Whidbey News-Times

Judge allows new challenge to Navy's Growler analysis

Published 1:30 am Friday, November 13, 2026

By Jessie Stensland jstensland@whidbeynewsgroup.com

A federal judge is allowing an anti-noise group to continue its legal battle over expanded EA18-G Growler jet operations at Naval Air Station Whidbey Island, rejecting the Navy's arguments that the long-running lawsuit should not continue.

U.S. District Judge Richard Jones ruled Nov. 3 that Citizens of Ebey's Reserve, known as COER, and Coupeville resident Paula Spina can file a supplemental complaint challenging the Navy's latest environmental analysis. The group argues that the Navy failed to correct violations of federal environmental law identified by the court in 2022.

The Navy maintains that its December 2025 amended analysis addresses the four deficiencies identified by the court. Justice Department attorneys opposed allowing the additional complaint, arguing that the Navy had complied with the court's orders and that the litigation should not be expanded after a final judgment.

The dispute centers on an 86-page analysis in which the Navy acknowledges that noise from EA-18G Growler operations can affect childhood learning at Whidbey Island schools. The document concludes that the effects on test scores would be partially mitigated by the Navy's efforts to reduce flight operations during academic testing periods.

The Navy acknowledged that increased Growler noise would negatively affect childhood learning at Whidbey Island schools but concluded that reducing flight operations during academic testing periods would partially mitigate the effects.

According to the new Navy's analysis, Crescent Harbor Elementary School would experience the greatest noise exposure, potentially resulting in a one-month delay in reading comprehension. Students at some schools, including Crescent Harbor Elementary and Coupeville Elementary School, could experience negative impacts on long-term memory, reading comprehension, math test scores and failure rates.

COER argues that the analysis still does not adequately address the effects of aircraft noise on classroom learning, particularly at Coupeville High School and Coupeville Middle School.

The group also challenges the Navy's conclusions concerning greenhouse gas emissions, impacts on birds and the possibility of relocating some or all Growler operations to Naval Air Facility El Centro in California.

In its amended analysis, the Navy concluded that the increase in greenhouse gas emissions would be nominal and would not have a meaningful adverse impact on a global scale. It also found that aircraft training would be unlikely to significantly affect state-listed bird species or their habitats because disturbances would be intermittent and brief.

COER disputes the Navy's conclusions about common loons and tufted puffins, pointing to concerns raised by the Washington Department of Fish and Wildlife. The group also argues that the Navy failed to adequately evaluate greenhouse gas emissions in relation to state and county emissions-reduction goals.

The Navy determined that relocating Growler operations to El Centro would reduce operational effectiveness, cost too much, expose more people to aircraft noise and impose unnecessary burdens on sailors and their families. COER maintains that the alternative was not adequately considered.

The group also criticized the Navy for issuing an amended analysis without preparing a new environmental impact statement or record of decision.

The lawsuit dates to 2019, when COER and the state Attorney General's Office separately challenged the Navy's environmental review of expanded Growler operations. The cases were consolidated, and in 2022 Jones found that the Navy had violated the National Environmental Policy Act in four areas.

The original environmental impact statement preceded the Navy's decision to add 36 Growlers at NAS Whidbey and increase touch-and-go training at Outlying Landing Field Coupeville fourfold.

The court ordered the Navy to correct deficiencies involving greenhouse gas calculations, classroom learning, bird species and the El Centro alternative. However, the judge allowed expanded Growler operations to continue while the Navy conducted additional analysis.

The Navy released its amended analysis in December 2025.

In a motion filed Jan. 30, COER asked permission to challenge the revised document through a supplemental complaint in the existing lawsuit.

The Navy opposed the request in March, arguing that COER needed to reopen the final judgment before pursuing additional claims. Its attorneys also contended that the group failed to attach a proposed supplemental complaint, that some issues had already been

decided and that COER had not preserved its right to challenge the analysis of classroom learning and bird species.

Jones rejected those arguments, finding that the court had expressly retained jurisdiction to ensure the Navy complied with its earlier orders. He also determined that COER had not waived its claims and that procedural rules did not require the group to attach a proposed complaint.

The judge concluded that allowing the dispute to proceed in the existing case would avoid duplicating judicial efforts and delaying resolution of litigation that has been pending for seven years.

However, Jones agreed with the Navy that the lawsuit should not expand beyond the scope of the court's previous ruling. He limited the supplemental complaint to whether the Navy corrected the four deficiencies identified in 2022, prohibiting new parties, previously dismissed claims and unrelated challenges.

The ruling does not determine whether the Navy's amended environmental analysis complies with federal law.