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**Quietskies**

**Over San Juan County**

**Update: July, 2015**

Greetings,

The following is a summary from a Quiet Skies member who attended the Injunction hearing in Seattle on July 15, 2015, with a request for your attention and ACTION.

Citizen's from Whidbey Island, the Olympic Peninsula and San Juan County traveled by bus and car to attend a federal court hearing yesterday that could determine whether or not the Navy has a right to harm their health with domestic warfare training operations.

The hearing was held by U.S District Court Judge Thomas Zilly in response to Citizens of Ebey's Reserve (COER's) April 27 Motion for Preliminary Injunction seeking to halt "ongoing and irreparable injury" from the "noise assault" by the jets based at Whidbey Naval Air Station.

COER's Motion for Preliminary Injunction seeks to halt the harmful Growler operations until a required Environmental Impact Statement (EIS) is completed.

Below is a summary, followed by a newspaper report.

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**BACKGROUND**-------------------------------------------
Much of the Hearing referenced the 2005 Environmental Assessment (EA) which the Navy was required to submit when they replaced the old Prowler aircraft with the new Growlers.

In the 2005 EA the Navy claimed that the replacement would not create any significant changes and that the incoming Growlers were quieter. Because the Navy claimed a simple replacement with a quieter aircraft they were not required to produce an Environmental Impact Statement (EIS) which considers and studies a wide variety of possible impacts including noise measurements.

For the EA they used predictive computer noise models.  The Growlers did not arrive at NAS Whidbey until 2009.

In 2013 it was obvious to the region that the Growlers were not quieter and COER was aware that the Navy was flying more Field Carrier Landing Practices (FCLP's) at the Outlying Field at Coupeville (OLF) than they were allowed under the 2005 EA. COER sued and the Navy stopped flying at OLF for half of 2014. COER also asked for the NAVY  to immediately open an EIS which would study and consider the impact of the Growlers in a comprehensive way that the 2005 EA did not.

The Navy did open an EIS but they claim not because of COER's request - but because of their plan to add new Growler squadrons to NASWI.

**COER'S STATEMENT ON JULY 15, 2015**
COER's Motion for Preliminary Injunction seeks to halt the harmful Growler operations until a required Environmental Impact Statement is completed.

They listed three lines of significant impacts and new information to the court.
1. NOISE: Growler noise exceeds the predictive computer modeling in the 2005 EA.
2. OLF RUNWAY CHANGE: The Navy historically has flown the Prowlers on both directions of the OLF runway (32/14). Now it is almost exclusively using runway 32 which is impacting the densely populated Admiral's Cove subdivision. This is a change.
3. ADVERSE HEALTH EFFECTS: There is now evidence supported by medical experts that the Growler generated noise is creating measurable adverse public health effects.  The 2005 EA was silent on public health impacts.

Judge Zilly asked how the Navy's need to train should be addressed. COER responded that the Navy was permitted to fly 6,120 FCLP's at OLF each year. Ault Field (the Field that affects San Juan county) is permitted to fly roughly 18,000 FCLP's annually. In 2014 Ault Field had only 11,508 FCLP's. Transferring the 6,120 operations from OLF to Ault should maintain the training schedule and fall beneath the 18,000 FCLP's allowed.  In 2003 Ault field had 22,950 FCLP's showing that the Navy has the capacity to carry out its mission without OLF.

Judge Zilly asked how to balance the Navy's mission with the Public Interest. COER responded that taking OLF out of the equation will not compromise the Navy's mission and would serve the public interest by stopping the health related irreparable harm.

**THE NAVY'S STATEMENT ON JULY 15, 2015**
1. THE NAVY CLAIMED THERE WAS NO NEW INFORMATION NOISE:  The Navy supported the predictive computer modeling from the 2005 EA. The Growlers were expected to generate 109 decibels and the COER study showed 119 decibels. The Navy numbers rely on averaging the
noise events over 365 days. It's a complicated metric.

When Judge Zilly asked if the Growler was a quieter aircraft the NAVY said yes.  The packed courtroom groaned.  The Navy tried to justify the statement. The evidence seemed murky especially since human bodies do not average noise impacts over 365 days. The Navy finally conceded that the Growler might be 3 decibels louder than projected.

2. ADVERSE HEALTH IMPACTS:  The Navy claimed that if there had been a real problem with adverse health impacts, COER should have sued for relief immediately and not waited a year and a half. The Navy claimed they had not examined any of the individuals who claimed to be harmed by the Growler noise.

The Navy called the testimonies and the expert witness reports on health effects " speculative".

The Navy overlooked the fact that for citizens to raise the money for a law suit and put together the expert witnesses  takes time and a great deal of volunteer effort.

3. NATIONAL SECURITY IS THE MAIN CONCERN:  The Navy position is that nothing should impede the Growler mission.  The public interest is served when National Security is honored.

Judge Zilly asked about the changes in flight patterns at OLF and asked why 32 was being used almost if not completely exclusively. The Navy did not have an answer and was not familiar with the flight history.  Finally the Navy conceded that the older Prowlers were able to make tighter turns which were required when landing on runway 14 and the Growlers were not. This is probably part of the reason for the change.

Judge Zilly asked "How do we know the Navy will stay within the 2005 EA allowed flights for OLF? The Navy answered:  "The Navy will stay within  the EA because COER will file an injunction if we don't."

There was discussion about not wanting to put more FCLP's at Ault Field because of the greater density of population there including Oak Harbor. The Navy said that adding more FCLP's would "stress" Ault Field and because of it's crossing runways when FCLP's are happening no one else can land.
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INTERESTING FACT:
NUMBER OF FCLP'S JANUARY - JUNE 2015
AULT FIELD: 10,000 (roughly 18,000 permitted)
OLF: 5,000 (6,120 permitted)

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There was more discussion but the above is my non-legal attempt at understanding the trail of testimony at the hearing.

**Which ever way the decision falls, San Juan County will be affected.**
If the Injunction is granted and the Navy stops flying at OLF until the EIS is complete (2017) San Juan County WILL get more noise.  But, this decision will also underline that the Growler noise does create adverse health effects.

If the Injunction is not granted and the Navy continues to fly at OLF, this decision will say that it's okay for the Navy to harm citizens while carrying out military training.

FOR NOW, WE ALL NEED TO BE USING THE COUNTY NOISE MAP

(sjcgis.org/aircraft-noise-reporting/)

and when possible also send an email to the Navy comment site (comments.naswi@navy.mil).

Be sure to put your location and time when  sending an email - otherwise it means nothing.  The County site is essential.  The county controls the information - the Navy can't pretend that no one is being affected.

We'll post the Injunction decision on the Quiet Skies Website when it's released.  [http://www.quietskies.info](http://www.quietskies.info/)

For comprehensive regional updates check out:
<http://westcoastactionalliance.org/>
<http://citizensofebeysreserve.com/>

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**Island Guardian** http://www.islandguardian.com/archives/00005825.html

07/16/2015:

 **"Navy Asserts Right to Training Urges Court Ignore Citizens’ Request For Relief"**

(PRESS RELEASE) Citizen’s traveled by bus and car to attend a federal court hearing yesterday that could determine whether or not the Navy has a right to harm their health with domestic warfare training operations.

Citizens of Ebey’s Reserve For A Healthy, Safe & Peaceful Environment (“COER”) held a 1:00 pm news conference in front of the courthouse where they criticized the "Navy insisting on the right to harm the very people they are supposed to be protecting."

The hearing was held by U.S District Court Judge Thomas Zilly in response to COER’s April 27 Motion for Preliminary Injunction seeking to halt “ongoing and irreparable injury” from the “noise assault” by the jets based at Whidbey Naval Air Station.

The controversial EA-18G ‘Growler’ attack jets are the loudest jets ever to fly and are the source of noise complaints throughout Puget Sound.

COER’s Motion was supported by declarations of victims and experts describing a host of “ongoing” injuries suffered by residents living near the Navy’s Outlying Field (OLF) in Coupeville.

According to COER, the Navy’s response to the request for an injunction ignored the most important issue, which is the harm being done to people.

The Navy submitted no studies or expert testimony to refute the evidence of harm presented by COER. Instead, the Navy seeks to have the motion denied primarily on the basis of technical procedural issues.

“The Navy’s response should serve as a warning to other communities being targeted for ‘warfare training’ across the country,” according to COER’s Paula Spina.

"The Navy is willing to harm the very people and environment it is sworn to protect " and do so in the name of ‘national security", said Maryon Attwood.

The OLF is used for repetitive touch-and-go operations where Growlers fly over the rooftops of more than 600 homes and over 1,200 residents including many children. Many homes are located in the undesignated ‘Accident Potential Zone’ where Growlers fly low enough for residents “to see the pilots faces.”

The Navy asserts that its 2005 ‘Environmental Assessment’ adequately addressed the public’s concerns about noise and health. However, evidence submitted by COER shows that noise levels, numbers of operations, and adverse impacts on people, the environment, and national parks of historical significance have far exceeded those predicted by the Navy.

The declaration of Dr. James Dahlgren, a Diplomat of the American Board of Internal Medicine, Occupational and Environmental Medicine and Toxicology, states, “The noise from the Navy’s Growler aircraft landing and taking off from Outlying Landing Field Coupeville (OLFC), Washington is causing and has caused serious adverse health effects in the residents as described in the thirteen declarations of residents living near the field.

As predicted from hundreds of scientific studies of health effects from noise at the levels measured near the OLF Coupeville by JGL Acoustics in 2013, such levels of noise pressure are causing insomnia, anxiety, depression, impaired concentration, hearing loss, tinnitus (ringing in the ears), hypertension, worsening diabetes, gastrointestinal difficulties and a major decrement in quality of life.”

The Navy’s response to the COER’s Motion for Preliminary Injunction dismisses this and other evidence of health harms as “nothing new,” “anecdotal,” and “time barred.” The Navy also dismisses a noise study conducted for COER by an unbiased and professionally established acoustic engineering firm as “unreliable,” relying instead on modeled noise that was never actually measured on site.

The COER on-site study of real noise found levels that exceed community noise standards established by the State of Washington, the EPA, and the World Health Organization.

COER’s Motion for Preliminary Injunction seeks to halt the harmful Growler operations until a required Environmental Impact Statement is completed.

Copies of the Motion for Preliminary Injunction (Case number: CV13-1232Z) and supporting declarations can be viewed at www.citizensofebeysreserve.com. An eight-minute interview with a family impacted by the Growler operations can be viewed at: https://vimeo.com/124717844; or http://citizensofebeysreserve.com/blog/