

From the Office of the Attorney General, State of Washington

AG FERGUSON SUES NAVY OVER IMPACT OF EXPANDED GROWLER JET OPERATIONS

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Navy's decision to expand its operations on Whidbey Island failed to adequately analyze human health, environmental and historic impacts

SEATTLE — Attorney General Bob Ferguson today filed a lawsuit against the U.S. Navy over the Navy's expansion of its Growler airfield operations on Whidbey Island.

In March, the Navy authorized an expansion of its Growler program, increasing Growler take-offs and landings to nearly 100,000 per year for the next 30 years. Growlers are aircraft that fly low in order to jam enemy communications. The aircraft's training regimen involves frequent, loud take-offs and landings.

The Attorney General's Office asserts that the Navy's environmental review process for the expansion unlawfully failed to measure the impacts to public health and wildlife in communities on and around Whidbey Island.

“The Navy has an important job, and it's critical that their pilots and crews have the opportunity to train,” Ferguson said. “That does not relieve the federal government of its obligation to follow the law and avoid unnecessary harm to our health and natural resources.”

“Washington will always work to defend our state's vibrant communities and natural resources,” Gov. Jay Inslee said. “We are proud to host installations for our armed forces and support the nation's defense, however, the Navy has an obligation to follow the law and ensure adequate mitigation for its actions. Their efforts could result in disproportionate adverse impact to our state's environment and the health and quality of life of Washington's residents.”

"Unregulated, unrestrained noise pollution from increased military training operations presents a clear threat to the health and solitude of our state's fragile ecosystems, treaty protected resources and endangered species," said Quinault Indian Nation President Fawn Sharp. "The federal government must strike the appropriate balance to ensure our national security without permanently damaging the landscapes, species and communities they are seeking to protect."

The Navy's expansion would take place at the naval air station on Whidbey Island. The military branch plans to add 36 Growler aircraft to its fleet by 2022. The number of airfield flights would increase to nearly 100,000 annual take-offs and landings, for an estimated 30 years.

In the [lawsuit](#), filed in the U.S. District Court for the Western District of Washington, Ferguson argues that the Navy violated the National Environmental Policy Act (NEPA) and the federal Administrative Procedure Act (APA) by improperly analyzing the impact the Growler expansion would have on human and environmental health.

In 2017, the Washington Department of Health [provided feedback](#) to the Navy on noise levels around the Whidbey Island airfields. The feedback outlined how exposure to noise levels similar to those at the naval air station could cause negative health impacts, including sleep disturbance, cognitive impairment and cardiovascular disease.

The Navy arbitrarily dismissed impacts to human health and child learning from increased noise, despite many studies indicating that exposure to noise can lead to adverse health outcomes. In the lawsuit, Ferguson asserts that the Navy failed to complete a thorough analysis of negative impacts to health.

The Attorney General's Office also asserts that the Navy failed to conduct any analysis on the impacts the expansion would have on wildlife in the area, in violation of the NEPA and APA.

The aircraft's training regimen involves frequent, loud take-offs and landings near important habitats for birds, including bald eagles and threatened seabirds called marbled murrelets. Over time, these birds would be exposed to millions of loud Growler flights, affecting their ability to feed and breed.

Despite this, the Navy did not analyze if the additional flights would cause any harm.

Additionally, historic properties like Ebey's Landing National Historic Reserve would experience increased noise levels caused by the expansion. The noise levels may impact visitors and wildlife in the area, and would spoil the rural character of the reserve for which it was created. The Attorney General asserts that the Navy did not consider reasonable measures to provide more protection for the historic site.

In addition to filing the lawsuit, Attorney General Ferguson sent a [letter](#) today, giving notice of additional claims he will add to the lawsuit under the Endangered Species Act unless the federal government makes changes.

The Endangered Species Act requires a 60-day notice before the Attorney General's Office files a lawsuit.

Assistant Attorney General Bill Sherman and Special Assistant Attorney General Aurora Janke with the Counsel for Environmental Protection are handling this case on behalf of the Attorney General's Office.

Protecting the environment is one of Ferguson's top priorities. In 2016, he created the Counsel for Environmental Protection to protect our environment and the safety and health of all Washingtonians.

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