

Senator Judith Paulette Guthertz, DPA
Assistant Majority Leader



I Mina'Trenta na Liheslaturan Guåhan
Thirtieth Guam Legislature

CHAIRPERSON, COMMITTEE ON THE GUAM MILITARY BUILDUP AND HOMELAND SECURITY

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December 7, 2010

The Honorable Jackalyne Pfannenstiel
Assistant Secretary of the Navy
(Energy, Installations & Environment)
1000 Navy Pentagon, Washington DC 20350-1000

Dear Ms. Pfannenstiel:

Thank you for your time and close attention for about an hour last week to hear me out on the myriad of buildup issues. The most shocking thing to come out of our meeting was the confirmation that it is the Nelson house that is mentioned in the Record of Decision (ROD) as being subject to such loud noise from hand grenade explosions that it will not be usable as a residence.

As I mentioned, the Nelson residence is a large multistory structure housing four generations of the family. I consider it unconscionable that no one in the federal government has discussed this planned impact with the Nelson family.

More than a year ago I cautioned General Bice that the military had to treat land issues very, very carefully and that mailing cold and brusque letters to the families living in the Sasayan Valley about doing a fauna and flora study of their land without prior preparatory work would backfire.

My advice was ignored. Now, it is even worse. The ROD states on Page 40 "fifty residences, which are sensitive receptors, will continue to be significantly impacted, with 49 residences ... impacted by the operations of the KD rifle, KD pistol, and Multi-purpose Machine Gun Range. Hand grenade range operations at the proposed Route 15 ranges will result in one residence outside the range boundaries being exposed to noise levels considered incompatible with residential use, which will be a significant impact. Mitigation measures to avoid or reduce this significant impact are not proposed because engineered controls aimed to reduce the low frequency sound generated from hand grenades are not feasible."

When did the military intend to reveal this to the Nelson family and to those families?
When did the military intend to sit down with them and discuss mitigation measures?

I especially implore you to meet with the Nelson family at their residence to explain in person and in detail the environmental impacts envisioned by them being right next to the proposed firing range complex, particularly with grenade explosions. We are dealing with real people and their lives here. They have a granddaughter fighting in Afghanistan right now with the U.S. Army. They have, and continue to be, major contributors to our island society by their civic work. Mrs. Gloria Nelson is a former

Director of Education of our public school system and currently serves as an elected Commissioner of the Consolidated Commission on Utilities. Mr. Ted Nelson is a former public school principal, Senator, and Vice Speaker of the Guam Legislature.

“Respectu” is one of the core values held by the Chamorro culture. The Federal Government has treated the Nelsons and the other 49 families with “Tai-respectu,” meaning “no respect” by including them in the ROD significant potential impact on their lives, their homes, and their properties because of the thousands of planned grenade explosions and other firing range activities planned for the area. Why does the military have to be so unidirectional in its dealing with the public on this buildup? Aren’t there any culturally aware and sensitive decision-makers involved in this buildup program?

If you are unable to meet with the Nelson family yourself, then Mr. Joseph Ludovici should represent you as soon as possible.

The meeting needs to cover all of the details of the proposed firing ranges and grenade training activities. For example, we have received comments from residents in the area asking about the toxicity of the particulate discharge from the gun barrels and the grenades when they are fired, the chemicals getting into the soil when the barrels are swabbed out with solvents, the lead and brass deposited in the soil, the anticipated damage to the soil, flora, and wildlife plus domestic animals from the hand grenade explosions, as well as the noise details, in decibels, and the road traffic anticipated along with the numbers of shots per day and the firing schedules. Further, what mitigation measures are anticipated such as berms, tall walls, grenade boxes and pits, as well as vegetation? The families need to know NOW whether they will have free, unrestricted access to their homes. The best existing map provided by NAVFAC Marianas shows the federal government desires to acquire half of the driveway to their residence.

Further, I understand verbally from JGPO that there will be no use of any depleted uranium bullets in Guam. A computer search of every volume of the Final EIS and ROD reveals absolutely no mention of any depleted uranium. Would you please confirm in writing that indeed this is a fact so the Nelsons and the other 49 families will be assured of there being no radioactivity present should your plans progress?

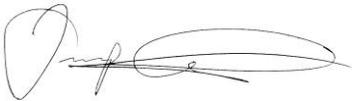
Finally, I officially request that a knowledgeable officer from JGPO take me to the area prior to the meeting with the Nelsons and point out to me the other 49 homes that will be impacted by the hand grenade noise. The telephone in my office is ringing off the hook with concerns from residents in the Route 15 area.

In summary, a gross injustice has occurred for the Nelson family and the other families referenced in the ROD who will be impacted by the planned grenade

explosions. This whole issue of a firing range complex has been completely mismanaged by the Federal Government. Land is not a commodity in Guam. Rather, it is a legacy. The military has absolutely fouled up this part of the buildup. It pains me to say "I warned you," but that is the stark reality.

It will take strong, effective, top-down leadership by enlightened leaders to get this program on track. And, of course, the best track would be to take the Route 15 area and Pagat off the table and only use your existing military land holdings in Guam for buildup needs.

Senseramente,

A handwritten signature in black ink, appearing to read 'Judith P. Guthertz', with a large, sweeping flourish extending to the right.

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of planned projects to nearby receptors and implement appropriate design and specification measures for military construction projects to reduce noise related impacts. An additional point to consider is that the implementation of APM may adjust the pace of construction, which will likely introduce a reduction of noise values. However, use of this mitigation measure may also have the effect of elongating noise intrusion over a longer period of time.

From an operational standpoint, significant noise impacts will be associated with weapons firing at the proposed Route 15 ranges. Proposed mitigation measures include maintaining existing foliage to serve as a noise buffer and the construction of noise barriers. It is calculated that the barriers will reduce noise levels by 10-15 dB; however, fifty residences, which are sensitive receptors, will continue to be significantly impacted, with 49 residences outside range boundaries in the northern corner of proposed Alternative A impacted by the operations of the KD rifle, KD pistol, and Multi-purpose Machine Gun Range. Hand grenade range operations at the proposed Route 15 ranges will result in one residence outside the range boundaries being exposed to noise levels considered incompatible with residential use, which will be a significant impact. Mitigation measures to avoid or reduce this significant impact are not proposed because engineered controls aimed to reduce the low frequency sound generated from hand grenades are not feasible. Should innovative technologies become available that can be applied with a positive effect in Guam, they will be considered for implementation as mitigation measures. The location of the proposed hand grenade range associated with Range Alternative A would impose a C-weighted DNL noise level greater than 70 dBC on one residence. This level of C-weighted noise is considered to be incompatible with residential land use. As DoD designs the ranges, it will continue to look at means to reduce noise impacts to nearby residents.

The FEIS concluded that roadway noise will be significant in the north and central areas of Guam. Operational noise due to roadways will be mitigated by soundwalls that meet FHWA and DPW feasibility and reasonableness criteria as deemed necessary.

Range operations on Tinian will not impose significant impacts because no sensitive receptors are close enough to the ranges to be affected.

E. Airspace: The FEIS concluded that the collective impacts from construction and operations associated with the preferred alternatives will not impose any significant impacts on airspace over Guam or Tinian. A new special use airspace (SUA) in the vicinity of Northwest Field will be required for training, but will not require any changes to existing arrivals or departures from the A.B. Won Pat International Airport on Guam. For the proposed ground firing ranges for training on the east coast of Guam, SUA will be established to overlay the Surface Danger Zones (SDZ). The SUA will consist of a proposed restricted area (to be called R-7202) to accommodate vertical hazards associated with direct fire weapons. R-7202 will be from the surface up to 3,000 feet above ground level. The FAA will be notified of scheduled training periods, and will issue a Notice to Airmen prior to scheduled use of the R-7202. Establishment of the SUA will be a Federal Aviation Administration action.