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Congress of the United States
House of Representatives

February 8, 2010

NATURAL RESOURCES COMMITTEE
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OCEANS AND WILDLIFE
SUBCOMMITTEE ON NATIONAL PARKS,
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ARMED SERVICES COMMITTEE
SUBCOMMITTEE ON READINESS
SUBCOMMITTEE ON MILITARY PERSONNEL

The Honorable Ray Mabus
Secretary of the Navy
Office of the Secretary of the Navy
2000 Navy Pentagon
Washington, D.C. 20350

Dear Secretary Mabus,

I write to respectfully request your attention and assistance with modifying the current Draft Environmental Impact Statement (DEIS) regarding the military build-up on Guam. As you may be aware, I recently returned from Guam after conducting five town hall meetings across the island in Mangilao, Tamuning, Yigo, Agat and Piti. During the course of these meetings it became very clear to me that there is significant concern in the community regarding certain aspects of the military build-up on Guam. It is important to note that support in our community for the military build-up could erode if substantial concerns about certain aspects are not addressed in the final Environmental Impact Statement.

As such, I write to request your attention to each of these common areas of concern and hope that you can favorably resolve them through alternative analysis that will appear in the final Environmental Impact Statement. I would like to address each of these consensus areas in this letter and I propose alternative actions that I believe need to be further studied and addressed.

First, of greatest concern among my constituents is the overall footprint of the military bases on Guam. The current DEIS would require the Department of Defense (DoD) to acquire several thousand additional acres to the current military footprint in which DoD possesses roughly thirty percent of the island already. In previous discussions with DoD officials over the last five years I, along with my local leaders, have been told that the military will accomplish the requirements of the military build-up within the existing DoD footprint on Guam. While private landowners and the Government of Guam may choose to lease or sell their lands, I remain skeptical that this effort will be successful. Moreover, I am opposed to the use of eminent domain as a way to acquire private or Government of Guam lands. Therefore I would recommend that the DoD look at alternative options.

The DEIS calls for land acquisition, primarily of the former FAA parcel, to develop the main cantonment area for the III Marine Expeditionary Force. Unfortunately, the preferred alternative and other alternative actions all require acquisition of private or Government of Guam land. As such, I would encourage the

E-001-001

Thank you for your comment. DoD was required to determine whether military relocation requirements could be met by excess, underutilized or otherwise available property held by DoD on Guam. Early development plans attempted to keep all activities on existing DoD lands. However, as discussed in the FEIS (Volume 2, Chapter 2), after applying operational and environmental screening criteria, no contiguous DoD area on Guam was identified that could support all the training and operational requirements of the action.

Your mitigation recommendations have been reviewed; during the DEIS comment period, a number of recommended mitigation measures were submitted. Subsequently, an expanded discussion on mitigation measures has been provided in the FEIS.

E-001-001

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E-001-001 Department of Defense to consider the option of building housing quarters as well as other support facilities more vertically. Building facilities vertically will reduce the requirement to acquire private or Government of Guam land. Additionally, I believe the DEIS is deficient at adequately examining Andersen Air Force Base as a location for the housing quarters and certain support facilities for the Air Combat Element (ACE) of the 1st Aviation Wing and all subsidiary units. By shifting the ACE housing and any necessary support facilities to Andersen AFB, it will further reduce, if not entirely eliminate, the need for acquiring land near and adjacent to the main cantonment area at Finegayan. This option should be an alternative that is more thoroughly reviewed by the DoD to achieve the U.S. Marine Corps quality of life requirements.

E-001-002 With regard to the proposed firing range on the northeast side of Guam between Pagat and Sasayan, I would recommend that the DoD look at alternative options for a training range. Again, while DoD, private landowners, and the Government of Guam are free to negotiate any deals that they may desire on acquisition of land I do not believe such land acquisition strategies will ultimately be successful. As such, I would recommend that the DoD consider the alternate location of Naval Magazine, Pati Point at Andersen AFB as well as Tinian Island as alternative locations for meeting all USMC training and firing range requirements. Naval Magazine was considered in the DEIS as a potential alternative location for USMC firing range requirements. However, Pati Point was not formally considered due to "throughput issues", but I would encourage further study of this location in combination with other locations to meet the USMC requirements.

E-001-003 Another area of deficiency in the DEIS is the current preferred alternative and other alternative locations for the transient carrier berth in Apra Harbor. Many of my constituents have expressed deep concern about the amount of coral that will be lost if the preferred alternate location of Polaris Point is chosen for the carrier berthing. Moreover, there is considerable concern about the potential impact of the carrier berthing location on the tourist economy and sensitive diving sites at Western Shoals in Apra Harbor. I would recommend that the DoD look at another alternative location at the so-called Dry Dock Island at either Delta or Echo wharves which is the current location of the Navy's fuel pier. Consistent with the review of this additional location for the transient carrier pier would be a more thorough review of sediment that will be displaced by necessary dredging. I am concerned that current sedimentary review in the DEIS does not take into account materials that may exist in the sediment at deeper levels that will be dredged during the construction phase. I believe that this additional alternative location would further reduce impact on diving sites of economic consequence as well as further reduce the impact on coral in Apra Harbor. Moreover, dredging for a transient carrier berth at Delta and Echo wharves will also benefit the commercial port as any dredging for the

E-001-004

E-001-005

E-001-002

Thank you for your comment. As discussion in Section 2.2 in the DEIS, it is not practical from a land use or operational efficiency perspective to divide up the family housing and community support into multiple non-contiguous parcels. Maximum efficiency is achieved with one contiguous parcel so redundancy in retail, recreation and other community support facilities is reduced.

Pati Point was not carried forward as an alternative because of it contained insufficient space for the firing range and the Surface Danger Zones (SDZs), would conflict with aviation training; and the SDZs would encumber the Pati Marine Preserve. Further, the increase in transiting traffic may negatively impact nearby endangered species recovery efforts. The Naval Magazine was considered as a potential training range location. However, it was not considered a reasonable alternative because of conflicts with explosive safety arcs and the significant amount of earthwork that would be required due to topography. Tinian would not meet the need for units stationed on Guam to conduct individual skills training on a daily basis.

E-001-003

Thank you for your comment. Comments received on the DEIS from Federal agencies, Guam agencies, the Guam legislature and private parties were critical of the marine resources analysis and other analysis presented in the DEIS regarding the proposed transient aircraft carrier berth. Some commentors also suggested consideration of other sites or reconsideration of alternative sites that had been eliminated from detailed analysis. Those comments were carefully considered and some changes/additions were made to the analysis that was presented in the DEIS. In the view of the Department of the Navy, the analysis now presented in the FEIS, including the marine resources impacts analysis,

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E-001-005 | carrier will improve access to the commercial port by carriers with materials supporting the military build-up on Guam

E-001-006 | The most woefully deficient portion of the DEIS is Volume 7 or the so-called "socioeconomic study". This portion of the DEIS is void of true understanding of the potential socioeconomic impacts of the military build-up on Guam. For example, it is stated that, "Ultimate fighting and mixed martial arts training are currently popular among Guam's young civilian population, and there have been reports that the youth undergoing such training might test themselves against Marines who could react accordingly (Guam Police Department Interview – Appendix F SIAS). If such conflicts occur, they would likely represent a significant transitional —period of adjustment, but the length of this period is not predictable." Furthermore, it is stated that, "Although available evidence does not suggest that Marines would have an impact on Guam's overall crime rates or assaults on women, there is cause for concern about impacts on crime and social order due to other factors. Construction booms are often accompanied by a sense of loosened norms and social disorder. In-migrants from the FAS – whose numbers may increase in both the construction and operational stages due to more job opportunities – have high crime rates associated with adapting to less traditional social structures. There is a potential for more prostitution, alcohol/substance abuse, and family violence associated with young military populations in general, not Marines in particular. However, the reputation of Marines as fighters could trigger a transitional period of adjustment that local young men test themselves against Marines in fights." These comments in the socioeconomic study show an overall ignorance of the multitude of cultures on Guam and the overall impact that major construction would have on any society or culture. This study should be completely revamped and future socioeconomic studies should reference more appropriate references such as locations in the United States that have experienced build-ups due to BRAC.

E-001-007 | Of particular importance to me and many Chamorros on Guam is the section of the socioeconomic study that discusses the impact the military build-up may have on Chamorro self determination. In particular on page 3-64 of Volume 7 it states, "However, an expansion in non-Chamorro voting population could eventually affect the proportion of Chamorro office-holders and government workers; thereby affecting the current government budgets and activities dedicated to cultural issues and practices. It could also affect outcomes of any future plebiscites about Guam's political status." This comment ignores the reality of a Chamorro self-determination vote. Further research would indicate, per Guam statute, that a political status vote on self-determination can only be held by people on Guam who resided on the island before Organic Act granted citizenship to the people of Guam. This lack of attention to detail on a very important issue further highlighted people's concerns about the DEIS and also called into the question the validity of research and analysis in the document.

provides the information necessary to allow the decision-maker to fully consider the direct, indirect and cumulative environmental impacts of locating a transient aircraft carrier berth within Apra Harbor, including those associated with constructing a wharf, dredging a turning basin, and deepening the access channel. Further, the analysis provided in the FEIS would allow the decision-maker to make an informed, reasoned selection of a specific site for the transient aircraft carrier berth within Apra Harbor. Although the Navy believes the analysis in the FEIS is sufficient to inform selection of a specific site for a transient aircraft carrier berth, the Navy recognizes that concerns remain on the part of regulatory agencies and the public, about the analysis and about the sufficiency of the information that would be required to support future Federal permitting actions to allow for construction of the proposed transient aircraft carrier berth. Based on the level of concern expressed in comments on the DEIS, continued discussions with cooperating agencies under NEPA, and the Navy's continuing commitment to environmental stewardship, the Navy has elected to forgo selection of a specific site for the transient aircraft carrier berth within Apra Harbor for the near term. Therefore, the Navy will continue to proceed toward a decision whether to locate a transient aircraft carrier berth generally within Apra Harbor but will defer a decision on a specific site. The Navy will voluntarily collect additional data on marine resources in Apra Harbor at the alternative transient aircraft carrier berth sites still under consideration by the Navy in this Volume of the FEIS. That additional data and associated analysis will be used in the future to inform the subsequent selection of a specific site for the transient aircraft carrier berth within Apra Harbor. To the extent the additional data produces significant new circumstances or information relevant to environmental concerns and bearing on the deferred portion of the proposed action (i.e., site specific selection) or its impacts, supplemental analysis will be completed under NEPA as provided in the CEQ regulations governing supplemental environmental impact analysis (42 CFR 1502.09). The EIS acknowledges there would be impacts associated with the proposed

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E-001-008

Finally, I would urge that additional information and analysis be included in the final EIS with regards to workforce housing and medical care issues. The current acquisition strategy that is indicated in the DEIS requires contractors to find housing for their workforce at various locations across Guam. This strategy increases overall impact on the civilian community's infrastructure including power, water, wastewater and road usage. The DEIS should look at a variety of other alternatives to the housing of the workforce including the housing of such workers on the Finegayan military installation. Regardless of the ultimate decision, a more comprehensive strategy is necessary to ensuring a reduced burden on the civilian community and a certain quality of life is maintained throughout the duration of the military build-up. Similarly, the DEIS states that there is a need for an additional 245 health care personnel during the military build-up. This figure which was found in Volume 7 of the DEIS and is very concerning to the civilian community on Guam. In previous conversations with the DoD, I, and other leaders of Guam, had been informed that most health care coverage for the temporary workforce would be taken care of at the Naval Hospital and that they would also be required to carry a local health insurance provider. If this was a planning assumption on the part of the DoD then the 245 additional health care personnel seems substantial and more than is necessary to meet the requirements of providing health care to the temporary workforce. Again, much like workforce housing issue or civilian utility improvements, the DEIS is woefully incomplete in addressing these pressing issues for Guam. I would request that the final EIS better address workforce housing, medical care and civilian utility improvements and plans to mitigate the impacts the build-up will have on these areas of concern.

E-001-009

I thank you for your attention to these most pressing issues of concern to me in the DEIS. I hope that you will be able to favorably address these concerns above before I submit my formal comments on or before February 17, 2010. It is my intent to provide the aforementioned comments along with some additional items in my forthcoming formal submission. I hope that we will be able to set-up a time to meet and discuss these matters in greater detail before February 12, 2010. Please contact Matthew Herrmann, my Legislative Director, at matthew.herrmann@mail.house.gov or at 202-225-1188 to make these arrangements.

Sincerely,


MADELEINE Z. BORDALLO
Member of Congress

construction of a new deep-draft wharf in Apra Harbor to accommodate a transient nuclear powered aircraft carrier. Dredging is required to provide the minimum depth requirements to safely navigate the aircraft carrier. The DoD undertook several measures to avoid environmental impacts, including choosing a channel alignment that avoided dredging of important coral shoals, reducing the aircraft carrier turning basin radius, and choosing a parallel shore wharf alignment with a reduced clearance for the aircraft carrier. As identified in the EIS, the proposed dredged area within the active commercial harbor was previously dredged over 60-years ago and maintenance dredging continues. Most of the area to be dredged has less than 30% coral coverage (i.e. 60% rubble, sand, and algae) and is of moderate health based on dive surveys. The shoal areas (Western Shoals, Middle Shoals, Jade Shoals, Big Blue Reef) would not be impacted by direct dredging activities. Based on computer modeling, taking into account tides and currents, there are no indirect (sedimentation) impacts anticipated for these shoal areas. To minimize the impacts of dredging, the US Army Corps of Engineers permits for the proposed actions would likely contain requirements for silt curtains, biological monitoring, restrictions on dredging activities during coral spawning periods, and compensatory mitigation projects.

A detailed compensatory mitigation plan would be submitted as part of the Clean Water Act 404 permit application for construction affecting the navigable waters of the United States (including the CVN transient wharf). Due to the ongoing review of DoD's habitat assessment methodology for coral reef ecosystems and associated uncertainties regarding the scope of mitigation required, a detailed mitigation plan has not been developed nor will one be available for incorporation into the FEIS. However, a number of mitigation options, including watershed restoration and the use of artificial reefs, are discussed in programmatic nature in Volume 4, Section 11.2 of the FEIS. DoD recognizes that, as part of the CWA Sec. 404 permitting process, additional NEPA

documentation may be required to address specific permitting requirements and implementation of required compensatory mitigations. As described in Chapter 2, Volume 4, the Navy considered a range of alternatives for the proposed aircraft carrier berth. Security/force protection is of utmost importance when choosing a reasonable alternative. Delta and Echo wharves were considered and dismissed because the required buffer zones around the aircraft carrier would obstruct harbor traffic near the Commercial Port. Additional text has been added to Chapter 2 in Volume 4.

E-001-004

Thank you for your comment. Sediment samples were taken at depths up to -52 feet MLLW, which translates into sediment core lengths of up to 43 feet, and covers the range of anticipated dredge depths. On average sediment cores were approximately 11 feet long. Information on sediment depths has been added to the EIS. A number of protective measures would be taken to minimize the distribution of the turbidity plume that would unavoidably be generated by the proposed dredging operations. These measures are noted in Chapters 2, 4, and 11 of Volume 4. Use of silt curtains is one example of these types of protective measures. Standard turbidity (silt) curtains are approximately 20-30 feet (6-9 meters) in length and have a weighted bottom to maintain the effectiveness of the curtain against the movement of currents within the water body. As the material is being excavated by the mechanical dredge, the heaviest materials fall rapidly to the bottom of the water body with the lighter and more buoyant fraction floating in the upper levels and surface of the water where the curtains are most effective. Specific dredge requirements would be identified and implemented following agency coordination and permitting.

E-001-005

Thank you for your comment. Section 2.3.1 of Chapter 2, Volume 4

provides a range of reasonable alternatives that were considered and dismissed from further analysis as well as the reasons why they were dismissed. After careful consideration of the alternatives based on the identified selection criteria, Polaris Point and the Former SRF were the only two wharf locations that met all of the selection criteria and are considered viable options for berthing the aircraft carrier. Delta/Echo Wharves, as described in Section 2.3.1, were dismissed from further analysis because the required buffer zones around the aircraft carrier would obstruct harbor traffic. Additional text has been added to Chapter 2 of Volume 4.

E-001-006

Thank you for your comment. DoD believes the analysis in the DEIS was comprehensive and accurate. The SIAS and the DEIS are documents that have identified the probable impacts of the proposed action and alternatives based on the best available information. Existing data and information was gathered and supplemented with interviews with federal and Guam agencies. To provide the public and various governmental agencies with an opportunity to review and comment on the methodologies and assumptions used, the SIAS was included as Appendix F, Volume 9 of the DEIS. Comments provided on the DEIS will also be included to provide the decision-makers with the public views in support and/or opposition of the proposed action and alternatives.

E-001-007

Thank you for your comment. The DEIS addresses general socioeconomic effects and properly identifies the possibility that the composition of the Guam electorate might be changed eventually. However, principles of self-determination and other political issues are beyond the scope of the DEIS and so are not addressed. Furthermore, Federal laws and U.S. Supreme Court decisions have upheld the power of Congress alone to determine the political status of U.S. territories,

including the granting or withdrawal of U.S. citizenship and who may vote in special elections regarding political relationship to the U.S.

E-001-008

Thank you for your comment. Workforce housing would be provided by the contractors as described in Volume 2, Chapter 16, "Socioeconomics and General Services." DoD would not provide workforce housing, but design/construction contracts would require the contractor to accommodate the workforce in accordance with specified health and safety standards. Various proposals are being developed by potential contractors in anticipation of winning a contract. The timing and location are unknown for construction and/or renovation of housing to accommodate the construction workforce, but it is possible that some of the workforce housing projects would begin (and has been implemented) independently of DoD's Record of Decision.

There are no plans to allow contractors to locate workforce housing on DoD-controlled land. Therefore, it is anticipated that should workforce housing needs require the construction of new housing, such workforce housing would be located on either private or Government of Guam lands. In either instance Guam officials would control the underlying land use and permit decisions associated with the siting of such housing. DoD would work with Government of Guam land use and natural resource officials to identify any contractor plans or efforts to construct workforce housing and DOD shall ensure that contractors are informed of their responsibilities to comply with Government of Guam land use restrictions. In particular, the Guam Land Use Commission recently issued GLUC 2009-1 which specifically addresses the issue of zoning for workforce housing.

With respect to the need for additional medical professionals, DoD has incorporated additional information obtained from GovGuam in Volume 2, Chapter 16 of the Final EIS.

As documented in this EIS, DoD acknowledges the existing sub-standard conditions of key public infrastructure systems and social services on Guam and the interest to have DoD fund improvements to these systems and services. DoD's ability to fund actions is limited by Federal law. However, to minimize adverse impacts associated with the proposed military relocation program, DoD is leading a federal inter-agency effort to identify other Federal programs and funding sources that could benefit the people of Guam.

E-001-009

Thank you for your comment.

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GUAM

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February 17, 2010

Joint Guam Program Office
c/o NAVFAC Pacific
258 Makalapa Drive, Suite 100
Pearl Harbor, HI 96860-3134
Attention: GPMO

**RE: Official Comments of Congresswoman Madeleine Z. Bordallo on the Draft
Environmental Impact Statement/Overseas Environmental Impact Statement on Guam
and CNMI Military Relocation**

I am writing to submit my formal comments on the Draft Environmental Impact Statement (DEIS) on the Guam military build-up. My comments are in response to the Navy Notice of Availability and Notice of Public Hearings posted on November 20, 2009 in the Federal Register. I appreciate your attention to and consideration of these comments as the Department of the Navy begins to draft a Final Environmental Impact Statement.

My comments are based off my own review of the DEIS as well as from meetings with my constituents on Guam including comments from the five town hall meetings I held in late January 2009 in Mangilao, Tamuning, Yigo, Agat and Piti.

E-002-001

An area of concern in the DEIS is the overall footprint of the military bases on Guam. Volume 2 of the DEIS proposes the Navy acquire several thousand additional acres of public and private land to the current military footprint. This is concerning given that the Department of Defense (DoD) possesses roughly thirty percent of the island already. I believe that many of the support facilities to house the additional U.S. Marines (USMC) and Army forces can be conducted on the currently existing DoD land. I support efforts by the DoD, Government of Guam and private landowners to reach land acquisition deals after good faith negotiations. I would oppose any effort by the DoD to utilize eminent domain to acquire the lands. Therefore I would recommend that the Navy look at several alternative options outlined in greater detail below.

E-002-002

Volume 2 of the DEIS calls for land acquisition, primarily of the former FAA parcel, to develop the main cantonment area for the III Marine Expeditionary Force. Unfortunately, the preferred alternative and other alternative actions all require acquisition of private or public land. Instead of acquiring additional land, the DoD should only use currently existing DoD land in Finegayan. This will negate the requirement to acquire public or private land for the Marine main cantonment area. Additionally, I believe the DEIS is deficient at adequately examining Andersen

E-002-001

Thank you for your comment. DoD acknowledges that the issue of land acquisition is a complex and sensitive issue, particularly related to prior acquisition of land in Guam by the federal government. Prior land acquisition policies and procedures are not reflective of current land acquisition laws and DoD policy.

DoD was required to determine whether military relocation requirements could be met by excess, underutilized or otherwise available property held by DoD on Guam. Early development plans attempted to keep all activities on existing DoD lands. However, as discussed in the FEIS (Volume 2, Chapter 2), after applying operational and environmental screening criteria, no contiguous DoD area on Guam was identified that could support all training and operational requirements of the action.

Should DoD determine that additional land is necessary to meet its requirements, DoD policy requires that it negotiate with affected public and private land owners in good faith, seek agreements to acquire desired lands interests and pay fair market value. Where circumstances exist that require resolution of issues such as ownership or value, procedures exist under eminent domain authority to resolve those questions. Eminent domain requires reimbursement at fair market value.

Part of the land acquisition process is determining suitable replacement space for affected landowners and compensation for improvements. If and when negotiations with landowners begin, detailed acquisition procedures would be developed and implemented. Negotiations, conflicts, compensation, and other issues may arise; these are covered by the acquisition processes and, if required, by the courts.

E-002-002

Thank you for your comment. DoD was required to determine whether military relocation requirements could be met by excess, underutilized or

E-002-002 Air Force Base as a location for the housing quarters and certain support facilities for the Air Combat Element (ACE) of the 1st Aviation Wing and all subsidiary units. By shifting the ACE housing and any necessary support facilities to Andersen AFB, it will also negate the need for acquiring land near and adjacent to the main cantonment area at Finegayan. This would be the preferred alternative that is outlined in the final environmental impact statement in order to achieve the U.S. Marine Corps quality-of-life requirements.

With regard to the proposed firing range on the northeast side of Guam between Pagat and Sasayan, I would recommend that the DoD look at alternative options for a firing and training range. Again, while DoD, private landowners, and the Government of Guam are free to negotiate any deals that they may desire on acquisition of land, I do not believe such land acquisition strategies will ultimately be successful. As such, DoD must consider the alternate locations of Naval Magazine, the Andersen Air Force Base ranges as well as Tinian to meet all USMC training and firing range requirements. Naval Magazine was considered in the DEIS as a potential alternative location for USMC firing range requirements. However, Andersen Air Force Base ranges were not formally considered due to "throughput issues", but I would encourage further study of this location in combination with other locations to meet the requirements. Again, I am opposed to any effort by the DoD to use eminent domain to obtain lands for training requirements at Pagat and Sasayan.

E-002-003 A major deficiency in the current DEIS analysis is based on the false assumption of completing all construction projects by 2014. This completion date has driven all analysis of the DEIS and this assumption has many unintended consequences. For example, the DEIS indicates that up to 80,000 workers and the induced population could be on Guam before 2014 to support the requirements of the military build-up. Moreover, the current timeline will place significant strain on the local utilities and infrastructure. These impacts cannot be supported by Guam under current assumptions. While Volume 7 identifies that the Navy will use adaptive management techniques to mitigate against the timeline impacts, the current timeline for completion of the military build-up must be extended by 4 to 6 years in order to better mitigate against the impacts of such a compressed timeline. A total of 8 to 10 years for completion of major construction projects associated with the military build-up is more realistic and would provide the final environmental impact statement with a realistic scope of impacts on Guam during the course of the military build-up.

E-002-004 Another area of deficiency in the DEIS is the current preferred alternative and other alternative locations for the transient carrier berth in Apra Harbor. The current preferred alternative location for the transient carrier berth will damage a significant amount of coral at nearly 30 acres. I prefer a location that will require the least amount of coral loss and dredging in Apra Harbor. Additionally, the current preferred alternative location may have a potentially significant negative impact on diving sites at Western Shoals, which would negatively impact tourism on Guam. The Navy should select alternative locations for the transient carrier berth including Kilo or Delta wharves. I believe that either of these locations will require less dredging, and more importantly, less loss of critical coral habitat in Apra Harbor. In addition, any dredging of the proposed Delta wharf location could help to improve access to the commercial port thereby having a direct positive impact on the civilian infrastructure.

otherwise available property held by DoD on Guam. Early development plans attempted to keep all activities on existing DoD lands. However, as discussed in the FEIS (Volume 2, Chapter 2), after applying operational and environmental screening criteria, no contiguous DoD area on Guam was identified that could support all the land use and operational requirements of the action.

For additional rationale why Anderson AFB, the Naval Magazine and Tinian were eliminated from consideration, please see response to your previous letter - response E-001-002.

E-002-003

Thank you for your comment. The purpose and need for the proposed relocation is to meet alliance and treaty requirements. As discussed in Volume 1 of the Final EIS, the alliance agreement with Japan states that approximately half the U.S. Marines on Okinawa would be relocated to Guam by 2014. Adaptive program management is proposed as potential mitigation in the Final EIS that could potentially extend the construction period. As currently envisioned (and as discussed in Volume 7 of the Final EIS), adaptive program management would entail adjusting the construction tempo to reduce environmental impacts if it is determined that, through monitoring, key infrastructure systems on Guam are reaching "action" or "tipping" points. DoD would chair a multi-agency council that would oversee the application of adaptive program management post-Record of Decision.

E-002-004

Thank you for your comment. Comments received on the DEIS from Federal agencies, Guam agencies, the Guam legislature and private parties were critical of the marine resources analysis and other analysis presented in the DEIS regarding the proposed transient aircraft carrier berth. Some commentors also suggested consideration of other sites or reconsideration of alternative sites that had been eliminated from

E-002-005 Consistent with the review of these additional locations for the transient carrier berth would be a more thorough review of sediment that will be displaced by necessary dredging. I am concerned that current sedimentary review in the DEIS does not take into account materials that may exist in the sediment at deeper levels that will be dredged during the construction phase. A more thorough testing of dredged materials to the actual levels that will be dredged will help to ensure the public about potential hazardous materials that may exist in the sediment. Such an analysis must be completed before the final environmental impact statement is released in order to ensure that this area of the analysis is not deficient. Finally, the final environmental impact statement must more adequately address the placement of dredged material off the coast of Guam. The current locations for dumping the dredged material may have a negative consequence on the current fishing areas in the offshore waters thereby impacting local fishermen. Greater attention should be paid to the location of dumping of any dredged material from Apra Harbor.

E-002-006 Another deficiency in the DEIS is lack of adequate attention to the need for federal assistance to improve civilian infrastructure on Guam that would support and sustain an increased military presence. There is a need for significant improvements to our water, wastewater, roads, port and schools. While the DEIS recognizes the need to improve civilian infrastructure it does not provide a clear strategy that details how the federal government will assist Guam. The final environmental impact statement should better address this issue in a serious manner. Moreover, ways to finance such infrastructure improvements could be better addressed in the mitigation portions of the final environmental impact statement.

E-002-007 The DEIS has a significant gap in its analysis of water needs. The DEIS utilizes old studies regarding the aquifer in Northern Guam and yet the preferred alternative action is to drill an additional 22 wells on Navy property to service the USMC main cantonment area. Additional water capacity studies being conducted by the University of Guam and the U.S. Geological Survey must be complete and incorporated into any assumptions before the final environmental impact statement is submitted.

E-002-008 Another significant deficiency in the DEIS is the lack of a comprehensive plan for the housing of guest workers and providing for their health care needs in a manner that does not further overwhelm our local infrastructure and health care system. I support current proposals that require local solutions to the workforce housing issue and this would be a preferable alternative. However, any proposal to house guest workers outside the gates must address their impact on civilian infrastructure such as water, wastewater and power in the final environmental impact statement. Therefore, it is imperative that the DEIS address the issue of local capacity.

E-002-009 The final environmental impact statement must also contain a comprehensive plan to address the health care needs for guest workers. The DEIS is deficient in this portion of its analysis. Moreover, its analysis states that Guam would need an additional 245 health care professionals. Such an assumption would seem to indicate that there will be an over reliance on the local health care system. A more comprehensive plan is needed for the community to address and prepare to meet these requirements. I believe that the final environmental impact statement should make it clear that these guest workers will be required to provide local health insurance coverage and access to private clinics. There is concern that the Guam Memorial

detailed analysis. Those comments were carefully considered and some changes/additions were made to the analysis that was presented in the DEIS. In the view of the Department of the Navy, the analysis now presented in the FEIS, including the marine resources impacts analysis, provides the information necessary to allow the decision-maker to fully consider the direct, indirect and cumulative environmental impacts of locating a transient aircraft carrier berth within Apra Harbor, including those associated with constructing a wharf, dredging a turning basin, and deepening the access channel. Further, the analysis provided in the FEIS would allow the decision-maker to make an informed, reasoned selection of a specific site for the transient aircraft carrier berth within Apra Harbor.

Although the Navy believes the analysis in the FEIS is sufficient to inform selection of a specific site for a transient aircraft carrier berth, the Navy recognizes that concerns remain on the part of regulatory agencies and the public, about the analysis and about the sufficiency of the information that would be required to support future Federal permitting actions to allow for construction of the proposed transient aircraft carrier berth. Based on the level of concern expressed in comments on the DEIS, continued discussions with cooperating agencies under NEPA, and the Navy's continuing commitment to environmental stewardship, the Navy has elected to forego selection of a specific site for the transient aircraft carrier berth within Apra Harbor for the near term. Therefore, the Navy will continue to proceed toward a decision whether to locate a transient aircraft carrier berth generally within Apra Harbor but will defer a decision on a specific site. The Navy will voluntarily collect additional data on marine resources in Apra Harbor at the alternative transient aircraft carrier berth sites still under consideration by the Navy in this Volume of the FEIS. That additional data and associated analysis will be used in the future to inform the subsequent selection of a specific site for the transient aircraft carrier berth within Apra Harbor. To the extent the additional data produces significant new circumstances or information

E-002-009 Hospital does not have additional capacity to handle the induced population resulting from the military build-up and the DEIS does not adequately address the issue of health care for this population. The final environmental impact statement must better address the ways in which the Navy will mitigate the impacts on the civilian health care system. Additionally, the final environmental impact statement should more adequately address the need for mental health professionals on Guam. The current high operations tempo of ground forces has shown a significant increase in the need for mental health professionals. Guam currently has a significant shortfall in mental health professionals and current data suggests that many Active Duty, Reserve and National Guardsmen seek this type of health care off-base in the civilian community instead of using "on base" resources.

E-002-010 The most woefully deficient portion of the DEIS is the so-called "socioeconomic study" portion of Volume 7. This portion of the DEIS is void of true understanding of the potential socioeconomic impacts of the military build-up on Guam. For example, it is stated that, *"Ultimate fighting and mixed martial arts training are currently popular among Guam's young civilian population, and there have been reports that the youth undergoing such training might test themselves against Marines who could react accordingly (Guam Police Department Interview Appendix F SIAS). If such conflicts occur, they would likely represent a significant transitional period of adjustment, but the length of this period is not predictable."* Furthermore, it is stated that, *"Although available evidence does not suggest that Marines would have an impact on Guam's overall crime rates or assaults on women, there is cause for concern about impacts on crime and social order due to other factors. Construction booms are often accompanied by a sense of loosened norms and social disorder. In-migrants from the FAS [Freely Associated States] whose numbers may increase in both the construction and operational stages due to more job opportunities have high crime rates associated with adapting to less traditional social structures. There is a potential for more prostitution, alcohol/substance abuse, and family violence associated with young military populations in general, not Marines in particular. However, the reputation of Marines as fighters could trigger a transitional period of adjustment that local young men test themselves against Marines in fights."* It was also suggested in the DEIS that Chamorro music be played at the airport to mitigate against the potential loss of culture on Guam as a result of the military build-up. The comments in the socioeconomic study show a stunning ignorance of Chamorro culture on Guam. Moreover, the DEIS lacks a strategy to promote and preserve Chamorro culture and language. This study should be completely re-written with the assistance of the University of Guam, Guam Community College and the Department of Chamorro Affairs.

Of particular importance to me and many Chamorros on Guam is the section of the socioeconomic study that discusses the impact the military build-up may have on Chamorro self determination. In particular on page 3-64 of Volume 7 it states, *"However, an expansion in non-Chamorro voting population could eventually affect the proportion of Chamorro office-holders and government workers; thereby affecting the current government budgets and activities dedicated to cultural issues and practices. It could also affect outcomes of any future plebiscites about Guam's political status."* This comment ignores the reality of Guam law with respect to a Chamorro self-determination vote. This lack of attention to detail on a very important issue further highlighted people's concerns about the DEIS and also called into the question the validity of research and analysis in the document.

relevant to environmental concerns and bearing on the deferred portion of the proposed action (i.e., site specific selection) or its impacts, supplemental analysis will be completed under NEPA as provided in the CEQ regulations governing supplemental environmental impact analysis (42 CFR 1502.09).

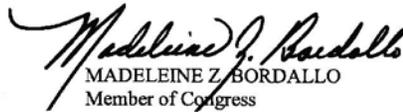
Section 2.3.1 of Chapter 2, Volume 4 provides a range of reasonable alternatives that were considered and dismissed (including Kilo and Delta wharves) from further analysis as well as the reasons why they were dismissed. After careful consideration of the alternatives based on the identified selection criteria, Polaris Point and the Former SRF were the only two wharf locations that best met all of the selection criteria. These two sites were then further analyzed to determine the preferred alternative for berthing the aircraft carrier. Chapter 1, Volume 4 describes the reasons why Kilo Wharf is not considered a practicable alternative. Kilo Wharf is already near capacity without considering the aircraft carrier visits. Kilo Wharf is the only wharf in Apra Harbor that has approval for large quantities of munitions and a waiver is required for ships carrying ammunition to berth in Inner Apra Harbor. The evaluation of the capacity of Kilo Wharf is based upon the wharf's use for loading and unloading ammunition carrying ships. The smaller load-outs of ammunition to combatant ships are already accomplished at the berths in the inner harbor. No additional capacity can be created at Kilo Wharf as the capacity is based upon use of Kilo Wharf by ships not capable of performing their mission in the inner harbor. These waivers are not readily granted because the large quantities of explosives berthed at a wharf that is unauthorized for large net explosive weights would represent an increased safety risk to nearby populations.

Delta Wharf was also dismissed as a practicable alternative, as described in Section 2.3, Volume 4. Security/force protection concerns for the aircraft carrier were of utmost importance in the evaluation of this potential alternative. This location was dismissed because the required

E-002-011

I appreciate your attention to these concerns. Significant improvements are needed to ensure that the final environmental impact statement better addresses all of these concerns. If these concerns are not addressed it will make successful implementation of the military build-up on Guam very difficult. Further, the position that I have outlined above is consistent with the positions put forward by the Governor of Guam and the Guam Legislature. The issues outlined above are all areas of consensus in the community and the only way to get the military build-up on Guam done right is to more adequately address the concerns raised.

Sincerely,


MADELEINE Z. BORDALLO
Member of Congress

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buffer zones around the aircraft carrier would obstruct the commercial harbor traffic. The EIS acknowledges there would be impacts associated with the proposed construction of a new deep-draft wharf in Apra Harbor to accommodate a transient nuclear powered aircraft carrier. Dredging is required to provide the minimum depth requirements to safely navigate the aircraft carrier. The DoD undertook several measures to avoid environmental impacts, including choosing a channel alignment that avoided dredging of coral shoals, reducing the aircraft carrier turning basin radius, and choosing a parallel to shore wharf alignment with a reduced clearance for the aircraft carrier.

To minimize the impacts of dredging, the US Army Corps of Engineers permits for the proposed actions would likely contain requirements for silt curtains, biological monitoring, restrictions on dredging activities during coral spawning periods, and compensatory mitigation projects. A detailed compensatory mitigation plan would be submitted as part of the Clean Water Act 404 permit application for construction affecting the navigable waters of the United States (including the CVN transient wharf). Due to the ongoing review of DoD's habitat assessment methodology for coral reef ecosystems and associated uncertainties regarding the scope of mitigation required, a detailed mitigation plan has not been developed nor will one be available for incorporation into the FEIS. However, a number of mitigation options, including watershed restoration and the use of artificial reefs, are discussed in programmatic nature in Volume 4, Section 11.2 of the FEIS. DoD recognizes that, as part of the CWA Sec. 404 permitting process, additional NEPA documentation may be required to address specific permitting requirements and implementation of required compensatory mitigations.

E-002-005

Thank you for your comment. Sediment samples were taken at depths of up to -52 feet Mean Lower Low Water, which translates into sediment core lengths of up to 43 feet. On average, sediment cores were approximately 11 feet long. The sediment cores were composited into a

single sample for subsequent chemical and physical analysis. The placement of the samples was designed to provide high spatial resolution to comprehensively determine the chemical and physical nature of bottom material in the areas proposed for dredging. Stratification was not present in a majority of the cores (i.e., more than half of the cores) to warrant splitting the cores to reflect differences in stratigraphy (e.g., top and bottom) for subsequent compositing and analyses. Information on sediment depths added to the EIS. An EIS is being prepared for the proposed Ocean Dredged Material Disposal Site (ODMDS) and includes an analysis of the effects of the designation of an ODMDS on area fishermen. According to the Draft EIS for the designation of an ODMDS off of the coast of Guam, direct and indirect impacts of the ODMDS alternatives on the socioeconomic environment of the region of influence would not adversely affect commercial fishing activities because the proposed ODMDS are located outside primary commercial fishing areas. Most commercial fishing takes place within six nm (11 km) of the shore in shallower water, near reefs and near fish aggregation devices (FADs). Because of the restriction on longline fishing, there is relatively little commercial fishing occurring in deeper waters. Additionally, the proposed ODMDS sites are located outside of primary recreational fishing areas. Similar to commercial fishing, recreational fishing off the western coast of Guam takes place within six nm (11 km) of the shore in shallower water, near reefs and near FADs and also at the offshore banks. Therefore, potential disposal operations at the proposed ODMDS would not affect commercial or recreational fishing. Routes taken by tugboats pulling barges transporting dredged material to the site may come within 5 nm (9.2 km) of a FAD, which would temporarily impact commercial and recreational fishing in that area. Although it is possible that fishing boats would occasionally encounter transiting barges leaving from or returning to Outer Apra Harbor, it would be similar to encounters with other ocean going vessel traffic and both vessels would be required to adhere to the navigation

regulations. The impact of transiting barges on fishing is therefore expected to be negligible.

E-002-006

Thank you for your comment. As documented in this EIS, DoD acknowledges the existing sub-standard conditions of key public infrastructure systems and social services on Guam and the interest to have DoD fund improvements to these systems and services. DoD's ability to fund actions is limited by federal law. However, to minimize adverse impacts associated with the proposed military relocation program, DoD is leading a federal inter-agency effort to identify other federal programs and funding sources that could benefit the people of Guam.

E-002-007

Thank you for your comment. DoD acknowledges the 1991/2 sustainable yield study is almost 20 years old. For that reason, DoD had the Water and Environmental Research Institute (WERI) of the University of Guam review that report and render an opinion if the assumptions it used are still valid today. That review was performed and the conclusion drawn was that yes those assumptions are still valid. The DoD has committed to support the USGS modeling of the aquifer, which is estimated to take at least 3 years. This model will assist in aquifer management, however would be completed too late to support the early phases of expansion of the extraction well system. In the interim while the USGS model is being developed, DoD will fund an update to the 1992 model to allow for data that has been collected on subaquifers in the northern part of Guam to be added to the data assessed for aquifer sustainability.

The planned water supply wells are located in sub-basins which almost entirely undeveloped. The average daily demand on these sub-basins is less than the most conservative estimate of sustainable yield. Only 2 percent of GWA's water supply well capacity is located with these sub-

basins. Based on a discussion with Dr. Jensen at University of Guam, a revised estimate of sustainable yield, incorporating available climate and groundwater information since the early 1990s is likely to result in higher estimates of sustainable yield. Therefore, no negative impacts are anticipated from installing the wells based on existing information. DoD has proposed to GWA to jointly manage the aquifer with input from experts, including USGS and WERI. This coordination with Northern Guam Lens Aquifer experts will provide a way for the best science and scientist to make decisions that will protect the aquifer. DoD shares your concern over aquifer management.

E-002-008

Thank you for your comment. Workforce housing would be provided by the contractors as described in Volume 2, Chapter 16, "Socioeconomics and General Services." DoD would not provide workforce housing, but design/construction contracts would require the contractor to accommodate the workforce in accordance with specified health and safety standards. Various proposals are being developed by potential contractors in anticipation of winning a contract. The timing and location are unknown for construction and/or renovation of housing to accommodate the construction workforce, but it is possible that some of the workforce housing projects would begin independently of DoD's Record of Decision.

There are no plans to allow contractors to locate workforce housing on DoD-controlled land. Therefore, it is anticipated that should workforce housing needs require the construction of new housing, such workforce housing would be located on either private or Government of Guam lands. In either instance Guam officials would control the underlying land use and permit decisions associated with the siting of such housing. DoD would work with Government of Guam land use and natural resource officials to identify any contractor plans or efforts to construct workforce housing and DOD shall ensure that contractors are

informed of their responsibilities to comply with Government of Guam land use restrictions. In particular, the Guam Land Use Commission recently issued GLUC 2009-1 which specifically addresses the issue of zoning for workforce housing.

There are private development proposals to provide workforce housing to support the military build-up described in the EIS. These proposals are being reviewed by the Guam Land Use Commission. The government of Guam controls the type and location of development and is responsible for ensuring the development is consistent with the existing and future community development plans. DoD has no decision-making authority over projects beyond the military base boundaries. The developers are likely to proceed with the construction or renovation for workforce housing before the EIS Record of Decision is signed. The Navy will issue construction contracts requiring the contractor to provide housing in accordance with specified health and safety standards. Medical benefits would also be provided to H2B workers under the conditions required to be awarded DoD construction work. That is, contractors will be required to provide medical services and transportation for the H2B workers. The Navy would not dictate the pay scale of the workers. Although the current pay scale for H2B workers has is less than (50% or more) what is paid to continental U.S. workers.

The adequacy of utilities and infrastructures for construction workers is discussed in Volume 6 of the DEIS by each utility.

E-002-009

Thank you for your comment. Volume 2, Section 16 specifies that the DoD would rely on construction contractors, who have significant expertise in the areas of workforce housing and logistics, to support temporary foreign workers (H2B). DoD contracts would require that there be health screening of all workers to reduce health risk to the Guam

population. Contractors would also be required to provide health care either by supplementing local Guam staff and resources or building their own clinic.

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Volume 2, Section 16 provides a brief discussion of the overarching factors that affect health and human services on Guam. It also outlines the key public, nonprofit, private, and military agencies that provide primary health and human services to Guam's population.

Finally, an expanded discussion of mitigation measures would be provided in the Final EIS; this includes discussion on how impacts to the public health care system can be minimized.

The Naval Hospital has been planned to support current and long-range military population projections and would provide health services to the military personnel, their dependents, and military beneficiaries. Under current conditions, and with few exceptions, the Naval Hospital cannot provide health care services to non-military personnel.

E-002-010

Thank you for your comment. DoD is confident the Draft EIS was complete and accurate. The FEIS has been expanded to address additional concerns and incorporate new information.

The SIAS and the DEIS are documents that identified the probable impacts of the proposed action and alternatives based on the best available information. Existing data and information was gathered and supplemented with interviews with federal and Guam agencies. To provide the public and various governmental agencies with an opportunity to review and comment on the methodologies and assumptions used, the SIAS was included as Appendix F, Volume 9 of the DEIS. Comments provided on the DEIS will also be included to provide the decision-makers with the public views in support and/or opposition of the proposed action and alternatives.

E-002-011

Thank you for your comment. Topics such as the political status also commonly referred to as “decolonization” and “self-determination” of Guam are important issues but are not part of the proposed action. DoD recognizes the importance of reducing adverse socio-economic and cultural change effects on the people of Guam, the island’s natural

resources, and infrastructure. The EIS process identifies ways to implement the proposed relocation while minimizing adverse impacts. DoD will continue to work with the people and Government of Guam to ensure that the short-term impacts of construction are managed effectively and that the long-term effects of the military relocation reflect DoD policies to be good neighbors and responsible citizens on Guam.