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November 15, 2007

Honorable B.J. Penn  
 Assistant Secretary of the Navy (Installations and Environment)  
 1000 Navy Pentagon  
 Washington, DC 20350-1000

Subject: F/A-18E/F Introduction to NAS Key West

Dear Assistant Secretary Penn,

I write on behalf of the Florida Keys Citizens Coalition and local resident John Hammerstrom about a very troubling matter related to the introduction at the Key West Naval Air Station of very loud jets that can have a very adverse impact on residents of the Lower Keys without compliance with the National Environmental Policy Act.

32 CFR 775.3 and 775.4 state that:

"The Department of the Navy shall assess environmental consequences of proposed actions that could affect the quality of the human environment in the United States, its territories, and possessions in accordance with DOD and CEQ regulations."

The rule explains that you are the "principal point-of-contact . . . for private environmental groups . . ." I am the General Counsel of a public interest law firm that regularly represents environmental groups in the Florida Keys, and I write to seek your understanding of the matters discussed below.

My clients and I have searched for all relevant documents related to the introduction of the F/A-18E/F Super Hornet to Naval Air Station Key West and have been unable to conclude from the results of that research, that the regulations quoted above have been complied with. If there are other documents not mentioned below that would demonstrate that these requirements have been fulfilled, we would be pleased to be apprised of those documents and provided copies.

Our research has disclosed the following:

1. According to Department of the Navy documents, the F/A-18E/F Super Hornet generates substantially greater noise than the F-14 Tomcat that it replaced. In the FCLP pattern, the figures are 117 dB compared to 99 dB. I'm sure you are aware that a ten dB increase doubles the loudness. Eighteen decibels is nearly four times as loud. That is a very significant difference that "could affect the quality of the human environment."

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2. Officials at NAS Key West assert that the National Environmental Policy Act (NEPA) has been satisfied with the publication of the April, 2003 "Environmental Assessment for Fleet Support and Infrastructure Improvements - Naval Air Station Key West" (EA) and the subsequent Finding of No Significant Impact (FONSI). However, that assertion cannot be accurate because:

- The "Proposed Actions" of the EA do not mention the F/A-18E/F.
- The Chapter 2 "Alternatives" of the EA do not mention the F/A-18E/F.
- The FONSI does not mention the F/A-18E/F.
- Of the 232 pages in the EA, three pages mention the F/A-18E/F. The remainder of that document details the impacts of dredging and modernizing ship and aircraft support functions and facilities. The three pages of the EA that discuss the Super Hornet reside in section 4.10 - "NOISE/AICUZ". The "Preferred Alternative" (paragraph 4.10.1) discusses the number of F/A-18E/F operations and the projected changes to those operations without any discussion of the significantly greater noise attendant to the replacement of Tomcats with Super Hornets. Furthermore, since the aircraft is not mentioned in the "Proposed Actions", it is not listed among the other "Alternatives." It appears that the inclusion of section 4.10 was a curiously unrelated afterthought.

3. The consultant who has performed many of the Navy's AICUZ noise contour studies (Wyle Laboratories) has stated that the software used to generate those contours (NoiseMap) is not capable of predicting the noise of the F/A-18E/F, the F-22 and the F-35 because these latest aircraft exhibit "non-linear noise propagation." Wyle Laboratories officials state that "Advanced Acoustic Model" software - such as NMSim - is needed to adequately predict noise from the Super Hornet. Thus, statements of "no increased noise exposure" from the Tomcat-to-Super-Hornet transition have not been supported by actual data and thus are lacking scientific validity.

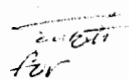
4. Presumably, an Environmental Assessment for the introduction of the F/A-18E/F to the East Coast concluded that an Environmental Impact Statement was required. The resulting 1,087 page "Final Environmental Impact Statement for the Introduction of the F/A-18E/F to the East Coast of the United States" makes one very brief mention of NAS Key West, when it was summarily eliminated as a potential Home Base because of its distance from the nearest Air-to-Ground range. Eight potential home-base locations and six outlying fields were discussed at length, and despite the fact that the number of F/A-18E/F operations projected for those outlying fields is less than the number of operations

at NAS Key West, the Florida Keys facility was conspicuously absent from evaluation in the Environmental Impact Statement.

In light of these facts, it does not appear as though the action to introduce these jets has been done in compliance with NEPA. The result of course is that the use and enjoyment of the homes of many residents is being significantly harmed, as well potentially as the health of these residents. I ask for your reply as to whether you concur with the NAS Key West officials that the requirements of the National Environmental Policy Act have been satisfied, or whether you would agree to require corrective action pending and after NEPA compliance to ensure that the use of these jets does not substantially impact the people of the lower keys. If your investigation causes you to conclude that there has been compliance with NEPA, please elaborate so that we may fully understand the facts.

I thank you for your consideration.

Sincerely,

  
Richard Grosso, Esq.  
General Counsel