

To Be Added to Condor I & II Collection of Letters and Testimony

December 27, 2009

To: Lt. Col. Mike Milord
NGB Public Affairs
Jefferson Plaza One, Ste 11200
1411 Jefferson Davis Hgwy.
Arlington, VA 22202 (via email to: mike.milord1@us.army.mil)

From Ann K. Williams
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Dear Lt. Col Milord,

I request that you add the following comments to the Condor I & II record. Thank you very much.

NOISE:

1. The DEIS analysis of the significance of the proposed action of NOISE is inadequate: The CEQ regulations define 'significance' to include 'locality context'. The DEIS focuses on 'average' noise levels, arguing that the significance of short-term noise events is minimized by the infrequency and short duration in any one location. 'Averaging out' the effects of noise events by spreading them over a greater distance is a specious argument, at best. 'Locality context' (CEQ) is especially meaningful when the expected noise level (117 dBA) approaches the threshold of pain (120 dBA) even for a short duration. This is not full disclosure. Additionally, these measurements are based on human audible ranges, and human threshold of pain. This measurement, by definition, does not include non-human species (especially those which have a significant role in the human environment), which is a "reasonably foreseeable effect" (CEQ Sec. 1508.8). Therefore this omission precludes any meaningful comment by reviewers on the effect of this expected noise level. CEQ regulations state that there must be disclosure when the effects of the Significance of the Proposed Action are uncertain, or involve unique or unknown risks (CEQ 1508.27). This is not viable disclosure.
2. The DEIS analysis of NOISE effects on non-human species appears to be faulty because it is based on the expectation that animals will habituate to the noise. This is counter-intuitive at best, as habituation to an event requires that said event occurs with some frequency and regularity. It is hard to habituate to this type of noise, approaching the threshold of pain, when there is no warning or build-up, and no way to escape it. The significance of the proposed action by the ANG again fails to disclose the uncertain or unknown risks.

3. In Appendix C of the DEIS, the data on sound (not NOISE) is obfuscated, to say the least. After many pages of grids of existing and projected data, we come to a textbook description, complete with mathematical formulas that are not within the grasp of the vast majority of the public trying to interpret this information. [NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail. CEQ Sec. 1500.1; also “Environmental impact statements shall be written in plain language and may use appropriate graphics so that decisionmakers and the public can readily understand them (CEQ Sec. 1502.8)]. References are woefully out of date (especially considering the revisions requested by Gov. Baldacci and the Maine Congressional Delegation). They date from 1959 to 1992; it is 2009. The last statement is significant, however. Having written many pages of dense scientific text, the author states: “Thus, no technical means are available for predicting extra-auditory health effects of noise exposure. This conclusion cannot be construed as evidence of no effect of residential aircraft noise exposure on nonauditory health. Current findings, taken in sum, indicate that further rigorous studies, such as an appropriately designed prospective epidemiologic study, are urgently needed.” I question, then, the ‘finding of no significance’ (DEIS 6-1). The CEQ states: Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts (CEQ Sec. 1508.27). Once again, this is not viable disclosure.

SOCIOECONOMIC:

1. The ANG DEIS defines ‘socioeconomic’ as “basic attributes and resources associated with the human environment, particularly population and economic activity.” The CEQ regulations include effects that are ‘aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative.” The DEIS fails to include the affected environment’s aesthetic dimensions, which have a very significant effect on the human experience and environment. This is an inconsistency with the CEQ regulations that should be addressed.
2. The area underlying the proposed changes in Condor I & II MOA relies heavily on tourism, vacation spots, and second homes. The former local industries of logging and the associated paper manufacturing have dried up, leaving residents with few options for employment other than support of jobs involving tourism, vacation spots and second homes. To state that the Proposed Action would not have a significant effect on the communities underlying the proposed MOA is just plain wrong.

WATER RESOURCES:

1. Emissions from any of the aircraft operation in Condor I & II contain particulate matter, sulfates, nitrates, ozone and other noxious chemicals. Maine has almost 6,000 lakes and ponds which are among the most pristine in the country; accumulation of these fall-out chemicals from emissions of

fighter jets flying at a level of 500 ft. above ground could degrade these water bodies significantly, by affecting pH as well as in other ways. To say that the Proposed Action would have no effect on water resources because of the reasons given (DEIS 6-3) is incomplete and misleading. It is simply quoting the recommended format for creating a NEPA document and not using common sense.

2. Maine's lakes and ponds are being threatened by invasive aquatic plants and animals, as are many other areas in the country. If the quality of water is impacted negatively, the result could very well tip the aquatic environment to encourage the development of these species and further degrade the environmental and socioeconomic qualities for which Western Maine, especially, is known.

“Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made (CEQ Sec. 1502.2).” I submit for the record that this DEIS is inadequate, and an insult to those of us in Western Maine who yet again have had to refute a rejected, but nonetheless basically unchanged, 1992 EIS.

Sincerely,

Ann K. Williams