



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

**Volume 9: Appendices**

November 2009

Comments may be submitted to:

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

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# Guam and CNMI Military Relocation EIS/OEIS

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Cooperating Agencies

## COOPERATING AGENCY REQUESTS

National Oceanic and Atmospheric Administration (NOAA)

NOAA, National Marine Fisheries Service (NMFS)

U.S. Department of the Interior, National Park Service (NPS)

U.S. Fish and Wildlife Service (USFWS)

Department of Transportation (DOT):

- Federal Highways Administration (FHWA)
- Federal Aviation Administration (FAA)

U.S. Environmental Protection Agency (USEPA) Region 9

U.S. Department of Agriculture (USDA)

USDA, Animal and Plant Health Inspection Services

U.S. Office of Insular Affairs

U.S. Army

U.S. Army Corps of Engineers (USACE)

U.S. Air Force



REPLY TO  
ATTENTION OF:

Regulatory Branch  
Engineering & Construction Branch

**DEPARTMENT OF THE ARMY**  
U.S. ARMY ENGINEER DISTRICT, HONOLULU  
FORT SHAFTER, HAWAII 96858-5440

11 APR 2007

LR  
FC  
HW

Mr. D. F. Bice, Executive Director  
Joint Guam Program Office  
Office of the Assistant Secretary (Installations and Environment)  
Department of the Navy  
1000 Navy Pentagon  
Washington, D.C. 20350-1000

Dear Mr. Bice:

This letter is in response to your March 30, 2007 invitation for the U.S. Army Corps of Engineers (USACE) to serve as a cooperating agency in the Joint Guam Program Office's (JGPO) preparation of an Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) for the relocation of U.S. Marine Corps (USMC) forces to Guam, enhancement of infrastructure and logistic capabilities, improvement of pier/waterfront infrastructure for transient U.S. Navy Nuclear Aircraft Carrier (CVN) at Naval Base, Guam, and placement of a U.S. Army Ballistic Missile Defense (BMD) task force in Guam. As a Federal agency with jurisdiction by law, the USACE appreciates your efforts to seek our early involvement and obtain our technical input regarding aquatic resources. Accordingly, the USACE is pleased to serve the JGPO as a cooperating agency in the EIS/OEIS process.

A copy of this correspondence will be sent to the Joint Guam Program Office, Attn: EV2, 258 Makalapa Drive, Suite 100, Pearl Harbor, Hawaii 96860-3134 and Mr. Francis Dayton, Guam Regulatory Field Office, PSC 455, Box 188, FPO AP 96540-1088. Should you have any questions, my point of contact for this project is Mr. George P. Young, Chief, Regulatory Branch, (808) 438-9258. My liaison on Guam is Mr. Francis M. Dayton, (671) 339-2108.

Sincerely,

CHARLES H. KLINGE  
Lieutenant Colonel, U.S. Army  
Commanding



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

800 Independence Ave., SW.  
Washington, DC 20591

**APR 13 2007**

Commander Scott Hinton  
Office of the Assistant Secretary  
(Installations and Environment)  
US Department of Navy  
1000 Navy Pentagon  
Washington, DC 20350-1000

Dear Commander Hinton:

Thank you for your letter of March 7 requesting Federal Aviation Administration participation in the environmental process associated with the Joint Guam Program Office's (JGPO) relocation of US Marine Corps (USMC) forces to Guam.

We are pleased to participate as a cooperating agency in accordance with the National Environmental Policy Act of 1969, as Amended, and its implementing regulations. Since the proposal contemplates activities associated with Special Use Airspace (SUA), the FAA will cooperate following the guidelines described in the Memorandum of Understanding between the FAA and the Department of Defense Concerning SUA Environmental Actions, dated October 4, 2005.

The FAA Western Service Area will be the primary environmental focal point for matters related to this proposal. I have forwarded a copy of this letter and your letter to the System Support Group Manager, Mr. Clark Desing. You can contact him directly at (425) 227-1849.

We look forward to working with the Navy on the environmental process for relocating USMC forces to Guam.

Sincerely,

Nancy B. Kalinowski  
Director  
System Operations Airspace & Aeronautical Information Management  
Air Traffic Organization

cc: Western Service Area, System Support



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
PROGRAM PLANNING AND INTEGRATION  
Silver Spring, Maryland 20910

Major General David F. Bice  
Executive Director, JGPO  
Department of the Navy  
Office of the Assistant Secretary  
1000 Navy Pentagon  
Washington, DC 20350-1000

APR 18 2007

Dear General Bice:

Thank you for your letter to Under Secretary Lautenbacher regarding the Joint Guam Program Office's (JGPO) invitation to be a cooperating agency on JGPO's environmental impact statement (EIS) for relocating U.S. Marine Corps forces to Guam. The National Oceanic and Atmospheric Administration (NOAA) believes close coordination with JGPO is necessary for this proposed action and is interested in discussing this matter further to ensure an efficient and coordinated environmental review process is established. NOAA has expertise in a range of areas potentially applicable to JGPO's EIS, including NOAA's National Marine Fisheries Service (NMFS) jurisdiction by law and special expertise in conserving fisheries and their habitats, and in protecting endangered/threatened species and marine mammals. Furthermore, NOAA's National Ocean Service (NOS) has special expertise in coastal management, managing marine sanctuaries, coral reef conservation, and marine navigation.

We appreciate JGPO's identification of recommended NOAA responsibilities. Consistent with the Council on Environmental Quality's cooperating agency guidance (January 30, 2002), we would like to discuss JGPO's proposed responsibilities for NOAA and the considerations for a more formal agreement (e.g., Memorandum of Agreement) documenting the expectations, roles, and responsibilities agreeable to both parties. Additional discussion on the specifics of the proposed action and expectations of NOAA and JGPO/Department of the Navy will help to better inform NOAA of its potential contribution during the NEPA process and allow NOAA to decide whether to be a cooperating agency under NEPA.

To further future discussions on this matter, I have asked Mr. Steve Kokkinakis in NOAA's Office of Program Planning and Integration to be the primary point of contact regarding NEPA coordination at NOAA. Mr. Kokkinakis can be reached at (301) 713-1622 ext.189, or [steve.kokkinakis@noaa.gov](mailto:steve.kokkinakis@noaa.gov).

We appreciate JGPO's invitation to be a cooperating agency on this important project, and we look forward to working with you to define NOAA's involvement and responsibilities.

Sincerely,

Rodney F. Weiher, Ph.D.  
NOAA NEPA Coordinator  
Office of Program Planning and Integration







U.S. Department  
of Transportation  
**Federal Highway  
Administration**

Hawaii Division  
Box 50206  
300 Ala Moana Boulevard, Room 3-306  
Honolulu, HI 96850

May 7, 2007

In Reply Refer To:  
HAD-HI

Commander Scott Hinton  
Office of the Assistant Secretary  
(Installations and Environment)  
US Department of Navy  
1000 Navy Pentagon  
Washington, DC 20350-1000

Dear Commander Hinton:

Thank you for your letter dated March 7, 2007 regarding your request for the Federal Highway Administration (FHWA) to serve as a cooperating agency for the development of the EIS/OEIS for the relocation of U.S. Marine Corps (USMC) forces to Guam, enhancement of infrastructure and logistic capabilities, improvement of pier/waterfront infrastructure for transient U.S. Navy Nuclear Aircraft Carrier (CVN) at Naval Base Guam, and placement of a U.S. Army Ballistic Missile Defense (BMD) task force on Guam.

We are pleased to participate as a cooperating agency in accordance with 40 CFR Part 1501 and the Council on Environmental Quality Cooperating Agency guidance issued on January 30, 2002.

We have one concern regarding participating as a cooperating agency. Your letter requests that we support the Joint Guam Program Office (JGPO) by participating, as necessary, in meetings hosted by the JGPO for discussion of EIS/OEIS related issues. We will make every effort to attend these meetings. However, we may not be able to attend meetings held in Guam due to our limited travel budget.

We look forward to working with the JGPO and other federal agencies in developing the EIS/OEIS for the USMC relocation to Guam. If you have any questions, please contact myself at (808)541-2700 extension 312 or Richelle Takara at extension 311.

Sincerely yours,

Abraham Wong  
Division Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

May 21, 2007

Major General David F. Bice  
Department of Defense  
Joint Guam Program Office  
2221 S. Clark St. Suite 9000  
Arlington, VA 22202

Subject: Request to be a Cooperating Agency for the Environmental Impacts Statement (EIS) for the Relocation of U.S. Marine Corps Forces to Guam, Enhancement of Infrastructure and Logistic Capabilities, Improvement of Pier/Waterfront Infrastructure for Transient U.S. Navy Nuclear Aircraft Carrier (CVN) at Naval Base Guam, and Placement of a U.S. Army Ballistic Missile Defense (BMD) Task Force in Guam

Dear Major General Bice:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Register Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS) for the subject project.

The proposed action is of substantial scale unprecedented on Guam and may present significant challenges for infrastructure and environmental resources. Because EPA has jurisdiction by law, has expertise in environmental issues, and is currently involved in enforcement actions that may affect the project, we request the DON designate EPA as a cooperating agency for this EIS pursuant to 40 CFR 1501.6. We would appreciate the opportunity for early involvement and look forward to working with the DON and JGPO on reducing environmental impacts from this action.

We request a written response to our request to be a cooperating agency on this EIS/OEIS. Please direct your response to the Environmental Review Office at the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3846 or Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or [vitulano.karen@epa.gov](mailto:vitulano.karen@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Nova Blazej", written over a horizontal line.

Nova Blazej, Manager  
Environmental Review Office

cc: Leighton Wong, Naval Facilities Engineering Command  
Jeffrey Guss, Naval Facilities Engineering Command  
Captain Robert Lee, Commander, Navy Region Marianas



DEPARTMENT OF THE NAVY  
OFFICE OF THE ASSISTANT SECRETARY  
(INSTALLATIONS AND ENVIRONMENT)  
1000 NAVY PENTAGON  
WASHINGTON, D.C. 20350-1000

June 12, 2007

Ms. Nova Blazej  
Manager, Environmental Review Office  
U.S. Environmental Protection Agency (CED-2)  
Region IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Dear Ms. Blazej:

Thank you for your letter of May 21, 2007 regarding your request to serve as a Cooperating Agency for the Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS) for the relocation of U.S. Marines Corps Forces to Guam, improvement of pier/waterfront infrastructure for a transient U.S. Navy Nuclear Aircraft Carrier at Naval Base Guam, and the placement of a U.S. Army Ballistic Missile Defense task force on Guam. In accordance with 40 CFR Part 1501, your request has been accepted.

As a Cooperating Agency, the lead agency, the Joint Guam Program Office (JGPO), requests the U.S. Environmental Protection Agency (EPA) support JGPO in the following manner:

- Provide comments on working drafts of the EIS/OEIS within 21 calendar days.
- Respond to JGPO requests for information. Timely input will be critical to ensure a successful NEPA process.
- Participation, as necessary, in meetings hosted by the JGPO for discussion of EIS/OEIS related issues.
- Adherence to the overall schedule as set forth by the JGPO.

My point of contact is Commander Scott Hinton, (703) 602-7776, email: [scott.hinton@navy.mil](mailto:scott.hinton@navy.mil). He will be contacting Ms. Karen Vitulano, of your staff to set up an initial meeting between EPA and JGPO. I appreciate your early and enthusiastic involvement and look forward to working with EPA on this substantial and significantly challenging project.

Sincerely,

D. F. Bice  
Executive Director, JGPO

Thank you for  
your support and  
assistance.  
D.F. Bice



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

911 NE. 11th Avenue  
Portland, Oregon 97232-4181

IN REPLY REFER TO:

JUL - 3 2007

FWS/R1/AES/HC/031394

Commander Scott Hinton  
Department of the Navy  
Office of the Assistant Secretary  
Installations and Environment  
1000 Navy Pentagon  
Washington, DC 20350-1000

Dear Commander Hinton:

Director Dale Hall has asked us to respond to Mr. Bice's letter of May 17, 2007. Thank you for inviting the U.S. Fish and Wildlife Service (Service) to participate as a formal cooperating agency in the development of Environmental Impact Statement (EIS)/Overseas EIS (OEIS) to support decisions by the U.S. Navy concerning relocation of the U.S. Marines Corps forces to Guam. This action includes enhancement of the infrastructure and logistic capabilities, improvement of pier/waterfront infrastructure for transient U.S. Navy Nuclear Aircraft Carrier at Naval Base Guam, and placement of a U.S. Army Ballistic Missile Defense task force in Guam. Due to funding and personnel constraints, we decline the offer to be a formal cooperating agency pursuant to the Council of Environmental Quality Guidance. However, due to the scale, scope, and potential resource impacts in the Mariana Islands that could result from this project, the Service recognizes the importance of working in partnership with the Navy and we plan to coordinate with you consistent with our ability to do so. Open communication between Navy and Service staff on threatened and endangered species, coral reef, and brown tree snake issues are essential early in the planning process. My staff has been briefed on the project, and we have reviewed the Notice of Intent to prepare the EIS/OEIS. We will continue to coordinate with the Navy and do what we can to assist with the project's timely completion.

If you have any questions regarding fish and wildlife resources in relation to this project, please do not hesitate to contact our Pacific Islands Fish and Wildlife Office in Honolulu, Hawaii; specific issues can best be addressed by our Environmental Review Coordinator, Michael Molina, at (808) 792-9440 or Fish and Wildlife Biologist Dwayne Minton at (808) 792-9445.

Sincerely,

**Acting**

Regional Director

**TAKE PRIDE<sup>®</sup>  
IN AMERICA** 



**DEPARTMENT OF THE ARMY**  
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY  
INSTALLATIONS AND ENVIRONMENT  
110 ARMY PENTAGON  
WASHINGTON, DC 20310-0110  
**11 JUL 2007**

MEMORANDUM FOR ASSISTANT SECRETARY OF THE NAVY (INSTALLATIONS AND ENVIRONMENT), EXECUTIVE DIRECTOR JOINT GUAM PROGRAM OFFICE

SUBJECT: Request to serve as Cooperating Agency

The Army has considered and decided to decline your request of June 5, 2007 (Enclosure 1) to serve as a cooperating agency with the Joint Guam Program Office (JGPO) for the preparation of an Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS). It is the Army's belief that its initial planning assumption for the permanent stationing of a Ballistic Missile Defense (BMD) Task Force consisting of some 1,580 Soldiers and Family members was premature and we do not believe it is appropriate for consideration as an element of the proposed action. Rather, it represents a potential future action that at this stage should be addressed programmatically in the EIS/OEIS. Please use the planning information transmitted to you by the Deputy Assistant Secretary of the Army (Installations and Housing) on 8 and 24 January, 2007 (Enclosures 2 and 3) as the basis for the programmatic evaluations.

The Army Assistant Chief of Staff for Installation Management (ACSIM) has been requested to assign a project point of contact (POC) from the Army Environmental Command to address the informational details required for preparation of the EIS/OEIS. The POC will serve as the liaison for future meetings and required reviews of EIS/OEIS documents.

My point of contact is Richard Murphy, (703) 697-5433, email [richard.murphy@hqda.army.mil](mailto:richard.murphy@hqda.army.mil).

Sincerely,

David M. Reed  
Acting Deputy Assistant Secretary of the Army  
(Installations and Housing)  
OASA(I&E)

3 Enclosures

cf (w/encl):  
Assistant Chief of Staff G3/5/7 (ATTN: DAMO-FD)  
US Army Corps of Engineers (ATTN: CEMP)  
Assistant Chief of Staff for Installation Management



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240



*Dep  
Infrastructure*

October 2, 2007

*B*  
D. F. Bice  
Executive Director  
Joint Guam Program Office  
Office of the Assistant Secretary  
Department of the Navy  
1000 Navy Pentagon  
Washington, D.C. 20350-1000

Dear Mr. Bice:

Thank you for your September 18, 2007 letter requesting that the Office of Insular Affairs (OIA) become a cooperating agency in the development of an Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) on the Department of Defense's relocation of U.S. forces and infrastructure improvements on Guam.

I thank you for this opportunity to participate and am pleased to accept. I hope that the expertise OIA has to offer will benefit the EIS/OEIS process.

My point of contact for this project is Jonathan Dunn. He can be reached at (202) 208-6971 or at [jonathan\\_dunn@ios.doi.gov](mailto:jonathan_dunn@ios.doi.gov).

I look forward to working with you and your staff in the future.

Sincerely,

Nikolao I. Pula  
Director  
Office of Insular Affairs



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122, Box 50088  
Honolulu, Hawaii 96850

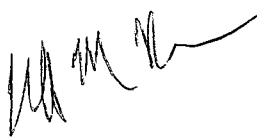
In Reply Refer To:  
12200-2008-FA-022

MAY 16 2008

### Memorandum

To: Regional Director, Region 1  
Portland, Oregon

Through: Assistant Regional Director, Region 1  
Portland, Oregon

From:  Field Supervisor, Pacific Islands Fish and Wildlife Office  
Honolulu, Hawaii

Subject: Cooperating Agency Status in the Development of the Environmental Impact Statement (EIS)/Overseas EIS (OEIS) for Military Build-up in Guam and the Northern Mariana Islands

Attached is a draft letter from the Regional Director to the Executive Director of the Joint Guam Program Office responding to the U.S. Navy invitation to participate as a formal cooperating agency in the development of their EIS/OEIS to support decisions concerning relocation of Marine Corps forces to Guam, improvement of infrastructure for a transient U.S. Navy Nuclear Aircraft Carrier and at the U.S. Naval Base Guam, and placement of a U.S. Army Ballistic Missile Defense task force in Guam. Initially, we declined their invitation due to other program commitments and resource limitations. However, based on the significance of the resource issues associated with the proposed action, we believe we should accept the invitation and cooperate to the extent allowable. We have worked productively with the Joint Guam Program Office over the past several months and anticipate that an appropriate level of support will be made available to us to increase our capacity to participate.

Mr. David F. Bice  
Joint Guam Program Office  
Office of the Assistant Secretary (IE)  
Department of the Navy  
1000 Navy Pentagon  
Washington, D.C. 20350-1000

Dear Mr. Bice:

The invitation to be a National Environmental Policy Act (NEPA) cooperating agency on the Guam and Mariana Islands Military Build-up Environmental Impact Statement (EIS) has been a topic of discussion between U.S. Fish and Wildlife Service (Service) and Joint Guam Program Office (JGPO) staff since the second Forward-Basing Partnering Session held in Guam on October 3-4, 2007. We initially declined the invitation due to other program commitments and limited staffing.

Our staffs have continued to discuss the appropriate role for the Service in the development of the EIS, especially in light of the potential aquatic and terrestrial resource impacts that could occur in the Mariana Islands. Based on these discussions, we have reconsidered our position and now wish to accept your invitation to be a cooperating agency.

Our resource and staff limitations, and our existing program commitments (including many related to other Department of Defense activities in Hawaii and elsewhere in the Pacific), remain very real concerns that may preclude us from participating in this project to the degree we would all consider ideal. However, we recognize the value of working closely and early with you, and we are committed to providing the technical assistance we can to support JGPO in this effort.

We look forward to further discussion of how we might work with the Navy to enhance our participation in the Forward Basing Initiative as a cooperating agency. If you have any questions regarding our participation in projected JGPO activities, please contact Pacific Islands Fish and Wildlife Office Field Supervisor, Patrick Leonard, at (808) 792-9400.

Sincerely,

Ren Lohofener  
Regional Director

cc: Environmental Director, JGPO





United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

JUL - 6 2007

Mr. D. F. Bice  
Executive Director, JGPO  
(Installations and Environment)  
Office of the Assistant Secretary  
Department of the Navy  
1000 Navy Pentagon  
Washington, D.C. 20350-1000

Dear Mr. Bice:

Thank you for your letter of May 17, 2007, to Secretary Johanns requesting that our Animal and Plant Health Inspection Service's (APHIS) Wildlife Services program serve as a cooperator in the development of an environmental impact statement (EIS) related to the planned expansion of U.S. Navy facilities in Guam. We regret that we did not respond more promptly to your previous correspondence on this matter.

We are pleased to accept your offer to participate in this effort. We believe that our involvement in the preparation of the EIS will help ensure that the best information is made available to both the public and decisionmakers regarding wildlife damage management issues such as the brown tree snake (BTS). As you may know, our Wildlife Services program is currently conducting operations and research to control and prevent new infestations of the invasive BTS from Guam. We would like to offer our expertise to assist the Department of the Defense (DOD) with the development of a BTS risk analysis and an effective mitigation and control plan to prevent the introduction of BTS from Guam to other Pacific Islands—such as other Mariana Islands and Hawaii—and to the U.S. mainland.

As we envision our role in this effort, Wildlife Services officials would participate in meetings that focus on wildlife damage management issues and contribute to the development and writing of pertinent sections of the EIS. In addition, Wildlife Services would review and comment on relevant portions of the EIS and assist with the analysis and response to public comments related to BTS and other wildlife damage management issues. We believe that by offering our cooperation in complying with the National Environmental Policy Act (NEPA) process and our expertise in carrying out any future control operations, we will help DOD prevent future BTS infestations in new areas.


Mr. D. F. Bice

Page 2

To assist us in our planning for this effort, Wildlife Services officials would appreciate receiving a detailed plan from your staff identifying the specific tasks within the NEPA process that relate to Wildlife Services' regulatory authority. The plan should also identify the source of funding for any increase in our activities in support of this effort. We encourage you to contact either Ms. Shannon Herbert or Mr. David Hayes, who are both Environmental Coordinators for Wildlife Services and serve as points of contact on NEPA issues. Ms. Herbert's address is Wildlife Services, APHIS, Department of Agriculture (USDA), Suite A8, 6135 Northeast 80<sup>th</sup> Avenue, Portland, Oregon 97218. Her telephone number is (503) 326-2346. Mr. Hayes' address is Wildlife Services, APHIS, USDA, Post Office Box 1938, Billings, Montana 59103. His telephone number is (406) 657-6109. For operational questions, we encourage you to contact Mr. Dan Vice, the Assistant State Director for Wildlife Services in Guam. His address is Wildlife Services, APHIS, USDA, 233 Pangelinan Way, Barrigada, Guam 96913. His telephone number is (671) 635-4400.

We look forward to working with you—and the officials of all the cooperating agencies—during the development of the EIS.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Knight", written in a cursive style.

Bruce I. Knight  
Under Secretary  
Marketing and Regulatory Programs



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION IX**

**75 Hawthorne Street**

**San Francisco, CA 94105-3901**

December 18, 2008

Mr. David F. Bice  
Department of Defense  
Joint Guam Program Office  
2221 S. Clark St. Suite 900  
Arlington, VA 22202

Subject: EPA's role as a Cooperating Agency for the Environmental Impact Statement (EIS) for the Relocation of U.S. Marine Corps Forces to Guam, Enhancement of Infrastructure and Logistic Capabilities, Improvement of Pier/Waterfront Infrastructure for Transient U.S. Navy Nuclear Aircraft Carrier (CVN) at Naval Base Guam, and Placement of a U.S. Army Ballistic Missile Defense (BMD) Task Force in Guam

Dear Mr. Bice:

In May 2007, EPA requested to be a cooperating agency on the subject EIS pursuant to Council on Environmental Quality regulation 40 CFR 1501.6. The Joint Guam Program Office (JGPO) subsequently accepted this request (letter dated June 12, 2007). It is EPA policy that in order to act as a cooperating agency, there must exist some form of written agreement between EPA and the lead agency on the exact function that EPA will have in the preparation of the EIS<sup>1</sup>. In the absence of a Memorandum of Understanding<sup>2</sup>, this letter serves to define EPA's role in the preparation of the subject EIS.

As a cooperating agency, EPA intends to:

1. Participate actively in the scoping process. EPA fulfilled this role when we submitted our scoping comments to JGPO on May 21, 2007.
2. Provide early review and comment on select technical studies and reports in areas of EPA jurisdiction and/or expertise, such as drinking water and wastewater infrastructure, aquatic resources, sole source aquifer impacts, air quality, environmental justice, sustainable development, and cumulative impacts, to the extent time/resources allow.
3. Review the Preliminary Draft EIS and Preliminary Final EIS and strive to provide comments to JGPO within 30 days. If these documents are especially voluminous,

<sup>1</sup> EPA Office of Federal Activities Memorandum, Environmental Review Process and Procedures: OFA Guidelines concerning EPA as a Cooperating Agency, Sept. 25, 1986

<sup>2</sup> EPA staff worked with Navy Facilities Engineering Command (NAVFAC) Pacific and JGPO staff in Spring 2008 to develop a Memorandum of Understanding (MOU) that would have served EPA's need for a written agreement. As of this writing, the MOU has not been finalized.

we may require additional time. Furthermore, our review may be limited to selected sections.

4. Continue to participate in cooperating agency conference calls to the extent time/resources allow.

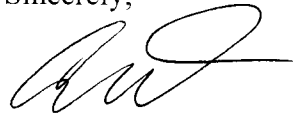
Please also note the following conditions for our involvement:

1. Participation as a cooperating agency does not abridge EPA's independent obligation under Section 309 of the Clean Air Act, 42 USC 7609, to review and publicly comment on the environmental impacts of the project and the adequacy of the Draft and Final EIS issued for the Project.
2. Participation as a cooperating agency does not imply EPA's agreement with the lead agency's assessment of significant impacts or mitigation measures.
3. Participation as a cooperating agency does not imply endorsement of the proposed project.
4. EPA's cooperating agency status may be acknowledged in the document; but the EPA seal or symbol will not be used unless JGPO receives prior written approval from EPA, and then only if a disclaimer is attached stating that the use of the Agency seal or symbol on this document does not imply any agency's endorsement of the Project.
5. A copy of this letter will be incorporated into the Draft and Final EIS.

The goal of the cooperating agency collaboration is to generate a thorough, high quality environmental impact assessment containing accurate scientific analysis and expert agency comments. This is in order to help public officials make decisions based on an understanding of environmental consequences, and to take actions that protect, restore and enhance the environment (40 CFR 1500.1(c.)). The magnitude of this project poses significant challenges for infrastructure and environmental resources. The extent to which EPA can assist with these challenges depends on availability of Agency resources and the timeliness of information sharing.

If you have any questions about this letter, please contact me at 415-972-3843, or have your staff contact Karen Vitulano, the NEPA contact for the project, at 415-947-4178 or [vitulano.karen@epa.gov](mailto:vitulano.karen@epa.gov).

Sincerely,



Enrique Manzanilla, Director

Communities and Ecosystems Division

cc: Teresa Bernhard, Joint Guam Program Office  
Kyle Fujimoto, Naval Facilities Engineering Command Pacific

08 DEC 29 19 24

RECEIVED