UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

June 10, 2008

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

Subject: Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS), Hawaii Range Complex, Hawaii (CEQ # 20080177)

Dear Mr. Clements:

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

EPA reviewed the Draft Environmental Impact Statement (DEIS) and Supplemental DEIS (SDEIS) and provided comments to the Department of the Navy (Navy) on September 17, 2007 and April 10, 2008 respectively. We rated both the DEIS and SDEIS as Environmental Concerns - Insufficient Information (EC-2) due to concerns regarding impacts to marine resources from their preferred alternatives. We recommended additional alternatives be evaluated and a more precautionary approach be taken regarding the use of mid-frequency active (MFA) sonar in training exercises due to the substantial uncertainty of these impacts on marine resources. We also requested additional information in the Final Environmental Impact Statement (FEIS) regarding impacts to fish from MFA sonar and additional discussion of the potential for underwater detonations to disperse polychlorinated biphenyls (PCBs) and heavy metal contamination in Pearl Harbor. We recommended the Navy explore and discuss ways to reduce the deposition of liquid and soluble hazardous constituents into water resources, especially the substantial increases proposed under the preferred alternative. In our comments on the SDEIS, we suggested maximum use of computer-assisted simulations to minimize use of MFA sonar in Anti-Submarine Warfare (ASW) training, and expressed concerns regarding the new methodology of calculating sonar hours and impacts. We also expressed concerns regarding impacts to the endangered Hawaiian Monk Seal since a higher harassment threshold is now being utilized.

Printed on Recycled Paper

Based on our review of the response to comments, EPA has continuing concerns regarding impacts to marine resources. While we appreciate the inclusion of an additional alternative that uses the level of MFA sonar from the No Action alternative (existing level of training), as calculated using the new Sonar Positional Reporting System (SPORTS) database, it is not clear if this new methodology of calculating sonar hours is underestimating sonar hours from exercises. Little information is included in the FEIS regarding the SPORTS database, despite our request for more information.

However, we commend the Navy for reducing the increase in mid-frequency sonar use initially proposed under its preferred Alternative 2. The Navy states that the new preferred Alternative 3 avoids increases in potential effects to marine mammals above historic levels of ASW exercises in the Hawaii Range Complex (p. 13-166). Since even historic levels may possibly be linked to marine mammal strandings[1], we continue to recommend precaution in the use of MFA sonar during operations including mitigation measures to reduce impacts.

The Navy's response to our recommendation for precaution in the use of MFA sonar states that the use of the precautionary principle is not legal standard in federal laws and that the Navy works to minimize impacts on marine mammals to the greatest extent practicable but is not mandated to alleviate all risk to marine mammals (response to comments letter to EPA, June 5, 2008, 5090 N01CE1/0594). We consider precaution amid substantial scientific uncertainty an appropriate response to the very limited data that the impact assessment relied upon. Our concerns remain regarding the sparse data informing the impact assessment, as well as some conclusions in the FEIS that appear to be without basis. In addition to the limited data informing the risk function[2], the assessment of impacts to fish is based on "exceedingly limited" data (p. 4-29) yet the FEIS concludes that "even without more data, that there will be few, and more likely no, impacts on the behavior of fish" (p. 4-30). In such a data poor environment, such conclusions appear unsupported, and decision-making based on such conclusions must proceed with caution. Thus, we continue to support precaution as an appropriate remedy for substantial scientific uncertainty and recommend this uncertainty be considered in assessing whether impacts are significant[3].

In our comments on the SDEIS, we suggested maximizing the use of computer-assisted simulations in ASW training so MFA sonar use can be minimized, and coordinating ASW training with other range complexes. The response to comments states that the Navy uses computer simulators extensively already, and that the present state of the art for sonar simulator software is insufficient to produce virtual imaging that equals the complexity and variability of real time. We continue to encourage expanded use of simulations to augment and complement the use of MFA sonar in training and recommend the Navy invest in research

---

[1] 2004 Hanalei Bay stranding of 200 melon-headed whales in which the National Marine Fisheries Service concluded that sonar use was a "plausible, if not likely, contributing factor.."

[2] The risk function is based on "sparse data" consisting of three data sets using only four species (p. 4-84). One of the three data sets used acoustic stimuli that was unlike the Navy's MFA sonar, and another data set's observations were "anecdotal and inconsistent" and lacked controls (p. 4-85).

[3] 40 CFR 1508.27 (b) 5

and development towards improving sonar simulator software. Our comment regarding coordination with other range complexes was not addressed.

EPA's comments on the DEIS requested an assessment of the potential for underwater detonations to disperse polychlorinated biphenyls (PCBs) and heavy metal contamination in Pearl Harbor. The response to comments states that the only underwater detonation training at Pearl Harbor will occur at Lima Landing (p. 14-186). However, the FEIS still references underwater detonations at the Naval Inactive Ship Maintenance Facility (p. 4-474) and Figure 2.2.3.6.1-1 still shows a demolition exercise area offshore of this facility in the Middle Loch (p. 2-48). We request clarification regarding this discrepancy. If training will occur in West or Middle Lochs using explosive charges of 20 pound net explosive weight each for a total of about 580 pounds per year, as the FEIS indicates (p. 4-473), then our concern regarding contaminant resuspension remains, and mitigation measures should be developed that reduce sediment disturbance to the greatest extent practicable.

The preferred alternative 3 involves "substantial" increases of materials expended on sea ranges that include liquid and soluble hazardous constituents (p. 4-256). In our comments on the DEIS, EPA expressed concern regarding this substantial increase and requested information on efforts the Navy is taking to reduce pollutant loadings in soil and water resources from training expenditures. We recommended that the Navy perform its training in a manner that minimizes the deposition of hazardous pollutants into soils and the water column, especially in those areas where waters do not meet water quality standards such as in Pearl Harbor, and recommended mitigation measures be developed. The Navy responded that mitigation measures are not necessary because impacts are not significant. EPA continues to recommend that the Navy adopt mitigation measures, consistent with Council on Environmental Quality guidance[4], and examine its training programs for ways to minimize unrecovered training materials and substitute nonhazardous materials and components to the extent practicable. We note that the estimated release of hazardous constituents from sonobouys for the preferred alternative was increased from 14,300 lbs per year in the DEIS to 41,000 lbs per year in the FEIS. EPA also recommends OTTO fuel reclamation as a waste minimization measure (See http://lists.p2pays.org/ref/04/03582.htm#min6).

Finally, our comment regarding depleted uranium was not addressed. The response to comments addresses the use of munitions containing depleted uranium in exercises and indicates that projectiles containing depleted uranium will occur far out to sea (p. 13-168). Our comment requested information and an impact assessment from potential disturbance of historic munitions containing depleted uranium at Pohakuloa Training Area, which was not addressed.

EPA appreciates the opportunity to review this FEIS. We would appreciate receiving responses to the comments above that were not addressed. When the Record of Decision is available, please send one copy to the address above (mail code: CED-2). If you have any

[4] Pollution Prevention and the National Environmental Policy Act, CEQ, January 12, 1993

questions, please contact me at (415) 972-3846 or Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

Tamra Fujii Acting for

Nova Blazej, Manager
Environmental Review Office

cc: Chris Yates, National Marine Fisheries Service