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Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

February 17, 2010

Joint Guam Program Office
c/o Naval Facilities Engineering Command, Pacific
Attn: Guam Program Management Office
258 Makalapa Drive, Suite 100
Pearl Harbor, HI 96860

Ref: Draft Environmental Impact Statement / Overseas Environmental
Impact Statement

GUAM AND CNMI MILITARY RELOCATION
Relocating Marines from Okinawa,
Visiting Aircraft Carrier Berthing, and
Army Air and Missile Defense Task Force

To Whom It May Concern:

I, vicente cabrera pangelinan, currently serving as a Senator in the 30th Guam Legislature, am submitting the following comments in response to the Department of the Navy's request for input on the Draft Environmental Impact Statement for the following activities:

1. *Marine Corps.* (a) Develop and construct facilities and infrastructure to support approximately 8,600 Marines and their 9,000 dependents relocated from Okinawa (Japan) to Guam, (b) Develop and construct facilities and infrastructure to support training and operations on Guam and Tinian for the relocated Marines.
2. *Navy.* Construct a new deep-draft wharf with shore side infrastructure improvements creating the capability in Apra Harbor, Guam to support a transient nuclear powered aircraft carrier.
3. *Army.* Develop facilities and infrastructure on Guam to support relocating approximately 600 military personnel and their 900 dependents to establish and operate an AMDTF.

The DEIS contains numerous deficiencies and fails to meet the requirements of the NEPA process in that it does not provide adequate and verifiable information needed to formulate informed and substantive comments. The Department of the Navy has failed to provide a legally adequate document; therefore, this document shall not be used to proceed to the final EIS and presentation for a Record of Decision.

Inadequate Time For Public Comment. Despite the granting of an extension for the public comment period from 45 days to 90 days, the timing of the release of the DEIS was irrespective of a culturally-sensitive season. One additional 45-day period for the DEIS to be reviewed and for comments to be submitted at a time when our community is focused on meeting our cultural obligations was insufficient.

To expect the layperson to review such a technical document and to plow through the over 10,000 pages—including appendices—is unreasonable. The format of the public hearings on the DEIS also fails to recognize the oral traditions of the people of Guam and forced the public to confine their comments to a three-minute time limit, when the DEIS lists significant and substantial changes in the way of life for the local population for the next three hundred years.

Failure to Account for Local Law. The DEIS proposed action on matters that are the subjects of local law without any analysis on the consistency of these actions and local law. For example, local law asserts the ownership of all water resources lies with the People and the Government of Guam. All development of this resource shall be by the local Guam Waterworks Authority. Yet the DEIS has plans for the military to develop and drill 22 water wells own their own in contradiction with local law.

The military also proposes to develop land designated and registered with the National Historic Registry for a firing range that will threaten the integrity of this pristine natural limestone forest area. Failure to recognize this and plan for any mitigation to potential damage to this environmentally sensitive areas renders this DEIS deficient and the DEIS must be redone to address this matter.

Failure to Consider Reasonable Alternatives. The DEIS contains plans for development of facilities that will restrict access to areas of cultural and historic significance which must remain open to the local population. The mitigation plans outlined fail to provide the specificity necessary for the people to make sound judgment and informed comments on the impact to our lives. NEPA requires that the plans must be specific enough for the formation of opinion based on the information presented; there is a lack of information in this respect.

Some of the information, frankly, is unacceptable. The suggestion that the loss of outdoor recreational areas shall be mitigated by moving activities indoors is a mockery. How can nature hiking trails and pilgrimages to historic and religiously significant areas be replicated indoors?

Utilization of Unacceptable Analytical Tools. The DEIS applies analytical tools that are deemed deficient and erroneous in the development of plans for the dredging of Apra Harbor. All subject-matter experts with the applicable local and federal regulatory agencies have expressed opposition to the method of analysis used in determining the extent of damage to the coral and the determination of the required mitigation. Mitigation for the loss of habitat using artificial reefs, for example, in this

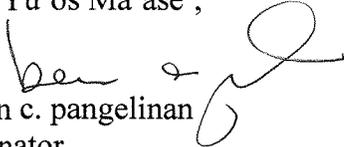
section of the DEIS has proven to be an ineffective replacement for this habitat. The determination of the amount of loss of habitat using only surface analysis and not accounting for the depth of the coral leads to unacceptable conclusions and demands that there be NO ACTION on this plan without a re-evaluation of all methodologies and the conclusion formed using the present data and analysis.

Failure to Look at Cumulative Impacts. This DEIS and its listed projects does not account for the cumulative impact of past projects and the impact of future projects. This practice is called segmentation which is contrary to the requirements the NEPA process. These activities, for example, do not look at the increase in Air Force personnel—which is estimated to number over 4,000—as part of the expansion. There are also instances where the projects will impact mitigation sites set aside as required by previous EIS.

Additional Comments. As part of the review and analysis of this DEIS, I have enclosed additional and specific comments (by subject-matter) as outlined in this submission.

Given these issues, I am recommending that that there be NO ACTION for all of the activities proposed in this DEIS.

Si Yu'os Ma'ase',


ben c. pangelinan
Senator

**Draft Environmental Impact Statement
Comments, Questions, and Recommendations**

**From the Office of Senator vicente “ben” cabrera pangelinan
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OVERVIEW

The proper analysis of the Draft Environmental Impact Statement (DEIS) requires the presence of its accompanying document, the Installation and Natural Resources Management Plan (INRMP) to compare the current policy and practice at each installation and comparing it to the proposed policy to ascertain its impact. The INRMP is not a response to the relocation of the Marines to Guam. It is a living document which should have been in place since the amendment of the Sikes Act in 1997 and updated every 5 years. The INRMP is an extremely important management tool that ensures military operations and natural resources conservation are integrated and consistent with stewardship and legal requirements.

The Air Force is required to have an INRMP for the Overlay Refuge unit in Andersen Air Force Base and a separate INRMP for its other land holdings. The Navy is required to have an INRMP for its facilities in northern, central, and southern Guam. The Air Force and Navy have a separate INRMP to serve their respective commands. Both the Air Force and Navy INRMPs were prepared to meet the requirements of law and are not actual guides or plans being implemented. Both the Air Force's and the Navy's INRMPs are currently being revised. They were last updated in 2003 and should have been updated in 2008. Why are the installations behind with the revisions and updates? The authors of the DEIS may have had the privilege of reviewing the proposed INRMP while preparing the DEIS.

We are being asked to comment on the DEIS without knowing how each command proposes to manage the natural resources located within its jurisdiction. Are the INRMPs being updated to fit the DEIS or to provide answers to issues brought up during the public comment period?

The DEIS reviews the Guam Integrated Military Development Plan (GIMPD) approved July 11, 2006 and its impact on the environment; however, there is no mention of whether the existing or proposed INRMP will address or mitigate the potential problem. While it is not a violation of law, the law does require that the potential problems be addressed by the Final Environmental Impact Statement.

Volume 2. In many respects, there appears to be much speculation on the part of the Department of the Navy (on behalf of the Department of Defense) in terms of the content and the assumptions asserted in the DEIS as a result of the lack of participation solicited from the Government of Guam (GovGuam). In some cases, the GovGuam may not have either the resources or the necessary research to properly and wholly contribute to the DEIS process in conjunction with what has been reported by the Department of the Navy (DON). This disconnect may be the leading cause for the inconsistencies and/or the inaccuracies suggested in the DEIS. The following comments, questions, and concerns will point out some of the inconsistencies as noted as well as other peculiarities regarding

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what is contained in the DEIS. Although this may not be a cumulative or comprehensive collection of comments to point please take note of the ones listed below.

Best Management Practices and Mitigation Measures (Ch. 2, Vol. 7). As is common throughout the DEIS, the required Installation and Natural Resources Management Plan (INRMP) is missing. How can you discuss Mitigation Measures without presenting the plan? The Chapter states “Mitigation measures for the selected alternative will be identified in the Record of Decision (ROD).” Are they not addressed in the existing or updated INRMP?

This approach is problematic as evidenced by the process which the “Establishment and Operation of an Intelligence, Surveillance, Reconnaissance, and Strike Capability, Andersen Air Force Base, Guam” underwent. On June 27, 2006, the USEPA rated the DEIS as *Environmental Concerns-Insufficient Information*. Among the concerns brought up by USEPA were the impact of the GWA Northern Wastewater Treatment Plant capacity; the solid waste disposal at AAFB; the lack of complete cumulative impacts assessment; noise impacts to residents from the proposed project; and impacts to endangered species.

The Record of Decision (January 12, 2007) contains factual omission concerning the impact on the Marianas fruit bat. “Conservation measures are incorporated into Alternative A and Alternative B, and implementation of the measures is an essential element of the USFWS's conclusion that the ISR/Strike project is not likely to jeopardize the continued existence of the Mariana fruit bat, Mariana crow, Micronesian kingfisher, Guam rail, or other off-site species listed under the ESA.” The November, 2006 Final EIS states otherwise and is noted in comments for Chapter 6 Volume 2 above. These findings are in direct violation of Section 9 of the Endangered Species Act.

It should be noted that the United States Government is not interested in protecting the Marianas fruit bat or any other species within the Andersen Air Force Base boundary against the threat of the brown tree snake—except for storage sites where brown tree snakes pose a threat of being transported to Hawaii. This statement is supported by the United States Department of Defense report to the Congress titled, “Control of the Brown Tree Snake (BTS),” (August 2008). The report places the brown tree snake problem in perspective by acknowledging that Senator Daniel K. Inouye ensured that funding for the BTS Interdiction Program was included in the DOD Appropriation Bill each year from 1993 to 2006. The National Defense Authorization Act for FY 2004 amended the Sikes Act by adding a requirement for a pilot program for invasive species management on Guam.

This Act reported that the Navy captured 152 snakes in the swiftlet caves in 2007 alone, and the swiftlet population increased. It also limits the Air Force’s involvement to endangered species recovery within their munitions storage area (MSA). The \$200,000

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per year program funds WS to remove BTSEs from within the MSA. This will eventually allow the population of native Guam wildlife, including federally endangered Mariana crows, Guam rails, and eventually Micronesian kingfishers, to recover in a place safe from BTS. It omits any mention, however, of the Marianas fruit bat.

The Act does not identify any study or programs for the Pati Point area which is referred to in the Federal Register from January 6, 2005. “On Guam, the single remaining roost and most fruit bat foraging habitat found on U.S. military lands; some foraging habitat occurs on private lands and lands belonging to the Government of Guam. The Air Force controls access to Andersen Air Force Base in northern Guam, and the high security and frequent patrols practiced on base effectively create a refuge for fruit bats. The remote and relative pristine area where the roost is located was set aside by the military in 1973 as a research natural area; access to and activities in this area are tightly restricted, but no brown tree snake control currently takes place specifically at the roost site.”

The Air Force is in violation of Section 101(g) of the Sikes Act as amended, because it does not have an active or on-going eradication program to comply with the law.

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LAND

Observation: DOD hopes to increase its land holdings beyond their current 30% of the island to accommodate their activities through the lease of additional GovGuam and private land (Vol. 2, Ch. 19, p 16). To construct a firing range, the Draft EIS is proposing acquiring or obtaining a long-term lease for non-DOD lands. There are currently three DOD firing ranges on Guam. Two firing ranges are proposed for the Route 15 lands near Andersen South. The Route 15 lands are owned by private owners and GovGuam. The proposed action would include the federal government acquiring these lands through negotiation.

Comment: The Draft EIS must thoroughly explore the option of utilizing current DOD lands for the proposed actions.

Observation: Recreational Resources and Public Access on Apra Harbor (Table 9.1-5). This site was condemned by the US Navy and her inhabitants were relocated for the construction of the current Naval Base. All cultural and historic sites are only accessible by ‘installation personnel and guests only’.

Question: What will happen with other lands that have cultural and historic significance to the indigenous people? What measures are set into place to assure the community that access will not be limited to those with a DOD I.D.?

Question: Why can’t the federal government use the already vast amount of land that they already own from the previous surge of military installments?

Observation: Limited visitor data was available for the Recreation plan/review. The data used was from data planners with AFB and NPS (all federal agencies) that only looked at those plans dealing with post-construction (p 9-15).

Question: Why didn’t the organizers of the DEIS conduct an accurate study of the ‘specific’ areas that the federal government deem recreationally measurable? What “few specific locations on the island” were reviewed?

Observation: Former FAA Parcel. Construction impacts will be compounded by the property being fenced off to restrict access all together. Loss of this resource is not uncommon for this area per the document. “Comparable resources would be available in the adjoining properties (p 9-18).”

Question: What adjoining properties is this referring to?

Observation: Mitigation measures. Due to Known Distance Range Complex proposed location, the access to and use of the Guam International Raceway, Marbo Cave, Pãgat

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Trail and associations to these sites will be ceased. “Negotiations related to land acquisition of the raceway would mitigate impacts to loss of recreational services.”

Question: Why can't they find an alternate site that would not hinder the use of these locations?

Observation: Marine Corps-Guam Socioeconomic and General Services (p 16-91). Land Acquisition and Leasing: Under Alternative 1 of the proposed action, the military would acquire new lands for development. Assuming this is done through lease rather than condemnation for parts of these parcels that are public, the military would require a license from the Chamorro Land Trust Commission (CLTC). By its charter, the CLTC leases land to Chamorro farmers and business owners or licenses land to non-Chamorros, using the revenues to promote health and development projects for Chamorros. The military's plans to license public lands from the CLTC would determine, in part, the CLTC's funds for development projects; and a large increase in development funds for the CLTC would have a beneficial impact on the Chamorro population.

CLTC lands are primarily given to the indigenous people of Guam who do not have land. There is a provision in the law for the CLTC that allows for leases; however, the DOD has land to consider within their purview. There is no need for the condemnation, lease, or sale of Guam lands.

Recommendation: The DEIS must provide the alternative or mitigation method to use its own land before condemning, leasing, or buying government or private property. Nothing in Volume 2 addresses any mitigation for the use of DOD lands already in possession. If for any reason that the DOD lands cannot be used because of contamination issues, DOD must clean up their lands and comply with all federal and local environmental laws *prior* to suggesting that other lands on Guam should be used. Until such time that a study is completed to look at all Guam DOD lands for use as it relates to the military buildup, there should be NO ACTION taken.

Observation: The U.S. government controls or claims ownership of 35% of the island fast lands. There is the majority view of the residents who believe that the federal government does not need to acquire more lands for its use and that there is sufficient acreage available to the military to contain all their defense-related requirements. The military will undoubtedly argue this point and the residents are adamant that there must be no land taking to accommodate the military's needs. How will his issue be addressed?

Comment: Former FAA Housing site, Harmon Annex/Cliffline, Piti/Cabras region, Route 15 (Back Road/Marbo) properties, Naval Munitions Site (NMS) also referred to as Naval Mag properties. Total acreage sought for military use is approximately +2800 acres not including the Mt. Lamlam access (roadway?) to the Naval Magazine Facility (NMS).

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Recommendation: The federal government and the DOD must refrain from any planned land acquisition through eminent domain or other methods. Unless they can prove that there are insufficient federal-owned lands to accommodate its needs, land taking must not occur. The people of Guam have made their resolve on this matter absolutely clear.

Observation: Access to traditional hunting, fishing and ranch/farm lands. There is an amicable relationship between the military and the civilian authorities when the issues of access to traditional hunting, fishing or ranch lands are concerned. There are cases in which landowners are impeded from accessing their property to engage in leisure activities such as hunting, fishing or weekend-type small tract farming. This is particularly true in the northern areas adjacent to or within the Andersen AFB whereby most residents are unable to enter their property due to lack of roadways or vehicular trails but are allowed to access their properties using military or federal roadways. Presently, the military provides controlled access to such areas as Urunao, Ritidian, Achae, Jinapsan and neighboring areas (all within the confines of the Andersen AFB).

Question: Is there any assurance that this system of controlled access will continue once the buildup is completed?

Recommendation: Ensure that certain families who are struggling with access issues are not denied entry to their properties, and maintain a viable controlled access system.

Observation: Recreational activity at Apra Harbor will diminish or will predominantly be for military personnel and guests only. This area is a popular recreational spot for the residents and visitors to Guam. Many tour operators lease lands in these shoreline areas to conduct a variety of water sports and recreational activity. Families frequent the beaches in this location throughout the week and especially during the weekends and holidays. Civilian port-side from Commercial Port of Guam to Glass Breakwater shore line including Sea plane ramp and Family Beach. Shore-front beach lands extend approximately one mile (± 1 mi.).

Recommendation: Allow current access and uses to continue, develop other beach sites in the Commercial Port area if access restrictions are proposed, and develop Harbor of Refuge and Cabras beach sites for public use. Allocate funding to mitigate the issues related to diminish recreational uses and benefits for the general public.

GEOLOGICAL & SOIL RESOURCES

Observation: Volume 2, Chapter 3 discusses Geological and Soil Resources and describes the differences between the northern, central and southern installations. It does not, however, show any plans or processes in place that are being used to mitigate the current erosion problem. Knowing the chemical make-up of the soil at each installation does not necessarily imply what best practices are being followed to minimize soil erosion. The DEIS states that soil erosion occurs at the Naval Munitions Site

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(NAVMAG) and impacts Fenna Lake but it does not state what watershed programs are in place. Their last public debacle was the execution of the *karabaos* (caribou) because the population was unmanageable and was identified as the contributing factor to the turbidity at Fenna.

Question: Wild fire is also a contributor to soil erosion, what are the plans or methods to minimize fire? How does the current INRMP for Naval Munitions Site address this situation? Without the INRMP for NMS and Apra Harbor how are we to base our comments on the impact of soil erosion when combined with siltation caused by the cumulative dredging impact the corals other aquatic wildlife in Apra?

Observation: Due to the high seismic zone that Apra Harbor and Naval Base Guam are located, any proposed development in this area will prove hazardous. Although the threat for tsunamis on Guam is low due to coral reefs that surround the island as well as the steep slope of the ocean floor, it is still noted that the greatest threat would be to Apra Harbor. This area has the most unique coral formation in the Marianas and it is threatened by the proposed dredging to house a large naval air craft carrier (Vol. 2, Ch. 3). “Relocation of Marine Corps personnel from Okinawa to Guam would require construction and renovation that would potentially disturb soil, increase erosion, and change the landscape of Guam in multiple areas,” (p 3-54).

Question: Were climate change and storms taken into consideration when considering possible impacts and alternative measures?

Observation: “Liquefaction is a risk at Apra Harbor, but impacts to development are not significant.”

Question: Who determined what is considered significant?

TERRESTRIAL BIOLOGICAL RESOURCES

Observation: Mitigation measures do not take into consideration the recovery action of native species that are to be relocated based on alternative measures.

Question: Will the restricted access areas allow the local agencies to continue studies and work on sites where native species are relocated to?

AGRICULTURE

Observation: The increase in shipments to Guam will increase the possibility of accidentally introducing destructive aquatic and land species. One of the main concerns addressed in the Draft EIS is the Brown Tree Snake and the possibility of this invasive species exiting Guam. There is no specific information regarding the inspection of cargo

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and equipment entering Guam which would stop other invasive species from entering Guam. The main potential sources of non indigenous species to Guam include animals that are inadvertently arrives with shipping traffic. Most of the invasive species found in Guam's waters are found in Apra Harbor (Vol. 2, Ch. 11, pp 28-34).

Recommendation: The Draft EIS must include a complete survey to determine the percentage of increase there will be for the introduction of invasive species. There must also be more information provided about the possible species that could be brought to Guam through increased shipping and construction.

DREDGING, MARINE LIFE, & MARINE BIOLOGICAL RESOURCES

Observation: Mechanical dredges operate best in consolidated, hard packed material since dredging buckets have difficulty retaining the loose, fine material that is often washed away as the bucket is raised. Depending on scow characteristics, excess water drains off at the dredging site reducing the water content of the dredged material to approximately 10 percent. Mechanical dredges are often used in tightly confined areas, such as harbors, around docks and piers, and in relatively protected channels. This type of dredge is not suitable for rough seas or areas of high vessel traffic. By using numerous scows with one dredge, mechanical dredging can proceed continuously. As one scow is being filled, another can be towed to the placement site (Vol. 9, p D2).

The dredging method historically used in Guam is mechanical dredging with a barge-mounted crane attached to clamshell buckets to retrieve the sediment and deposit it on a scow (barge). It is likely that this method would be used for the proposed dredging; however, the decision would not be made until the final design. The project would likely be a design/build contract that would not be awarded until the Record of Decision on this EIS/OEIS is complete. Mechanical dredging is assessed as the environmentally conservative method of dredging in the EIS/OEIS should the contractor choose to use an alternative method, informal consultation with agencies and approval by U.S. Army Corps of Engineers (USACE) would be required (Vol. 9, p D3).

Comment: From the description of "mechanical" dredging, it does not appear that it will be conducive to Guam's Apra Harbor; (see p D2). In addition, since it is unclear what kind of method will be used and at what cost until the Record of Decision is completed, how can anyone adequately comment on whether this is good for our island? Once the Record of Decision is complete, although we are told we can comment, no other changes will be made; although approval from USACE would be required, we do not have anymore say as to what methods are used.

Recommendation: Until such time that we are sure of the cost involved and the type of dredging will be used, the dredging or Apra Harbor should *not* move forward and that the proposed action should be: NO ACTION.

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Observation: A survey of the project area shall be performed just prior to commencement or resumption of construction activity to ensure that no protected species are in the project area. If protected species are detected, construction activities shall be postponed until the animal(s) voluntarily leave the area. If any listed species enters the area during conduct of construction activities, all activities shall cease until the animal(s) voluntarily depart the area. All on-site project personnel shall be apprised of the status of any listed species potentially present in the project area and the protections afforded to those species under Federal laws. Any incidental take of marine mammals shall be reported immediately to NOAA Fisheries' 24-hour hotline at 1-888-256-9840. Information reported must include the name and phone number of a point of contact, location of the incident, and nature of the take and/or injury. Note: Conditions 12.1-12.4 pertain to projects within waters that may support listed marine mammals and/or sea turtles. Additional requirements may be designated by the Corps as appropriate for specific projects. Pursuant to the Endangered Species Act, any take of federally protected species (other than marine mammals) must be reported to the U.S. Fish and Wildlife Office of Law Enforcement in Honolulu at 1- 808-861-8525 (Vol. 9, p D10).

Comment: When it is stated that construction activities shall be postponed until the animal(s) leave the area voluntarily, this may take considerable time to happen. There is no language to ensure that the animal(s) are protected until they “voluntarily leave”; meaning that you must ensure that no types of methods be used to ensure the “voluntary” movement.

Recommendation: Until such time that a plan is in place to ensure the protection of animal(s)—no matter how long it takes for them to “voluntarily” leave—there should be NO ACTION.

Observation: The Navy and GovGuam entered into a Memorandum of Understanding (MOU) (April 2001) whereby dredged material generated by the Navy would be made available to GovGuam. The MOU was specifically prepared for the reuse of Inner Apra Harbor maintenance dredge material at the Commercial Port. Although the maintenance dredging is completed, the MOU continues to be valid. GovGuam would be responsible for 1) laboratory analyses that verify the physical suitability of the material, and 2) NEPA documents and permits required for the reuse, just as the Navy would be required to meet the documentation for the reuse of dredged material on DOD land. To date, it has not been practical to transfer material to PAG because they have not been prepared to receive and store the material because the Commercial Port improvement projects have not been programmed for funding. Ideally, the material would be transported by barge directly to PAG during the dredging operation.

The reasons for not reusing the material include:

- The physical characteristics of the dredged material may not meet the standards for the specific beneficial use alternative.

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□ The timing of the beneficial use project may not coincide with the availability of appropriate dredged material (Vol. 9, pp D12-13).

Comment: The Government of Guam has *no* funding to comply with this MOU.

Recommendation: Funding must be provided for the Government of Guam. Until such time that appropriate funding is identified and a continuing source of money is provided to be able to do the work necessary to ensure compliance with all environmental concerns so that any material dredged is clear from any contamination, there should be NO ACTION.

Observation: The removal of coral from within the project footprint would result in unavoidable significant direct impacts requiring compensatory mitigation. However, there are other considerations when assessing the scale of the impacts. The coral community to be dredged cannot be considered "pristine" as it lies within an existing navigation channel and was dredged during the creation of the Inner Apra Harbor in 1946. In addition, not all coral in the project footprint would be removed, as parts of the area are presently deeper than the required dredge depth (-49.5 ft [-15.1 m] MLLW). In most of the areas shallower than -49.5 ft [15.1 m], only about 1 foot [0.3 m] of reef material will be removed to achieve the depth requirement. After consideration of the factors associated with the CVN project in eastern Outer Apra Harbor, Guam, long-term impacts to coral reef habitats should not represent a major change over the existing condition. As most of the area to be dredged was previously dredged approximately 60 years ago, the present community structure can be considered "re-growth" on the bared reef surface. While the CVN project mitigation models assume 100% loss of this area (Industrial Economics Inc. 2009), within approximately 60 years the second phase of post-dredging re-growth could be comparable to the present conditions. It is also possible that mechanical breakage by the dredge and subsequent cascading of living coral fragments down slope may expand live coral cover to areas previously consisting of unconsolidated sediment (Vol. 9, p 24, Section D).

Comment: These statements are disparaging to support the dredging of Apra Harbor; stating that it was dredged 60 years ago, there now exists coral and other thriving wildlife (although not "pristine" as indicated in the statements above). If dredging takes place within "approximately 60 years" it will be "comparable to the present condition." What these statements mean is that we have to wait 60 years after dredging for it to be what it is today. We have *already* waited 60 years for what it is today. Why would we want to interrupt the coral and wildlife to make room for nuclear ships and wait another 60 years for it to once again thrive?

Recommendation: The only answer to this is NO ACTION.

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Comment: DOD must include deeper reef areas (deeper than 60 feet) in the impact analysis. Data is currently not available for these areas, so additional coral reef surveys must be carried out. The results of the complete impact analysis should be provided prior to the release of the Final EIS.

Observation: Corals are tiny, sensitive animals. More than one coral in a group is called a coral colony and more than one coral colony is a coral reef. Corals are very slow growing. When coral colonies grow together it creates a coral reef. Reefs protect Guam from powerful waves and create a home for fish. Reefs are also a main reason tourists visit our island. The proposed dredging project in Apra Harbor does not include a complete analysis of how the coral reefs in the area will be impacted. The plan does not mention what the dredging will do to the 25 acres of reef found right next to where dredging will occur, but which are deeper than 60 feet; these reef areas are very vulnerable to the impacts from dredging. There are an additional 70 acres of reef that may be impacted by the dredging but which are not included in plan.

Comment: DOD must include deeper reef areas (deeper than 60 feet) in the impact analysis. Data is not currently available for these areas, so additional coral reef surveys must be carried out (Vol. 4, Ch. 11, p 45).

Recommendation: The results of the complete impact analysis should be provided prior to the release of the Final EIS.

Comment: The Draft EIS should not state that there is no evidence to suggest of species unique to the dredging impact area until the appropriate surveys are conducted. These surveys should be conducted by personnel with the appropriate level of taxonomic expertise. In addition, coral species lists and photographs from surveys carried out as part of the methods comparison study were provided to the Navy consultant by U.S. Fish and Wildlife Service several months prior to the release of the Draft EIS. Several coral species observed within the impact area do not appear to have been recorded elsewhere on Guam, with the possibility of some species not having been reported anywhere in the world. While it is unlikely these species are only in the dredging area, the possibility must be investigated sufficiently by DOD, even if these species do occur elsewhere in the harbor, they may be quite rare and demand special attention (Vol. 4, Ch. 11, p 45). Guam biologists have found several corals, sponges and other organisms in the area that may be dredged that may not have been found anywhere else in Apra Harbor. There are other rare species that may be impacted by the dredging.

Comment: The use of artificial reefs as a way to replace destroyed or damaged natural reefs should be removed from consideration. A more thorough review of a large-scale watershed restoration plan should be provided. Watershed restoration should include projects that will improve water quality, which would improve coral reef conditions.

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Projects could include reforestation, stream bank stabilization, erosion-control projects, fire prevention and enforcement.

Observation: Artificial reefs are not an appropriate way to replace a natural reef. The Draft EIS proposes replacing the lost natural reef in Apra Harbor with artificial reefs instead of paying for other, more beneficial and effective projects, such as watershed restoration (REF: Vol. 4, Ch. 11, p 81).

Comment: The Draft EIS must include a study of the expected impacts to Guam's reefs (on-base and off-base) as a result of the population increase. Such an analysis should examine the impacts of the H-2 workers, the immigrant population from neighboring islands and military personnel on Guam's reef fisheries. The analysis should also examine the impacts of additional recreational use (diving, snorkeling, reef walking, etc.) on Guam's highly-visited reef sites. The Draft EIS should also include a commitment to specific mitigation measures, which may include building local government capacity to carry out monitoring, enforcement, and educational activities; supporting educational activities targeting H-2 workers and immigrants.

Comment: Much of Guam's reefs will be under increased threats because of the military buildup, especially when considering the impacts of the massive population increase. The increase in people harvesting fish and other animals from the reef and the increase in visitors will put many of Guam's reefs at risk. None of these impacts were addressed by the Draft EIS (REF: Vol. 7, Ch. 3, Section 3.3.10, p 32).

Comment: Coral colony density and size must be used in the impact analysis and in the model that determines the type and size of the coral reef area that needs to replace the reef destroyed or damaged by dredging. This data was collected by the Navy consultant in 2009, but the methods used were not appropriate thus the data is not usable. This data must be collected using methods supported by the regulatory agencies, and the results of the new impact analysis must be provided for review prior or the release of the Final EIS.

Comment: Any action that destroys coral reef habitat must replace what is lost at another location and must compensate for the time it takes for the replacement reef to become "full-grown." The Draft EIS preparers did not use the number or size of coral colonies when making that calculation, therefore lessening the worth of the reef that may be dredged and resulting in a smaller replacement reef. Also, the Draft EIS only considers areas with coral, and does not consider large areas that may not have coral, but which may have sponges, algae, and other important reef organisms (REF: Vol. 4, Ch. 11, p 75).

Comment: The impacts of all the projects affecting a reef area must be thoroughly examined. In addition, the impacts of climate change on Guam's reefs must be included in the impact analysis. They should also be included in sections of the Draft EIS

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addressing specific projects to marine resources. Reef recovery data needs to reflect other threats to Guam's reefs including climate change.

Comment: The DOD needs to use more comprehensive data about sea turtles in the Draft EIS.

Observation: The Draft EIS does not utilize information about sea turtles on Guam relevant to Apra Harbor. There is sea turtle data which would provide more accurate estimates of sea turtles and require the military to do more mitigation for these endangered animals. Green and hawksbill turtles are known to utilize Apra Harbor, but there are only historic records documenting use of beaches for nesting near the project area. The Navy recognizes that there are many ongoing and recent past studies on the subject of potential exposures to sea turtles and other marine species from pile driving actions. Further research and validation of these studies are necessary before being able to determine how useful the studies would be to the proposed action within this Draft EIS (REF: Vol. 4, Ch. 4, p 34).

Comment: The Draft EIS must specifically state what animals, trees and other organisms currently live within the project area and how many of each population will be destroyed due to the project.

Observation: Guam has many animals that are listed as possibly at threat including coconut crab, endangered snails, sea turtles, fruit bats, Micronesia Kingfisher, the Ko'ku bird and reef fish. These are very few of these animals remaining on Guam. The main threats to these animals are the destruction of habitats, over-harvesting, and invasive species. The increase in population and construction activities may make recovering of threatened and endangered native species impossible due to the removal of trees and splitting of habitats. Having habitat is critical to protecting species. There are many clearing projects happening on Guam that require vegetation to be cleared. Many of the projects are in separate locations. This separate clearing creates habitat that looks like "jigsaw puzzle pieces" not connected. Proposed construction activities would displace the species and other wildlife from suitable habitat in the proposed project area. The action would include removing essential habitat for the fruit bat, Kingfisher, Marianas Crow and Crow recovery zones (REF: Vol. 5, Ch. 10, p 11).

Observation: The DEIS stresses that Finegayan will be an affected area which contains "a coral area of special significance... and enhances this area as a nursery for species of subsistence and commercial fishery value." But on page 11-58, there are several indications made by the DON that any/all activity that is to take place at Finegayan will have a an LSI to fish and EFH. It appears that construction permits are supposed to be sufficient for the protection of the marine life in this area. Furthermore, while the DON reports that "the extent to which the coastal waters off Finegayan are used for commercial, recreational or subsistence fishing has not been determined," the department

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also expects that there will be an increase in activities that include boat tours in the area. The DEIS goes on to say that there may be increased boating-related recreational activities associated with construction personnel but that this type of activity will be minimal (Vol. 2, Ch. 11, pp 11-30 & 11-58).

Question: How was it determined that there will be an LSI if there is to be an increase of activities, and who made this determination? How does the DON guarantee the protection of the coral area and the marine life at this site through the issuance of construction permits as stated in the DEIS (p 11-57)?

Observation: The U.S. Fish & Wildlife Service profiles the Green sea turtle (*Chelonia mydas*) as an endangered species. The DEIS reports that under Alternative 1 (in this chapter) will have a minimal effect—not an adverse effect—on the green sea turtles and would result in a LSI to such species (REF: <http://www.fws.gov/northflorida/SeaTurtles/Turtle%20Factsheets/green-sea-turtle.htm>).

Question: Under whose authority or discretion is an LSI description for an already endangered species granted?

Observation: The DON reports that mitigation will include outreach and educational programs as well as strict rules and regulations, but this does not guarantee the destruction of the marine life, etc.

Recommendation: Establish, construct, and maintain a marine habitat that shall be operated and managed by the University/Government of Guam for the rehabilitation and other measures required to sustain the marine life that will be affected through the construction and activities that will take place at the Haputo ERA habitat. Provide all the necessary resources for researchers to continue to their work in pushing for the protection of these species—native and non-native alike. This type of establishment should include all those marine flora, invertebrates, and EFH that are expected to be *minimally affected*.

Observation: Activities that are to take place in Apra Harbor “may” negatively impact marine or estuarine organisms or habitats according to the DEIS. Plenty other issues are stated in the DEIS for the Apra Harbor site that concern the marine habitat for marine life, etc, but only one alternative has been offered (Vol. 2, Ch. 11, p 11-66).

Recommendation: The No-Action Alternative is the best way for mitigation as there are many items (as listed in the DEIS) that may be negatively affected with only one alternative (out of 8) offered by the DEIS. Such an indication is strong in the sense that there is too much at risk for this type of operation.

Comment: It seems that the Summary of Potential Mitigation Measures lists the same information among all four alternatives with the exception of only a few items. These

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suggested alternatives are only useful for increasing awareness but do not physically address the situations that will arise as a result of the construction and operations expected to take place in any of the identified areas as noted in the DEIS.

MARINE TRANSPORTATION

Observation: “It has not been determined whether the dredged material would be disposed in the proposed site offshore of Guam, or one or more upland placement sites with or without possible beneficial re-use on Navy land on Guam or a combination of all disposal options,” (Section 14.2.2.4).

Comment: It doesn’t indicate where the proposed sites are or the impacts to the environment at those locations. What is in the dredge materials? What impacts would there be to commercial shipments coming through the port? What type of dredging will they do to remove the sediment/coral? How will they mitigate the loss of marine habitat?

AIR SPACE/QUALITY

“Under Alternative B, the Special Use Airspace (SUA) would fall partially within the existing airport Class D airspace”; therefore, a need to modify “departures from Runway 6 (RW 06) would have to be modified to ensure that departing aircraft would be above 3,000 feet AGL or execute a right turn after departure. This would not have any significant adverse impacts on general aviation air traffic since aircraft departures, arrivals, and traffic patterns would not change,” (Vol. 2, Ch. 7, p 7-14).

Comment: Major inconsistency... the underlined message above indicated a change to departures yet under the impact mentioned there is no change to departures. Also the DEIS, doesn’t indicate wind variables to a change on arrivals. If winds shifted you could use (RW 06) for an arrival as well. There would also be a need to change arrivals patterns.

Recommendation: Relocate Firing Training facility or No-Action Alternative.

No comment on Volume 2, Chapter 5 is offered since the data is statistical and does not relate to something which is tangible.

Observation: Guam’s IAP, the A.B. Won Pat International Airport will see competing entries within its “Class D” airspace. Noise and air traffic poses the greatest concern to residents while having little to no control over such factors (FAA regulated). In the past, when the military conducted aircraft landing exercises, referred to as “touch and go”-type landing maneuvers, there were many civilian complaints in the areas of Mongmong, Toto, Maite, Barrigada and other provincial areas around the IAP. These types of flight exercises disrupted school operations and rest and recovery time for civilian laborers. An

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extensive degree of concern was raised by residents that the frequency of these types of aircraft exercises raise fear levels about aircraft accidents even though the Naval Air Station is no longer in Tiyan. As such, how will such exercises be managed in the future? What communities (villages) will be most affected by the noise and danger of these types of activity? Dededo, Yigo, Astumbo and other areas near or around Andersen AFB will be adversely affected it is believed.

Comment: The DEIS does not address these issues adequately.

Recommendation: The U.S. Navy and Air Force must advise the civilian communities of these types of events and schedule their occurrence at times when it will have the least disruptive effect on the resident population or communities. Best case scenario is to not conduct these types of operations at all; however, this being an unfeasible alternative the military should be cognizant while keeping constant communication with the FAA and civilian authorities. Any precautionary measure that can be taken *should* be taken.

Observation: There are a variety of SUA designations that exist; however, the type that adversely affects Guam is the Warning Area (WA) that overlaps territorial waters to the south southwest of the island (Cocos Island area). Special Use Airspace is under the jurisdiction of the FAA within three miles from shore and under military and adjacent state control beyond twelve nautical miles off-shore.

Comment: The designation of SUA in the deep sea area 50 miles (80 km) south southwest of Guam threatens a local ocean route and fishing activity to two well known deep sea fishing areas known as Galvez Bank and the Santa Rosa Reef. These traditional prime fishing spots are visited and enjoyed by many deep-sea fishermen from Guam and the CNMI. This area is designated W-517 and is known as a “Warning Area” whereby access could be restricted by the military or the FAA.

Recommendation: The Warning Area and SUA designation issue poses a concern for the fishermen who frequent the W-517 sector. The military must be advised that this threat exists and that there are adverse impacts that affect both economic and resident livelihood. Designations of “WA” or “SUA” can be reconsidered and removed or lifted as alternatives to the problem.

Observation: The study regarding the Marianas Islands Range Complex (MIRC) in the DEIS does not take into consideration the unique and separate environmental impact of the MIRC on the island, its residents, and the adjacent and surrounding communities.

Comment: The MIRC is expected to have a significant adverse impact on the island from several perspectives. With respect to airspace, there is much apprehension about the airspace above the range complex area and the adjacent areas.

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Question: What type of new danger would such a facility pose upon the residents and the communities around it? What plan(s) for mitigation are forthcoming on this project, and will the people (especially those affected) have the opportunity to voice their input or concerns before the plan is put into effect?

Comment: Unfortunately, this DEIS and the MIRC are moving forward simultaneously and this opportunity may not occur.

Recommendation: Allow the people of Guam the opportunity to comment on the MIRC project and consider their input. Ensure that this DEIS incorporates the findings of the MIRC EIS/OEIS so that repercussion from adverse impacts does not cause a problem for the residents and the military at a later time.

Observation: Andersen and Northwest Field forests are natural habitats for the Marianas crow. There is a major concern for the proliferation of this species if not its basic survival due to increased military flight activity in these areas. This species is already in danger of becoming extinct due to tree snakes and land development activity throughout the years.

Question: How will this problem be addressed in the forthcoming buildup where there will be an effect to the habitats in the Andersen and North West Field areas?

Observation: Protection of the Marianas Crow and other birds native to the Andersen and Northwest Field areas. Chapter 7 of the DEIS does not mention or address these potential adverse impacts. Mitigating measures that specifically deal with increased flights and aircraft training activity as it relates to the bird species or other wildlife in the area is absent from the evaluation or assessment.

Question: What plan or program is to be implemented to protect the wildlife and bird species found in the areas mentioned?

NOISE

According to Volume 2, Chapter 6, as more planes and other flying machines are brought to AAFB and NWF the amount of noise associated with the mission will also increase.

Question: How is AAFB currently dealing with this situation?

The Record of Decision (ROD) Final EIS for the Establishment and Operation of an Intelligence, surveillance, Reconnaissance, and Strike Capability AAFB, Guam signed on January 11, 2007 stated “The Air Force does not consider the unavailable information regarding potential relocation of Marines to Guam to be relevant to any significant environmental impacts or essential to any reasoned choice among alternatives for the ISR/Strike bed down and operations.”

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Question: What is the cumulative impact of noise in the community both in the fence and outside the fence?

Comment: Noise is addressed in the context of its impact to the human ear. The DEIS does not address the impact to the Endangered or Threatened species. In a report filed by U.S. Fish and Wildlife and published in the Federal Register in 2005, it is stated that “Military training activities in areas used by fruit bats could disrupt the behavior of these bats.” It went on to state, “A study of the effects of aircraft overflights on the Mariana fruit bat at Andersen AFB, Guam, found that current levels of air traffic appear to be within levels that are tolerable to the colony at Pati Point. Higher levels of aircraft traffic, particularly low-level field carrier landing practices (FLCPs), would have a potential to cause partial or complete abandonment of the Pati Point roost. Nocturnal FLCPs and other air traffic pose an even greater risk to fruit bats because animals are in the air, traveling between the roost and various foraging areas at night; under these circumstances it is possible that low-flying aircraft may even strike bats. An increase in air traffic at Andersen Air Force Base has been proposed and is currently under NEPA review.”

Comment: The NEPA review is completed and among the comments in the Final EIS of November, 2006 is “Noise levels associated with increased aircraft overflights would incrementally increase over a multi-year period, and would occur over areas important to the Mariana fruit bat and Mariana crow.” It further states, “An incidental take statement, as part of the Biological Opinion, anticipates the harm of one Mariana fruit bat, mortality of 21 fruit bats on Guam, mortality of 36 fruit bats on Rota, and the harassment of two colonies.” This is not legal because it results in the loss of threatened species.

Comment: The Draft EIS must address noise impacts for the aviation airlift and air drop operations flight paths to and from base operations and landing zones at Andersen Air Force Base, Northwest Field, Andersen South, Navy munitions sites, and Orote Fields. The Draft EIS must include discussions and assessments to determine impact, alternatives, and mitigation to residents and endangered species outside the DOD fence line.

Observation: Volumes 2, 5, 6, and 7 discuss the noise impacts that were found to have “less than significant impacts” (LSI) or “no impact.” No aviation training would occur at non-DOD lands, therefore, no noise impacts would occur.

The Draft EIS claims there will be an insignificant increase in noise pollution from DOD activities to warrant any mitigation. Noise impacts are not addressed for airlift and airdrop operations flight paths, base operations or landing zones (Vol. 2, Ch. 6, p 30).

VISUAL RESOURCES

Observation: All alternative Mitigation measures are exactly the same. Alternatives 1-8:

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To alleviate the impact on public views, use native flora to create a natural “screen” around cleared range areas outside of the Main Cantonment perimeter. Implement a landscape plan focused on retention of mature specimen trees during construction. Minimize open areas along the perimeter of the Range Complex and non-fire training area if security requirements permit.

Question: If all the alternatives are the same, what chance do we have to alleviate the disturbance of the clearings?

Comment: No real impact seen as an issue but there should be alternatives to the alternatives.

UTILITIES

Observation: The dilemma for the north is that erosion is not much of a problem but contaminants on the surface which will be brought into the water lens after a rain storm are not addressed. These contaminants come from the washing down of the air crafts, fuel and oil stored for use by the air crafts. As the military constructs whatever it needs it is done at the expense of the space available for the water to infiltrate. Just as the volume of flights increases, the washing of the planes will also increase.

Question: How will this impact the water lens at Andersen? What level of contamination will filter down to the lens? What will the impact of the sustainable yield be?

Comment: We know from current and past experiences that Fenna has to limit its water production due to turbidity caused by heavy rainfall. The Navy is not able to supply ample water to its installations and to the villages which are on the same water distribution system that has been in place since the end of World War II. The IMRMP is a management tool which is supposed to be used to address such a dilemma.

Question: What watershed programs have been instituted and what programs are being proposed?

Observation: The combined impacts of the buildup projects, other military projects, and non-military projects will have a larger impact on Guam’s reefs than the impacts of any individual project (Vol. 7, Ch. 4, p 20).

Comments: These combined impacts, including the expected impacts of global climate change, on Guam’s reefs are not adequately addressed in the Draft EIS.

Comment: The Draft EIS needs to address how the Department of Defense will contribute to Guam Waterworks so the utility can meet the mandates of the laws in the

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Guam Quality Water Standards and the discharges at the outfall that are pumped into marine environment.

Comment: The Draft EIS notes GPA will exceed its current permit, but the Draft EIS shifts the burden to the local utility to solve the issue. The Draft EIS does not address the total pollutants during peak traffic hours and peaking generators being utilized at the same time in highly populated areas. The Draft EIS needs to include alternative operating scenarios with GPA in reducing the operations of peaking generators located in densely populated areas.

Observation: The increased need for power and would exceed the current Permit Requirements that GPA follows. In order to meet the power demands, GPA would have to apply for a new air pollution control permit from Guam EPA. Federal Exemptions related to diesel fuels should be reevaluated because of the increase usage of heavy diesel equipment. The power demand will exceed current Operating Permit Requirements and that mobile sources are a concern at heavily traveled areas.

Comment: Of great importance is the protection of Guam's "priceless" northern aquifer which is the source of 70% of the water on Guam. The proposed buildup can, in no way, threaten this resource. The Draft EIS must address off-base impacts on the GWA water system that arise from the buildup.

Observation: The Draft EIS says 60-70 million gallons a day (MGD) will be needed during the construction phase of the buildup. After the construction phase, 60 MGD will be required to support the new facilities and population growth. These projections will leave between 20 MGD in Guam's northern aquifer during the construction phase and afterwards for future growth beyond the buildup. The Draft EIS proposes drilling 22 new wells on military property to provide the water needed. It also looks at other options including expanding the amount of water taken from the Fenna Lake, desalinization and using new surface water sources. The only option in the Draft EIS for providing water for non-military civilian growth is for GWA to drill 16 additional wells on civilian property. GWA proposes integrating the new water wells and distribution systems into a single system to serve all the growth in northern Guam from both civilian and military growth. GWA also proposes that DOD must also pay for indirect impacts on GWA's system caused by the buildup since not all the impacts occur "behind the fence." The Draft EIS does not address off-base impacts on the GWA water system that arise from the buildup.

Comment: The Draft EIS needs to include information about how climate change will affect the recovery of coral in the project area for the dredging of Apra Harbor. The Draft EIS must include information about how the rise in the sea level may affect the pressures on the Northern Guam Lens and if that would have any impact on the wells for potable, drinking water.

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Observation: Sea level rise may impact many areas of the proposed projects including how corals recover in the dredge zone, the pressure and position of wells over the Northern Guam Lens, and construction projects close to shore. Climate change and sea level rise were not included in the Draft EIS.

WASTE WATER

Observation: The combined impacts of the buildup projects, other military projects, and non-military projects will have a larger impact on Guam's reefs than the impacts of any individual project. These combined impacts, including the expected impacts of global climate change, on Guam's reefs are not adequately addressed in the Draft EIS (Vol. 7, Ch. 4, p 20)

Comment: The Draft EIS needs to address how the Department of Defense will contribute to Guam Waterworks so the utility can meet the mandates of the laws in the Guam Quality Water Standards and the discharges at the outfall that are pumped into marine environment.

SOLID/HAZARDOUS WASTE

Comment: The draft EIS includes a study about what will be in the military's waste going to Guam's landfill, but it does not address how that increase of waste will be managed.

Observation: Volumes 6 and 9 discuss how the military will rely on GovGuam's landfill to take its trash and construction debris. The draft EIS does not include a study about what will be in the military's waste going to Guam's landfill, nor does it address how that increase of waste will be managed. The military's trash is estimated to peak at 23 of the largest solid waste trucks going to Guam's landfill every day.

Observation: The DOD is proposing to be a customer of GovGuam's permitted landfill facility in Layon. The amounts of solid waste created by DOD will more than double between 2011 and 2014. In 2014 there will be 132,970 tons of solid waste sent to Guam's landfill. Guam EPA requires that a separate Solid Waste Management and Disposal Plan be prepared and submitted. This plan must include a study about what is included in the waste. This study will help address the anticipated waste associated with each activity, its impact to the existing management options, and how such waste streams will be managed (Vol. 6, Ch. 2, p 102).

Observation: Volumes 6 and 9 (Appendix K) contain inconsistencies that include conflicting data and wrong assumptions that make assessing the impact of the activity proposed by the Department of Defense (DOD) with regards to solid waste management impossible to analyze. In fact the cost data used to drive the decision of the preferred

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alternative appears suspect which could possibly rearrange the ranking what options are preferred or most feasible.

Comment: Without a clear and clean analysis of the current and additional solid waste to be collected and disposed by the military, it is not possible to truly assess and analyze the environmental impact to our island. In support of the aforementioned comments the following questions and analysis of the DEIS are presented for response from the Joint Guam Program Office and the Naval Facilities Engineering Command, Pacific:

Table 2.4.1 Projected Solid Waste Estimates (Vol. 6, pp 2-90).

On Base											
DEIS Estimate	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Totals (tons)
DOD Baseline and DOD Non project-related	25,249	25,249	25,730	25,851	26,040	26,220	26,220	26,220	26,220	27,207	260,205

Question: The explanation of Table 2.4.1 contains the language “The table lists annual tonnages of solid waste resulting from the increased population.” For clarification purposes, is this table representing that the tonnage listed is IN ADDITION TO or inclusive of the existing solid waste stream produced by the military on Guam?

Observation: Assuming that the label “DOD Baseline and DOD Non project-related” tonnage is the existing solid waste stream of the AAFB landfill and Navy Dump, the figures estimated are well below the data reported to the Guam Environmental Protection Agency by the military.

Actual Solid Waste Data (tons)

POLLUTION PREVENTION NON-HAZARDOUS SOLID WASTE MEASURE OF MERIT REPORT				
GEPA	2006	2007	2008	2009
AAFB	5,820	8,885	14,952	14,517
NAVY DUMP*	178,827	79,177	65,998	150,569
DOD Baseline and DOD Non project-related Total	184,647	88,062	80,950	165,086

*Converted from cubic yards using DEIS 1,200 lbs/yd³ assumption.
 Table does not include waste diverted from recycling or composting

Question: Why is the baseline data used in the DEIS developed by HDR/Hawaii Pacific Engineers so much lower than the reports from the Air Force and the Navy to the Guam Environmental Protection Agency (GEPA)? Will the baseline projections for Guam be recalculated using actual data reported to GEPA? Can the Marine relocation post-buildup solid waste projections be recalculated using actual data reported on Okinawa?

Observation: The cost estimates performed DOD solid waste alternative on Guam used a tipping fee assumption of \$95/ton. In a letter dated January 28, 2010, the Guam Solid

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Waste Receiver, Gershman, Brickner & Bratton, Inc. (GBB) wrote “All of our discussions with the parties involved contemplate that the Military will pay the same rates for use of the new landfill as other customers pay.” The table below represents the interim Commercial Tipping fees recommended by GBB and approved by the court.

Interim Commercial Tipping Fees	
Effective Date	Rate/ton
Previous fee	\$ 72.60
July 1, 2009	\$ 100.00
January 1, 2010	\$ 128.00
July 1, 2010	\$ 156.00

The interim rates are \$61.00/ton more than the assumption made in the DEIS (Vol. 9, Appendix K, p 1190).

Question: Will the DEIS COST ESTIMATING AND ECONOMIC ASSUMPTIONS be updated to include the \$156.00/ton tipping fee? Will the DOD agree in writing to pay the same per ton tipping fee rates as commercial haulers for use of the Layon Landfill?

Observation: Volume 4 does not mention solid waste disposal estimates that were reported in quantity from the aircraft carrier berthing.

Question: Will the actual solid waste disposal of aircraft carrier berthing activity transferring to Guam be reported in detail for review and analysis, and will the solid waste be transported to Layon once Orote closes?

Observation: “It is estimated that this activity would result in an increase to the Guam hazardous waste disposal rate of 50% of the known Okinawa rate, or approximately 322,000 lbs (146,057 kg) annually (DRMO Okinawa 2007),” (Vol. 2, Ch. 17, p 17-41).

Question: What is the basis or rationale behind the assumption that the Marine relocation will only increase Guam’s hazardous waste disposal rate of 50% of the Okinawa rate? If the assumption is based on actual waste disposal of Marine activity transferring to Guam then can the detail information of what types of hazardous waste, quantities related to what activity is to be released for review and analysis?

Observation: The DEIS assumes 50% of total hazardous waste disposal by Marines in Okinawa reported in Table 17.2-2 (Vol. 2, Ch. 17, pp 17-38 & 17-39).

Question: Are the reported codes in Table 17.2-2 assumed to transfer the same quantities (in lbs.) to Guam in the same proportional amounts?

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Observation: The following hazardous waste material codes D001, D007, D008 & D008 represent 30.4% (205,011 lbs.) of the total amount of hazardous waste disposed of in Okinawa by the Marines. The codes represent: Ignitable Waste, Chromium (Cr), Lead (Pb) and Benzene (Vol. 2, Ch. 17, pp 17-38 and 17-39).

Question: From the material being disposed, what are the actual products that contain the hazardous material? For example: paint, batteries, ammunition, etc. Of this material being disposed, what are the quantities of actual products that contain the hazardous material? For example: 5,000 gallons of paint, 68,000 batteries, 500,000 rounds of ammunition, etc.

Observation: Compared to the hazardous waste disposal statistics for Guam presented in Table 17.1-2, Annual DOD DRMO Guam Hazardous Waste Disposal Quantities, the 205,011 lbs of hazardous waste material codes D001, D007, D008 & D018 of annual waste in Okinawa is much more than the same codes being disposed of on Guam (Vol. 2, Ch. 17, pp 17-13 & 17-14).

Question: Are there enough resources on Guam to handle significant increases in the disposal volume of Ignitable Waste, Chromium (Cr), Lead (Pb) and Benzene? What are the military incident rates of hazardous waste material of Ignitable Waste, Chromium (Cr), Lead (Pb) and Benzene on Guam? What are the military incident rates of hazardous waste material of Ignitable Waste, Chromium (Cr), Lead (Pb) and Benzene on Okinawa?

Observation: The following hazardous waste material codes D006 and D008 represent 25.5% (171,473 lbs.) of the total amount of hazardous waste disposed of on Okinawa by the Marines. The codes represent: Cadmium (Cd) and Lead (Pb) (Vol. 2, Ch. 17, pp 17-38 & 17-39).

Question: Of this material being disposed, what are the actual products that contain the hazardous material? For example: paint, batteries, ammunition, etc. Of this material being disposed, what are the quantities of actual products that contain the hazardous material? For example: 5,000 gallons of Paint, 68,000 batteries, 500,000 rounds of ammunition, etc.

Question: Compared to the hazardous waste disposal statistics for Guam presented in Table 17.1-2, Annual DOD DRMO Guam Hazardous Waste Disposal Quantities, the 171,473 lbs. of hazardous waste material code D006 of annual waste in Okinawa is much more than the same code being disposed of on Guam (Vol. 2, Ch. 17, pp 17-13 & 17-14, Table 17.1-2).

Question: Are there enough resources on Guam to handle significant increases in the disposal volume of Cadmium (Cd)? What are the military incident rates of hazardous

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waste material Cadmium on Guam? What are the military incident rates of hazardous waste material Cadmium on Okinawa?

Observation: “Numerous fueling operations to support aircraft, vehicle operation, and emergency power generation are performed at Andersen AFB. The majority of fuel handled at Andersen AFB is aviation fuel. The base currently has the capacity to store 66,000,000 gallons of aviation fuel (Andersen AFB 2005),” (Vol. 2, Ch. 17, p 17-8).

Question: What is the total number of gallons of fuel types used annually on Andersen AFB in the following areas:

- Aviation?
- Vehicle Operation?
- Emergency Power Generation?

What are the estimated annual increases due to the military buildup in total number of gallons of fuel types on Andersen AFB:

- Aviation?
- Vehicle Operation?
- Emergency Power Generation?

Observation: U.S. EPA superfund reported about Andersen Air Force Base (AAFB) documents areas of contamination and wildlife refuges on AAFB which are not useable for drilling of groundwater wells

(<http://yosemite.epa.gov/R9/SFUND/R9SFDOCW.NSF/3dec8ba3252368428825742600743733/79f6272e2a8d855988257007005e9449!OpenDocument>).

Question: Is the reason that the military relocation of activities to Guam cannot be contained to existing military land, most notably AAFB, because the activities will present groundwater contamination risk to remaining areas on AAFB where the military proposes to drill up to 22 new water wells?

Observation: “Proposed construction activities would result in an increase in the use of hazardous waste. Construction activities are anticipated to increase the use of adhesives, lubricants, corrosive liquids, and aerosols. It is estimated that this construction activity would result in an increase to the Guam hazardous waste disposal rate of 10% of the known Okinawa rate, or approximately 64,400 lbs. (29,211 kg) annually (DRMO Okinawa 2009),” (Vol. 2, Ch. 17, p 17-43).

Question: What are the underlying facts and data that support the conclusion made that construction activity on Guam related to the military relocation, estimated at \$13 billion, will equal 10% of the known Okinawa hazardous waste disposal rate? What has been the total amount of Military Construction on Okinawa each year for the last five years? Will winning bidders for military construction on Guam be required to reserve a portion of their award or secure insurance for potential hazardous waste incident remediation? If

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winning bidders are not required to reserve or obtain insurance, who will be responsible to ensure that any hazardous waste incident remediation related to construction is properly funded?

ECONOMY, FINANCE, AND TAXES

Observation: With respect to the Socioeconomic Impact Assessment Study (SAIS) and the entire Draft Environment Impact Statement (DEIS) there are many inconsistencies and omissions of data that make assessing the impact of the activity proposed by the Department of Defense (DOD) to the tax payers of Guam unquantifiable.

Without a proper and accurate analysis of how much additional revenue will be collected by the government of Guam, it is not possible to truly assess and analyze the economic impact to Guam, (Vol. 9, Appendix F, pp 4-24 through 4-33).

Question: There is no study or documentation of the financial model used to develop the estimated tax revenue in this section making it impossible to technically analyze the output. Can you please provide the model in electronic format (Microsoft Excel) and a hard copy?

Observation: The estimated impact to GIP to the sum of all general tax revenue impact (GRT + Corporate Income Tax + Personal Income Tax) from the DEIS produces a ratio of general tax revenue as a percent of GIP that fluctuates from 42 to 49% (Vol. 9, Appendix F, pp 4-24 to 4-33).

Impact on Gross Island Product (GIP) (Thousands of 2008 \$s) (Constrained)											
DEIS Estimate	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Combined Total Impact	\$135,000	\$331,000	\$547,000	\$664,000	\$800,000	\$599,000	\$297,000	\$162,000	\$162,000	\$162,000	\$162,000

Impact on GRT & Income Tax Revenue (Thousands of 2008 \$s) (Constrained)											
DEIS Estimate	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Combined Direct Impact	\$50,505	\$124,702	\$206,266	\$250,769	\$312,932	\$233,482	\$120,454	\$69,915	\$69,915	\$69,915	\$69,915
Combined Indirect Impact	\$6,595	\$16,582	\$27,203	\$32,817	\$41,936	\$31,976	\$15,815	\$9,357	\$9,357	\$9,357	\$9,357
Combined Total Impact	\$57,100	\$141,283	\$233,469	\$283,586	\$354,868	\$265,458	\$136,269	\$79,272	\$79,272	\$79,272	\$79,272
As a % of Additional GIP Projection	42.30%	42.68%	42.68%	42.71%	44.36%	44.32%	45.88%	48.93%	48.93%	48.93%	48.93%

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The following expenditure method of calculating GIP was used to determine a factually based ratio of general tax revenue as a percent of GIP for Guam.

GIP (Y) is a sum of Consumption (C), Investment (I), Government Spending (GG), (GGP), (FG), (FGP) and Net Exports (X - M).

$$Y = C + I + GG + GGP + FG + FGP + (X - M)$$

Estimated Components of Guam GIP (Thousands of 2007 \$s)		
\$2,688,477	Gross Receipts Less Government Expenditures	C – (GG + FG)
\$854,689	GOVGUAM Expenditures	GG
\$595,311	GOVGUAM Payroll	GGP
\$775,459	FEDERAL Expenditures (Local)	FG
\$332,000	FEDERAL Payroll (Local)	FGP
\$250,000	Private Investment	I
(\$137,851)	Trade (Exports - Imports)	X - M
\$5,358,085	Gross Island Product (GIP)	Y
\$547,912	2007 General Tax Revenue	GT
10.23%	As a percent of GIP	

Source

- C / 2007 Government of Guam Independent Auditor’s Report Gross Receipts Tax (grossed up)
- GG / 2007 Government of Guam Independent Auditor’s Report
- GGP / 2007 Government of Guam Independent Auditor’s Report
- FG / Federal Transactions for Work Performed in Guam (GEDA & BSP)
- FGP / Federal Transactions for Work Performed in Guam (GEDA & BSP)
- I / Estimate \$250 million
- X - M / Guam Historical Trade Data, Import & Export Data 2001 – 2009, (BSP)
- GT / 2007 Government of Guam Independent Auditor’s Report

Observation: Using current information available the ratio of general tax revenue to GIP is approximately 10.23% compared to the DEIS ratio of 42-49%. The variance of ratios is quite large. The estimates to the impact or benefit of general tax revenue in the DEIS may be vastly overstated based on this comparison.

Question: Can the group responsible for the DEIS calculations review and respond to this comparison and attribute for the large variance of ratio calculations?

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Observation: “The analysis assumes GovGuam collects all tax revenues that it would be owed,” (Vol. 9, Appendix F, p 4-24). No cases are documented (today) of any government in the world that collects 100% of tax revenue owed; not including an adjustment for uncollectible and evaded taxes over inflates the positive impact of tax revenue collections estimates in the DEIS.

Question: What was the purpose of not including an assumption of an adjustment downward or allowance for uncollectible or evaded taxes in the estimates throughout Section 4.3.3?

Observation: The tax revenue growth from the islands economy post-buildup is primarily the income tax of active military that transfer from Okinawa and federal civilian employees supporting the DOD mission. This revenue, also called Section 30 revenue, is quantifiable through aggregated military payroll registers of the positions that will transfer from Okinawa to Guam, (Vol. 9, Appendix F, p 4-27).

Question: Do the post-buildup tax revenue estimates in Section 4.3.3 of the DEIS include aggregated military payroll registers of the positions that will transfer from Okinawa to Guam? If yes, can that information/report be made available? If no, why was this information not used?

Comment: By statute, the U.S. Treasury is required to remit to the government of Guam the income taxes of compensation paid to retired civilians and military employees of the United States, or their survivors, who are residents of, or are domiciled in Guam (U.S. Code Annotated, Title 48, Section 1421 and IRS Publication 570, Chapter 1, page 3).

Each year on Guam thousands of military personnel are temporarily assigned to duty on Guam for support, training exercises, or when aircraft carriers port. Due to requirement of treasury to remit income taxes, an interpretation was made to not to remit payment to Guam unless military personnel meet a “presence test.” The main criterion of the presence test is to live on Guam for 183 days. This may be a practical way for the IRS and Federal government to deal with the administration of the income tax remittance to Guam but it does not address that fact that thousands of DOD employees are here using the services of the government of Guam such as roads, parks, beaches and other public services. Additional tax revenue is needed to provide necessary public services even more so with the large concentrated increase in population being proposed in the DEIS.

Question: Will the DOD support and lobby for a change of policy by the IRS to remit fractional equivalents of income tax for these temporary workers time spent on Guam? If the DOD will not support and lobby for a policy change of the IRS, will the DOD make annual income tax discrepancy payments to the Government of Guam to address the annual impact of these employees? An example of this concept is the Federal Employee

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Health Benefits Program (FEHBP) which contractually agrees to compensate health insurance companies 1.5% of premiums paid for “enrollment discrepancies.”

Observation: In November 2008, the Department of Interior Office of the Inspector General (OIG) issued Report No. HI-EV-GUA-0002-2008 titled *Guam’s Tax Collection Activities: Office of Insular Affairs Involvement Needed to Achieve Lasting Improvements*. In the report, the OIG confirms that the Department of Revenue and Taxation lacks funding, employees and adequate technology that prevent the realization of significant amounts of tax revenue (Vol. 9, Appendix F, pp 3-4 to 3-22).

Question: Why was the Department of Revenue and Taxation omitted from the SAIS analysis? Will the Naval Facilities Engineering Command Marianas (NAVFAC) and other military contracting offices working on the Okinawa to Guam relocation add steps into the contracting process flow to require sub-contractor payment reporting from vendors to the Department of Revenue and Taxation?

Observation: The gross value of military contracts in the DEIS from 2010 to 2016 is \$12 billion. The GAO has estimated that cost will be higher. In the GAO report (GAO-08-722T) a required investment of \$13 billion is estimated for the buildup split \$10 billion for military and \$3 billion for local infrastructure (Vol. 9, Appendix F, p 4-28).

Question: Of the \$12 billion estimate in the SAIS, how much of that investment will be provided for local infrastructure projects?

Observation: In GAO report GAO-08-722T, the following information is documented:
The government of Japan is also expected to provide another \$3.3 billion in loans and equity investments for installation support infrastructure, such as on base power and water systems, and military family housing. Most of this \$3.3 billion is expected over time to be recouped by Japan in the form of service charges paid by the U.S. government and in rents paid by American service members with their overseas housing allowance provided by DOD.

Question: Will rents from overseas housing allowance that are paid to Japan only be from service members relocating from Okinawa? If yes, what percentage and amount (dollars) of the annual total existing housing allowance of this population will be paid to Japan? If no, what percentage and amount (dollars) of the current Guam service member annual total existing housing allowance will be paid to Japan?

Observation: The 2008 Government of Guam Single Audit Reports the Government of Guam agencies were allocated and spent approximately \$200 million Federal grant money in fiscal year 2008. Of that amount, \$38 million was provided primarily for Food Stamps, Medicaid, and Programs for Seniors. The DEIS discusses current funding problems in Health and Human Services on the surface but does not determine the

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additional shortfalls resulting from the population increases that Guam will experience because of the military relocation. The same description above can be applied to most if not all Government of Guam agencies receiving Federal Grants and Aid, (Vol. 9, Appendix F).

Question: If current levels of Federal Grants and Aid to Guam are not increased parallel to the military buildup, will the Department of Defense budget and provide funds to the Government of Guam to close any Federal grant-in-aid funding gaps resulting from the military buildup?

Observation: According to the DIES, the Island of Guam should expect a significant increase in off-island construction workers to meet the construction needs of the proposed action. Thus, like other boomtowns, Guam can expect both a period of overall growing pains and a subsequent reduced level of activity thereafter, although that reduced level is anticipated to feature economic conditions substantially better than current conditions, (Vol. 9, pp 1-2).

Comment: What type of study was made to determine that, in fact, economic conditions will be “substantially better than current conditions”? How can this statement be true when we know that there is a certain percent of laborers and workers who will stay on Guam after the “boom,” and certainly this relates to high employment rates as well as increased social services? How can the DEIS make such a statement without any study to back it up.

Recommendation: These statements are misleading, and until such time that it can be proven that our economic conditions will be better, the recommendation is *NOT* to put our island in a situation where we have to experience any “boom.” The only mitigation alternative for bringing H2 construction workers is a No Action alternative.

Observation: Volume 9 (p 2-2) discusses the identity and characteristics of in-migrant workers and dependents that would add to the population of Guam, as would their dependent numbers.

Question: What would be the identity and characteristics of these in-migrant workers? How many dependents would accompany each in-migrant?

Observation: Both these issues would be affected by where those workers would actually be migrating from. It was determined that the most likely in-migrants would be temporary foreign workers on common work visas who would likely not be accompanied by dependents at all and citizens from the nearby CNMI or FAS who would likely arrive on Guam with--or send for shortly thereafter--the remainder of their households that are relatively large.

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Comment: It has been said in numerous parts of the DEIS, besides this particular section, that we will get an influx of CNMI, FAS citizens to Guam for better opportunities. The objection is not to their arrival, but it is imperative that the Compact Impact monies as agreed between the United States and FAS be increased as our population increases. Compact Impact Residents come in-and-out of Guam and the United States as their status dictates their freedom to do so; however, it is difficult to track because of this status. We can gauge it with the census, and we'll know there will be an increase in our population.

Recommendation: Money must be adequately provided for the Government of Guam by paying Guam what is owed in addition to increasing the amount. Negotiations must begin immediately between FAS, Guam, and the Department of Interior to ensure that we receive the amount necessary to survive under these “boom” conditions. Until such time that these negotiations prove beneficial to Guam, there should be NO ACTION.

Observation: “Large-scale military exercises” do not necessarily involve aircraft carriers but often do. The issue set forth by some industry representatives (Guam Chamber of Commerce 2008; Appendix D - GVB Interview) is that active-duty military personnel on Guam are exempt from hotel occupancy taxes and may also qualify for lower rates, displacing higher-paying tourists. The relative importance of this for the industry and for the GovGuam depends on the season. It is problematic in the peak tourist seasons but less so in the industry’s “elbow” (off-peak) seasons, such as spring, (Vol. 9, p 4-40).

Comment: There is no equity here. Local statute will be changed, and the federal government must support and recognize that this practice can no longer continue. There is a definite loss in the Government of Guam coffers. This change in policy should extend to active-duty military personnel and their families and/or any contractor (and their families) on Guam to perform work with the military.

Recommendation: Until such time that these laws are changed and the federal government recognizes and supports this change, there should be NO ACTION.

Observation: Rapid decline in economic activity and adverse economic impact on government, private sector, and personal income opportunities are anticipated as a result of the buildup. This is expected to occur after the construction phase is completed (2015-16). This type of downturn or change has been characterized by some local economists as the “Boom Town” effect. After a short-term period of prosperity (5 to 7 years), how will the government, the private sector, and the community be able to withstand and adjust to the new (diminished) economic climate and decline in earning potential for every resident of the island? Such an effect is accompanied by a recession-like atmosphere and many individuals and businesses will find themselves wanting. Will the business and government sector be in a position to provide relief strategy and assistance to those who

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are adversely affected by the economic recession?

Comment: There are several areas of concern that can be attributed to the economic after-shock, namely the controlled exit of H-2 and other temporary workers; long-term (unfunded) government debt incurred to accommodate the buildup; private sector investment not recouped in the construction phase of the buildup; allocation of public assistance (medical, food, shelter, etc.) to help stranded temporary workers and their families; and excess capacity funded by Guam to accommodate buildup demand, such as infrastructure (above and below ground), housing, public safety and protection facilities, port and airport expansion, cargo and people transport system and or vehicles, schools, various equipment, materials and supplies.

Recommendation: In order to minimize the aftermath of the buildup, attention must be given to planning, preparation and execution of mitigating programs for economic hardship. This investment must be borne by the federal and DOD authorities who are responsible for the forward movement of DOD interests. Financial assistance can be provided to the local government to underwrite the costs to Guam incurred specifically to support the buildup, outreach planning, preparation and financial guidance seminars and training programs. The military must incorporate this concept in the DEIS and be prepared to fund such an initiative. Adequate coordination with the Chamber, the local U.S. Small Business Administration Office, and the University of Guam business outreach programs will strengthen the island's ability position to cope with the sudden shift to conditions described by many as an economic recession and recovery period for Guam.

SOCIOECONOMIC IMPACTS

Observation: In response to decreased opportunities for space and activity time due to increased population trying to access public recreational sites, the draft states: "To alleviate the potentially significant impact to recreational resources... MCCS is proposing a wide range of QOL facilities at their Main Cantonment site... to meet the recreational demands of the Marines, their dependents and guests."

Question: Why can't the DOD/DON incorporate or expand on the public recreation sites outside of the fence to improve the QOL for *everyone*?

Observation: Many public services offered by GovGuam would need to increase professional staff to service the new population. Most of these agencies would need to rapidly expand their services and staff during the 2013- 2014 peak (raising serious issues of availability of qualified workers) then cut back them back as construction ends. For public education services, the GPSS, GCC, and UOG together would need to hire a combined 490 teachers/faculty for the year 2014, falling to a combined 135 after construction ends. For health and human services, this chapter considered impacts on various aspects of the GMHA, the GDPHSS, the GDMHSA, and the GDISID. These

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agencies would need a combined 192 new key professional workers by 2014, dropping to a combined 52 a few years later. Public safety agencies – Police, Fire, Corrections, and Youth Affairs – would require a combined 249 key professionals in 2014, falling to a combined 99 a few years later. Other selected general service agencies – Parks and Recreation, Libraries, and the Judiciary – would require a combined 46 key professionals in 2014, falling to a combined 22 after construction ends, (Vol. 2, p 16-95).

Comment: There are mitigation measures identified to address these staggering numbers that will significantly impact the Government of Guam. First, there is a current shortage for many of these areas and difficult to recruit for a myriad of reasons, particularly the location and pay scale. Although the mitigation measures identified are achievable, it will not fully address the issue at hand. Guam is recognized as underserved and falls under the DPHHS National Health Service for medical professionals.

Recommendation: DOD must support, encourage, and provide funding for this program for Guam; this will address the temporary need for medical professionals during the anticipated high in 2014. Teach for America Program must be expanded for Guam. This will assist in the recruitment of teachers which will be necessary during the peak in 2014. The way the program is set up is that each state must find the funds to pay for these teachers. These mitigation measures must be put in place immediately. If not, then there should be NO ACTION.

PUBLIC SAFETY & CRIME

Observation: It appears that the military operational component would have little impact on overall crime rates. This is determined with access to limited data, evidence that crime rates for U.S. military in Okinawa are low, and limited statistics on individual branches of the armed forces are available. Quantitative military data on criminal arrests of Marine Corps personnel or for any branch of the armed services are limited to information on overseas Status of Forces Agreement (SOFA) personnel. The Guam Police Department does not gather specific data on military charged with crimes, nor does the DOD and Marine Corps websites offer data. Thus the best reliable predictor for an increase in overall crime on Guam once the Marine Corps personnel are relocated is provided by the information on arrests of SOFA personnel while on Okinawa, (Vol. 2, p 16-87). Increase in crime by the military dependents on Guam may also be a possible impact. Guam has experienced rising juvenile drug abuse arrests (from seven to 117 between 2002 and 2006) and other assaults from 39 to 160 between 2002 and 2006) (Guam Police Department 2008, Guam Judiciary 2008, Republic of Korea Drop 2008). Dependents of SOFA personnel on Okinawa do contribute to the overall crime statistic. Of the 46 arrests in 2007, 30 were active-duty service members; one was a civilian employee; and 15 were dependents. In 2006, arrests involved 38 service members, three civilians, and 22 dependents arrested. These arrests included 23 minors.

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Comment: It is unfortunate that assumptions are made without any quantitative data. It is crucial that data be collected to truly evaluate the impact of the military buildup. If we base the crimes committed from SOFA, it is certain that crimes will increase. With an increase in population, there will be an increase in crime. It is not enough that we partner up with local public safety departments to do regular shore patrol or assume that the crimes will be committed by FSM in-migrants. What must happen is to establish an agreement between the DOD and local public safety departments with the funding necessary to track these crimes. Additionally, if a military personnel and/or their dependent(s) commit crimes outside the fence that they go through the local judicial system. Funding should also be provided to the local judicial system to adequately address these issues in a timely manner.

Recommendation: DOD must support, encourage, and provide the funding needed to address these crimes. The increase of in-migrants (whether they are from FSM, other territories, or CONUS) is a direct result of the military buildup. Therefore, DOD should provide the funding necessary. If this is not addressed, it is recommended NO ACTION be taken.

Observation: In 2006, Guam Police Department recorded 141 arrests for forcible rape and seven arrests for sex offenses (Guam Police Department 2008). As noted previously, the Guam Police Department does not gather specific data on military charged with crimes. Thus, quantitative data on sexual assault arrests of Marine Corps personnel or for any branch of the armed services are limited to information on overseas SOFA personnel. This data conveys the impression that the impact of sexual assaults by any branch of the military would not be significant. That conclusion, however, should be viewed with some caution, as detailed information on Marines is lacking, (Vol. 2, Ch. 16, p 16-88).

Comment: Conclusions and statements are made based on the lack of any quantitative information. These statements are alarming, because there is a lack of information provided and available. The wrong assumptions can be made. Because of the lack of quantitative data, we must be proactive and begin to document data and address the crimes immediately and timely. Action plans must be created to address these crimes accordingly. If all the data we have is from Okinawa, it is a benchmark to begin the process of how to address these crimes.

Recommendation: Funding must be provided to the local public safety departments to support collection of this data and to develop action plans and procedures to address these crimes. DOD must work together with our public safety departments in collecting data; offenses made inside and outside the fence. If there are military personnel and/or dependents that have committed a crime of sexual conduct inside the base, these people should not be permitted outside the fence. The DOD must ensure that this policy does not extend to Guam and that they NOT be stationed on Guam. If any of these recommendations are not adhered to immediately, the recommendation is that NO

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ACTION will be taken.

Observation: Without knowing the actual statistics of flight hours by Aircraft Type, it is impossible to understand, analyze and comment on the effect of this activity on Public Safety, (Vol. 2, Ch. 18, p 18-2).

Question: How many hours of the Aircraft Types listed in Table 18.1-1 currently fly on Guam?

- CH-53
- MV-22
- AH-1
- UH-1

How many hours of the Aircraft Types listed in Table 18.1-1 currently fly on Okinawa?

- CH-53
- MV-22
- AH-1
- UH-1

How many of the hours of the Aircraft Types listed in Table 18.1-1 currently flying on Okinawa will shift to Guam as part of the relocation activity?

- CH-53
- MV-22
- AH-1
- UH-1

Observation: Using the Population without project data from Table 2.3.1 and combining it with the Combined Total Impact data from Table 4.4-55, the combined increase in population is higher than the total used to determine staffing levels impact based on population, (Vol. 9, Appendix K, p 2-14).

Population Estimates from SAIS (Unconstrained)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Table 2.3.1 Population without project	180,692	183,081	185,435	187,754	190,042	192,302	194,541	196,757	198,942	201,095	203,216
Table 4.4-55 Combined Total Impact (related to project)	11,038	27,835	44,301	52,575	79,178	64,918	41,919	33,431	33,431	33,608	33,608
Total	191,730	210,916	229,736	240,329	269,220	257,220	236,460	230,188	232,373	234,703	236,824

Question: What was the reason for not using the organic growth of Guam’s population in the DEIS analysis to determine adequate staffing for Government services? Do the estimated population calculations in the SAIS include any fractional figures based on military personnel here from aircraft carriers and other short term assignments such as training or aircraft maintenance?

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Observation: The Bureau of Justice Statistics (BJS), within the Office of Justice Programs (OJP), within the United States Department of Justice (DOJ) produced the following statistics for full time sworn personnel (Vol. 2, Ch. 18, p 18-11 <http://www.theiacp.org/LinkClick.aspx?fileticket=LF7xdW11tPk%3D&tabid=87>).

The Guam Police Department sworn personnel per 1000 residents ratio is 1.78. Hawaii’s sworn personnel per 1000 residents ratio is 2.0.

Population Served	*FT Officers Per 1,000 Residents	Population Served	*FT Officers Per 1,000 Residents
250,000 or more	2.5	10,000 to 24,999	2.0
100,000 to 249,999	1.9	2,500 to 9,999	2.2
50,000 to 99,999	1.8	1,000 to 2,499	2.6
25,000 to 49,999	1.8	All Sizes	2.5

Observation: Guam is currently staffed below the national average for Officers per thousand and further below the state of Hawaii. Combining the Organic population growth and the growth from the buildup, the Guam Police Department will need approximately 512 officers from the peak to achieve a 1.9 Officers per 1000 residents ratio.

Question: Which of the following staffing levels does DOD prefer and why: 1.78 Officers per 1000 (450 at peak) or 1.9 Officers per 1000 (512 at peak)?

Observation: The following table represents employee ratios based on standards used in the United States. If Guam were to maintain national standard levels of employment based on populations served, the Guam Fire Department, Guam Police Department and Department of Corrections required levels are all under reported in the DEIS.

	GFD	GPD	DOC	DYA
Status Quo Ratio				
MAX Required	280	480	242	112
STEADY Required	260	441	204	99
National Standard Ratios				
MAX Required	422	512	290	
STEADY Required	391	470	244	
DEIS Ratios				
MAX Required	267	450	242	112
STEADY Required	202	369	204	99

Required =1.9 officers /	The Bureau of Justice Statistics (BJS), within the Office of Justice
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1000 residents for GPD	Programs (OJP), within the United States Department of Justice (DOJ)
Required =1.65 firefighters / 1000 residents for GPD	International Association of Fire Chiefs
Required =4.6 inmates / employee for DOC	The Bureau of Justice Statistics (BJS), within the Office of Justice Programs (OJP), within the United States Department of Justice (DOJ)
Required =15 inmates / employee for DYA	Varying numbers by state between 1 employee per 15-30 youth

Question: Does the DOD support staffing the Guam Police Department, Guam Fire Department and Department of Corrections using national standard ratios for populations served? Will the DOD make annual payments to the Government of Guam to account for increase in operational costs due to the *direct increase* in population related to the military buildup for the Guam Police Department, Guam Fire Department, Department of Corrections and Department of Youth Affairs?

Observation: According to Volume 2, Chapter 18, “Bird strikes constitute a safety concern because of the potential for damage to aircraft, injury to aircrews, or impacts to *local populations if an aircraft strike and subsequent aircraft accident should occur in a populated area.*”

Comment: Guam land mass is habited by almost more of a percentage than what is enough by population and land mass.

Observation: Volume 2, Chapter 18 discusses explosive safety and the quantity distance (ESQDs) arcs. The ESQDs determine the distance between ordnance storage and handling facilities and inhabitable areas.

Question: Has the DOD already performed reconnaissance in areas that the Draft Environmental Impact Statement outlines as areas for ammunition storage area in Northern and Southern parts of Guam? Being that Guam’s southern villages are habited near ocean shores and natural resources are located at inner parts of the island, do fresh water endangered species preservations count as habited areas?

Observations: Radar and other high-energy electromagnetic emissions can constitute a hazard to persons exposed to radiation above a threshold power density (Vol. 2, Ch. 18).

Question: Has the DOD surveyed the potential amount of persons with radioactive hazards? (Ex. Veterans, Elderly, Children)

Observation: No impact related to explosives safety are anticipated according to Volume 2, Chapter 18 (p 18-14).

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Comment: The United States Military should assure the People of Guam that if there is any anticipation—at any rate—of hazards in the mission should be reanalyzed and alternatives to handling these explosives calculated. If the military is not to put soldiers under any hazards (besides on the battlefield) the same treatment should be provided for local populations.

Observation: As a result of increase in military personnel and their dependents, there would potentially be more vehicles on the roadways resulting in more heavily congested roadways and, thus *more potential* for accidents and traffic fatalities (Vol. 2, Ch. 18).

Comment: The United States DOD should fund projects related to Guam roadway infrastructure to improve and enhance traffic lights under U.S Department of Public Works guidelines.

Observation: The DEIS makes note of the fact that there are more than 7000 Filipina sex laborers in Okinawa, despite the local laws that prohibit prostitution and other activities of the same nature.

Comment: There is no proposal or plan in place for the DOD to work closely with federal law enforcement officials and Guam law enforcement departments to address the potential rise in human trafficking for the purposes of fulfilling this industry's demand. Prostitution is illegal in Guam as well.

HEALTHCARE

Observation: Fifteen additional doctors (26% increase) and 91 additional nurses (26% increase) would be required to maintain the current service ratios during the peak construction year (2014). There will also be a large increase in TriCare population when the relocation is complete (Vol. 2, Ch. 18, p 18-16).

Comment: The DEIS does not provide an in depth analysis of the impact of TriCare patients on Guam's primary care infrastructure and non-military population. More specifically, private clinics treat TriCare patients for many reasons such as proximity to work location for spouses and proximity to private schools that military dependents attend. Private clinics have also provided care to TriCare and Delta Dental patients on Guam to fill gaps of poor appointment availability and long waits on military run clinics. Some military families also prefer the privacy of clinics not on the military base. Thus, there is likely to be a much greater need for additional doctors, nurses, pharmacists, dentists, optometrists, opticians and ancillary professionals in the outside community beyond public clinics and hospitals. The need to recruit more physicians into the civilian community will also drive the cost of health care higher because the remote isolation of Guam commands higher salaries for physicians and nurses at public and privately run clinics.

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Question: Will DOD factor the higher cost of recruiting specialized professionals, such as doctors, into the inflation calculations in the final EIS document? Will the DOD support and lobby for legislation in the FY 2011 Defense Authorization Act that offers financial incentives to physicians, nurses, pharmacists, dentists who practice medicine in rural or underserved areas like Guam with significant veteran, TriCare and Medicare populations? Examples of incentives are funding of medical-school costs or assistance in repaying medical school loans and physicians.

HOUSING

Observation: Almost all of the goods needed to construct or operate military bases would not be produced on Guam and would be shipped from off-island and onto military bases, with Guam's economy capturing little or no value (Vol. 9, p 2-7).

Comment: This is a serious comment that must be evaluated, and laws must be changed so that Guam will be able to capture taxes related to the construction. *Any* product related to the buildup, especially inside the base, **MUST** be captured by taxes.

Recommendation: Agreements must be made, by act of Congress and local legislation recognized, to impose taxes on any and all products used as a direct result for the military buildup. This should include everything from construction materials to hardware. Until such time that this agreement is in place, there should be **NO ACTION**.

LABOR

Recommendation: The Draft EIS should have an analysis of how the proposed action would impact the number of construction and development permits, including workers needed, that would be necessary to complete the planned activities. The number of H2B workers is expected to increase by 16,000 workers for military-related projects not to mention the thousands of workers to complete GovGuam and civilian projects (Vol. 9, p 13-9). It is anticipated there will be an increase in on-site labor during the construction phase for military projects. It's expected that the labor force will be from Guam and Micronesia first, before expanding the recruitment area. GovGuam will continue workforce training and education programs. The following agencies would be impacted by a growth in permit requests for construction and development: Guam Department of Public Works, Guam Department of Land Management, Guam Environmental Protection Agency, Guam Coastal Mgmt Program within Bureau of Statistics and Plans, Guam Power Authority, Guam Waterworks Authority, Guam Fire Department, Permitting Staff, Historic Preservation Office within GDPR, Guam Division of Environmental Health with GDPHSS, Guam Alien Labor Processing and Certification Division in the Guam DOL.

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Comment: The Draft EIS should include an analysis of how these jobs will affect the off-base job market (including wages, availability of skilled employees, and the cost of living). There also needs to be a study regarding the possible impact of wage increases or loss of labor to higher-paying jobs due to the military buildup.

Observation: It is projected there will be more than 3,700 new federal jobs coming to Guam. 50% of the jobs will be filled by federal civil service workers moving to Guam from Okinawa. 25% are anticipated to be taken by military spouses leaving less than 1,000 jobs for Guam residents. It is projected that there will be 238 civilian military employees in 2010 and 522 in 2011, 2012 and 2013. That number jumps to 3,511 civilian military employees in 2014 and 3,743 every year from 2015 to 2020. It is projected that 50% of these jobs will be taken up by Okinawa transfers while 25% would be absorbed by military spouses (page 4-6) leaving only 25% available for local residents (Vol. 9, Appendix F, p 147).

Comment: There ought to be a complete study regarding how many military dependents will be looking for employment off-base and what that will do to the number of available jobs for Guam residents. The Draft EIS needs to incorporate a more sufficient study regarding how the unemployment rate will be impacted by the military buildup.

Comment: Historically DOD personnel and their dependents compete for existing jobs off-base as part-time workers, thus decreasing the availability of jobs for local residents. The proposed action would bring many new jobs to Guam but it would also bring a large new population from off-island (Vol. 2, Ch. 16, p 16-54).

CULTURE

Comment: The DEIS statement that the “effects on Chamorro culture of off-island construction workers” shows naivety of those involved in compiling the DEIS. The cultural impacts are not only of off-island construction workers but also of the military personnel and their families plus the thousands of others who will come for better opportunities. The culture of our people *cannot* and *should* not be limited to construction workers. The culture is a way of life that will be comprised when an increase of non-indigenous population come to Guam. All must be protected—from language to cultural sites to simply understanding respect for our people and knowing that they are only here temporarily so knowledge of what makes Guam unique must be enforced. It is not always learned in a classroom, videos or in a training class.

Recommendation: You must understand what culture is for our local people and do not ever takes that for granted.

Comment: The loss of 18 potential NRHP-eligible sites is a major blow to cultural resurgence. Access should be more available to local public.

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Recommendation: It is best to cease activities in the area and apply for NRHP or No Action.

Observation: There 22 NRHP-eligible archaeological sites that will be significantly impacted by the buildup.

Recommendation: The only recommended mitigation approach is the No Action alternative.

GENERAL COMMENTS/RECOMMENDATIONS

The quality of life for Guam residents will be impacted in many ways. Two specific areas that will severely affect families on Guam are the cost of living and increased traffic. The cost of living will undoubtedly increase as the local velocity of money increases substantially over the next ten years due to speculation and demand that exceeds supply. Any close study of the price of gasoline, utilities, mortgages and airline tickets will show that competition is not the great equalizer of several components that consume an average Guam family's disposable income. The military buildup and relocation will undoubtedly drive up the price of local housing due to the high demand for local construction resources. Higher prices will result in monthly mortgage payments that are hundreds of dollars higher per month for anyone who purchases a house in the next ten years.

The expansion and maintenance of utilities (water and sewer, power, solid waste) infrastructure will pressure rate payers. Guam's residential average per kilowatt hour rate is higher than all other states except Hawaii. Unpredictable oil prices sent power rates on a steep increase over the last several years and most likely will continue to rise as world economies recover and international tension builds due to Iran's pursuit of nuclear weapons. Current Guam law mandates that 5% of the Guam Power Authority (GPA) production be from alternative energy by 2015. According to GPA preliminary studies this will also force increases in rates due to low capture rates and other limitations. The Consolidated Commission on Utilities (CCU) has recently increased water rates 14% and Guam Waterworks plans to borrow an additional \$300 million in bonds to finance infrastructure improvements related to a permanent injunction related to USEPA findings. Rates will need to increase again to cover this future debt service. Solid Waste rates have increase over 300% in the last year as well.

The utilities will be pressured further as the military buildup will strain the current infrastructure to the point of requiring increased capacity. Increased capacity will need capital improvement and ultimately increase operation costs, specifically maintenance.

The quality of life for residents will continue to degrade as residents are forced to choose between things such as using air conditioning and purchasing other items. The use of water is also not negotiable and will force residents to divert money from other areas to cover increased water rates. The Solid Waste system offers few convenient alternatives to reduce the waste stream. The current residential rate structure also does not recognize and reward residents that produce less refuse. For these reasons, residents have little control over this increase and again will be forced to divert resources away from other needs to cover the monthly cost for trash pickup and

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disposal.

All the aforementioned utilities operate as a monopoly whose rates are set by the CCU and Public Utilities Commission (PUC). There are no documented cases where rates have been decreased as a result of CCU policy.

The price of gasoline has increased greatly over the last several years which eroded consumer purchasing power. Increases in the price of gas are not unique to Guam; however, the price per gallon of gasoline is higher than the Continental United States. Competition in the petroleum industry is non-existent. The per gallon price of fuel never varies between gas companies by more than a day or two before all stations settle in at the same price. It is unlikely that consumers will see any relief from fuel cost as a result of the buildup. If anything, the Capital Improvements being undertaken by the Port Authority of Guam are likely to be passed on to companies and in turn passed on consumers. The gas companies are large customers of Port Operations thus consumers will bear the brunt of higher gas prices.

Along the same lines, Guam's import economy will also see increases due to Port improvements and supply and demand issues related to population surge of the buildup.

The composition of the family unit on Guam primarily consists of two working parents. Increases in the cost of basic needs will force some people into welfare situations, others from middle class to lower class. Some may seek 2nd and 3rd jobs to the detriment of spending quality time with family.

Traffic will also have a big impact to residents' quality of life as they will accumulate several additional hours a week stuck in traffic during the buildup and after the relocation. These are hours that are currently spent with family or doing other things. The additional hours will force changes to routines which inevitably will be a displacement of time spent on other activities such as homework, sleep, exercise, recreation, worship, etc. This impact of traffic congestion on Guam was not adequately documented, analyzed, or addressed in the DEIS.

Increased traffic will also affect people who walk, jog, ride bikes, etc. The increase volume of vehicles and time spent in traffic will result in increases in hazardous exhaust and higher probability of pedestrian accidents.

Mitigation, Alternatives, Suggestions

- 1) The largest impact for mitigation on the degradation to residents' quality of life can only be in the form of financial. Without some sort of rail system on

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the island, the population increase and limited amount of land will not permit mitigation to keep current travel times during and after the military buildup.

To compensate for the traffic congestion impact, the Department of Defense should consider seeding a large endowment fund to the Government of Guam to fund recreational programs including regional fitness centers, gymnasiums, swimming pools, tracks and playgrounds for residents. Not only would these facilities provide safe alternatives for recreation for residents, but they would also promote healthier lifestyles which would help offset increases to health care costs resulting from the military buildup.

- 2) Cost of living increases related to utilities can be mitigated by the military paying higher rates for power, water, solid waste and port fees than residents which in turn would allow the CCU and PUC to pass savings on to residential rate payers.
- 3) It is unclear why the Department of Defense outsources the operation of their utilities to companies like DZSP 21 as opposed to turning over Fenna water operations and military-owned power assets to the Government of Guam.

If Guam is to be a partner and host to the military then it only makes sense to allow Guam Waterworks and Guam Power Authority to leverage the economies of scale by controlling all the production of water and power on the island.

The military should deed over utility assets to the Government of Guam and become only a customer.