



Office of the Speaker
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I Mina'trentai Siette na Liheslaturan Guåhan | 37th Guam Legislature
Committee on Health, Land, Justice, and Culture

August 2, 2024

Emailed to: info@GFT-EA.com

Subject: Speaker Terlaje Common on MDA Proposed Guam Flight Test EA/ OEA

Hafa adai,

I am Therese Terlaje, Speaker of the 37th Guam Legislature and Chairperson for the Committee on Health, Land, Justice, and Culture. Please accept this as my comment on the U.S. Missile Defense Agency's (MDA) Guam Flight Test Proposed Final Environmental Assessment/ Overseas Environmental Assessment (EA/ OEA).

When an agency uses an EA rather than an EIS this means that the agency is not required to assess the cumulative impacts of the proposal along with all other existing and reasonably foreseeable future development in or near the area. In this way, EAs function as piecemeal planning due to their limited scope, while EISs function more as 'complete' or 'holistic' landscape- or environment-level planning. In the Proposed Final EA for the Guam Flight Test, the MDA provides a brief summary of potential impacts on resource areas and looks at cumulative impacts, but the level of review falls far below the standard of that in an EIS. An EIS would require the MDA to take a hard look at those cumulative impacts in every section of the analysis, e.g. climate impacts, surface and groundwater impacts, air quality, infrastructure, wildlife, and much more.

Therefore, the EA/ OEA for the MDA's proposed Guam Flight Test is inadequate, and this project cannot be considered unless an Environmental Impact Statement (EIS) is conducted and a complete EIS process is pursued. Below are reasons why the EA/ OEA is an inadequate assessment for the proposed project.

1. Lacking Assessment of Biological/ Environmental Impact

Marine life

Impacts to marine life included in the EA/ OEA are very vague, and seem to reduce the apparent negative impacts to marine life associated with the activities set forth in the proposed Guam Flight Test. The preferred Alternative 2 includes launch from AAFB or the sea, but no analysis is included for a sea launch. It is impossible to solicit adequate comments without adequate analysis. Further, an EIS for sea launch should be required if Alternative 2 is considered.

- a. The EA/ OEA details debris falling into the ocean and sinking down to the seafloor during testing: *"Military expended material from interception debris, parachutes, and*

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expended stages would be introduced into the marine environment. Debris resulting from successful interception would have the greatest potential to strike marine biological resources . . . Risk for entanglement would be present while parachutes are suspended in the water column, which would be a relatively short period of time . . . ” (5) and *“Following a successful intercept, debris would not normally be recovered from the ocean. If the intercept is not successful, both the target and interceptor would be terminated and impact the ocean’s surface, presenting no risk to Guam, and sink to the sea floor.”* (2-17)

- b. The EA/ OEA also details potential behavioral impacts of marine life from debris and noise activity: *“Impacts on marine biological resources from noise from splashdown of missile components have the potential to affect the behavior and hearing sensitivity in birds, marine mammals, sea turtles, and fish.”* (5)
- c. The cumulative impact of the proposed project with past, present, and future military projects was found to be increased for marine life: *“Past, present, and future actions from MITT may contribute to cumulative impacts on marine species from noise, electromagnetic energy, entanglement, and ingestion.”* (4-58)

Wildlife

Impacts to wildlife are also of concern as there exists various types of endangered wildlife within the booster area, areas near the booster area, and areas included in the “Potentially Restricted Area” outlined zone. An EIS is a better assessment over an EA/ OEA to determine impacts to wildlife.

- a. The EA/ OEA details debris falling to the land in the predicted booster zone in AAFB: *“Given that wildlife in and around the booster drop zone are accustomed to aircraft activities at AAFB, disturbance to wildlife would likely only result in minor behavioral responses.”* (4-21)
- b. The assessment also details potential for behavioral changes in wildlife due to debris, noise, and human retrieval activity, for example, here is a brief description from the EA/ OEA about impacts to the endangered Marianas Fruit Bat: *“Activities under the PA would generate noise in the environment that may affect the Mariana fruit bat, such as the missile launch and the potential use of a helicopter for the recovery of the first stage booster; ESA-listed plant and animal species may be impacted from a direct strike from the expended booster stage, recovery team personnel walking to and from the booster recovery site and directly impacting ESA-listed species, and the downwash from the helicopter during booster recovery operations; The physical presence of personnel that are conducting booster recovery activities within the booster drop area may cause Mariana fruit bats to exhibit temporary behavioral changes if the species is present.”* (4-19)

- c. There is no analysis if these procedures are adequate, or if cumulative impacts will require additional procedures or restrictions for safety.

Environment

The EA/ OEA states, “*Hazardous materials associated with preparation, maintenance, and execution of FEM-02 would include cleaners, solvents, lubricants, motor fuel, and diesel, and would be disposed of as hazardous waste, according to AAFB installation procedures.*”

(2-17)

- a. What are these procedures?
- b. Will disposal of these hazardous materials increase the number of or worsen existing superfund sites in Guam?

Page 3: “The DoD will implement a natural resources education program...”

- a. Is this done in collaboration with Guam EPA and Department of Agriculture to ensure that the program is in line with local natural resource education and protection frameworks?

Page 1-2: “This EA/OEA discusses and analyzes the potential environmental impacts of the first flight test, the Flight Experiment Aegis Weapon System (FEM)-02, in detail. Future flight tests are discussed and analyzed programmatically. As details for future flight tests and tracking exercises are further developed, additional NEPA documentation may be required.”

- a. Recommendation to amend: “additional NEPA documentation may be required implementing procedures, including Environmental Impact Statements/Analyses *shall* be required.” Given the cumulative impacts of DoD proposed actions in our communities and the evolving potential environmental impacts of future flight test and tracking exercises, several stages of consent and public participation are necessary for these proposed actions and shall be available and provided to the people of Guam. This EA/OEA shall not serve as the only evaluation for all future flight tests and tracking exercises.

Page 1-4: Related Environmental Documentation re 2020 Mariana Islands Training and Testing (MITT) Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS): This document has been incorporated into the MDA Guam Flight Test Proposed Final EA/OEA because of the applicability of environmental impact analyses from previously completed NEPA documents. Provided that the 2020 NEPA MITT documents and associated materials are incorporated into this Final EA/OEA, we have the following questions/requests:

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- a. What relevant concerns were raised by the community and the government agencies in the 2020 MITT Supplemental EIS/OEIS?
- b. Have these concerns been addressed in the current MDA Final EA/OEA?
- c. If so, in what sections of the Final EA/OEA might these responses be found?
- d. If they have not been addressed, I respectfully request that every effort be made to acknowledge the relevant concerns raised during the previous MITT public comment periods and incorporate them in the Final EA/OEA to uphold the integrity and significance of the public review period for this proposed action.

Reevaluate the issues listed under Resources Eliminated from Analysis:

- Geology and Soils
- Hazardous Materials and Waste Management
- Infrastructure (Utilities)
- Land Use
- Socioeconomics
- Transportation
- Water Resources
- Wetlands
- Visual Resources/Aesthetics

Many of these issues were raised as serious concerns in previous NEPA documents and processes during which the people of Guam have participated, for example and including, the 2015 and 2020 MITT EIS/OEIS.

- a. How were these addressed then and how are they being addressed for the purposes of this action?
- b. How will they be incorporated and addressed for future MDA proposed actions?

Additionally, many of the Resources Analyzed in Detail were also raised as concerns in the previous NEPA documents and processes during which the people of Guam have participated, for example and including, the 2015 and 2020 MITT EIS/OEIS:

- Airspace Management
- Air Quality
- Climate Change and Greenhouse Gases
- Terrestrial Biological Resources
- Marine Biological Resources
- Cultural Resources
- Environmental Justice and Children
- Environmental Health and Safety Risk
- Public Health and Safety
- Noise

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- a. How were these addressed then and how are they being addressed for the purposes of this action?
- b. The manner in which these resources are analyzed seem cursory and trivializing. How will MDA provide a more accountable and comprehensive analysis that acknowledges and incorporates advancing the consideration of the Advisory Council on Historic Preservation (ACHP) Policy Statement on Indigenous Knowledge (IK) and Historic Preservation (HP) for addressing concerns related to cultural and natural resource analyses and raised throughout the public comment period. (Details of the ACHP Policy Statement on IK and HP can be found here:
<https://www.achp.gov/digital-library-section-106-landing/achp-policy-statement-indigenous-knowledge-and-historic>)

While this EA/OEA is primarily in accordance with NEPA policies, the ACHP Policy Statement on Indigenous Knowledge helps provide a more comprehensive framework and understanding for many of the concerns, questions and issues raised by our people, our local agencies and our federal agency counterparts. As we further develop our responses to these proposed DoD actions, it is important that we all move towards an understanding of the cumulative impacts on our communities and our region as a whole so that decision-making is more inclusive and representative of our people and our relationship to our natural and cultural environments.

2. Lacking Assessment of Healthcare, Public Health, and Public Safety Impact

Guam is considered a “medically underserved area.” There exists only one public and one private hospital for local, non-military residents and visiting patients. Medical infrastructure, services, and number of personnel are lacking, and are trying to meet the ever increasing demand of residents and visiting patients who experience high rates of chronic diseases, cancers, and sexually transmitted diseases/ infections. I am concerned that the influx of military personnel, civilian contractors, and their families for this activity will further strain the existing medical infrastructure and service availability in Guam.

EA/ OEA mentions the likelihood of accidents and risks to public safety during testing: “*A stand-by emergency response team consisting of firefighting, safety, and medical personnel from AAFB would be located near the launch site to ensure immediate response and rapid control in the event of an accident.*” (3-6) and “*Altitude Reservations are immediately released once the mission has successfully cleared the area and all planned jettisoned items no longer impose a risk to the public.*” (3-5)

I am also concerned about the potential for negative psychological impacts on Guam residents during testing. For example, the EA/ OEA states that a, “*Launch noise would result in a sudden, acoustical event of approximately 125 dBA maximum sound level at the launch site.*” (4-21) There exist many schools, churches, businesses, and households within the area where noise levels are projected to reach “Moderately Loud” to “Very Loud” levels (Figures 3.10-1 and 4.10-1). Individuals who grow up and/ or live in areas where noises associated with weapons testing have the potential to develop fear for safety and psychological and emotional distress ([“The Impact of explosive violence on mental health and psycho-social wellbeing”, 2013](#)).

3. Lacking Assessment of Historic and Cultural Properties Impact

The MDA asking landowners to vacate private properties during testing is a clear admittance that the areas located in the “Potentially Restricted Areas” may be impacted during testing. The private properties where the “Potentially Restricted Areas” are located, which include Jinapsan and Urunao, are rich in historical and cultural significance and properties. Therefore, it is insufficient to say that there exists little to no impact to historic and cultural properties. The EA/ OEA is inadequate as it lacks adequate analysis of cultural properties within the flight and safety zones. The NHPA Section 106 processes that were conducted exclude the private properties that the MDA proposes to vacate during testing “out of an abundance of caution.”

Furthermore, the EA/ OEA states, “*Given the potential flight test debris area’s great distance from shore, vocational or traditional cultural practices in this area may be limited.*” (3-39 to 3-40) Hundreds of years under colonial rule have significantly impacted the indigenous knowledge, values, and traditions of the CHamoru people. Any further impediment to the enhancement and practice of indigenous CHamoru knowledge, values, and traditions should not be permitted.

4. Interruptions to Daily Life, Impacts to Private Landowners

The EA/ OEA details interruptions to the daily lives of Guam residents:

- a. “*Due to the potential hazard to personnel and aircraft operations from electromagnetic energy emitted by radars, the Air Force and the MDA are requesting the FAA establish restricted areas around and above EIAMD radar locations. As a result of the proposed restricted areas, air traffic controllers would have less airspace available for handling and routing aircraft that enters Guam’s airspace. This would result in fewer options available and could make sequencing of aircraft a greater challenge for air traffic controllers during heavy use periods.*” (4-55)
- b. “*Air traffic and sea traffic would be rerouted from intercept debris and booster drop zone areas or rescheduled during the launch window,*” (3-45)

- c. *“Given the sound environment at the launch area, launch noise would be higher than typical ambient levels, but would be comparable to a large truck or airplane overflight. Any sonic boom would be typically audible for only a few milliseconds and would be of less intensity than larger rockets . . .”* (6)

There is no analysis as to whether notices to mariners and airmen via U.S. Coast Guard communications are sufficient to guarantee their safety in Guam and CNMI waters. The proposed project should not be considered further until an EIS is conducted and an EIS process is pursued so that the public can have more opportunities to be involved.

I believe that private landowners being contacted about this proposed project, most or all of whom are indigenous CHamorus, are not being given enough information about the proposed project and its impacts to their safety/ property access. I also believe that the private landowners should be given negotiating power during the process of this proposed project. The U.S. military unjustly took land from indigenous CHamorus after World War II, and this proposed project has been operating as a continuation of that supposed ended action. Private landowners need to be included in the processes of this proposed project, and their concerns, questions, and requests should be heard, answered, and fulfilled. Furthermore, the proposed project suggests restricted access to Ritidian, Jinapsan, and Urunao for the public which should not be allowed.

- a. Why are the lands at Urunao included in the outlined “Potentially Restricted Area” if the proposed testing is taking place in the opposite direction?
- b. What is the proposed compensation for private landowners?
- c. How will businesses impacted by restricted access to private land be compensated?

5. Exacerbation of Guam’s Housing Crisis

The EA/ OEA lacks sufficient analysis of the proposed project’s impacts to housing. Guam is experiencing a housing crisis: overcrowding in Guam houses is 300% of the national average, and 30% higher than Hawai’i. The EA/ OEA is inadequate as it does not explicitly include any plans to mitigate the relocation of the estimated 350 “Support Contractor Personnel” proposed for this project.

- a. Are these personnel currently living in Guam or will they be relocating to the island if Alternative 2 is approved?
- b. If they are to relocate to Guam in the future, what are the MDA’s short- and long-term plans to address any foreseeable exacerbation of Guam’s housing crisis?

6. Lack of Collaboration with Guam Agencies

I am concerned by the EA/ OEA’s lack of collaboration with local agencies who understand Guam’s environment, infrastructure, etc., and work closely with Guam’s population. The following local

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agencies should have been included as collaborators in the EA/ OEA process as they could have offered relevant and significant insight into how the proposed project would impact Guam: Include as key agencies in Table 1.7-1:

- a. US EPA and Guam EPA [address and evaluate impact of noise levels and environmental debris at impacted sites]
- b. Guam Department of Land Management [local counterparts to assist and work with landowners]
- c. Guam Department of Agriculture [local counterparts to assist and work with Landowners]
- d. Kumision CHamoru and CHamoru organizations [local counterparts to assist and work with landowners, cultural protections of impacted lands and waters, and conduct traditional ceremonial practices]
- e. Guam Department of Public Works [local counterparts to assist and work with traffic and road safety during the “transport, receipt, storage, and handling of hazardous materials, which includes the interceptor’s solid propellant, and components which include lithium and other types of batteries,” page 2-8 and 2-9].

7. Non-Communication with the Commonwealth of the Northern Mariana Islands (CNMI)

MDA experts shared with legislators on July 19, 2024 that they are not in communication with the CNMI, specifically Rota and Saipan, regarding the proposed system. The MDA reasoned that they did not have to consult or brief the CNMI about the proposed project or its predicted debris zone because the zone falls within international waters and not within 12 nautical miles of Rota or Saipan, but I believe that transparency and regional collaboration is critical no matter the distance. The CNMI should be consulted so that they may prepare for their own safety and environmental protection needs.

8. Use of Experimental Technology and Procedures

The EA/ OEA is very clear about the proposed project’s intent: it wants to deploy and test missiles, equipment, and technology that are not comprehensively understood. For example, the EA/ OEA states, “*The actual area impacted within the potential flight test debris zone would be much smaller than the entire area, but it is unknown where exactly the impact area would be within the potential flight test debris zone.*” (2-14) The uncertainty associated with the tests is concerning, especially because they are proposed to take place in northern Guam where many families live and work. The proposed project should not be considered further until more information about proposed activities are understood, and an EIS is conducted and an EIS process is pursued so that the public can have more opportunities to be involved.

9. Cumulative Impact Assessment is Inadequate

The assessment related to cumulative impact is lacking, and therefore insufficient to allow further consideration of the proposed Guam Flight Test. Below are excerpts from the EA/ OEA that explicitly state the lack of information necessary to produce an accurate cumulative impact assessment:

- *“Some future actions may be excluded from analysis due to limited available information (Force Design 2030 EIS, Defense Logistics Agency Bulk Fuel Storage EIS, Mawar EAs, etc.). Actions included in this cumulative impact analysis were determined to affect resource areas . . . “ (4-49)*
- *“Future impacts on air quality from the EIAMD System and associated operations and the F-15 Beddown and Infrastructure Upgrades have not yet been evaluated.” (4-56)*
- *“Future impacts on climate change and greenhouse gasses from the EIAMD System and associated operations and the F-15 Beddown and Infrastructure Upgrades have not yet been evaluated.” (4-57)*
- *“Future impacts on terrestrial biological resources from the EIAMD System and associated operations and the F-15 Beddown and Infrastructure Upgrades have not yet been evaluated.” (4-58)*
- *“Future impacts on cultural resources and historic properties from the EIAMD System and associated operations and the F-15 Beddown and Infrastructure Upgrades have not yet been Evaluated.” (4-59)*
- *“Future impacts on environmental justice from the EIAMD System and associated operations and the F-15 Beddown and Infrastructure Upgrades have not yet been evaluated.” (4-59)*
- *“Future impacts on noise from the EIAMD System and associated operations and the F-15 Beddown and Infrastructure Upgrades have not yet been evaluated.” (4-60)*

Additionally, the information included in the section supposed to detail “Avoidance and Minimization Incorporated into the Proposed Action” are too vague and do not sufficiently minimize impacts.

The EA/ OEA is inadequate to consider the Guam Flight Test project further. An EIS and EIS process are necessary before further action can take place.

Si Yu'os Ma'åse',



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