

Proposed military action for Tinian, Pagan an 'existential threat,' says governor

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THE commonwealth government sees the proposed military construction of training facilities on Tinian and Pagan as an “existential threat” and has asked the Department of Defense to withdraw or reconsider its proposal.

Before the Department of the Navy announced that it will submit a supplemental report to the Draft EIS sometime in 2016, Gov. Eloy S. Inos and his administration’s consultants had already communicated their objection to the CNMI Joint Military Training or CJMT draft environmental impact statement

In his Oct. 1 letter accompanying the government’s comments, Gov. Eloy S. Inos said, “As proposed, these actions represent an existential threat to our tourism-driven economy, our fragile ecosystem, our cultural resources, and indeed our way of life. I must respectfully insist that the Navy withdraw and reconsider its proposal. I am confident that a collaborative good-faith analysis will reveal other, less-damaging alternatives and I stand ready to work with you to that end.”

He said the CNMI understands its strategic location in the Western Pacific and has a long tradition of supporting the U.S. military.

“Our government has provided two-thirds of the island of Tinian and the entire island of Farallon de Medinilla to the United States for military training purposes. Our citizens volunteer to serve in the armed forces at rates far exceeding the average in the 50 states. And our entire community has worked hard to develop a close and collaborative partnership with the Department of Defense.”

For Inos, however, the CJMT threatens to compromise this partnership.

“The Navy has proposed to take the entire island of Pagan for large-scale, live-fire training (including artillery, aerial, and ship-to-shore bombardment) and to radically and unilaterally alter the previously agreed activities carried out on the military use portion of the island of Tinian,” he said.



ELOY INOS

Administration consultant Dentons US LLC in its review of the draft environmental impact statement or DEIS, reiterated in a memorandum dated Sept. 30 that it has legal deficiencies that render it “so inadequate as to preclude meaningful analysis of the CJMT.” (See related story on page 10.)

Dentons said the draft DEIS must be thoroughly revised and recirculated for a second round of public review before the Navy can proceed to a final EIS.

“If the Navy fails to take these steps, it will not have a legally adequate basis for reaching a decision on the CJMT.”

The consultant said the DEIS is a “woefully inadequate document, which, unless thoroughly revised and re-circulated for a second round of public review and comment, will not support a defensible Navy decision on the CJMT.”

Dentons said the DEIS fails to meet the basic requirements of the National Environmental Policy Act.

It found that the proposed action is limited only to one preferred training location and fails to address other reasonable alternatives — contrary to the requirement that an EIS must rigorously explore and objectively evaluate all reasonable alternatives.

Dentons said the draft also failed to address the obvious cumulative impacts of the “Navy’s decade-long buildup in the Marianas and does not disclose the significance of the CJMT’s environmental consequences even in cases where such disclosures are

required by law.”

Further, Dentons said the DEIS failed to discuss the mitigation measures for the CJMT’s adverse impacts. It said the DEIS made vague promises to “consider” mitigation at a later time.

Dentons said the “Navy has [also] taken steps which exclude speakers of Chamorro and Carolinian from the process, and its draft EIS provides none of the information required for compliance with other federal and CNMI laws applicable to CJMT.”

Dentons said DoD has not followed the NEPA requirements of exploring alternatives and objectively evaluating all reasonable alternatives.

“Rather than engaging in a good-faith analysis of training options throughout the Pacific, the draft EIS presents a biased perspective that is transparently intended to justify the Navy’s preferred sites in the CNMI.”

An analysis of the alternatives, Dentons said, is likewise deficient.

Dentons said the DEIS failed to evaluate alternatives outside the CNMI such as South Korea, Japan, Australia, the Philippines, Hawaii, Chuuk or Palau.

It also said the Navy’s own documents admit that the CJMT must fully evaluate and pursue alternatives outside the CNMI.

“The Navy has attempted to justify its failure to consider alternatives outside the CNMI by alleging that there is a training deficiency in the Marianas,” Dentons said adding that there is nothing in the DEIS that requires training activities to be limited to those proposed in the CJMT.

Moreover, Dentons said the CJMT DEIS contradicted a prior analysis on the Mariana Islands Range Complex project, which concluded that Unai Chulu was unsuitable for amphibious assault vehicle training.

Dentons said the military assumed that there is public support for building and operating ranges, but the people of the CNMI generally do not support the CJMT in its current form.

The consultant said that the four proposed military actions — Relocation of Marines to Guam, CJMT, Divert and MITT — could have been handled in a single EIS.

Citing the NEPA, Dentons said connected, cumulative and similar actions should be evaluated in a single EIS.

“The four actions share a common timing and geography, will impact the same resources, and may — depending on the Navy’s perspective — depend for their justification on a common plan.”

All the proposed military actions have been evaluated in four separate NEPA documents but none fully evaluated an alternative outside the CNMI.

Dentons said the Navy must immediately prepare a supplemental EIS addressing all three projects and their cumulative impacts together with the Air Force’s divert proposal before further steps are taken to implement any one of them.

Dentons said the DEIS failed to specify the number of years that Pagan would be used for training under the Navy control. “Without knowing the temporal scope of the CJMT, there is no way to meaningfully evaluate the project’s long-term environmental consequences.”

According to Dentons, DEIS was based on a series of improper assumptions, and made fundamental errors relating to the environmental baseline for the project.

In considering to acquire Pagan and 470 acres on Tinian, the DEIS, Dentons said, should have inquired as to whether the proposed acquisitions would significantly impact the CNMI’s remaining land, “taking into account both the legal and cultural context of the proposed action.”

The DEIS failed to address how the project would interfere with homestead rights and processes on Pagan and Tinian, Dentons said, adding that the project is incompatible with applicable land use requirements.

Neither the Covenant nor any other lease agreements grant the military right to groundwater underlying Tinian, but the DEIS assumed it is a military's existing right, Dentons said.

The DEIS, in addition, failed to address the indirect use impacts of the proposed action, Dentons said.

For example, the Surface Danger Zone, Dentons said, would effectively regulate use of land and submerged lands on Saipan — over which the CNMI has jurisdiction.

Dentons said the draft refuses to address the project's inconsistency with applicable CNMI land use and environmental laws.

"The Navy has not done an adequate job of identifying or evaluating the historic and cultural resources that may be affected by the project."

Moreover, large-scale, live military training is fundamentally incompatible with tourism in the CNMI, Dentons said.

"No one chooses to vacation in a war zone."

The CJMT, Dentons said, would also transform the Tinian airport into a military base and limit arrival routes into the Francisco C. Ada/Saipan International Airport.

The DEIS "fails to appreciate the importance of regular, efficient, and inexpensive civilian air service in the CNMI."

Dentons noted the heightened effects of the CJMT on airspace and transportation within the CNMI.

Although the DEIS took note of the noise impacts, Dentons said it does not propose alternatives or mitigation to avoid these impacts.

DEIS likewise does not fully address the impacts of the CJMT on geology and soil, Dentons said.

"The DEIS fails to provide an analysis of biological resources that meets accepted standards of professional and scientific integrity."

According to Dentons, the military has done a "woefully inadequate job of addressing invasive species."

The DEIS also failed to provide detailed, quantitative estimates of the amount of hazardous material anticipated to be used on Tinian and Pagan owing to CJMT activities.

The DEIS falls short of identifying and discussing appropriate mitigation measures, Dentons said.

As for public involvement, Dentons said the CJMT was not able to encourage and facilitate public involvement "to the fullest extent possible" as required by NEPA with the CJMT Draft EIS failing to provide any portion in Chamorro or Carolinian.

This, Dentons said, resulted in many residents not having a meaningful participation in the NEPA process.

Dentons said there is no reason why the military could not have provided versions other than English when the Relocation EIS did so with a Chamorro material.

The Navy, Dentons added, failed to coordinate the review procedures mandated by the National Historic Preservation Act with the preparation of the draft EIS.

The draft fails to provide necessary information to determine whether the CJMT would not likely jeopardize the continued existence of endangered or threatened species in compliance with the Endangered Species Act, Dentons said, adding that it also fails to provide information as to its compliance with the Marine Mammal Protection Act.

