EIS/OEIS does not do is the	
18:16:50 13	request the use of any new air, land or sea space. It	
18:16:55 14	represents current and anticipated future usage within the	
18:17:00 15	existing footprint.	
18:17:01 16	The Hawaii Range Complex is important because	
18:17:05 17	it's one of the largest and most capable Navy range complexes	
18:17:09 18	in the Pacific region. It provides vast open spaces for	
18:17:13 19	large exercises like the biennial Rim-of-the-Pacific Exercise	
18:17:19 20	or RIMPAC. It also provides enough air and sea space to	
18:17:24 21	conduct missile testing. Its central location allows for	
18:17:28 22	other nations' military services from North and South	
18:17:32 23	America, Asia and Australia to meet for training exercises.	
18:17:37 24	It's critical for those units stationed in	
18:17:40 25	Hawaii to train locally without having to travel great	
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

# Lihue, Hawaii

Neil Sheehan		13
18:17:44	1	distances in order to remain proficient with their training.
18:17:49	2	The complex provides irreplaceable missile capacity for the
18:17:52	3	Navy to conduct essential training and testing. The training
18:17:55	4	is absolutely vital for the safety of our nation's sailors
18:17:59	5	and marines and ultimately for the well-being of our country.
18:18:03	6	The Navy's not in this alone. The Navy has
18:18:09	7	been working with many partners in drafting this EIS/OEIS.
18:18:13	8	We have sought assistance from the National Marine Fisheries
18:18:19	9	Services and have worked closely with their experts in trying
18:18:22	10	to quantify potential effects on marine life that may be
18:18:23	11	associated with the Navy's training activities.
18:18:26	12	Additionally, the Missile Defense Agency, the Army and US
18:18:31	13	Department of Energy have been partners in our efforts.
18:18:36	14	Finally, we've coordinating with experts from various state
18:18:40	15	and federal agencies to ensure that impacts on the
18:18:43	16	environment are identified.
18:18:45	17	This EIS proposes to conduct current and
18:18:51	18	emerging training and effectuate testing and evaluation of
18:18:54	19	new technologies within the Hawaii Range Complex and to
18:18:59	20	upgrade and modernize the range. The action is needed to
18:19:01	21	ensure that our sailors and marines are trained and that they
18:19:05	22	remain in a high state of readiness and that advanced
18:19:09	23	technologies are able to be tested and evaluated and
18:19:12	24	ultimately available to the military. The majority of the
18:19:17	25	training proposed and examined in this EIS/OEIS occurs out in
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Neil Sheehan		14
18:19:25	1	the open ocean.
18:19:26	2	This acts -- This document analyzes three
18:19:31	3	alternatives: The no action alternative, plus two action
18:19:35	4	alternatives. The no action alternative includes those
18:19:42	5	training activities that currently occur in Hawaii, to
18:19:45	6	include a RIMPAC Exercise, up to Undersea Warfare Exercises
	7	annually, and typical test and evaluation activities like
18:19:53	8	missile launches from the Pacific Missile Range Facility.
18:19:56	9	Alternative One includes all those activities
18:20:00	10	from the no action alternative, but additionally studies
18:20:03	11	potential impacts on the environment that might be caused by
18:20:07	12	increases in Navy training in Hawaii, enhancements or
18:20:11	13	improvements to existing training facilities, upgrades for
18:20:15	14	missile launches, and impacts that two aircraft carriers
18:20:21	15	training during a RIMPAC Exercise might have on the
18:20:22	16	environment.
18:20:23	17	Alternative Two, the preferred alternative,
18:20:27	18	includes all the activities in the no action activity and
18:20:31	19	alternative one and studies a three aircraft carrier
18:20:36	20	exercise, and a slight further increase in training and the
18:20:38	21	support of some future high technology initiatives.
18:20:43	22	The Draft EIS evaluated 13 separate
18:20:48	23	environmental resource areas, such as biological resources,
18:20:53	24	cultural resources, health and safety, to determine the
18:20:56	25	potential effects of ongoing and proposed activities.
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Lihue, Hawaii

		Neil Sheehan	15
18:21:02	1	Additionally, the affected resource areas were analyzed in	
18:21:06	2	six different locations within Hawaii: On Oahu, Maui,	
18:21:11	3	Hawaii, Northwest Hawaiian Islands and the open ocean and	
18:21:15	4	Kauai, obviously.	
18:21:17	5	In this EIS, the analysis to date has not	
18:21:20	6	identified significant adverse impacts identified for any	
18:21:24	7	resource area in any geographic location within the Hawaiian	
18:21:30	8	Range Complex that could not be mitigated. However, this	
18:21:33	9	document is at a draft stage and the Navy welcomes any	
18:21:37	10	comments on its draft findings or its method of analysis.	
18:21:42	11	The Navy does not expect to cause harm marine	
18:21:50	12	mammals, but it recognizes the potential impact on marine	
18:21:54	13	mammals caused by use of sonar is very controversial. Based	
18:21:58	14	upon input from the National Marine Fishery Service and	
18:22:03	15	nongovernmental organizations, the Navy has incorporated best	
18:22:07	16	available science to assess potential impacts on marine	
18:22:11	17	mammals caused by mid-frequency active sonar. This	
18:22:19	18	methodology, called dose function, has been used by the	
18:22:20	19	Environmental Protection Agency in other environmental	
18:22:25	20	contexts, and now is being used for the first time to assess	
18:22:27	21	mid-frequency active sonar's impacts on marine mammals.	
18:22:32	22	What this method cannot do is to include in	
18:22:37	23	its calculations all the procedures that the Navy has in	
18:22:42	24	place to protect marine mammals. These personnel training,	
18:22:47	25	exclusion zones for detonations, power down or power off	
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		Neil Sheehan	16
18:22:53	1	procedures for the sonar when the mammals are within a	
18:22:57	2	certain distance of the sound source, and passive detection	
18:23:01	3	for marine mammals.	
18:23:02	4	The Navy is also working with the National	
	5	Marine Fisheries Services to develop a monitoring plan that	
18:23:07	6	will assist our agencies in identifying possible effects on	
18:23:10	7	marine mammals in the main Hawaiian Islands to better assist	
18:23:15	8	us in future analysis.	
18:23:17	9	The schedule provides for four public	
18:23:25	10	hearings -- tonight is the first -- on the Draft EIS, and	
18:23:29	11	also anticipates the final decision could be made in May of	
18:23:33	12	2008. We're going to -- back to Oahu on Thursday, and then	
18:23:39	13	Maui and Hawaii next week.	
18:23:42	14	The Navy welcomes your verbal comments now,	
18:23:46	15	your written comments tonight or sent in via fax, mail,	
18:23:51	16	e-mail or on our website by September 17th.	
18:23:54	17	Thank you very much.	
18:23:59	18	(Applause.)	
18:24:01	19	MS. MOSSMAN: We are ready to begin listening	
18:24:09	20	to your comments. To ensure that we get an accurate record	
18:24:14	21	of what is said, please help me respect the following ground	
18:24:17	22	rules:	
18:24:18	23	First, speak clearly and slowly into the	
18:24:24	24	microphone starting with your name and any organization you	
18:24:27	25	represent.	
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# Lihue, Hawaii

Vida Mossman		17
18:24:28 1	Second, each person will have three minutes	
18:24:32 2	to speak. This time limit includes public officials,	
18:24:38 3	organizational spokespersons and private individuals.	
18:24:43 4	Third, if you have a written statement, you	
18:24:46 5	may turn it in at the registration table and/or you may read	
18:24:51 6	it out loud within the time limit.	
18:24:54 7	Four, please honor any request that I make	
18:24:59 8	for you stop speaking if you reach the three-minute time	
18:25:04 9	limit. To aid you in knowing when your time is almost up, my	
18:25:09 10	assistant will hold up a card when you have 30 seconds left.	
18:25:15 11	This should allow you to find a comfortable place to wrap up	
18:25:20 12	your comments.	
18:25:21 13	Finally, please remember that no decision is	
18:25:25 14	being made tonight. The main purpose for the government	
18:25:30 15	representatives being here tonight is to learn of your	
18:25:33 16	concerns and suggestions firsthand.	
18:25:36 17	Our first five speakers in order will be:	
18 18	Stewart Burley, Tony Ricci, Richard Hoeffner, Diana La Betz,	
18:26:46 19	and Aukai Gonsalves.	
18:26:46 20	Stew.	
21	MR. BURLEY: (Rearranging the podium.)	
18:26:46 22	MS. MOSSMAN: Mr. Burley, you should really	
18:26:48 23	be addressing the two people that are here.	
18:26:52 24	CAPTAIN CUDNOHUFESKY: It's okay. You're	
18:26:53 25	fine. Any way you want to address us.	
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Stewart Burley		18
18:26:59 1	MR. BURLEY: Good evening, everyone. Aloha.	
18:27:01 2	My name is Stewart Burley, and I'm the -- I'm the consultant	
18:27:07 3	here on the island of Kauai. And I put together a couple of	
18:27:13 4	notes here. First of all, I would like to recognize the	
18:27:14 5	skipper, Mr. Mayor, and the rest of you residents of Kauai.	
18:27:24 6	Welcome here.	
18:27:26 7	My background, I'll do a real fast	
18:27:28 8	background. In 1957 I arrived here on Kauai and helped to	
18:27:32 9	open the Pacific Missile Range Facility. There were seven of	
18:27:35 10	us. And so that means I've been here over 50 years. And	
18:27:40 11	today if you look at the PMRF, there's over 1,000 people that	
18:27:44 12	work there. So think of that number from seven to 1,000 in	
18:27:51 13	50 years.	
18:27:52 14	Statistically, economically, strategically,	
18:27:59 15	PMRF has been good for the nation, the state, and the island.	
18:28:05 16	To give you a little bit more information on that, in the	
18:28:08 17	year 2000 I took a poll at PMRF and -- to ask how many	
18:28:16 18	companies, how many companies were funded -- no matter how	
18:28:21 19	much, whether just a small or full amount, how many were	
18:28:25 20	funded or received funds from PMRF, because of PMRF being	
18:28:31 21	here. And the number was 270 companies actually get some	
18:28:37 22	type of funding from PMRF. That was in the year 2000. And	
18:28:42 23	with the new programs and the number of companies that have	
18:28:45 24	moved in, the number is probably over 300 by now.	
18:28:50 25	On a return on investment, each time there's	
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Lihue, Hawaii

Tony Ricci		19
18:28:56	1	a large launch, approximately 200 to 400 people travel to
18:29:03	2	Kauai to watch and be part of that. So in figuring out,
18:29:08	3	using the Kauai Business Bureau formula, each time there's a
18:29:12	4	large launch, the island receives about \$3 million just for
18:29:22	5	the island. That means all of you that have someone working
18:29:25	6	in the hotels, the rental agencies, the tourist agencies;
18:29:29	7	some way they're being funded, part of their funds come from
18:29:38	8	PMRF or from the government.
18:29:42	9	MS. MOSSMAN: Stewart.
18:29:44	10	MR. BURLEY: Let me skip down here.
18:29:46	11	So surveillance is conducted continually.
18:29:50	12	Everything is documented or analyzed. Every launch that
18:29:55	13	happens at PMRF has a rate safety approval written up by
18:29:59	14	engineers. Senator Dan Inouye, about ten years ago,
18:30:04	15	indicated that he would like to see before he retires 1,500
18:30:08	16	people working at Barking Sands.
18:30:10	17	MS. MOSSMAN: Mr. Burley, your time is up.
18:30:14	18	MR. BURLEY: The EIS is your document.
18:30:17	19	Embrace it, encourage it, it will make you proud.
18:30:21	20	MS. MOSSMAN: Mr. Burley, thank you.
18:30:27	21	Mr. Tony Ricci.
18:30:39	22	MR. RICCI: Hi. My name is Tony Ricci. Hi,
18:30:46	23	Captain, Mayor.
18:30:48	24	It is hard talking with my back to you. But
18:30:51	25	I used to have my paper --
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(cont.)

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Tony Ricci		20
18:30:53	1	Mr. Burley, you read that whole paper. That
18:30:54	2	was actually pretty good.
18:30:55	3	I'm a resident of Kauai, been here 14 years.
18:30:59	4	I'm here basically because we have a saying on the west side
18:31:03	5	that the base starts from Lihue to the west side and from
18:31:07	6	Lihue to the north shore, they don't know even know we exist
18:31:13	7	on the west side. The base has been a really good neighbor,
18:31:17	8	a really good part of the west side. Our family interacts
18:31:21	9	with the base. I'm not in the military. Never been in the
18:31:24	10	military, never been in the armed forces in any way.
18:31:27	11	I just wanted to come here -- I usually don't
18:31:30	12	do these kinds of things, never been to one of these before.
18:31:34	13	Just because sometimes we hear this thing about the sonar and
18:31:37	14	whatnot, but, you know, PMRF is a great neighbor to Kauai.
18:31:42	15	They're a great part of Kauai, and I just wanted to say that.
18:31:46	16	And, Captain, welcome here.
18:31:48	17	And our private family, a lot of the people
18:31:52	18	on the west side really appreciate that PMRF is there and
18:31:57	19	that they do come up with a lot of money. Mr. Burley, he had
18:32:01	20	great stats. I don't have stats. So he can take my other
18:32:05	21	minute. Is that basically done? I know, I'm only kidding.
18:32:08	22	I just want to say thank you. That's all I
18:32:11	23	wanted to say, is that I really do appreciate PMRF is on
18:32:16	24	Kauai.
18:32:17	25	MS. MOSSMAN: Next speaker is Mr. Rich
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(cont.)

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# Lihue, Hawaii

Richard Hoeffner		21
18:32:22	1	Hoeffner.
18:32:22	2	MR. HOFFNER: I speak to all of you and not
18:32:40	3	necessarily to you gentlemen because I realize you're just
18:32:45	4	doing your job, but the futility of this whole thing. I
18:32:49	5	don't know how much was spent on this Environmental Impact
18:32:54	6	Statement, but it's like the convicts in San Quentin making
18:33:00	7	the rules on how the prison is run. An Environmental Impact
18:33:05	8	Statement done by the Navy for the Navy is totally
18:33:08	9	ridiculous. Nothing anybody says here tonight is going to
18:33:11	10	make a difference in what the Navy does. This is -- You're
18:33:18	11	here tonight to hear what they're going to do.
18:33:27	12	The Superferry pisses me off. This makes me
18:33:32	13	angry. They're going to be doing things here that are going
18:33:36	14	to hurt this island. The military just admitted they're
18:33:42	15	using depleted uranium on the Big Island. In this
18:33:48	16	Environmental Impact Statement, the striker force is going to
18:33:52	17	be here on our island. They have -- And somebody else is
18:33:58	18	going to talk more about this, but they're going to be using
18:34:04	19	weapons here, atomic weapons, nuclear weapons, weapons that
18:34:15	20	have depleted uranium; and nothing we say here tonight is
18:34:19	21	going to change that. They're going to do any damn thing
18:34:20	22	they please because they're the federal government.
18:34:23	23	How much time do I have left?
18:34:25	24	MS. MOSSMAN: A minute and a half, about a
18:34:28	25	minute.
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D-T-0020

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Diana La Betz		22
18:34:29	1	MR. HOFFNER: Okay. When the Iraqi War
18:34:31	2	started, I sent letters to our congressmen and to the
18:34:35	3	president saying that you don't fight a war when you have
18:34:41	4	individuals involved. The terrorists are individual
18:34:46	5	criminals. I worked in the police department Berkeley,
18:34:52	6	California. I was a burglary investigator. When we had a
18:34:55	7	burglary committed, we didn't gather the police department
18:34:58	8	together and go attack Oakland. We investigated and we went
18:35:03	9	and arrested the burglars. You cannot fight a war against
18:35:10	10	terrorists because they're individuals.
18:35:12	11	If you give me five 5-man special forces
18:35:18	12	teams, I'll guarantee you I could eliminate all the
18:35:22	13	terrorists in the world by arresting them, doing a
18:35:27	14	investigation and getting them out of here.
18:35:29	15	No matter what happens tonight, the Navy is
18:35:33	16	going to do what they want to do and this is all futile.
18:35:37	17	It's a futile effort.
18:35:41	18	(Applause.)
18:35:41	19	MS. MOSSMAN: Diana La Betz.
18:35:59	20	MS. LA BETZ: Hi there. Well, here's my
18:36:03	21	take. I'm just as angry as him, but I'm really more
18:36:07	22	concerned about the big picture. We have these gentlemen
18:36:13	23	here and you're talking about all the things you've done and
18:36:16	24	blah, blah, blah. Well, I have to tell you something. I am
18:36:19	25	afraid. I am very afraid. I'm not afraid of the wars that
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(cont.)

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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Lihue, Hawaii

		Diana La Betz	23
18:36:24	1	are going on and the wars that could happen, blah, blah,	
18:36:27	2	blah. I'm afraid of the military. I'm afraid of the	
18:36:31	3	military.	
18:36:31	4	(Applause.)	
18:36:35	5	MS. LA BETZ: In wars people go out and kill	
18:36:38	6	bunches of people. They kill -- They destroy countries.	
18:36:42	7	They destroy water. They destroy air. They destroy species.	
18:36:45	8	The Navy, you have the capability of destroying the whole	
18:36:50	9	entire ocean mammal population.	
18:36:55	10	In my opinion, we are all connected. We are	
18:36:57	11	all connected by what, I don't know, but I feel it. I feel	
18:37:02	12	that if we feel connected, you feel responsible. So when	
18:37:07	13	someone else is hurting someone else, it's hurting yourself.	
18:37:10	14	And the military is hurting everything. We are eliminating	
18:37:17	15	species. Who gave you the right to do that? I want to know	
18:37:20	16	who gave them the right to do that. They -- You believe you	
18:37:25	17	are above the law. And what about our resources?	
18:37:27	18	You know, we spent hours and hours and hours	
18:37:31	19	trying to pass laws to protect ocean mammals, and you guys	
18:37:35	20	disregard it. And you want to be respected? What about our	
18:37:39	21	respect? What about the respect that we have for each other	
18:37:43	22	and we have in their generations and the citations? I mean,	
18:37:49	23	what -- 90 percent of the world's fish are gone. 70 percent	
18:37:55	24	of the zooplankton is gone. There is a Pacific Coast gyre in	
18:38:02	25	the middle of the Pacific Ocean that at the bottom of it is	
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COMMENT NUMBER
D-T-0021 (cont.)

2

3

		Diana La Betz	24
18:38:04	1	six parts plastic to one part plankton.	
18:38:07	2	We have done a tremendous amount of damage,	
18:38:10	3	and the military has done the most. And in your bylaws or	
18:38:16	4	whatever your rules are, you're supposed to be stewards. And	
18:38:19	5	I would like to suggest that you don't do your plan. I	
18:38:26	6	suspect that -- I would suspect that you'd listen to the	
18:38:29	7	world's citizens because we are all saying the same thing.	
18:38:34	8	You don't have the right -- When the ocean die, we die. And	
18:38:39	9	we get pretty gosh darn close.	
18:38:42	10	And the Hawaiian area is absolutely full of	
18:38:45	11	the most precious species on the planet and you're torturing	
18:38:50	12	them. You're torturing them and all the rest of the fish and	
18:38:55	13	everything else that is trying to survive because you want to	
18:38:59	14	tour around and play war games. It's not fair. It's not	
18:39:02	15	right. And we all have a right for a life that is --	
18:39:09	16	MS. MOSSMAN: Your time is up.	
18:39:11	17	MS. LA BETZ: -- forever after. Please.	
18:39:13	18	MS. MOSSMAN: Thank you very much. Thank	
18:39:15	19	you.	
18:39:17	20	(Applause.)	
18:39:22	21	MS. MOSSMAN: Before our next commenter comes	
18:39:26	22	up, I would like to announce the next five speakers. That	
18:39:32	23	would be Bruce Pleas, Juan Wilson, James Trujillo, Puanani	
18:39:47	24	Rogers and Elaine Dunbar.	
18:39:48	25	Aukai.	
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COMMENT NUMBER
D-T-0021 (cont.)

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5

# Lihue, Hawaii

Aukai Gonsalves		25
18:39:57 1	MR. GONSALVES: Excuse my back. I want to	
18:40:03 2	talk forward.	
18:40:05 3	My name is Aukai Gonsalves. I live on the	
18:40:08 4	west side. Was raised up on the west side for all of my	
18:40:15 5	life. I was able to go away to school and ended up deciding	
18:40:22 6	that Hawaii was the place to live. So for most of my adult	
18:40:27 7	life I've been living on the west side.	
18:40:32 8	When I got back from college, I worked for a	
18:40:36 9	Hawaiian employment agency helping the locals find employment	
18:40:41 10	here on Kauai. I did that for nine years. And when an	
18:40:47 11	opportunity came to work for the Hawaii International Guard,	
18:40:51 12	I took it. So I have military activation. I'm not totally	
18:41:00 13	unbiased on the situation. But based on what I know and my	
18:41:06 14	experiences with the Navy down at Barking Sands, I agree with	
18:41:11 15	the second gentleman that the PMRF has been a very good	
18:41:17 16	neighbor, especially for those on the west side.	
18:41:20 17	And as long as I have known, my family has	
18:41:24 18	been living here on Kauai and I have never heard much of a	
18:41:30 19	complaint from them on anything with the military or what	
18:41:35 20	they have done or what they propose to do here on Kauai.	
18:41:38 21	I think as with anyone who that comes to	
18:41:50 22	Kauai, they will go on to be good neighbors. And I think the	
18:41:54 23	Navy and the military has tried their best to meet that goal.	
18:42:06 24	And that's all. Thank you.	
18:42:12 25	(Applause.)	
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Bruce Pleas		26
18:42:15 1	MS. MOSSMAN: Before we go further, I would	
18:42:17 2	like to explain why we have the podium set up the way it is.	
18:42:21 3	It's mainly because these two gentlemen here are here to	
18:42:26 4	receive your comments.	
18:42:28 5	In all fairness, we would like to give	
18:42:30 6	everyone three minutes to speak. You can also see when	
18:42:36 7	you're being cued with the 30 seconds. So we'd appreciate,	
18:42:37 8	you know, if you'd just go ahead and provide testimony, then	
9	applaud.	
18:42:42 10	Okay. Mr. Pleas.	
18:42:44 11	MR. PLEAS: I am going to move this to a more	
18:42:52 12	logical position to address everyone. This way the person	
18:43:09 13	speaking can see everybody easily.	
18:43:12 14	My name is Bruce Pleas. I'm a resident of	
18:43:16 15	Kekaha. And I will change the scenario here. I will go	
18:43:20 16	directly to the EIS and why we are here. The EIS, Section	
18:43:26 17	4.3.2.1.8, Land Use, page 4-266, Section 79, the way it's set	
18:43:36 18	up: "The beaches on PMRF only represent a small portion of	
18:43:41 19	the available beaches on western Kauai and do not provide a	
18:43:44 20	unique recreational coastal opportunity that is not being	
18:43:50 21	provided elsewhere on the island."	
18:43:52 22	This is not a true statement. For surfing it	
18:43:57 23	is absolutely wrong. Upper Rifle Range, Kokole Point is a	
18:44:06 24	unique situation. Between Kokole Point and Family Island are	
18:44:08 25	A-frames that do not exist anywhere else on this island.	
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COMMENT NUMBER
D-T-0022 (cont.)
D-T-0023
1

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Lihue, Hawaii

Bruce Pleas		27
18:44:11	1	This is where World Champion Andy Irons, his brother World
18:44:16	2	Champion Mark Hubbard learned how to surf. I watched them
18:44:23	3	grow up there. Without this area, they may not have been
18:44:26	4	where they are. We have access to Family Island and
18:44:30	5	Kinikini. Above that is Airports. Above that is Pill Box
18:44:34	6	and then comes Rocket Reef. These are all unique areas of
18:44:39	7	Kauai that are unique to the world.
18:44:41	8	This statement is not true. There is no
18:44:43	9	reference given here. This EIS is not complete and has to
18:44:47	10	address this.
18:44:50	11	The Appendix I, this is I.5, this has to do
18:44:57	12	with the ceded land. These are the set asides. In 3,
18:45:06	13	Restrictions on Use Or Disposal, Part B, Executive Orders,
18:45:10	14	No. 945 in A.7 says that, "The land herein described is set
18:45:17	15	aside on the understanding access to the shore for the
18:45:20	16	purpose of fishing will be denied only on the portion used
18:45:24	17	for bombing and that only while same is actually in progress
18:45:29	18	or about to commence."
18:45:31	19	This is what our access is. What is missing
18:45:34	20	is the complete documentation of this, which also says the
18:45:39	21	set aside, the makai value by the ocean is the high waterline
18:45:44	22	of the year, that is where the set aside goes. Makai of the
18:45:48	23	high waterline, the ocean is state beach. Any documents that
18:45:52	24	indicate the state beach has been leased or transferred to
18:45:56	25	the federal government need to be included in the EIS and I
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NUMBER  
D-T-0023  
(cont.)

3

Juan Wilson		28
18:46:01	1	can go on in the orders here from DLNR.
18:46:01	2	MS. MOSSMAN: Mr. Pleas, your time is up.
18:46:04	3	MR. PLEAS: And that is the request I have.
18:46:05	4	Thank you very much.
18:46:08	5	(Applause.)
18:46:11	6	MS. MOSSMAN: Juan Wilson.
18:46:19	7	MR. WILSON: My name is Juan Wilson. I live
18:46:26	8	in Hanapepe Valley.
18:46:32	9	The US Navy is not really including
18:46:35	10	everything in the EIS. Their representation is that the
18:46:38	11	Hawaii Superferry is part of an aid program to build littoral
18:46:42	12	combat ships to be stationed in Hawaii with public funds and
18:46:44	13	guarantees. The plan of stationing the Striker Brigade on
18:46:51	14	Oahu and training at Kahakalau does not make any sense
18:46:53	15	without the use of the littoral combat ships around the
18:46:55	16	Pacific. It is a strategic decision made without concern for
18:47:00	17	the environment of Hawaii and without an EIS. Like WesPac
18:47:05	18	expressed in Japan, it is a ship masquerading as a military
18:47:10	19	operation that's doing the job of the military, US military.
18:47:16	20	If there's any doubt about that, just look at
18:47:19	21	the board on the Superferry. As I mentioned at several
18:47:22	22	meetings, its chairman is a former Secretary of the Navy,
18:47:26	23	John Landing and five of his associates, and he control the
18:47:30	24	11 board -- 11-man board. Four of those are ex-Navy
18:47:37	25	officers.
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(cont.)

D-T-0024

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# Lihue, Hawaii

Juan Wilson		29
18:47:38 1	With few exceptions the Navy impact on the	
18:47:42 2	island and on the ocean around Hawaii is catastrophic. We	
18:47:46 3	don't want more of it being shoved down our throats. If the	
18:47:49 4	Navy wants the Superferry as littoral combat ship, it should	
18:47:52 5	buy it, paint it in fleet camo and dock it in Pearl Harbor.	
18:47:56 6	I ask that the following questions be	
18:47:58 7	answered in the Navy EIS. I think they're linked directly to	
18:48:02 8	the Navy with this.	
18:48:03 9	Is it possible that weapons systems in the	
18:48:05 10	field at Kahakalau Range could be contaminated with depleted	
18:48:11 11	uranium?	
18:48:12 12	Two: Will the military equipment used there	
18:48:14 13	be tested for depleted uranium before boarding the	
18:48:17 14	Superferry?	
18:48:17 15	Three: Will military equipment used there be	
18:48:21 16	decontaminated before boarding the Superferry?	
18:48:24 17	Will the Superferry based on Kauai transport	
18:48:28 18	any of this military equipment?	
18:48:30 19	Will the Striker Brigade or associated weapon	
18:48:34 20	platforms disembark on Kauai?	
18:48:37 21	Will the Superferry coordinate efforts with	
18:48:39 22	the Navy for RIMPAC 2008?	
18:48:43 23	Will the Superferry be part of any ocean	
18:48:46 24	littoral combat ship simulations or war games in the future?	
18:48:50 25	Will the Superferry ever be equipped with mid	
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D-T-0024 (cont.)
1

James Trujillo		30
18:48:52 1	or low frequency sonar capable of harming whales or other sea	
18:48:56 2	life?	
18:48:57 3	Will the Superferry participate in military	
18:48:59 4	protocols to prevent whales from hearing military equipment?	
18:49:02 5	Will the Navy be involved with insurrection	
18:49:05 6	simulations using the Superferry on any Hawaiian Island?	
18:49:10 7	What type of impact could depleted uranium	
18:49:12 8	dust have on GML4 experiments within the Navy MRE area?	
18:49:15 9	I've got a lot more, but I'm out of time.	
18:49:20 10	Thank you very much.	
18:49:22 11	(Applause.)	
18:49:22 12	MS. MOSSMAN: Mr. Wilson, if you would leave	
18:49:26 13	your comments. Thank you.	
18:49:29 14	James Trujillo.	
18:49:43 15	MR. TRUJILLO: I appreciate the opportunity	
18:49:47 16	to speak before you and provide my view. I haven't lived	
18:49:56 17	here long. I live in Kapa'a and work on the west side. And	
18:49:59 18	I know that you guys have tried to be as good neighbors as	
18:50:03 19	you possibly can. I think you folks in this state, they do	
18:50:09 20	have appreciation for the Navy and the military, what they	
18:50:13 21	have done.	
18:50:16 22	I appreciate the opening pule from the aunty	
18:50:23 23	and her connection to the deeper significance of why we're	
18:50:30 24	all here and why we feel it important that you receive input	
18:50:35 25	from us and why we feel it important going to be here to	
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COMMENT NUMBER
D-T-0024 (cont.)
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D-T-0025

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Lihue, Hawaii

		James Trujillo	31
18:50:39	1	present information to you, which might be a little bit more	
18:50:44	2	pessimistic than myself. I learned a local term, shibai.	
18:50:50	3	Whether this is pure shibai, I hope not.	
18:50:54	4	I speak to my desires that the military,	
18:51:00	5	specifically the Navy in this, develop a more inclusive	
18:51:06	6	process that does take into consideration the things that	
18:51:09	7	this guy talked about, when Mr. Juan Wilson was speaking	
18:51:14	8	about how bruise place with specification in regards to	
18:51:19	9	errors, nonfactual information.	
18:51:22	10	I think that the history of the military in	
18:51:28	11	being present in the Polynesian islands is less than ideal.	
18:51:33	12	I think that the fact is that citizens from Polynesian, the	
18:51:42	13	Hawaiian Islands, that they can attest, I think, to the	
18:51:46	14	impacts and their issues with how the military has neglected	
18:51:51	15	their responsibilities and obligations to clean up and	
18:51:55	16	provide us with ample mistrust.	
18:52:00	17	It's unfortunate that we can't necessarily	
18:52:04	18	believe everything that is written down as scenarios being	
18:52:08	19	preferred or alternatives that would be acceptable when, in	
18:52:14	20	my opinion -- and I do appreciate the opinions of others --	
18:52:18	21	that the military has done a service to our global community	
18:52:25	22	and that terrorism is just that, terrorism and war is just	
18:52:30	23	that, war. And to equate the two, it's easy to draw that	
18:52:36	24	line.	
18:52:38	25	I speak freely. I participate in this	
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(cont.)

1

		Puanani Rogers	32
18:52:43	1	democratic process and I thank you for opening up for us, yet	
18:52:45	2	I understand that we're not all here, we haven't all been	
18:52:50	3	able to participate and I hope -- I hope that the things that	
18:52:53	4	are being presented --	
18:52:55	5	MS. MOSSMAN: Mr. Trujillo, your time is up.	
18:52:58	6	MR. TRUJILLO: -- is taken to heart. Mahalo.	
18:53:02	7	MS. MOSSMAN: Puanani Rogers.	
18:53:19	8	MS. ROGERS: (Statement in Hawaiian.)	
18:53:29	9	Greetings to all of you on this evening on	
18:53:33	10	this beautiful island on Kauai. My name is Puanani Rogers,	
18:53:38	11	for the record. Aloha, Captain, Ms. Mossman, Mr. Sheehan,	
18:53:45	12	our honorable mayor and all of you people employed with EMRF.	
18:53:51	13	Mahalo for this opportunity.	
18:53:53	14	I would like to thank Aunty Aletha for her	
18:53:56	15	beautiful prayer. And as she mentioned, that we have taken	
18:54:01	16	care of our aina from the beginning. First peoples that	
18:54:05	17	lived here have always taken care of our island. So we hope	
18:54:10	18	that you continue to do that and to speak against any entity	
18:54:15	19	that wishes to destroy it. I believe that it is happening as	
18:54:22	20	I speak, that our aina is being destroyed. So sad.	
18:54:39	21	Anyway, I'm Kanaka Maoli. (Statement in	
18:54:43	22	Hawaiian.) And I love Kauai. This is the only place I can	
18:54:48	23	call home; therefore, I will stand up and defend this aina	
18:54:54	24	'til my dying breath. And I believe the US military is the	
18:54:57	25	greatest polluter of our islands. Just today, ironically, in	
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(cont.)

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1

# Lihue, Hawaii

Puanani Rogers		33
18:55:05 1	the newspaper, guess what, DU, depleted uranium, one of the	
18:55:10 2	most dangerous chemicals to human beings was found here on	
18:55:16 3	our aina, on Pohakuloa. I have reason to believe it is also	
18:55:23 4	there in Schofield, Makua Valley, Waikani Valley, all of the	
18:55:30 5	many areas of the 240,000 plus acres that the military is	
18:55:35 6	occupying. They have left their hewa, their garbage.	
18:55:44 7	Instead of building up the military, we should clean up the	
18:55:49 8	island first.	
18:55:50 9	(Applause.)	
18:55:52 10	MS. ROGERS: No buildup. I think the	
18:55:57 11	strikers coming here to our aina and --	
18:56:01 12	What? 30 seconds? Okay.	
18:56:06 13	Okay. You know where I stand. I speak for	
18:56:08 14	our island because our island cannot speak for itself.	
18:56:13 15	(Applause.)	
18:56:14 16	MS. ROGERS: I speak for our kupuna whose	
18:56:18 17	spirits are here with us today. They too are crying because	
18:56:22 18	of all the hewa that is happening to our aina, our aina, our	
18:56:27 19	resources, our water, our air, all things that keep us alive	
18:56:32 20	and well and living here on our beautiful aina.	
18:56:38 21	Just remember: Malama aina, aloha aina.	
18:56:41 22	Take care of the aina, the aina will take care of you.	
18:56:48 23	Mahalo for this opportunity.	
18:56:48 24	(Applause.)	
18:56:54 25	MS. MOSSMAN: Before our next speaker comes	
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D-T-0026  
(cont.)

Elaine Dunbar		34
18:56:55 1	up, I would like to announce the next five speakers. They	
2	are Michael Fox, Dominic Acaín, Wendy Raebeck, George W.	
3	Saunders, Jr. and Carl Berg.	
18:57:17 4	So Elaine Dunbar.	
18:57:21 5	MS. DUNBAR: My name is Elaine Dunbar. This	
18:57:34 6	is my oral testimony in opposition to Navy expansion at PMRF.	
18:57:39 7	I understand that the Navy plans to train	
18:57:42 8	with dangerous sonar over 70 percent of the world's oceans.	
18:57:48 9	The intense noise that the system generates will have a	
18:57:51 10	lethal effect on populations of marine mammals. The Navy was	
18:57:55 11	unable to disprove this point in their EIS.	
18:57:58 12	I object to the Navy's proposal for expansion	
18:58:00 13	because that would violate the treaty still intact between	
18:58:04 14	Hawaii and the United States and it would violate other	
18:58:06 15	international treaties around the world. Treaties being the	
18:58:10 16	supreme of the land. These violations are high crimes	
18:58:12 17	against humanity.	
18:58:14 18	I object to the Navy's proposal in that it	
18:58:16 19	will be a violation of Public Law 103-150. The Draft EIS did	
18:58:21 20	not directly respond to the question of illegal occupation.	
18:58:25 21	Instead it proceeded to render an unauthorized, incorrect and	
18:58:29 22	diluted interruption or opinion of Public Law 103 and	
18:58:34 23	ignorantly overlooked the fact that the resolution was passed	
18:58:37 24	into law and used the vague disclaimer in the law as their	
18:58:42 25	basis, failing to cite paragraph 29: "Whereas, the	
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Lihue, Hawaii

	Elaine Dunbar	35
1	indigenous Hawaiian people never directly relinquished their	
2	claims to their inherent sovereignty as a people or over	
3	their national lands to the United States, either through	
18:58:59 4	their monarchy or through a plebiscite or referendum."	
18:59:00 5	The Draft EIS serves the Navy, not Hawaii,	
18:59:04 6	not the world, and is an extension of the government's	
18:59:05 7	manufactured terrorism. The draft dilutes and attempts to	
18:59:08 8	skirt the real dangers by not adequately and honestly	
18:59:12 9	addressing the issues presented in the scoping last year. It	
18:59:15 10	is very incomplete and contrived.	
18:59:17 11	What parts of the draft do reveal are	
18:59:19 12	premeditated impacts to marine mammals by way of stating	
18:59:24 13	their intent to do harm by increasing sonar decibels beyond	
18:59:28 14	the already lethal levels. This is document in proven cases	
18:59:31 15	and court rulings forbidding this activity. Also it reveals	
18:59:36 16	electromagnetic radiation will inadvertently sell or lease	
18:59:38 17	that have electronically triggered mechanisms. How do we	
18:59:42 18	know that testing didn't already cause the helicopters	
18:59:46 19	crashes?	
18:59:46 20	In the draft list of weapons they have over	
18:59:49 21	150 different types of weapons. It does not say how many of	
18:59:53 22	each type. These weapons aren't a bunch of rifles and	
18:59:57 23	pistols. They are the Mortal Combat army deadly weapons that	
19:00:01 24	they claim are safe, but the reality is they can destroy the	
19:00:03 25	world. And the US military is accident prone and	
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(cont.)

3

4

5

	Elaine Dunbar	36
19:00:07 1	incompetent.	
19:00:08 2	They don't tell the parents and children that	
19:00:10 3	when they put -- when they put on their benign demonstrations	
19:00:16 4	at the elementary schools. The US military is famous for	
19:00:21 5	poisoning the land and it still has not complied with	
19:00:23 6	reparations. The main reason the military has not cleaned up	
19:00:26 7	their waste to date is because they can't, the damage is too	
19:00:30 8	severe. Depleted uranium has a half-life of 500,000 years,	
19:00:36 9	they are here to now to ask permission to do some more	
19:00:38 10	damage.	
19:00:38 11	MS. MOSSMAN: Ms. Dunbar, your time is up.	
19:00:41 12	MS. DUNBAR: Okay. Thank you.	
19:00:43 13	(Applause.)	
19:00:50 14	MS. MOSSMAN: If you've got handwritten	
19:00:54 15	comments, we'd really appreciate it if you turn them in.	
19:00:59 16	Mr. Michael Fox.	
19:01:02 17	MR. FOX: Good evening. My comments are not	
19:01:15 18	so much directed at this EIS; however, I believe that they're	
19:01:21 19	important. The low turnout -- and I would say this is a low	
19:01:28 20	turn out -- does not infer that there is not interest in the	
19:01:33 21	subject. I think there's a concern amongst many citizens	
19:01:36 22	that their presence somehow will get them on a list.	
19:01:42 23	This is a very sad time in American history.	
19:01:47 24	Demonstrations are filmed. People are getting on "no fly"	
19:01:53 25	lists. Conversations by ordinary citizens are being listened	
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(cont.)

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D-T-0028

## Lihue, Hawaii

		<u>Elaine Dunbar</u>	37
19:01:57	1	to by the government. This is a sad time in American	
19:02:02	2	history. And I want to thank everyone that has come out here	
19:02:06	3	tonight and put their name on a list to speak with their	
19:02:10	4	address or phone number. How brave of you and how American	
19:02:15	5	of you.	
19:02:16	6	There is a distrust of government and there's	
19:02:22	7	a distrust of the military; and that distrust has been	
19:02:29	8	earned. When our young, when our youth are lied to, when you	
19:02:35	9	come on the campuses at the high schools and colleges and you	
19:02:38	10	lie to them and tell them that their service is a patriotic	
19:02:45	11	act to defend America's freedom in Iraq by going to Iraq and	
19:02:53	12	defending America's freedom, that's a lie. That's a lie.	
19:02:54	13	They're not going there to defend American freedom. There	
19:02:58	14	was -- That's a whole different subject, but there was no	
19:03:01	15	reason for us to invade Iraq. There was no reason for us to	
19:03:06	16	be occupying Iraq. We should be out of there.	
19:03:08	17	We have -- We have lost our reputation	
19:03:13	18	globally and we are going downhill. We need to work with the	
19:03:17	19	rest of the world and show that we are a powerful nation, a	
19:03:22	20	responsible nation, that we are a world player, that we are	
19:03:26	21	part of global network of brothers and sisters on this	
19:03:32	22	planet. And this island is a sacred place. Its aina is a	
19:03:39	23	sacred place. We do not want a larger bull's eye on this	
19:03:47	24	island than is already here.	
19:03:51	25	(Applause.)	
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COMMENT  
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(cont.)

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		Wendy Raebeck	38
19:03:55	1	MR. FOX: When the last time we had a	
19:03:57	2	military conflict that involved the state of Hawaii, it was	
19:04:00	3	on the island of Oahu and it was against a naval facility	
19:04:07	4	there. If there was no naval facility there, the Hawaiian	
19:04:11	5	Islands would never have been bombed.	
19:04:14	6	MS. MOSSMAN: Thank you, sir. Your time is	
19:04:14	7	up.	
19:04:14	8	MR. FOX: Thank you.	
19:04:17	9	(Applause.)	
19:04:17	10	MS. MOSSMAN: Dominic Acaín.	
19:04:28	11	UNIDENTIFIED SPEAKER: Dominic is not here	
19:04:30	12	yet.	
19:04:33	13	MS. MOSSMAN: Pardon?	
19:04:34	14	UNIDENTIFIED SPEAKER: She's not here.	
19:04:37	15	MS. MOSSMAN: Wendy Raebeck.	
19:04:45	16	MS. RAEBECK: Thank you. Good evening,	
19:04:47	17	everyone. I also want to thank everyone for the opportunity	
19:04:53	18	to be here. And I honestly don't feel any personal grudge or	
19:05:02	19	hatred for the people that are here. I do think they're	
19:05:05	20	doing their jobs, but I also acknowledge that they're getting	
19:05:10	21	paid by the hour to be here and the rest of us aren't.	
19:05:13	22	I think right now we're experiencing some	
19:05:18	23	terrible things from this administration and that this is	
19:05:21	24	part of it. If you acknowledge how tiny is the percentage of	
19:05:26	25	people in the country that want the military action that this	
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(cont.)

D-T-0029



## Lihue, Hawaii

		Wendy Raebeck	39
19:05:32	1	administration has put us in, I think that would also include	
19:05:36	2	what's happening here. I really think that's why it's	
19:05:40	3	happening here. It's part of the same thing.	
19:05:45	4	I really believe that you can't possibly live	
19:05:49	5	on this island and want more military. It just doesn't -- It	
19:05:54	6	just doesn't compute. You just can't live here and wish for	
19:05:58	7	more missiles. It doesn't make any sense. I really think	
19:06:02	8	that the people that are in the military -- I really don't	
19:06:06	9	think you guys want it, either. I really don't. I don't see	
19:06:10	10	how you could. I don't.	
19:06:11	11	And I think you are doing your jobs, but I	
19:06:15	12	think what I honestly would like to see would be for the	
19:06:16	13	military to begin to take a role, a leadership role in	
19:06:22	14	helping with the preservation of the planet, starting here.	
19:06:25	15	I think that the people who are in the military here are very	
19:06:28	16	involved with the ocean and have firsthand experience with	
19:06:31	17	the most beautiful waters in the world. And we are in a	
19:06:33	18	position to really help and to trigger around -- The whole	
19:06:38	19	world is talking about changing, saving things, changing our	
19:06:42	20	ways. That's what we need to do.	
19:06:45	21	We are already did this. We don't want to do	
19:06:48	22	it again. It's not right. We all know it's not right. I	
19:06:51	23	know that people in the military also know that it's not	
19:06:54	24	right. I know you know. And I know it's hard when it's your	
19:06:59	25	job, but I think you really need to say your consciousness	
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D-T-0029  
(cont.)

1

		George Saunders	40
19:07:03	1	and be true to yourself and write the truth. Thank you.	
19:07:10	2	(Applause.)	
19:07:13	3	MS. MOSSMAN: George W. Saunders, Jr.	
19:07:21	4	MR. SAUNDERS: Thank you very much.	
19:07:22	5	For 30 years everyone has called me Saunders.	
19:07:31	6	Okay. It's not about the ES. That is just	
19:07:35	7	paper. This is not a judgment. This is a discernment. My	
19:07:38	8	film recommendation is "The Day the Earth Stood Still,"	
19:07:42	9	everyone should watch that.	
19:07:45	10	Number one, I'm French Creole, French African	
19:07:50	11	and Cherokee. My great, great grandfather was a German	
19:07:55	12	sailor and my grandfather is a Halakhic Jew.	
19:07:59	13	When I was 14 in 1944 my best friend was	
19:08:03	14	Hawaiian and his mom constantly told me about the country of	
19:08:07	15	Hawaii, a nation with its own culture and language. It	
19:08:11	16	stuck.	
19:08:11	17	I ran into a police officer recently who	
19:08:15	18	said, "If you don't like the laws here, you should leave."	
19:08:18	19	Well, I've been out of the country half of my life and when I	
19:08:22	20	came back, I didn't think I was coming back to America	
19:08:27	21	because I'm in Hawaii, in the nation of Hawaii.	
19:08:31	22	Let me see. Where am I? Okay.	
19:08:34	23	I'm a world citizen. I support the military	
19:08:39	24	and what they have done. My dad was in the military for 22	
19:08:43	25	years. He ran the body bag -- in the body bag run, Vietnam,	
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COMMENT  
NUMBER

D-T-0030

# Lihue, Hawaii

Carl Berg		41
19:08:49	1	in Da Nang and he told me a lot of stories about military
19:08:53	2	officers smuggling things on the black market through
19:08:56	3	military planes because there was no customs. Support the
19:08:59	4	military and what they have done? You mean like drop atom
19:09:03	5	bombs; illegal police actions; support elitist, racist and
19:09:08	6	fascist practices in America; the hypocritical men who
19:09:14	7	maintain them.
19:09:14	8	Someone once asked me if I would die for my
19:09:17	9	art. I'm an artist that does political and social art all my
19:09:22	10	life. Someone once asked me die for my art, and I guess my
19:09:27	11	normally answered yes, but I do know that the Mother Kauai
19:09:31	12	will take me. And my last comment is that freedom has left
19:09:36	13	the building along with Elvis. Thank you very much.
19:09:39	14	(Applause.)
19:09:43	15	MR. SAUNDERS: 55 years old. Not a kid.
19:09:47	16	MS. MOSSMAN: Mr. Carl Berg.
19:09:50	17	MR. BERG: Aloha. My name is Carl Berg and
19:10:02	18	I'm going to try to address just two points that I found most
19:10:08	19	especially offensive in the EIS. And these follow a little
19:10:15	20	bit on what Paunani Rogers said.
19:10:18	21	On page 4-319 I just couldn't believe that
19:10:23	22	they are predominantly continued, quote, bombing exercises
19:10:28	23	and air-to-ground gunnery of Kauo, an island here, a Hawaiian
19:10:36	24	Island that has at times Hawaiian monk seals on it, for those
19:10:40	25	of us who are interested, but this is something that they
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COMMENT NUMBER
D-T-0030 (cont.)
1
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1

Carl Berg		42
19:10:43	1	want to continue and promote, the bombing and destruction of
19:10:48	2	this island. And to me, the fact that it is 108 acres is not
19:10:57	3	important. If it's any size, we should not be destroying the
19:11:02	4	earth.
19:11:03	5	(Applause.)
19:11:09	6	MR. BERG: On page ES 30, and this is one
19:11:20	7	volume, they're talking about the effects on the Northwest
19:11:20	8	Hawaiian Islands and they are saying -- I liked the words --
19:11:20	9	"some current flight activities resulted in missiles"
19:11:25	10	basically falling off and spreading stuff all over the place.
19:11:29	11	And they're -- But don't worry, it will spread out so much it
19:11:33	12	will not hurt the Hawaiian Islands. But on the very next
19:11:36	13	page we start talking about PMRF, the main base, Kekaha and
19:11:43	14	Kekohai and no where in that area do they mention the fact
19:11:45	15	that these missiles could both blow up and spread disease --
19:11:49	16	or destruction all over our land here on Kekaha.
19:11:54	17	But if you go to the next big volume, Volume
19:12:00	18	2, Chapter 4, page 252, they mention -- have a paragraph or
19:12:07	19	two that talks about that these things ignite, they will
19:12:09	20	ignite the forest earth, will form nitrous oxide which is
19:12:14	21	soluble in the water, these will also -- the nitrogen dioxide
19:12:19	22	will return to earth from this exploding missile, right, this
19:12:24	23	will come down as nitric acid rains. Isn't that a nice
19:12:29	24	picture for Kekaha and our island?
19:12:34	25	The precipitation events --
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COMMENT NUMBER
D-T-0031 (cont.)
2
3

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Lihue, Hawaii

Jeff Connolly		43
19:12:36	1	MS. MOSSMAN: Thirty seconds.
19:12:36	2	MR. BERG: Thank you.
19:12:37	3	And it could be acid, but the good news, they
19:12:40	4	could -- after they come down in this nitrous oxide rain and
19:12:42	5	eat your flesh off, they could react with the calcium
19:12:46	6	carbonate and form the nitrates which are used in fertilizer
19:12:50	7	for plant life. I find that their, I don't know, way of
19:12:55	8	putting -- justifying this kind of environmental degradation
19:12:59	9	is unacceptable and that at the best, they should take the no
19:13:04	10	action alternative. But, in fact, I wish that they had to
19:13:10	11	pull back and forget them. Thank you.
19:13:15	12	(Applause.)
19:13:15	13	MS. MOSSMAN: Is Dominic Acaín here?
19:13:29	14	Our next two speakers will be Mr. Jeff
	15	Connolly and Mahelani Sylva.
19:13:40	16	Mr. Connolly?
19:13:43	17	MR. CONNOLLY: I'm ready. Mahalo for the
19:13:59	18	opportunity to offer my personal observations and comments on
19:14:02	19	the Draft EIS and OEIS. For those who don't know me, I'm a
19:14:07	20	retired 30-year Navy veteran. I've had -- My family and I
19:14:12	21	are now Hawaii residents and we intend on living here for an
19:14:18	22	awful long time, especially if my wife has anything to do
19:14:22	23	about it.
19:14:23	24	I've served in the Navy on ships, squadrons,
19:14:25	25	aircraft throughout the world. Planning and personnel
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COMMENT  
NUMBERD-T-0031  
(cont.)

4

D-T-0032

Jeff Connolly		44
19:14:28	1	manning and conducting anti-submarine warfare, mine warfare
19:14:32	2	exercises, training exercises and the support the sailors and
19:14:35	3	marines who find ourselves deployed across the world.
19:14:38	4	I would like to make three fundamental
19:14:41	5	observations about the Draft EIS. The first is on
19:14:45	6	environmental stewardship. I believe that the document does
19:14:48	7	an excellent job of outlining the Navy efforts in
19:14:52	8	environmental stewardship. And I'm stating that based on my
19:14:56	9	personal observation.
19:14:57	10	And as, also, the responsible officer in many
19:15:00	11	instances, I can personally affirm that the Navy spends
19:15:03	12	substantial funds and takes great care in conducting
19:15:07	13	operations and exercises and their daily activities with
19:15:10	14	respect to environmental stewardship. This is particularly
19:15:13	15	true at PMRF where the employees themselves are great keepers
19:15:20	16	of the environment. And there are many success stories that
19:15:23	17	they care about Hawaii and I have had the privilege to work
19:15:25	18	with them and see the great pride and personal interest they
19:15:28	19	have in protecting the environment.
19:15:30	20	The second comment is on the use of sonar
19:15:33	21	during military exercises. Over 30 years in the Navy and
19:15:36	22	thousands of hours on or over the air or over the seas and
19:15:40	23	over land. I've participated in many anti-submarine warfare
19:15:46	24	exercises and mine warfare exercises where the use of active
19:15:49	25	sonar in various shapes and forms was conducted. In the EIS
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NUMBERD-T-0032  
(cont.)

1

## Lihue, Hawaii

		COMMENT NUMBER			COMMENT NUMBER
<p style="text-align: right;">Mahelani Sylva 45</p> <p>19:15:54 1 and I know this has been discussed in various forums, the</p> <p>19:15:58 2 impacts of -- they discuss the impacts of sonar on marine</p> <p>19:16:02 3 mammal behavior at length. I believe the Navy has correctly</p> <p>19:16:06 4 characterized their efforts based on known scientific</p> <p>19:16:10 5 evidence with respect to the impacts of active sonar on</p> <p>19:16:14 6 marine mammal behavior.</p> <p>19:16:16 7 I personally have never witnessed in 30 years</p> <p>19:16:21 8 nor have I had reported to me any instance of a change in</p> <p>19:16:24 9 marine mammal behavior during anti-submarine warfare</p> <p>19:16:26 10 exercises or mine warfare exercises conducted in Hawaiian</p> <p>19:16:28 11 waters or the Pacific, the Atlantic and the Mediterranean.</p> <p>19:16:33 12 And, lastly, the importance of live training.</p> <p>19:16:36 13 The underpinning of this Draft EIS is the -- is basically how</p> <p>19:16:43 14 we prepare sailors and marines for combat and mandatory</p> <p>19:16:49 15 missions. I'll simply state that there is no substitute for</p> <p>19:16:53 16 live training. Simulations today, while they're great,</p> <p>19:16:56 17 there's nothing like getting out and flying 200 feet at night</p> <p>19:16:59 18 in bad weather chasing a submarine, trying to work as a team</p> <p>19:17:04 19 and conduct an anti-submarine warfare exercise.</p> <p>19:17:05 20 MS. MOSSMAN: Mr. Connolly.</p> <p>19:17:09 21 MR. CONNOLLY: I support the Draft EIS and</p> <p>19:17:12 22 proposed OEIS. Thank you very much.</p> <p>19:17:16 23 MS. MOSSMAN: Mahelani Sylva.</p> <p>19:17:26 24 MS. SYLVA: Aloha. My name Mahelani Sylva.</p> <p>19:17:49 25 I'm Kanaka Maoli, English, German, Portuguese, Chinese. And</p> <p style="text-align: right;">RALPH ROSENBERG COURT REPORTERS, INC. (808) 524-2090</p>		<p>D-T-0032 (cont.)</p> <p>2</p> <p>3</p> <p>4</p> <p>D-T-0033</p>	<p style="text-align: right;">Mahelani Sylva 46</p> <p>19:17:56 1 as far as my ancestors are concerned, I speak for those who</p> <p>19:17:58 2 have passed away and never seen freedom on their face because</p> <p>19:18:11 3 they lost their country.</p> <p>19:18:14 4 The king of Hawaii was neutral in times of</p> <p>19:18:19 5 war, expressing the meaning of aloha. And now on our islands</p> <p>19:18:30 6 and our shores we have something that does not express the</p> <p>19:18:38 7 meaning of aloha. In looking at the EIS, I have a hard time</p> <p>19:18:42 8 suffering and commenting, only because the more I read into</p> <p>19:18:49 9 it, the more it twisted my mahalo, the very being of who I</p> <p>19:18:56 10 am. And it is not okay as far as I'm concerned.</p> <p>19:19:04 11 Anything that has to do with the perpetuation</p> <p>19:19:07 12 of war, whether it be in defense or another issue, is</p> <p>19:19:13 13 supposed to report and live one nation under our God for</p> <p>19:19:18 14 truth, justice, freedom, peace. No.</p> <p>19:19:27 15 So I'm not going to wait until you hold up</p> <p>19:19:29 16 that yellow sign. I'm speaking for myself and my kupuna who</p> <p>19:19:39 17 passed away and for future generations. I am not for the</p> <p>19:19:45 18 military and that. Mahalo.</p> <p>19:19:51 19 (Applause.)</p> <p>19:19:55 20 MS. MOSSMAN: Is Dominic Acaín here?</p> <p>19:20:06 21 Well, we're going to take a recess. We'll be</p> <p>19:20:10 22 here until 9:00 and if there are any other speakers who want</p> <p>19:20:16 23 to sign up, we'll be back. We'll be here. We're just going</p> <p>19:20:19 24 to take recess. Thank you very much.</p> <p>19:30:31 25 (Pause in Proceedings: 7:20-7:30)</p> <p style="text-align: right;">RALPH ROSENBERG COURT REPORTERS, INC. (808) 524-2090</p>		<p>D-T-0033 (cont.)</p> <p>1</p>

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Lihue, Hawaii

Ken Taylor		47
19:30:31 1	MS. MOSSMAN: We have two speakers and I	
19:31:52 2	would like to call them up in this order: Ken Taylor, then	
19:31:56 3	followed by Louis Parraga, Jr.	
19:32:04 4	Mr. Taylor.	
19:32:06 5	MR. TAYLOR: Good evening. Thank you for	
19:32:11 6	this opportunity. My name is Ken Taylor. The first speaker	
19:32:18 7	this evening made a big to-do about the activities that are	
19:32:24 8	at your facilities out there and how wonderful all this money	
19:32:28 9	is that is spent here on Kauai. I look at it as blood money	
19:32:32 10	and I can't be proud, I can't be proud of that money being	
19:32:36 11	spent here in Hawaii. No alternative should be the option	
19:32:41 12	generated by this activity.	
19:32:46 13	Back in the '50s I joined the Navy. I was	
19:32:53 14	proud to be in the Navy at that time. I felt obligated to	
19:32:56 15	serve my country. But since then I have had a real change of	
19:33:00 16	heart. It's really sad where this country has gone. We	
19:33:04 17	wouldn't need all this activity if we would learn to treat	
19:33:08 18	the people of this world differently than we do. I know	
19:33:11 19	that's not your responsibility, but you can take that	
19:33:15 20	information back to your superiors, all the way to	
19:33:18 21	Washington, because that's where it needs to start.	
19:33:20 22	(Applause.)	
19:33:22 23	MR. TAYLOR: I'm angry. I'm angry. I'm	
19:33:25 24	angry that we have to spend this kind of money. Why aren't	
19:33:30 25	we out around the world spreading aloha instead of arms and	
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COMMENT  
NUMBER

D-T-0034

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Louis Parraga		48
19:33:35 1	having to build more and more and more? Where is it going to	
19:33:38 2	end?	
19:33:39 3	The oceans are full of noise. They're	
19:33:42 4	getting noisier every day. We don't know the impacts that	
19:33:46 5	are taking place in the oceans because of all the noise.	
19:33:49 6	Every time you launch another ship out into the ocean, it's	
19:33:53 7	creating more noise, creating more problems for the animals	
19:33:57 8	that we don't understand what the impacts are.	
19:34:01 9	We as humans have to stand up and protect	
19:34:05 10	these people for what they are. And we need them, we need	
19:34:10 11	them desperately. And I'm really sorry that I can't stand	
19:34:15 12	here today and be supportive of what's going on with the	
19:34:19 13	military in this country. It's a sad state of affairs.	
19:34:24 14	Thank you.	
19:34:24 15	(Applause.)	
19:34:27 16	MS. MOSSMAN: Mr. Louis Parraga, Jr.	
19:34:39 17	MR. PARRAGA: I never thought I would speak	
19:34:48 18	tonight, but from all the people that spoke, most of them are	
19:34:53 19	outsiders. We local people call them outsiders. Now the	
19:34:58 20	outsiders who us local people done more damage in this island	
19:35:03 21	than they ever did. They have done some damage, but talk	
19:35:10 22	about damage, the outsiders did a lot of damage. Our way of	
19:35:16 23	life is completely changed. It used to be what they call a	
19:35:24 24	paradise. It's not paradise for local people anymore because	
19:35:29 25	too many of these people come here and, plus, other	
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NUMBERD-T-0034  
(cont.)

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D-T-0035

# Lihue, Hawaii

Louis Parraga		49
19:35:34	1	outsiders. And we don't need them fouling up our culture and
19:35:38	2	our way of living. Mainly the rich guys come here, build big
19:35:43	3	houses, and the poor guy right next-door cannot even pay the
19:35:48	4	land tax anymore. For generations they were living there.
19:35:51	5	They cannot pay their land tax anymore because of the rich
19:35:56	6	people that only concerned about making money. Just today
19:35:59	7	passed a house in Wailea just about finished built and it's
19:36:03	8	for sale already. Is that the way to treat our land? The
19:36:07	9	only use for profit and for money and parking?
19:36:10	10	So we need -- I'm a Korean War veteran, my
19:36:17	11	two sons are veterans, also. We need the military here. Did
19:36:21	12	you people ever hear of a surfer winning a war? The military
19:36:26	13	won wars. And if it wasn't for military, maybe the
19:36:32	14	terrorists take over, so we need the military here. So I
19:36:36	15	think, you know, you outsiders, you need to think twice.
19:36:40	16	Freedom is not free. And if it wasn't for the military,
19:36:44	17	would be no freedom in this world, in this United States of
19:36:50	18	America.
19:36:50	19	So I think that's about all I have to say.
19:36:53	20	So you outsiders think twice of what are you doing on this
19:36:56	21	island. Our paradise is Paradise Lost to us local people.
19:37:03	22	Thank you very much.
19:37:04	23	And, sir, don't leave here without --
19:37:07	24	thinking that the locally people is thinking all like how
19:37:10	25	these people spoke. No, no, no. Local people like the
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(cont.)

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Louis Parraga		50
19:37:13	1	military, most of them. Maybe few don't want, but most of
19:37:17	2	them like. And without military you wouldn't have nothing.
19:37:21	3	Like I say, surfers win no wars. Thank you.
19:37:25	4	(Applause.)
19:37:31	5	MS. MOSSMAN: We'll now take another recess.
19:37:34	6	Thank you very much.
19:37:35	7	(The proceedings recessed at 7:37 p.m.)
	8	(The proceedings adjourned at 9:02 p.m.)
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(cont.)

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Lihue, Hawaii

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C E R T I F I C A T E

STATE OF HAWAII                    )  
   )    SS.  
 CITY AND COUNTY OF MAUI        )

I, Sandra J. Gran, Certified Shorthand Reporter for the  
 State of Hawaii, hereby certify that the proceedings were  
 taken down by me in machine shorthand and was thereafter  
 reduced to typewritten form under my supervision; that the  
 foregoing represents to the best of my ability, a true and  
 correct transcript of the proceedings had in the foregoing  
 matter.

I further certify that I am not attorney for any of the  
 parties hereto, nor in any way concerned with the cause.

DATED this 5th day of September, 2007, in Maui, Hawaii.

*Sandra J. Gran*

Sandra J. Gran  
 Hawaii CSR 424  
 Notary Public for Hawaii  
 My Commission Expires: 5/14/08

SANDRA J. GRAN  
 Notary Public  
 State of Hawaii

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Honolulu, Hawaii

COMMENT  
NUMBER

1

1  
2  
3  
4 HAWAII RANGE COMPLEX  
5  
6 PUBLIC HEARING ON THE  
7 DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
8 OVERSEAS ENVIRONMENTAL IMPACT STATEMENT  
9 (EIS/OEIS)  
10  
11 THURSDAY, AUGUST 23, 2007  
12 6:00 - 9:00 P.M.  
13  
14 MCKINLEY HIGH SCHOOL CAFETERIA  
15 1039 SOUTH KING STREET  
16 HONOLULU, HAWAII 96814  
17  
18  
19  
20  
21  
22  
23  
24  
25 BEFORE: LESLIE L. TAKEDA, RPR, CSR #423

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NUMBER

2

1 THURSDAY, AUGUST 23, 2007; HONOLULU, HAWAII  
2 --oOo--  
3  
4 MS. MOSSMAN: Aloha, and good evening. Thank  
5 you for coming tonight.  
6 Before we get started, I'd like to invite Kahu  
7 Curt Kekuna, Minister and Director of the Kawaiahao  
8 Church, to offer a pule.  
9 KAHU KEKUNA: Kala mai, ladies and gentlemen. I  
10 just made a short phone call, and I apologize for walking  
11 up late here.  
12 I want to thank you all for coming. I want to  
13 make it clear why I'm here. I'm here to ask Ke Akua's  
14 blessings; that's why I'm here. That's the only one I  
15 trust in, my friends. I love men, I love women, but I  
16 trust in Ke Akua. Just like the coin says, In Ke Akua We  
17 Trust. That's where I'm at.  
18 And I understand it's going to be a different  
19 crowd tonight, a lot of different kinds of folks, so  
20 here's what I'd like to do to start off. Would you  
21 please stand. And before I give the pule, this would be  
22 very good for us to do: I'd like you to turn around and  
23 meet at least three people you don't know. Just shake  
24 their hands and say, "Good afternoon. Are you hot like  
25 me?"

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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Honolulu, Hawaii

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1 All right. Continue standing, ladies and  
2 gentlemen. Unless you're a stenographer, please keep on  
3 standing.

4 One of the reasons I do -- I do this all the  
5 time. You can ask the people who have been with me, that  
6 we meet each other, because, basically, we are all  
7 people. We are all people of Ke Akua, of God. Whether  
8 we believe that or not, that's another story; but I  
9 believe that wholeheartedly. And, therefore, because  
10 we're all people, there's one thing that I see that He  
11 asks -- well, a couple of things. But first of all to  
12 love him, yes, but also to love each other. And what  
13 this means is sometimes we're going to be -- especially  
14 in my church, we're going to be on different sides of the  
15 issue, of any issue. Give me any issue and I can show  
16 you those who are going to yell and scream and those on  
17 the other side are going to yell and scream; but in the  
18 end, when we're done, we're still people of God. So, my  
19 encouragement tonight is let's be the people of God.  
20 Let's respect each other. Let's not look to see how we  
21 can injure someone else. But let's see if we can promote  
22 understanding with each other. And, yes, malama each  
23 other, caring for each other. So, let's try with that  
24 spirit here present because Ke Akua is present.

25 Let's pray together. Please pray with me.

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1 (Prayer.)

2 KAHU KEKUNA: Please be seated.

3 MS. MOSSMAN: Thank you, Kahu.

4 This is a public hearing on the Draft  
5 Environmental Impact Statement for the Hawaii Range  
6 Complex.

7 I'm Vida Mossman, and I will be the moderator  
8 for tonight's meeting.

9 This hearing is being held in accordance with  
10 the provisions of the National Environmental Policy Act  
11 and implementing regulations. The Act requires federal  
12 agencies to analyze potential environmental impacts of  
13 certain proposed actions and alternatives and to consider  
14 the findings of those analyses in deciding how to  
15 proceed.

16 The purpose of tonight's hearing is to receive  
17 your comments and suggestions on the Draft EIS. Those of  
18 you who have had an opportunity to review the Draft EIS  
19 may want to read the summary of the major findings in the  
20 handout available at the registration table. Those  
21 findings will also be summarized briefly by one of our  
22 panel members in his presentation.

23 Let's look at the agenda for tonight. Hopefully  
24 you all had the opportunity to talk to the many  
25 knowledgeable experts and program officials who were

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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

# Honolulu, Hawaii

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1 staffing the exhibits during the past hour. After I  
2 finish this introduction, Captain Cudnohufsky will give  
3 you a brief introduction into the Navy's activities in  
4 the Hawaii Range Complex. Captain Cudnohufsky is both  
5 the Commanding Officer of the Pacific Missile Range  
6 Facility and the Officer in Charge of the Hawaii Range  
7 Complex. Next, Mr. Neil Sheehan will brief you on the  
8 environmental impact analysis process and summarize the  
9 results reported in the Draft EIS. Mr. Sheehan is an EIS  
10 Team Leader for the Navy.

11 The last item on the agenda, however, is the  
12 most important. The comment period is your opportunity  
13 to provide information and make statements for the  
14 record. This input ensures that decision-makers can  
15 benefit from your knowledge of the local area and any  
16 environmental effects you think may result from the  
17 proposed action or alternatives. Keep in mind that the  
18 EIS is intended that future decision-makers will be fully  
19 informed about the environmental impacts associated with  
20 various alternatives before they decide on a course of  
21 action. Consequently, comments tonight on issues  
22 unrelated to this EIS are beyond the scope of this  
23 hearing and cannot be addressed.

24 To comment verbally tonight, please fill out a  
25 verbal comment card available at the Registration and

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1 turn it in. I will start calling on speakers in the  
2 following order: I will recognize elected officials  
3 first; then I will call on members of the public in the  
4 order in which the cards were turned in. Each person  
5 will have three minutes to speak, including public  
6 officials, organizational spokespersons, and private  
7 individuals. We want to make sure that all who wish to  
8 speak have a fair chance to be heard.

9 Although we will not videotape this hearing, we  
10 have a stenographer here who will be recording and making  
11 a verbatim record of everything that is said tonight.  
12 The verbatim record will become a part of the Final EIS.

13 If you don't feel comfortable standing up here  
14 tonight and making a statement, you have until  
15 September 17th of this year to submit a written statement  
16 for consideration in the Final EIS. Keep in mind that  
17 written comments are given the same consideration as  
18 verbal comments offered here tonight.

19 Now it is my pleasure to introduce Captain  
20 Cudnohufsky.

21 CAPTAIN CUDNOHUFSKY: Thank you, Vida.

22 Aloha. Good evening to all of you.

23 I'm Captain Aaron Cudnohufsky. I'm the  
24 Commanding Officer of the Pacific Missile Range, and I'm  
25 also the Hawaii Range Complex Coordinator. Welcome to

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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Honolulu, Hawaii

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1 tonight's public hearing on our Draft Environmental  
2 Impact Statement for the Hawaii Range Complex.

3 In just a few minutes, Mr. Neil Sheehan will  
4 give a brief presentation on the draft document. I have  
5 just a couple things to say, but both he and I will keep  
6 it brief so that we can get to your comments, which is  
7 really why we're here tonight.

8 First of all I'd like to thank Curt Kekuna.  
9 Thank you very much for the prayer. Mahalo, Curt, and  
10 thank you for blessing the proceedings tonight and for at  
11 least letting us meet three new friends tonight.

12 As many of you know, the Hawaii Range Complex is  
13 a collection of significant testing and training  
14 capabilities throughout the state. The new technology  
15 that is tested here, along with the critical training  
16 that we do, is of prevalent importance and value to this  
17 nation of ours. Our sailors, Marines, soldiers, airmen,  
18 and Coast Guardsmen depend on training to hone their  
19 skills before we send them into harm's way. They also  
20 deserve the best technology our country can provide them.  
21 We owe them this much to provide the opportunity to train  
22 and be equipped with the best so we can help them keep as  
23 safe as possible. The Hawaii Range Complex contributes  
24 in both ways in providing mere training and testing of  
25 range facilities.

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1 At the Pacific Missile Range Facility we employ  
2 nearly 800 civilians. These are predominantly Kauai  
3 people from families that have provided generations of  
4 dedicated and capable people to our work force. It is  
5 from this talented pool that we entrust our most  
6 important work, from the management of the Missile  
7 Defense Agency support, to qualifying your nation's newly  
8 selected submarine commanders. You'll find people born  
9 and raised in Hawaii involved in each of these  
10 activities. We are the largest high-tech employer on  
11 Kauai. But what we do is just not about technology and  
12 employment. We recognize our responsibilities as  
13 stewards of a very special place. We are very proud of  
14 our accomplishments, and hopefully you'll have a chance  
15 to visit our poster station that details some of these  
16 events. We take a formal approach to our environmental  
17 management, but our success can also be attributed to  
18 input received from the community. As I stated before,  
19 Kauai families work here and they care about their  
20 environment and their surroundings.

21 Speaking about input from the community, that's  
22 why we're here tonight, so I'll wrap it up. I can't  
23 stress enough how important your involvement here is  
24 tonight in this effort. You have taken time from your  
25 busy lives to participate in this, and we appreciate it

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1 very much. Let's make this a time to share not only our  
 2 views but our respect for one another.  
 3 Mahalo.  
 4 MR. SHEEHAN: Aloha, everyone. My name is  
 5 Neil Sheehan. I am the Manager for the Hawaii Range  
 6 Complex Environmental Impact Statement. I'm here to  
 7 discuss the findings contained in the Draft Hawaii Range  
 8 Complex Environmental Impact Statement, or EIS, and Draft  
 9 Overseas Environmental Impact Statement, or OEIS. This  
 10 Draft EIS/OEIS was prepared by the U.S. Navy to comply  
 11 with the National Environmental Policy Act and under the  
 12 President's Executive Order 12114, which requires  
 13 environmental analysis for activities that occur outside  
 14 12 miles from land.  
 15 This environmental study has been ongoing for  
 16 several years. In order to receive public's input, the  
 17 Navy conducted scoping meetings on Oahu, Hawaii, Kauai,  
 18 and Maui in September of last year. Now the Navy is  
 19 receiving input from the public at this Draft EIS stage  
 20 of the process. The current schedule shows that the Navy  
 21 can be signing a record decision in May 2008, and it's  
 22 critical that the Navy decision-makers receive comments  
 23 from the public. In order to help facilitate receiving  
 24 comments, the Navy will be accepting comments tonight.  
 25 We will also accept comments via fax, regular mail,

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1 e-mail, and through our website. The deadline for  
 2 receiving comments is September 17th.  
 3 This Draft EIS/OEIS studies Navy training  
 4 activities within the Hawaii Range Complex, as shown  
 5 here. It also analyzes research, development, tests, and  
 6 evaluation done by other federal agencies, to include the  
 7 Missile Defense Agency. The Hawaii Range Complex  
 8 consists of surface, subsurface, and special-use air  
 9 space in and around the main Hawaiian Islands and is an  
 10 area for which the Navy has been conducting training for  
 11 many, many years. It also includes what is referred to  
 12 as the temporary operating area, or TOA, which is a large  
 13 area north and west of Kauai. The TOA is used for  
 14 missile testing and evaluation for short periods of time.  
 15 What this Draft EIS/OEIS does not do is request the use  
 16 of any new air, land, or sea space. It represents  
 17 current and anticipated future usage within the current  
 18 footprint.  
 19 The Hawaii Range Complex is important because  
 20 it's one of the largest and most used Navy range  
 21 complexes in the Pacific region. It provides vast open  
 22 spaces for large exercises, like the Rim of the Pacific,  
 23 exercise or impact. It also provides enough air and sea  
 24 space to conduct missile testing. Its central location  
 25 allows for other nation's military services from North

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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Honolulu, Hawaii

<p>11</p> <p>1 and South America, Asia, and Australia to meet for  2 training exercises. It is critical for those units  3 stationed in Hawaii to train locally without having to  4 travel great distances in order to remain proficient with  5 their training. The Complex provides irreplaceable  6 capability for the Navy to conduct essential training and  7 testing, and this training is absolutely critical and  8 vital for the safety of our nation's sailors and Marines,  9 and ultimately for the well-being of our country.</p> <p>10 The Navy has been working with many partners in  11 drafting this EIS/OEIS; we're not doing it alone. We've  12 sought assistance from the National Marine Fisheries  13 Service and have worked closely with their experts in  14 trying to quantify potential effects on marine life that  15 may be associated with Navy training activities.</p> <p>16 Additionally, the Missile Defense Agency, the Army,  17 Department of Energy have been partners in our efforts.  18 Finally, we've been coordinating with experts from  19 various state and federal agencies to ensure that impacts  20 on the environment are identified.</p> <p>21 This EIS/OEIS proposes to conduct current and  22 emergent training and defense-related testing and  23 evaluation of new technologies within the Hawaii Range  24 Complex and to upgrade and modernize the range. The  25 action is needed to ensure that our sailors and Marines</p> <p>Ralph Rosenberg Court Reporters, Inc.  Ofc: (808) 524-2090 Fax: (808) 524-2596</p>	<p>COMMENT NUMBER</p>	<p>12</p> <p>1 are trained and that they remain at a high state of  2 readiness and that advanced technologies are able to be  3 tested and evaluated and ultimately available to the  4 military. However, the majority of the training proposed  5 and examined in this EIS/OEIS occurs out in the open  6 ocean.</p> <p>7 This document analyzes three alternatives, the  8 No-Action and two Action Alternatives. The No-Action  9 includes those training activities that currently occur  10 in Hawaii, to include RimPac exercise and up to six  11 undersea warfare exercises annually and typical test and  12 evaluation activities like missile launches from the  13 Pacific Missile Range Facility on Kauai.</p> <p>14 Alternative 1 includes the activities and the  15 No-Action Alternative, and additionally it cites actual  16 impacts on the environment that might be caused by  17 increases in Navy training in Hawaii, enhancements or  18 improvements to exist in training facilities, upgrades  19 for missile launches, and impacts that two aircraft  20 carriers training together during a RimPac exercise might  21 have on the environment.</p> <p>22 The second alternative, the preferred  23 alternative, includes all those activities in the  24 No-Action Alternative and all the activities in  25 Alternative 1 and studies of three carrier exercise and a</p> <p>Ralph Rosenberg Court Reporters, Inc.  Ofc: (808) 524-2090 Fax: (808) 524-2596</p>	<p>COMMENT NUMBER</p>
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

# Honolulu, Hawaii

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1 slight further increase in training and the support  
 2 required for some future high-technology initiatives.  
 3 This EIS/OEIS has taken a hard look and  
 4 evaluated 13 environmental resource areas, such as  
 5 biological resources, cultural resources, and health and  
 6 safety to determine the potential effects of ongoing and  
 7 proposed activities. Additionally, the affected resource  
 8 areas were analyzed in six different locations within  
 9 Hawaii: Oahu, Maui, Hawaii, the Northwest Hawaiian  
 10 Islands, the open ocean, and Kauai. In this DEIS, the  
 11 analysis to date does not identify significant adverse  
 12 impacts identified for any resource area in any  
 13 geographic location within the Hawaii Range Complex that  
 14 could not be mitigated. However, this document is at the  
 15 draft stage, and the Navy welcomes any comments on its  
 16 draft findings or its methods of analysis.  
 17 The Navy does not expect to cause harm to marine  
 18 mammals, but it recognizes the potential impact on marine  
 19 mammals caused by its sonar is controversial. Based upon  
 20 input from the National Marine Fisheries Service and  
 21 non-governmental environmental organizations, the Navy  
 22 has incorporated the best available science to assess  
 23 potential impacts to marine mammals caused by  
 24 frequency-active sonar. This methodology is called "dose  
 25 function," and it has been used by the Environmental

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1 Protection Agency in other environmental contexts and now  
 2 is being used for the first time to assess mid-frequency  
 3 active sonars' impacts on marine mammals. What this  
 4 methodology cannot do is to include in its calculations  
 5 all the procedures that the Navy has in place to protect  
 6 mammals. These include personal training, exclusion  
 7 zones for detonations, power-down and power-off  
 8 procedures for the sonar when mammals are within certain  
 9 distances from the sound source, and passive detection of  
 10 mammals. The Navy is also working with the National  
 11 Marine Fisheries Service to develop a monitoring plan  
 12 that will assist our agencies in identifying possible  
 13 effects on marine mammals in the main Hawaiian Islands to  
 14 better assist us in future analyses.  
 15 Finally, the schedule provides for public  
 16 hearings on the Draft EIS, which we're currently  
 17 conducting, and also anticipates that the final decision  
 18 could be made in May of 2008. As Captain Cudnohufsky  
 19 said, the Navy welcomes your verbal comments now and your  
 20 written comments tonight or sent in via fax, mail,  
 21 e-mail, or via our website by September 17th.  
 22 Thank you very much.  
 23 MS. MOSSMAN: We are ready to begin listening to  
 24 your comments. To ensure that we get an accurate record  
 25 of what is said, please help me respect the following

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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Honolulu, Hawaii

	15
1 ground rules.	
2 First, please speak clearly and slowly into the	
3 microphone, starting with your name and any organization	
4 you represent.	
5 Second, each person will have three minutes to	
6 speak. This time limit includes public officials,	
7 organizational spokespersons, and private individuals.	
8 Third, if you have a written statement, you may	
9 turn it in at the registration table and/or you may read	
10 it out loud within the time limit.	
11 Fourth, please honor any request that I make for	
12 you to stop speaking if you reach the three-minute time	
13 limit. To aid you in knowing when your time is almost	
14 up, my assistant will hold up a card when you have 30	
15 seconds left. This should allow you to find a	
16 comfortable place to wrap up your comments.	
17 Finally, please remember that no decision is	
18 being made tonight. The main purpose for the government	
19 representatives being here tonight is to learn of your	
20 concerns and suggestions first-hand.	
21 Our first speaker in order will be,	
22 Manuel Kuloloio.	
23 No?	
24 Okay. How about Marti Townsend?	
25 And Bob McDermott.	
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	16
1 So, Marti?	
2 MS. TOWNSEND: Aloha. My name is Marti	
3 Townsend. I'm with Kahea, the Hawaiian Environmental	
4 Alliance.	
5 I'm here mostly to speak to the public that's	
6 here today because it's been my experience that public	
7 comments that I give actually don't make that much	
8 difference in the final outcome.	
9 I wanted to draw your attention to something	
10 that was in the newspaper yester -- or just today. In	
11 the Honolulu Advertiser there was an article about the	
12 Hawaiian monk seals' decline is unacceptable and how	
13 everything is being done to preserve the monk seals.	
14 There's only 1200 monk seals and they're concerned there	
15 will be less than a thousand -- which is that critical	
16 extinction number -- there will be less than a thousand	
17 in three years. And, so, NOAA and congressional leaders	
18 are putting up a lot of money and a lot of effort.	
19 They've developed a monk seal recovery plan, which took	
20 several years to develop. And we even have quotes from	
21 the Senator Daniel Inouye talking about how very	
22 important it is for the Hawaiian monk seals to be	
23 protected, wanting his grandson and granddaughter to be	
24 able to see a monk seal, a live one, not a stuffed toy or	
25 a poster; "That's why I'm in this business. That's why I	
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

# Honolulu, Hawaii

<p>17</p> <p>1 support this. I think it's well worth it." I'm</p> <p>2 personally shocked. What we've been hearing, we're</p> <p>3 suggesting that we blow up missiles right over the monk</p> <p>4 seals' heads. I mean, the Navy seems to be in direct</p> <p>5 contradiction to the policies and goals of our</p> <p>6 congressional leaders and its administration. It's</p> <p>7 widely known that the Northwest Hawaiian Islands were</p> <p>8 designated a marine monument; and no sooner is the ink</p> <p>9 dry on that proclamation then the Navy suggests that it</p> <p>10 incorporate the entire Northwestern Hawaiian Islands into</p> <p>11 its missile range. So, I am concerned that we are</p> <p>12 dealing with a rogue military, and I call upon all the</p> <p>13 citizens here to question what are the military's</p> <p>14 motivations, what are the military's obligations to do</p> <p>15 whatever they can, do everything to abide by the policies</p> <p>16 and goals of our elected officials, the people who are</p> <p>17 representing us, that is us. If we're going to be</p> <p>18 talking about U.S. law here, a tenet of U.S. law is the</p> <p>19 fact that the U.S. military is subservient to the people,</p> <p>20 subservient to our elected officials; and the fact that</p> <p>21 they're doing things that directly contradict other</p> <p>22 policies and other efforts we're making to protect our</p> <p>23 environment and protect our culture suggest that we as</p> <p>24 citizens need to do more to step up and ensure that the</p> <p>25 Navy stays in line. I just put that out there as food</p> <p>Ralph Rosenberg Court Reporters, Inc. Ofc: (808) 524-2090 Fax: (808) 524-2596</p>	<p>COMMENT NUMBER</p> <p>D-T-0036 (cont.)</p> <p>2</p> <p>3</p>	<p>18</p> <p>1 for thought for people here who are not part of the Navy.</p> <p>2 Thank you very much.</p> <p>3 MS. MOSSMAN: Bob McDermott?</p> <p>4 MR. McDERMOTT: Good evening, everybody.</p> <p>5 Vieques is gone. The training range that we</p> <p>6 used in Puerto Rico is gone. The only training range the</p> <p>7 United States has left to conduct these sorts of</p> <p>8 exercises is PMRF; that's it. A single missile shot on</p> <p>9 PMRF contributes anywhere between 12 and \$20 million to</p> <p>10 that local economy. Most folks don't know that. It's a</p> <p>11 lot of jobs. And those jobs are held by local people,</p> <p>12 local contractors, people who live on the island and</p> <p>13 contribute to that island.</p> <p>14 I'm going to read my written comments. Oh, by</p> <p>15 the way, I work for the Navy League. I should have told</p> <p>16 you that. But my comments are not only from the Navy</p> <p>17 League, but also as a private citizen, because I wrote</p> <p>18 this testimony and I share these views.</p> <p>19 The Navy is well aware of the fragile</p> <p>20 environment, the possible effects of sonar, radar, and</p> <p>21 other training devices that may impact marine life. That</p> <p>22 is why when they plan exercises they avoid major mammal</p> <p>23 concentration areas whenever possible. The Navy is truly</p> <p>24 dedicated to protecting marine mammals, as evidenced by</p> <p>25 the \$10 million they spend a year on marine mammal</p> <p>Ralph Rosenberg Court Reporters, Inc. Ofc: (808) 524-2090 Fax: (808) 524-2596</p>	<p>COMMENT NUMBER</p> <p>D-T-0037</p> <p>1</p> <p>2</p>
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Honolulu, Hawaii

<p>19</p> <p>1 research; \$10 million a year. And that's not their  2 mission. Their mission is to build ships and protect us,  3 not marine mammal research. But they spend that money in  4 order to avoid detrimental impacts to the marine mammals.  5 There's no doubt that Navy training creates some  6 effects to the environment. I mean, gosh, you can't take  7 a battle group out there and not expect any water ripples  8 or things like that. But that's just a small part of the  9 big picture. There are many other external factors in  10 the ocean at any given time, like eruptions, lightning  11 strikes, super tanks; there's also many other things.  12 These factors combined with pollution, commercial  13 shipping, fishery entanglements, disease, parasite  14 infection, ships striking, and other natural factors lead  15 to a rate of approximately 3500 strandings of marine  16 mammals every year on U.S. shores alone not caused by the  17 Navy.  18 In conclusion, does Naval training have an  19 impact on marine life and mammals?  20 Yeah, but it's negligent to a minimal extent,  21 especially when one considers the risk/benefit ratio for  22 our national security. The Navy is taking aggressive  23 steps to protect our marine mammals and other sea life  24 and avoid engagement whenever possible, exhibiting all  25 sorts of protective measures. They have -- I mean, they</p> <p>Ralph Rosenberg Court Reporters, Inc.  Ofc: (808) 524-2090 Fax: (808) 524-2596</p>	<p>COMMENT NUMBER</p> <p>D-T-0037 (cont.)</p> <p>4</p> <p>3</p>	<p>20</p> <p>1 use all this advanced technology; and they even have a  2 guy in front of the ship, several of them, sailors,  3 looking to see if there's any marine mammals out there.  4 I can tell you from a personal standpoint the  5 Navy is way ahead of the civilian sector as far as  6 environmental cleanup. If you spill some fuel -- if  7 you're out at a Navy base and you spill some fuel on the  8 ground, they make you get a shovel, pick it up, and put  9 it into a trash bag for disposal; they just don't leave  10 it there.  11 Something funny I found out the other day --  12 I'm sorry.  13 Thank you very much.  14 MS. MOSSMAN: Thank you, sir.  15 Is Manuel M. Kuloloio here?  16 Do we have any more speakers?  17 MR. KULOLOIO: I just want to say aloha and good  18 evening.  19 My name is Manuel Makahiapo Kuloloio. I'm from  20 the island of Maui and I'm happy to be here. The last  21 time I was in McKinley I was doing an electric motor  22 contest in my high school.  23 But as I walked in tonight, I wasn't going to  24 say anything, but I heard Mr. McDermott speak and I --  25 I'm sure I see you write columns in the paper. I see</p> <p>Ralph Rosenberg Court Reporters, Inc.  Ofc: (808) 524-2090 Fax: (808) 524-2596</p>	<p>COMMENT NUMBER</p> <p>D-T-0037 (cont.)</p> <p>D-T-0038</p>
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Honolulu, Hawaii

<p style="text-align: right;">21</p> <p>1 Mr. Young in the back, former DLNR chairman. Still can't</p> <p>2 figure out why it took him many months to go to</p> <p>3 Kahoolawe.</p> <p>4       The last time I saw police officers in a public</p> <p>5 hearing was on the island of Vieques. I was sent there</p> <p>6 as part of a delegation to not only halt the bombing but</p> <p>7 to remove the military from Roosevelt Road, and I'm not</p> <p>8 going to tell you what happened.</p> <p>9       My family history has been -- my grandma's house</p> <p>10 has been the headquarters for the Protect Kahoolawe Ohana</p> <p>11 since its inception, and I'm speaking here as an</p> <p>12 individual.</p> <p>13       The last time you held your public scoping</p> <p>14 meeting I was very concerned because I saw a particularly</p> <p>15 disturbing trend in how the NEPA process was being</p> <p>16 conducted, especially by the Navy. The first EIS I ever</p> <p>17 read was done by the United States Navy on the island of</p> <p>18 Kahoolawe. I still have those volumes in my house. And</p> <p>19 the last one they ever had, which is many, many volumes,</p> <p>20 was mailed by you, Ms. Vida, to my home because my mentor</p> <p>21 made the last EIS for PMRF in 1998. And the many EISs I</p> <p>22 read included the transportation of spent nuclear fuel</p> <p>23 from Yucca Mountain and the like, many volumes. The</p> <p>24 disturbing trend I saw was you had no people coming up to</p> <p>25 speak in public. I love to hear people speak so I can</p> <p style="text-align: right;">Ralph Rosenberg Court Reporters, Inc. Ofc: (808) 524-2090 Fax: (808) 524-2596</p>	<p style="text-align: center;"><b>COMMENT NUMBER</b></p> <p><b>D-T-0038 (cont.)</b></p> <p style="text-align: center;">1</p>	<p style="text-align: right;">22</p> <p>1 hear what they have to say and if comments and answers</p> <p>2 produced in your draft is any reflection of the questions</p> <p>3 that were asked; because when I read your draft, you had</p> <p>4 many blank pages. Your consultation comments,</p> <p>5 chapter 14, volume 3, was blank. Your comments and</p> <p>6 responses to the official agencies were blank. So, I</p> <p>7 have many concerns.</p> <p>8       For me, coming home from the island of Nihoa on</p> <p>9 the Hokulea's first visit to the Northwest Hawaiian</p> <p>10 Islands made me feel this place was very special. Let me</p> <p>11 speak -- I'm probably the only last recognized speaker.</p> <p>12 The irony for me, having come back from Nihoa, we stopped</p> <p>13 at Kaula Rock, and it hurt my heart to see what I saw at</p> <p>14 Kaula rock, to see all these unexploded ordnance, silos</p> <p>15 there, and for me it hurt. But in terms of environmental</p> <p>16 stewardship, the United States Navy has not done its job</p> <p>17 on the island of Kahoolawe. And when you start off your</p> <p>18 Appendix 1 with public --</p> <p>19       MS. MOSSMAN: Sir --</p> <p>20       MR. KULOLOIO: -- you should be sensitive to the</p> <p>21 Hawaiian community.</p> <p>22       MS. MOSSMAN: -- your time is up.</p> <p>23       MR. KULOLOIO: Thank you.</p> <p>24       MS. MOSSMAN: Thank you.</p> <p>25       MR. KULOLOIO: I think you could do a better</p> <p style="text-align: right;">Ralph Rosenberg Court Reporters, Inc. Ofc: (808) 524-2090 Fax: (808) 524-2596</p>	<p style="text-align: center;"><b>COMMENT NUMBER</b></p> <p><b>D-T-0038 (cont.)</b></p> <p style="text-align: center;">2</p> <p style="text-align: center;">3</p>
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Honolulu, Hawaii

<p>23</p> <p>1 job; and then we could support you even more if you had 2 done what you promised.</p> <p>3 Thank you.</p> <p>4 MS. MOSSMAN: Our next speaker is Kyle Kajihiro.</p> <p>5 MR. KAJIHIRO: Aloha. Thank you for this 6 opportunity to comment.</p> <p>7 My name is Kyle Kajihiro. I'm the Program 8 Director for the American Friends Service Committee.</p> <p>9 I will submit written comments, but I just have 10 some initial thoughts I'd like to share.</p> <p>11 First, we requested that this Draft EIS include 12 all the scoping comments, including transcripts, in order 13 to assure the accuracy of the information that was in 14 there, and I don't see any of those. Please include 15 those.</p> <p>16 I think, second, there's a fallacy in the 17 assumption that the baseline is somehow acceptable and 18 that the need is somehow beyond scrutiny. And I point 19 out the fact that national missile defense deployment is 20 actually exacerbating tension with Russia and China and 21 it's increasing the level of insecurity in our region, 22 and that is not addressed in this EIS. It's just assumed 23 that that's the way we need to go.</p> <p>24 Also, that the baseline assumes that the level 25 of activity is somehow acceptable and it's only</p> <p>Ralph Rosenberg Court Reporters, Inc. Ofc: (808) 524-2090 Fax: (808) 524-2596</p>	<p><b>COMMENT NUMBER</b></p> <p>D-T-0038 (cont.)</p> <p>D-T-0039</p> <p>1</p> <p>2</p> <p>3</p>	<p>24</p> <p>1 considering the increases. I would argue that the 2 cumulative effects historically, and combined with 3 everything else that's happening in Hawaii, is already an 4 unacceptable burden that the people of Hawaii have to 5 bear.</p> <p>6 This EIS, for all of its many pounds of paper 7 that it uses, has very little in the way of actual 8 analysis, aside from the analysis of the marine -- the 9 impacts of marine mammals and sonar. I don't see -- I 10 see very little original analysis of impacts. For 11 example, you list 12 pages of cumulative impacts that -- 12 many of which are additive to other activities, but 13 there's no analysis about how these combined effects are 14 really playing out in the community.</p> <p>15 Second, you say that there's no -- there's no 16 listing of -- I would like you to list the accidents, an 17 analysis of what types of accidents have happened over 18 the years of RimPac and --</p> <p>19 Socioeconomic impacts, there's a deficiency in 20 that you claim there's a benefit, but you don't look at 21 cost, such as the rising cost of housing.</p> <p>22 When Navy personnel receive subsidies for 23 housing, how does that affect the price of housing for 24 local residents who do not receive such a subsidy?</p> <p>25 Secondly, during the analysis of the efficiency</p> <p>Ralph Rosenberg Court Reporters, Inc. Ofc: (808) 524-2090 Fax: (808) 524-2596</p>	<p><b>COMMENT NUMBER</b></p> <p>D-T-0039 (cont.) 4</p> <p>5</p> <p>6</p> <p>7</p>
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Honolulu, Hawaii

<p>25</p> <p>1 of the military economy, you talked about the missile</p> <p>2 shots.</p> <p>3 How much of that money actually leaps out into</p> <p>4 our economy?</p> <p>5 Third, prostitution. We requested that the</p> <p>6 impact of large numbers of military personnel in the</p> <p>7 community will drive up the level of prostitution.</p> <p>8 Research development and testing and -- the</p> <p>9 RTD&amp;E, please include a description of whether these are</p> <p>10 earmarks and the program elements of their funding</p> <p>11 appropriation in the defense budget, because I think that</p> <p>12 some of these you mention -- cooperative engagement</p> <p>13 capability and some of these -- are networks and welfare</p> <p>14 programs that are pretty much driven by earmarks; so,</p> <p>15 that would tell me that these are not exactly driven by</p> <p>16 military necessity.</p> <p>17 And, finally, you don't describe some of these</p> <p>18 events and weapons and directed energy at all, so --</p> <p>19 MS. MOSSMAN: Sir, your time is up.</p> <p>20 MR. KAJIHIRO: Thank you.</p> <p>21 MS. MOSSMAN: Thank you.</p> <p>22 Do we have any more speakers?</p> <p>23 We'll take a 10-minute recess.</p> <p>24 (Recess from 6:42 P.M. to 6:52 P.M.)</p> <p>25 MS. MOSSMAN: We're back from recess.</p> <p>Ralph Rosenberg Court Reporters, Inc. Ofc: (808) 524-2090 Fax: (808) 524-2596</p>	<p>COMMENT NUMBER</p> <p>D-T-0039 (cont.)</p> <p>8</p> <p>9</p> <p>10</p>	<p>26</p> <p>1 We have no speakers at this time, so we'll be</p> <p>2 here until 9:00. If there are any other speakers who</p> <p>3 want to come up, we'll resume this hearing.</p> <p>4 Thank you.</p> <p>5 (Recess from 6:53 P.M. to 9:00 P.M.)</p> <p>6 --o0o--</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Ralph Rosenberg Court Reporters, Inc. Ofc: (808) 524-2090 Fax: (808) 524-2596</p>	<p>COMMENT NUMBER</p>
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Honolulu, Hawaii

27

## 1 C E R T I F I C A T E

2 STATE OF HAWAII )

3 ) SS.

4 CITY AND COUNTY OF HONOLULU )

5

6 I, LESLIE L. TAKEDA, RPR, CSR No. 423, do hereby  
7 certify;

8 That on August 23, 2007, commencing at  
9 6:02 P.M., the proceedings was taken down by me in  
10 machine shorthand and was thereafter reduced to  
11 typewritten form under my supervision; that the foregoing  
12 represents, to the best of my ability, a true and correct  
13 transcript of the proceedings had in the foregoing  
14 matter.

15 I further certify that I am not an attorney for  
16 any of the parties hereto, nor in any way concerned with  
17 the cause.

18 DATED this 5th day of September 2007, in  
19 Honolulu, Hawaii.

20

21

22

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24

25 LESLIE L. TAKEDA, RPR, CSR No. 423

Ralph Rosenberg Court Reporters, Inc.  
Ofc: (808) 524-2090 Fax: (808) 524-2596

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# Wailuku, Hawaii

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HAWAII RANGE COMPLEX  
DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
OVERSEAS ENVIRONMENTAL IMPACT  
STATEMENT (EIS/OEIS)

AUGUST 27, 2007

Baldwin High School  
1850 Kaahumanu Avenue, Wailuku, Maui, Hawaii

BEFORE: SANDRA J. GRAN, CSR NO. 424  
Registered Professional Reporter

RALPH ROSENBERG COURT REPORTERS, INC.  
(808) 524-2090

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### Speaker List:

Chaplain Kahu Kalani Wong  
Vida Mossman  
Captain Aaron Cudnohufsky  
Neil Sheehan  
Jeff Panturhoff  
Mike Moran  
Stephany Cecil  
Christiane Douglas  
Howard Sharpe  
Thomas Neakagawa  
Robert Roggpisch  
Frances Pitzer  
Holme Le'almohala  
Julian Castelbuono  
Brooke Porter  
Faith Rose  
Ken Rose  
Hugh Starr  
Bruce Douglas  
Kahu Charles K. Maxwell, Sr.  
Les Kuloloio, Protect Kahoolawe Ohana  
David Jimenez  
Anita Wintner  
Manuel Kulaoio  
Lisa Messenger  
Amber King  
Jasmin Asis  
Nicole Carbonel  
David Bayly  
Eli Sheetz  
Kristin McCleery  
Helen A. Schonwalter  
Summer Starr  
Keoki Ramond  
Mary Broode  
Christine Nonnemacher  
Pauahi Hooana  
Samuel Peace Eagle Dolphin  
Akahi Wahine

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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Wailuku, Hawaii

Vida Mossman		3
1	PROCEEDINGS:	
18:01:27 2	MS. MOSSMAN: Aloha and good evening,	
18:01:31 3	everyone. Thank you very much for coming tonight. We really	
18:01:35 4	appreciate it. Before we get started, I would like to	
18:01:40 5	introduce and invite Kahu Kalani Wong, Chaplain, Kamehameha	
18:01:46 6	Schools, Maui Campus, to offer a pule. Kahu.	
18:01:53 7	CHAPLAIN WONG: (Hawaiian.) Please join me	
18:02:00 8	in prayer. We thank you, God, for this day, a day to come	
18:02:04 9	forward and hopefully discuss. We recognize the words of	
18:02:09 10	your psalm: "Hear the Lord throughout the world that they as	
18:02:14 11	well know your word." With that in mind, we recognize our	
18:02:17 12	responsibilities as stewards of this earth, as those who are	
18:02:21 13	charged with the path and care of all that's before us. We	
18:02:25 14	are creative owner of all the creatures, include protect	
18:02:29 15	ourselves and all that is in the seas, land and air.	
18:02:33 16	As we gather with God, we open our minds to	
18:02:36 17	hear the questions that go back and forth both ways.	
18:02:42 18	Almighty God, we ask that you show your voice and guide us	
18:02:44 19	this evening through the words from our mouths and state of	
18:02:49 20	our hearts under your holy sight.	
18:02:49 21	Again, oh, God, we thank you for that time to	
18:02:52 22	come forward and to ask for your guidance in this evening and	
18:02:56 23	through the process that all goes on that as we care for this	
18:03:00 24	place, we care for you. We ask all these things. Amen.	
18:03:08 25	MS. MOSSMAN: Thank you, Kahu.	
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COMMENT  
NUMBER

Vida Mossman		4
18:03:11 1	This is a public hearing on the Draft	
18:03:16 2	Environmental Impact Statement for the Hawaii Range Complex.	
18:03:19 3	I'm Vida Mossman and I will be the moderator for tonight's	
18:03:24 4	meeting.	
18:03:24 5	This hearing is being held in accordance with	
18:03:27 6	provisions of the National Environmental Policy Act and	
18:03:31 7	implementing regulations. The act requires federal agencies	
18:03:36 8	to analyze the potential environmental impacts of certain	
18:03:41 9	proposed actions and alternatives, and to consider the	
18:03:45 10	findings of those analyses in deciding how to proceed.	
18:03:57 11	The purpose of tonight's hearing is to	
18:04:00 12	receive your comments and suggestion on the Draft EIS. Those	
18:04:04 13	of you not had an opportunity to review the Draft EIS may	
18:04:10 14	want to read the summary of the major findings in the handout	
18:04:14 15	available at the registration table. Those findings will	
18:04:18 16	also be summarized briefly by one of our panel members in	
18:04:22 17	this presentation.	
18:04:23 18	Let's look at the agenda for tonight.	
18:04:26 19	Hopefully, you all had the opportunity to talk with many	
18:04:29 20	knowledgeable experts who were staffing the exhibits during	
18:04:33 21	the past hour. After I finish this introduction, Captain	
18:04:39 22	Cudnohufsky will give a give brief introduction to the Navy's	
18:04:44 23	activities in the Hawaii Range Complex. Captain Cudnohufsky	
18:04:49 24	is both the commanding officer of the Pacific Missile Range	
18:04:54 25	Facility and the officer in charge of the Hawaii Range	
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COMMENT  
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Wailuku, Hawaii

		Captain Cudnohufsky	7
18:08:23	1	myself will keep our comments short so that we can get to the	
18:08:27	2	important part here tonight, which are your comments.	
18:08:30	3	First I would like to thank Kalani Wong for	
18:08:34	4	that wonderful prayer. I appreciate it. Thank you for	
18:08:37	5	blessing the proceedings here tonight.	
18:08:40	6	I would also like to acknowledge Francis Gout	
18:08:43	7	from the mayor's office for joining us here this evening as	
18:08:47	8	well.	
18:08:47	9	As many of you know, the Hawaii Range Complex	
18:08:51	10	is a collection of significant testing and training	
18:08:55	11	capabilities throughout the state. The new technology that	
18:08:58	12	is tested here, along with the vital training that is	
18:09:02	13	conducted, is of incredible importance and value to our	
18:09:05	14	nation. Our sailors, marines, airmen, Coast Guardsmen and	
18:09:13	15	soldiers depend on the training to hone their skills before	
18:09:16	16	we send them into harm's way. They also deserve the best	
18:09:16	17	technology our country can provide them. We owe them this	
18:09:20	18	much: The opportunity to train, to be equipped -- and to be	
18:09:25	19	equipped with the best so that we can help them keep safe as	
18:09:29	20	possible and protect our freedom. The Hawaii Range Complex	
18:09:32	21	contributes in both ways, providing premier training and	
18:09:35	22	testing range facilities.	
18:09:37	23	At the Pacific Missile Range Facility we	
18:09:43	24	employ nearly 800 civilians. These are predominantly Kauai	
18:09:48	25	people from families that have provided generations of	
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COMMENT  
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		Captain Cudnohufsky	8
18:09:52	1	dedicated people to our work force. It is from this talented	
18:09:57	2	pool that we entrust our most important work: From	
18:10:00	3	management of our Missile Defense Agency programs, to	
18:10:02	4	qualifying our nation's newly selected submarine commanders.	
18:10:07	5	You'll find people born and raised in Hawaii and on Kauai	
18:10:12	6	involved.	
18:10:12	7	We are the largest high tech employee on --	
18:10:15	8	employer on Kauai. But we -- what we do is just not about	
18:10:20	9	technology and employment. We recognize our	
18:10:25	10	responsibility -- responsibilities as stewards of a very	
18:10:28	11	special place. We are very proud of our accomplishments.	
18:10:31	12	And, hopefully, you've gotten to see and talk to our folks at	
18:10:35	13	the poster stations about our environmental stewardship.	
18:10:38	14	We take a formal approach to our	
18:10:40	15	environmental management, but our success can also be	
18:10:44	16	attributed to the input we receive from the community. And	
18:10:47	17	as I have stated before, Hawaii families work here and they	
18:10:51	18	really do care about their environment.	
18:10:53	19	Speaking of input from the community, that's	
18:10:58	20	why we're really here tonight, so I'll wrap up my part here.	
18:11:02	21	I can't stress enough how important your involvement and your	
18:11:06	22	being here is tonight. You have taken the time from your	
18:11:09	23	busy lives and from your jobs to participate in this	
18:11:12	24	democratic process, and we really do appreciate that.	
18:11:15	25	So let's make this a time to share not only	
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



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		COMMENT NUMBER			COMMENT NUMBER
Neil Sheehan		9	Neil Sheehan		10
18:11:18	1		18:13:07	1	
18:11:22	2		18:13:11	2	
18:11:22	3		18:13:13	3	
18:11:27	4		18:13:20	4	
18:11:40	5		18:13:23	5	
18:11:44	6		18:13:29	6	
18:11:48	7		18:13:32	7	
18:11:53	8		18:13:36	8	
18:11:57	9		18:13:40	9	
18:12:05	10		18:13:44	10	
18:12:09	11		18:13:48	11	
18:12:11	12		18:13:51	12	
18:12:16	13		18:14:00	13	
18:12:20	14		18:14:03	14	
18:12:22	15		18:14:03	15	
18:12:25	16		18:14:08	16	
18:12:29	17		18:14:14	17	
18:12:33	18		18:14:18	18	
18:12:37	19		18:14:19	19	
18:12:44	20		18:14:23	20	
18:12:46	21		18:14:27	21	
18:12:49	22		18:14:31	22	
18:12:52	23		18:14:35	23	
18:12:59	24		18:14:38	24	
18:13:03	25		18:14:42	25	
our views, but our respect for one another. Mahalo. Thank you.			through the website. And as stated earlier, the deadline for receipt of comments is September 17th.		
(Applause.)			This Draft EIS/OEIS studies Navy training activities within the Hawaii Range Complex as shown here. It also analyzes research, development, test and evaluation of new technologies done by other federal agencies.		
MR. SHEEHAN: Good evening, everyone. My name is Neil Sheehan and I am the project manager for the Hawaii Range Complex Environmental Impact Statement. I'm here to discuss the findings contained in the Draft Hawaii Range Complex Environmental Impact Statement or EIS, and the Draft Overseas Environmental Impact Statement or OEIS.			The Hawaii Range Complex consists of surface, subsurface and special use airspace in and around the main Hawaiian Islands and is an area in which the Navy has been conducting training for many decades. It also includes what is referred to as the Temporary Operating Area or TOA, which is a large area north and west of Kauai. The TOA is used for missile testing and evaluation for very short periods of time.		
This Draft EIS/OEIS was prepared by the US Navy to comply with both the National Environmental Policy Act and President's Executive Order 12114, which requires environmental analysis for activities that occur outside of 12 miles from land.			What this Draft EIS/OEIS does not do is request the use of any new air, land or sea space. It represents current and anticipated future usage within the existing footprint.		
This environmental study has been ongoing for several years. In order to receive the public's input, the Navy conducted public scoping meetings on Oahu, Hawaii, Kauai and Maui in September of last year. Now the Navy is receiving input from the public at this Draft EIS stage of the process. The current schedule shows the Navy could be signing a record of decision in May of 2008, and it's critical that the Navy decision makers receive comments from the public. In order to help facilitate receiving comments, the Navy will be accepting comments tonight. The Navy will also accept comments via fax, regular mail, e-mail and			The Hawaii Range Complex is important because it is one of the largest and most used Navy range complexes in the Pacific region. It provides vast open spaces for large exercises like the Rim-of-the-Pacific Exercise or RIMPAC. It also provides enough air and sea space to conduct missile testing. Its central location allows for other nations' military services from North and South America, Asia		
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18:14:46 1 and Australia to meet for training exercises.

18:14:50 2 It is critical for those units stationed in  
18:14:53 3 Hawaii to train locally without having to travel great  
18:14:56 4 distances in order to remain proficient with their training.  
18:15:02 5 The complex provides irreplaceable missile capacity for the  
18:15:07 6 Navy to conduct essential training and testing. And the  
18:15:09 7 training is absolutely vital for the safety of our nation's  
18:15:14 8 sailors and marines and ultimately for the well-being of our  
18:15:17 9 country.

18:15:17 10 The Navy has not been in this alone. It has  
18:15:21 11 been working with many partners in drafting this EIS/OEIS.  
18:15:26 12 We have sought assistance from the National Marine Fishery  
18:15:29 13 Service and have worked closely with their experts in trying  
18:15:30 14 to quantify the potential effects on marine life that may be  
18:15:33 15 associated with Navy training activities. Additionally, the  
18:15:37 16 Missile Defense Agency, the Army and Department of Energy  
18:15:41 17 have been partners in the Navy's efforts. The Navy has also  
18:15:44 18 been coordinating with experts from various state and federal  
18:15:49 19 agencies to ensure that impacts on the environment are  
18:15:52 20 identified.

18:15:54 21 This Draft EIS/OEIS proposes to conduct  
18:16:01 22 current and emerging training and effectuate testing and  
18:16:04 23 evaluation of new technologies within the Hawaii Range  
18:16:08 24 Complex and to upgrade and modernize the range. The action  
18:16:11 25 is needed to ensure that our sailors and marines are trained

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18:16:15 1 and that they remain in a high state of readiness and that  
18:16:20 2 advanced technologies are able to be tested and evaluated and  
18:16:24 3 ultimately available to the military. The majority of the  
18:16:27 4 training proposed and examined in this EIS/OEIS occurs out in  
18:16:32 5 the open ocean.

18:16:34 6 This document analyzes three alternatives:  
18:16:39 7 The no action and two action alternatives. The no action  
18:16:44 8 includes those training activities that occur -- currently  
18:16:47 9 occur in Hawaii, to include the RIMPAC Exercise and up to six  
18:16:52 10 Undersea Warfare Exercises annually and also includes typical  
18:16:57 11 test and evaluation activities like missile launches at the  
18:17:01 12 Pacific Missile Range facility on Kauai.

18:17:04 13 Alternative One includes the activities in  
18:17:07 14 the no action alternative and additionally it studies the  
18:17:11 15 potential impacts on the environment that might be caused by  
18:17:14 16 increases in Navy training in Hawaii. It studies  
18:17:18 17 enhancements or improvements to existing training facilities,  
18:17:22 18 upgrades for missile launches, and impacts that two aircraft  
18:17:26 19 carriers participating in a RIMPAC Exercise would have on the  
18:17:31 20 environment.

18:17:32 21 Alternative Two, which is the preferred  
18:17:35 22 alternative, includes all the activities from the no action  
18:17:39 23 alternative and alternative one and studies a three carrier  
18:17:44 24 exercise, a slight further increase in training and support  
18:17:47 25 for some future high technology initiatives.

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## Wailuku, Hawaii

		Neil Sheehan	15
18:21:07	1	of what is said, please help me respect the following rules:	
18:21:11	2	First, speak clearly and slowly into the	
18:21:17	3	microphone starting with your name and any organization you	
18:21:20	4	represent.	
18:21:20	5	Second, each person will have three minutes	
18:21:25	6	to speak. This time limit includes public officials	
18:21:30	7	organizational spokespersons and private individuals.	
18:21:33	8	Third, if you have a written statement, you	
18:21:38	9	may turn it in at the registration table and/or you may read	
18:21:43	10	it out loud within the time limit.	
18:21:46	11	Fourth, please honor any requests that I make	
18:21:50	12	for you to stop speaking if you reach the three-minute time	
18:21:54	13	limit.	
18:21:55	14	To aid you in knowing when your time is	
18:21:58	15	almost up, my assistant will hold up a card when you have 30	
18:22:03	16	seconds left. This should allow you to find a comfortable	
18:22:07	17	place to wrap up your comments.	
18:22:09	18	Finally, please remember that no decision is	
18:22:13	19	being made tonight. The main purpose for the government	
18:22:19	20	representatives being here is to learn of your concerns and	
18:22:22	21	suggestions firsthand.	
18:22:25	22	Our first five speakers in order will be:	
18:22:25	23	Jeff Panturhoff, Mike Moran, Stephany Cecil, Christaine	
18:22:46	24	Douglas and Howard Sharpe.	
18:22:46	25	Jeff. Jeff, are you here?	
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		Jeff Panturhoff	16
18:22:49	1	MR. PANTURHOFF: Yes.	
18:22:50	2	MS. MOSSMAN: Okay.	
18:22:52	3	MR. PANTURHOFF: Am I okay to go ahead and	
18:23:02	4	start?	
18:23:04	5	MS. MOSSMAN: Yes.	
18:23:05	6	MR. PANTURHOFF: Good evening. My name is	
18:23:07	7	Jeff Panturhoff and I'm the president and founder of the	
18:23:10	8	Whale Foundation and a founding member of the International	
18:23:12	9	Ocean Rights Coalition which represents millions of members	
18:23:15	10	worldwide. I'm also a Humpback Whale researcher researching	
18:23:21	11	impacts on Humpback Whales working with Dr. Marcia Green in	
18:23:23	12	the four island area for more than ten years now.	
18:23:26	13	I, along with our collective members, am very	
18:23:29	14	concerned about some of the findings published in the Draft	
18:23:34	15	Environmental Impact Statement, or DEIS as it's referred.	
18:23:35	16	The DEIS states the Navy will expose whales in the Hawaiian	1
18:23:39	17	waters including endangered Humpback Whales to levels up to	
18:23:42	18	195 decibels. This statement is not simply untrue, it is	
18:23:47	19	blatantly false. There is not adequate science to back this	
18:23:51	20	up. The results of our own research as well as extensive	2
18:23:56	21	studies by other scientists, including the Navy's own	
18:23:58	22	research, show that whales start avoiding sounds between 120	
18:24:02	23	to 125 decibels and that exposure to loud sounds over 150	
18:24:08	24	decibels can have deadly consequences.	
18:24:11	25	The only scientific experiment that I can	3
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D-T-0040

# Wailuku, Hawaii

Jeff Panturhoff		17
18:24:15	1	find that literally exposes whales to 195 decibel sounds were
18:24:19	2	the ATOK trials off Pioneer Sea Mounds where three Humpback
18:24:23	3	Whales subsequently stranded and died, the first ever
18:24:27	4	recording of such an incident in that area.
18:24:30	5	The US Navy, NMFS and the US Marine Mammal
18:24:31	6	Division all admit that exposure to active sound sources such
18:24:36	7	as active sonar could kill and does kill whales, including
18:24:39	8	commercially viable fish stocks. There is no argument here,
18:24:43	9	just plenty more evidence in the wake of recent mass
18:24:46	10	strandings in the Florida Keys, North Carolina in 2005,
18:24:50	11	Hawaii during RIMPAC 2004, the Canary Islands in 2004 as
18:24:55	12	well, Washington State 2003, Madeira 2000, Greece 1996, and
18:25:01	13	the most infamous, the Bahamas strandings in 2000.
18:25:05	14	The Navy in the EIS admits to sonar being the
18:25:08	15	causation or the causative factor in five of these cases,
18:25:13	16	including the Bahamas, yet also in the EIS the Navy concluded
18:25:16	17	that it's safe to expose whales in Hawaiian waters to levels
18:25:18	18	up to levels of 195 decibels, even though the deadly level in
18:25:23	19	the Bahamas' case was shown to be somewhere between 150 and
18:25:27	20	160 decibels. To date, there is not one scientific study
18:25:31	21	that concludes that exposing whales to active sonar at 195
18:25:35	22	decibels is safe, not one, yet this is what the EIS
18:25:39	23	concludes.
18:25:39	24	What the US Navy is trying to do in this EIS
18:25:43	25	is very similar to the tobacco industry. This EIS is full of
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D-T-0040 (cont.)
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Michael Moran		18
18:25:46	1	tobacco science. You can expect to get the results that one
18:25:50	2	pays for since the Navy funded the science that's in this
18:25:55	3	EIS. Al Gore drove this point home in "The Inconvenient
18:25:58	4	Truth." The Navy in "The Inconvenient Truth" said active
18:26:02	5	sonar kills marine life, and yet they still try to blur and
18:26:05	6	alter the facts.
18:26:07	7	And the Navy is -- The only ocean state,
18:26:08	8	Hawaii's economic security is at stake here.
18:26:12	9	MS. MOSSMAN: Thank you. Your time is up.
18:26:17	10	MR. PANTURHOFF: Okay. Thank you.
18:26:17	11	MS. MOSSMAN: Thank you.
18:26:25	12	(Applause.)
18:26:25	13	MS. MOSSMAN: Thank you very much.
18:26:25	14	Please remember, we've got a court reporter
18:26:29	15	here. Speak slowly so she can get it all down.
18:26:33	16	Michael Moran.
18:26:39	17	MR. MORAN: Aloha. My name is Michael Moran
18:26:47	18	and I'm just speaking -- Excuse me. Get the mike closer.
18:26:53	19	Obviously I'm not very professional speaker.
18:26:55	20	Aloha. My name is Mike Moran and I'm just
18:26:58	21	speaking as a private citizen this evening.
18:27:00	22	The Navy is often called the steward of the
18:27:02	23	sea, but they are not living up to that title. Proposing to
18:27:06	24	conduct active mid-range sonar exercises throughout the
18:27:10	25	Hawaiian Islands near shore waters, home of numerous
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D-T-0041

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Wailuku, Hawaii

		Michael Moran	19
18:27:14	1	endangered species including the Pacific Humpback Whale,	
18:27:18	2	Hawksbill turtles, as well as the critically endangered	
18:27:20	3	Hawaiian monk seal and numerous other species that are found	
18:27:24	4	only in these waters smacks of outlaws rather than stewards.	
18:27:28	5	Countless examples of death and injury to	
18:27:32	6	various types of whales and dolphins in close proximity of	
18:27:37	7	location of prior sonar testing certainly leads to the	
18:27:42	8	conclusion that the use of this weapon should not be done	
18:27:44	9	here. In past years various island waters throughout the	
18:27:48	10	world have experienced whale strandings including, but not	
18:27:51	11	limited to the Canary Islands, the Virgin Islands, the	
18:27:55	12	offshore islands of North Carolina, our own island of Kauai,	
18:28:00	13	the Bahamas, the Greek islands are all points of active sonar	
18:28:05	14	use at the time of the strandings. The Navy's own EIS admits	
18:28:11	15	to sonar being causative in many of these cases.	
18:28:15	16	Under these circumstances, why would the Navy	
18:28:17	17	be in our islands -- The keyword is islands. This is where	
18:28:21	18	they have all these problems -- again to conduct some 1,145	
18:28:27	19	exercises? Remember, these are just some of the reported	
18:28:31	20	cases where the evidence is found. How many of these	
18:28:34	21	creatures are killed and injured or simply sink to the bottom	
18:28:39	22	undetected?	
18:28:40	23	Just this year in my hometown of Kihei only a	
18:28:43	24	few miles from here a whale beached on our shores. While the	
18:28:50	25	necropsy has not been completed, it's worthy to note that the	
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NUMBERD-T-0041  
(cont.)

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		Stephany Cecil	20
18:28:53	1	Navy was conducting exercises in the area at the time.	
18:28:56	2	Remember, this area is part of the Hawaiian Islands Humpback	
18:29:00	3	Whale National Marine Sanctuary, the new National Marine	
18:29:04	4	Monument in the area of the Northwest Hawaiian Islands is	
18:29:06	5	also included in this Hawaiian Range Complex.	
18:29:12	6	Ocean noise also impacts humans in all water	
18:29:17	7	activities including swimming, snorkeling and diving. The	
18:29:19	8	Navy restricts its own divers when they are conducting sonar	
18:29:23	9	tests, yet the Navy will not advice where or when they are	
18:29:26	10	conducting specific exercises. Who is looking out for us?	
18:29:32	11	Something to think about when you go into the water.	
18:29:35	12	Stewards or outlaws?	
18:29:37	13	Mahalo.	
18:29:38	14	(Applause.)	
18:29:42	15	MS. MOSSMAN: Stephany Cecil.	
18:29:49	16	MS. CECIL: Hi. My name is Stephany Cecil.	
18:30:01	17	I'm just a concerned citizen of Hawaii and the United States.	
18:30:05	18	I would like to start out by thanking each and every one from	
18:30:11	19	the Navy for being here, to the scientists that are here.	
18:30:13	20	Everybody is so passionate about what you're doing and I	
18:30:16	21	really feeling like you're informed. I just really	
18:30:20	22	appreciate where you guys are coming from and appreciate the	
18:30:23	23	hard work that you put into your jobs. But I would also like	
18:30:26	24	to start out with just some facts that I have access to as	
18:30:30	25	just a citizen of the United States.	
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(cont.)

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D-T-0042

# Wailuku, Hawaii

Stephany Cecil		21
18:30:31 1	Fact No. 1 is the scientific community of the	
18:30:37 2	United States, international people and the US Navy both	
18:30:40 3	agree that active sonar levels of 150 to 160 decibels killed	
18:30:44 4	whales in the Bahamas, Greece, Madeira and the Canary	
18:30:49 5	Islands.	
18:30:49 6	Fact No. 2, active sonar testing off the	
18:30:53 7	Hawaiian Islands caused a mass evadement of whales at Hanalei	
18:30:57 8	Bay in Kauai and the death of at least two whales, one of	
18:31:01 9	which washed ashore about three miles from my home in Kihei.	
18:31:06 10	Fact No. 3, if the federal government has	
18:31:09 11	passed laws that protect endangered and threatened marine	
18:31:12 12	species and have several standards in place for the	
18:31:16 13	responsible treatment of their habitats.	
18:31:18 14	Fact No. 4, many US and international	
18:31:23 15	scientific communities have extensive research data on	
18:31:26 16	oceanic noise pollution and its effect on marine	
18:31:30 17	biodiversity, specifically the cetacean populations.	
18:31:33 18	No. 5, the US Navy has full access to and has	
18:31:38 19	read and understood this scientific research that we all have	
18:31:43 20	access to.	
18:31:43 21	The United States Navy is proposing sonar war	
18:31:47 22	games in the coastal waters of Hawaii, an area of the world	
18:31:52 23	with vast numbers of endangered marine species and cetacean	
18:31:57 24	life, and will conduct these tests using decibels levels well	
18:31:59 25	over 200.	
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D-T-0042 (cont.)
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Christiaine Douglas		22
18:32:00 1	With these six facts stated, you, the US	
18:32:05 2	Navy, are asking the people of Hawaii to support you in	
18:32:09 3	breaking federal law, killing endangered marine mammals,	
18:32:15 4	upsetting our delicate and already threatened marine	
18:32:19 5	biodiversity, and denying our future generations their right	
18:32:23 6	to a rich marine world all for the sake of quite plainly	
18:32:28 7	testing a new toy that you spent billions of dollars on. I'm	
18:32:32 8	here to tell you that the citizens of Hawaii will not ever,	
18:32:36 9	ever support you in such destructive activities.	
18:32:41 10	(Applause.)	
18:32:44 11	MS. CECIL: How can we be seen as a model of	
18:32:50 12	democracy if our own government breaks the laws of its	
18:32:53 13	citizens. And how can we claim to be the world leader of	
18:32:56 14	peace if we do not respect all life and its right to live.	
18:32:59 15	Command with wisdom, not weapons.	
18:33:01 16	(Applause.)	
18:33:05 17	MS. MOSSMAN: Thank you very much.	
18:33:13 18	In order for the speaker to be heard, I would	
18:33:17 19	really appreciate it if you held your applause until he or	
18:33:21 20	she was done. Thank you.	
18:33:22 21	UNIDENTIFIED SPEAKER: We'll certainly try.	
18:33:25 22	MS. MOSSMAN: Thank you.	
18:33:26 23	Christiaine Douglas.	
18:33:31 24	MS. DOUGLAS: I am here today to express my	
18:33:42 25	concern about the Navy's intention to use high-intensity,	
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D-T-0043

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Wailuku, Hawaii

		Christiaine Douglas	23
18:33:47	1	mid-frequency active sonar in Hawaiian waters. There is	
18:33:52	2	evidence from previous use of Navy sonar that whales have	
18:33:56	3	been killed by sonar of 160 decibels. The Navy has the	
18:34:00	4	intention to expose whales to sonar thousands times louder	
18:34:06	5	that and more. That is a death sentence.	
18:34:08	6		
18:34:12	7	The Navy should not be allowed to use sonar	
18:34:16	8	anywhere close to the Hawaiian Islands. Ironically, the next	
18:34:20	9	sonar practice is planned for November, coinciding with the	
18:34:24	10	return of the whales to the Hawaiian Islands, just in time	
18:34:28	11	for the mating season of the whales and the main tourist	
18:34:30	12	season. Some of us suspect that the reason must be that the	
18:34:34	13	whales provide free experimental targets, or does the Navy	
18:34:35	14	similarly not care?	
18:34:38	15		
18:34:41	16	We all know that with the increasing levels	
18:34:46	17	of pollution it has become more and more challenging for many	
18:34:50	18	species of sea creatures to survive. And recent studies	
18:34:55	19	speak about fact that we have already lost 80 percent of the	
18:34:58	20	large fish and 80 percent of the krill, which are at the	
18:35:03	21	bottom of the ocean animal food chain and many other fish and	
18:35:06	22	mammals, such as the Blue Whale, rely on as a food source.	
18:35:09	23		
18:35:12	24	We're being warned over and over that our	
18:35:15	25	food supply is shrinking. There are articles in the	
		newspaper stating that the planet is dying. It certainly	
		will be if we keep pushing in that direction with careless	
		behavior.	
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COMMENT NUMBER
D-T-0043 (cont.)

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2

		Christiaine Douglas	24
18:35:16	1	Why does the Navy declare itself exempt from	
18:35:20	2	the Marine Mammal Protection Act if it doesn't plan to harm	
18:35:23	3	sea mammals? And what could be the advantage of doing so?	
18:35:26	4		
18:35:30	5	The Navy's actions show that it does not want	
18:35:33	6	to study the effects of sonar and really find out the	
18:35:37	7	collateral damage of its war games. Is it carelessness, lack	
18:35:42	8	of love of life, fear of an enemy? It seems like with the	
18:35:46	9	fear of one we have become our own enemy. The unregulated	
18:35:50	10	use of Navy sonar represents an attack on the future of the	
18:35:54	11	American people by jeopardizing tourism in Hawaii, the future	
18:35:59	12	of our food supply and an attack on our possibility of living	
18:36:04	13	healthy lives since human beings are susceptible to the	
18:36:06	14	destructive force of sonar as well.	
18:36:09	15		
18:36:13	16	The Navy likes to reason that it needs to use	
18:36:17	17	sonar to guarantee safety for the country. I'd like to point	
18:36:22	18	out that if we don't even need an enemy -- that we don't even	
18:36:26	19	need an enemy if we self-destruct and our actions result in	
18:36:29	20	our losing our food sources and ecological and economic	
18:36:32	21	balance. Not to be concerned about the well-being of our	
18:36:34	22	people, animals, plants and natural environment is	
18:36:37	23	self-destructive and suicidal.	
18:36:42	24		
18:36:42	25	At this time we need to take a stand for life	
		and cooperate to heal what meets our health and protect our	
		environment.	
		Thank you.	
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COMMENT NUMBER
D-T-0043 (cont.)

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4

5

# Wailuku, Hawaii

		Thomas Neakagawa	25
18:36:43	1	(Applause.)	
18:36:50	2	MS. MOSSMAN: Thank you very much for holding	
18:36:54	3	your applause. Mahalo.	
18:36:56	4	Mr. Howard Sharpe.	
18:36:59	5	MR. SHARPE: Aloha, everyone. I'm Howard	
18:37:02	6	Sharpe representing myself. I am totally against the Navy's	
18:37:06	7	war games in Hawaiian waters, especially the ear-piercing	
18:37:11	8	sonar side of it. Our marine birds and mammals have bellies	
18:37:17	9	full of plastic. Having their brains blown and blasted by	
18:37:23	10	sonar is the ultimate insanity of man's inhumanity to nature.	
18:37:28	11	I consider it a criminal act.	
18:37:31	12	In my opinion, our Navy is overprepared and	
18:37:37	13	our greatest enemy is ourselves. I'd like to see their	
18:37:42	14	future efforts in cleaning up and preventing further toxic	
18:37:47	15	waste and finding workable solutions to the innumerable	
18:37:52	16	problems facing our oceans. Remember, water and air flows	
18:37:59	17	freely everywhere and pollution elsewhere eventually reaches	
18:38:04	18	here. Mahalo.	
18:38:06	19	(Applause.)	
18:38:12	20	MS. MOSSMAN: The next five speakers are:	
18:38:34	22	Thomas Neakagawa, Robert Roggpisch, Frances Pitzer, Holme	
18:38:34	23	Le'almohala and Julian Castelbuono.	
18:38:34	23	Mr. Thomas Neakagawa.	
18:38:39	24	MR. NEAKAGAWA: Aloha. My name is Thomas	
18:38:53	25	Neakagawa and I represent myself.	
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COMMENT NUMBER
D-T-0044
1
2
D-T-0045

		Thomas Neakagawa	26
18:38:56	1	Thank you for being here tonight and being	
18:38:58	2	concerned that our environment is being subjected to some	
18:39:07	3	pollution.	
18:39:08	4	I was born and raised here on Maui. I am	
18:39:12	5	here tonight to voice my concern and objection to the use of	
18:39:16	6	mid-frequency sonar testing proposed by the United States	
18:39:19	7	Navy. Ours is an ocean planet. Hawaii is a unique, isolated	
18:39:26	8	environment in the middle of the ocean. I am here to raise	
18:39:30	9	my voice for those voices that go unnoticed, the citizens of	
18:39:33	10	our oceans from the majestic Blue Whale and countless species	
18:39:40	11	documented, and yet -- and those yet to be discovered to the	
18:39:43	12	microscopic single cells and the larvae of the ocean animals.	
18:39:50	13	The ocean is full of life sounds. Man-made	
18:39:54	14	noise pollution from supertankers, compressed air cannons and	
18:39:58	15	now 165-decibel sonar cause those marine animals distress.	
18:40:06	16	There is a kill zone which will result in the immediate death	
18:40:11	17	of organisms. And like a nuclear weapon, a larger zone of	
18:40:15	18	injury and disability which can ultimately result in a	
18:40:18	19	lingering death.	
18:40:19	20	The proposed use of sonar within the Hawaiian	
18:40:23	21	Island Humpback Whale National Marine Sanctuary and the	
18:40:27	22	Northwest Hawaiian Island Archipelago endanger or disrupt	
18:40:32	23	normal marine behavior, breeding and calving for the Humpback	
18:40:36	24	Whales and unknown effects on the endangered Hawaiian monk	
18:40:40	25	seals and Hawksbill turtles. Countless fishes and	
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COMMENT NUMBER
D-T-0045 (cont.)
1
2

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Wailuku, Hawaii

		Robert Roggpisch	27
18:40:44	1	invertebrates will also suffer the effects of this super-boom	
18:40:48	2	box.	
18:40:49	3	Please consider the serious impact of the	
18:40:51	4	proposed testing not only on the ocean life, but Hawaii's	
18:40:55	5	economy. If the whales desert the Hawaiian Islands Humpback	
18:41:02	6	National Marine Sanctuary waters, if the reefs are sonically	
18:41:08	7	clean of life, if the fishes are driven from their habitat,	
18:41:12	8	we lose many of those valuable tourist resources. Our fish	
18:41:17	9	populations are on the decline. Tunas, sail fish and whale	
18:41:22	10	sharks also are affected by the noise, possibly disturbing	
18:41:29	11	migration, breeding and spawning activities. Observations	
18:41:32	12	worldwide seem to link high power sonar with marine	
18:41:35	13	strandings. Those are the visible effects. What about the	
18:41:38	14	organisms that we do not see below the water?	
18:41:41	15	Additional research on the effects of high	
18:41:45	16	power sonar for the marine environment is needed before we	
18:41:49	17	release the hounds of hell. Thank you.	
18:41:51	18	(Applause.)	
18:41:55	19	MS. MOSSMAN: Robert Roggpisch.	
18:42:04	20	MR. ROGGPISCH: Thank you for holding this	
18:42:11	21	meeting. I have to take my glasses off. I don't have any	
18:42:16	22	written testimony. What I have to say is that the Navy has	
18:42:19	23	no jurisdiction here. This is the Kingdom of Hawaii.	
18:42:27	24	UNIDENTIFIED SPEAKER: That's right.	
18:42:29	25	UNIDENTIFIED SPEAKER: Amen.	
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COMMENT  
NUMBERD-T-0045  
(cont.)

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D-T-0046

		Robert Roggpisch	28
18:42:30	1	MR. ROGGPISCH: What? Oh.	
18:42:31	2	So, anyway, you have no jurisdiction here.	
18:42:34	3	Your jurisdiction is because you came here and stole it. And	
18:42:37	4	now you're killing more local fish than have been killed	
18:42:40	5	already. The Kanaka Maolis are the ones who should be	
18:42:44	6	talking here, not me. It's their nation. It's not these	
18:42:47	7	people -- Well, some people are from there, but it's not	
18:42:51	8	anybody other than Kanaka Maolis country. And Americans	
18:42:56	9	don't have no business here, and certainly the United States	
18:42:59	10	Navy doesn't have any business. They created this whole	
18:43:03	11	process trying to establish the Spanish-America War, you	
18:43:09	12	know. And I don't want to talk too long, but I found in 1898	
18:43:12	13	that the senate rejected statehood -- not statehood, but	
18:43:16	14	territorial annexation. And it's never heard of, you know.	
18:43:21	15	How did it -- If the senate voted for annexation and the	
18:43:25	16	Kanaka Maolis voted not to have statehood, how did Hawaii get	
18:43:30	17	run over? They just run over and do it anyway.	
18:43:35	18	And there's one other thing I think that	
18:43:36	19	every citizen -- it's the duty of every citizen to question	
18:43:40	20	whether an agency of their government is working within the	
18:43:43	21	bounds of their authority. And when German citizens said	
18:43:46	22	that, "We weren't doing it. We were just doing our jobs,"	
18:43:49	23	well, that's what you're doing. And I tell you, you're	
18:43:52	24	committing a crime against humanity. Thank you.	
18:43:56	25	(Applause.)	
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COMMENT  
NUMBERD-T-0046  
(cont.)

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# Wailuku, Hawaii

		Frances Pitzer	29
18:44:00	1	MS. MOSSMAN: Frances Pitzer.	
18:44:07	2	MS. PITZER: Aloha. I'm Frances Pitzer. I'm	
18:44:16	3	speaking on behalf of myself and all of those who cannot	
18:44:21	4	speak including the wildlife, the marine life, the creatures	
18:44:25	5	of the air and the land. We're here as guests. And I fully	
18:44:28	6	agree with the gentleman before me in so many regards.	
18:44:33	7	So many things I planned to say have already	
18:44:35	8	been said, so I want to focus on the EIS, the Draft EIS that	
18:44:40	9	was put out. I'm confused and I'm concerned about many of	
18:44:44	10	the things that I read in there. What does, quote, "impacts	
18:44:47	11	minimized," end quote, mean on the EIS summary? You don't	
18:44:52	12	indicate the impacts for us to be able to determine whether	
18:44:56	13	or not them being minimized is going to be an acceptable	
18:44:59	14	choice.	
18:45:00	15	Some marine life descends to the ocean floor	
18:45:04	16	upon death, so it's impossible to ascertain the effects of	
18:45:06	17	using sonar on marine life. If the sonar affects the	
18:45:13	18	abilities of marine life, any subsequent injury or death will	
18:45:17	19	never be correlated to the real cause, which is a loss of	
18:45:20	20	hearing.	
18:45:21	21	Under the Water Resources Area on this Draft	
18:45:28	22	Environmental Impact Statement, how can discharges and	
18:45:30	23	emissions not affect water resources? How can the use of	
18:45:36	24	hazardous material and waste have, quote, "no impact," end	
18:45:39	25	quote, when deposited on the ocean floor? What is, quote,	
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COMMENT NUMBER
D-T-0047
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		Frances Pitzer	30
18:45:44	1	"take authorization"? It's not defined, so I don't know what	
18:45:49	2	that means when that's referenced there. I suppose in the	
18:45:51	3	longer draft impact it's defined, but it's not on that	
18:45:55	4	summary sheet that I could see.	
18:45:57	5	Under Biological Resources how can debris not	
18:46:00	6	harm species? Quote, "Critical habitat will be avoided where	
18:46:05	7	possible." "Minor local life impacts to fish at a few	
18:46:10	8	locations, end quote. And I skipped some, there's words in	
18:46:14	9	between. My question is: How can all fish and all marine	
18:46:18	10	life and all cultural resources located under the water not	
18:46:22	11	be adversely affected rather than being, to use your	
18:46:26	12	terminology, "extremely low probability of being affected"?	
18:46:30	13	"The short-term startle effect to birds are	
18:46:34	14	possible." That's your quote. Do we not know long-term	
18:46:39	15	effects? And of course they're going to be startled.	
18:46:43	16	Okay. I have 30 seconds. So in conclusion,	
18:46:47	17	I'm against the use of sonar and the war games everywhere,	
18:46:51	18	not just here in Hawaii. Kahoolawe still isn't restored from	
18:46:56	19	prior military activities and I cannot support more military	
18:46:58	20	activities in this area. There's still ordnance around the	
18:47:02	21	coast of Oahu.	
18:47:04	22	You say the military deserves this. Well,	
18:47:05	23	who worries about what marine life deserves? I want to keep	
18:47:11	24	our country's military safe as well, but not at the expense	
18:47:13	25	of our marine life and environment. Hawaii is a territory of	
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COMMENT NUMBER
D-T-0047 (cont.)
4
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Wailuku, Hawaii

Holme Le'almohala		31
18:47:16	1	the United States and has had enough abuse to its lands,
18:47:18	2	waters, people, cultural practices and sites and wildlife of
18:47:22	3	the ocean, air and lands. As we say here, 'nuff already.
18:47:26	4	Personally, I'd rather see these money used to help New
18:47:31	5	Orleans recover and to clean up Kahoolawe. Thank you.
18:47:35	6	(Applause.)
18:47:39	7	MS. MOSSMAN: Holme Le'almohala.
18:47:51	8	MR. LE'ALMOHALA: Aloha. My name is Holme
18:48:10	9	Le'almohala. I represent the mothers and fathers who are
18:48:16	10	concerned about the viability of a peaceful future for our
18:48:21	11	sons and daughters, and myself.
18:48:23	12	Aloha, Captain Cudnohufsky. Thank you very
18:48:29	13	much for being here. I appreciate it. Neil, I didn't get
18:48:33	14	your last name, but thanks, Neil.
18:48:35	15	The kiosks and the data presented here
18:48:39	16	reflect a degree of comprehension of the concerns of the
18:48:44	17	community. And this gathering is being held in the spirit
18:48:47	18	that is similar to the Hawaiian conflict resolution method
18:48:52	19	called hooponopono. For that I'm very grateful. I
18:48:56	20	appreciate your presence. I see that our military along with
18:48:59	21	our government and public concerned offices are taking steps
18:49:02	22	to improve their standards of stewardship and such displays
18:49:08	23	give us cause for hope.
18:49:10	24	In the interests of nurturing these hopes, I
18:49:13	25	would like to offer these entities an option for your next
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COMMENT  
NUMBERD-T-0047  
(cont.)

D-T-0048

Holme Le'almohala		32
18:49:16	1	step. The umbrella of justification for authorized takes,
18:49:23	2	which is the startling or killing of marine animals, comes
18:49:31	3	under the umbrella of national security. And I have to say
18:49:39	4	that the allure of war as being something winnable is an
18:49:44	5	archaic concept.
18:49:48	6	And to explain this I would like to offer a
18:49:51	7	parable. Once upon a time long, long ago there were two guys
18:49:57	8	that carried a couple clubs. And for the sake of reference,
18:50:01	9	we'll cull them Unc and Ugg. They were having an argument.
18:50:07	10	Unc wanted to go this way, Ugg wanted to go that way. Unc
18:50:11	11	had a great idea. "I think I'll bash Jgg over the head."
18:50:14	12	And he did and Ugg stopped arguing with him and he won the
18:50:18	13	argument. And I call this the Neanderthal problem-solving
18:50:25	14	method.
18:50:28	15	And nowadays that methodology hasn't really
18:50:35	16	come a long way. We have wonderful minds that have created a
18:50:39	17	wonderful society. We have wonderful minds like Newton,
18:50:45	18	Einstein, Gandhi, Martin Luther King. And they've all given
18:50:51	19	us wonderful, wonderful directions to steer our lives in the
18:50:55	20	hopes of peaceful conflict resolution.
18:50:56	21	In the names of our sons and daughters and
18:50:58	22	your sons and daughters, I ask, please, put this a little
18:51:03	23	higher on your list of priorities for what you do with your
18:51:07	24	life, because it will make a very big difference. Mahalo
18:51:13	25	Nui. Aloha.
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COMMENT  
NUMBERD-T-0048  
(cont.)

1

## Wailuku, Hawaii

		COMMENT NUMBER			COMMENT NUMBER
Julian Castelbuono 33		D-T-0049  1	Brooke Porter 34		D-T-0049 (cont.)
<div>18:51:15 1 (Applause.)</div> <div>18:51:18 2 MS. MOSSMAN: After Julian Castelbuono</div> <div>18:51:27 3 speaks, the next five will be: Brooke Porter, Faith Rose,</div> <div>18:51:38 4 Ken Rose, Hugh Starr and Bruce Douglas.</div> <div>18:51:44 5 Julian.</div> <div>18:51:44 6 MS. CASTELBUONO: Hello. I don't have a</div> <div>18:51:47 7 speech. I don't have any mind-blowing statistics of how many</div> <div>18:51:52 8 whales were beached. I' simply an aloha mana card reader.</div> <div>18:51:58 9 And so I can talk to you about what dolphins and whales</div> <div>18:52:01 10 represent, basically.</div> <div>18:52:02 11 Dolphins represent mana. They're mammals,</div> <div>18:52:06 12 but they live in the water, so they need to come up for air.</div> <div>18:52:10 13 So mana is finding your power center through breathing. And</div> <div>18:52:16 14 basically aloha represents love, which is from the breath of</div> <div>18:52:19 15 the cosmos and Mother Earth, the creator. The whale</div> <div>18:52:22 16 represents the record keeper of the Goddess of all history</div> <div>18:52:25 17 that was before we took off with our opposable thumbs and</div> <div>18:52:30 18 started building on top of ourselves.</div> <div>18:52:33 19 Whales and dolphins and people were once the</div> <div>18:52:36 20 same and whales went back into the ocean and we went on the</div> <div>18:52:41 21 land and developed opposable thumbs and we stayed here and</div> <div>18:52:42 22 built. So I do know that it creates a dangerous metaphor</div> <div>18:52:47 23 when we are killing the whales and the dolphins, because it</div> <div>18:52:52 24 essentially means that we are suffocating the belongings of</div> <div>18:52:58 25 Mother Earth and we're taking away the story of us doing that</div>			<div>18:52:59 1 by killing off the whales.</div> <div>18:53:01 2 So I would ask us to consider whether we</div> <div>18:53:04 3 would have Mother Earth not breathe and then lie to her and</div> <div>18:53:09 4 say that we didn't do it in the first place and we don't know</div> <div>18:53:13 5 what the problem is. I think it's -- we're treading on</div> <div>18:53:16 6 dangerous water and I think that global warming is enough of</div> <div>18:53:20 7 a warning, but this is just insane. This is insanity. And</div> <div>18:53:24 8 that's all I have to say. Aloha.</div> <div>18:53:28 9 (Applause.)</div> <div>18:53:31 10 MS. PORTER: Aloha. Good evening. My name</div> <div>18:53:43 11 is Brooke Porter and I'm representing myself and Pacific</div> <div>18:53:47 12 Whale Foundation tonight.</div> <div>18:53:47 13 First off, we are very concerned about the</div> <div>18:53:50 14 need for a take authorization and this Draft EIS recommends a</div> <div>18:53:55 15 take authorization based on the current frequency of</div> <div>18:53:58 16 strandings. This in and of itself directly admits a link of</div> <div>18:54:02 17 sonar to strandings. Previous research demonstrated Humpback</div> <div>18:54:08 18 Whales are often beached during sonar transmissions and it</div> <div>18:54:12 19 stated that the song of whales are interrupted for tens of</div> <div>18:54:14 20 minutes. Such summaries are vague, nondescript and</div> <div>18:54:18 21 completely void of necessary quantification. It seems like</div> <div>18:54:22 22 this Draft EIS is as well. I don't think people mentioned</div> <div>18:54:25 23 the vagueness of it earlier.</div> <div>18:54:27 24 In addition, the majority of the research</div> <div>18:54:29 25 concerning the effects of underwater noise pollution on</div>		D-T-0050  1  2  3
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Wailuku, Hawaii

	Faith Rose	35
18:54:32 1	marine mammals is based on the effect demonstrated as a	
18:54:36 2	result of long-term exposure on humans, which can in no way	
18:54:39 3	be applied to marine mammals. It's very easy for a human to	
18:54:44 4	go get a hearing aid and become dependent on an artificial	
18:54:48 5	aid, but we all know that a deaf whale is a dead whale. And	
18:54:50 6	to my knowledge, there aren't hearing aids available for	
18:54:53 7	them. We believe that additional research is necessary and I	
18:54:56 8	think this destructive use of our oceans is not necessary for	
18:54:59 9	military sonar. Thank you.	
18:55:01 10	(Applause.)	
18:55:11 11	MS. MOSSMAN: Faith Rose.	
18:55:25 12	MS. ROSE: Hi, I'm Faith Rose and I represent	
18:55:32 13	what seems to be the prevailing consciousness in this room	
18:55:36 14	tonight and I'm sure many places around the world that we all	
18:55:40 15	recognize that -- the facts have been stated, I won't go	
18:55:44 16	through those, but that there is this interconnecting web of	
18:55:48 17	life that none of us fully understand.	
18:55:51 18	And we know that each and every time that we	
18:55:53 19	play with it and toy with it without understanding it, we	
18:55:57 20	risk something very serious, far more grave than any us of	
18:56:03 21	can even analyze. And that the systems on this planet are	
18:56:06 22	completely overtaxed. We are no longer in a place of if we	
18:56:10 23	do something, maybe we can avoid it. We can't avoid it.	
18:56:14 24	We're in the middle of it. The changes are happening. There	
18:56:17 25	is no way out but through whatever we've already created.	
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COMMENT  
NUMBERD-T-0050  
(cont.)D-T-0051  
1

	Ken Rose	36
18:56:21 1	The only question that we have left to answer	
18:56:24 2	is how long will it take and how bad will it get and how deep	
18:56:29 3	will it go before we get through to the other side. And	
18:56:32 4	anything that we do, any risk that we take is greatly	
18:56:36 5	multiplied at this point. We cannot risk one more species.	
18:56:39 6	We cannot risk one more death that is unnecessary of any form	
18:56:43 7	of life, be it human or nonhuman, be it bacteria, be it	
18:56:48 8	something that we can see or not see or understand or even	
18:56:52 9	know that it exists. We can't afford to lose it and we can't	
18:56:55 10	afford to play any more with this ecosystem.	
18:56:59 11	I ask you please not to do anything further	
18:57:01 12	that harms any living thing. Thank you.	
18:57:04 13	(Applause.)	
18:57:08 14	MS. MOSSMAN: Ken Rose.	
18:57:20 15	MR. ROSE: Thank you. I too will resign the	
18:57:29 16	science to other people. It's a matter of trust for me. I	
18:57:37 17	learned to trust by being trusted, by being able to depend on	
18:57:41 18	people. And I have been in the water swimming with whales	
18:57:46 19	and families of whales, baby whales swimming near me that are	
18:57:51 20	looking at me. I have swam and played with dolphins.	
18:57:56 21	I know that the whales swim thousands of	
18:57:59 22	miles to come here to the safety of our waters. It's our	
18:58:04 23	responsibility to maintain that safety. We can't do it if we	
18:58:09 24	can't trust the decision-making process, and I'm afraid that	
18:58:14 25	we can't. I wonder, we've been told over and over again that	
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COMMENT  
NUMBERD-T-0051  
(cont.)

D-T-0052

1

## Wailuku, Hawaii

Hugh Starr		37
18:58:20	1	there was no depleted uranium in Hawaii. Think of all the
18:58:25	2	people who have been downwind of depleted uranium on the
18:58:29	3	shooting range in Schofield or on the Big Island. Can they
18:58:33	4	trust?
18:58:34	5	Can the whales learn to trust? Can we expect
18:58:37	6	the whales to continue to come here to this sanctuary to gain
18:58:44	7	healthy birth, to gain new children to bring to the world and
18:58:52	8	to bless us all with their presence? It's a great loss.
18:58:57	9	This is what happens with mistrust. And mammals, whales have
18:59:04	10	intelligence probably every bit as great as ours if not
18:59:08	11	greater.
18:59:08	12	And I suggest that the -- that the military
18:59:13	13	has a lot to learn about service, about caring for people
18:59:19	14	before machines, people before technology. And I suggest
18:59:24	15	again that we all pray that we can continue to be blessed by
18:59:30	16	the whales and dolphins that spend so much time in our hearts
18:59:34	17	and in the water with us. Thank you.
18:59:36	18	(Applause.)
18:59:38	19	MS. MOSSMAN: Hugh Starr.
18:59:43	20	MR. STARR: Aloha. My name is Hugh Starr. I
18:59:59	21	would like to refer you to the statement of Admiral William
19:00:02	22	Fallon, Vice Chief of Naval Operations, before the House
19:00:03	23	Committee on Government Reform on Constraints on Military
19:00:06	24	Training dated 9 May 2001. In this statement the admiral was
19:00:13	25	appearing before the -- this particular House committee to
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(cont.)

D-T-0053

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Hugh Starr		38
19:00:17	1	appeal to them because of their -- the consequences of
19:00:22	2	environmental pressures on naval testing.
19:00:25	3	And in this talk he alluded to the most
19:00:32	4	important test ranges that the Navy has, and I found it
19:00:37	5	interesting that the Hawaii Range Complex was not mentioned
19:00:42	6	there. So I would like to know what the significance of the
19:00:46	7	Hawaii Range Complex is in the total spectrum of Navy
19:00:51	8	training, especially with underwater active sonar?
19:00:54	9	Also, in that -- in that statement he
19:01:01	10	mentioned -- he used the term "core range," and I'm just
19:01:05	11	wondering if the EIS could address if the Hawaii Range
19:01:11	12	Complex is identified as a core range by the Navy? And if
19:01:14	13	not, why not?
19:01:17	14	What is the status of the Navy's five-year
19:01:20	15	science and technology objective to ensure adequate research
19:01:23	16	dollars for hearing physiology? This was also alluded to in
19:01:28	17	Admiral Fallon's statement before the House committee.
19:01:32	18	And then moving on, it's my understanding
19:01:37	19	that the Pacific Missile Range Facility is used for
19:01:44	20	subsurface, surface, air and space training. That it -- And
19:01:52	21	so I would ask the question: Is it possible to consider an
19:01:58	22	alternative in this environmental impact statement that looks
19:02:01	23	at either reducing the underwater sonar, active sonar
19:02:05	24	activities, just that activity without limiting the other
19:02:10	25	activities, being the other subsurface, surface, air and
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NUMBERD-T-0053  
(cont.)

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## Wailuku, Hawaii

		Bruce Douglas	39
19:02:15	1	space activities? And if not, why not?	
19:02:19	2	Also, has the Navy considered that because of	
19:02:29	3	the presence of the Hawaiian Islands Humpback Whale National	
19:02:32	4	Marine Sanctuary and the characteristic of the sound -- the	
19:02:36	5	sonar traveling large distances, 160 kilometers or more,	
19:02:45	6	until it subsides to the point it might be tolerable for	
19:02:49	7	marine mammals, has the Navy considered not holding	
19:02:52	8	underwater active sonar testing within, say, 300 miles of the	
19:02:57	9	Hawaiian Islands Humpback Whale National Marine Sanctuary?	
19:03:05	10	MS. MOSSMAN: Mr. Starr, your time is up.	
19:03:07	11	Thank you.	
19:03:07	12	MR. STARR: Oh. Thank you very much.	
19:03:10	13	(Applause.)	
19:03:16	14	MR. DOUGLAS: My name is Bruce Douglas, I	
19:03:20	15	represent myself and the Hawaiian Ocean Noise Coalition.	
19:03:22	16	There's several questions to be addressed in	
19:03:24	17	the final environmental impact statement. One is why is 130	
19:03:28	18	decibels sonar being used when it's been proven that 160	
19:03:34	19	decibel active sonar kills whales? This has been shown in	
19:03:38	20	the Canary Islands, Bahamas, Mediterranean, by naval	
19:03:43	21	practices many places throughout the world. Why would such	
19:03:46	22	loud sounds be used when 160s are already proven.	
19:03:49	23	Why it the Navy unwilling to announce when	
19:03:51	24	active sonar is being actually done? This is common sense to	
19:03:55	25	protect the divers that may be in the water and common sense.	
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COMMENT  
NUMBERD-T-0053  
(cont.)

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D-T-0054

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		Bruce Douglas	40
19:03:58	1	so we can research when sonar is happening. What does that	
19:04:01	2	leave us with, having to measure ourselves when you guys are	
19:04:04	3	actually using sonar so we can test and see the research?	
19:04:08	4	You should tell us when these tests happen, so we will know.	
19:04:12	5	Why is it in secret? There is no national security, there is	
19:04:14	6	no war zone here, there's no need for a secret. We know	
19:04:17	7	that.	
19:04:17	8	A beached whale is only the tip of the	
19:04:21	9	iceberg. Those are the ones that try to escape the noise.	
19:04:23	10	What about the ones that are dying beneath the ocean we don't	
19:04:25	11	even see? How are we going to research that? How can that	
19:04:29	12	be assessed in the final impact statement as far as how do we	
19:04:32	13	assess what's underwater?	
19:04:33	14	And it's been proven that fish are vastly	
19:04:37	15	reduced in areas where there's noise such as air hammers or	
19:04:41	16	under seawater oil explorations. Fish scatter from areas of	
19:04:47	17	intense noise. What research is going to be done in order to	
19:04:49	18	follow this up? How is the Navy going to play with that?	
19:04:51	19	There's been suggestion -- common sense	
19:04:55	20	suggestions to protect wildlife. One is only do active sonar	
19:04:58	21	in areas hundreds of miles away from any marine life	
19:05:01	22	populations. Common sense. No need to do it close to shore	
19:05:06	23	except to save money.	
19:05:07	24	No sonar during whale season. Why would you	
19:05:10	25	do it during whale season? Why is the upcoming test planned	
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COMMENT  
NUMBERD-T-0054  
(cont.)

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# Wailuku, Hawaii

Bruce Douglas		41
19:05:13	1	starting in November? It doesn't make sense.
19:05:15	2	Keep sonar below 145 decibels, which is the
19:05:18	3	amount that was previously agreed to by the Navy with the
19:05:22	4	California Coastal Commission and other sorts of things. No
19:05:27	5	need to go to 160 or 230 decibels. 145 is enough and already
19:05:33	6	been agreed to.
19:05:34	7	And, most importantly, why don't we create
19:05:36	8	some video games the sailor boys can play to practice their
19:05:42	9	sonar and not harm wildlife out in the ocean? Create video
19:05:46	10	games so that they can play these and they can practice.
19:05:48	11	It's already proven technology. There is no reason for any
19:05:50	12	more testing in our waters when it's already proven. Games
19:05:56	13	can be played to simulate that.
19:05:59	14	1,100 active sonar exercise in Hawaiian
19:06:05	15	waters is way too many. It's not necessary. It's
19:06:07	16	ridiculous. A few can be done far away from any marine
19:06:11	17	wildlife population. It's common sense.
19:06:14	18	Simulated practice is enough when technology
19:06:16	19	is already proven. It doesn't need to be proven any more.
19:06:20	20	Thank you very much.
19:06:20	21	MS. MOSSMAN: Thank you.
19:06:23	22	(Applause.)
19:06:29	23	MS. MOSSMAN: The next five speakers will be:
19:06:32	24	Kahu Charles K. Maxwell, Sr.; Uncle Les Kuloloio, Protect
19:06:50	25	Kahoolawe Ohana; David Jimenez; Anita Wintner; Manuel
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COMMENT NUMBER
D-T-0054 (cont.)
6

Kahu Charles K. Maxwell, Sr.		42
19:06:50	1	Kulaoio.
19:06:51	2	MR. MAXWELL: Aloha kakou. My name is Kahu
19:06:58	3	Charles K. Maxwell, Sr. I live in Pukalani, Maui. Born in
19:07:04	4	Lahaina, raised in Kula.
19:07:06	5	The EIS is a farce. It is a farce.
19:07:11	6	(Applause.)
19:07:13	7	MR. MAXWELL: Tell you what, what makes
19:07:16	8	America the supreme beings of the world that they can conquer
19:07:23	9	this little nation of Hawaii in 1893. It took away with
19:07:28	10	guns. Marines landed from the USS BOSTON and trained the
19:07:36	11	guns on Queen Lili'uokalani's palace and since then they
19:07:40	12	created laws against nature.
19:07:42	13	Look at Kahoolawe. I organized the first
19:07:47	14	occupation of Kahoolawe and several people here was with me.
19:07:52	15	Twenty-four years later they stopped the bombing. They did
19:07:56	16	all kinds of EIS, the Navy did, and it's all farce. It was
19:08:01	17	all for nothing. There's unexploded ordnance on that island
19:08:06	18	that it cannot be inhabited anymore. They got \$400 million
19:08:09	19	to clean it up and they spent it all for nothing, just to
19:08:13	20	clean one valley.
19:08:14	21	But let me talk about the whales. I
19:08:18	22	represent -- I'm a Kanaka Maoli and I represent the whales,
19:08:22	23	that's who I represent. I am -- I was on the Humpback Whale
19:08:27	24	Sanctuary 15 years when it first started and that's become a
19:08:31	25	farce because they don't control what happens in the
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COMMENT NUMBER
D-T-0055
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Wailuku, Hawaii

		Kahu Charles K. Maxwell, Sr.	43
19:08:35	1	sanctuary. They let the Navy come in and kill whales in the	
19:08:39	2	sanctuary. And they let people go with their whale watching	
19:08:43	3	and kill the whales, you know. So what is the sanctuary all	
19:08:49	4	about?	
19:08:49	5	But my point is that we -- the whale, the	
19:08:56	6	kohola, the (Hawaiian - "pulawa") is sacred to us as native	
19:09:01	7	people. I carry this on my neck. Three of us -- two, three	
19:09:05	8	of us wrapped the remains -- stopped the Ritz Carlton Hotel	
19:09:09	9	being built on 2,000 remains. The last night when we buried	
19:09:14	10	the remains, a whale came in the bay, turned over on its side	
19:09:17	11	and slapped the waters. For Hawaiians that is ho'ailona,	
19:09:22	12	it's a sign that the spirits were finally relocated to their	
19:09:26	13	bones in Honokahua. So why are you killing our cultural,	
19:09:32	14	spiritual, sensitive things, the kohola, the nai'a, the	
19:09:36	15	dolphin. You guys -- I mean, who made you the policemen of	
19:09:41	16	the world? Not you guys, the Navy.	
19:09:43	17	(Applause.)	
19:09:45	18	MR. MAXWELL: And with the president,	
19:09:47	19	President Bush, hey, you know what? We're not liked around	
19:09:51	20	the world. We're hated around the world as Americans. Why?	
19:09:54	21	Because we're bullies. The war is illegal. Thousands of	
19:09:58	22	people are dying.	
19:10:00	23	MS. MOSSMAN: Thank you. Your time is up.	
19:10:03	24	MR. MAXWELL: Thank you.	
19:10:03	25	(Applause.)	
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NUMBERD-T-0055  
(cont.)

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		Les Kuloloio	44
19:10:13	1	MS. MOSSMAN: Mr. Kuloloio.	
19:10:17	2	MR. KULOLOIO: Aloha. Good evening. I'm	
19:10:25	3	going to need about another hour for me to talk because I	
19:10:29	4	hate to be a ramrod, but I've been an activist since 1962	
19:10:34	5	when I was a freshman coming up from Europe. And I joined	
19:10:39	6	Protect Kahoolawe Ohana. And here we go again, the same old	
19:10:44	7	white prose. The same old EIS that was responsible to clean	
19:10:52	8	up what Eisenhower said clean up the mess and two miles	
19:10:58	9	around Kahoolawe they have not even touched one damn	
19:11:03	10	ordnance.	
	11	(Applause.)	
19:11:04	12	MR. KULOLOIO: That comes out to Molokini.	
19:11:07	13	To say you got experts here. Damn you. You got the experts.	
19:11:14	14	Where was your experts on Kahoolawe?	
19:11:17	15	I'm speaking for the Protect Kahoolawe Ohana	
19:11:22	16	and I'm the senior spokesman. I sat on this -- 1993, the	
19:11:28	17	final report of the Federal Facilities Environmental	
19:11:31	18	Restoration Dialogue Committee. I had to sneak away from the	
19:11:36	19	state of Hawaii, from Kai Hokama and Linda Lingle so that we	
19:11:39	20	could as Hawaiians watch for ourselves what's happening in	
19:11:43	21	Washington. To that committee, to people of colors, American	
19:11:50	22	Indians invited me as one Hawaiian to speak, to set	
19:11:54	23	principles regulatory framework and clean up the thousands of	
19:11:59	24	national priorities lease ranges that the Army, Navy and you	
19:12:03	25	guys, assed up. With these principles be set it down for you	
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COMMENT  
NUMBER

D-T-0056

## Wailuku, Hawaii

Les Kuloloio		45
19:12:12	1	guys to follow in 1996.
19:12:15	2	This is small talk. This is the one you're
19:12:19	3	supposed to be following, how to clean up the ranges. Here
19:12:23	4	you making another range. And our peoples now, our people --
19:12:30	5	You told me to set up a dialogue committee that consists of
19:12:36	6	Polynesian society people in the Polynesian triangle. That's
19:12:42	7	where it starts. Us, each Hawaiian, Hawaii and New Zealand
19:12:50	8	and as Hawaii Polynesians that you folks wrap up including
19:12:54	9	the Northwest Hawaiian Islands, Bikini Islands, the whole
19:13:00	10	nuclear waste. So we need to put that -- us on this kind of
19:13:05	11	dialogue committee. You can contact us at www.Kahoolawe on
19:13:12	12	Act 212 the State just passed. The Kahoolawe Conference is
19:13:20	13	of Native Hawaiians to people with the Department of Land and
19:13:23	14	Natural Resources, but they have done a lousy job in
19:13:25	15	protecting our resources, the State of Hawaii, including
19:13:29	16	Governor Lingle.
19:13:32	17	MS. MOSSMAN: Mr. Kuloloio, your time is up.
19:13:33	18	MR. KULOLOIO: In closing, it's good to see
19:13:35	19	that we stop the superferry today.
19:13:38	20	(Applause.)
19:13:42	21	MS. MOSSMAN: Mr. Kuloloio.
19:13:43	22	MR. KULOLOIO: And you know what, our
19:13:44	23	report -- We coming right back again. I have a suggestion,
19:13:46	24	beware for you guys.
19:13:48	25	MS. MOSSMAN: Sir, your time is up.
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COMMENT  
NUMBERD-T-0056  
(cont.)

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David Jimenez		46
19:13:51	1	MR. KULOLOIO: Wait a minute. D-A-D, D is
19:13:53	2	you guys come in to here --
19:13:54	3	MS. MOSSMAN: Sir.
19:13:55	4	MR. KULOLOIO: You folks come in here and
19:13:56	5	make a decision --
19:13:59	6	MS. MOSSMAN: Sir, your time is up.
19:14:02	7	MR. KULOLOIO: You know what, D is you folks
19:14:04	8	just destroy. And I'm going to stay here, because, hey, I
19:14:09	9	been with you guys on Kahoolawe. Back off, you guys. Back
19:14:14	10	off. Back off.
19:14:15	11	(Applause.)
19:14:17	12	MR. KULOLOIO: All you experts go home.
19:14:19	13	MS. MOSSMAN: Thank you. Thank you.
19:14:21	14	MR. KULOLOIO: Enough of Hawaii.
19:14:22	15	(Applause.)
19:14:37	16	MS. MOSSMAN: David Jimenez.
19:14:39	17	MR. JIMENEZ: David Jimenez. Thank you.
19:14:42	18	I'm just really honored to be here with such
19:14:49	19	incredible citizens. I am -- You're filling my heart.
19:14:56	20	I want to share -- It's been my life,
19:15:02	21	learning lessons and wondering why on this incredible planet
19:15:07	22	with these incredible people that we're killing each other at
19:15:11	23	all in any form in any way. And I feel there's prophesy
19:15:17	24	that's been told and we're at that time right now where I
19:15:23	25	feel like we've been playing a game here, the human game
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COMMENT  
NUMBERD-T-0056  
(cont.)

D-T-0057

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## Wailuku, Hawaii

		Anita Wintner	47
19:15:26	1	called elimination. And I find that we have mastered this	
19:15:31	2	game. The human people have mastered the game of	
19:15:36	3	elimination. And the prophesy, once that comes around, we	
19:15:40	4	will change our ways. And I feel this is part of that	
19:15:45	5	process.	
19:15:49	6	I would ask that we all or whoever would like	
19:15:52	7	to, please take a breath together right now.	
19:15:55	8	I'd like to say I'm not against anybody, but	
19:16:01	9	being masters of elimination, I feel we're all in this game	
19:16:05	10	together. The universal science of we inhale and we exhale	
19:16:11	11	and that's kind of what goes on in many fractals of the	
19:16:17	12	universe. We contract, then we expand. I feel like we've	
19:16:21	13	come to that point in contraction in this game that we're	
19:16:26	14	ready to expand.	
19:16:29	15	Thank you for coming, but it's the people	
19:16:31	16	that we come together more and that we do make a stand	
19:16:36	17	somehow. It's the people that are going to change us.	
19:16:38	18	There's no government, there's no Navy, there's nothing	
19:16:40	19	without the people.	
19:16:42	20	And I'm honored to be part of this community.	
19:16:45	21	And thank you so much.	
19:16:46	22	(Applause.)	
19:16:55	23	MS. MOSSMAN: Anita.	
19:16:59	24	MS. WINTNER: Hi, I'm Anita Wintner and I'm	
19:17:10	25	representing myself and Pacific Whale Foundation.	
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COMMENT  
NUMBERD-T-0057  
(cont.)

D-T-0058

		Anita Wintner	48
19:17:15	1	I'm opposed to sonar testing and the	
19:17:18	2	underwater explosives around the Hawaiian Islands and	
19:17:22	3	Northwest Hawaiian Islands National Monument. The initial	
19:17:26	4	plan is bad enough, but now the Navy and the National Marine	
19:17:31	5	Fishery Service has expanded their war games practice to	
19:17:35	6	1,145 exercises around the Hawaiian Islands, including the	
19:17:38	7	United States Hawaiian Humpback National Marine Sanctuary and	
19:17:44	8	the Northwest Hawaiian Island National Monument.	
19:17:48	9	Recent sonar testing linked marine mammal	
19:17:52	10	stranding to include Canary Islands in 1985, '88, '89, '91,	
19:17:58	11	2002 and 2004 with the total reported of 44 whales. In	
19:18:04	12	Greece in 1996, 12 beached whales. Virgin Islands in '99,	
19:18:10	13	four whales. Spain, three whales in 2000. Bahamas in 2000	
19:18:17	14	and 2002, three whales including one Humpback Whale. And as	
19:18:22	15	was mentioned earlier, that was done with 150 to 160	
19:18:25	16	decibels. Washington state in 2003, 11 porpoises. Alaska in	
19:18:32	17	2004, six whales. Hanalei Bay in 2004, 200 Melon-Headed	
19:18:42	18	Whales stranded, one dead. Yokosuka, Japan, where the US	
19:18:48	19	naval base is in 2004, multiple strandings. North Carolina	
19:18:52	20	in 2005 where your base is, 34 strandings of three different	
19:19:00	21	species of whales.	
19:19:01	22	The Navy and the National Marine Fishery	
19:19:06	23	Service have now admitted they realize they will be killing	
19:19:10	24	mammals. They say humans can survive or have survived 144	
19:19:15	25	decibels sonar, but the Navy will be testing at 235 decibels,	
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NUMBERD-T-0058  
(cont.)

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2

# Wailuku, Hawaii

Anita Wintner		49
19:19:21	1	which is one billion times more energy than 145 on everything
19:19:26	2	I have read, and I have done multiple research on that.
19:19:29	3	There are a lot of divers in Hawaiian waters.
19:19:32	4	Two-thirds of the North Pacific Humpback Whales, which are on
19:19:36	5	the endangered list, come to Hawaii to give birth in May. We
19:19:39	6	only have about 1,200 monk seals left, found nowhere else in
19:19:44	7	the world, and they're on the critically endangered list. We
19:19:49	8	have 300 endangered Hawksbill turtles, only 50 nesting
19:19:51	9	females left. There are many other species of whales,
19:19:55	10	dolphins and other mammals on the endangered list here in
19:19:57	11	Hawaii.
19:19:57	12	And the Navy admits that underwater
19:20:01	13	detonations will kill fish, but says that we have plenty.
19:20:03	14	The National Marine Fishery Service says the Navy are
19:20:04	15	ignoring the Marine Mammal Protection Act, the Endangered
19:20:10	16	Species Act, the National Environmental Policy Act, the
19:20:13	17	Federal Protection For the Northwest Hawaiian Islands and
19:20:16	18	many more federal agencies created to protect our waters.
19:20:20	19	MS. MOSSMAN: Your time is up. Thank you.
19:20:22	20	(Applause.)
19:20:25	21	MS. MOSSMAN: We're going to give the court
19:20:28	22	reporter a five-minute break. When we get back, we have
19:20:43	24	Manuel Kulaoio, Lisa Messenger, Amber King, Jasmin Asis,
19:20:43	24	Nicole Carbonel.
19:20:46	25	(Pause in Proceedings: 7:20-7:34)
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NUMBER  
D-T-0058  
(cont.)

6

3

Manuel Kulaoio		50
19:33:43	1	MS. MOSSMAN: Okay. Before we go any
19:34:15	2	further, I'd like to humbly ask that you respect when the
19:34:22	3	speakers are up there to hold your comments, your applause.
19:34:25	4	Our court reporter, you know, she's having a little
19:34:28	5	difficulty hearing above that. And we'd like to also offer
19:34:34	6	the speakers some respect when they're up here. Really
19:34:37	7	appreciate that.
19:34:38	8	Okay. We'd like to start with Manuel
19:34:45	9	Kulaoio.
19:34:57	10	MR. KULAOIO: Aloha. My name is Manuel
19:35:13	11	Kulaoio. Sorry, I only had white socks. I was at an
19:35:17	12	Airforce meeting, walked up here from the landing craft.
19:35:21	13	Probably shouldn't be doing that, but I did it anyway and I'm
19:35:24	14	here.
19:35:25	15	At Makena High School two nights ago after
19:35:28	16	the public's EIS testimony the score was Navy 23, Public
19:35:33	17	zero. Only had four people show up. I was one of four. I'm
19:35:37	18	not going to tell -- One was from the Navy League. So I hope
19:35:41	19	to see the Navy League, I hope to see the Maui Economic
19:35:46	20	Development Opportunity here, the mayor, because the
19:35:48	21	politicians were allowed to speak first and, yet, they're the
19:35:53	22	very ones that they send information to and ask for
19:35:57	23	responses. And we never know what is their response until
19:36:00	24	the Final EIS comes up and that's what insults my
19:36:03	25	intelligence.
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COMMENT  
NUMBER  
D-T-0058  
(cont.)

D-T-0059

1

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Wailuku, Hawaii

		Manuel Kulaoio	51
19:36:04	1	But I'm going to start it off this way:	
19:36:07	2	Imagine Makena Bay as a Pearl Harbor. Imagine Kahoolawe as	
19:36:14	3	the Pacific Missile Range. Imagine the Island of Vieques six	
19:36:21	4	miles from Kahoolawe. Imagine 9,000 people live in the	
19:36:24	5	middle third of the island and the Navy bombs both sides.	
19:36:29	6	That's how they the treat Puerto Ricans. They did the same	
19:36:33	7	thing to Hawaiians. They took away Guam at the same time,	
19:36:35	8	Philippines, Cuba.	
19:36:36	9	And by the way, Baldwin High School did not	
19:36:39	10	teach me that kind of stuff. Kahelelani, McKinley, Baldwin.	
19:36:44	11	At McKinley they doing a Hawaiian pule, from Kawaiahao	
19:36:47	12	Church, a Maui boy to do the prayer, you know how it starts	
19:36:51	13	it out? "Let's all hold hands. Meet four people that you	
19:36:55	14	don't know and spread the love. This is the humanity."	
19:36:58	15	He walked right past me and I told him, "You	
19:37:00	16	sit down and listen to what whoever wants to say." So Kalani	
19:37:03	17	Wong, wherever you are. I think he's gone. You go Iao	
19:37:08	18	Church and go back to Kamehameha Schools and bring those kids	
19:37:10	19	over here to listen what's going on. You're just as bad.	
19:37:14	20	When I went to Vieques, you know what they	
19:37:16	21	said? It wasn't the Navy that bombed the range. It was a	
19:37:21	22	marine pilot.	
19:37:22	23	I said, "Wow, I never know a marine is not	
19:37:24	24	part of the Navy."	
19:37:26	25	And they're saying the same thing today. It	
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D-T-0059  
(cont.)

		Lisa Messenger	52
19:37:31	1	was the marines who helped overthrow the peaceful Hawaiian	
19:37:35	2	nation. Shit, it was the United States Navy. Who telling	
19:37:41	3	you it wasn't? Look at the Akaka Bill, the public apology.	
19:37:43	4	Captain, Mr. Sheehan, Ms. Mossman, you look	
19:37:47	5	like a person who defuse public opposition, but I like you.	
19:37:50	6	So to the cops in the back, my brothers, they	
19:37:53	7	had three cops over there that night. Embarrassing, very	
19:37:56	8	embarrassing. Our people to protect, I don't know who they	
19:38:00	9	were to protect, but to me the threat of violent protest is	
19:38:05	10	an organized distraction by politicians and business leaders	
19:38:08	11	to divert attention from the actual violence brought down to	
19:38:14	12	bear on our local cultures, our environment and the	
19:38:18	13	economies. That's how I feel.	
19:38:20	14	MS. MOSSMAN: Mr. Kulaoio, your time is up.	
19:38:22	15	MR. KULAOIO: I just want to say, you guys do	
19:38:22	16	the navy proud for Maui. Right now I just want to thank my	
19:38:25	17	peers for coming.	
19:38:28	18	MS. MOSSMAN: Mr. Kulaoio, your time is up,	
19:38:30	19	sir. Thank you.	
19:38:31	20	(Applause.)	
19:38:34	21	MS. MOSSMAN: Lisa Messenger.	
19:38:40	22	MS. MESSENGER: Hi. My name is Lisa	
19:38:51	23	Messenger. I'm here -- I'm a citizen of the Kingdom of	
19:38:55	24	Hawaii. I travel on a Kingdom of Hawaii diplomatic passport.	
19:39:01	25	His Royal Hawaiian Majesty Akahi Nui is my boss. I'm his	
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D-T-0059  
(cont.)

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1

## Wailuku, Hawaii

Lisa Messenger		53
19:39:06	1	legal counsel and secretary.
19:39:09	2	And United States Navy, National Marine
19:39:12	3	Fisheries, State of Hawaii; where is your jurisdiction? Who
19:39:17	4	owns this soil? Now, in Larsen vs. Hawaiian Kingdom the
19:39:23	5	Royal Court President stated that the Kingdom of Hawaii is in
19:39:27	6	existence today. The Kingdom of Hawaii is not overthrown.
19:39:31	7	The Kingdom of Hawaii is not a foreign sovereignty. We are
19:39:37	8	sovereign and we know it and we are recognized
19:39:39	9	internationally as such.
19:39:41	10	And I hold in my hands right now a copy of
19:39:46	11	the deed to Maui, Molokai and Lanai. And I will be making
19:39:51	12	available, also, for your perusal the deeds to the entire
19:39:56	13	Hawaiian archipelago. We claim a 12-mile territorial in
19:40:08	14	accordance with the laws of the sea. Now, you're in
19:40:08	15	violation of treaties that have never properly abrogated
19:40:10	16	according to terms set forth therein.
19:40:12	17	Ever since the day that the United States
19:40:15	18	Navy USS BOSTON turned their guns on the palace and Queen
19:40:21	19	Lili'uokalani, our beloved queen, who is in my estimation one
19:40:24	20	of the finest women that ever walked this earth, and invaded
19:40:29	21	Hawaii in an undeclared and unlawful war. And please see
19:40:35	22	"Hawaiian Nations" for the definition to that and Greg
19:40:38	23	Panovich. This is piracy on the seas.
19:40:41	24	And now you perpetuate your undeclared war
19:40:44	25	and you also include the whales and marine life of Hawaii in
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COMMENT  
NUMBERD-T-0060  
(cont.)

Amber King		54
19:40:50	1	your undeclared war. You have to do this during whale
19:40:55	2	season. You will not do this. You are prohibited on the
19:40:58	3	king's word, His Royal Majesty Akahi Nui, Lineal Sovereign
19:41:06	4	Heir, Kingdom of Hawaii, Trustee of the Kingdom of Hawaii
19:41:08	5	Nation Ministry Trust, which holds the deeds of the entire
19:41:13	6	Hawaiian archipelago. You can look those up at the Bureau of
19:41:16	7	Conveyance. They are filed in there. And you will be
19:41:18	8	receiving copies. And you will have seven days -- by order
19:41:22	9	from His Royal Majesty, seven days after lawful fact of
19:41:26	10	evidence of jurisdiction or you will be removed from our
19:41:30	11	coast.
19:41:31	12	(Applause.)
19:41:40	13	MS. MOSSMAN: Amber King.
19:41:50	14	MS. KING: Hi. I would like to speak for my
19:41:57	15	age group and the younger age groups. You guys are setting a
19:42:03	16	really bad example, trying to make everybody think that it's
19:42:06	17	okay. It's not. My brother and girlfriend and most of my
19:42:10	18	family, they like fish and stuff like that, you know, and
19:42:17	19	diving. And it's just not cool because it's bad for the
19:42:20	20	people to -- And, sorry, I'm a little nervous, but --
19:42:27	21	I think that it's not only the whales we
19:42:31	22	should be worried about, but the sharks, the fish, the
19:42:37	23	opihis, the dolphins, everything. And you guys are just
19:42:41	24	killing 'em for no reason at all because you feel like
19:42:46	25	testing your little toys just like she said and it is totally
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COMMENT  
NUMBERD-T-0060  
(cont.)

D-T-0061

1

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Wailuku, Hawaii

Nicole Carbonel		55
19:42:50	1	not cool. You guys should really stop. Thank you.
19:42:53	2	(Applause.)
19:42:58	3	MS. MOSSMAN: Jasmin.
19:43:08	4	MS. ASIS: Aloha. My name is Jasmin and I am
19:43:16	5	speaking on behalf of, you know, the young kids, the
19:43:20	6	Hawaiians and non-Hawaiians alike. But, you know, I only
19:43:26	7	found out about this maybe like two weeks and I can already
19:43:30	8	tell that it's, you know, going to hurt everything in the
19:43:33	9	water, you know, on land.
19:43:35	10	And we fish, we dive, we get our food from
19:43:40	11	the water and you -- You know, I don't want to be eating
19:43:44	12	mutated or rotten or dead food or anything, you know. I want
19:43:48	13	healthy stuff, healthy things for the future, for, you know,
19:43:52	14	everyone else living here. That's what we deserve. We
19:43:55	15	deserve, you know, good things in life. And it's sad to say,
19:44:00	16	but you're destroying it. And we just want good things.
19:44:06	17	Thank you.
19:44:06	18	(Applause.)
19:44:10	19	MS. MOSSMAN: Nicole Carbonel.
19:44:19	20	MS. CARBONEL: Hi. My son and I are here to
19:44:27	21	represent the generalizations to come that are not here to
19:44:32	22	speak out against what you guys are doing to our culture, to
19:44:36	23	our lifestyle, our way of life, how we get our food, how we
19:44:41	24	eat, how we swim and play in the ocean, our recreation. If
19:44:45	25	we lose these, we lose us, we lose Hawaii, we lose what we
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COMMENT  
NUMBERD-T-0061  
(cont.)

D-T-0062

1

D-T-0063

1

David Bayly		56
19:44:51	1	stand for, we lose our way of life. Please consider that.
19:44:55	2	And look at him. You got to the think about
19:45:00	3	the ones to come because they're going to live with the
19:45:03	4	consequences of your actions. They have to deal with what
19:45:08	5	happens from your testing. And you guys are not going to be
19:45:12	6	around to have to deal with those things. It's going to be
19:45:16	7	all on them. Think about the future. Think about what
19:45:20	8	you're doing to the planet. Think about what you're doing to
19:45:22	9	Hawaii, our home. Our home.
19:45:26	10	(Applause.)
19:45:33	11	MS. MOSSMAN: The next five speakers will be
19:45:40	12	Akahi Wahine, David Bayly, Eli Sheetz, Kristin McCleery,
19:45:56	13	Helen Schonwalter and Summer Starr.
19:45:57	14	Akahi Wahine.
19:46:03	15	UNIDENTIFIED SPEAKER: Her Highness regrets
19:46:06	16	she couldn't make it.
19:46:07	17	MS. MOSSMAN: Okay.
19:46:08	18	David Bayly.
19:46:11	19	MR. BAYLY: Aloha. My name is David Bayly.
19:46:22	20	I love Hawaii. I have lived here for about 40 years. I
19:46:33	21	think a lot of people are here because they really love
19:46:36	22	animals. We're animals, that's why we love animals. Yeah?
19:46:42	23	But there's a point that I want to make that
19:46:44	24	hasn't been brought up. This technology was developed to
19:46:51	25	kill human beings, and it's sad that the animals are feeling
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COMMENT  
NUMBERD-T-0063  
(cont.)

D-T-0064

D-T-0065

1

# Wailuku, Hawaii

Eli Sheetz		57
19:46:57	1	this residual effects of the designed weapon of mass
19:47:04	2	destruction. It's used to kill human beings in war. The
19:47:09	3	side effect is what happens to the marine life.
19:47:14	4	We have been spending billions and billions
19:47:17	5	of dollars searching for weapons of mass destruction in Iraq.
19:47:21	6	We never found any. Look in the mirror. The weapons of mass
19:47:26	7	destruction are being created by you. We're fighting a war
19:47:33	8	where every bullet that's fired has depleted uranium in it.
19:47:38	9	So not only do we kill the people that we're aiming at, but
19:47:42	10	we kill the people that we miss and we kill all our own
19:47:47	11	people that are firing the weapons. Get a clue, you guys.
19:47:51	12	Figure it out. You know, what are you doing? It's insanity.
19:47:56	13	(Applause.)
19:48:04	14	MS. MOSSMAN: Eli Sheetz.
19:48:09	15	MR. SHEETZ: Hi. My name is Eli Sheetz. I
19:48:18	16	don't have anything prepared, but I did have a really good
19:48:22	17	conversation with one of the naval officers here and I can
19:48:28	18	see both sides and I can see why they're doing what they're
19:48:33	19	doing.
19:48:34	20	And I have been there, as a child I was
19:48:37	21	raised on video games and there's an addiction there. And I
19:48:42	22	think there's probably a good portion of that that has to do
19:48:45	23	with being a male and wanting to -- an outlet for that
19:48:52	24	aggression and that -- the strategic tactics and all that
19:48:55	25	stuff. That's a lot of what I heard, was that these are war
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(cont.)

D-T-0066

Eli Sheetz		58
19:49:00	1	games, games that are played out to train our youth on how to
19:49:08	2	fight in these wars that we create.
19:49:11	3	And, you know, these are, also -- I've heard
19:49:14	4	things, good points about these are expensive tools that are
19:49:18	5	developed to aid our country in fighting these wars and we
19:49:22	6	have to justify the enormous expenses, so we play out these
19:49:27	7	war games and we test these -- these, you know, giant toys.
19:49:33	8	I've heard that we should do this with video games and
19:49:36	9	reasons why we shouldn't and reasons why we should.
19:49:41	10	Basically what I -- what I'm trying to appeal
19:49:45	11	to you right now from a place of understanding that I want
19:49:48	12	you to hear not just my message, but all the messages here as
19:49:52	13	trying to put yourselves in these people's shoes and don't
19:49:58	14	hear it as an attack personally. But try to take this
19:50:02	15	message back to your superiors and anybody that you feel can
19:50:06	16	hear and maybe make a difference.
19:50:08	17	I know that in my conversation you stated
19:50:10	18	that had one of the reasons that -- that it was kind of
19:50:13	19	arbitrary that we start this testing right when the whales
19:50:17	20	come back, at least this session of testing. That those
19:50:21	21	orders come from higher up on the mainland or overseas and
19:50:25	22	they don't understand the whale's pattern here, but I know
19:50:26	23	you do understand the whale patterns here because you live
19:50:30	24	here and you know that that's an important factor. You take
19:50:33	25	that message back to the Pentagon, you know.
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## COMMENT NUMBER

D-T-0066  
(cont.)

1



## Wailuku, Hawaii

		Kristin McCleery	59
19:50:36	1	And there's a lot of facts that were stated	
19:50:39	2	maybe accurately, maybe somewhat not accurately, but the --	
19:50:46	3	the statistics can be argued either way.	
19:50:50	4	Thank you.	
19:50:52	5	But the message here is that there's a clear	3
19:50:55	6	and present danger of these whales being harmed by the sonar.	
19:51:00	7	If there wasn't, you wouldn't have had to get an exemption	4
19:51:03	8	from federal laws that protect them. You wouldn't have had	
19:51:06	9	to get that exemption from the Pentagon. You guys know that	
19:51:09	10	this is dangerous for the marine life in this area. So if	
19:51:13	11	you know this, you know, you should conduct whatever -- you	
19:51:16	12	can conduct that doesn't break laws, not get an exemption for	
19:51:21	13	the law that exists.	
19:51:21	14	MS. MOSSMAN: Thank you, Mr. Sheetz.	
19:51:23	15	(Applause.)	
19:51:26	16	MS. MOSSMAN: Kristin McCleery.	
19:51:34	17	MS. MCCLEERY: Good evening. I just wanted	D-T-0067
19:51:46	18	to state that I strongly oppose the Navy's decision to	
19:51:50	19	continue the use of sonar in Hawaii's waters. The 1,145	
19:51:56	20	exercises will cover a quarter million square miles around	
19:51:59	21	our shorelines. This will potentially affect 7,000 species,	
19:52:04	22	a quarter of which are endemic to Hawaii. The national	1
19:52:08	23	monument and the Humpback Whale Sanctuary should be protected	
19:52:13	24	areas.	
19:52:13	25	In March of 2000 in the Bahamas 17 whales	
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COMMENT NUMBER
D-T-0066 (cont.)
3
4
D-T-0067
1

		Helen Schonwalter	60
19:52:15	1	stranded themselves and at least seven of those died. In the	
19:52:19	2	Bahamas the sonar used was about 150 to 160 decibels, so we	
19:52:25	3	know that whales die at that level. If this can kill whales,	
19:52:30	4	how can you justify using anything louder? The safe level	
19:52:34	5	that you claim is 195 decibels. That's 1,000 times louder	
19:52:38	6	than what did kill them in Bahamas. 215 decibels is clearly	
19:52:43	7	going to injure and kill many more marine mammals and fish.	
19:52:47	8	That's 1 million times louder than the Bahamas.	
19:52:52	9	The Navy claims that turtles and fish aren't	3, 4
19:52:53	10	being effected because they cannot hear these frequencies,	
19:52:56	11	however, it is the intense sound waves that cause the damage.	
19:53:00	12	They cause hemorrhaging around the brain and other organs and	
19:53:04	13	they rupture your cell membranes. And this will also affect	5
19:53:07	14	scuba divers, which is kind of scary. So we also need to	
19:53:12	15	have much better mitigation measures during this project if	
19:53:16	16	it's going to happen.	
19:53:18	17	I believe that this action is absolutely	
19:53:20	18	unnecessary. Thank you.	
19:53:22	19	(Applause.)	
19:53:26	20	MS. MOSSMAN: Helen Schonwalter.	
19:53:34	21	MS. SCHONWALTER: Aloha. My name is Helen	
19:53:37	22	Ann Schonwalter. I'm sorry, I didn't bring my clear glasses.	D-T-0068
19:53:42	23	I have been following the issue of low, mid	
19:53:43	24	and high frequency sonar since 1985, perhaps, with the	
19:53:49	25	National Resource Defense Council and other environmental	
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COMMENT NUMBER
D-T-0067 (cont.)
2
3, 4
5
D-T-0068

# Wailuku, Hawaii

Helen Schonwalter		61
19:53:52	1	groups. I have also been waiting very patiently for our
19:53:55	2	government to recognize the need to move from refuge status
19:54:01	3	for the Northwest Hawaiian Islands to sanctuary status to
19:54:07	4	monument status. As you know, that would be the strictest
19:54:10	5	measures to protect an area.
19:54:12	6	I breathed a sigh of relief, but with some
19:54:16	7	cynicism when President Bush contrary to his usual Black
19:54:19	8	Fridays and arbitrary environmental slashing created.
19:54:24	9	Papahānaumokuākea, the Hawaiian name for these islands. I
19:54:27	10	thought, "Oh, Well, maybe we can rest assured for a moment,"
19:54:31	11	and then we had to deal with Wespac. Wespac wants to come in
19:54:35	12	and continue to fish in the monument, so we're fighting that
19:54:39	13	battle as well.
19:54:41	14	I'm tired. I'm really tired. I'll take off my
19:54:45	15	glasses so you can see that. I've been fighting this for 22
19:54:48	16	years. And I'm in the position now where I want to kikaha,
19:54:52	17	which means out to lunch in the Hawaiian language. And I'm a
19:54:55	18	haole, I'm not Hawaiian, but I'm as angry as Leslie Kuloloio,
19:55:00	19	who was a presenter here. He's our kupuna.
19:55:02	20	The Hawaiian Environmental Alliance has this to
19:55:05	21	say: The Navy's proposal includes live fire bombing and
19:55:10	22	missile interception over the Northwest Hawaiian Islands
19:55:13	23	which would significantly increase the use of high intensity
19:55:16	24	active sonar in the monument and the Humpback Whale Sanctuary
19:55:20	25	and increased bombing exercises at ranges contaminated with
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COMMENT NUMBER
D-T-0068 (cont.)
1, 5

Helen Schonwalter		62
19:55:25	1	depleted uranium. We're also fighting the transportation of
19:55:30	2	Striker missiles on our superferry and we're sick of it.
19:55:33	3	Here's some more information from Kahea, whom I
19:55:37	4	trust. "Contamination from missile debris, as well as damage
19:55:41	5	from large wave knocking around large shrapnel pieces on the
19:55:46	6	reefs are so far outside accepted practices in the Northwest
19:55:50	7	Hawaiian Islands that they should be prohibited."
19:55:52	8	I am for no sonar and no more bombs, period. I
19:55:57	9	also -- Yes, no more, absolutely none. It's all unacceptable
19:56:01	10	and intolerable. I'd also like to say as a member of Kanaka
19:56:05	11	Malama Kai, which means the local folks protecting our ocean,
19:56:10	12	I've dove several times, many, many times at Molokini Crater.
19:56:15	13	The fish not only hear bombs, they hear the motors of all the
19:56:21	14	boats coming. I've been diving there since there were very
19:56:23	15	few cruise ships and recreational vehicles. There were
19:56:27	16	multitudes of fishes. Now that we have so many tourist
19:56:31	17	vessels out there, the fish take off. They only take off
19:56:35	18	temporarily. They come back after all the boats leave. So
19:56:38	19	the fish do, indeed, here. So this bogus claim --
19:56:41	20	I want to say just one last thing.
19:56:42	21	This bogus claim that --
19:56:44	22	MS. MOSSMAN: Ms. Schonwalter, if you'd like
19:56:47	23	to turn it, you can.
19:56:50	24	MS. SCHONWALTER: I'll turn it in. I've
19:56:52	25	highlighted it.
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COMMENT NUMBER
D-T-0068 (cont.)
2
3
4

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Wailuku, Hawaii

		Summer Starr	63
19:56:53	1	MS. MOSSMAN: Thank you very much.	
19:56:56	2	(Applause.)	
19:56:59	3	MS. MOSSMAN: Summer Starr.	
19:57:04	4	MS. STARR: Aloha. Okay. I grew up here.	
19:57:17	5	I'm speaking on behalf of myself, summer Starr. I'm a grad	
19:57:22	6	student of UH Manoa. My degree has been protecting Hawaii's	
19:57:28	7	environment and culture since 1999, so, as you can imagine,	
19:57:33	8	it's kind of personal attack on my life's work. Why am I	
19:57:39	9	here today? I'm here today to speak on behalf of the whales,	
19:57:42	10	yes, but more so what this implies.	
19:57:47	11	As the US military, the Navy, as an imperial	
19:57:52	12	force here in Hawaii, I believe it's our responsibility,	
19:57:58	13	everybody here, to stop further action from happening. This	
19:58:04	14	has been happening since before Lili'uokalani was taken over.	
19:58:09	15	Yeah? As far as defending democracy, which would be the	
19:58:16	16	natural intention for killing innocent species and	
19:58:20	17	endangering marine life -- Correct? It's for defending	
19:58:23	18	democracy. It's my belief from the propaganda, which is my	
19:58:29	19	opinion, if you look at this room, I don't know what the	
19:58:32	20	democratic vote would be, but it looks pretty anti-Navy sonar	
19:58:39	21	testing.	
19:58:40	22	(Applause.)	
19:58:42	23	MS. STARR: Thank you. Thank you. I like	
19:58:46	24	the feedback. Thank you.	
19:58:47	25	I grew up in a democracy, sort of. I believe	
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		Keoki Ramond	64
19:58:50	1	it's 2007, not 1984. And I believe that as a tax-paid	
19:58:58	2	organization, a governmental organization, it is your	
19:59:01	3	responsibility to obey these people, to obey us. Yeah?	
	4	(Applause.)	
19:59:06	5	MS. STARR: Because it's my paycheck that's	
19:59:11	6	paying to blow the world's brains out. And I'm really not	
19:59:14	7	okay with that and I want to work under the table, so I'd	
19:59:19	8	really appreciate it if you listen all of us here today and	
19:59:23	9	you thought about. Especially here in Hawaii, it's such a	
19:59:26	10	sensitive issue. To come in here with an imperialist mind	
19:59:29	11	set to go against what the majority of the population knows	
19:59:32	12	is right, it's -- you know, it's putting salt in a fresh	
19:59:37	13	wound, you know. It's not -- This isn't the place to do it,	
19:59:40	14	you know. Thank you.	
19:59:41	15	(Applause.)	
19:59:51	16	MS. MOSSMAN: The next five speakers will be:	
	17	Keoki Ramond, Mary Broode, Christine Nonnemacher, Pauahi	
20:00:10	18	Hooahana and Samuel Dolphin.	
20:00:11	19	MR. RAMOND: Hi. My name is Keoki Ramond.	
20:00:18	20	I've spent about 85 percent of my 61 years on this planet in	
20:00:26	21	Puunene. A short sojourn in California for education. I	
20:00:29	22	come here tonight to speak in advocacy of the whales. For	
20:00:32	23	the whales, not about them. I've heard some incredibly	
20:00:35	24	articulate information presented tonight and I'm just talking	
20:00:40	25	about communication.	
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NUMBERD-T-0069  
(cont.)

D-T-0070

1

## Wailuku, Hawaii

Keoki Ramond		65
20:00:41	1	I'll start by kicking the dog one more time.
20:00:45	2	I certainly don't appreciate the position you guys are in
20:00:48	3	here tonight. To some people it might appear to be grant
20:00:51	4	funded, defense budgeted, hourly charging consultants,
20:00:56	5	shape-shifting apologists for a whale-killing military
20:01:01	6	industrial complex run amok with power and arrogance. I hope
20:01:06	7	I didn't miss anything.
20:01:08	8	(Applause.)
20:01:08	9	MR. RAMOND: Okay. But that is only one
20:01:10	10	facet that we see here this evening. Your designated mission
20:01:15	11	is also to gather information and take it back to your
20:01:19	12	superiors. Plenty of them, I'm sure.
20:01:21	13	There has been some beautifully stated, as I
20:01:25	14	said, before articulately presented and very telling
20:01:28	15	testimony here tonight. And if you guys ain't heard it
20:01:32	16	before, you ain't doing your job. But if you could truly
20:01:35	17	hear what you were being gifted with this evening and if you
20:01:40	18	can convey this to your bosses, who don't want to hear it,
20:01:44	19	and if you can do this with integrity and conviction -- big
20:01:49	20	question marks. Plenty of rats leaving the sinking ship in
20:01:53	21	Washington these days -- then and only then will you earn
20:01:56	22	your publicly funded paychecks. Until such time, however,
20:02:01	23	great shame on you for presenting this shabby and deceitful
20:02:07	24	excuse for an EIS to the people of Hawaii. Thank you.
20:02:09	25	(Applause.)
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D-T-0070  
(cont.)

<u>Mary Broode</u>		66
20:02:15	1	MS. MOSSMAN: Mary Broode.
20:02:22	2	MS. BROODE: Aloha. My name is Mary Broode.
20:02:34	3	I speak for myself and mermaids. I've lived in Hawaii over
20:02:39	4	30 years. I swim in the ocean all the time. I'm fortunate
20:02:44	5	to have been able to swim with whales and dolphins. I'm here
20:02:48	6	tonight because I don't believe you. I don't trust your
20:02:54	7	agenda or your words. Why don't I trust you? Well, your
20:03:00	8	commander in chief lied to us about the reasons for going to
20:03:03	9	Iraq, sent us to war and thousands of Iraqis and Americans
20:03:08	10	have died as a result. Let's see. The vice president got no
20:03:12	11	bid contracts for his pal, Halliburton, in Iraq and Louisiana
20:03:17	12	and millions of those dollars are unaccounted for. Let's
20:03:22	13	see. The attorney general resigned today after lying and
20:03:26	14	telling Congress 64 times in one hearing, "I don't recall."
20:03:30	15	If I don't trust the leaders of this country
20:03:33	16	and the commander of the military, why should I trust you?
20:03:38	17	This war on terror has been an excuse to take away our rights
20:03:43	18	and freedoms. It doesn't surprise me now that it is your
20:03:47	19	excuse to use this technology that will definitely, by your
20:03:50	20	own admission, kill fish, whales and dolphins. It's time the
20:03:55	21	people said no to these experiments of our environment.
20:03:59	22	The media and the government want us to be so
20:04:02	23	afraid, they want the public to agree to institute every
20:04:04	24	stupid idea that comes across the board in the name of
20:04:07	25	national security. Our ports are not secure, our borders are
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D-T-0071

1



## Wailuku, Hawaii

		Mary <u>Broode</u> Groode	67
20:04:12	1	definitely not secure, and it doesn't make any sense at all	
20:04:16	2	kill fellow creatures in the oceans in the name of security.	
20:04:21	3	It's time to speak for other mammals on this plant that can't	
20:04:26	4	speak for themselves. It's time to just say no to military	
20:04:30	5	exercises in Hawaiian waters.	
20:04:32	6	My mother reminded me today that all it takes	
20:04:34	7	for evil to win is for good people not to show up. There are	
20:04:38	8	a lot of good people tonight to reflect to you that your	
20:04:42	9	agenda is wrong. Abandon these exercises. Come to your	
20:04:49	10	senses. Listen to your conscience. Which one of you would	
20:04:54	11	volunteer to be in the water when these high levels of sonar	
20:04:59	12	are deployed? No volunteers? I'm not surprised.	
20:05:04	13	Where -- When we were advised to do on to	
20:05:07	14	others as you want others to do unto you, that was really	
20:05:11	15	good advice. Have you heard of live and let live? This	
20:05:15	16	applies to creatures, not just fellow humans. The military	
20:05:20	17	is way out of line here.	
20:05:22	18	I'm in black tonight because I'm in mourning	
20:05:25	19	for my country. I'm in mourning for the natural world which	
20:05:29	20	is being killed every day by narrow national interests and	
20:05:36	21	personal profit motives.	
20:05:38	22	MS. MOSSMAN: Ms. Broode, your time is up.	
20:05:40	23	Thank you.	
20:05:40	24	(Applause.)	
20:05:45	25	MS. MOSSMAN: Christine.	
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D-T-0071  
(cont.)

		Christine Nonnemacher	68
20:05:49	1	MS. NONNEMACHER: Thank you, Mary, that was	
20:05:56	2	very well said.	
20:05:57	3	I'm Christine Nonnemacher. This is my	
20:06:00	4	seventh year dealing with these \$9 billion weapons. If you	
20:06:05	5	guys haven't read that, this is why they continue to do it	
20:06:09	6	and continue to lie to us. \$9 billion they get for every one	
20:06:13	7	of those ships. So what are they doing? They're in the	
20:06:17	8	sales business.	
20:06:18	9	We know of your lies. We have the facts.	
20:06:23	10	That you continue to deny the truth is despicable. Your	
20:06:28	11	actions are reprehensible. And no one -- There will come a	
20:06:33	12	time when your weapons will be useless. They are kind of	
20:06:37	13	now. We all want to go to a world of peace.	
20:06:45	14	We, the American people, will not tolerate	
20:06:48	15	destruction of our marine life, our global resources, nor the	
20:06:52	16	blatant lies of our government nor the individuals telling	
20:06:56	17	these lies. So remember that. We, the people of Hawaii,	
20:07:00	18	will not tolerate the activities of the Navy in our sanctuary	
20:07:04	19	waters when sonar is involved. Stay out of our sanctuary	
20:07:10	20	waters with your weapons.	
20:07:13	21	Thank God we had the energy to speak and all	
20:07:16	22	the people willing to show up here to make sure that you will	
20:07:19	23	not conduct these exercises in our waters, especially when	
20:07:26	24	our sacred whale population is here. Train without sound or	
20:07:31	25	train outside our waters. Your killing machines are	
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NUMBER

D-T-0072

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2

# Wailuku, Hawaii

Pauahi Hoohana		69
20:07:34	1	unacceptable. Your attitude about it is unacceptable.
20:07:41	2	Winston Churchill stated, "The price of
20:07:45	3	greatness is responsibility." I want you to take that home,
20:07:51	4	you people as individuals. The Navy -- You make up the Navy.
20:07:56	5	We're saying the Navy, but it's you. I want you to
20:08:00	6	personalize it. "The price of greatness is responsibility."
20:08:06	7	What you're doing without responsibility is destruction. You
20:08:14	8	can talk all you want about, you know, all these farce facts
20:08:19	9	that you think we are so stupid that we're going to suck in
20:08:22	10	and say, Oh, sure, come on into our waters, do your tests.
20:08:26	11	We know they're not tests. We know you're a killing machine.
20:08:33	12	"The price of greatness is responsibility."
20:08:37	13	The Navy's actions prove that not only are
20:08:41	14	you not the stewards of the seas, but lame brain pawns of
20:08:48	15	neo-con warmongers and weapons manufacturers, criminals at
20:08:52	16	best, unwilling, at worst, to do the right thing.
20:08:55	17	Thank you.
20:08:56	18	(Applause.)
20:09:02	19	MS. MOSSMAN: Pauahi Hoohana.
20:09:09	20	MS. HOOHANA: (Statement in Hawaiian.)
20:09:25	21	My husband has been a taro farmer in Waipi'o
20:09:29	22	and his ohana has been a taro farmer -- has farmed taro from
20:09:32	23	time immemorial. Yeah? You guys are symbols. You guys are
20:09:38	24	symbols of the continued oppression, the continued
20:09:42	25	degradation, the continued colonization of our people. Not
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(cont.)

D-T-0073

Pauahi Hoohana		70
20:09:47	1	only degrading our people by being here, you're making us a
20:09:51	2	target of the entire world just because you're here.
20:09:55	3	(Applause.)
20:09:58	4	MS. HOOHANA: If you guys -- You know, all
20:10:01	5	the propaganda out there saying, Oh, if it wasn't for America
20:10:03	6	colonizing us, it would have been somebody else. No. It was
20:10:07	7	already done by Blount in his -- in Blount's -- After the
20:10:12	8	overthrow in 1893 that what the American military did was an
20:10:16	9	act of war on a peaceful loving people. Yeah? You guys came
20:10:22	10	and oppressed. You took our nation. You degrade our aina.
20:10:27	11	You degrade our oceans. Yeah? Because of what? So that you
20:10:31	12	guys can go and bomb people in the desert? You see deserts
20:10:35	13	in Hawaii? I don't see no deserts in Hawaii. Go train
20:10:40	14	someplace. Go pollute the world with your depleted uranium.
20:10:44	15	All your magazines, all your weapons, all -- everything is
20:10:47	16	polluted with depleted uranium. You're doing -- You're
20:10:50	17	desecrating our aina, our aina, our heart, because no -- it
20:10:53	18	has mana. It has -- We are connected to that time
20:10:59	19	immemorial. (Statement in Hawaiian.) You guys are from
20:11:07	20	someplace else. Why don't you guys go back and pollute your
20:11:10	21	aina? Don't come and destroy us.
20:11:14	22	(Applause.)
20:11:16	23	MS. HOOHANA: Yeah? You guys are destroying
20:11:19	24	us. Yeah? What about my husband when he goes fishing in the
20:11:23	25	ocean to put food on our table? Huh? When you guys making
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## COMMENT NUMBER

D-T-0073  
(cont.)

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## Wailuku, Hawaii

Samuel Peace Eagle Dolphin		71
20:11:28 1	your stupid testing, what's going to happen to him if he's	
20:11:31 2	like being in the water getting ahi for us, getting papio and	
20:11:40 3	ulua? Yeah? What's going to happen to him if he's subjected	
20:11:43 4	to your sonar? Am I going to have cry over my husband	
20:11:47 5	because of your stupidity, because of your colonization,	
20:11:51 6	because of your continued oppression of our resources which	
20:11:54 7	are limited because we're on an island? Huh? Think about	
20:11:58 8	that.	
20:12:00 9	We're sick and tired of your continued	
20:12:02 10	oppression and colonization as Kanaka Maoli. (Statement in	
20:12:07 11	Hawaiian.) Hell, no.	
20:12:14 12	(Applause.)	
20:12:24 13	MS. MOSSMAN: Samuel Peace Eagle Dolphin.	
20:12:32 14	MR. DOLPHIN: Aloha, everyone. Living this	
20:12:46 15	island for ten years, I already saw a big change. I'm here	
20:12:50 16	representing me, my wife, my family, the dolphins, the	
20:12:55 17	whales, the Hawaiian culture and Native American culture.	
20:12:59 18	These people and these animals, they are under pressure from	
20:13:03 19	people like you from the beginning of history. It's time to	
20:13:07 20	change. This is not working. It's not going anywhere. It's	
20:13:13 21	damaging the world. It's damaging the people. It's damaging	
20:13:17 22	everything. The planet is your model. You kill the planet,	
20:13:22 23	you kill yourself.	
20:13:23 24	You have a son, you have a daughter, do you	
20:13:26 25	have a family? They are going to pay. What are you going to	
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NUMBERD-T-0073  
(cont.)D-T-0074  
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Samuel Peace Eagle Dolphin		72
20:13:30 1	do, all of you? Anybody that do these things. The planet is	
20:13:37 2	going to be gone if you don't start taking care. Your job is	
20:13:41 3	supposed to be take care of the people. And you know what,	
20:13:43 4	you're supposed to take care of the land, take care of the	
20:13:46 5	planet. You kill the planet, you kill everybody and	
20:13:50 6	everything.	
20:13:50 7	I'm against the sonar testing and any, any	
20:13:54 8	weapon that you guys use I'm against. The world doesn't go	
20:13:59 9	in this way. You disrespecting everything: The law of	
20:14:03 10	nature, the love of humanity, the love of family. Respect,	
20:14:08 11	remember, respect. You disrespect, you lose. We have lost	
20:14:15 12	land in the world because there is no respect, man. You	
20:14:18 13	understand?	
20:14:18 14	The military doesn't do any good. We get	
20:14:23 15	attacked because we have the military. We should have an	
20:14:29 16	army of peace, not an army of war. We should have a weapon	
20:14:33 17	that helps people and nature, not destroy them. Those are	
20:14:38 18	your good weapon. Do a friend instead of an enemy. This is	
20:14:43 19	what you people should do and the world would change. You	
20:14:48 20	want to do it because I'm sure when you were little, you	
20:14:51 21	told, I'm going to be somebody one day. So you guys have	
20:14:55 22	opportunity right now. What you can do is change the world	
20:14:58 23	in a better way. Stop using weapon and use love, compassion.	
20:15:04 24	That's what you people need to use. Thank you.	
20:15:08 25	(Applause.)	
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COMMENT  
NUMBERD-T-0074  
(cont.)

# Wailuku, Hawaii

Akahi Wahine		73
20:15:14 1	MS. MOSSMAN: We have one more speaker.	
20:15:21 2	Akahi Wahine.	
20:15:25 3	MS. WAHINE: Aloha to all my brothers and	
20:15:35 4	sisters here to help support us in going against this	
20:15:39 5	military forces that just hits our waters. And it's sad to	
20:15:43 6	see these things happening in our islands repetitiously by	
20:15:47 7	the military. For one, Hawaii is breath of our living water,	
20:15:53 8	is our ocean and our land, which you folks are totally	
20:15:57 9	disrespecting. But you know what? It takes our uhane, our	
20:16:02 10	spirit, that if we can't deal with you folks in the physical,	
20:16:05 11	our spirit of ancestors will deal with you folks. If not	
20:16:09 12	with you folks in the present time now, it will be with your	
20:16:10 13	ohana, meaning your family, so there's no way out. If you	
20:16:15 14	know how to forgive and stop what you folks are doing -- We	
20:16:19 15	are not the enemies. You guys are in the wrong nation.	
20:16:23 16	As long as the Kanaka Maoli will live, our	
20:16:26 17	nation will live. Hawaii will live as long as our people	
20:16:29 18	live. And we are the true people, we are the aboriginals of	
20:16:33 19	our land. This is where our substance comes from, our daily	
20:16:37 20	substance. But because America, America is here in our land	
20:16:40 21	to suppress and oppress of our people in the past and present	
20:16:45 22	for 114 years, it's going to have to end. It's going to have	
20:16:49 23	end very now. Like N-O-W now. You folks have to get out of	
20:16:53 24	our waters, get off of our lands and leave our people alone.	
20:16:57 25	We have been suppressed and oppressed enough. It's time for	
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D-T-0064

Akahi Wahine		74
20:17:01 1	you to folks to pack up and move out.	
20:17:03 2	(Applause.)	
20:17:06 3	MS. WAHINE: It's our land. We are Hawaii.	
20:17:09 4	We'll always be Hawaii. As long as our akua permits us to	
20:17:13 5	live this land, we'll live it forever. And it ends and it	
20:17:18 6	ends now. This is enough of you folks. You folks belong out	
20:17:21 7	in another nation that -- where America is in Iraq. You	
20:17:25 8	folks are overthrowing another nation and what's happening to	
20:17:30 9	the Americans there? Innocent lives are being taken	
20:17:33 10	repetitiously in Iraq. That's where you folks belong, out in	
20:17:39 11	a nation that's against you folks.	
20:17:40 12	Japan was here and bombed Hawaii, but they	
20:17:42 13	didn't come here to bomb the Hawaiians, the Kanaka Maoli.	
20:17:45 14	They came here because the Americans were here and they came	
20:17:48 15	to send a message to America. So it's time for you folks to	
20:17:53 16	read between the lines, America. Military, read between the	
20:17:57 17	lines. Take you folks' blinders off and it's time for you	
20:18:00 18	folks to see the truth.	
20:18:02 19	Congress has already signed Public Law	
20:18:07 20	103.150. Supposed to be public law to protect the people,	
20:18:10 21	but you folks don't seem to understand what public law means.	
20:18:13 22	You folks have admitted the fact you folks illegally	
20:18:17 23	overthrew Hawaii. Can't you folks understand you folks don't	
20:18:19 24	belong here. You folks illegally is here. You folks have	
20:18:23 25	done enough damage to our land. Pack up and get out. No	
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COMMENT NUMBER
D-T-0064 (cont.)
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Wailuku, Hawaii

Akahi Wahine

75

20:18:29 1 more.

20:18:29 2 (Applause.)

20:18:33 3 MS. MOSSMAN: We'll take a recess. If

20:18:45 4 there's anybody out there who hasn't up to speak that may

20:18:48 5 want to do so, we'll go ahead and resume. We'll be here

20:18:52 6 until 9:00 p.m. Thank you.

7 (The proceedings recessed at 8:19 p.m.)

8 (The proceedings adjourned at 9:02 p.m.)

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COMMENT  
NUMBERD-T-0064  
(cont.)C E R T I F I C A T E

1 STATE OF HAWAII )

2 ) SS.

3 CITY AND COUNTY OF MAUI )

4 I, Sandra J. Gran, Certified Shorthand Reporter for the

5 State of Hawaii, hereby certify that the proceedings were

6 taken down by me in machine shorthand and was thereafter

7 reduced to typewritten form under my supervision; that the

8 foregoing represents to the best of my ability, a true and

9 correct transcript of the proceedings had in the foregoing

10 matter.

11 I further certify that I am not attorney for any of the

12 parties hereto, nor in any way concerned with the cause.

13 DATED this 12th day of September, 2007, in Maui,

14 Hawaii.

15 *Sandra J. Gran*

16 Sandra J. Gran

17 Hawaii CSR 424

18 Notary Public for Hawaii

19 My Commission Expires: 5/14/08

SANDRA J. GRAN  
Notary Public  
State of Hawaii

RALPH ROSENBERG COURT REPORTERS, INC.  
(808) 524-2090

COMMENT  
NUMBER

# Hilo, Hawaii

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HAWAII RANGE COMPLEX  
DRAFT ENVIRONMENTAL IMPACT STATEMENT/  
OVERSEAS ENVIRONMENTAL IMPACT  
STATEMENT (EIS/OEIS)

AUGUST 29, 2007

Waiakea High School  
155 W Kawili St, Hilo, Hawaii

BEFORE: SANDRA J. GRAN, CSR NO. 424  
Registered Professional Reporter

RALPH ROSENBERG COURT REPORTERS, INC.  
(808) 524-2090

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### Speaker List:

Vida Mossman  
Captain Aaron Cudnohufsky  
Neil Sheehan  
Cory Harden  
Larry Sinkin  
Lynn Nakkum  
Reynold Kamkawiwaole  
Kalei'ileihi Muller  
Michael T. Hyson  
Duane Erway  
Jim Albertini  
Lee Tepley  
Dwight Vicente  
Hans K. Mortensen  
Frank Vesperes  
Moanikeala Akaka - Aloha Aina  
Jon Olson  
Marjorie Erway  
Manuel Kuloloio  
Cynthia Piano  
Shelley Stephens  
Star Newland  
Mark Van Doren  
Galen Kelly  
L. V. Kelly  
Paul Normann  
Judy Walker  
Bunny Smith  
Koert

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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Hilo, Hawaii

	COMMENT NUMBER		COMMENT NUMBER
<p style="text-align: right;">Chaplain Kahu Wendell Davis 3</p> <p>1 PROCEEDINGS:</p> <p>18:12:52 2 MS. MOSSMAN: Aloha and good evening,</p> <p>18:12:55 3 everyone. Thank you very much for coming tonight. Before we</p> <p>18:12:58 4 get started, I would like to invite Kahu Wendell Davis,</p> <p>18:13:03 5 Chaplain, Kamehameha Schools, Ka'ao Campus, to offer a pule.</p> <p>18:13:11 6 CHAPLAIN DAVIS: Aloha makaiko.</p> <p>18:13:25 7 AUDIENCE: Aloha.</p> <p>18:13:27 8 CHAPLAIN DAVIS: Let us begin in the spirit</p> <p>18:13:29 9 of pule as we learn not only from our kupuna, but also learn</p> <p>18:13:35 10 that all things should start together in a spiritual effort</p> <p>18:13:39 11 of prayer. Let's pray together. Epule Akau, let's pray.</p> <p>18:13:40 12 (Statement in Hawaiian.)</p> <p>18:14:09 13 We thank you, oh, God of Love and Holy God,</p> <p>18:14:12 14 and we are humbled to be here as ohana of this community and</p> <p>18:14:18 15 we ask your blessings as we conduct our halawai, our meeting.</p> <p>18:14:24 16 We realize that all things that are righteous and puwū,</p> <p>18:14:30 17 wisdom, na'ao, mana, strengths come from above. So we ask</p> <p>18:14:34 18 for your kokua. We pule and ask for your presence to be</p> <p>18:14:40 19 here.</p> <p>18:14:41 20 Help us to conduct our meeting together in</p> <p>18:14:44 21 the way of malukea and the way of puna as we hear each</p> <p>18:14:51 22 other's manaloa as we gather together and help us to will</p> <p>18:14:57 23 and bring together, weave together our thoughts and our</p> <p>18:14:59 24 energies for the betterment of each other.</p> <p>18:15:04 25 We pray that you will be with us and we thank</p> <p style="text-align: center;">RALPH ROSENBERG COURT REPORTERS, INC. (808) 524-2090</p>		<p style="text-align: right;">Vida Mossman 4</p> <p>18:15:07 1 you for those who have journeyed near and far to come to this</p> <p>18:15:12 2 place of Waiakea High School. Bless this place, bless us,</p> <p>18:15:18 3 help us to also remember those before us of our nakupuna.</p> <p>18:15:25 4 Help us to malama each other, malama the aina, aina of the</p> <p>18:15:31 5 land and of the sea. Help us to be makaaina, good stewards,</p> <p>18:15:36 6 both of us, all of us here, to be one in ohana, for this is</p> <p>18:15:41 7 your command to us, to be lokahi.</p> <p>18:15:45 8 So Ke Akua, aloha, we ask your blessings, oh,</p> <p>18:15:51 9 Lord upon us tonight. We come together in this spirit of</p> <p>18:15:56 10 prayer.</p> <p>18:15:56 11 (Statement in Hawaiian.)</p> <p>18:16:00 12 Amen.</p> <p>18:16:01 13 AUDIENCE: Amen.</p> <p>18:16:04 14 MS. MOSSMAN: Mahalo, Kahu.</p> <p>18:16:15 15 This is the public hearing on the Draft</p> <p>18:16:23 16 Environmental Impact Statement for the Hawaii Range Complex.</p> <p>18:16:26 17 I'm Vida Mossman and I will be the moderator for tonight's</p> <p>18:16:33 18 meeting.</p> <p>18:16:33 19 This hearing is being held in accordance with</p> <p>18:16:35 20 the provisions of the National Environmental Policy Act and</p> <p>18:16:38 21 implementing regulations. The act requires federal agencies</p> <p>18:16:41 22 to analyze the potential environmental impacts of certain</p> <p>18:16:46 23 proposed actions and alternatives, and to consider the</p> <p>18:16:50 24 findings of those analyses in deciding how to proceed.</p> <p>18:16:59 25 The purpose of tonight's hearing is to</p> <p style="text-align: center;">RALPH ROSENBERG COURT REPORTERS, INC. (808) 524-2090</p>	

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)





## Hilo, Hawaii

		Captain Aaron Cudnohufsky	7
18:20:37	1	consideration in the final EIS. Keep in mind that written	
18:20:45	2	comments are given the same consideration as verbal comments	
18:20:48	3	offered here tonight.	
18:20:50	4	It is now my pleasure to introduce Captain	
18:20:57	5	Cudnohufsky.	
18:20:59	6	CAPTAIN CUDNOHUFSKY: Thank you, Vida.	
18:21:12	7	Aloha and good evening to you all. I'm	
18:21:16	8	Captain Aaron Cudnohufsky, commanding officer of Pacific	
18:21:21	9	Missile Range Facility and the Hawaii Range Complex	
18:21:23	10	Coordinator.	
18:21:24	11	Welcome to tonight's hearing on our Draft	
18:21:26	12	Environment Alt Impact Statement on the Hawaii Range Complex.	
18:21:32	13	In just a few minutes Mr. Neil Sheehan will get up and give a	
18:21:37	14	brief presentation on the draft document. I have just a	
18:21:40	15	couple things to say, but I'll keep my comments short so we	
18:21:44	16	can get to your comments, which really is why we're here	
18:21:48	17	tonight.	
18:21:49	18	First I would like to thank Kahu Wendell	
18:21:52	19	Davis. Thank you for that wonderful prayer that opened this	
18:21:56	20	evening's event. Mahalo, Wendell. Thank you for the	
18:22:01	21	blessings on this evening's events.	
18:22:03	22	As many of you know, Hawaii Range Complex is	
18:22:06	23	a collection of significant testing and training capabilities	
18:22:10	24	throughout the state. The new technology that is tested	
18:22:13	25	here, along with the vital training that is conducted, is of	
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		Captain Aaron Cudnohufsky	8
18:22:16	1	incredible importance and value to our nation. Our sailors,	
18:22:21	2	marines, soldiers, airmen and Coasties depend on the training	
18:22:28	3	to hone their skills before we send them into harm's way.	
18:22:33	4	They also deserve the best technology our country can provide	
18:22:37	5	them. We owe them this much: The opportunity to train and	
18:22:40	6	be equipped so we can help keep them as safe as possible.	
18:22:44	7	The Hawaii Range Complex contributes in both ways to do this.	
18:22:47	8	In testing and training, we have the best facilities	
18:22:51	9	available.	
18:22:52	10	At the Pacific Missile Range Facility we	
18:22:57	11	employ nearly 800 civilians. These are predominantly Kauai	
18:23:01	12	people, from families that have provided generations of	
18:23:04	13	dedicated and capable people to our work force. It is from	
18:23:08	14	this talented pool that we entrust our most important work:	
18:23:14	15	From the management of our Missile Defense Agency programs,	
18:23:18	16	to qualifying our nation's newly selected submarine	
18:23:22	17	commanders, you'll find people born and raised on Kauai and	
18:23:26	18	Hawaii involved.	
18:23:27	19	We are the largest high tech employer on	
18:23:30	20	Kauai, but what we do is not just about technology and	
18:23:35	21	employment. We recognize our responsibilities as stewards of	
18:23:39	22	a very special place. We are very proud of our	
18:23:43	23	accomplishments and hopefully you had a chance to visit our	
18:23:46	24	poster station on environmental stewardship and talk to our	
18:23:49	25	folks about that.	
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

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		COMMENT NUMBER			COMMENT NUMBER
Neil Sheehan		9	Neil Sheehan		10
18:23:53	1		18:25:34	1	
18:23:55	2		18:25:36	2	
18:23:58	3		18:25:40	3	
18:24:01	4		18:25:44	4	
18:24:04	5		18:25:49	5	
18:24:07	6		18:25:56	6	
18:24:09	7		18:25:59	7	
18:24:14	8		18:26:02	8	
18:24:16	9		18:26:02	9	
18:24:19	10		18:26:05	10	
18:24:23	11		18:26:09	11	
18:24:27	12		18:26:14	12	
18:24:36	13		18:26:18	13	
18:24:41	14		18:26:22	14	
18:24:47	15		18:26:27	15	
18:24:51	16		18:26:32	16	
18:24:54	17		18:26:37	17	
18:24:58	18		18:26:41	18	
18:25:06	19		18:26:44	19	
18:25:10	20		18:26:49	20	
18:25:14	21		18:26:54	21	
18:25:18	22		18:26:55	22	
18:25:22	23		18:26:59	23	
18:25:27	24		18:27:02	24	
18:25:32	25		18:27:08	25	
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## Hilo, Hawaii

		Neil Sheehan	11
18:27:13	1	<p>There's one thing that the Draft EIS/OEIS does not do is request the use of any new air, land or sea space. It represents current and anticipated future usage within the existing footprint. The Hawaii Range Complex is important because it is the largest and most used Navy Range Complexes in the Pacific region. It provides vast open spaces for large exercises like the biennial Rim-of-the-Pacific Exercise or RIMPAC. It also provides enough air and sea space to conduct missile testing. Its central location allows for other nations' military services from North and South America, Asia and Australia to meet for training exercises.</p>	
18:27:17	2		
18:27:23	3		
18:27:26	4		
18:27:32	5		
18:27:35	6		
18:27:39	7		
18:27:44	8		
18:27:46	9		
18:27:50	10		
18:27:54	11	<p>It is critical for those units stationed in Hawaii to train locally without having to travel great distances in order to remain proficient with their training. The complex provides irreplaceable capacity for the Navy to conduct essential training and testing, and this training is absolutely vital for the safety of our nation's sailors and marines and ultimately for the well-being of our country.</p>	
18:28:00	12		
18:28:01	13		
18:28:04	14		
18:28:08	15		
18:28:12	16		
18:28:19	17		
18:28:22	18		
18:28:25	19		
18:28:28	20		
18:28:32	21	<p>The Navy has not been doing this alone. The Navy has been working with many partners throughout this draft process. We have sought assistance from National Marine Fisheries Service and have worked closely with their experts in trying to quantify potential effects on marine life that may be associated with Navy training activities.</p>	
18:28:35	22		
18:28:41	23		
18:28:43	24		
18:28:47	25		
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		Neil Sheehan	12
18:28:51	1	<p>Additionally, the Missile Defense Agency, the Army and the US Department of Energy have been partners in our efforts. Finally, we've been coordinating with experts from various state and federal agencies to ensure that impacts on the environment are properly identified.</p>	
18:28:56	2		
18:28:59	3		
18:29:03	4		
18:29:06	5		
18:29:11	6	<p>The EIS/OEIS proposes to conduct current and emerging training and defense-related testing and evaluation of new technologies within the Hawaii Range Complex and to upgrade and modernize the existing range. The action is needed to ensure that our sailors and marines are trained and that they remain at a high state of readiness and that advanced technologies are able to be tested and evaluated and ultimately available to the military. The majority of the this training proposed and examined in this EIS/OEIS occurs out in the open ocean.</p>	
18:29:15	7		
18:29:19	8		
18:29:23	9		
18:29:26	10		
18:29:29	11		
18:29:33	12		
18:29:36	13		
18:29:41	14		
18:29:46	15		
18:29:51	16	<p>The document analyzes three alternatives: The no action and two action alternatives. The no action includes those training activities that currently occur in Hawaii to include a RIMPAC Exercise and up to six Undersea Warfare Exercises annually, and it captures the typical test and evaluation activities like missile launches from the Pacific Missile Range Facility.</p>	
18:29:53	17		
18:29:58	18		
18:30:00	19		
18:30:06	20		
18:30:11	21		
18:30:14	22		
18:30:17	23		
18:30:19	24		
18:30:23	25		
		RALPH ROSENBERG COURT REPORTERS, INC. (808) 524-2090	

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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)







## Hilo, Hawaii

	COMMENT NUMBER		COMMENT NUMBER
<p style="text-align: right;">Neil Sheehan 15</p> <p>18:33:36 1 hearings on the Draft EIS, and we're currently conducting the</p> <p>18:33:40 2 last one here tonight in Hilo. As I stated earlier, the</p> <p>18:33:44 3 schedule anticipates a potential final decision being made in</p> <p>18:33:49 4 May of 2008. The Navy welcomes your verbal comments now and</p> <p>18:33:54 5 your written comments tonight or sent in via fax, mail,</p> <p>18:33:59 6 e-mail or on our website by September 17th.</p> <p>18:34:03 7 Mahalo.</p> <p>18:34:04 8 (Applause.)</p> <p>18:34:08 9 MS. MOSSMAN: We are ready to begin listening</p> <p>18:34:23 10 to your comments. To ensure that we get an accurate record</p> <p>18:34:26 11 of what is said, please help me respect the following ground</p> <p>18:34:30 12 rules: First, speak clearly and slowly into the microphone,</p> <p>18:34:34 13 starting with your name and any organization that you</p> <p>18:34:38 14 represent.</p> <p>18:34:41 15 Second, each person will have three minutes</p> <p>18:34:44 16 to speak. This time limit includes public officials,</p> <p>18:34:50 17 organizational spokespersons, and private individuals.</p> <p>18:34:54 18 Third, if you have a written statement, you</p> <p>18:34:59 19 may turn it in at the registration table and/or you may read</p> <p>18:35:03 20 it out loud within the time limit.</p> <p>18:35:05 21 Fourth, please honor any requests that I may</p> <p>18:35:10 22 make for you to stop speaking if you reach the three-minute</p> <p>18:35:16 23 time limit. To aid you in knowing when your time is almost</p> <p>18:35:19 24 up, my assistant will hold up a card when you have 30 seconds</p> <p>18:35:24 25 left. This should allow you to find a comfortable place to</p> <p style="text-align: center;">RALPH ROSENBERG COURT REPORTERS, INC. (808) 524-2090</p>		<p style="text-align: right;">Cory Harden 16</p> <p>18:35:29 1 wrap up your comments.</p> <p>18:35:33 2 Finally, please remember that no decision is</p> <p>18:35:36 3 being made tonight. The main purpose for the government</p> <p>18:35:41 4 representatives being here tonight is to learn of your</p> <p>18:35:45 5 concerns and suggestions firsthand.</p> <p>18:35:49 6 Our first five speakers, in order, will be:</p> <p>18:36:10 8 Cory Harden, Larry Sinkin, Lynn Nakkum, Reynold Kamkawiwoale,</p> <p>18:36:11 9 and Kalei'ileihi Muller.</p> <p>18:36:11 9 Cory.</p> <p>18:36:17 10 MS. HARDEN: Hello. I'm Cory Harden with</p> <p>18:36:26 11 Sierra Club Mokuula Group making comments for Sierra Club. I</p> <p>18:36:33 12 appreciate the Navy folks taking time to come and give us</p> <p>18:36:36 13 information. Having said that, I have many concerns about</p> <p>18:36:39 14 their past, present and proposed actions in the Hawaiian</p> <p>18:36:42 15 Islands.</p> <p>18:36:42 16 First on sonar, the Navy should not receive</p> <p>18:36:45 17 the blanket permit it is seeking. Sonar has been linked to</p> <p>18:36:49 18 whales dying from the bends after boiling to the surface in</p> <p>18:36:54 19 panic. Earth Justice says intense sonar sounds can rupture</p> <p>18:37:00 20 marine mammals' hearing organs and result in strandings and</p> <p>18:37:01 21 death. Sonar can interfere with marine mammals' ability to</p> <p>18:37:05 22 navigate, hunt, and take care of their offspring and avoid</p> <p>18:37:11 23 predators.</p> <p>18:37:11 24 Earth Justice in Honolulu just filed a court</p> <p>18:37:12 25 motion to stop the Navy from using high-powered sonar in an</p> <p style="text-align: center;">RALPH ROSENBERG COURT REPORTERS, INC. (808) 524-2090</p>	<p style="text-align: center;">D-T-0075</p> <p style="text-align: center;">1</p>

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

# Hilo, Hawaii

Cory Harden		17
18:37:16 1	exercise this November. Federal judges have shut down sonar	
18:37:19 2	or mandated increased precautions several times, including	
18:37:24 3	2006 in Hawaii and this month in California. In the	
18:37:27 4	California case, the Navy itself predicted permanent injury	
18:37:31 5	from sonar to almost 500 Cuvier's Beaked Whales when only	
18:37:38 6	about 1,000 may be left off the US West Coast.	
18:37:41 7	"Taking precautions to protect marine life	
18:37:42 8	during sonar use would not reduce Navy ability to respond to	
18:37:47 9	actual threats," says the National Resources Defense Council.	
18:37:50 10	When I sought expert opinions on sonar I was told, "This is a	
18:37:54 11	delicate issue because over half of the marine mammal	
18:37:59 12	research in the US is funded by the Navy." In 2002,	
18:38:08 13	scientists funded by the Navy made negative comments on an	
18:38:08 14	EIS. An Office of Naval Research official phoned and	
18:38:10 15	chastised them, then e-mailed a copy. "I think they had some	
18:38:13 16	inkling they might be about to talk our money and make	
18:38:16 17	themselves look good to the enviro's, too."	
18:38:18 18	Second concern: Navy actions added to other	
18:38:22 19	military actions in Hawaii will cause large cumulative	
18:38:26 20	impacts. Depleted uranium was found at Schofield and	
18:38:29 21	Waikoloa, it's suspected in Lahua Valley. The Navy itself	
18:38:33 22	has definitely fired depleted uranium into the hills above	
18:38:39 23	Aiaia in 1994. It was never found.	
18:38:42 24	Future plans for the Striker will cause	
18:38:44 25	severe soil erosion and dust, increased wild fires, impact	
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## COMMENT NUMBER

D-T-0075  
(cont.)

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Cory Harden		18
18:38:49 1	sensitive species, spread nonnative species, bring noise from	
18:38:54 2	helicopters and explosions, destroy archeological and Native	
18:38:57 3	Hawaiian cultural resources, and restrict Native Hawaiian	
18:39:00 4	access to traditional sites.	
18:39:03 5	Past and current military actions have left	
18:39:05 6	almost 800 contaminated military sites in Hawaii. One site	
18:39:09 7	is Pearl Harbor Naval Complex, which itself contains about	
18:39:13 8	750 contaminated sites. Almost 5 million gallons of	
18:39:18 9	low-level radioactive waste were discharged into Pearl Harbor	
18:39:19 10	in the 1960s and '70s. More than 8,000 tons of chemical	
18:39:26 11	munitions were dumped off Oahu about 1940 to 1970. It seems	
18:39:30 12	there's little money for cleanup of past hazards, but plenty	
18:39:34 13	of money to fund a shift in forces to coastal and Pacific	
18:39:36 14	areas that will bring even more hazards.	
18:39:39 15	MS. MOSSMAN: Cory, your time is up. Thank	
18:39:42 16	you very much, Cory.	
17	MS. HARDEN: Third concern, the greatest	
18	chemicals will fall on the Northwest Hawaiian Islands from	
18:39:43 19	missile flights and intercepts.	
18:39:43 20	UNIDENTIFIED SPEAKER: I would like to give	
18:39:44 21	her my three minutes.	
18:39:46 22	MS. MOSSMAN: Sorry, Cory, your time is up.	
18:39:50 23	Cory.	
18:39:51 24	MS. HARDEN: Also, high-ranking officials in	
18:39:54 25	the Fish and Wildlife Service --	
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D-T-0075  
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Hilo, Hawaii

Larry Sinkin		19
18:39:54	1	MS. MOSSMAN: Cory, your time is up right
18:39:56	2	now. Ms. Harden, please.
18:39:58	3	MS. HARDEN: Thank you.
18:39:59	4	MS. MOSSMAN: Thank you.
	5	(Applause.)
18:40:07	6	MS. MOSSMAN: I would appreciate it if you
18:40:09	7	would just glance this way once in a while so you know when
18:40:12	8	you've got 30 seconds left. Mahalo.
18:40:17	9	MR. SINKIN: Hello. My name is Larry Sinkin.
18:40:19	10	I'm appearing tonight as Alii Manao Nui for Alii Nui Edmund
18:40:23	11	Keali'i Silva of the Kingdom of Hawaii.
18:40:25	12	Here tonight the United States Navy
18:40:27	13	represents the United States government in our eyes. We
18:40:31	14	understand that the underlying agenda of the United States
18:40:34	15	government is to use Hawaii as the forward base for your
18:40:37	16	planned war with China. The potential environmental impact
18:40:41	17	of putting Hawaii in this position will never be the subject
18:40:44	18	of an EIS.
18:40:46	19	The real question that should be of concern
18:40:48	20	to you tonight should be how the Navy's behavior reflects on
18:40:52	21	the reputation of your government. As a general matter, the
18:40:55	22	Navy behavior I have observed personally since 1998 in these
18:40:59	23	islands can best be characterized as arrogant, lawless and
18:41:04	24	disrespectful. I have submitted written comments detailing
18:41:07	25	many examples of these three characteristics. I will touch
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NUMBERD-T-0075  
(cont.)

D-T-0076

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Larry Sinkin		20
18:41:11	1	on only a few.
18:41:12	2	An example of arrogance is intimidating the
18:41:14	3	United States Congress into changing the laws that prevent
18:41:17	4	you from doing exactly what you want to do, regardless of
18:41:20	5	whether or not those laws are the product of common sense and
18:41:23	6	intelligent debate. An example of lawlessness is having to
18:41:27	7	constantly be sued to gain your compliance with environmental
18:41:31	8	laws. I myself have done that on many occasions. An example
18:41:35	9	of disrespectfulness is ignoring the evidence gathered by
18:41:39	10	people on this island that showed the humpback whales fled
18:41:41	11	from your test area almost as soon as you turned on the
18:41:45	12	low-frequency sonar in 1998. You have never acknowledged
18:41:47	13	that evidence.
18:41:48	14	Your past attitudes and actions make
18:41:51	15	abundantly clear why nothing short of complete independence
18:41:56	16	will ensure these islands are truly cherished and protected.
18:42:00	17	I'm not here to comment on your Draft EIS. I know that the
18:42:03	18	entire EIS process is simply an exercise for you. You
18:42:06	19	conduct this exercise solely to escape from legal oversight.
18:42:10	20	You will do what you will do because you have made yourselves
18:42:14	21	who you are.
18:42:15	22	We offer a place known for ho'oponopono. One
18:42:17	23	meaning of that healing process is acknowledging when you do
18:42:21	24	something wrong. From that acknowledgment comes a healing
18:42:24	25	process that brings you back into alignment with the natural
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COMMENT  
NUMBERD-T-0076  
(cont.)

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## Hilo, Hawaii

		COMMENT NUMBER			COMMENT NUMBER
Lynn Nakkum 21		D-T-0076 (cont.)	Lynn Nakkum 22		D-T-0077 (cont.)
18:42:28 1	world and makes you an agent of peace within the human	4	18:44:02 1	of that." But you have heard of the 11 whales in the Bahamas	
18:42:32 2	family. When you are finally ready to put down your weapons		18:44:05 2	and you have an answer for it now, but when I read that	
18:42:35 3	and start your healing process, we will be here to help you.		18:44:06 3	report in the newspaper in 2000, the Navy's immediate	
18:42:39 4	In the meantime, we will not waste your time and ours by		18:44:11 4	statement was, Coincidence. Had nothing to do with what we	
18:42:42 5	continuing to participate in predetermined processes like	D-T-0077	18:44:15 5	were doing. I understand that the admission has been made	
18:42:43 6	this one.		18:44:19 6	since then that they did have something to do with it, but	
18:42:44 7	Thank you.		18:44:22 7	that situation, I was told tonight by five different people	
18:42:47 8	(Applause.)		18:44:26 8	who grouped around me, that there's nothing to worry about.	
18:42:47 9	MS. MOSSMAN: Lynn.	1	18:44:30 9	Those conditions will never occur again. That was a narrow	2
18:42:54 10	MS. NAKKUM: My name is Lynn Nakkum and I'm		18:44:33 10	space between islands, it was very deep and those were beaked	
18:43:00 11	here tonight to represent the whales. I'm concerned and		18:44:38 11	whales, which we don't have, and, therefore, no parallels at	
18:43:03 12	dismayed that the US Navy insists upon this plan to do their		18:44:42 12	all.	
18:43:08 13	sonar exercises in the Hawaiian Range Complex of the Hawaiian		18:44:43 13	Well, I'm here to say that the whales have	
18:43:12 14	Islands. I have now read the environmental impact analysis		18:44:46 14	probably been coming here for 50 to 100 thousand years or	
18:43:16 15	in your report, those few pages, and I think it is a very bad		18:44:50 15	more, that they were here first and I think that they have a	
18:43:21 16	idea.		18:44:54 16	right to be here. I've been told that what the Navy is doing	
18:43:22 17	The whales are not a category. No. They're		18:44:58 17	is according to law, that they have to practice an exercise.	
18:43:27 18	just lumped under Biological Resources along with seaweed,		18:45:03 18	Well, there is a higher law and that affects the whales and	
18:43:33 19	crabs, plankton and other exciting species which I'm sure		18:45:07 19	us and our relationship to them.	
18:43:38 20	won't be very bothered by the sonar. But sonar kills whales.		18:45:11 20	Sonar is like terrorism to whales. It	
18:43:43 21	We know that. Back in 1998 there was a baby whale that		18:45:15 21	doesn't just kill them by hurting their eardrums and making	
18:43:49 22	coincidentally died when you were doing your sonar testing		18:45:19 22	them unable to stabilize underwater. As was mentioned by	
18:43:53 23	here.		18:45:23 23	Cory Harden, it can just cause them to go to the surface and	
18:43:53 24	Every official that I spoke to before this		18:45:27 24	die because they die of bends. They get bends like we would	
18:43:59 25	meeting started said, "What baby whale? Hmmm. Never heard		18:45:31 25	if we shot to the surface in a hurry because we didn't know	
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Hilo, Hawaii

		Reynold Kamkawiwaole	23
18:45:35	1	what the heck was going on. Can you imagine coming across	
18:45:39	2	2,000 miles of ocean with nothing but the sound of other	
18:45:42	3	whales to listen to, because that's really all there is out	
18:45:45	4	there, and all of a sudden you hear an excruciating sound	
18:45:49	5	that pierces your body through your eardrums? Well, wouldn't	
18:45:52	6	you be a little scared? You know, they can't read these	
18:45:55	7	reports. They don't know that this is good for them.	
18:45:58	8	The Navy's attitude can be expressed	
18:46:03	9	succinctly by just that simple reference, calling whales just	
18:46:07	10	biological resources. Whales don't just exist as a resource	
18:46:12	11	to humans. I think it's the height of conceit to think so.	
18:46:17	12	MS. MOSSMAN: Thank you, Lynn. Your time is	
18:46:21	13	up.	
18:46:22	14	MS. NAKKUM: Okay.	
18:46:23	15	MS. MOSSMAN: Thank you very much.	
18:46:26	16	(Applause.)	
18:46:28	17	MS. MOSSMAN: Mr. Kamkawiwaole.	
18:46:35	18	MR. KAMKAWIWAOLE: First time I've got	
18:46:52	19	something to speak in one direction. Should be faced to the	
18:46:55	20	people. Can I face it that way?	
18:46:58	21	MS. MOSSMAN: Yeah. What I'll do -- You	
18:47:00	22	know, I guess it's pretty hard to see the 30 seconds. What	
18:47:04	23	we'll do is I'll say real quietly you've got 30 seconds.	
18:47:08	24	MR. KAMKAWIWAOLE: Aloha.	
18:47:11	25	AUDIENCE: Aloha.	
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COMMENT NUMBER
D-T-0077 (cont.)

		Reynold Kamkawiwaole	24
18:47:12	1	MR. KAMKAWIWAOLE: My name is Reynold	
18:47:15	2	Kamkawiwaole Kamehameha Ikahi, which means, basically, I am a	
18:47:19	3	person that has no fear in my face. I am 60-percent Hawaiian	
18:47:30	4	and I also have Caucasian blood, so I can speak of both	
18:47:35	5	sides. I am here together with Kalei'ileihi and we are the	
18:47:43	6	twin flanks of God. We represent God in a different fashion,	
18:47:49	7	in a different way as we come up here to explain to you why	
18:47:53	8	you should not even think about this.	
18:47:57	9	All of you here are about to experience and	
18:48:00	10	receive an amazing message that was sent today by our family	
18:48:06	11	of the ocean family and of the Hawaiian seal monks. I am	
18:48:16	12	here in desperate request to the Navy to stop what you are	
18:48:24	13	doing because each and every time you do it, it is affecting	
18:48:29	14	each and every one of us.	
18:48:32	15	One thing you should know, as a Hawaiian,	
18:48:35	16	what affects the aina, what affects the ocean, affects us.	
18:48:43	17	We have been stopping people to say to them listen, and don't	
18:48:48	18	listen only with your ears, listen with your eyes. Because	
18:48:53	19	we are talking about peace and peace is only the way of God.	
18:48:58	20	And if we are to represent those that are here today as	
18:49:02	21	Hawaiians and those that come here to support the Hawaiians	
18:49:05	22	and their belief and what they believe in their attachment to	
18:49:10	23	the relationship to each and every segment of the ocean.	
18:49:14	24	Every segment, that includes everything that's in the ocean.	
18:49:18	25	That is part of our land. That is part of who we are. We	
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COMMENT NUMBER
D-T-0078 1



# Hilo, Hawaii

Kalei'ileihi Muller		25
18:49:25 1	are (Hawaiian - demertis). We come from (Hawaiian - mo'o).	
18:49:28 2	And there's a lot of Hawaiians here that needs to know that	
18:49:31 3	because you represent (Hawaiian - mo'o) and you are the	
18:49:36 4	masters here and we tell the people here what we're going to	
18:49:40 5	do and we tell them what is their responsibility.	
18:49:43 6	Number one, you do not hana ino any part of	
18:49:46 7	the places outside here, up there, whatever they may be. You	
18:49:51 8	don't drop your rubbish in there. You do not change	
18:49:55 9	anything. They will respond, the ocean family will respond.	
18:49:59 10	Your evidence, the Navy, will be pictures that you will	
18:50:03 11	receive. I promise you that.	
18:50:05 12	MS. MOSSMAN: Thank you, Mr. Kamkawiwoale.	
18:50:08 13	MR. KAMKAWIWOALE: And let me introduce to	
18:50:11 14	you now Kalei'ileihi Muller.	
18:50:11 15	MS. MOSSMAN: Thank you. Your 30 -- your	
18:50:14 16	three minutes are up.	
18:50:15 17	MR. KAMKAWIWOALE: My wife. Okay.	
18:50:17 18	MS. MOSSMAN: Thank you very much.	
18:50:19 19	(Applause.)	
18:50:21 20	MS. MULLER: Aloha. This morning I received	
18:50:26 21	a channel message from our ocean family and I would like to	
18:50:32 22	share that with you. I want you to know they come and offer	
18:50:34 23	this to you in love.	
18:50:37 24	(Statement in Hawaiian.)	
18:50:50 25	Ue uwe, ue uwe, ue uwe. At this time I'm	
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NUMBER  
D-T-0078  
(cont.)

D-T-0079

Kalei'ileihi Muller		26
18:50:54 1	seeing the whales and hearing their cries. Ue uwe, ue uwe,	
18:51:00 2	ue uwe. Lamenting cries. This is their message from the	
18:51:05 3	ocean family. We beseech you, listen, you know not what you	
18:51:10 4	do. You know not what you do. It is only the arrogance of	
18:51:15 5	man's egos that will not allow him to listen. Listen, we are	
18:51:20 6	communicating to each and every one of you. We are family.	
18:51:25 7	What you do to us you do to yourselves. We beseech you,	
18:51:30 8	listen.	
18:51:31 9	Even now we communicate to you in the	
18:51:34 10	millions. We are your ocean family. We are the whales. We	
18:51:38 11	are the dolphins. We are the turtles. We are the monk	
18:51:41 12	seals. We are all family. There will be untold damage to	
18:51:45 13	ocean life, all ocean life, for we are a chain, a web all	
18:51:51 14	connected to you.	
18:51:53 15	We beseech you, listen to our cries. You are	
18:51:57 16	hurting us and yourselves. The planet cannot sustain this	
18:52:03 17	kind of damage. If only you knew how precious we are, how	
18:52:08 18	invaluable we are to you and your children's children.	
18:52:16 19	Ue uwe, ue uwe, ue uwe. You are hurting us	
18:52:18 20	and yourselves. Please, we beseech, stop your war games and	
18:52:26 21	listen. We are speaking to you and to yourselves. There are	
18:52:34 22	scientists who are enlightened and can verify this	
18:52:38 23	transmission.	
18:52:42 24	Ue uwe, ue uwe, ue uwe. You do not know	
18:52:44 25	enough about what you are doing. You do not know about the	
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COMMENT  
NUMBER  
D-T-0079  
(cont.)

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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Hilo, Hawaii

		Michael T. Hyson	27
18:52:47	1	harm that you are doing.	
18:52:52	2	Ue uwe, ue uwe, ue uwe. We beseech you,	
18:52:54	3	listen. Are you having headaches? Are you feeling nauseous?	
18:52:58	4	Are you feeling -- having sleepiness?	
18:53:02	5	MS. MOSSMAN: Thirty seconds.	
18:53:03	6	MS. MULLER: Are your nerves touching you for	
18:53:06	7	no reason? Are you hearing a faint drumming in your ears?	
18:53:09	8	Are yours eyes becoming blurry? Listen with your eyes, we	
18:53:14	9	beseech you. We are your ocean family. We are one with you.	
18:53:21	10	Ue uwe, ue uwe, ue uwe.	
18:53:22	11	(Applause.)	
18:53:24	12	MS. MOSSMAN: Our next five speakers are:	
13		Michael T. Hyson, Duane Erway, Ashley Heard, Jim Albertini,	
18:53:43	14	and Lee Tepley.	
18:53:47	15	Excuse me. Are you Michael Hyson?	
18:54:12	16	MR. HYSON: Oh, yes. Thank you. Yes. I'm	
18:54:17	17	Michael Hyson, Research Director, Cetaceous Institute, Puna,	
18:54:23	18	Hawaii. I'm glad to be here to speak on behalf of the	
18:54:26	19	cetaceans.	
18:54:27	20	One of our outreach projects is called the	
18:54:31	21	Cetacean Commonwealth, an effort to achieve the rights and	
18:54:36	22	recognition that the cetacean, who are self-aware,	
18:54:39	23	superintelligent beings, deserve. They've had brains larger	
18:54:46	24	than ours for the last 30 million. They have a symbolic	
18:54:48	25	language with at least a trillion symbols. They know what	
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COMMENT  
NUMBERD-T-0079  
(cont.)

D-T-0080

		Michael T. Hyson	28
18:54:50	1	they're doing. They heal children of autism. They heal	
18:54:54	2	people of depression. They've been our companions and shown	
18:54:57	3	us how to live and shown us civilized behavior for millions	
18:55:02	4	of years. They may have had something to do with why	
18:55:06	5	civilizations arose on many rivers. And we're now learning	
18:55:11	6	through the process of human underwater birth and other	
18:55:14	7	processes how much they can enhance our life.	
18:55:16	8	This is a new way of looking at our whole	
18:55:19	9	evolution as aquatic beings. Look at your noses. They're	
18:55:25	10	aquatic adaptations, along with your tears, the lack of hair,	
18:55:27	11	the subcutaneous fat, the position of the breasts and on and	
18:55:31	12	on. We are aquatic creatures and we co-evolved with the	
18:55:36	13	cetacea. We call it the delphic tradition brought forward,	
18:55:42	14	typified by the Greeks where they fished together, which is	
18:55:43	15	still going on here, in Australia, in the Amazon in the	
18:55:48	16	Martania. And they helped our development. We are	
18:55:51	17	co-evolved together and that respect should be shown to them.	
18:55:56	18	And they are much beyond biological	
18:56:00	19	resources. They are the progenitors of our civilization as a	
18:56:04	20	whole, you know. They are the memory that allows us to	
18:56:09	21	redevelop civilization between catastrophes, asteroid	
18:56:11	22	strikes, ice ages and so on. And they are attributed to	
18:56:14	23	founding civilization by at least seven major cultures	
18:56:18	24	including China, India, Babylon, Greece, the Dogon in Africa	
18:56:24	25	and so on. And this is all becoming clearer and clearer.	
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(cont.)

# Hilo, Hawaii

Michael T. Hyson		29
18:56:27	1	And this was all well laid out by John Lily,
18:56:30	2	who I note that the current Navy marine mammal researcher has
18:56:35	3	yet to hear of. And so I commend him to the work of John
18:56:38	4	Lily, who showed the quality of their brains and cognition at
18:56:42	5	least 60 years ago now. And Wayne Batteau, who had them up
18:56:47	6	to 50 words in Hawaiian, where they've done better than any
18:56:51	7	other creature on language. And since they have own language
18:56:55	8	and they have full cognizance, we should treat them like
18:56:58	9	that.
18:56:58	10	MS. MOSSMAN: Thirty seconds.
18:56:59	11	MR. HYSON: So instead of treating them as
18:57:00	12	biological resources, we must treat them as the sentient
18:57:06	13	beings they are at the level of the State Department, at
18:57:09	14	least, and the UN, through treaty like we would with any
18:57:14	15	other real people who are sentient and so on. And it is the
18:57:14	16	UN Year of the Dolphin, so it seems appropriate for the Navy
18:57:18	17	to begin treating the cetacea as the sentient beings they are
18:57:27	18	instead of biological resources in an environmental impact
18:57:27	19	statement, blah, blah, blah.
18:57:27	20	MS. MOSSMAN: Thank you, Mr. Hyson, your time
18:57:30	21	is up.
18:57:30	22	MR. HYSON: And one other -- Just to mention,
18:57:32	23	we're working on an interspecies birth cohort so we can raise
18:57:35	24	humans and dolphins together.
18:57:35	25	MS. MOSSMAN: Mr. Hyson, thank you very much.
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D-T-0080  
(cont.)

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Duane Erway		30
18:57:38	1	Thank you.
18:57:39	2	MR. HYSON: And improve our communication.
18:57:41	3	Thank you.
18:57:42	4	MS. MOSSMAN: Thank you, Mr. Hyson.
18:57:44	5	(Applause.)
18:57:46	6	MS. MOSSMAN: Duane.
18:57:51	7	MR. ERWAY: Aloha. My name is Duane Erway.
18:57:55	8	I'm leaving copies of a longer, very detailed description of
18:57:58	9	what is wrong with the Navy's use of sonar with you. And for
18:58:02	10	my oral testimony, I will make my statement less scientific.
18:58:07	11	There is a high likelihood that the beaked
18:58:11	12	whales here, which we have several species including the
18:58:14	13	Cuvier Beaked Whale, and the monk seals will be negatively
18:58:24	14	impacted and harassed by the Navy's mid-frequency sonar.
18:58:31	15	Scuba divers have the same problems. Two percent of the
18:58:35	16	Navy's scuba divers tested in a very severe aversion with a
18:58:43	17	fairly modest signal level of about 143 dB and the sonar puts
18:58:52	18	out 235 dB.
18:58:55	19	On March 15th, 2000, 17 whales of four
18:59:05	20	species including the Cuvier Beaked Whales stranded
18:59:11	21	themselves in the Bahamas right after the Navy conducted a
18:59:15	22	sonar during an anti-submarine warfare exercise using the
18:59:20	23	mid-frequency sonar. The National Marine Fishery Service and
18:59:25	24	the Navy have considered the strandings to be highly likely
18:59:33	25	linked to the sonar test. High decibel sonar tests in other
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## COMMENT NUMBER

D-T-0080  
(cont.)

D-T-0081

1

## Hilo, Hawaii

		Jim Albertini	31
18:59:40	1	parts of the world also coincided with stranded whales, but	
18:59:44	2	the Bahamas test was the first clear cite of internal damage	
18:59:50	3	linked to the test. And the stranded whales may only have	
18:59:54	4	been the tip of the iceberg. Subsequently Earth Watch teams	
18:59:59	5	sighted no Cuvier Beaked Whales in the Bahamas. There is a	
19:00:07	6	corroborating website in my written testimony.	
19:00:10	7	The workshop -- a very important workshop	
19:00:13	8	organized by Dr. Roger Gentry of National Marine Science	
19:00:18	9	Foundation on May 19, 2002, examined the theoretical reasons	
19:00:25	10	for why the whales beached.	
19:00:26	11	MS. MOSSMAN: Thirty seconds.	
19:00:29	12	MR. ERWAY: Dr. Potter showed that the likely	
19:00:31	13	culprit was sound activation of bubbles in the animal's	
19:00:35	14	blood. A troubling conclusion in the theoretical work showed	
19:00:37	15	that the sound level for which this occurs is very, very low.	
19:00:41	16	It takes only a small received signal level that can induce	
19:00:47	17	bends in the saturated blood of the whales.	
19:00:52	18	MS. MOSSMAN: Thank you, Mr. Erway. Thank	
19:00:55	19	you. Your time is up.	
19:00:56	20	MR. ERWAY: Okay.	
19:00:58	21	(Applause.)	
19:01:00	22	MS. MOSSMAN: Ashley Heard is not here, so	
19:01:02	23	we'll go to Mr. Jim Albertini.	
19:01:06	24	MR. ALBERTINI: Thank you. Aloha. Good	
19:01:15	25	evening. I'll be submitting written testimony, but tonight I	
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COMMENT  
NUMBERD-T-0081  
(cont.)

D-T-0083

		Jim Albertini	32
19:01:19	1	would just like to address a few points that I think this	
19:01:22	2	environmental impact statement needs to address the Navy's	
19:01:26	3	cumulative environmental impact in Hawaii. And we need to	
19:01:31	4	first realize that the Navy got Pearl Harbor as part of a	
19:01:35	5	deal under the Bayonet Constitution of 1887 of the Hawaii	
19:01:40	6	sugar planters. It was a deal that gave exclusive control to	
19:01:44	7	the Navy in exchange for the Navy's backing in a few years of	
19:01:48	8	the overthrow of Hawaii in 1893 when the Navy ship the BOSTON	
19:01:53	9	landed marines to assist the sugar planters in the overthrow.	
19:01:57	10	Since that time it's been one horror upon	
19:02:01	11	another horror. All of our mothers have told us that you	
19:02:04	12	don't even consider making a new mess 'til you've cleaned up	
19:02:09	13	your old mess. Well, the Navy has a lot of cleaning up to	
19:02:13	14	do. Pearl Harbor was Hawaii's Mother Pearl. The Navy raped,	
19:02:19	15	plundered and trampled our Mother Pearl. Today there are 750	
19:02:24	16	toxic sites in Pearl Harbor alone instead of the hundreds of	
19:02:29	17	fish ponds that once were the home to Pearl Harbor.	
19:02:33	18	The "Honolulu Star-Bulletin" of April 4th,	
19:02:37	19	1979, an article written by Staff Writer Nadine Scott	
19:02:42	20	entitled "Nuclear Waste" quotes that in the years 1964 to '73	
19:02:48	21	the Navy dumped nearly 5 million gallons of radioactive	
19:02:53	22	liquid waste into Pearl Harbor and over 2,000 55-gallon steel	
19:03:00	23	drums of radioactive solid waste from the repair and overhaul	
19:03:05	24	of reactors at Pearl Harbor. Dumped those steel drums on the	
19:03:07	25	ocean floor off of Oahu's southern shores.	
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COMMENT  
NUMBERD-T-0083  
(cont.)

1



# Hilo, Hawaii

Jim Albertini		33
19:03:12	1	In 1969 the American -- the aircraft carrier
19:03:15	2	THE ENTERPRISE had an \$80-million accident of bombs exploding
19:03:21	3	on it, taken into Pearl Harbor for emergency repairs. It was
19:03:24	4	the year of the largest oyster kill in Pearl Harbor's
19:03:29	5	history.
19:03:29	6	Nuclear accidents by the Navy are considered
19:03:31	7	classified, that the people of Hawaii have no right to know
19:03:34	8	and nothing to say about such accidents. All of these things
19:03:37	9	need to be addressed and investigated further as part of the
19:03:40	10	cumulative impact in the environmental impact statement.
19:03:45	11	In addition, the connection of
19:03:47	12	electromagnetic radiation and tenants in Wai'anae and
19:03:51	13	(Koolea) Valley, to the Down's syndrome increased numbers in
19:03:53	14	Wai'anae.
19:03:54	15	MS. MOSSMAN: Thirty seconds.
19:03:56	16	MR. ALBERTINI: No live fire by the Navy or
19:04:00	17	inert fire should be taking place at Waikoloa Training Area
19:04:02	18	that's now documented to contain depleted uranium. Any inert
19:04:08	19	fire can further disperse the radioactivity that's there. No
19:04:13	20	inert fire. Clean up the ordinance dumped off the South
19:04:16	21	Kohala Coast and right out here in Hilo Bay.
19:04:18	22	I think you know in the long and short of it
19:04:21	23	all we're all in the same boat as the (Ahini Marusch) that
19:04:25	24	was cut in half by the US Navy's hotrod submarine commanders.
19:04:25	25	MS. MOSSMAN: Thank you, Mr. Albertini, your
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COMMENT NUMBER
D-T-0083 (cont.)

Lee Tepley		34
19:04:29	1	time is up.
19:04:29	2	MR. ALBERTINI: It's time to take back Pearl
19:04:33	3	for the people. Aloha.
19:04:36	4	MS. MOSSMAN: Thank you.
19:04:37	5	(Applause.)
19:04:40	6	MS. MOSSMAN: Lee Tepley.
19:04:48	7	Mr. TEPLEY: By way of introduction, I might
19:04:56	8	say I have a PhD in physics and about five years ago I spent
19:05:00	9	a lot of time investigating possible effects of mid-frequency
19:05:04	10	sonar on marine mammals.
19:05:06	11	And the gentleman in the brown shirt that
19:05:10	12	made these introductory remarks commented that he does not
19:05:14	13	expect -- the Navy does not expect to cause any damage to
19:05:19	14	marine mammals. And that is a statement that I think is
19:05:22	15	totally out of touch with reality. A great deal of damage to
19:05:27	16	marine mammals has already been demonstrated in the Bahamas
19:05:29	17	as mentioned by Duane Erway, and also the Canary Islands for
19:05:35	18	strandings that took place after sonar tests and probably in
19:05:38	19	many other locations. So there will be damage to marine
19:05:42	20	mammals. It's just a question of how many. And the idea of
19:05:46	21	saying none is kind of ridiculous.
19:05:49	22	Now, I presented a paper about five years ago
19:05:51	23	to the workshop put on by the National Marine Fisheries and
19:05:53	24	that's when I became acquainted with this paper by Dr. John
19:05:57	25	Potter that Duane Erway has already mentioned. Dr. Potter
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COMMENT NUMBER
D-T-0083 (cont.)
D-T-0084

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Hilo, Hawaii

		Lee Tepley	35
19:06:03	1	based on earlier work, including some by Navy scientists,	
19:06:05	2	made a very good presentation showing that mid-frequency	
19:06:08	3	sonar has the potential to kill whales even at very, very low	
19:06:14	4	levels. And this is due to a rather complex, indirect	
19:06:17	5	mechanism having to do with something called bubble	
19:06:20	6	activation. It's kind of like the bubbles are sort of there	
19:06:23	7	inside the animals waiting to start and the sonar can just	
19:06:28	8	get the bubbles goings. And this has occurred when the	
19:06:30	9	whales are down deep and then they will come up too fast and	
19:06:34	10	get the bends. And this is probably the main reason for the	
19:06:36	11	Bahama strandings and other strandings.	
19:06:39	12	And I have also been working recently on some	
19:06:44	13	work trying to make the Hawaii superferry act responsibly and	
19:06:50	14	I have gotten this rather interesting correlation that cruise	
19:06:54	15	ships are -- in the Hawaiian waters are not known to hit	
19:06:59	16	whales and this -- and so why not? And just recently I've	
19:07:04	17	really become fully appreciative of the fact that they're	
19:07:08	18	probably hitting a lot of whales and it's not being reported.	
19:07:11	19	And this is the kind of thing that -- in the strandings in	
19:07:14	20	the Canary Islands and other places are not likely to be	
19:07:18	21	reported, either. So one of the things that happens	
19:07:22	22	comparing Hawaii to the Canary Islands --	
19:07:26	23	MS. MOSSMAN: Thirty seconds.	
19:07:27	24	MR. TEPLEY: Whales are probably being killed	
19:07:29	25	in both places and it's just not being reported. And so why	
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COMMENT  
NUMBER  
D-T-0084  
(cont.)

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		Dwight Vicente	36
19:07:33	1	not? I don't think the cruise ship people are going to	
19:07:36	2	report when they hit the whales in Hawaii and I don't think	
19:07:40	3	the Navy is going to report when they kill beaked whales when	
19:07:43	4	it's found floating around. So this is the kind of real	
19:07:46	5	world that we live in and it's kind of -- I know that's kind	
19:07:51	6	of the way it is.	
19:07:52	7	MS. MOSSMAN: Sir. Sir.	
19:07:55	8	MR. TEPLEY: It's not a question of how many	
19:07:56	9	whales are being -- whether they're being killed or not --	
19:07:58	10	MS. MOSSMAN: Mr. Tepley.	
19:08:00	11	MR. TEPLEY: -- it's how many dead whales are	
19:08:02	12	acceptable. Thank you.	
19:08:02	13	MS. MOSSMAN: Thank you.	
19:08:04	14	(Applause.)	
19:08:07	15	MS. MOSSMAN: The next five speakers will be:	
19:08:07	16	Dwight Vicente, Hans K. Mortensen, Frank Vesperes, Moanikeala	
19:08:26	17	Akaka, and Jon Olson.	
19:08:26	18	MR. VICENTE: Good evening. My name is	
19:08:30	19	Dwight Vicente.	
19:08:31	20	ES 1.2 Background, line 21 to 33, they fail	
19:08:38	21	to tell you the true history of the Navy, United States Navy,	
19:08:42	22	their activities and their constitutional authority, which is	
19:08:46	23	not for conquest. It was only designed to prosecute piracy	
19:08:53	24	on the high seas by treaty. The history here in Hawaii was	
19:08:57	25	to replenish supplies, recover wrecked ships and take shelter	
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D-T-0084  
(cont.)

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D-T-0085

## Hilo, Hawaii

Dwight Vicente		37
19:09:03 1	from storm in the prior treaties with the United States and	
19:09:06 2	the Kingdom.	
19:09:07 3	After 1887 they acquired Pearl River, which	
19:09:11 4	is known as Pearl Harbor. Under Article 1, Section 8, Clause	
19:09:15 5	17 there is no authority for the United States even by treaty	
19:09:18 6	to have a harbor in a foreign country. It's not authorized.	
19:09:21 7	Now you look at the -- after January 13th -- or January 17th,	
19:09:26 8	1893, the Navy, which illegally had land forces attached to	
19:09:31 9	the -- on the Navy ship, which is illegal under the US	
19:09:35 10	Constitution Article 1, Section 8, Clause 12 and 13. They're	
19:09:38 11	separated for a reason.	
19:09:40 12	They participated with illegal activities,	
19:09:42 13	overthrowing the monarchy. And this is because of what the	
19:09:46 14	queen had done on January 13, 1893. She signed a lottery	
19:09:51 15	into law to abolish taxes and get rid of the foreign voters,	
19:09:57 16	which was American citizens, and that's why the Navy	
19:09:59 17	participated in the illegal overthrow. And then they took	
19:10:05 18	over from there. And all of this history has been for	
19:10:09 19	conquest, which is in violation of United States Constitution	
19:10:11 20	and international law.	
19:10:14 21	So there is no federal property here. For	
19:10:16 22	the people that say there's Pearl Harbor, there is no federal	
19:10:21 23	property. They should look at the US Constitution and look	
19:10:24 24	at the history. So the US Navy right now is trespassing.	
19:10:29 25	The Kingdom's treaties end in 1898 so the US Navy should go	
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(cont.)

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Hans K. Mortensen		38
19:10:35 1	home until we have a treaty with them again. I'll close at	
19:10:38 2	that. Thank you.	
19:10:40 3	MS. MOSSMAN: Thank you, sir.	
19:10:41 4	(Applause.)	
19:10:44 5	MS. MOSSMAN: Hans.	
19:10:48 6	MR. MORTENSEN: Ladies and gentlemen, aloha.	
19:11:00 7	AUDIENCE: Aloha.	
19:11:01 8	MR. MORTENSEN: My name is Hans Mortensen. I	
19:11:05 9	am representing this evening the community of Keaukaha on	
19:11:09 10	Hawaiian Homelands, which is located directly north of the	
19:11:13 11	Hilo International Airport Runway 826 down toward the beach	
19:11:19 12	area, so I would like to share some of our thoughts and	
19:11:26 13	concerns.	
19:11:27 14	I would like to submit my comments and	
19:11:31 15	concerns in regard to the Department of Navy's Draft EIS/OEIS	
19:11:38 16	to evaluate some environmental effects on our community of	
19:11:42 17	Keaukaha, concern about environmental impact generated from	
19:11:48 18	increased military presence on the surrounding communities of	
19:11:51 19	the Hilo International Airport, including the Department of	
19:11:55 20	Hawaiian Homelands community of Keaukaha. We understand that	
19:11:58 21	on the island of Hawaii impact areas will be the Pohakuloa	
19:12:03 22	Training Area and the Bradshaw Army Airfield. We believe	
19:12:07 23	that the Hilo Airport will be impacted, also.	
19:12:11 24	We believe that the current negative effects	
19:12:14 25	from the noise and air pollution at the Hilo Airport will be	
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NUMBERD-T-0085  
(cont.)

D-T-0086

1

## Hilo, Hawaii

Hans K. Mortensen		39
19:12:17	1	intensified. We are concerned that increased military
19:12:21	2	presence at the Hilo Airport will increase the adverse
19:12:25	3	effects of the airport on our community. Some of the
19:12:29	4	concerns that we have are noise generated by aircraft, ground
19:12:35	5	equipment that service the aircraft, and equipment that are
19:12:40	6	transported by the aircraft.
19:12:41	7	Some of the examples of the aircrafts are the
19:12:42	8	heavy transport jets, aircraft refuelers, fighter jets and
19:12:47	9	helicopters. Some of the examples of negative impacts
19:12:50	10	include, but are not limited to noise pollution, air quality,
19:12:55	11	and concerns of aircraft crashes and accidents impacting our
19:12:59	12	community. Possible increase of heavy transporter jets,
19:13:05	13	aircraft refueler jets, fighter jets, and helicopters can
19:13:11	14	produce an increase in toxins that are released into air that
19:13:17	15	will decrease air quality and increase airport noise
19:13:23	16	pollutants.
19:13:23	17	So speaking behalf of our children, kupuna,
19:13:27	18	our young adults, young women, young men; we feel that we
19:13:31	19	will be impacted being that training is going to happen up at
19:13:40	20	Pohakuloa and the airports, the harbors is a means of getting
19:13:44	21	up there. So we appreciate your consideration in looking
19:13:48	22	into the environmental impact and work with other programs
19:13:52	23	that we are currently dealing with and make things right for
19:13:57	24	the human people and the Native Hawaiians in Keaukaha. Thank
19:14:03	25	you.
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D-T-0086  
(cont.)

2

4

2

4

Frank Vesperes		40
19:14:04	1	MS. MOSSMAN: Thank you.
19:14:04	2	{Applause.}
19:14:06	3	MS. MOSSMAN: Frank Vesperes.
19:14:19	4	MR. VESPERES: Aloha.
19:14:29	5	AUDIENCE: Aloha.
19:14:30	6	MR. VESPERES: I'm also a member of a noise
19:14:32	7	abatement at Keaukaha Hawaiian Homes land. I'm a resident
19:14:38	8	down there.
19:14:38	9	And first thing is I didn't see anything
19:14:40	10	mentioned about Keaukaha, the runway that affects our living
19:14:47	11	area. It's not mentioned about airport runway touch and go
19:14:51	12	by military aircrafts. Residents along the fence lines are
19:14:55	13	not protected from health hazards caused by constant start
19:14:58	14	and go by the Navy and sometimes other aircrafts. Touch and
19:15:03	15	goes interferes with residents trying to be normal, live a
19:15:08	16	normal lifestyle. It interferes with children trying to do
19:15:13	17	their regular homework and also workers who have to rest
19:15:18	18	early to get up in earlier morning hours and drive freight
19:15:21	19	and transport drivers. They don't all go to bed at 10:00.
19:15:25	20	They go to bed at 6:00 and 7:00 in the evening and wake up at
19:15:30	21	2:00 and 3:00 in the morning. This happened to me while I
19:15:32	22	was an active driver while I was working. That's the reason
19:15:34	23	why I had to retire early. I didn't want to get suspended
19:15:38	24	from, you know, related things that happened at night happen
19:15:43	25	on my job.
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D-T-0087

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## Hilo, Hawaii

		COMMENT NUMBER			COMMENT NUMBER
Moanikeala Akaka 41		D-T-0087 (cont.)	Moanikeala Akaka 42		D-T-0088 (cont.)
19:15:44 1	So it's also an eyesore watching the Navy	2	19:17:53 1	have been left over.	2
19:15:48 2	circle our Hawaiian Homes land all day, constantly. And		19:17:55 2	Over in Waikoloa we have a situation where	
19:15:54 3	deaths and ratio of human illness were pretty high among		19:18:00 3	\$10 million a year is being allocated to clear -- clean up	
19:15:57 4	those living close to the airport when the military was doing		19:18:05 4	the munitions that you have left over since the Second World	
19:16:01 5	constant flying day and nights. Touch-and-go flights still		19:18:08 5	War. \$10 million a year and it will take 60 years at \$10	
19:16:06 6	have impact on those living close to the airport runway and		19:18:13 6	million a year to remove the military rubbish that is even	
19:16:09 7	other locations.		19:18:21 7	found floating over at -- next to the Spencer -- next to the	
19:16:11 8	In the past we used to have meetings with		19:18:28 8	Mauna Kea Beach Hotel. It's been found in the ocean,	
19:16:15 9	officials from the DOT and also the military. It seemed to		19:18:32 9	munitions that have been dislodged from the -- from	
19:16:19 10	get us nowhere. Now at least we have lawyers who would		19:18:35 10	underneath the sand. Over at Wie -- I believe it is Waimea	
19:16:23 11	listen to us and have plans that would lead us in a sound	1	19:18:40 11	School munitions have been found by the school kids in the	3
19:16:28 12	direction, yeah. So these are my comments. Thank you.		19:18:44 12	school yard that has been left over from the Second World	
19:16:32 13	(Applause.)		19:18:48 13	War.	
19:16:35 14	MS. MOSSMAN: Moanikeala Akaka.		19:18:49 14	You know, you have -- The military as well as	
19:16:44 15	MS. AKAKA: (Hawaiian.) My name is		19:18:53 15	the US Navy has used us as a rubbish dump for your munitions,	
19:16:56 16	Moanikeala Akaka. I'm a former trustee for the Office of		19:19:03 16	for your war games while we, like the people of Keaukaha have	
19:17:03 17	Hawaiian Affairs between 1984 and 1996.		19:19:10 17	just testified, the local people who are impacted, the areas	
19:17:06 18	Myself and a handful of -- a handful of us		19:19:14 18	that are right next to the airport you disregard. And, you	
19:17:09 19	started the Native People's Movement For Justice almost 40		19:19:19 19	know, as we all know you're going through this series of	
19:17:12 20	years ago in these islands. And, you know, there are those		19:19:23 20	hearings for show. Let's be honest about it.	
19:17:19 21	of us that are sick and tired of being abused by the		19:19:30 21	You say in your EIS that the Navy admits that	
19:17:30 22	colonialization and the militarization of these islands.		19:19:34 22	an increased tempo and frequency of training operations could	
19:17:35 23	Twenty-five percent of Oahu is controlled by the military.		19:19:38 23	increase the potential for impact on cultural resources in	
19:17:41 24	There are over 50 sites on this island that have been since		19:19:41 24	sensitive areas. In the event of unexpected cultural	
19:17:47 25	the Second World War that still have munitions on it that		19:19:45 25	resource areas such as human remains are identified during	
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Hilo, Hawaii

		Jon Olson	43
19:19:49	1	live fire exercises, training in the area would immediately	
19:19:53	2	halt and the Schofield Barracks Cultural Resources Manager	
19:19:57	3	would be contacted. Let's be honest about this.	
19:20:00	4	MS. MOSSMAN: Ms. Akaka, your time is up.	
19:20:03	5	MS. AKAKA: We have had cultural resource	
19:20:04	6	monitors from Schofield come before us and tell us that there	
19:20:08	7	are over 100 --	
19:20:09	8	MS. MOSSMAN: Ms. Akaka, your time is up.	
19:20:11	9	MS. AKAKA: -- cultural sites have not even	
19:20:13	10	been pointed out by the military.	
19:20:17	11	MS. MOSSMAN: We're going to take a	
19:20:17	12	five-minute recess. Thank you.	
19:23:55	13	(Pause in Proceedings: 7:20-7:24)	
19:23:55	14	MS. MOSSMAN: Our next speaker will be Mr.	
19:23:58	15	Jon Olson.	
19:24:05	16	MR. OLSON: Aloha. My name is Jon Olson. I	
19:24:14	17	have comment on what is missing from this. You have a	
19:24:20	18	statement back there that this is -- the sonar component is	
19:24:24	19	the only way to complete the mission, but in your EIS you do	
19:24:29	20	not address the multi-billion-dollar, fixed, ocean-floor	
19:24:34	21	monitoring system that we have all paid for and why that is	
19:24:38	22	not sufficient to accomplish the mission.	
19:24:44	23	On page 55 under the description of the sonar	
19:24:51	24	impacts you give a stated possible limit of 235 dB. Having	
19:25:02	25	been trained as a salvage diver, I can tell you that for a	
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NUMBERD-T-0088  
(cont.)

D-T-0089

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2

		Jon Olson	44
19:25:07	1	human being that is a lethal level, as stated in even the	
19:25:11	2	Navy manuals. And you can exceed that if an undescribed	
19:25:23	3	object needs to be further evaluated with this sonar system.	
19:25:30	4	In the public literature there is also the	
19:25:35	5	supersonic torpedo, which you have not addressed its impacts	
19:25:39	6	for testing although it's out there and we know that it's	
19:25:43	7	being worked on, so it can be assumed that it's going to be	
19:25:46	8	tested in this area, also.	
19:25:49	9	It's interesting that our physicist here came	
19:25:53	10	across the idea of the sonar capable of pulling the bubbles	
19:26:00	11	out of the water, which could then be used as a defensive	
19:26:04	12	weapon against the supersonic torpedo. The impact against	
19:26:10	13	the bubble that is being created to run it would collapse and	
19:26:14	14	cause the vehicle to be destroyed, potentially.	
19:26:18	15	Let's see. There was another issue here,	
19:26:24	16	too. Well, getting on to your impacts around the marine	
19:26:31	17	sanctuary that the people of Hawaii worked quite diligently	
19:26:36	18	to get passed through Congress to give that area the nation's	
19:26:41	19	highest possible level of protection. And while the military	
19:26:46	20	was successful in getting itself exempted from that high	
19:26:52	21	protective standard, I can only assure you that we will	
19:26:56	22	continue to work with our legislatures to see that that is	
19:27:01	23	reversed because you basically say there's no impact at all	
19:27:06	24	up there. Ships collide. Aircraft crash. Missiles go awry.	
19:27:14	25	Air quality issues extend for hundreds, if not thousands of	
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NUMBERD-T-0089  
(cont.)

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4



# Hilo, Hawaii

Marjorie Erway		45
19:27:17	1	miles downwind, which your systems will operate up in the
19:27:22	2	windward area.
19:27:23	3	Thank you.
19:27:24	4	MS. MOSSMAN: Thank you, sir.
19:27:27	5	(Applause.)
19:27:30	6	MS. MOSSMAN: The next speakers will be:
19:27:44	8	Marjorie Erway, Manuel Kuloleio, Cynthia Piano, and Shelley
19:27:47	9	Stephens or Stevens.
19:27:49	10	MS. STEPHENS: Stephens.
19:27:49	11	MS. MOSSMAN: Stephens.
19:28:04	12	Marjorie Erway.
19:28:07	13	MS. ERWAY: Aloha.
19:28:08	14	AUDIENCE: Aloha.
19:28:12	15	MS. ERWAY: My name is Marjorie Erway and I
19:28:13	16	represent only myself.
19:28:15	17	I am most concerned tonight with the
19:28:19	18	protection of the marine mammal monument -- marine national
19:28:23	19	monument. Both President Clinton and President Bush have
19:28:25	20	declared the Northwestern Hawaiian Islands as a safe
19:28:29	21	sanctuary for all marine life including the islands, the
19:28:33	22	aina, coral, fish, marine mammals and all that is in the
19:28:39	23	ocean. Safe from fishing, safe from harm, that was their
19:28:44	24	intention as this particular area of the world is one of the
19:28:50	25	only remaining pristine sea life areas. So it stands to
		reason that the military should not be using it for
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D-T-0089  
(cont.)

D-T-0090

1

Manuel W.M.D. Kulcloio		46
19:28:53	1	practicing maneuvers either bombing or even using depleted
19:28:59	2	uranium or using underwater sonar noise.
19:29:04	3	I live in Kona and have recently heard a talk
19:29:08	4	by Dr. Robin Barry about the many species of whales that live
19:29:12	5	in the Hawaiian Islands, including several beaked whale
19:29:17	6	species. So guess the Navy needs to study the species of
19:29:21	7	whales here more completely, because they are here.
19:29:25	8	I respectfully ask you to immediately stop
19:29:29	9	all consideration of doing anything in the Northwest Hawaiian
19:29:33	10	Islands and to protect this area completely. No desecration,
19:29:39	11	please. Thank you.
19:29:40	12	(Applause.)
19:29:43	13	MS. MOSSMAN: Manuel Kuloloio, please.
19:29:53	14	MR. KULOLOIO: My name is Manuel W.M.D.
19:30:12	15	Kuloloio, from the island of Kauai. The W stands for Wayne,
19:30:16	16	the M stands for Makahiapo, and the D stands for DeCosta.
19:30:20	17	Yeah, that's my Uncle Francis Kuko DeCosta that works at the
19:30:25	18	missile range that used to be a range safety officer.
19:30:29	19	Mr. Albertini, it's very good to see you. I
19:30:35	20	once spent an evening at your home where you fed me dinner
19:30:39	21	and allowed me to sleep on your beautiful bed under the
19:30:44	22	auspices of Aunty Marion Kelly, a noted Hawaiian land tenure
19:30:49	23	expert, and Ms. Mae Von Lom, an international lawyer. We
19:30:53	24	were staying so that we could participate in the protests for
19:30:59	25	the Makele O Puna. And so it is with great heart that I come
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## COMMENT NUMBER

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(cont.)

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3

D-T-0091

## Hilo, Hawaii

		Manuel W.M.D. Kuloloio	47
19:31:02	1	here this evening to acknowledge you and to thank you and to	
19:31:06	2	blame you for what you did on the Island of Kauai and on	
19:31:11	3	encouraging them to do that. You did your part on the island	
19:31:14	4	of Maui: (Aruela) Makena, Isaac Hall, my dad and Dana.	
19:31:21	5	That's our money fighting the superferry.	
19:31:24	6	(Applause.)	
19:31:25	7	MR. KULOLOIO: So that money came as a result	
19:31:28	8	of our court case against (Mandio Kauchi), the State Land	
19:31:34	9	Foundation and the Arts Comprador stealing lands from	
19:31:36	10	Ulupalakua Ranch with the help of Governor George Ariyoshi	
19:31:39	11	and Seibu and Land and Power, who then went to work for	
19:31:45	12	Seibu.	
19:31:45	13	Mr. Vaclav Havel, a poet, playwright was once	
19:31:53	14	jailed for his humanitarian rights causes in what was then	
19:31:57	15	called Czechoslovakia. Little did he know that he would	
19:32:01	16	become the president of the Czech Republic. He once	
19:32:04	17	mentioned that it is more easy to be in opposition to	
19:32:07	18	something, but as president with the ability to effectuate	
19:32:11	19	and lead change, he found it difficult. He had to	
19:32:15	20	compromise. He had to make tradeoffs. And I compared him to	
19:32:20	21	Uncle Emmett Aluli. At the request of Dr. Emmett Aluli,	
19:32:29	22	several months before the month of September, the year 2001,	
19:32:32	23	I was sent on a delegation to the Island of Vieques. Snuck	
19:32:38	24	on to the island, I was part of an international delegation	
19:32:42	25	of lawyers to learn from --	
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(cont.)

1

		Manuel W.M.D. Kuloloio	48
19:32:45	1	Three minutes almost pau?	
19:32:47	2	MS. MOSSMAN: Yes.	
19:32:47	3	MR. KULOLOIO: To assist the people and to	
19:32:49	4	return of that island. And I'm proud to say that not only	
19:32:51	5	did we stop the bombing, but we kicked them off of Vieques.	
19:32:53	6	Roosevelt rose. And I'm sad to say they ain't got that much	
19:32:58	7	money, but the way that they welcomed me was two battle ships	
19:33:03	8	came across the bioluminescent bays and they shot ten rounds	
19:33:07	9	like boom, boom, boom, boom. I felt just like they say,	
19:33:12	10	Manuel Kuloloio of Maui, in trying to clean up Kahoolawe --	
19:33:18	11	MS. MOSSMAN: Manuel, thank you very much.	
19:33:20	12	MR. KULOLOIO: In the human world --	
19:33:22	13	MS. MOSSMAN: Mr. Kuloloio.	
19:33:24	14	MR. KULOLOIO: Welcome to Vieques.	
19:33:26	15	MS. MOSSMAN: Thank you.	
19:33:27	16	MR. KULOLOIO: I promise I never do that, but	
19:33:29	17	to you, Becky Harmond, you tried to help me out.	
19:33:30	18	MS. MOSSMAN: Mr. Kuloloio, thank you. Your	
19:33:33	19	time is up.	
19:33:34	20	MR. KULOLOIO: -- national laboratory to	
19:33:36	21	bring best technologies to Kahoolawe.	
19:33:39	22	MS. MOSSMAN: Mr. Kuloloio.	
19:33:40	23	MR. KULOLOIO: I requested an official	
19:33:41	24	investigation into the procurement --	
19:33:43	25	MS. MOSSMAN: Sir, your time is up. Thank	
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(cont.)

# Hilo, Hawaii

Shelley Stephens		49
19:33:45	1	you.
19:33:46	2	MR. KULOLOIO: Thank you.
19:33:49	3	(Applause.)
19:33:51	4	MS. MOSSMAN: Cynthia Piano.
19:33:57	5	MS. PIANO: My name is Cynthia Piano. I'm
19:34:10	6	here to represent myself. I am here to find common ground.
19:34:20	7	My words are powerful. I have several basic beliefs that I
19:34:27	8	think we all feel. Any of you who would like to discuss this
19:34:33	9	with me after, I am open.
19:34:36	10	First of all, I believe that each of us is
19:34:40	11	gathered here tonight to do the very best we know how to live
19:34:46	12	our lives and protect our way of life. We are all powerful
19:34:56	13	creators with powerful tools. We are all thankful and desire
19:35:07	14	peace and beauty for ourselves, for our families, and for all
19:35:13	15	on the planet. We are all related. We must all care for
19:35:23	16	each other. It is time now for all of us to take the
19:35:33	17	leadership on this planet to a new way of life, to live in
19:35:40	18	true safety and peace. Mahalo kea kuau.
19:35:50	19	(Applause.)
19:35:51	20	MS. MOSSMAN: Shelley Stephens.
19:35:54	21	MS. STEPHENS: Aloha. My name is Shelley
19:36:07	22	Stephens. I'm the daughter of First Mates Stephens,
19:36:12	23	Alexander Mark Stephens. As a trial base to go aboard
19:36:18	24	destroyers and submarines I was supposed to be in training
19:36:21	25	for one of the very first Navy Seals women cadets, you might
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(cont.)

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Shelley Stephens		50
19:36:26	1	say, but I came to be kicked off the destroyer because the
19:36:29	2	captain was bombing and I said, "You're hurting the fish and
19:36:32	3	stop." And I was about ten years old and I actually attacked
19:36:36	4	the captain and punched him in his face. And they dragged me
19:36:40	5	off of him and sent me down to the galley and made me peel
19:36:42	6	potatoes. And then after that they put me on a submarine.
19:36:46	7	And since then I've worked with Cajuns on
19:36:50	8	shrimp boats and came to love the ocean and learned all kinds
19:36:52	9	of things about that. But I came here to Hawaii and the
19:36:57	10	Hawaiians told me about the Kumulipo, that in the Kumulipo
19:37:02	11	there's actually a direct relation between the creatures of
19:37:06	12	the land and the creatures of the sea.
19:37:08	13	I also want to mention that there is
19:37:11	14	cumulative effects of everything the Navy and military does
19:37:15	15	here in the Hawaiian Islands. And I'm especially concerned
19:37:19	16	about the cumulative effect of heavy metals because I would
19:37:24	17	like to see more specific cites on all these bombs, missiles,
19:37:25	18	everything that you intend or think you're going to use in
19:37:29	19	any other RIMPAC or other training.
19:37:32	20	And especially everyone has heard about
19:37:36	21	Pohakuloa and the DU up there. And we have a copy of the
19:37:40	22	lease, the original lease, and it appears you're in severe
19:37:43	23	violation of the lease. At the time that DU was used, it
19:37:47	24	specified specifically in the lease that it was atomic
19:37:50	25	simulators only. And also that the military is not going to
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(cont.)

1

## Hilo, Hawaii

		Shelley Stephens	51
19:37:54	1	clean up Pohakuloa past the fair market value of the land.	
19:37:58	2	So right now -- I was speaking with	
19:38:00	3	Department of Land and Natural Resources, who gave you the	
19:38:03	4	lease, they are the trustee for the Kingdom of Hawaii, which	
19:38:06	5	the land and all the resources are to be returned in 2008.	
19:38:10	6	So I'm just wondering exactly who are you making the	
19:38:15	7	agreement with to do this area of training anywhere within	
19:38:19	8	the Hawaiian Islands, especially the Northwestern Hawaiian	
19:38:23	9	Islands.	
19:38:24	10	Also, Kahoolawe has a cracked water lens and	
19:38:27	11	it needs to be addressed by the Army Corps of Engineers to	
19:38:32	12	repair that cracked water lens. It is not holding water	
19:38:36	13	right now because you bombed it with enough TNT to equal an	
19:38:40	14	atomic bomb.	
19:38:41	15	Also, the issue of cultural sites. There's	
19:38:45	16	underwater heiaus, petroglyphs. I also want to mention Harp	
19:38:48	17	we don't want to be used in crowd control here. Also, the	
19:38:51	18	snag generators which are buried military secret dump sites	
19:38:56	19	and. Also to please do not use any ocean mining for	
19:39:01	20	strategic metal. We are aware of the ocean mining proxy and	
19:39:06	21	the dumping within the Hawaiian Islands within our cement and	
19:39:08	22	soil amendments. We're very concerned that you are	
19:39:12	23	participating in illegal activities with China and other	
19:39:16	24	ocean-mining proxies through the International Seabed	
19:39:21	25	Authority.	
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(cont.)

2

3

4

1

		Shelley Stephens	52
19:39:21	1	MS. MOSSMAN: Thank you.	
19:39:22	2	MS. STEPHENS: You can contact me at PO Box	
19:39:23	3	866, Pahoa, Hawaii 96778.	
19:39:24	4	MS. MOSSMAN: Thank you very much.	
19:39:26	5	MS. STEPHENS: That's Shelley Stevens.	
19:39:27	6	Mahalo.	
19:39:28	7	MS. MOSSMAN: Thank you very much.	
19:39:29	8	(Applause.)	
19:39:32	9	MS. MOSSMAN: The next speakers will be Star	
19:39:51	10	Newland, Mark Van Doren, Galen Kelly, L.V. Kelly, Paul	
19:39:51	11	Normann, Judy Walker, and Bunny Smith.	
19:39:51	12	MS NEWLAND: Aloha. Thank you. Thank you	
19:39:58	13	all for joining us. I want to welcome you for being here and	
19:40:06	14	wanting to maintain the common ground that we established	
19:40:10	15	last year with Captain Mark Dolora on the occasion of the	
19:40:16	16	scoping meeting as well as Public Access Officer Tom Clemens,	
19:40:20	17	who is continuing to maintain rapport with us.	
19:40:22	18	I'm here on behalf of the Sirius Institute	
19:40:25	19	and on behalf of the Cetacean Commonwealth. And we're here	
19:40:30	20	today to ask this: What are we going to do to assure the	
19:40:33	21	wellbeing of cetacea, of all their kind?	
19:40:36	22	As I read these very technical pages and	
19:40:40	23	terms and conditions, the thought comes: What if these were	
19:40:43	24	your children we were doing this to or some of your many	
19:40:46	25	thousands of requested incidental takes include your mother	
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(cont.)

D-T-0094

1



# Hilo, Hawaii

Shelley Stephens		53
19:40:51	1	or uncle or dad or sister or great, great, great grandmother
19:40:54	2	or great, great, great grandfather? Could you harvest those
19:40:57	3	you love so dearly in the name of anything?
19:41:00	4	Or that these takes are going to be taking
19:41:04	5	place during the most critical time of any mammal mother's
19:41:07	6	life, her gestation and birthing times, and in her own
19:41:10	7	Humpback Whale Sanctuary. All these takes are important to
19:41:14	8	the life of the pod, to the continuity of cultural
19:41:18	9	information and practices nearly as ancient as the oceans,
19:41:21	10	their home, as well as the continuation of these people of
19:41:24	11	the seas.
19:41:26	12	Could you keep scientifically saying it is
19:41:29	13	all for science so we know this? I think zero would be your
19:41:33	14	heartfelt answer. And that is what we are looking to breach
19:41:36	15	here: Hearts. Opening them to our common humanity and
19:41:41	16	making choices for a different future together.
19:41:44	17	Could you continue to say, We need to protect
19:41:44	18	ourselves against our enemies, when we could be working
19:41:48	19	together to find ways to be together? We could make aloha a
19:41:53	20	way of life for the world.
19:41:54	21	Perhaps we can all take a stand today that we
19:41:58	22	would prefer by far to live in a more harmonious world where
19:42:02	23	the need for bigger and badder means of taking life, our own
19:42:06	24	and the earth's, are gone, where we can live and enjoy life
19:42:10	25	in all its complexity and wonder, here to help care for earth
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2

Shelley Stephens		54
19:42:15	1	and each other.
19:42:16	2	Does it matter how damaging the sonar is? As
19:42:20	3	important as it is necessary, or so we think, what is really
19:42:23	4	damaging is the thought that it is necessary and keeps
19:42:26	5	co-creating a world where this warfare mentality is acted out
19:42:31	6	daily. Look around at the vast natural resources that are
19:42:34	7	being bled of our lives daily to maintain this thinking and
19:42:36	8	reality.
19:42:36	9	MS. MOSSMAN: Ms. Newland.
19:42:37	10	MS. NEWLAND: Everyone alive today would have
19:42:39	11	enough to live a productive, helpful, supportive life where
19:42:43	12	our resources could be applied to the art of harmony.
19:42:46	13	Learning from the most ancient of conscious, largest brained
19:42:49	14	life forms, we hope to learn how to live together, how to
19:42:53	15	restore our home and how to reach to the stars together when
19:42:56	16	we are ready to go ajourneying. One component of this is the
19:43:01	17	establishment of the interspecies birth cohort project, a
19:43:05	18	community outreach of the Cetaceous Commonwealth, the Sirius
19:43:08	19	Institute, as well as the --
19:43:08	20	MS. MOSSMAN: Ms. Newland, thank you. Your
19:43:10	21	time is up. You can always turn it in. You can turn in your
19:43:15	22	written comment if you prefer.
19:43:17	23	MS. NEWLAND: Thank you very much.
19:43:18	24	MS. MOSSMAN: Thank you.
19:43:20	25	(Applause.)
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Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)



## Hilo, Hawaii

Mark Van Doren		55
19:43:25	1	MS. MOSSMAN: Mark Van Doren.
19:43:28	2	MR. VAN DOREN: Good evening. My name is
19:43:35	3	Mark Van Doren. I would like to thank the Navy for hosting
19:43:38	4	this event. And welcome to Big Island. The US military has
19:43:46	5	done some wonderful things and some not so wonderful things,
19:43:50	6	but it is nice to be able to voice dissent and I thank you
19:43:53	7	for being able to speak.
19:43:55	8	Two things: When you look at the map of the
19:43:57	9	HRC, you see the Marine National Monument fully encompassed
19:44:01	10	by the military activity zone. Well, accidents happen,
19:44:05	11	missile fail and what happens if a missile half full of fuel
19:44:08	12	drops into the monument? Any number of accidents could
19:44:11	13	happen. Couldn't we just shift the HRC over a little bit?
19:44:15	14	You know, it's endangered.
19:44:17	15	Secondly, real quick, I don't see any mention
19:44:20	16	of nuclear submarines in this report, but I assume they are a
19:44:24	17	part of these exercises and they have a huge negative
19:44:27	18	potential on the environment. In the 1970s a Russian nuclear
19:44:31	19	sub sank some 400 miles off of Maui, where it left debris
19:44:34	20	that the Glomar Explorer picked up and dropped it.
19:44:36	21	A wise woman spoke earlier of the arrogance
19:44:38	22	of man, and that is so true. The possibility of nuclear war
19:44:44	23	is just madness. And we need to rid the Hawaiian waters of
19:44:48	24	nuclear weapons and then eliminate them entirely.
19:44:52	25	There is a reason people risk their lives to
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1

Galen Kelly		56
19:44:54	1	come to the US shores. We're a great country. We really
19:44:59	2	are. We have a brief moment in history as the world's lone
19:45:04	3	superpower. Let's act great. Let's take the lead and lay
19:45:06	4	down nuclear weapons. Thank you.
19:45:08	5	MS. MOSSMAN: Thank you.
19:45:09	6	(Applause.)
19:45:09	7	MS. MOSSMAN: Galen Kelly.
19:45:13	8	MS. KELLY: Aloha.
	9	AUDIENCE: Aloha.
19:45:20	10	MS. KELLY: I'm Galen Kelly and a proud
19:45:23	11	member of Malu Aina, a nonviolent peace and justice center,
19:45:28	12	and a proud citizen of the great nation of Hawaii.
19:45:32	13	And I have a little pin on my lapel here that
19:45:37	14	goes back almost 40 years and it says "Save the Whales." So
19:45:41	15	I've been on board for the whales for a long time, but I --
19:45:45	16	tonight I just wanted to say it's difficult for an anti-war
19:45:50	17	activist to come to a military gathering, but it's necessary
19:45:55	18	because we are so polarized in our ideas of how life should
19:46:00	19	be lived. But Kupuna Wendell's prayer tonight kind of gave
19:46:06	20	me the courage. And, also, hearing the other testimonies,
19:46:09	21	I'm so proud of a citizenry that is waking up and asserting
19:46:14	22	itself.
19:46:16	23	Captain, you mentioned that you were very
19:46:19	24	proud of your accomplishments and I honor you as part of the
19:46:25	25	human family, but I cannot honor your path. Because if I
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NUMBERD-T-0095  
(cont.)

D-T-0096

# Hilo, Hawaii

Galen Kelly		57
19:46:30	1	expand the greater picture to who is giving you the orders to
19:46:35	2	do what, it always leads back to war and the taking of life.
19:46:39	3	Right now we have a flotilla of many, many ships sitting in
19:46:45	4	the Persian Gulf ready to take another country out, millions
19:46:49	5	of lives.
19:46:50	6	When I bring this up, a lot of times the
19:46:55	7	feedback that comes, Well, we need a strong defense to keep
19:46:59	8	us safe from the terrorists. And I think anyone that's been
19:47:02	9	researching any of the events of today will know that many
19:47:06	10	times it is we who instigate wars of aggression and steel
19:47:13	11	resources, kill people and expand empire. And a lot of times
19:47:18	12	it is to hold up the aristocracy with very little regard for
19:47:23	13	the small person.
19:47:25	14	And when I look at you and I see the uniform,
19:47:29	15	it used to be that the uniform meant something when my dad --
19:47:33	16	when I was growing up, but now I look at it and I see pain.
19:47:37	17	And I think about the people that spoke over tonight, it's
19:47:41	18	because they have pain about what is being done to them and
19:47:45	19	they need 30 more seconds to try and tell you how they feel.
19:47:50	20	And so the format is a little bit restrictive. But I would
19:47:57	21	invite you to think about maybe taking off that uniform and
19:47:57	22	laying down those stripes and really thinking about what you
19:48:03	23	are serving and turning it around. And maybe some of the
19:48:05	24	words you heard here tonight will come home with you and
19:48:09	25	touch your heart and conscience. Because we are not naive.
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D-T-0096 (cont.)

L.V. Kelly		58
19:48:14	1	We are informed. We are awake. We know what we need to
19:48:17	2	survive. And we're spiraling down and something has to
19:48:21	3	really change.
19:48:23	4	MS. MOSSMAN: Thank you, Ms. Kelly.
19:48:25	5	MS. KELLY: Thank you very much.
19:48:26	6	(Applause.)
19:48:28	7	MS. MOSSMAN: L.V. Kelly.
19:48:36	8	MR. KELLY: You may have noticed a
19:48:48	9	relationship between the name before and the name coming up
19:48:52	10	now. I'm Larry Kelly. And I'm here as a citizen and have
19:48:59	11	practical questions, so -- and I also support the Mahulena
19:49:07	12	Organization. I think they do great work. Thank you, Jim,
19:49:11	13	for being on this planet. You're appreciated.
19:49:13	14	(Applause.)
19:49:15	15	MR. KELLY: But being practical, I guess
19:49:18	16	that's what a Capricorn is, I have two questions for the --
19:49:24	17	and I'm asking them to be addressed. And one of them is:
19:49:27	18	How do you intend to count and monitor marine fatalities
19:49:33	19	during the exercises? And who's taking the census when the
19:49:38	20	fish come floating up and the other animals that are
19:49:41	21	obviously wounded or have been destroyed? And what do you
19:49:47	22	intend to do with that information? Will it be made public?
19:49:52	23	And then my second question is: How is
19:49:56	24	monitoring by the citizens of the state of Hawaii being
19:50:00	25	implemented so that they can report to the public in unbiased
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D-T-0096 (cont.)
D-T-0097
1
2

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

## Hilo, Hawaii

		Paul Norman	59
19:50:06	1	ways as a citizen would report to other citizens as how the	
19:50:13	2	exercises affected our wonderful state here?	
19:50:17	3	So thank you very much. Aloha.	
19:50:19	4	(Applause.)	
19:50:24	5	MS. MOSSMAN: Paul Norman.	
19:50:29	6	MR. NORMAN: I'm a Nima Butu, so I'm here	
19:50:36	7	first and foremost as a religious person, as a Buddhist. And	
19:50:40	8	as a Buddhist, of course, warfare in all its forms is both	
19:50:44	9	offensive and basically the greatest sin, to use a Christian	
19:50:54	10	term. But that's not very helpful in this very practical	
19:50:59	11	thing.	
19:51:00	12	So I have two questions. Thank you for that	
19:51:03	13	first question about how we're going to have a count of the	
19:51:08	14	marine fatalities. And what I want to know is how the Navy	
19:51:12	15	or the military in general are taking a census of the status	
19:51:17	16	of this very, very large range complex before the training	
19:51:25	17	exercises begin, before the military exercises are planned to	
19:51:32	18	commence so that we have something before to compare it to,	
19:51:35	19	so we have something to compare the fatalities to.	
19:51:39	20	And then the other question, practical	
19:51:41	21	question I have is: Given the vast complexity of the marine	
19:51:48	22	environment and the fact that we really have very sparse	
19:51:56	23	scientific understanding of the environmental complexity that	
19:52:04	24	we don't really -- we don't even know all the species, all	
19:52:07	25	the different environments, how they interact. How do we	
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(cont.)

D-T-0098

1

2

		Judy Walker	60
19:52:13	1	know, really, what the impacts of the military operations	
19:52:16	2	are? And in particular you're using live ammunition. Your	
19:52:23	3	weapons are being used that explode, that destroy life, that	
19:52:28	4	destroy ecosystems and so forth. And these are very real	
19:52:33	5	impacts.	
19:52:33	6	So I would like to see how the Navy is	
19:52:36	7	addressing that. And it's not the '50s where -- and a lot of	
19:52:42	8	the response in the report is a '50's response, the solution	
19:52:46	9	to pollution is dilution. It's not the '50s anymore. The	
19:52:50	10	planet, as we all know, is in a very, very tenuous situation.	
19:52:54	11	We need to be very serious about taking care, minimizing	
19:52:59	12	harm, supporting a healthy environment. And I am very, very	
19:53:03	13	much concerned about -- thank you -- very, very much	
19:53:06	14	concerned about how the Navy is seriously addressing the fact	
19:53:11	15	that we need a healthy planet, we need a healthy ocean as a	
19:53:17	16	species to continue. Thank you.	
19:53:18	17	(Applause.)	
19:53:27	18	MS. MOSSMAN: Judy Walker.	
19:53:32	19	MS. WALKER: Aloha. My name is Judy Walker	
19:53:37	20	and I live in downtown Hilo right in the flight path of the	
19:53:42	21	airport, so I think we've got quite enough military already.	
19:53:45	22	I see them every day.	
19:53:47	23	And the last name wasn't included for us, but	
19:53:50	24	this is another husband and wife team. And this is the last	
19:53:54	25	time I discuss things with my husband on the way to the	
		RALPH ROSENBERG COURT REPORTERS, INC.	
		(808) 524-2090	

COMMENT  
NUMBERD-T-0098  
(cont.)

D-T-0099

1

## Hilo, Hawaii

<div style="text-align: right; margin-bottom: 10px;">Judy Walker 61</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>19:53:58 1 hearing because he said everything I was going to say. But</p> <p>19:54:01 2 just to emphasize what he was saying, I mean, I'm still --</p> <p>19:54:04 3 I'm afraid I have nothing prepared to say because I'm still</p> <p>19:54:09 4 trying to work my way through this 1,700-page report. And</p> <p>19:54:13 5 it's structured in such a way that you can't even take a</p> <p>19:54:17 6 section and say this is what is going to happen to Hawaii or</p> <p>19:54:20 7 Oahu or the Northwestern Hawaiian Islands or specifically to</p> <p>19:54:25 8 marine mammals. It's structured in a way that you need to</p> <p>19:54:29 9 read the whole document to have any idea of what the supposed</p> <p>19:54:34 10 effects and mitigation measures will be. And I find that</p> <p>19:54:37 11 very frustrating.</p> <p>19:54:39 12 And from what I have read, I am very</p> <p>19:54:43 13 disturbed, first of all, by the exemptions from any kind of</p> <p>19:54:52 14 environmental law. I find that so offensive. And people</p> <p>19:54:54 15 have brought this up before, but we have a National Marine</p> <p>19:54:58 16 Monument, you know, we have a whale sanctuary and that means</p> <p>19:55:00 17 nothing once the military steps in and that is so offensive.</p> <p>19:55:06 18 What is the purpose of law if it's not going to protect.</p> <p>19:55:14 19 I'd also like to say that the science is</p> <p>19:55:20 20 just -- I'm using the word very loosely, because it looks to</p> <p>19:55:23 21 me like the environmental assessment is by inference rather</p> <p>19:55:27 22 than by any direct observation. We haven't seen piles of</p> <p>19:55:31 23 dolphins and beaked whales floating up to the surface on the</p> <p>19:55:36 24 beaches so we must not be hurting them. I think we</p> <p>19:55:39 25 absolutely need to do a real assessment of what's going on,</p> </div> <div style="text-align: center;">RALPH ROSENBERG COURT REPORTERS, INC. (808) 524-2090</div>	<div style="border: 1px solid black; padding: 5px;"> <div style="text-align: center; font-weight: bold; font-size: small;">COMMENT NUMBER</div> <div style="text-align: center; font-weight: bold; font-size: x-small;">D-T-0099 (cont.)</div> <div style="text-align: center; margin-top: 20px;">2</div> <div style="text-align: center; margin-top: 20px;">3</div> <div style="text-align: center; margin-top: 20px;">4</div> </div>	<div style="text-align: right; margin-bottom: 10px;">Bunny Smith 62</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>19:55:44 1 what we're doing to these marine ecosystems.</p> <p>19:55:48 2 I will be submitting detailed written</p> <p>19:55:50 3 comments, but I would like to point out specifically sea</p> <p>19:55:55 4 turtles, you know. We have six species of sea turtles that</p> <p>19:55:59 5 come through here. They are all threatened with extinction.</p> <p>19:56:03 6 The Pacific Leatherback is critically endangered and there</p> <p>19:56:07 7 was very little said about them in this EIS at all. In fact,</p> <p>19:56:12 8 they were evaluated using marine mammal data and turtles</p> <p>19:56:18 9 aren't mammals.</p> <p>19:56:19 10 And for another practical question I would</p> <p>19:56:25 11 like to ask: What is a survey of a marine mammal area? Does</p> <p>19:56:30 12 that mean one person stands there with binoculars and turns</p> <p>19:56:35 13 360 degrees? You know, are they actually going to pass</p> <p>19:56:39 14 through and look and try to see if there are animals there?</p> <p>19:56:43 15 And even if they do, marine mammals and sea turtles spend</p> <p>19:56:47 16 most of their life submerged.</p> <p>19:56:47 17 MS. MOSSMAN: Thank you. Your time is up.</p> <p>19:56:49 18 Thank you.</p> <p>19:56:50 19 MS. WALKER: Thank you.</p> <p>19:56:52 20 (Applause.)</p> <p>19:56:54 21 MS. MOSSMAN: Bunny Smith.</p> <p>19:57:03 22 MS. SMITH: Aloha. Good evening. I'm Bunny</p> <p>19:57:15 23 Smith. I live in Kaokaha and I'm a Malu Aina. I first found</p> <p>19:57:22 24 out about this meeting on Monday when I received the</p> <p>19:57:24 25 newspaper and saw this outline about this meeting. Now, what</p> </div> <div style="text-align: center;">RALPH ROSENBERG COURT REPORTERS, INC. (808) 524-2090</div>	<div style="border: 1px solid black; padding: 5px;"> <div style="text-align: center; font-weight: bold; font-size: small;">COMMENT NUMBER</div> <div style="text-align: center; font-weight: bold; font-size: x-small;">D-T-0099 (cont.)</div> <div style="text-align: center; margin-top: 20px;">5</div> <div style="text-align: center; margin-top: 20px;">6</div> <div style="text-align: center; margin-top: 20px;">D-T-0100</div> </div>
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**Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)**



## Hilo, Hawaii

		Bunny Smith	63
19:57:28	1	happened was because I guess the document is 1,700 pages,	
19:57:32	2	what I got was this little outline of what was happening	
19:57:38	3	to -- in the areas of Pohakuloa, Bradshaw Army Airfield,	
19:57:43	4	Kawaihae pier.	
19:57:45	5	And as I read through it, I was absolutely	
19:57:48	6	stunned and I started to laugh because it was so	
19:57:51	7	simpleminded. The rationale that was given here is to how	
19:57:55	8	the Navy was going to deal with the problems in airspace,	
19:57:59	9	biological resources, cultural resources, health and safety,	
19:58:03	10	noise and so forth was absolutely simpleminded. There were	
19:58:07	11	three ways of approaching these issues that I note that it	
19:58:10	12	sort of comes down to, quote, "minimize through existing	
19:58:13	13	regulations." We all know how very carefully the military	
19:58:17	14	follows their regulations.	
19:58:20	15	A few people in apu graves know how the	
19:58:24	16	military follows their regulations. We have cases in the	
19:58:28	17	court in Tahiti because of the way the military follows their	
19:58:32	18	regulations. And we certainly know it on these islands.	
19:58:36	19	That was -- Those were those things. The idea of minimizing	
19:58:40	20	things was used -- was the word thrown out here as a	
19:58:45	21	pacifier, I think, for a public that might get a little	
19:58:49	22	uncomfortable with some of these issues.	
19:58:52	23	The second thing is we're told that noise	
19:58:53	24	from the increased activity, for example, at Bradshaw and	
19:58:56	25	Kawaihae will have no impact. How can that be? No impact?	
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COMMENT NUMBER
D-T-0100 (cont.)

1

2

		Koert	64
19:59:00	1	But it says it right here and supposedly this must have	
19:59:04	2	passed muster. And that at Pohakuloa the noise impacts will	
19:59:08	3	be minimized, that favorite word again.	
19:59:10	4	Now, the third thing I noticed is that as far	
19:59:13	5	as wildlife is concerned -- This is a quote from this little	
19:59:17	6	sidebar. "The intensity and duration of startle responses	
19:59:20	7	from noise to wildlife," birds, I guess, "would decrease with	
19:59:26	8	the number and frequency of exposures." So somebody has	
19:59:30	9	decided that for the birds, how they're going to respond. No	
19:59:34	10	question about how this is going to affect their nesting,	
19:59:37	11	their mating, whatever they're doing, out it's been decided	
19:59:42	12	that they'll get used to the startle and that's fine.	
19:59:45	13	Somebody previously said that this whole	
19:59:48	14	thing reflects a sense of being out of touch with reality,	
19:59:52	15	and I think that's true. I think it's also -- it's	
19:59:54	16	foolishness and it's arrogance. And I think that what we	
19:59:58	17	need to do is to put an end to this nonsense. Thank you.	
20:00:03	18	(Applause.)	
20:00:05	19	MS. MOSSMAN: Before our next speaker comes	
20:00:10	20	up, when he's done, we're going to take a ten-minute break to	
20:00:14	21	give a stenographer a break.	
20:00:16	22	Okay. Mr. Koert.	
20:00:23	23	MR. KOERT: Aloha.	
20:00:40	24	AUDIENCE: Aloha.	
20:00:41	25	MR. KOERT: My name is Koert. I am a Mormon	
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COMMENT NUMBER
D-T-0100 (cont.)

3

D-T-0101



# Hilo, Hawaii

Koert		65
20:00:49 1	childs, and I am in the world to live my life and my love.	
20:01:00 2	We are all one. I feel in my whole being that the earth and	
20:01:11 3	all its visitors are suffering. To fill your heart now --	
20:01:20 4	Also you, Captain, and you and you, everybody, when you feel	
20:01:26 5	the love in your hearts, how can you hurt somebody else then?	
20:01:35 6	There is only one way to heal each other. I am you and you	
20:01:44 7	are me. I am a whale and the whale is me. I am you,	
20:01:53 8	captain, and you are me.	
20:01:55 9	My father was a soldier. My grandfather was	
20:01:59 10	a soldier. And I forgive everybody who made errors in this	
20:02:06 11	life. We all make errors and I forgive everybody. We can	
20:02:10 12	only live our truth and our love. And when you do this, you	
20:02:16 13	will not attack anybody else. Aloha.	
20:02:20 14	(Applause.)	
20:02:24 15	MS. MOSSMAN: We'll take a ten-minute break.	
20:02:26 16	Thank you.	
20:02:29 17	(Pause in Proceedings: 8:02-8:12)	
20:12:04 18	MS. MOSSMAN: We have no more speakers that	
20:12:06 19	have signed up, so we will take a recess until we do. We'll	
20:12:10 20	be here until 9:00. Thank you.	
21:00:08 21	(Pause in Proceedings: 8:12-9:00)	
21:00:08 22	MS. MOSSMAN: The public hearing is	
21:00:10 23	officially over.	
24	(The proceedings were adjourned at 9:00 p.m.)	
25		
RALPH ROSENBERG COURT REPORTERS, INC. (808) 524-2090		

COMMENT NUMBER
D-T-0101 (cont.)
1

		66
1	<u>C E R T I F I C A T E</u>	
2	STATE OF HAWAII )	
3	) SS.	
4	CITY AND COUNTY OF MAUI )	
5		
6	I, Sandra J. Gran, Certified Shorthand Reporter for the	
7	State of Hawaii, hereby certify that the proceedings were	
8	taken down by me in machine shorthand and was thereafter	
9	reduced to typewritten form under my supervision; that the	
10	foregoing represents to the best of my ability, a true and	
11	correct transcript of the proceedings had in the foregoing	
12	matter.	
13		
14	I further certify that I am not attorney for any of the	
15	parties hereto, nor in any way concerned with the cause.	
16		
17	DATED this 12th day of September, 2007, in Maui,	
18	Hawaii.	
19	<i>Sandra J. Gran</i>	
20		
21		
22	Sandra J. Gran	
23	Hawaii CSR 424	
24	Notary Public for Hawaii	
25	My Commission Expires: 5/14/08	
RALPH ROSENBERG COURT REPORTERS, INC. (808) 524-2090		

COMMENT NUMBER

Exhibit 13.4.3-1. Copy of Public Hearing Documents - Draft EIS/OEIS (Continued)

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**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Stewart Burley	D-T-0018-1	Socioeconomics	3.3.2.1.10	PMRF is a major contributor to the economy of Kauai County, particularly on the western side of the island. The installation employs nearly 1,000 military, civilian, and contract personnel and has a \$130 million impact annually on the local economy (see Section 3.3.2.1.10).
Tony Ricci	D-T-0019-1	Program		Thank you for your comment.
Rich Hoeffner	D-T-0020-1	Policy/NEPA Process	13	The proponent agency (Lead Agency/Sponsor) is responsible for performing the environmental analysis of its actions, which for this document is the U. S. Navy. Section 1501.5 of the National Environmental Policy Act (NEPA) states that a lead agency shall supervise the preparation of an environmental impact statement. The Navy does review and consider all comments submitted during the scoping process and the public comment period. Scoping transcripts/records of scoping comments are not a part of the EIS/OEIS but are included in the Administrative Record. Chapter 13.0 includes a copy of each comment received on the Draft EIS/OEIS and a response for each comment. Although all comments are reviewed and incorporated where appropriate, some comments may be outside the scope of the document and therefore were not addressed.
	D-T-0020-2	Cumulative Impacts		Your concern regarding the Superferry is noted but is outside the scope of this EIS/OEIS.
	D-T-0020-3	Cumulative Impacts		Detailed analysis for the permanent stationing of the 2/25th Stryker Brigade Combat Team is beyond the scope of this EIS/OEIS but can be found at the following website: <a href="http://www.sbct-seis.org/">http://www.sbct-seis.org/</a> . However, cumulative impacts from Army activity are considered in Chapter 5.0 of this EIS/OEIS.
	D-T-0020-4	Policy/NEPA Process		Thank you for your comment.
Diana La Bedz	D-T-0021-2	Biological Resources - Marine		Thank you for your comment.
	D-T-0021-3	Biological Resources - Marine		Your comments regarding the Pacific Coast gyre in the middle of the Pacific Ocean are noted but are outside the scope of this EIS/OEIS.
	D-T-0021-4	Policy/NEPA Process		Thank you for your comment.
	D-T-0021-5	Alternatives	4.1.2.4, 4.1.2.4.11, 4.1.2.2	See response to comment D-E-0062-2. Section 4.1.2.2 includes potential impacts on fish from the No-action, Alternative 1, Alternative 2 and Alternative 3.
Aukai Gonsalves	D-T-0022-1	Policy/NEPA Process		Thank you for your comment.
Bruce Pleas	D-T-0023-1	Land Use	4.3.2.1.8	The following wording was removed: "and do not provide a unique recreational coastal opportunity that is not being provided elsewhere on the island."

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Bruce Pleas	D-T-0023-3	Land Use	Appendix I	Appendix I describes the circumstances by which the lands now known as PMRF came into Federal ownership. This section is not intended to represent the full or complete recitation of law(s) relating to the lands now known as PMRF.
Juan Wilson	D-T-0024-1	Cumulative Impacts		Your comments regarding the Hawaii Superferry and the stationing of the Stryker Brigade Combat Team in Hawaii are noted but are outside the scope of this EIS/OEIS.
	D-T-0024-2	Hazardous Materials and Waste		Your comment is noted; however, GML 4 experiments are not part of the proposed activities in the EIS/OEIS.
	D-T-0024-3	Cumulative Impacts		Your comments regarding the Hawaii Superferry and the stationing of the Stryker Brigade Combat Team in Hawaii are noted but are outside the scope of this EIS/OEIS.
James Trujillo	D-T-0025-1	Policy/NEPA Process		This EIS/OEIS was written by the Navy to comply with both NEPA and the President's Executive Order 12114 which requires environmental analysis for activities that occur outside of 12 miles from land. The Navy has been working with many partners in drafting this EIS/OEIS. The Navy has sought assistance from the National Marine Fisheries Services and has worked closely with their marine mammal and regulatory experts in trying to develop a method to quantify potential impacts on marine life caused by Navy activities. Additionally, the Missile Defense Agency and the U.S. Department of Energy have been partners in this EIS/OEIS. Finally, the Navy has coordinated with experts from various Hawaii State and other Federal agencies to ensure that impacts on the environment have been identified and are minimized to the maximum extent practicable.
Puanani Rogers	D-T-0026-1	Policy/NEPA Process		For 25 years, the Navy in Hawaii has been successfully implementing its Installation Restoration Program to guide the process of cleaning up contaminated sites on its bases and other areas. Cleanup is conducted in a way that protects surrounding residences, sensitive habitat, and cultural, historical, and archaeological resources. As a result, formerly contaminated sites have been returned to productive use, drinking water quality and safety has been maintained, endangered species habitat has been protected and Hawaii's rich cultural heritage has been preserved.
Elaine Dunbar	D-T-0027-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2.
	D-T-0027-2	Environmental Justice		Your comments regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense are noted but are beyond the scope of this EIS/OEIS.
	D-T-0027-3	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Elaine Dunbar	D-T-0027-4	Health and Safety		No impacts from electromagnetic radiation (EMR) generation to wildlife are anticipated. Electromagnetic radiation emitted during electromagnetic transmitting and receiving equipment testing is not a health and safety issue. Review of recent FAA/NTSB records of helicopter incidents determined that EMR was not the cause.
	D-T-0027-5	Program		Environmental analysis does not require an exact count of materials to be used during training. Analysis is based on the type of events and activities required for training. Each training event and RDT&E activity has been evaluated for each location for effects on the environment.
	D-T-0027-6	Hazardous Materials and Waste		The Navy recognizes that past practices may have resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available. The Proposed Action described in this EIS/OEIS addresses a need to continue and enhance personnel training, which is unrelated to ongoing, planned, or prospective remediation of historical contamination.
Michael Fox	D-T-0028-1	Policy/NEPA Process		Thank you for your comment.
Wendy Raebeck --Ride the Rainbow	D-T-0029-1	Policy/NEPA Process		The DoD is a leader in environmental stewardship. As described in Chapter 4.0, the Navy in Hawaii takes seriously its commitment to environmental stewardship. The Navy has an impressive track record of demonstrating its dedication to maintaining the islands' natural environment and, in many cases, improving conditions. For 25 years, the Navy in Hawaii has been successfully implementing its Installation restoration program to guide the process of cleaning up contaminated sites on its bases and other areas. Cleanup is conducted in a way that protects surrounding residences, sensitive habitat, and cultural, historical and archaeological resources. As a result, formerly contaminated sites have been returned to productive use, drinking water quality and safety has been maintained, endangered species habitat has been protected, and Hawaii's rich cultural heritage has been preserved.
George W. Saunders, Jr.	D-T-0030-1	Policy/NEPA Process		Thank you for your comment.
Carl Berg	D-T-0031-1	Biological Resources - Marine		Kaula has been used as a target location by U.S. and Allied forces since 1952. At one time the entire island was used for training in air-to-surface and surface-to-surface weapons delivery. Today only the southeastern tip, approximately 8 percent, of the island is used for training.



**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Carl Berg	D-T-0031-2	Health and Safety	4.2.1.1.1.1, 3.3.2.1.7, 4.3.2.1.7	Section 4.2.1.1.1.1 details the size and likelihood of missile debris impacting threatened, endangered, or other marine species. Sections 3.3.2.1.7 and 4.3.2.1.7 and Appendix K include details of range safety, ground safety, missile flights, ocean and ground clearance areas, fire and crash safety, and transportation safety. PMRF takes every reasonable precaution during the planning and execution of training activities to prevent injury to human life and property.
	D-T-0031-3	Air Quality	4.3.2.1.6.1	Navy does not anticipate the type of described degradation due to on-pad fires. The language has been modified in Section 4.3.2.1.6.1 based on this comment.
	D-T-0031-4	Alternatives		Thank you for your comment.
Jeff Connolly	D-T-0032-1	Policy/NEPA Process		Thank you for your comment.
	D-T-0032-2	Alternatives		Thank you for your comment.
	D-T-0032-3	Biological Resources - Marine		Thank you for your comment.
	D-T-0032-4	Program		Thank you for your comment.
Mahelani Sylvia	D-T-0033-1	Policy/NEPA Process		Thank you for your comment.
Ken Taylor	D-T-0034-1	Alternatives		Thank you for your comment.
	D-T-0034-2	Biological Resources - Marine	5.2.1.3	Section 5.2.1.3 has been added to discuss anthropogenic sources of ambient noise that are most likely to have contributed to increases in ambient noise. These include vessel noise from commercial shipping and general vessel traffic, oceanographic research, and naval and other use of sonar.
Louis Parraga, Jr.	D-T-0035-1	Policy/NEPA Process		Thank you for your comment.
Marti Townsend --KAHEA, the Hawaiian Environmental Alliance	D-T-0036-1	Policy/NEPA Process	13	The Navy does review and consider all comments submitted during the scoping process and the public comment period. Scoping transcripts/records of scoping comments are not a part of the EIS/OEIS but are included in the Administrative Record. Chapter 13.0 includes a copy of each comment received on the Draft EIS/OEIS and a response for each comment. Although all comments are reviewed and incorporated where appropriate, some comments may be outside the scope of the document and therefore were not addressed.
	D-T-0036-2	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary).
	D-T-0036-3	Policy/NEPA Process		Thank you for your comment.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Bob McDermott --Navy League	D-T-0037-1	Socioeconomics		Thank you for your comment.
	D-T-0037-2	Biological Resources - Marine		Thank you for your comment.
	D-T-0037-3	Mitigation Measures		Thank you for your comment.
	D-T-0037-4	Cumulative Impacts	5.2.1	Text has been added to the cumulative impacts section (Section 5.2.1) of the EIS/OEIS that describes other open ocean activities with potential marine species impacts.
Manuel Kuloloio	D-T-0038-1	Policy/NEPA Process	13	The public comment and response section of the EIS/OEIS contains a matrix of the total number of people in attendance for the four public meetings held and the number of individuals who provided comments overall. All consultation comments/responses are in the EIS/OEIS as well.
	D-T-0038-2	Biological Resources - Marine		Training will include the continued use of the southeast end of Kaula for bombing and Air-to-Ground GUNEX training under agreement with the State of Hawaii.
	D-T-0038-3	Policy/NEPA Process		The Navy recognizes that past practices conducted decades ago resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceed with the available funds. The island of Kahoolawe is one site that received priority funding in excess of \$400 million and its own special legislation which resulted in a 10-year cleanup conducted in consultation with the State of Hawaii.
Kyle Kajihira --AFSC	D-T-0039-1	Policy/NEPA Process		Scoping transcripts are generally not included in the EIS/OEIS. The Scoping transcripts/scoping comments are available in the Administrative Record.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kyle Kajihira --AFSC	D-T-0039-2	Alternatives		<p>Current training, or the No-action Alternative, is evaluated for potential impacts just like Alternative 1, 2 and 3. To decrease military training from current levels would not meet the purpose and need of the Proposed Action and would not support the Navy's ability to meet Federal statutory requirements. In addition, a reduction in training could jeopardize the ability of specialty forces, transient units and Strike Groups using the HRC for training purposes to be ready and qualified for deployment. The Navy has broadly defined its objectives and offers appropriate alternatives to achieve them.</p> <p>To implement its Congressional mandates, the Navy needs to support and to conduct current and emerging training and RDT&amp;E events in the HRC and upgrade or modernize range complex capabilities to enhance and sustain Navy training and testing. These objectives are required to provide combat capable forces ready to deploy worldwide in accordance with U.S.C. Title 10, Section 5062. The Assistant Secretary of the Navy (Installations &amp; Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this EIS/OEIS are both reasonable and necessary.</p> <p>Council on Environmental Quality (CEQ) regulations allow the status quo to properly be the No-action Alternative. The No-action Alternative may be thought of in terms of continuing with the present course of action until that action is changed. In requiring consideration of a no-action alternative, the CEQ intended that agencies compare the potential impacts of the proposed major Federal action to the known impacts of maintaining the status quo. The Navy has done just that in the EIS/OEIS.</p>
	D-T-0039-3	Policy/NEPA Process		Thank you for your comment.
	D-T-0039-4	Alternatives		See response to comment D-T-0039-2.
	D-T-0039-5	Cumulative Impacts	5	The cumulative impact analysis presented in Section 5 provides the adequate level of analysis to determine the potential for cumulative impacts as a result of implementation of the Proposed Action. As a result of the analysis, it was determined that no significant cumulative impacts would occur within the 13 resource areas.
	D-T-0039-6	Health and Safety		Analysis of actions that are not reasonably foreseeable are not required under NEPA.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kyle Kajihira --AFSC	D-T-0039-7	Socioeconomics	3.3.2.1.10	Military housing allowances and supplements are based on surveys of local housing renters and based on local economy averages. Military members not provided on-base housing are faced with the same challenges to obtain affordable housing as the general public. PMRF is a major contributor to the economy of Kauai County, particularly on the western side of the island. The installation employs nearly 1,000 military, civilian, and contract personnel and has a \$130 million impact annually on the local economy (see Section 3.3.2.1.10).
	D-T-0039-8	Socioeconomics		See response to comment D-E-0451-17.
	D-T-0039-9	Program		Your comments regarding budget issues are noted but are beyond the scope of this EIS/OEIS.
	D-T-0039-10	Program	2.2.4.4, 4.1.1., 4.1.1.3.2, 4.1.5, 4.3.2.1.2	The Directed Energy program has not been developed in full. However, it is described in Sections 2.2.4.5 and 4.1.1.3.2. Potential locations are shown on Figure 2.2.4.5-1. Directed energy analysis is also provided in Sections 4.1.1 Airspace open ocean; Section 4.1.5, Health and Safety open ocean; and Section 4.3.2.1.2, Airspace at PMRF. The effect of this center on the hazardous materials associated with operating lasers, health and safety, and utilities demand on PMRF/Main Base would require a separate environmental documentation process.
Jeff Pantukhoff --The Whaleman Foundation	D-T-0040-1	Biological Resources - Marine	4.1.2	The modeling predicting possible exposures at various threshold levels was developed in cooperation with NMFS and is presented in Section 4.1.2. This section provides details on the various possible effects and the method NMFS has approved for analyzing those possible effects.
	D-T-0040-2	Biological Resources - Marine	4.1.2	Marine mammals (we believe your reference is to studies on beluga specifically) are context specific for animals that are hunted and must contend with shifting ice, which does not have relevance in the Hawaii context. In addition, "the 110 to 120 dB", discussed is a received level (at the whales) as opposed to a source level (1 meter from the sonar), which is inside the sonar dome (inside the bow of the ship). Thresholds developed in cooperation with NMFS are presented in Section 4.1.2, which provides details on the various possible effects and the method NMFS has approved for analyzing those possible effects.
	D-T-0040-3	Biological Resources - Marine	4.1.2	See Section 4.1.2 and Southall et al., (2007) regarding research on marine mammal hearing/thresholds and in particular work done at SPAWAR exposures to 195 dB.
	D-T-0040-4	Biological Resources - Marine	4.1.2.4.11	Section 4.1.2.4.11 includes specific stranding events that have been linked to potential sonar operations are discussed. Of note, these events represent a small overall number of animals over an 11-year period (approximately 40 animals), and not all worldwide strandings can be linked to naval activity.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Jeff Pantukhoff --The Whaleman Foundation	D-T-0040-5	Biological Resources - Marine	4.1.2.4.11.2	As discussed in Section 4.1.2.4.11, the Navy believes that evidence not considered previously involving the Hanalei stranding of July 2004 indicates that the full moon could have been a contributing factor in terms of bringing the animals closer to the shore. A few strandings of beaked whales have occurred elsewhere (locations far from Hawaii) that seem to be related to mid-frequency active (MFA) sonar in combination with specific ocean conditions. Strandings of beaked whales associated with sonar have not happened in Hawaii to anyone's knowledge. Regarding the Bahamas stranding, see the discussion of stranding event in Section 4.1.2.4.11.2.
	D-T-0040-6	Biological Resources - Marine		Thank you for your comment.
Mike Moran	D-T-0041-1	Biological Resources - Marine		Thank you for your comment.
	D-T-0041-2	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary).
	D-T-0041-3	Health and Safety	4.1.5.1.1	Human exposure to underwater noise is addressed in Section 4.1.5.1.1. The Navy issues Notices to Mariners (NOTMARs) to alert commercial and recreational users, such as dive services, about upcoming at-sea training activities so that they may divert to open areas. During training exercises, Navy assets monitor the area to ensure that the public is not exposed to a health or safety risk. If non-participants are detected in the vicinity of an exercise, then it is delayed or postponed until those individuals have moved a safe distance away. With these measures in place, the Navy has an exemplary record of public safety. To date, no member of the public has been exposed to unhealthful levels of underwater noise.
Stephany Cecil	D-T-0042-1	Biological Resources - Marine	4.1.2.4.11	Section 4.1.2.4.11 includes specific stranding events that have been linked to potential sonar operations are discussed. Of note, these events represent a small overall number of animals over an 11-year period (approximately 40 animals), and not all worldwide strandings can be linked to naval activity.
	D-T-0042-2	Biological Resources - Marine	4.1.2.4.11	Section 4.1.2.4.11 includes specific stranding events that have been linked to potential sonar operations are discussed. Of note, these events represent a small overall number of animals over an 11-year period (approximately 40 animals), and not all worldwide strandings can be linked to naval activity. The Navy believes that evidence not considered previously involving the Hanalei stranding of July 2004 indicates that the full moon could have been a contributing factor in terms of bringing the animals closer to the shore.
	D-T-0042-3	Biological Resources - Marine		Thank you for your comment.



**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Stephany Cecil	D-T-0042-4	Biological Resources - Marine	1.1, 1.2, 1.3	The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. Requirements to have trainees and prepared Naval forces is not a discretionary matter.
	D-T-0042-5	Biological Resources - Marine		Thank you for your comment.
	D-T-0042-6	Biological Resources - Marine		Thank you for your comment.
Christiane Douglas	D-T-0043-1	Biological Resources - Marine		Thank you for your comment.
	D-T-0043-2	Biological Resources - Marine		Thank you for your comment.
	D-T-0043-3	Biological Resources - Marine		Thank you for your comment.
	D-T-0043-4	Biological Resources - Marine		Navy training in the use of sonar is regulated by NMFS for its effects on marine species.
	D-T-0043-5	Policy/NEPA Process		Thank you for your comment.
Howard Sharpe	D-T-0044-1	Biological Resources - Marine		Thank you for your comment.
	D-T-0044-2	Hazardous Materials and Waste		The Navy recognizes that past practices may have resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available. The Proposed Action described in this EIS/OEIS addresses a need to continue and enhance personnel training, which is unrelated to ongoing, planned, or prospective remediation of historical contamination.
Thomas Nakagawa	D-T-0045-1	Biological Resources - Marine		Thank you for your comment.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Thomas Nakagawa	D-T-0045-2	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	Sections 3.7 and 4.7 of the EIS/OEIS and a Coastal Consistency Determination in accordance with the CZMA review the activities proposed to be conducted internal or external to the Humpback Whale National Marine Sanctuary, and find them to be within the range of activities previously reviewed and allowed by the Sanctuary as indicated in 15 CFR Part 922, Subpart Q. None of the activities have been modified such that they would be likely to destroy, cause the loss of, or injure any Sanctuary resource in a manner significantly greater than what had been previously reviewed by NOAA at the time of the Sanctuary's creation. Under the Sanctuary regulations, military activities are allowed within the sanctuary and not subject to vessel/aircraft approach distances, discharge of materials prohibitions within the sanctuary and consultation requirements if they are "classes of military activities, internal and external to the Sanctuary, conducted prior to 1997 (provided in Exhibit C-1 of the Draft EIS/OEIS). Proposed military activity after 1997 is also allowable but subject to prohibited activities provision under the reg. (i.e., vessel/aircraft approach to humpback whale provisions, discharge of materials, etc.). Sections 3.2 and 4.2 of the EIS/OEIS reviewed the NWHI Marine Monument. Presidential Proclamation 8031 (71 FR 36443, June 26, 2006), which established the Monument under the authority of the Antiquities Act (16 U.S.C. 431), made the prohibitions required in the Proclamation, such as the prohibition on entry into the Monument, inapplicable to activities and exercises of the Armed Forces. Navy acknowledges, as stated in the Proclamation, that it is their obligation to ensure that all "activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities." Consideration has also been given to Executive Order 13089 of June 11, 1998, "Coral Reef Protection," and consistent with the policies stated in that Order, to the extent permitted by law, the Navy will ensure that the Proposed Actions will not degrade the conditions of U.S. coral reef ecosystems.
	D-T-0045-3	Biological Resources - Marine		Thank you for your comment.
	D-T-0045-4	Socioeconomics		The Navy takes its environmental stewardship role seriously, providing funds, efforts, and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment. The requirement to have a trained and prepared naval force is not a discretionary matter.
	D-T-0045-5	Biological Resources - Marine	5	The Navy does not believe any of the activities analyzed in this EIS/OEIS will impact Essential Fish Habitat in Hawaiian Waters.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Thomas Nakagawa	D-T-0045-6	Alternatives	4.1.2.4, 4.1.2.4.11	Section 4.1.2.4 of the EIS/OEIS explains the potential effects on marine mammals from Navy mid-frequency active (MFA) sonar in the HRC. MFA sonar use in Hawaii is not new and has occurred using the same basic sonar equipment and output for over 30 years. Given this history and the scientific evidence, the Navy believes that risk to marine mammals from sonar training is low. Though the Navy works to minimize impacts on marine mammals to the greatest extent practicable, they are not mandated by any statute to alleviate all risk to marine mammals. Over the past 30 years, the numbers of marine mammals around Hawaii appear to be increasing and there are no indications that sonar has affected marine mammals
Robert Roggasch --WWW Freehawaii	D-T-0046-1	Program		Thank you for your comment.
	D-T-0046-2	Environmental Justice		Your comments regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense are noted but are beyond the scope of this EIS/OEIS.
Frances Pitzer	D-T-0047-1	Miscellaneous	4,5	Detailed discussion of "potential impacts" and how they would be minimized is discussed in Chapters 4.0 and 5.0. The tables in the Executive Summary have been revised to better summarize "potential impacts" and also note that Chapters 4.0 and 5.0 discuss in detail the factors that influenced the analysis.
	D-T-0047-2	Water Resources		Any amount of any substance emitted does, of course, have a physical effect. However, if the substance is benign or inert; is present at an undetectable concentration; has physical, chemical, or biological effects within an insignificantly small area; or otherwise has no discernable biological, chemical, or physical effects, then it is deemed not to affect water quality (a defined subset of water quality parameters and their concentrations) or limit the availability or use of water resources. The emissions and discharges associated with the Navy's Proposed Action have been examined, and determined to generally fall within one of these categories.
	D-T-0047-3	Hazardous Materials and Waste	4.0, 5.0	The EIS/OEIS evaluates the expenditure and environmental fate of a variety of training materials. Both qualitative and quantitative assessments of these expenditures conclude that their effects on water quality and bottom sediments, and on the biota that inhabit these environments, would be negligible. There would be no effect on water quality because the expended material would not result in a detectable change in those physical and chemical parameters designated as indicators of water quality in a representative sample of ocean water.
	D-T-0047-4	Biological Resources - Marine		A take authorization is the number and species of marine mammal injuries (or Level A harassment) that could occur in the unlikely event that animals respond in the manner that leads to a stranding. Those numbers are authorized by NMFS.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Frances Pitzer	D-T-0047-5	Cultural Resources	3.2.2.2	Section 3.2.2.2 has been updated to reflect the most current archaeological information for Nihoa and Necker (Mokumanamana), the southeastern most portion of the Papahānaumokuākea Marine National Monument, where missile intercepts and associated falling debris could occur. As noted in Section 4.2.2.1, future missions will include consideration of missile flight trajectory alterations, if feasible, to minimize the potential for debris within these areas.
	D-T-0047-7	Biological Resources - Terrestrial	4.3.2.1.3.3	No long-term adverse effects on birds from HRC activities are anticipated. As first stated in Section 4.3.2.1.3.3, the intensity and duration of wildlife startle responses decrease with the number and frequency of exposures.
	D-T-0047-8	Hazardous Materials and Waste		The Navy recognizes that past practices may have resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available. The Proposed Action described in this EIS/OEIS addresses a need to continue and enhance personnel training, which is unrelated to ongoing, planned, or prospective remediation of historical contamination.
	D-T-0047-9	Program		Thank you for your comment.
Home Le'amohala -- Earthling	D-T-0048-1	Program		Thank you for your comment.
Juliann Castelhuono	D-T-0049-1	Miscellaneous		Thank you for your comment.
Brooke Porter --Pacific Whale Foundation	D-T-0050-1	Biological Resources - Marine		Thank you for your comment.
	D-T-0050-2	Biological Resources - Marine		Thank you for your comment.
	D-T-0050-3	Biological Resources - Marine		Thank you for your comment.
Faith Rose	D-T-0051-1	Miscellaneous		Thank you for your comment.
Ken Rose	D-T-0052-1	Policy/NEPA Process		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts and professional staff dedicated to this important matter. The Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Hugh Starr	D-T-0053-1	Alternatives	1.0, 2.0	As discussed in Chapters 1.0 and 2.0, the HRC provides the geography, infrastructure, space, and location necessary to accomplish complex military training and RDT&E activities. The large area available to deploy forces within the HRC allows training to occur using a geographic scope that replicates possible real world events. In addition, the HRC has the infrastructure to support a large number of forces, has extensive existing range assets, and accommodates Navy training and testing responsibilities both geographically and strategically, in a location under U.S. control. The Navy's physical presence and training capabilities are critical in providing stability to the Pacific Region.
	D-T-0053-2	Biological Resources - Marine		ADM Fallon's statement must be considered in the full context of the discussion and subject matter and must be couched in the times in which the speech was made. The focus was not on overall Navy policy or on the importance of specific Navy range complexes. The primary focus of the Fallon speech was on Vieques as an example of a number of encroachment issues, especially with regard to restrictions resulting from military ranges being defacto sanctuaries for threatened and endangered species. The HRC contains one of two underwater tracking ranges in the Pacific, and the Hawaii Range Complex is critical to Navy training and RDT&E for DoD.
	D-T-0053-3	Alternatives	2.2.4, 2.2.5	In the Supplement to the Draft EIS and as incorporated into the EIS/OEIS, an additional alternative (Alternative 3) has been analyzed. Sonar hours for Alternative 3 and effects associated with ASW training would be identical to that presented under the No-action Alternative. Table 2.2.5-1 lists MFA/HFA sonar usage analyzed for the No-action Alternative and Alternative 3. Sonar usage is based on SPORTS data and operator input. Alternative 3 is the preferred alternative because it allows the Navy to meet its future non-ASW training and RDT&E mission objectives and avoid increases in potential effects to marine mammals above historic levels of ASW training in the HRC.
	D-T-0053-4	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary).
Bruce Douglas	D-T-0054-1	Biological Resources - Marine	4.1.2.4.2, 4.1.5.1.1	See response to comment D-E-0086-1.
	D-T-0054-2	Mitigation Measures	4.1.5.1.1	The divers will not be located where the active sonar is used. As stated in Section 4.1.5.1.1, research was conducted for mid-frequency active (MFA) sonar at the Naval Submarine Medical Research Laboratory and the Navy Experimental Diving Unit to determine permissible limits of exposure to MFA sonar. Based on this research, an unprotected diver could safely operate for over 1 hour at a distance of 1,000 yards from the Navy's most powerful sonar. At this distance, the sound pressure level will be approximately 190 dB. At 2,000 yards or approximately 1 nm, this same unprotected diver could operate for over 3 hours.



**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Bruce Douglas	D-T-0054-3	Biological Resources - Marine		Thank you for your comment.
	D-T-0054-4	Biological Resources - Marine	4.1.2.2	The EIS/OEIS includes new findings by Popper et al.(2007) who exposed rainbow trout, a fish sensitive to low frequencies, to high-intensity low-frequency sonar (215 dB re 1 µPa2 170-320 Hz) with receive level for two experimental groups estimated at 193 dB for 324 or 648 seconds. Fish exhibited a slight behavioral reaction, and one group exhibited a 20-dB auditory threshold shift at one frequency. No direct mortality, morphological changes, or physical trauma was noted as a result of these exposures. While low-frequency sonar is not included in the Proposed Action, these results of low-frequency sonar effects on low-frequency sensitive rainbow trout are encouraging in that similar results may be found with mid-frequency active sonar use when applied to mid-frequency sensitive fish.
	D-T-0054-5	Biological Resources - Marine	4.1.2.4.2, 4.1.5.1.1	See response to comment D-E-0086-1.
	D-T-0054-6	Program	2.2.1.3	As noted in Section 2.2.1.3, computer simulators and other types of simulation training tools are already used extensively in the Navy's training program. Computer technologies provide excellent tools for implementing a successful, integrated training program while reducing the risk and expense typically associated with training at sea. Although it is an essential component of training, computer simulation cannot substitute for the high-stress environment (such as personnel experience under combat conditions) that would be encountered during an actual non-training situation. Conducting all naval training by simulation is deemed inadequate and fails to meet the purpose and need of the Proposed Action. Therefore, this alternative was not carried forward for analysis.
Kahu Charles Maxwell	D-T-0055-1	Environmental Justice		Your comments regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense are noted but are beyond the scope of this EIS/OEIS.
	D-T-0055-2	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary).
	D-T-0055-3	Cultural Resources		Thank you for your comment.
Leslie Kuloloio --Protect Kaho'olawu Ohara	D-T-0056-1	Program		Navy practices conducted decades ago resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceed with the available funds.
David Jimenez	D-T-0057-1	Miscellaneous		Thank you for your comment.
Anita Wintner --Snorkel Bob Foundation	D-T-0058-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1. The area has been historically used by the Navy for training and RDT&E operations, including sonar.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Anita Wintner --Snorkel Bob Foundation	D-T-0058-2	Health and Safety	4.1.5.1.1	Human exposure to underwater noise is addressed in Section 4.1.5.1.1. Research was conducted for mid-frequency active (MFA) sonar at the Naval Submarine Medical Research Laboratory and the Navy Experimental Diving Unit to determine permissible limits of exposure to MFA sonar. Based on this research, an unprotected diver could safely operate for over 1 hour at a distance of 1,000 yards from the Navy's most powerful sonar. At this distance, the sound pressure level will be approximately 190 dB. At 2,000 yards or approximately 1 nm, this same unprotected diver could operate for over 3 hours. The Navy issues Notices to Mariners (NOTMARs) to alert commercial and recreational users, such as dive services, about upcoming at-sea training activities so that they may divert to open areas. To date, no member of the public has been exposed to unhealthful levels of underwater noise.
	D-T-0058-3	Biological Resources - Marine	4.1.2.2	The Navy recognizes that individual fish may be injured or killed as the result of several of the operations; however, these incidents are localized, and would not have a population impact on any individual species. The Navy has completed an Essential Fish Habitat and Coral Reef Assessment for the EIS/OEIS and concludes that Proposed Actions would not affect managed species (i.e., Essential Fish Habitat).
	D-T-0058-6	Biological Resources - Marine	3.1.2.3.2	The species description in Section 3.1.2.3.2 has been revised to include: "Since 1991, 81 nesting female hawksbills have been tagged on the Big Island at various locations, 22 tagged in the last 3 years. These do not include nesting females from Maui or Molokai which would add a small number to the total. While this appears to be an encouraging trend, Seitz and Kagimoto (2007) report that there are insufficient data to confirm an increasing population as yet.
	D-T-0058-9	Alternatives	4.1.2.4.11.2	Section 4.1.2.4.11.2 includes a discussion of specific stranding events that have been linked to potential sonar operations. Of note, these events represent a small overall number of animals over an 11 year period (approximately 40 animals) and not all worldwide strandings can be linked to naval activity.
Manuel Kuloloio	D-T-0059-1	Miscellaneous		Thank you for your comment.
Lisa Messenger	D-T-0060-1	Environmental Justice		Your comments regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense are noted but are beyond the scope of this EIS/OEIS.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Amber King	D-T-0061-1	Program		The Navy does take its environmental stewardship role seriously, providing funds, efforts, and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment. The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter, but a legal requirement under U.S. Code Title 10.
Jasmin Asis	D-T-0062-1	Biological Resources - Marine		Thank you for your comment.
Nicole Carbonel	D-T-0063-1	Land Use		All recreational services available to military personnel and civilians will remain at current status during non-hazardous training operations. Additionally, temporary clearance procedures for safety purposes have been employed regularly over time without significant impact on recreation.
Akahi Wahine --Trustee, Kingdom of Hawaii Nation Ministry Trust	D-T-0064-1	Land Use		Thank you for your comment.
David Bayly	D-T-0065-1	Miscellaneous		Thank you for your comment.
Eli Sheetz	D-T-0066-1	Alternatives		Thank you for your comment.
	D-T-0066-3	Biological Resources - Marine		Thank you for your comment.
	D-T-0066-4	Biological Resources - Marine		A take authorization is the number and species of marine mammal injuries (or Level A harassment) that could occur in the unlikely event that animals respond in the manner that leads to a stranding. Those numbers are authorized by NMFS.
Kristin McCleery	D-T-0067-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary language).
	D-T-0067-2	Biological Resources - Marine	4.1.2.4.11.2	Regarding the Bahamas stranding, see the discussion of stranding events in Section 4.1.2.4.11.2.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kristin McCleery	D-T-0067-3	Biological Resources - Marine	4.1.2.2	To summarize Section 4.1.2.2, based on the limited studies, there is some evidence that there could be minor impacts on fish (i.e., behavioral response or avoidance) from mid-frequency active (MFA) sonar, while in other studies, using hearing specialist species and intense exposure there has been severe impacts (i.e., death) to fish from MFA sonar. Also, exposure to a high intensity sound has been shown for some species to potentially damage the ears of fish, if left in close proximity (which generally they would avoid). However, most marine fishes are hearing generalists, with a hearing range generally below the mid-frequency bandwidth. Therefore, given a worst-case scenario (e.g., a hearing specialist fish in close proximity to the source and unable to relocate), there is the possibility of fish mortality. However, the loss of individuals in close proximity to the source would not result in population impacts on the species. Also, it is assumed that fish that could detect MFA sonar would vacate the area, as a behavioral response, which would be deemed a temporary, not a permanent, adverse impact. To summarize Section 4.1.2.3, the intensity of sound and how turtles sense it is dependent on them being able to "hear" at that frequency. Turtles do not hear mid-frequency sounds, so the intensity is irrelevant.
	D-T-0067-4	Biological Resources - Marine	4.1.2.3	See response to comment D-T-0067-3.
	D-T-0067-5	Health and Safety	4.1.5.1.1	Human exposure to underwater noise is addressed in Section 4.1.5.1.1. Research was conducted for mid-frequency active (MFA) sonar at the Naval Submarine Medical Research Laboratory and the Navy Experimental Diving Unit to determine permissible limits of exposure to MFA sonar. Based on this research, an unprotected diver could safely operate for over 1 hour at a distance of 1,000 yards from the Navy's most powerful sonar. At this distance, the sound pressure level will be approximately 190 dB. At 2,000 yards or approximately 1 nm, this same unprotected diver could operate for over 3 hours. The Navy issues Notices to Mariners (NOTMARs) to alert commercial and recreational users, such as dive services, about upcoming at-sea training activities so that they may divert to open areas. To date, no member of the public has been exposed to unhealthful levels of underwater noise.
Helen Schonwatter	D-T-0068-1	Biological Resources - Marine	3.2, 4.2	See response to comment D-W-0091-7. In addition, The Proposed Action includes no plan to use depleted uranium for training.
	D-T-0068-2	Transportation		Thank you for your comment.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Helen Schonwatter	D-T-0068-3	Biological Resources - Marine	1.2, 3.2, 3.7, 4.1.2.1, 4.2, 4.7	impacts on wildlife from an increase in frequency and tempo of operations would be similar to those described for the No-action Alternative since the additional training operations would be performed throughout the HRC and not confined to one particular area. It is therefore unlikely that an individual listed species or other wildlife offshore would be repeatedly exposed large shrapnel as a result of increased training operations.
	D-T-0068-4	Biological Resources - Marine	3.1.2.2.3, 4.1.2.2	Some fish can hear (see Section 3.1.2.2.3 - Fish Acoustics). The primary issue is what they are hearing. There have been studies documenting the impacts of sound (intensity and frequency) on fish, and some of the results are summarized in Section 3.1.2.2.3 and 4.1.2.2.
	D-T-0068-5	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.	Information about DU and any potential effects on personnel and the environment can be found in Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
Summer Starr	D-T-0069-1	Miscellaneous		Thank you for your comment.
Kboki Raymond	D-T-0070-1	Miscellaneous		Thank you for your comment.
Mary Groode	D-T-0071-1	Biological Resources - Marine		Your comments regarding the war on terror are noted but are outside the scope of this EIS/OEIS.
Christine Nonnenmacher	D-T-0072-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary).
	D-T-0072-2	Program		Thank you for your comment.
Pauahi Hookano	D-T-0073-1	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.	Information about DU and any potential effects on personnel and the environment can be found in Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
	D-T-0073-2	Health and Safety	4.1.5.1.1	Human exposure to underwater noise is addressed in Section 4.1.5.1.1. The Navy issues Notices to Mariners (NOTMARs) to alert commercial and recreational users, such as dive services, about upcoming at-sea training activities so that they may divert to open areas. During training exercises, Navy assets monitor the area to ensure that the public is not exposed to a health or safety risk. If non-participants are detected in the vicinity of an exercise, then it is delayed or postponed until those individuals have moved a safe distance away. With these measures in place, the Navy has an exemplary record of public safety. To date, no member of the public has been exposed to unhealthful levels of underwater noise.
Samuel Dolphin	D-T-0074-1	Miscellaneous		Thank you for your comment.
Cory Harden --Sierra Club, Mokuloa Group	D-T-0075-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.



**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Cory Harden --Sierra Club, Mokuloa Group	D-T-0075-2	Cumulative Impacts	5	Cumulative impacts are addressed in Chapter 5.0 of this EIS/OEIS.
	D-T-0075-3	Cumulative Impacts		Your comments regarding the Stryker Brigade Combat Team are noted but are outside the scope of this EIS/OEIS.
	D-T-0075-4	Health and Safety	4.2	The effects on the Northwestern Hawaiian Islands of missile debris are addressed in Section 4.2 of the EIS/OEIS.
Lanny Sinkin --Kingdom of Hawai'i	D-T-0076-1	Policy/NEPA Process		Thank you for your comment.
	D-T-0076-2	Alternatives		The 1998 observations referenced were in regard to use of low-frequency active (LFA) sonar. The use of LFA in the HRC is not part of the Proposed Action of this EIS/OEIS. In addition, your comment's characterization of the results of the tests is in error.
	D-T-0076-3	Policy/NEPA Process		This EIS/OEIS was prepared by the Department of the Navy in compliance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ), the Department of the Navy Procedures for implementing NEPA, and Executive Order 12114, which are all legal requirements. Additionally, NEPA is our basic national charter for protection of the environment. It establishes policy, sets goals, and provides means for carrying out the policy. Section 102(2) contains "action-forcing" provisions to make sure that Federal agencies act according to the letter and spirit of the Act. Their purpose is to tell Federal agencies what they must do to comply with the procedures and achieve the goals of the Act. The President, the Federal agencies, and the courts share responsibility for enforcing the Act so as to achieve the substantive requirements of Section 101.
	D-T-0076-4	Policy/NEPA Process		Thank you for your comment.
Lynn Nakkim	D-T-0077-1	Alternatives		The 1998 observations referenced were in regard to use of low-frequency active sonar. The use of low-frequency active sonar in the HRC is not part of the Proposed Action of this EIS/OEIS. In addition, your comment's characterization of the results of the tests is in error.
	D-T-0077-2	Alternatives		Thank you for your comment.
Reynolds Kamakawiwoole -- Twin Flame for God	D-T-0078-1	Miscellaneous		Thank you for your comment.
Kalei'ileihi Muller	D-T-0079-1	Policy/NEPA Process		Thank you for your comment.
	D-T-0079-2	Policy/NEPA Process		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Michael T. Hyson --Sirius Institute	D-T-0080-1	Biological Resources - Marine		Thank you for your comment.
Duane Erway	D-T-0081-1	Alternatives		Thank you for your comment.
Jim Albertini --Malu Anina Center For Non-Violent Education and Action	D-T-0083-1	Cumulative Impacts	5	Chapter 5.0 of the EIS/OEIS includes cumulative impacts associated with past, present, and reasonable foreseeable actions in the region of influence of the HRC.
Lee Tepley	D-T-0084-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
	D-T-0084-2	Alternatives		Thank you for your comment.
	D-T-0084-3	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
Dwight Vicente	D-T-0085-1	Policy/NEPA Process		Thank you for your comment.
Hans Mortensen --Keaukaha Community Association	D-T-0086-1	Airspace	3.6.2.1	Section 3.6.2.1 has been revised to state that there are no proposed activities in this EIS/OEIS that include Navy training at the Hilo International Airport. The State of Hawaii Department of Transportation, Airports Division operates and maintains the airport in conformity with environmental rules. Navy P-3 aircraft from Marine Corps Base Hawaii do currently perform infrequent practice approach and landing proficiency flights at Hilo International Airport and other airfields (e.g., Kona, Lihue, Kahului). The Navy P-3 has a limited flying schedule based on its home airfield, and operations only occur between 0730 and 2300 Monday through Thursday, 0730-2100 on Friday, and 0730-1600 on Saturday. There are no Sunday flights. Military aircraft activities make up a small percentage of the total aircraft activities at the Hilo International Airport. Based on FAA statistics for calendar year 2003, there were 99,415 total aircraft operations at the Hilo International Airport. Of these, only 11 percent were military aircraft; the remaining 89 percent were commercial. Preliminary statistics for the 12-month period ending 30 March 2007 indicates 9% of the flights were military.
	D-T-0086-2	Noise	3.6.2.1	See response to comment D-T-0086-1.
	D-T-0086-4	Air Quality	3.6.2.1	See response to comment D-T-0086-1.
Frank Vesperes	D-T-0087-1	Airspace	3.6.2.1	'See response to comment D-T-0086-1.
	D-T-0087-2	Airspace	3.6.2.1	See response to comment D-T-0086-1.
Moanikeala Akaka	D-T-0088-1	Program		Thank you for your comment.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Moanikeala Akaka	D-T-0088-2	Hazardous Materials and Waste		The Navy recognizes that past practices may have resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available. The Proposed Action described in this EIS/OEIS addresses a need to continue and enhance personnel training, which is unrelated to issues associated with historical contamination.
	D-T-0088-3	Cultural Resources		If cultural resources are unexpectedly encountered during training operations at any of the affected locations described in the EIS/OEIS, the appropriate Cultural Resources Manager (e.g., Schofield Barracks) will be contacted.
Jon Olson	D-T-0089-1	Program		Your comment regarding the ocean-floor monitoring system is noted but is not part of the Proposed Action and is outside the scope of this EIS/OEIS.
	D-T-0089-2	Alternatives	4.1.2.4.5, 6.0	See response to comment D-E-0086-1.
	D-T-0089-3	Program		Your comment regarding the supersonic torpedo is noted but is not part of the Proposed Action and is outside the scope of this EIS/OEIS.
	D-T-0089-4	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary).
Marjorie Erway	D-T-0090-1	Biological Resources - Marine	4.1.7.1.1	The HRC EIS/OEIS Proposed Action includes the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. More details on the analysis of potential impacts from these DU projectiles can be found in Section 4.1.7.1.1. This is the only use of DU in the HRC EIS/OEIS Proposed Action. Guidance provided to users of Pohakuloa Training Area will be followed.
	D-T-0090-2	Biological Resources - Marine	6.4.11.1, 6.4.12	The Navy would like to see more research. See Section 6.4.11.1 and 6.4.12 for information regarding future Navy research.
	D-T-0090-3	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary).
Manuel Kuloloio	D-T-0091-1	Miscellaneous		Thank you for your comment.
Cynthia Piano	D-T-0092-1	Miscellaneous		Thank you for your comment.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Shelley Stephens --Cultural Resource Mgt.	D-T-0093-1	Cumulative Impacts	4.1.7.1.1	<p>The Navy recognizes that past practices conducted decades ago resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceed with the available funds.</p> <p>The HRC EIS/OEIS Proposed Action includes the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. More details on the analysis of potential impacts from these DU projectiles can be found in Section 4.1.7.1.1. This is the only use of DU in the HRC EIS/OEIS Proposed Action.</p>
	D-T-0093-2	Environmental Justice		Your comments regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense are noted but are beyond the scope of this EIS/OEIS.
	D-T-0093-3	Program		Your comment regarding Kahoolawe's water lens is noted but is outside the scope of this EIS/OEIS.
	D-T-0093-4	Cultural Resources		The cultural resources described in applicable Open Ocean and offshore sections of the EIS/OEIS do not encompass any known underwater petroglyphs. A shark heiau (Hal-oKapuni), where human remains were offered to sharks, is said to be located offshore of Kawaihae Pier. Its precise location is unknown since it has been buried for decades.
	D-T-0093-5	Program		Your comment regarding activities with China and other ocean-mining proxies through the International Seabed Authority is noted but is outside the scope of this EIS/OEIS.
Star Newland --Cetacean Commonwealth and Sirius Institute	D-T-0094-1	Biological Resources - Marine	4.1.2.4	Section 4.1.2.4 includes analysis of impacts on marine mammals.
	D-T-0094-2	Biological Resources - Marine		A take authorization is the number and species of marine mammal injuries ( or Level A harassment) that could occur in the unlikely event that animals respond in the manner that leads to a stranding. Those numbers are authorized by NMFS.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Mark Van Doren	D-T-0095-1	Hazardous Materials and Waste	1.2, 3.2, 4.1.7.1.1, 4.2, 4.3.1.1.1	See response to comment D-W-0091-7. In addition, Sections 4.1.7.1.1 HRC Training Operations and 4.3.1.1.1 Biological Resources - PMRF Offshore (BARSTUR, BSURE, SWTR, Kingfisher) address training debris and the potential for leaching of toxic materials. As noted in the EIS, for missiles falling into the ocean, the principal source of potential impacts on water and sediment quality will be the unburned solid propellant residue and batteries. The remaining solid propellant fragments will sink to the ocean floor and change in the presence of seawater. Chemical leaching will occur throughout the settling period through the water column, and any leaching after the particles reached the bottom will be dispersed by currents. Therefore, localized and temporary impacts on benthic resources may occur, but no long-term impact is anticipated. The analysis concludes that the amounts and concentrations of debris will have no noticeable effect on ocean water quality and will affect an insignificant portion of the ocean bottom sediments. The use of nuclear weapons and relocating the HRC is outside the scope of the HRC EIS/OEIS.
Galen Kelly	D-T-0096-1	Miscellaneous		Thank you for your comment.
L. V. Kelley	D-T-0097-1	Biological Resources - Marine		Given that there have been no known injured marine mammals as a result of Navy training over decades of operation, it is very unlikely that there will be any injuries or fatalities to marine mammals in the future. However, the Navy will continue to coordinate with the Pacific Islands Office of the NMFS in regard to investigation of all marine mammal strandings. NMFS publishes a newsletter regarding all strandings in the Hawaiian Islands and it is likely that they will continue to inform the public in this regard.
	D-T-0097-2	Mitigation Measures	6	As described in Chapter 6.0, using non-Navy personnel onboard Navy vessels to provide surveillance of ASW or other exercise events would adversely impact military readiness activities, including personnel safety, and the practicality of implementation, and impact on the effectiveness of the military readiness activity. Security clearance issues would have to be overcome to allow non-Navy observers onboard exercise participants. Use of non-Navy observers is not necessary given that Navy lookouts are extensively trained in spotting items at or near the water surface.
Paul Norman	D-T-0098-1	Biological Resources - Marine	3.1.2	Analysis is based on NMFS stock assessments, as presented in Section 3.1.2, Affected Environment.
	D-T-0098-2	Biological Resources - Marine	4.1.2.2	Using the best available information, the Navy and NMFS as a cooperating agency are consulting with regard to biological resources to ensure that operations would not affect sensitive habitat and species.
Judy Walker	D-T-0099-1	Airspace	3.6.2.1	See response to comment D-T-0086-1.

**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Judy Walker	D-T-0099-2	Miscellaneous	3.1, 4.1	To assist the reader, Sections 3.1 and 4.1 of Chapters 3.0 and 4.0 present the affected open ocean environment and associated impact analysis relative to EO 12114. The remaining sections of Chapter 3.0 and 4.0 present the affected environment and impact analysis relative to NEPA for offshore and onshore areas. Chapters 3 and 4 are further arranged according to islands from west to east: Northwestern Hawaiian Islands, Kauai, Oahu, Maui, and Hawaii. For organizational purposes in this document, discussions about Niihau and Kaula are included under the Kauai heading, because although they are separate islands, they are part of Kauai County. In addition, discussions about Molokai are included under the Maui heading, because although it is a separate island, it is part of Maui County.
	D-T-0099-3	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary).
	D-T-0099-4	Policy/NEPA Process	11	The Navy sought input from the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) in the preparation of the assessment in the EIS/OEIS. Chapter 11.0 lists all Federal, state, and local agencies and individuals contacted during the preparation of the EIS/OEIS. This input was sought in order to provide, to the extent possible/practicable, a "real assessment."
	D-T-0099-5	Biological Resources - Marine	4.1.2.3	Section 4.1.2.3, Sea Turtles (Biological Resources - Open Ocean), has been updated. This section includes analysis for sea turtles regarding the proposed training and RDT&E activities in the HRC.
	D-T-0099-6	Biological Resources - Marine	6.0	Chapter 6.0, Mitigation Measures, has been updated to reflect the Navy's current mitigation measures and their use of the best available science balanced with the National Marine Fisheries Service (NMFS) approach and the requirements of the Navy to train.
Bunny Smith	D-T-0100-1	Program		The Navy does take its environmental stewardship role seriously, providing funds, efforts and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment. The requirement to have a trained and prepared naval force is not a discretionary matter, but a legal requirement under U.S. Code Title 10.



**Table 13.4.3-2. Responses to Public Hearing Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Bunny Smith	D-T-0100-2	Noise		<p>The increased activities proposed at Bradshaw Army Airfield could result in minor additional use of rotary wing aircraft within in the currently defined areas for reconnaissance and survey inserts. These additional training events would produce noise levels similar to the current levels at Bradshaw Army Airfield.</p> <p>Current training at Kawaihae Pier include Expeditionary Assault and Special Warfare Operations. The training proposed for Alternatives 1, 2, and 3 at Kawaihae Pier would be the same and would produced noise levels similar to those currently produced during Navy training events. The proposed training would be considered individual events and would not occur simultaneously.</p> <p>See response to comment D-W-0097-30 regarding noise levels at Pohakuloa Training Area.</p>
	D-T-0100-3	Biological Resources - Marine		<p>The effects of noise on wildlife vary from serious to no effect in different species and situations. Behavioral responses to noise also vary from startling to retreat from favorable habitat. Animals can also be very sensitive to sounds in some situations and very insensitive to the same sounds in other situations. (Larkin, 1996) Noise from launches and other operations may startle nearby wildlife and cause flushing behavior in birds, but this startle reaction would be of short duration. The increased presence of personnel, vehicles, helicopters, and landing craft immediately before a launch would tend to cause birds and other mobile species of wildlife to temporarily leave the area that would be subject to the highest level of launch noise.</p> <p>Impacts on wildlife from an increase in frequency and tempo of training would be similar to those described for the No-action Alternative since the additional training would be performed throughout the HRC and not confined to one particular area. It is therefore unlikely that an individual listed species or other wildlife offshore would be repeatedly exposed to noise, debris, EMR, or emissions as a result of increased training.</p>
Kurt De Keukeleere	D-T-0101-1	Miscellaneous		Thank you for your comment.

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## 13.4.4 WEBMAIL PUBLIC COMMENTS

One hundred three people commented via the public HRC EIS/OEIS website.

Table 13.4.4-1 presents individuals who commented using the website, with their respective commenter identification number. This number can be used to find the written document that was submitted and to locate the corresponding table on which responses to each comment are provided.

Exhibit 13.4.4-1 presents reproductions of the webmails that were received commenting on the Draft EIS/OEIS. Webmails are identified by commenter ID number, and each statement or question that was categorized as addressing a separate environmental issue is designated with a sequential comment number.

Table 13.4.4-2 presents the responses to webmail comments on the Draft EIS/OEIS. Responses to specific comments can be found by locating the corresponding commenter ID number and sequential comment number identifiers.

**Table 13.4.4-1. Commenters on the HRC Draft EIS/OEIS (Webmail)**

Commenter	Comment ID	Commenter	Comment ID
Reuben Balmores	D-N-0072	Kauwila Duell	D-N-0095
Carlyn Battilla	D-N-0052	Evelyn Dymkowski	D-N-0084
Marguerite Beavers	D-N-0035	Roscoe Flora	D-N-0068
Marguerite Beavers	D-N-0094	Ronald Fujiyoshi	D-N-0060
Bonnie Beck	D-N-0011	Tova Fuller	D-N-0077
Elyse Bekins	D-N-0102	Errol Gard	D-N-0045
Gaye Berger	D-N-0019	Karen Giles	D-N-0073
Linda Bonura	D-N-0030	Ernest Goitein	D-N-0020
Lee Bowden	D-N-0044	Paul Grossman	D-N-0028
Megan Bowman	D-N-0105	Samadhi Haapala	D-N-0064
Nancy Bracewell	D-N-0006	Brett Hartl	D-N-0004
Nancy Bracewell	D-N-0007	Don Hirth	D-N-0031
Phyllis Brown	D-N-0009	Russell Hoffman	D-N-0071
Phyllis Brown	D-N-0037	Daniel Hoffman	D-N-0079
Carla Buscaglia	D-N-0047	Jennifer Jastrab	D-N-0106
Dennis Chaquette	D-N-0089	Margo Johnson	D-N-0061
Therese Coniglio	D-N-0049	Stephen Jones	D-N-0051
John Cragg	D-N-0104	Elle Jordan	D-N-0040
Emily Dale	D-N-0039	Sharon Kaczorowski	D-N-0069
Adam Davis	D-N-0046	David Kane	D-N-0027
Betty Dean	D-N-0054	Terrilee Kekoolani	D-N-0087
Peter Dearman	D-N-0074	Seth Kowitz	D-N-0080
Laurel Douglass	D-N-0022	Lindafaye Kroll	D-N-0070

**Table 13.4.4-1. Commenters on the HRC Draft EIS/OEIS (Webmail) (Continued)**

<b>Commenter</b>	<b>Comment ID</b>	<b>Commenter</b>	<b>Comment ID</b>
Miriam Kurland	D-N-0083	Elizabeth Robbins	D-N-0101
Mark Lacas	D-N-0067	Puanani Rogers	D-N-0005
James LaGarde	D-N-0078	Gayle Roller	D-N-0029
Joy Layman	D-N-0097	Frederick Ruch	D-N-0016
Patricia Lemon	D-N-0107	Pat Rydz	D-N-0076
Nancy Levis	D-N-0001	Joseph Sanchez	D-N-0017
Bill Lewis	D-N-0018	Beth Saxon	D-N-0081
Lisa Long	D-N-0036	Christoper Schwartz	D-N-0053
Kristi Lyons	D-N-0002	Sherry Scdt	D-N-0092
Natalie MacIntyre	D-N-0099	Rev. Mark Seydel	D-N-0012
Kayla Makortoff	D-N-0021	Sherry Sharp	D-N-0042
Shyrl Matias	D-N-0066	Renee Siegel	D-N-0090
Michael McAvoy	D-N-0059	Serge Simard	D-N-0025
Kathy McElwain	D-N-0108	George Simich	D-N-0023
Pono McNeil	D-N-0082	Darla Sparks	D-N-0085
Jean Merrigan	D-N-0008	Lionel Standish	D-N-0050
Harriet Mitteldorf	D-N-0034	Audrey Stanzler	D-N-0057
Robert Miyake-Stoner	D-N-0024	Lynn Surgalla	D-N-0013
Shannon Monkowski	D-N-0063	Roxie Sylva	D-N-0093
Patti Montgomery	D-N-0065	Angela Tafarl	D-N-0041
Barbara Moore	D-N-0103	Nancy Tally	D-N-0038
Bonnie Morgan	D-N-0062	Simon Teolis	D-N-0026
Patricia Nelson	D-N-0058	Christal Walker	D-N-0096
Lela Nickel	D-N-0048	Gemma Walsh	D-N-0010
PI Norton	D-N-0032	Margaret Watson	D-N-0091
Kem Patrick	D-N-0043	Anna Webb	D-N-0055
Janet Rapoport	D-N-0088	Joe Whetstone	D-N-0075
Albert Ritchey, Jr.	D-N-0098	Janus Wilhlem	D-N-0033
Sharon Ritchie	D-N-0056		

	<div>COMMENT NUMBER</div> <div>D-N-0001</div>		<div>COMMENT NUMBER</div> <div>D-N-0002</div>
<div>First Name: nancy</div> <div>Last_Name: levis</div> <div>Organization:</div> <div>City: Koloa</div> <div>State: Hi</div> <div>Date Submitted: 9/1/2007</div> <div>Comment:</div> <div>I am opposed to the sonar testing. It is not worth the risk to our marine life. The environment is already under enough stress. Would you swim in the water during these tests? If the answer is NO then don't do it...and tell others. We need intelligent leadership...we have enough sheep....</div>	<div>1</div>	<div>First Name: Kristi</div> <div>Last_Name: Lyons</div> <div>Organization:</div> <div>City: Olympia</div> <div>State: WA</div> <div>Date Submitted: 9/1/2007</div> <div>Comment:</div> <div>I am very much against the sonar testing in the Hawaii waters or any waters of that matter. The marine animals are already under enough stress due to activities the waters all over the world. It does not make sense to be disrupting marine life and possibly create havoc under waters especially at a time like this where there is already too much pollution. We don't need mass destructive weapons and invasive corruptive technology in order to live in peace. This isn't a cold war and it's completely unnecessary to be using this kind of equipment at this time.</div>	<div>1</div>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS

	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Brett Last_Name: Hartl Organization: City: Solana Beach State: CA Date Submitted: 9/2/2007 Comment:</p> <p>I am against Alternative 1 and I am against Alternative 2. I support the Navy maintaining the No-Action Alternative. In the EIS, the Navy contends that the Hawaiian Monk Seal critical habitat extends to the 20 fathom line. It is pathetic and ridiculous that the Navy uses a NMFS document from 1988 to support this claim. Anyone who has seen a documentary from the the past 10 years know that Hawaiian Monk Seals regularly forage at depths up to 200 fathoms. The Navy is willing to disregard all relevant scientific information to support its claims.</p> <p>The Navy acknowledges in its EIS that Pacific Right Whales rarely enter Hawaiian waters, yet they make no other mention of any actions pertaining to what would be done if a right whale were to be in the area. The Pacific Northern Right Whale is the most endangered marine mammal on earth. Again, the Navy fails to include precautionary plans to help preserve this critically endangered species.</p> <p>Finally, just a few days ago, an article was published about the recent discovery of many new sounds that</p>	<p>D-N-0004</p> <p>1</p> <p>2</p> <p>3</p>	<p>Humpback Whales make while foraging at night. These acoustic sounds occur at different frequencies than were previously known that Humpback Whales could emit. Again, the Navy fails to produce a precautionary plan to protect marine mammals from the extremely damaging effects of sonar.</p> <p>It is sad that the Navy continues to justify its' unnecessary war games as vital to our national security during war time. I am pretty sure that Afghanistan is a landlocked country, and that the conflict in Iraq is primarily a land based conflict. If perhaps the Navy could more clearly articulate the actual threat the United States faces from any other nation's Navy, its statements would have more credibility. As it is, there is no credible reason for approving Alternative One or Alternative Two.</p> <p>Sincerely,</p> <p>Brett Hartl</p>	<p>D-N-0004 (cont.)</p> <p>1</p> <p>4</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Puanani Last_Name: Rogers Organization: Ho`okipa Network City: Kapaa State: HI Date Submitted: 9/12/2007 Comment: AUGUST 21, 2007 LIHUE, KAUAI</p> <p>TESTIMONY GIVEN RE: HAWAII RANGE COMPLEX DEIS/OEIS</p> <p>TO: Commander Kutkowski, and affiliates of the Hawaii Range Complex EIS/OEIS.</p> <p>E welina kakou....greetings to everyone see and unseen.</p> <p>For the record, my name is Puanani Rogers and I was born, raised and still live in the Ahupua`a o Kealia, Mokupuni o Kaua`i. I live with my children and grandchildren and have been raised by my parents and grandparents who taught me that we need to always be aware of the importance of raising our children to take the responsibility or kuleana of caring for our ohana and ka `aina, i.e. lands and rich resources of our island, and to live in harmony with nature. I speak for my ancestors who have passed down this knowledge to us as well as</p>	D-N-0005	<p>for my descendants and future generations who will inherit this responsibility. It is a responsibility that I must obey. It is Ke Akua's will that I do so.</p> <p>I speak in strong opposition of any growth or enhancement of any military activities on our precious and sacred lands of Hawaii. My opposition is based on the past history of the US military presence here. It has not been good neighborly, as you imply....instead you have caused more destruction to our lands and resources than any other entity in Hawaii, including taking the lives of our men and women in your wars. The military already occupies over 245,000 acres of Hawaiian lands; that is more than we want to give up so you can't ask for more. Just today we read in the newspapers that Depleted Uranium has been found on our lands. The surrounding waters of Oahu and Kaho`olawe is filled with military ordnances that are poisoning our waters and marine life. I oppose your use of underwater sonar in our waters that pose a danger to whales and dolphins. The military has admitted that there are 828 contaminated sites on our lands. These sites include chemical and biological weapons testing ares, jungle warfare training, bombing, rocket and live fire ranges. PMRF is on this island and that makes us a threat as a target for enemy weapons. This must stop. MILITARY MUST CLEAN UP! NOT BUILD UP!</p> <p>Does this EIS/OEIS mention any of these facts. What a joke! As far as I'm concerned this document should be called a DRAFT EXEMPTIONS IMPACT STATEMENT.</p>	<p>D-N-0005 (cont.)</p> <p>1</p> <p>2</p> <p>1</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>It is filled with military "exemptions" and empty of any protections and concerns of our lands and precious resources, nor does it have any clues bout how we, as natives of this land, care and feel about the lands culturally and spiritually. You people are culturally and spiritually void!!</p> <p>War games and weapons of mass destruction is for killing people. People who foster wars are criminals. Thou shalt not kill...that is Ke Akua's law...a universal law that is above any government laws!</p> <p>We need to malama ka `aina, if you destroy our lands and waters, we will have no future for our unborn generations. Please stop the destruction now and de-occupy our lands after you clean up all the damage done.</p> <p>Aloha and mahalo for this opportunity to comment.</p> <p>Puanani Rogers Ahupua`a o Kealia, Kaua`i Kingdom of Hawaii</p>	<p>D-N-0005 (cont.)</p> <p>3</p>	<p>First Name: Nancy Last_Name: Bracewell Organization: City: Birmingham State: AL Date Submitted: 9/12/2007 Comment: The U.S. Navy is charged to protect and defend. This action does NOT protect and defend, but attacks and damages the people, the environment, the marine life, and all life. The effects of any radioactive weapons used will last -- as far as we are concerned -- FOREVER. This is madness. Of WHOM are we AFRAID? WHO is prepared to attack the great big strong USA? This is ridiculous and a waste of lives and money, not to mention the waste already mentioned!</p>	<p>D-N-0006</p> <p>1</p> <p>2</p> <p>1</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Nancy Last_Name: Bracewell Organization: City: Birmingham State: AL Date Submitted: 9/12/2007 Comment: This "training" in Hawaii is beyond ridiculous: It is damaging, an insult to the Island State, detrimental to all life in the area -- both animal and man! There is no excuse for training exercises for an enemy that does not exist. There is no navy on earth that could possibly attack the great big strong USA. The generations of over-spending in a WAR budget have made that a definite fact. No, NOT the Defense budget, a WAR budget! The people are NOT fooled. This is an outrageous waste of manpower, resources, citizens, and all life! The radiation in weapons alone is damaging to the ones using the weapons as well as all others. The job of the Navy is to protect and defend. These are not defensive weapons and there is NO need for this exercise.</p>	<p>D-N-0007</p> <p>1</p>	<p>First Name: Jean Last_Name: Merrigan Organization: WILPF City: Santa Cruz State: CA Date Submitted: 9/12/2007 Comment: I do not support military expansion in the Hawaii Range Complex and reject Alternatives 1 and 2. It seems crazy to me that the US Navy wants to mess up paradise with its war games. Why don't you just get your snorkels out, jump in the warm water, and enjoy the beautiful marine life, instead of destroying it???</p>	<p>D-N-0008</p> <p>1</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

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<p>First Name: Phyllis Last_Name: Brown Organization: none City: Petaluma State: CA Date Submitted: 9/13/2007 Comment: Please do NOT allow the government to carry throught on their war games against the waters off Hawaii! This would endanger all the fish, qwhales &amp; dolphins! Sonar has already played havoc with the whales. Do all within your power to STOP this!! The Hawaiaian people depend on the sea liofe to make their living. Inroads of mainload civilization has already destroyed much of their native culture and spiritual philosophy to the point most of them are deopendant on us now to earn a living.</p>		<p>First Name: Gemma Last_Name: Walsh Organization: City: London State: Date Submitted: 9/13/2007 Comment: As an Australian living in the UK I have no personal ties with Hawaii or its people. But I am still disgusted at the proposal to test and develop weapons on such a sensitive eco system. Surely even America can see that the weapons will be useless if there is no world left within which to use them.</p>							

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div> <div>D-N-0011</div> <div>1</div>		<div>COMMENT NUMBER</div> <div>D-N-0012</div> <div>1</div>
<div>First Name: Bonnie</div> <div>Last_Name: Beck</div> <div>Organization: The People of Earth</div> <div>City: Perkasio</div> <div>State: PA</div> <div>Date Submitted: 9/13/2007</div> <div>Comment:</div> <div>The Navy is to protect the EARTH , PEOPLE , And ANIMALS . Why are they DESTROYING the PEOPLE , SEA ,FISH ,and the EARTH ???? STOP , STOP , STOP BEFORE the whole Planet is DESTROYED . PLEASE STOP</div>		<div>First Name: Rev. Mark</div> <div>Last_Name: Seydel</div> <div>Organization:</div> <div>City: Warrington</div> <div>State: PA</div> <div>Date Submitted: 9/13/2007</div> <div>Comment:</div> <div>Very interesting article considering there are many thing going on today to increase and perfect our military. War games and exercises have become quite commonplace. There were "war games/exercises" on 9/11 that involved plains crashing into buildings. At the exact same time the bombings happened in London there were "war games/exercises" going on involving the scenario that actually took place. In October (15th-20th) there are going to be "war games/exercises " involving the implementation of martial law. Do people still think this is coincidence?</div>	

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER			COMMENT NUMBER
	D-N-0013			D-N-0016
First Name: Lynn Last_Name: Surgalla Organization: ny911truth City: Monmouth Beach State: NJ Date Submitted: 9/13/2007 Comment: The filthy, depraved, TREASONOUS WAR-CRIMINALS who perpetrate CRIMES AGAINST HUMANITY and AGAINST ALL LIFE-ON-EARTH (for whatever selfish, personal motives) WILL EVENTUALLY DIE. THEY WILL THEN REINCARNATE IN HELL --> PROBABLY AS MUTATED, SUFFERING DEPLETED-URANIUM-BABIES (OF SOME SPECIES)FOR AS LONG AS EARTH WILL BE RADIOACTIVE (4.5 BILLION YEARS!!!). The REST OF US will return into the LIGHT, undefined.	1	First Name: Frederick Last_Name: Ruch Organization: City: North Olmsted State: OH Date Submitted: 9/13/2007 Comment: Stop this this excessive, fear-based activity now!	1	

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)



	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-N-0017</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-N-0017	1		<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-N-0018</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-N-0018	1
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<p>First Name: Joseph Last_Name: Sanchez Organization: City: State: Date Submitted: 9/13/2007 Comment: I do not support any military expansion in the Hawaii Range Complex and reject both Alternatives 1 and 2, and insist instead that our government protects and defends Hawaii (its land, its ocean, its wildlife, and its people) from further harm and degradation.</p>		<p>First Name: bill Last_Name: lewis Organization: City: Sandpoint State: ID Date Submitted: 9/13/2007 Comment: All military training exercises within the environmental zone of the Hawaiian Islands should be suspended immediately. A complete public environmental assessment should follow. These islands and its people need to be protected and cleaned up in accordance with prior military actions and maneuvers and all military ceased for all time.</p>							

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

		COMMENT NUMBER			COMMENT NUMBER
		D-N-0019			D-N-0020
<p>First Name:       Gaye Last_Name:       Berger Organization: City: State:            CA Date Submitted:  9/13/2007 Comment: I am against military testing of weapons, particularly nuclear, in the area of the Hawaiian Islands. I believe it will be detrimental to the environment and peoples of Hawaii!</p>		1	<p>First Name:       Ernest Last_Name:       Goitein Organization: City:             Atherton State:            CA Date Submitted:  9/13/2007 Comment: The military behave like small children playing with their toys. Unaware or uneducated about the consequences of their games. Like small children we must stop the irreversible damage being done to our environment. Once destroyed it cannot be returned. I suppose it goes with the mindset of killing for which the military are trained. Retraining to respect life is what is needed now.</p>		1

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div> <div>D-N-0021</div> <div>1</div>		<div>COMMENT NUMBER</div> <div>D-N-0022</div> <div>1</div>
<div>First Name: Kayla</div> <div>Last_Name: Makortoff</div> <div>Organization:</div> <div>City:</div> <div>State:</div> <div>Date Submitted: 9/13/2007</div> <div>Comment:</div> <div>SAVE THE HAWAIIN COAST</div>		<div>First Name: laurel</div> <div>Last_Name: douglass</div> <div>Organization:</div> <div>City:</div> <div>State:</div> <div>Date Submitted: 9/13/2007</div> <div>Comment:</div> <div>Please, dear government of America,, spare our dear Hawaii from any further expansion of war maneuvers. Hawaii has always welcomed all people from all nations and kingdoms here....harbors open to all....even fugitives from other lands... if they followed our peaceful ways.</div> <div>Even the mammoth whales come here to have their children, knowing it is a fair and safe haven. Do not despoil this precious place.....under any guise.....under any excuse.....under any codicil or amendment or law of any land. We treasure our home land as you perhaps do yours.</div> <div>with aloha for all, with malice toward none.</div>	

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div> <div>D-N-0023</div>		<div>COMMENT NUMBER</div> <div>D-N-0024</div>
<div>First Name: George</div> <div>Last_Name: Simich</div> <div>Organization: Victoria Street News</div> <div>City: Nanaimo</div> <div>State: BC</div> <div>Date Submitted: 9/13/2007</div> <div>Comment:</div> <div>To whom this may concern:</div> <div>Stop! Stop what you are cavalierly doing to this planet. To the neocons and neoliberals of the world, have you ever considered suicide--think about it. Christo-fascists going to heaven to sit on the Right hand of your pissy, little God. Kill yourselves, not this planet; we need this planet to survive, but we do not need you. Spare Hawaii, spare the planet, spare us--do yourself and us a favour; cut your wrists; swallow some pills; stick your favourite toy--guns--in your mouth and kill yourself. Those pearly gates are waiting.</div> <div>Peace</div> <div>George Simich</div>	<div>1</div>	<div>First Name: Robert</div> <div>Last_Name: Miyake-Stoner</div> <div>Organization:</div> <div>City: Aiea</div> <div>State: HI</div> <div>Date Submitted: 9/13/2007</div> <div>Comment:</div> <div>I do not support any military expansion in the Hawaii Range Complex. Furthermore, I reject both Alternatives 1 and 2. Instead, I insist that our government protect and defend Hawaii (its land, its ocean, its wildlife, and its people) from further harm and degradation.</div>	<div>1</div>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Serge Last_Name: Simard Organization: Atomic Credit City: Trois-Rivières State: Date Submitted: 9/13/2007 Comment: Since I have been irradiated or contaminated at the Gentilly 1 Nuclear Plant in Quebec, my life have been a hell. In my dreams I was thinking to go in Hawaii one day but Hydro-Quebec made this trip impossible after I have become a whistleblower in the nuclear plant that was a mess. Hope you will maintain this marvelous water blue as it was in my dreams.</p> <p>Sincerely</p> <p>Serge Simard</p>	<p>D-N-0025</p> <p>1</p>	<p>First Name: Simon Last_Name: Teolis Organization: City: Santa Fe State: NM Date Submitted: 9/13/2007 Comment: Obviously America will not be happy until we have destroyed or defiled every single creature and pristine environment that God ever created, but let's look at the bright side, perhaps by that time we will have taken ourselves out of the picture!</p>	<p>D-N-0026</p> <p>1</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: David Last_Name: Kane Organization: City: Brooklyn State: NY Date Submitted: 9/13/2007 Comment:</p> <p>With the recent discoveries of hundreds of heretofore unknown species -- with equally unknown chemical properties, that likely will give us whole new ways of fighting and curing diseases -- a Vast Untapped Database of Knowledge lies in the oceans and it is as irresponsible to ignore the damage that active naval systems can have on this irreplaceable treasure as it is to ignore the greenhouse gases that are driving global warming.</p> <p>We need someone to protect us from our own Navy when it comes to using the oceans to further test technologies known to harm ocean dwellers and even more dangerous to test new technologies on our distant ancestors who likely hold the keys to many questions we have concerning aging and evolution.</p> <p>We need to set our priorities and it should be Obvious that our priority should be to life, not to death. The Navy, of course, sees things differently. That is their job. Our job is to protect the world our children will inherit. Will it be a world of war, or a world of peace.</p> <p>What kind of world do you want your children's children to inherit from you?</p>	<p>D-N-0027</p> <p>1</p>	<p>First Name: Paul Last_Name: Grossman Organization: City: Plano State: TX Date Submitted: 9/13/2007 Comment:</p> <p>Please stop being one of the major factors in the destruction of the wildlife of this planet !!!!</p>	<p>D-N-0028</p> <p>1</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Gayle Last_Name: Roller Organization: City: State: Date Submitted: 9/13/2007 Comment: What complete disrespect! Deafen and kill more whales, poison water and people through your "games" around Hawaii. Tone it down.</p>	<p>D-N-0029</p> <p>1</p>	<p>First Name: Linda Last_Name: Bonura Organization: City: Denham Springs State: LA Date Submitted: 9/13/2007 Comment: Aloha! I just found out that the Navy is planning on expanding its war games and numerous new weapon "toys" in an area of 235,000 square nautical miles around Hawaii! Incredibly, the Navy is proposing a major upgrading and expansion - in order to do more research, development, testing, and evaluation of military weapons and systems, to the tune of 140 (that is One Hundred Forty) projects, including even the use of Directed Energy Laser Weapons.</p> <p>Why are they doing this? According to Section of the Environmental Impact Statement, "The purpose for the proposed action is to: achieve and maintain fleet readiness using the HRC to support and conduct current, emerging, and future training events and RDT&amp;E training and testing events; (2) expand warfare missions [Note: anti-war activists beware!] supported by the HRC, consistent with the requirements of the FRTP and other transformation initiatives; and (3) upgrade/modernize existing range capabilities to enhance and ensure the sustainability of</p>	<p>D-N-0030</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>Navy training and testing. The Proposed Action is needed to provide combat capable forces ready to deploy worldwide"...</p> <p>For those wondering about radioactivity? I found mention of the words "radioactive materials" four times within Volume 3. One gets the feeling that, as usual, in its military "test" sites, Uncle Sam's not planning on just shooting blanks!</p> <p>The adverse impact on whales, other marine wildlife, the air, and ocean is unfathomable. I will allow you to imagine what effects these weapons will have upon the environment and wildlife, and also, sadly, upon the health of the Hawaiian people.</p> <p>Can we possibly get enough international outrage going within four (4) days to stop the Navy from getting away with this expansion that appears in only 2 (!) articles from Hawaii newspapers in a Google news search? The link to one of the article links is below. The other is filled with falsehoods (i.e, how great weapons testing is for whales) and is thus omitted. As you will soon discover for yourself, the Environmental Impact Statement for the Hawaii Range Complex is already filled with enough deception for one night's reading.</p> <p>Can we do this? Or better put, how can we NOT do this? Can we stop the US military from further ruining the</p>	<p>D-N-0030 (cont.)</p> <p>1</p> <p>2</p> <p>3</p>	<p>waters and marine wildlife around America's Hawaiian Paradise? Admittedly, it's a long shot. But isn't saving Hawaii and the Pacific Ocean worth a try?</p>	<p>D-N-0030 (cont.)</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Don Last_Name: Hirth Organization: retired City: State: Date Submitted: 9/13/2007 Comment: This proposed act borders on almost complete insanity! Whales, dolphins and fish deserve a decent chance to survive and thrive. Our so called leaders appear facinated with even more devastating weapons. We have more than enough of them, now. When will these evils stop?</p>	<p>D-N-0031</p> <p>1</p>	<p>First Name: PI Last_Name: Norton Organization: City: Lewes State: DE Date Submitted: 9/13/2007 Comment: Hawaii is not the military's play ground. Please stand the military and its games down in Hawaii and the Pacific.</p>	<p>D-N-0032</p> <p>1</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

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<p>First Name: Janus Last_Name: Wilhlem Organization: City: salem State: or Date Submitted: 9/13/2007 Comment: Stop plans that will devastate the ocean life around Hawaii or anywhere else. How can these war games be considered more important than life on our planet? This is about our grandchildren, not only sealife. My grandkids, and yours too!</p>		<p>First Name: harriet Last_Name: mitteldorf Organization: City: Pebble Beach State: CA Date Submitted: 9/14/2007 Comment: I do not support any military expansion in the Hawaii Range Complex nor Alternatives 1 and 2. I believe our government should respect ocean wildlife and avoid any damaging behavior.</p>							

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Marguerite Last_Name: Beavers Organization: by Divine Design City: Kihei State: HI Date Submitted: 9/14/2007 Comment: PLEASE stop this foolishness. We will not get another chance to stop the madness if we don't do it now.</p>	<p>D-N-0035</p> <p>1</p>	<p>First Name: Lisa Last_Name: Long Organization: ResurrectingLiberty.com City: Holualoa State: HI Date Submitted: 9/14/2007 Comment: I support our armed forces, and believe they should be strong. But I do not support more and more military buildup.</p> <p>And I do not support weapons of mass destruction in our back yard.. or used in highly sensitive areas of the endangered species of the Hawaiian Islands, or used around and on civilian populations, ours or any others.</p> <p>This must stop.. we have turned into a war nation. America the Free is now America the Oppressor.</p> <p>1000% NO!</p>	<p>D-N-0036</p> <p>1</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
	D-N-0037		D-N-0038
First Name: Phyllis Last_Name: Brown Organization: none City: Petaluma State: CA Date Submitted: 9/14/2007 Comment: Please don't allow our weapons program to affect our fish and wildlife!	1	First Name: Nancy Last_Name: Tally Organization: City: Lenexa State: KS Date Submitted: 9/14/2007 Comment: Stop hurting one of the most beautiful places on earth, are earth is being destroyed by our own government, the waters around Hawaii should not be endangered,, stop before it is to late,	1

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Emily Last_Name: Dale Organization: City: Franklin State: NC Date Submitted: 9/14/2007 Comment: Weapons testing in the area surrounding the Hawaiian Islands may push the destruction of marine life there over the brink. With global warming already affecting the oceans deleteriously, weapons testing activity may sound the death knell for millions of aquatic species. There will be a ripple effect on the entire food chain in that area.</p> <p>The United States Navy was never intended to eliminate marine life, and yet this is repeated over and over again through wanton weapons testing.</p> <p>Please reconsider your plans and find less harmful ways to do these activities.</p>	<p>D-N-0039</p> <p>1</p>	<p>First Name: Elle Last_Name: Jordan Organization: Care 2 City: Cambridge State: MA Date Submitted: 9/14/2007 Comment: This is totally unexceptable and it will effect the health of people on the islands. What can they be thinking of? That is the problem, they aren't thinking at all. This doesn't make sense. Fighting in Iraq to protect this country? Then they do things like this. Senseless!</p>	<p>D-N-0040</p> <p>1</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

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D-N-0042									
1									
<p>First Name: Angela Last_Name: Tafarl Organization: City: State: Date Submitted: 9/14/2007 Comment: STOP! HOLD IT RIGHT THERE! THE PACIFIC PARADISE BELONGS TO EVERYONE. WE ARE CLAIMING OUR SOVEREIGNTY NOW. NO MORE MILITARY OPRESSION. THIS ACTION IS DESTRUCTIVE IN INTENT TO THE MARINE LIFE, HUMAN LIFE QUALITY,THE OCEAN, AIR, AND PEOPLE. WE PROTEST. DO NOT TRY TO FURTHER SPREAD MILITARISM, WAR, AND DESTRUCTIVE ACTS. THIS IS NOT REPRESENTATIVE OF WHAT THE PEOPLE WANT. NUCLEAR WEAPON AGE IS OVER. PLEASE MOVE ON TO PEACE. MAHALO.</p>		<p>First Name: Sherry Last_Name: Sharp Organization: s/e City: Beaumont State: TX Date Submitted: 9/14/2007 Comment: I emlore you not go forward with these exercises. There is absolutely no justification to jeopardize human life, wildlife, our environment of air and sea in such an irresponsible and reckless way! If these exercises must be taken, then measures must be put into place to do so without such dire circumstances!</p>							

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Kem Last_Name: Patrick Organization: City: State: Date Submitted: 9/14/2007 Comment: An "depleted uranium" artillery shell, is ten pounds of DU. When fired, the result is billions of nano-particles of ceramic oxide, radio-active dust, taken up into the air to be wind blown wherever the breezes may take it. If a single microscopic particle is inhaled, cancer is likely is the result. Is the Navy, like the Army, who have already admitted they have done in Hawaii, going to be firing DU ammunition?</p>	<p>D-N-0043</p> <p>1</p>	<p>First Name: Lee Last_Name: Bowden Organization: City: Hilo State: HI Date Submitted: 9/14/2007 Comment: The military must act as a good neighbor if it is to operate in the NRC. We will not stand by idly and see our environment and marine life abused.</p>	<p>D-N-0044</p> <p>1</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div> <div>D-N-0045</div> <div>1</div>		<div>COMMENT NUMBER</div> <div>D-N-0046</div> <div>1</div>
<div>First Name:       errol</div> <div>Last_Name:       gard</div> <div>Organization:</div> <div>City:</div> <div>State:             HI</div> <div>Date Submitted:  9/14/2007</div> <div>Comment:</div> <div>We are under martial law, and have been for many years. The military/govt/corp establishment is about profits and control only.</div> <div>The guns have been pointed at us for a long time. History has shown our govt will have no remorse when it decides to fire upon its own citizens.</div> <div>But, what can you expect for a population transfixed by legal brawls on TV?</div> <div>Much Aloha</div> <div>e</div>		<div>First Name:       adam</div> <div>Last_Name:       davis</div> <div>Organization:</div> <div>City:             silver spring</div> <div>State:             md</div> <div>Date Submitted:  9/14/2007</div> <div>Comment:</div> <div>i am opposed to any navy testing that may affect any sea life, ecosystem, or water quality in any detrimental or unknown way.</div>	

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Carla Last_Name: Buscaglia Organization: City: State: Date Submitted: 9/14/2007 Comment: Boys and Girls,</p> <p>Speaking on behalf off all the marine life around the Hawaiian islands and beyond, please consider putting your new 'toys' away. Imagine spending all that energy and money on establishing peace - Heaven truly would be here on Earth.</p> <p>Aloha, Carla</p>	D-N-0047	<p>First Name: Lela Last_Name: Nickel Organization: City: Paia State: Hi Date Submitted: 9/14/2007 Comment:</p> <p>I protest the continuation of the Naval exercises in the Pacific around Hawaii! Enough is enough!!! There has been so much evidence of the harm to our ocean resources as a result of the LAF Sonar program, the tons of toxic waste and chemical weapons dumped off our coast.</p> <p>Instead of addressing the problems, apologizing to the public for exposure to such hazards and employing every effort to correct the situation, you want to do more testing? I don't think you have shown the proper reaction to your past infractions to be trusted to continue.</p> <p>I hope you will understand that the health of Hawaii depends on healthy seas. You have not proven sensitive to our environment, therefore these 'tests' are not acceptable. Our safety is at stake from your exercises, not from enemies abroad!</p>	D-N-0048
	1		1

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div> <div>D-N-0049</div> <div>1</div>
<div>First Name:       Therese</div> <div>Last_Name:       Coniglio</div> <div>Organization:</div> <div>City:</div> <div>State:</div> <div>Date Submitted:  9/14/2007</div> <div>Comment:</div> <div>Please do not expand Navy weapons and war games, experiments, testing, etc. on or near Hawaii. Respect the aina, the ocean, the wildlife.</div>	

	<div>COMMENT NUMBER</div> <div>D-N-0050</div> <div>1</div>
<div>First Name:       Lionel</div> <div>Last_Name:       Standish</div> <div>Organization:</div> <div>City:</div> <div>State:</div> <div>Date Submitted:  9/14/2007</div> <div>Comment:</div> <div>I do not support any military expansion in the Hawaii Range Complex. I reject both Alternatives 1 and 2, and that I insist instead that our government protects and defends Hawaii (its land, its ocean, its wildlife, and its people) from further harm and degradation.</div>	

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Stephen Last_Name: Jones Organization: City: State: Date Submitted: 9/14/2007 Comment: I oppose the expansion of weapons and weapons systems testing anywhere in the vicinity of my beloved Hawaiian Islands.</p> <p>Additionally, to the extent that radioactive materials, (even the sort of 'depleted uranium' ordnance like what is being used in Iraq), have any part in this testing and evaluation program, the very idea that the United States, my country, would employ such weaponry for any reason is to me a shameful and cowardly act which in any truly civilized society or nation would be so abhorrent as to be unthinkable.</p>	<p>D-N-0051</p> <p>2</p> <p>1</p>	<p>First Name: Carlyn Last_Name: Battilla Organization: City: Trout Run State: PA Date Submitted: 9/14/2007 Comment: I do not support any military expansion in the Hawaii Range Complex. I reject both Alternatives 1 and 2, and I insist instead that our government protects and defends Hawaii (its land, its ocean, its wildlife, and its people) from further harm and degradation.</p> <p>As a previous employee of Pohakuloa Training Area, former resident of Hilo, and alumni of the University of Hawaii at Hilo, I highly disapprove of expansion!</p>	<p>D-N-0052</p> <p>1</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

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<p>First Name: Christoper Last_Name: Schwartz Organization: Truth Movement City: Statesville State: NC Date Submitted: 9/14/2007 Comment: I am absolutetly outraged with the fact that our tax dollars and our environment aswell as the health of Americians will be jepordized for the benefit of wageing more war. We strongly urge you to reconsider! We all know that these wars are carried out under false pretense and are extremely Unconstitutional. Let's stop being "Libirators" and start being Americians!!! Ron Paul 08!</p>		<p>First Name: Betty Last_Name: Dean Organization: City: Sterling State: AK Date Submitted: 9/14/2007 Comment: We reject Alternatives 1 &amp; 2. We want the government to protect and defend Hawaii (the land, the ocean, the wildlife) Do not harm and degrade this beautiful place. We must preserve all of it.</p>							

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div> <div>D-N-0055</div>		<div>COMMENT NUMBER</div> <div>D-N-0056</div>
<div>First Name: Anna</div> <div>Last_Name: Webb</div> <div>Organization:</div> <div>City: Hilo</div> <div>State: HI</div> <div>Date Submitted: 9/14/2007</div> <div>Comment:</div> <div>I am personally against the expansion of research, development, testing, and evaluation of military weapons and systems in Hawaii waters surrounding the islands. I oppose the use of Directed Energy Laser Weapons and feel that it is not only a threat to ocean wildlife but to humans as well.</div> <div>I ask you to carefully consider your decision and if at all possible, find an alternative to this plan. There has to be more remote waters available to carry out the named projects.</div> <div>Sincerely,</div> <div>Anna Webb</div>	<div>1</div>	<div>First Name: Sharon</div> <div>Last_Name: Ritchie</div> <div>Organization:</div> <div>City: West Mifflin</div> <div>State: PA</div> <div>Date Submitted: 9/14/2007</div> <div>Comment:</div> <div>I do not support any military expansion in the Hawaii Range Complex. I also reject both Alternatives 1 and 2, and insist, instead, that our government protects and defends Hawaii (its land, its ocean, its wildlife, and its people) from further harm and degradation. The adverse impact on whales, other marine wildlife, the air and the ocean is unfathomable. Please leave America's paradise alone.</div>	<div>1</div>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Audrey Last_Name: Stanzler Organization: City: State: CA Date Submitted: 9/15/2007 Comment: i already knew that the military were getting exemptions that allowed them to pollute the waters of Hawaii, and that fact that there are 7 military bases with exemptions was always a worry.</p> <p>if we keep allowing these things to happen we will have NO PARADISE's left for any of us to experience.</p> <p>I want a stop to this fictitious war, and all the excuses they are using the urgency of security to get everything passed and then destroy everything that is pure and beautiful from our ecology, our wild animals, our air and our water.... all because of military and war games.</p> <p>I am so sick of it i could just spew. Do NOT Allow this to happen to Hawaii.</p>	<p>D-N-0057</p> <p>1</p>	<p>First Name: patricia Last_Name: nelson Organization: City: State: Date Submitted: 9/15/2007 Comment: my children were born term and raised here..... don't take a chance on doing something that might make them die here prematurely.</p>	<p>D-N-0058</p> <p>1</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div> <div>D-N-0059</div>		<div>COMMENT NUMBER</div> <div>D-N-0060</div>
<div>First Name: Michael</div> <div>Last_Name: McAvoy</div> <div>Organization: Help Along The Way</div> <div>City: Kailua Kona</div> <div>State: HI</div> <div>Date Submitted: 9/15/2007</div> <div>Comment:</div> <div>This is an abhorrent abuse of the Hawaiian territory and is set up through deception. I doubt that this matters, but I am firmly opposed.</div>	<div>1</div>	<div>First Name: Ronald</div> <div>Last_Name: Fujiyoshi</div> <div>Organization: Kanaka Council</div> <div>City: Hilo</div> <div>State: HI</div> <div>Date Submitted: 9/15/2007</div> <div>Comment:</div> <div>The alternative that the U.S. Navy should take is one of not conducting any testing in the ocean or on the land in Hawaii. Under international law, I concur with the Permanent Court of Arbitration in The Hague, Netherlands in the case of Larsen vs. Kingdom of Hawaii that the legal entity of the Kingdom of Hawaii still exists. The U.S. Navy is part of a military occupation of the Kingdom of Hawaii. The U.S. Navy should cease and desist from conducting any tests in the ocean and underwater in the oceans surrounding the Hawaiian archipelago. The U.S. Navy should cease and desist from conducting any tests on the land of the Hawaiian archipelago.</div>	<div>1</div>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

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<p>First Name: Margo Last_Name: Johnson Organization: City: Honolulu State: HI Date Submitted: 9/15/2007 Comment: STOP killing the environment trying to figure out how to kill everything better, JUST STOP! think about how to communicate with your enemies better than KILLING them.</p>		<p>First Name: Bonnie Last_Name: Morgan Organization: City: Lahaina State: HI Date Submitted: 9/15/2007 Comment: The military has done enough damage to our islands ! Kahoolawee is uninhabitable ruined forever ,There are tons of nuclear waste encased in steel drums (2000) dumped off our shores .YOur sonar tests have killed whales .Not to mention the lingering effects of DU in our soil on the big isle and Oahu that supposedly you are testing for? How about cleaning up all the mess you have made here in this sacred part of the world instead of furthering destroying it and the health of our residents and your own military people exposed to it before you run another of your "tests"?</p>							

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Shannon Last_Name: Monkowski Organization: City: Holualoa State: Hi Date Submitted: 9/16/2007 Comment:</p> <p>Haven't you people done enough damage to Hawaii and the environment. You should all be ashamed of yourselves. When God looks down upon the sacred creations of the beautiful earth and the life bestowed upon it, and there you all are in your activities of planning death and destruction everywhere, the sadness must be profound, the failures stark.</p> <p>What gives you the right, and how can you live with yourselves. The things you do are worse than any thing any imagined enemy could conjure. You all disgust me, and the majority of the American people feel the same way I do.</p>	<p>D-N-0063</p> <p>1</p>	<p>First Name: Samadhi Last_Name: Haapala Organization: individual City: Athol State: MA Date Submitted: 9/16/2007 Comment:</p> <p>Are we not doing enough damagement to our wildlife, our people &amp; our world already? If we spent half as much on testing for ways we can recycle, find new sources of energy and have a greener world for our children, and harvest solar heating, hydroponic growing, hydrocell cars, it would also be more read-ily available to everyone, not just the wealthy. We need good healthy food and an unpolluted environment to think right and feel right. Let's sort out our priorities! Thanks, Samadhi Haapala</p>	<p>D-N-0064</p> <p>1</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

First Name: Patti  
 Last\_Name: Montgomery  
 Organization:  
 City: Fort Bragg  
 State: CA  
 Date Submitted: 9/16/2007  
 Comment:

I'm outraged at the use of DU by the military in Hawaii, Iraq, and anywhere else on this planet. It's clear that the military cares not one iota for it's own people or anyone else who might be exposed to this heinous substance. I lived in Hawaii for 15 years, I have an ex husband (Viet Nam vet), two sons and two grandsons living in the islands - half of my entire family, and all of my desendents. I have been up close and personal with the sea life, and especially the cetaceans, there.

I was successful in driving out a guided missile destroyer, who illegally sought to r&r on Maui, with a laugh box, when I was 7 months pregnant. I worked with locals to stop the military from using Kahoolawe for a bombing target. If I weren't so old, I'd be inspired to come over there and kick some ass. Put that in your pipe and smoke it.

You need to start defending the Constitution (remember that oath you took?) instead of trashing the planet and running corporate agendas.

jump up and live  
 long life  
 honey in the heart  
 no evil  
 thirteen thank yous

mpm

**COMMENT  
NUMBER**

D-N-0065

1

First Name: Dr. Shyrl  
 Last\_Name: Matias  
 Organization:  
 City: Honolulu  
 State: HI  
 Date Submitted: 9/16/2007  
 Comment:

To Whom It May Concern:

I do not support any military expansion in the Hawaii Range Complex. I reject both Alternatives 1 and 2, and I respectfully request that our government protect and defend Hawaii (its land, its ocean, its wildlife, and its people) from further harm and degradation, particularly in conjunction with illegitimate war in Iraq.

**COMMENT  
NUMBER**

D-N-0066

1

	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Mark Last_Name: Lacas Organization: City: Seattle State: WA Date Submitted: 9/17/2007 Comment: Don't do it! What are you thinking anyway?</p>	<p>D-N-0067</p> <p>1</p>	<p>First Name: Roscoe Last_Name: Flora Organization: PSGS City: Kapolei State: HI Date Submitted: 9/17/2007 Comment: I support the U.S. Navy's operations at the Hawaii Range Complex 100%. I know the mission could not be accomplished without the intensive training this complex provides.</p>	<p>D-N-0068</p> <p>1</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)



<p>First Name: Russell  Last_Name: Hoffman  Organization: Selt  City: Carlsbad  State: CA  Date Submitted: 9/17/2007  Comment:  September 17th, 2007</p> <p>Re: Hawaii Range Complex Environmental Impact Statement</p> <p>To Whom It May Concern, US Government:</p> <p>I just have NO IDEA who might have written the statement shown below, but I wish to submit it as my opposition statement to the proposed poisoning of nearly one quarter million square miles (unfenced) of the Pacific Ocean by the United States Navy.</p> <p>Sincerely Yours,</p> <p>Russell "Ace" Hoffman  P.O. Box 1936  Carlsbad, CA</p>	<p><b>COMMENT NUMBER</b></p> <p>D-N-0071</p> <p>1</p>	<p>=====</p> <p>September 13th, 2007</p> <p>=====</p> <p>Death is upon us. A rogue army is maneuvering to destroy our planet. Its name is Navy.</p> <p>U.S. Navy.</p> <p>Step by step by step over the past decade, the military has asked for -- and received --enormous exemptions from caring for humanity. Environmental laws everyone else must obey -- laws which save lives -- mean nothing to them. No longer are they required to obey their civilian leaders. No longer are they required to atone for sins they commit. No longer are they culpable for YOUR death.</p> <p>You, who they WERE charged to protect.</p> <p>You, who WERE to be their masters.</p> <p>You, who FUNDS them.</p> <p>Citizens of the United States: Rise up! Rise up against your oppressors! Rise up against the randomization of death! Rise up against the destruction of YOUR HOMELAND!</p>	<p><b>COMMENT NUMBER</b></p> <p>D-N-0071 (cont.)</p>
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Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>Rise up against the U.S. Navy!</p> <p>A decade ago, the United States military was granted an exemption from environmental laws. The U.S. Navy is the most egregious -- and dirty -- of all militaries in history. They kill their own sailors, with radiation, with chemicals used in warfare, with chemicals used to keep their ships "ship-shape."</p> <p>My friends are dying. Your friends are dying. You and I are dying because we cannot -- no, because we WILL NOT -- rein in these cutthroats.</p> <p>The Navy's most recent crime involves directly poisoning nearly a quarter of a million square miles of "open ocean" -- where our fish grow, where our whales and dolphins frolic, where earth's balancing life develops. No fence will keep the poisons in the designated area.</p> <p>They will use radiation weapons, Directed Energy Laser Weapons, pressure (concussive and / or vacuum (over- / under-pressure) killing devices, and nearly 150 other kinds of "toys."</p> <p>These are the same guys who brought you Bikini, Eniwetok, and Rongelap. All radiation-poisoned islands.</p> <p>The same guys who pollute Vieques, Puerto Rico with Depleted Uranium -- as well as Okinawa and various sites on the U.S. mainland. And Iraq. And Kosovo. And Afghanistan. And tomorrow? Iran.</p>	D-N-0071 (cont.)	<p>The same guys who lie about how many of their own -- their submarine sailors -- are dying of brain tumors as their payment for service aboard nuclear submarines.</p> <p>Hail the U.S. Navy! Professional killers! Professional planet-destroyers! Professional liars! Professionals in every way.</p> <p>Damn the torpedos. Damn the missiles. Damn the truth. Damn the citizens they claim to protect. Damn us all.</p> <p>Damn the U.S. Navy: Killers of U. S. citizens. Killers of the planet. Killers of us all.</p> <p>-----</p> <p>(Written by a patriotic citizen.)</p> <p>=====</p> <p>=====</p>	D-N-0071 (cont.)

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Reuben Last_Name: Balmores Organization: City: Kalaheo State: HI Date Submitted: 9/17/2007 Comment: PMRF has been a good neighbor to the surfing community up to this point. All I really care about is maintaining the current level of access to surfing spots at PMRF. That is from Kenikeni to Shenanigans. It would also be very beneficial to have access to areas south of Shenanigans to Kokole Point. Not so much the ability to drive on the Beach. But maybe a parking lot further south to allow parking and access by foot to these areas. Mahalo.</p>	D-N-0072	<p>First Name: Karen Last_Name: Giles Organization: City: Portage State: PA Date Submitted: 9/17/2007 Comment: There should be NO ACTION-ALTERNATIVE taken on the Draft Environmental Impact Statement for the Hawaii Range Complex! Both alternatives are certain to have detrimental impact upon the Hawaiian people, the Pacific Ocean, and all life forms.</p> <p>The military's purpose is to defend our country, not to destroy it.</p> <p>Radioactivity from Uranium munitions will remain in the environment for billions of years. U-238 is known to have a half-life of 4.5 billion years. This would have a negative impact on people, animals, environment and also on tourism.</p> <p>Cancer, leukemia and birth defects increase in areas where uranium munitions are tested or used.</p> <p>Since radioactive particles do not stay in one place, the damaging effects of these weapons and military war games affect other areas too.</p>	D-N-0073
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Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Peter Last_Name: Dearman Organization: City: State: Date Submitted: 9/17/2007 Comment: Regarding the possibility of use in the Hawaiian ecosystem, accidental or intentional, of depleted uranium munitions including the "Advanced Hypersonic Weapon" under development that Military.com reports "could be fitted with a 900-pound penetrator warhead or 900 pounds of rods to impact at Mach 4 speed.", it should be born in mind that DU is pure metallic uranium that is only partially depleted (ca.60%) of its U-235 content.</p> <p>The U-235 content of depleted uranium is typically 0.25 to 0.3 percent according to commonplace sources. The U-235 content of reactor fuel pellets and rods (directly comparable to DU shells, as they are both composed of solid and pure uranium) is typically 3 to 3.5% for the most common reactor types around the world.</p> <p>Thus, it is easy to see that DU shells are at least one tenth the contaminant that reactor fuel pellets would be, especially if the DU is reduced to dust on shell impact and the self-shielding effect is removed.</p>	<p>D-N-0074</p> <p>1</p>	<p>Of course there are further concerns regarding this dust and its likelihood of entering living tissues, where the U-238 can cause ongoing cellular damage due to its alpha-emitting nature.</p> <p>One must not forget the simple fact that uranium is a heavy metal and thereby toxic. It is a well known principle that heavy metals accumulate in the food chain.</p> <p>Furthermore, there has been recent research demonstrating uranium's ability to bind to DNA, which would drastically increase the damaging effect of the radiation. The leader of this research at Northern Arizona University, Dr. Diane Stearns told me the following: "As for your question, each heavy metal is unique in the range of ways that it can damage DNA. In the case of binding to DNA it is well established for chromium, and recently discovered (by us) for uranium, but does not happen with, for example, nickel, cadmium, arsenic, or lead. It is my opinion that DU is a concern both as a heavy metal (chemical) and as a radioactive element. And yes, I agree that a heavy metal binding to DNA is bad, and a heavy metal that binds to DNA and is also radioactive is worse."</p> <p>I humbly request that you consider deeply the implications of permitting a process to go forth that will end up contaminating the fragile Hawaiian ecosystem with what is properly classified as nuclear waste, and actually amounts to the near equivalent of nuclear fuel.</p> <p>In peace, Peter Dearman</p>	<p>D-N-0074 (cont.)</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Joe Last_Name: Whetstone Organization: City: Bluffton State: SC Date Submitted: 9/17/2007 Comment: Why not look for Osama bin Muhammad bin 'Awad bin Laden?</p> <p>STOP: This foolish military testing program!! You are harming what you should be protecting: Human and animal health. In addition you are causing socio/economic injustice to the native Hawaiian Islanders who live in this militarized impacted area.</p>	D-N-0075	<p>First Name: Pat Last_Name: Rydz Organization: citizen of US City: Pagosa Springs State: CO Date Submitted: 9/17/2007 Comment: Please stop all military exercises in and around the Hawaiian Islands up to 2300 miles from those islands. You will be endangering see life, human life and other animals with your DU poisoning similar to what is happening to our children in Iraq. I am appalled at how much I have to write to stop my gov at all levels from poisoning my environment and that of the children. WHAT IS WRONG WITH YOU... YOU HAVE AN OATH OF OFFICE YOU TOOK TO "PROTECT AND DEFEND" THE COUNTRY, ITS PEOPLE AND THE CONSTITUTION FROM "ALL" ENEMIES BOTH FOREIGN AND "DOMESTIC", which is the case right now. Thank you and I hope you see your choices very clearly now.</p>	D-N-0076
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	2		

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
	D-N-0077		D-N-0078
First Name: Tova Last_Name: Fuller Organization: Physicians for Social Responsibility City: Los Angeles State: CA Date Submitted: 9/17/2007 Comment: Subject: NO ACTION-ALTERNATIVE  As a medical student, I absolutely oppose the use of weapons of any kind in the Hawaiian Pacific. Use of radioactive materials and live fire is absolutely unacceptable and could potentially have a dramatic effect on human health and survival - directly and via detrimental effects to the environment.  I do NOT want my tax money going to support these war games - they make me feel much less safe rather than safer.  Tova Fuller National Student Representative Physicians for Social Responsibility	1	I am totally opposed to the Navy's intention to pollute the Hawaiian Islands and the Pacific Ocean with these terrible weapons. Take your military junk to another planet if you are so intent on destroying things - please leave the Earth alone!  1	

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	<div>COMMENT NUMBER</div> <div>D-N-0079</div>		<div>COMMENT NUMBER</div> <div>D-N-0080</div>
<div>First Name: Daniel</div> <div>Last_Name: Hoffman</div> <div>Organization:</div> <div>City: Harbeson</div> <div>State: DE</div> <div>Date Submitted: 9/17/2007</div> <div>Comment:</div> <div>Pease do not make the whales become extinct for the good of our nation.</div> <div>Sincerely Yours,</div>	<div>1</div>	<div>First Name: Seth</div> <div>Last_Name: Kowitz</div> <div>Organization:</div> <div>City: Inver Grove Heights</div> <div>State: MN</div> <div>Date Submitted: 9/17/2007</div> <div>Comment:</div> <div>I am writing to express my opposition for Alternative Actions regarding a Draft Environmental Impact Statement for the Hawaii Range Complex. Our wildlife, and our oceans are all interconnected in the delicate ecological system we all share, wherever we are on this planet. The adverse consequences increased military operations and exercises will have on the Hawaiian Islands, the Hawaiian people, and the diverse marine and aquatic life including endangered species such as: humpback whales, green sea turtles, Hawaiian monk seals, Hawaiian stilt a'eo, and laysan albatross in the Pacific and on/around the Islands of: Kauai, Niihau, Kaula, Oahu, and Hawaii within a total area of 2.1 Million square nautical miles in the Pacific Ocean, are unfathomable and will affect all life everywhere detrimentally. For the sake of our planet's survival, I am calling on you to permanently suspend all plans for the Alternative Actions in the Hawaii Range Complex. Thank you.</div>	<div>1</div>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-N-0081</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-N-0081	1		<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-N-0082</td></tr><tr><td>1</td></tr><tr><td>2</td></tr></table>	COMMENT NUMBER	D-N-0082	1	2
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COMMENT NUMBER										
D-N-0082										
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2										
<p>First Name: Beth Last_Name: Saxon Organization: environmentalist wackos City: Lawai State: HI Date Submitted: 9/17/2007 Comment: Respect this beautiful island. Leave the sea life and the land alone. Stop all training exercises NOW!!!</p>		<p>First Name: Pono Last_Name: McNeil Organization: Kanaka Maoli , Hui_pu City: Pearlcity State: HI Date Submitted: 9/17/2007 Comment: There should be NO ACTION-ALTERNATIVE taken on the Draft Environmental Impact Statement for the Hawaii Range Complex! State your reasons for opposing the two Alternatives which are certain to have detrimental impact upon the Hawaiian people, the Pacific Ocean, and all life forms.</p> <p>THERE SHOULD BE NO usa MILITARY AT ALL, THEY ARE ILLEGALLY OCCUPING OUR SOVEREIGN NATION !!! DEOCCUPY NOW , GET THE FRICK OUT !!!TAKE ALL YOUR CRAP &amp; WITH YOU</p>								

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)



	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Miriam Last_Name: Kurland Organization: City: mansfield center State: ct Date Submitted: 9/17/2007 Comment:</p> <p>I am writing to comment on the Draft Environmental Impact Statement with public comments due today, September 17, that affects the Hawaiian Islands – the Hawaiian people and all forms of marine mammals and sea life including Endangered Species: humpback whales, green sea turtles, Hawaiian monk seals, Hawaiian stilt a’eo, and laysan albatross in the Pacific and on/around the Islands of: Kauai, Niihau, Kaula, Oahu, and Hawaii* ... within 2.1 Million square nautical miles in the Pacific Ocean.</p> <p>If all proceeds as planned according to the Hawaiian Range Complex Alternative Actions, damage caused to people living in Hawaii, to marine life - and the Pacific Ocean itself - will be unfathomable! There are even many risks acknowledged that are deemed as acceptable, such as the destruction of beaches, fish kills, and possible missile accidents that will affect humans, marine life and natural vegetation critical to ecological survival of all life forms on the Hawaiian Islands and in the Pacific. It is inexcusable to even consider any of these actions to be allowed. I urge you to act to protect Hawaii from this destructive plan.</p>	D-N-0083	<p>First Name: Evelyn Last_Name: Dymkowski Organization: Citizen City: Clinton State: IA Date Submitted: 9/17/2007 Comment: Dear Sir or Madam,</p> <p>The Hawaiian Range is a precious natural resource that we MUST pass on to our children undisturbed, as far as is within our means. This will not happen if it is used by the US Government for military purposes, which are entirely unnecessary for a nation that possesses the largest concentration of nuclear firepower on the globe.</p> <p>May I point to the important following factors which also militate against the use of the Hawaiian islands for military exercises?</p> <ul style="list-style-type: none"> <li>- the high use of energy</li> <li>- the cumulative impacts upon human and animal health</li> <li>- the socio/economic injustice to the native Hawaiian Islanders who live in this militarized impacted area,</li> <li>- radioactive and chemical hazards and problems associated with storage and waste products</li> <li>- the permanency of radioactivity from Uranium munitions in the environment (U-238, for example, has a</li> </ul>	D-N-0084
	1	1	

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
	D-N-0084 (cont.)		D-N-0085
half-life of 4.5 Billion years)Good God! - destruction to natural, pristine areas and natural resources and vegetation - the erosion of air quality and water quality of the sea - the financial taxpayers' burden of these military operations, I do not want this done with my money! - the impact on Hawaiian tourism and desirability as a place to live - the risks to health and safety of humans and all impacted life forms I urge you to not to allow these beautiful islands to be destroyed by unnecessary military operations of any sort. Wake up, repent, stop this nonsense!		First Name: Darla Last_Name: Sparks Organization: Retired Citizen City: Yukon State: ok Date Submitted: 9/17/2007 Comment: Man and military will never be satisfied until they have polluted, spoiled, killed every living thing of worth on this planet. God/creator must weep. Why do you feel this is the correct way to be a caretaker of his/her gifts? Man is sick! Stop these inmoral and worthless actions if you have any conscience left!	1

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Terrilee Last_Name: Kekoolani Organization: City: Honolulu State: HI Date Submitted: 9/17/2007 Comment: September 17, 2007</p> <p>Public Affairs Officer, Pacific Missile Range Facility, P.O. Box 128, Kekaha, Kauai, Hawaii, 96752-0128, ATTN: HRC EIS/OEIS Fax 808-335-4520 e-mail to deis_hrc@govsupport.us.</p> <p>To: Commander, Hawaii Range Complex From: Terrilee N. Kekoolani Subject: Comments on the Draft EIS/OEIS for Hawai'i Navy Range Complex</p> <p>My name is Terrilee N. Kekoolani. I am a kanaka maoli and resident of Hawaii living on Oahu.</p> <p>I oppose the proposed expansion of the Navy Range Complex in Hawai'i.</p>	<p>D-N-0087</p> <p>1</p>	<p>Your EIS fails to consider the communities preferred alternative and that is to REDUCE the military's use of our environment and it's fatal, endless adverse impacts upon the Hawaiian Islands – the kanaka maoli and all Hawaii people, all forms of marine mammals and sea life including the humpback whales, green sea turtles, Hawaiian monk seals, Hawaiian stilt a'eo, and laysan albatross in the Pacific and on/around the Islands of: Kauai, Niihau, Kaula, Oahu, and Hawaii* ... within a total area of 2.1 Million square nautical miles in the Pacific Ocean.</p> <p>Approximately 150 weapons projects of numerous varieties are proposed – including radioactive materials (such as Depleted Uranium), electronic warfare, mines, cruise missiles, ballistic missiles, torpedoes, "weather rocket", land demolitions, "Explosive Ordnance Disposal", anti-submarine warfare, electronic combat, live-fire (real ordnance) exercises, high frequency, "chemical stimulant" weaponry, and newer "exotic" weaponry such as "Directed Energy" (such as lasers or particle beam weapons) and "Advanced Hypersonic Weapon" (AHW -- weighing less than 40,000 pounds and measuring less than 35 feet... envisioned as a boost -glide weapon capable of attacking targets up to 6,000 kilometers away in less than 35 minutes, according to defense officials.) are a part of your proposed plan.</p>	<p>D-N-0087 (cont.)</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

The use of these weapons in the name of national security does not make us "secure" in our islands. It is an abrasion of our sense of stewardship to the living things in our ocean, all connected and interdependent on one another. It is an assault on us, a native people and our traditional/cultural attachment to our ocean and ocean life, the very source of our beginnings. This is not national security, it is an assault, a war on our land, our ocean and our people.

The alternative to your proposals should be to ELIMINATE military exercises in our Hawaiian island waters and to clean up the toxic legacy you have left behind in Pearl Harbor. That would indeed provide the correct path to true security.

**COMMENT  
NUMBER**

D-N-0087  
(cont.)

First Name: Janet  
Last\_Name: Rapoport  
Organization:  
City: Royal Oak  
State: mi  
Date Submitted: 9/17/2007

**Comment:**

Please stop all plans for this project to bring more weapons testing in Hawaii!

Please keep this place as it is!  
We do not want more war and weapons especially here.  
Please stop now!

**COMMENT  
NUMBER**

D-N-0088

1

	<div>COMMENT NUMBER</div> <div>D-N-0089</div> <div>1</div>		<div>COMMENT NUMBER</div> <div>D-N-0090</div> <div>1</div>
<div><div>First Name: dennis</div><div>Last_Name: chaquette</div><div>Organization: none</div><div>City: kapaa</div><div>State: hi</div><div>Date Submitted: 9/17/2007</div><div>Comment: please cease all military activities in hawaii.</div><div>a military presence here is dangerous to the citizens of hawaii, and not safe for our fragile eco system and animals in the ocean when you conduct tests of war craft and weapons.</div><div>again, please do not conduct military activities in the state of hawaii.</div></div>		<div><div>First Name: Renee</div><div>Last_Name: Siegel</div><div>Organization: ABC Wellness Centre</div><div>City: Scottsdale</div><div>State: AZ</div><div>Date Submitted: 9/18/2007</div><div>Comment: Please do not do anything that will destroy the plant life and beauty of the Hawaiiin Islands with the proposed military operations.</div></div>	

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-N-0091</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-N-0091	1		<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-N-0092</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-N-0092	1
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<p>First Name:       margaret Last_Name:       Watson Organization: City:               Kapaa State:             HI Date Submitted:  9/18/2007 Comment: and so...we are in the eleventh hour to comment and still, I am speechless in the face of the Navy even wodering if they need an EIS to justify destroying Kauai, heaven on Earth....Of course you need the most comprehensive assessment on what you are proposing to do to our environment, our island, our home. I am embarrassed for you! I thought we could count on YOU!</p>		<p>First Name:       Sherry Last_Name:       Sc tt Organization: City:               Holualoa State:             HI Date Submitted:  9/18/2007 Comment: It is unfathomable that the amage caused from such activities is not enough, in and itself, to cancel out any plans to continue this type of militry operation in Hawaii and surrounding waters. Why would any country destroy such a unique treasure? Especially one whose military is presently still engaged in rectifying similar activities in the past in these same environs? High levels of radioactivity has recently been discovered on Hawaii frompast activities at Pohakuloa Training Area and as a result of the public outcry the military is now investigating. If there isan appropriate placfor these war games it is cerainly not Hawaii d it's rich and unique environment. THANK YOU Maahalo for putting a stop to this insanity!</p>							

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)



	<div>COMMENT NUMBER</div> <div>D-N-0093</div>		<div>COMMENT NUMBER</div> <div>D-N-0094</div>
<div>First Name: Roxie</div> <div>Last_Name: Sylva</div> <div>Organization: Student</div> <div>City: Hilo</div> <div>State: Hi</div> <div>Date Submitted: 9/18/2007</div> <div>Comment:</div> <div>I am extremly against navy expansion within the Hawaii Range Complex. There are important sanctuaries included within this area. If the navy wants to practice there sonar or unmanned weapons practices, there are many other places in the world. Especially in the Hawaiian Archipelago, nothing shoud go on there because of Hawaii's endangered species. Once again I am totally against the navy's advances in this area. Thank you for your time.</div>	<div>1</div>	<div>First Name: Marguerite</div> <div>Last_Name: Beavers</div> <div>Organization: by Divine Design</div> <div>City: Kihei</div> <div>State: HI</div> <div>Date Submitted: 9/18/2007</div> <div>Comment:</div> <div>the war military operations buildup/testing program, the high use of energy, the approval process for these actions, the cumulative impacts upon human and animal health, the socio/economic injustice to the native Hawaiian Islanders who live in this militarized, impacted area, radioactive and chemical hazards and problems associated with storage and waste products, the permanency of radioactivity from Uranium munitions in the environment (U-238, for example, has a half-life of 4.5 Billion years), destruction to natural, pristine areas and natural resources and vegetation, the erosion of air quality and water quality of the sea, the financial taxpayers' burden of these military operations, impact on Hawaiian tourism and desirability as a place to live, and the risks to health and safety of humans and all impacted life forms.</div>	<div>1</div>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: Kauwila Last_Name: Duell Organization: City: Kailua Kona State: HI Date Submitted: 9/18/2007 Comment: This will be short and to the point.</p> <p>I OPPOSE any increase in any military training and other operations by any branch of the military within the state of Hawaii. And I do not support any alternative you have put forward in the EIS.</p> <p>There are many reasons for this, including the cumulative impacts upon human and animal health, the socio/economic injustice to the native Hawaiian Islanders who live in this militarized impacted area, radioactive and chemical hazards and problems associated with storage and waste products, the permanency of radioactivity from Uranium munitions in the environment</p> <p>But PRIMARILY I oppose this because Hawaii is sacred land. You are ALREADY desecrating sacred land, and now you propose to do more????</p> <p>Your plans for expansion of war-related training operations are UNCONSCIONABLE and INEXCUSABLE to me, a resident and child of Hawaii.</p>	<p>D-N-0095</p> <p>1</p>	<p>First Name: Christal Last_Name: Walker Organization: City: Orlando State: FL Date Submitted: 9/18/2007 Comment: There should be NO ACTION-ALTERNATIVE taken on the Draft Environmental Impact Statement for the Hawaii Range Complex! These Alternative Actions will have an adverse, damaging impact upon the Hawaiian Islands the Hawaiian people and all forms of marine mammals and sea life including fragile and Endangered Species such as: humpback whales, green sea turtles, Hawaiian monk seals, Hawaiian stilt a'eo, and laysan albatross in the Pacific and on/around the Islands of: Kauai, Niihau, Kaula, Oahu, and Hawaii within a total area of 2.1 Million square nautical miles in the Pacific Ocean.</p> <p>The proposed practices will have cumulative impacts on all human and animal health, because the ordinance pose radioactive and chemical hazards in their use and once they become waste products on the range(U-238, for example, has a half-life of 4.5 Billion years). Plus these activities will destroy pristine areas, the natural resources and vegetation.</p> <p>The testing will have significant socio/economic injustice</p>	<p>D-N-0096</p> <p>1</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>to the native Hawaiian Islanders who live in this militarized impacted area. They will have a diminished quality of life. They will be forced to deal with the erosion of their air and water quality for years to come.</p> <p>Not to mention the adverse affects on every in the United States because our air, our wildlife, and our oceans are all interconnected in the ecological system we all share.</p> <p>These Alternative Actions will have an adverse, damaging impact upon the Hawaiian Islands the Hawaiian people and all forms of marine mammals and sea life including fragile and Endangered Species in the area and should not go forward.</p>	<p>D-N-0096 (cont.)</p>	<p>First Name: Joy Last_Name: Layman Organization: City: Uniondale State: NY Date Submitted: 9/18/2007 Comment: Killing People in other nations is not enough NOW you want to kill our own people...wake up.....</p>	<p>D-N-0097</p> <p>1</p>

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-N-0098</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-N-0098	1		<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-N-0099</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-N-0099	1
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<p>First Name: Albert</p> <p>Last_Name: Ritchey, Jr.</p> <p>Organization:</p> <p>City: Vestavia Hills</p> <p>State: AL</p> <p>Date Submitted: 9/18/2007</p> <p>Comment:</p> <p>NO ACTION-ALTERNATIVE taken on the Draft Environmental Impact Statement for the Hawaii Range Complex!</p> <p>There are so many problems with these alternatives that will negatively impact the environment and quality of life of Hawaiians in land, air, sea and body that these should be soundly rejected.</p>		<p>First Name: Natalie</p> <p>Last_Name: MacIntyre</p> <p>Organization:</p> <p>City: Santa Cruz</p> <p>State: CA</p> <p>Date Submitted: 9/18/2007</p> <p>Comment:</p> <p>Increasing military operations in Hawaii is problematic in so many ways, to the people that live on the Islands, to their health, livelihoods, lives.</p> <p>It is destructive to the plants and animals. Why would the US even consider doing something so harmful to its own people. It makes me want to cry and move to a country where the government cares for all citizens equally.</p> <p>Thank you.</p>							

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-N-0101</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-N-0101	1		<table><tr><th>COMMENT NUMBER</th></tr><tr><td>D-N-0102</td></tr><tr><td>1</td></tr></table>	COMMENT NUMBER	D-N-0102	1
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D-N-0102									
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<p>First Name: Elizabeth Last_Name: Robbins Organization: City: Lyndonville State: VT Date Submitted: 9/18/2007 Comment: The time has come where it is evident that every cent spent on weapons impacts our children, the environment and the world. We cannot waste the world's wealth on destruction. It is time to understand that a bigger nastier weapon will not make us safer, it will be another step in disaster for the world. STOP this weapons testing. Start looking for ways to make the world, cleaner and safer and more nurturing for the being who inhabit it now and will in the future.</p>		<p>First Name: Elyse Last_Name: Bekins Organization: City: Goleta State: CA Date Submitted: 9/18/2007 Comment: I do not agree with placing this military complex on Hawaii at all. It is damaging to the environment and unnecessary at this pristine location. Stop escalating the military and do something that is smart, well thought out and productive.</p>							

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)





	COMMENT NUMBER		COMMENT NUMBER
	D-N-0104		D-N-0105
	1		1

First Name: John Last_Name: Cragg Organization: City: Anahola State: HI Date Submitted: 9/18/2007 Comment: I am opposing the proposed Alternative Actions. As a resident of Kaua'i, Hawai'i I respectfully wish to minimize military involvement on this island.  Thank you, John Cragg
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First Name: Megan Last_Name: Bowman Organization: City: Anahola State: HI Date Submitted: 9/18/2007 Comment: I am opposing the proposed Alternative Actions. As a resident of Kaua'i, Hawai'i I respectfully wish to minimize military involvement on this island.  Megan Bowman
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Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
	D-N-0106		D-N-0107
	1		1

First Name:	Jennifer
Last_Name:	Jastrab
Organization:	
City:	madison
State:	wi
Date Submitted:	9/18/2007
Comment:	
Didn't we learn our lesson with the Bikini islands? Hawaii is an environmental treasure. Find some other place to play war.	

First Name:	Patricia
Last_Name:	Lemon
Organization:	
City:	Warwick
State:	MA
Date Submitted:	9/19/2007
Comment:	
The Navy should be protecting American citizens--and that means protecting our environment--not murdering harmless creatures on killing and torture sprees that add nothing to our security and degrade the world we depend upon for our very lives.	

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

	COMMENT NUMBER		COMMENT NUMBER
<p>First Name: KATHY Last_Name: MCELWAIN Organization: City: MOSINEE State: WI Date Submitted: 9/19/2007 Comment: I'm outraged to hear of plans by the US Navy to test radioactive weapons in Hawaii. The Islands of Hawaii are environmental gems and Must be protected. The navy must do the environmental right thing to do and stop testind but more importantly..CLEAN up any previous radioactive materials left behind.</p>	<p>D-N-0108</p> <p>1</p>		

Exhibit 13.4.4-1. Copy of Webmail Documents - Draft EIS/OEIS (Continued)

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**Table 13.4.4-2. Responses to Webmail Comments - Draft EIS/OEIS**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Nancy Levis	D-N-0001-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
Kristi Lyons	D-N-0002-1	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-W-0066-1.
Brett Hartl	D-N-0004-1	Alternatives		Thank you for your comment.
	D-N-0004-2	Biological Resources - Marine	3.1.2.4.1.3	The definition of Critical Habitat for the Hawaiian monk seal has not changed since 1988, and is a product of NMFS as reported by the Navy in the EIS/OEIS. The NMFS Critical Habitat definition and designation from 1988 is still the applicable reference document for regulatory purposes. Additional information from National Marine Fisheries Service 2007 Recovery Plan has been added to Chapter 3.0. Mitigation measures as presented in Chapter 6 are the same for any marine mammal (including right whales) no matter the species encountered/detected. The development of Recovery Plans for ESA listed species are not the mandate of the Navy, they are the responsibility of NMFS (in this case), and therefore beyond the scope of the proposed actions in this EIS/OEIS.
	D-N-0004-3	Alternatives	6.1	Section 6.1 presents the Navy's protective measures and describes steps that would be implemented to protect marine mammals and Federally listed species during HRC training events. This section also presents a discussion of other measures that have been considered and rejected because they are either: (a) not feasible; (b) present a safety concern; (c) provide no known or ambiguous protective benefit; or (d) have an unacceptable impact on training fidelity. In addition, the permitting process will include adaptive management aspects and as new information becomes available due to advancements in science, the Navy will modify procedures as necessary.
	D-N-0004-4	Program		Thank you for your comment.

**Table 13.4.4-2. Responses to Webmail Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Puanani Rogers --Ho`okipa Network	D-N-0005-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace, therefore there is no proposal to expand. It is true that the proposal includes alternatives that require increases in the frequency of training. The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this document are both reasonable and necessary. The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter. The Navy does take its environmental stewardship role seriously, providing funds, efforts and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
	D-N-0005-2	Hazardous Materials and Waste		The Navy recognizes that past practices may have resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available. The Proposed Action described in this EIS/OEIS addresses a need to continue and enhance personnel training, which is unrelated to ongoing, planned, or prospective remediation of historical contamination.
	D-N-0005-3	Policy/NEPA Process		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter.
Nancy Bracewell	D-N-0006-1	Program		Thank you for your comment.
	D-N-0006-2	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.	HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
	D-N-0007-1	Program		Radioactive weapons are not part of the Proposed Action.



**Table 13.4.4-2. Responses to Webmail Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Jean Merrigan --Women's International League for Peace and Freedom	D-N-0008-1	Alternatives	1.1, 1.2, 1.3	The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter.
Phyllis Brown	D-N-0009-1	Socioeconomics		The training exercises that are conducted within the HRC are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter.
Gemma Walsh	D-N-0010-1	Program		Thank you for your comment.
Bonnie Beck --The People of Earth	D-N-0011-1	Policy/NEPA Process		Thank you for your comment.
Rev. Mark Seydel	D-N-0012-1	Policy/NEPA Process		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter.
Lynn Surgalla --ny911truth	D-N-0013-1	Miscellaneous		Thank you for your comment.
Frederick Ruch	D-N-0016-1	Program		Thank you for your comment.
Joseph Sanchez	D-N-0017-1	Alternatives		Thank you for your comment.
Bill Lewis	D-N-0018-1	Program		Navy practices conducted decades ago resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceed with the available funds.
Gaye Berger	D-N-0019-1	Program		The Proposed Action includes no plan to use nuclear weapons.
Ernest Goitein	D-N-0020-1	Program		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter. The Navy does take its environmental stewardship role seriously, providing funds, efforts, and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
Kayla Makortoff	D-N-0021-1	Program		Thank you for your comment.
Laurel Douglass	D-N-0022-1	Program		Thank you for your comment.
George Simich --Victoria Street News	D-N-0023-1	Program		Thank you for your comment.

**Table 13.4.4-2. Responses to Webmail Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Robert Miyake-Stoner	D-N-0024-1	Alternatives		Thank you for your comment.
Serge Simard --Atomic Credit	D-N-0025-1	Miscellaneous		Thank you for your comment.
Simon Teolis	D-N-0026-1	Policy/NEPA Process		Thank you for your comment.
David Kane	D-N-0027-1	Alternatives		Thank you for your comment.
Paul Grossman	D-N-0028-1	Policy/NEPA Process		Thank you for your comment.
Gayle Roller	D-N-0029-1	Program		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared Naval force is not a discretionary matter.
Linda Bonura	D-N-0030-1	Hazardous Materials and Waste	2.0, '3.6.2.1.4, 4.1.7.1.1, 4.4.2.1	The weapons platforms, weapons, and munitions to be used in the training and test activities included in the Proposed Action are described in detail in Chapter 2.0 of the EIS/OEIS. The Proposed Action includes the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. More details on the analysis of potential impacts from these DU projectiles can be found in Section 4.1.7.1.1. This is the only use of DU in the HRC EIS/OEIS Proposed Action.
	D-N-0030-2	Biological Resources - Marine	3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1	HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS. The Navy does not maintain records of the exact quantities of weapons previously used in the HRC.
	D-N-0030-3	Miscellaneous		Thank you for your comment.
Don Hirth	D-N-0031-1	Policy/NEPA Process		Thank you for your comment.
PI Norton	D-N-0032-1	Program		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared Naval force is not a discretionary matter.

**Table 13.4.4-2. Responses to Webmail Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Janus Wilhlem	D-N-0033-1	Program		Thank you for your comment.
Harriet Mitteldorf	D-N-0034-1	Alternatives		Thank you for your comment.
Marguerite Beavers	D-N-0035-1	Program		Thank you for your comment.
Lisa Long	D-N-0036-1	Program		Thank you for your comment.
Phyllis Brown	D-N-0037-1	Program		Thank you for your comment.
Nancy Tally	D-N-0038-1	Program		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment. Navy has provided protected haul-out locations for the Hawaiian monk seal, improved nesting habitat for the wedge-tailed shearwater, and organized volunteers to pick-up beach trash while documenting marine debris. Navy has also participated in a program to remove invasive plants from endangered Hawaiian stilt habitat. Navy has active programs to conserve energy and use renewable resources including solar powered water heating panels and shielded street lights.
Emily Dale	D-N-0039-1	Program		Thank you for your comment.
Elle Jordan	D-N-0040-1	Program		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment and health.
Angela Tafarl	D-N-0041-1	Program		Thank you for your comment.
Sherry Sharp	D-N-0042-1	Program		The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this document are both reasonable and necessary. The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter, but a Federal legal requirement. The Navy does take its environmental stewardship role seriously, providing funds, efforts, and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.

**Table 13.4.4-2. Responses to Webmail Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kem Patrick	D-N-0043-1	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.	HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
Lee Bowden	D-N-0044-1	Program		Thank you for your comment.
Errol Gard	D-N-0045-1	Environmental Justice		Thank you for your comment.
Adam Davis	D-N-0046-1	Program		Thank you for your comment.
Carla Buscaglia	D-N-0047-1	Program		Thank you for your comment.
Lela Nickel	D-N-0048-1	Program	4.1.2.4.2	The use of low-frequency active (LFA) sonar is not included in the Proposed Action. Section 4.1.2.4.2 describes the difference between LFA and the proposed use of mid-frequency active (MFA) sonar. In addition, the Navy recognizes that past practices conducted decades ago resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceed with the available funds.
Therese Coniglio	D-N-0049-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace; therefore there is no proposal to expand. It is true that the proposal includes increases in the frequency of training.
Lionel Standish	D-N-0050-1	Alternatives		Thank you for your comment.
Stephen Jones	D-N-0051-1	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.	HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
	D-N-0051-2	Program		Thank you for your comment.
Carlyn Battilla	D-N-0052-1	Alternatives		Thank you for your comment.
Christoper Schwartz	D-N-0053-1	Program		Thank you for your comment.
Betty Dean	D-N-0054-1	Alternatives		Thank you for your comment.

**Table 13.4.4-2. Responses to Webmail Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Anna Webb	D-N-0055-1	Program		The Proposed Action does not include plans to acquire any new lands or rights over land, sea or airspace; therefore, there is no proposal to expand. It is true that the proposal includes increases in the frequency of training.
Sharon Ritchie	D-N-0056-1	Alternatives		Thank you for your comment.
Audrey Stanzler	D-N-0057-1	Policy/NEPA Process		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter.
Patricia Nelson	D-N-0058-1	Policy/NEPA Process		Thank you for your comment.
Michael McAvoy	D-N-0059-1	Environmental Justice		Your comments regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense therein are noted but are beyond the scope of this EIS/OEIS.
Ronald Fujiyoshi --Kanaka Council	D-N-0060-1	Environmental Justice	2.2.1.1	As stated in Section 2.2.1.1 of the EIS/OEIS, an alternative that would decrease military training from current levels would not meet the purpose and need of the Proposed Action. A reduction in levels of training within the HRC would not support the Navy's ability to meet United States Code (U.S.C.) Title 10 requirements. In addition, a reduction in training operations could jeopardize the ability of specialty forces, transient units, and Strike Groups using the HRC for training purposes to be ready and qualified for deployment. Your comments regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense are noted but are beyond the scope of this EIS/OEIS.
Margo Johnson	D-N-0061-1	Policy/NEPA Process		Thank you for your comment.
Bonnie Morgan	D-N-0062-1	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.	The Navy recognizes that past practices may have resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available. The Proposed Action described in this EIS/OEIS addresses a need to continue and enhance personnel training, which is unrelated to ongoing, planned, or prospective remediation of historical contamination. HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the HRC EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.

**Table 13.4.4-2. Responses to Webmail Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Shannon Monkowski	D-N-0063-1	Policy/NEPA Process		Thank you for your comment.
Samadhi Haapala	D-N-0064-1	Policy/NEPA Process		Thank you for your comment.
Patti Montgomery	D-N-0065-1	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.	HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
Shyrl Matias	D-N-0066-1	Alternatives		Thank you for your comment.
Mark Lacas	D-N-0067-1	Program		Thank you for your comment.
Roscoe Flora --Perot Systems Government Services	D-N-0068-1	Program		Thank you for your comment.
Sharon Kaczorowski	D-N-0069-1	Policy/NEPA Process		Thank you for your comment.
Lindafaye Kroll --Kahu O Kahiko, Inc.	D-N-0070-1	Hazardous Materials and Waste		The Navy recognizes that past practices may have resulted in contamination of certain sites. Since that time, Congress has created and funded programs to identify those sites in need of remediation and proceeded as funds are available. The Proposed Action described in this EIS/OEIS addresses a need to continue and enhance personnel training, which is unrelated to ongoing, planned, or prospective remediation of historical contamination.
	D-N-0070-2	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary).
Russell Hoffman	D-N-0071-1	Program		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
Reuben Balmores	D-N-0072-1	Socioeconomics	3.3.1.1.3	There are no plans to change the existing levels of beach access at PMRF (see Section 3.3.1.1.3). Your comment regarding a new parking lot is noted, but is outside the scope of this EIS/OEIS.
Karen Giles	D-N-0073-1	Alternatives		Thank you for your comment.



**Table 13.4.4-2. Responses to Webmail Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Karen Giles	D-N-0073-2	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.	HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
Peter Dearman	D-N-0074-1	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.	HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
Joe Whetstone	D-N-0075-1	Program		Thank you for your comment.
	D-N-0075-2	Environmental Justice	4.12	Table 4.12-1 indicates the number of Native Hawaiians living in the state of Hawaii according to the U.S. Census Bureau, 2000. On each of the islands where Native Hawaiians live and the Proposed Action is discussed (Kauai, Maui, Hawaii, Oahu), there is no indication that the U.S. Navy has a negative impact on socioeconomic characteristics of Native Hawaiians.
Pat Rydz	D-N-0076-1	Program	4.1.7.1.1	The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment. The use of 20 mm projectiles, some of which may contain depleted uranium (DU) occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval (see Section 4.1.7.1.1).
Tova Fuller --Physicians for Social Responsibility	D-N-0077-1	Program		The Proposed Action includes no plan to use radioactive weapons. The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared Naval force is not a discretionary matter.
James LaGarde	D-N-0078-1	Program		Thank you for your comment.
Daniel Hoffman	D-N-0079-1	Policy/NEPA Process		Thank you for your comment.

**Table 13.4.4-2. Responses to Webmail Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Seth Kowitz	D-N-0080-1	Alternatives		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. The Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
Beth Saxon	D-N-0081-1	Program		Thank you for your comment.
Pono McNeil	D-N-0082-1	Alternatives		Thank you for your comment.
	D-N-0082-2	Environmental Justice		Your comments regarding ownership of the Hawaiian Islands and the inferred illegal presence of the U.S. Department of Defense are noted but are beyond the scope of this EIS/OEIS.
Miriam Kurland	D-N-0083-1	Program		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment. Navy has provided protected haul-out locations for the Hawaiian monk seal, improved nesting habitat for the wedge-tailed shearwater, and organized volunteers to pick-up beach trash while documenting marine debris. Navy has also participated in a program to remove invasive plants from endangered Hawaiian stilt habitat.
Evelyn Dymkowski	D-N-0084-1	Program		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter. See response to comment D-E-0421-1
Darla Sparks	D-N-0085-1	Program		Thank you for your comment.
Terrilee Kekoolani	D-N-0087-1	Program	2.2.1.1	During scoping, the alternative to reduce the level of training operations in the HRC was suggested. As stated in Section 2.2.1.1 of the EIS/OEIS, an alternative that would decrease military training from current levels would not meet the purpose and need of the Proposed Action. A reduction in levels of training within the HRC would not support the Navy's ability to meet United States Code (U.S.C.) Title 10 requirements. In addition, a reduction in training operations could jeopardize the ability of specialty forces, transient units, and Strike Groups using the HRC for training purposes to be ready and qualified for deployment.
Janet Rapoport	D-N-0088-1	Program		Thank you for your comment.

**Table 13.4.4-2. Responses to Webmail Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Dennis Chaquette	D-N-0089-1	Program		The Assistant Secretary of the Navy (Installations & Environment) determines both the level and mix of training to be conducted and the range capabilities enhancements to be made within the HRC that best meet the needs of the Navy. The broad objectives set forth in this document are both reasonable and necessary. The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter, but a legal requirement under U.S. Code Title 10.
Renee Siegel	D-N-0090-1	Program		The Navy does take its environmental stewardship role seriously, providing funds, efforts and professional staff dedicated to this important matter. Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment. The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter.
Margaret Watson	D-N-0091-1	Policy/NEPA Process		Thank you for your comment.
Sherry Sctt	D-N-0092-1	Program		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared Naval force is not a discretionary matter. Guidance provided to users of Pohakuloa Training Area will be followed.
Roxie Sylva	D-N-0093-1	Biological Resources - Marine	3.2, 3.7, 4.2, 4.7	See response to comment D-E-0062-1 (re: Sanctuary).
Marguerite Beavers	D-N-0094-1	Program		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared naval force is not a discretionary matter. See response to comment D-E-0421-1
Kauwila Duell	D-N-0095-1	Alternatives	3.6.2.1.4, 4.4.2.11, 4.6.2.1, 4.6.2.1.2.1, 4.6.2.1.4.1	The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. The Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment. All Navy activities will follow existing Army standard operating procedures, as well as future plans and regulations concerning depleted uranium at Makua Military Reservation and Pohakuloa Training Area. See Sections 3.6.2.1.4, 4.4.2.11, 4.6.2.1.2.1, and 4.6.2.1.4.1 in the EIS/OEIS.

**Table 13.4.4-2. Responses to Webmail Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Christal Walker	D-N-0096-1	Program		Thank you for your comment.
	D-N-0096-2	Environmental Justice		See response to comment D-N-0075-2.
Joy Layman	D-N-0097-1	Policy/NEPA Process		Thank you for your comment.
Albert Ritchey, Jr.	D-N-0098-1	Alternatives		The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts, and professional staff dedicated to this important matter. The Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment.
Natalie MacIntyre	D-N-0099-1	Program		Thank you for your comment.
Elizabeth Robbins	D-N-0101-1	Program		Thank you for your comment.
Elyse Bekins	D-N-0102-1	Program		Thank you for your comment.
Barbara Moore	D-N-0103-1	Program		Your comments regarding the war in Iraq are noted but are outside the scope of this EIS/OEIS.
	D-N-0103-2	Alternatives	4.1.2.4, 4.1.2.4.11	See response to comment D-E-0062-2
	D-N-0103-3	Land Use		Thank you for your comment.
	D-N-0103-4	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.	The Navy in Hawaii takes its commitment to environmental stewardship seriously, providing funds, efforts and professional staff dedicated to this important matter. The Navy complies with all applicable environmental laws and has established procedures to ensure that programs are protective of Hawaii's environment. Information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.
John Cragg	D-N-0104-1	Alternatives		Thank you for your comment.
Megan Bowman	D-N-0105-1	Alternatives		Thank you for your comment.
Jennifer Jastrab	D-N-0106-1	Program		The training exercises that are conducted within the HRC are not recreational but are necessary preparedness actions to enhance the likelihood of survival and safety of our Sailors, Soldiers, Airmen, and Marines. The requirement to have a trained and prepared Naval force is not a discretionary matter.
Patricia Lemon	D-N-0107-1	Program		Thank you for your comment.

**Table 13.4.4-2. Responses to Webmail Comments - Draft EIS/OEIS (Continued)**

<b>Commenter</b>	<b>Comment #</b>	<b>Resource</b>	<b>EIS Section</b>	<b>Response Text</b>
Kathy McElwain	D-N-0108-1	Hazardous Materials and Waste	3.6.2.1.4, 4.1.7.1.1, 4.4.2.1.	HRC EIS/OEIS proposed activities include the continued use of 20 mm projectiles, some of which may contain depleted uranium (DU). The Navy's use of these projectiles occurs far out to sea and is in accordance with Nuclear Regulatory Commission and Environmental Protection Agency approval. This is the only use of DU in the HRC EIS/OEIS Proposed Action. Additional information about DU and any potential effects on personnel and the environment has been added to Sections 3.6.2.1.4, 4.1.7.1.1, and 4.4.2.1.1 of the EIS/OEIS.

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