

COUNCIL ON ENVIRONMENTAL QUALITY
EXECUTIVE OFFICE OF THE PRESIDENT

A Citizen's Guide to NEPA

Having Your Voice Heard



JANUARY 2021

The Council on Environmental Quality (CEQ) revised this guide in January 2021 to reflect the updated National Environmental Policy Act (NEPA) Implementing Regulations that became effective on September 14, 2020. CEQ modernized and clarified the regulations to facilitate more efficient, effective, and timely NEPA reviews by Federal agencies. This guide provides an explanation of NEPA, how it is implemented, and how people outside the Federal Government—individual citizens, private sector applicants, members of organized groups, and representatives of Tribal, State, or local government agencies—can participate in the assessment of environmental impacts conducted by Federal agencies. This guide is informational, does not establish new requirements, and is not formal CEQ guidance. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

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List of Acronyms

CE	Categorical Exclusion
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
FONSI	Finding of No Significant Impact
NCECR	McCain Center for Environmental Conflict Resolution
NEPA	National Environmental Policy Act
NOI	Notice of Intent
ROD	Record of Decision
U.S.C.	United States Code

Purpose of the Guide

CEQ developed this guide to help citizens and organizations effectively participate in Federal agencies' environmental reviews under the National Environmental Policy Act (NEPA), which requires the consideration of environmental effects in Federal decision making.¹ With some limited exceptions, all Federal agencies in the executive branch have to comply with NEPA before they make final decisions about major Federal actions that could have environmental effects. The Federal Government takes hundreds of actions every day that may be subject to NEPA, including Federal construction projects, plans to manage and develop federally owned lands, and Federal approvals of non-Federal activities such as grants, licenses, and permits.

The environmental review process under NEPA provides an opportunity for citizens to get involved in a Federal agency's decision-making process. This guide will help you understand proposals for Federal actions, when to offer your thoughts on alternative ways for the agency to accomplish what it proposes, and how to offer your comments on the agency's analysis of the environmental effects of the proposed action and possible mitigation of potential harmful effects of such actions. NEPA requires Federal agencies to consider the effects of their actions on the environment, including interrelated social, cultural, and economic effects. Citizens often possess helpful information about the potential environmental, social, and economic effects that proposed Federal actions may have on people, places, and resources. NEPA's requirements provide you the opportunity to provide information to a Federal agency so it can take your input and unique perspective into account during the decision-making process.

History and Purpose of NEPA

Congress enacted NEPA in December 1969, and President Nixon signed it into law on January 1, 1970. NEPA established this country's national environmental policy and a process to implement it. Section 101 of NEPA declares that the national policy is "to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and [to] fulfill the social, economic, and other requirements of present and future generations of Americans." 42 U.S.C. 4331(a).

What are the Procedural Requirements of NEPA?

Section 102 of NEPA contains procedures to ensure Federal agencies carry out the national policy of Section 101. These procedures require Federal agencies to engage in an environmental review process that integrates the consideration of the environment in Federal agency decision-making. NEPA also directs Federal agencies, to the fullest extent possible, to interpret and administer the policies, regulations, and public laws of the United States consistent with the policies set forth in NEPA.²

In NEPA, Congress recognized that the Federal Government's actions may cause significant environmental effects. Using the NEPA process, agencies must determine if their proposed actions will have significant environmental effects and consider the reasonably foreseeable environmental and related social and economic effects of their proposed actions that have a reasonably close causal relationship to the proposed actions. NEPA does not require particular

results or outcomes. Rather, NEPA encourages better decisions by requiring agencies to consider the environmental effects of their proposed actions in making their decisions. This environmental review process has two major purposes: ensuring that agencies consider the significant environmental consequences of their proposed actions and informing the public about their decision making.

NEPA also created the Council on Environmental Quality (CEQ). One of the responsibilities of CEQ is to consult with Federal agencies on procedures to implement NEPA's procedural requirements. In 1978, CEQ issued binding regulations directing agencies on the fundamental requirements necessary to fulfill their NEPA procedural obligations. CEQ updated these regulations in 2020 to facilitate more efficient, effective, and timely NEPA reviews by Federal agencies and to improve interagency coordination.³

Who is Responsible for Implementing NEPA?

NEPA's procedural requirements apply to all Federal agencies in the executive branch and some Federal boards, commissions, independent agencies, and committees. NEPA does not apply to the President, to Congress, or to the Federal courts.⁴

Because NEPA implementation is an important responsibility of the Federal Government, many Federal agencies have established offices dedicated to NEPA policy and program oversight. Employees in these offices prepare NEPA guidance, policy, and procedures for the agency, and often make this information available to the public through the Internet. A "senior agency official" oversees the agency's overall compliance with NEPA and resolves any implementation issues that may arise, including those related to agency timelines and schedules for environmental reviews.⁵ Federal agencies must develop their own capacity within a NEPA program in order to develop analyses and documents (or review those prepared by others) to ensure informed decision making.⁶ Most agency NEPA procedures are available online at [NEPA.gov](https://www.nepa.gov) or on individual agency websites, which agencies are required to maintain to allow agencies and the public to efficiently and effectively access information about NEPA reviews.⁷ Agency NEPA procedures also are published in the *Federal Register* for public review and comment when first proposed and some are later codified and published in the Code of Federal Regulations.⁸ If you experience difficulty locating an agency's NEPA procedures, you can contact the agency NEPA point of contact and ask for a copy of their procedures.⁹

To What Do the Procedural Requirements of NEPA Apply?

NEPA's procedural requirements apply to a Federal agency's decisions on proposed actions, including providing permits for private actions; financing, assisting, conducting, or approving projects or programs; issuing agency rules, regulations, plans, policies, or procedures; making Federal land management decisions; and an agency's legislative proposals.¹⁰ NEPA applies when a Federal agency has discretion to choose among one or more alternative means of accomplishing a particular goal.¹¹

Frequently, private individuals or companies will become involved in the NEPA process when they need a permit issued by a Federal agency. When a company applies for a permit (for example, for crossing Federal lands or impacting waters of the United States), the agency that is

being asked to issue the permit must evaluate the reasonably foreseeable environmental effects of the permit decision that have a reasonably close causal relationship to the agency decision. Federal agencies might require the private company or developer to pay for the preparation of analyses, but the agency remains responsible for the scope and accuracy of the analysis.

When Does NEPA Apply?

NEPA requires agency decision makers to make informed decisions. Therefore, the NEPA process must be completed before an agency makes a final decision on a proposed action. As a threshold matter, agencies start the NEPA process early by evaluating in their agency NEPA procedures the extent to which a proposed action requires environmental analysis.¹² NEPA does not require the decision maker to select the environmentally preferable alternative or prohibit adverse environmental effects. Indeed, decision makers in Federal agencies often must take into account other concerns and policy considerations in the decision-making process, such as social, economic, technical or national security interests. But NEPA does require that decision makers be informed of the environmental consequences of their decisions.

Federal agencies also can use the NEPA process to comply with other environmental requirements like the Endangered Species Act, the National Historic Preservation Act, the Environmental Justice Executive Order, and other Federal, State, Tribal, and local laws and regulations.¹³ Agencies often coordinate to conduct these other environmental reviews concurrently to increase efficiency and avoid duplication.¹⁴

Who Oversees the NEPA Process?

There are two Federal agencies that have particular responsibilities relating to NEPA. CEQ has primary responsibility for overseeing implementation of NEPA by Federal agencies. Congress placed CEQ in the Executive Office of the President and gave it many responsibilities, including the responsibility to ensure that Federal agencies meet their obligations under the Act. CEQ oversees implementation of NEPA, principally through issuance and interpretation of NEPA regulations that implement the procedural requirements of NEPA. CEQ also reviews and approves Federal agency NEPA procedures, approves alternative arrangements for compliance with NEPA in the case of emergencies, and helps to resolve disputes between Federal agencies and with other governmental entities and members of the public.

The CEQ regulations set forth requirements for agencies and call for agencies to update their own implementing procedures that implement these requirements based on each agency's specific mandates, obligations, and missions.¹⁵ These agency-specific NEPA procedures account for the slight differences in agencies' NEPA processes.

The Environmental Protection Agency's (EPA's) Office of Federal Activities also conducts NEPA oversight as it reviews environmental impact statements (EISs) and some environmental assessments (EAs) issued by Federal agencies.¹⁶ It provides its comments to the public by publishing summaries of them in the *Federal Register*, a daily publication that provides notice of Federal agency actions. Appendix B has information on the *Federal Register*. EPA's reviews are intended to assist Federal agencies in improving their NEPA analyses and decisions.¹⁷

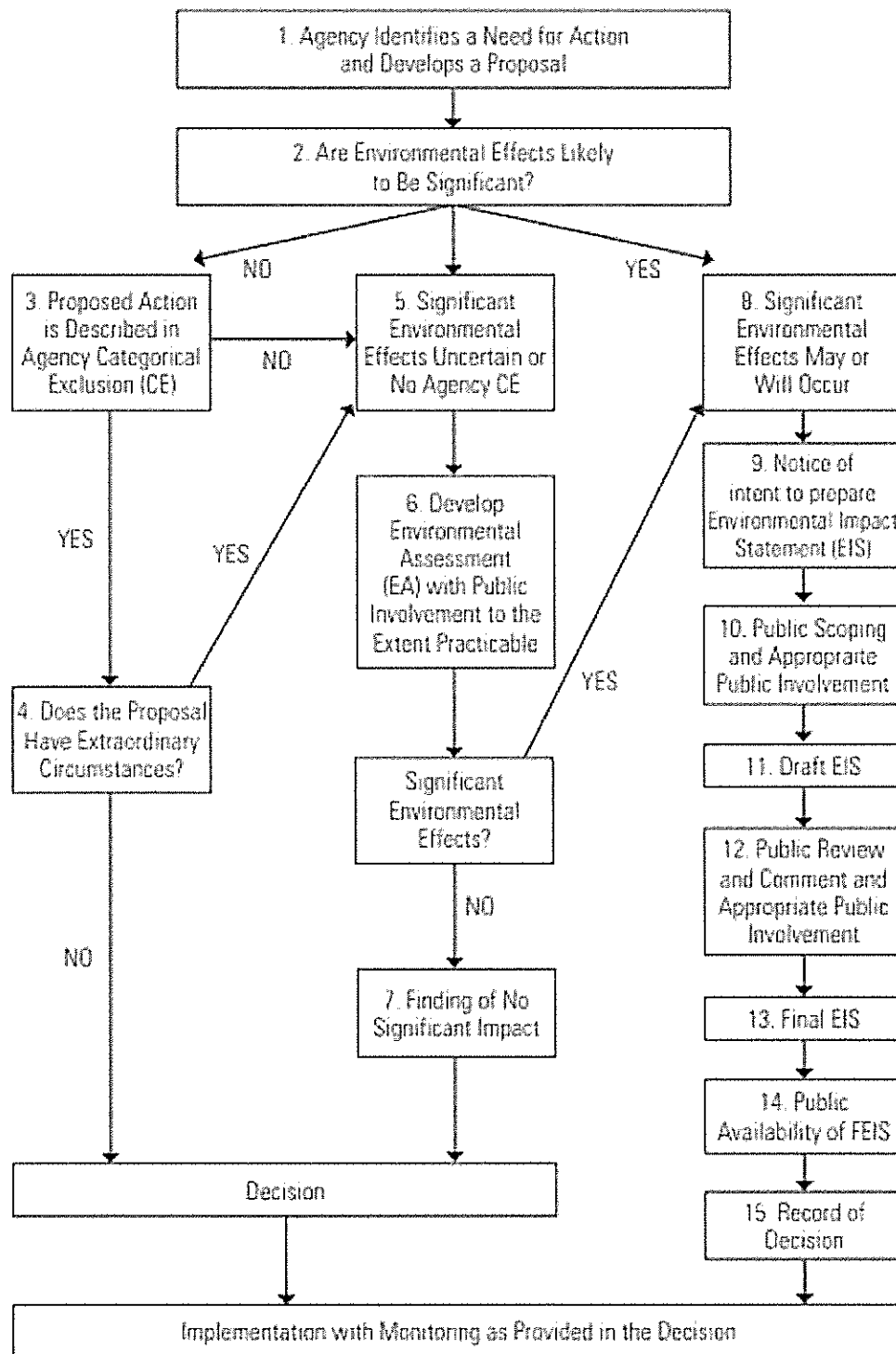
In addition to CEQ's and EPA's oversight, other agencies also may assist in the NEPA process, particularly in issue resolution (for example, the McCain Center for Environmental Conflict Resolution (NCECR) and Federal Permitting Improvement Steering Council).

Navigating the NEPA Process

Each year, Federal agencies prepare thousands of EAs and hundreds of EISs. These documents provide citizens and communities with an opportunity to learn about and be involved in the agencies' environmental reviews that are part of the Federal agency decision-making process. It is important to understand that commenting on a proposal is not a "vote" on whether the proposed action should take place. Nonetheless, the information you provide during the EA and EIS process can influence the decision makers and their final decisions because NEPA requires that Federal decision makers be informed of the environmental consequences of their decisions.

This guide will help you better navigate the NEPA process and better understand the roles of the various other actors. While reading the guide, please refer to the flowchart, "The NEPA Process," in Figure 1, which details the steps of the NEPA process. For ease of reference, each step of the process is designated with a number that is highlighted in the text discussing that particular step. While agencies may differ slightly in how they comply with NEPA, understanding the basics will give you the information you need to work effectively with any agency's process.

The NEPA Process (Figure 1)



** Significant new circumstances or information relevant to environmental concerns or substantial changes in the proposed action that are relevant to environmental concerns may necessitate preparation of a supplemental EIS following either the draft or final EIS, or the Record of Decision. 40 CFR 1502.9(d).*

The NEPA process begins when an agency develops a proposal to address a need to take an action. The need to take an action may be something the agency identifies itself, or it may be a need to make a decision on a proposal brought to it by someone outside of the agency, for example, an applicant for a permit. Based on the need, the agency develops a proposal for action (Number 1 in Figure 1). If it is the only Federal agency involved, that agency will automatically be the “lead agency,” which means it has the primary responsibility for compliance with NEPA.

Some large or complex proposals involve multiple Federal agencies along with State, Tribal, and local agencies. If another Federal, State, Tribal, or local agency has a major role in the proposed action and also has NEPA responsibilities or responsibilities under a similar NEPA-like law,¹⁸ that agency may be a “joint lead agency.” A “joint lead agency” shares the lead agency’s responsibility for management of the NEPA process, including public involvement and the preparation of documents.

Other Federal, State, Tribal, or local government agencies may have a decision or special expertise regarding a proposed action, but less of a role than the lead agency. In that case, such a Federal, State, Tribal, or local government agency may be a “cooperating agency.” A “cooperating agency” is an agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative). Thus, a “cooperating agency” typically will have some responsibilities for the analysis related to its jurisdiction or special expertise.

Special Situations

- Congress may exempt an action from NEPA.
- If the agency needs to take an action that would typically require preparation of an EIS in response to an emergency, and there is insufficient time to follow the regular NEPA process, then the agency can proceed immediately to mitigate harm to life, property, or important resources, and work with CEQ to develop alternative arrangements for compliance with NEPA (40 CFR 1506.12). The NEPA analyses and document may involve classified information. If the entire action is classified, the agency will still comply with the analytical requirements of NEPA, but the information will not be released for public review. If only a portion of the information is classified, the agency will organize the classified material so that the unclassified portions can be made available for review (40 CFR 1507.3(f)).

Implementing the NEPA Process

The CEQ NEPA regulations establish three levels of review for Federal agencies to assess proposals for agency action: a categorical exclusion (CE), an EA, or an EIS. Once it has developed a proposed action, the agency will determine which level of NEPA review the agency will pursue. Agencies may review expeditiously those actions that normally do not have

significant effects by using CEs or, for actions that are not likely to have significant effects, by preparing EAs. By using CEs and EAs whenever appropriate, agencies then can focus their limited resources on those actions that are likely to have significant effects and require an EIS.

Categorical Exclusions (CEs) (Number 3 in Figure 1)

A CE is a category of actions that the agency has determined does not normally have a significant effect on the human environment.¹⁹ Examples include issuing administrative personnel procedures, making minor facility renovations (such as installing energy-efficient lighting), and reconstruction of hiking trails on public lands. Agencies develop a list of CEs specific to their operations when they develop or revise their NEPA implementing procedures in accordance with CEQ's NEPA regulations.²⁰

A CE is based on an agency's experience with a particular kind of action and its environmental effects. The agency may have studied the action in previous EAs, found no significant impact on the environment based on the analyses, and validated the lack of significant impacts after the implementation. If this is a type of action that will be repeated over time, the agency may decide to amend their implementing regulations to include the action as a CE. In these cases, the draft agency procedures are published in the *Federal Register*, and a public comment period is required. Members of the public may comment on draft agency procedures that are proposing new CEs or amending existing CEs to ensure the agency takes into consideration relevant information and views.

An agency may comply with NEPA by determining that a CE applies to a proposed action and verifying that no extraordinary circumstances exist that may cause the proposed action to have a significant effect. Extraordinary circumstances typically include such matters as effects to endangered species, protected cultural sites, and wetlands (Number 4 in Figure 1). If there are no extraordinary circumstances indicating that the effects of the action may be significant, or there are circumstances that lessen the impacts or other conditions sufficient to avoid significant effects, then the agency can proceed with the action.

If the proposed action is not included in the description provided in the CE established by the agency, or there are extraordinary circumstances, the agency must prepare an EA or an EIS, or develop a new proposal that may qualify for application of a CE. When the agency does not know or is uncertain whether significant impacts are expected, the agency should prepare an EA to determine if there are significant environmental effects.

Environmental Assessments (EA) (Number 6 in Figure 1)

The purpose of an EA is to determine the significance of the potential environmental effects of a proposed Federal action and to look at alternative means to achieve the agency's objectives. The EA is a concise public document to aid an agency's compliance with NEPA and support its determination whether to prepare an EIS (Number 6 in Figure 1) or a finding of no significant impact (FONSI) (Number 7 in Figure 1).²¹

Agencies must complete EAs within one year of the agency decision to prepare an EA unless a senior agency official of the lead agency approves a longer period in writing and establishes a new time limit.²²

An EA should include brief discussions of:

- The purpose and need for the proposal;
- Alternative courses of action for any proposal that involves unresolved conflicts concerning alternative uses of available resources;
- The environmental impacts of the proposed action and alternatives; and
- A listing of agencies and persons consulted.²³

Because the EA serves to evaluate the significance of a proposal for agency action, it should focus on the potentially affected environment and degree of the effects of the action.²⁴ Often the EA will identify ways in which the agency can revise the action to minimize environmental effects.

When preparing an EA, the agency has discretion as to the level of public involvement (Number 6 in Figure 1). The CEQ regulations state that the agency must involve, to the extent practicable, the public, State, Tribal, and local governments, other relevant agencies, and applicants in preparing EAs.²⁵ Sometimes agencies will choose to use the scoping and public comment periods that are found in the EIS process. In other situations, agencies make the EA and a draft FONSI available to interested members of the public.

Some agencies require that interested parties be notified of the decision to prepare an EA. Some agencies keep a notification list of parties interested in a particular kind of action or in all agency actions. Other agencies simply prepare the EA. It is important that you read the specific NEPA procedures of the proposing agency or ask the local NEPA point of contact working on the project about the process and let the appropriate agency representative know if you are interested in being notified of all NEPA documents or NEPA processes related to a particular type of action.

The EA process concludes with either a FONSI (Number 7 in Figure 1) or a determination to proceed to preparation of an EIS. A FONSI is a document that presents the reasons why the agency has concluded that there are no significant environmental impacts projected to occur upon implementation of the action.²⁶ The FONSI either includes the EA or incorporates the EA by reference.

In two circumstances, the CEQ NEPA regulations require agencies to make the proposed FONSI available for public review for 30 days.²⁷ Those situations are:

- If the type of proposed action has not been done before by the particular agency, or
- If the action is something that typically would require an EIS under the agency NEPA procedures.

If this is the case, the agency usually publishes a notice of availability of the FONSI with information on how and where to provide your comments. The agency may post it on its website, publish it in local newspapers, publish it in the *Federal Register*, or make available in some other manner. If you are interested in a particular action that is the subject of an EA, you should find out from the agency how it will make the FONSI available.

Environmental Impact Statements (EIS) (Number 8 in Figure 1)

A Federal agency must prepare an EIS if it is proposing a major Federal action significantly affecting the quality of the human environment.²⁸ The regulatory requirements for an EIS are more detailed than the requirements for an EA or a CE. The EIS process consists of four main stages, which are explained below: scoping with a public notice of intent (NOI) to prepare an EIS, the draft EIS and public comment period, the final EIS, and the record of decision (ROD).

To the extent practicable, if a proposal will require action by more than one Federal agency, the lead and cooperating agencies will evaluate the proposal in a single EIS and issue a joint ROD. Agencies must complete EISs within two years from the date of the NOI unless a senior agency official of the lead agency approves a longer period in writing and establishes a new time limit.²⁹

Scoping and Public Notice of Intent (Number 10 in Figure 1)

When a proposed action is sufficiently developed for agency consideration, the agency may begin the process of determining the scope of issues for analysis in an EIS. Scoping generally involves identifying significant issues, eliminating non-significant issues from further study, and determining the range of actions, alternatives, and impacts to be considered by the EIS.³⁰

A cornerstone of the scoping process is the publication of a NOI to prepare an EIS in the *Federal Register*, which provides information on the proposed action (Number 10 in Figure 1).³¹ The lead agency publishes the NOI as soon as practicable after the agency determines that the proposal is sufficiently developed to allow for meaningful public comment on alternatives, information, and issues for analysis in the EIS. The NOI briefly summarizes the proposal, including the purpose and need, expected impacts, and possible alternatives. Under the updated CEQ regulations, agencies must request in the NOI public comment specifically on potential alternatives, information, and analyses relevant to the proposed action. The NOI also provides a schedule for the decision-making process including anticipated permits and other authorizations, and describes the agency's proposed scoping process, including any meetings and how the public can get involved. The NOI also contains an agency point of contact who can answer questions about the proposed action and the NEPA process. Scoping also may include pre-application communication with potential cooperating agencies, an applicant, and survey work conducted before or after the publication of the NOI. The scoping process is the best time to identify issues, determine points of contact, establish project schedules, and provide recommendations to the agency. The overall goal is to define the scope of issues to be addressed in depth in the analyses that will be included in the EIS. Specifically, the scoping process will:

- Identify the significant issues to be analyzed in the EIS and eliminate from detailed study non-significant issues;
- Identify people or organizations who are interested in the proposed action and invite them to participate;
- Determine the roles and responsibilities of lead and cooperating agencies;
- Identify any related EAs or EISs;
- Identify gaps in data and informational needs;
- Identify other environmental review and consultation requirements so they can be integrated with the EIS; and

- Indicate the relationship between the development of the environmental analysis and the agency's tentative decision-making schedule.³²

As part of the process, agencies must identify and invite the participation of interested persons. The agency should choose whatever communications methods are best for effective involvement of communities, whether local, regional, or national, that are interested in the proposed action, and the agency must consider the ability of affected persons to access electronic media. Video conferencing, public meetings, conference calls, formal hearings, or informal workshops are among the legitimate ways to conduct scoping. It is in your interest to become involved as soon as the EIS process begins and to use the scoping opportunity to make thoughtful, rational presentations on impacts and alternatives. Some of the most constructive and beneficial interaction between the public and an agency occurs when citizens identify or develop reasonable alternatives that the agency can evaluate in the EIS.

NEPA is About People and Places

Draft EIS (Number 11 in Figure 1)

The next major step in the EIS process that provides an opportunity for your input is when the agency publishes a draft EIS for public comment. The agency publishes its EIS on an agency website and the EPA publishes a Notice of Availability in the *Federal Register* informing you and other members of the public that the draft is available for comment (Number 11 in Figure 1). Based on the communication plan established by the agency, websites, local papers, or other means of public notice may also be used. The comment period is at least 45 days long. During this time, the agency may conduct webinars, public meetings, or hearings as a way to solicit comments.³³ The agency will also request comments from other Federal, State, Tribal, and local agencies that may have jurisdiction or interest in the matter.

One key aspect of a draft EIS is the statement of the underlying purpose and need.³⁴ Agencies draft a "Purpose and Need" statement to describe what they are trying to achieve by proposing an action. The purpose and need statement explains to the reader why an agency action is necessary, and serves as the basis for identifying the reasonable alternatives that meet the purpose and need.

Another fundamental part of the draft EIS is the identification and evaluation of alternative ways of meeting the purpose and need of the proposed action. The lead agency or agencies must, "evaluate reasonable alternatives, and for alternatives that were eliminated from detailed study, briefly discuss the reasons for their elimination."³⁵ Reasonable alternatives are those that are technically and economically feasible, meet the proposal's purpose and need, and, where applicable, meet the goals of the applicant.³⁶ If the agency is considering an application for a permit or other Federal approval, the agency must still consider all reasonable alternatives. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint, rather than simply desirable from the standpoint of the applicant. Agencies are obligated to evaluate a reasonable range of feasible alternatives in enough detail so that a reader can compare and contrast the environmental effects of the various alternatives.

If an agency has a preferred alternative when it publishes a draft EIS, the draft must identify which alternative the agency prefers. All agencies must identify a preferred alternative in the final EIS, unless another law prohibits it from doing so.³⁷

Agencies must always describe and analyze a “no action” alternative. The “no action” alternative is simply what would happen if the agency did not act upon the proposal for agency action. For example, in the case of an application to the U.S. Army Corps of Engineers for a permit to place fill material from a dredging project in a particular area, the “no action” alternative is no permit. But in the case of a proposed new management plan for the National Park Service’s management of a national park, the “no action” alternative is the continuation of the current management plan. The “no action” alternative describes reasonably foreseeable environmental trends or planned actions in the area that would be affected by the proposed action.³⁸

Definition of Effects

CEQ NEPA Regulation, 40 CFR 1508.1(g)

Effects or impacts means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives, including those effects that occur at the same time and place as the proposed action or alternatives and may include effects that are later in time or farther removed in distance from the proposed action or alternatives.

(1) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment), social, or health effects. Effects may also include those resulting from actions that may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.

(2) A “but for” causal relationship is insufficient to make an agency responsible for a particular effect under NEPA. Effects should generally not be considered if they are remote in time, geographically remote, or the product of a lengthy causal chain. Effects do not include those effects that the agency has no ability to prevent due to its limited statutory authority or would occur regardless of the proposed action.

(3) An agency’s analysis of effects shall be consistent with this paragraph (g). Cumulative impact, defined in 40 CFR 1508.7 (1978), is repealed.

The environmental consequences section discusses the effects of the proposed action, no action, and reasonable alternatives. It also forms the scientific and analytic basis for the comparisons of the proposed action and reasonable alternatives made under the alternatives section. For purposes of NEPA, “effects” and “impacts” mean the same thing—changes to the human

environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives. This includes those effects that occur at the same time and place as the proposed action or alternatives and may include effects that occur later or are farther removed in distance from the proposed action or alternatives.³⁹ Impacts include ecological, aesthetic, historic, cultural, economic, social, or health impacts, whether adverse or beneficial.⁴⁰ It is important to note that human beings are part of the environment (indeed, that is why Congress used the phrase “human environment” in NEPA), so when an EIS is prepared and economic or social and natural or physical environmental effects are interrelated, the EIS should discuss all of these effects.⁴¹

In addition to the environmental impacts of the proposed action and alternatives, the environmental consequences section will discuss:

- Any potential unavoidable adverse environmental effects;
- The relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity;
- Any potential irreversible or irretrievable commitments of resources;
- Possible conflicts with land use plans, policies, and controls for the area;
- Energy and natural or depletable resource requirements and conservation potential of alternatives and mitigation measures;
- Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures;
- Mitigation of adverse environmental impacts; and
- Applicable economic and technical considerations, including the economic benefits of the proposed action.

The draft EIS will also contain a summary of alternatives, information, and analysis submitted by commenters during the scoping process.⁴² The agency will specifically invite comment on this summary.

The EIS also will have a list of the individuals who prepared the document and their qualifications⁴³ and a table of contents.⁴⁴ The agency may choose to append the EIS with additional material relevant to the decision, including material prepared in connection with the EIS or that substantiates its analysis.⁴⁵

Final EIS (Number 13 in Figure 1)

When the public comment period is finished, the agency analyzes comments, conducts further analysis as necessary, and prepares the final EIS. The agency may respond to individual comments or groups of comments by making changes to the proposed action or alternatives, developing new alternatives, modifying its analyses, making factual corrections, or explaining why a comment does not require the agency’s response.⁴⁶ Often the agency will meet with other agencies that may be affected by the proposed action in an effort to resolve an issue or mitigate project effects. The final EIS also will include a summary that identifies all relevant alternatives, information, and analyses submitted by commenters for consideration by the lead and cooperating agencies.⁴⁷

When it is ready, the agency will publish the final EIS and EPA will publish a Notice of Availability in the *Federal Register*. The Notice of Availability can mark the start of a waiting period (Number 14 in Figure 1), during which a minimum of 30 days must pass before the agency can make a decision on its proposed action, unless the agency couples the 30 days with a formal internal appeals process or is authorized to issue a combined final EIS and ROD.⁴⁸ A waiting period provides time for the agency decision maker to consider public comments, the purpose and need for agency action, weigh the alternatives, balance the objectives and policy considerations, and make a decision.

There is an additional (but rarely used) procedure worth noting: pre-decisional referrals to CEQ.⁴⁹ This referral process takes place when EPA or another Federal agency determines that proceeding with the proposed action is environmentally unacceptable. If an agency reaches that conclusion, the agency can refer the issue to CEQ within 25 days after the Notice of Availability for the final EIS is issued. CEQ then works to resolve the issue with the agencies concerned. CEQ might also refer the agencies to the NCECR to try to address the matter before formal elevation.⁵⁰ There is no provision for citizens to formally refer an action to CEQ; however, CEQ typically provides an opportunity for public involvement in a referral.

Record of Decision (ROD) (Number 15 in Figure 1)

The ROD is the final step for agencies in the EIS process. The ROD is a document that states what the decision is; identifies the alternatives considered, including the environmentally preferred alternative; and discusses mitigation plans, including any enforcement and monitoring commitments.⁵¹ In the ROD, the agency discusses all the factors, including any considerations of national policy that were contemplated when it reached its decision on whether to, and if so how to, proceed with the proposed action. The ROD will also discuss if all practical means to avoid or minimize environmental harm have been adopted, and if not, why they were not. The ROD will summarize any monitoring and enforcement program that it has adopted for any enforceable mitigation requirements or commitments.⁵² The ROD also will contain a certification by the decision maker that, in developing the EIS, the agency has considered all of the alternatives, information, analysis, and objections submitted by State, Tribal, and local governments and public commenters.⁵³ The ROD is a publicly available document. Sometimes RODs are published in the *Federal Register* or on the agency's website, but if you are interested in receiving the ROD, you should ask the agency's point of contact for the EIS how to obtain a copy of the ROD.

Supplemental EIS

Sometimes a Federal agency is obligated to prepare a supplement to an existing EIS. An agency must prepare a supplement to either a draft or final EIS if the proposed action has not been completed and the agency makes substantial changes in the proposed action that are relevant to environmental concerns or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. An agency may also prepare a supplemental EIS if it determines that doing so will further the purposes of NEPA.⁵⁴ An agency prepares a supplemental EIS in the same way as a draft or final EIS, except that scoping is not required. If a supplement is prepared following a draft EIS, the final EIS will address both the draft EIS and supplemental EIS. An agency may find that substantial changes

in a proposed action or new circumstances or information do not result in significant environmental concerns. In such cases, the agency will document the finding consistent with its procedures, or, if necessary, in a FONSI supported by an EA.

EPA's Review

EPA plays a critical role in other agencies' NEPA processes. EPA must review and provide comments on the adequacy of the analysis and the impact to the environment.⁵⁵ EPA must refer a matter to CEQ if it determines that the action is environmentally unsatisfactory.

The Office of Federal Activities in EPA is the official recipient of all EISs prepared by Federal agencies, and publishes the notices of availability in the *Federal Register* for all draft, final, and supplemental EISs. The publication of these notices start the official clock for public review and comment periods and wait periods.⁵⁶ In addition to the *Federal Register*, EISs are available in the EIS database at <https://www.epa.gov/nepa>.

When and How to Get Involved

It Depends on the Agency

To determine the specific steps in the process where public involvement will be the most effective, it is very important to review the agency's NEPA procedures and the agency's NEPA website.⁵⁷ As previously mentioned, NEPA procedures may differ among agencies.

In addition, new legislation and presidential directives can change the way NEPA is implemented in agencies. Congress has enacted a number of statutes to improve coordination among agencies, integrate NEPA with other environmental reviews, and bring more transparency to the NEPA process. Presidents also have directed agencies, through Executive orders and Presidential memoranda, to undertake various initiatives that improve the timeliness and efficiency of the NEPA process.

Infrastructure Projects under FAST-41

In 2015, Congress enacted Title 41 of the Fast Act (FAST-41) to provide for a more efficient environmental review and permitting process for "covered projects."⁵⁸ These are projects that require Federal environmental review under NEPA, are expected to exceed \$200 million, and involve the construction of infrastructure for renewable or conventional energy production, electricity transmission, water resource projects, broadband, pipelines, manufacturing, and other sectors.

FAST-41 created the Federal Permitting Improvement Steering Council (FPISC or Permitting Council), composed of agency Deputy Secretary-level members and chaired by an Executive Director appointed by the President. FAST-41 establishes new procedures that standardize interagency consultation and coordination practices. FAST-41 also codifies into law the use of a Permitting Dashboard to track project timelines (www.permits.performance.gov). The Permitting Dashboard is an online tool for Federal agencies, project developers, and interested members of the public to track the Federal Government's environmental review and

authorization processes for large or complex infrastructure projects. Project sponsor participation in FAST-41 is voluntarily.

FAST-41 codified certain roles and responsibilities required by the NEPA regulations, such as the concepts of lead and cooperating agencies, and the different levels of NEPA analysis—EISs, EAs, and CEs—and the requirement for CEQ to resolve any dispute over designation of a facilitating or lead agency for a covered project.⁵⁹ Additionally, Congress addressed interagency coordination on key aspects of the NEPA process, including scoping, identification of the range of reasonable alternatives for study in an EIS, and the public comment process. Finally, Congress established a two-year statute of limitations for covered projects.⁶⁰ The Permitting Council has more resources on FAST-41 posted on the Permitting Dashboard.

Be Informed of Actions

Sometimes citizens generally are interested in actions taking place in a particular area (for example, in your community or in an ecosystem or a facility that affects you). If this is the case, you can inform the appropriate agency or agencies that you would like to be notified of any proposed action or any environmental impact analysis that might be prepared in that area. In addition, CEQ now requires agencies to have websites where they post environmental documents, relevant notices, and other relevant information for use by interested persons.⁶¹

Active Involvement

Being active in the NEPA process requires you to dedicate some of your resources to the effort. Environmental impact analyses can be technical and lengthy. Agencies can be expected to provide general responses to general comments on a NEPA document, so active involvement in the NEPA process requires a commitment of time and a willingness to share information with the decision-making agency and other citizens. For example, during the scoping process for an EIS, you are encouraged to identify alternatives, information, and analyses relevant to the proposed action for consideration by the agency.⁶² The agency will summarize that information in the draft EIS and invite further comment on that information.⁶³ However, you must submit your comments during the comment periods in order for the agency to consider the information and to ensure informed decision making.⁶⁴

You may participate as an individual, get involved by working with other interested individuals or organizations, or by working through your State, Tribal, or local government. For example, if an agency is taking an action for which your State, Tribal, or local government has special expertise or approval authority, the appropriate State, Tribal, or local agency can become a “cooperating agency” with the Federal agency.⁶⁵ This formal status does not increase their role in decision making, but it does allow the governments to use their knowledge and authorities to help shape the Federal decision-making process.

Another way to participate is to check with local experts such as biologists or economists at a university to assist with your review of the NEPA analyses and documents. You can also form study groups to review environmental impact analyses and enlist experts to review your comments on the documents.

Your involvement in the NEPA process does not have to be confined to commenting on the analysis. If the agency adopts monitoring and mitigation in the ROD, upon request, it must make available to the public the results of relevant monitoring.⁶⁶ Upon request, it also must inform cooperating or participating agencies on progress in carrying out mitigation measures that they have proposed and that were adopted by the agency making the decision.⁶⁷ Community groups also can be involved in monitoring.

In summary, there are several opportunities to get involved in the NEPA process:

- When the agency prepares its NEPA procedure;
- Prior to and during preparation of a NEPA analysis;
- When a NEPA document is published for public review and comment;
- When a final decision is pending before the agency decision-maker; and
- When monitoring the implementation of the proposed action and the effectiveness of any associated mitigation.

Other Processes that Require Public Involvement

When a proposed action is part of a permitting process, the statute or regulations for that permitting process also may provide opportunities to comment in addition to the NEPA public involvement opportunities discussed above. For example, most Federal agency land use planning regulations require public involvement. While this guide does not explore all of those additional possibilities for comment, the NEPA team working on a particular proposal will be familiar with the various comment periods and will be able to inform you of those opportunities. Note that the permitting and NEPA processes should be integrated or run concurrently in order to have an effective and efficient decision-making process.

Public Comment Periods

Agencies must make diligent efforts to involve the public in development and implementation of their NEPA procedures.¹ In requesting comments on a draft EIS, Federal agencies must affirmatively solicit comments in a manner designed to inform those persons or organizations who may be interested in or affected by the proposed action.¹ Citizens involved in the process should ensure that they know how agencies will inform the public that an action is proposed and the NEPA process is beginning (via the *Federal Register*, websites, newspapers, direct mailing, etc.); that certain documents are available; and that preliminary determinations have been made on the possible environmental effects of the proposal (e.g., what level of analysis the agency will initially undertake).

Agencies solicit different levels of involvement when they prepare an EA versus an EIS. In preparing an EIS, agencies must invite the identification of alternatives, information, and analyses relevant to the proposed action during the scoping process. Agencies must summarize that information in the draft EIS and have a 45-day comment period after the draft EIS is made available. In the case of an agency preparing an EA, the CEQ regulations require the agency to involve the public to the extent practicable, but each agency has its own guidelines about how to involve the public for EAs. In any case, citizens are entitled to receive “environmental documents,” such as EAs, involved in the NEPA process.¹

In terms of a specific agency, required public comment periods associated with an EA or an EIS can be found in its NEPA procedures. An agency may grant requests to extend the comment period to ensure enough time for the public and other agencies to review and comment.

Citizens who want to raise issues with the agency should do so as specifically as possible and at the earliest possible stage in the process. Agencies are much more likely to evaluate a new alternative or address a concern if it is raised in a clear and timely manner.

How to Comment

Comments may be the most important contribution from citizens because they promote informed decision making. Comments should provide sufficient detail for the agency to understand the commenter’s position and why the issues raised are important to the decision. Accordingly, comments should be clear, concise, relevant to the analysis of the proposed action, and submitted during the public comment periods. Take the time to organize thoughts and edit the document submitted.⁶⁸ As a general rule, the tone of the comments should be polite and respectful. Those reviewing comments are public servants tasked with a job, and they deserve the same respect and professional treatment that you and other citizens expect in return. Comments that are solution-oriented and provide specific examples will be more effective than those that simply oppose the proposed project. Comments that contribute to developing alternatives that address the purpose and need for the action also are effective. Agencies must invite the submission of alternatives

during the scoping process to facilitate timely submission of comments that contribute to developing alternatives.

Commenting is not a form of “voting” on an alternative. The number of negative comments an agency receives does not prevent an action from moving forward. Agencies typically respond collectively to numerous comments that repeat the same basic message of support or opposition. In addition, general comments that state an action will have “significant environmental effects” will not help an agency make a better decision unless the comment explains the relevant causes and environmental effects. If you think the proposed action will have a significant environmental effect, explain why the issues you raise are significant to the consideration of potential environmental impacts and alternatives to the proposed action. In drafting comments, try to focus on the purpose and need of the proposed action, the proposed alternatives, the assessment of the environmental impacts of those alternatives, and the proposed mitigation.

Finally, remember that decision makers also receive other information and data, such as operational and technical information related to implementing an action, which they will have to consider when making a final decision.

What If Involvement Is Not Going Well?

For the purposes of this discussion, “not going well” means that you or your organization believes that the lead agency is not giving the public sufficient opportunity to get involved or is not using that involvement effectively. Perhaps you think that the agency should hold a public meeting. Or you or your community or group has developed an alternative that you think meets the purpose and need of the proposed action and reflects the policies set forth in NEPA. Maybe you want an extension of the comment period because the document’s appendix is very lengthy, and you simply need more time to review it. Or maybe you feel that communications between your organization and the lead agency have, for some reason, not been constructive.

The most appropriate steps to take if you find yourself in these kinds of situations always depend, of course, on the particular people, timing, and proposal at hand. Nonetheless, here are some possible factors and courses of action to consider.

Do Not Wait Too Long

First, do not wait too long to raise your concerns; raise them as soon as practicable, and be mindful of the comment period and when it ends. If you just sit back and hope that things will get “better” or that your comments will have greater effect later, you may hear that “you should have raised this sooner.” At times, waiting can be detrimental to your interests as well as to the rest of the public and the agency involved. For example, if you feel strongly that a particular alternative should be addressed and do not raise it during the scoping process, then it will not get the benefit of comparative analysis with the other alternatives. In addition, it could result in a more expensive and lengthy process (costing taxpayers, including yourself, more) if your delayed suggestion results in the agency deciding to issue a supplemental EIS analyzing that alternative. Or, if you or your organization later go to court to argue that a certain alternative should have been analyzed in the NEPA document, the judge may find that the court will not

consider that information because you should have raised your concern earlier during the NEPA process.⁶⁹

Contact the Agency

Your first line of recourse should be with the individual that the agency has identified as being in charge of this particular process. See if you can sit down with him or her to discuss your concern(s). You may be pleasantly surprised at the response.

Collaboration and Conflict Resolution Support

Some decisions necessarily involve conflicting views, so Federal agencies may choose to engage an impartial third-party to support stakeholder engagement and conflict resolution in a NEPA process. Impartial third-party support may include facilitation, mediation, stakeholder engagement process design, and other services to enhance collaboration between the lead agency and its partners, stakeholders, and citizens. These approaches, referred to as environmental collaboration and conflict resolution (ECCR), are often beneficial if the process ahead may be particularly contentious or challenging and include a past history of deeply divided interests. If you believe the process that you are involved with has a high-level of conflict or contention, consider raising with the lead agency the possibility of enhancing collaborative opportunities within the NEPA process using outside assistance.

In recent years, the Federal Government has used ECCR due to its numerous benefits. The Office of Management and Budget (OMB) and CEQ underscored ECCR's utility by jointly issuing memoranda that directed Federal agencies to increase the effective use of environmental conflict resolution and build institutional capacity for collaborative problem solving.⁷⁰ These memoranda highlighted basic principles for agency engagement in ECCR processes, including informed commitment, balanced and voluntary representation, group autonomy, informed process, accountability, openness, timeliness, and implementation.

ECCR offers many advantages over adversarial approaches to resolve environmental challenges, such as litigation. A 2018 report examining the use of ECCR in Federal processes over the previous decade found that these approaches lead to a savings in time and financial resources, an improvement in relationships between government and stakeholders, and improved outcomes.⁷¹ For example, between 2011 and 2014, the EPA reported that ECCR took 45 percent less time to reach a decision, 30 percent fewer staff, and 79 percent fewer lead attorney hours.⁷² And in a 2009 study, those involved in ECCR reported improved relationships, ability to work together, and level of trust.⁷³ Other benefits to ECCR include:

- Better information, diverse expertise, better-informed decisions;
- Fairer process, especially for traditionally disadvantaged/under-represented parties;
- Better integration, enhanced coordination, and streamlining;
- Conflict prevention and resolution of differences;
- Improved fact-finding and common understanding of the facts;
- Increased social capital through the promotion of trust and partnership;
- Easier implementation “vesting” stakeholders in decision implementation;
- Enhanced stewardship promoted through cooperation; and

- Reduced litigation by solving problems at lowest possible level and narrowing issues.

The NCECR is a Federal agency⁷⁴ that provides collaboration, consensus-building, and conflict resolution services on a range of environmental, natural and cultural resources, Tribal, and public lands issues involving the Federal Government. Citizens can work with lead agencies to express their interest in a collaborative approach and may recommend the involvement of the NCECR.⁷⁵ There may also be an environmental conflict resolution office in your state that can provide assistance, and there are also many other individuals and organizations in the private sector that provide various types of conflict resolution services.

NEPA's Requirements

Perhaps your concern involves understanding a legal requirement. There are, of course, many ways to obtain the advice of lawyers knowledgeable about the NEPA process: the lead agency, private attorneys, and public interest attorneys. Build your own understanding by reading information on the NEPA.gov website. You may also call the General Counsel's office or the Associate Director for NEPA at the Council on Environmental Quality for assistance in understanding NEPA's legal requirements or for advice and assistance if you have tried to work with the lead agency but feel those efforts have been unsuccessful (see Appendix A for contact information).

Remedies Available

Finally, of course, there are both administrative and judicial remedies available. A few Federal agencies, such as the Bureau of Land Management and the Forest Service, have an administrative appeals process. Each process is specific to that agency. If an appeal is available, you may find it beneficial to invoke it to try to resolve your concerns with the agency's decisions without the need for a legal challenge. Moreover, a statute or agency regulation may require you to exhaust such an appeal procedure before seeking judicial review. Citizens who believe that a Federal agency's actions violate NEPA may seek judicial review (after any required administrative appeals) in Federal court under the Administrative Procedure Act. If you are represented by a lawyer, you should consult with him or her about appropriate options and about communicating with the Federal agencies.

Final Thoughts

This guide was developed to explain NEPA, how it is implemented, and how people outside the Federal Government—individual citizens, private sector applicants, members of organized groups, or representatives of Tribal, State, or local government agencies—can better participate in the assessment of environmental impacts conducted by Federal agencies. To learn more about CEQ and NEPA, visit our web sites at <http://www.whitehouse.gov/ceq> and NEPA.gov or contact the CEQ Associate Director for NEPA at (202) 395-5750. Your thoughts and comments on improving this Guide for future editions are always welcome.

Appendix A: About the Council on Environmental Quality

The National Environmental Policy Act (NEPA) established the Council on Environmental Quality (CEQ) in 1970 within the Executive Office of the President. CEQ oversees Federal agency NEPA implementation and develops and recommends national policies to the President that promote the improvement of environmental quality and meet the Nation's goals. In addition, CEQ is assigned various duties and responsibilities under other statutes, Executive Orders, and Presidential Memoranda, including with regard to Federal ocean policy, Federal sustainability, and timely environmental review and permitting processes for infrastructure development, and other matters.

The Council on Environmental Quality is housed within the Executive Office of the President. CEQ has offices within the Eisenhower Executive Office Building (EEOB) and within the Jackson Place townhouses on Lafayette Square.

Mailing Address

Council on Environmental Quality
730 Jackson Place, NW
Washington, DC 20503

Main Line: (202) 395-5750

Fax: (202) 456-6546

Appendix B: Useful Websites

NEPA.gov

NEPA.gov is the Council on Environmental Quality's NEPA website that is supported by the U.S. Department of Energy. It contains a wealth of information related to NEPA. The site contains CEQ guidance as well as studies and reports and information on NEPA training.

Under the "Laws & Regulations" section, there are several useful links including:

- The NEPA Statute
- Executive Orders
- CEQ Regulations for Implementing NEPA
- State NEPA Information
- The Legislative History of NEPA
- Individual Federal Agency Procedures for Implementing NEPA⁷⁶

The other sections provide information about:

- Guidance
- How to get involved
- Resources on NEPA Practice
- CEQ Publications
- CEQ Reports

The Federal Register and How to Use It

<https://www.federalregister.gov/>

The *Federal Register* is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents. It is updated daily by 6 a.m. and is published Monday through Friday, except Federal holidays.

This is where you will find notices from Federal agencies regarding their NEPA actions. Information on the availability of documents, schedule of meetings, and notices of intent to prepare EISs are also published in the *Federal Register*. In addition, EPA publishes a list of EISs that they have received from agencies each week, and a summary of ratings on EISs that they have reviewed.

The easiest way to pull up notices is to have as much information as possible. Key words such as the name of the agency, location of the action, date or date ranges of the publication are all helpful in the search.

The Electronic Code of Federal Regulations (e-CFR)

www.ecfr.gov

The Electronic Code of Federal Regulations (e-CFR) is a currently updated version of the Code of Federal Regulations (CFR). It is not an official legal edition of the CFR. The e-CFR is an editorial compilation of CFR material and *Federal Register* amendments produced by the National Archives and Records Administration's Office of the Federal Register (OFR) and the Government Publishing Office. The OFR updates the material in the e-CFR on a daily basis. The current update status appears at the top of all e-CFR web pages.

The United States Code

The United States Code is a compilation of most public laws currently in force, organized by subject matter. When a law has been amended by another law, the U.S. Code reflects this change. The U.S. Code collates the original law with subsequent amendments, and it deletes language that has later been repealed or superseded.

The full text of the official version of the U.S. Code is provided on www.govinfo.gov at www.govinfo.gov/app/collection/uscode. You can do fielded searches to look for Code material by popular name of the law, the public law number, U.S. Code citation, Statutes at Large citation, or word or phrase. You can also browse the U.S. Code by individual Code titles, down to the section level, for the latest available update.

The U.S. House Office of the Law Revision Counsel also provides the full text of the official version of the U.S. Code at uscode.house.gov/. You can do fielded searches or download entire titles or chapters. This site also provides classification tables that show where recently enacted laws will appear in the United States Code and which sections of the Code have been amended by those laws.

The Federal Infrastructure Permitting Dashboard

www.permits.performance.gov

The Permitting Dashboard is an online tool for Federal agencies, project developers, and interested members of the public to track the Federal Government's environmental review and authorization processes for large or complex infrastructure projects, part of a government-wide effort to improve coordination, transparency, and accountability.

A major function of this Dashboard is to track infrastructure projects designated as "Covered Projects" under Title 41 of the Fixing America's Surface Transportation Act (FAST-41). The Dashboard also provides information on most DOT projects, as well as other infrastructure projects. Follow the "Projects" link for project-specific information.

Appendix C: Agency NEPA Contacts

The list of Federal NEPA Contacts is maintained on [NEPA.gov](https://nepa.gov) under the heading “NEPA Practice” and is periodically updated.

The complete list is available via the link entitled “Federal NEPA Contacts” or available directly at <https://ceq.doe.gov/nepa-practice/agency-nepa-contacts.html>. If you do not have computer access, call CEQ at (202) 395-5750 for assistance.

Appendix D: Statutory References

The National Environmental Policy Act of 1969

42 U.S.C. 4321. Congressional declaration of purpose [Sec. 2]

The purposes of this chapter are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

(Pub. L. 91-190, § 2, Jan. 1, 1970, 83 Stat. 852)

SUBCHAPTER I—POLICIES AND GOALS [TITLE I]

42 U.S.C. 4331. Congressional declaration of national environmental policy [Sec. 101]

(a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with state and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(Pub. L. 91-190, title I, § 101, Jan. 1, 1970, 83 Stat. 852)

42 U.S.C. 4332. Cooperation of agencies; reports; availability of information; recommendations; international and national coordination of efforts [Sec. 102]

The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this chapter and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by subchapter II of this chapter, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision-making along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, and shall accompany the proposal through the existing agency review processes;

(D) Any detailed statement required under subparagraph (C) after January 1, 1970, for any major Federal action funded under a program of grants to States shall not be deemed to be legally insufficient solely by reason of having been prepared by a state agency or official, if:

(i) the State agency or official has statewide jurisdiction and has the responsibility for such action,

- (ii) the responsible Federal official furnishes guidance and participates in such preparation,
- (iii) the responsible Federal official independently evaluates such statement prior to its approval and adoption, and
- (iv) after January 1, 1976, the responsible Federal official provides early notification to, and solicits the views of, any other state or any Federal land management entity of any action or any alternative thereto which may have significant impacts upon such state or affected Federal land management entity and, if there is any disagreement on such impacts, prepares a written assessment of such impacts and views for incorporation into such detailed statement.

The procedures in this subparagraph shall not relieve the Federal official of his responsibilities for the scope, objectivity, and content of the entire statement or of any other responsibility under this Act; and further, this subparagraph does not affect the legal sufficiency of statements prepared by State agencies with less than statewide jurisdiction.

(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(F) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(G) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(H) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(I) assist the Council on Environmental Quality established by subchapter II of this chapter.

(Pub. L. 91-190, title I, § 102, Jan. 1, 1970, 83 Stat. 853; Pub. L. 94-83, Aug. 9, 1975, 89 Stat. 424)

42 U.S.C. 4333. Conformity of administrative procedures to national environmental policy [Sec. 103]

All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this chapter and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this chapter.

(Pub. L. 91-190, title I, § 103, Jan. 1, 1970, 83 Stat. 854)

42 U.S.C. 4334. Other statutory obligations of agencies [Sec. 104]

Nothing in section 4332 [Sec. 102] or 4333 [Sec. 103] shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3)

to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

(Pub. L. 91–190, title I, § 104, Jan. 1, 1970, 83 Stat. 854)

42 U.S.C. 4335. Efforts supplemental to existing authorizations [Sec. 105]

The policies and goals set forth in this chapter are supplementary to those set forth in existing authorizations of Federal agencies.

(Pub. L. 91–190, title I, § 105, Jan. 1, 1970, 83 Stat. 854)

SUBCHAPTER II – COUNCIL ON ENVIRONMENTAL QUALITY [TITLE II]

42 U.S.C. 4341. [Sec. 201] Omitted

Section 201 which required the President to transmit to Congress annually an Environmental Quality Report, was terminated by Congress, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

(Pub. L. 91–190, title II, § 201, Jan. 1, 1970, 83 Stat. 854; Pub. L. 104–66, title III, § 3003, Dec. 21, 1995 of as amended, 31 U.S.C. 1113)

42 U.S.C. 4342. Establishment; membership; Chairman; appointments [Sec. 202]

There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the “Council”). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in subchapter I of this chapter; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

(Pub. L. 91–190, title II, § 202, Jan. 1, 1970, 83 Stat. 854)

Provisions stating that notwithstanding this section, the Council was to consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council, were contained in the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Pub. L. 109–54, title III, Aug. 2, 2005, 119 Stat. 543, and were repeated in provisions of subsequent appropriations acts which are not set out in the Code.

42 U.S.C. 4343. Employment of personnel, experts and consultants [Sec. 203]

(a) The Council may employ such officers and employees as may be necessary to carry out its functions under this chapter. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, (but without regard to the last sentence thereof).

(b) Notwithstanding section 1342 of Title 31, the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council.

(Pub. L. 91–190, title II, § 203, Jan. 1, 1970, 83 Stat. 855; Pub. L. 94–52, § 2, July 3, 1975, 89 Stat. 258)

42 U.S.C. 4344. Duties and functions [Sec. 204]

It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 4341 [Sec. 201] of this title;¹

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subchapter I of this chapter, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in subchapter I of this chapter for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

(Pub. L. 91–190, title II, § 204, Jan. 1, 1970, 83 Stat. 855)

42 U.S.C. 4345. Consultation with Citizens' Advisory Committee on Environmental Quality and other representatives [Sec. 205]

In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

¹ CEQ notes that Congress amended 42 U.S.C. 4341 to remove the Environmental Quality Report requirement.

(2) utilize, to the fullest extent possible, the services, facilities and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

(Pub. L. 91-190, title II, § 205, Jan. 1, 1970, 83 Stat. 855)

42 U.S.C. 4346. Tenure and compensation of members [Sec. 206]

Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV of [f] the Executive Schedule Pay Rates (5 U.S.C. 5315).

(Pub. L. 91-190, title II, § 206, Jan. 1, 1970, 83 Stat. 856)

42 U.S.C. 4346a. Travel reimbursement by private organizations and Federal, State, and local governments [Sec. 207]

The Council may accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, any State, or local government, for the reasonable travel expenses incurred by an officer or employee of the Council in connection with his attendance at any conference, seminar, or similar meeting conducted for the benefit of the Council.

(Pub. L. 91-190, title II, § 207, as added Pub. L. 94-52, § 3, July 3, 1975, 89 Stat. 258)

42 U.S.C. 4346b. Expenditures in support of international activities [Sec. 208]

The Council may make expenditures in support of its international activities, including expenditures for: (1) international travel; (2) activities in implementation of international agreements; and (3) the support of international exchange programs in the United States and in foreign countries.

(Pub. L. 91-190, title II, § 208, as added Pub. L. 94-52, § 3, July 3, 1975, 89 Stat. 258)

42 U.S.C. 4347. Authorization of appropriations [Sec. 209]

There are authorized to be appropriated to carry out the provisions of this chapter not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

(Pub. L. 91-190, title II, § 209, formerly § 207, Jan. 1, 1970, 83 Stat. 856, renumbered § 209, Pub. L. 94-52, § 3, July 3, 1975, 89 Stat. 258)

The Clean Air Act—Section 309

42 U.S.C. 7609. Policy review [Sec. 309]

(a) Environmental impact

The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this chapter or other provisions of the authority of the Administration, contained in any (1) legislation proposed by any Federal

department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 4332(2)(C) of the title applies, and (3) proposed regulations published by any department or agency of the Federal Government. Such written comment shall be made public at the conclusion of any such review.

(b) Unsatisfactory legislation, action, or regulation

In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and the matter shall be referred to the Council on Environmental Quality.

(July 14, 1955, ch. 360, title III, § 309, as added Pub. L. 91–604, § 12(a), Dec. 31, 1970, 84 Stat. 1709)

¹ National Environmental Policy Act of 1969, *as amended*, 42 U.S.C. 4321–4347 provided in Appendix D.

² Section 102 of the National Environmental Policy Act of 1969, 42 U.S.C. 4332.

³ CEQ NEPA Regulations, 40 CFR parts 1500–1508, available at NEPA.gov.

⁴ Council on Environmental Quality, “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act,” 40 CFR 1508.1(k) available at NEPA.gov.

⁵ 40 CFR 1507.2(a) and 1508.1(dd).

⁶ 40 CFR 1507.2.

⁷ 40 CFR 1507.4.

⁸ Agencies publish their draft NEPA procedures in the *Federal Register*, and the CEQ NEPA regulations require a public comment period prior to CEQ approval. 40 CFR 1507.3. Members of the public may participate in the development of agency NEPA procedures by providing comments. Most agencies already have NEPA procedures; however, when they are changed, the agency will again provide for public comment on the proposed changes.

⁹ See Appendix C for information on how to access agency points of contact and agency websites.

¹⁰ 40 CFR 1508.1(q)(2). Note that this section applies only to legislation drafted and submitted to Congress by Federal agencies. NEPA does not apply to legislation initiated by members of Congress or by the President of the United States.

¹¹ 40 CFR 1508.1(x).

¹² 40 CFR 1501.1.

¹³ 40 CFR 1502.24.

¹⁴ 40 CFR 1506.2.

¹⁵ 40 CFR 1507.3.

¹⁶ Clean Air Act, 42 U.S.C. 7609.

¹⁷ For additional information see www.epa.gov/nepa.

¹⁸ About a quarter of the States have such laws; for example, New York, Montana, Washington, and California all have such laws. New York City also has such a law. A list with references is available at NEPA.gov by clicking on “Laws & Regulations,” the “State NEPA Information” or directly at <https://ceq.doe.gov/laws-regulations/states.html>.

¹⁹ 40 CFR 1508.1(d).

²⁰ CEQ has developed a comprehensive list of the Federal agencies’ CEs, which is available at <https://ceq.doe.gov/nepa-practice/categorical-exclusions.html>. Citizens may consult this resource but also should review the relevant agency’s NEPA procedures to ensure that a CE is currently available for use.

²¹ 40 CFR 1508.1(h).

²² 40 CFR 1501.10(b)(1).

²³ 40 CFR 1501.5(c)(2).

²⁴ 40 CFR 1501.3(b).

²⁵ 40 CFR 1501.5(e).

²⁶ 40 CFR 1508.1(l).

²⁷ 40 CFR 1501.6(a)(2).

²⁸ 40 CFR 1502.3.

²⁹ 40 CFR 1501.10(b)(2).

³⁰ 40 CFR 1508.1(cc).

³¹ 40 CFR 1501.9(d).

³² 40 CFR 1501.9.

³³ Public hearings are run in a formal manner, with a recording or minutes taken of speakers' comments. Public meetings may be held in a variety of formats, and may be much more informal than hearings.

³⁴ 40 CFR 1502.13.

³⁵ 40 CFR 1502.14.

³⁶ 40 CFR 1508.1(z).

³⁷ 40 CFR 1502.14(d).

³⁸ 40 CFR 1502.14(c).

³⁹ 40 CFR 1508.1(g).

⁴⁰ 40 CFR 1508.1(g)(1).

⁴¹ 40 CFR 1502.16(b).

⁴² 40 CFR 1502.17(a).

⁴³ 40 CFR 1502.18.

⁴⁴ 40 CFR 1502.10.

⁴⁵ 40 CFR 1502.19.

⁴⁶ 40 CFR 1503.4.

⁴⁷ 40 CFR 1502.17(b).

⁴⁸ 40 CFR 1506.11(b) references statutory provisions for combining a final EIS and ROD. If the end of the 30 day wait period is less than 90 days after the notice of availability of the Draft EIS, was published in the *Federal Register*, then the decision must await the expiration of the 90 days.

⁴⁹ 40 CFR part 1504.

⁵⁰ The NCECR reports disputes it is involved with to CEQ and requests concurrence from CEQ to engage in those disputes involving two or more Federal agencies.

⁵¹ 40 CFR 1505.2.

⁵² 40 CFR 1505.2(a)(3).

⁵³ 40 CFR 1505.2(b).

⁵⁴ 40 CFR 1502.9(d).

⁵⁵ Clean Air Act, 42 U.S.C. 7609.

⁵⁶ 40 CFR 1506.11.

⁵⁷ 40 CFR 1507.4(a).

⁵⁸ Public Law 114-94, sec. 41001-41014, 129 Stat. 1312, 1741 (42 U.S.C. 4370m-4370m-12).

⁵⁹ 42 U.S.C. 4370m-2(a)(6)(B).

⁶⁰ 42 U.S.C. 4370m-6.

⁶¹ CEQ NEPA Regulations, 40 CFR 1507.4.

⁶² CEQ NEPA Regulations, 40 CFR 1501.9(d).

⁶³ CEQ NEPA Regulations, 40 CFR 1502.17, 1503.1(a)(3).

⁶⁴ 40 CFR 1500.3(b).

⁶⁵ 40 CFR 1501.8, 1508.1(e).

⁶⁶ 40 CFR 1505.3(d).

⁶⁷ 40 CFR 1505.3(c).

⁶⁸ There are many reference books for how to research issues, review documents, and write comments. One in particular is "The Art of Commenting" by Elizabeth Mullin from the Environmental Law Institute (Mullin, Elizabeth D. 2000. *The Art of Commenting: How to Influence Environmental Decisionmaking with Effective Comments*, Environmental Law Institute, Washington, DC). Another useful reference for those involved in commenting on transportation projects is the American Association of State Highway and Transportation Officials' (AASHTO) *Practitioner's Handbook 05-Utilizing Community Advisory Committees for NEPA Studies*, December, 2006, <http://environment.transportation.org> or available through AASHTO's Center for Environmental Excellence by calling (202) 624-3635.

⁶⁹ 40 CFR 1500.3(b), 1503.3(b).

⁷⁰ Memorandum on Environmental Conflict Resolution (Nov. 28, 2005), as expanded by Memorandum on Environmental Collaboration and Conflict Resolution (Sept. 7, 2012), <https://ceq.doe.gov/nepa-practice/environmental-collaboration-and-conflict-resolution.html>.

⁷¹ Federal Forum on Environmental Collaboration and Conflict Resolution, Environmental Collaboration and Conflict Resolution (ECCR): Enhancing Agency Efficiency and Making Government Accountable to the People (May 2, 2018), https://ceq.doe.gov/docs/nepa-practice/ECCR_Benefits_Recommendations_Report_%205-02-018.pdf.

⁷² Hall, W.E. (2016, June). "Assessing the value of environmental collaboration and conflict resolution: A census of litigation related cases to estimate comparative process costs at the U.S. Environmental Protection Agency." Concurrent session presentation, the 29th Annual Conference of the International Association for Conflict Management, Columbia University, New York, NY.

⁷³ Emerson, K., Orr, P.J., Keyes, D.L., & McKnight, K.M. (2009). Environmental conflict resolution: Evaluating performance outcomes and contributing factors. *Conflict Resolution Quarterly*, 27(1), 27–64.

⁷⁴ The McCain Center is a program of Udall Foundation, is an independent, nonpartisan Federal agency. Environmental Policy and Conflict Resolution Act of 1998, 20 U.S.C. 5601–5609, as amended.

⁷⁵ The McCain Center can be contacted via www.eecr.gov; mailing address: John S. McCain III National Center for Environmental Conflict Resolution, 130 S. Scott Ave. Tucson, AZ 85701; phone: (520) 901-8501; or electronic mail: usiecr@eecr.gov.

⁷⁶ The agency implementing procedures can be accessed at https://ceq.doe.gov/laws-regulations/agency_implementing_procedures.html and are mentioned throughout the Citizen's Guide as an important part of the process.



Guam Civilian-Military Task Force
Contributions for Inclusion in "scoping process" for the Environmental Impact
Statement / Overseas Environmental Impact Statement (EIS / OEIS)
May 2007

Guam's Civilian Military Task Force (CMTF) and its Subcommittees have convened to discuss the myriad of issues related to:

1. the relocation of U.S. Marine Corps (USMC) forces to Guam;
2. the improvement of pier / waterfront infrastructure for transient U.S. Navy Nuclear Aircraft Carrier (CVN) at Naval Base Guam;
3. the placement of a U.S. Army Ballistic Missile Defense (BMD) task force on Guam;
4. the enhancement of infrastructure and logistics capabilities;
5. the social, cultural and economic implications; and
6. the effects upon Guam's environment.

The CMTF hereby submits its comments for inclusion into the "scoping process" for the Environmental Impact Statement / Overseas Environmental Impact Statement (EIS / OEIS). This document includes verbal & written contributions from the Public and Private sectors of our Island.

It is not the CMTF's intent that this document be Guam's single contribution. It should not be assumed that this document addresses all of Guam's contributions to the "scoping" process. Instead, this document highlights some of the key elements that were identified as important by the CMTF membership and government of Guam instrumentalities. The CMTF is aware that there are additional scoping comments that are being submitted by various Government of Guam instrumentalities that are not included in the document. These comments must also be taken into consideration.

It is the CMTF's hope that in addition to conducting a thorough environmental impact evaluation that the EIS/OEIS will also conduct an equally thorough review of the socio-economic impacts. This evaluation should include quantitative and qualitative measurements of the impacts of the proposed development. It should also identify ways to mitigate the impacts. The socio-economic evaluation should address:

- Changes in population;
 - Changes in community demographics;
 - Results of retail/service and housing market analyses;
 - Demand for public services;
 - Demand on Guam's utilities;
 - Demand on all of Guam's transportation infrastructure;
 - Demand for education services;
 - Demand for health care and social services;
 - Changes in employment and income levels;
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- Changes in the allocation of fiscal resources to address the new demands that will be placed upon Guam's government sector; and
- Changes in the aesthetic quality of Guam's community.

One of the major challenges that the CMTF experienced in identifying issues that should be addressed in the Environmental Impact Statement and Overseas Environmental Impact Statement is the many unknowns that were left unanswered in DoD's scoping presentations. The CMTF and each of its Subcommittees feel that it is presumptuous to "assume" any one growth pattern. Most of the comments in this document highlight the lack of information that is needed to plan for growth and to develop and provide meaningful scoping contributions to the EIS/OEIS process.

INFRASTRUCTURE IMPACTS

GUAM WATERWORKS AUTHORITY

BACKGROUND

The Department of Defense has invited comment from the general public and public agencies on the scoping of an Environmental Impact/Overseas Environmental Impact Statement (EIS/OEIS) regarding the repositioning of Department of Defense (DOD) forces in Guam. The projected military buildup on Guam includes the Relocation of U.S. Marines Corps Forces, 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. In addition, the military has proposed projects and force increases such as the extension of Kilo Wharf, development of additional submarine space at Polaris Point and numerous upgrades on Anderson Air Force Base.

The Guam Waterworks Authority (GWA) notes that these actions will have considerable impact on water and wastewater infrastructure and all of these impacts should be scrupulously and conscientiously evaluated within the EIS/OEIS document.

GWA POSITION ON MILITARY BUILDUP

Over the last decades, the national focus has been for DOD to concentrate on defense activities and allow civilian government and private sector professionals to manage and operate support functions such as utilities. Numerous privatization contracts on both the Navy and Air Force installations on Guam illustrate that similar advantages can be had by moving in accord with the rest of the country.

In the past, the DOD on Guam has generally followed an "inside-out" approach to wet utility infrastructure. That is, independent utility infrastructure is constructed on and between military installations to support the primary mission. Excess capacity is sold to the civilian government agencies and facilities are transferred to the same when no longer needed by the military. It appears that a similar approach is being taken with the proposed action.

It is clear that DOD must have access to reliable, redundant, and sustainable utility infrastructure in order to successfully implement its primary mission. The argument for the historical "inside-out" approach to infrastructure development is that such reliable, redundant and sustainable utility infrastructure is not available from the civilian government and private sectors. In the past this was indeed the case. However, GWA believes that this paradigm is no longer applicable. Significant strides have been made to improve all aspect of GWA operations.

Therefore GWA believes that an "outside-in" approach should be given primary consideration in all aspects of utility infrastructure planning pertaining to the proposed military development. First consideration should be given to investment in existing local infrastructure to build the reliability and redundancy that can adequately support the primary military mission and simultaneously benefit the civilian population.

IMPACTS AND SCENARIOS TO CONSIDER

The following sections contain a list of concerns and/or specific options that GWA would like to be considered in the development of the EIS/OEIS. The specific options listed are utility development options that GWA believes can meet both the needs of GWA and DOD. These options may be the most economical and environmentally friendly option to address specific needs and should be given fair and reasonable consideration.

General

- Direct Coordination Between EIS/OEIS Consultant and GWA: During the development of the EIS/OEIS, project consultants should coordinate directly with GWA personnel, as delegated by the General Manager, in order to ensure full understanding of the concerns and impacts expressed herein.
- GWA Water Resources Master Plan (WRMP) Population Forecasts: The recently completed WRMP forecasts population growth linearly based on historical data. Proposed infrastructure capacity upgrades are roughly based on these population projections. The military build-up has the potential to render the projections and associated project schedules null and void.

Although the current proposal would bring the total number of military personnel on Guam to a number similar to that of previous decades, the total population on Guam has significantly increased since that time. The impact of the proposed expansion will be fundamentally different than in the past. The EIS/OEIS cannot view the build-up simply in terms of on-base impacts. Even in the unlikely event that all additional military personnel and their dependents are all housed on base, the support personnel required to realize the increase in construction and long-term support services will significantly impact off-base population. This will run the gamut from teachers and day care provider for dependents and MWR personnel to expanded restaurants and entertainment establishments that will be developed to serve the increased DOD population.

Demands for water and wastewater loads will rise much faster than the projections in the WRMP, creating a need to revisit long term planning and funding forecasts (as approved by the U.S. EPA). The EIS/OEIS should evaluate WRMP population; recommend more appropriate projections based on military activities; and assess the

impact of revised population projections on WRMP project scheduling and funding projections.

- Evaluate Impact And Magnitude Of Capital Project Cost Increases: The sheer breadth of the proposed build-up will increase competition for A/E consultants, materials, and construction entities. The competition will drive up costs and will negatively impact the ability of GWA to implement much needed capital improvement projects as defined in the Water Resources Master Plan and unrelated to the military build-up. The negative impact will be exacerbated should the military decide to pursue an "inside to out" approach in which infrastructure to support the buildup is accomplished without consideration to the use and improvement of existing local utilities. In that case, GWA's \$100M CIP budget will be in competition with the \$15B DOD project budget. Being "priced out of the market" might mean that GWA would be unable to support these needs.
- Impact On Availability Of Technical Professionals: Significant growth in private developments, much of which is driven by the anticipated military growth, is already being experienced at GWA. Our paired-down staff is struggling to meet current demands. There is a current shortage of the professional and technical staff needed to meet existing workload. The needs gap will be exacerbated as development increases in anticipation of the military buildup. Additional staff will be required in order to insure that new development is done properly and does not become a burden to GWA rate payers.

As the large scale projects to support the DOD plan commence, the demand for skilled professionals in the private sector will increase as well in order to support implementation of these projects. Private financing may lure skilled professionals away from the public sector. It will be very difficult for public sector agencies to compete with private sector financing for these professionals.

- Inspectors will be required to verify that construction is completed in accordance with GWA rules and regulations and consistent with industry standard practices.
 - Professional Engineers will be needed to verify that the existing systems have sufficient capacity to satisfy increased demand and loading; to determine where upgrades are required; and to develop projects to address those upgrades.
 - Certified Operators will be needed to maintain expanded water and wastewater systems. DOD and GWA are already in competition for the few certified operators and skilled technicians available on island; expansion of on-base facilities will increase this pressure on both, while shared facilities would allow continuation of GWA's employee development and training plan.
 - Technicians such as electricians and mechanics are already in short supply on Guam, and additional personnel will be needed for system maintenance and repair.
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- Impact on Cost of Utility Service to GWA Customers: There are many areas of the island in which the GWA does not have a water distribution system but in which the Navy does. In order to provide water service to residential customers in these areas, GWA will enter an agreement with the Navy to buy water and subsequently provide service to these residences as GWA customers. The Navy and GWA currently have disparate rate structures with the Navy rate structure being greater than that of GWA. Therefore this provision of service is done at a net financial loss to GWA. GWA is able to do this because the number of customers is relatively small. However, should DOD pursue a primarily inside-out approach to this effort, there will likely be a need created requiring GWA to purchase significantly more water from the Navy in order to meet customer demand. This could have a significant financial impact on GWA. The EIS/OEIS should evaluate development options to completely avoid this scenario or evaluate mitigation measures such as rate structure parity with GWA that would mitigate the impacts.

Water System Impacts and Options

- Option of Leak Repair as an Alternative to New Source Development: The development of new water sources (wells) is being considered as an option to meet water demands. The potential impact of additional pumping on the sole source aquifer is not clearly understood. There are high water losses in both the Navy and GWA water distribution system. The GWA WRMP projects that future demands can be satisfied by recapture of water losses without having to develop new sources. Coordinated leak repair and/or line replacement in both GWA and Navy systems should be considered as source option to meet future demands of both entities.
 - Strategic Coordination and Integration of Distribution Systems: GWA believes that the GWA and the military should develop a long term vision and roadmap for the full coordination and integration of water distribution systems on the island. It is understood that the implementation of the vision may take place over a long period of time in order to address DOD concerns about the reliability and sustainability of existing GWA facilities. All projects implemented as part of this DOD action should be defined and developed to be consistent with a common long term vision.
 - Option of Extension of GWA System as Andersen Backup: Andersen Air Force Base has insufficient water supply to support the proposed USMC presence. Interconnection with the GWA system to supplement existing systems and to provide backup should be considered as an option to the proposal to extend the Navy system to the area.
 - Option of Extension and/or Expansion of GWA Distribution System to Support North/South Finegayan: North and South Finegayan have inadequate supply and storage. Interconnection to the GWA system and the provision of common storage facilities should be considered as an option to the development of new independent system.
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- Option of Coordinated Groundwater Under Direct Influence (GWUDI): Both the Navy, the Air Force and GWA are facing significant costs to install new treatment facilities should the Northern Aquifer be declared to be GWUDI. Coordinated efforts to address the treatment requirements could reduce the financial impact to all parties due to economies of scale. Options to mutually address GWUDI issues should be considered.
- Impact of Population on Existing Pumping, Distribution, and Storage Facilities: As previously noted, even if all military personnel are housed and served within base confines, significant civilian personnel will be required who will not be housed on base. Numerous GWA distribution lines and booster pump stations and storage facilities have been identified as needing upgrade due to future WRMP growth projections. Increases in these projections will mean inadequate funding for the infrastructure growth, leading to reduced water pressure and inadequate fire flows, which are both a high cost to ratepayers and a serious safety hazard.
- Coordination of Utilities with Defense Access Roads (DPW LRP-B20): GWA is working to reduce dependency on Navy water for customers in Agat and Santa Rita. Successful reduction of the dependency will create excess capacity for the Navy that could be used elsewhere without having to develop new sources. One barrier to reduced dependency in Agat and Santa Rita is limited ability to move water from the North. It is understood that a defense access road between naval magazine and Anderson Air Force Base is being considered as part of the overall scope. Installation of water transmission lines under portions of the proposed road could reduce GWA dependency on Navy water and should be considered as a "source" option.

Wastewater System Impacts

- Increased Environmental Impact of Multiple Wastewater Treatment Plants (WWTP): Duplicate wastewater systems will multiply environmental risk. For example, GWA is installing a new deep ocean outfall at their Northern District Wastewater Treatment Plant. This outfall has been designed to allow for future growth, and will discharge the treated effluent from a plant that currently treats sewage from both NCS Finegayan and AAFB. A duplicate plant and outfall would double the environmental impacts, quadruple project costs for the military, and is clearly contrary to DOD policy.
 - Option of Combined GWA/Navy Agat WWTP: The Navy has already identified a probable future need for additional treatment facilities for its southern bases (Apra Harbor, Naval Magazine and Polaris Point). As long ago as 1992 a feasibility study was done that identified the potential for a shared sewage treatment plant located at GWA's Tipalao property (located across from Camp Covington). GWA will be building a new secondary wastewater treatment facility on this property with or without the addition of DOD flows. The WRMP identifies this project as a 2012 need. GWA's Agat WWTP (which will be replaced by the new Tipalao facility) and
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the Navy's Apra Harbor WWTP already share a deep ocean outfall. Increasing the designed capacity of the new plant to accommodate Navy flows would be far less costly and have far fewer overall environmental impacts than building two new plants in the same area.

- Option of Expanded Northern District WWTP: GWA currently treats all wastewater from AAFB and NCS at this plant. GWA did not anticipate expanding this plant (based on WRPM projections) until 2015. Pushing up this deadline and combining efforts with DOD for a plant expansion could be cost effective for both systems. The advantages of a single outfall are noted above. Additional advantages include already existing collection systems.
 - Evaluation of Anderson Air Force Base Wastewater Characteristics: GWA has never characterized any of the wastewater discharges from any of the military facilities. The build-up and expanding industrial activities can be an opportunity for GWA and DOD to coordinate on potential pretreatment requirements. A treatment system included as a part of a Northern District upgrade could conceivably be far more cost effective to install than building a new treatment or pretreatment facility would be.
 - Impact of Population on Collection and Pumping Facilities: As previously noted, even if all military personnel are housed and served within base confines, significant civilian personnel will be required who will not be housed on base. Several GWA sewer lines and pump stations have been identified as needing upgrade due to future WRMP growth projections. Increases in these projections will mean inadequate funding for the infrastructure growth, leading to sewer backups and overflows that are both a high cost to ratepayers and a serious environmental and health hazard. Additionally, both GWA and DOD existing sewer lines are currently significantly deteriorated; a joint inspection and repair program potentially using in situ repair techniques currently not available on-island would be extremely beneficial to both.
 - Impact on Aquifer Due to Growth in Unsewered Areas: The WRMP identified significant unsewered areas in the Northern Aquifer watershed. Many of these areas are adjacent to the military bases. Growth in this area due to an increase in various off-base and support personnel could have a considerable negative impact on the aquifer from which both military and GWA wells draw.
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GUAM POWER AUTHORITY

Infrastructure, Ports:

- In considering the benefits of fuel diversification, one alternative is coal-fired generation. Delivery of coal supplies to such plant would require new dock facilities to accommodate shipping and transportation from the dock to the coal storage facilities. Consider the need to reserve space for any future potential coal shipment handling facility.

Infrastructure, Energy:

Generation Expansion and Fuel Issues

- Conduct an economic forecast to support relocation
 - Provide any additional information to improve GPA's models or to concur with GPA's current outlook
 - Prepare load demand and energy requirements for the transfer and buildup period.
 - Compare these requirements with GPA's assumptions used in GPA's Integrated Resource plan
 - Compare GPA's generation planning criteria of one day in four and a half years LOLP against DOD's requirement
 - Determine the added cost for the more stringent planning requirements
 - Investigate alternative fuels to mitigate rising diesel fuel (petroleum) costs
 - Identify the premiums to place on fuel diversification
 - Determine the DOD funding level for fuel diversification or renewable energy
 - Determine if GPA's fuel reserve policies are sufficient for the DON/DOD mission requirements (GPA's fuel inventory policy is to maintain a reserve of Residual Fuel Oil between 30 and 60 days)
 - Determine the fuel reserve requirements DON/DOD expects GPA to maintain for normal and critical operations
 - Determine DON/DOD funding required to expedite/accelerate existing equipment modifications/upgrades for any additional infrastructure (bulk storage) to support new fuel types and increased reserves?
 - Determine DON/DOD funding required for construction of additional storage tanks to meet DOD/DON requirements
 - Determine DON/DOD funding required for the additional fuel inventory required.
 - Explore various business models under which GPA purchases bunker fuel to meet inventory requirements to support DON/DOD.
 - Consider whether there are benefits to DON/DOD participation in GPA's residual fuel oil hedging program
 - Investigate the benefit of DON/DOD having the Authority purchase a fuel swap or other hedge instrument not currently authorized by the Guam Public Utilities Commission
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- Investigate whether DON/DOD desires arranging for an annual fixed price for fuel
- Review the single berthing & pipeline for tanker discharge condition and investigate the feasibility of additional berthing or pipelines for the purposes of increasing security and hedging against system unavailability...investigate economics and benefits of DON/DOD funding this additional infrastructure
- The Japan base relocation is a fast track project which may require improvement to existing infrastructures. Determine and articulate DON/DOD's commitment to ensure that the local community is not impacted with the move if GPA is not able to complete infrastructure improvement by the anticipated relocation. This could be due to funding issues, delays due to restoration after a typhoon or other catastrophic events, etc.

Separation from IWPS Grid Issues

- Assuming there are planning scenarios that include separation of the DOD power system from the island wide power system:
- Determine the rate impact on the civilian community and the impact of stranded assets recovery on the civilian community
- Determine the extent of separation from the GPA grid impact:
 - Transmission assets that are to be conveyed under the CSA
 - Tie-in to the grid
- Investigate any federal laws or requirements that prevent any adverse affects or impact on the community

Power System Issues

- Review the DON/DOD position and requirements for under frequency load shedding (UFLS), to include funding to mitigate the requirement, for the following:
 - Upgrade to Generator Governor Controls
 - Improvements to system protection and SCADA communications
 - Automatic transfers to existing backup generation
 - Special tariffs for exclusion from the UFLS.
- Investigate the following related to reliability and power quality concerns that have surfaced regarding GPA electric service
 - Power quality
 - Outage frequency and durations
 - Equipment obsolescence
 - System upgrades
 - Funding Source for c. and d. above
 - Rate Impact/mitigation

Backup Generation Issues

- DON/DOD has openly discussed options for construction of power generating facilities within the base parameters. GPA is confident that it can support DOD.
-

Determine DON/DOD's requirements for GPA that will keep it a customer of GPA.
Determine and provide DON/DOD requirements for:

- Planning and operations criteria
- Performance monitoring and reporting
- Criticality of loads
- Backup generation
- Power Quality.

DON/DOD Procurement Related Issues

- It has been brought to our attention that DON/DOD will create a Special Process Entity (SPC) or a core group to handle all procurement and contracts to support the Japan base relocation. There is concern that GPA will be excluded from discussions that may ultimately require GPA support to maintain or operate power utility facilities.
 - Determine how GPA can be allowed to compete within the SPC/SPE process.
 - Describe the alternatives to this SPC/SPE.

Conditions of War

- Determine any special/requirements during times of war or high security alerts in relation to the IWPS including:
 - Personnel
 - Assets
 - Vehicles
 - Access Restrictions (Tanguission Fuel Line, 115kv Maintenance Roads, WSD generators at GWA pump stations, etc)

Upcoming Studies & Projects

- Articulate what studies DON/DOD will conduct to determine impacts of the Japan base relocation. (e.g. Transmission planning, Cost of service, Generation expansion)
- Determine how GPA can actively participate in these planning studies.

Infrastructure, Water/Wastewater:

- The Cabras-Piti Complex contains the bulk of GPA baseload generation. This area gets its water from DON.
 - a. Investigate any impacts to current and future requirements for water supply to the Cabras-Piti Complex.
-

PORT AUTHORITY OF GUAM

Historically, the Port Authority of Guam (PAG) has been the venue through which military goods and equipment are off loaded. However, even before the actual relocation of equipment, military personnel and dependents, there will be an increase in cargo and personnel associated with the infrastructure build up to precede the actual relocation. This will have a more immediate impact on the capacity and operation of both our island's air and sea ports.

Furthermore, after the initial construction phase is completed, there will be an increase from the present flow on the number of military passengers and cargo (household items, POVs, commissary items, etc.) With that, we would like to see included in the EIS:

- An examination of the Port Authority of Guam's present Infrastructure. Provide projections for future infrastructure requirements in the areas of oil storage, water, sewer, electrical, data and communications systems, wharf waterfront expansion, warehousing and/or container yard expansion to accommodate realistic and expected future expansion.
 - An analysis of how the Department of Defense (DoD) will identify and address short term requirements, as well as to enable our ports to be in a position to provide for its sustained long term needs to include funding needs and potential funding sources.
 - A detailed analysis of the impacts of the Transient US Navy Nuclear Aircraft Carrier (CVN) at Naval Base Guam, ordinance handling operations at areas within the inner and outer harbor, particularly how it would affect or extend the Explosive Safety Quantity Distance (ESQD) arc and restrictions on operations on the civilian and recreational areas of the outer harbor.
 - Impact on Harbor Traffic – With the increase in traffic at the military side of the harbor, PAG operations may be affected. Although few, there have been instances in the past when the arrival of military vessels is kept confidential and only made known to the community when it is at the mouth of the Harbor.
 - Impact on current tugs and pilot services – Will the current resources accommodate both the military and commercial sides of the harbor? If a military vessel arrives, will the commercial vessel be expected to wait for the return of the tug and pilot?
 - Examination of the impact the anticipated increases in vessel activity, in both Inner and Outer Apra Harbor would have on future requirements/adequacies of navigational aids for the harbor waters under the Port's jurisdiction.
 - Mitigation plans for oil spills caused by Military activities.
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- Environmental impact potential for proposed dredging and construction activities at Apra Harbor related to Kilo Wharf.
- Environmental impact and containment plans in the event of a nuclear accident resulting from the Nuclear Vessels operating at Kilo Wharf, i.e. Nuclear carriers.
- With the USMC to be berthed on Guam but transiting primarily by sea to conduct training and, if necessary, to engage in combat, will the commercial port of Guam be designated a Seaport of Embarkation/Debarcation for military outload operations? If so, how will this increase in military operations impact the safety and security risks to the island's only commercial port? How will necessary upgrades to the commercial port's security be implemented/funded? How will the additional maritime safety and security requirements associated with military outload operations be accommodated by U.S. Coast Guard Sector Guam?
- The potential of invasive species, to include Brown Tree Snakes on other areas of the Pacific. The probability of these invasive species entering or leaving Guam on a military aircraft or container vessel will rise proportionately with the increase in air traffic and movement of personnel and cargo to and from Guam.
- The Port Authority of Guam is also mandated to provide support for recreational activities such as the small boats marinas and other community support functions. What impacts will be felt by the civilian community in providing this support for our military users?

The Port is presently obtaining consultant services to update the Port Authority of Guam Master Plan. It is strongly recommended that environmental documentation determining the impact of the proposed military relocation, and other anticipated major DOD developments, on the Port's infrastructure be compiled in conjunction with the preparation of the PAG Master Plan update. Also, given that the Port will be the first major infrastructural component in the local community to experience the impacts of the growth, we request that this coordination receive priority scheduling in the EIS process.

A.B. WON PAT GUAM INTERNATIONAL AIRPORT AUTHORITY (GIAA)

I. Background

The 2006 agreement between the United States and Japan to shift approximately 8,000 military personnel and their dependents from Japan to Guam is reflective of the island's strategic importance to the Department of Defense's (DoD) overall military posture. Given the island's geographical location in close proximity to major Asian countries provides the DoD with the opportunity to position forces on a permanent and rotational basis. The pre-positioning of military assets on Guam will help decrease DoD's response time to a crisis or contingency in the region.

In light of the above, the projected military build-up presents Guam with a unique opportunity to work closely with DoD agencies to identify areas of interest, issues or concerns and produce an Environmental Impact/Overseas Environmental Impact Statement to assess and address these items in its final report.

II. Overview – A.B. Won Pat International Airport Authority, Guam (GIAA)

The A.B. Won Pat International Airport Authority, Guam (GIAA) is the caretaker's of Guam's only commercial airport, the lifeline to the island's tourism-driven economy. An autonomous instrumentality of the Government of Guam, GIAA is licensed and certified by the Federal Aviation Administration (FAA) as the airport operator for island. An essential facility and service provider for the island of Guam, GIAA provides services to major international and regional airlines serving 22 destinations and employment opportunities for over 6,000 Guam residents.

Situated atop a bluff located in the middle of the island, the Won Pat Guam International Airport occupies approximately 1,622 acres of property that was formerly known as the U.S. Naval Air Station, Agana (NAS). A former Joint Use Airport, NAS was converted to a civilian operated airport in April 1995. In September 2000, GIAA received the deed from the federal government that conveyed the airfield, runways, taxiways and other properties designated for airport purposes. Designated by the FAA as a "Small Hub" Airport, annual passenger activity exceeds 3 million per year. The following is an overview of GIAA's properties and facilities:

1. Terminal Facilities
 - a. 767,553 square feet with over 76 ticket counter positions
 - b. 48 immigration and 42 customer inspection stations
 2. Gates
 - a. 21 aircraft parking positions
-

- b. 18 common use terminal gates
- 3. Runways
 - a. Runway 6L/24R – 10,000 feet (plans underway for extension to 12,000 feet)
 - b. Runway 6R/24L – 10,000 feet
- 4. Taxiways – plans are underway for the completion of a 12,000 feet parallel taxiway anticipated to be completed EOY 2008
- 5. Cargo Facilities
 - a. 43,990 square feet air cargo warehouse
 - b. 11,527 square feet of office space, consolidated shipping and express mail services
- 6. Other facilities and Areas
 - a. 24 Acres located on the North East part of the Airport
 - b. 86 Acres of former military housing units
 - c. 100 Acres of property to include aircraft hangars, ground support equipment maintenance facilities, storage facilities, warehouses, and barracks facilities

III. Current and Planned Improvements

GIAA has invested over \$500 million in Guam's commercial airport and is expected to complete or commence 59 projects worth over \$150 million over the next 18-24 months (please see the attached project listing). Many of the capital improvement projects are focused on infrastructure maintenance and development such as the runways extensions, taxiway construction, pavement strengthening, utilities projects, and integrated cargo facility; property development to create diversified revenue streams; and terminal upgrades to improve passenger facilitation and enhance the overall traveling experience. Many of these projects are driven by the projected forecast and growth of commercial aviation activities.

IV. Scoping Concerns for GIAA

In light of the projected military build-up, the following are areas of interest or concerns that GIAA would like to see addressed in the EIS/OEIS to be prepared by the DoD:

- 1. Projected Growth in passenger, cargo and aircraft traffic.

GIAA's projected forecasts were conducted in 2005 and earlier. While military traffic was taken into consideration, the figures used were based on the current military profile of the island at that point in time and did not reflect Guam's increased military posture for 2008 and beyond.

2. Impact on current and planned airport projects given the projected growth outlined in Item #1.

GIAA's capital improvement program is focused on infrastructure development and maintenance, property development and revenue diversification, and terminal upgrades to improve passenger facilitation and overall enhancement of the traveling experience. These projects are driven by the projected forecast and growth of commercial aviation activities.

3. Impact on additional infrastructure requirements for airfield, terminal, cargo facilities, road access, traffic pattern and circulation, and utilities infrastructure to ensure compatibility with current and future military aircraft operations or personnel movements.

GIAA's capital improvement program is based on the needs of the commercial aviation industry now and through the year 2025. Moreover, GIAA is limited in the expansion of its airfield infrastructure. Additional infrastructure requirements that are not identified in GIAA's current CIP program or planning horizon may have an impact the surrounding communities.

4. Impact on existing environmental mitigation programs.

GIAA has several environmental mitigation programs underway and the environmental baselines were based on current commercial aircraft activity with minimal military traffic. The following are GIAA's existing environmental programs.

- a. Noise Compatibility Program – the level of activity and type of aircraft deploy may affect our existing noise contours that were approved in 2004 by the FAA as part of GIAA's existing Noise Compatibility Program.
- b. Hazardous Spill Prevention Control and Countermeasures – what type of material and supplies would military aircraft contain and what controls or measures are in place to mitigate contamination or spills.
- c. Military Fuel Lines and Easement Boundaries – there are portions of the military fuel line that are located on airport property. What are DoD's mitigation and remediation action plans in the event of a spill or leak from these fuel lines?
- d. EPA Compliance Requirements – How will DoD address the federal EPA mandates with regards to conduct aircraft operations at the Guam International Airport?

5. Implementation and Funding Sources for additional infrastructure requirements

- a. Develop logical implementation schedule – work closely with GIAA to incorporate infrastructure development plans in accordance with GIAA's ongoing capital improvement program
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- b. Identify funding sources – GIAA's capital improvement program is 90% funded by the FAA. In addition, GIAA is a designated Military Airports Program grant recipient and is also eligible to receive grants from other federal agencies such as the Federal Highway Administration and the Economic Development Agency.

ENVIRONMENTAL IMPACTS

Guam Environmental Protection Agency

The Guam Environmental Protection Agency (Guam EPA) recognizes the need for repositioning of Department of Defense (DOD) forces in Guam and provision of infrastructure to support the increased needs of the DOD. In response to the Notice of Intent by the Department of the Navy to produce an Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) on the impacts of 1) proposed relocation of 8,000 Marines from Okinawa to Guam, 2) facilities for berthing of nuclear aircraft carriers at Guam and 3) placement of an Army Ballistic Missile Defense Group on Guam, the Guam EPA provides the following comments. We request that these be included in scoping input to the development of the Draft and the Final EIS.

Why an "Overseas EIS"?

Previous DOD EIS's for Military Training in the Marianas (1998) and for Relocation of Navy Activities to Guam from the Philippines (1993) were not OEIS's. What are the proposed actions and impacts that are to be "beyond 12 miles " from US shores that are said to trigger the need of an OEIS? Will application of the OEIS lessen the concerns and responsibilities of DOD that would otherwise be addressed in an EIS? Will impacts to the environment of the Commonwealth of the Northern Marianas be addressed equally as those to Guam's environment?

National Defense Concerns Versus NEPA:

What circumstances relative to National Defense would override, modify or cancel the NEPA requirements applied to these proposed actions and the development of the EIS/OEIS?

Cooperating Agencies:

How much will each Cooperating Agency contribute in resources, manpower and funds to this NEPA EIS/OEIS effort?

Infrastructure, Wastewater:

Wastewater collection and disposal systems must comply with Guam EPA Wastewater Regulations. The projected increase in numbers of DOD personnel and families precludes the use of individual wastewater disposal systems. As is implemented elsewhere on DOD properties on Guam, connection to the public sewer system is needed. Partnership of DOD with the Guam Waterworks Authority (GWA) on comprehensive upgrades of total facilities should be part of the DOD expansion. The DEIS must propose and evaluate alternatives that may best serve both the civilian and the military

communities on Guam through a comprehensive island-wide approach with GWA. The recent GWA Master Plan was developed to cover the period of the planned military expansion but was done before the information on increased military expansion was available. The EIS/OEIS process should revise the GWA Master Plan to include new military impacts.

If a more comprehensive wastewater collection system for all new or expanded DOD activities in northern Guam cannot be completed in time for planned expansion, the DEIS/OEIS should address this. In such an event, a temporary arrangement of special wastewater treatment facilities, that have effluent of drinking water quality discharged on the site, may be considered, if this can be built and operated to Guam EPA approval, with no impact on the aquifer below. DOD must coordinate with the local Guam Waterworks Authority on the total projected amount of wastewater from the DOD properties that will be treated at the Northern Sewage Treatment Plant. Under the necessary comprehensive approach to all DOD increased activities, extension of sewer facilities to new residential and other areas is needed. Also, plans must be approved to share in the up-grade and maintenance costs of sewer distribution and treatment once the existing DOD Wastewater MOU expires in 2010.

Alternative solutions to treating and disposing of the increase of wastewater from the planned DOD developments need to be addressed. The GWA Northern Wastewater Treatment Plant (WWTP) is out of compliance with its National Pollutant Discharge Elimination System (NPDES) permit from EPA. GWA is trying to make improvements to meet requirements under a Federal Stipulated Court Order. GWA may need to upgrade this WWTP to secondary treatment if Clean Water Act Section 301(h) requirements and water quality standards cannot be met. If the GWA improvements can be supported in the form of mitigation from the DOD impacts, the necessity and cost of secondary treatment may be avoided, through EPA's agreeing to continue GWA's waiver from secondary wastewater treatment requirements under Section 301(h) of the Clean Water Act.

Infrastructure, Drinking Water:

Plan review for expansion of the drinking water systems to service all DOD facilities will be required by US EPA and Guam EPA. Regardless of their owners and operators, the water distribution systems, including water storage tanks and water line connections must be inspected for compliance to meet Guam and U.S. Safe Drinking Water Standards. Existing capacities, projected needs and recommended approaches to meet those needs should be considered. The impacts of using alternative sources of drinking water should be assessed. These alternatives should consider surface water, ground water, recycled water, desalination and various treatments needed for future water sources and combinations of these sources. Partnership of DOD with GWA on comprehensive upgrades of total water facilities should be part of the DOD expansion. Impacts on Guam's population of such cooperative development of infrastructure versus separate DOD developed and operated systems must be addressed.

The EIS/OEIS process shall address the cumulative impact of the military build-up on the 2006 Guam Water Resource Master Plan to include the DOD's proposed future developments and evaluate alternatives that may best serve both the civilian and the military communities on Guam through a comprehensive island-wide approach with GWA. Accelerated replacement of leaking GWA and DOD water lines and development of new planned storage reservoirs should be emphasized to recover and store the lost water in lieu of developing new water sources. Such alternatives must be considered as well as water conservation and recycling.

Groundwater:

A series of assessments on ground water must be carried out as part of the EIS/OEIS. Cumulative impacts of military expansion and relocation on the US EPA recognized sole source aquifer of Guam need to be addressed. Increased pumping from the aquifer for all DOD uses shall be assessed relative to its corresponding sub-basin's sustainable yield. Because of pollution risks to currently utilized ground water resources, the issue of ground water under the direct influence of surface waters (GWUDI) must be assessed and its impact on cost and availability of water to serve the increased needs of expanded population and developments must be evaluated.

Extension of sewer facilities to unsewered developments off federal lands done in a coordinated comprehensive approach with GWA to protect the Guam Northern Aquifer while developing expanded sewer facilities for military customers must be considered.

The impact of existing TCE and PCE pollution on production of well water for expanded military needs and the alternatives for removing this pollution as part of the drinking water source development must be considered. The closing of the Tumon-Maui Tunnel and the closing of the Air Force air stripping facility in Dededo for well water should be reconsidered among alternatives for water production. Replacement of the air stripping facility with a granulated active carbon filter system as used at Guam International Airport for former Naval Air Station contamination clean-up, at two of GWA's water wells and two privately owned water wells, which have been quite successful in the removal of contaminants, should be considered.

Storm Water Management:

The Guam EPA requires that all storm water disposal, up to the 20-year, 24-hour storm event, be contained on-site of the proposed facilities. Permits for and upgrades to stormwater management systems will be required to accommodate the large expected increases to the flows and decreases to quality of the storm water, whether discharged to the ground or to surface waters.. New expansion construction and upgrades to air strips, wharves, roads, parking areas or other impervious surfaces should have management controls consistent with the Government of Guam's legally applied Stormwater

Management practices and this must be recognized as part of the mitigation under the EIS/OEIS. Special attention to the Federal Sole Source Aquifer designation of the aquifer under Northern Guam must be included in the DEIA/OEIA. Impacts of deviation by the DOD from practices enforced by Guam EPA for stormwater management, as applied on all non-DOD properties on Guam, must be addressed.

Erosion Control:

All proposed activities involving clearing and grading should comply with best management practices applied throughout Guam. Agency permit fees shall be paid where applicable. Environmental Protection Plans (EPP) are required for clearing and grading activities. Stormwater best management practices and erosion control measures shall be implemented for construction and post-construction phases. Vegetative waste should be composted, mulched and diverted from the waste stream going to the landfill. Prior to the commencement of earthmoving activities, local government clearances from the Guam EPA (e.g., for water quality impacts) Department of Agriculture (for wildlife and endangered species), Department of Parks and Recreation's Historic Preservation Office (for historical and archeological concerns) must also be obtained.

Quarries:

Expanded demand for quarry materials for military construction and off-base construction triggered by the military developments must be assessed and matched to existing and new quarry sites. Impacts of the uses of the quarries and selection of sites and methods that are least damaging to the environment, and to human and natural resources should be assessed and developed into a comprehensive quarry development plan for Guam. The EIS must propose and evaluate alternative quarry materials sources that may best serve both the civilian and the military communities on Guam through a comprehensive island-wide partnership (shared development).

Production of limestone sand from quarries for all uses of sand should be required, rather than use of submarine and beach sources of sand.

Radon Abatement:

Guam EPA encourages that all new proposed dwellings, dormitories, barracks, classrooms and offices in northern Guam be designed as Radon Resistant New Construction Buildings, since they will be built over limestone topography known to emit unsafe levels of radon gas. Impacts of not doing so should be addressed in the EIS.

Air Pollution:

Impacts of emissions due to potential increase of demands from existing power suppliers or the construction of new power sources, including back-up power sources and waste to

energy production, need to be assessed and related to compliance at all potential Guam sites. Impacts of increased vehicle and vessel emissions on Guam air quality should be addressed.

Solid Waste and Construction and Demolition(C&D) Debris:

The AAFB has been successful in reducing and diverting waste, especially green waste, from landfills. Similar and improved new methods to reduce and recycle solid waste should be addressed in the DEIS/OEIS and impacts on landfill requirements noted. Partnership possibilities with private and Government of Guam recyclers should be considered. Assessment and recommendations should be made on limiting landfills to a single, privately operated one for all of Guam, regulated by an autonomous authority. The change to the lifetime of this already planned landfill due to increased waste from the expanded population due to military build-up must be calculated in the EIS. Temporary alternatives on military property should not be proposed without assessment of their impacts on development of the proposed single landfill for all of Guam. The impact of the transportation of increased solid waste to the new landfill facility should also be addressed.

C&D debris from DOD activities should be recycled as much as possible. Capacity to recycle old concrete from demolition sites exists on Guam. If the hardfill material resulting from demolition in DOD projects is to be disposed of off-Base, the current inventory of Guam EPA permitted hardfill sites must be evaluated in the DEIS/OEIS to see if they can accommodate the quantity of hardfill to be generated. If there is not assured capacity, alternatives must be proposed. Alternatives that may best serve both the civilian and the military communities on Guam through a comprehensive island-wide partnership (shared development) for hardfill management should be evaluated.

A recycling program encompassing all federal and non-federal activities on Guam should be considered, to include aluminum cans, cardboard, paper, plastics, glass, metals, wood and green waste. Separation and private curb-side collection for recycling of these materials needs to begin very soon and this should be promoted through a joint Military and Government of Guam approach. Impacts of not doing so should be assessed.

A deposit on all white goods, TV's and other appliances, aluminum cans, plastic bottles, and glass needs to be initiated Island-wide, with full commitment of the DOD, to promote recycling. Or else an alternative means of funding the collection and recycling of these items should be recommended, as is done on Saipan.

Hazardous Waste and Installation Restoration Sites:

Management practices and impacts of hazardous waste, inclusive of waste propellants, explosives, pyrotechnics, used oil; etc. must be addressed. Potential hazardous wastes from construction, demolition, training, restoration and support services must be included. DOD should have generic contingency plans that should outline procedures that DOD will

adhere to in the event that they find adverse environmental conditions during the buildup, this may include but not limited to buried or submerged drums/containers, contaminated soil/water, UXOs, as well as experienced "spotters" that can identify these situations.

Installation Restoration sites such as the Military Munitions Response sites, and the "over-the-cliff" dumping onto Urunao private properties and other clean-ups need to be incorporated in assessing of best alternative development sites. Unexploded ordnance from WWII and other widespread and often unrecorded military contaminants are in jungle areas, submerged lands and currently undeveloped military sites. This can impact site selection and costs of new developments. Known IR sites and timelines for cleanup actions need to be considered in the DEIS/OEIS review of alternative development sites.

Toxic or Environmentally Harmful Chemicals:

Impacts from increases in imports or in generation or storage of toxic chemicals or chemicals that may harm the environment must be addressed.

Pesticides Use:

Impacts of the use of insecticides, fungicides, rodenticides, and microbicides in DOD operations, construction, renovation and maintenance should be addressed. A Pesticides Use Plan should be required for all DOD activities.

Explosives Hazards:

Land use and water use impacts and potential natural resources impacts, especially to native species, from military explosives must be addressed.

Firearms Training Impacts:

For planned location of firearm training areas, the EIS must look into the impact of the noise that may disturb the normal activities of native species as well as human uses of land and waters. Besides land and water uses impacts, impacts to the environment from bullets, shell casings and firearms use residuals must be addressed in the EIS. The impacts of bullets on the marine environment should be assessed over the life of a shooting range. Clean-up of these training wastes must be planned and therefore shooting out to sea can not be acceptable. If an alternative includes shooting over the marine environment, the methods and costs of removal of bullets from the coral reefs protected by US Executive Order must be addressed.

Beach Landing Training Impacts:

Amphibious landing exercises will have impacts on coral reef conservation, beach and coastal area erosion, and migratory shorebird feeding, and can conflict with other uses of

natural resources and land and water areas. These issues all need to be addressed and impacts of all classes of proposed craft in all possible use areas must be separately addressed.

Electromagnetic Radiation Impacts:

Any possible or perceived impacts from electromagnetic radiation related to military activities and possible health and land use impacts must be addressed.

Nuclear Radiation Impacts:

Any possible or perceived impacts from nuclear radiation related to military activities and possible health and land and water use impacts must be addressed.

The current level of radioactivity in Apra Harbor (water and submerged lands adjacent to Polaris Point or the Inner Harbor) and the sources of this radioactivity must be assessed. What types of radioactive monitoring or surveying are done on military installations and at Guam sites external to the bases? What are the types of samples, periodicity of sampling, the isotopes and radiation of concern, and locations of sampling? What monitoring processes are employed? What is the turnaround time for results? What federal and Guam agencies receive these monitoring results?

Will there be a cumulative increase in background radiation levels due to the additional nuclear vessel activities in the Harbor or at the other proposed sites?

Native Species Habitats:

Significant cooperative activities among the DOD, and U.S. and Government of Guam agencies concerned with endangered species and native species conservation have progressed over many years. Habitat areas on DOD property have been used for cooperative conservation projects. The DEIS/OEIS must note impacts to listed species and address protection of their habitats, including providing improved studies and re-evaluation of their habitats near DOD development sites. The EIS must propose and evaluate natural resource conservation alternatives that may best serve both the civilian and the military communities on Guam through a comprehensive island-wide partnership. Management through accepted ecosystem approaches should be described.

Special attention must be given to native Guam tree snails which have been inadequately addressed in previous impact studies. All native tree snails have been badly impacted by human activities, especially removal of vegetation and introduction of alien species. Three of these species are listed as endangered on Guam. For example, the Draft EA for the proposed Beddown of Training and Support Initiatives at Northwest Field, listed tree snails as "not present ". But one species was recently rediscovered by the Director of the University of Guam Marine Laboratory while performing a study for the Air Force at

Northwest Field. This species had not been seen anywhere since its original discovery before its scientific description in 1898 (Reference: Barry D. Smith, 2000, Land Snail Survey of Proposed Cargo Drop Zone at Northwest Field, Andersen Air force Base, Guam).

Loss of vegetation serving as habitat and food sources for endangered tree snails, birds and bats and impacts on native species from all new developments and from DOD related population growth needs attention in the DEIS/OEIS. Information on impacts to Guam species and alternatives and activities to mitigate impacts on these species should be addressed. We believe that a comprehensive mitigation plan is needed in regards to overall impacts on living plants and animals from all the proposed DOD activities. This should include recommendations on mitigation banking possibilities for future impacts.

Cumulative impacts to health of ecosystems, including coral reefs, must be addressed.

Also, improved management of impacts from introduced species and procedures to prevent new introductions on land and in fresh and marine waters should be addressed

Apra Harbor Resources:

Impacts of the creation of wharf facilities to berth the CVN, as well as other expanded needs of the Navy, the Marines and the Coast Guard in Apra Harbor will seriously impact the many existing and potential uses of Apra Harbor. Outer Apra Harbor is one of the cleanest harbors in the world, with its clear waters and numerous coral, fish and invertebrate species. Because of the many existing uses occurring in Outer Apra Harbor, a comprehensive conceptual plan for all uses, including the planned new military uses, should be prepared as part of the EIS and its implementation by all users promoted. A partnership approach to such planning among Government of Guam, Federal resource agencies and the DOD will best serve both the civilian and the military communities on Guam and the National interest.

Alternatives to destroying the coral reef shoals in Apra Harbor must be developed and promoted in the EIS to allow a turning basin for the aircraft carriers that will visit Guam. These various shoals, including Western Shoals, Middle Shoals, Dry-Dock Shoals, Jade Shoals, Finger Reef, Sponge Reef and Hidden Reef are beautiful healthy coral areas with highly diverse fish and invertebrate species. These are areas that the tourist industry as well as the local population and military residents utilize for sport scuba diving, and snorkeling excursions. Protection of the shallower shoals from ship groundings and boat damage would be aided by better marking of the various shoals with proper buoys. Development of deeper artificial reefs in Apra Harbor would not mitigate damage to these shoals.

Increases in sea traffic and related restrictions or limitations on commercial and recreational water uses in Apra Harbor must be addressed.

Impacts beyond Inshore Waters:

If the Overseas EIS is being done because developments or changed uses are planned in areas beyond 12 miles from shore, these uses, their alternatives and their impacts should be described. No proposed activities in these waters have been named, but JGPO has said that the reason for an OEIS is because of some kind of activities and impacts will be beyond 12 miles.

Cumulative Impacts:

The Guam EPA has reviewed the scoping needs for the impacts expected from the actions noted in the NOI for the EIS/OEIS, as a separate group of impacts, not encompassing the significant interactive and cumulative impacts of related DOD proposed developments not only to current local conditions, but also to proposed or anticipated local development/growth. The overall cumulative impacts of additional projects and developments directly and indirectly caused by military expansion on Guam need to be addressed as thoroughly as possible in the DEIS/OEIS. For example, some of the many inter-related DOD activities that are ongoing and planned for development on Guam include the redevelopment of munition igloos at Andersen AFB, establishment of Global Hawk activities, the proposed Beddown of Training and Support Initiatives at Northwest Field, the expansion of Kilo Ammunition Wharf, the improvements to support nuclear submarines, the development of on-base schools, associated sports facilities directly related to school activities, library expansion, military education center expansion, facilities outside of the DoDEA school and higher education systems to provide collaborative opportunities and joint program planning for K-16 yet to be determined, barracks, housing and supermarkets, etc.

We request that the DEIS/OEIS include more than summary tables of the ongoing and expected projects. The cumulative and interactive impacts of each proposed project need to be addressed along with local future development/growth. Discussion should be provided on compatibility and interdependency of projects and ways to mitigate overall impacts. Comprehensive approaches to accommodate infrastructure needs and the lessening of any resulting negative impacts overall need to be addressed in light of all DOD activities.

The inclusion of impacts from transient DOD personnel and construction and service workers must be added to impacts of those based on Guam in all issues addressed in the EIS/OEIS.

Cumulative impact analyses should include not only direct impacts, but also impacts indirectly caused by military activities. Many indirect impacts due to the proposed build-up covered by this EIS/OEIS are already occurring, such as increased property sales,

production of barracks for construction workers, increased immigration or return of previous residents to Guam, etc. Statistics and projections on these changes and impacts must be generated for the EIS.

The logical reference point for measuring cumulative impacts must be established, such as environmental conditions at a certain point in time, e.g., 2006.

Mitigation:

Previous mitigation by the DOD on Guam and in the CNMI for environmental impacts has not been successful, such as the Navy mitigation for construction of Kilo Wharf. Much improved and permanent mitigation must be planned in this EIS/OEIS. We believe that a comprehensive mitigation plan is needed in regards to overall impacts on living plants and animals from all the proposed DOD activities on Guam. This could include recommendations on mitigation banking possibilities for future impacts. Impacts and mitigation for other islands should also be addressed.

The potential value of determining compensatory mitigation actions through the technique of Habitat Equivalency Analysis (HEA), as is being used for Kilo Wharf expansion mitigation, should be discussed and its application to all DOD projects impacts evaluated.

Mitigation for impacts to the human environment should consider provision of DOD lands for public uses such as recreation or a new public landfill and sharing of DOD resources such as those for mass transportation.

Impacts on Regulating Agencies:

We are particularly concerned over the anticipated impacts of increased military presence on Guam on the ability of Guam Environmental Protection Agency to provide the services which we are mandated to perform under US and Guam laws. The same concerns apply to other Government of Guam regulatory agencies.

Although plans, sites and detailed information on the relatively huge and sudden establishment of new facilities to be addressed in this EIS are not yet available, as well as information on other possible DOD projects and secondary impacts, these must be taken into consideration. Our estimates on anticipated impacts on Guam EPA services can only be general and preliminary at this time, and subject to revision as more information becomes available.

Wastewater: Whether the DOD develops its own or, as logically expected, uses Guam Waterworks Authority owned and operated wastewater collection and disposal systems, they must comply with Guam EPA Wastewater Regulations. A comprehensive wastewater collection system for all new or expanded DOD activities on Guam needs to be developed and coordinated with the GWA Master Plan, then approved by GEPA. DOD must

coordinate with the Guam Waterworks Authority and GEPA on the total projected amount of wastewater from the DOD properties that will be treated by GWA. Sewer connection permits, treated wastewater discharge permits and plans and designs for collection and treatment systems, all need Guam EPA engineers detailed reviews and approvals.

Drinking Water: Guam EPA will need added resources to review plans for expansion of the DOD drinking water systems and their meeting legal requirements , while not impacting resources necessary for non-DOD water users. The water distribution and treatment systems, including water storage tanks and water line connections must be inspected by Guam EPA for compliance to meet Guam and U.S. Safe Drinking Water Standards.

Clearing, Grading and Excavation: Most new DOD facilities will involve clearing and grading, which require Guam EPA permits following plans being reviewed by GEPA engineers. An Environmental Protection Plan (EPP) is also required for clearing and grading activities. If surface water may be impacted, a Water Quality Monitoring Plan must be filed with GEPA and approved for each project. Plans for best management practices applied to stormwater disposal and erosion control measures must be reviewed, approved, permitted, and then after construction, monitored by GEPA staff. New expansion, construction and upgrades to air strips, parking areas or other impervious surfaces should have management controls consistent with the Government of Guam's legally applied new Stormwater Management practices. Although the DOD does not apply for Guam Building Permits for construction on Federal properties, the private contractors working on DOD projects do apply for the various GEPA permits. Planned new developments over Guam's federally recognized Sole Drinking Water Source Aquifer will require increasing scrutiny by the already overworked GEPA staff.

Water Quality Certification: All US Clean Water Act Section 401 permitting is administered by Guam EPA. Related review of wetland permits and of Federal Consistency Approval under the Coastal Zone Management Act are also carried out. Projects from military expansion will increase workloads for all of these.

Solid Waste: GEPA must permit and regulate landfills that accommodate military expansion, and also must regulate other disposal activities and the expanded waste storage, recycling, waste separation, collection and transfer activities expected. GEPA plays a major role in having future military solid waste management be integrated with the public waste management system and having DOD utilize the new Guam Sanitary Landfill.

Significant amounts of Construction and Demolition(C&D) Debris are expected to be generated by upcoming military developments. This requires development and permitting of new hardfill sites.

Even the existing GEPA mandates for regulating and planning for these solid waste activities remain unfunded by the US and by Guam General funds. The added responsibilities for expanded military developments must result in added resources of

manpower, equipment and operational funds for GEPA to meet its mandates on solid waste management planning and regulation.

Hazardous Waste and Clean-Up Sites: Amounts of pesticides and hazardous materials linked to the military expansion will increase on Guam, needing additional Guam EPA resources for monitoring, permitting and enforcement.

Dozens of Installation Restoration (clean-up) sites of hazardous wastes on DOD properties (and overflowing from DOD properties, such as over the cliff at Urunao), as well as off-Base, Formerly Used Defense Sites (FUDS), are recognized. Many more on Guam may be found in the future as resources become available to identify them. These are being assessed and slowly restored to allow safe, but often restricted, uses of at least adjoining properties. GEPA through its DSMOA program plays a key part in promoting and overseeing such clean-up activities. Increased DOD developments will lead to pressure to increase and speed up the investigation and restoration of these hazardous waste sites and will increase generation of new hazardous waste to be managed. This will expand the already burdensome load on GEPA resources.

Air Quality: Permitting and monitoring of air quality related to increased releases of pollutants from military facilities, vehicles and equipment or private and Guam Government facilities, vehicles and equipment serving increased DOD demands, will increase the demands on already insufficient Guam EPA resources.

Off-Base Impacts: A very significant increase in off-base population would occur as a result of the importation of labor necessary for construction. Most of the laborers for DOD construction would have to be temporarily brought in to Guam.

Housing Facilities for Temporary Workers (Barracks) will cause many impacts involving land use and infrastructure permitting and planning by GEPA staff to mitigate and control. Likewise, related increases in traffic and government services for the imported workers will demand GEPA attention. The DOD may not assume primary responsibility for these impacts, making the work of GEPA even more difficult. The immediate increased demands on water, sewage and solid waste disposal from the influx of new workers will only aggravate the existing severe violations of environmental standards by the Government of Guam, as illustrated by the Federal Court ordered Consent Decree and Stipulated Orders.

New road construction has always been a regular burden on GEPA reviewers and permitting staff and this should greatly expand with urgent requirements for roads needed by the military.

The expected DOD construction both off and on Base will require massive amounts of quarried materials that will also lead to more review, permitting and inspection work by GEPA staff.

Wherever they are located, military developments, private and public developments triggered by the DOD expansion and even plans for expanded programs, will generate extensive EIA/EIS documents with strict timelines for review and comment. GEPA is already understaffed in manpower able to conduct these reviews and provide required formal comments.

Loss of Qualified Staff: Besides directly generating much more work for the GEPA staff, the urgent and well funded DOD development projects promise to lure more and more capable staff trained by GEPA to abandon the Agency for more lucrative positions in support of the military expansion. Several extremely important and experienced staff have already made this move in the last year. This is crippling the ability to fulfill GEPA mandates, while the demands and workloads are simultaneously greatly increasing. The EIS may address impacts on the permit processing resources and resulting delays in permit approvals and discuss the secondary impacts and costs resulting from these delays.

Infrastructure, Energy:

Partnership of DOD with GPA versus separate DOD developed and operated systems should be evaluated for impacts to the environment and to customers.

New alternative energy options to replace traditional sources of power should be evaluated, such as wind generation, cold seawater air-conditioning, ocean thermal energy conversion, methane from the Ordot Dump, waste-to-energy and solar power. These can prevent increased pollution that would be generated by expanded use of diesel, oil, solid waste or coal as fuel.

Military facilities should be designed for energy conservation and existing buildings should be modified to promote conservation.

Due to the many typhoons that Guam experiences, more reliable underground utilities need to be installed and the old system of power poles needs to be removed. In the past, after large storms have hit the Island, it has taken from 1 week to more than a month in some of the outlying areas for power to be restored. This is because of wind damage to power lines and equipment. Also, security of these utilities from other threats, such as vehicle accidents or terrorist and vandal actions would be served by relocating them underground. Current technology easily allows underground replacement of above ground lines. Costs and impacts of acceleration of this conversion, on and off DOD property, as related to the military build-up should be addressed.

Infrastructure, Traffic and New Roads:

With approximately 40,000 active duty personnel and dependents added to the island, what additional numbers of government and personal vehicles will be needed? What percentage will be importing their vehicles to Guam? What will be the impact to traffic? What will be the impact to Government of Guam Motor Vehicle Registration and licensing resources and services?

All Guam residents anticipate serious problems of increased road traffic accompanying the population changes tied to DOD expansion, and are concerned about development of new roads to link military operations. Much information and detail of alternative roads and their impacts must be covered in the EIS and Guam Highway Master Plans should be updated to coordinate with military road plans.

Potentials for bicycle use on and off base should be assessed and how to meet needs for safe bicycle paths throughout Guam should be considered.

Management of stormwater runoff must be incorporated in all plans and designs for new roads and road improvements. Where new roads are planned, impacts to wetlands and areas of environmental concern must be addressed.

Coordination with Government of Guam

All regulatory agencies of the Government of Guam will apply their permitting and regulatory responsibilities, as required by US National laws and Guam laws, to the activities undertaken by the DOD and its contractors to support relocation and expansion of the military on Guam. To avoid problems and delays in the progress of the support actions, regular dialog and communication among the DOD, its contractors and Guam agencies, including the Guam Bureau of Statistics and Plans, the Guam Environmental Protection Agency, the Guam Department of Agriculture and the Guam Department of Parks and Recreation should be held. The permits, approvals and consultations needed from Government of Guam Agencies as well as from other Federal Agencies should be noted as part of the draft EIS/OEIS.

Recreational Resources:

Impacts to Water Recreational Resources & Facilities: What numbers of additional active duty personnel and their dependents and military transients will be scuba diving, snorkeling, sailing, fishing, jet skiing, boating and competing with residents and tourists for dive, snorkel, fishing, and vessel use sites? This may be estimated from projections based on current Guam statistics on DOD associated divers and boat owners. Should the Recreational Water Use Master Plan and Recreational/Marine Preserve Permits limit the number of people at environmentally sensitive areas (like they do for Hanauma Bay in Hawaii) to minimize impact to those sites e.g., at Piti Bomb Holes Marine Preserve?

Increased impacts on marina facilities and moorings for boat will be impacted and should be assessed. The EIS also should estimate the impact of increased recreational and commercial fishing, due to population increases, to the local fish resources. Mitigation for these increased impacts must be detailed.

Increased use of public areas: Impacts must be assessed and mitigation planned for increased demands for off-base playgrounds, beaches, parks, picnic areas, sports facilities (soccer, football, baseball, softball, swimming, tennis, basketball, paintball, cock-fighting, volleyball, etc.), hunting areas, camping areas, off-roading vehicle use areas, fishing areas, conservation areas, hiking trails, biking trails and paths, and other public areas. This includes direct demands from military population increases and indirect increased demands from additional population triggered by the Military build-up.

Impacts to animal facilities:

With approximately 40,000 active duty personnel and dependents to the island, how many will be bringing their pets? What is the impact to pet quarantine facilities and veterinarian services?

SOCIO-ECONOMIC IMPACTS

MASS TRANSIT

Observation- a review of Department of Defense (DOD) facilities and land holdings on the Island of Guam show that they are spread throughout the island from south, central, east and north as follows:

- South- Naval Ordinance Annex, Apra Heights
- South-Central- Apra Harbor/Naval Station, Tenjo Vista Tank Farm, Sasa Valley Tank Farm, Nimitz Hill, Naval Hospital
- East- Barrigada Transmitter Site, NCTS Barrigada, Anderson South
- North- South Finegayan Housing, NCTS Finegayan, Northwest Field, Anderson Air Force Base

Most if not all of these facilities are separated by civilian/government lands and foreseeable traffic generation can be expected to increase using the local transportation networks (roads). As such, it is safe to say that most of Guam's public roads will be impacted depending on the level of increased activities connecting these facilities. Furthermore, traffic generation between military installations and civilian/private/government such as commercial, business and residential zoned areas can also be anticipated.

Based on the assumption that any proposed construction of housing facilities will be centrally and northerly located (*Andersen South, expansion of South Finegayan Housing, NCTS Finegayan*), thus increasing traffic movement in the already populated central and northern areas of Guam (*Mangilao, Dededo, Yigo, Barrigada, etc.*)

Traffic can be expected to increase connecting these populated areas as well as traffic generation into the existing commercial and business districts on Guam (*Dededo, Tamuning, Hagatna*), and connecting to southern military facilities (*Naval Station*). The major highways that will be impacted are:

- Route 1- Marine Corp Drive- from AAFB to Naval Station;
- Route 3-North
- Route 15- East
- Route 16-Central
- Route 10 and 4-Central

Traffic generation can also be expected to increase on Route 7 leading up to Naval Hospital with the proposed expansion of the hospital, the construction of a new high school and other related facilities.

Likewise, traffic generation associated with direct military functions and activities can be expected to increase between Naval Station/Ordinance Annex (south) and AAFB(north).

Public (Mass) Transit and Impact of Military Buildup:

Currently, the government of Guam through the Division of Public Transit Services, Department of Administration operates a public transit system supported by a fleet of fifteen (15) buses. This system has been in operations for over 20 years and is comprised of three (3) service categories:

- *Fixed Routes* - this system utilizes 4 of buses on a fixed schedule with designated bus stops connecting three (3) major hubs, Chamorro Village (central), Agat Mayor's Office (south) and Micronesia Mall (north);
- *Demand Response Services* - this system utilizes 6 buses and is designed to serve as a feeder shuttle service into the fixed routes. Riders using this service are required to call in to the dispatcher to schedule a ride.
- *Para-Transit Services* - this system utilizes 5 buses and are reserved for individuals with a disability who are certified by the Department of Administration and issued a Paratransit ID card;

Over the past five years, the transit system has seen an increase in riders using the system averaging over 20,000 rides (Pax) per month. This number is expected to increase among the present population as dependency continues, and the quality and efficiency of the system improves. The increase in population as a result of the military buildup will result in additional increases in the volume of riders.

The public transit system in its current state is facing difficulties with keeping up with the local demand for services. The added demand from the military community as a result of the increase in military population will place additional as well as new challenges on the Guam Public Transit System.

It is estimated that at least a ten percent (10%) increase in ridership will result from the military community. This translates to about 2,000 additional rides per month just from the military community. It is anticipated that the Guam Public Transit System will have to expand current service routes and add new routes to serve the various military facilities.

The EIS should explore the consolidation or integration of both the Guam Public Transit System and military resources (buses, facilities, etc.) to better serve both population segments. This approach of consolidation or integration of resources should be seriously considered today and in the preliminary planning process that will benefit both military personnel/dependents and the civilian community. If the military currently has a bus system in Okinawa to service its personnel, then consideration should be given to

relocating those buses to Guam to augment the existing public bus transportation system. Potentials and impacts should be considered in the EIS for alternative systems to busses.

CULTURAL AND HISTORIC RESOURCES

The Environmental Impact Statement (EIS) Study should address social and cultural related issues, with the aim to:

- ensure a smooth transition of military members and their families, as well as for the people of Guam;
- ensure the continued preservation of Guam's culture and lands;
- foster and promote civilian and military relations;
- improve the quality of life for military members and their families while stationed on Guam and the local population;
- ensure inclusion of the military members and their families into the community to the maximum extent possible;
- investigate the potential, mutual synergies and efficiencies using shared federal and local resources to support the above objectives.

The following should be included in the EIS study to determine the impact to the community of Guam:

- Assess the attitude of the people of Guam and develop recommendations to mitigate and dispel the ill-perception of "why" the U.S. Marines were forced to leave Okinawa (e.g. rape of a minor, cultural differences, etc).
 - Based on statistics of U.S. Marines in Okinawa pertaining to the ill-effects (e.g. crime, Sexually Transmitted Diseases (STDs), alcohol-related crashes, bar fights, unwed pregnancies, etc), assess Guam's infrastructure and capacity to handle a proportional increase to its existing infrastructure.
 - Assess Guam's current infrastructure in terms of family entertainment, art, music, and cultural activities/alternatives and identify recommendations to overcome any identified shortcomings.
 - Assess Guam's current plans for the Guam Museum and identify cost efficiencies for integrating military history on Guam and the potential for shared funding, while Museum project is still in development (e.g. consider an integrated island-wide museum plan (e.g. National Park Service, Guam Museum, COMNAVMAR, Andersen AFB, and Micronesia Area Research Center).
 - Assess the feasibility of a joint partnership between the military, GovGuam, Consulates and Tourism entities to develop a *cultural reception center* for all newcomers that promotes Guam's culture and resources that ensures quality of
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life during their stay on Guam and provides a better understanding of Guam's "way". Such a center could be located in areas like

- hotel lobbies through Concierge services
 - A. B. Won Pat Guam International Airport
 - Guam Visitors Bureau
 - MWR offices
 - Department of Parks and Recreation postings
 - Assess the available resources to ease the transition of a military member/family moving into and living on the economy (living outside the fence), and identify what village Mayors can do to support their transition (e.g. linking to other families as a local support group).
 - Assess the feasibility of the COMNAVMAR and Andersen AFB historians to educate the public to gain better understanding about the military in Guam to include the development of
 - orientation and cultural sensitivity programs;
 - training programs as appropriate for distinct populations; and
 - Materials that are culturally and linguistically accurate.
 - Assess the current cooperation between the military and local communities and identify recommendations to better integrate the military and local communities to include
 - bringing arts and culture groups to the table to think, act, and invest in what makes Guam unique;
 - increasing awareness, education, and outreach arts and cultural programs;
 - continuing to align villages to various military groups;
 - Creating a steering committee of civilian and military members to coordinate programs for the benefit of the public.
 - Assess the feasibility of utilizing local visual and performing artists during military related functions to foster and promote Guam's culture.
 - Assess the current interaction between DoDEA and GPSS and identify recommendations to integrate or identify collaborative school activities to promote anti-racism and gain a better understanding of cultural differences (e.g. invite DoDEA schools to GPSS schools during Chamorro Week, invite GPSS to DoDEA during Black History Month, other special events, etc.) and to also include
 - increase effective marketing to expand audiences and encourage greater participation and support of the arts by our residents;
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- Build on Guam's unique heritage, develop cultural tourism, and bring the arts & culture to the military through cultural and recreational activities and events.
- Identify if sufficient programs are available to ease the transition and, if not, identify programs that have worked in other communities.
- Identify an annual budget to support any recommendations stemming from the EIS study for social and cultural programs.
- Assess the DoDEA curriculum to determine if it is sufficient to educate youth on Guam's history and culture to include
 - bringing in knowledgeable experts to teach Chamorro language and culture;
 - building a resource pool of Chamorro language and culture teachers and utilizing that resource;
 - bringing Pa'a, CAHA, and other cultural groups to provide programs to the military; and
 - Reviewing and implementing a comprehensive Chamorro Guam-based curriculum in DODEA schools.
- Assess the requirement for additional Chamorro language and culture teachers to include necessary training, resources to teach the teachers, and venues for practical experiences.

Historical and Archeological sites: Every new development site proposed in the EIS alternatives must receive formal historical and archeological site impact review, evaluation and mitigation.

PUBLIC SAFETY AND LAW ENFORCEMENT

Assess the impact of the increased number of military personnel and their dependents, DoD civilian personnel and their dependents, and contractors (i.e. foreign labor workers, US companies) on Guam's law enforcement resources, to include the impact upon Guam's adult and juvenile correctional systems, confinement/rehabilitative facilities, court system, and victim services. Identify actions that will be taken to mitigate negative impacts and jurisdictional issues.

In order to accurately evaluate the impact the military will have on Guam's prison system and its criminal justice system, historical information is required. Data and an analysis of it from various units stationed in Okinawa and other neighboring areas that is related to military and local arrests is needed in order to project the true impact upon Guam's criminal justice system based upon data. The analyzed data should include the number of military personnel that were arrested by local authorities annually in order to accurately project any real impact on our prison system.

The United States Military may have plans to build a correctional facility or brig for all its military personnel but that may not be applicable for local arrests for violations of local laws. This may include for instance: Family Violence, Assault, Murder, Rioting, Theft, Sexual Assault, Robbery, Drug Possession, Public Intoxication, DUI, and a host of other violations that local authorities would have primary jurisdiction.

If we took the assumption that only 2% of the 20,000 military personnel and family expected would be arrested or get in trouble with the law, Guam will need 300 cells. This is a small percentage with a huge impact. Guam's adult correctional facility in its present state would be unable to provide a safe and healthy environment for these prisoners. This enormous impact would be further exacerbated if the local population were involved in the crime. This could impact our prison population exponentially.

HEALTH AND SOCIAL SERVICES

Comments are grouped by main categories. These categories include: general health issues; general mental health, substance abuse and developmental disability issues; general social issues; human resources; funding; infrastructure; policy and legislation and; health insurance. The scoping comments reflect the broad spectrum of healthcare and social services. Following is an overview about the *types of major activities* that should be undertaken by DoD to assess and mitigate impacts:

- Feasibility for partnerships
 - Ascertaining a baseline of services and quantifying military expansion efforts
 - Impact on the system of care for health & social services
 - Impact on existing respite, emergency, day care and residential treatment homes
 - Determining the impact on "minoritization" of indigenous Chamorros; weakening civilian personal and local identities; increased segregation and discrimination; disintegration and weakening of familial and kinship networks; increase in mental health and child abuse problems; capacity building of local health and social services; increased segregation and discrimination and building communication structures between local and military communities
 - Cost benefit investments and analyses of local infrastructures and off-island investment services;
 - Assessing standards of care and ethical requirements
 - Workforce capacity and ability to sustain services post construction phase
 - Current capacity to respond to wide spread epidemics, mass casualties, acts of terrorism, etc.
 - Impact of adult industry (bars, parlors, alcohol and drugs) on health and social welfare
 - Examine the policy of Food Defense and Terrorism for food distribution and outlets to reduce the risk of intentional food contamination between military and civilian
 - Cross mandatory reporting, sharing of information concerning health and welfare of children, seniors and general public health
 - Full inventory assessment of Guam's medical capacity and assess the cost-benefit of shared resources to conduct health screening, x-rays, laboratory exams, and specialized operations
 - Identify health and social high risk factors associated with population expansion
 - Assessing available federal funding streams
 - Analyses of health insurance structures and disparities
 - Local and military policies in accessing healthcare
 - Identify and maximize synergies and cost efficiencies in utilizing joint resources to improve health care and social services (shared funding, shared resources)
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It is important to note that while these scoping comments are specific to health and social services, it should be recognized that transportation, labor, education, infrastructure, public safety, housing, social and cultural issues, and economic development are interrelated areas that impact health and social services.

General Health Issues

- Study the feasibility for partnerships for the provision for health
- Consider the scenario: 2 years from now, over 40,000 people will move to Guam as part of the military's strategic defense plan. Report on the findings with respect to what impact it will have on Guam's health and social service delivery system: hospital and clinic facilities, medical, allied health and social service personnel, funding, supplies, medical equipment, and technology. With the findings, what impact will it have on family, community and social well being?

General Mental Health, Substance Abuse and Disability Issues

- Examine the impact military expansion will have with respect to drug and alcohol abuse on the community, criminal justice system
- Assess the current system of care and the potential impact it will have on residential treatment, the court system, to provide for those who need mental health, substance abuse and disability services
- Assess military expansion plans for mental health and substance abuse treatment and developmental disabilities and determine what measures are needed to meet demand for services.

General Social Issues

- Evaluate military policies to determine if they can be modified to accommodate the local situation.
 - Examine the extent the impact would have upon family income levels and its effect on the welfare system and potential disparities resulting
 - Examine the laws and processes for investigation and resolution of offenses and criminal acts committed by military personnel and their dependants.
 - Conduct a study to determine the impact on the following: "Minoritization" of indigenous Chamorros; weakening civilian personal and local identities; increased segregation and discrimination; disintegration and weakening of familial and kinship networks; increase in mental health and child abuse problems; capacity building of local health and social services; increased segregation and discrimination and building communication structures between local and military communities.
 - Explore the impact on respite care services, emergency shelters for battered women and their children, foster care homes.
 - Assess the impact of existing child care services and foster services to meet the demand
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- Conduct a sustainability plan post military buildup

Human Resources

- Assess the scale of margin with respect to the capacity of medical (family practice, pediatricians, public health doctors, for eg.), nursing, dentistry, pharmacy, barbering and cosmetology, optometry and allied health;
- Assess current workforce capacity of healthcare/ social service providers in both public and private sectors and determine the impact if adequate human resources are not obtained;
- Examine the workforce capacity to handle substantial increase of patients/consumers/customers

Funding

- Determine federal funding streams that are being initiated specifically to address the increase of military personnel on health and social services.
- Conduct a study of similar communities and population size that experienced military expansion and determine the economic impact it had on the health and social service system. What lessons learned would assist Guam's health and social service system in projecting and planning for appropriate funding levels, shared funding and other economy of scales?
- If federal and local funding remained at same levels what would be the implications for sustaining quality of care
- What funding levels would be necessary on an annual basis for 5 years to meet expansion plans for the needs for health and social services?

Infrastructure

- Evaluate the cost benefit of investing in the local infrastructure in lieu of building a brand new Naval Hospital or build a hospital that allows for both military and civilians (the public) to utilize, where there is a shared investment in hospital equipment and facilities.
 - Conduct cost benefit analysis of improving local infrastructure versus providing care off-island
 - Assess current healthcare and social services (hospital, clinics, residential treatment homes, shelters,) and identify areas where capitol investment can be directed to provide care locally vise off-island
 - Assess potential for Guam to serve as a healthcare hub for the western pacific region
 - Study Guam's Emergency Medical Services and Emergency Triage system and determine the human resources, and infrastructure capacity needed to meet military expansion efforts and potential threats to the community if needs are not met
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- Assess Guam's capacity to respond to wide spread epidemics, mass casualties, acts of terrorism, etc.
- Conduct a full inventory assessment of Guam's medical capacity and assess the cost-benefit of shared resources to conduct health screening, x-rays, laboratory exams, and specialized operations
- Identify health and social high risk factors associated with population expansion at this magnitude and determine the full impact it will have upon the current health and social service system.
- With respect to transportation, examine current plans and potential impact to gain access to emergency services, as well as health hazards resulting to fuel emissions
- With respect to the adult entertainment industry, (bars, night clubs, etc.) assess the level and severity of impact upon the community; what will be gained, lost and changed.

Policy & Legislation

- Examine disparities in local laws and military policies (ie) public health reporting, child abuse, environmental health and communicable diseases and its impact upon the community of Guam
- Examine the policy of Food Defense and Terrorism for food distribution and outlets to reduce the risk of intentional food contamination between military and civilian
- With existing public health laws governing animal and food borne complaints, assess the level of risk concerning "imported diseases" as a result of increased population numbers. What changes and/or developments must be made to control further diseases and new vaccines to control a public health outbreak?
- With respect to standards of care, conduct an assessment of regulatory requirements (medical and background clearances), institutional accreditation, provisions to practice at all levels of healthcare, licensing and certification to determine eligibility and quality and fair treatment for all people living on Guam
- Identify and maximize synergies and cost efficiencies in utilizing joint resources to improve health care and social services (shared funding, shared resources)

Health Insurance

- Examine Guam's health insurance industry for both civilian and military personnel and determine opportunities and treats to all family income levels and citizenship
 - Examine the major health policy plans (MIP/Medicaid) and determine the impact upon accessing quality of care
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Recommendations

The following need to be fully assessed by DoD in order to help mitigate negative impacts to Guam's health care and social service systems.

- It is necessary for the community to understand what the DoD policy is with respect to medical treatment, mental health, substance abuse treatment, etc. (e.g. off-base treatment, off-island treatment, etc) and it is necessary that DoD determine the potential impact to Guam's health system
- Focus on assisting the local hospitals and clinics (GMH, DMHSA, Public Health,) to become JCAHO accredited, so that the military can justify, utilize and pay for off-base treatment. Most clinics are JCAHO accredited; therefore, local clinics should be utilized to the maximum extent.

Assess impacts by addressing the following

- What will be the capacity at Naval Hospital and the AAFB clinic?
 - What medical assets will accompany the USMC move?
 - What social service assets will accompany the USMC move?
 - What family support service assets will accompany the USMC move?
 - What are the anticipated personnel/family demographics of the specific USMC units that are slated to move?
 - What are the current utilization rates for social services/family services of the specific USMC units slated to move?
 - Will current COMNAVMAR social service/family service functions be expanding?
 - Are there plans to expand the current US Naval Hospital Guam?
 - Do these plans include an expansion of services not currently provided by US Naval Hospital Guam?
 - What type of care is currently being referred from US Naval Hospital Guam to the local community?
 - Are there plans to recapture this work load?
 - What will be the use of military and their dependants in using welfare benefits (ie) WIC program
 - Are there plans to increase civilian hires of medical personnel from the local community?
 - Will the USMC move have an impact on the DoD/VA sharing agreement, with regard to care provided to VA patients?
 - What is the current level of capacity to provide services for the organization in the organization
 - Can the current level of capacity meet the anticipated growth capacity during military expansion and if not, what will be the solution
 - What are the anticipated nursing education needs of military personnel/family
-

- What are the educational levels of the military nurses/family members (particularly BSNs and MSNs)
 - Will the military contribute to expansion/renovation of the nursing school to accommodate personnel/family needing nursing education
-

OFF-BASE HOUSING, HOUSING DEMAND, RENT COSTS

The real estate market on Guam has spiked since the speculation of the military build-up. We have seen the increase in prices of land, homes and rental units. The long-term effects will be mainly on the low-income and working class families. Support personnel and contract workers will be arriving to augment the military expansion. Some may be temporary.

Rental prices near economic centers will increase driving those who cannot afford these rents further away from their place of work. Families may find themselves priced out of the market and have difficulty finding places to live close to our island's employment centers. Although Guam is a small island, affordable and reliable transportation could be a problem for those with rental affordability issues. While there are plans to construct housing within the military installations being planned, based upon current DoD policies and practices, its services members are given the option of living off the base and are given a housing stipend. This housing stipend exceeds the amount of money Guam's civilian community, and in particular those in the low to moderate income categories have available. As a result, most of the housing developments are now being geared toward the upper-middle income range.

It is anticipated that current housing production is not expected to match future demand and due to this lag, Guam will run a deficiency in the total housing and most especially affordable units needed. Taking into consideration a population growth that is planned in phases, one gray area is the external demands that usually accompanies any military build-up and effects it will cause. What the housing income mix will be is a factor that needs to be immediately addressed. Another problematic area is pressure being placed on current affordable rental units. While these units have long been a staple for Section 8 clients within the U.S. Housing and Urban Development's Section 8 vouchers program, military BAQ subsidies will adversely affect market conditions, since they offer a higher dollar scale for members opting to live off base. Shifting conditions such as this will inadvertently lead landlords to gravitate more towards military members and thus leaving Section 8 clients with little to no rental opportunities. One needs only to look at the current Hawaii rental market with a utilization rate in the 70 to 80 percent lease up rate for its Section 8 program where the low-end renters have been severely affected by this difference in scale.

Presently, the potential availability of housing for low to moderate income families that own property contiguous to military properties is being negatively impacted. They are often denied access to their property or they are denied access to nearby basic infrastructure such as water, sewer, power and established roads. The cost to develop their property in order to provide for access and infrastructure places their ability to build a home on their property out of their financial reach.

EIS Issues That Should Be Addressed:

- Off-base Housing

An increase in off-base population is now occurring, even as the DEIS is being developed, as a result of the importation of labor necessary for construction. Numbers of H2 workers and temporary alien employees as well as workers from the US and other territories and the Freely Associated States need to be estimated and their temporary and long term impacts addressed.

These contract workers may rent existing available dwellings and the economic impacts of this should be addressed. The impacts on current and projected home renters in the community should be assessed. Housing Facilities for Temporary Workers (Barracks) should be discouraged if they are not in a compatible land use surroundings and are not supported by the local community. The DOD should bear responsibility in these matters and cannot depend on its contractors to identify and mitigate impacts of temporary workers living off-Base. If sewer, roads and water are not available for the barracks, use of available rental units should be encouraged. Or, barracks on Base for future military uses may be addressed as an alternative means to house construction workers.

- Housing demand, rent costs:

The impact on availability and local costs for purchase or renting of housing because of demand from military construction and build-up must be assessed. This assessment should include:

- An in-depth housing needs and assessment study to establish a baseline that could shed light on future housing needs
- Future housing stock and affordability of housing in an escalating housing market
- Possible deficit of affordable housing inventory and correspond effects on low to moderate-income families.
- Current affects of local and military regulatory requirements that create barriers to future housing needs on Guam.
- Identification of ways to remove barriers and other impediments to allow for land resources impacted by military installation to be accessed by the civilian community

- Civilian Growth

As employment opportunities are generated by the proposed military installations, the civilian population will relocate to areas near the military installations.

- The impact of the housing demands and the location of the housing developments should be assessed even through they may not be directly related to the military build-up and the creation of new military installations.
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- Building materials costs:
 - The impact on availability and local costs for building materials because of demand from military construction must be assessed.

GUAM'S ECONOMY

Expansion of the Guam Economy

While it is generally understood that the military expansion program will have positive benefits for the Guam economy, the extent of benefits and any potential impacts on jobs, revenue and additional economic activity have not been quantified.

- The proposed action is expected to increase jobs, revenue and economic activity. The EIS/OEIS should forecast the financial impact of the proposed actions on the Guam economy. In particular, the EIS should project what the cost of living would be on Guam during the period of construction and operation associated with the proposed actions; the number and types of jobs to be created; and the revenues projected to be payable to the Government of Guam. It is expected that the proposed actions will create positive impacts which need to be quantified. However, increases may create adverse impacts as well, such as increases in the cost of housing and homelessness. The EIS must address mitigation measures for potential adverse impacts.
 - The military consistently indicates that military growth is good for the Guam economy since servicemen and women will spend money off-base. The EIS should project how much spending will occur off-base as well as on-base by the various industrial categories. This information will allow business to have market information required for business expansion and new business introduction.
 - Guam is aware that the Navy has decided against locating a carrier strike force in Guam and opting instead to locate the CVN in San Diego. Although we understand that the costs for locating a CVN were determined to outweigh the benefits, we recommend that the EIS address the location of an Expeditionary Strike Group on Guam, given the presence of Marines and the need to transport them. An Expeditionary Strike Group consists of troop transports and support vessels such as The Bonhomme Richard Expeditionary Strike Group that visited Guam in April 2007.
 - The EIS/OEIS should describe whether the assignment of active duty military personnel to Guam will allow Guam to collect income tax as allowed under Section 30 of the Organic Act of Guam. Section 30 allows Guam to collect income tax revenue from active duty personnel stationed on Guam. Currently, as many personnel have been only temporarily assigned to Guam, Section 30 taxes are not paid into the Guam treasury, even though temporarily assigned active duty personnel utilize services on Guam. The EIS must identify mitigation measures to resolve this impact if the military plans to assign active duty personnel to Guam on a temporary basis.
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- Companies doing business with the military are required to comply with Guam "doing business" requirements e.g., business registration, payment of gross receipts taxes, and other requirements. Current military contracts contain a provision which identify these "doing business" requirements but the contracts also state: "Business registration with the Government of Guam is not considered in determining contractor responsiveness or responsibility." At the very least, the EIS should recommend that contractors must be registered with GovGuam upon contract award.

Opportunities for Local Businesses

- Based upon a data base of military contract awards maintained by Guam Economic Development and Commerce Authority, on the average from FY 2002-2007, local contractors obtained 45% of the funds awarded but won 71% of total contracts. Greater opportunity for local businesses to obtain a larger share of the contract amounts awarded is sought.
 - The proposed action will result in significant funding for construction projects. This amount of funding and the scope of projects have and will continue to attract numerous off-island contractors. The EIS should evaluate impacts on local businesses and particularly on local small, disadvantaged and minority businesses.
 - The source of funds to implement the proposed action may not all come from DoD budgets. Non-appropriated funds are exempt from small business targets and if funding from the Japanese Government is considered non-appropriated, local small businesses will have difficulty obtaining a share of such funding. U. S. small business programs are not required to be followed by US contractors in Okinawa, nor can we expect Japanese companies who will use Japanese government funding to comply with small business programs. The EIS must evaluate methods to mitigate against these impacts on small business.
 - On the other hand, if funds to implement the proposed action are appropriated into the DoD budget, small business targets are nation-wide goals ie, if these goals have already been reached in other US locations, use of funding in Guam need not have small business goals. The EIS should evaluate the source of funds from the standpoint of local small business participation.
 - Alaskan Native corporations seem to have some kind of advantage in bidding for military contracts. If this is true, the EIS might evaluate the Alaska Native Corporation model for application to Guam businesses that have remained here during good times and bad similar to ensure greater participation in military contract awards.
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- Local businesses may have franchises to supply certain goods and services to Guam consumers but the military or its contractors can ignore franchises and deal directly with off-island business with the same franchise because Guam is an "overseas" area. The EIS should evaluate the designation of Guam as an overseas area with respect to franchises and ensure that local franchises are respected in the award of contracts.
- Local wholesalers are at a disadvantage in competing with off-island wholesalers since shipping of goods is subsidized by the military. The EIS should evaluate subsidies provided to off-island suppliers of goods and identify mitigation measures that provide greater advantages to local businesses or at least levels the playing field
- General Bice consistently mentions public/private partnerships as the way to fund most improvements needed on or off bases. The public/private partnership model appears to involve private sector start-up funding with an agreement that requires a long term lease of the facility by the military. Assuming that most local businesses do not have or cannot obtain the level of financing required for large military projects, the EIS should discuss how local business/residents can benefit from public/private partnerships. In addition, the EIS must evaluate different models for public/private partnerships and the Government of Guam should be involved in the planning for any public/private partnership to ensure that to the maximum extent practicable, local businesses are included in such arrangements.
- The Japanese Government will funnel its financial commitment of over \$6 Billion through "Special Purpose Entities" which will allow the Japanese to directly benefit. This method of project financing will impact on local businesses and financial institutions. The EIS should discuss how SPEs can be made to provide opportunities for island businesses and residents.
- The EIS should evaluate how military services that are not intrinsically governmental will be performed. If such services will be contracted to the private sector, similar to the Base Operating Support contract for Naval Base Guam, then scopes of work should be tailored to the capabilities of local companies. The EIS should also consider the application of a local business preference system similar to that afforded US companies that compete against foreign companies for U.S. work.
- The EIS should provide estimates of the annual amount and nature of ship repair work so that impacts on this important industry can be evaluated. The EIS should baseline current ship repair capabilities and evaluate them against future needs for ship repair.

Other Economic Considerations

- Most of Guam is considered rural for the purposes of U. S. Department of Agriculture Rural Development Programs. This allows very low to moderate income, first-time homeowners to take advantage of low interest rate programs for home purchases and construction. The 2000 US Census determined that the Village of Dededo is ineligible for USDA's housing programs. Increases in military personnel may result in Guam no longer being classified as rural and declared eligible for USDA programs. As a result of military growth, Tamuning, Yigo and other villages may become ineligible if village populations exceed the 20,000 population threshold for USDA's housing programs. The EIS should identify mitigation measures to off-set this impact.
 - USDA Rural Development's Business & Industry Guaranteed Loan Program provides a government guarantee to private credit to improve, develop, or finance business, industry, and employment and improve the economic and environmental climate in rural communities. This purpose is achieved by bolstering the existing private credit structure through the guarantee of quality loans which will provide lasting community benefits. The maximum loan that can be guaranteed by USDA is \$25 million. Currently, all of Guam is eligible for USDA's Business Programs since the population threshold is 50,000. However, village whose populations increase as a result of military growth may become ineligible for the Business Programs as well. Mitigation measures for this potential impact must be identified in the EIS.
 - The U. S. military owns a number of unused federal property particularly small, isolated parcels that are scattered throughout the island. Given their size and location, it is expected that these parcels of land will not be needed for military expansion purposes. The EIS should assess the need for land in Guam and should recommend release of those parcels not needed for expansion purposes to allow them to be developed so that they can contribute to the Guam economy and reduce federal costs of maintaining these properties.
 - The Guam Economic Development and Commerce Authority manages the former FAA housing area which is contiguous to NCTMS and the South Finegayan Housing area and the area across from the Andersen South Housing, now used for urban assault training. The EIS must evaluate impacts generated by military use of adjacent military properties on the potential for development and operation of these properties for non-military uses.
 - Commercial Fisheries and Transshipment: Guam has had a recent history of large scale fisheries industry using the Apra Harbor port facilities and linked air cargo resources and has had plans for expanded service of foreign and US fishing fleets. Some of the few remaining large scale fisheries resources in the world that are not over-fished, the Western Pacific tuna stocks, are in waters surrounding Guam. Impacts must be addressed on current and potential fisheries including
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transshipment through Guam and development of proposed new fishery facilities in Apra Harbor.

- Impacts on the Guam's tourism industry from the proposed DOD actions must also be addressed.

LABOR

The military expansion in the Mariana Islands poses many potential socio-economic changes that are best addressed with proper economic modeling to generate a range of data projections and produce forecasts for demographics, gross regional product, output (sales), wages and salaries, personnel income, employment and labor force to provide the basis for the analysis related to housing, retail, schools, social services, and local government impacts.

The approach must quantitatively measure where the island is now in terms of human capital, forecast what it will look like incrementally over the next 10 years, identify what resources are available and what resources are lacking, and provide practical alternatives on how best to address these shortfalls.

The plan for labor growth will specify all supporting data and assumptions used in making the recommendations. While the plan can be phased to address resources availability, the complete plan needs to include the following elements:

- A database of current available workers in terms of skills sets and trends that have occurred in these skills sets over the past decade.
- A listing of all potential military projects with as much definition as practically possible over the next 15 years.
- A forecast of the demand for skilled labors by skills sets, including the primary construction industry, the secondary service industry (support service) and the tertiary maintenance and repair industry over the next 10 years.
- A projection of certain significant aspects of the future Guam economy and, in particular, changes to Guam's cost of living in terms of housing, food, utilities, taxes, etc.
- An evaluation of manpower and staffing needs to support the delivery of service at the One Stop Career Center and partners.

It is recognized that the effectiveness of the strategic planning efforts is dependent upon the accuracy of the forecasts and on the ability of planning efforts to anticipate and adjust to the changes in the forecast. Preliminary indications of the scope, magnitude, and duration of the increase in military activity strongly suggest for an immediate need for a comprehensive economic plan with specific focus on human resources, training, employment, and employment support (i.e. transportation, housing, child care, etc.).

The situational context of Guam's labor market and the results of on-going military growth discussions pose concerns with regard to workforce sustainability and impact of Alien

Labor Force (H2B) to the local and regional community. The recent U.S. Congress approval to remove the restriction of the H2B on military related construction poses several challenges for an island economy and all workforce related issues and the ancillary social economic issues.

Impact of Service and Technical Capacity at Guam Department of Labor

- Compliance and Enforcement
 - Needs for Alien Labor Processing & Certification Division (ALPCD) enforcement and compliance – considering all budget categories (personnel, equipment, supplies, rental, capital outlay, etc.)
 - Funding associated with H-2B compliance and fraud/abuse prevention for ALPCD
 - Technology and Systems
 - Personnel and Administrative Services
 - Needs of GDOL to support an increased department workload as a result of the increased H-2B population to include:
 - Labor market testing within the Guam Employment Service (Wagner Peyser Act)
 - Support for Workman's Compensation & OSHA due to increase in construction activity and the injuries associated with this type of work
 - Support for Wage & Hour division to prevent wage abuses

Based upon the work that has been undertaken by the Labor Subcommittee, they have identified the following to be included in the Guam military build-up EIS/OEIS:

- An assessment and projection of wages by skills sets as well as other job desirability factors, including the potential for upward mobility, and a projection by age cohort from both Guam, Northern Marianas, and insular areas in the Pacific jurisdiction to measure potential labor supply alternatives, including attracting those considered non-employed away from continued dependence on public assistance programs is needed in the EIS.
 - Identification and assessment of the sustained job increase after construction, including the sustained job increases in the military and public/private sectors is required to insure the island is not negatively impacted by meeting immediate short term needs and failing to provide for sustained requirements that could have negative implications for Guam's private sector and its military sector.
 - A listing of training requirements to take the current workforce skill level to meet as many of the skill levels anticipated over the next 15 years. Current training resources need to be evaluated for its current effectiveness in meeting present and anticipated training needs as well as the capacity to provide specialized training to meet anticipated needs. The evaluation should include public sector providers such as the Guam Public School System (GPSS), Guam Community
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College (GSS), University of Guam (UOG), as well as private, non-profit training providers such as the Guam Contractors Association Trades Academy (GCATA), Guam Hotel and Restaurant Association (GHRA), and other civic and private for-profit training providers.

- The EIS must address the impact upon the availability of teachers and other specialty services the DODEA system will have upon Guam's public and private school systems. Inclusive within this assessment is not only the additional demand that will be created by an expanded DODEA system but also those military dependents that would be able to provide services to the civilian school systems.
- The EIS should provide a monetary quantification of the cost of training to be incurred by the civilian sector and the Government of Guam to meet DoD's labor requirements and an evaluation of all potential funding sources that may be available to address the training costs.
- An evaluation of potential workforce availability, including sources of labor, current and anticipated market for industrial skilled labors, and the barriers for attracting, recruiting, and retaining these labor forces over the next 10 years.
- The EIS should address the impact the inclusion of military dependents will have upon federal dollars and training slots that would otherwise be available for Guam's residents who are displaced workers as military dependents also qualify under federal displaced worker programs. The EIS should identify mechanisms to mitigate any negative impacts.

EDUCATION

The assessment and impact on the increased demands for education facilities and personnel at all levels caused by the proposed DoD actions must be addressed to ensure the goal of maintaining quality, accessible education island-wide (public, private, and DoDEA) at all levels (K-16) is achieved. This includes an assessment and impact for new schools/facilities, sports facilities directly related to school activities, library expansion, military education center expansion, and new facilities outside of the DoDEA school and higher education systems to provide collaborative opportunities and joint program planning for K-16 yet to be determined. This also includes an assessment and impact of the projected demands of the numbers and types of teachers needed; the number of administrators and staff needed; the number of support personnel (i.e. food service, maintenance, library, education centers) needed; and instructional material demands needed.

The most critical information needed are the growth planning factors for the number of DoD civilians and their dependents, contractors and family members, and Pacific region migration growth between 2008 and 2014. The lack of this information is preventing the CMTF Education Subcommittee's ability to assess any impact to the public and private school sectors in all elements of the education systems (K-16), to include vocational/technical training needs. This in turn does not allow feedback to other subcommittees who need to assess the total impact of water, power, sewage, waste disposal, construction, transportation support system requirements, phone, internet, and other needs to support the education system. The location of any projected school/facility needs is also dependent on where these families may reside. This will affect re-districting efforts to spread the appropriate population. Thus, it is critical that through the EIS process, the following be answered:

1. What are the changes to the planning factors of military personnel and dependents growth in the below spreadsheet and when are they projected to arrive on Guam (by year from 2008-2014)?
 2. Are Special Operations Forces (SOF) and family members still part of the projected gains?
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*CAT	Mar- ines	Mar- ine Fam Mem	Navy	Navy Fam Mem	Air Force	AF Fam Mem	Coast Guard	CG Fam Mem	Army	Army Fam Mem	SOF	SOF Fam Mem
2014??												
*Elementary (Age 5-10)	0	1,798	0	10	0	310	10	0	0	189	0	133
*Middle (Age 11-13)	0	585	0	5	0	110	5	0	0	62	0	43
*High (Age 14-17)	0	585	0	5	0	110	5	0	0	62	0	43
*Higher Ed (Age 18&up)	9,700	5,582	1,250	30	2,630	920	30	0	600	587	350	411
*Total	9,700	8,550	1,250	50	2,630	1,450	50	0	600	900	350	630

*NOTE: These numbers reflect growth in population, not total population.

3. What growth planning factors can be provided for the number of DoD civilians and their dependents, contractors and family members, and Pacific region migration growth between 2008 and 2014 (broken down by elementary school (ages 5-10), middle school (ages 11-13), high school (ages 14-17), and higher education(ages 18 and above))?

*CAT	DoD Civ	DoD Civ Fam Mem	**Con- tractors	Contr Fam Mem	Pacific Region Migration
2014?					
*Elementary (Age 5-10)	0	??	0	??	??
*Middle (Age 11-13)	0	??	0	??	??
*High (Age 14-17)	0	??	0	??	??
*Higher Ed (Age 18&up)	??	??	??	??	??
*Total	??	??	??	??	??

NOTE: *These numbers reflect growth in population, not total population.

**Contractors include H1, H2, H3, U.S. etc.

4. Where will these general populations mentioned above anticipated to work or reside?
5. What is the anticipated length of stay of contractors and/or Pacific Region migration (i.e. Federal States of Micronesia)? This is important to know in order to ensure education-related facilities are not over/under constructed based on exaggerated data).

6. What special education planning factors/requirements can be anticipated, what ages, and how many?
 7. What are the anticipated vocational/technical training demands and timelines associated with the trained workforce?
 8. What is the procedure to incorporate new education-related facilities requirements during the EIS process, to include related sports fields/facilities for student activities (i.e. schools, libraries, education centers)?
 9. What is procedure to integrate new education-related new facilities requirements into on-going infrastructure support efforts (i.e. water, waste water, power, EPA assessments, etc)?
 10. What are the guidance/expectations of library support for service members and dependents – to expand or build additional new library facilities?
 11. What are the guidance/expectations of the Education Center support for service members (and family members) – to expand or build additional new learning facilities and/or office space?
 12. What communication infrastructure is being addressed towards band-width and internet capability increases for education-related programs or island-wide demands?
 13. What communication infrastructure is being addressed towards phone line increases?
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Other Impacts That Should Be Addressed in the EIS / OEIS

To follow is a listing of additional issues that also warrant consideration and inclusion in the EIS/OEIS that is being developed.

1. As originally presented by the DOD's proposed "scoping" document, the EIS / OEIS should continue to address all the "factors of interest to the community";
 2. The EIS / OEIS should require a direct dialogue with each of the infrastructure organizations, and to insure that the respective multi-discipline considerations & nuances thereof are incorporated into the Draft & Final EIS / OEIS;
 3. The EIS / OEIS should focus on how the existing & respective Infrastructure Organizations can support the needs of both the civilian and DOD community, and as opposed to establishing separate / independent / duplicative infrastructural systems & services (e.g., power generation, water wells, landfills, etc.) within a small, Island footprint;
 4. The EIS / OEIS should assess the impacts of the Military expansions on the existing & finite levels of industry professionals, contractors, workforce, materials & supplies, etc. ... and as it affects the cost of doing business, the cost of infrastructural construction, and the economic supply Vs. demand curve;
 5. The EIS / OEIS should assess the impacts of the DOD's expansions on the Island's power generation, transmission & distribution infrastructures, and specific to ...
 - Infrastructure, Ports,
 - Infrastructure, Energy ...
 - i. Generation Expansion and Fuel issues,
 - ii. Separation from IWPS Grid issues,
 - iii. Power System issues,
 - iv. Backup Generation issues,
 - v. DON/DOD Procurement related issues,
 - vi. Conditions of War,
 - vii. Upcoming Studies & Projects, and
 - Infrastructure, Water/Wastewater;
 6. The EIS / OEIS should assess the Mobile telecommunication requirements for the DOD's expansions on both Guam and the CNMI, and specific to ...
 - the capacities & locations,
 - the timeline for arrival of all new DOD personnel, and
 - the selection process for mobile telecommunication providers & the types of services;
 7. The EIS / OEIS should assess the establishment of an Exclusionary Zone around Guam and the CNMI, for Navy SPY1 Radar or similar radars from the other service branches, and as premised on the following ...
 - The Navy SPY1 Radar is very powerful and has the capability of interfering with commercial satellite delivery of video signals (television). When the Navy uses such radar within 75-100 miles of Guam or CNMI, it disrupts the delivery of cable television services to residents of Guam and the CNMI by
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disrupting the downlink from commercial satellites to MCV cable television reception dishes,

- This has not been a significant issue previously as few major unit naval exercises were held in waters near Guam, although in June of 2006, television signals were disrupted for approximately two weeks during a multi-nation exercise. With the establishment of berthing for a CVN battle group, these events are likely to become more frequent in the future, and
 - The Hawaiian cable television operators suffered from such disruptions from some time until an exclusionary zone was created around the Hawaiian Islands that prevented the Navy from using SPY1 radar within 75-100 miles of the Hawaiian Islands during routine (non-emergency) operations. Guam and the CNMI need a similar exclusionary zone to avoid disruption of cable television services to the residents of our islands;
8. The EIS / OEIS should assess reimbursements for relocation of the existing network during road or other construction. During road construction or other construction required by the military expansion, it may become necessary to move current viable wireline networks (cable television, telephone and power) to another location. Utilities would expect a continuation of current military policy which is to reimburse the costs of relocating such network, and will cooperate fully with any joint trench efforts in order to keep relocation costs to a minimum;
9. The EIS / OEIS should assess the impacts of the DOD's expansions on the Island's primary, secondary & tertiary roadway systems, and specific to ...
- the Guam 2010, 2020 & 2030 Highway Masterplans,
 - the establishment of an Intelligent Transportation System,
 - planned vs. proposed roadway reconstructions, and
 - Mass Transit, traffic signalizations, bridges, waterways and other roadway activities;
10. The EIS / OEIS should assess the impacts of the DOD's expansions on the Islands Integrated Solid Waste Management Systems, and specific to
- Municipal Solid Waste Landfill Facilities (MSWLF),
 - Solid Waste Transfer Stations,
 - Household Hazardous Waste Facilities,
 - Solid Waste Diversion & Materials Recycling Facilities,
 - Solid Waste Collections for Government, Commercial & Residential Customers, and
 - compliances to regulatory bodies having jurisdiction (e.g., USEPA, GEPA, GPUC, etc.);
11. The EIS / OEIS should assess the impacts of the DOD's expansions on the Island's building construction activities, and specific to ...
- the increased regulatory oversight and enforcement requirements imposed on regulatory Agencies, and
 - the increased cost of construction induced by an increased demand placed on a finite supply of Contractors, and
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12. The EIS / OEIS should assess the impacts of the DOD's expansions on the Island's bus transportation services for students of both the Public and the Private schools, and specific to increases in routes, equipment fuel & maintenance, etc.
 13. The EIS / OEIS should assess the number of active military and veterans who will decide to retire and or live on Guam, and place demands on Guam's Veterans Affairs' services and benefits and determine the nature and impact of the demands (i.e. healthcare, housing, burial, etc.)
 14. The EIS / OEIS should address the affects on Guam's tourism industry and economic sustainability.
 15. The EIS / OEIS should examine the effect on income and wealth inequality (GINI score increase) as some individuals may profit from the base increase while others may be impoverished by it.
 16. The EIS / OEIS should examine the effect the expansion will have on the cost of living, particularly for land and housing.
 17. The EIS / OEIS should include the effect on unemployment and underemployment as a result of military dependents being introduced into the local labor force.
 18. The EIS / OEIS should provide more detailed information in order to effectively plan and project the future needs of the local and military communities. The lack of detailed demographic data, for example, can produce inaccurate population projection counts which may result in poor planning calculations and outcomes. The numbers that have been officially released are too general and do not provide a clear picture as to the extent and make-up of the military buildup. Without specific age and sex breakdown of active duty members and their dependents, planners are left to do much guess work on the make-up of the school age population, the elderly, persons with disabilities, and the labor force. Social and demographic details are necessary to effectuate appropriate policy measures and action plans to meet the needs of the various population sectors.
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FW: Request for NAVMAG Access

Sablan, Randel L CIV (USA) <randel.l.sablan.civ@us.navy.mil>

Wed, Apr 26, 2023 at 8:39 AM

To: "vera.topasna@guam.gov" <vera.topasna@guam.gov>

Cc: "Sanchez, Judith D (Judy) CIV USN COMJTREG MARIANAS GU (USA)" <judith.d.sanchez.civ@us.navy.mil>

Good morning Vera,

The attached shows access from the north (green oval outline) and east. The east approach has an 80-100 foot valley that is not passable so preference for MDA survey personnel is to hike through the Cotal acacia forest administer by Dept. of Ag.. The north south alignment on the map actually follows a rough off-road or "jeep" trail.

The immediate ask is for three visits (this Sunday and twice next week) to the NACMAG study areas to the south. No soil or vegetation disturbance just DoD and contractor's hiking through the area. They would park along shoulder of Route 17.

Please let me know is we have permission to enter GovGuam land and any concerns or question Agriculture may have.

Please close-hold the attachment and discussion among personnel with a need to know.

Thanks,

Randy

-----Original Message-----

From: Lewis, Joshua M CDR USN COMJTREG MARIANAS GU (USA)

<joshua.m.lewis2.mil@us.navy.mil>

Sent: Tuesday, April 25, 2023 4:00 PM

To: Walker, Martin W (Whitt) CIV MDA MSR (USA) <Martin.Walker@mda.mil>

Cc: Marvin.Manibusan@fe.navy.mil; Deanna.Tenorio@fe.navy.mil;

Andrew.Manibusan@fe.navy.mil; Sablan, Randel L CIV (USA)

<randel.l.sablan.civ@us.navy.mil>; Mccallister, Ronald W CDR USN UNIT GUAM

(USA) <ronald.w.mccallister.mil@us.navy.mil>

Subject: RE: Request for NAVMAG Access

Whitt,

Added Mr. Randy Sablan (JRM Pol-Mil) and CDR Mccallister (Naval Munitions Command CO). Attached is the access route they plan to take (the short route from the North). Confirmed, no soil disturbance planned on this visit.

*Mac, FYSA see below. If there are any additional requirements or considerations for MDA's access, please let the team know.

*Randy, Please let MDA know when they are cleared to conduct the site visit through the non-DoD land.

Thanks.

Very respectfully,

CDR Joshua M. Lewis, CEC, USN
Assistant Regional Engineer, Joint Region Marianas
PSC 455 Box 211, FPO AP, Guam 96540
(o) 671-349-3340 (DSN 315) (c) 671-898-9017
NIPR: joshua.m.lewis2.mil@us.navy.mil
SIPR: joshua.m.lewis@fe.navy.smil.mil
JWICS: joshua.lewis@pacftt.ic.gov

-----Original Message-----

From: Walker, Martin W (Whitt) CIV MDA MSR (USA) <Martin.Walker@mda.mil>
Sent: Tuesday, April 25, 2023 3:37 PM
To: Joshua.Lewis2@FE.navy.mil
Cc: Marvin.Manibusan@fe.navy.mil; Deanna.Tenorio@fe.navy.mil;
Andrew.Manibusan@fe.navy.mil
Subject: Request for NAVMAG Access

CDR,

I could not find Randy's email address so please forward this note when you get a chance.

Thanks, Whitt.

=====

Randy,

We have a group from MDA (Sensors Directorate) and Lockheed Martin (Radar Prime) that would like to walk the NAVMAG COA-1 site Sunday (30 April) if possible. Lockheed will be responsible for developing and installing the radar planned for the site in the FY25/27 timeframe. All participants will have C-Badges. I expect the site visit will last less than four hours and there will be no vegetation removal or ground disturbance, just a site walk. We would like to walk in from Highway 17 (if allowed) using an existing roadbed, walk south onto NAVMAG property, and then west continuing across the northern part of the COA-1 site.

NAVFAC would also like to access the NAVMAG site next Tuesday morning (0730) to allow their geotechnical A/E to walk the site and see what type of equipment would work best once they have the environmental clearance to start the geotechnical work. The A/E will also be conducting a site survey in concert with the geotechnical investigation. The access route and time on site would be similar to that being requested for the Lockheed Martin visit. Again, all would have C-Badges and would be escorted by the Deputy PWO for NBG.

Lastly, next week USACE and several potential MEC contractors would like to conduct a site visit. I do not have exact dates yet but I should in the next day or so. They are flexible as to the date/time because they will also be looking at the other five EIAMD sites while on Guam. The purpose of the visit is for the contractors to see the site so they can prepare accurate proposals to perform clearance activities later this year. The access route and time on-site would be similar to that for the two activities described above. The contractor will be carrying handheld metal detectors but there will be no vegetation removal or ground disturbance, just a site walk. All participants will have C-Badges that are being coordinated by JRM.

Of note, there will be security professionals looking at all the EIAMD sites tomorrow so they'll be in the vicinity of the NAVMAG site sometime during the day. Their visits have been coordinated by the on-island security forces but they will not need to access the NAVMAG site from the north.

Drop me a note or give me a call if you have any questions.

Thanks, Whitt.

Message Sent By:

Martin (Whitt) Walker, P.G.

Missile Defense Agency

MSR-F / Facilities Engineering & Construction

Desk: 256-450-2673

Cell: 256-750-0798

Fax: 256-450-2528

Email: whitt.walker@mda.mil

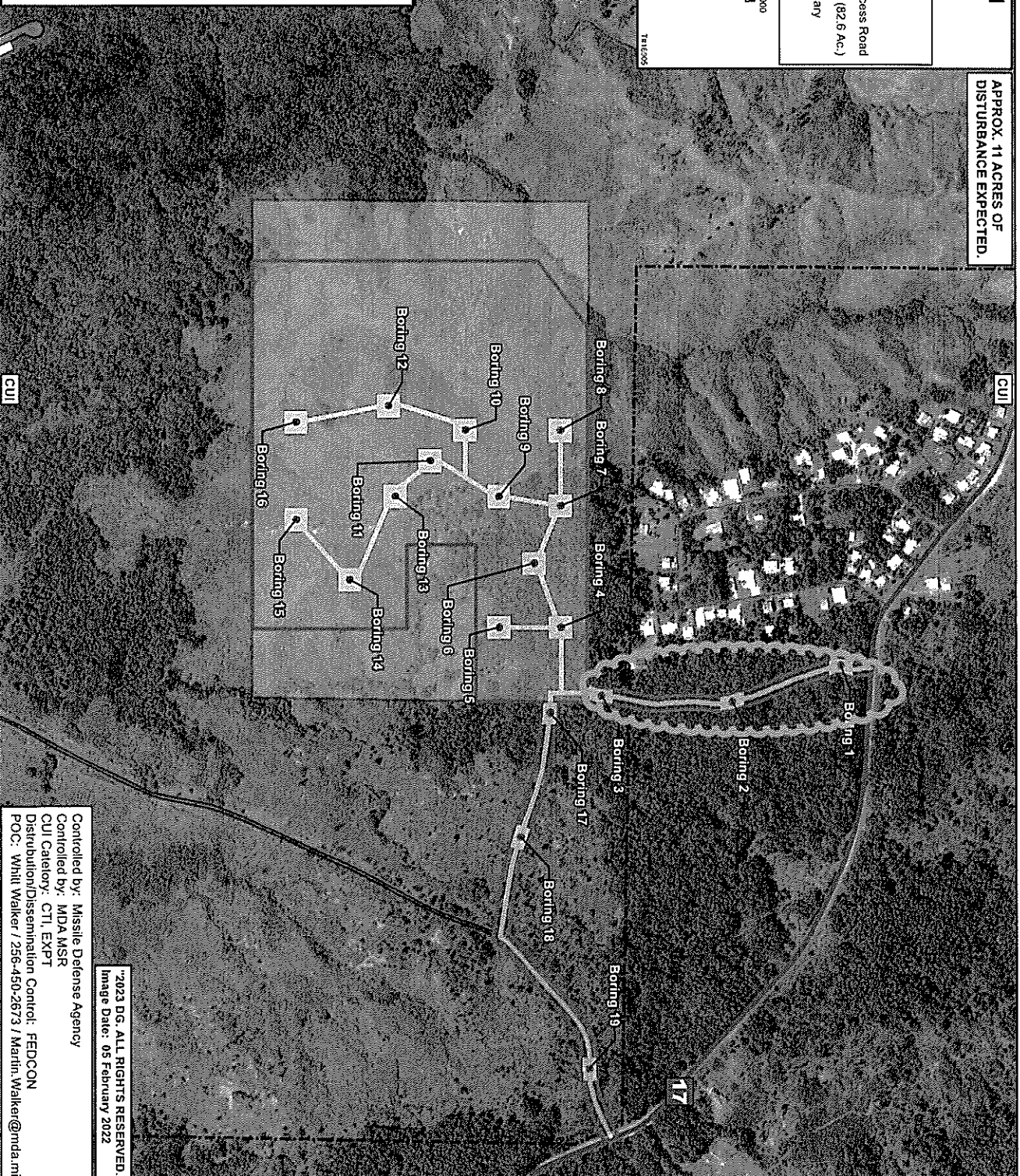
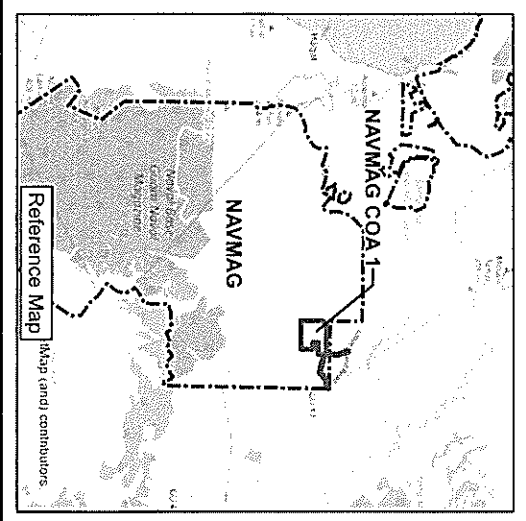
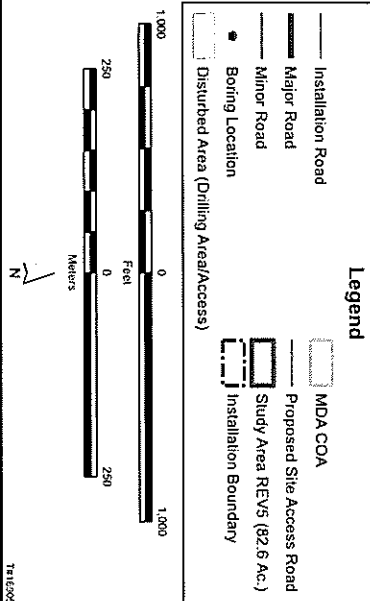


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7392K



NAVMAG COA 1 - Study Area with Soil Boring Locations EXPANDED REV4 15 February 2023

APPROX. 11 ACRES OF DISTURBANCE EXPECTED.



Controlled by: Missile Defense Agency
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 CUI Category: CTL EXPT
 Distribution/Dissemination Control: FEDCON
 POC: Whitt Walker / 256-450-2673 / Martin.Walker@mda.mil

"2023 DG. ALL RIGHTS RESERVED."
 Image Date: 05 February 2022

1. The first part of the document is a list of the names of the members of the committee who have been appointed to the various sub-committees. The names are listed in alphabetical order of the last name.



MS

DEPARTMENT OF DEFENSE
MISSILE DEFENSE AGENCY
5700 18TH STREET
FORT BELVOIR, VIRGINIA 22060-5573

April 28, 2023

MEMORANDUM FOR COMMANDER US INDO-PACIFIC COMMAND

COMMANDER US PACIFIC FLEET
COMMANDER US ARMY PACIFIC
COMMANDER US PACIFIC AIR FORCE
COMMANDER US MARINE FORCES PACIFIC
THE ADJUTANT GENERAL, GUAM
COMMANDER JOINT REGION MARIANAS
COMMANDER 94TH ARMY AIR AND MISSILE DEFENSE
COMMAND (94TH AAMDC)
COMMANDER US ARMY INSTALLATION MANAGEMENT
COMMAND-PACIFIC (IMCOM-P)
COMMANDER US ARMY CORPS OF ENGINEERS – PACIFIC
OCEAN DIVISION
COMMANDER US SPACE FORCES, INDO-PACIFIC
COMMANDER 36TH WING ANDERSEN AIR FORCE BASE,
GUAM
COMMANDER, NAVY INSTALLATIONS COMMAND
COMMANDING OFFICER, NAVAL BASE GUAM
COMMANDING OFFICER MARINE CORPS BASE CAMP
BLAZ
DIRECTOR DEFENSE INFORMATION SYSTEMS AGENCY

SUBJECT: Public Release of the Missile Defense Agency Notice of Intent to Prepare an
Environmental Impact Statement for an Enhanced Integrated Air and Missile
Defense System on Guam

The Missile Defense Agency (MDA), in cooperation with the United States (U.S.) Department of the Army (Army), U.S. Department of the Navy, U.S. Department of the Air Force, and the Federal Aviation Administration, is preparing an Environmental Impact Statement (EIS) to evaluate the potential environmental impacts and potential mitigations associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam against advanced missile threats from regional adversaries (Proposed Action).

Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States, and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has

identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats.

The Proposed Action to be analyzed in the EIS is to deploy and operate missile defense radars, sensors, missile launchers, missile interceptors, and command and control systems; construct and operate associated support facilities and infrastructure; and manage the associated airspace. The MDA and Army need multiple sites around Guam to strategically locate and integrate various system components.

The MDA plans to publish a Notice of Intent in the Federal Register and to local media outlets notifying the public of a public comment period from May 5, 2023 to June 27, 2023. The MDA will solicit comments from the public, organizations, agencies, and federal, state, and local government officials. The MDA, with the cooperating agencies, will hold three public scoping meetings to inform the public about the Proposed Action and accept comments on the scope of the analysis. The public scoping meetings will be in an open-house format and will include poster stations staffed by project representatives who can provide information and answer questions about the Proposed Action and the upcoming environmental impact analysis. This public scoping effort will also supplement additional consultation under Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations at 36 Code of Federal Regulations Part 800. The enclosed Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam provides further information about the EIS.

Please contact Mr. John Bier, MDA Program Director for Defense of Guam, at 256-450-1900, or by email to john.bier@mda.mil, if you have any questions regarding EIAMD or the EIS process.



J. A. HILL
Vice Admiral, USN
Director

Attachment:
As stated

Billing Code: 5001-06

DEPARTMENT OF DEFENSE

Office of the Secretary

**Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced
Integrated Air and Missile Defense System on Guam**

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD)

ACTION: Notice of Intent.

SUMMARY: The MDA is issuing this Notice of Intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of

ATTACHMENT

potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the **Federal Register**. Comments must be postmarked or received on or before **June 27, 2023** to ensure consideration in the Draft EIS.

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N. Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331. Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would

~~be considered a direct attack on the United States and would be met with an appropriate~~

response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree

EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the Fiscal Year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors, missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

Associated support facilities and infrastructure (e.g., power plants, fuel storage facilities, and water storage facilities), and life support facilities (e.g., family housing, fire stations, and dining facilities) would also be constructed and operated on these sites to support proposed EIAMD components and accommodate personnel associated with the proposed EIAMD system.

The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomics, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with Section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under Section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS

including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: April 28, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.



DEPARTMENT OF DEFENSE
MISSILE DEFENSE AGENCY
5700 18TH STREET
FORT BELVOIR, VIRGINIA 22060-5573

April 28, 2023

The Honorable Lourdes A. Leon Guerrero
Governor of Guam
State Capitol
Hagatna, Guam 96910

Dear Governor Leon Guerrero:

The Missile Defense Agency (MDA), in cooperation with the United States (U.S.) Department of the Army (Army), U.S. Department of the Navy, U.S. Department of the Air Force, and the Federal Aviation Administration (FAA), is preparing an Environmental Impact Statement (EIS) to evaluate the potential environmental impacts and potential mitigation of deploying and operating an Enhanced Integrated Air and Missile Defense (EIAMD) system to defend Guam against rapidly evolving advanced missile threats from regional adversaries.

Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States, and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats.

The Proposed Action to be analyzed in the EIS is to deploy and operate missile defense radars, sensors, missile launchers, missile interceptors, and command and control systems; construct and operate associated support facilities and infrastructure; and manage the associated airspace. The MDA and the Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where Department of Defense (DoD) property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-federal properties, acquisition of appropriate real estate interests on non-federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, the MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace needs or modifications would be coordinated with and approved by the FAA.

The MDA plans to publish a Notice of Intent in the Federal Register and to local media outlets notifying the public of a public comment period from May 5, 2023 to June 27, 2023. The MDA will solicit comments from the public, organizations, agencies, and federal, state, and local government officials. The MDA, with the Cooperating Agencies, will hold three public scoping meetings to inform the public about the Proposed Action and accept comments on the scope of the analysis. The public scoping meetings will be in an open-house format and will include

poster stations staffed by project representatives who can provide information and answer questions about the Proposed Action and the upcoming environmental impact analysis. The public may arrive at any time between 4 and 7 p.m. as there will not be a presentation or formal oral comment session. The public scoping meetings will be held at the following locations:

June 14, 2023

University of Guam
Calvo Field House Gymnasium
303 University Dr.
Mangilao, Guam

June 15, 2023

Okkodo High School
Gymnasium
660 Biradan Anakko 3rd St.
Dededo, Guam

June 16, 2023

Southern High School
Gymnasium
#1 Jose, Perez Leon Guerrero Dr.
Santa Rita, Guam

Please contact Mr. Keith O'Neil, Director, Congressional Affairs, at 571-231-8108, or by email to keith.oneil@mda.mil, if you have questions regarding the EIAMD system to defend Guam. To learn more about this project, please go to www.mda.mil/system/eiamd.html.

Sincerely,



J. A. HILL
Vice Admiral, USN
Director

Enclosure:
As stated

cc:
The Honorable Joshua F. Tenorio
Lieutenant Governor of Guam

Billing Code: 5001-06

DEPARTMENT OF DEFENSE

Office of the Secretary

**Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced
Integrated Air and Missile Defense System on Guam**

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD)

ACTION: Notice of Intent.

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ENCLOSURE

Proposed Action's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966.

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Dated: April 28, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.





Vera A. Topasna <vera.topasna@guam.gov>

EIAMD Sys EIS stakeholder engagement

Sablan, Randel L CIV (USA) <randel.l.sablan.civ@us.navy.mil>

Wed, May 17, 2023 at 2:27 PM

To: "vera.topasna@guam.gov" <vera.topasna@guam.gov>

Cc: "Salas, John F CIV USN NAVFAC MARIANAS GU (USA)" <john.f.salas.civ@us.navy.mil>, "Crosby, Buff Lea CIV MDA DPFE (USA)" <buff.crosby@mda.mil>, "Benitez, Juan C CIV USN COMJTREG MARIANAS GU (USA)" <juan.benitez@fe.navy.mil>, "Sanchez, Judith D (Judy) CIV USN COMJTREG MARIANAS GU (USA)" <judith.d.sanchez.civ@us.navy.mil>

Good afternoon Vera,

MDA and their contractor(s) propose to engage and present information about the Enhanced Integrated Air and Missile Defense System (EIAMD sys) EIS process on 12 June 2023. JRM and our MDA partners would like to engage key agency leads at the Governor's Cabinet Conference Room from 9:30-11:30 am on 12 June.

Based on past experiences we know that local regulatory, natural resource and infrastructure agencies will find the information useful as they prepare to engage in scoping meetings and subsequent steps in the NEPA process. I understand that you chair an executive committee (8-10 key representatives for various government sectors) tasked to guide and advise agencies as they review and comment on the proposed action.

I recommend, subject to your concurrence and refinement (adds), that the following agencies be invited:

- Acting Governor
- Community Defense Liaison Office
- Special assistants to the Governor
- Guam EPA
- Bureau of Statistics and Plan
- Dept. of Agriculture
- Guam Historic Preservation Office
- Dept. of Public Works (Highways)
- Guam Power Authority
- Guam Waterworks Authority
- Dept. of Labor
- Guam Economic Development Agency
- Dept. of Land Management (CLTC included)
- Guam Homeland Security

V/r,

Randy

Randel L. Sablan (J00C7)
Advisor, Regional Political-Military Affairs
Advisor, INDOPACOM Senior Military Official
Joint Region Marianas
Office: (671) 349-3205
Cell: (671) 777-8540
randel.l.sablan.civ@us.navy.mil
SMO.JRM@fe.navy.mil

**If I do not respond within 48 hours please consider calling me directly at the numbers listed above. If your message involves coordination in the Republic of Palau, or the Federated States of Micronesia please use the SMO

JRM group address above.**



Vera A. Topasna <vera.topasna@guam.gov>

FW: For Distribution: The EIAMD of Guam EIS NOI/Scoping Notification

Palaganas, Reynold F (Reynold) CIV MDA DW (USA) <reynold.palaganas@mda.mil>

Tue, May 9, 2023 at 2:55 AM

To: "michael.w.cruz4.mil@army.mil" <michael.w.cruz4.mil@army.mil>, "david.p.santos.mil@army.mil" <david.p.santos.mil@army.mil>, "duanejared.s.sablan.mil@army.mil" <duanejared.s.sablan.mil@army.mil>, "joseph.b.aquino2.mil@army.mil" <joseph.b.aquino2.mil@army.mil>
Cc: "reginald.g.neal.mil@army.mil" <reginald.g.neal.mil@army.mil>, "FAUROT, CHRISTOPHER K Brig Gen USAF ANG HQ GUANG/AAG-AIR" <christopher.faurot@us.af.mil>, "Schnobrich, Adrian C LTC USARMY USARPAC (USA)" <adrian.c.schnobrich.mil@army.mil>, "Repp, Gary M LTC USARMY USARPAC (USA)" <gary.m.repp.mil@army.mil>, "Macqueen, Matthew B CPT USARMY USARPAC (USA)" <matthew.b.macqueen.mil@army.mil>, "Pettigrew, Melinda M CIV USARMY USARPAC (USA)" <melinda.m.pettigrew.civ@army.mil>, "Sanchez, Alvie O CPT USARMY USARPAC (USA)" <alvie.o.sanchez.mil@army.mil>, "Crosby, Buff L CIV MDA MSR (USA)" <buff.crosby@mda.mil>, "Meno, Serafin C (Serafin) CIV MDA MSR-A (USA)" <serafin.c.meno@mda.mil>, "Jensen, Michael LTC MDA DWI (USA)" <michael.jensen@mda.mil>, "Lawrence, Micah CIV MDA DG-A (USA)" <micah.lawrence@mda.mil>, "Sexton, Jeffrey CIV MDA DG-E (USA)" <Jeffrey.Sexton@mda.mil>, "Vera A. Topasna" <vera.topasna@guam.gov>, "Palaganas, Reynold F." <reynold.palaganas@pacom.mil>

BG Cruz,

Sir, hafa adai!

FOR INFORMATION. Wanted to ensure you and your staff were in receipt/acknowledgment of this correspondence.

Bottom line: we in MDA have also worked closely with MG Neal's staff to have alignment regarding the upcoming EIS scoping sessions on Guam on 14, 15, and 16 June; and for public comments being taken during the scoping period from 05 May - 27 June.

This is a follow-up email to CDR Ben Herring's (Military Assistant to the MDA Director for INDOPACOM) trail email sent out last Fri 5 May, "SUBJECT: The Enhanced Integrated Air and Missile Defense of Guam (EIAMD) Environmental Impact Statement (EIS) Scoping Notification".

Attached is the notification letter to senior military addressees from VADM Jon Hill, MDA Director, regarding the public release of a Notice of Intent (NoI) to prepare an EIS for the Enhanced Deployment for the Defense of Guam (DoG).

MDA, in cooperation with the Department of the Army, Department of the Navy, Department of the Air Force, and the Federal Aviation Administration, is preparing an EIS to evaluate the potential environmental impacts and potential mitigations associated with an EIAMD system for the defense of Guam against advanced missile threats from regional adversaries.

As you are aware, a press release was sent to local media outlets, a notice was posted to the Joint Region Marianas (JRM) Facebook page, and a public service announcement has been disseminated.
The MDA EIAMD website for public access is
<https://www.mda.mil/system/eiamd/>.

Pre-briefs to you and other senior island leaders will be scheduled (TBD) prior to the 14-16 June EIS public scoping venues.

For any questions regarding the EIAMD or EIS process, please contact Mr. John Bier, MDA Program Director for Defense of Guam, phone: (256) 450-1900, or by email: john.bier@mda.mil.

Sir, we appreciate your time and look forward to teaming with you and your staff on this most important effort. Si Yu'os Ma'ase!

Very Respectfully,
Reynold

REYNOLD F. PALAGANAS

Missile Defense Agency LNO to INDOPACOM, NH-04

INDOPACOM J363 (Space and IAMD)

INDOPACOM NIPR: reynold.palaganas@pacom.mil

MDA NIPR: reynold.palaganas@mda.mil

INDOPACOM SIPR: reynold.palaganas@pacom.smil.mil

MDA SIPR: reynold.palaganas@mda.smil.mil

Work Phone: (808) 477-7566, DSN: 315

Cell: (808) 429-2823

-----Original Message-----

From: Herring, Benjamin (Ben) CDR MDA DW (USA) <benjamin.herring@mda.mil>

Sent: Friday, May 5, 2023 9:41 AM

To: 'Melvin.r.smith3.mil2@us.navy.mil' <Melvin.r.smith3.mil2@us.navy.mil>;

'Jennifer.l.kincaid@pacom.mil' <Jennifer.l.kincaid@pacom.mil>;

'donald.w.marks.mil@us.navy.mil' <donald.w.marks.mil@us.navy.mil>;

'ryan.p.oconnor.mil@army.mil' <ryan.p.oconnor.mil@army.mil>;

'denise.r.chevalier-huffer.civ@army.mil'

<denise.r.chevalier-huffer.civ@army.mil>; 'reinier.villanueva@us.af.mil'

<reinier.villanueva@us.af.mil>; 'nellie.arnold@usmc.mil'

<nellie.arnold@usmc.mil>; 'david.p.santos.mil@army.mil'

<david.p.santos.mil@army.mil>; 'matthew.b.macqueen.mil@army.mil'

<matthew.b.macqueen.mil@army.mil>; 'scott.a.brady2.mil@us.navy.mil'

<scott.a.brady2.mil@us.navy.mil>; 'rebekah.k.santana.mil@army.mil'

<rebekah.k.santana.mil@army.mil>; 'christopher.a.montesclaros.mil@army.mil'

<christopher.a.montesclaros.mil@army.mil>; 'sonia.downs.civ@army.mil'

<sonia.downs.civ@army.mil>; 'honiala.m.morales.civ@army.mil'

<honiala.m.morales.civ@army.mil>; 'Stacie.Y.Funai@usace.army.mil'

<Stacie.Y.Funai@usace.army.mil>; 'ryan.vath@spaceforce.mil'

<ryan.vath@spaceforce.mil>; 'daniel.villarreal.4@us.af.mil'

<daniel.villarreal.4@us.af.mil>; 'lonnie.d.stowers.mil@us.navy.mil'

<lonnie.d.stowers.mil@us.navy.mil>; 'bruce.a.morgan.civ@mail.mil'

<bruce.a.morgan.civ@mail.mil>

Cc: Palaganas, Reynold F (Reynold) CIV MDA DW (USA)

<reynold.palaganas@mda.mil>; Palaganas, Reynold F.

<reynold.palaganas@pacom.mil>; Meno, Serafin C (Serafin) CIV MDA MSR-A (USA)

<serafin.c.meno@mda.mil>; Crosby, Buff L CIV MDA MSR (USA)

<buff.crosby@mda.mil>; Sexton, Jeffrey CIV MDA DG-E (USA)

<Jeffrey.Sexton@mda.mil>; 'Jimenez, Gabrielle (Gabe) MAJ USARMY (USA)'

<gabrielle.jimenez3.mil@army.mil>; 'Lam, Clement MAJ USARMY USARPAC (USA)'

<clement.lam.mil@army.mil>

Subject: For Distribution: The EIAMD of Guam EIS NOI/Scoping Notification

Team,

Resending this email with my digital signature.

FOR INFORMATION - see attachment. This is for distribution to your respective Commanders/Directors. Refer to the 28 Apr memo signed by MDA Director VADM Hill, "SUBJECT: Public Release of the Missile Defense Agency

Notice of Intent to Prepare an Environmental Impact Statement (EIS) for an Enhanced Integrated Air and Missile Defense System (EIAMD) on Guam."

Background: As of 05 May (Guam time), MDA has published a Notice of Intent (NoI) in the Federal Register and to local media outlets notifying the public of a public comment period from 5 May to 27 June 2023 relative to the proposed action to be analyzed in the EIS. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense assets, associated support facilities and infrastructure and management of associated airspace on Guam.

The public comment period for the scoping process will be conducted via written comments sent by email, website comment submission, or by the US Postal Service. Comments will also be accepted at one of three public scoping meetings scheduled on 14, 15 and 16 June on Guam.

Additional opportunities for public comment will occur after the release of the draft EIS which will occur in spring 2024.

Mr. John Bier (SES), Program Director for the Defense of Guam effort, is the MDA lead POC for any questions regarding EIAMD or the EIS process. He is at phone: 256-450-1900, or by email to john.bier@mda.mil.

Please acknowledge receipt of this email with attachment to Mr. Reynold Palaganas, MDA LNO to INDOPACOM, email: reynold.palaganas@mda.mil, phone: (808) 477-7566; and to me, CDR Ben Herring, Assistant to the Director for MDA INDOPACOM, email: Benjamin.herring@mda.mil, or phone: (808) 477-7306.

Thanks for your support.

V/r
CDR Ben Herring, USN
Assistant to the Director, Missile Defense Agency at INDOPACOM
Commercial: (808) 477-7306 (DSN: 315)
Govt Cell: (808) 260-3829
INDOPACOM NIPR: benjamin.n.herring@pacom.mil INDOPACOM SIPR:
benjamin.n.herring@pacom.smil.mil MDA NIPR: benjamin.herring@mda.mil MDA
SIPR: benjamin.n.herring@mda.smil.mil

 **D Final Signed DoD Memo_23-0086 RTC_EIAMD EIS NoI and Scoping Public Outreach Material (S7RP)**
(28Apr23).pdf
350K





Vera A. Topasna <vera.topasna@guam.gov>

NOI EIS

Vera A. Topasna <vera.topasna@guam.gov>

Sat, May 6, 2023 at 9:42 AM

To: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>

Cc: "Lt. Gov" <joshua.tenorio@guam.gov>, COS <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, lola.leonguerrero@bsp.guam.gov, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Jeffrey Moots <jeffrey.moots@guam.gov>, Leslie Travis <leslie.travis@guam.gov>

Gov:

EIS NOI is now official and released on the federal register.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946



Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam_2023-09609.pdf

177K



ENHANCED INTEGRATED AIR AND MISSILE DEFENSE SYSTEM ON GUAM

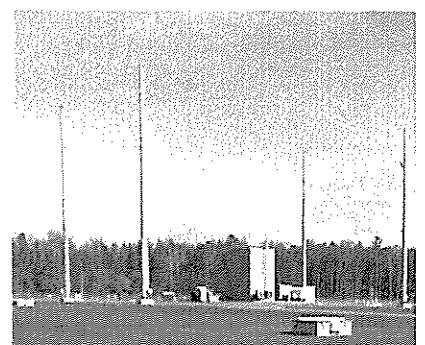
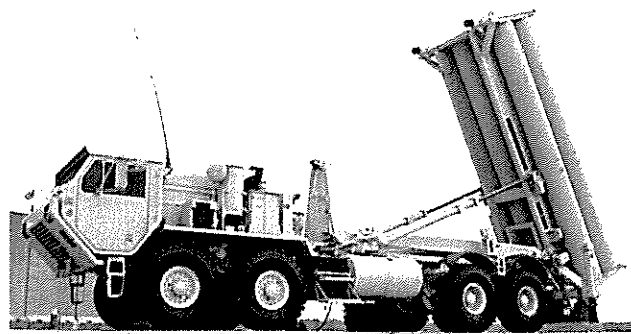
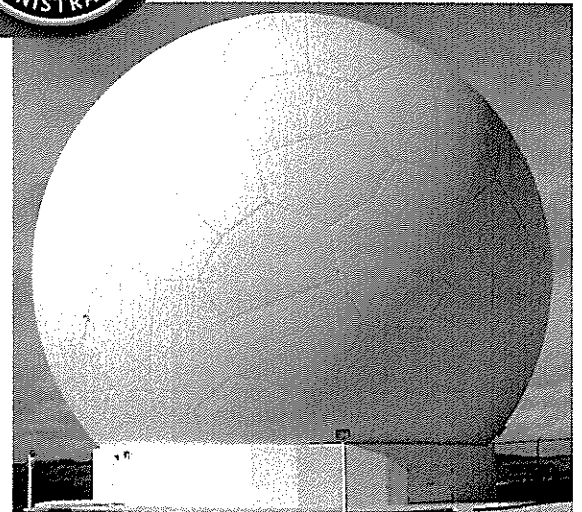
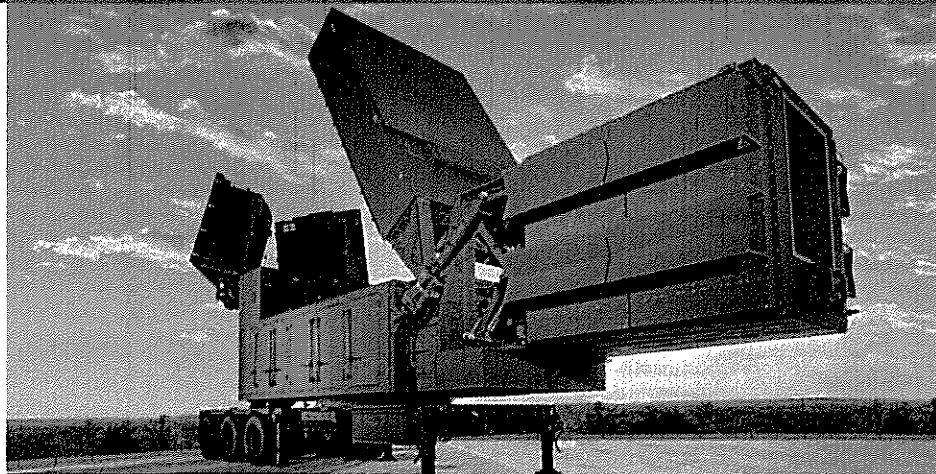
ENVIRONMENTAL IMPACT STATEMENT

Project Information

May 2023



www.mda.mil/system/elamd.html



The Missile Defense Agency (MDA), with the U.S. Department of the Army, U.S. Department of the Navy, U.S. Department of the Air Force, and the Federal Aviation Administration as cooperating agencies, is preparing an Environmental Impact Statement (EIS) to evaluate the potential environmental impacts and potential mitigation of deploying and operating an Enhanced Integrated Air and Missile Defense system to defend Guam against advanced missile threats (Proposed Action).

Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. Therefore, the U.S. Indo-Pacific Command has identified a requirement for an Enhanced Integrated Air and Missile Defense system on Guam as soon as possible to address the rapid evolution of adversary missile threats.

PROPOSED ACTION

The Proposed Action is to deploy and operate a comprehensive, persistent, 360-degree Enhanced Integrated Air and Missile Defense system to defend the entirety of Guam against the rapidly evolving threats of advanced cruise, ballistic, and hypersonic missile attacks from regional adversaries. MDA and the Army need to strategically locate and integrate various system components, including a command and control center, radars, sensors, missile launchers, missile interceptors, and support facilities, at multiple sites around Guam.



The term “deploy” refers to preparing sites and, where needed, any construction required for supporting infrastructure or to distribute components of the system. The term “operate” refers to long-term facility operations and maintenance, including initial testing of the system.

MDA anticipates airspace modifications may be necessary at sites where radars would be located. Airspace needs or modifications would be coordinated with and approved by the Federal Aviation Administration.

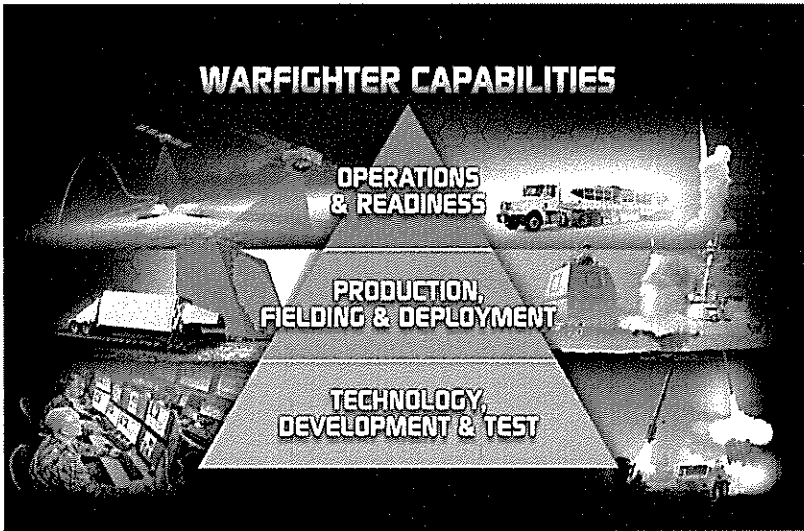
This radar searches, tracks, and discriminates objects and provides tracking data to other system components.

Cooperating Agencies

The Missile Defense Agency is the lead agency for preparing the EIS. Due to jurisdiction or expertise, or for potentially affected operations and resources, the U.S. Department of the Army, U.S. Department of the Navy, U.S. Department of the Air Force, and the Federal Aviation Administration will be cooperating agencies in the preparation and review of the EIS.

ABOUT THE MISSILE DEFENSE AGENCY

MDA is a research, development, and acquisition agency within the Department of Defense. Its workforce includes government civilians, military service members from all services, and contractor personnel around the world.



Mission of the Missile Defense Agency. MDA's mission is to develop and deploy a layered Missile Defense System to defend the United States, its deployed forces, and allies from missile attacks in all phases of flight.

MDA Mission

The mission of MDA is to develop and deploy a layered Missile Defense System to defend the United States, its deployed forces, and allies from missile attacks in all phases of flight.

MDA works closely with combatant commands who rely on the Missile Defense System to protect the United States, its forward deployed forces, and allies from advanced missile attack. MDA works with commanders to ensure the United States develops a robust missile defense system and development program to address the challenges of an evolving threat. It is also steadily increasing international cooperation by supporting mutual security interests in missile defense.

MDA Strategic Goals

To achieve its mission, MDA is dedicated to the following goals:

1. Support the warfighter.
2. Prove the power of missile defense through testing.
3. Continue development and deployment of the Missile Defense System for homeland and regional defense.
4. Implement a team approach to agency operations.
5. Optimize available resources.
6. Inspire professional excellence.
7. Foster a supportive environment for a diverse and professional workforce.
8. Implement the National Security Strategy through international cooperation in missile defense.
9. Capitalize on the creativity and innovation of the nation's universities and small business community.



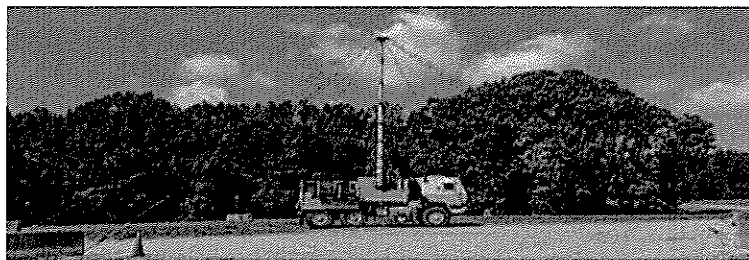
THE ENHANCED INTEGRATED AIR AND MISSILE DEFENSE SYSTEM

The Enhanced Integrated Air and Missile Defense system is intended to defend Guam against regional cruise, ballistic, and hypersonic missile attacks originating from any nation. The system would be able to defend Guam a full 360 degrees around the entirety of the island. The 360-degree capability would be achieved by distributing/placing missile defense components, including a command and control center, radars, sensors, missile launchers, missile interceptors, and support facilities, at multiple locations around the island. These integrated components would defend against simultaneous air and missile attacks against Guam. The system is expected to start deployment in 2027.

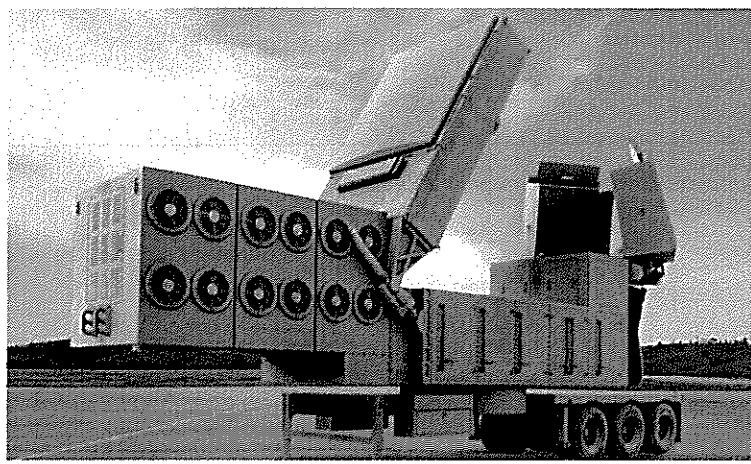
Components of the Enhanced Integrated Air and Missile Defense System

Deployment of the Enhanced Integrated Air and Missile Defense system would include the ground-based, mission critical system components from MDA, the Army, and the Navy that have been integrated to interact together for missile defense. Deployment also includes the facilities that support these components. System components are parts of the defense system that would be located on the ground sites and would include radars; sensors; missile launchers; missile interceptors; and command and control, battle management, and communications systems. Mission support facilities would be constructed in support of the system components, and would include power plants, fuel storage facilities, and operations facilities.

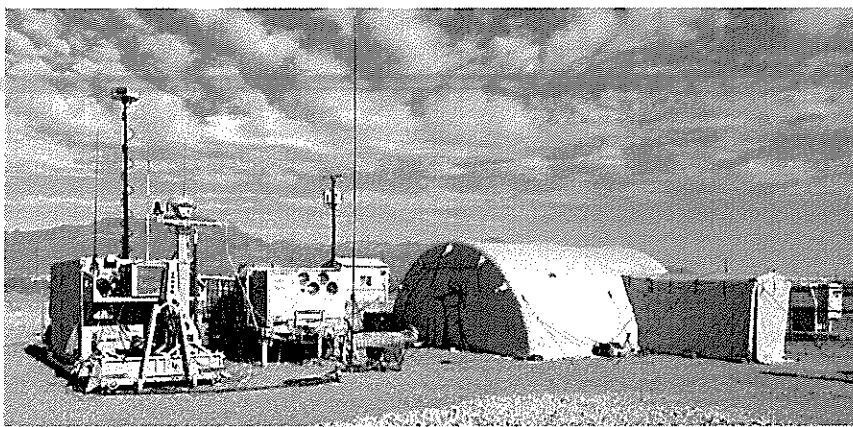
Once the components and facilities are deployed and become operational, life support facilities would be necessary to accommodate the personnel associated with the system. Life support facilities may include family housing, fire stations, gas stations, or child youth services.



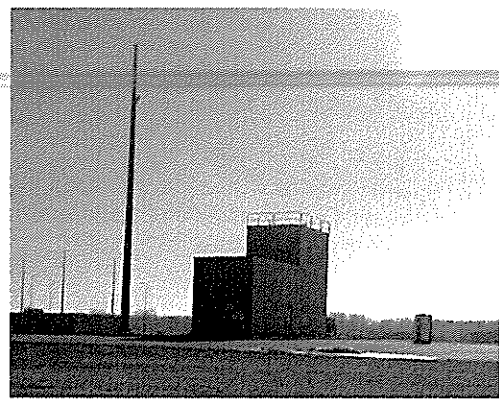
This Army 360-degree surveillance sensor is mobile and long-range.



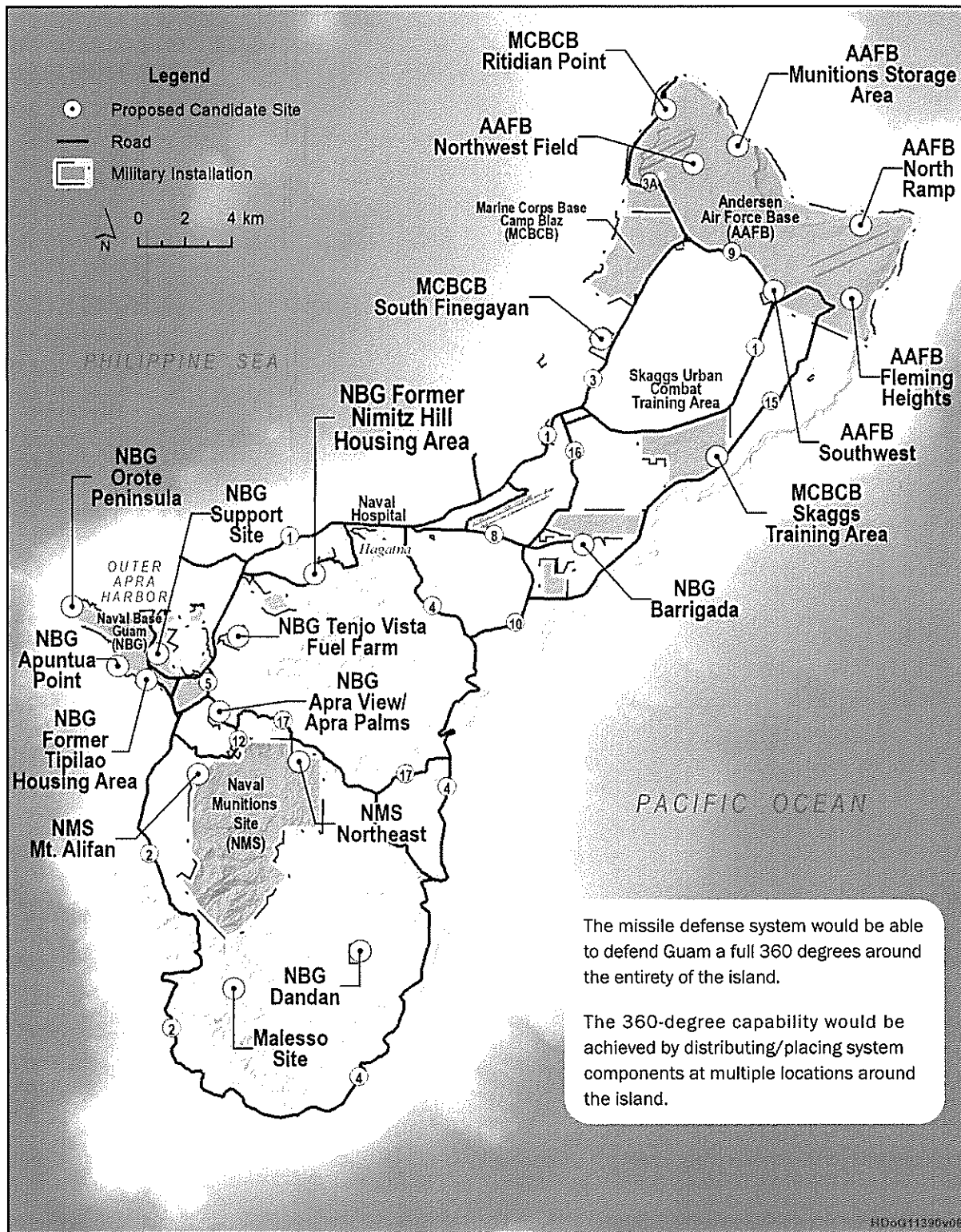
This land-based sensor provides critical information for the long-range classification, discrimination, and identification of missiles.



A communications relay support component is critical to the missile defense system.



Launchers would contain interceptor missiles to intercept incoming missile threats to Guam.



Candidate Sites for Enhanced Integrated Air and Missile Defense System Components. The Missile Defense Agency and the Army need to strategically locate and integrate various components of the Enhanced Integrated Air and Missile Defense system at multiple sites around Guam. In the event where Department of Defense (DoD) property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-federal properties, acquisition of appropriate real estate interests on non-federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered.

ENVIRONMENTAL RESOURCES TO BE ANALYZED IN THE EIS

MDA is preparing an EIS to evaluate the potential impacts of the Proposed Action on the following resource areas:

- Water Resources
- Air Quality (including Climate Change)
- Airspace Management
- Land Use
- Visual Resources
- Recreation
- Noise and Vibration
- Socioeconomics
- Environmental Justice and Protection of Children
- Geological Resources
- Terrestrial Biological Resources
- Cultural Resources
- Infrastructure and Utilities
- Public Health and Safety
- Transportation

MDA anticipates airspace modifications may be necessary at sites where radars would be located. Potential socioeconomic and transportation impacts are also anticipated due to increased staffing needs associated with the Proposed Action.

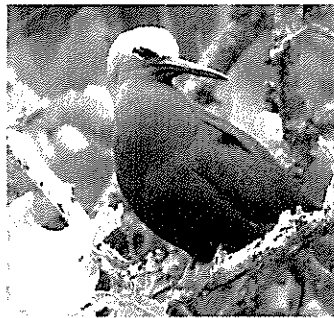
Cumulative impacts, which are the impacts on the environment resulting from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions, will also be analyzed.

MDA will also conduct surveys and studies to support the environmental impact analyses, including:

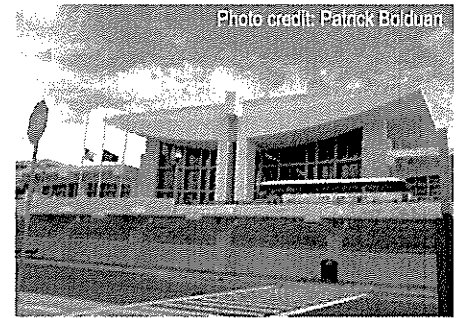
- Aeronautical Study
- Air Quality Impact Study
- Cultural Resource Assessment
- Natural Resources Baseline Survey
- Stormwater Study
- Utilities and Infrastructure Studies

Studies and surveys will also support required permitting and authorizations under the Clean Air Act, Clean Water Act, Coastal Zone Management Act, Endangered Species Act, the National Historic Preservation Act, and other regulations, as necessary. Airspace needs or modifications would be coordinated with and approved by the Federal Aviation Administration.

MDA will coordinate and consult with federal and local agencies to ensure a comprehensive environmental impact analysis document. The public and stakeholders can evaluate and comment on the Draft EIS when it is made available for public review.



MDA will analyze potential impacts of the Proposed Action on terrestrial biological resources, such as birds like the black noddie.



An aeronautical study will assess potential impacts on airspace and identify potential restricted areas to be requested. Photo of Antonio B. Won Pat International Airport.



The EIS will include an assessment of potential impacts from construction activities, such as noise and vibration.

NATIONAL ENVIRONMENTAL POLICY ACT AND PUBLIC INVOLVEMENT

The National Environmental Policy Act (NEPA) is a U.S. federal law that requires federal agencies to examine the potential environmental impacts of their proposed actions and to encourage and facilitate public involvement in decisions which may affect the quality of the environment.

MDA is committed to meaningful public involvement and will keep the public informed throughout the development of the EIS.

Before a federal agency may proceed with a major federal action (a "proposed action"), it must first consider the potential effects the proposal may have on the human, natural, or cultural environment. A federal agency can meet its NEPA requirements by preparing an EIS.

Public input and involvement are fundamental aspects of the EIS process. The NEPA process requires public involvement during the scoping period and when the Draft EIS is available for public review and comment. The public participates in the NEPA process during the following key stages:

- **Scoping Period:** The public can help the federal agency identify the scope of the EIS, potential alternatives, and identification of environmental concerns for consideration in the impact analysis.
- **Draft EIS Public Review and Comment Period:** The public can review, evaluate, and comment on the environmental impact analysis.
- **Final EIS Public Review Period:** The public can review how the federal agency responded to public comments on the Draft EIS and incorporated information into the impact analysis in the Final EIS.

For More Information and to Submit Comments

The public, including elected officials, government agencies, nongovernmental organizations, and interested individuals are encouraged to learn more and participate in the NEPA process.

MDA welcomes the public's comments on the scope of the EIS, potential alternatives, identification of environmental concerns, issues that should be addressed in the EIS, and the project's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966. Visit the project website at www.mda.mil/system/eiamd.html to learn more and submit comments. For more information, please contact Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil.

The public can also submit comments at the open house public scoping meetings, by email to info@EIAMD-EIS.com, or by U.S. postal mail to:

ManTech International Corporation
Attention: EIAMD EIS Project Support
PMB 403
1270 N. Marine Corps Dr., Suite 101
Tamuning, Guam 96913-4331

Comments must be postmarked or received online by **June 27, 2023**, for consideration in the Draft EIS.

This public scoping effort will also support consultation under Section 106 of the NHPA and its implementing regulations at 36 Code of Federal Regulations Part 800.

The public is encouraged to provide comments on the scope of the EIS, potential alternatives, and identification of environmental concerns for consideration in the impact analysis.

NATIONAL ENVIRONMENTAL POLICY ACT PROCESS AND TIMELINE

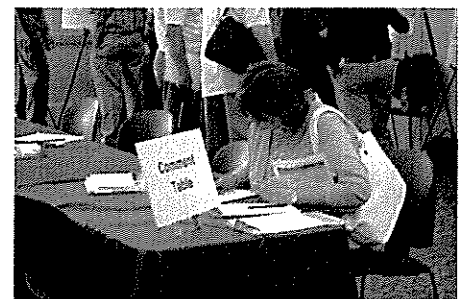
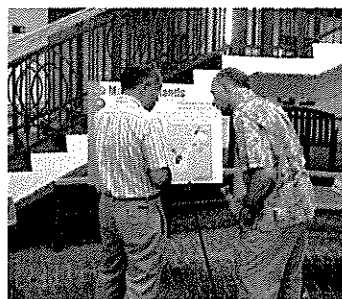
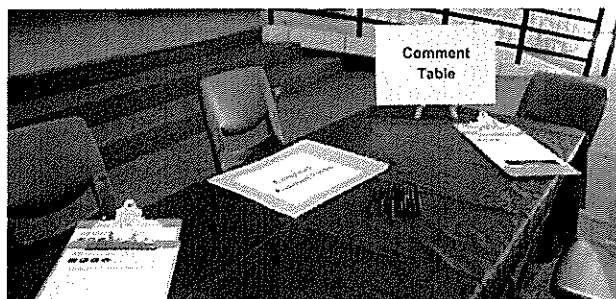
Milestone	Description	Current Schedule*
Notice of Intent to Prepare an EIS	<ul style="list-style-type: none"> Initiates the public involvement phase of the NEPA process. 	May 5, 2023
Scoping Period	<ul style="list-style-type: none"> Provides an early and open public process for identifying, defining, and prioritizing issues to be evaluated in the EIS. Includes public meetings and other opportunities to learn more and submit comments. 	<p>COMMENT PERIOD: May 5, 2023 – June 27, 2023</p> <p>OPEN HOUSE SCOPING MEETINGS: Mangilao: June 14, 2023 Dededo: June 15, 2023 Santa Rita: June 16, 2023</p>
Draft EIS	<ul style="list-style-type: none"> Presents the analysis of potential environmental impacts for each identified alternative. 	Spring 2024
Draft EIS Public Review and Comment Period	<ul style="list-style-type: none"> Provides at least 45 days for the public to comment on the analysis presented in the Draft EIS. Includes public meetings and other opportunities to learn more and submit comments. 	<p>COMMENT PERIOD: Spring 2024</p> <p>PUBLIC MEETINGS: Spring 2024</p>
Final EIS and Public Review Period	<ul style="list-style-type: none"> Includes updates to the Draft EIS and responses to public comments received during the Draft EIS comment period. Provides at least 30 days for the public to review the Final EIS before agencies may make their decisions. 	Early 2025
Record of Decision	<ul style="list-style-type: none"> Includes selection of an alternative by agencies. 	Early 2025

* The current schedule is subject to change.



Opportunity for Public Review and Comment

Opportunity for Public Review



U.S. Department of Defense - Missile Defense Agency

National Environmental Policy Act (NEPA)

The NEPA requires all federal agencies to evaluate and consider the environmental impacts of their proposed actions and reasonable alternatives to those actions. The NEPA process enables federal agencies such as the Missile Defense Agency (MDA) to make informed decisions about the consequences of our projects, to both solicit public input and inform the public about our findings, and to take actions that will protect the environment.

The NEPA process starts after a proposal is formulated to take a major federal action. In the process, there are three levels of analysis depending on whether or not a proposed action could significantly affect the environment. The basic levels of NEPA environmental review and documentation process include:

Categorical Exclusion (CATEX): A category of actions that normally do not have a significant effect on the human environment, and therefore do not require preparation of an environmental assessment or environmental impact statement. Some CATEXs are documented with a Record of Environmental Consideration (REC).

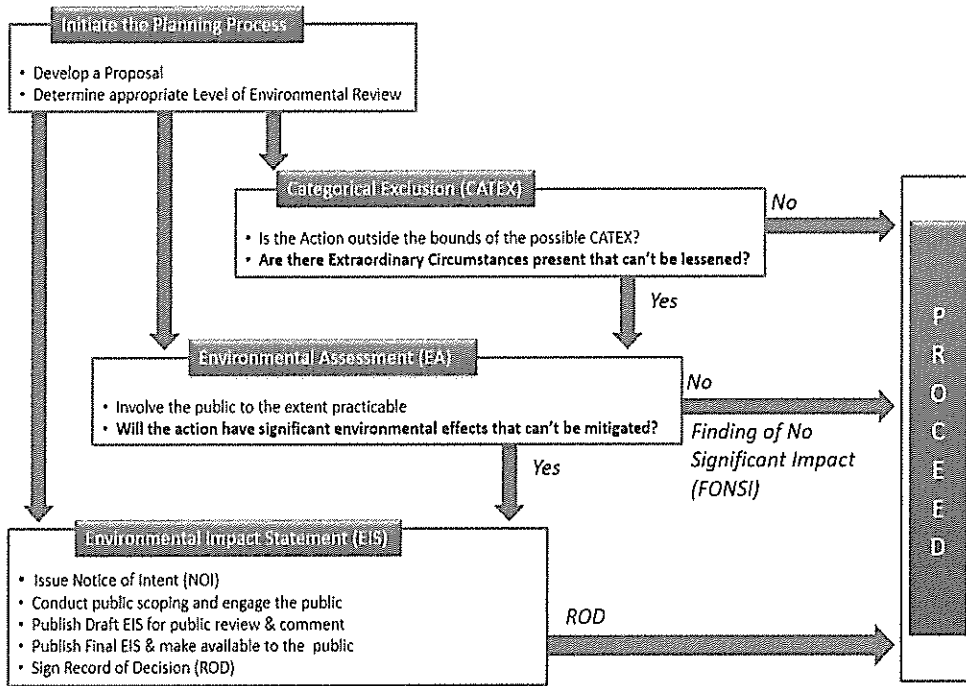
Environmental Assessment (EA): A document that determines whether or not a proposed action has the potential to cause significant environmental impacts. An EA briefly describes the proposed action and its need, any alternative actions to the proposed action, and the environmental impacts of the proposed action and alternatives. In the event an EA is prepared and there are no significant impacts identified that can't be mitigated, then this determination and required mitigations would be documented in a Finding of No Significant Impact (FONSI). If there would be significant impacts that could not be mitigated, then an Environmental Impact Statement would be prepared.

Environmental Impact Statement (EIS): A detailed document prepared for proposed actions expected to have a significant impact on the quality of the human environment. An EIS describes the proposed action and its need, any alternative actions to the proposed action, and the environmental impacts of the proposed action and alternatives. The EIS process begins with publication of a Notice of Intent (NOI) and ends with the issuance of a Record of Decision (ROD). The ROD documents the decision on which action to implement and discusses mitigation and monitoring measures, if necessary.

Mitigation measures avoid or reduce the impact of the action and can include:

- Avoiding the impact by not taking action or not implementing certain parts of the action,
- Minimizing impacts by limiting the degree or magnitude of the action,
- Repairing, rehabilitating, or restoring the affected environment,
- Reducing or eliminating the impact by preservation and maintenance operations during implementation over time, and
- Compensating for the impact by replacing or providing for substitute resources or environments.

The NEPA Process



How the MDA implements NEPA (</about/implementingnepa.html>)

NEPA Documents (</about/nepadocuments.html>)

GUAM MISSILE DEFENSE
GOVGUAM EXECUTIVE & SUBCOMMITTEE LISTING

EXEX. COMMITTEE:

Deputy COS Clynt Ridgell	Carlotta Leon Guerrero
J. George Bamba	Vera Topasna
Stephanie Flores	Michelle Lastimoza
Rikki Orsini	Tyrone Taitano
Lola Leon Guerrero	Krystal Paco
Chelsa Muna-Brecht	Esther J.C. Aguigui

Sub-Committees & Leads

Environment – Joe Borja, Land Management

- i. GEPA
- ii. DOAG
- iii. LAND
- iv. BSP
- v. WERI

b. Socio Economics – Melvin Won Pat Borja

- i. Transportation
- ii. Public Safety
- iii. Cultural/Historic (Section 106)

c. Health & Social Services – Therese Arriola

- 1. GBHWSS
- 2. DYA
- 3. Public Health
- 4. GMH

d. Infrastructure – Tyrone Taitano

- i. Utilities (GWA/GPA, WERI)
- ii. Port/DPW/GIAA

e. Economics – Melanie Mendiola

- i. GEDA
- ii. DEPT. OF REV/TAX
- iii. GVB
- iv. GHURA

f. Labor & Workforce Development – David Dell’Isola

- i. DOL
- ii. UOG
- iii. GCC
- iv. DOE



EIAMD EIS Notification of Intent

Nicholson, Benjamin R RDML USN COMJTREG MARIANAS GU (USA)Mon, May 1, 2023 at
8:19 PM

<benjamin.r.nicholson.mil@us.navy.mil>

To: "Vera A. Topasna" <vera.topasna@guam.gov>

Cc: "Smith, Michael A CAPT USN COMJTREG MARIANAS GU (USA)" <michael.a.smith37.mil@us.navy.mil>, "Ridilla, Peter A CIV USN COMNAVMARIANAS GU (USA)" <peter.a.ridilla.civ@us.navy.mil>, "Sablan, Randel L CIV (USA)" <randel.l.sablan.civ@us.navy.mil>, "Sanchez, Judith D (Judy) CIV USN COMJTREG MARIANAS GU (USA)" <judith.d.sanchez.civ@us.navy.mil>, "Elliott, Harry W IV CIV USN COMJTREG MARIANAS GU (USA)" <harry.w.elliott2.civ@us.navy.mil>, "Cruz, Mark D CIV USN COMJTREG MARIANAS GU (USA)" <mark.d.cruz2.civ@us.navy.mil>, "Horton, Joseph P LCDR USN COMJTREG MARIANAS GU (USA)" <joseph.p.horton.mil@us.navy.mil>, "Koenig, Katherine Coaty (Katie) LCDR USN (USA)" <katherine.c.koenig.mil@us.navy.mil>, "Norton, Catherine C CIV USN COMNAVMARIANAS GU (USA)" <catherine.c.norton2.civ@us.navy.mil>, "O'Neal, Shaina Marie S CIV USN COMJTREG MARIANAS GU (USA)" <shainamarie.s.oneal.civ@us.navy.mil>, "Webster, William Cody MCPO USN COMJTREG MARIANAS GU (USA)" <william.c.webster.mil@us.navy.mil>

Vera,

Attached is the letter I presented to the Acting Governor today. Still working on the answers to his questions.

V/r,
Ben
RDML Benjamin Nicholson, USN
COM: JRM / NAVFORMAR / TFW
SMO: Guam / CNMI / FSM / ROP
Desk: 671-349-3200
Mobile: 671-489-1766



D Signed GovGuam Letter_EIAMD EIS Nol and Scoping Public Outreach Material 04302023.pdf
368K



EIAMD EIS Notification of Intent

Vera A. Topasna <vera.topasna@guam.gov>
To: "Eliza G. Dames" <eliza.dames@guam.gov>

Tue, May 2, 2023 at 2:45 PM

Hand delivered. Lt Gov has a copy and DCOS.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946

Begin forwarded message:

From: "Nicholson, Benjamin R RDML USN COMJTREG MARIANAS GU (USA)" <benjamin.r.nicholson.mil@us.navy.mil>
Date: May 1, 2023 at 8:19:29 PM ChST
To: "Vera A. Topasna" <vera.topasna@guam.gov>
Cc: "Smith, Michael A CAPT USN COMJTREG MARIANAS GU (USA)" <michael.a.smith37.mil@us.navy.mil>, "Ridilla, Peter A CIV USN COMNAVMARIANAS GU (USA)" <peter.a.ridilla.civ@us.navy.mil>, "Sablan, Randel L CIV (USA)" <randel.l.sablan.civ@us.navy.mil>, "Sanchez, Judith D (Judy) CIV USN COMJTREG MARIANAS GU (USA)" <judith.d.sanchez.civ@us.navy.mil>, "Elliott, Harry W IV CIV USN COMJTREG MARIANAS GU (USA)" <harry.w.elliott2.civ@us.navy.mil>, "Cruz, Mark D CIV USN COMJTREG MARIANAS GU (USA)" <mark.d.cruz2.civ@us.navy.mil>, "Horton, Joseph P LCDR USN COMJTREG MARIANAS GU (USA)" <joseph.p.horton.mil@us.navy.mil>, "Koenig, Katherine Coaty (Katie) LCDR USN (USA)" <katherine.c.koenig.mil@us.navy.mil>, "Norton, Catherine C CIV USN COMNAVMARIANAS GU (USA)" <catherine.c.norton2.civ@us.navy.mil>, "O'Neal, Shaina Marie S CIV USN COMJTREG MARIANAS GU (USA)" <shainamarie.s.oneal.civ@us.navy.mil>, "Webster, William Cody MCPO USN COMJTREG MARIANAS GU (USA)" <william.c.webster.mil@us.navy.mil>
Subject: EIAMD EIS Notification of Intent

Vera,
[Quoted text hidden]



D Signed GovGuam Letter_EIAMD EIS Nol and Scoping Public Outreach Material 04302023.pdf
368K



Governor's Circular No. 2023-06

Kathleen C. Cepeda <kathleen.cepada@guam.gov>

Thu, May 11, 2023 at 8:22 AM

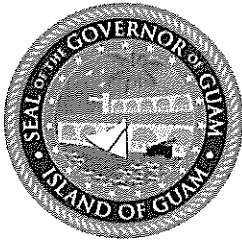
To: "Kathleen C. Cepeda" <Kathleen.cepada@guam.gov>

Cc: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, Lieutenant Governor Joshua Tenorio <lt.governor@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>

Bcc: cabinet@guam.gov

Hafa Adai,

Please find attached Governor's Circular No. 2023-06, regarding the single point of contact for the Government of Guam's response to the Missile Defense Agency (MDA) Guam missile defense environmental impact statement for an enhanced integrated air and missile defense system on Guam.

Senseramente,**Kathleen C. Cepeda***Executive Assistant to the Chief of Staff*

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

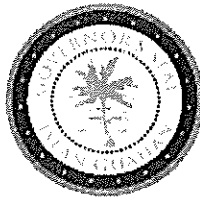
671-473-1112 | governor.guam.gov

**Governor's Circular No. 2023-06.pdf**

35K



LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

GOVERNOR'S CIRCULAR NO. 2023-06

DATE: May 9, 2023

TO: All Department and Agency Heads

FROM: Lourdes A. Leon Guerrero, Governor of Guam *Signature*

SUBJECT: Single Point of Contact for the Government of Guam's Response to the Missile Defense Agency (MDA) Guam Missile Defense Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

Effective immediately, I am appointing Vera Topasna, Executive Director, Community Defense Liaison Office (CDLO), as the single point of contact for all matters related to the Environmental Impact Statement (EIS) of the Enhanced Integrated Air and Missile Defense (EIAMD) system for Guam.

As you are aware, the Guam Missile Defense is an important development for our island's security in the Indo-Pacific region. The EIS process is a tool in identifying and analyzing probable adverse environmental impacts, reasonable alternatives, and possible mitigation. As a government, we must ensure that the EIS process provides complete transparency and opportunities for our community stakeholders to participate in developing and analyzing information concerning the proposed EIAMD system for Guam. In this regard, I direct all agency heads to work closely with the CDLO to provide all the necessary support and information to enable the CDLO to carry out its responsibilities effectively.

Please ensure that all concerned parties in your respective agencies are informed of this appointment and directed to work with Mrs. Topasna on all matters related to the EIS of the Guam Missile Defense. Furthermore, Mrs. Topasna will establish agency working groups to assist in drafting EIS responses. By prior direction, an Executive Committee is established to assist in reviewing the draft agency questions/responses to present to me a final recommendation and official Government of Guam response to the EIS. All communications to Joint Region Marianas, Indo-Pacific Command, and the Missile Defense Agency shall be coordinated through the CDLO.

Si Yu'os Ma'ase.



Guam Missile Defense Environmental Impact Statement

Vera A. Topasna <vera.topasna@guam.gov>

Fri, May 19, 2023 at 12:49 AM

To: "Arthur U. San Agustin (Arthur.SanAgustin@dphss.guam.gov)" <arthur.sanagustin@dphss.guam.gov>, Lola Leon Guerrero <lola.lg.bsp@guam.gov>, "Joseph M. Borja" <joseph.borja@land.guam.gov>, Joseph Carbullido <joseph.carbullido@doc.guam.gov>, "Dafne M. Shimizu" <dafne.shimizu@revtax.guam.gov>, Joey San Nicolas <joey.sannicolas@gfd.guam.gov>, Vince Arriola <vince.arriola@olddpw.guam.gov>, David Dellisola <david.dellisola@dol.guam.gov>, lillian perez-posadas <lillian.perez-posadas@gmha.org>, John Quinata <john.quinata@guamairport.net>, Melanie Brennan <melanie.brennan@olddya.guam.gov>, Stephen Ignacio <stephen.ignacio@gpd.guam.gov>, "Dominic G. Muna" <dgmuna@portofguam.com>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, therese.arriola@gbhwc.guam.gov, "Artemio Ricky Hernandez, PhD" <ahernandez@guamairport.net>, Warren Pelletier <warren.pelletier@dpr.guam.gov>, "Rory J. Respicio" <rjrespicio@portofguam.com>, Melanie Mendiola <mel.mendiola@investguam.com>, Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, Carlos Bordallo <carlos.bordallo@investguam.com>, ignacio.pedro@cqa.guam.gov, Tyrone Taitano <tyrone.taitano@guam.gov>, samantha.brennan@ghs.guam
Cc: Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>

Hafa Adai Esteemed Colleagues:

As you may be aware the Missile Defense Agency has issued its Notice of Intent to prepare an Environmental Impact Statement (EIS) for Enhanced Integrated Air and Missile Defense System on Guam. This process provides an opportunity to identify potential gaps or inconsistencies with the EIS; raise concerns about the fairness of the study process; point to specific regulatory requirements that must be considered; or raise concerns about compliance with NEPA and other laws. It also allows for the identification of potential alternatives, information and analysis relevant to the proposed action. Your agency has been identified as having significant to minimal direct impact as a result of the proposed action.

The CDLO has been tasked to lead in preparing GovGuam comments on the scope of the EIS and to do so we have identified working groups to ensure we capture as much information from your agency's as possible. ***I have provided the attached information on the proposed action and will be sending out separate emails to the working groups to begin the process.***

Please also note an Executive Committee has been established to review and prepare a consolidated response for final review/approval by the Governor & Lt. Governor. I appreciate your support in this endeavor and look forward to working with each of you in the weeks ahead.

Please feel free to call me with any questions.

--

Sincerely,

Vera Topasna
Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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5 attachments



Notice-of-Intent-to-Prepare-an-Environm...efense-System-on-Guam_2023-09609 #2.pdf
191K



Enhanced Integrated Air and Missile Def..#3.pdf
2758K



Environmental Management#5.pdf
143K



Guam Public Comment FAQ#4.pdf
75K



A Citizen_s Guide to NEPA_2021#7.pdf
2498K

Missile Defense EIS Executive Committee Planning Meeting

Vera A. Topasna <vera.topasna@guam.gov>

Mon, Jul 3, 2023 at 5:07 PM

To: Matthew Santos <matthew.santos.bsp@guam.gov>, Lola Leon Guerrero <lolalg.bsp@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, lola.leonguerrero@bsp.guam.gov, Warren Pelletier <warren.pelletier@dpr.guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, Patrick Lujan <patrick.lujan@olddpr.guam.gov>
Cc: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, "Lt. Gov" <joshua.tenorio@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Jose Naputi <jose.naputi@guam.gov>, "J. George Bamba" <george.bamba@guam.gov>, Nichole AC Duenas <nicole.duenas@guam.gov>, "Eliza G. Dames" <eliza.dames@guam.gov>, "Josephine C. Cepeda" <josephine.cepeda@guam.gov>

Hafa Adai MDA EIS Executive Committee:

I hope that all is well with everyone post Mawar. As you may be aware the Missile Defense Agency is planning to reschedule scoping meetings for early August. While we await confirmed dates, we are requesting for the Executive Committee to meet and discuss/approve a format for our GovGuam agencies to provide comments.

Meeting is scheduled for Thursday July 6 at 9:00 a.m. Governors Small Conference Room Adelup. Will send courtesy calendar invites. Have a great 4th of July holiday.

--

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

Office of the Governor of Guam

120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915

Office: 671-475-4735

Cell: 671-482-5946



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Notice of Intent_Enhanced Integrated Air and Missile Defense System on Guam

Vera A. Topasna <vera.topasna@guam.gov>

Thu, Jul 13, 2023 at 8:44 AM

To: Melanie Mendiola <mel.mendiola@investguam.com>, Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, "Joseph M. Borja" <joseph.borja@land.guam.gov>, Stephen Ignacio <stephen.ignacio@gpd.guam.gov>, Ignacio Peredo <ignacio.peredo@oldcqa.guam.gov>, Joey San Nicolas <joey.sannicolas@gfd.guam.gov>, "Rory J. Respicio" <rjrespicio@portofguam.com>, John Quinata <john.quinata@guamairport.net>, Tyrone Taitano <tyrone.taitano@guam.gov>, Vince Arriola <vince.arriola@olddpw.guam.gov>, lolalg@bsp.guam.gov, Warren Pelletier <warren.pelletier@dpr.guam.gov>, therese.arriola@gbhwc.guam.gov, lillian perez-posadas <lillian.perez-posadas@gmha.org>, "Arthur U. San Agustin" <Arthur.SanAgustin@dphss.guam.gov> <arthur.sanagustin@dphss.guam.gov>, "Dafne M. Shimizu" <dafne.shimizu@revtax.guam.gov>, Carl Gutierrez <carl.gutierrez@visitguam.com>, Elizabeth Napoli <efnapoli@ghura.org>, David Dellisola <david.dellisola@dol.guam.gov>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, Rebecca Respicio <rebecca.respicio@energy.guam.gov>, melanie.brennan@dya.guam.gov, Melvin Won Pat Borja <melvin.borja@guam.gov>
Cc: Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, "J. George Bamba" <george.bamba@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>

Good Morning Colleagues:

I hope that you and your families have recovered from the recent typhoon and that all is well with everyone. As you may be aware our office has been tasked to lead in agency responses to the public commenting period for the subject Notice of Intent for an Environmental Impact Statement (EIS) for the EIAMD aka Missile Defense of Guam. The National Environmental Policy Act (NEPA) requires Federal agencies to prepare an EIS for major Federal actions that significantly affect the quality of the human environment which could have a direct or indirect impact. GOVG Guam input will cover environment, cultural resources, socioeconomics, infrastructure, labor, education, workforce development.

In addition to the CDLO appointment for the EIS process, we have formed an Executive Committee in the cc to review final draft comments prior to submitting to the COS/DCOS, GOV & Lt. Gov. Some of you may have been involved in the previous EIS process in 2007 with the Realignment of Marines to Guam. For those who have not, we will assist in any way we can. Preliminary information we received regarding the timeline for the EIS **Public Scoping is Aug 2-4 and end of public comment period is tentatively Aug 11, 2023** after being delayed by the typhoon. As things evolve we expect that the Governor will be notified in advance.

Subcommittees and leads have been assigned and list is attached. We will be forwarding a calendar of meetings for all subcommittees and it is recommended that you appoint a Point of Contact for this process.

My point of contact for CDLO is Jose Naputi, Sr. Planner for CDLO. He will help coordinate meetings, information, questions and be available to assist your POCs. Finally, see links below for information to help guide you as well as attachments for your reference. **Note:** One of the attachments is a copy of agency responses in 2007 to the Marine Relocation to give you an idea on how to respond.

 CMTF_EIS_PS2007.pdf

Please feel free to call or email me if you have specific questions. Thanks so much in advance.

Weblinks:

<https://governor.guam.gov/militaryaffairs/militaryaffairsdocuments/>
<https://www.mda.mil/system/eiamd/>

--

Sincerely,

Vera Topasna
Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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GMD EIS COMMITTEES2023.pdf
113K

ENHANCED INTEGRATED AIR & MISSILE DEFENSE (EIAMD) SYSTEM ON GUAM

Public Comments

The Missile Defense Agency (MDA) welcomes the public's comments on the scope of the Environmental Impact Statement (EIS), potential alternatives, identification of environmental concerns, issues that should be addressed in the EIS, and the project's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act of 1966.

The public is encouraged to submit comments during the scoping period from **May 5, 2023, through June 27, 2023**. Comments may be submitted **at the open house public scoping meetings, by email to info@eiamd-eis.com, online (<https://eiamd-eis.com>), or by U.S. postal mail to:**

ManTech International Corporation
Attention: EIAMD EIS Project Support
PMB 403
1270 N. Marine Corps Dr., Suite 101
Tamuning, Guam 96913-4331

Comments must be postmarked or received online by June 27, 2023, for consideration in the Draft EIS. The National Environmental Policy Act process requires public involvement during the scoping period and when the Draft EIS is available for public review and comment.

Privacy Advisory: Requesting public review and comment on the scope of the EIAMD EIS and environmental issues that should be considered is required in accordance with the National Environmental Policy Act. The EIS process will also support the National Historic Preservation Act requirements, including Section 106 consultation. All comments received during the public comment period will become part of the public record and will be considered during preparation of the EIS. Providing private address information with your comment is voluntary and such personal information will be kept confidential unless release is required by law. Failure to provide your address will result in your name not being included on the project notification list, and you will not receive notifications about this project.



there are fewer than 200 individuals in the stratum. OPA weights the eligible respondents in order to make inferences about the entire population of active duty spouses. The weighting methodology utilizes standard weighting processes.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09623 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0038]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSDP&R), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSDP&R announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 5, 2023.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Assistant Secretary for Defense for Military Personnel Policy, Office of Military Compensation Policy, ATTN: Mr. Ronald Garner, Pentagon, Washington, DC 20301-1500, or call (703) 693-1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Data for Payment of Retired Personnel; DD Form 2656; OMB Control Number 0704-0569.

Needs and Uses: The information collection requirement is necessary to obtain applicable retirement information from Uniformed Service members and allow those members to make certain retired pay and survivor annuity elections prior to retirement from service or prior to reaching eligibility to receive retired pay. The form will also allow eligible members covered by the Blended Retirement System to make a voluntary election of a partial lump sum of retired pay, as required by section 1415 of title 10, United States Code.

Affected Public: Individuals or households.

Annual Burden Hours: 31,988.

Number of Respondents: 127,950.

Responses per Respondent: 1.

Annual Responses: 127,950.

Average Burden per Response: 15 minutes.

Frequency: As required.

Every member of the Uniformed Services who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, will voluntarily complete this form to request retired pay, designate beneficiaries, and make a Survivor Benefit Plan election. In an average calendar year, approximately 127,950 members of the Uniformed Service will complete this form. The spouses of retiring members of the Uniformed Services are only required to complete part V of this form if the Service member declines or reduces his or her level of under the Survivor Benefit Plan.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09627 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD).

ACTION: Notice of intent.

SUMMARY: The MDA is issuing this notice of intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the **Federal Register**. Comments must be postmarked or

received on or before June 27, 2023 to ensure consideration in the Draft EIS. **ADDRESSES:** Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech

International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331. Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the fiscal year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors,

missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

Associated support facilities and infrastructure (e.g., power plants, fuel storage facilities, and water storage facilities), and life support facilities (e.g., family housing, fire stations, and dining facilities) would also be constructed and operated on these sites to support proposed EIAMD components and accommodate personnel associated with the proposed EIAMD system.

The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomics, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on

Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: May 2, 2023.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09609 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0039]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Contract Management Agency announces a proposed public information collection and seeks public comment on the provisions thereof.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use

there are fewer than 200 individuals in the stratum. OPA weights the eligible respondents in order to make inferences about the entire population of active duty spouses. The weighting methodology utilizes standard weighting processes.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09623 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0038]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSDP&R), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSDP&R announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 5, 2023.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this Federal Register document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Assistant Secretary for Defense for Military Personnel Policy, Office of Military Compensation Policy, ATTN: Mr. Ronald Garner, Pentagon, Washington, DC 20301-1500, or call (703) 693-1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Data for Payment of Retired Personnel; DD Form 2656; OMB Control Number 0704-0569.

Needs and Uses: The information collection requirement is necessary to obtain applicable retirement information from Uniformed Service members and allow those members to make certain retired pay and survivor annuity elections prior to retirement from service or prior to reaching eligibility to receive retired pay. The form will also allow eligible members covered by the Blended Retirement System to make a voluntary election of a partial lump sum of retired pay, as required by section 1415 of title 10, United States Code.

Affected Public: Individuals or households.

Annual Burden Hours: 31,988.

Number of Respondents: 127,950.

Responses per Respondent: 1.

Annual Responses: 127,950.

Average Burden per Response: 15 minutes.

Frequency: As required.

Every member of the Uniformed Services who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, will voluntarily complete this form to request retired pay, designate beneficiaries, and make a Survivor Benefit Plan election. In an average calendar year, approximately 127,950 members of the Uniformed Service will complete this form. The spouses of retiring members of the Uniformed Services are only required to complete part V of this form if the Service member declines or reduces his or her level of under the Survivor Benefit Plan.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09627 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD).

ACTION: Notice of intent.

SUMMARY: The MDA is issuing this notice of intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the Federal Register. Comments must be postmarked or

received on or before June 27, 2023 to ensure consideration in the Draft EIS.

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331. Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the fiscal year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors,

missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

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The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomics, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on

Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: May 2, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09609 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0039]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Contract Management Agency announces a proposed public information collection and seeks public comment on the provisions thereof.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use



Jon Junior Calvo <jon.calvo@guam.gov>

NDAA 2023

1 message

Vera A. Topasna <vera.topasna@guam.gov>

Wed, Dec 7, 2022 at 5:12 PM

To: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>

Cc: "Lt. Gov" <joshua.tenorio@guam.gov>, COS <jon.calvo@guam.gov>, Alice Taijeron <alice.taijeron@guam.gov>, Carlotta Leon Guerrero <carlottaguam@yahoo.com>, George Bamba <george.bamba@guam.gov>

Governor:

The following provisions were released in the NDAA 2023 provided below. I will print the full text and approved budgets to provide as an attachment in a separate email since the document is 4,000 pages, we are extrapolating for one file. Cursory review as follows for Guam and Indo Pacific:

GUAM**SECTION 1660** – Integrated air and missile defense architecture for defense of Guam

SECTION 2868 Repeal of requirement for Interagency Coordination Group of Inspectors General for
Guam Realignment

SECTION 2873 Access to military installations for Homeland Security Investigations personnel in Guam

SECTION 5901 Extension of admission to Guam or the Commonwealth of the Northern Marianas
Islands for certain non-immigrant H-2B workers - Extension to December 31, 2024.

SECTION 387 Expanding and Making permanent the Program for Invasive Species Management for
Military Installations

SECTION 515 Authority to waive Requirement that performance of active Guard and Reserve Duty at
the Request of a Governor may not interfere with certain duties

SECTION 737 Improvements relating to Behavioral Health Care available under Military Health System**SECTION 5101** Annual Report from Advisory Committee***§548 – Advisory Committee on United States Outlying Areas and Freely Associated***

*The Secretary shall establish an advisory committee, to be known as the 'Advisory
Committee on United States Outlying Areas and Freely Associated States', to provide
advice and guidance to the Secretary on matters relating to covered veterans. (Guam,
CNMI, Virgin Islands, FSM, RMI, Palau*

SECTION 8375 Environmental Infrastructure - \$10 Million for Guam**INDOPACIFIC**

Subtitle E—Matters Relating to the Indo-Pacific Region Sec. 1251. Modification to annual report on military and security
developments involving the People's Republic of China.

Sec. 1252. Modification of Indo-Pacific Maritime Security Initiative to author[1]ize use of funds for the Coast Guard.

Sec. 1253. Modification of prohibition on participation of the People's Republic of China in rim of the Pacific (RIMPAC) naval exercises to in[1]clude cessation of genocide by China.

Sec. 1254. Extension and modification of Pacific Deterrence Initiative.

Sec. 1255. Extension of authority to transfer funds for Bien Hoa dioxin clean[1]up. **Sec. 1256.** Enhanced indications and warning for deterrence and dissuasion.

Sec. 1257. Prohibition on use of funds to support entertainment projects with ties to the Government of the People's Republic of China.

Sec. 1258. Reporting on institutions of higher education domiciled in the Peo[1]ple's Republic of China that provide support to the People's Liberation Army.

Sec. 1259. Review of port and port-related infrastructure purchases and in[1]vestments made by the Government of the People's Republic of China and entities directed or backed by the Government of the People's Republic of China.

Sec. 1260. Enhancing major defense partnership with India.

Sec. 1261. Pilot program to develop young civilian defense leaders in the Indo[1]Pacific region.

Sec. 1262. Report on bilateral agreements supporting United States military posture in the Indo-Pacific region.

Sec. 1263. Statement of policy on Taiwan.

Sec. 1264. Sense of congress on joint exercises with Taiwan.

Sec. 1265. Sense of Congress on defense alliances and partnerships in the Indo-Pacific region.

Sec. 5991. Renegotiation of Compacts of Free Association

Sec. 5595. Report on Indo Pacific Region

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Sincerely,

Vera Topasna
Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity above. If you are not the intended recipient, you are hereby notified that any view, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.





Jon Junior Calvo <jon.calvo@guam.gov>

NEWS: Acting Governor Tenorio Receives Formal Notice of 360 Degree Missile Defense System

1 message

Krystal Paco-San Agustin <krystal.paco@guam.gov>
Bcc: jon.calvo@guam.gov

Tue, May 2, 2023 at 5:12 PM

FOR IMMEDIATE RELEASE - May 2, 2023**Acting Governor Tenorio Receives Formal Notice of 360 Degree Missile Defense System***Public Encouraged to Participate in Upcoming Scoping Process*

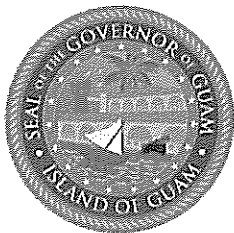
Hagåtña, Guam - Yesterday, Acting Governor Joshua Tenorio was notified by Joint Region Marianas Commander Rear Admiral Benjamin Nicholson on behalf of Vice-Admiral J.A. Hill about the Missile Defense Agency's plans to publish a Notice of Intent in the Federal Register. This action will initiate the public comment period for an Environmental Impact Statement (EIS) on a proposed 360 degree Enhanced Integrated Air and Missile Defense System. The Missile Defense Agency, the United States Department of the Army, the U.S. Department of the Navy, the U.S. Department of the Air Force, and the Federal Aviation Administration are working collaboratively on the EIS.

"During these times of increased tension in the Asia Pacific region, the Department of Defense has assured me they will do everything they can to protect Guam," said Acting Governor Tenorio. "This marks the beginning of the EIS process, which is a requirement of the National Environmental Policy Act. Our administration will closely examine their plans as soon as they are made available, and the relevant government agencies will provide the appropriate responses. We also encourage the public to participate in the upcoming scoping process and provide public input."

The public comment period will begin May 5 through June 27. This Notice of Intent also starts the scoping process, which is the period when the federal agency and the public collaborate to define the range of issues and potential alternatives to be addressed in the EIS.

Three scoping meetings are scheduled for next month. Scoping meetings will be held at the University of Guam Fieldhouse on June 14, Okkodo High School on June 15, and Southern High School on June 16, all from 4 p.m. to 7 p.m.

###



Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931



NEWS_ Acting Governor Tenorio Receives Formal Notice of 360 Degree Missile Defense System.pdf
347K



Jon Junior Calvo <jon.calvo@guam.gov>

NOI EIS

4 messages

Vera A. Topasna <vera.topasna@guam.gov>

Sat, May 6, 2023 at 9:42 AM

To: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>

Cc: "Lt. Gov" <joshua.tenorio@guam.gov>, COS <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, lola.leonguerrero@bsp.guam.gov, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Jeffrey Moots <jeffrey.moots@guam.gov>, Leslie Travis <leslie.travis@guam.gov>

Gov:

EIS NOI is now official and released on the federal register.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946



Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam_2023-09609.pdf

177K

Jon Junior Calvo <jon.calvo@guam.gov>

Sat, May 6, 2023 at 1:32 PM

To: "Vera A. Topasna" <vera.topasna@guam.gov>

Cc: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, "Lt. Gov" <joshua.tenorio@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, lola.leonguerrero@bsp.guam.gov, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Jeffrey Moots <jeffrey.moots@guam.gov>, Leslie Travis <leslie.travis@guam.gov>

Vera - work with Krystal on a short PR announcing the official posting of the NOI in the federal register.

On Fri, May 5, 2023 at 7:46 PM Vera A. Topasna <vera.topasna@guam.gov> wrote:

Gov:

EIS NOI is now official and released on the federal register.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Sat, May 6, 2023 at 1:33 PM

To: jon.calvo@guam.gov



Address not found

Your message wasn't delivered to **lola.leonguerrero@bsp.guam.gov** because the address couldn't be found, or is unable to receive mail.

[LEARN MORE](#)

The response was:

550 5.2.1 The email account that you tried to reach is disabled. Learn more at https://support.google.com/mail/?p=DisabledUser_a8-20020a170902900800b001aad9af31f8sor994592plp.3
- gsmtmp

Final-Recipient: rfc822; lola.leonguerrero@bsp.guam.gov

Action: failed

Status: 5.2.1

Diagnostic-Code: smtp; 550-5.2.1 The email account that you tried to reach is disabled. Learn more at

550 5.2.1 https://support.google.com/mail/?p=DisabledUser_a8-20020a170902900800b001aad9af31f8sor994592plp.3 -
gsmtmp

Last-Attempt-Date: Fri, 05 May 2023 20:33:21 -0700 (PDT)

----- Forwarded message -----

From: Jon Junior Calvo <jon.calvo@guam.gov>

To: "Vera A. Topasna" <vera.topasna@guam.gov>

Cc: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, "Lt. Gov" <joshua.tenorio@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, lola.leonguerrero@bsp.guam.gov, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Jeffrey Moots <jeffrey.moots@guam.gov>, Leslie Travis <leslie.travis@guam.gov>

Bcc:

Date: Fri, 5 May 2023 23:32:48 -0400

Subject: Re: NOI EIS

Vera - work with Krystal on a short PR announcing the official posting of the NOI in the federal register.

On Fri, May 5, 2023 at 7:46 PM Vera A. Topasna <vera.topasna@guam.gov> wrote:
Gov:

EIS NOI is now official and released on the federal register.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946

Vera A. Topasna <vera.topasna@guam.gov>

Sat, May 6, 2023 at 1:34 PM

To: Jon Junior Calvo <jon.calvo@guam.gov>

Cc: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, "Lt. Gov" <joshua.tenorio@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, lola.leonguerrero@bsp.guam.gov, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Jeffrey Moots <jeffrey.moots@guam.gov>, Leslie Travis <leslie.travis@guam.gov>

Will do. Thanks Chief.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946

On May 6, 2023, at 1:33 PM, Jon Junior Calvo <jon.calvo@guam.gov> wrote:

[Quoted text hidden]

there are fewer than 200 individuals in the stratum. OPA weights the eligible respondents in order to make inferences about the entire population of active duty spouses. The weighting methodology utilizes standard weighting processes.

Dated: April 27, 2023.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09623 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0038]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 5, 2023.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this Federal Register document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Assistant Secretary for Defense for Military Personnel Policy, Office of Military Compensation Policy, ATTN: Mr. Ronald Garner, Pentagon, Washington, DC 20301-1500, or call (703) 693-1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Data for Payment of Retired Personnel; DD Form 2656; OMB Control Number 0704-0569.

Needs and Uses: The information collection requirement is necessary to obtain applicable retirement information from Uniformed Service members and allow those members to make certain retired pay and survivor annuity elections prior to retirement from service or prior to reaching eligibility to receive retired pay. The form will also allow eligible members covered by the Blended Retirement System to make a voluntary election of a partial lump sum of retired pay, as required by section 1415 of title 10, United States Code.

Affected Public: Individuals or households.

Annual Burden Hours: 31,988.

Number of Respondents: 127,950.

Responses per Respondent: 1.

Annual Responses: 127,950.

Average Burden per Response: 15 minutes.

Frequency: As required.

Every member of the Uniformed Services who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, will voluntarily complete this form to request retired pay, designate beneficiaries, and make a Survivor Benefit Plan election. In an average calendar year, approximately 127,950 members of the Uniformed Service will complete this form. The spouses of retiring members of the Uniformed Services are only required to complete part V of this form if the Service member declines or reduces his or her level of under the Survivor Benefit Plan.

Dated: April 27, 2023.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09627 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD).

ACTION: Notice of intent.

SUMMARY: The MDA is issuing this notice of intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the *Federal Register*. Comments must be postmarked or

received on or before June 27, 2023 to ensure consideration in the Draft EIS.

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331.

Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the fiscal year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors,

missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

Associated support facilities and infrastructure (e.g., power plants, fuel storage facilities, and water storage facilities), and life support facilities (e.g., family housing, fire stations, and dining facilities) would also be constructed and operated on these sites to support proposed EIAMD components and accommodate personnel associated with the proposed EIAMD system.

The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomic, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on

Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: May 2, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09609 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0039]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Contract Management Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use



Jon Junior Calvo <jon.calvo@guam.gov>

NEWS: Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register

1 message

Krystal Paco-San Agustin <krystal.paco@guam.gov>
Bcc: jon.calvo@guam.gov

Sat, May 6, 2023 at 5:44 PM

FOR IMMEDIATE RELEASE - May 6, 2023

Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register

Public Encouraged to Participate in Comment Period Now through June 27

Hagåtña, Guam – The Missile Defense Agency (MDA) and Department of Defense (DoD) officially published its Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam in the Federal Register today. This notice starts the public scoping period which will run through June 27, 2023. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace.

“The deployment of a missile defense system on Guam has significant implications for the local community and the safety of our people. Starting today through June 27, we highly encourage our local community to participate in the process of reviewing and commenting on the Economic Impact Study for a missile defense system,” said Governor Lou Leon Guerrero. “Participation and feedback are crucial to ensure the system's effectiveness and address any concerns or issues that may arise.”

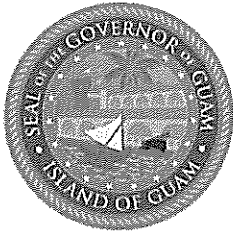
“Community participation and comments are critical for the deployment of a missile defense system on Guam,” said Lt. Governor Joshua Tenorio. “We encourage community members to participate in the ongoing comment period for the economic impact study and to provide their input and feedback. This will ensure that the study reflects the community's concerns and priorities and that the potential economic impacts of the missile defense system are fully understood.”

Access to meeting information can be found on the MDA website at <https://www.mda.mil/system/eiamd.html>. The scoping period will be between May 5, 2023, through June 27, 2023 and schedule for Open House Public Scoping Meetings are set as follows:

June 14, 2023	June 15, 2023	June 16, 2023
University of Guam	Okkodo High School	Southern High School
Calvo Field House	Gymnasium	Gymnasium
Gymnasium	660 Biradan Anakko 3rd St	#1 Jose Perez Leon Guerrero Dr
Mangilao	Dededo	Santa Rita

The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyzes relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

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Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

2 attachments

 **Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam_2023-09609.pdf**
177K

 **NEWS_ Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register.docx.pdf**
351K

there are fewer than 200 individuals in the stratum. OPA weights the eligible respondents in order to make inferences about the entire population of active duty spouses. The weighting methodology utilizes standard weighting processes.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09623 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0038]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 5, 2023.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this Federal Register document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Assistant Secretary for Defense for Military Personnel Policy, Office of Military Compensation Policy, ATTN: Mr. Ronald Garner, Pentagon, Washington, DC 20301-1500, or call (703) 693-1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Data for Payment of Retired Personnel; DD Form 2656; OMB Control Number 0704-0569.

Needs and Uses: The information collection requirement is necessary to obtain applicable retirement information from Uniformed Service members and allow those members to make certain retired pay and survivor annuity elections prior to retirement from service or prior to reaching eligibility to receive retired pay. The form will also allow eligible members covered by the Blended Retirement System to make a voluntary election of a partial lump sum of retired pay, as required by section 1415 of title 10, United States Code.

Affected Public: Individuals or households.

Annual Burden Hours: 31,988.

Number of Respondents: 127,950.

Responses per Respondent: 1.

Annual Responses: 127,950.

Average Burden per Response: 15 minutes.

Frequency: As required.

Every member of the Uniformed Services who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, will voluntarily complete this form to request retired pay, designate beneficiaries, and make a Survivor Benefit Plan election. In an average calendar year, approximately 127,950 members of the Uniformed Service will complete this form. The spouses of retiring members of the Uniformed Services are only required to complete part V of this form if the Service member declines or reduces his or her level of under the Survivor Benefit Plan.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09627 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD).

ACTION: Notice of intent.

SUMMARY: The MDA is issuing this notice of intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the Federal Register. Comments must be postmarked or

received on or before June 27, 2023 to ensure consideration in the Draft EIS.

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331. Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the fiscal year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors,

missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

Associated support facilities and infrastructure (e.g., power plants, fuel storage facilities, and water storage facilities), and life support facilities (e.g., family housing, fire stations, and dining facilities) would also be constructed and operated on these sites to support proposed EIAMD components and accommodate personnel associated with the proposed EIAMD system.

The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomic, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on

Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: May 2, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09609 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0039]

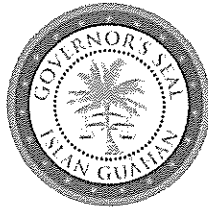
Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Contract Management Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA E. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

FOR IMMEDIATE RELEASE - May 6, 2023

**Notice of Intent to Prepare an EIS for a Missile Defense System on Guam
Published in Federal Register**

Public Encouraged to Participate in Comment Period Now through June 27

Hagåtña, Guam – The Missile Defense Agency (MDA) and Department of Defense (DoD) officially published its Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam in the Federal Register today. This notice starts the public scoping period which will run through June 27, 2023. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace.

“The deployment of a missile defense system on Guam has significant implications for the local community and the safety of our people. Starting today through June 27, we highly encourage our local community to participate in the process of reviewing and commenting on the Economic Impact Study for a missile defense system,” said Governor Lou Leon Guerrero. “Participation and feedback are crucial to ensure the system's effectiveness and address any concerns or issues that may arise.”

“Community participation and comments are critical for the deployment of a missile defense system on Guam,” said Lt. Governor Joshua Tenorio. “We encourage community members to participate in the ongoing comment period for the economic impact study and to provide their input and feedback. This will ensure that the study reflects the community's concerns and priorities and that the potential economic impacts of the missile defense system are fully understood.”

Access to meeting information can be found on the MDA website at <https://www.mda.mil/system/eiamd.html>. The scoping period will be between May 5, 2023, through June 27, 2023 and schedule for Open House Public Scoping Meetings are set as follows:

June 14, 2023

University of Guam
Calvo Field House
Gymnasium
Mangilao

June 15, 2023

Okkodo High School
Gymnasium
660 Biradan Anakko 3rd St
Dededo

June 16, 2023

Southern High School
Gymnasium
#1 Jose Perez Leon Guerrero Dr
Santa Rita

The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyzes relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

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Jon Junior Calvo <jon.calvo@guam.gov>

RESCIND AND REPLACE: NEWS: Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register

1 message

Krystal Paco-San Agustin <krystal.paco@guam.gov>
 Bcc: jon.calvo@guam.gov

Sat, May 6, 2023 at 6:04 PM

FOR IMMEDIATE RELEASE - May 6, 2023

Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register *Public Encouraged to Participate in Comment Period Now through June 27*

Hagåtña, Guam – The Missile Defense Agency (MDA) and Department of Defense (DoD) officially published its Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam in the Federal Register today. This notice starts the public scoping period which will run through June 27, 2023. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace.

“The deployment of a missile defense system on Guam has significant implications for the local community and the safety of our people. Starting today through June 27, we highly encourage our local community to participate in the process of reviewing and commenting on the Environmental Impact Study for a missile defense system,” said Governor Lou Leon Guerrero. “Participation and feedback are crucial to ensure the system's effectiveness and address any concerns or issues that may arise.”

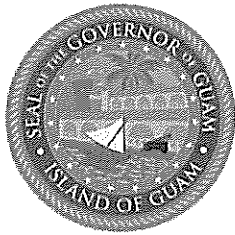
“Community participation and comments are critical for the deployment of a missile defense system on Guam,” said Lt. Governor Joshua Tenorio. “We encourage community members to participate in the ongoing comment period for the environmental impact study and to provide their input and feedback. This will ensure that the study reflects the community's concerns and priorities and that the potential environmental impacts of the missile defense system are fully understood.”

Access to meeting information can be found on the MDA website at <https://www.mda.mil/system/ciamd.html>. The scoping period will be between May 5, 2023, through June 27, 2023 and schedule for Open House Public Scoping Meetings are set as follows:

June 14, 2023	June 15, 2023	June 16, 2023
University of Guam	Okkodo High School	Southern High School
Calvo Field House	Gymnasium	Gymnasium
Gymnasium	660 Biradan Anakko 3rd St	#1 Jose Perez Leon Guerrero Dr
Mangilao	Dededo	Santa Rita

The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyzes relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

###



Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

2 attachments

 **Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam_2023-09609.pdf**
177K

 **NEWS_ Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register.docx.pdf**
351K

there are fewer than 200 individuals in the stratum. OPA weights the eligible respondents in order to make inferences about the entire population of active duty spouses. The weighting methodology utilizes standard weighting processes.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09623 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0038]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 5, 2023.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Assistant Secretary for Defense for Military Personnel Policy, Office of Military Compensation Policy, ATTN: Mr. Ronald Garner, Pentagon, Washington, DC 20301-1500, or call (703) 693-1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Data for Payment of Retired Personnel; DD Form 2656; OMB Control Number 0704-0569.

Needs and Uses: The information collection requirement is necessary to obtain applicable retirement information from Uniformed Service members and allow those members to make certain retired pay and survivor annuity elections prior to retirement from service or prior to reaching eligibility to receive retired pay. The form will also allow eligible members covered by the Blended Retirement System to make a voluntary election of a partial lump sum of retired pay, as required by section 1415 of title 10, United States Code.

Affected Public: Individuals or households.

Annual Burden Hours: 31,988.

Number of Respondents: 127,950.

Responses per Respondent: 1.

Annual Responses: 127,950.

Average Burden per Response: 15 minutes.

Frequency: As required.

Every member of the Uniformed Services who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, will voluntarily complete this form to request retired pay, designate beneficiaries, and make a Survivor Benefit Plan election. In an average calendar year, approximately 127,950 members of the Uniformed Service will complete this form. The spouses of retiring members of the Uniformed Services are only required to complete part V of this form if the Service member declines or reduces his or her level of under the Survivor Benefit Plan.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09627 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD).

ACTION: Notice of intent.

SUMMARY: The MDA is issuing this notice of intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the **Federal Register**. Comments must be postmarked or

received on or before June 27, 2023 to ensure consideration in the Draft EIS.

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech

International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331.

Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the fiscal year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors,

missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

Associated support facilities and infrastructure (e.g., power plants, fuel storage facilities, and water storage facilities), and life support facilities (e.g., family housing, fire stations, and dining facilities) would also be constructed and operated on these sites to support proposed EIAMD components and accommodate personnel associated with the proposed EIAMD system.

The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomics, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on

Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: May 2, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09609 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0039]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Contract Management Agency announces a proposed public information collection and seeks public comment on the provisions thereof.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

FOR IMMEDIATE RELEASE - May 6, 2023

**Notice of Intent to Prepare an EIS for a Missile Defense System on Guam
Published in Federal Register**

Public Encouraged to Participate in Comment Period Now through June 27

Hagåtña, Guam – The Missile Defense Agency (MDA) and Department of Defense (DoD) officially published its Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam in the Federal Register today. This notice starts the public scoping period which will run through June 27, 2023. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace.

“The deployment of a missile defense system on Guam has significant implications for the local community and the safety of our people. Starting today through June 27, we highly encourage our local community to participate in the process of reviewing and commenting on the Environmental Impact Study for a missile defense system,” said Governor Lou Leon Guerrero. “Participation and feedback are crucial to ensure the system's effectiveness and address any concerns or issues that may arise.”

“Community participation and comments are critical for the deployment of a missile defense system on Guam,” said Lt. Governor Joshua Tenorio. “We encourage community members to participate in the ongoing comment period for the environmental impact study and to provide their input and feedback. This will ensure that the study reflects the community's concerns and priorities and that the potential environmental impacts of the missile defense system are fully understood.”

Access to meeting information can be found on the MDA website at <https://www.mda.mil/system/eiamd.html>. The scoping period will be between May 5, 2023, through June 27, 2023 and schedule for Open House Public Scoping Meetings are set as follows:

June 14, 2023

University of Guam
Calvo Field House
Gymnasium
Mangilao

June 15, 2023

Okkodo High School
Gymnasium
660 Biradan Anakko 3rd St
Dededo

June 16, 2023

Southern High School
Gymnasium
#1 Jose Perez Leon Guerrero Dr
Santa Rita

The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyzes relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

###



Jon Junior Calvo <jon.calvo@guam.gov>

Fwd: Governors File

2 messages

Vera A. Topasna <vera.topasna@guam.gov>
To: Krystal Paco-San Agustin <krystal.paco@guam.gov>
Cc: Jon Calvo <jon.calvo@guam.gov>

Tue, May 9, 2023 at 4:31 PM

Krystal:

I think we can tab the Governors link as military updates or MDA EIS Information. Not sure what would be most appropriate. See attached documents for review/approval for posting. Can we issue a press release that informs the public that the Governor has a site for information? Also not sure if its needed.

Chief- For your review/approval.

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity above. If you are not the intended recipient, you are hereby notified that any view, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

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Sincerely,

Vera Topasna
Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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6 attachments



Notice-of-Intent-to-Prepare-an-Environm...efense-System-on-Guam_2023-09609 #2.pdf
191K



Guam Public Comment FAQ#4.pdf
75K



Environmental Management#5.pdf
143K



Section 105 Consulting#6.pdf
59K



Enhanced Integrated Air and Missile Def...#3.pdf
2758K



A Citizen_s Guide to NEPA_2021#7.pdf
2498K

Krystal Paco-San Agustin <krystal.paco@guam.gov>

Wed, May 10, 2023 at 8:11 AM

To: "Vera A. Topasna" <vera.topasna@guam.gov>

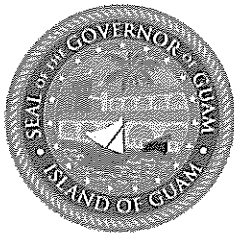
Cc: Daylin Pelletier <daylin.pelletier@guam.gov>, Jon Calvo <jon.calvo@guam.gov>

Vera,

We went ahead and added the tab as requested. Daylin was able to incorporate yesterday and we'll push out messaging that we have the info posted on our socials as well.

[Quoted text hidden]

--



Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

there are fewer than 200 individuals in the stratum. OPA weights the eligible respondents in order to make inferences about the entire population of active duty spouses. The weighting methodology utilizes standard weighting processes.

Dated: April 27, 2023.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09623 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0038]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 5, 2023.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this Federal Register document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Assistant Secretary for Defense for Military Personnel Policy, Office of Military Compensation Policy, ATTN: Mr. Ronald Garner, Pentagon, Washington, DC 20301-1500, or call (703) 693-1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Data for Payment of Retired Personnel; DD Form 2656; OMB Control Number 0704-0569.

Needs and Uses: The information collection requirement is necessary to obtain applicable retirement information from Uniformed Service members and allow those members to make certain retired pay and survivor annuity elections prior to retirement from service or prior to reaching eligibility to receive retired pay. The form will also allow eligible members covered by the Blended Retirement System to make a voluntary election of a partial lump sum of retired pay, as required by section 1415 of title 10, United States Code.

Affected Public: Individuals or households.

Annual Burden Hours: 31,988.

Number of Respondents: 127,950.

Responses per Respondent: 1.

Annual Responses: 127,950.

Average Burden per Response: 15 minutes.

Frequency: As required.

Every member of the Uniformed Services who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, will voluntarily complete this form to request retired pay, designate beneficiaries, and make a Survivor Benefit Plan election. In an average calendar year, approximately 127,950 members of the Uniformed Service will complete this form. The spouses of retiring members of the Uniformed Services are only required to complete part V of this form if the Service member declines or reduces his or her level of under the Survivor Benefit Plan.

Dated: April 27, 2023.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09627 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD).

ACTION: Notice of intent.

SUMMARY: The MDA is issuing this notice of intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the Federal Register. Comments must be postmarked or

received on or before June 27, 2023 to ensure consideration in the Draft EIS.

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech

International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331.

Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the fiscal year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

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Associated support facilities and infrastructure (e.g., power plants, fuel storage facilities, and water storage facilities), and life support facilities (e.g., family housing, fire stations, and dining facilities) would also be constructed and operated on these sites to support proposed EIAMD components and accommodate personnel associated with the proposed EIAMD system.

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The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomics, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on

Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

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Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: May 2, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09609 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0039]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Contract Management Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use

U.S. Department of Defense - Missile Defense Agency

ENHANCED INTEGRATED AIR & MISSILE DEFENSE (EIAMD) SYSTEM ON GUAM

Public Comments

The Missile Defense Agency (MDA) welcomes the public's comments on the scope of the Environmental Impact Statement (EIS), potential alternatives, identification of environmental concerns, issues that should be addressed in the EIS, and the project's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act of 1966.

The public is encouraged to submit comments during the scoping period from **May 5, 2023, through June 27, 2023**. Comments may be submitted **at the open house public scoping meetings, by email to info@eiamd-eis.com, online (<https://eiamd-eis.com>), or by U.S. postal mail to:**

ManTech International Corporation
Attention: EIAMD EIS Project Support
PMB 403
1270 N. Marine Corps Dr., Suite 101
Tamuning, Guam 96913-4331

Comments must be postmarked or received online by June 27, 2023, for consideration in the Draft EIS. The National Environmental Policy Act process requires public involvement during the scoping period and when the Draft EIS is available for public review and comment.

Privacy Advisory: Requesting public review and comment on the scope of the EIAMD EIS and environmental issues that should be considered is required in accordance with the National Environmental Policy Act. The EIS process will also support the National Historic Preservation Act requirements, including Section 106 consultation. All comments received during the public comment period will become part of the public record and will be considered during preparation of the EIS. Providing private address information with your comment is voluntary and such personal information will be kept confidential unless release is required by law. Failure to provide your address will result in your name not being included on the project notification list, and you will not receive notifications about this project.



U.S. Department of Defense - Missile Defense Agency

National Environmental Policy Act (NEPA)

The NEPA requires all federal agencies to evaluate and consider the environmental impacts of their proposed actions and reasonable alternatives to those actions. The NEPA process enables federal agencies such as the Missile Defense Agency (MDA) to make informed decisions about the consequences of our projects, to both solicit public input and inform the public about our findings, and to take actions that will protect the environment.

The NEPA process starts after a proposal is formulated to take a major federal action. In the process, there are three levels of analysis depending on whether or not a proposed action could significantly affect the environment. The basic levels of NEPA environmental review and documentation process include:

Categorical Exclusion (CATEX): A category of actions that normally do not have a significant effect on the human environment, and therefore do not require preparation of an environmental assessment or environmental impact statement. Some CATEXs are documented with a Record of Environmental Consideration (REC).

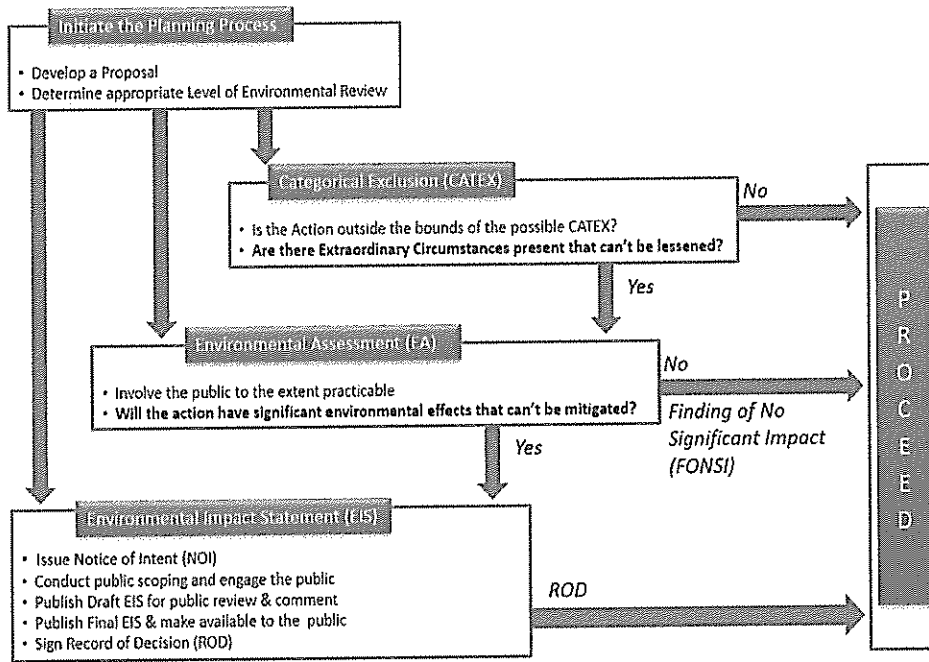
Environmental Assessment (EA): A document that determines whether or not a proposed action has the potential to cause significant environmental impacts. An EA briefly describes the proposed action and its need, any alternative actions to the proposed action, and the environmental impacts of the proposed action and alternatives. In the event an EA is prepared and there are no significant impacts identified that can't be mitigated, then this determination and required mitigations would be documented in a Finding of No Significant Impact (FONSI). If there would be significant impacts that could not be mitigated, then an Environmental Impact Statement would be prepared.

Environmental Impact Statement (EIS): A detailed document prepared for proposed actions expected to have a significant impact on the quality of the human environment. An EIS describes the proposed action and its need, any alternative actions to the proposed action, and the environmental impacts of the proposed action and alternatives. The EIS process begins with publication of a Notice of Intent (NOI) and ends with the issuance of a Record of Decision (ROD). The ROD documents the decision on which action to implement and discusses mitigation and monitoring measures, if necessary.

Mitigation measures avoid or reduce the impact of the action and can include:

- Avoiding the impact by not taking action or not implementing certain parts of the action,
- Minimizing impacts by limiting the degree or magnitude of the action,
- Repairing, rehabilitating, or restoring the affected environment,
- Reducing or eliminating the impact by preservation and maintenance operations during implementation over time, and
- Compensating for the impact by replacing or providing for substitute resources or environments.

The NEPA Process



How the MDA implements NEPA (</about/implementingnepa.html>)

NEPA Documents (</about/nepadocuments.html>)

ENHANCED INTEGRATED AIR & MISSILE DEFENSE (EIAMD) FOR THE DEFENSE OF GUAM

Cultural & Historical

National Historic Preservation Act Consultation Section 106

Section 106 of the NHPA and its implementing regulations at 36 Code of Federal Regulations (CFR) Part 800, requires federal agencies to consider the effects of their undertakings (projects) on historic properties, to seek the input of interested parties and the public (consulting parties), and to provide the Advisory Council on Historic Preservation (ACHP) with a reasonable opportunity to comment. Under these laws, and others, the Missile Defense Agency (MDA) must identify significant historic properties, determine whether the undertaking would adversely affect such properties, and avoid, minimize, or mitigate adverse effects on historic properties. MDA must consult with consulting parties, including the Guam State Historic Preservation Office (SHPO) and those with a demonstrated interest in the project, and seek input from the public.

What is a Consulting Party?

Consulting parties are those with a consultative role defined in Section 106 regulations at 36 CFR 800.2, and may include SHPO, tribes, local government officials, applicants for federal assistance or approvals, and in some cases, the ACHP. Representatives of federal or state agencies involved in the undertaking may also join the Section 106 consultation process as consulting parties. Individuals or organizations that do not have a defined role in the Section 106 process may request consulting party status if they have a demonstrated interest in the undertaking and historic preservation issues.

If you wish to request consulting party status, please email info@EIAMD-EIS.com with your request as soon as possible, including relevant details about your interest in the undertaking, historic preservation issues, and/or your relationship with the project area. MDA will consider all requests for consulting party status.

For more information about the Section 106 process and the role of the public and consulting parties, we recommend reviewing ACHP's publication, "A Citizens Guide to Section 106 Review (external link opens in new window)," which can be found at www.achp.gov (<https://www.mda.mil/system/eiamd/comments.html>) (external link opens in new window).



Jon Junior Calvo <jon.calvo@guam.gov>

Guam Missile Defense Environmental Impact Statement

1 message

Vera A. Topasna <vera.topasna@guam.gov>

Fri, May 19, 2023 at 12:49 AM

To: "Arthur U. San Agustin (Arthur.SanAgustin@dphss.guam.gov)" <arthur.sanagustin@dphss.guam.gov>, Lola Leon Guerrero <lolaig.bsp@guam.gov>, "Joseph M. Borja" <joseph.borja@land.guam.gov>, Joseph Carbullido <joseph.carbullido@doc.guam.gov>, "Dafne M. Shimizu" <dafne.shimizu@revtax.guam.gov>, Joey San Nicolas <joe.sannicolas@gfd.guam.gov>, Vince Arriola <vince.arriola@olddpw.guam.gov>, David Dellisola <david.dellisola@dol.guam.gov>, lillian perez-posadas <lillian.perez-posadas@gmha.org>, John Quinata <john.quinata@guamairport.net>, Melanie Brennan <melanie.brennan@olddya.guam.gov>, Stephen Ignacio <stephen.ignacio@gpd.guam.gov>, "Dominic G. Muna" <dgmuna@portofguam.com>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, therese.arriola@gbhwc.guam.gov, "Artemio Ricky Hernandez, PhD" <ahernandez@guamairport.net>, Warren Pelletier <warren.pelletier@dpr.guam.gov>, "Rory J. Respicio" <rjrespicio@portofguam.com>, Melanie Mendiola <mel.mendiola@investguam.com>, Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, Carlos Bordallo <carlos.bordallo@investguam.com>, ignacio.pedro@cqa.guam.gov, Tyrone Taitano <tyrone.taitano@guam.gov>, samantha.brennan@ghs.guam

Cc: Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>

Hafa Adai Esteemed Colleagues:

As you may be aware the Missile Defense Agency has issued its Notice of Intent to prepare an Environmental Impact Statement (EIS) for Enhanced Integrated Air and Missile Defense System on Guam. This process provides an opportunity to identify potential gaps or inconsistencies with the EIS; raise concerns about the fairness of the study process; point to specific regulatory requirements that must be considered; or raise concerns about compliance with NEPA and other laws. It also allows for the identification of potential alternatives, information and analysis relevant to the proposed action. Your agency has been identified as having significant to minimal direct impact as a result of the proposed action.

The CDLO has been tasked to lead in preparing GovGuam comments on the scope of the EIS and to do so we have identified working groups to ensure we capture as much information from your agency's as possible. ***I have provided the attached information on the proposed action and will be sending out separate emails to the working groups to begin the process.***

Please also note an Executive Committee has been established to review and prepare a consolidated response for final review/approval by the Governor & Lt. Governor. I appreciate your support in this endeavor and look forward to working with each of you in the weeks ahead.

Please feel free to call me with any questions.

--

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

Office of the Governor of Guam

120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915






Office: 671-475-4735

Cell: 671-482-5946



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5 attachments

-  **Notice-of-Intent-to-Prepare-an-Environm...efense-System-on-Guam_2023-09609 #2.pdf**
191K
-  **Enhanced Integrated Air and Missile Def..#3.pdf**
2758K
-  **Environmental Management#5.pdf**
143K
-  **Guam Public Comment FAQ#4.pdf**
75K
-  **A Citizen_s Guide to NEPA_2021#7.pdf**
2498K



Jon Junior Calvo <jon.calvo@guam.gov>

Governor's Circular No. 2023-06

1 message

Kathleen C. Cepeda <kathleen.cepada@guam.gov>

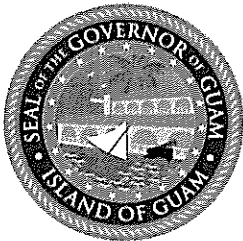
Thu, May 11, 2023 at 8:22 AM

To: "Kathleen C. Cepeda" <Kathleen.cepada@guam.gov>

Cc: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, Lieutenant Governor Joshua Tenorio <lt.governor@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>

Hafa Adai,

Please find attached Governor's Circular No. 2023-06, regarding the single point of contact for the Government of Guam's response to the Missile Defense Agency (MDA) Guam missile defense environmental impact statement for an enhanced integrated air and missile defense system on Guam.

Senseramente,**Kathleen C. Cepeda***Executive Assistant to the Chief of Staff*

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

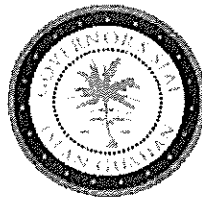
Hagåtña, Guam 96910

671-473-1112 | governor.guam.gov

**Governor's Circular No. 2023-06.pdf**

35K

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

GOVERNOR'S CIRCULAR NO. 2023-06

DATE: May 9, 2023

TO: All Department and Agency Heads

FROM: Lourdes A. Leon Guerrero, Governor of Guam *LA*

SUBJECT: Single Point of Contact for the Government of Guam's Response to the Missile Defense Agency (MDA) Guam Missile Defense Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

Effective immediately, I am appointing Vera Topasna, Executive Director, Community Defense Liaison Office (CDLO), as the single point of contact for all matters related to the Environmental Impact Statement (EIS) of the Enhanced Integrated Air and Missile Defense (EIAMD) system for Guam.

As you are aware, the Guam Missile Defense is an important development for our island's security in the Indo-Pacific region. The EIS process is a tool in identifying and analyzing probable adverse environmental impacts, reasonable alternatives, and possible mitigation. As a government, we must ensure that the EIS process provides complete transparency and opportunities for our community stakeholders to participate in developing and analyzing information concerning the proposed EIAMD system for Guam. In this regard, I direct all agency heads to work closely with the CDLO to provide all the necessary support and information to enable the CDLO to carry out its responsibilities effectively.

Please ensure that all concerned parties in your respective agencies are informed of this appointment and directed to work with Mrs. Topasna on all matters related to the EIS of the Guam Missile Defense. Furthermore, Mrs. Topasna will establish agency working groups to assist in drafting EIS responses. By prior direction, an Executive Committee is established to assist in reviewing the draft agency questions/responses to present to me a final recommendation and official Government of Guam response to the EIS. All communications to Joint Region Marianas, Indo-Pacific Command, and the Missile Defense Agency shall be coordinated through the CDLO.

Si Yu'os Ma'ase.



Fwd: CMCC June 29th

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Wed, Jul 12, 2023 at 3:50 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>

Date: Tue, Jun 27, 2023 at 12:43 PM

Subject: Fwd: CMCC June 29th

To: Joseph M. Borja <joseph.borja@land.guam.gov>, Vince Arriola <vince.arriola@olddpw.guam.gov>, Patrick Lujan <patrick.lujan@olddpr.guam.gov>, Rory Respicio <rjrespicio@portguam.com>, Chelsa Muna-Brecht <chelsa.munabrecht@agriculture.guam.gov>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, Warren Pelletier <warren.pelletier@dpr.guam.gov>, John Quinata <john.quinata@guamairport.net>, Elizabeth Napoli <efnapoli@ghura.org>, David Dellisola <david.dellisola@dol.guam.gov>
Cc: Jon Calvo <jon.calvo@guam.gov>, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, <roy.gamboa@agriculture.guam.gov>

Hafa Adai CMCC Team:

Please see the draft CMCC agenda attached. Gov has reviewed and if there are any items to report on your subcommittee please send back to me today with the topic, action required or if completed or for informational purposes only. Appreciate your feedback as soon as possible. Reminder CMCC Meeting is scheduled for June 29 10:30 a.m. JRM Flag Conference Room.

--
Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

Office of the Governor of Guam

120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915

Office: 671-475-4735

Cell: 671-482-5946



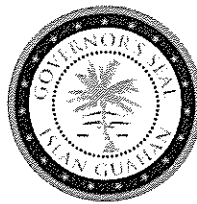
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V1 CMCC June 2023 Tentative Agenda.docx

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CIVIL-MILITARY COORDINATION COUNCIL
Tentative Agenda
1030-1200 June 29, 202e
Joint Region Marianas (JRM) Flag Conference Room

- 1) Administrative matters (JRM)
 - a. Call the meeting to order
 - b. Agenda review
- 2) Opening remarks
 - a. The Honorable Governor Lou Leon Guerrero
 - b. Rear Admiral Gregory Huffman, Commander JRM
- 3) Ongoing Business
 - a. Report on Actions from December 14, 2022 (JRM)
 - b. Military Relocation Construction Update (OICC)
 - c. Affordable Housing Working Group Report (GHURA/JRM J9)
- 4) New Business
 - a. None.
- 5) Informational Topics
 - a. None.
- 6) Other matters
- 7) Action item review (MCBCB)
- 8) Next CMCC meeting
- 9) Closing remarks
 - a. RDML Greg Huffman
 - b. Governor Lou Leon Guerrero
- 10) Adjourn (Photo)



Jean S. Taitano <jean.taitano@guam.gov>

Fwd: Project PELE

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Wed, Jul 12, 2023 at 3:51 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>

Date: Tue, Jul 4, 2023 at 9:10 AM

Subject: Project PELE

To: Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, J. George Bamba <george.bamba@guam.gov>

Car/George:

Sharing the link for discussions for the EIS meeting on Thursday. Whether or not this will be tied to Missile defense system of guam it's probably best to be in front of it since it's kicking up a dust storm. I'm sure there will be political implications not to mention concern from the general public. Gov and LT are tracking but no formal brief has been provided yet but we've called JRM to see what can be scheduled so our team understands especially since it is in the NDAA for a guam study.

https://www.cto.mil/pele_eis/

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946



Jean S. Taitano <jean.taitano@guam.gov>

Fwd: NDAA

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Wed, Jul 12, 2023 at 3:52 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>
Date: Mon, Jun 26, 2023 at 7:49 PM
Subject: NDAA
To: Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>

Sharing latest on NDAA.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946



CDLO_NDAA FY24 REPORT.pdf
704K

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT GOVERNOR



VERA A. TOPASNA
EXECUTIVE DIRECTOR

COMMUNITY DEFENSE LIAISON OFFICE
OFFICE OF THE GOVERNOR OF GUAM

**Department of Defense Policy Updates
June 26, 2023**

The foregoing is a list of sub-committee markups and final Chairman markups to the National Defense Authorization Act FY2024 and accompanying language pertinent to the Pacific Deterrence Initiative (Guam Defense System) and other items of interest to Guam for the Indo Pacific. Both the House and Senate only released its executive summary and have yet to release its full markup bill including amendments made during full committee markup on June 21, 2023. It is expected that both chambers will be advancing to the full House and Senate floor in the coming weeks. CDLO will continue to track the final NDAA FY24 process to confirm passage of information provided herein.

Included are amendments introduced by Congressman Moylan relative to Guam passed by voice vote. Will continue to track.

Note: Neither House or Senate versions of the NDAA included an extension of the H2B program for Guam. It may be contained in the full Senate version not yet released GDOL may have an update to the policy language that may be contained in the Immigration Bill.

Also included in this report is the latest GAO report on the Guam Missile Defense Program reflecting proposed MDA leverage of Navy and Army capabilities for the program.

**NDAA 2024 HOUSE OF REPRESENTATIVES VERSION
BUDGET REQUEST - \$2,114,974,000**

Title X—General Provisions; Legislative Provisions; Subtitle B—Naval Vessels and Shipyards; Section 1017 [Log 77883]—Guam Shipyard Assessment

- (a) Assessment Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees an assessment of the ship building and repair capabilities located on Guam, as of the date of the enactment of this Act, and the feasibility of reestablishing the former Ship Repair Facility, Guam.
- (b) Elements.—The assessment required under subsection (a) shall include each of the following:
 - (1) A description of the capabilities to conduct shipbuilding and ship repair activities in Guam, as of the date of the enactment of this Act.
 - (2) A description of any planned improvements to shipbuilding and ship repair infrastructure in Guam.
 - (3) An evaluation of the feasibility of re-establishing a depot-level ship repair capability with dry-docking in Guam at the site of the former Ship

Repair Facility, Guam, including an identification of options for operating the ship repair capability through a public-private partnership.

Sec. 2201 [Log 77338]. Authorized Navy Construction and Land Acquisition Projects.

- (a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table (*relative to only Guam):

***Navy: Inside the United States**

State or Territory	Installation or Location	Amount
Guam	Andersen Air Force Base	\$497,620,000
	Joint Region Marianas	\$174,540,000
	Naval Base Guam	\$946,500,000

Sec. 2202 [Log 77469]. Family Housing.

- (a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203 (a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

Location	Installation	Amount
Guam	Joint Region Marianas	\$121,906,000
	Naval Support Activity	\$83,126,000
	Andersen	

Sec. 2205 [Log 78005]. Extension of Authority to Carry Out Certain Fiscal Year 2021 Navy Military Construction Projects.

- (a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4294), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (134 Stat. 4297), shall remain in effect until October 1, 2024 or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025, whichever is later.
- (b) Table.—The table (*relative to only Guam) referred to in subsection (a) is as follows:

***Navy: Extension of 2021 Project Authorizations**

State/Country	Installation or Location	Project	Original Authorized Amount
Guam	Joint Region Marianas	Joint Communication Upgrade	\$166,000,000

Sec. 2301 [Log 77471]. Authorized Air Force Construction and Land Acquisition Projects.

- (a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303 (a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table (*relative to only Guam):

***Air Force: Inside the United States**

State or Territory	Installation or Location	Amount
Guam	Joint Region Marianas	\$411,000,000

Sec. 2605 [Log 77483]. Authorized Air Force Reserve Construction and Land Acquisition Projects.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table (*relative to only Guam):

***Air Force Reserve**

State or Territory	Location	Amount
Guam	Joint Region Marianas	\$27,000,000

SEC. 2609 [Log 78023]. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2021 NATIONAL GUARD AND RESERVE MILITARY CONSTRUCTION PROJECTS.

- (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4294), the authorizations set forth in the table in subsection (b), as provided in sections 2601, 2602, and 2604 of that Act (134 Stat. 4312, 4313, 4314), shall remain in effect until October 1, 2024, or the date of the enactment of an Act

authorizing funds for military construction for fiscal year 2025, whichever is later.

(b) TABLE.—The table (*relative to only Guam) referred to in subsection (a) is as follows:

***National Guard and Reserve: Extension of 2021 Project Authorizations**

State or Territory	Installation or Location	Project	Original Authorized Amount
Guam	Joint Region Marianas	Space Control Facility #5	\$20,000,000

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE III—OPERATION AND MAINTENANCE

ITEMS OF SPECIAL INTEREST

LOGISTICS AND SUSTAINMENT ISSUES

Comptroller General Review of Department of Defense Sustainment Plans for the Defense of Guam

The committee further directs the Comptroller General to provide a briefing to the House Committee on Armed Services not later than March 15, 2024, on preliminary findings of the review and provide final results to the Senate Committee on Armed Services and the House Committee on Armed Services in a format and timeframe as mutually agreed upon. The committee expects the Secretary of Defense, the Secretaries of the military departments, and the combatant commanders to provide any pertinent information, including, but not limited to, related analyses and studies, contingency plans, and operational plans, to designated representatives of the Government Accountability Office assigned to this review.

Comptroller General Review of Department of Defense Sustainment Plans for the Defense of Guam

The Missile Defense Agency (MDA) and the military services have developed plans to improve the integrated air and missile defense capabilities on Guam. The 2022 Missile Defense Review indicates that Guam’s missile defenses will be commensurate with its status as both an unequivocal part of the United States, as well as a key power projection hub in the Indo-Pacific region. MDA requested over \$800 million in its fiscal year 2024 budget for additional capabilities to augment the current Terminal High Altitude Area Defense battery deployed to the island. The committee notes that Guam’s location and climate, as well as the Department of Defense’s plan to use mobile components as part of Guam’s defense infrastructure, require specific considerations to sustain these capabilities.

Therefore, the committee directs the Comptroller General of the United States to review the Department of Defense’s sustainment plans for the Missile Defense of Guam. This review shall address:

- (1) the extent to which the Department of Defense is considering plans for

sustaining the new missile architecture that will comprise the defense of Guam as options are being considered, including the personnel (military, civilian, and contractors), infrastructure, and funding necessary for that sustainment;

(2) the extent to which adding new missile defense architecture on Guam would affect sustainment of preexisting defenses on the island and other missile defense elements in the Indo-Pacific region; and

(3) any other topics deemed appropriate by the Comptroller General. The committee further directs the Comptroller General to provide a briefing to the House Committee on Armed Services not later than April 1, 2024, on the Comptroller General's preliminary findings and provide final results to the committee in a mutually agreed upon format and timeframe.

TITLE XI—CIVILIAN PERSONNEL MATTERS

LEGISLATIVE PROVISIONS

Section 1102—Authorization to Pay a Living Quarters Allowance for Department of the Navy Civilian Employees Assigned to Permanent Duty in Guam for Performing Work, or Supporting Work Being Performed, Aboard or Dockside, of U.S. Naval Vessels

This section would allow the Secretary of the Navy to grant to covered employees a living quarters allowance for rent, heat, light, fuel, gas, electricity, and water and, in unusual circumstances, payment or reimbursement for initial repairs, alterations, and improvements to the privately leased residence in Guam.

SEC. 1102. [LOG 77933] AUTHORIZATION TO PAY A LIVING QUARTERS ALLOWANCE FOR DEPARTMENT OF THE NAVY CIVILIAN EMPLOYEES ASSIGNED TO PERMANENT DUTY IN GUAM FOR PERFORMING WORK, OR SUPPORTING WORK BEING PERFORMED, ABOARD OR DOCKSIDE, OF U.S. NAVAL VESSELS.

(a) ALLOWANCE.—Notwithstanding any other provision of law, when Government owned or rented quarters are not otherwise provided without charge to a covered employee, the Secretary of the Navy may grant to a covered employee one or more of the following allowances:

(1) A living quarters allowance for rent, heat, light, fuel, gas, electricity, and water. The Secretary is authorized to pay such allowance by reimbursement or by advance payments without regard to section 3324 (a) and (b) of title 31, United States Code.

(2) Under unusual circumstances, as determined by the Secretary, payment or reimbursement for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred in initial repairs, alterations, and improvements to the privately leased residence in Guam of a covered employee—

(A) the expenses are administratively approved in advance; and

(B) the duration and terms of the lease justify payment of the expenses by the Government.

- (b) **COVERED EMPLOYEE DEFINED.**—In this section, the term “covered employee” means any civilian employee of the Department of the Navy who is assigned to permanent duty in Guam for performing work or supporting work being performed, aboard or dockside, of U.S. naval vessels.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

Subtitle C—Real Property and Facilities Administration

SEC. 2821. [Log 78130]. IMPROVEMENTS RELATING TO ACCESS TO MILITARY INSTALLATIONS IN UNITED STATES.

“(c) **REVIEWS AND SUBMISSION TO CONGRESS.**—Not less frequently than once every five years, the Secretary shall—

“(5) The term ‘State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, or the Commonwealth of the Northern Mariana Islands.

DIVISION D—FUNDING TABLES

SEC. 4001 [Log 77464]. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

- (a) **IN GENERAL.**—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.
- (b) **MERIT-BASED DECISIONS.**—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—
- (1) Except as provided in paragraph (2), be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and
 - (2) Comply with other applicable provisions of law.
- (c) **RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.**—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.
- (d) **APPLICABILITY TO CLASSIFIED ANNEX.**—This section applies to any classified annex that accompanies this Act.
- (e) **ORAL AND WRITTEN COMMUNICATIONS.**—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT**SEC. 4101. PROCUREMENT.**

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2024 Request	House Authorized
039	DEFENSE OF GUAM PROCUREMENT	169,627	169,627

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program	Item	FY 2024 Request	House Authorized
095	0604102C	GUAM DEFENSE DEVELOPMENT	397,578	497,578
		INDOPACOM UPL—Guam Defense System, INDOPACOM		(100,000)

TITLE XLVI—MILITARY CONSTRUCTION**SEC. 4601. MILITARY CONSTRUCTION.**

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2024 Request	House Agreement
Navy	Andersen Air Force Base	PDI: Child Development Center	105,220	105,220
Navy	Andersen Air Force Base	PDI: Joint Consol. Comm. Center (INC)	107,000	107,000
Navy	Joint Region	PDI: Joint	292,830	50,000

	Marianas	Communication Upgrade (INC)		
Navy	Joint Region	PDI: Missile Integration	174,540	74,540
	Marianas	Test Facility		
Navy	Naval Base Guam	PDI: 9 th ESB Training Complex	23,380	23,380
Navy	Naval Base Guam	PDI: Artillery Battery Facilities	137,550	72,550
Navy	Naval Base Guam	PDI: Consolidated MEB HQ/NCIS PHii	19,740	19,740
Navy	Naval Base Guam	PDI: Recreation Center	34,740	34,740
Navy	Naval Base Guam	PDI: Religious Ministry Services Facility	46,350	46,350
Navy	Naval Base Guam	PDI: Satellite Communications Facility (INC)	166,159	100,000
Navy	Naval Base Guam	PDI: Training Center	89,640	89,640

SEC. 4601. MILITARY CONSTRUCTION

(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2024 Request	House Agreement
AF	Guam	PDI: North Aircraft	109,000	109,000
	Joint Region Marianas	Parking Ramp (INC)		
AF Res	Guam	Aerial Port Facility	27,000	27,000
	Joint Region Marianas			
FH Con	Guam	Replace Andersen	121,906	121,906
Navy	Joint Region Marianas	Housing, Phase 8		
FH Con	Guam	Replace Andersen	83,126	83,126
Navy	Naval Support Activity	Housing (AF), Phase 7		
FH Con	Unspecified Worldwide	USMC DPRJ/Guam	9,588	9,588

SEC. 1013 [Log 77998]. GRANTS FOR IMPROVEMENT OF NAVY SHIP REPAIR OR ALTERATIONS CAPABILITY. 3 Chapter 131 of title 10, United States Code, is amended by inserting after section 2218a the following new section: “§ 2219. Grants for improvement of Navy ship repair or alterations capability “(a) ASSISTANCE AUTHORIZED.—(1) Subject to the availability of appropriations, the Secretary of the Navy may make grants to an eligible entity for the purpose of carrying out— “(A) a capital improvement project; or “(B) a maritime training program designed to foster technical skills and operational productivity. “(2) The amount of a grant under this section may not exceed 75 percent of the total cost of the project or program funded by the grant. “(3) A grant provided under this section may not be 19 used to construct buildings or other physical facilities, ex 20 cept for piers, dry docks, and structures in support of 21 piers and dry docks, or to acquire land.

Sec. 561 INCREASE IN THE NUMBER OF NOMINEES FROM GUAM TO THE SERVICE ACADEMIES

- (a) UNITED STATES MILITARY ACADEMY. – Section 7442 (a)(8) of title 10, United States Code, is amended by striking “Four” and inserting “Five”.
- (b) UNITED STATES NAVAL ACADEMY – Section 8454(a)(8) of title 10, United States Code, is amended by striking “Four” and inserting “Five”
- (c) UNITED STATES AIR FORCE ACADEMY – Section 9442(a)(8) of title 10, United States Code, is amended by Striking “Four” and inserting “Five”.

Navy	Location	Planning & Design
<hr/>		
Senate Armed Services Committee		
NDAA FY 24 – Highlights for Guam and the Indo Pacific		
<hr/>		
Supports the objectives of the National Defense Strategy, including defending the U.S. homeland; deterring adversaries; prevailing in long-term strategic competition; and building a resilient Joint Force.		
<ul style="list-style-type: none">• Requires a report on the capacity of infrastructure, resources, and personnel available in Guam to meet U.S. Indo-Pacific Command strategic objectives.• Directs a briefing on the status of the development of nuclear microreactors and plans to transition such capabilities to the services for production, as well as a briefing on the potential for using modular microreactors to supplement power generation on Guam.• Designates the Under Secretary of Defense for Acquisition and Sustainment as the principal DOD official responsible for the acquisition of a system for the missile defense of Guam.• Establishes the Indo-Pacific Campaigning Initiative in order to facilitate INDOPACOM's campaigning activities in the region, including increased frequency and scale of exercises, freedom of navigation operations, and partner engagements.• Supports sustained funding for the Air Force's Cyber Operations for Base Resilient Architecture (COBRA) pilot program in the INDOPACOM area of responsibility, and recognizes the potential for service-wide use of COBRA.• Establishes a comprehensive training, advising, and institutional capacity-building program for the military forces of Taiwan.• Supports DOD activities relating to the security partnership among Australia, United		

Kingdom, and the United States, known as AUKUS.

- Directs a briefing on the current ability of the joint force to conduct contested logistics in the Indo-Pacific Command (INDOPACOM) area of responsibility, as well as DOD's efforts to improve contested logistics capabilities and capacity.
- Authorizes the full budget request for the Pacific Deterrence Initiative (PDI) and extends PDI through fiscal year 2024.
- Establishes the Indo-Pacific Campaigning Initiative in order to facilitate INDOPACOM's campaigning activities in the region, including increased frequency and scale of exercises, freedom of navigation operations, and partner engagements.
- Establishes a comprehensive training, advising, and institutional capacity-building program for the military forces of Taiwan.
- Requires engagement with appropriate officials of Taiwan for the purpose of expanding cooperation on military cybersecurity activities.
- Directs a plan for enhancing security cooperation with Japan, including analyzing the feasibility and advisability of modifying U.S. command structures in Japan.
- Establishes the "Indo-Pacific Maritime Domain Awareness Initiative" – a defense initiative with allies and partners of the United States, including Australia, Japan, and India.
- Ensures that India is appropriately considered for security cooperation benefits consistent with the status of India as a major defense partner of the United States.
- Directs the designation of a senior Department of Defense civilian official to be responsible for overseeing DOD activities relating to the security partnership among Australia, United Kingdom, and the United States, known as AUKUS, and the development of an AUKUS implementation plan.
- Extends the cyber cooperation program with Vietnam, Thailand, and Indonesia and expands the program to include foreign military partners in the Philippines and Malaysia.
- Directs a strategy for improving the posture of U.S. ground-based theater-range missile capabilities in the Indo-Pacific region
- Authorizes U.S. Indo-Pacific Command to exercise temporary and limited military construction authorities to support allies throughout its area of responsibility
- Directs a briefing on DOD plans for military construction projects to enable the timely deployment of air and missile defense capabilities required for U.S. Indo-Pacific Command operational plans

COMMITTEE ON APPROPRIATIONS – FY24

DEPARTMENT OF DEFENSE

ITEMS OF INTEREST - PACIFIC

(Bill does not include military construction, military family housing, civil defense, nuclear warheads which are covered in connection with other appropriations bills.

First, the Committee resources the military capabilities necessary to decisively defeat potential adversaries. As such, the Committee's recommendation includes funding to directly counter the PRC's malign global influence, including over \$9,000,000,000 for the Pacific Deterrence

Initiative, \$108,000,000 for International Security Cooperation Programs for Taiwan, and robust funding for the modernization of the nuclear triad. The recommendation also includes language to prioritize the delivery of defense articles to Taiwan and supports training partnerships such as the National Guard State Partnership Program. Finally, the Committee recommendation supports the development of a 'hedge' portfolio to address the mounting global security risks. The Committee is concerned by growing tactical and logistical risks to current weapon systems, as well as the lack of industrial base capacity and diversity. A hedge in this sense will resource organizations capable of developing non-traditional solutions from non-traditional sources by intentionally taking calculated risks to incentivize positive, deliberate, accelerated change. If properly executed, this hedge has the potential to create asymmetric advantage to support combatant command operational challenges and reduce the taxpayer's burden by leveraging private capital, expand America's economic advantage by accelerating emerging technology, and broaden the pool of talent supporting national defense.

RED HILL BULK FUEL STORAGE FACILITY

The Committee continues to closely monitor the Department of Defense's defueling and dispersal actions at the Red Hill Bulk Fuel Storage Facility. The Committee directs the Secretary of Defense, in coordination with the Secretary of the Navy, to continue to take the necessary steps to safely decommission the facility, remediate the surrounding environment, assess and address the harm caused to the aquifer, work in conjunction with the State of Hawaii and the local community in these efforts, and build a more distributive fuel infrastructure for the Indo-Pacific. The Committee recommendation supports the \$106,363,000 requested by the Department in fiscal year 2024 toward these efforts.

For efforts in Hawaii, the Committee directs the Secretary of Defense, in coordination with the Secretary of the Navy, to submit quarterly updates in the form of written reports, beginning not later than 45 days after the enactment of this Act, to the congressional defense committees on obligations, health care and health surveillance efforts for those impacted by contaminated drinking water, progress toward decommissioning the facility, and community engagement efforts. For efforts to move the fuel from Red Hill to other locations in the Indo-Pacific, the Committee directs the Secretary of Defense to submit quarterly updates, in the form of written reports, beginning not later than 45 days after the enactment of this Act, to the congressional defense committees on obligations, new locations of fuel previously stored in the facility, efforts to build new fuel storage locations, a summary of any planning and design efforts for potential projects to store bulk fuel in the region, and efforts to improve the survivability of existing and new fuel storage locations. Information contained in these reports may be provided with a classified annex.

**AMENDMENTS INTRODUCED BY CONGRESSMAN MOYLAN AND
CONGRESSMAN STRONG - AGREED BY VOICE VOTE.**

MOYLAN Amendments:

- Request for Guam Defense System Study
- Study of Typhoon Mawar Impact on Guam
- Jones Act SECDEF Authority
- DOD Partnership for Guam Power Authority Study
- Defense Access Road Study
- Guam Housing Study
- Defense Community Infrastructure Project Cost Share
- OCOLA DRL
- Study of access to medical examinations for CNMI service academy applicants

STRONG Amendment:

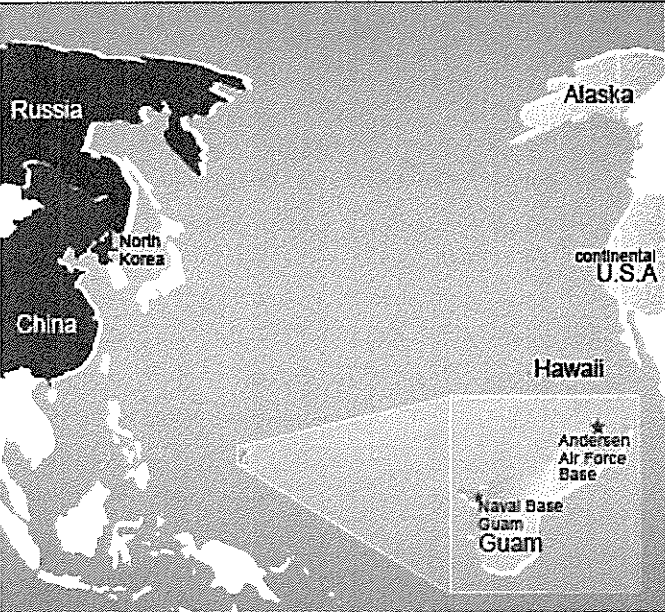
Directs the Director of the Missile Defense Agency to provide a report on the anticipated munitions requirements for the Guam Defense System



May 2023

MISSILE DEFENSE

Annual Goals Unmet for Deliveries and Testing



Source: GAO analysis of Department of Defense data; GAO (maps). | GAO-23-106011

ISSUE OVERVIEW

Defense of Guam

Guam is a United States island territory in the Indo-Pacific region. The island is approximately three times the size of Washington, D.C. with an estimated population of 170,000. Persons born on Guam are United States citizens.

Military officials have emphasized the importance of Guam for maintaining stability in the region. Guam serves as a hub for military operations, and multiple bases are on the island. Naval Base Guam is home to forward deployed naval vessels. Andersen Air Force Base provides millions of square feet to park aircraft. The Marine Corps activated Camp Blaz in 2020 and the base is under construction, with the intent of eventually accommodating approximately 5,000 Marines.

In recent years, according to DOD, North Korea and China have conducted missile tests that have heightened tensions in the region. Due to its proximity to these nations and its strategic importance, Guam is vulnerable to a potential attack. The 2022 Missile Defense Review states that the missile defense architecture for Guam will be commensurate with the island’s unique status as both an unequivocal part of the United States as well as a vital regional location.

CURRENT CAPABILITIES AND NEW REQUIREMENTS

Guam’s current missile defense requirements are for protection against simple ballistic threats from rogue states. As of October 2022, the on-island defense consisted of a single Terminal High Altitude Area Defense battery. A single ship equipped with the Aegis Ballistic Missile Defense system also provides support on an as-needed basis.

As adversary offensive missile capabilities evolve, DOD projects the current defense on Guam to be inadequate. In October 2022, MDA officials stated that United States Indo-Pacific Command, the combatant command overseeing the region, issued new requirements to upgrade Guam’s defense. This includes 360 degree coverage, and layered defense against regional ballistic, maneuvering ballistic, hypersonic glide, and cruise missile threats emanating from any nation. The Guam defense systems would also employ open systems architecture—meaning adaptable systems—to enable the integration of future capabilities as sensors and weapons technologies evolve. See the table below for a comparison of the current and new requirements for missile defense on Guam.

Table 8: Defense of Guam Requirements Information Provided by the Missile Defense Agency

	Current Requirements	New Requirement
Nations	Rogue states ^a	Any nation, including rogue states ^a and near peer threats ^b
Coverage	No Requirement	360 degree coverage to defend against missile threats Layered defense with multiple elements capable of intercepting missile threats
Threats	Ballistic missiles ^c	Ballistic missiles ^c Maneuvering ballistic missiles ^d Hypersonic glide ^e Cruise missile ^f

Source: GAO analysis of Missile Defense Agency data | GAO-23-106011

^aLimited offensive missile capability
^bSignificant and sophisticated offensive missile capability
^cParabolic and predictable flight path
^dCapable of changing flight path
^eCapable of flying in excess of Mach 5 and change flight path
^fCapable of self-powered flight

ACQUISITION STRATEGY

According to MDA, the acquisition strategy for the Defense of Guam mission architecture consists of leveraging existing Army and Navy programs, Army rapid capability prototype efforts, and a new program that includes integration of the Aegis Guam Weapon System. The strategy aims to provide the capability to meet warfighter requirements to fulfill the Defense of Guam mission. MDA's primary mission, in coordination with the Navy, is ballistic and hypersonic defense on Guam, while the Army's primary mission is cruise missile defense. According to MDA, DOD is assessing whether an agency or service will serve as the lead for the Defense of Guam mission and coordinate the delivery of capabilities. MDA did not indicate when a decision could be made.

ARCHITECTURE

MDA, in coordination with the Army and the Office of Cost Assessment and Program Evaluation, considered multiple architectures for the Defense of Guam, including an Aegis Ashore-like approach. In 2022, however, the Deputy Secretary of Defense opted for an architecture consisting of transportable radars and launchers. MDA officials defined transportable components as having the ability to be deconstructed, relocated, and reconstructed in weeks to months within an area. Some components used from existing programs are expected to require adaptations to provide 360 degree missile defense coverage. For example, Aegis elements are expected to be adapted to be land based and transportable versus ship based or permanent structures.

MDA reported multiple components supporting the Defense of Guam. See table 9 below for these components.

Table 9: Missile Defense Components to Support the Defense of Guam

Type	Components	Owner	Description
Radars and sensors	Homeland Defense Radar – Guam (HDR-G)	MDA	Combined expected capabilities include 360 degree coverage for threat acquisition, track, and discrimination for ballistic, hypersonic, and cruise missile defense.
	Lower Tier Air and Missile Defense Sensor (LTAMDS)	Army	
	Sentinel A4	Army	
	Army Low Cost Surveillance (ALPS) Sensor	Army	
Command and control	Aegis Guam System	MDA/Navy	Combined expected capabilities include (1) weapons and radar command, control, and decision; (2) overhead and sensor data and situational awareness to warfighters and weapon systems; and (3) sensor, battle and communications management.
	Command and Control, Battle Management and Communications (C2BMC)	MDA	
	Integrated Air and Missile Defense Battle Command System (IBCS)	Army	
	Integrated Fires Communication Network (IFCN) Relays	Army	
	Remote Interceptor Guidance (RIG)-360	Army	
Launchers	Army Launchers	Army	Combined expected capabilities include utilization for ballistic, hypersonic, and cruise missile defense.
	M903 Launchers	Army	
	Indirect Fires Protection Capability (IFPC) Multi-Mission Launchers	Army	

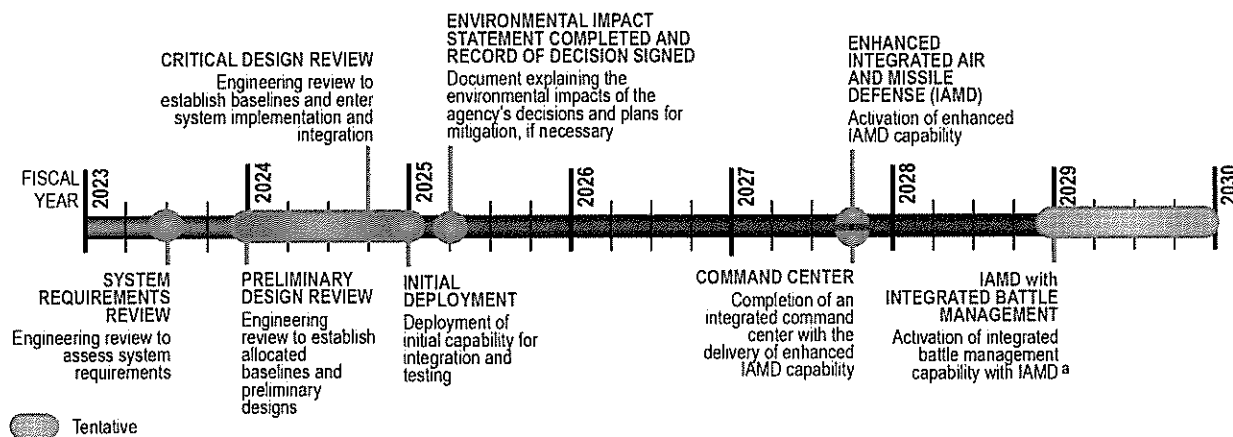
Source: GAO presentation and analysis of Missile Defense Agency provided data. | GAO-23-106011

CURRENT ACTIVITIES AND TIMELINE**Site Selection**

In fiscal year 2022, MDA reported receiving initial funding for the Defense of Guam mission and conducted site selection activities for missile defense components. MDA officials stated there are challenges in the site selection process. Available land is limited on the island and officials stated multiple entities compete for this land. They added Guam is also high risk for seismic activity and typhoons which will be factored into the military construction design considerations. Officials mentioned another factor to consider for possible sites is adjacent areas should not be affected by missile defense components and activities. For example, electromagnetic radiation from radars should not interfere with the surrounding air space and properties should be a sufficient distance away or barriers provided in the event of ordinance explosion. Officials noted environmental and cultural concerns are being considered, and the agency is involved in ongoing environmental impact studies. They stated initial sites are expected to be selected and approved in late fiscal year 2023.

Timeline

MDA has developed a plan to procure, acquire, develop, and integrate components and capabilities until the Defense of Guam architecture is operational. The figure below highlights key milestones and events over the next few years. In between milestones, MDA plans to conduct multiple developmental and operational tests. Initial deployment of limited equipment is expected to occur in early fiscal year 2025 and completion of the system is scheduled for fiscal year 2029.

Defense of Guam Key Milestones and Events

Source: GAO analysis of Missile Defense Agency data. | GAO-23-106011

Fwd: Copy of Revise Governor Of Guam Group Photo

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Wed, Jul 12, 2023 at 3:52 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>

Date: Mon, May 15, 2023 at 7:46 PM

Subject: Fwd: Copy of Revise Governor Of Guam Group Photo

To: Manny Duenas <moduenas@gmail.com>

Cc: Eliza G. Dames <eliza.dames@guam.gov>, Jayne Therese Flores <jayne.flores@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>

The photo attached is the Governors first visit to INDOPACOM. Everyone in the photo are from Guam working at INDOPACOM. The civilians in the photo hold very high positions with INDOPACOM - Two represent Missile Defense Agency, one of them handles Cyber & Intelligence and the female is the Deputy Inspector General for Indopacom. Gov was so impressed by them.

--

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

Office of the Governor of Guam

120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915

Office: 671-475-4735

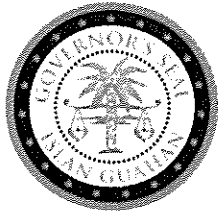
Cell: 671-482-5946



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GovernorOfGuam-Visit-USINDOPACOM-20200205.png
1998K



Governor of Guam

Lourdes "Lou" A. Leon Guerrero

Visit to US Indo-Pacific Command, February 5, 2020

UNITED STATES INDO-PACIFIC COMMAND



Left of Governor Leon Guerrero: Attorney Jeff Cook (Governor's husband), LTC (ret) Serafin Meno & COL (ret) Reynold Palaganas.
Right of Governor Leon Guerrero: Mrs. Lisa Aguon, CMSgt (ret) John Palomo, SFC Henry Pangelinan & PO1 Danniell Aquino.

Fwd: Subcommittee on Readiness HR 2670 FY24 NDAA Markup Version

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Wed, Jul 12, 2023 at 3:54 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>
Date: Wed, Jun 14, 2023 at 5:15 PM
Subject: Fwd: Subcommittee on Readiness HR 2670 FY24 NDAA Markup Version
To: Gov. Lourdes A. Leon Guerrero <governor@guam.gov>
Cc: Lt. Gov <joshua.tenorio@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>

Gov:

Sharing CDLO policy review of the NDAA 2024 and pertinent Guam language for Shipyard Assessment and sustainment plans for Missile Defense as noted below. We will continue to track and update as this goes through the congressional process.

> Attached for your review is the markup version HR 2670 FY24 NDAA. The provisions pertinent to Guam are highlighted. I would note that two committee mandates contained in this markup are (1) Guam Shipyard Assessment and (2) mandating the Comptroller General's review of the "sustainment plans for the Defense of Guam." I will be analyzing each Subcommittee markup as heard. The next step in the approval process will be the full HASC Committee vote after the Subcommittee markup hearings are completed.



HR 2670 FY24 NDAA Readiness Subcom.pdf
5188K

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SUBTITLE C—LOGISTICS AND SUSTAINMENT

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Section 2106—Extension of Authority to Carry Out Certain Fiscal Year 2019 Army Military Construction Projects

This section would require the Secretary of the Navy to complete common readiness models for existing maritime and aviation systems by December 31, 2025.

TITLE X—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

SUBTITLE B—NAVAL VESSELS AND SHIPYARDS

~~Section 1017—Guam Shipyard Assessment~~

This section would require the Department of the Navy to conduct an assessment of shipyard capabilities on Guam.

SUBTITLE E—STUDIES AND REPORTS

Section 1063—Assessment and Strategy Relating to Range Capability and Capacity for Joint All-Domain Operations

This section would require the Secretary of Defense to submit a report assessing the range capacity within the United States and lay out a strategy for ensuring range capability to develop Joint All-Domain Operational capabilities based on the results of the assessment.

TITLE XVIII—OTHER DEFENSE MATTERS

LEGISLATIVE PROVISIONS

Section 1803—Modification to Requirements Relating to Combating Military Reliance on Russian Energy

This section would modify section 1086 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263) to include all operating bases within U.S. European Command, not just main operating bases.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Section 2001—Short Title

This section would cite division B and title XLVI of this Act as the "Military Construction Authorization Act for Fiscal Year 2024."

Section 2002—Expiration of Authorizations and Amounts Required To Be Specified by Law

1 **SEC. 1017 [Log 77883]. GUAM SHIPYARD ASSESSMENT .**

2 (a) ASSESSMENT REQUIRED.—Not later than 180
3 days after the date of the enactment of this Act, the Sec-
4 retary of the Navy shall submit to the congressional de-
5 fense committees an assessment of the ship building and
6 repair capabilities located on Guam, as of the date of the
7 enactment of this Act, and the feasibility of reestablishing
8 the former Ship Repair Facility, Guam.

9 (b) ELEMENTS.—The assessment required under
10 subsection (a) shall include each of the following:

11 (1) A description of the capabilities to conduct
12 shipbuilding and ship repair activities in Guam, as
13 of the date of the enactment of this Act.

14 (2) A description of any planned improvements
15 to shipbuilding and ship repair infrastructure in
16 Guam.

17 (3) An evaluation of the feasibility of re-estab-
18 lishing a depot-level ship repair capability with dry-
19 docking in Guam at the site of the former Ship Re-
20 pair Facility, Guam, including an identification of
21 options for operating the ship repair capability
22 through a public-private partnership.

**SEC. 2201 [Log 77338]. AUTHORIZED NAVY CONSTRUCTION
AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State or Territory	Installation or Location	Amount
California	Marine Corps Air Ground Combat Center Twentynine Palms	\$42,100,000
	Port Hueneme	\$110,000,000
Connecticut	Naval Submarine Base New London	\$331,718,000
District Of Columbia	Marine Barracks Washington	\$131,800,000
Georgia	Marine Corps Logistics Base Albany	\$63,970,000
Guam	Andersen Air Force Base	\$497,620,000
	Joint Region Marianas	\$174,540,000
	Naval Base Guam	\$946,500,000
Hawaii	Marine Corps Base Hawai'i	\$227,350,000
Maryland	Fort Meade	\$186,480,000
	Naval Air Station Patuxent River	\$141,700,000
North Carolina	Marine Corps Air Station Cherry Point	\$270,150,000
	Marine Corps Base Camp Lejeune	\$215,670,000
Pennsylvania	Naval Surface Warfare Center Philadelphia	\$88,200,000
Virginia	Dam Neck Annex	\$109,680,000
	Joint Expeditionary Base Little Creek - Story	\$35,000,000
	Marine Corps Base Quantico	\$127,120,000
	Naval Station Norfolk	\$158,095,000
	Naval Weapons Station Yorktown	\$221,920,000
Washington	Naval Base Kitsap	\$245,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects outside the United States as specified

1 **SEC. 2202 [Log 77469]. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2203(a) and available for military
5 family housing functions as specified in the funding table
6 in section 4601, the Secretary of the Navy may construct
7 or acquire family housing units (including land acquisition
8 and supporting facilities) at the installations or locations,
9 in the number of units, and in the amounts set forth in
10 the following table:

Navy: Family Housing

Location	Installation	Amount
Guam	Joint Region Marianas	\$121,906,000
	Naval Support Activity Andersen	\$83,126,000

11 (b) IMPROVEMENTS TO MILITARY FAMILY HOUSING
12 UNITS.—Subject to section 2825 of title 10, United States
13 Code, and using amounts appropriated pursuant to the
14 authorization of appropriations in section 2203(a) and
15 available for military family housing functions as specified
16 in the funding table in section 4601, the Secretary of the
17 Navy may improve existing military family housing units
18 in an amount not to exceed \$57,740,000.

19 (c) PLANNING AND DESIGN.—Using amounts appro-
20 priated pursuant to the authorization of appropriations in
21 section 2203(a) and available for military family housing
22 functions as specified in the funding table in section 4601,
23 the Secretary of the Navy may carry out architectural and

1 **SEC. 2205 [Log 78005]. EXTENSION OF AUTHORITY TO**
2 **CARRY OUT CERTAIN FISCAL YEAR 2021 NAVY**
3 **MILITARY CONSTRUCTION PROJECTS.**

4 (a) **EXTENSION.**—Notwithstanding section 2002 of
5 the Military Construction Authorization Act for Fiscal
6 Year 2021 (division B of Public Law 116–283; 134 Stat.
7 4294), the authorizations set forth in the table in sub-
8 section (b), as provided in section 2201 of that Act (134
9 Stat. 4297), shall remain in effect until October 1, 2024,
10 or the date of the enactment of an Act authorizing funds
11 for military construction for fiscal year 2025, whichever
12 is later.

13 (b) **TABLE.**—The table referred to in subsection (a)
14 is as follows:

Navy: Extension of 2021 Project Authorizations

State/ Country	Installation or Location	Project	Original Authorized Amount
California	Twentynine Palms	Wastewater Treat- ment Plant	\$76,500,000
Guam	Joint Region Marianas	Joint Communica- tion Upgrade	\$166,000,000
Maine	NCTAMS LANT De- tachment Cutler	Perimeter Security ..	\$26,100,000
Nevada	Fallon	Range Training Complex, Phase 1	\$29,040,000

1 **SEC. 2301 [Log 77471]. AUTHORIZED AIR FORCE CONSTRUC-**
 2 **TION AND LAND ACQUISITION PROJECTS.**

3 (a) INSIDE THE UNITED STATES.—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2303(a) and available for military con-
 6 struction projects inside the United States as specified in
 7 the funding table in section 4601, the Secretary of the
 8 Air Force may acquire real property and carry out mili-
 9 tary construction projects for the installations or locations
 10 inside the United States, and in the amounts, set forth
 11 in the following table:

Air Force: Inside the United States

State or Territory	Installation or Location	Amount
Florida	Eglin Air Force Base	\$14,600,000
	MacDill Air Force Base	\$131,000,000
	Patrick Space Force Base	\$27,000,000
Georgia	Robins Air Force Base	\$115,000,000
Guam	Joint Region Marianas	\$411,000,000
Massachusetts	Hanscom Air Force Base	\$37,000,000
Mississippi	Columbus Air Force Base	\$39,500,000
Montana	Malmstrom Air Force Base	\$10,300,000
South Dakota	Ellsworth Air Force Base	\$235,000,000
Texas	Joint Base San Antonio-Lackland	\$158,000,000
Utah	Hill Air Force Base	\$82,000,000
Wyoming	F.E. Warren Air Force Base	\$85,000,000

12 (b) OUTSIDE THE UNITED STATES.—Using amounts
 13 appropriated pursuant to the authorization of appropria-
 14 tions in section 2303(a) and available for military con-
 15 struction projects outside the United States as specified
 16 in the funding table in section 4601, the Secretary of the
 17 Air Force may acquire real property and carry out mili-
 18 tary construction projects for the installations or locations

1 **SEC. 2605 [Log 77483]. AUTHORIZED AIR FORCE RESERVE**
2 **CONSTRUCTION AND LAND ACQUISITION**
3 **PROJECTS.**

4 Using amounts appropriated pursuant to the author-
5 ization of appropriations in section 2606 and available for
6 the National Guard and Reserve as specified in the fund-
7 ing table in section 4601, the Secretary of the Air Force
8 may acquire real property and carry out military construc-
9 tion projects for the Air Force Reserve locations inside
10 the United States, and in the amounts, set forth in the
11 following table:

Air Force Reserve

State or Territory	Location	Amount
Arizona	Davis-Monthan Air Force Base	\$8,500,000
California	March Air Reserve Base	\$226,500,000
Georgia	Dobbins Air Reserve Base	\$22,000,000
Guam	Joint Region Marianas	\$27,000,000
Louisiana	Barksdale Air Force Base	\$7,000,000
Texas	Naval Air Station Joint Reserve Base Fort Worth	\$16,000,000

1 SEC. 2609 [Log 78023]. EXTENSION OF AUTHORITY TO
2 CARRY OUT CERTAIN FISCAL YEAR 2021 NA-
3 TIONAL GUARD AND RESERVE MILITARY
4 CONSTRUCTION PROJECTS.

5 (a) EXTENSION.—Notwithstanding section 2002 of
6 the Military Construction Authorization Act for Fiscal
7 Year 2021 (division B of Public Law 116–283; 134 Stat.
8 4294), the authorizations set forth in the table in sub-
9 section (b), as provided in sections 2601, 2602, and 2604
10 of that Act (134 Stat. 4312, 4313, 4314), shall remain
11 in effect until October 1, 2024, or the date of the enact-
12 ment of an Act authorizing funds for military construction
13 for fiscal year 2025, whichever is later.

14 (b) TABLE.—The table referred to in subsection (a)
15 is as follows:

**National Guard and Reserve: Extension of 2021 Project
Authorizations**

State or Territory	Installation or Location	Project	Original Authorized Amount
Arkansas	Fort Chaffee	National Guard Readiness Center	\$15,000,000
California	Bakersfield	National Guard Ve- hicle Maintenance Shop.	\$9,300,000
Colorado	Peterson Space Force Base	National Guard Readiness Center	\$15,000,000
Guam	Joint Region Marianas	Space Control Facil- ity #5	\$20,000,000
Ohio	Columbus	National Guard Readiness Center	\$15,000,000
Massachusetts	Devens Reserve Forces Training Area	Automated Multi- purpose Machine Gun Range.	\$8,700,000
North Carolina	Asheville	Army Reserve Cen- ter/Land	\$24,000,000
Puerto Rico ...	Fort Allen	National Guard Readiness Center	\$37,000,000

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- Ship-to-Shore Fuel Distribution System Upgrade
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- Comptroller General Review of Contested Logistics in U.S. Indo-Pacific Command
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- Comptroller General Review of Navy Ship Sustainment Budget Presentation and Execution
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The committee further directs the Comptroller General to provide a briefing to the House Committee on Armed Services not later than March 15, 2024, on preliminary findings of the review and provide final results to the Senate Committee on Armed Services and the House Committee on Armed Services in a format and timeframe as mutually agreed upon. The committee expects the Secretary of Defense, the Secretaries of the military departments, and the combatant commanders to provide any pertinent information, including, but not limited to, related analyses and studies, contingency plans, and operational plans, to designated representatives of the Government Accountability Office assigned to this review.

Comptroller General Review of Department of Defense Sustainment Plans for the Defense of Guam

The Missile Defense Agency (MDA) and the military services have developed plans to improve the integrated air and missile defense capabilities on Guam. The 2022 Missile Defense Review indicates that Guam's missile defenses will be commensurate with its status as both an unequivocal part of the United States, as well as a key power projection hub in the Indo-Pacific region. MDA requested over \$800 million in its fiscal year 2024 budget for additional capabilities to augment the current Terminal High Altitude Area Defense battery deployed to the island. The committee notes that Guam's location and climate, as well as the Department of Defense's plan to use mobile components as part of Guam's defense infrastructure, require specific considerations to sustain these capabilities.

Therefore, the committee directs the Comptroller General of the United States to review the Department of Defense's sustainment plans for the Missile Defense of Guam. This review shall address:

(1) the extent to which the Department of Defense is considering plans for sustaining the new missile architecture that will comprise the defense of Guam as options are being considered, including the personnel (military, civilian, and contractors), infrastructure, and funding necessary for that sustainment;

(2) the extent to which adding new missile defense architecture on Guam would affect sustainment of preexisting defenses on the island and other missile defense elements in the Indo-Pacific region; and

(3) any other topics deemed appropriate by the Comptroller General.

The committee further directs the Comptroller General to provide a briefing to the House Committee on Armed Services not later than April 1, 2024, on the Comptroller General's preliminary findings and provide final results to the committee in a mutually agreed upon format and timeframe.

Comptroller General Review of Navy Ship Sustainment Budget Presentation and Execution

The Navy spends billions of dollars annually to sustain its ships, yet it continually faces persistent and worsening sustainment challenges. In 2023, the

NEWS: Acting Governor Tenorio Receives Formal Notice of 360 Degree Missile Defense System

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Wed, Jul 12, 2023 at 4:07 PM

----- Forwarded message -----

From: **Krystal Paco-San Agustin** <krystal.paco@guam.gov>

Date: Tue, May 2, 2023 at 5:12 PM

Subject: NEWS: Acting Governor Tenorio Receives Formal Notice of 360 Degree Missile Defense System

To:

FOR IMMEDIATE RELEASE - May 2, 2023

Acting Governor Tenorio Receives Formal Notice of 360 Degree Missile Defense System*Public Encouraged to Participate in Upcoming Scoping Process*

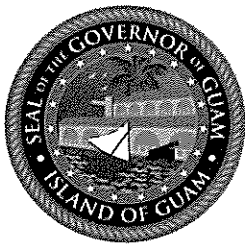
Hagåtña, Guam - Yesterday, Acting Governor Joshua Tenorio was notified by Joint Region Marianas Commander Rear Admiral Benjamin Nicholson on behalf of Vice-Admiral J.A. Hill about the Missile Defense Agency's plans to publish a Notice of Intent in the Federal Register. This action will initiate the public comment period for an Environmental Impact Statement (EIS) on a proposed 360 degree Enhanced Integrated Air and Missile Defense System. The Missile Defense Agency, the United States Department of the Army, the U.S. Department of the Navy, the U.S. Department of the Air Force, and the Federal Aviation Administration are working collaboratively on the EIS.

"During these times of increased tension in the Asia Pacific region, the Department of Defense has assured me they will do everything they can to protect Guam," said Acting Governor Tenorio. "This marks the beginning of the EIS process, which is a requirement of the National Environmental Policy Act. Our administration will closely examine their plans as soon as they are made available, and the relevant government agencies will provide the appropriate responses. We also encourage the public to participate in the upcoming scoping process and provide public input."

The public comment period will begin May 5 through June 27. This Notice of Intent also starts the scoping process, which is the period when the federal agency and the public collaborate to define the range of issues and potential alternatives to be addressed in the EIS.

Three scoping meetings are scheduled for next month. Scoping meetings will be held at the University of Guam Fieldhouse on June 14, Okkodo High School on June 15, and Southern High School on June 16, all from 4 p.m. to 7 p.m.

###



Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931



NEWS_ Acting Governor Tenorio Receives Formal Notice of 360 Degree Missile Defense System.pdf
347K

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

FOR IMMEDIATE RELEASE - May 2, 2023

Acting Governor Tenorio Receives Formal Notice of 360 Degree Missile Defense System

Public Encouraged to Participate in Upcoming Scoping Process

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###



Jean S. Taitano <jean.taitano@guam.gov>

Fwd: NOI EIS

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Wed, Jul 12, 2023 at 4:01 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>

Date: Sat, May 6, 2023 at 1:34 PM

Subject: Re: NOI EIS

To: Jon Junior Calvo <jon.calvo@guam.gov>

Cc: Gov. Lourdes A. Leon Guerrero <governor@guam.gov>, Lt. Gov <joshua.tenorio@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, <lola.leonguerrero@bsp.guam.gov>, Stephanie G. Flores <stephanie.flores@guam.gov>, Jeffrey Moots <jeffrey.moots@guam.gov>, Leslie Travis <leslie.travis@guam.gov>

Will do. Thanks Chief.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946

On May 6, 2023, at 1:33 PM, Jon Junior Calvo <jon.calvo@guam.gov> wrote:

Vera - work with Krystal on a short PR announcing the official posting of the NOI in the federal register.

On Fri, May 5, 2023 at 7:46 PM Vera A. Topasna <vera.topasna@guam.gov> wrote:
Gov:

EIS NOI is now official and released on the federal register.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946



Jean S. Taitano <jean.taitano@guam.gov>

Fwd: MDA EIS Executive Committee Meeting

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Wed, Jul 12, 2023 at 3:57 PM

----- Forwarded message -----

From: **Warren Pelletier** <warren.pelletier@dpr.guam.gov>

Date: Mon, May 15, 2023 at 3:38 PM

Subject: Re: MDA EIS Executive Committee Meeting

To: J. George Bamba <george.bamba@guam.gov>

Cc: esther.aguigui <esther.aguigui@guam.gov>, Vera A. Topasna <vera.topasna@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, <lola.leonguerrero@bsp.guam.gov>, Stephanie G. Flores <stephanie.flores@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Walter Leon Guerrero <walter.leonguerrero@epa.guam.gov>, Jose Naputi <jose.naputi@guam.gov>, Artemio Ricky Hernandez, PhD <ahernandez@guamairport.net>, Gov. Lourdes A. Leon Guerrero <governor@guam.gov>, Lt. Gov <joshua.tenorio@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Jeffrey Moots <jeffrey.moots@guam.gov>, Leslie Travis <leslie.travis@guam.gov>

I will attend.

On Mon, May 15, 2023 at 8:41 AM J. George Bamba <george.bamba@guam.gov> wrote:

I will be attending.

George

On Sat, May 13, 2023 at 7:34 PM esther.aguigui <esther.aguigui@guam.gov> wrote:

Greetings and Håfa adai Director Topasna,

Acknowledge receipt and confirming my attendance.

Thank you for the advanced notice.

V/r,

EJCA

Sent from my Galaxy

----- Original message -----

From: "Vera A. Topasna" <vera.topasna@guam.gov>

Date: 5/13/23 1:53 PM (GMT+10:00)

To: Rikki Orsini <rikki.orsini@guam.gov>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, lola.leonguerrero@bsp.guam.gov, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Walter Leon Guerrero <walter.leonguerrero@epa.guam.gov>, "J. George Bamba" <george.bamba@guam.gov>, Jose Naputi <jose.naputi@guam.gov>, "Artemio Ricky Hernandez, PhD" <ahernandez@guamairport.net>, Warren Pelletier <warren.pelletier@dpr.guam.gov>

Cc: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, "Lt. Gov" <joshua.tenorio@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Jeffrey Moots <jeffrey.moots@guam.gov>, Leslie Travis <leslie.travis@guam.gov>

Subject: MDA EIS Executive Committee Meeting

Hafa Adai Esteemed Colleagues:

I have taken the liberty to schedule an EIS Executive Committee meeting to move our process forward for our GovGuam agency subcommittees comments/questions to the EIS. Meeting is scheduled for **Monday May 15 at 4:00-5:00 pm Adelup Small Conference Room** Attached is an agenda, plan of action and pertinent MDA EIS information. I also included the last EIS scoping comments provided by GovGuam back in 2007 for reference.

I look forward to your ideas/input. Have a great weekend.

--

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

Office of the Governor of Guam

120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915

Office: 671-475-4735

Cell: 671-482-5946



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Jean S. Taitano <jean.taitano@guam.gov>

Fwd: US Patriot Missiles Destroyed Target Missiles During Balikatan Exercise

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Wed, Jul 12, 2023 at 4:10 PM

----- Forwarded message -----

From: **Esther Aguigui** <esther.aguigui@guam.gov>
Date: Mon, May 1, 2023 at 9:26 AM
Subject: Re: US Patriot Missiles Destroyed Target Missiles During Balikatan Exercise
To: Vera A. Topasna <vera.topasna@guam.gov>
Cc: Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, Samantha Brennan <samantha.brennan@ghs.guam.gov>, <jessica.Eglil@hq.dhs.gov>

Thanks!

On Fri, Apr 28, 2023 at 6:21 PM Vera A. Topasna <vera.topasna@guam.gov> wrote:
To your question I believe Tyrone Taitano is the infrastructure czar for the Gov/LT Gov.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946

> On Apr 28, 2023, at 4:58 PM, Esther Aguigui <esther.aguigui@guam.gov> wrote:
>

RESCIND AND REPLACE: NEWS: Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>

Wed, Jul 12, 2023 at 4:09 PM

To: "Jean S. Taitano" <jean.taitano@guam.gov>

----- Forwarded message -----

From: **Krystal Paco-San Agustin** <krystal.paco@guam.gov>

Date: Sat, May 6, 2023 at 6:04 PM

Subject: RESCIND AND REPLACE: NEWS: Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register

To:

FOR IMMEDIATE RELEASE - May 6, 2023**Notice of Intent to Prepare an EIS for a Missile Defense System on Guam
Published in Federal Register***Public Encouraged to Participate in Comment Period Now through June 27*

Hagåtña, Guam – The Missile Defense Agency (MDA) and Department of Defense (DoD) officially published its Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam in the Federal Register today. This notice starts the public scoping period which will run through June 27, 2023. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace.

“The deployment of a missile defense system on Guam has significant implications for the local community and the safety of our people. Starting today through June 27, we highly encourage our local community to participate in the process of reviewing and commenting on the Environmental Impact Study for a missile defense system,” said Governor Lou Leon Guerrero. “Participation and feedback are crucial to ensure the system's effectiveness and address any concerns or issues that may arise.”

“Community participation and comments are critical for the deployment of a missile defense system on Guam,” said Lt. Governor Joshua Tenorio. “We encourage community members to participate in the ongoing comment period for the environmental impact study and to provide their input and feedback. This will ensure that the study reflects the community's concerns and priorities and that the potential environmental impacts of the missile defense system are fully understood.”

Access to meeting information can be found on the MDA website at <https://www.mda.mil/system/eiamd.html>. The scoping period will be between May 5, 2023, through June 27, 2023 and schedule for Open House Public Scoping Meetings are set as follows:

June 14, 2023University of Guam
Calvo Field House**June 15, 2023**Okkodo High School
Gymnasium**June 16, 2023**Southern High School
Gymnasium

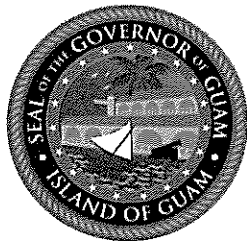
Gymnasium
Mangilao

660 Biradan Anakko 3rd St
Dededo Santa Rita

#1 Jose Perez Leon Guerrero Dr

The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyzes relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

###



Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

2 attachments

 **Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam_2023-09609.pdf**
177K

 **NEWS_ Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register.docx.pdf**
351K

there are fewer than 200 individuals in the stratum. OPA weights the eligible respondents in order to make inferences about the entire population of active duty spouses. The weighting methodology utilizes standard weighting processes.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09623 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0038]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 5, 2023.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Assistant Secretary for Defense for Military Personnel Policy, Office of Military Compensation Policy, ATTN: Mr. Ronald Garner, Pentagon, Washington, DC 20301-1500, or call (703) 693-1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Data for Payment of Retired Personnel; DD Form 2656; OMB Control Number 0704-0569.

Needs and Uses: The information collection requirement is necessary to obtain applicable retirement information from Uniformed Service members and allow those members to make certain retired pay and survivor annuity elections prior to retirement from service or prior to reaching eligibility to receive retired pay. The form will also allow eligible members covered by the Blended Retirement System to make a voluntary election of a partial lump sum of retired pay, as required by section 1415 of title 10, United States Code.

Affected Public: Individuals or households.

Annual Burden Hours: 31,988.

Number of Respondents: 127,950.

Responses per Respondent: 1.

Annual Responses: 127,950.

Average Burden per Response: 15 minutes.

Frequency: As required.

Every member of the Uniformed Services who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, will voluntarily complete this form to request retired pay, designate beneficiaries, and make a Survivor Benefit Plan election. In an average calendar year, approximately 127,950 members of the Uniformed Service will complete this form. The spouses of retiring members of the Uniformed Services are only required to complete part V of this form if the Service member declines or reduces his or her level of under the Survivor Benefit Plan.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09627 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD).

ACTION: Notice of intent.

SUMMARY: The MDA is issuing this notice of intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the **Federal Register**. Comments must be postmarked or

received on or before June 27, 2023 to ensure consideration in the Draft EIS.

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331.

Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the fiscal year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors,

missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

Associated support facilities and infrastructure (e.g., power plants, fuel storage facilities, and water storage facilities), and life support facilities (e.g., family housing, fire stations, and dining facilities) would also be constructed and operated on these sites to support proposed EIAMD components and accommodate personnel associated with the proposed EIAMD system.

The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomic, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on

Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: May 2, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09609 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0039]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Contract Management Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

FOR IMMEDIATE RELEASE - May 6, 2023

**Notice of Intent to Prepare an EIS for a Missile Defense System on Guam
Published in Federal Register**

Public Encouraged to Participate in Comment Period Now through June 27

Hagåtña, Guam – The Missile Defense Agency (MDA) and Department of Defense (DoD) officially published its Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam in the Federal Register today. This notice starts the public scoping period which will run through June 27, 2023. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace.

“The deployment of a missile defense system on Guam has significant implications for the local community and the safety of our people. Starting today through June 27, we highly encourage our local community to participate in the process of reviewing and commenting on the Environmental Impact Study for a missile defense system,” said Governor Lou Leon Guerrero. “Participation and feedback are crucial to ensure the system's effectiveness and address any concerns or issues that may arise.”

“Community participation and comments are critical for the deployment of a missile defense system on Guam,” said Lt. Governor Joshua Tenorio. “We encourage community members to participate in the ongoing comment period for the environmental impact study and to provide their input and feedback. This will ensure that the study reflects the community's concerns and priorities and that the potential environmental impacts of the missile defense system are fully understood.”

Access to meeting information can be found on the MDA website at <https://www.mda.mil/system/eiamd.html>. The scoping period will be between May 5, 2023, through June 27, 2023 and schedule for Open House Public Scoping Meetings are set as follows:

June 14, 2023

University of Guam
Calvo Field House
Gymnasium
Mangilao

June 15, 2023

Okkodo High School
Gymnasium
660 Biradan Anakko 3rd St
Dededo

June 16, 2023

Southern High School
Gymnasium
#1 Jose Perez Leon Guerrero Dr
Santa Rita

The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyzes relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

###

Fwd: Guam Security Council Talking Points - Meeting with Governor

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>

Wed, Jul 12, 2023 at 3:56 PM

To: "Jean S. Taitano" <jean.taitano@guam.gov>

----- Forwarded message -----

From: **Esther Aguigui** <esther.aguigui@guam.gov>

Date: Mon, May 15, 2023 at 3:50 PM

Subject: Guam Security Council Talking Points - Meeting with Governor

To: Vera A. Topasna <vera.topasna@guam.gov>, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, Samantha Brennan <samantha.brennan@ghs.guam.gov>

Team,

Sending the above subject for your reference and perusal.

V/r,

EJC

**Guam Security Council Talking Points Meeting with Governor (16 May).docx**

22K

Guam Security Council

Talking Points for Meeting with Governor (8:30 am, 16 May 23)

Purpose of Government: Serve and advance the general welfare of Guam's interests:

- Health
- Happiness
- Safety
- Aspirations
- Encourage participation in the process of governance

LGT Vision (Guam's Security interests):

- Develop sustainable solutions (G3)
- Advance IT, build resilience, Cybersecurity
- Build new hospital
- Continue pandemic response

The difference between National Security and Homeland Security is Homeland Security is a subset of National Security; but both are inextricably linked.

National Securities:

- Cybersecurity
- Economic security
- Energy and Natural Resources Security
- Environmental Security
- Food Security
- Homeland Security
- Human Security
- Political security

Guam Securities

- Cyber Security
- Homeland Security
- Economic Security
- Energy and Natural Resources Security
- Environmental Security
- Food Security Health and Wellness Security

Assumption: In a catastrophic incident response, the Federal government will work to ensure the rapid and efficient delivery of reserves and assets, including special teams, equipment, and supplies that provide critical lifesaving support and incident containment capabilities.

While Guam maintains a vital role in national defense and hosts a growing presence of the United States Armed Forces; and

While the original military build-up plans on Guam have changed significantly to include a wide range of DoD activities for all military branches such as the Army and Air Force, and their National Guard Components, Navy, Space Force, Marines, Coast Guard; and

While as a result of the significant shift in the U.S. Armed Forces the scope has broadened; and

While it is necessary for the Governor and Lt. Governor to seek advice and recommendation on policy matters; therefore

The creation of the SECURITY ADVISORY COUNCIL is proposed, to provide advice and recommendations to the Governor and Lt. Governor of Guam or their predecessors, regarding the military realignment, Missile Defense of Guam and the Pacific Deterrence Initiative and the implementation of the National Defense Strategy that pertain to growth and security initiatives on Guam.

The SECURITY ADVISORY COUNCIL shall be composed of eight (8) members, appointed by the Governor of Guam, with a term of _____. The composition of the SECURITY ADVISORY COUNCIL shall include:

1. Senior Advisor, Security Council, Governor's Office
2. Senior Advisor, Military & Regional Affairs
3. Chief of Police, Guam Police Department
4. Director, Customs & Quarantine
5. Chief, Guam Fire Department
6. Director, the Department of Public Works (DPW)
7. Director, the Bureau of Statistics and Plans (BSP)
8. Senior Advisor, Guam Infrastructure Office
9. Administrator, Guam Homeland Security
10. Director, the Guam Economic Development Authority (GEDA)
11. GM, Guam Power Authority
12. GM, Water Works Authority

13. Director, the Northern Soil and Water Conservation District
14. 37th Guam Legislature Chairperson on Guam Buildup
15. 37th Guam Legislature Chairperson on Emergency Response, Military and Veteran Affairs
16. Director, CDLO
17. EM, Port Authority of Guam
18. EM, Guam Airport Authority
19. TAG, Guam National Guard
20. Cdr, JRM

The following will be the tasks of the Council:

Work to identify opportunities and prioritize recommendations with respect to an amicable approach to maintain the quality of life and security of the residents of the island.

Provide recommendations on the opportunities and challenges associated with the growing national defense operations in Guam in a sustainable manner.

Provide advice and recommendations on a strengthened national security presence in Guam that will protect our island and our country while also protecting the economic well-being of our island.

Actively foster close, effective security cooperation among military installations and the public and private sector.

CDLO shall be the coordinating office between the Governor's Office, the Council and Department of Defense pursuant to Executive Order 2020-39.



Jean S. Taitano <jean.taitano@guam.gov>

Fwd: Missile Defense EIS Executive Committee Planning Meeting

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Wed, Jul 12, 2023 at 3:49 PM

----- Forwarded message -----

From: **Esther Aguigui** <esther.aguigui@ghs.guam.gov>
Date: Tue, Jul 4, 2023 at 5:12 PM
Subject: Re: Missile Defense EIS Executive Committee Planning Meeting
To: Stephanie G. Flores <stephanie.flores@guam.gov>
Cc: Vera A. Topasna <vera.topasna@guam.gov>, Matthew Santos <matthew.santos.bsp@guam.gov>, Lola Leon Guerrero <lolaig.bsp@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, <Lola.Leonguerrero@bsp.guam.gov>, Warren Pelletier <warren.pelletier@dpr.guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, Patrick Lujan <patrick.lujan@olddpr.guam.gov>, Gov. Lourdes A. Leon Guerrero <governor@guam.gov>, Lt. Gov <joshua.tenorio@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Jose Naputi <jose.naputi@guam.gov>, J. George Bamba <george.bamba@guam.gov>, Nichole AC Duenas <nicole.duenas@guam.gov>, Eliza G. Dames <eliza.dames@guam.gov>, Josephine C. Cepeda <josephine.cepeda@guam.gov>

Acknowledge receipt of your email; confirming my attendance. Thank you.

V/r,

HSA 17

ESTHER J. C. AGUIGUI
Homeland Security Advisor
Guam Homeland Security

On Mon, Jul 3, 2023 at 5:08 PM Stephanie G. Flores <stephanie.flores@guam.gov> wrote:
Acknowledged.

Sent from my iPhone

On Jul 3, 2023, at 5:07 PM, Vera A. Topasna <vera.topasna@guam.gov> wrote:

Hafa Adai MDA EIS Executive Committee:

I hope that all is well with everyone post Mawar. As you may be aware the Missile Defense Agency is planning to reschedule scoping meetings for early August. While we await confirmed dates, we are requesting for the Executive Committee to meet and discuss/approve a format for our GovGuam agencies to provide comments.

Meeting is scheduled for Thursday July 6 at 9:00 a.m. Governors Small Conference Room Adelup. Will send courtesy calendar invites. Have a great 4th of July holiday.

--

Sincerely,

Vera Topasna

Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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Fwd: Meeting Notice

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Wed, Jul 12, 2023 at 4:08 PM

----- Forwarded message -----

From: **Josephine C. Cepeda** <josephine.cepada@guam.gov>
Date: Wed, May 3, 2023 at 3:29 PM
Subject: Re: Meeting Notice
To: Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>

Thank you, Carlotta. Safe travels.



Josephine "Poping" Cepeda
Executive Assistant to The Honorable Joshua F. Tenorio
Lieutenant Governor of Guam
Ufisinan I Sigundo Maga'låhi Guahan
Office of the Lieutenant Governor of Guam
Tel: (671) 473-1110
Email: josephine.cepada@guam.gov

On Tue, May 2, 2023 at 10:48 PM Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov> wrote:
Hafa Adai Poping, I am in DC this week and won't be able to make the meeting. I have been discussing the EIS with Vera in preparation for the announcement..car

On Tue, May 2, 2023 at 6:55 AM Josephine C. Cepeda <josephine.cepada@guam.gov> wrote:
Good Evening and Hafa Adai!

Please be informed that an IN-PERSON Meeting with the Acting Governor has been scheduled for Wednesday, May 3, 2023 at 2:00 p.m. in the Governor's (Small) Conference Room regarding the Guam Missile Defense Environmental Impact Statement, Notice of Intent.

A calendar invite is forthcoming.

Thank you and have a great and pleasant evening.

Poping



Josephine "Poping" Cepeda
Executive Assistant to The Honorable Joshua F. Tenorio
Lieutenant Governor of Guam
Ufisinan I Sigundo Maga'låhi Guahan
Office of the Lieutenant Governor of Guam
Tel: (671) 473-1110

Email: josephine. Cepeda@guam.gov

--
Carlotta A Leon Guerrero
Chief Advisor Military and Regional Affairs
Governor of Guam Office

Fwd: MDA EIS Action Plan

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Wed, Jul 12, 2023 at 4:01 PM

----- Forwarded message -----

From: **Clynton Ridgell** <clynton.ridgell@guam.gov>

Date: Mon, May 8, 2023 at 10:01 AM

Subject: Re: MDA EIS Action Plan

To: Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>

Cc: Stephanie G. Flores <stephanie.flores@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, Jeffrey Moots <jeffrey.moots@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Leslie Travis <leslie.travis@guam.gov>, <Lola.Leonguerrero@bsp.guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, Vera A. Topasna <vera.topasna@guam.gov>

I think the most important thing with comments is that they have to be germane or relevant. I recall from the past scoping meetings that a lot of comments were discarded so to speak because they weren't relevant to the "scope" of the EIS. These scoping meetings are really meant for the public to tell DOD what kind of things they would like to see studied in the EIS. This helps DOD determine what the parameters or scope of the EIS will be. So comments that aren't specific to the scope of the EIS are not taken into consideration.

Clynt

On Mon, May 8, 2023 at 9:40 AM Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov> wrote:

Vera, I know that comments must be in a certain format, and there might be an official form used for comments. This is one of the trickiest parts of pushing for comments..at the earliest, we must make the agencies and the public know what the comment format looks like in order to be effective and elicit a response from DOD.

In the past, Gov Guam has designed newspaper ads that explain how to write an effective comment..we should do that at the earliest, pls and make sure our agencies are aware also of how raise their concerns in proper comment format.

Thanks for handling the logistics of this, Vera..see you soon, Car

On Sun, May 7, 2023 at 12:27 PM Stephanie G. Flores <stephanie.flores@guam.gov> wrote:

Received with thanks.

Sent from my iPhone

On May 8, 2023, at 7:51 AM, Vera A. Topasna <vera.topasna@guam.gov> wrote:

Hafa Adai Team:

As a follow-on to a meeting last week with Acting Gov Tenorio, this is the OOG Executive Team for the MDA EIS; others may be added as leadership reviews the team members. In the meantime there will be so much information flowing and the scoping schedule is as follows:

June 14 - UOG Field House

June 15 Okkodo High School Gym

June 16 - Southern High Gym - Santa Rita

I recommend that the Exec Team attend all scoping meetings. Additionally, on Monday May 8 we will issue the schedule to Line Agencies for submitting responses that are due on Jun 27, 2023. It was recommended that the Governor ask for an extension to the response date and will await her return to

discuss further. It's a rigorous schedule given the Nat'l Security urgency so I'm looking forward to working with this team to review comments before it is forwarded to legal and our leadership team for approval to submit to MDA. Please see the link for additional information.

Missile Defense Agency - U.S. Department of Defense (mda.mil)

I know most of you are off island so I hope to schedule the EIS Executive Cmte meeting on Monday May 15 pending additional direction/input from COS.

--

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

Office of the Governor of Guam

120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915

Office: 671-475-4735

Cell: 671-482-5946



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--
Carlotta A Leon Guerrero
Chief Advisor Military and Regional Affairs
Governor of Guam Office

Fwd: Google Alert - guam military buildup

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:27 PM

----- Forwarded message -----

From: **Google Alerts** <googlealerts-noreply@google.com>
Date: Tue, Mar 9, 2021 at 4:00 PM
Subject: Google Alert - guam military buildup
To: <carlotta.leonguerrero@guam.gov>

Google Alerts

guam military buildup

Daily update · March 9, 2021

NEWS

Federal funds give **Guam** pandemic lifelines

The Guam Daily Post

The **military** and its ongoing **buildup** on **Guam** are likely among the first issues to come to mind when considering **Guam's** relationship with the federal ...



Flag as irrelevant

2nd missile defense for **Guam** urged

The Guam Daily Post

The process resulted in a successful lawsuit to conduct more in-depth studies, but the **military buildup** on **Guam** continues. "No matter what we say, ...



Flag as irrelevant

Guamanians outline concerns leading up to governor's address

The Guam Daily Post

... evening delivered her third State of the Island address to the people of **Guam**. ... "More so on the topic of the **military buildup** and to know about the ... with the growth of the island as a result," said Emilynn Pangelinan of Ordot.



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Jean S. Taitano <jean.taitano@guam.gov>

Fwd: U.S. Needs Hybrid System to Defend Guam From Missile Threats

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:24 PM

----- Forwarded message -----

From: **Mathews Pothen** <MPothen@guamshipyard.net>
Date: Thu, Jun 24, 2021 at 8:50 PM
Subject: RE: U.S. Needs Hybrid System to Defend Guam From Missile Threats
To: Jon.Calvo@mail.house.gov <Jon.Calvo@mail.house.gov>
Cc: Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, vera.topasna@guam.gov <vera.topasna@guam.gov>

Jon / Carlotta / Vera

Vice Admiral . Jon Hill, Missile Defense Chief discussion on How to Defend Guam from Missile Threats. Discussions in the Pentagon. See below URL.

https://news.usni.org/2021/06/23/mda-chief-u-s-needs-hybrid-system-to-defend-guam-from-missile-threats?utm_source=Salthru&utm_medium=email&utm_campaign=EBB%2006.24.21&utm_term=Editorial%20-%20Early%20Bird%20Brief

Mat

Mathews Pothen

Guam Shipyard

272 E. Harmon Industrial Park Road

Suite 201

Tamuning, Guam 96913

Phone: (671) 648-1160 ext. 100

Cell: (671) 727-7799

Fax: (671) 648-1166

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Fwd: House appropriators fund Hawaii missile defense radar, but cut dollars for Guam

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:26 PM

----- Forwarded message -----

From: **Carlotta A. Leon-Guerrero** <carlotta.leonguerrero@guam.gov>
Date: Tue, Jul 13, 2021 at 9:37 AM
Subject: Re: House appropriators fund Hawaii missile defense radar, but cut dollars for Guam
To: Vera A. Topasna <vera.topasna@guam.gov>
Cc: Alice Taijeron <alice.taijeron@guam.gov>, COS <jon.calvo@guam.gov>, George Bamba <george.bamba@guam.gov>, Gov. Lourdes A. Leon Guerrero <governor@guam.gov>, Krystal Paco Guam <krystal.paco@guam.gov>, Lt. Gov <joshua.tenorio@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>

Vera, thanks for keeping us updated on this. Car

On Tue, Jul 13, 2021 at 7:09 AM Vera A. Topasna <vera.topasna@guam.gov> wrote:
Gov and team:

Interesting article. Recent testimony on Guam Defense System is that DoD has yet to submit a detailed report regarding the Guam system required by law under the NDAA.

We are tracking what the Senate will do during the appropriations review.

<https://www.defensenews.com/pentagon/2021/07/12/house-appropriators-fund-hawaii-missile-defense-radar-but-cut-dollars-for-guam/>

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946



Carlotta Leon Guerrero
Chief Advisor on Military & Regional Affairs
Ufisinan I Maga'hågan Guahan
Office of the Governor of Guam

Email: carlotta.leonguerrero@guam.gov

Fwd: PDI

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:25 PM

----- Forwarded message -----

From: **Carlotta A. Leon-Guerrero** <carlotta.leonguerrero@guam.gov>
Date: Sat, Jul 10, 2021 at 11:07 AM
Subject: Re: PDI
To: Vera A. Topasna <vera.topasna@guam.gov>
Cc: George Bamba <george.bamba@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, Krystal Paco Guam <krystal.paco@guam.gov>

56 million off is a hefty trim

On Sat, Jul 10, 2021, 10:47 AM Vera A. Topasna <vera.topasna@guam.gov> wrote:
Latest update on the Guam Defense System:

Guam missile defense cuts: Appropriators trimmed the Pentagon's \$118 million funding request to develop air and missile defenses for Guam.

Despite being a topic of major congressional interest as the Pentagon aims to bulk up the U.S. posture in the Indo-Pacific region to deter China, appropriators chafed at the request. The panel denied a \$40 million procurement request for Guam defense, citing a lack of details on the plan. Appropriators also slashed the remaining research and development request by nearly \$16 million until the Pentagon submits a previously mandated report on the program.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946

Fwd: Guam Defense System Status

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:25 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>

Date: Tue, Jul 13, 2021 at 4:43 PM

Subject: Guam Defense System Status

To: Krystal Paco-San Agustin <krystal.paco@guam.gov>

Cc: Gov. Lourdes A. Leon Guerrero <governor@guam.gov>, Lt. Gov <joshua.tenorio@guam.gov>, COS

<jon.calvo@guam.gov>, Alice Taijeron <alice.taijeron@guam.gov>, Carlotta A. Leon-Guerrero

<carlotta.leonguerrero@guam.gov>, George Bamba <george.bamba@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>

Krystal:

Providing some background from the House Draft Appropriations bill for reference related to the recent article from Defense News on the Guam Defense system. Will have to see how this plays out in the senate and during conference.

- The fiscal year 2022 budget request includes \$118,300,000 for the initial development of survivable and operationally effective integrated air and missile defenses for Guam.
- Committee notes while supportive of the defense of Guam from ballistic, hypersonic, and cruise missile threats, the report on the defense of Guam from integrated air and missile threats, required by the National Defense Authorization Act for Fiscal Year 2021, has not yet been submitted to the congressional defense committees.
- The lack of detailed information on the budget request, especially the request for \$40,000,000 in procurement, is troubling.
- The Committee has denied funding for procurement and **reduced the amount recommended for research, development, test and evaluation** until the Department submits the required report and adequate budgetary information for the Committee to make informed funding decisions on these efforts.

Recent interviews from the head of the Missile Defense Agency - Vice Admiral Hill, reflects ongoing discussions and review of the system architecture and whether or not the existing Aegis Ashore system is the right one for Guam. Still a work in progress
but planners are still holding to a 2026 timeline for a defense system on Guam.

"Building a similar facility on Guam presents challenges, according to Vice Admiral Hill, due to the island's relatively small size and mountainous terrain. The current type of Aegis Ashore site that the U.S. military has developed does require a not insignificant amount of relatively flat open space. It also needs to be positioned in such a way as to maximize the coverage of its radars relative to prospective threats. Geographical factors were among a number of issues that led Japan to cancel plans to build two of its own Aegis Ashore sites last year."

--

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

Office of the Governor of Guam

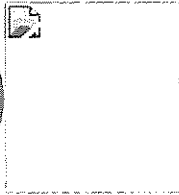
120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915

Office: 671-475-4735

Cell: 671-482-5946

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Fwd: House Appropriators Threaten To Cut Guam Missile Defense Funds

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:20 PM

----- Forwarded message -----

From: **Mathews Pothén** <MPothen@guamshipyard.net>
Date: Tue, Jul 13, 2021 at 8:08 PM
Subject: RE: House Appropriators Threaten To Cut Guam Missile Defense Funds
To: Jon.Calvo@mail.house.gov <Jon.Calvo@mail.house.gov>
Cc: Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, vera.topasna@guam.gov <vera.topasna@guam.gov>

Jon / Carlotta / Vera;

See following article on Funding for AEGIS under challenge from House Appropriators. Also article from ADM. Harry Harris former INDO – PACOM on defending Guam.

https://breakingdefense.com/2021/07/house-appropriators-threaten-to-cut-guam-missile-defense-funds/?utm_campaign=Breaking%20News&utm_medium=email&_hsmi=140038842&_hsenc=p2ANqtz-9Olcn1uc_p5iwOxkAlovyvxFP8Nss2-joUdqIP2Zal-CUZKPxSrNYROK20skFXCofM8ggiPmy6RI71_eH6rQf2QIEVw&utm_content=140038842&utm_source=hs_email

ADM. HARRY HARRIS FORMER INDO - PACOM ON DEFENSE OF GUAM.

<https://breakingdefense.com/2021/07/aegis-ashore-too-limited-for-guam-former-indo-pacom/>

Mat

Mathews Pothén

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272 E. Harmon Industrial Park Road

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Tamuning, Guam 96913

Phone: (671) 648-1160 ext. 100

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Fwd: Google Alert - guam military buildup

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:23 PM

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Date: Tue, Jul 20, 2021 at 7:20 PM
Subject: Google Alert - guam military buildup
To: <carlotta.leonguerrero@guam.gov>

Google Alerts

guam military buildup

Daily update · July 20, 2021

NEWS

Missile Defense for **Guam** Needed to Improve Deterrence in the Indo–Pacific
Heritage.org

Considering the speed of China's **military buildup** and increasing regional aggression, time is of the essence for defending **Guam**. To deter the ...



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Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:18 PM

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To: <carlotta.leonguerrero@guam.gov>

Google Alerts

guam military buildup

Daily update · December 9, 2021

NEWS

Time for **Guam** Missile Defense Build-Up Is Now

Department of Defense

Right now, he said, the Defense Department has committed about \$11 billion in funding for **military** construction projects on **Guam** over the next ...



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Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:18 PM

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From: **Google Alerts** <googlealerts-noreply@google.com>
Date: Fri, Dec 10, 2021 at 4:15 PM
Subject: Google Alert - guam military buildup
To: <carlotta.leonguerrero@guam.gov>

Google Alerts

guam military buildup

Daily update · December 10, 2021

NEWS

Congress wants Hawaiian missile defense radar up and running by end of 2028 -
Flipboard

Flipboard

Russia warned the U.S. of "dangerous consequences" on Wednesday amid Russia's **military buildup** and growing concerns from the U.S. and NATO ... Avatar - ...



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Jean S. Taitano <jean.taitano@guam.gov>

Fwd: Google Alert - guam military buildup

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:17 PM

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From: **Google Alerts** <googlealerts-noreply@google.com>
Date: Thu, Jan 27, 2022 at 4:00 PM
Subject: Google Alert - guam military buildup
To: <carlotta.leonguerrero@guam.gov>

guam military buildup

Daily update · January 27, 2022

NEWS

Alternative site for medical campus possible; Eagles Field evaluated for missile defense ...

The Guam Daily Post

The Missile Defense Agency is also evaluating the property for potential use by the **military to build up Guam's military** infrastructure.



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Our View: Undeveloped residential land needs access to power, water, sewage - Pacific Daily News

Pacific Daily News

In recent decades, **Guam** real estate prices have not been considered cheap and ... "There's that optimism of the **military buildup** and what the real ...



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Jean S. Taitano <jean.taitano@guam.gov>

Fwd: Hawaii's Congressional Leaders Back Off Missile Defense System - Honolulu Civil Beat

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>

Fri, Jul 14, 2023 at 1:16 PM

To: "Jean S. Taitano" <jean.taitano@guam.gov>

----- Forwarded message -----

From: **Carlotta A. Leon-Guerrero** <carlotta.leonguerrero@guam.gov>

Date: Mon, May 30, 2022 at 5:34 AM

Subject: Hawaii's Congressional Leaders Back Off Missile Defense System - Honolulu Civil Beat

To: <governor@guam.gov>

Hawaii's Congressional Leaders Back Off Missile Defense System - Honolulu Civil Beat

<https://www.civilbeat.org/2022/05/hawaiis-congressional-leaders-back-off-missile-defense-system/>

Fwd: Save the Date: CMCC Meeting 29 June 2022

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>

Fri, Jul 14, 2023 at 1:15 PM

To: "Jean S. Taitano" <jean.taitano@guam.gov>

----- Forwarded message -----

From: <Randel.Sablan@fe.navy.mil>

Date: Thu, Jun 16, 2022 at 2:43 PM

Subject: Save the Date: CMCC Meeting 29 June 2022

To: <vera.topasna@guam.gov>, <carlotta.leonguerrero@guam.gov>, <arlene.pangelinan@noaa.gov>, <barbara_alberti@nps.gov>, <michael.tosdsato@noaa.gov>, <mccarroll.john@epa.gov>, <Jacqueline_flores@fws.gov>, <krystina_borja@ios.doi.gov>, <jeffrey.b.flores@usda.gov>

Cc: <Donald.Baldwin@fe.navy.mil>, <Jean.Chabanne@fe.navy.mil>, <Michelle.Parel@fe.navy.mil>, <Harry.Elliott@fe.navy.mil>, <Katherine.Koenig@fe.navy.mil>, <Catherine.Norton@fe.navy.mil>, <Kelli.Roesch@fe.navy.mil>, <Joseph.Horton@fe.navy.mil>, <David.Jimenez2@fe.navy.mil>, <Gadala.Kratzer@fe.navy.mil>, <Uriah.Perez@fe.navy.mil>, <Joshua.Lewis2@fe.navy.mil>, <Steven.Stasick@fe.navy.mil>, <albert.borja@usmc.mil>, <Mark.Cruz@fe.navy.mil>

Greetings from Joint Region Marianas (JRM)!

I would like announce that the next Civil-Military Coordinating Council (CMCC) meeting is scheduled for Wednesday June 29, 2022 at 10:00 AM ChST. The venue will be here at JRM in the Flag Conference Room. JRM will send a Teams meeting invitation next week with a conference line for off-island participants and anyone who would prefer to participate virtually.

The agenda is under development and the following items are what we have so far:

1. "Guam Buildup" Construction Update (NAVFAC OICC)
2. Record of Decision (ROD) Mitigation Update (MCBCB/JRM)
3. Government of Guam Mitigation Projects Update (CDLO tentative)
3. Guam Missile Defense System (JRM tentative)
4. Guam Medical Complex Lease Update (JRM tentative)
5. Affordable Housing (CDLO tentative)

I may have missed a Federal partner (USFWS and DoT Fed Highways?) and some may have moved on. Please assist by providing a POC so I can update my distribution list.

If you have topics for consideration or questions about any of the items above please message Vera Topasna and myself and copy others for awareness.

Very respectfully,

Randy

Randel L. Sablan (J00C7)
Advisor, Regional Political-Military Affairs
Advisor, INDOPACOM Senior Military Official
Joint Region Marianas
Office: (671) 349-3205
Cell: (671) 777-8540
randel.sablan@fe.navy.mil
SMO.JRM@fe.navy.mil

****If I do not respond within 48 hours please consider calling me directly at the numbers listed above. If your message involves coordination in the Republic of Palau, or the Federated States of Micronesia please use the SMO JRM group address above.****

Fwd: CMCC Agenda

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:15 PM

----- Forwarded message -----

From: **Carlotta A. Leon-Guerrero** <carlotta.leonguerrero@guam.gov>
Date: Tue, Jun 21, 2022 at 3:05 PM
Subject: Re: CMCC Agenda
To: <Randel.Sablan@fe.navy.mil>
Cc: <Michelle.Parel@fe.navy.mil>, <vera.topasna@guam.gov>

I think this agenda has all the points that the Governor would like to discuss. Carlotta

On Tue, Jun 21, 2022 at 11:00 AM <Randel.Sablan@fe.navy.mil> wrote:
Vera/Car,

Draft v1 agenda attached. Note the standing working group updates and let me know if they are good to go. Missile defense and medical complex remain tentative at this point.

--Break--

Walter's assistant will call me back for a date and time to go meet with him.

I see from last year the Permitting WG has GEPA as lead. This is where Walter can talk about projects that are unpermitted. Challenge here is...has he told OICC/NAVFAC or collaborated on solutions. I appreciate that there may not have been any notices of violation issued but some type of notice is appropriate to get contractors to apply. I understand most construction permitting is part of the contractor's responsibility.

---Break---

There were two action items from last year.

1) The first one will be addressed in the ROD Mitigation Update Brief (around slide 8) by Mark Cruz.

2) I recall Vince Arriola mentioning Route 1 projects. Unless CDR Perry indicates otherwise I tend to think Vince may have confused his expectations with all the DAR work we have already completed (Cabras, Hagatna Bridge/Route 10, Route 1 and 3, Route 3, and Route 3A). I know the EIS evaluated many, many road segments but only some were programmed and funded based on the selected alternatives.

Finally, let me know who will attend in person from GovGuam and I'll have name tents made. Probably have most already.

V/r,

Randy

Randel L. Sablan (J00C7)
Advisor, Regional Political-Military Affairs

Advisor, INDOPACOM Senior Military Official
Joint Region Marianas
Office: (671) 349-3205
Cell: (671) 777-8540
randel.sablan@fe.navy.mil
SMO.JRM@fe.navy.mil

If I do not respond within 48 hours please consider calling me directly at the numbers listed above. If your message involves coordination in the Republic of Palau, or the Federated States of Micronesia please use the SMO JRM group address above.

Fwd: StaffDel Meeting

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>

Fri, Jul 14, 2023 at 1:13 PM

To: "Jean S. Taitano" <jean.taitano@guam.gov>

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From: **Vera A. Topasna** <vera.topasna@guam.gov>

Date: Tue, Aug 23, 2022 at 3:55 PM

Subject: StaffDel Meeting

To: Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>

Cc: Gov. Lourdes A. Leon Guerrero <governor@guam.gov>, Lt. Gov <joshua.tenorio@guam.gov>, COS <jon.calvo@guam.gov>

Hi Car:

In preparation for StaffDel meeting, the following is a list of the Staff Delegation and the committees for which their Congressional Delegates serve. As per INDOPACOM, they are visiting with DoD officials regarding Guam/CNMI on current military status and growth initiatives. The House Armed Services & Senate Armed Services Committees are expected to go into conference in September to vote on the National Defense Authorization Act. The proposed NDAA for Guam reflects a decrease on the Defense of Guam (Missile Defense) on the Senate side pending an updated assessment from DOD. Trying to schedule a meeting for Friday afternoon, Govs small conference room.

In addition, the recent and heightened threats following Spkr Pelosi's visit to Taiwan has placed priority on DoD for the Defense of Guam and the region. I would recommend that we review the NDAA and push the envelope for H2B extension to 2029 and other legislative proposals related to Guam and the Region that is supported by Gov/Lt Gov. For the House Foreign Affairs representative, I believe the highest priority is countering the Grey Zone Coercion in the INDO Pacific to include COFA negotiations based on preserving a free and open INDOPACIFIC (Trade, Security, Climate Change, Health Care, Food Security, etc).

Tim Nelson, (REP Case, COS) (D) Natural Resources, House Appropriations

Ryan Keating (REP Ryan, LD) (D) House Appropriations

Alexia Sikorsky (REP Womack, LA) (R) House Appropriations- Financial Services, Government & Defense, Transportation, Housing & Urban Development

Semaj Martin-Redd (REP Kelly, LA) Ways/Means, Health (R)

Andrew Noh, (REP Strickland COS) (D) HASC- Subcommittee on Personnel & Readiness

Theresa Lou, (House Foreign Affairs Committee, Professional staff member

--

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

Office of the Governor of Guam

120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915

Office: 671-475-4735

Cell: 671-482-5946

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Fwd: Google Alert - guam military buildup

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:14 PM

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Date: Wed, Aug 31, 2022 at 4:00 PM
Subject: Google Alert - guam military buildup
To: <carlotta.leonguerrero@guam.gov>

Google Alerts

guam military buildup

Daily update · August 31, 2022

NEWS

NATO Head Warns About Russian & Chinese Interest in the Arctic - NewsGram

NewsGram

"We see a significant Russian **military buildup** with new bases, ... Amid Rising Chinese Threat, US Plans to Improve Missile Defense of **Guam**.

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Fwd: Guam Award

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:13 PM

----- Forwarded message -----

From: **Gov. Lourdes A. Leon Guerrero** <governor@guam.gov>

Date: Thu, Sep 1, 2022 at 6:10 AM

Subject: Re: Guam Award

To: Vera A. Topasna <vera.topasna@guam.gov>

Cc: COS <jon.calvo@guam.gov>, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, George Bamba <george.bamba@guam.gov>, Lt. Gov <joshua.tenorio@guam.gov>

Thanks for sharing!

On Wed, Aug 31, 2022 at 8:46 PM Vera A. Topasna <vera.topasna@guam.gov> wrote:

The Missile Defense Agency has tapped Lockheed Martin to "design, develop and deliver" what is being dubbed the Homeland Defense Radar-Guam, utilizing technology at the core of the Long Range Discrimination Radar, the SPY-7 and a large sensor planned for Hawaii as a central component of a new air and missile defense capability for the western U.S. territory. On Aug. 29, MDA awarded Lockheed Martin a \$723 million undefinitized contract action as part of an indefinite delivery/indefinite quantity contract awarded.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946



Governor Lourdes Leon Guerrero
Ricardo J. Bordallo Governor's Complex
Office of the Governor
Hagatna, Guam
(671) 472-8931

Fwd: Latest Update - Guam Missile Defense

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:11 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>
Date: Wed, Oct 19, 2022 at 3:22 PM
Subject: Latest Update - Guam Missile Defense
To: Gov. Lourdes A. Leon Guerrero <governor@guam.gov>
Cc: Lt. Gov <joshua.tenorio@guam.gov>, COS <jon.calvo@guam.gov>, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>

Guam radar blueprint calls for 10 sensors by 2027; initial capability on island by 2024

The Pentagon has locked in a sensor architecture for the U.S. military's new counterair and missile defense system slated for Guam that will be composed of a newly minted Army radar and a land-based Navy variant of technology derived from a towering Space Force array that is due to become operational soon.

The Missile Defense Agency has selected the Army's A4 Sentinel, built by Lockheed Martin, and Homeland Defense Radar-Guam, also built by Lockheed, as the two sensors that will combine efforts -- linked by a new capability that bridges separate Army and Navy command and control systems -- to monitor skies around the most western U.S. territory in the Pacific Ocean.

MDA plans to deliver to U.S. Indo-Pacific Command an initial capability as soon as fiscal year 2024 that consists of one radar of each type. By 2027, the full radar plan -- consisting of a total of 10 sensors -- will be in place with delivery of an additional A4 Sentinel and an additional four SPY-7s, one of which will be a two-faced array, according to government and industry sources familiar with the plan.

The timing would put a preliminary capability on Guam two years earlier than originally requested, but also deliver the full package a year later than INDOPACOM has stated a need.

In 2020, then-INDOPACOM chief Adm. Phil Davidson began publicly advocating for a new capability on Guam by 2026, which the current commander has retained as the top unfunded

priority in the Pacific Defense Initiative: a 360-degree defense of the western U.S. territory to counter advanced Chinese cruise, ballistic and maneuvering hypersonic weapons.

Since 2013, Guam has been defended on land by a Terminal High Altitude Area Defense battery, which cannot provide 360-degree coverage and is not effective against maneuvering hypersonic threats. In addition, Aegis warships equipped with ballistic missile defense capabilities patrol in waters to defend Guam.

The 210-square-mile island hosts Anderson Air Force Base, a location used by the bomber force, and Naval Base Guam, which can accommodate all ships in the Navy's fleet. In addition, the Marine Corps plans to realign some forces from Okinawa, Japan, to Guam.

The A4 Sentinel was originally designed to be paired with the Army's Integrated Air and Missile Defense Battle Command System (IBCS) and Forward Area Air Defense C2 (FAADC2) system. The new radar, replacing the phase- and frequency-scanned arrays in the current A3 Sentinel inventory with an active electronically scanned array, provides the data to these two command and control systems.

The HDR-G will be a smaller version of the Long Range Discrimination Radar at Clear Space Force Station, AK. MDA has described the sensor in its fiscal year 2023 budget materials as a land-based variant of the SPY-7 radar.

To connect these two radar systems, MDA is working on a Joint Track Management Capabilities Bridge to lash up the Army's Integrated Air and Missile Defense Battle Command System (IBCS), the Aegis Weapon System and the Command and Control Battle Management and Communications system.

--

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

Office of the Governor of Guam

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Fwd: 14 Dec 2022 CMCC Preparations

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:10 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>

Date: Mon, Dec 5, 2022 at 11:02 AM

Subject: Re: 14 Dec 2022 CMCC Preparations

To: Sablan, Randel L CIV (USA) <randel.l.sablan.civ@us.navy.mil>

Cc: Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, Chabanne, Jean S CIV USN JGPO <jean.chabanne@fe.navy.mil>, Singer, Ronald E CIV USN JRM <Ronald.Singer@fe.navy.mil>, USN JRM Sanchez (Judith.Sanchez@fe.navy.mil) <judith.sanchez@fe.navy.mil>, Cruz, Mark D CIV USN NAVFACMAR <mark.cruz@fe.navy.mil>, Lewis, Joshua M CDR USN COMJTREG MARIANAS GU (USA) <joshua.m.lewis2.mil@us.navy.mil>, Koenig, Katherine Coaty (Katie) LCDR USN (USA) <katherine.c.koenig.mil@us.navy.mil>, Norton, Catherine C. CIV USN NAVFACMAR <catherine.norton@fe.navy.mil>, Perez, Uriah V CIV USMC MCB CB <Uriah.Perez@fe.navy.mil>, Bell, Jonathan B COL USAF JRM <Jonathan.Bell@fe.navy.mil>, COS <jon.calvo@guam.gov>, Krystal Paco Guam <krystal.paco@guam.gov>

Randy:

I agree with the proposed report out from the working group. I will check with our team for any recommendations and revert back. Thanks.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946

On Dec 5, 2022, at 10:36 AM, Sablan, Randel L CIV (USA) <randel.l.sablan.civ@us.navy.mil> wrote:

Good morning all,

We should begin to draft an agenda for the 14 Dec CMCC meeting. I will be off-island so Judy will facilitate for JRM.

Notional agenda (main points only). See attached June 2022 full agenda attached that can be used as a template (please review action items for report out):

- Ongoing business - Reports from Working Groups (can be NSTR):
 - OICC Construction Update
 - Environmental/Permitting WG
 - Labor WG
 - Affordable Housing WG
- New Business:

- Guam Medical Complex Draft Lease

I'm going to suggest that we may not need the full OICC Construction update since we did that in June and some level of updating occurred at the SAME Industry Forum - that said, if there's something significant we can.

- BREAK -

Action for Housing WG:

- email distro list (to share information and coordinate meetings/action items)
- minutes or a summary report to CMCC Co-Chairs

V/r,

Randy

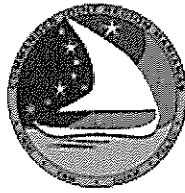
2 attachments



Jun 2022 Tentative Agenda.docx
44K



Jun 2022 CMCC minutes.docx
47K



CIVIL-MILITARY COORDINATION COUNCIL
Tentative Agenda
1000-1130 June 29, 2022
Joint Region Marianas (JRM) Flag Conference Room

- 1) Administrative matters
 - a. Call the meeting to order (JRM)
 - b. Agenda review (JRM)
- 2) Opening remarks
 - a. The Honorable Governor Lou Leon Guerrero
 - b. Rear Admiral Ben Nicholson Commander JRM
- 3) Ongoing Business
 - a. Military Relocation Construction Update (NAVFAC MAR)
 - b. Labor Working Group Update (Guam Dept. of Labor)
 - c. Permit Working Group Update (Guam EPA)
- 4) New Business
 - a. Record of Decision Mitigations Update (JRM/MCBCB)
 - b. Government of Guam Mitigation Projects (CDLO)
- 5) Informational Topics
 - a. Guam Missile Defense (JRM)
 - b. Guam Medical Complex (JRM/CDLO/GEDA)
 - c. Affordable Housing (CDLO)
- 6) Other matters
- 7) Action items (MCBCB)
- 8) Next CMCC meeting schedule
- 9) Closing remarks
 - a. RDML Ben Nicholson
 - b. Governor Lou Leon Guerrero
- 10) Adjourn (Photo)

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Joint Region Marianas, Nimitz Hill
Flag Conference Room
29 JUN 2022 /1000-1210

ATTENDEES

Government of Guam:

Governor Lourdes Leon Guerrero
Lieutenant Governor Joshua Tenorio
Mr. Jon Calvo – Chief of Staff, Office of the Governor
Ms. Vera Topasna – Executive Director, Community Defense Liaison Office (CDLO)
Ms. Michelle Lastimoza – Deputy Administrator, Guam EPA
Mr. Vince Arriola – Director, DPW
Mr. Rory Respecio – General Manager, Port Authority of Guam
Mr. Patrick Lujan – Guam State Historic Preservation Officer
Mr. David Dell’Isola – Director, Guam DOL
Mr. Greg Massey – Administrator, ALPCD-GDOL
Mr. Joe Borja – Department of Land management
Mr. Tyrone Taitano – Director, Office of Infrastructure Policy
Ms. Lola Leon Guerrero – Acting Director, Bureau of Statistics and Plans
Ms. Elizabeth Napoli – Acting Director, Guam Housing and Urban Renewal Authority (GHURA)
Ms. Chelsa Muña-Brecht – Director, Guam Department of Agriculture
Ms. Melanie Mendiola – CEO/Administrator, Guam Economic Development Authority
Mr. George Bamba – Community Defense Liaison Office

Federal Agencies:

Ms. Barbara Alberti – National Park Service
Ms. Jacqueline Flores – U.S. Fish and Wildlife
Mr. Aaron Collins – U.S. Department of Agriculture
Mr. Carl Goldstein – U.S. EPA Region 9
Ms. Gabrielle Gersh – U.S. Department of Transportation

Military:

RDML Benjamin Nicholson – Commander, Joint Region Marianas (JRM)
Colonel Christopher Bopp – Commanding Officer, Marine Corps Base Camp Blaz (MCBCB)
CAPT Tim Liberatore – Commanding Officer, NAVFACMAR
LCDR Joshua Lewis – Assistant Regional Engineer, OICC
CDR Courtney Stringham – Executive Officer, OICC
CDR Brian Christner – Public Works Officer MCBCB
LCDR Katherine Koenig – PAO, JRM
LCDR Joseph Horton – Force Judge Advocate, JRM
Mr. Donald Baldwin – Chief of Staff, MCBCB
Ms. Esther Sablan – 36th Wing Executive Director AAFB
Mr. Peter Ridilla – Deputy, Officer in Charge of Construction
Mr. Mark Cruz – Regional Environmental Coordinator, JRM
Mr. Randy Sablan – JRM
Ms. Judith Sanchez – JRM
Mr. Thomas Bucci – MCBCB
Ms. Jean Chabanne – MCBCB
Mr. Uriah Perez – MCBCB
Mr. Brian Antolin – MCBCB EV
Ms. Clodine Pangelinan – JRM
GySgt Rubin Tan – COMSTRAT, MCBCB
Mr. Ronnie Rogers – Cultural Resources Manager, MCBCB
Ms. Adrienne Loerzel – Forest Enhancement Program Manager, NAVFACMAR
Mr. John Salas – Environmental Director, NAVFACMAR
Mr. Robert Pellosma – Base Integrator, MCBCB

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TOPICS

Agenda

- Administrative matters
- Co-chair opening remarks
- Ongoing Business
 - Military Relocation Construction Project Locations Update
 - Program Execution Overview
- Affordable Housing Discussion
- Action Items
- Next CMCC meeting schedule
- Adjourn (Group photo)

Minutes

The Honorable Governor of Guam Lourdes Leon Guerrero and Rear Admiral Benjamin Nicholson, Commander, Joint Region Marianas (JRM) as Co-Chairs convened the eighth meeting of the CMCC with Government of Guam agencies, federal agency partners, Joint Region Marianas, Marine Corps Base Camp Blaz (MCBCB), and Naval Facilities Engineering Systems Command (NAVFAC), Marianas.

Opening Remarks

- Governor Leon Guerrero thanked RDML Nicholson, federal partners and participants at the meeting. Governor Leon Guerrero expressed her happiness to start up the CMCC meetings given recent delays due to the pandemic though she acknowledged the work continued through the working groups.
 - After coming off a two year pandemic challenge, Governor Leon Guerrero believes that the island is recovering and rebuilding. She noted efforts to contain the island and its safety, leading to a 97% vaccination rate of those eligible.
 - Governor Leon Guerrero thanked all the partners in the DoD for working together with the Government of Guam to get the island to this point.
 - Despite the CMCC not meeting as often, she reiterated her ongoing open communication with RDML Nicholson and Admiral Aquilino of INDOPACOM as needed stressing their good working relationship, mutual challenges and exciting times ahead as it relates to the military buildup construction as well as the re-opening of tourism.
 - Governor Leon Guerrero noted the importance of the convening the CMCC in order to exchange information in an effort that meets the national security needs of the country as well as economic needs of the community. She expressed the need to hold the CMCC on a more frequent basis as construction target dates and activities ramp up.
 - Governor Leon Guerrero thanked RDML Nicholson, JRM and all the federal partners for the opportunity to participate in the discussion.

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- RDML Nicholson thanked Governor Leon Guerrero for the kind words and welcomed everyone present and online. He agreed with Governor Leon Guerrero that the meetings should happen on a more frequent basis.
 - RDML Nicholson discussed dramatic changes from the previous meeting wherein the outlook for DoD construction projects has changed and will now go beyond Camp Blaz and Marine Corps/DPRI construction to now include funding and construction in support of the Missile Defense Agency mission.
 - RDML Nicholson acknowledged the shared belief with Admiral Aquilino that actions taken by the DoD have an impact on the local community. Additionally he would like to work to find positive impacts that will be good for everyone to include balancing mission goals with other economic drivers the Government of Guam relies on such as tourism.
 - RDML Nicholson conveyed that there is additional interest in Guam from other entities to add military capabilities or personnel to the island. He stressed the importance of being able to maintain balance, as examples housing and power usage, across the board and how instrumental communications within the CMCC working groups are and will be to ensure mutually beneficial outcomes.
 - RDML Nicholson anticipates, with the inclusion of the Missile Defense Agency and other projects, a future need to conduct another Environmental Impact Study that takes a holistic view of the totality of impacts DoD actions will have on the island.
 - RDML Nicholson went on to clarify statements made by Admiral Aquilino which were taken out of context recently reported in the media. He offered Governor Leon Guerrero further clarification from JRM PAO, LCDR Katherine Koenig.
 - RDML Nicholson acknowledged the great work conducted and completed by the working groups in the past year. He stated that the CMCC continues to set the course groundwork for the direction of the working group in the next six months.
 - RDML Nicholson then provided the floor to JRM PAO, LCDR Katherine Koenig to provide Governor Leon Guerrero with an explanation of statements made by Admiral Aquilino.
- JRM PAO, LCDR Katherine Koenig outlined specifics regarding a media article citing statements made by Admiral Aquilino about a possible, imminent threat to Guam. In the interview, Admiral Aquilino conducted an on-the-record interview with the Foundation for the Defense of Democracies and in the interview, he discussed a 360-degree threat to Guam. The statement is not a new concept however one of the articles incorrectly linked the 360-degree threat with an imminent threat. Since the publishing of the article, corrections have been made to the article by the media organization as well as by INDOPACOM. Additionally, two local media outlets have reached out to JRM for clarification, were referred directly to Admiral Aquilino and INDOPACOM, and his team have responded to the clarification inquiry.
 - JRM PAO, LCDR Katherine Koenig offered and will send a copy of the transcripts to Governor Leon Guerrero upon completion of the meeting.

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Military Relocation Construction Project Locations Update

- LCDR Lewis, the outgoing Operations Officer with Officer in Charge of Construction Marine Corps Marianas (OICC) on behalf of CAPT Stasick, provided updates on construction locations presented on slides with current photos of progress.
 - Andersen AAFB (North Ramp/Northwest Field) – The Mason Live Fire Training Range Complex consisting of four small arms fire ranges which are near completion as well as the machine gun range which had just kicked off and are in the early stages of construction.
 - LCDR Lewis went on to discuss the activities at North Ramp where aviation support facilities are being constructed. Also being constructed are 186 family housing units which are scheduled to be turned over between next month and March of next year for the first three phases of the housing project.
 - Andersen South – Urban Combat Training Complex
 - Photos were shown on the overhead slide depicting the Skaggs Urban Combat and Training Complex which consists of military operations on urban terrain, combat vehicle operator course, grenade range, live-fire shoot house, etc.
 - Naval Base Guam – Embarkation facility, Medical/Dental facility
 - The Sea Embarkation facility was recently completed, and the Medical/Dental clinic is anticipated to be completed by this summer.
 - Camp Blaz (Main Cantonment) –
 - LCDR Lewis communicated that this area is where most of the ongoing projects are taking place. An aerial photo on the slide showed the current state of construction at the Main Cantonment site.
- LCDR Lewis detailed an overview DPRI program slide highlighting the projects that the OICC is currently managing and will be managing over the next several years.
 - He noted that peak construction will take place in fiscal years 2023 and 2024 with over \$1 billion worth of construction taking place.
 - In FY 21 and FY 22 year-to-date, NAVFAC has awarded 30 projects worth approximately \$1.8 billion. In FY 23, NAVFAC will award another \$1 billion in construction projects amounting to 13 projects in total next year.
 - He further noted that overall, there are 45 current projects ongoing and 18 completed. In the future, an additional 47 projects across the life of the program.
 - With the number of projects awarded to-date, LCDR Lewis communicated his confidence in the projections of work going into the program.
- RDML Nicholson clarified that the graphics contained in the slides are based solely on the Marine Corps Relocation.
 - He noted that there are additional projects, such as a new pier for submarines, which are not depicted in the construction timeline slide.
 - RDML Nicholson detailed that those large projects, when included with the current slide graphics, will show a decline in construction activities in FY 23 and FY 24 however it will not drop as dramatically as the current chart depicts. He anticipates that the projects

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will be phased in as the Marine Corps Relocation associated construction begins to decline.

- RDML Nicholson communicated that a better chart with graphics that include the other DoD construction projects, not directly associated with the Marine Corps Relocation, will be provided to Governor Leon Guerrero.
- CAPT Liberatore added that monies for construction, during that time, will increase to approximately \$2 billion for various projects on the island as well as in the region.
- RDML Nicholson requested that CAPT Liberatore break out the Guam construction projects to be included in graphics which will allow the Government of Guam to better anticipate resource and economic impacts.
- Ms. Michelle Lastimoza raised an issue with construction activities taking place at the J-755 project site without proper Guam EPA review and permitting. She remarked that the construction activities specific to the grenade range did not receive Guam EPA approval and that the Guam EPA had concerns about construction plans given its proximity to water wells.
- LCDR Lewis noted that he had a discussion with the contractor for clarification and construction plans submittal to the agency.
- Governor Leon Guerrero requested a pause in construction activities at the J-755 site specific to the grenade range.
- RDML Nicholson concurred with Governor Leon Guerrero and stated that a pause in construction would be approved.
- LCDR Lewis noted that he would send the request through his command.

Program Execution Overview

- Camp Blaz (Main Cantonment) –
 - LCDR Lewis outlined that there are 31 projects ongoing with over \$2 billion of construction on contract. There are 12 projects in planning to be awarded in FY 23. The original site utilities and improvement project contracted to clear and grade over 560 acres also included the removal of unexploded ordinance down to 4 ft., installation of utilities (communications, water, wastewater, and electrical supply) as well the construction of roads and sidewalks.
 - He noted the aerial view on the slide shows the progress as of February 2022. Since then, LCDR Lewis further stated that some work had been completed pointing to roads and sidewalks in place and utility work near completion. Also of note were the building pads almost up to final grade with darker soil being placed atop, for environmental/stabilization purposes, until vertical construction begins.
 - LCDR Lewis remarked that vertical construction will commence shortly with the scheduling of 30 of 31 projects beginning that change in construction type.
 - ❖ Several vertical construction projects can be seen from Route 3, the Bachelor Enlisted Quarters, Base Administrative Building, Fire Station and Combined EOD facility.

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- LCDR Lewis conveyed that award prioritization was made based on key facilities necessary to begin the relocation of Marines to Guam which including warehousing, birthing spaces, fuel station, administrative facilities and other support facilities.
 - ❖ In total, eight barracks buildings, both officer and enlisted, will be constructed, and the front and commercial gates are under construction.
- Governor Leon Guerrero asked what the targeted date of completion for the Main Cantonment would be.
- LCDR Lewis responded that, based on the dates contained on the slides, the schedule of completion is approximately in FY 2029. He remarked that 2026 is the approximate date for the completion of the majority of projects but that the priority of projects will allow for Marine Corps force flow starting in FY 2024.
- RDML Nicholson added that the FY 2025-2027 would be where the bulk of the personnel would be arriving.
- Col Bopp confirmed that force flow is currently planned to begin during early 2025, the flow will ramp up during the 2027-2028, it will coincide with the completion of priority buildings and the construction slated for the end of the time frame will be primarily quality of living support facilities.
- Governor Leon Guerrero inquired about any changes to the total number of Marines expected to relocate to Guam.
- Col Bopp responded that, currently, Marine Corps numbers follow the program of record numbers listed at 5,000 Marines and that any changes or discussions to numbers may be as a result of meetings such as the CMCC. He remarked that it is important to understand what is available in Guam and what the facilities can support to better inform those discussions ensuring that plans and support would be in place.
- Governor Leon Guerrero asked if the 5,000 Marines would be recorded as being based in Guam.
- Col Bopp clarified that half the Marines would be permanently assigned to Guam and the other half, who fall under the Unit Deployment Program (UDP), would be stationed in the continental U.S. and deployed to Guam for a period of about 6 months. At the end of training and operations, the UDP Marines would then rotate back to their home station and replaced by other units.
- RDML Nicholson added that the UDP Marines will live in the barracks in Guam but may not be in Guam the entire six months. He went on further to state that UDP Marines will also train in the CNMI and around the region during that time.
- RDML Nicholson noted that as facilities are completed and turned over and as force flow begins, they bring with it a significant number of civilian jobs and opportunities for the people of Guam. He went on to emphasize that balance was important to ensure, as an example, that the hiring of peace officers and

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emergency responders does not deplete numbers of applicants or the current workforce the Government of Guam.

- LCDR Lewis made one final point about the slide. He communicated that in the near future, beginning this summer, the area will transition from a large construction site with smaller construction sites within it to a Marine Corps Base with smaller construction sites as buildings start coming online.
- Andersen AAFB (North Ramp)
 - ❖ LCDR Lewis noted that construction effort specific to this area are much further along. The area includes aviation facilities, including two main hangers. There are three other projects soon to be completed in the next few months. These include the Marine Aviation Logistics Support facility, Corrosion Control Hangar and a dining facility. There are also additional ordinance storage magazines and an aviation administrative facility recently awarded by NAVFAC. Construction of those facilities have begun and they are the last two major projects associated with North Ramp. LCDR Lewis ended his presentation stating there are two facilities in the planning phase, six in construction and the majority completed at this point in time.

Affordable Housing Discussion

- Mr. Randy Sablan led initial discussions on affordable housing. He noted challenges for both DoD and the Government of Guam. He emphasized the importance of collaboration so that at a minimum, it does not become scarcer in the long term and that improvements can be made to address the issue.
- Mr. Randy Sablan, based on time and other constraints, moved to table agenda items ROD Mitigation updates and move to the topic of affordable housing. He noted electronic and hard copies were provided to the Government of Guam but also directed questions about the topic to the DoD POC, Mr. Mark Cruz who was in attendance.
- Lieutenant Governor Joshua Tenorio asked about a housing topic that was part of a presentation he and Ms. Vera Topasna had attended. During the presentation, the housing authorities in Alaska had collaboratively worked with the DoD to project housing needs and demands including periods of times where personnel would be transitioning in and out of the community. He noted that there was a work product that came about as a result of this Civilian/DoD collaboration that allowed the local jurisdiction to forecast internally and enable local housing measures. Its goal was to keep housing costs affordable for the civilian population while actively partnered with DoD to figure out how to support their growth. He proposed that similar efforts or products be used as a planning and execution tool in Guam.
- Mr. Randy Sablan mentioned that similar types of basic information could be made available to the Government of Guam.
- RDML Nicholson discussed the potential creation of a working group to work with that type of information and numbers to address the issue.

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- Ms. Vera Topasna added that using a whole of government approach, adding a housing working group within the CMCC would benefit both the DoD and the Government of Guam. The collaborative effort would include stakeholders from the Government of Guam including Ms. Elizabeth Napoli from GHURA.
- Ms. Elizabeth Napoli mentioned that her agency, GHURA, had concerns about housing affordability as well as a shortage of homes. The agency conducted a study in January 2020 called the Guam Housing Study and Needs Assessment which is available online at www.ghura.org.
 - The study identified the present housing stock, future housing needs, and the strategies to produce housing stocks at all income levels. She pointed out that the study estimated that the housing need for the island between the years 2020-2025 would be 9,908 units. Currently, the GHURA public housing program has 750 units with 1,500 on the waitlist. The Section 8 housing choice voucher program has 2,500 participants seeking housing from private landlords with 1,800 on the waitlist. At a housing summit in April of this year, a housing crisis for island residents was identified because of a lack of housing stock as well as competition from service members who stay off-base.
 - Ms. Elizabeth Napoli urged DoD representatives to seek a balance with the Government of Guam specific to housing military personnel and local residents.
 - As an example, she noted that through the U.S. Department of Housing and Urban Development (HUD), increases were made to the total allowances received by clients of the Section 8 Housing Choice Voucher Program bringing them closer to what the military service members are given for housing.
 - She also noted other parts of the population, who are not provided subsidies, are finding it increasingly difficult to find units because they are out competed by those with a government subsidy and military personnel.
 - Ms. Elizabeth Napoli believed it was a good idea to form a subcommittee to discuss how to meet the challenge of having more housing stock, discussing how to make it affordable, and bringing home ownership to an affordable level.
- Lieutenant Governor Tenorio stated that in previous conversations, with MajGen Hashimoto, they discussed projecting land use and future missions and how opportunities arise through collaboration that can have mutually beneficial outcomes.
 - Using an example of needing a wastewater line between a training range and Camp Blaz, Lieutenant Governor Tenorio highlighted that through collaboration with the Government of Guam, costs could be shared or deferred that will allow the Government of Guam to provide the same infrastructure to Chamorro Land Trust properties and by association allow for the creation of more affordable housing.
- Governor Leon Guerrero concurred with the creation of a Housing Working Group with representation from the DoD, to work on ways to address the numerous challenges facing the housing market in Guam.

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- She commented about reading about a potential adjustment to the overseas housing allowance. Citing discussions she had among real estate professionals, the military housing allowance has driven the cost of housing, rentals and home ownership.
- RDML Nicholson agreed that a housing working group is critical.
 - RDML Nicholson provided details about the types of housing allowance service members receive and the differences between the two. In the continental U.S., service members receive Basic Allowance for Housing (BAH). BAH goes to the service member who can shop around for a place and knowing his or her needs, take a smaller place and pay less in rent. Any remaining monies can be pocketed for use to pay utilities, etc. Overseas Housing Allowance (OHA) goes directly to the landlord. What happens in Guam, when two military members go to rent an apartment right next to each other, the person on the left is a junior service member and the person on the right is a senior service member. The apartments are identical but the landlord will ask what their paygrades are and charge vastly different prices for the same apartment. He cited no law or regulation preventing that type of transaction. He went on further stating that landlords could potentially only want to rent to a higher pay grade which could artificially inflate the numbers. He mentioned that the issue could be one that the working group could research further.
 - RDML Nicholson also read a study about switching from OHA to BAH in Guam though it had some negative consequences. He believes, however, that the working group could take another look at it because it is impacting both populations.
- RDML Nicholson restated the 186 new housing units being built on AAFB to accommodate the influx of people coming in. The construction of those units and the barracks buildings are meant to absorb the vast majority of service members relocating to Guam.
 - The challenge is staying on track with those timelines for the completion of those units. Staying within construction timelines for housing is an issue the DoD has been experiencing with contractors at other installations.
 - Naval Base Guam has 337 units under renovation which has been delayed due to the pandemic and other issues. If more of those houses were available today, it would depressurize the market on the outside.
 - Similarly on AAFB, there are 133 units under renovation and they are experiencing the same problems.
 - ❖ The issues that DoD has had on the contracting side and getting the contractors to meet construction deadlines has artificially pushed service members out to the civilian market while construction on-base continues.
 - ❖ Aggressive steps have been taken with contractors. In the case of some of the housing units, supply chain delays have led to delays in completion. Other contractors who are part of the normal turnover of on-base housing and who have not been performing satisfactorily, have been provided notification that the DoD will not exercise a third option.

Civil Military Coordination Council (CMCC)
Joint Region Marianas, Nimitz Hill
Flag Conference Room
29 JUN 2022 /1000-1210

- Consequently, a new contractor will be brought in.
- RDML Nicholson understood that the number of service members living off-base is pressurizing the outside community when they should be living on-base.
 - He remarked that housing information is something that should be shared with Governor Leon Guerrero and the Government of Guam on a regular basis and the housing working group will be one of the ways to provide it.
 - ❖ Housing information furnished through the working group will help the Government of Guam understand and forecast housing issues both on and off base.
 - RDML Nicholson provided details of an internal DoD housing study which is currently underway. He anticipates a fall completion and a final report in a January. The study will provide future projections for the DoD and the need for additional housing internally.
 - RDML Nicholson expressed his excitement for the new working group. He believes that by working on some of the underlying housing issues in the working group along with internally addressing on-base housing, will help to depressurize the environment in the community.
- Governor Leon Guerrero suggested Ms. Elizabeth Napoli as her a representative from the Government of Guam to take lead.
- Mr. Randy Sablan agreed to work with Ms. Elizabeth Napoli and internal DoD stakeholders (J9, Housing and Facilities) on the CMCC Housing Working Group.
- CAPT Liberatore pointed to some housing challenges referencing the 186 units under construction at AAFB. There are plans for 1,000 total units. The plan has seen delays, price increases, and supply chain issues. The delays and price increases led to the 186 units instead of the 200 that were planned. He relented that the plan keeps getting pushed to the right and further delays or cost increases will impact phases four, five, and six.
- RDML Nicholson understands that it is something that the working group can take up in addition to the individual efforts of the Government of Guam and JRM in order to alleviate any pressure or problems on the local community.
- Mr. Randy Sablan opened the floor for Governor Leon Guerrero for any questions she may have.
- Governor Leon Guerrero did not have any for the group as discussions are ongoing.
- Mr. Randy Sablan offered a future presentation on the ROD and Consultation commitments.
- Ms. Vera Topasna provided a construction update. She reported that the Guam Cultural Repository is at 100% completion details regarding turnover and operations are being worked out between GovGuam partners.
 - She will inform the DoD team once a ribbon cutting ceremony is scheduled.

Civil Military Coordination Council (CMCC)
Joint Region Marianas, Nimitz Hill
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Open Discussion

- Labor Working Group updates were provided in document form by Mr. Greg Massey, Administrator, ALPCD-GDOL.

Next CMCC Meeting Schedule

- Governor Leon Guerrero proposed another CMCC in August or September
- RDML Nicholson offered to take a look the calendar so that we could arrange another meeting that will work.

Action Items

1. Provide the transcript of Admiral Aquilino's interview with Defense Community to Governor Leon Guerrero.
2. Provide graphics (sand type) chart of forecasted and current construction projects that include projects not associated with the Marine Corps Relocation.
3. Further discussion with contractor and possibly Guam EPA on the Governor's request to pause the grenade range construction project at Skaggs Range. Allow Guam EPA time to complete their review of construction plans and aquifer protection/mitigation measures.
4. Assess liquid hazardous waste disposal shipping options given previous shipper's decision to forgo handling these types of waste.
5. Stand up Housing Working Group CMCC
6. Restart regular Labor Working Group meeting to address pending/proposed H2-B rules.

Adjournment

The meeting adjourned at 1210 ChST on Wednesday, June 29, 2022.

Fwd: Latest Guam Defense

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:09 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>
Date: Fri, Dec 16, 2022 at 7:02 AM
Subject: Fwd: Latest Guam Defense
To: Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>

See latest sent to Gov and Lt.

Lawmakers set three new 2023 policy initiatives for Guam air and missile defense project

December 14, 2022 at 5:05 PM

See latest congressional actions:

Congress has settled on three new 2023 policy initiatives related to the Guam air and missile defense project, including the requirement that the Defense Department appoint a senior official to oversee the wrangling of personnel, equipment, budgets and more across military services associated with the effort to begin fielding a new capability as soon as 2024.

The final version of the fiscal year 2023 defense policy bill, expected to be signed by the president, would impose new layers of oversight to the estimated multibillion-dollar Guam Defense System -- a top priority for U.S. Indo-Pacific Command -- which aims to provide the U.S. territory in the Western Pacific improved defense against advanced Chinese threats.

The Guam air and missile defense project involves the acquisition and system integration of three separate service-related missile defense programs at multiple sites across the island against a complex array of missile-related threats relying on constrained infrastructure.

The system will be built around the territory's current missile defenses -- the Army's Terminal High Altitude Area Defense on land and Aegis-equipped ships sailing around the island -- and eventually fold in new capabilities such as a next-generation Patriot

radar, the Army's new mobile launcher for Tomahawk cruise missiles and Standard Missile-6 and more.

The Missile Defense Agency is working on a Joint Track Management Capabilities Bridge to connect the Army's Integrated Air and Missile Defense Battle Command System (IBCS), the Aegis Weapon System and the Command and Control Battle Management and Communications system to promote greater integration between Army and Navy assets as part of a concept for a hybrid capability to meet INDOPACOM's desire for a new system by 2026.

An interim capability is slated to be in place by 2024 with a full set of sensors by 2027.

The legislation would require the defense secretary, within 90 days of enactment, to designate a senior official responsible for at least five major tasks associated with the new Guam air and missile defense system: first, design the architecture; second, oversee development of an acquisition strategy for the system; third, ensuring military department and defense agency budgets are sufficient to support the acquisition strategy; fourth, identifying where on the island, elements of the system will be placed; and fifth, oversee the long-term acquisition and sustainment for the system.

The legislation further designates the Guam defense project a special interest acquisition category 1D program, placing it on the roster of Pentagon big-ticket weapon system projects.

A second new policy requirement in the legislation calls for an independent assessment of the Guam defense system architecture. Specifically, it would require the defense secretary within 90 days of the bill's enactment to retain a federally funded research and development corporation to provide the outside look.

The assessment, due 180 days after the bill's enactment, is to include an analysis of: the proposed architecture's "capability to address non-ballistic and ballistic missile threats to Guam, including the sensor, command and control, and interceptor systems being" proposed; "the development and integration risk" of the proposed architecture; and "the manning required to operate the proposed architecture, including the availability of housing and infrastructure on Guam," according to the legislation.

Lastly, the bill would require MDA to "rapidly procure and field up to three vertical launching systems that can accommodate planned interceptors operated by the Navy."

In July, the White House Office of Management and Budget revealed that MDA was making room in the Guam defense system architecture for up to three land-based VLS packages, which appeared to be in response to a House Armed Services Committee provision that is now in the final version of the FY-23 policy bill.

This spring, MDA officials described the Guam defense architecture to be reliant on mobile launchers mounted on 42 trucks that could be moved around the small island --

which is home to key U.S. military capabilities required to defend Taiwan in a conflict -- in an effort to complicate any attack China might wage against the island.

An Aegis VLS can launch Standard Missiles-2, -3, and -6 and Evolved Sea Sparrow missiles.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946

Fwd: Google Alert - guam military buildup

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:07 PM

----- Forwarded message -----

From: **Google Alerts** <googlealerts-noreply@google.com>
Date: Tue, Mar 14, 2023 at 4:01 PM
Subject: Google Alert - guam military buildup
To: <carlotta.leonguerrero@guam.gov>

Google Alerts

guam military buildup

Daily update · March 14, 2023

NEWS

Defense department makes case to beef up **Guam's** missile defense - KUAM

The defense of **Guam** against the missile threat from China figures prominently ... the U.S. **military** advantage over the People's Republic of China.

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Audit: **GovGuam** missing out on millions in taxes from **military** construction | News | guampdn.com

Pacific Daily News

Vice Speaker Tina Muña Barnes, chair of the legislative Committee on the **Guam Military Buildup** and Public Accountability, said in a news release ...

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Fwd: Newsweek Media Inquiry - US-China Tensions and Guam

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:08 PM

----- Forwarded message -----

From: **Krystal Paco-San Agustin** <krystal.paco@guam.gov>
Date: Thu, Mar 16, 2023 at 3:53 PM
Subject: Re: Newsweek Media Inquiry - US-China Tensions and Guam
To: Tom O'Connor <t.oconnor@newsweek.com>
Cc: Carlotta Leon Guerrero <carlotta.leonguerrero@guam.gov>, Vera Topasna <vera.topasna@guam.gov>

Tom, thank you for your patience.

The below responses are to be attributed to both Carlotta Leon Guerrero, Governor Lou Leon Guerrero's Chief Advisor for Military and Regional Affairs AND Vera Topasna, Community Defense Liaison Office (CDLO) Executive Director.

They are cc'd on this email should you have further questions.

Are you concerned about the role Guam would have to play in the event of a conflict between the US and China?

We are very concerned. Historically, Guam's location in the West Pacific has caused us to be pulled into world conflicts. First in 1898 as a spoil of the Spanish-American War, then as a U.S. Navy port under the Naval government as the U.S. began exploring and protecting the Pacific's sea lanes. During the Cold War, Russia parked a trawler near Guam to count military ships and planes. During World War II, we were invaded and occupied by Japan, and three years later, we were liberated by the U.S. At this time, there was land taken from war-ravaged peoples without legal or financial services rendered to them. The military forces on Guam have supported efforts in the Korean conflict, the war in Vietnam, and the wars in the Middle East and Afghanistan. We have nuclear submarines based on Guam and host numerous war readiness training missions with multiple ally nations. On a weekly basis, we are alerted to North Korean missile tests as they fire regularly towards us. We are keenly aware that they have developed and are fine-tuning a missile called the 'Guam Killer.' Most recently, we have learned that China has been flying surveillance balloons over Guam in an effort to determine the strength and capability of the U.S. military in the region. So, no, conflict and wars are not new to us. The people of Guam understand how important it is to stay vigilant and resilient in order to protect our way of life and the livelihoods of generations to come.

Are you concerned about the growing US military presence on the island given the limited self-determination of the local government and its native population?

We are concerned about the need to safeguard and stabilize Pacific governments amidst all the growing tension caused by the posturing of major global powers in regards to Taiwan. Our struggle for self-determination must continue irrespective of the geopolitical tensions that swirl around us. Self-determination is an inalienable right for our people to determine. If the U.S. is stepping up its role in the Pacific, it's because they have been asked to. We have local experts and think tanks from our islands that understand the complexities of our small island populations and provide analysis on many national security issues facing

our island to include the pursuit of self determination. For many years, the peoples of the Pacific have been asking the U.S. to re-engage with them and, finally, they are doing so.

Would you characterize your office as responsive to those who hold such concerns?

We believe the Governor is responsive to the local voices concerned with the impact the buildup is having on our communities, culture, and environment. For example, concerns have been raised that our aquifer will be damaged by live fire training ranges. As a result, the administration developed a working group made up of all the island's water subject matter experts, who meet regularly and study the health of the aquifer. They have the tools to monitor our water wells and the resources to secure the aquifer and make corrective recommendations if hazardous levels become unacceptable. We continue to pursue and have been awarded grant funding that mitigates military growth impacts. These studies provide a pathway to successfully adopt strategies to address growth impacts and to pursue additional funding for infrastructure needs on the island. Additionally, we have established a Civilian Military Coordinating Council to monitor the pace of military construction and to mitigate adverse impacts to the affected communities. The most recent development, in response to local resident concerns, was the creation of a housing working group, which mitigates the demand for housing by military personnel. Competition for limited housing is making it hard for island residents to rent or buy a home on Guam. We are exploring options to adopt local policy that provides access to affordable housing as well as partnering with the Federal Government and local developers to address housing needs not only for the military but, most especially, for the people of Guam.

Do you or your office have a stance on the efforts by some within Guam to achieve a greater level of self-determination, or even independence?

The Government of Guam participates annually in the **review** processes of **the** United Nations (UN) Decolonization Committee, and the Fourth Committee of **the** UN General Assembly, to update UN member **States** on developments in relation to our ongoing process of self-determination and subsequent, full decolonization of our territory. The Governor's stance is to promote the process of self determination and bring the issue before the people for a vote.

Do you believe the current level of rights afforded to local institutions is sufficient to effectively represent the will of the native people of Guam on matters including but not limited to foreign policy, U.S. military activities and land distribution?

Guam does not have voting representation in the U.S. Congress, which limits our inclusion on debates of critical importance to our island. However, our Congressman serves on two critical committees: the House Armed Services Committee and the House Natural Resources Committee, which remain in close communications on matters related to the U.S. military. The Governor of Guam makes regular trips to Washington D.C. to meet with key members of the executive and legislative branches. The Governor and Lt. Governor of Guam actively engages their federal and national partners and counterparts to advance the issues of Guam and the region.

On Thu, Mar 16, 2023 at 8:45 AM Tom O'Connor <t.oconnor@newsweek.com> wrote:

Hello,

I hope you've been well, this is Tom O'Connor from Newsweek again.

I wanted to inform that we plan on publishing in roughly 10 hours and would still very much welcome comment from the Governor's Office, as we have been in touch with a number of local activists, Representative Moylan and U.S. officials, and we believe the Governor's voice would be crucial for this piece.

Thank you very much once again for your time and assistance !

Warm regards,

Tom O'Connor
Senior Writer, Foreign Policy
Deputy Editor, National Security & Foreign Policy

NEWSWEEK
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Work: +1 (646) 484-7587

توم اوكونور
كاتب الأول عن السياسة الخارجية في مجلة نيوزويك
موبايل/وتساب: ٠٠١٩١٧٩٩١١١٥١
مكتب: ٠٠١٦٤٦٤٨٤٧٥٨٧

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يرجى التفكير في البيئة قبل الطباعة هذه الرسالة

From: Tom O'Connor
Sent: Wednesday, March 8, 2023 06:37 PM
To: krystal.paco@guam.gov <krystal.paco@guam.gov>
Subject: Newsweek Media Inquiry - US-China Tensions and Guam

Hello,

This is Tom O'Connor, senior writer and deputy editor of foreign policy at Newsweek, I hope this message finds you well and in good health.

I'm reaching out in hopes of seeking comment from Governor Lou Leon Guerrero or a representative of her Office for a story we are working on that examines the local sentiments of Guam's residents in response to rising U.S.-China tensions and the increasing militarization of the island, which we understand has brought some opposing voices, including from those on the Commission for Decolonization and other local institutions.

Our questions are:

1. Are you concerned about the role Guam would have to play in the event of a conflict between the US and China and growing US military presence on the island given the limited self-determination of the local government and its native population? Would you characterize your office as responsive to those who hold such concerns?
2. Do you or your office have a stance on the efforts by some within Guam to achieve a greater level of self-determination, or even independence? Do you believe the current level of rights afforded to local institutions is sufficient to effectively represent the will of the native people of Guam on matters including but not limited to foreign policy, U.S. military activities and land distribution?

Thank you very much for your time and assistance. I hope to file my story with my editor by Monday morning ET.

Wishing you, your colleagues and loved ones all the best,

Tom O'Connor
Senior Writer, Foreign Policy
Deputy Editor, National Security & Foreign Policy

NEWSWEEK

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توم اوكونور

كاتب الأول عن السياسة الخارجية في مجلة نيوزويك

موبايل/وتساب: ٠٠١٩١٧٩٩١١١٥١

مكتب: ٠٠١٦٤٦٤٨٤٧٥٨٧

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يرجى التفكير في البيئة قبل الطباعة هذه الرسالة



Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

Hospital Lease is Good for Guam

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 1:06 PM

----- Forwarded message -----

From: **Krystal Paco-San Agustin** <krystal.paco@guam.gov>
Date: Tue, Mar 28, 2023 at 2:15 PM
Subject: Hospital Lease is Good for Guam
To:

FOR IMMEDIATE RELEASE - March 28, 2023

Hospital Lease is Good for Guam

Hagåtña, Guam - The Office of the Governor issues the following statement relative to the attempt to override Governor Leon Guerrero's veto of Bill 12-37 (COR):

The Legislature will be risking more than the loss of a hospital at Eagle's Field if it overrides the Governor's veto of Bill 12-37—it will be placing our island's health and safety in jeopardy.

Certain opportunistic politicians decided from the start that there would never be a hospital at Eagle's Field. To achieve that goal, they have misrepresented the Lease, misstated federal law, and manipulated ancestral landowners.

Yesterday, the same lawmakers who presented misleading and incomplete information about the federal status of the Eagle's Field property to achieve a unanimous vote on Bill 12-37 blocked an attempt to bring the issue to the floor of the Legislature for open debate and discussion.

Senator Will Parkinson recently learned that he had fallen victim to the misinformation of his misleading colleagues:

“When I was hearing testimony on the floor, I am not going to lie, they swayed me. They made me think there was an opportunity to give these people their land back. So I voted to obstruct the hospital specifically because I thought there might be an opportunity. When I discovered that the hope of these landowners was a false hope, I can't in good conscience say no to a hospital and continue to give these people false hope. It is irresponsible.”

Yesterday, Senator Parkinson made a motion to place the override on the agenda for a debate in an effort to obtain full transparency concerning the facts his colleagues had withheld from the Legislature and the public in pursuit of their own political agenda and ambitions. Instead, the same opportunistic members of the Legislature that pushed these falsehoods **denied** the motion and recessed until Wednesday—choosing again to stall progress instead of solve problems.

For weeks, these ambitious members of the Legislature have propped-up fiction provoking fear and mistrust of the U.S. military and obscuring the facts as they actually exist:

Fiction	Fact
<p><i>“Eagle’s Field property can be returned to original landowners.”</i></p>	<p><u>Federal law</u> prohibits direct distribution of excess lands to ancestral owners and has for 23 years. Despite a 2021 letter to the Governor that was written before the increased geopolitical tensions in the region, military officials have publicly stated that if Guam does not sign a lease to use the property for a medical complex, it <u>will not</u> be returned to original owners. It <u>will</u> be retained in federal inventory, and it <u>will</u> be used for military purposes, including a missile defense system and/or military housing. This information has been shared widely with the media and directly with members of the Legislature.</p>
<p><i>“Locals would not be served equitably.”</i></p>	<p>The hospital to be built on Eagle’s Field is <u>not</u> a military hospital and will be the new Guam Memorial Hospital (“GMH”) to serve ALL THE PEOPLE OF GUAM, both civilians and military. There is <u>no</u> agreement to prioritize military patients over our local population. This language does <u>not</u> appear anywhere in the lease, and any claims that our people’s access to the hospital will be subservient to the military is completely false and intended to further the obstructionists’ political agenda. The federal government currently pays for all local clinic services and hospital services provided to military patients; this will continue to be true at the new hospital.</p>
<p><i>“The Eagle’s Field lease agreement states the military can take over the hospital at any time.”</i></p>	<p>The President of the United States can already authorize federal agencies to take over any assets the President believes may be needed in a time of war or national emergency—this is true <u>everywhere</u> in the United States. Section 15.3 of the Lease does not enlarge rights, it only reflects that the federal government would have all rights <i>already</i> available to it under the law. Notably, the section preserves GovGuam’s right to seek reimbursement in the event such rights are employed.</p>
<p><i>“Ypao Point is available, build the hospital there.”</i></p>	<p>Ypao Point is too small for Guam’s growing needs and unable to fit a public health facility, behavioral health center, or a new veterans clinic on the same site, forcing our government to, once again, turn its back on the most vulnerable members of our community. Forcing construction on this site would also disrupt the operations of the CHamoru cultural center Sagan Kotturan CHamoru.</p>

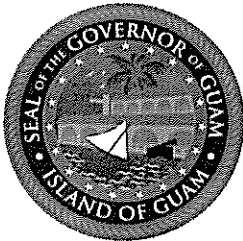
"We can just repair the current hospital."

The Army Corps of Engineers has estimated that the cost of repairs to the aging GMH facility will **exceed** the cost of building an entirely new hospital. This proposal also fails to consider that current GMH operations cannot shut down for renovations. Patient care must continue as we construct the new hospital.

The bottom line is that Guam **needs** a new hospital. This is an undisputed reality. With this Lease, we have an unprecedented opportunity to build a new state-of-the-art medical complex for the benefit of our island, on prime federally controlled land at no cost. The new complex will include a headquarters for behavioral health, public health, a veterans clinic, and a new hospital that will serve our people for decades. In addition to this lease coming at no cost to GovGuam, our federal counterparts will support our construction efforts by assisting in identifying federal funding sources for the facilities included in the new complex.

Signing this Lease will start us on the right path to ensuring that our people have the medical resources we need for decades to come.

###



Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

FOR IMMEDIATE RELEASE - March 28, 2023

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	its back on the most vulnerable members of our community. Forcing construction on this site would also disrupt the operations of the CHamoru cultural center Sagan Kotturan CHamoru.
<i>"We can just repair the current hospital."</i>	The Army Corps of Engineers has estimated that the cost of repairs to the aging GMH facility will exceed the cost of building an entirely new hospital. This proposal also fails to consider that current GMH operations cannot shut down for renovations. Patient care must continue as we construct the new hospital.

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Signing this Lease will start us on the right path to ensuring that our people have the medical resources we need for decades to come.

###

Fwd: Google Alert - guam military buildup

Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>

Fri, Jul 14, 2023 at 1:05 PM

To: "Jean S. Taitano" <jean.taitano@guam.gov>

Jean, sorry to send them to you like this..every other way I tried didnt work..shouldnt be too many more emails..car

----- Forwarded message -----

From: **Google Alerts** <googlealerts-noreply@google.com>

Date: Tue, Apr 4, 2023 at 4:00 PM

Subject: Google Alert - guam military buildup

To: <carlotta.leonguerrero@guam.gov>

Google Alerts

guam military buildup

Daily update · April 4, 2023

NEWS

OCW 670 chair: No to NMI as **military** 'pleasure ground' | News - Marianas Variety

Marianas Variety

OCW 670 chair: No to NMI as **military** 'pleasure ground' ... of Saipan [are available to the **military**], not to mention the intense **buildup** on **Guam**.



Flag as irrelevant

Lotz: As the 'Tip of the Spear,' **Guam** needs to be prepared | Opinion | guampdn.com

Pacific Daily News

Our interest in the **military buildup** has shifted from the Marines to a missile defense system.



Flag as irrelevant

Embrace our **military** - Saipan Tribune

Saipan Tribune

... not a **military buildup**. The pivot toward "military tourism" is a good and sound idea, given the military bases on **Guam** and the CNMI's role in ...



Flag as irrelevant

Gutierrez: Stateside festivals help maintain ties with mission-critical market | Opinion | guampdn.com

Pacific Daily News

... presence on island through armed forces installation development supporting the **military buildup**, both here in **Guam** and across the region.



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Statement on the Progress of Missile Defense Agency Plans

Krystal Paco-San Agustin <krystal.paco@guam.gov>
Bcc: eliza.dames@guam.gov

Wed, Jul 12, 2023 at 3:03 PM

FOR IMMEDIATE RELEASE - July 12, 2023

Statement on the Progress of Missile Defense Agency Plans

Hagåtña, Guam - The Office of the Governor issues the following response to Senator Chris Barnett's false allegations against the Leon Guerrero-Tenorio Administration:

"In a statement posted on his social media platforms on Tuesday, Senator Barnett claimed that our administration has begun moving forward with the Department of Defense to prepare for missile defense sites ahead of the scoping period. His statements are completely false and an attempt to deceive the public to benefit his personal agenda against the Administration. Acts like this only further segregate the trust between our island and military partners.

The only information the administration has with regard to DoD's missile defense plan is the information that DoD has already made public.

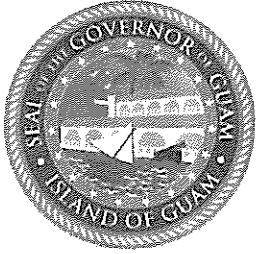
At this time, the Leon Guerrero-Tenorio Administration is preparing to respond as a government to provide comments from all relevant agencies who may have a direct or indirect impact from the proposed action. Much like the public is invited to participate in the public comment period, the Government of Guam will also be providing input in the areas of environment, socioeconomics, infrastructure, economics, and labor and workforce development. The scoping meetings are designed to elicit public input into the scoping process. This is where the public can comment on what they would like included in the scope of the environmental impact statement. The scoping process is "used to ensure the analysis of issues of interest to the public and/or important to decision making," - **Federal Register**/Vol. 79, No. 153/Notices **46411**

The exact details of the Missile Defense Agency's plans have not been released to the public or to the Leon Guerrero-Tenorio Administration. The only information that has been released has already been publicly noticed and published at <https://www.mda.mil/system/eiamd/> and mirrored on the Office of the Governor of Guam's website at (<https://governor.guam.gov/militaryaffairs/>).

Although the original scoping comment period was initially scheduled to close on June 27, 2023, the MDA extended the scoping comment period to August 11, 2023 due to ongoing recovery from Typhoon Mawar. During this period, the federal agency and the public collaborate to define the range of issues to be addressed in the Environmental Impact Statement (EIS).

The in-person open house scoping meetings will be held at a later date. Information will be published as it becomes available to us.”

###



Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931



Statement on the Progress of Missile Defense Agency Plans.pdf

329K



Fwd: [Non-DoD Source] Guam Defense System EIS pre-scoping brief

7/12/23, 4:08 PM

Vera A. Topasna <vera.topasna@guam.gov>

Mon, Jul 10, 2023 at 4:03 PM

To: Jon Calvo <jon.calvo@guam.gov>

Cc: "Eliza G. Dames" <eliza.dames@guam.gov>, "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>, "Kathleen C. Cepeda" <kathleen.cepeda@guam.gov>

Chief:

Please see confirmation for MDA Brief July 31, 2023 from 9-11 am JRM. Also recommended agency listing for participation.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946

Begin forwarded message:

From: "Sablan, Randel L CIV (USA)" <randel.l.sablan.civ@us.navy.mil>**Date:** July 10, 2023 at 3:32:59 PM ChST**To:** "Vera A. Topasna" <vera.topasna@guam.gov>**Cc:** "Meno, Serafin C (Serafin) CIV MDA MS (USA)" <serafin.c.meno@mda.mil>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, "Sanchez, Judith D (Judy) CIV USN COMJTREG MARIANAS GU (USA)" <judith.d.sanchez.civ@us.navy.mil>, "USN COMJTREG MARIANAS GU Benitez (USA) (juan.benitez@fe.navy.mil)" <juan.benitez@fe.navy.mil>, "Brady, Scott A CPO USN COMNAVMARIANAS GU (USA)" <scott.a.brady2.mil@us.navy.mil>, "Ponce, Samantha J LCDR USN COMJTREG MARIANAS GU (USA)" <samantha.j.ponce.mil@us.navy.mil>, "Smith, Michael A CAPT USN COMJTREG MARIANAS GU (USA)" <michael.a.smith37.mil@us.navy.mil>, "Cruz, Mark D CIV USN COMJTREG MARIANAS GU (USA)" <mark.d.cruz2.civ@us.navy.mil>, "Parel, MICHELLE MARIE C CIV USN COMJTREG MARIANAS GU (USA)" <michellemarie.c.parel.civ@us.navy.mil>, "Brown, Troy M CAPT USN NAVFAC MARIANAS GU (USA)" <troy.m.brown.mil@us.navy.mil>, "Lewis, Joshua M CDR USN COMJTREG MARIANAS GU (USA)" <joshua.m.lewis2.mil@us.navy.mil>, "Salas, John F CIV USN NAVFAC MARIANAS GU (USA)" <john.f.salas.civ@us.navy.mil>, "Manibusan, Marvin Robert CIV USN COMJTREG MARIANAS GU (USA)" <marvin.r.manibusan.civ@us.navy.mil>, "Henderson, Donald S JR CIV USN COMJTREG MARIANAS GU (USA)" <donald.s.henderson.civ@us.navy.mil>, Katie Koenig <kcoaty@gmail.com>, "Norton, Catherine C CIV USN COMNAVMARIANAS GU (USA)" <catherine.c.norton2.civ@us.navy.mil>**Subject: RE: [Non-DoD Source] Guam Defense System EIS pre-scoping brief**

Good afternoon Vera,

Thank you for the update on the Governor's travel.

MDA confirms that we can lock-in 0900-1100 Monday 31 July 2023 to provide the Governor and key agencies a pre-scoping brief on the Guam Defense System EIS.

I have reserved the Flag Conference room for this date and time.

Some key agencies to consider inviting include but are not limited to:

- CDLO
- GEPA
- Guam Coastal Management Program
- Dept. of Agriculture DAWR
- Guam SHPO
- Guam National Guard
- DPW
- DLM
- GWA
- GPA
- GEDA
- GVB

Please feel free to add agencies that the Governor wants to informed at this point. The only limitation is the size of our conference room which tops out comfortably at about 30 visitors not including MDA/JRM/NAVFAC participants.

V/r,

Randy

Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>

Mon, Jul 10, 2023 at 4:08 PM

To: "Vera A. Topasna" <vera.topasna@guam.gov>

Cc: Jon Calvo <jon.calvo@guam.gov>, "Eliza G. Dames" <eliza.dames@guam.gov>, "Kathleen C. Cepeda" <kathleen.cepada@guam.gov>

Hi Vera,

Gov. & LT have an 11am Proc. Signing. If the meeting will be 2 hours, please request to push up to 8:30am.

Thank you,
Shamra



Tentative MDA Stake Holder Briefing

Vera A. Topasna <vera.topasna@guam.gov>

Fri, Jul 7, 2023 at 3:04 PM

To: "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>

Cc: "Eliza G. Dames" <eliza.dames@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, "Josephine C. Cepeda" <josephine.cepeda@guam.gov>, "Kathleen C. Cepeda" <kathleen.cepeda@guam.gov>

Shamra:

Can we tentatively schedule the Missile Defense Agency briefing for Gov/Lt. Gov and cabinet members on **July 31, 2023 at 9:00 a.m.**? Based on discussions with Joint Region, this is the tentative date as they await final confirmation in the coming days, this at least blocks the calendar way in advance with room to move if needed.

Let me know if this is ok. The following Directors are recommended to attend:

- OOG Sr. Advisors (Carlotta, Stephanie)
- Policy
- CDLO
- TAG
- Guam Mass Transit Authority
- Guam EPA
- Bureau of Statistics and Plan
- Dept. of Agriculture
- Guam Historic Preservation Office
- Dept. of Public Works (Highways)
- Dept. of Labor
- Guam Economic Development Authority
- Dept. of Land Management (CLTC included)
- Guam Homeland Security

They have requested that the Guam Power Authority/Guam Waterworks Authority be invited by the Governor to have one GovGuam briefing. Let me know if you need anything. Will advise when confirmed again, should be very early next week. Thank you.

--

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

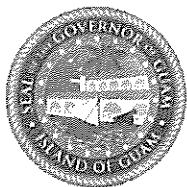
Office of the Governor of Guam

120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915

Office: 671-475-4735

Cell: 671-482-5946



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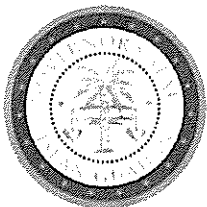
Eliza G. Dames <eliza.dames@guam.gov>

Fri, Jul 7, 2023 at 3:07 PM

To: "Vera A. Topasna" <vera.topasna@guam.gov>

Cc: "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, "Josephine C. Cepeda" <josephine.cepeda@guam.gov>, "Kathleen C. Cepeda" <kathleen.cepeda@guam.gov>

Hi Vera,
Where will the meeting be held?



Vera A. Topasna <vera.topasna@guam.gov>

Fri, Jul 7, 2023 at 3:08 PM

To: "Eliza G. Dames" <eliza.dames@guam.gov>

Cc: "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, "Josephine C. Cepeda" <josephine.cepeda@guam.gov>, "Kathleen C. Cepeda" <kathleen.cepeda@guam.gov>

Adelup, unless we decide JRM if our large conference room is not available by then. Let me know if JRM is preferred.

Eliza G. Dames <eliza.dames@guam.gov>

Fri, Jul 7, 2023 at 3:15 PM

To: "Vera A. Topasna" <vera.topasna@guam.gov>

Cc: "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, "Josephine C. Cepeda" <josephine.cepeda@guam.gov>, "Kathleen C. Cepeda" <kathleen.cepeda@guam.gov>

Large conf room will not be available. Can we schedule at JRM?

Vera A. Topasna <vera.topasna@guam.gov>

Fri, Jul 7, 2023 at 3:18 PM

To: "Eliza G. Dames" <eliza.dames@guam.gov>

Cc: "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, "Josephine C. Cepeda" <josephine.cepeda@guam.gov>, "Kathleen C. Cepeda" <kathleen.cepeda@guam.gov>

Ok. Will advise once confirmed.

Eliza G. Dames <eliza.dames@guam.gov>

Fri, Jul 7, 2023 at 3:22 PM

To: "Vera A. Topasna" <vera.topasna@guam.gov>

Cc: "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, "Josephine C. Cepeda" <josephine.cepeda@guam.gov>, "Kathleen C. Cepeda" <kathleen.cepeda@guam.gov>

Thanks.

Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>

Mon, Jul 10, 2023 at 10:00 AM

To: "Vera A. Topasna" <vera.topasna@guam.gov>

Cc: "Eliza G. Dames" <eliza.dames@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, "Josephine C. Cepeda" <josephine.cepeda@guam.gov>, "Kathleen C. Cepeda" <kathleen.cepeda@guam.gov>

Hi Vera,

Will tentatively schedule for Gov. Of note, The Large Conference Room is not available, and will need to find a venue. Once confirmed, the meeting notification should come out of the COS Office.

Thank you,
Shamra

On Fri, Jul 7, 2023 at 3:04 PM Vera A. Topasna <vera.topasna@guam.gov> wrote:

Vera A. Topasna <vera.topasna@guam.gov>

Mon, Jul 10, 2023 at 10:42 AM

To: "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>

Cc: "Eliza G. Dames" <eliza.dames@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, "Josephine C. Cepeda" <josephine.cepeda@guam.gov>, "Kathleen C. Cepeda" <kathleen.cepeda@guam.gov>

Shamra:

Brief is tentatively scheduled to be hosted by Joint Region Marianas based on the unavailability of the Adelup large conference room. Once date time confirmed I will defer to the CoS for further action/notification.

Thank you.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946

On Jul 10, 2023, at 10:01 AM, Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov> wrote:

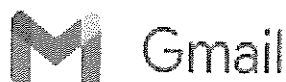
Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>

Mon, Jul 10, 2023 at 11:04 AM

To: "Vera A. Topasna" <vera.topasna@guam.gov>

Cc: "Eliza G. Dames" <eliza.dames@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, "Josephine C. Cepeda" <josephine.cepeda@guam.gov>, "Kathleen C. Cepeda" <kathleen.cepeda@guam.gov>

Duly noted



Re: Invitation to Legislative Town Hall on Monday, July 17, 2023 at 5:30 P.M. regarding the MDA, DoD's proposed 360-degree EIAMD system in Guam

Gov. Lourdes A. Leon Guerrero <governor@guam.gov>
To: "Eliza G. Dames" <eliza.dames@guam.gov>

Fri, Jul 7, 2023 at 10:37 AM

Please follow up w Riki. I asked her to respond w a letter.

On Fri, Jul 7, 2023 at 10:36 AM Gov. Lourdes A. Leon Guerrero <governor@guam.gov> wrote:

Here is the invitation letter and the Public Notice from Speaker regarding the MDA

Please draft a response. Not going. Message about the Chinese threats protection of our democracy and our freedom. Need to partner w the military. About the future of our island.

----- Forwarded message -----

From: **Gov. Lourdes A. Leon Guerrero** <governor@guam.gov>

Date: Thu, Jul 6, 2023 at 5:04 PM

Subject: Fwd: Invitation to Legislative Town Hall on Monday, July 17, 2023 at 5:30 P.M. regarding the MDA, DoD's proposed 360-degree EIAMD system in Guam

To: Jeffrey Moots <jeffrey.moots@guam.gov>, Jon Junior Calvo <jon.calvo@guam.gov>, Joshua F Tenorio <joshua.tenorio@guam.gov>, Leslie Travis <leslie.travis@guam.gov>

I have no info about this MDA system as I have not been briefed yet. Won't go

----- Forwarded message -----

From: **Speaker Therese M. Terlaje** <senatorterlajeguam@gmail.com>

Date: Thu, Jul 6, 2023 at 4:31 PM

Subject: Invitation to Legislative Town Hall on Monday, July 17, 2023 at 5:30 P.M. regarding the MDA, DoD's proposed 360-degree EIAMD system in Guam

To: Governor Guam <governor@guam.gov>

CC: Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.org>, Senator Sabina Perez <office@senatorperez.org>

Buenas yan Hafa Adai,

Please see the attached letter from Speaker Therese Terlaje regarding your invitation to a Legislative Town Hall on Monday, July 17, 2023 at 5:30 P.M. about the MDA, DoD's proposed 360-degree EIAMD system in Guam.

Kindly confirm receipt.

Thank you,
Lincoln Budasi
Policy Analyst



Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice, and Culture

I Mina'trentai Siette na Liheslaturan Guåhan 37th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

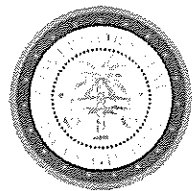
☎ (671) 472-3586

✉ senatorterlajeguam@gmail.com

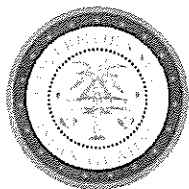
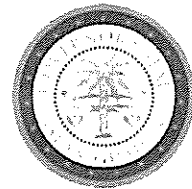
🌐 www.senatorterlaje.com

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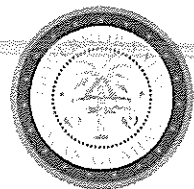
Governor Lourdes Leon Guerrero
Ricardo J. Bordallo Governor's Complex
Office of the Governor
Hagatna, Guam
(671) 472-8931



Eliza G. Dames <eliza.dames@guam.gov>
To: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>

Fri, Jul 7, 2023 at 10:38 AM

Yes, she has a copy of the letter and will draft.



Eliza Dames
Special Assistant
Ricardo J. Bordallo Governor's Complex
Office of the Governor
Hagatna, Guam
(671) 473-1104

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Fwd: Invitation to Legislative Town Hall on Monday, July 17, 2023 at 5:30 P.M. regarding the MDA, DoD's proposed 360-degree EIAMD system in Guam

Vera A. Topasna <vera.topasna@guam.gov>

Fri, Jul 7, 2023 at 9:33 AM

To: "Eliza G. Dames" <eliza.dames@guam.gov>

Cc: Jon Calvo <jon.calvo@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>

----- Forwarded message -----

From: **Speaker Therese M. Terlaje** <senatorterlajeguam@gmail.com>

Date: Fri, Jul 7, 2023 at 8:00 AM

Subject: Invitation to Legislative Town Hall on Monday, July 17, 2023 at 5:30 P.M. regarding the MDA, DoD's proposed 360-degree EIAMD system in Guam

To: Vera A. Topasna <vera.topasna@guam.gov>

Cc: Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.org>, Senator Sabina Perez <office@senatorperez.org>

Buenas yan Hafa Adai,

Please see the attached letter from Speaker Therese Terlaje inviting you to a Legislative Town Hall on Monday, July 17, 2023 at 5:30 P.M. regarding the MDA, DoD's proposed 360-degree EIAMD system in Guam. You are being sent this invite as Mangilao was previously selected as one of the project's scoping meeting sites.

Kindly confirm receipt.

Thank you,
Lincoln Budasi
Policy Analyst



Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice, and Culture

I Mina'trentai Siette na Liheslaturan Guåhan 37th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

☎ (671) 472-3586

✉ senatorterlajeguam@gmail.com

🌐 www.senatorterlaje.com

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--
Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

Office of the Governor of Guam


120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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2 attachments

 **TMT Invite to Topasna CDLO re Town Hall on 360 degree EIAMD System in Guam.pdf**
1750K

 **First Notice of 360-degree EIAMD Town Hall for July 10, 2023.pdf**
149K



Office of the Speaker
THERESE M. TERLAJE
I Mina'trentai Sielle na Liheslaturan Guahan | 37th Guam Legislature
Committee on Health, Land, Justice and Culture

July 7, 2023

Transmitted Electronically: vera.topasna@guam.gov

Vera A. Topasna
Executive Director, Guam Community Defense Liaison Office

Re: Invitation to Legislative Town Hall on Monday, July 17, 2023 at 5:30 P.M. regarding the MDA, DoD's proposed 360-degree EIAMD system in Guam

Håfa Adai Executive Director Topasna,

On Friday, May 5, 2023, the Missile Defense Agency (MDA), Department of Defense (DoD) published a Notice of Intent in the Federal Register, Vol. 88, No. 87 notifying the public of a public comment period from May 5, 2023 to June 27, 2023 for their proposed 360-degree Enhanced Integrated Air and Missile Defense (EIAMD) system in Guam. The purpose of the public comment period, as stated in the Notice of Intent, is to "receive comments on the scope of the [Environmental Impact Statement] EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966." Because of Typhoon Mawar's destructive impact on Guam and its community, MDA, DoD extended the public comment period through another publication in the Federal Register, Vol. 88, No. 111 on Friday, June 9, 2023; now the public has until August 11, 2023 to submit their comments on the Proposed Action.

As the deadline for the public comment period approaches, there remains many unanswered questions and concerns regarding MDA, DoD's proposed 360-degree EIAMD system in Guam. I believe it would be unfair to allow Guam's community to provide input for the public comment period without a complete understanding of the Proposed Action and its potential effects. Therefore, to ensure Guam's community is well-informed on the Proposed Action and its potential effects before

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators, please send to: speaker@guamlegislature.org*

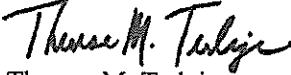
Re: Invitation to Legislative Town Hall on Monday, July 17, 2023 at 5:30 P.M. regarding the MDA, DoD's proposed 360-degree EIAMD system in Guam

July 7, 2023

the public comment period ends, my Committee on Health, Land, Justice & Culture is collaborating with Senator Chris Barnett's Committee on Public Safety and Senator Sabina Perez's Committee on Environment to host a Town Hall on the matter. The Town Hall will take place on Monday, July 17, 2023 at 5:30 P.M. in the Public Hearing Room at the Guam Congress Building in Hagåtña. The Town Hall will serve as a space for any individual, organization, or agency to share with the public what they know about the Proposed Action and its potential effects. It will also serve as a space to raise questions, comments, and/ or concerns about the Proposed Action and its potential effects. The Town Hall is for everyone's benefit: it will be a chance for involved parties to form a mutual understanding on the Proposed Action and its potential effects before the public comment period ends.

Please let this letter serve as an invitation for you to attend the Town Hall. Attached to this letter is the first Notice of Town Hall that will be published for the public on Monday, July 10, 2023. Guam's community deserves this chance to understand the scope of the proposed 360-degree EIAMD and its potential effects before the public comment period ends. I hope that you will attend.

Si Yu'os Ma'åse',



Therese M. Terlaje
Speaker, 37th Guam Legislature

CC: Senator Chris Barnett, Chairperson on the Committee on Public Safety
Senator Sabina Perez, Chairperson on the Committee on Environment

Attached: PDF of first Notice of 360-degree EIAMD Town Hall, to be published on
Monday, July 10, 2023

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlaje@guam.gov | www.senatorterlaje.com



I Mina'trentai Siette na Liheslaturan Guåhan
Committee on Health, Land, Justice & Culture
Committee on Public Safety
Committee on Environment

NOTICE OF TOWN HALL • MONDAY, JULY 17, 2023
Guam Congress Building, Public Hearing Room

This Town Hall is a collaboration between
the Offices of Speaker Therese M. Terlaje,
Senator Chris Barnett, and Senator Sabina Perez

AGENDA

5:30 PM:

- 1) **Town Hall on DoD's proposed 360-degree Enhanced Integrated Air and Missile Defense System (EIAMDS) in Guam** – The purpose of this town hall is to give the federal and local governments and the public the opportunity to share information and learn the logistics and effects of DoD's proposed 360-degree EIAMDS in Guam, and voice their opinions on the Proposed Action before the public comment period for its Environmental Impact Statement (EIS) ends on August 11, 2023.

The public is invited to provide oral testimony on the agenda item. Written testimony may be submitted to senatorterlajeguam@gmail.com or hand delivered to the Office of Speaker Therese M. Terlaje at the Guam Congress Building. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations should contact the Office of Speaker Terlaje at (671) 472-3586 or senatorterlajeguam@gmail.com. All hearings broadcast on GTA TV Channel 21, Docomo Channel 117 and livestreamed on the Guam Legislature YouTube: <https://www.youtube.com/c/GuamLegislatureMedia>. This Ad was paid with Legislature Funds.

1

1



Missile Defense EIS Executive Committee Planning Meeting

Vera A. Topasna <vera.topasna@guam.gov>

Mon, Jul 3, 2023 at 5:07 PM

To: Matthew Santos <matthew.santos.bsp@guam.gov>, Lola Leon Guerrero <lolalg.bsp@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, lola.leonguerrero@bsp.guam.gov, Warren Pelletier <warren.pelletier@dpr.guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, Patrick Lujan <patrick.lujan@olddpr.guam.gov>

Cc: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, "Lt. Gov" <joshua.tenorio@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Jose Naputi <jose.naputi@guam.gov>, "J. George Bamba" <george.bamba@guam.gov>, Nichole AC Duenas <nicole.duenas@guam.gov>, "Eliza G. Dames" <eliza.dames@guam.gov>, "Josephine C. Cepeda" <josephine.cepeda@guam.gov>

Hafa Adai MDA EIS Executive Committee:

I hope that all is well with everyone post Mawar. As you may be aware the Missile Defense Agency is planning to reschedule scoping meetings for early August. While we await confirmed dates, we are requesting for the Executive Committee to meet and discuss/approve a format for our GovGuam agencies to provide comments.

Meeting is scheduled for Thursday July 6 at 9:00 a.m. Governors Small Conference Room Adelup. Will send courtesy calendar invites. Have a great 4th of July holiday.

--

Sincerely,

Vera Topasna

Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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Stephanie G. Flores <stephanie.flores@guam.gov>

Mon, Jul 3, 2023 at 5:08 PM

To: "Vera A. Topasna" <vera.topasna@guam.gov>

Cc: Matthew Santos <matthew.santos.bsp@guam.gov>, Lola Leon Guerrero <lolalg.bsp@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, Lola.Leonguerrero@bsp.guam.gov, Warren Pelletier <warren.pelletier@dpr.guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, Patrick Lujan <patrick.lujan@olddpr.guam.gov>, "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, "Lt. Gov" <joshua.tenorio@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Jose Naputi <jose.naputi@guam.gov>, "J. George Bamba" <george.bamba@guam.gov>, Nichole AC Duenas <nichole.duenas@guam.gov>, "Eliza G. Dames" <eliza.dames@guam.gov>, "Josephine C. Cepeda" <josephine.cepeda@guam.gov>

Acknowledged.

Sent from my iPhone

On Jul 3, 2023, at 5:07 PM, Vera A. Topasna <vera.topasna@guam.gov> wrote:

Esther Aguigui <esther.aguigui@ghs.guam.gov>

Tue, Jul 4, 2023 at 5:12 PM

To: "Stephanie G. Flores" <stephanie.flores@guam.gov>

Cc: "Vera A. Topasna" <vera.topasna@guam.gov>, Matthew Santos <matthew.santos.bsp@guam.gov>, Lola Leon Guerrero <lolalg.bsp@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, Lola.Leonguerrero@bsp.guam.gov, Warren Pelletier <warren.pelletier@dpr.guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, Patrick Lujan <patrick.lujan@olddpr.guam.gov>, "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, "Lt. Gov" <joshua.tenorio@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Jose Naputi <jose.naputi@guam.gov>, "J. George Bamba" <george.bamba@guam.gov>, Nichole AC Duenas <nichole.duenas@guam.gov>, "Eliza G. Dames" <eliza.dames@guam.gov>, "Josephine C. Cepeda" <josephine.cepeda@guam.gov>

Acknowledge receipt of your email; confirming my attendance. Thank you.

V/r,

HSA 17

ESTHER J. C. AGUIGUI
Homeland Security Advisor
Guam Homeland Security



Fwd: Missile Defense Scoping Process Inquiry

VERA TOPASNA

Vera A. Topasna <vera.topasna@guam.gov>

Tue, Jun 6, 2023 at 10:38 AM

To: Jon Calvo <jon.calvo@guam.gov>

Cc: "Eliza G. Dames" <eliza.dames@guam.gov>, Krystal Paco - Guam <krystal.paco@guam.gov>

Chief:

See attached letter from Pacific Center for Island Security (Robert Underwood) requesting to postpone scoping meetings.

This action is already in progress and we are awaiting official notification from MDA on new dates for scoping. Let me know

if you need us to draft a response letter.

----- Forwarded message -----

From: **Kenneth Kuper** <kennethkuper@pacificcenterforislandsecurity.com>

Date: Tue, Jun 6, 2023 at 10:36 AM

Subject: Missile Defense Scoping Process Inquiry

To: governor@guam.gov <governor@guam.gov>, speaker@guamlegislature.org <speaker@guamlegislature.org>

Cc: vera.topasna@guam.gov <vera.topasna@guam.gov>

Håfa Adai Governor Leon Guerrero and Speaker Terlaje,

Hope you and your families are recovering from the storm.

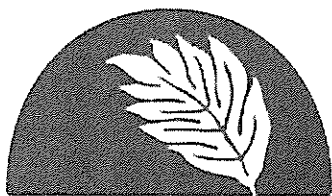
Please see attached letter from the Chairman of the Pacific Center for Island Security, Dr. Robert Underwood, requesting the Government's support in postponing the scoping meetings set for the middle of this month.

Si Yu'os Ma'åse',

Kenneth Gofigan Kuper, Ph.D.

Director

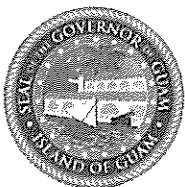
Pacific Center for Island Security



PCIS

--
Sincerely,

Vera Topasna
Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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 Letter on Scoping Meetings for EIAMDS.pdf
124K



June 6, 2023

The Honorable Lourdes Leon Guerrero
Maga'hågan Guåhan
Ricardo J. Memorial Complex
Hagåtña, GU
ATTN: Ms. Vera Topasña

Honorable Therese Terlaje
Speaker
I Liheslaturan Guåhan
Hagåtña, GU

Re: Postponement of Scoping Meetings for Enhanced Integrated Air and Missile Defense System

Håfa Adai Governor Leon Guerrero and Speaker Terlaje,

In the midst of Typhoon Mawar and subsequent recovery efforts, the Pacific Center for Island Security believes it is in the best interests of the community that the Missile Defense Agency's planned scoping meetings for the Enhanced Integrated Air & Missile Defense System on Guam be postponed. The three scoping meetings are planned for June 14th-June 16th at various locations throughout the island. The purpose of scoping meetings is to inform the public about the Proposed Action and accept comments on the scope of analysis. Many in Guam are still recovering from the storm. At the time of writing, there are still families without power or water. As the island in its entirety is still reeling from the effects of Typhoon Mawar, our community simply needs more time to consider the impacts of such a large military project for the island. If part of the intent of the scoping meetings is to receive genuine feedback before moving forward with the Environmental Impact Statement, then the Missile Defense Agency should consider the state of the island at this time.

We are asking that the Government of Guam request that the Missile Defense Agency reschedule and postpone these initial scoping meetings for two months. This would be an act of good faith from the military and allow the people of Guam more time to consider the EIAMDS and its impacts. Furthermore, we are requesting that the period the Missile Defense Agency is accepting public

comments (May 5th-June 27th) also be postponed to allow for more time and consideration by the community.

Si Yu'os Ma'ase',

A handwritten signature in black ink, appearing to read "Robert Underwood". The signature is fluid and cursive, with the first name "Robert" and last name "Underwood" clearly distinguishable.

Dr. Robert Underwood
Chairman
Pacific Center for Island Security



Governor's Circular No. 2023-06

Kathleen C. Cepeda <kathleen.cepada@guam.gov>

Thu, May 11, 2023 at 8:22 AM

To: "Kathleen C. Cepeda" <Kathleen.cepada@guam.gov>

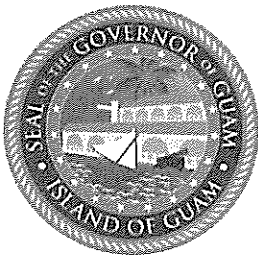
Cc: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, Lieutenant Governor Joshua Tenorio <lt.governor@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>

Bcc: cabinet@guam.gov

Hafa Adai,

Please find attached Governor's Circular No. 2023-06, regarding the single point of contact for the Government of Guam's response to the Missile Defense Agency (MDA) Guam missile defense environmental impact statement for an enhanced integrated air and missile defense system on Guam.

Senseramente,



Kathleen C. Cepeda

Executive Assistant to the Chief of Staff

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

671-473-1112 | governor.guam.gov

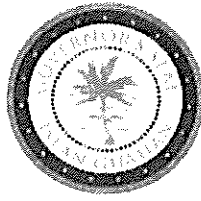


Governor's Circular No. 2023-06.pdf

35K

1. The first part of the document is a title page. It contains the title of the document, the author's name, and the date of the document. The title is "The History of the United States of America". The author is "John Adams". The date is "1776".

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

GOVERNOR'S CIRCULAR NO. 2023-06

DATE: May 9, 2023

TO: All Department and Agency Heads

FROM: Lourdes A. Leon Guerrero, Governor of Guam *LA*

SUBJECT: **Single Point of Contact for the Government of Guam's Response to the Missile Defense Agency (MDA) Guam Missile Defense Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam**

Effective immediately, I am appointing Vera Topasna, Executive Director, Community Defense Liaison Office (CDLO), as the single point of contact for all matters related to the Environmental Impact Statement (EIS) of the Enhanced Integrated Air and Missile Defense (EIAMD) system for Guam.

As you are aware, the Guam Missile Defense is an important development for our island's security in the Indo-Pacific region. The EIS process is a tool in identifying and analyzing probable adverse environmental impacts, reasonable alternatives, and possible mitigation. As a government, we must ensure that the EIS process provides complete transparency and opportunities for our community stakeholders to participate in developing and analyzing information concerning the proposed EIAMD system for Guam. In this regard, I direct all agency heads to work closely with the CDLO to provide all the necessary support and information to enable the CDLO to carry out its responsibilities effectively.

Please ensure that all concerned parties in your respective agencies are informed of this appointment and directed to work with Mrs. Topasna on all matters related to the EIS of the Guam Missile Defense. Furthermore, Mrs. Topasna will establish agency working groups to assist in drafting EIS responses. By prior direction, an Executive Committee is established to assist in reviewing the draft agency questions/responses to present to me a final recommendation and official Government of Guam response to the EIS. All communications to Joint Region Marianas, Indo-Pacific Command, and the Missile Defense Agency shall be coordinated through the CDLO.

Sí Yu'os Ma'åse.

11/11/2020 11:11:11 AM



Request for interview on k57

Open 5/9/23

Krystal Paco-San Agustin <krystal.paco@guam.gov>

Tue, May 9, 2023 at 9:50 AM

To: Clynton Ridgell <clynton.ridgell@guam.gov>, Eliza Dames <eliza.dames@guam.gov>, "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, Jon Junior Calvo <jon.calvo@guam.gov>, Shamra Chargualaf <shamra.chargualaf@guam.gov>

Good morning Gov and team:

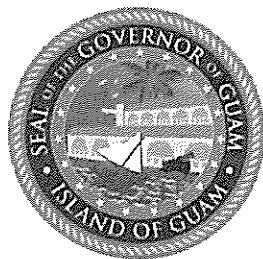
Would you be interested in doing a phone interview with Ginger and Simon Sanchez on Wednesday, May 10 (tomorrow) relative to the military buildup on Guam?

Time would be 6:30-7am. It's not specific to Eagles Field. I also have ensured Vera will be on this show at a later time. Ideally, you would provide an update on your latest engagements in the States. The hosts are more interested in how to get more local businesses engaged and more local people trained so Guam gets the benefits of the money coming in for the buildup.

Please advise. I think it's a great opportunity to call our public to participate in MDA scoping meetings as well.

Thank you.

--



Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

Eliza G. Dames <eliza.dames@guam.gov>

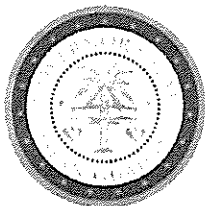
Tue, May 9, 2023 at 12:05 PM

To: Krystal Paco-San Agustin <krystal.paco@guam.gov>

Cc: Clynton Ridgell <clynton.ridgell@guam.gov>, Jon Junior Calvo <jon.calvo@guam.gov>, Shamra Chargualaf <shamra.chargualaf@guam.gov>

Gov is ok with this and on her schedule.

--



Eliza Dames
Special Assistant
Ricardo J. Bordallo Governor's Complex
Office of the Governor
Hagatna, Guam
(671) 473-1104

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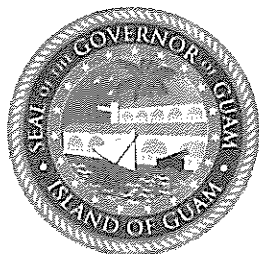
Krystal Paco-San Agustin <krystal.paco@guam.gov>

Tue, May 9, 2023 at 12:27 PM

To: "Eliza G. Dames" <eliza.dames@guam.gov>

Cc: Clynton Ridgell <clynton.ridgell@guam.gov>, Jon Junior Calvo <jon.calvo@guam.gov>, Shamra Chargualaf <shamra.chargualaf@guam.gov>

Thank you!



Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

Eliza G. Dames <eliza.dames@guam.gov>

Tue, May 9, 2023 at 2:13 PM

To: Krystal Paco-San Agustin <krystal.paco@guam.gov>

Cc: Clynton Ridgell <clynton.ridgell@guam.gov>, Jon Junior Calvo <jon.calvo@guam.gov>, Shamra Chargualaf <shamra.chargualaf@guam.gov>

Krystal,

Please confirm with Ginger that Gov can call in at 6:30am-6:45am. She has a 7:30am status hearing and cannot do 7:15 - this was what Ginger messaged the Gov.

Krystal Paco-San Agustin <krystal.paco@guam.gov>

Tue, May 9, 2023 at 3:03 PM

To: "Eliza G. Dames" <eliza.dames@guam.gov>

Cc: Clynton Ridgell <clynton.ridgell@guam.gov>, Jon Junior Calvo <jon.calvo@guam.gov>, Shamra Chargualaf <shamra.chargualaf@guam.gov>

Confirmed with ginger. 630 it is

Eliza G. Dames <eliza.dames@guam.gov>

Tue, May 9, 2023 at 3:31 PM

To: Krystal Paco-San Agustin <krystal.paco@guam.gov>

Cc: Clynton Ridgell <clynton.ridgell@guam.gov>, Jon Junior Calvo <jon.calvo@guam.gov>, Shamra Chargualaf <shamra.chargualaf@guam.gov>

Thank you!



NEWS: Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register

Report Abuse

Krystal Paco-San Agustin <krystal.paco@guam.gov>
Bcc: eliza.dames@guam.gov

Sat, May 6, 2023 at 5:44 PM

FOR IMMEDIATE RELEASE - May 6, 2023

Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register

Public Encouraged to Participate in Comment Period Now through June 27

Hagåtña, Guam – The Missile Defense Agency (MDA) and Department of Defense (DoD) officially published its Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam in the Federal Register today. This notice starts the public scoping period which will run through June 27, 2023. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace.

“The deployment of a missile defense system on Guam has significant implications for the local community and the safety of our people. Starting today through June 27, we highly encourage our local community to participate in the process of reviewing and commenting on the Economic Impact Study for a missile defense system,” said Governor Lou Leon Guerrero. “Participation and feedback are crucial to ensure the system's effectiveness and address any concerns or issues that may arise.”

“Community participation and comments are critical for the deployment of a missile defense system on Guam,” said Lt. Governor Joshua Tenorio. “We encourage community members to participate in the ongoing comment period for the economic impact study and to provide their input and feedback. This will ensure that the study reflects the community's concerns and priorities and that the potential economic impacts of the missile defense system are fully understood.”

Access to meeting information can be found on the MDA website at <https://www.mda.mil/system/eiamd.html>. The scoping period will be between May 5, 2023, through June 27, 2023 and schedule for Open House Public Scoping Meetings are set as follows:

June 14, 2023

University of Guam
Calvo Field House
Gymnasium

June 15, 2023

Okkodo High School
Gymnasium
660 Biradan Anakko 3rd St

June 16, 2023

Southern High School
Gymnasium
#1 Jose Perez Leon Guerrero Dr

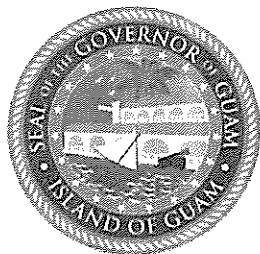
Mangilao

Dededo

Santa Rita

The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyzes relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

###

***Krystal Paco-San Agustin, MPA, CM***

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

2 attachments

Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam_2023-09609.pdf
177K

NEWS_ Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register.docx.pdf
351K



Meeting

Eliza G. Dames <eliza.dames@guam.gov>

Wed, Feb 1, 2023 at 4:26 PM

To: Michelle Parel <Michelle.Parel@fe.navy.mil>

Cc: "Shamra L.A. Chargualaf" <shamra.chargualaf@guam.gov>, "Josephine C. Cepeda" <josephine.cepeda@guam.gov>

Hafa Adai Michelle,

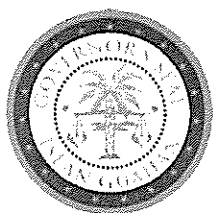
Please excuse us as we make a slight transition with our offices. Adelup is having a major renovation in Chambers and we had to move to Government House temporarily. Hopefully for just a couple of weeks!

I received your message about an office call with our Governor and representatives from Missile Defense Agency for February 16, 2023 at 9:30am or 9:45am.

Governor will be off island during this time. I have copied Josephine Cepeda who can respond to you on the LT Governor's availability.

You can always email me, whatsapp or call me on my cell should you need to reach me.

Thank you Michelle!



11/11/2020 11:11:11 AM



Meeting

Michelle.Parel@fe.navy.mil <Michelle.Parel@fe.navy.mil>

Wed, Feb 1, 2023 at 4:39 PM

To: eliza.dames@guam.gov

Cc: shamra.chargualaf@guam.gov, josephine.cepada@guam.gov

Thank you Liza,

Definitely understood. I wanted to be sure that Gov being off island was still the correct information. I had received an updated email today from our MDA planners that she was available on the 16th. Thank you again for clarifying.

Poping,

May I request to defer this office call with MDA personnel (VADM Hill and RDML Nicholson) to Lt Gov Tenorio on the 16th in the morning. We will work around his availability and complete the remaining part of their agenda around Lt Govs available schedule.

Thank you.

V/R,
Michelle C. Parel
Protocol Officer
Joint Region Marianas
COMM: 671-349-2181 || DSN: 315-349-2181
Cell: 671-488-4270 || 671-483-0735
michellemarie.c.parel.civ@us.navy.mil

-----Original Message-----

From: Eliza G. Dames <eliza.dames@guam.gov>

Sent: Wednesday, February 1, 2023 4:27 PM

To: Parel, Michelle CIV USA JRM <Michelle.Parel@fe.navy.mil>

Cc: Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>; Josephine C. Cepeda <josephine.cepada@guam.gov>

Subject: [URL Verdict: Neutral][Non-DoD Source] Meeting

Hafa Adai Michelle,

Please excuse us as we make a slight transition with our offices. Adelup is having a major renovation in Chambers and we had to move to Government House temporarily. Hopefully for just a couple of weeks!

I received your message about an office call with our Governor and representatives from Missile Defense Agency for February 16, 2023 at 9:30am or 9:45am.

Governor will be off island during this time. I have copied Josephine Cepeda who can respond to you on the LT Governor's availability.

You can always email me, whatsapp or call me on my cell should you need to reach me.

Thank you Michelle!

--



Requesting O/C with Governor Leon Guerrero Ref. MDA

Parel, MICHELLE MARIE C CIV USN COMJTREG MARIANAS GU (USA)

Mon, Jan 23, 2023 at
4:26 PM

<michellemarie.c.parel.civ@us.navy.mil>

To: "shamra.chargualaf@guam.gov" <shamra.chargualaf@guam.gov>, "Eliza G. Dames" <eliza.dames@guam.gov>

Cc: Joseph Shinohara <joseph.shinohara@guam.gov>, "Makosky, Zachary D PO1 USN JRM" <Zachary.Makosky@fe.navy.mil>

Good afternoon Shamra/Liza,

Kindly requesting an office call with the Governor and Mr. John Bier
(Missile Defense Agency) for next month.

5 Ws below:

Who: Missile Defense Agency Mr. John Bier with select pax
What: Office Call with the Governor
Where: Adelup Government Office
When: Morning of February 16th
Why: To discuss future plans for the MDA presence on Guam.

Looking forward to hearing from you.

Thank you and have a wonderful day.

V/R,
Michelle C. Parel
Protocol Officer
Joint Region Marianas
COMM: 671-349-2181 || DSN: 315-349-2181
Cell: 671-488-4270 || 671-483-0735
michellemarie.c.parel.civ@us.navy.mil





GOVERNOR LOU LEON GUERRERO

**MISSILE DEFENSE AGENCY
ENVIRONMENTAL IMPACT STATEMENT (EIS)
INFORMATION BINDER**

**PREPARED BY:
COMMUNITY DEFENSE LIAISON OFFICE
MAY 2023**

OFFICE OF THE GOVERNOR
GOVERNOR'S CHAMBER



DATE 5-10-23

TIME 3:37 p

RECEIVED BY DB

GC2023-05041



DEPARTMENT OF DEFENSE
MISSILE DEFENSE AGENCY
5700 18TH STREET
FORT BELVOIR, VIRGINIA 22060-5573

April 28, 2023

The Honorable Lourdes A. Leon Guerrero
Governor of Guam
State Capitol
Hagatna, Guam 96910

Dear Governor Leon Guerrero:

The Missile Defense Agency (MDA), in cooperation with the United States (U.S.) Department of the Army (Army), U.S. Department of the Navy, U.S. Department of the Air Force, and the Federal Aviation Administration (FAA), is preparing an Environmental Impact Statement (EIS) to evaluate the potential environmental impacts and potential mitigation of deploying and operating an Enhanced Integrated Air and Missile Defense (EIAMD) system to defend Guam against rapidly evolving advanced missile threats from regional adversaries.

Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States, and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats.

The Proposed Action to be analyzed in the EIS is to deploy and operate missile defense radars, sensors, missile launchers, missile interceptors, and command and control systems; construct and operate associated support facilities and infrastructure; and manage the associated airspace. The MDA and the Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where Department of Defense (DoD) property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-federal properties, acquisition of appropriate real estate interests on non-federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, the MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace needs or modifications would be coordinated with and approved by the FAA.

The MDA plans to publish a Notice of Intent in the Federal Register and to local media outlets notifying the public of a public comment period from May 5, 2023 to June 27, 2023. The MDA will solicit comments from the public, organizations, agencies, and federal, state, and local government officials. The MDA, with the Cooperating Agencies, will hold three public scoping meetings to inform the public about the Proposed Action and accept comments on the scope of the analysis. The public scoping meetings will be in an open-house format and will include

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Elaine Tajalle

poster stations staffed by project representatives who can provide information and answer questions about the Proposed Action and the upcoming environmental impact analysis. The public may arrive at any time between 4 and 7 p.m. as there will not be a presentation or formal oral comment session. The public scoping meetings will be held at the following locations:

June 14, 2023

University of Guam
Calvo Field House Gymnasium
303 University Dr.
Mangilao, Guam

June 15, 2023

Okkodo High School
Gymnasium
660 Biradan Anakko 3rd St.
Dededo, Guam

June 16, 2023

Southern High School
Gymnasium
#1 Jose, Perez Leon Guerrero Dr.
Santa Rita, Guam

Please contact Mr. Keith O'Neil, Director, Congressional Affairs, at 571-231-8108, or by email to keith.oneil@mda.mil, if you have questions regarding the EIAMD system to defend Guam. To learn more about this project, please go to www.mda.mil/system/eiamd.html.

Sincerely,



J. A. HILL
Vice Admiral, USN
Director

Enclosure:
As stated

cc:
The Honorable Joshua F. Tenorio
Lieutenant Governor of Guam

Billing Code: 5001-06

DEPARTMENT OF DEFENSE

Office of the Secretary

**Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced
Integrated Air and Missile Defense System on Guam**

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD)

ACTION: Notice of Intent.

SUMMARY: The MDA is issuing this Notice of Intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the

ENCLOSURE

Proposed Action's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the **Federal Register**. Comments must be postmarked or received on or before **June 27, 2023** to ensure consideration in the Draft EIS.

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N. Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331. Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary

missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the Fiscal Year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors, missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

Associated support facilities and infrastructure (e.g., power plants, fuel storage facilities, and water storage facilities), and life support facilities (e.g., family housing, fire stations, and dining facilities) would also be constructed and operated on these sites to support proposed EIAMD components and accommodate personnel associated with the proposed EIAMD system.

The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomics, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with Section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under Section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS

including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: April 28, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

11/11/2020 11:11:11 AM

there are fewer than 200 individuals in the stratum. OPA weights the eligible respondents in order to make inferences about the entire population of active duty spouses. The weighting methodology utilizes standard weighting processes.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09623 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0038]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 5, 2023.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Assistant Secretary for Defense for Military Personnel Policy, Office of Military Compensation Policy, ATTN: Mr. Ronald Garner, Pentagon, Washington, DC 20301-1500, or call (703) 693-1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Data for Payment of Retired Personnel; DD Form 2656; OMB Control Number 0704-0569.

Needs and Uses: The information collection requirement is necessary to obtain applicable retirement information from Uniformed Service members and allow those members to make certain retired pay and survivor annuity elections prior to retirement from service or prior to reaching eligibility to receive retired pay. The form will also allow eligible members covered by the Blended Retirement System to make a voluntary election of a partial lump sum of retired pay, as required by section 1415 of title 10, United States Code.

Affected Public: Individuals or households.

Annual Burden Hours: 31,988.

Number of Respondents: 127,950.

Responses per Respondent: 1.

Annual Responses: 127,950.

Average Burden per Response: 15 minutes.

Frequency: As required.

Every member of the Uniformed Services who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, will voluntarily complete this form to request retired pay, designate beneficiaries, and make a Survivor Benefit Plan election. In an average calendar year, approximately 127,950 members of the Uniformed Service will complete this form. The spouses of retiring members of the Uniformed Services are only required to complete part V of this form if the Service member declines or reduces his or her level of under the Survivor Benefit Plan.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09627 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD).

ACTION: Notice of intent.

SUMMARY: The MDA is issuing this notice of intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the **Federal Register**. Comments must be postmarked or

received on or before June 27, 2023 to ensure consideration in the Draft EIS.

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331. Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the fiscal year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors,

missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

Associated support facilities and infrastructure (e.g., power plants, fuel storage facilities, and water storage facilities), and life support facilities (e.g., family housing, fire stations, and dining facilities) would also be constructed and operated on these sites to support proposed EIAMD components and accommodate personnel associated with the proposed EIAMD system.

The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomics, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on

Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: May 2, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09609 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

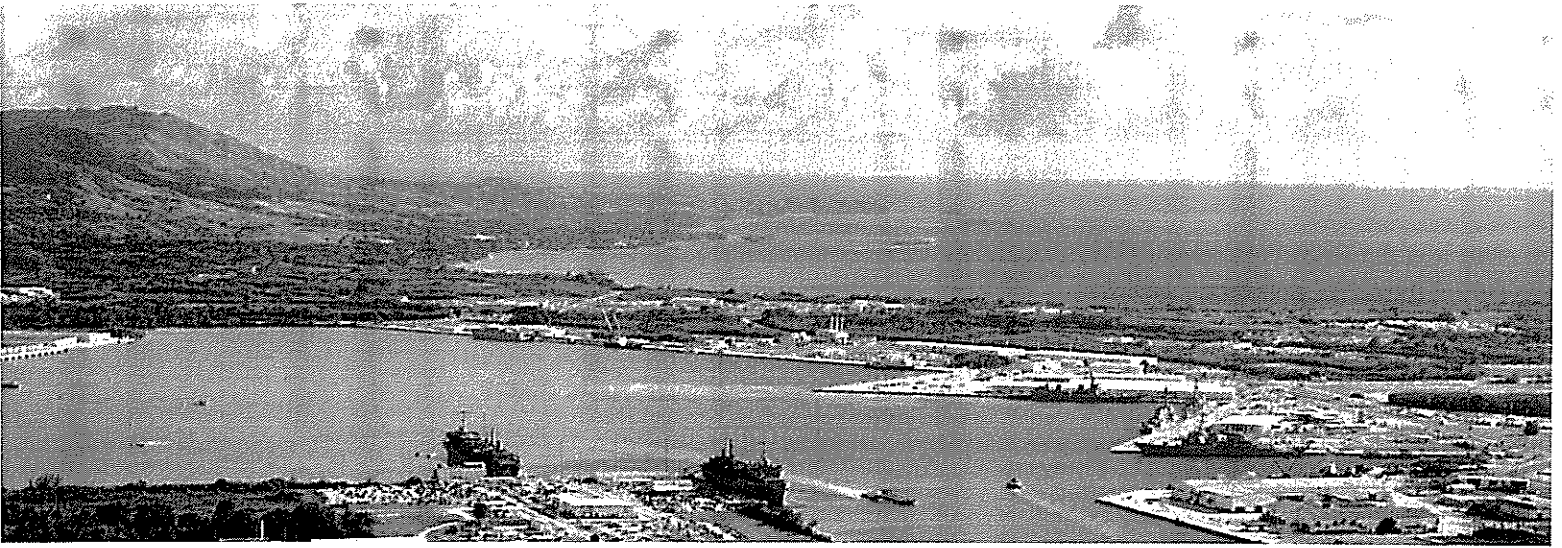
[Docket ID: DoD-2023-OS-0039]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Contract Management Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use



ENHANCED INTEGRATED AIR AND MISSILE DEFENSE SYSTEM ON GUAM

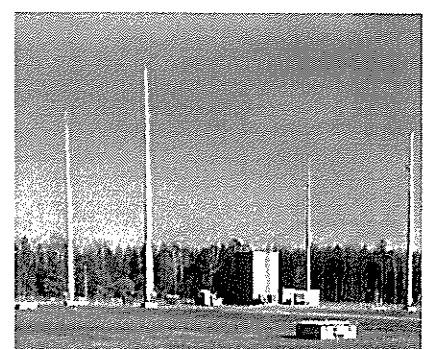
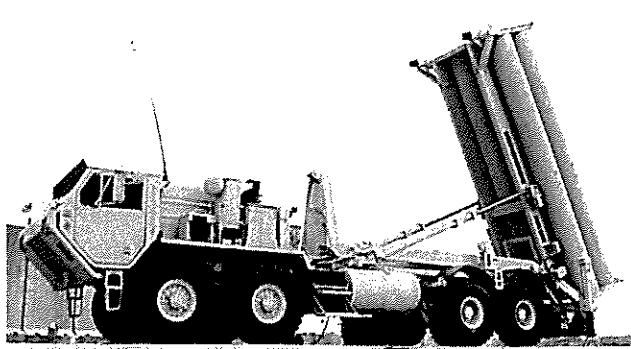
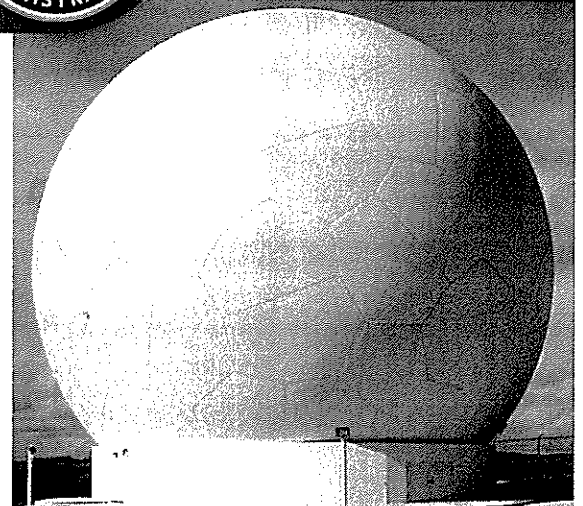
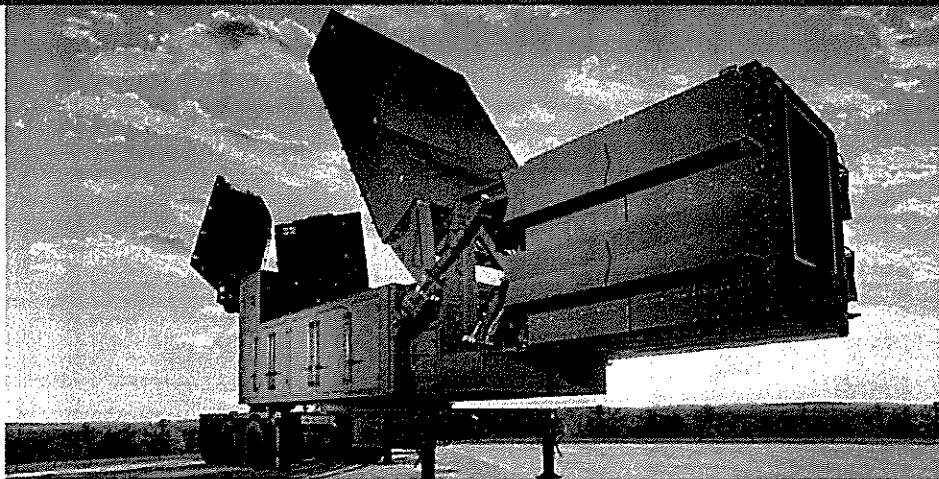
ENVIRONMENTAL IMPACT STATEMENT

Project Information

May 2023



www.mda.mil/system/elamd.html



The Missile Defense Agency (MDA), with the U.S. Department of the Army, U.S. Department of the Navy, U.S. Department of the Air Force, and the Federal Aviation Administration as cooperating agencies, is preparing an Environmental Impact Statement (EIS) to evaluate the potential environmental impacts and potential mitigation of deploying and operating an Enhanced Integrated Air and Missile Defense system to defend Guam against advanced missile threats (Proposed Action).

Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. Therefore, the U.S. Indo-Pacific Command has identified a requirement for an Enhanced Integrated Air and Missile Defense system on Guam as soon as possible to address the rapid evolution of adversary missile threats.

PROPOSED ACTION

The Proposed Action is to deploy and operate a comprehensive, persistent, 360-degree Enhanced Integrated Air and Missile Defense system to defend the entirety of Guam against the rapidly evolving threats of advanced cruise, ballistic, and hypersonic missile attacks from regional adversaries. MDA and the Army need to strategically locate and integrate various system components, including a command and control center, radars, sensors, missile launchers, missile interceptors, and support facilities, at multiple sites around Guam.



The term "deploy" refers to preparing sites and, where needed, any construction required for supporting infrastructure or to distribute components of the system. The term "operate" refers to long-term facility operations and maintenance, including initial testing of the system.

MDA anticipates airspace modifications may be necessary at sites where radars would be located. Airspace needs or modifications would be coordinated with and approved by the Federal Aviation Administration.

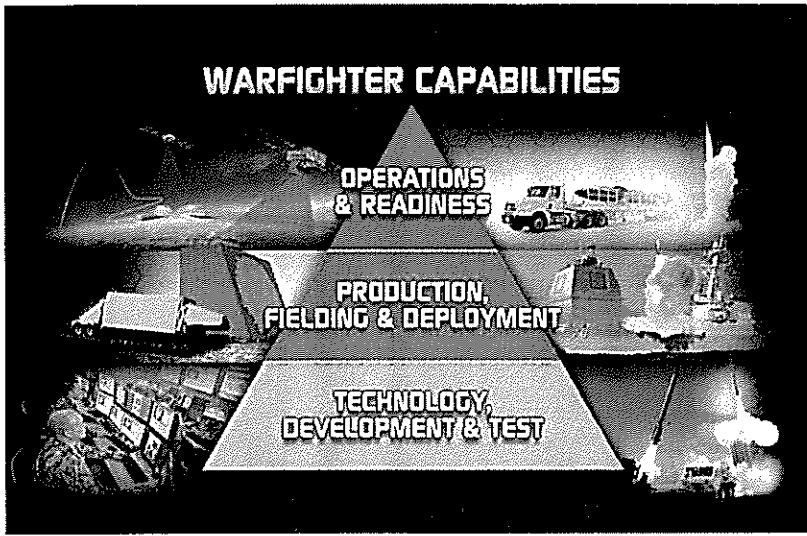
This radar searches, tracks, and discriminates objects and provides tracking data to other system components.

Cooperating Agencies

The Missile Defense Agency is the lead agency for preparing the EIS. Due to jurisdiction or expertise, or for potentially affected operations and resources, the U.S. Department of the Army, U.S. Department of the Navy, U.S. Department of the Air Force, and the Federal Aviation Administration will be cooperating agencies in the preparation and review of the EIS.

ABOUT THE MISSILE DEFENSE AGENCY

MDA is a research, development, and acquisition agency within the Department of Defense. Its workforce includes government civilians, military service members from all services, and contractor personnel around the world.



Mission of the Missile Defense Agency. MDA's mission is to develop and deploy a layered Missile Defense System to defend the United States, its deployed forces, and allies from missile attacks in all phases of flight.

MDA Mission

The mission of MDA is to develop and deploy a layered Missile Defense System to defend the United States, its deployed forces, and allies from missile attacks in all phases of flight.

MDA works closely with combatant commands who rely on the Missile Defense System to protect the United States, its forward deployed forces, and allies from advanced missile attack. MDA works with commanders to ensure the United States develops a robust missile defense system and development program to address the challenges of an evolving threat. It is also steadily increasing international cooperation by supporting mutual security interests in missile defense.

MDA Strategic Goals

To achieve its mission, MDA is dedicated to the following goals:

1. Support the warfighter.
2. Prove the power of missile defense through testing.
3. Continue development and deployment of the Missile Defense System for homeland and regional defense.
4. Implement a team approach to agency operations.
5. Optimize available resources.
6. Inspire professional excellence.
7. Foster a supportive environment for a diverse and professional workforce.
8. Implement the National Security Strategy through international cooperation in missile defense.
9. Capitalize on the creativity and innovation of the nation's universities and small business community.



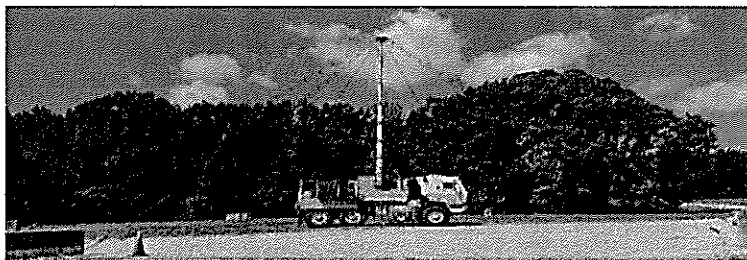
THE ENHANCED INTEGRATED AIR AND MISSILE DEFENSE SYSTEM

The Enhanced Integrated Air and Missile Defense system is intended to defend Guam against regional cruise, ballistic, and hypersonic missile attacks originating from any nation. The system would be able to defend Guam a full 360 degrees around the entirety of the island. The 360-degree capability would be achieved by distributing/placing missile defense components, including a command and control center, radars, sensors, missile launchers, missile interceptors, and support facilities, at multiple locations around the island. These integrated components would defend against simultaneous air and missile attacks against Guam. The system is expected to start deployment in 2027.

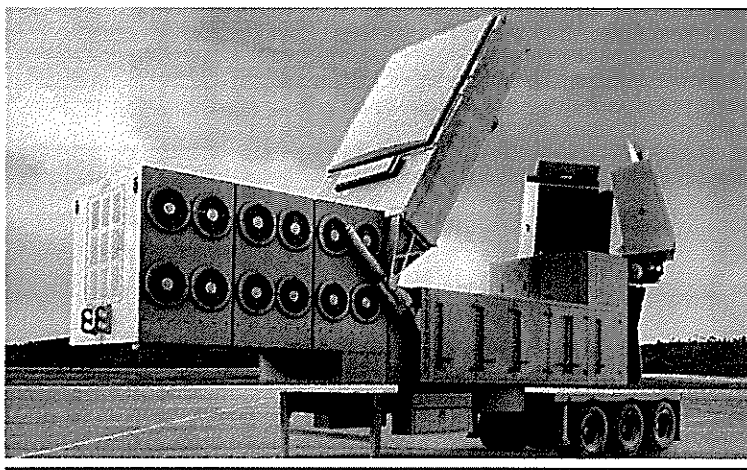
Components of the Enhanced Integrated Air and Missile Defense System

Deployment of the Enhanced Integrated Air and Missile Defense system would include the ground-based, mission critical system components from MDA, the Army, and the Navy that have been integrated to interact together for missile defense. Deployment also includes the facilities that support these components. System components are parts of the defense system that would be located on the ground sites and would include radars; sensors; missile launchers; missile interceptors; and command and control, battle management, and communications systems. Mission support facilities would be constructed in support of the system components, and would include power plants, fuel storage facilities, and operations facilities.

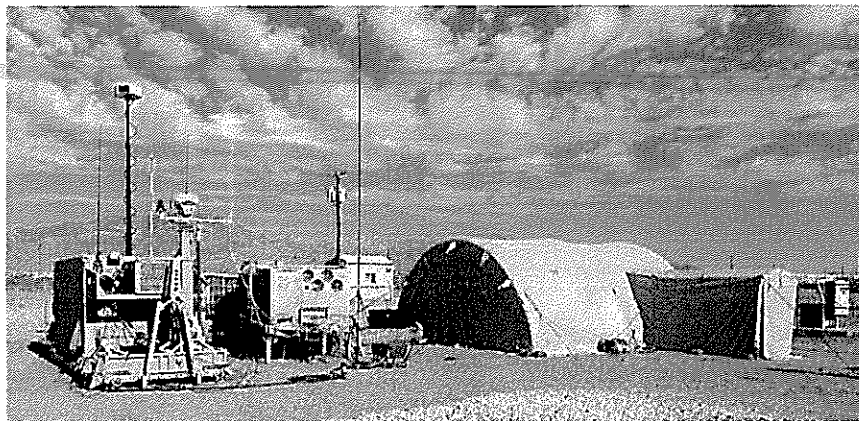
Once the components and facilities are deployed and become operational, life support facilities would be necessary to accommodate the personnel associated with the system. Life support facilities may include family housing, fire stations, gas stations, or child youth services.



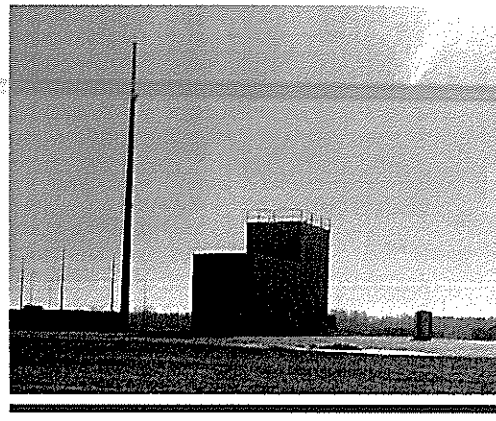
This Army 360-degree surveillance sensor is mobile and long-range.



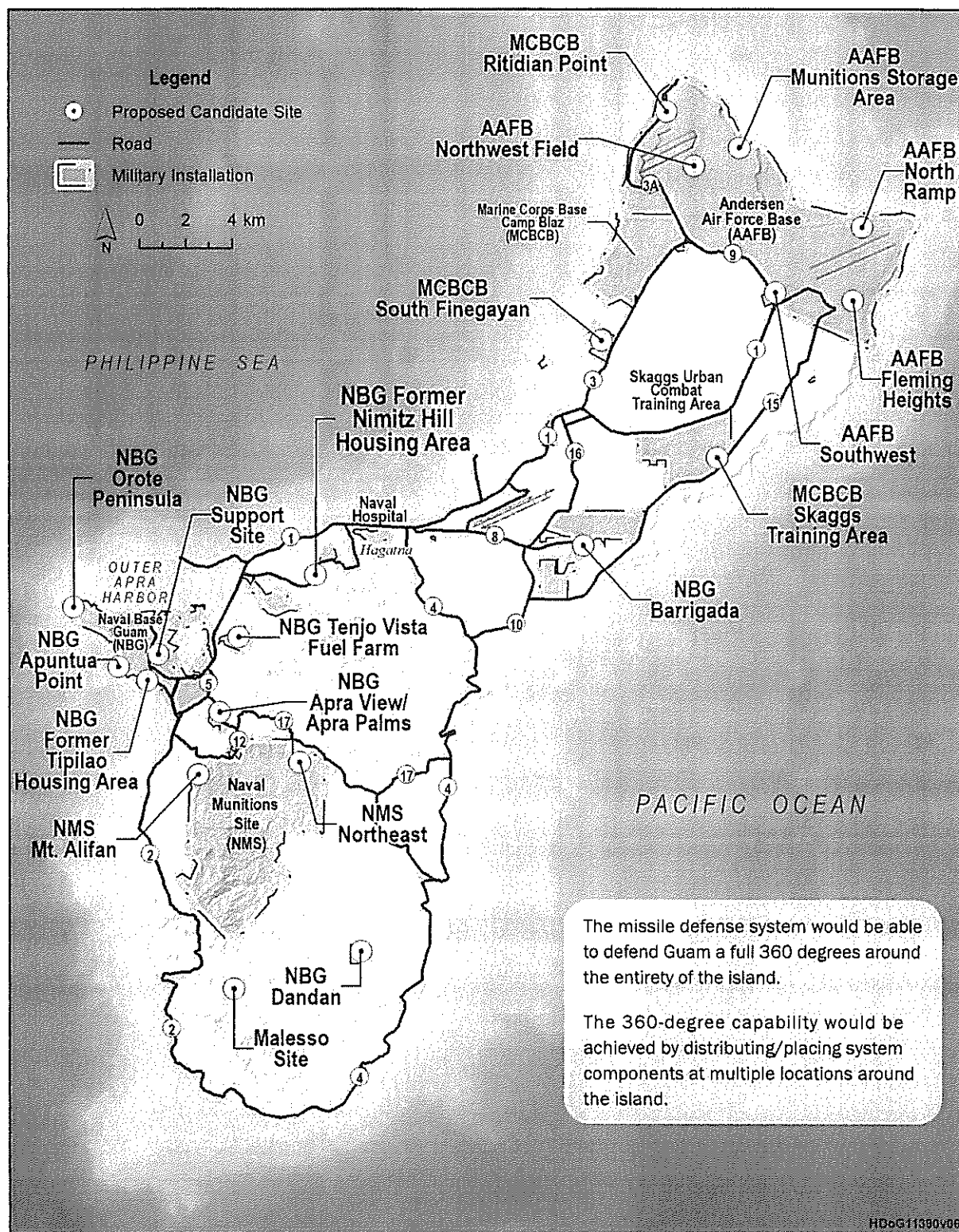
This land-based sensor provides critical information for the long-range classification, discrimination, and identification of missiles.



A communications relay support component is critical to the missile defense system.



Launchers would contain interceptor missiles to intercept incoming missile threats to Guam.



Candidate Sites for Enhanced Integrated Air and Missile Defense System Components. The Missile Defense Agency and the Army need to strategically locate and integrate various components of the Enhanced Integrated Air and Missile Defense system at multiple sites around Guam. In the event where Department of Defense (DoD) property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-federal properties, acquisition of appropriate real estate interests on non-federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered.

ENVIRONMENTAL RESOURCES TO BE ANALYZED IN THE EIS

MDA is preparing an EIS to evaluate the potential impacts of the Proposed Action on the following resource areas:

- Water Resources
- Air Quality (including Climate Change)
- Airspace Management
- Land Use
- Visual Resources
- Recreation
- Noise and Vibration
- Socioeconomics
- Environmental Justice and Protection of Children
- Geological Resources
- Terrestrial Biological Resources
- Cultural Resources
- Infrastructure and Utilities
- Public Health and Safety
- Transportation

MDA anticipates airspace modifications may be necessary at sites where radars would be located. Potential socioeconomic and transportation impacts are also anticipated due to increased staffing needs associated with the Proposed Action.

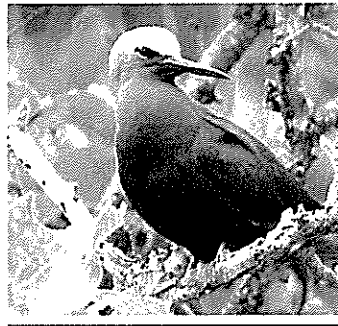
Cumulative impacts, which are the impacts on the environment resulting from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions, will also be analyzed.

MDA will also conduct surveys and studies to support the environmental impact analyses, including:

- Aeronautical Study
- Air Quality Impact Study
- Cultural Resource Assessment
- Natural Resources Baseline Survey
- Stormwater Study
- Utilities and Infrastructure Studies

Studies and surveys will also support required permitting and authorizations under the Clean Air Act, Clean Water Act, Coastal Zone Management Act, Endangered Species Act, the National Historic Preservation Act, and other regulations, as necessary. Airspace needs or modifications would be coordinated with and approved by the Federal Aviation Administration.

MDA will coordinate and consult with federal and local agencies to ensure a comprehensive environmental impact analysis document. The public and stakeholders can evaluate and comment on the Draft EIS when it is made available for public review.



MDA will analyze potential impacts of the Proposed Action on terrestrial biological resources, such as birds like the black noddie.

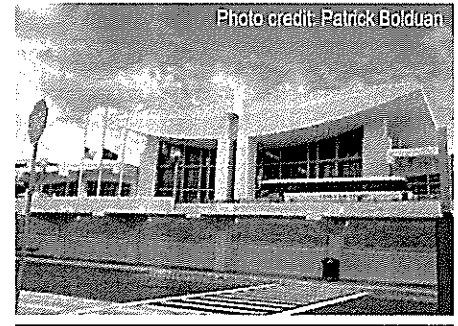


Photo credit: Patrick Bolduan

An aeronautical study will assess potential impacts on airspace and identify potential restricted areas to be requested. Photo of Antonio B. Won Pat International Airport.



The EIS will include an assessment of potential impacts from construction activities, such as noise and vibration.

NATIONAL ENVIRONMENTAL POLICY ACT AND PUBLIC INVOLVEMENT

The National Environmental Policy Act (NEPA) is a U.S. federal law that requires federal agencies to examine the potential environmental impacts of their proposed actions and to encourage and facilitate public involvement in decisions which may affect the quality of the environment.

MDA is committed to meaningful public involvement and will keep the public informed throughout the development of the EIS.

Before a federal agency may proceed with a major federal action (a "proposed action"), it must first consider the potential effects the proposal may have on the human, natural, or cultural environment. A federal agency can meet its NEPA requirements by preparing an EIS.

Public input and involvement are fundamental aspects of the EIS process. The NEPA process requires public involvement during the scoping period and when the Draft EIS is available for public review and comment. The public participates in the NEPA process during the following key stages:

- **Scoping Period:** The public can help the federal agency identify the scope of the EIS, potential alternatives, and identification of environmental concerns for consideration in the impact analysis.
- **Draft EIS Public Review and Comment Period:** The public can review, evaluate, and comment on the environmental impact analysis.
- **Final EIS Public Review Period:** The public can review how the federal agency responded to public comments on the Draft EIS and incorporated information into the impact analysis in the Final EIS.

For More Information and to Submit Comments

The public, including elected officials, government agencies, nongovernmental organizations, and interested individuals are encouraged to learn more and participate in the NEPA process.

MDA welcomes the public's comments on the scope of the EIS, potential alternatives, identification of environmental concerns, issues that should be addressed in the EIS, and the project's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966. Visit the project website at www.mda.mil/system/eiamd.html to learn more and submit comments. For more information, please contact Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil.

The public can also submit comments at the open house public scoping meetings, by email to Info@EIAMD-EIS.com, or by U.S. postal mail to:

ManTech International Corporation
Attention: EIAMD EIS Project Support
PMB 403
1270 N. Marine Corps Dr., Suite 101
Tamuning, Guam 96913-4331

Comments must be postmarked or received online by **June 27, 2023**, for consideration in the Draft EIS.

This public scoping effort will also support consultation under Section 106 of the NHPA and its implementing regulations at 36 Code of Federal Regulations Part 800.

The public is encouraged to provide comments on the scope of the EIS, potential alternatives, and identification of environmental concerns for consideration in the impact analysis.

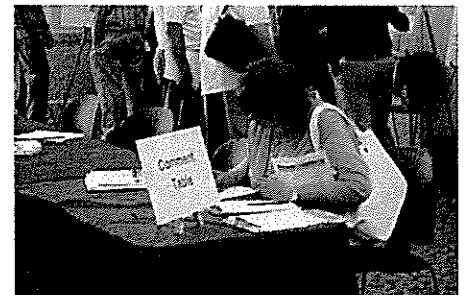
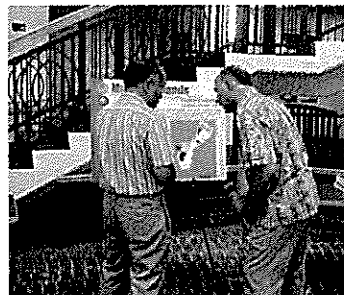
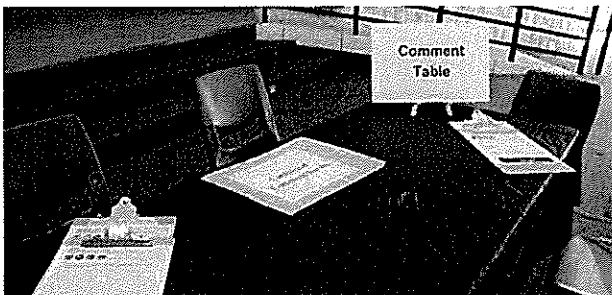
NATIONAL ENVIRONMENTAL POLICY ACT PROCESS AND TIMELINE

Milestone	Description	Current Schedule*
Notice of Intent to Prepare an EIS	<ul style="list-style-type: none"> Initiates the public involvement phase of the NEPA process. 	May 5, 2023
Scoping Period	<ul style="list-style-type: none"> Provides an early and open public process for identifying, defining, and prioritizing issues to be evaluated in the EIS. Includes public meetings and other opportunities to learn more and submit comments. 	COMMENT PERIOD: May 5, 2023 – June 27, 2023 OPEN HOUSE SCOPING MEETINGS: Mangilao: June 14, 2023 Dededo: June 15, 2023 Santa Rita: June 16, 2023
Draft EIS	<ul style="list-style-type: none"> Presents the analysis of potential environmental impacts for each identified alternative. 	Spring 2024
Draft EIS Public Review and Comment Period	<ul style="list-style-type: none"> Provides at least 45 days for the public to comment on the analysis presented in the Draft EIS. Includes public meetings and other opportunities to learn more and submit comments. 	COMMENT PERIOD: Spring 2024 PUBLIC MEETINGS: Spring 2024
Final EIS and Public Review Period	<ul style="list-style-type: none"> Includes updates to the Draft EIS and responses to public comments received during the Draft EIS comment period. Provides at least 30 days for the public to review the Final EIS before agencies may make their decisions. 	Early 2025
Record of Decision	<ul style="list-style-type: none"> Includes selection of an alternative by agencies. 	Early 2025

* The current schedule is subject to change.

► Opportunity for Public Review and Comment

► Opportunity for Public Review



ENHANCED INTEGRATED AIR & MISSILE DEFENSE (EIAMD) SYSTEM ON GUAM

Public Comments

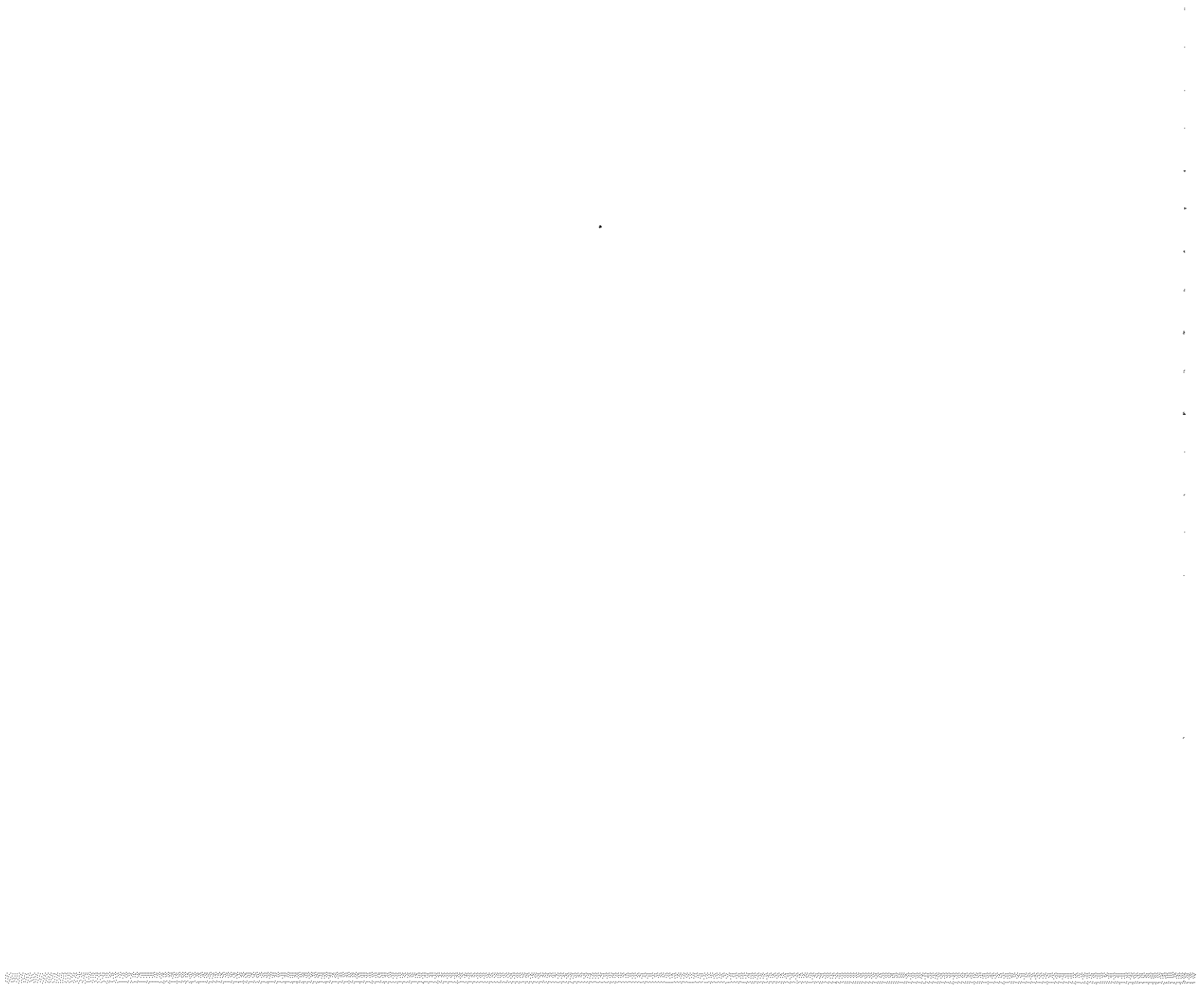
The Missile Defense Agency (MDA) welcomes the public's comments on the scope of the Environmental Impact Statement (EIS), potential alternatives, identification of environmental concerns, issues that should be addressed in the EIS, and the project's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act of 1966.

The public is encouraged to submit comments during the scoping period from **May 5, 2023, through June 27, 2023**. Comments may be submitted **at the open house public scoping meetings, by email to info@eiamd-eis.com, online (<https://eiamd-eis.com>), or by U.S. postal mail to:**

ManTech International Corporation
Attention: EIAMD EIS Project Support
PMB 403
1270 N. Marine Corps Dr., Suite 101
Tamuning, Guam 96913-4331

Comments must be postmarked or received online by June 27, 2023, for consideration in the Draft EIS. The National Environmental Policy Act process requires public involvement during the scoping period and when the Draft EIS is available for public review and comment.

Privacy Advisory: Requesting public review and comment on the scope of the EIAMD EIS and environmental issues that should be considered is required in accordance with the National Environmental Policy Act. The EIS process will also support the National Historic Preservation Act requirements, including Section 106 consultation. All comments received during the public comment period will become part of the public record and will be considered during preparation of the EIS. Providing private address information with your comment is voluntary and such personal information will be kept confidential unless release is required by law. Failure to provide your address will result in your name not being included on the project notification list, and you will not receive notifications about this project.



U.S. Department of Defense - Missile Defense Agency

National Environmental Policy Act (NEPA)

The NEPA requires all federal agencies to evaluate and consider the environmental impacts of their proposed actions and reasonable alternatives to those actions. The NEPA process enables federal agencies such as the Missile Defense Agency (MDA) to make informed decisions about the consequences of our projects, to both solicit public input and inform the public about our findings, and to take actions that will protect the environment.

The NEPA process starts after a proposal is formulated to take a major federal action. In the process, there are three levels of analysis depending on whether or not a proposed action could significantly affect the environment. The basic levels of NEPA environmental review and documentation process include:

Categorical Exclusion (CATEX): A category of actions that normally do not have a significant effect on the human environment, and therefore do not require preparation of an environmental assessment or environmental impact statement. Some CATEXs are documented with a Record of Environmental Consideration (REC).

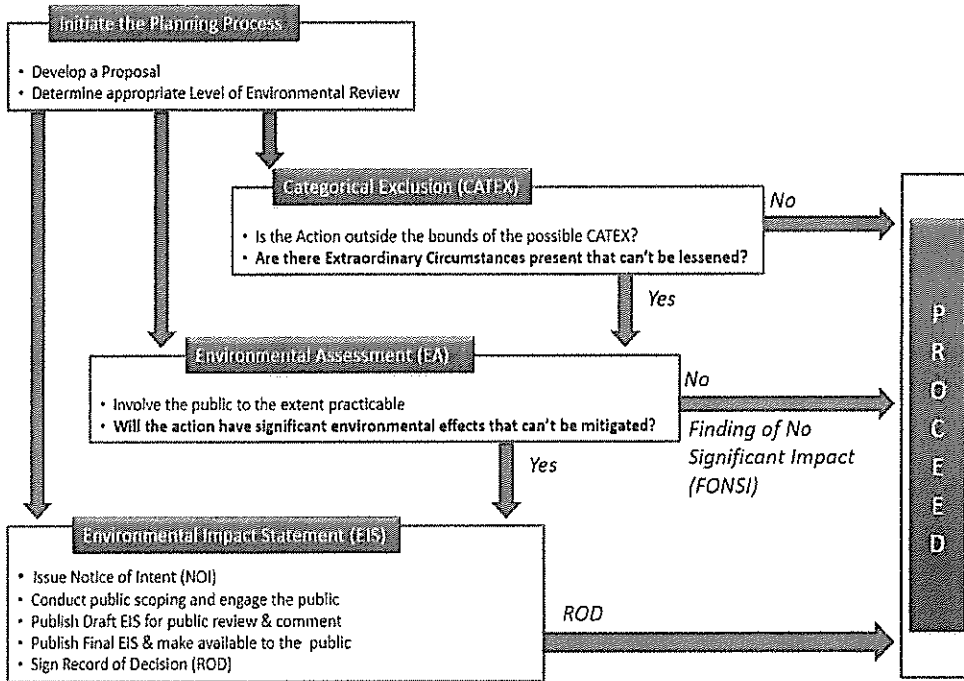
Environmental Assessment (EA): A document that determines whether or not a proposed action has the potential to cause significant environmental impacts. An EA briefly describes the proposed action and its need, any alternative actions to the proposed action, and the environmental impacts of the proposed action and alternatives. In the event an EA is prepared and there are no significant impacts identified that can't be mitigated, then this determination and required mitigations would be documented in a Finding of No Significant Impact (FONSI). If there would be significant impacts that could not be mitigated, then an Environmental Impact Statement would be prepared.

Environmental Impact Statement (EIS): A detailed document prepared for proposed actions expected to have a significant impact on the quality of the human environment. An EIS describes the proposed action and its need, any alternative actions to the proposed action, and the environmental impacts of the proposed action and alternatives. The EIS process begins with publication of a Notice of Intent (NOI) and ends with the issuance of a Record of Decision (ROD). The ROD documents the decision on which action to implement and discusses mitigation and monitoring measures, if necessary.

Mitigation measures avoid or reduce the impact of the action and can include:

- Avoiding the impact by not taking action or not implementing certain parts of the action,
- Minimizing impacts by limiting the degree or magnitude of the action,
- Repairing, rehabilitating, or restoring the affected environment,
- Reducing or eliminating the impact by preservation and maintenance operations during implementation over time, and
- Compensating for the impact by replacing or providing for substitute resources or environments.

The NEPA Process



How the MDA implements NEPA (</about/implementingnepa.html>)

NEPA Documents (</about/nepadocuments.html>)

ENHANCED INTEGRATED AIR & MISSILE DEFENSE (EIAMD) FOR THE DEFENSE OF GUAM

Cultural & Historical

National Historic Preservation Act Consultation Section 106

Section 106 of the NHPA and its implementing regulations at 36 Code of Federal Regulations (CFR) Part 800, requires federal agencies to consider the effects of their undertakings (projects) on historic properties, to seek the input of interested parties and the public (consulting parties), and to provide the Advisory Council on Historic Preservation (ACHP) with a reasonable opportunity to comment. Under these laws, and others, the Missile Defense Agency (MDA) must identify significant historic properties, determine whether the undertaking would adversely affect such properties, and avoid, minimize, or mitigate adverse effects on historic properties. MDA must consult with consulting parties, including the Guam State Historic Preservation Office (SHPO) and those with a demonstrated interest in the project, and seek input from the public.

What is a Consulting Party?

Consulting parties are those with a consultative role defined in Section 106 regulations at 36 CFR 800.2, and may include SHPO, tribes, local government officials, applicants for federal assistance or approvals, and in some cases, the ACHP. Representatives of federal or state agencies involved in the undertaking may also join the Section 106 consultation process as consulting parties. Individuals or organizations that do not have a defined role in the Section 106 process may request consulting party status if they have a demonstrated interest in the undertaking and historic preservation issues.

If you wish to request consulting party status, please email info@EIAMD-EIS.com with your request as soon as possible, including relevant details about your interest in the undertaking, historic preservation issues, and/or your relationship with the project area. MDA will consider all requests for consulting party status.

For more information about the Section 106 process and the role of the public and consulting parties, we recommend reviewing ACHP's publication, "A Citizens Guide to Section 106 Review (external link opens in new window)," which can be found at www.achp.gov (<https://www.mda.mil/system/eiamd/comments.html>) (external link opens in new window).

COUNCIL ON ENVIRONMENTAL QUALITY
EXECUTIVE OFFICE OF THE PRESIDENT

A Citizen's Guide to NEPA

Having Your Voice Heard



JANUARY 2021

The Council on Environmental Quality (CEQ) revised this guide in January 2021 to reflect the updated National Environmental Policy Act (NEPA) Implementing Regulations that became effective on September 14, 2020. CEQ modernized and clarified the regulations to facilitate more efficient, effective, and timely NEPA reviews by Federal agencies. This guide provides an explanation of NEPA, how it is implemented, and how people outside the Federal Government—individual citizens, private sector applicants, members of organized groups, and representatives of Tribal, State, or local government agencies—can participate in the assessment of environmental impacts conducted by Federal agencies. This guide is informational, does not establish new requirements, and is not formal CEQ guidance. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

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List of Acronyms

CE	Categorical Exclusion
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
FONSI	Finding of No Significant Impact
NCECR	McCain Center for Environmental Conflict Resolution
NEPA	National Environmental Policy Act
NOI	Notice of Intent
ROD	Record of Decision
U.S.C.	United States Code

Purpose of the Guide

CEQ developed this guide to help citizens and organizations effectively participate in Federal agencies' environmental reviews under the National Environmental Policy Act (NEPA), which requires the consideration of environmental effects in Federal decision making.¹ With some limited exceptions, all Federal agencies in the executive branch have to comply with NEPA before they make final decisions about major Federal actions that could have environmental effects. The Federal Government takes hundreds of actions every day that may be subject to NEPA, including Federal construction projects, plans to manage and develop federally owned lands, and Federal approvals of non-Federal activities such as grants, licenses, and permits.

The environmental review process under NEPA provides an opportunity for citizens to get involved in a Federal agency's decision-making process. This guide will help you understand proposals for Federal actions, when to offer your thoughts on alternative ways for the agency to accomplish what it proposes, and how to offer your comments on the agency's analysis of the environmental effects of the proposed action and possible mitigation of potential harmful effects of such actions. NEPA requires Federal agencies to consider the effects of their actions on the environment, including interrelated social, cultural, and economic effects. Citizens often possess helpful information about the potential environmental, social, and economic effects that proposed Federal actions may have on people, places, and resources. NEPA's requirements provide you the opportunity to provide information to a Federal agency so it can take your input and unique perspective into account during the decision-making process.

History and Purpose of NEPA

Congress enacted NEPA in December 1969, and President Nixon signed it into law on January 1, 1970. NEPA established this country's national environmental policy and a process to implement it. Section 101 of NEPA declares that the national policy is "to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and [to] fulfill the social, economic, and other requirements of present and future generations of Americans." 42 U.S.C. 4331(a).

What are the Procedural Requirements of NEPA?

Section 102 of NEPA contains procedures to ensure Federal agencies carry out the national policy of Section 101. These procedures require Federal agencies to engage in an environmental review process that integrates the consideration of the environment in Federal agency decision-making. NEPA also directs Federal agencies, to the fullest extent possible, to interpret and administer the policies, regulations, and public laws of the United States consistent with the policies set forth in NEPA.²

In NEPA, Congress recognized that the Federal Government's actions may cause significant environmental effects. Using the NEPA process, agencies must determine if their proposed actions will have significant environmental effects and consider the reasonably foreseeable environmental and related social and economic effects of their proposed actions that have a reasonably close causal relationship to the proposed actions. NEPA does not require particular

results or outcomes. Rather, NEPA encourages better decisions by requiring agencies to consider the environmental effects of their proposed actions in making their decisions. This environmental review process has two major purposes: ensuring that agencies consider the significant environmental consequences of their proposed actions and informing the public about their decision making.

NEPA also created the Council on Environmental Quality (CEQ). One of the responsibilities of CEQ is to consult with Federal agencies on procedures to implement NEPA's procedural requirements. In 1978, CEQ issued binding regulations directing agencies on the fundamental requirements necessary to fulfill their NEPA procedural obligations. CEQ updated these regulations in 2020 to facilitate more efficient, effective, and timely NEPA reviews by Federal agencies and to improve interagency coordination.³

Who is Responsible for Implementing NEPA?

NEPA's procedural requirements apply to all Federal agencies in the executive branch and some Federal boards, commissions, independent agencies, and committees. NEPA does not apply to the President, to Congress, or to the Federal courts.⁴

Because NEPA implementation is an important responsibility of the Federal Government, many Federal agencies have established offices dedicated to NEPA policy and program oversight. Employees in these offices prepare NEPA guidance, policy, and procedures for the agency, and often make this information available to the public through the Internet. A "senior agency official" oversees the agency's overall compliance with NEPA and resolves any implementation issues that may arise, including those related to agency timelines and schedules for environmental reviews.⁵ Federal agencies must develop their own capacity within a NEPA program in order to develop analyses and documents (or review those prepared by others) to ensure informed decision making.⁶ Most agency NEPA procedures are available online at [NEPA.gov](https://www.nepa.gov) or on individual agency websites, which agencies are required to maintain to allow agencies and the public to efficiently and effectively access information about NEPA reviews.⁷ Agency NEPA procedures also are published in the *Federal Register* for public review and comment when first proposed and some are later codified and published in the Code of Federal Regulations.⁸ If you experience difficulty locating an agency's NEPA procedures, you can contact the agency NEPA point of contact and ask for a copy of their procedures.⁹

To What Do the Procedural Requirements of NEPA Apply?

NEPA's procedural requirements apply to a Federal agency's decisions on proposed actions, including providing permits for private actions; financing, assisting, conducting, or approving projects or programs; issuing agency rules, regulations, plans, policies, or procedures; making Federal land management decisions; and an agency's legislative proposals.¹⁰ NEPA applies when a Federal agency has discretion to choose among one or more alternative means of accomplishing a particular goal.¹¹

Frequently, private individuals or companies will become involved in the NEPA process when they need a permit issued by a Federal agency. When a company applies for a permit (for example, for crossing Federal lands or impacting waters of the United States), the agency that is

being asked to issue the permit must evaluate the reasonably foreseeable environmental effects of the permit decision that have a reasonably close causal relationship to the agency decision. Federal agencies might require the private company or developer to pay for the preparation of analyses, but the agency remains responsible for the scope and accuracy of the analysis.

When Does NEPA Apply?

NEPA requires agency decision makers to make informed decisions. Therefore, the NEPA process must be completed before an agency makes a final decision on a proposed action. As a threshold matter, agencies start the NEPA process early by evaluating in their agency NEPA procedures the extent to which a proposed action requires environmental analysis.¹² NEPA does not require the decision maker to select the environmentally preferable alternative or prohibit adverse environmental effects. Indeed, decision makers in Federal agencies often must take into account other concerns and policy considerations in the decision-making process, such as social, economic, technical or national security interests. But NEPA does require that decision makers be informed of the environmental consequences of their decisions.

Federal agencies also can use the NEPA process to comply with other environmental requirements like the Endangered Species Act, the National Historic Preservation Act, the Environmental Justice Executive Order, and other Federal, State, Tribal, and local laws and regulations.¹³ Agencies often coordinate to conduct these other environmental reviews concurrently to increase efficiency and avoid duplication.¹⁴

Who Oversees the NEPA Process?

There are two Federal agencies that have particular responsibilities relating to NEPA. CEQ has primary responsibility for overseeing implementation of NEPA by Federal agencies. Congress placed CEQ in the Executive Office of the President and gave it many responsibilities, including the responsibility to ensure that Federal agencies meet their obligations under the Act. CEQ oversees implementation of NEPA, principally through issuance and interpretation of NEPA regulations that implement the procedural requirements of NEPA. CEQ also reviews and approves Federal agency NEPA procedures, approves alternative arrangements for compliance with NEPA in the case of emergencies, and helps to resolve disputes between Federal agencies and with other governmental entities and members of the public.

The CEQ regulations set forth requirements for agencies and call for agencies to update their own implementing procedures that implement these requirements based on each agency's specific mandates, obligations, and missions.¹⁵ These agency-specific NEPA procedures account for the slight differences in agencies' NEPA processes.

The Environmental Protection Agency's (EPA's) Office of Federal Activities also conducts NEPA oversight as it reviews environmental impact statements (EISs) and some environmental assessments (EAs) issued by Federal agencies.¹⁶ It provides its comments to the public by publishing summaries of them in the *Federal Register*, a daily publication that provides notice of Federal agency actions. Appendix B has information on the *Federal Register*. EPA's reviews are intended to assist Federal agencies in improving their NEPA analyses and decisions.¹⁷

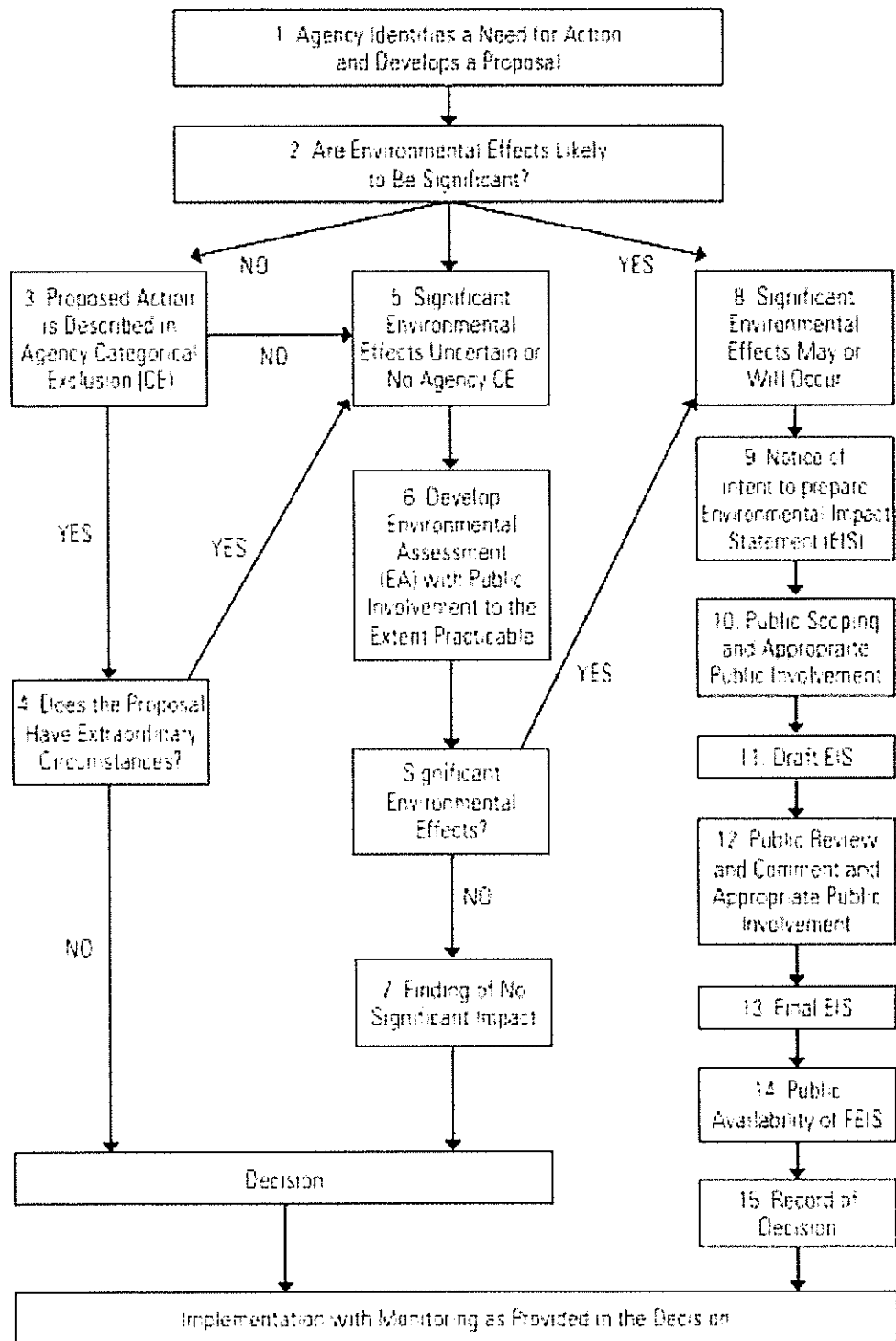
In addition to CEQ's and EPA's oversight, other agencies also may assist in the NEPA process, particularly in issue resolution (for example, the McCain Center for Environmental Conflict Resolution (NCECR) and Federal Permitting Improvement Steering Council).

Navigating the NEPA Process

Each year, Federal agencies prepare thousands of EAs and hundreds of EISs. These documents provide citizens and communities with an opportunity to learn about and be involved in the agencies' environmental reviews that are part of the Federal agency decision-making process. It is important to understand that commenting on a proposal is not a "vote" on whether the proposed action should take place. Nonetheless, the information you provide during the EA and EIS process can influence the decision makers and their final decisions because NEPA requires that Federal decision makers be informed of the environmental consequences of their decisions.

This guide will help you better navigate the NEPA process and better understand the roles of the various other actors. While reading the guide, please refer to the flowchart, "The NEPA Process," in Figure 1, which details the steps of the NEPA process. For ease of reference, each step of the process is designated with a number that is highlighted in the text discussing that particular step. While agencies may differ slightly in how they comply with NEPA, understanding the basics will give you the information you need to work effectively with any agency's process.

The NEPA Process (Figure 1)



** Significant new circumstances or information relevant to environmental concerns or substantial changes in the proposed action that are relevant to environmental concerns may necessitate preparation of a supplemental EIS following either the draft or final EIS, or the Record of Decision. 40 CFR 1502.9(d).*

The NEPA process begins when an agency develops a proposal to address a need to take an action. The need to take an action may be something the agency identifies itself, or it may be a need to make a decision on a proposal brought to it by someone outside of the agency, for example, an applicant for a permit. Based on the need, the agency develops a proposal for action (Number 1 in Figure 1). If it is the only Federal agency involved, that agency will automatically be the “lead agency,” which means it has the primary responsibility for compliance with NEPA.

Some large or complex proposals involve multiple Federal agencies along with State, Tribal, and local agencies. If another Federal, State, Tribal, or local agency has a major role in the proposed action and also has NEPA responsibilities or responsibilities under a similar NEPA-like law,¹⁸ that agency may be a “joint lead agency.” A “joint lead agency” shares the lead agency’s responsibility for management of the NEPA process, including public involvement and the preparation of documents.

Other Federal, State, Tribal, or local government agencies may have a decision or special expertise regarding a proposed action, but less of a role than the lead agency. In that case, such a Federal, State, Tribal, or local government agency may be a “cooperating agency.” A “cooperating agency” is an agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative). Thus, a “cooperating agency” typically will have some responsibilities for the analysis related to its jurisdiction or special expertise.

Special Situations

- Congress may exempt an action from NEPA.
- If the agency needs to take an action that would typically require preparation of an EIS in response to an emergency, and there is insufficient time to follow the regular NEPA process, then the agency can proceed immediately to mitigate harm to life, property, or important resources, and work with CEQ to develop alternative arrangements for compliance with NEPA (40 CFR 1506.12). The NEPA analyses and document may involve classified information. If the entire action is classified, the agency will still comply with the analytical requirements of NEPA, but the information will not be released for public review. If only a portion of the information is classified, the agency will organize the classified material so that the unclassified portions can be made available for review (40 CFR 1507.3(f)).

Implementing the NEPA Process

The CEQ NEPA regulations establish three levels of review for Federal agencies to assess proposals for agency action: a categorical exclusion (CE), an EA, or an EIS. Once it has developed a proposed action, the agency will determine which level of NEPA review the agency will pursue. Agencies may review expeditiously those actions that normally do not have

significant effects by using CEs or, for actions that are not likely to have significant effects, by preparing EAs. By using CEs and EAs whenever appropriate, agencies then can focus their limited resources on those actions that are likely to have significant effects and require an EIS.

Categorical Exclusions (CEs) (Number 3 in Figure 1)

A CE is a category of actions that the agency has determined does not normally have a significant effect on the human environment.¹⁹ Examples include issuing administrative personnel procedures, making minor facility renovations (such as installing energy-efficient lighting), and reconstruction of hiking trails on public lands. Agencies develop a list of CEs specific to their operations when they develop or revise their NEPA implementing procedures in accordance with CEQ's NEPA regulations.²⁰

A CE is based on an agency's experience with a particular kind of action and its environmental effects. The agency may have studied the action in previous EAs, found no significant impact on the environment based on the analyses, and validated the lack of significant impacts after the implementation. If this is a type of action that will be repeated over time, the agency may decide to amend their implementing regulations to include the action as a CE. In these cases, the draft agency procedures are published in the *Federal Register*, and a public comment period is required. Members of the public may comment on draft agency procedures that are proposing new CEs or amending existing CEs to ensure the agency takes into consideration relevant information and views.

An agency may comply with NEPA by determining that a CE applies to a proposed action and verifying that no extraordinary circumstances exist that may cause the proposed action to have a significant effect. Extraordinary circumstances typically include such matters as effects to endangered species, protected cultural sites, and wetlands (Number 4 in Figure 1). If there are no extraordinary circumstances indicating that the effects of the action may be significant, or there are circumstances that lessen the impacts or other conditions sufficient to avoid significant effects, then the agency can proceed with the action.

If the proposed action is not included in the description provided in the CE established by the agency, or there are extraordinary circumstances, the agency must prepare an EA or an EIS, or develop a new proposal that may qualify for application of a CE. When the agency does not know or is uncertain whether significant impacts are expected, the agency should prepare an EA to determine if there are significant environmental effects.

Environmental Assessments (EA) (Number 6 in Figure 1)

The purpose of an EA is to determine the significance of the potential environmental effects of a proposed Federal action and to look at alternative means to achieve the agency's objectives. The EA is a concise public document to aid an agency's compliance with NEPA and support its determination whether to prepare an EIS (Number 6 in Figure 1) or a finding of no significant impact (FONSI) (Number 7 in Figure 1).²¹

Agencies must complete EAs within one year of the agency decision to prepare an EA unless a senior agency official of the lead agency approves a longer period in writing and establishes a new time limit.²²

An EA should include brief discussions of:

- The purpose and need for the proposal;
- Alternative courses of action for any proposal that involves unresolved conflicts concerning alternative uses of available resources;
- The environmental impacts of the proposed action and alternatives; and
- A listing of agencies and persons consulted.²³

Because the EA serves to evaluate the significance of a proposal for agency action, it should focus on the potentially affected environment and degree of the effects of the action.²⁴ Often the EA will identify ways in which the agency can revise the action to minimize environmental effects.

When preparing an EA, the agency has discretion as to the level of public involvement (Number 6 in Figure 1). The CEQ regulations state that the agency must involve, to the extent practicable, the public, State, Tribal, and local governments, other relevant agencies, and applicants in preparing EAs.²⁵ Sometimes agencies will choose to use the scoping and public comment periods that are found in the EIS process. In other situations, agencies make the EA and a draft FONSI available to interested members of the public.

Some agencies require that interested parties be notified of the decision to prepare an EA. Some agencies keep a notification list of parties interested in a particular kind of action or in all agency actions. Other agencies simply prepare the EA. It is important that you read the specific NEPA procedures of the proposing agency or ask the local NEPA point of contact working on the project about the process and let the appropriate agency representative know if you are interested in being notified of all NEPA documents or NEPA processes related to a particular type of action.

The EA process concludes with either a FONSI (Number 7 in Figure 1) or a determination to proceed to preparation of an EIS. A FONSI is a document that presents the reasons why the agency has concluded that there are no significant environmental impacts projected to occur upon implementation of the action.²⁶ The FONSI either includes the EA or incorporates the EA by reference.

In two circumstances, the CEQ NEPA regulations require agencies to make the proposed FONSI available for public review for 30 days.²⁷ Those situations are:

- If the type of proposed action has not been done before by the particular agency, or
- If the action is something that typically would require an EIS under the agency NEPA procedures.

If this is the case, the agency usually publishes a notice of availability of the FONSI with information on how and where to provide your comments. The agency may post it on its website, publish it in local newspapers, publish it in the *Federal Register*, or make available in some other manner. If you are interested in a particular action that is the subject of an EA, you should find out from the agency how it will make the FONSI available.

Environmental Impact Statements (EIS) (Number 8 in Figure 1)

A Federal agency must prepare an EIS if it is proposing a major Federal action significantly affecting the quality of the human environment.²⁸ The regulatory requirements for an EIS are more detailed than the requirements for an EA or a CE. The EIS process consists of four main stages, which are explained below: scoping with a public notice of intent (NOI) to prepare an EIS, the draft EIS and public comment period, the final EIS, and the record of decision (ROD).

To the extent practicable, if a proposal will require action by more than one Federal agency, the lead and cooperating agencies will evaluate the proposal in a single EIS and issue a joint ROD. Agencies must complete EISs within two years from the date of the NOI unless a senior agency official of the lead agency approves a longer period in writing and establishes a new time limit.²⁹

Scoping and Public Notice of Intent (Number 10 in Figure 1)

When a proposed action is sufficiently developed for agency consideration, the agency may begin the process of determining the scope of issues for analysis in an EIS. Scoping generally involves identifying significant issues, eliminating non-significant issues from further study, and determining the range of actions, alternatives, and impacts to be considered by the EIS.³⁰

A cornerstone of the scoping process is the publication of a NOI to prepare an EIS in the *Federal Register*, which provides information on the proposed action (Number 10 in Figure 1).³¹ The lead agency publishes the NOI as soon as practicable after the agency determines that the proposal is sufficiently developed to allow for meaningful public comment on alternatives, information, and issues for analysis in the EIS. The NOI briefly summarizes the proposal, including the purpose and need, expected impacts, and possible alternatives. Under the updated CEQ regulations, agencies must request in the NOI public comment specifically on potential alternatives, information, and analyses relevant to the proposed action. The NOI also provides a schedule for the decision-making process including anticipated permits and other authorizations, and describes the agency's proposed scoping process, including any meetings and how the public can get involved. The NOI also contains an agency point of contact who can answer questions about the proposed action and the NEPA process. Scoping also may include pre-application communication with potential cooperating agencies, an applicant, and survey work conducted before or after the publication of the NOI. The scoping process is the best time to identify issues, determine points of contact, establish project schedules, and provide recommendations to the agency. The overall goal is to define the scope of issues to be addressed in depth in the analyses that will be included in the EIS. Specifically, the scoping process will:

- Identify the significant issues to be analyzed in the EIS and eliminate from detailed study non-significant issues;
- Identify people or organizations who are interested in the proposed action and invite them to participate;
- Determine the roles and responsibilities of lead and cooperating agencies;
- Identify any related EAs or EISs;
- Identify gaps in data and informational needs;
- Identify other environmental review and consultation requirements so they can be integrated with the EIS; and

- Indicate the relationship between the development of the environmental analysis and the agency's tentative decision-making schedule.³²

As part of the process, agencies must identify and invite the participation of interested persons. The agency should choose whatever communications methods are best for effective involvement of communities, whether local, regional, or national, that are interested in the proposed action, and the agency must consider the ability of affected persons to access electronic media. Video conferencing, public meetings, conference calls, formal hearings, or informal workshops are among the legitimate ways to conduct scoping. It is in your interest to become involved as soon as the EIS process begins and to use the scoping opportunity to make thoughtful, rational presentations on impacts and alternatives. Some of the most constructive and beneficial interaction between the public and an agency occurs when citizens identify or develop reasonable alternatives that the agency can evaluate in the EIS.

NEPA is About People and Places

Draft EIS (Number 11 in Figure 1)

The next major step in the EIS process that provides an opportunity for your input is when the agency publishes a draft EIS for public comment. The agency publishes its EIS on an agency website and the EPA publishes a Notice of Availability in the *Federal Register* informing you and other members of the public that the draft is available for comment (Number 11 in Figure 1). Based on the communication plan established by the agency, websites, local papers, or other means of public notice may also be used. The comment period is at least 45 days long. During this time, the agency may conduct webinars, public meetings, or hearings as a way to solicit comments.³³ The agency will also request comments from other Federal, State, Tribal, and local agencies that may have jurisdiction or interest in the matter.

One key aspect of a draft EIS is the statement of the underlying purpose and need.³⁴ Agencies draft a "Purpose and Need" statement to describe what they are trying to achieve by proposing an action. The purpose and need statement explains to the reader why an agency action is necessary, and serves as the basis for identifying the reasonable alternatives that meet the purpose and need.

Another fundamental part of the draft EIS is the identification and evaluation of alternative ways of meeting the purpose and need of the proposed action. The lead agency or agencies must, "evaluate reasonable alternatives, and for alternatives that were eliminated from detailed study, briefly discuss the reasons for their elimination."³⁵ Reasonable alternatives are those that are technically and economically feasible, meet the proposal's purpose and need, and, where applicable, meet the goals of the applicant.³⁶ If the agency is considering an application for a permit or other Federal approval, the agency must still consider all reasonable alternatives. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint, rather than simply desirable from the standpoint of the applicant. Agencies are obligated to evaluate a reasonable range of feasible alternatives in enough detail so that a reader can compare and contrast the environmental effects of the various alternatives.

If an agency has a preferred alternative when it publishes a draft EIS, the draft must identify which alternative the agency prefers. All agencies must identify a preferred alternative in the final EIS, unless another law prohibits it from doing so.³⁷

Agencies must always describe and analyze a “no action” alternative. The “no action” alternative is simply what would happen if the agency did not act upon the proposal for agency action. For example, in the case of an application to the U.S. Army Corps of Engineers for a permit to place fill material from a dredging project in a particular area, the “no action” alternative is no permit. But in the case of a proposed new management plan for the National Park Service’s management of a national park, the “no action” alternative is the continuation of the current management plan. The “no action” alternative describes reasonably foreseeable environmental trends or planned actions in the area that would be affected by the proposed action.³⁸

Definition of Effects

CEQ NEPA Regulation, 40 CFR 1508.1(g)

Effects or impacts means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives, including those effects that occur at the same time and place as the proposed action or alternatives and may include effects that are later in time or farther removed in distance from the proposed action or alternatives.

(1) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment), social, or health effects. Effects may also include those resulting from actions that may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.

(2) A “but for” causal relationship is insufficient to make an agency responsible for a particular effect under NEPA. Effects should generally not be considered if they are remote in time, geographically remote, or the product of a lengthy causal chain. Effects do not include those effects that the agency has no ability to prevent due to its limited statutory authority or would occur regardless of the proposed action.

(3) An agency’s analysis of effects shall be consistent with this paragraph (g). Cumulative impact, defined in 40 CFR 1508.7 (1978), is repealed.

The environmental consequences section discusses the effects of the proposed action, no action, and reasonable alternatives. It also forms the scientific and analytic basis for the comparisons of the proposed action and reasonable alternatives made under the alternatives section. For purposes of NEPA, “effects” and “impacts” mean the same thing—changes to the human

environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives. This includes those effects that occur at the same time and place as the proposed action or alternatives and may include effects that occur later or are farther removed in distance from the proposed action or alternatives.³⁹ Impacts include ecological, aesthetic, historic, cultural, economic, social, or health impacts, whether adverse or beneficial.⁴⁰ It is important to note that human beings are part of the environment (indeed, that is why Congress used the phrase “human environment” in NEPA), so when an EIS is prepared and economic or social and natural or physical environmental effects are interrelated, the EIS should discuss all of these effects.⁴¹

In addition to the environmental impacts of the proposed action and alternatives, the environmental consequences section will discuss:

- Any potential unavoidable adverse environmental effects;
- The relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity;
- Any potential irreversible or irretrievable commitments of resources;
- Possible conflicts with land use plans, policies, and controls for the area;
- Energy and natural or depletable resource requirements and conservation potential of alternatives and mitigation measures;
- Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures;
- Mitigation of adverse environmental impacts; and
- Applicable economic and technical considerations, including the economic benefits of the proposed action.

The draft EIS will also contain a summary of alternatives, information, and analysis submitted by commenters during the scoping process.⁴² The agency will specifically invite comment on this summary.

The EIS also will have a list of the individuals who prepared the document and their qualifications⁴³ and a table of contents.⁴⁴ The agency may choose to append the EIS with additional material relevant to the decision, including material prepared in connection with the EIS or that substantiates its analysis.⁴⁵

Final EIS (Number 13 in Figure 1)

When the public comment period is finished, the agency analyzes comments, conducts further analysis as necessary, and prepares the final EIS. The agency may respond to individual comments or groups of comments by making changes to the proposed action or alternatives, developing new alternatives, modifying its analyses, making factual corrections, or explaining why a comment does not require the agency’s response.⁴⁶ Often the agency will meet with other agencies that may be affected by the proposed action in an effort to resolve an issue or mitigate project effects. The final EIS also will include a summary that identifies all relevant alternatives, information, and analyses submitted by commenters for consideration by the lead and cooperating agencies.⁴⁷

When it is ready, the agency will publish the final EIS and EPA will publish a Notice of Availability in the *Federal Register*. The Notice of Availability can mark the start of a waiting period (Number 14 in Figure 1), during which a minimum of 30 days must pass before the agency can make a decision on its proposed action, unless the agency couples the 30 days with a formal internal appeals process or is authorized to issue a combined final EIS and ROD.⁴⁸ A waiting period provides time for the agency decision maker to consider public comments, the purpose and need for agency action, weigh the alternatives, balance the objectives and policy considerations, and make a decision.

There is an additional (but rarely used) procedure worth noting: pre-decisional referrals to CEQ.⁴⁹ This referral process takes place when EPA or another Federal agency determines that proceeding with the proposed action is environmentally unacceptable. If an agency reaches that conclusion, the agency can refer the issue to CEQ within 25 days after the Notice of Availability for the final EIS is issued. CEQ then works to resolve the issue with the agencies concerned. CEQ might also refer the agencies to the NCECR to try to address the matter before formal elevation.⁵⁰ There is no provision for citizens to formally refer an action to CEQ; however, CEQ typically provides an opportunity for public involvement in a referral.

Record of Decision (ROD) (Number 15 in Figure 1)

The ROD is the final step for agencies in the EIS process. The ROD is a document that states what the decision is; identifies the alternatives considered, including the environmentally preferred alternative; and discusses mitigation plans, including any enforcement and monitoring commitments.⁵¹ In the ROD, the agency discusses all the factors, including any considerations of national policy that were contemplated when it reached its decision on whether to, and if so how to, proceed with the proposed action. The ROD will also discuss if all practical means to avoid or minimize environmental harm have been adopted, and if not, why they were not. The ROD will summarize any monitoring and enforcement program that it has adopted for any enforceable mitigation requirements or commitments.⁵² The ROD also will contain a certification by the decision maker that, in developing the EIS, the agency has considered all of the alternatives, information, analysis, and objections submitted by State, Tribal, and local governments and public commenters.⁵³ The ROD is a publicly available document. Sometimes RODs are published in the *Federal Register* or on the agency's website, but if you are interested in receiving the ROD, you should ask the agency's point of contact for the EIS how to obtain a copy of the ROD.

Supplemental EIS

Sometimes a Federal agency is obligated to prepare a supplement to an existing EIS. An agency must prepare a supplement to either a draft or final EIS if the proposed action has not been completed and the agency makes substantial changes in the proposed action that are relevant to environmental concerns or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. An agency may also prepare a supplemental EIS if it determines that doing so will further the purposes of NEPA.⁵⁴ An agency prepares a supplemental EIS in the same way as a draft or final EIS, except that scoping is not required. If a supplement is prepared following a draft EIS, the final EIS will address both the draft EIS and supplemental EIS. An agency may find that substantial changes

in a proposed action or new circumstances or information do not result in significant environmental concerns. In such cases, the agency will document the finding consistent with its procedures, or, if necessary, in a FONSI supported by an EA.

EPA's Review

EPA plays a critical role in other agencies' NEPA processes. EPA must review and provide comments on the adequacy of the analysis and the impact to the environment.⁵⁵ EPA must refer a matter to CEQ if it determines that the action is environmentally unsatisfactory.

The Office of Federal Activities in EPA is the official recipient of all EISs prepared by Federal agencies, and publishes the notices of availability in the *Federal Register* for all draft, final, and supplemental EISs. The publication of these notices start the official clock for public review and comment periods and wait periods.⁵⁶ In addition to the *Federal Register*, EISs are available in the EIS database at <https://www.epa.gov/nepa>.

When and How to Get Involved

It Depends on the Agency

To determine the specific steps in the process where public involvement will be the most effective, it is very important to review the agency's NEPA procedures and the agency's NEPA website.⁵⁷ As previously mentioned, NEPA procedures may differ among agencies.

In addition, new legislation and presidential directives can change the way NEPA is implemented in agencies. Congress has enacted a number of statutes to improve coordination among agencies, integrate NEPA with other environmental reviews, and bring more transparency to the NEPA process. Presidents also have directed agencies, through Executive orders and Presidential memoranda, to undertake various initiatives that improve the timeliness and efficiency of the NEPA process.

Infrastructure Projects under FAST-41

In 2015, Congress enacted Title 41 of the Fast Act (FAST-41) to provide for a more efficient environmental review and permitting process for "covered projects."⁵⁸ These are projects that require Federal environmental review under NEPA, are expected to exceed \$200 million, and involve the construction of infrastructure for renewable or conventional energy production, electricity transmission, water resource projects, broadband, pipelines, manufacturing, and other sectors.

FAST-41 created the Federal Permitting Improvement Steering Council (FPISC or Permitting Council), composed of agency Deputy Secretary-level members and chaired by an Executive Director appointed by the President. FAST-41 establishes new procedures that standardize interagency consultation and coordination practices. FAST-41 also codifies into law the use of a Permitting Dashboard to track project timelines (www.permits.performance.gov). The Permitting Dashboard is an online tool for Federal agencies, project developers, and interested members of the public to track the Federal Government's environmental review and

authorization processes for large or complex infrastructure projects. Project sponsor participation in FAST-41 is voluntarily.

FAST-41 codified certain roles and responsibilities required by the NEPA regulations, such as the concepts of lead and cooperating agencies, and the different levels of NEPA analysis—EISs, EAs, and CEs—and the requirement for CEQ to resolve any dispute over designation of a facilitating or lead agency for a covered project.⁵⁹ Additionally, Congress addressed interagency coordination on key aspects of the NEPA process, including scoping, identification of the range of reasonable alternatives for study in an EIS, and the public comment process. Finally, Congress established a two-year statute of limitations for covered projects.⁶⁰ The Permitting Council has more resources on FAST-41 posted on the Permitting Dashboard.

Be Informed of Actions

Sometimes citizens generally are interested in actions taking place in a particular area (for example, in your community or in an ecosystem or a facility that affects you). If this is the case, you can inform the appropriate agency or agencies that you would like to be notified of any proposed action or any environmental impact analysis that might be prepared in that area. In addition, CEQ now requires agencies to have websites where they post environmental documents, relevant notices, and other relevant information for use by interested persons.⁶¹

Active Involvement

Being active in the NEPA process requires you to dedicate some of your resources to the effort. Environmental impact analyses can be technical and lengthy. Agencies can be expected to provide general responses to general comments on a NEPA document, so active involvement in the NEPA process requires a commitment of time and a willingness to share information with the decision-making agency and other citizens. For example, during the scoping process for an EIS, you are encouraged to identify alternatives, information, and analyses relevant to the proposed action for consideration by the agency.⁶² The agency will summarize that information in the draft EIS and invite further comment on that information.⁶³ However, you must submit your comments during the comment periods in order for the agency to consider the information and to ensure informed decision making.⁶⁴

You may participate as an individual, get involved by working with other interested individuals or organizations, or by working through your State, Tribal, or local government. For example, if an agency is taking an action for which your State, Tribal, or local government has special expertise or approval authority, the appropriate State, Tribal, or local agency can become a “cooperating agency” with the Federal agency.⁶⁵ This formal status does not increase their role in decision making, but it does allow the governments to use their knowledge and authorities to help shape the Federal decision-making process.

Another way to participate is to check with local experts such as biologists or economists at a university to assist with your review of the NEPA analyses and documents. You can also form study groups to review environmental impact analyses and enlist experts to review your comments on the documents.

Your involvement in the NEPA process does not have to be confined to commenting on the analysis. If the agency adopts monitoring and mitigation in the ROD, upon request, it must make available to the public the results of relevant monitoring.⁶⁶ Upon request, it also must inform cooperating or participating agencies on progress in carrying out mitigation measures that they have proposed and that were adopted by the agency making the decision.⁶⁷ Community groups also can be involved in monitoring.

In summary, there are several opportunities to get involved in the NEPA process:

- When the agency prepares its NEPA procedure;
- Prior to and during preparation of a NEPA analysis;
- When a NEPA document is published for public review and comment;
- When a final decision is pending before the agency decision-maker; and
- When monitoring the implementation of the proposed action and the effectiveness of any associated mitigation.

Other Processes that Require Public Involvement

When a proposed action is part of a permitting process, the statute or regulations for that permitting process also may provide opportunities to comment in addition to the NEPA public involvement opportunities discussed above. For example, most Federal agency land use planning regulations require public involvement. While this guide does not explore all of those additional possibilities for comment, the NEPA team working on a particular proposal will be familiar with the various comment periods and will be able to inform you of those opportunities. Note that the permitting and NEPA processes should be integrated or run concurrently in order to have an effective and efficient decision-making process.

Public Comment Periods

Agencies must make diligent efforts to involve the public in development and implementation of their NEPA procedures.¹ In requesting comments on a draft EIS, Federal agencies must affirmatively solicit comments in a manner designed to inform those persons or organizations who may be interested in or affected by the proposed action.¹ Citizens involved in the process should ensure that they know how agencies will inform the public that an action is proposed and the NEPA process is beginning (via the *Federal Register*, websites, newspapers, direct mailing, etc.); that certain documents are available; and that preliminary determinations have been made on the possible environmental effects of the proposal (e.g., what level of analysis the agency will initially undertake).

Agencies solicit different levels of involvement when they prepare an EA versus an EIS. In preparing an EIS, agencies must invite the identification of alternatives, information, and analyses relevant to the proposed action during the scoping process. Agencies must summarize that information in the draft EIS and have a 45-day comment period after the draft EIS is made available. In the case of an agency preparing an EA, the CEQ regulations require the agency to involve the public to the extent practicable, but each agency has its own guidelines about how to involve the public for EAs. In any case, citizens are entitled to receive “environmental documents,” such as EAs, involved in the NEPA process.¹

In terms of a specific agency, required public comment periods associated with an EA or an EIS can be found in its NEPA procedures. An agency may grant requests to extend the comment period to ensure enough time for the public and other agencies to review and comment.

Citizens who want to raise issues with the agency should do so as specifically as possible and at the earliest possible stage in the process. Agencies are much more likely to evaluate a new alternative or address a concern if it is raised in a clear and timely manner.

How to Comment

Comments may be the most important contribution from citizens because they promote informed decision making. Comments should provide sufficient detail for the agency to understand the commenter’s position and why the issues raised are important to the decision. Accordingly, comments should be clear, concise, relevant to the analysis of the proposed action, and submitted during the public comment periods. Take the time to organize thoughts and edit the document submitted.⁶⁸ As a general rule, the tone of the comments should be polite and respectful. Those reviewing comments are public servants tasked with a job, and they deserve the same respect and professional treatment that you and other citizens expect in return. Comments that are solution-oriented and provide specific examples will be more effective than those that simply oppose the proposed project. Comments that contribute to developing alternatives that address the purpose and need for the action also are effective. Agencies must invite the submission of alternatives

during the scoping process to facilitate timely submission of comments that contribute to developing alternatives.

Commenting is not a form of “voting” on an alternative. The number of negative comments an agency receives does not prevent an action from moving forward. Agencies typically respond collectively to numerous comments that repeat the same basic message of support or opposition. In addition, general comments that state an action will have “significant environmental effects” will not help an agency make a better decision unless the comment explains the relevant causes and environmental effects. If you think the proposed action will have a significant environmental effect, explain why the issues you raise are significant to the consideration of potential environmental impacts and alternatives to the proposed action. In drafting comments, try to focus on the purpose and need of the proposed action, the proposed alternatives, the assessment of the environmental impacts of those alternatives, and the proposed mitigation.

Finally, remember that decision makers also receive other information and data, such as operational and technical information related to implementing an action, which they will have to consider when making a final decision.

What If Involvement Is Not Going Well?

For the purposes of this discussion, “not going well” means that you or your organization believes that the lead agency is not giving the public sufficient opportunity to get involved or is not using that involvement effectively. Perhaps you think that the agency should hold a public meeting. Or you or your community or group has developed an alternative that you think meets the purpose and need of the proposed action and reflects the policies set forth in NEPA. Maybe you want an extension of the comment period because the document’s appendix is very lengthy, and you simply need more time to review it. Or maybe you feel that communications between your organization and the lead agency have, for some reason, not been constructive.

The most appropriate steps to take if you find yourself in these kinds of situations always depend, of course, on the particular people, timing, and proposal at hand. Nonetheless, here are some possible factors and courses of action to consider.

Do Not Wait Too Long

First, do not wait too long to raise your concerns; raise them as soon as practicable, and be mindful of the comment period and when it ends. If you just sit back and hope that things will get “better” or that your comments will have greater effect later, you may hear that “you should have raised this sooner.” At times, waiting can be detrimental to your interests as well as to the rest of the public and the agency involved. For example, if you feel strongly that a particular alternative should be addressed and do not raise it during the scoping process, then it will not get the benefit of comparative analysis with the other alternatives. In addition, it could result in a more expensive and lengthy process (costing taxpayers, including yourself, more) if your delayed suggestion results in the agency deciding to issue a supplemental EIS analyzing that alternative. Or, if you or your organization later go to court to argue that a certain alternative should have been analyzed in the NEPA document, the judge may find that the court will not

consider that information because you should have raised your concern earlier during the NEPA process.⁶⁹

Contact the Agency

Your first line of recourse should be with the individual that the agency has identified as being in charge of this particular process. See if you can sit down with him or her to discuss your concern(s). You may be pleasantly surprised at the response.

Collaboration and Conflict Resolution Support

Some decisions necessarily involve conflicting views, so Federal agencies may choose to engage an impartial third-party to support stakeholder engagement and conflict resolution in a NEPA process. Impartial third-party support may include facilitation, mediation, stakeholder engagement process design, and other services to enhance collaboration between the lead agency and its partners, stakeholders, and citizens. These approaches, referred to as environmental collaboration and conflict resolution (ECCR), are often beneficial if the process ahead may be particularly contentious or challenging and include a past history of deeply divided interests. If you believe the process that you are involved with has a high-level of conflict or contention, consider raising with the lead agency the possibility of enhancing collaborative opportunities within the NEPA process using outside assistance.

In recent years, the Federal Government has used ECCR due to its numerous benefits. The Office of Management and Budget (OMB) and CEQ underscored ECCR's utility by jointly issuing memoranda that directed Federal agencies to increase the effective use of environmental conflict resolution and build institutional capacity for collaborative problem solving.⁷⁰ These memoranda highlighted basic principles for agency engagement in ECCR processes, including informed commitment, balanced and voluntary representation, group autonomy, informed process, accountability, openness, timeliness, and implementation.

ECCR offers many advantages over adversarial approaches to resolve environmental challenges, such as litigation. A 2018 report examining the use of ECCR in Federal processes over the previous decade found that these approaches lead to a savings in time and financial resources, an improvement in relationships between government and stakeholders, and improved outcomes.⁷¹ For example, between 2011 and 2014, the EPA reported that ECCR took 45 percent less time to reach a decision, 30 percent fewer staff, and 79 percent fewer lead attorney hours.⁷² And in a 2009 study, those involved in ECCR reported improved relationships, ability to work together, and level of trust.⁷³ Other benefits to ECCR include:

- Better information, diverse expertise, better-informed decisions;
- Fairer process, especially for traditionally disadvantaged/under-represented parties;
- Better integration, enhanced coordination, and streamlining;
- Conflict prevention and resolution of differences;
- Improved fact-finding and common understanding of the facts;
- Increased social capital through the promotion of trust and partnership;
- Easier implementation "vesting" stakeholders in decision implementation;
- Enhanced stewardship promoted through cooperation; and

- Reduced litigation by solving problems at lowest possible level and narrowing issues.

The NCECR is a Federal agency⁷⁴ that provides collaboration, consensus-building, and conflict resolution services on a range of environmental, natural and cultural resources, Tribal, and public lands issues involving the Federal Government. Citizens can work with lead agencies to express their interest in a collaborative approach and may recommend the involvement of the NCECR.⁷⁵ There may also be an environmental conflict resolution office in your state that can provide assistance, and there are also many other individuals and organizations in the private sector that provide various types of conflict resolution services.

NEPA's Requirements

Perhaps your concern involves understanding a legal requirement. There are, of course, many ways to obtain the advice of lawyers knowledgeable about the NEPA process: the lead agency, private attorneys, and public interest attorneys. Build your own understanding by reading information on the [NEPA.gov](http://www.nepa.gov) website. You may also call the General Counsel's office or the Associate Director for NEPA at the Council on Environmental Quality for assistance in understanding NEPA's legal requirements or for advice and assistance if you have tried to work with the lead agency but feel those efforts have been unsuccessful (see Appendix A for contact information).

Remedies Available

Finally, of course, there are both administrative and judicial remedies available. A few Federal agencies, such as the Bureau of Land Management and the Forest Service, have an administrative appeals process. Each process is specific to that agency. If an appeal is available, you may find it beneficial to invoke it to try to resolve your concerns with the agency's decisions without the need for a legal challenge. Moreover, a statute or agency regulation may require you to exhaust such an appeal procedure before seeking judicial review. Citizens who believe that a Federal agency's actions violate NEPA may seek judicial review (after any required administrative appeals) in Federal court under the Administrative Procedure Act. If you are represented by a lawyer, you should consult with him or her about appropriate options and about communicating with the Federal agencies.

Final Thoughts

This guide was developed to explain NEPA, how it is implemented, and how people outside the Federal Government—individual citizens, private sector applicants, members of organized groups, or representatives of Tribal, State, or local government agencies—can better participate in the assessment of environmental impacts conducted by Federal agencies. To learn more about CEQ and NEPA, visit our web sites at <http://www.whitehouse.gov/ceq> and [NEPA.gov](http://www.nepa.gov) or contact the CEQ Associate Director for NEPA at (202) 395-5750. Your thoughts and comments on improving this Guide for future editions are always welcome.

Appendix A: About the Council on Environmental Quality

The National Environmental Policy Act (NEPA) established the Council on Environmental Quality (CEQ) in 1970 within the Executive Office of the President. CEQ oversees Federal agency NEPA implementation and develops and recommends national policies to the President that promote the improvement of environmental quality and meet the Nation's goals. In addition, CEQ is assigned various duties and responsibilities under other statutes, Executive Orders, and Presidential Memoranda, including with regard to Federal ocean policy, Federal sustainability, and timely environmental review and permitting processes for infrastructure development, and other matters.

The Council on Environmental Quality is housed within the Executive Office of the President. CEQ has offices within the Eisenhower Executive Office Building (EEOB) and within the Jackson Place townhouses on Lafayette Square.

Mailing Address

Council on Environmental Quality
730 Jackson Place, NW
Washington, DC 20503

Main Line: (202) 395-5750

Fax: (202) 456-6546

Appendix B: Useful Websites

NEPA.gov

NEPA.gov is the Council on Environmental Quality's NEPA website that is supported by the U.S. Department of Energy. It contains a wealth of information related to NEPA. The site contains CEQ guidance as well as studies and reports and information on NEPA training.

Under the "Laws & Regulations" section, there are several useful links including:

- The NEPA Statute
- Executive Orders
- CEQ Regulations for Implementing NEPA
- State NEPA Information
- The Legislative History of NEPA
- Individual Federal Agency Procedures for Implementing NEPA⁷⁶

The other sections provide information about:

- Guidance
- How to get involved
- Resources on NEPA Practice
- CEQ Publications
- CEQ Reports

The *Federal Register* and How to Use It

<https://www.federalregister.gov/>

The *Federal Register* is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents. It is updated daily by 6 a.m. and is published Monday through Friday, except Federal holidays.

This is where you will find notices from Federal agencies regarding their NEPA actions. Information on the availability of documents, schedule of meetings, and notices of intent to prepare EISs are also published in the *Federal Register*. In addition, EPA publishes a list of EISs that they have received from agencies each week, and a summary of ratings on EISs that they have reviewed.

The easiest way to pull up notices is to have as much information as possible. Key words such as the name of the agency, location of the action, date or date ranges of the publication are all helpful in the search.

The Electronic Code of Federal Regulations (e-CFR)

www.ecfr.gov

The Electronic Code of Federal Regulations (e-CFR) is a currently updated version of the Code of Federal Regulations (CFR). It is not an official legal edition of the CFR. The e-CFR is an editorial compilation of CFR material and *Federal Register* amendments produced by the National Archives and Records Administration's Office of the Federal Register (OFR) and the Government Publishing Office. The OFR updates the material in the e-CFR on a daily basis. The current update status appears at the top of all e-CFR web pages.

The United States Code

The United States Code is a compilation of most public laws currently in force, organized by subject matter. When a law has been amended by another law, the U.S. Code reflects this change. The U.S. Code collates the original law with subsequent amendments, and it deletes language that has later been repealed or superseded.

The full text of the official version of the U.S. Code is provided on www.govinfo.gov at www.govinfo.gov/app/collection/uscode. You can do fielded searches to look for Code material by popular name of the law, the public law number, U.S. Code citation, Statutes at Large citation, or word or phrase. You can also browse the U.S. Code by individual Code titles, down to the section level, for the latest available update.

The U.S. House Office of the Law Revision Counsel also provides the full text of the official version of the U.S. Code at uscode.house.gov/. You can do fielded searches or download entire titles or chapters. This site also provides classification tables that show where recently enacted laws will appear in the United States Code and which sections of the Code have been amended by those laws.

The Federal Infrastructure Permitting Dashboard

www.permits.performance.gov

The Permitting Dashboard is an online tool for Federal agencies, project developers, and interested members of the public to track the Federal Government's environmental review and authorization processes for large or complex infrastructure projects, part of a government-wide effort to improve coordination, transparency, and accountability.

A major function of this Dashboard is to track infrastructure projects designated as "Covered Projects" under Title 41 of the Fixing America's Surface Transportation Act (FAST-41). The Dashboard also provides information on most DOT projects, as well as other infrastructure projects. Follow the "Projects" link for project-specific information.

Appendix C: Agency NEPA Contacts

The list of Federal NEPA Contacts is maintained on [NEPA.gov](https://nepa.gov) under the heading “NEPA Practice” and is periodically updated.

The complete list is available via the link entitled “Federal NEPA Contacts” or available directly at <https://ceq.doe.gov/nepa-practice/agency-nepa-contacts.html>. If you do not have computer access, call CEQ at (202) 395-5750 for assistance.

Appendix D: Statutory References

The National Environmental Policy Act of 1969

42 U.S.C. 4321. Congressional declaration of purpose [Sec. 2]

The purposes of this chapter are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

(Pub. L. 91–190, § 2, Jan. 1, 1970, 83 Stat. 852)

SUBCHAPTER I—POLICIES AND GOALS [TITLE I]

42 U.S.C. 4331. Congressional declaration of national environmental policy [Sec. 101]

(a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with state and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(Pub. L. 91-190, title I, § 101, Jan. 1, 1970, 83 Stat. 852)

42 U.S.C. 4332. Cooperation of agencies; reports; availability of information; recommendations; international and national coordination of efforts [Sec. 102]

The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this chapter and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by subchapter II of this chapter, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision-making along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, and shall accompany the proposal through the existing agency review processes;

(D) Any detailed statement required under subparagraph (C) after January 1, 1970, for any major Federal action funded under a program of grants to States shall not be deemed to be legally insufficient solely by reason of having been prepared by a state agency or official, if:

(i) the State agency or official has statewide jurisdiction and has the responsibility for such action,

- (ii) the responsible Federal official furnishes guidance and participates in such preparation,
- (iii) the responsible Federal official independently evaluates such statement prior to its approval and adoption, and
- (iv) after January 1, 1976, the responsible Federal official provides early notification to, and solicits the views of, any other state or any Federal land management entity of any action or any alternative thereto which may have significant impacts upon such state or affected Federal land management entity and, if there is any disagreement on such impacts, prepares a written assessment of such impacts and views for incorporation into such detailed statement.

The procedures in this subparagraph shall not relieve the Federal official of his responsibilities for the scope, objectivity, and content of the entire statement or of any other responsibility under this Act; and further, this subparagraph does not affect the legal sufficiency of statements prepared by State agencies with less than statewide jurisdiction.

(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(F) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(G) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(H) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(I) assist the Council on Environmental Quality established by subchapter II of this chapter.

(Pub. L. 91-190, title I, § 102, Jan. 1, 1970, 83 Stat. 853; Pub. L. 94-83, Aug. 9, 1975, 89 Stat. 424)

42 U.S.C. 4333. Conformity of administrative procedures to national environmental policy [Sec. 103]

All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this chapter and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this chapter.

(Pub. L. 91-190, title I, § 103, Jan. 1, 1970, 83 Stat. 854)

42 U.S.C. 4334. Other statutory obligations of agencies [Sec. 104]

Nothing in section 4332 [Sec. 102] or 4333 [Sec. 103] shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3)

to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

(Pub. L. 91–190, title I, § 104, Jan. 1, 1970, 83 Stat. 854)

42 U.S.C. 4335. Efforts supplemental to existing authorizations [Sec. 105]

The policies and goals set forth in this chapter are supplementary to those set forth in existing authorizations of Federal agencies.

(Pub. L. 91–190, title I, § 105, Jan. 1, 1970, 83 Stat. 854)

SUBCHAPTER II – COUNCIL ON ENVIRONMENTAL QUALITY [TITLE II]

42 U.S.C. 4341. [Sec. 201] Omitted

Section 201 which required the President to transmit to Congress annually an Environmental Quality Report, was terminated by Congress, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

(Pub. L. 91–190, title II, § 201, Jan. 1, 1970, 83 Stat. 854; Pub. L. 104–66, title III, § 3003, Dec. 21, 1995 of as amended, 31 U.S.C. 1113)

42 U.S.C. 4342. Establishment; membership; Chairman; appointments [Sec. 202]

There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the “Council”). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in subchapter I of this chapter; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

(Pub. L. 91–190, title II, § 202, Jan. 1, 1970, 83 Stat. 854)

Provisions stating that notwithstanding this section, the Council was to consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council, were contained in the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Pub. L. 109–54, title III, Aug. 2, 2005, 119 Stat. 543, and were repeated in provisions of subsequent appropriations acts which are not set out in the Code.

42 U.S.C. 4343. Employment of personnel, experts and consultants [Sec. 203]

(a) The Council may employ such officers and employees as may be necessary to carry out its functions under this chapter. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, (but without regard to the last sentence thereof).

(b) Notwithstanding section 1342 of Title 31, the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council.

(Pub. L. 91–190, title II, § 203, Jan. 1, 1970, 83 Stat. 855; Pub. L. 94–52, § 2, July 3, 1975, 89 Stat. 258)

42 U.S.C. 4344. Duties and functions [Sec. 204]

It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 4341[Sec. 201] of this title;¹

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subchapter I of this chapter, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in subchapter I of this chapter for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

(Pub. L. 91–190, title II, § 204, Jan. 1, 1970, 83 Stat. 855)

42 U.S.C. 4345. Consultation with Citizens' Advisory Committee on Environmental Quality and other representatives [Sec. 205]

In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

¹ CEQ notes that Congress amended 42 U.S.C. 4341 to remove the Environmental Quality Report requirement.

(2) utilize, to the fullest extent possible, the services, facilities and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

(Pub. L. 91-190, title II, § 205, Jan. 1, 1970, 83 Stat. 855)

42 U.S.C. 4346. Tenure and compensation of members [Sec. 206]

Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

(Pub. L. 91-190, title II, § 206, Jan. 1, 1970, 83 Stat. 856)

42 U.S.C. 4346a. Travel reimbursement by private organizations and Federal, State, and local governments [Sec. 207]

The Council may accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, any State, or local government, for the reasonable travel expenses incurred by an officer or employee of the Council in connection with his attendance at any conference, seminar, or similar meeting conducted for the benefit of the Council.

(Pub. L. 91-190, title II, § 207, as added Pub. L. 94-52, § 3, July 3, 1975, 89 Stat. 258)

42 U.S.C. 4346b. Expenditures in support of international activities [Sec. 208]

The Council may make expenditures in support of its international activities, including expenditures for: (1) international travel; (2) activities in implementation of international agreements; and (3) the support of international exchange programs in the United States and in foreign countries.

(Pub. L. 91-190, title II, § 208, as added Pub. L. 94-52, § 3, July 3, 1975, 89 Stat. 258)

42 U.S.C. 4347. Authorization of appropriations [Sec. 209]

There are authorized to be appropriated to carry out the provisions of this chapter not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

(Pub. L. 91-190, title II, § 209, formerly § 207, Jan. 1, 1970, 83 Stat. 856, renumbered § 209, Pub. L. 94-52, § 3, July 3, 1975, 89 Stat. 258)

The Clean Air Act—Section 309

42 U.S.C. 7609. Policy review [Sec. 309]

(a) Environmental impact

The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this chapter or other provisions of the authority of the Administration, contained in any (1) legislation proposed by any Federal

department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 4332(2)(C) of the title applies, and (3) proposed regulations published by any department or agency of the Federal Government. Such written comment shall be made public at the conclusion of any such review.

(b) Unsatisfactory legislation, action, or regulation

In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and the matter shall be referred to the Council on Environmental Quality.

(July 14, 1955, ch. 360, title III, § 309, as added Pub. L. 91-604, § 12(a), Dec. 31, 1970, 84 Stat. 1709)

¹ National Environmental Policy Act of 1969, *as amended*, 42 U.S.C. 4321–4347 provided in Appendix D.

² Section 102 of the National Environmental Policy Act of 1969, 42 U.S.C. 4332.

³ CEQ NEPA Regulations, 40 CFR parts 1500–1508, available at NEPA.gov.

⁴ Council on Environmental Quality, “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act,” 40 CFR 1508.1(k) available at [NEPA.gov](https://www.epa.gov/ceq).

⁵ 40 CFR 1507.2(a) and 1508.1(dd).

⁶ 40 CFR 1507.2.

⁷ 40 CFR 1507.4.

⁸ Agencies publish their draft NEPA procedures in the *Federal Register*, and the CEQ NEPA regulations require a public comment period prior to CEQ approval. 40 CFR 1507.3. Members of the public may participate in the development of agency NEPA procedures by providing comments. Most agencies already have NEPA procedures; however, when they are changed, the agency will again provide for public comment on the proposed changes.

⁹ See Appendix C for information on how to access agency points of contact and agency websites.

¹⁰ 40 CFR 1508.1(q)(2). Note that this section applies only to legislation drafted and submitted to Congress by Federal agencies. NEPA does not apply to legislation initiated by members of Congress or by the President of the United States.

¹¹ 40 CFR 1508.1(x).

¹² 40 CFR 1501.1.

¹³ 40 CFR 1502.24.

¹⁴ 40 CFR 1506.2.

¹⁵ 40 CFR 1507.3.

¹⁶ Clean Air Act, 42 U.S.C. 7609.

¹⁷ For additional information see www.epa.gov/nepa.

¹⁸ About a quarter of the States have such laws; for example, New York, Montana, Washington, and California all have such laws. New York City also has such a law. A list with references is available at NEPA.gov by clicking on “Laws & Regulations,” the “State NEPA Information” or directly at <https://ceq.doe.gov/laws-regulations/states.html>.

¹⁹ 40 CFR 1508.1(d).

²⁰ CEQ has developed a comprehensive list of the Federal agencies’ CEs, which is available at <https://ceq.doe.gov/nepa-practice/categorical-exclusions.html>. Citizens may consult this resource but also should review the relevant agency’s NEPA procedures to ensure that a CE is currently available for use.

²¹ 40 CFR 1508.1(h).

²² 40 CFR 1501.10(b)(1).

²³ 40 CFR 1501.5(c)(2).

²⁴ 40 CFR 1501.3(b).

²⁵ 40 CFR 1501.5(e).

²⁶ 40 CFR 1508.1(l).

²⁷ 40 CFR 1501.6(a)(2).

²⁸ 40 CFR 1502.3.

²⁹ 40 CFR 1501.10(b)(2).

³⁰ 40 CFR 1508.1(cc).

³¹ 40 CFR 1501.9(d).

³² 40 CFR 1501.9.

³³ Public hearings are run in a formal manner, with a recording or minutes taken of speakers' comments. Public meetings may be held in a variety of formats, and may be much more informal than hearings.

³⁴ 40 CFR 1502.13.

³⁵ 40 CFR 1502.14.

³⁶ 40 CFR 1508.1(z).

³⁷ 40 CFR 1502.14(d).

³⁸ 40 CFR 1502.14(c).

³⁹ 40 CFR 1508.1(g).

⁴⁰ 40 CFR 1508.1(g)(1).

⁴¹ 40 CFR 1502.16(b).

⁴² 40 CFR 1502.17(a).

⁴³ 40 CFR 1502.18.

⁴⁴ 40 CFR 1502.10.

⁴⁵ 40 CFR 1502.19.

⁴⁶ 40 CFR 1503.4.

⁴⁷ 40 CFR 1502.17(b).

⁴⁸ 40 CFR 1506.11(b) references statutory provisions for combining a final EIS and ROD. If the end of the 30 day wait period is less than 90 days after the notice of availability of the Draft EIS, was published in the *Federal Register*, then the decision must await the expiration of the 90 days.

⁴⁹ 40 CFR part 1504.

⁵⁰ The NCECR reports disputes it is involved with to CEQ and requests concurrence from CEQ to engage in those disputes involving two or more Federal agencies.

⁵¹ 40 CFR 1505.2.

⁵² 40 CFR 1505.2(a)(3).

⁵³ 40 CFR 1505.2(b).

⁵⁴ 40 CFR 1502.9(d).

⁵⁵ Clean Air Act, 42 U.S.C. 7609.

⁵⁶ 40 CFR 1506.11.

⁵⁷ 40 CFR 1507.4(a).

⁵⁸ Public Law 114-94, sec. 41001-41014, 129 Stat. 1312, 1741 (42 U.S.C. 4370m-4370m-12).

⁵⁹ 42 U.S.C. 4370m-2(a)(6)(B).

⁶⁰ 42 U.S.C. 4370m-6.

⁶¹ CEQ NEPA Regulations, 40 CFR 1507.4.

⁶² CEQ NEPA Regulations, 40 CFR 1501.9(d).

⁶³ CEQ NEPA Regulations, 40 CFR 1502.17, 1503.1(a)(3).

⁶⁴ 40 CFR 1500.3(b).

⁶⁵ 40 CFR 1501.8, 1508.1(e).

⁶⁶ 40 CFR 1505.3(d).

⁶⁷ 40 CFR 1505.3(c).

⁶⁸ There are many reference books for how to research issues, review documents, and write comments. One in particular is "The Art of Commenting" by Elizabeth Mullin from the Environmental Law Institute (Mullin, Elizabeth D. 2000. *The Art of Commenting: How to Influence Environmental Decisionmaking with Effective Comments*, Environmental Law Institute, Washington, DC). Another useful reference for those involved in commenting on transportation projects is the American Association of State Highway and Transportation Officials' (AASHTO) Practitioner's Handbook 05-Utilizing Community Advisory Committees for NEPA Studies, December, 2006, <http://environment.transportation.org> or available through AASHTO's Center for Environmental Excellence by calling (202) 624-3635.

⁶⁹ 40 CFR 1500.3(b), 1503.3(b).

⁷⁰ Memorandum on Environmental Conflict Resolution (Nov. 28, 2005), as expanded by Memorandum on Environmental Collaboration and Conflict Resolution (Sept. 7, 2012), <https://ceq.doe.gov/nepa-practice/environmental-collaboration-and-conflict-resolution.html>.

⁷¹ Federal Forum on Environmental Collaboration and Conflict Resolution, Environmental Collaboration and Conflict Resolution (ECCR): Enhancing Agency Efficiency and Making Government Accountable to the People (May 2, 2018), https://ceq.doe.gov/docs/nepa-practice/ECCR_Benefits_Recommendations_Report_%205-02-018.pdf.

⁷² Hall, W.E. (2016, June). "Assessing the value of environmental collaboration and conflict resolution: A census of litigation related cases to estimate comparative process costs at the U.S. Environmental Protection Agency." Concurrent session presentation, the 29th Annual Conference of the International Association for Conflict Management, Columbia University, New York, NY.

⁷³ Emerson, K., Orr, P.J., Keyes, D.L., & McKnight, K.M. (2009). Environmental conflict resolution: Evaluating performance outcomes and contributing factors. *Conflict Resolution Quarterly*, 27(1), 27–64.

⁷⁴ The McCain Center is a program of Udall Foundation, is an independent, nonpartisan Federal agency. Environmental Policy and Conflict Resolution Act of 1998, 20 U.S.C. 5601–5609, as amended.

⁷⁵ The McCain Center can be contacted via www.ecr.gov; mailing address: John S. McCain III National Center for Environmental Conflict Resolution, 130 S. Scott Ave. Tucson, AZ 85701; phone: (520) 901-8501; or electronic mail: usiecr@ecr.gov.

⁷⁶ The agency implementing procedures can be accessed at https://ceq.doe.gov/laws-regulations/agency_implementing_procedures.html and are mentioned throughout the Citizen's Guide as an important part of the process.





Draft Scope of Work Professional/Technical Services

Vera A. Topasna <vera.topasna@guam.gov>

Tue, Jul 4, 2023 at 1:08 PM

To: "Stephanie G. Flores" <stephanie.flores@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Jose Naputi <jose.naputi@guam.gov>
Cc: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, "Lt. Gov" <joshua.tenorio@guam.gov>

Good Morning Team:

OLDCC is preparing to award a grant to support the CDLO and Office of the Governor to address resiliency issues Post Mawar as well as providing technical assistance relative to the MDA EIS. This grant will require a competitive action on the part of CDLO OOG once awarded.

I need help in drafting the grant application to ensure we get as much support to address resiliency and the buildup issues and look to your expertise to help shape a final grant narrative. I've taken the liberty to begin the draft and have a timeline of next week to submit for OLDCC review/comments. The award will be using FY23 funds which is estimated to be at least 1.5-2Mil in funding support so time is of the essence. This grant application responds to the concerns shared by the Governor/Lt. Governor during their meeting with OLDCC, Steve Chung, Post Mawar. Additionally, based on the current needs of the agency's we can ensure technical support for our regulatory agency's like the SHPO for cultural resources support or GEPA.

For Gov/Lt. Gov - We also look to your input for any areas of concern that we need to address.

 2023 TAS Task Orders.docx

Really appreciate your support and technical review/input.

--

Sincerely,

Vera Topasna

Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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INTRODUCTION:

Governor Lou Leon Guerrero and Lt. Governor Josh Tenorio appreciate the program of assistance, including technical assistance support, that the Office of Local Defense Community Cooperation (OLDCC) has provided to date. They recognize that the OLDCC program of assistance provided to the Territory of Guam is unprecedented compared to the program of assistance provided to other jurisdictions and communities supporting the Department of Defense.

Responding to the Department of Defense (DoD or Department) growing force structure realignments in the region and sustainment of the current legacy units and missions, the Governor recognizes this encompasses many complex DoD planning facets on a highly dynamic and evolving program as highlighted by the most recent release of the National Defense Strategy and Indo-Pacific Strategy Report (IPSR) outlining Guam as a critical regional power projection platform and logistical hub which continues to be an essential forward deployed operating base for U.S. efforts to bolster U.S. operational strategy in the Indo-Pacific region. The recent reactivation of Marine Corps Base Camp Blaz and the planned Guam Missile Defense capabilities contribute to Guam's highly dynamic and evolving program challenges and opportunities in the coming years. While there is an ongoing desire to address all the challenges (systemic and evolving) facing Guam, the Governor and Lt. Governor continue to embrace an incremental, paced, phased approach. The primary goal of the tasks on this grant application is to ensure the Office of the Governor continues to be responsive and prepared for the Military Realignment and Defense program, which is paramount to the Department of Defense.

On May 24, 2023, Guam experienced catastrophic damages from Typhoon Mawar. The strongest typhoon to hit the territory since 2002, Mawar made landfall around 9 p.m. Wednesday, May 24, 2023 as a Category 4 storm at Andersen Air Force Base on the island's northern tip. It restrengthened to Category 5 force, becoming one of the top 10 strongest storms to occur globally since 2000. Mawar brought widespread flooding and heavy winds, knocking out power, water, and telecommunication services to all residents in Guam. U.S. officials declared an emergency in the region on May 22, authorizing disaster relief efforts..

PLANNING and TECHNICAL ADVISORY SERVICES (PTAS) TASK ORDER

Purpose. The magnitude of the DOD proposed action and its dynamic nature underscores the necessity for a Planning and Technical Advisory Consultant (PTAS Consultant) to the Office of the Governor to ensure the Governor and Lt. Governor thoroughly understands and are able to respond to the ever-changing program and to effectively and consistently inform the citizens of Guam.

Goal. The primary goal of the Planning and Technical Advisory Service (PTAS) is to ensure the Office of the Governor is well-versed and has a comprehensive understanding and appreciation of how the DOD proposed action impacts the Territory, including the direct and indirect impacts (especially those that are less obvious).

Project Scope of Work. The PTAS Consultant shall equip and/or enable the Office of the Governor and the Government of Guam to make informed decisions, on behalf of the Territory. The PTAS Services shall provide a reasonable analysis of matters of significance, and then provide counsel and/or recommendations to the Office of the Governor on how the Territory integrates and/or addresses the matters of significance in the Territory's overall planning for military growth.

A. Technical and Advisory Support for the Office of the Governor and the Community Defense Liaison Office.

The Governor's Community Defense Liaison Office continues to serve as the Governor's Liaison and point of contact for the military and provides guidance and support to the Governor and the Lt. Governor for any emerging issue requiring collaboration and coordination. Technical and advisory services support from a consultant is vital for the Governor to be responsive to emerging issues/challenges.

The following list is not all-inclusive, as the Office of the Governor may require additional technical advisory services for new and emerging issues/programs. The option to issue a task to the PTAS shall be at the discretion of the Office of the Governor.

Examples of Tasks:

- 1) Provide the CDLO Director advisory support to emerging issues/challenges as identified by the Governor and Lt. Governor.
- 2) Conducting research, preparing legislative language, undertaking projects, analyzing situations, and providing expert advice to address various needs.
- 3) Collect data, develop strategies, propose solutions, and offer guidance.

Deliverables:

- a. Work with the CDLO Director on assigned tasks, as requested by the Governor and Lt. Governor
- b. Schedule and Conduct meetings with appropriate Government of Guam agencies and stakeholders as necessary.
- c. Provide documentation, white papers, or progress with recommendations for action as necessary.
- d. Plan and coordinate the Guam Defense Forum that addresses key challenges facing military installations, military families and the community. Planning and coordinating shall be at the direction of the CDLO in consultation with the Governor. The Guam Defense Forum will include senior military officials, key members of the Government of Guam and the nation's top defense policy and budget experts.

B. Post Typhoon Mawar - Guam Infrastructure Resilience.

On May 24 2023, Guam experienced catastrophic damages from Typhoon Mawar, the strongest typhoon to hit the territory since 2002. Mawar brought widespread flooding and heavy winds, knocking out power, water, and telecommunication (land phone lines, cellular, data, Wi-Fi, and radio) services in Guam. The level of destruction to residential structures, business establishments, and physical structures/components and facilities of Guam infrastructure providers (power, water, telecommunication) was catastrophic leaving some residents without these services for up to 30 days. The aftermath of this storm exacerbated the weaknesses in the island's infrastructure and brought to light the severe vulnerabilities to mission readiness and the community at large

With the loss of these services for the residents, businesses, public service providers and the military on Guam post the storm, the Governor is seeking technical and advisory services to plan for infrastructure (power, water, telecommunications) resiliency.

Task 1. Work Plan Tasks

Based on documentation and communications with the Office of the Governor and key senior advisors from the CDLO, Guam State Clearinghouse, Guam Infrastructure Office, the consultants will develop a refined Work Plan. CDLO shall ensure the refined work plan aligns with the level of effort reflected in the selected consultants initial proposed budget. CDLO and the consultants shall present a refined work plan to the Governor and Lt. Governor to obtain their concurrency, support, and endorsement of the final agreed Work Plan and/or approach.

The Work Plan shall address and explain how CDLO and consultants intend to undertake and/or conduct the project. The Consultants shall identify critical infrastructure resilience issues taking into consideration any data or reports available.

- 1) Conduct comprehensive power, water and telecommunications resilience assessment
- 2) Provide recommendations for emergency backup measures including but not limited to telecommunications links for emergency response agencies and contact with off-island federal partners, radio broadcasting service, public cellular and internet access, water well and pumping station energy supply, hardening of critical infrastructure, and the development of authenticated information channels for the dissemination of public information
- 3) Assessment of federal regulatory processes that can contribute to telecommunications resilience including the Federal Communications Commission (FCC) Mandatory Disaster Response Initiative (MDRI), Telecommunications Service Priority (TSP) program, and a possible assessment by the Homeland Security and Commerce Department of Guam's access to undersea cables.

C. Environmental Impact Statement (EIS) for Enhanced Integrated Air and Missile Defense System (EIAMD) on Guam. The TAS Services are critical and necessary in order for the Territory, including the general population, to fully understand the environmental, social, and economic impacts caused by the Department of Defense's (DOD) proposed actions.

The Department of Defense, Office of the Secretary issued a Notice of Intent to Prepare an Environmental Impact Statement (EIS) for an Enhanced Integrated Air and Missile Defense System (EIAMD) on Guam, spearheaded by the Missile Defense Agency (MDA), Department of Defense (DoD). The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats.

The magnitude of the DOD proposed action and its dynamic nature underscores the necessity for a TAS Consultant to the Government of Guam, to ensure the Office of the Governor thoroughly understands the EIS and is then able to effectively inform the citizens of Guam. The EA Consultant is not being retained to develop challenges to the Navy's EIS nor being retained to conduct a technical review of the EIS for its technical adequacy. The technical adequacy responsibility rests with the EIS Cooperating Agencies and Territory's Regulatory Agencies, such as the Guam Environmental Protection Agency and the Guam State Historic Preservation Office

Tasks:

- a) Review the completed Draft EIS and Final EIS and prepare an Executive Summary of the program for the Governor.
- b) Present findings to the Governor and Lt. Governor to develop strategic and sustainable solutions to include mitigation efforts identified in the Draft EIS and Final EIS
- c) ~~to assist~~



Latest Guam Defense

Vera A. Topasna <vera.topasna@guam.gov>

Fri, Dec 16, 2022 at 6:26 AM

To: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>

Cc: "Lt. Gov" <joshua.tenorio@guam.gov>, COS <jon.calvo@guam.gov>

Lawmakers set three new 2023 policy initiatives for Guam air and missile defense project

December 14, 2022 at 5:05 PM

See latest congressional actions:

Congress has settled on three new 2023 policy initiatives related to the Guam air and missile defense project, including the requirement that the Defense Department appoint a senior official to oversee the wrangling of personnel, equipment, budgets and more across military services associated with the effort to begin fielding a new capability as soon as 2024.

The final version of the fiscal year 2023 defense policy bill, expected to be signed by the president, would impose new layers of oversight to the estimated multibillion-dollar Guam Defense System -- a top priority for U.S. Indo-Pacific Command -- which aims to provide the U.S. territory in the Western Pacific improved defense against advanced Chinese threats.

The Guam air and missile defense project involves the acquisition and system integration of three separate service-related missile defense programs at multiple sites across the island against a complex array of missile-related threats relying on constrained infrastructure.

The system will be built around the territory's current missile defenses -- the Army's Terminal High Altitude Area Defense on land and Aegis-equipped ships sailing around the island -- and eventually fold in new capabilities such as a next-generation Patriot radar, the Army's new mobile launcher for Tomahawk cruise missiles and Standard Missile-6 and more.

The Missile Defense Agency is working on a Joint Track Management Capabilities Bridge to connect the Army's Integrated Air and Missile Defense Battle Command System (IBCS), the Aegis Weapon System and the Command and Control Battle Management and Communications system to promote greater integration between Army and Navy assets as part of a concept for a hybrid capability to meet INDOPACOM's desire for

a new system by 2026.

An interim capability is slated to be in place by 2024 with a full set of sensors by 2027.

The legislation would require the defense secretary, within 90 days of enactment, to designate a senior official responsible for at least five major tasks associated with the new Guam air and missile defense system: first, design the architecture; second, oversee development of an acquisition strategy for the system; third, ensuring military department and defense agency budgets are sufficient to support the acquisition strategy; fourth, identifying where on the island, elements of the system will be placed; and fifth, oversee the long-term acquisition and sustainment for the system.

The legislation further designates the Guam defense project a special interest acquisition category 1D program, placing it on the roster of Pentagon big-ticket weapon system projects.

A second new policy requirement in the legislation calls for an independent assessment of the Guam defense system architecture. Specifically, it would require the defense secretary within 90 days of the bill's enactment to retain a federally funded research and development corporation to provide the outside look.

The assessment, due 180 days after the bill's enactment, is to include an analysis of: the proposed architecture's "capability to address non-ballistic and ballistic missile threats to Guam, including the sensor, command and control, and interceptor systems being" proposed; "the development and integration risk" of the proposed architecture; and "the manning required to operate the proposed architecture, including the availability of housing and infrastructure on Guam," according to the legislation.

Lastly, the bill would require MDA to "rapidly procure and field up to three vertical launching systems that can accommodate planned interceptors operated by the Navy."

In July, the White House Office of Management and Budget revealed that MDA was making room in the Guam defense system architecture for up to three land-based VLS packages, which appeared to be in response to a House Armed Services Committee provision that is now in the final version of the FY-23 policy bill.

This spring, MDA officials described the Guam defense architecture to be reliant on mobile launchers mounted on 42 trucks that could be moved around the small island -- which is home to key U.S. military capabilities required to defend Taiwan in a conflict -- in an effort to complicate any attack China might wage against the island.

An Aegis VLS can launch Standard Missiles-2, -3, and -6 and Evolved Sea Sparrow missiles.

Vera Topasna



NDAA FY2022 Missile Defense Language

Vera A. Topasna <vera.topasna@guam.gov>

Thu, Jan 27, 2022 at 3:56 PM

To: COS <jon.calvo@guam.gov>

Cc: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, "Lt. Gov" <joshua.tenorio@guam.gov>

Chief:

Based on our discussions today sharing the attached. I believe it explains the activity by Missile Defense team and assessments currently ongoing here on Guam. The 4 Page document outlines the report due by MDA to congress in March (60 days from the date the NDAA was signed by the Pres.) regarding its assessment. I added the budget for your awareness.

--

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

Office of the Governor of Guam

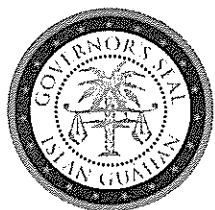
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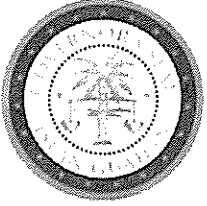
GDS NDAA 2022.pdf

768K

Gov. Lourdes A. Leon Guerrero <governor@guam.gov>
To: "Vera A. Topasna" <vera.topasna@guam.gov>
Cc: COS <jon.calvo@guam.gov>, "Lt. Gov" <joshua.tenorio@guam.gov>

Fri, Jan 28, 2022 at 1:59 AM

Thank you!



1 (2) address the transition of such technologies
2 to industry to support future operationally relevant
3 capabilities.

4 **SEC. 1665. GUAM INTEGRATED AIR AND MISSILE DEFENSE**

NDAA - Approved Budget

5 **SYSTEM.** Procurement - **\$80M**

Development - **\$138.8M**

6 (a) **ARCHITECTURE AND ACQUISITION.**—The Sec-
7 retary of Defense, acting through the Director of the Mis-
8 sile Defense Agency, and in coordination with the Com-
9 mander of the United States Indo-Pacific Command, shall
10 identify the architecture and acquisition approach for im-
11 plementing a 360-degree integrated air and missile de-
12 fense capability to defend the people, infrastructure, and
13 territory of Guam from the scope and scale of advanced
14 cruise, ballistic, and hypersonic missile threats that are
15 expected to be fielded during the 10-year period beginning
16 on the date of the enactment of this Act.

17 (b) **REQUIREMENTS.**—The architecture identified
18 under subsection (a) shall have the ability to—

19 (1) integrate, while maintaining high kill chain
20 performance against advanced threats, all applica-
21 ble—

22 (A) multi-domain sensors that contribute
23 substantively to track quality and track cus-
24 tody;

25 (B) interceptors; and

- 1 (C) command and control systems;
- 2 (2) address robust discrimination and electro-
- 3 magnetic compatibility with other sensors;
- 4 (3) engage directly, or coordinate engagements
- 5 with other integrated air and missile defense sys-
- 6 tems, to defeat the spectrum of cruise, ballistic, and
- 7 hypersonic threats expected to be fielded during the
- 8 10-year period beginning on the date of the enact-
- 9 ment of this Act;
- 10 (4) leverage existing programs of record to ex-
- 11 pedite the development and deployment of the archi-
- 12 tecture during the five-year period beginning on the
- 13 date of the enactment of this Act, with an objective
- 14 of achieving initial operating capability in 2025, in-
- 15 cluding with respect to—
- 16 (A) the Aegis ballistic missile defense sys-
- 17 tem;
- 18 (B) standard missile—3 and —6 variants;
- 19 (C) the terminal high altitude area defense
- 20 system;
- 21 (D) the Patriot air and missile defense sys-
- 22 tem;
- 23 (E) the integrated battle control system;
- 24 and

1 (F) the lower tier air and missile defense
2 sensor and other lower tier capabilities, as ap-
3 plicable;

4 (5) integrate future systems and interceptors,
5 including directed energy-based kill systems, that
6 will also have the capability to detect, track, and de-
7 feat hypersonic missiles in the glide and terminal
8 phases, including integration of passive measures to
9 protect assets in Guam; and

10 (6) incentivize competition within the acquisi-
11 tion of the architecture and rapid
procurement and 12 deployment wherever possible.

13 (c) REPORT.—Not later than 60 days after the date
14 of the enactment of this Act, the Secretary shall submit
15 to the congressional defense committees a report on the
16 architecture and acquisition approach identified under
17 subsection (a), including—

18 (1) an assessment of the development and im-
19 plementation risks associated with each of the ele-
20 ments identified under subsection (b); and

21 (2) a plan for expending funds authorized to be
22 appropriated by this Act or otherwise made available
23 for fiscal year 2022 for such architecture.

24 (d) LIMITATION.—Of the funds authorized to be ap-
25 propriated by this Act or otherwise made available for fis-

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1455

1 cal year 2022 for the Department of Defense for the Of-
 2 fice of Cost Assessment and Program Evaluation, not
 3 more than 80 percent may be obligated or expended until
 4 the date on which the Secretary of Defense submits to
 5 the congressional defense committees the report under
 6 subsection (c).

7 **SEC. 1666. MISSILE DEFENSE RADAR IN HAWAII.**

8 As a part of the defense budget materials (as defined
 9 in section 239 of title 10, United States Code) for fiscal
 10 year 2023, the Director of the Missile Defense Agency
 11 shall certify to the congressional defense committees
 12 that—

13 (1) the future-years defense program submitted
 14 to Congress under section 221 of title 10, United
 15 States Code, in 2022 includes adequate amounts of
 16 estimated funding to develop, construct, test, and in-
 17 tegrate into the missile defense system the discrimi-
 18 nation radar for homeland defense planned to be lo-
 19 cated in Hawaii; and

20 (2) such radar and associated in-flight inter-
 21 ceptor communications system data terminal will be
 22 operational by not later than December 31, 2028.

NEWS: Governor Leon Guerrero Instructs Agencies to Attend Legislative Town Hall

Krystal Paco-San Agustin <krystal.paco@guam.gov>
Bcc: phnotice@guamlegislature.org

Fri, Jul 14, 2023 at 4:13 PM

FOR IMMEDIATE RELEASE - July 14, 2023

Governor Leon Guerrero Instructs Agencies to Attend Legislative Town Hall

Hagåtña, Guam - Governor Lou Leon Guerrero has directed the executive departments and agencies under her authority who received invitations from the Guam Legislature to participate in its upcoming town hall meeting on the proposed missile defense system.

In a letter to Speaker Therese Terlaje, Governor Leon Guerrero provided assurance that the administration has the same information already available to the public and the Guam Legislature. That information can be found online at <https://www.mda.mil/system/eiamd/> which is additionally mirrored on Governor Leon Guerrero's website at <https://governor.guam.gov/militaryaffairs/>.

Speaker Terlaje has raised concerns that there is not enough information on the proposed actions for the public to properly comment on. However, it should be noted that this scoping phase is only the beginning of the Environmental Impact Statement (EIS) process. During this period, the public and the government come together to identify important issues and define the scope of the EIS.

In her letter, Governor Leon Guerrero reminded Speaker Terlaje that during the previous scoping process for the relocation of Marines to Guam, there were few specifics or details given about the proposed actions. The details were instead released in the Draft Environmental Impact Statement (DEIS), followed by another comment period before the Final Environmental Impact Statement (FEIS) was released. After the FEIS, there was an additional comment period before the Record of Decision (ROD) was signed. It is understood by the administration that the same procedure would be used for this EIS, as it is necessary to comply with the National Environmental Policy Act (NEPA).

According to the map released by the Department of Defense (DoD), there are 20 proposed sites for the missile defense system across the island. Although the map lacks specific details, one of the sites identified in the South appears to be outside of DoD's current footprint.

"I spoke to Admiral Nicholson about this southern site that is outside of DoD's footprint, and he has indicated that they intend to lease land from private property owners in that area. I, however, do not know the specific parcels of land they are looking to lease or who those private landowners may be," said Governor Leon Guerrero.

In order to submit scoping comments, Governor Leon Guerrero has assembled critical regulatory agencies to review the "Notice of Intent to prepare an Environmental Impact Statement for an enhanced integrated air and missile defense system on Guam" and identify issues that should be evaluated in the EIS. During this scoping period, the public, including elected officials, such as our local senators and government agencies, may provide comments to help the federal agencies ensure the analysis of issues of interest to the public and identify environmental concerns for consideration in the EIS. Governor Leon Guerrero is encouraging

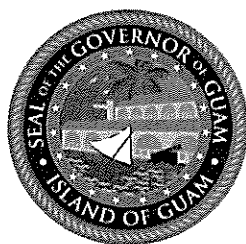
11/11/2020 11:11:11 AM

members of the Guam Legislature to identify issues and submit comments of their own for the current scoping period for consideration in the ultimate impact analysis.

“I am confident that our administration will submit very important and pertinent comments for the scoping period, and I encourage everyone in the public to submit comments of their own. This scoping process is meant for DoD to determine what the public would like for them to study in their EIS. There will be more opportunities to comment on the specifics of their plans once those specifics are finalized and released to the public when the Draft EIS is published,” said Governor Leon Guerrero.

While Government of Guam agencies under her purview will be participating in the town hall meeting, the governor will not be able to attend.

###



Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam


Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

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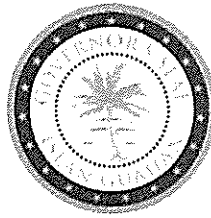
2 attachments

 **071323_ Letter to Speaker Therese Terlaje_ Invitation to Town Hall on DoDs Proposed 360 Degree EIAMDS on Guam.pdf**
348K

 **NEWS_ Governor Leon Guerrero Instructs Agencies to Attend Legislative Town Hall.pdf**
412K

11/11/2023 11:11:11 AM

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to senatorterlajeguam@gmail.com

July 13, 2023

The Honorable Therese M. Terlaje
Chairperson
Committee on Health, Land, Justice, and Culture
37th Guam Legislature
Guam Congress Building
163 W. Chalan Santo Papa
Hagåtña, Guam 96910

RE: Invitation to Town Hall on DoD's Proposed 360-Degree EIAMDS on Guam

Håfa Adai Speaker Terlaje:

This letter is in response to your invitation to me on July 6, 2023, to attend the Legislative Town Hall on Monday, July 17, 2023, at 5:30 P.M. regarding the Missile Defense Agency (MDA), Department of Defense's (DoD) proposed 360-degree Enhanced Integrated Air and Missile Defense (EIAMD) system in Guam. I will not be able to attend. However, I have directed the executive departments and agencies who received invitations to the town hall to participate.

While your letter raises concerns that there is not enough information on the proposed actions for the public to properly comment on, I assure you that my administration has the same information already made available to the public. It should also be noted that this scoping process is only the first stage of the Environmental Impact Statement (EIS) process. As you may recall, the previous scoping process for the relocation of marines to Guam included few details or specific information about their proposed actions. The details were instead released in the Draft Environmental Impact Statement (DEIS), followed by another comment period before the Final Environmental Impact Statement (FEIS) was released. There was another comment period following the FEIS before the Record of Decision (ROD) was signed. It is my administration's understanding that this same process will be followed for this EIS as this process is necessary for compliance with the National Environmental Policy Act (NEPA).

In the meantime, I have assembled critical regulatory agencies to review the Notice of Intent to prepare an EIS for an EIAMD on Guam and identify issues to be evaluated in the EIS. During

From: Governor Leon Guerrero
To: Speaker Terlaje
July 13, 2023
Page 2 of 2

this scoping period, the public, including elected officials, such as our local senators and government agencies, may provide comments to help the federal agencies ensure the analysis of issues of interest to the public and identify environmental concerns for consideration in the EIS.

To more readily facilitate our review and determine cumulative impacts, my agencies are reviewing our previous comments during the scoping period for the 2007 EIS/OEIS 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. Therefore, I encourage the Guam Legislature to identify issues and submit comments for the current scoping period for consideration in the ultimate impact analysis.

Senseramente,



LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

FOR IMMEDIATE RELEASE - July 14, 2023

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Speaker Terlaje has raised concerns that there is not enough information on the proposed actions for the public to properly comment on. However, it should be noted that this scoping phase is only the beginning of the Environmental Impact Statement (EIS) process. During this period, the public and the government come together to identify important issues and define the scope of the EIS.

In her letter, Governor Leon Guerrero reminded Speaker Terlaje that during the previous scoping process for the relocation of Marines to Guam, there were few specifics or details given about the proposed actions. The details were instead released in the Draft Environmental Impact Statement (DEIS), followed by another comment period before the Final Environmental Impact Statement (FEIS) was released. After the FEIS, there was an additional comment period before the Record of Decision (ROD) was signed. It is understood by the administration that the same procedure would be used for this EIS, as it is necessary to comply with the National Environmental Policy Act (NEPA).

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“I am confident that our administration will submit very important and pertinent comments for the scoping period, and I encourage everyone in the public to submit comments of their own. This scoping process is meant for DoD to determine what the public would like for them to study in their EIS. There will be more opportunities to comment on the specifics of their plans once those specifics are finalized and released to the public when the Draft EIS is published,” said Governor Leon Guerrero.

While Government of Guam agencies under her purview will be participating in the town hall meeting, the governor will not be able to attend.

###

From: Krystal Paco-San Agustin <krystal.paco@guam.gov>
Sent: Wednesday, July 12, 2023 3:03 PM
To: undisclosed-recipients:
Subject: Statement on the Progress of Missile Defense Agency Plans
Attachments: Statement on the Progress of Missile Defense Agency Plans.pdf

FOR IMMEDIATE RELEASE - July 12, 2023

Statement on the Progress of Missile Defense Agency Plans

Hagåtña, Guam - The Office of the Governor issues the following response to Senator Chris Barnett's false allegations against the Leon Guerrero-Tenorio Administration:

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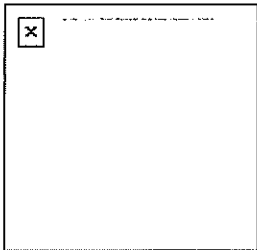
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Krystal Paco-San Agustin, MPA, CM

Director of Communications
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Phone: 671.472.8931

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

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brianne.dunstan@guam.gov

From: Shringi, Bobby <Bobby.Shringi@mail.house.gov>
Sent: Thursday, July 13, 2023 12:20 AM
To: Krystal Paco-San Agustin
Subject: RE: Statement on the Progress of Missile Defense Agency Plans

This information is classified, and while we were briefed on “possible” sites, nothing official has been released. Heck, the funding for the MDA hasn’t even been approved yet. So if you guys need a statement from our office on this issue which is consistent with your statement below, please do let me know.

BS

Bobby A. Shringi
Chief of Staff
Office of Congressman James Moylan
Guam At-Large
1628 Longworth House Building
Washington, D.C., 20515
Bobby.Shringi@mail.house.gov
(202) 235-4632

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Sent: Wednesday, July 12, 2023 1:03 AM
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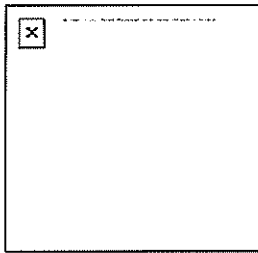
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Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor’s Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

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To unsubscribe from this group and stop receiving emails from it, send an email to phnotice+unsubscribe@guamlegislature.org.

From: Krystal Paco-San Agustin <krystal.paco@guam.gov>
Sent: Friday, July 14, 2023 4:14 PM
To: undisclosed-recipients:
Subject: NEWS: Governor Leon Guerrero Instructs Agencies to Attend Legislative Town Hall
Attachments: 071323_ Letter to Speaker Therese Terlaje_ Invitation to Town Hall on DoDs Proposed 360 Degree EIAMDS on Guam.pdf; NEWS_ Governor Leon Guerrero Instructs Agencies to Attend Legislative Town Hall.pdf

FOR IMMEDIATE RELEASE - July 14, 2023

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In her letter, Governor Leon Guerrero reminded Speaker Terlaje that during the previous scoping process for the relocation of Marines to Guam, there were few specifics or details given about the proposed actions. The details were instead released in the Draft Environmental Impact Statement (DEIS), followed by another comment period before the Final Environmental Impact Statement (FEIS) was released. After the FEIS, there was an additional comment period before the Record of Decision (ROD) was signed. It is understood by the administration that the same procedure would be used for this EIS, as it is necessary to comply with the National Environmental Policy Act (NEPA).

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"I spoke to Admiral Nicholson about this southern site that is outside of DoD's footprint, and he has indicated that they intend to lease land from private property owners in that area. I, however, do not know the specific parcels of land they are looking to lease or who those private landowners may be," said Governor Leon Guerrero.

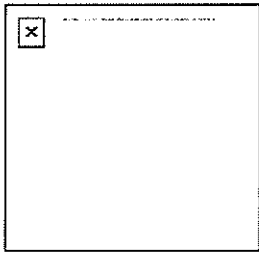
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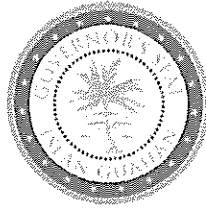
Office of the Governor of Guam

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LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA E. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÂGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to senatorterlajeguam@gmail.com

July 13, 2023

The Honorable Therese M. Terlaje
Chairperson
Committee on Health, Land, Justice, and Culture
37th Guam Legislature
Guam Congress Building
163 W. Chalan Santo Papa
Hagåtña, Guam 96910

RE: Invitation to Town Hall on DoD's Proposed 360-Degree EIAMDS on Guam

Håfa Adai Speaker Terlaje:

This letter is in response to your invitation to me on July 6, 2023, to attend the Legislative Town Hall on Monday, July 17, 2023, at 5:30 P.M. regarding the Missile Defense Agency (MDA), Department of Defense's (DoD) proposed 360-degree Enhanced Integrated Air and Missile Defense (EIAMD) system in Guam. I will not be able to attend. However, I have directed the executive departments and agencies who received invitations to the town hall to participate.

While your letter raises concerns that there is not enough information on the proposed actions for the public to properly comment on, I assure you that my administration has the same information already made available to the public. It should also be noted that this scoping process is only the first stage of the Environmental Impact Statement (EIS) process. As you may recall, the previous scoping process for the relocation of marines to Guam included few details or specific information about their proposed actions. The details were instead released in the Draft Environmental Impact Statement (DEIS), followed by another comment period before the Final Environmental Impact Statement (FEIS) was released. There was another comment period following the FEIS before the Record of Decision (ROD) was signed. It is my administration's understanding that this same process will be followed for this EIS as this process is necessary for compliance with the National Environmental Policy Act (NEPA).

In the meantime, I have assembled critical regulatory agencies to review the Notice of Intent to prepare an EIS for an EIAMD on Guam and identify issues to be evaluated in the EIS. During

From: Governor Leon Guerrero
To: Speaker Terlaje
July 13, 2023
Page 2 of 2

this scoping period, the public, including elected officials, such as our local senators and government agencies, may provide comments to help the federal agencies ensure the analysis of issues of interest to the public and identify environmental concerns for consideration in the EIS.

To more readily facilitate our review and determine cumulative impacts, my agencies are reviewing our previous comments during the scoping period for the 2007 EIS/OEIS 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. Therefore, I encourage the Guam Legislature to identify issues and submit comments for the current scoping period for consideration in the ultimate impact analysis.

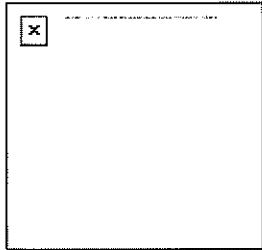
Senseramente,



LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

brianne.dunstan@guam.gov

From: Daylin Pelletier <daylin.pelletier@guam.gov>
Sent: Wednesday, July 12, 2023 12:06 PM
To: Krystal Paco-San Agustin
Subject: Scoping Comment Period Extension
Attachments: MDA EXTENSION 2023.pdf



Daylin Pelletier
Deputy Director of Communications at
The Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Phone: 671.472.8931
Cell: 671.788.6464

11/11/2020 11:11:11 AM

considered for adverse environmental impacts.

Copies of the Draft EIS are available for public review on the project website, at local repositories, and by request (see ADDRESSES). The DoD invites public and agency input on the Draft EIS. Please submit comments and materials during the 45-day public review period to allow sufficient time for consideration in development of the Final EIS (see DATES).

The DoD will consider all comments received and then prepare the Final EIS. As with the Draft EIS, DoD will announce the availability of the Final EIS.

Dated: June 2, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-12350 Filed 6-8-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Scoping Comment Period Extension for the Notice of Intent To Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD).

ACTION: Notice of intent; extension of comment period.

SUMMARY: The MDA is extending the scoping comment period for the notice of intent entitled "Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam," published in the *Federal Register* on May 5, 2023. The MDA is extending the scoping period to August 11, 2023, in response to Typhoon Mawar-related damage and recovery efforts on Guam. In addition, the MDA will reschedule the in-person open house scoping meetings on Guam to the summer of 2023.

DATES: The scoping comment period for the notice of intent published in the *Federal Register* on May 5, 2023 (88 FR 29104) is extended. Comments must be postmarked or received on or before August 11, 2023, to ensure consideration in the Draft Environmental Impact Statement (EIS).

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech

International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331. Written comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: On May 5, 2023, the MDA published notice of intent entitled "Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam" (88 FR 29104). The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars, sensors, missile interceptors, missile launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace on Guam (hereafter called "Proposed Action"). The MDA invited comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act of 1966. The original scoping comment period was scheduled to close on June 27, 2023, with three in-person open house scoping meetings planned on Guam in June 2023.

With this notice, the MDA is extending the scoping comment period to August 11, 2023, in response to Typhoon Mawar-related damage and recovery efforts on Guam.

In addition, the MDA will reschedule the in-person open house scoping meetings on Guam to the summer of 2023. Notification for the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

Dated: June 2, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-12203 Filed 6-8-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare a Supplemental Environmental Impact Statement for Improving Homeport Facilities for Three NIMITZ-Class Aircraft Carriers in Support of the U.S. Pacific Fleet, and To Announce Public Scoping Meetings

AGENCY: Department of the Navy (DoN), Department of Defense (DoD).

ACTION: Notice.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality, the Department of the Navy (DoN) announces its intent to prepare a Supplemental Environmental Impact Statement (SEIS) to update its analysis in the 1999 Final Environmental Impact Statement (FEIS) for Developing Home Port Facilities for Three Nimitz-Class Aircraft Carriers in Support of the U.S. Pacific Fleet and its 2008 Final SEIS. The new SEIS will address current mission objectives, routine pier-side maintenance activities and proposed electrical shoreside power infrastructure, which may result in three CVNs being simultaneously in port at Naval Air Station North Island (NASNI) for more intermittent, nonconsecutive days per year than analyzed in prior NEPA documents. The DoN is initiating a 45-day public scoping process to receive comments on the scope of the SEIS, including identification of potential alternatives, information, and analyses relevant to the Proposed Action, identification of environmental concerns, issues the public would like to see addressed in the SEIS, and the project's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The 45-day public scoping period begins June 9, 2023 and ends July 24, 2023. Comments must be postmarked or submitted electronically via the website no later than 11:59 p.m. PDT on July 24, 2023, for consideration in the Draft SEIS. The DoN will hold three public scoping meetings in the local area during the evenings of June 27-29, 2023. The scoping meetings will consist of informal, open house sessions with informational poster stations staffed by DoN representatives. The information presented at the public meetings will also be available on the project website. The DoN will also publish the public scoping meeting announcements in local newspapers and in press releases. Meeting

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

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Sent: Wednesday, July 12, 2023 3:03 PM
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Attachments: Statement on the Progress of Missile Defense Agency Plans.pdf

FOR IMMEDIATE RELEASE - July 12, 2023

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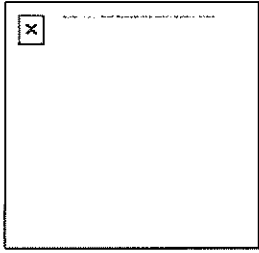
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Director of Communications

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Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

LOURDES A. LEON GUERRERO
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The only information the administration has with regard to DoD's missile defense plan is the information that DoD has already made public.

At this time, the Leon Guerrero-Tenorio Administration is preparing to respond as a government to provide comments from all relevant agencies who may have a direct or indirect impact from the proposed action. Much like the public is invited to participate in the public comment period, the Government of Guam will also be providing input in the areas of environment, socioeconomics, infrastructure, economics, and labor and workforce development. The scoping meetings are designed to elicit public input into the scoping process. This is where the public can comment on what they would like included in the scope of the environmental impact statement. The scoping process is "used to ensure the analysis of issues of interest to the public and/or important to decision making," - **Federal Register/Vol. 79, No. 153/Notices 46411**

The exact details of the Missile Defense Agency's plans have not been released to the public or to the Leon Guerrero-Tenorio Administration. The only information that has been released has already been publicly noticed and published at <https://www.mda.mil/system/eiamd/> and mirrored on the Office of the Governor of Guam's website at (<https://governor.guam.gov/militaryaffairs/>).

Although the original scoping comment period was initially scheduled to close on June 27, 2023, the MDA extended the scoping comment period to August 11, 2023 due to ongoing recovery from Typhoon Mawar. During this period, the federal agency and the public collaborate to define the range of issues to be addressed in the Environmental Impact Statement (EIS).

The in-person open house scoping meetings will be held at a later date. Information will be published as it becomes available to us."

###



brianne.dunstan@guam.gov

From: Esther Aguigui <esther.aguigui@ghs.guam.gov>
Sent: Tuesday, July 4, 2023 5:12 PM
To: Stephanie G. Flores
Cc: Vera A. Topasna; Matthew Santos; Lola Leon Guerrero; Rikki Orsini; Carlotta A. Leon-Guerrero; Michelle Lastimoza; Lola.Leonguerrero@bsp.guam.gov; Warren Pelletier; Krystal Paco-San Agustin; Chelsa Muna-Brecht; Esther Aguigui; Tyrone Taitano; Patrick Lujan; Gov. Lourdes A. Leon Guerrero; Lt. Gov; Jon Calvo; Clynton Ridgell; Jose Naputi; J. George Bamba; Nichole AC Duenas; Eliza G. Dames; Josephine C. Cepeda
Subject: Re: Missile Defense EIS Executive Committee Planning Meeting

Acknowledge receipt of your email; confirming my attendance. Thank you.

V/r,

HSA 17

ESTHER J. C. AGUIGUI
Homeland Security Advisor
Guam Homeland Security

On Mon, Jul 3, 2023 at 5:08 PM Stephanie G. Flores <stephanie.flores@guam.gov> wrote:
Acknowledged.

Sent from my iPhone

On Jul 3, 2023, at 5:07 PM, Vera A. Topasna <vera.topasna@guam.gov> wrote:

Hafa Adai MDA EIS Executive Committee:

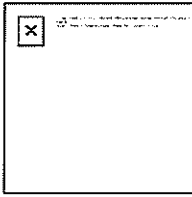
I hope that all is well with everyone post Mawar. As you may be aware the Missile Defense Agency is planning to reschedule scoping meetings for early August. While we await confirmed dates, we are requesting for the Executive Committee to meet and discuss/approve a format for our GovGuam agencies to provide comments.

Meeting is scheduled for Thursday July 6 at 9:00 a.m. Governors Small Conference Room Adelup. Will send courtesy calendar invites. Have a great 4th of July holiday.

--
Sincerely,

Vera Topasna
Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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brianne.dunstan@guam.gov

From: Krystal Paco-San Agustin <krystal.paco@guam.gov>
Sent: Monday, July 3, 2023 7:31 PM
To: Daylin Pelletier
Subject: Fwd: Missile Defense EIS Executive Committee Planning Meeting

Fyi. Attend with me.

----- Forwarded message -----

From: Vera A. Topasna <vera.topasna@guam.gov>
Date: Mon, Jul 3, 2023 at 5:07 PM
Subject: Missile Defense EIS Executive Committee Planning Meeting
To: Matthew Santos <matthew.santos.bsp@guam.gov>, Lola Leon Guerrero <lola.lg.bsp@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, <lola.leonguerrero@bsp.guam.gov>, Warren Pelletier <warren.pelletier@dpr.guam.gov>, Stephanie G. Flores <stephanie.flores@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, Patrick Lujan <patrick.lujan@olddpr.guam.gov>
CC: Gov. Lourdes A. Leon Guerrero <governor@guam.gov>, Lt. Gov <joshua.tenorio@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Jose Naputi <jose.naputi@guam.gov>, J. George Bamba <george.bamba@guam.gov>, Nichole AC Duenas <nicole.duenas@guam.gov>, Eliza G. Dames <eliza.dames@guam.gov>, Josephine C. Cepeda <josephine.cepeda@guam.gov>

Hafa Adai MDA EIS Executive Committee:

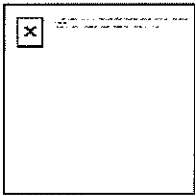
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--

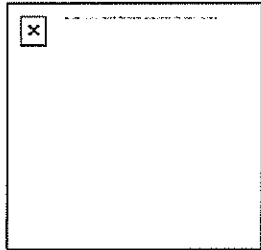
Sincerely,

Vera Topasna
Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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--



Krystal Paco-San Agustin, MPA, CM
Director of Communications
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Phone: 671.472.8931

From: Stephanie G. Flores <stephanie.flores@guam.gov>
Sent: Monday, July 3, 2023 5:08 PM
To: Vera A. Topasna
Cc: Matthew Santos; Lola Leon Guerrero; Rikki Orsini; Carlotta A. Leon-Guerrero; Michelle Lastimoza; Lola.Leonguerrero@bsp.guam.gov; Warren Pelletier; Krystal Paco-San Agustin; Chelsa Muna-Brecht; Esther Aguigui; Tyrone Taitano; Patrick Lujan; Gov. Lourdes A. Leon Guerrero; Lt. Gov; Jon Calvo; Clynton Ridgell; Jose Naputi; J. George Bamba; Nichole AC Duenas; Eliza G. Dames; Josephine C. Cepeda
Subject: Re: Missile Defense EIS Executive Committee Planning Meeting

Acknowledged.

Sent from my iPhone

On Jul 3, 2023, at 5:07 PM, Vera A. Topasna <vera.topasna@guam.gov> wrote:

Hafa Adai MDA EIS Executive Committee:

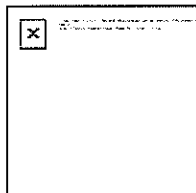
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--

Sincerely,

Vera Topasna
Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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brianne.dunstan@guam.gov

From: Camacho, Auriann <Auriann.Camacho@mail.house.gov>
Sent: Wednesday, June 7, 2023 9:29 AM
To: phnotice@guamlegislature.org
Subject: PRESS RELEASE: MDA PUBLIC SCOPING MEETINGS DELAYED
Attachments: PRESS RELEASE- MDA PUBLIC SCOPING MEETINGS DELAYED.pdf

Hafa Adai,

Please see the attached press release from the office of Congressman James Moylan regarding MDA public scoping meeting being delayed.

Si Yu'os Ma'ase,

Auriann Camacho
Press Secretary

Office of Congressman James Moylan
330 Hernan Cortez Avenue, Suite 300
Hagatna, Guam 96910
671-922-6673
<https://moylan.house.gov/>

--

To unsubscribe from this group and stop receiving emails from it, send an email to phnotice+unsubscribe@guamlegislature.org.

Congress of the United States
House of Representatives
Washington, DC 20515-5301

JUNE 6, 2023
FOR IMMEDIATE RELEASE

MDA PUBLIC SCOPING MEETINGS DELAYED

(Washington, D.C.). Due to the ongoing recovery efforts resulting from the aftermath of Super Typhoon Mawar, the Missile Defense Agency (MDA) advised that the Public Scoping Meetings for the Enhanced Integrated Air and Missile Defense System on Guam have been delayed. Three meetings were originally scheduled for June 14, 15, and 16, 2023, which would have allowed for public discussion.

The MDA is considering rescheduling these public scoping meetings in the late summer of 2023; once scheduled, they will be published and announced in the local media to encourage participation.

The MDA also announced that the public comment period for the notice of intent entitled "Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam" has been extended to August 11, 2023.

END OF STATEMENT



brianne.dunstan@guam.gov

From: Vera A. Topasna <vera.topasna@guam.gov>
Sent: Tuesday, June 6, 2023 10:39 AM
To: Jon Calvo
Cc: Eliza G. Dames; Krystal Paco - Guam
Subject: Fwd: Missile Defense Scoping Process Inquiry
Attachments: Letter on Scoping Meetings for EIAMDS.pdf

Chief:

See attached letter from Pacific Center for Island Security (Robert Underwood) requesting to postpone scoping meetings.

This action is already in progress and we are awaiting official notification from MDA on new dates for scoping. Let me know

if you need us to draft a response letter.

----- Forwarded message -----

From: **Kenneth Kuper** <kennethkuper@pacificcenterforislandsecurity.com>
Date: Tue, Jun 6, 2023 at 10:36 AM
Subject: Missile Defense Scoping Process Inquiry
To: governor@guam.gov <governor@guam.gov>, speaker@guamlegislature.org <speaker@guamlegislature.org>
Cc: vera.topasna@guam.gov <vera.topasna@guam.gov>

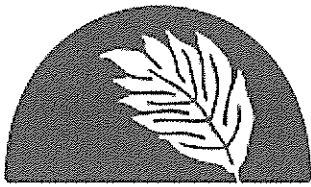
Håfa Adai Governor Leon Guerrero and Speaker Terlaje,

Hope you and your families are recovering from the storm.

Please see attached letter from the Chairman of the Pacific Center for Island Security, Dr. Robert Underwood, requesting the Government's support in postponing the scoping meetings set for the middle of this month.

Si Yu'os Ma'åse',

Kenneth Gofigan Kuper, Ph.D.
Director
Pacific Center for Island Security



PCIS

--

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

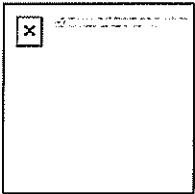
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Hagatna, Guam 96915

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June 6, 2023

The Honorable Lourdes Leon Guerrero
Maga'hågan Guåhan
Ricardo J. Memorial Complex
Hagåtña, GU
ATTN: Ms. Vera Topasña

Honorable Therese Terlaje
Speaker
I Liheslaturan Guåhan
Hagåtña, GU

Re: Postponement of Scoping Meetings for Enhanced Integrated Air and Missile Defense System

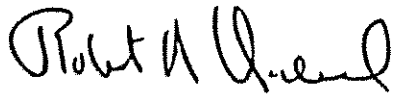
Håfa Adai Governor Leon Guerrero and Speaker Terlaje,

In the midst of Typhoon Mawar and subsequent recovery efforts, the Pacific Center for Island Security believes it is in the best interests of the community that the Missile Defense Agency's planned scoping meetings for the Enhanced Integrated Air & Missile Defense System on Guam be postponed. The three scoping meetings are planned for June 14th-June 16th at various locations throughout the island. The purpose of scoping meetings is to inform the public about the Proposed Action and accept comments on the scope of analysis. Many in Guam are still recovering from the storm. At the time of writing, there are still families without power or water. As the island in its entirety is still reeling from the effects of Typhoon Mawar, our community simply needs more time to consider the impacts of such a large military project for the island. If part of the intent of the scoping meetings is to receive genuine feedback before moving forward with the Environmental Impact Statement, then the Missile Defense Agency should consider the state of the island at this time.

We are asking that the Government of Guam request that the Missile Defense Agency reschedule and postpone these initial scoping meetings for two months. This would be an act of good faith from the military and allow the people of Guam more time to consider the EIAMDS and its impacts. Furthermore, we are requesting that the period the Missile Defense Agency is accepting public

comments (May 5th-June 27th) also be postponed to allow for more time and consideration by the community.

Si Yu'os Ma'ase',

A handwritten signature in black ink, appearing to read "Robert A. Underwood". The signature is fluid and cursive, with the first name "Robert" being the most prominent part.

Dr. Robert Underwood
Chairman
Pacific Center for Island Security

brianne.dunstan@guam.gov

From: Warren Pelletier <warren.pelletier@dpr.guam.gov>
Sent: Monday, May 15, 2023 3:38 PM
To: J. George Bamba
Cc: esther.aguigui; Vera A. Topasna; Rikki Orsini; Carlotta A. Leon-Guerrero; lola.leonguerrero@bsp.guam.gov; Stephanie G. Flores; Tyrone Taitano; Krystal Paco-San Agustin; Walter Leon Guerrero; Jose Naputi; Artemio Ricky Hernandez, PhD; Gov. Lourdes A. Leon Guerrero; Lt. Gov; Jon Calvo; Clynton Ridgell; Jeffrey Moots; Leslie Travis
Subject: Re: MDA EIS Executive Committee Meeting

I will attend.

On Mon, May 15, 2023 at 8:41 AM J. George Bamba <george.bamba@guam.gov> wrote:

I will be attending.
George

On Sat, May 13, 2023 at 7:34 PM esther.aguigui <esther.aguigui@guam.gov> wrote:

Greetings and Håfa adai Director Topasna,

Acknowledge receipt and confirming my attendance.

Thank you for the advanced notice.

V/r,

EJCA

Sent from my Galaxy

----- Original message -----

From: "Vera A. Topasna" <vera.topasna@guam.gov>

Date: 5/13/23 1:53 PM (GMT+10:00)

To: Rikki Orsini <rikki.orsini@guam.gov>, "Carlotta A. Leon-Guerrero" <carlotta.leonguerrero@guam.gov>, lola.leonguerrero@bsp.guam.gov, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Walter Leon Guerrero <walter.leonguerrero@epa.guam.gov>, "J. George Bamba" <george.bamba@guam.gov>, Jose Naputi <jose.naputi@guam.gov>, "Artemio Ricky Hernandez, PhD" <ahernandez@guamairport.net>, Warren Pelletier <warren.pelletier@dpr.guam.gov>

Cc: "Gov. Lourdes A. Leon Guerrero" <governor@guam.gov>, "Lt. Gov" <joshua.tenorio@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Jeffrey Moots <jeffrey.moots@guam.gov>, Leslie Travis <leslie.travis@guam.gov>

Subject: MDA EIS Executive Committee Meeting

Hafa Adai Esteemed Colleagues:

I have taken the liberty to schedule an EIS Executive Committee meeting to move our process forward for our GovGuam agency subcommittees comments/questions to the EIS. Meeting is scheduled for **Monday May 15 at 4:00-5:00 pm Adelup Small Conference Room** Attached is an agenda, plan of action and pertinent MDA EIS information. I also included the last EIS scoping comments provided by GovGuam back in 2007 for reference.

I look forward to your ideas/input. Have a great weekend.

--

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

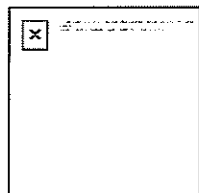
Office of the Governor of Guam

120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915

Office: 671-475-4735

Cell: 671-482-5946



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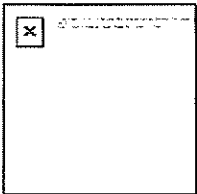
brianne.dunstan@guam.gov

From: Vera A. Topasna <vera.topasna@guam.gov>
Sent: Monday, May 15, 2023 7:47 PM
To: Manny Duenas
Cc: Eliza G. Dames; Jayne Therese Flores; Krystal Paco-San Agustin; Rikki Orsini; Carlotta A. Leon-Guerrero; Esther Aguigui
Subject: Fwd: Copy of Revise Governor Of Guam Group Photo
Attachments: GovernorOfGuam-Visit-USINDOPACOM-20200205.png

The photo attached is the Governors first visit to INDOPACOM. Everyone in the photo are from Guam working at INDOPACOM. The civilians in the photo hold very high positions with INDOPACOM - Two represent Missile Defense Agency, one of them handles Cyber & Intelligence and the female is the Deputy Inspector General for Indopacom. Gov was so impressed by them.

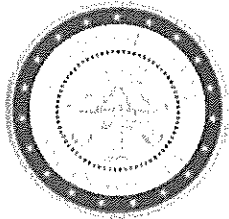
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Sincerely,

Vera Topasna
Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
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11/11/2023 11:11:11 AM



Governor of Guam

Lourdes “Lou” A. Leon Guerrero

Visit to US Indo-Pacific Command, February 5, 2020

UNITED STATES INDO-PACIFIC COMMAND



Left of Governor Leon Guerrero: Attorney Jeff Cook (Governor's husband), LTC (ret) Serafin Meno & COL (ret) Reynold Palaganas.
Right of Governor Leon Guerrero: Mrs. Lisa Aguon, CMSgt (ret) John Palomo, SFC Henry Pangelinan & PO1 Danniell Aquino.



From: Jessy Gogue <ocp.mayor@gmail.com>
Sent: Thursday, May 11, 2023 12:50 PM
To: Krystal Paco-San Agustin
Subject: Re: RESCIND AND REPLACE: NEWS: Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register

Hafa Adai Krystal,

Just wanted to let you know that this Press Release did not provide the times for the Open House, June 14th, 15th, & 16th. Thank you for the info.

Sincerely,
Mayor Gogue

On Sat, May 6, 2023 at 6:04 PM Krystal Paco-San Agustin <krystal.paco@guam.gov> wrote:

FOR IMMEDIATE RELEASE - May 6, 2023

Notice of Intent to Prepare an EIS for a Missile Defense System on Guam
Published in Federal Register
Public Encouraged to Participate in Comment Period Now through June 27

Hagåtña, Guam – The Missile Defense Agency (MDA) and Department of Defense (DoD) officially published its Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam in the Federal Register today. This notice starts the public scoping period which will run through June 27, 2023. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace.

“The deployment of a missile defense system on Guam has significant implications for the local community and the safety of our people. Starting today through June 27, we highly encourage our local community to participate in the process of reviewing and commenting on the Environmental Impact Study for a missile defense system,” said Governor Lou Leon Guerrero. “Participation and feedback are crucial to ensure the system's effectiveness and address any concerns or issues that may arise.”

“Community participation and comments are critical for the deployment of a missile defense system on Guam,” said Lt. Governor Joshua Tenorio. “We encourage community members to participate in the ongoing comment period for the environmental impact study and to provide their input and feedback. This will ensure that the study reflects the community's concerns and priorities and that the potential environmental impacts of the missile defense system are fully understood.”

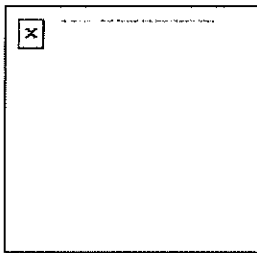
Access to meeting information can be found on the MDA website at <https://www.mda.mil/system/eiamd.html>. The scoping period will be between May 5, 2023, through June 27, 2023 and schedule for Open House Public Scoping Meetings are set as follows:

June 14, 2023 June 15, 2023 June 16, 2023

University of Guam Okkodo High School Southern High School
Calvo Field House Gymnasium Gymnasium
Gymnasium 660 Biradan Anakko 3rd St #1 Jose Perez Leon Guerrero Dr
Mangilao Dededo Santa Rita

The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyzes relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

###



Krystal Paco-San Agustin, MPA, CM

Director of Communications
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Phone: 671.472.8931

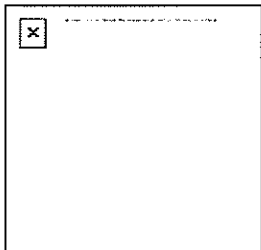
brianne.dunstan@guam.gov

From: Kathleen C. Cepeda <kathleen.cepeda@guam.gov>
Sent: Thursday, May 11, 2023 8:23 AM
To: Kathleen C. Cepeda
Cc: Gov. Lourdes A. Leon Guerrero; Lieutenant Governor Joshua Tenorio; Jon Calvo; Clynton Ridgell
Subject: Governor's Circular No. 2023-06
Attachments: Governor's Circular No. 2023-06.pdf

Hafa Adai,

Please find attached Governor's Circular No. 2023-06, regarding the single point of contact for the Government of Guam's response to the Missile Defense Agency (MDA) Guam missile defense environmental impact statement for an enhanced integrated air and missile defense system on Guam.

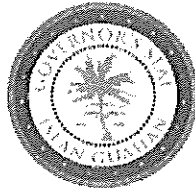
Senseramente,



Kathleen C. Cepeda
Executive Assistant to the Chief of Staff
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
671-473-1112 | governor.guam.gov



LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HAGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

GOVERNOR'S CIRCULAR NO. 2023-06

DATE: May 9, 2023

TO: All Department and Agency Heads

FROM: Lourdes A. Leon Guerrero, Governor of Guam *Signature*

SUBJECT: Single Point of Contact for the Government of Guam's Response to the Missile Defense Agency (MDA) Guam Missile Defense Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

Effective immediately, I am appointing Vera Topasna, Executive Director, Community Defense Liaison Office (CDLO), as the single point of contact for all matters related to the Environmental Impact Statement (EIS) of the Enhanced Integrated Air and Missile Defense (EIAMD) system for Guam.

As you are aware, the Guam Missile Defense is an important development for our island's security in the Indo-Pacific region. The EIS process is a tool in identifying and analyzing probable adverse environmental impacts, reasonable alternatives, and possible mitigation. As a government, we must ensure that the EIS process provides complete transparency and opportunities for our community stakeholders to participate in developing and analyzing information concerning the proposed EIAMD system for Guam. In this regard, I direct all agency heads to work closely with the CDLO to provide all the necessary support and information to enable the CDLO to carry out its responsibilities effectively.

Please ensure that all concerned parties in your respective agencies are informed of this appointment and directed to work with Mrs. Topasna on all matters related to the EIS of the Guam Missile Defense. Furthermore, Mrs. Topasna will establish agency working groups to assist in drafting EIS responses. By prior direction, an Executive Committee is established to assist in reviewing the draft agency questions/responses to present to me a final recommendation and official Government of Guam response to the EIS. All communications to Joint Region Marianas, Indo-Pacific Command, and the Missile Defense Agency shall be coordinated through the CDLO.

Si Yu'os Ma'ase.

11/11/2023 11:11:11 AM

brianne.dunstan@guam.gov

From: Vera A. Topasna <vera.topasna@guam.gov>
Sent: Saturday, May 13, 2023 1:53 PM
To: Rikki Orsini; Carlotta A. Leon-Guerrero; lola.leonguerrero@bsp.guam.gov; Stephanie G. Flores; Esther Aguigui; Tyrone Taitano; Krystal Paco-San Agustin; Walter Leon Guerrero; J. George Bamba; Jose Naputi; Artemio Ricky Hernandez, PhD; Warren Pelletier
Cc: Gov. Lourdes A. Leon Guerrero; Lt. Gov; Jon Calvo; Clynton Ridgell; Jeffrey Moots; Leslie Travis
Subject: MDA EIS Executive Committee Meeting
Attachments: GMD EIS_EXCMTE_051523_Agenda.docx; MDA EIS PLAN OF ACTION_05152023.docx; Notice-of-Intent-to-Prepare-an-Environm...efense-System-on-Guam_2023-09609 # 2.pdf; Enhanced Integrated Air and Missile Def..#3.pdf; Section 106 Consulting#6.pdf; Guam Public Comment FAQ#4.pdf; Environmental Management#5.pdf; CMTF_EIS_OEIS_Scoping_Report_Final (2).doc; A Citizen_s Guide to NEPA_2021#7.pdf

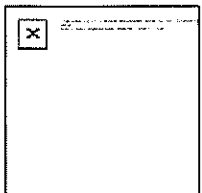
Hafa Adai Esteemed Colleagues:

I have taken the liberty to schedule an EIS Executive Committee meeting to move our process forward for our GovGuam agency subcommittees comments/questions to the EIS. Meeting is scheduled for **Monday May 15 at 4:00-5:00 pm Adelup Small Conference Room**. Attached is an agenda, plan of action and pertinent MDA EIS information. I also included the last EIS scoping comments provided by GovGuam back in 2007 for reference.

I look forward to your ideas/input. Have a great weekend.

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Sincerely,

Vera Topasna
Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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GUAM MISSILE DEFENSE
GOVGUAM EXECUTIVE COMMITTEE MEETING
ADELUP SMALL CONFERENCE ROOM

MAY 15, 2023-4:00 PM

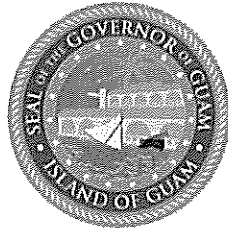
AGENDA

- I. Review EIS Documents
- II. Review Plan of Action for Gov Guam responses
- III. CDLO technical assistance grant opportunity
- IV. Assign leads to support Sub-Committees
 - a. Environment**
 - i. GEPA
 - ii. DOAG
 - iii. LAND
 - iv. BSP (BSP could have a broader role in subcommittees based on planning documents)
 - b. Socio Economics**
 - i. Transportation
 - ii. Public Safety
 - iii. Cultural/Historic (Section 106)
 - iv. Health & Social Services
 - 1. GBHWSS
 - 2. DYA
 - 3. Public Health
 - c. Infrastructure**
 - i. Utilities (GWA/GPA, WERI)
 - ii. Port/DPW/GIAA
 - d. Economics**
 - i. GEDA
 - ii. GVB
 - iii. GHURA
 - e. Labor & Workforce Development**
 - i. DOL
 - ii. UOG
 - iii. GCC

11/11/2020 11:11:11 AM

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT GOVERNOR



VERA A. TOPASNA
EXECUTIVE DIRECTOR

COMMUNITY DEFENSE LIAISON OFFICE
OFFICE OF THE GOVERNOR OF GUAM

MDA EIS Plan of Action

1) **Subcommittee Assignments:** (Note: BSP may have a broader role in subcommittees with its 2050 sustainability plan activities)

a. Environment

- i. GEPA
- ii. DOAG
- iii. Land Mgmt

b. Socio Economics

- i. Transportation
- ii. Public Safety
- iii. Cultural/Historic (Section 106)
- iv. Health & Social Services
 - 1. GBHWSS
 - 2. DYA
 - 3. Public Health

c. Infrastructure

- i. Utilities (GWA/GPA, WERI)
- ii. Port/DPW/GIAA

d. Economics

- i. GEDA
- ii. GVB
- iii. GHURA

e. Labor & Workforce Development

- i. DOL
- ii. UOG
- iii. GCC

2) **Key Plan of Action Dates**

- a) **May 5** – Notice of Intent Published in the Federal Register to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam
- b) **May 8 – May 12** – CDLO Review of Guam Civilian-Military Task Force Contributions for Inclusion in “scoping process” for the EIS / OEIS from May 2007 as an example of what to prepare for the current EIS
- c) **May 8 – May 12** – Meetings scheduled for Executive & Sub-Committees
- d) **May 15 – June 9** – Sub-Committees meet and prepare comments for submission
- e) **June 12** – Pre-brief meeting with Missile Defense Agency liaison and stakeholders
- f) **June 13** – Pre-brief meeting with Missile Defense Agency liaison and stakeholders
- g) **June 14** – Public Scoping Meeting at the University of Guam Calvo Field House Gymnasium from 4 pm to 7 pm. **Executive Committee should attend all scoping meetings. All agency heads should attend one of the public scoping meetings.**

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT GOVERNOR



VERA A. TOPASNA
EXECUTIVE DIRECTOR

COMMUNITY DEFENSE LIAISON OFFICE
OFFICE OF THE GOVERNOR OF GUAM

- h) **June 15** – Public Scoping Meeting at the Okkodo High School Gymnasium from 4 pm to 7 pm. All agency heads should attend one of the public scoping meetings.
- i) **June 16** – Public Scoping Meeting at the Southern High School Gymnasium from 4 pm to 7 pm. All agency heads should attend one of the public scoping meetings.
- j) **June 20** - All Sub-Committees comments due
- k) **June 22** – Comments to be reviewed by the EIS Executive Committee
- l) **June 23** – EIS Executive Committee to meet with Governor Lou Leon Guerrero and Lieutenant Governor Josh Tenorio to review and gain approval on the Sub-Committees comments
- m) **June 26** - Make all necessary changes to the Sub-Committees comments, if required and email to info@EIAMD-EIS.com
- n) **June 27** – Final day for submission of comments for the draft EIS

there are fewer than 200 individuals in the stratum. OPA weights the eligible respondents in order to make inferences about the entire population of active duty spouses. The weighting methodology utilizes standard weighting processes.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09623 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0038]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 5, 2023.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Assistant Secretary for Defense for Military Personnel Policy, Office of Military Compensation Policy, ATTN: Mr. Ronald Garner, Pentagon, Washington, DC 20301-1500, or call (703) 693-1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Data for Payment of Retired Personnel; DD Form 2656; OMB Control Number 0704-0569.

Needs and Uses: The information collection requirement is necessary to obtain applicable retirement information from Uniformed Service members and allow those members to make certain retired pay and survivor annuity elections prior to retirement from service or prior to reaching eligibility to receive retired pay. The form will also allow eligible members covered by the Blended Retirement System to make a voluntary election of a partial lump sum of retired pay, as required by section 1415 of title 10, United States Code.

Affected Public: Individuals or households.

Annual Burden Hours: 31,988.

Number of Respondents: 127,950.

Responses per Respondent: 1.

Annual Responses: 127,950.

Average Burden per Response: 15 minutes.

Frequency: As required.

Every member of the Uniformed Services who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, will voluntarily complete this form to request retired pay, designate beneficiaries, and make a Survivor Benefit Plan election. In an average calendar year, approximately 127,950 members of the Uniformed Service will complete this form. The spouses of retiring members of the Uniformed Services are only required to complete part V of this form if the Service member declines or reduces his or her level of under the Survivor Benefit Plan.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09627 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD).

ACTION: Notice of intent.

SUMMARY: The MDA is issuing this notice of intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the **Federal Register**. Comments must be postmarked or

received on or before June 27, 2023 to ensure consideration in the Draft EIS.

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331. Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the fiscal year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors,

missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

Associated support facilities and infrastructure (e.g., power plants, fuel storage facilities, and water storage facilities), and life support facilities (e.g., family housing, fire stations, and dining facilities) would also be constructed and operated on these sites to support proposed EIAMD components and accommodate personnel associated with the proposed EIAMD system.

The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomics, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on

Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: May 2, 2023.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09609 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0039]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Contract Management Agency announces a proposed public information collection and seeks public comment on the provisions thereof.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use

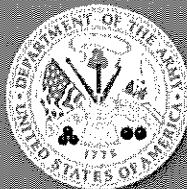


ENHANCED INTEGRATED AIR AND MISSILE DEFENSE SYSTEM ON GUAM

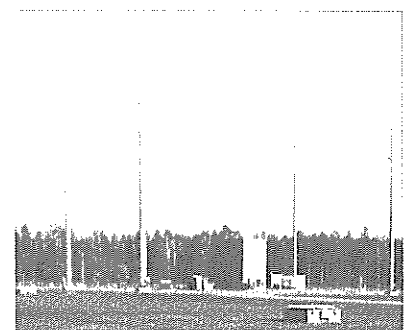
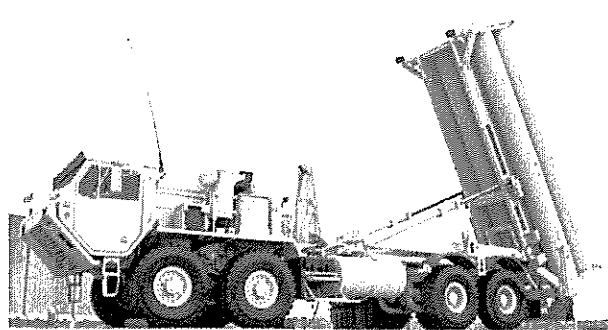
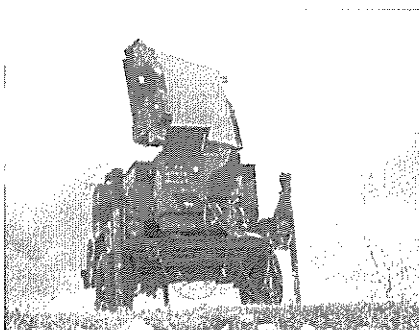
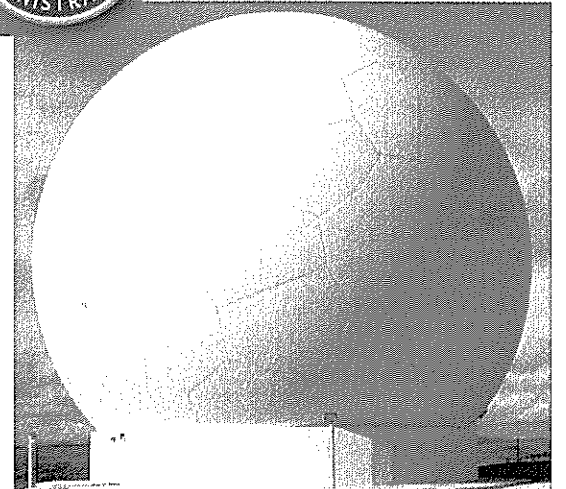
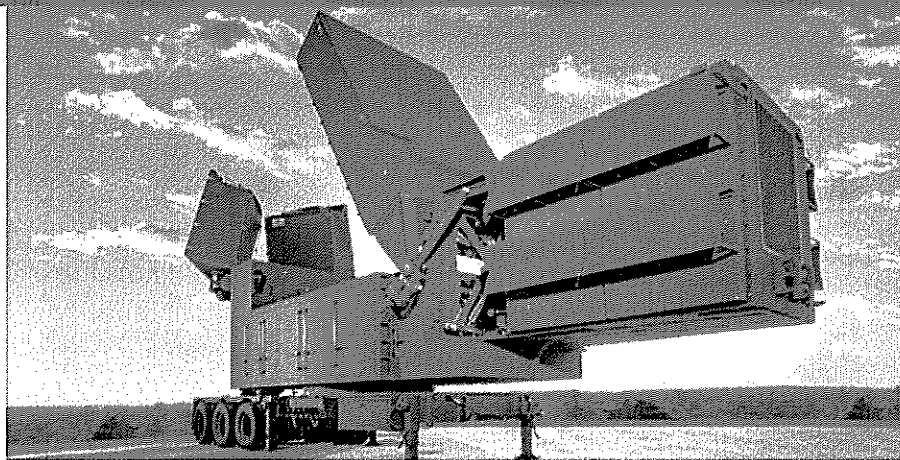
ENVIRONMENTAL IMPACT STATEMENT

Project Information

May 2023



www.mda.mil/system/elamd.html

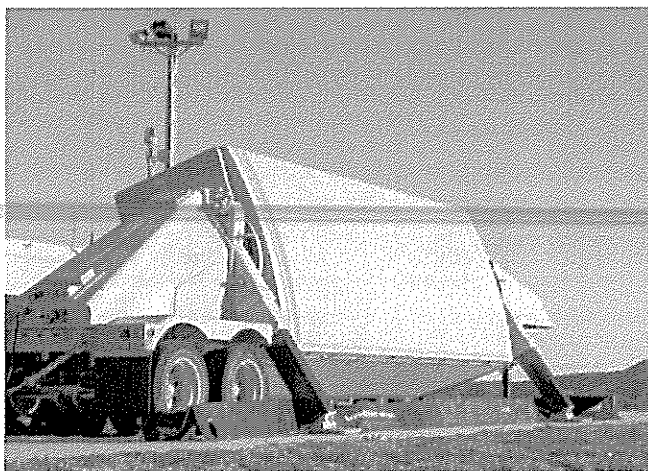


The Missile Defense Agency (MDA), with the U.S. Department of the Army, U.S. Department of the Navy, U.S. Department of the Air Force, and the Federal Aviation Administration as cooperating agencies, is preparing an Environmental Impact Statement (EIS) to evaluate the potential environmental impacts and potential mitigation of deploying and operating an Enhanced Integrated Air and Missile Defense system to defend Guam against advanced missile threats (Proposed Action).

Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. Therefore, the U.S. Indo-Pacific Command has identified a requirement for an Enhanced Integrated Air and Missile Defense system on Guam as soon as possible to address the rapid evolution of adversary missile threats.

PROPOSED ACTION

The Proposed Action is to deploy and operate a comprehensive, persistent, 360-degree Enhanced Integrated Air and Missile Defense system to defend the entirety of Guam against the rapidly evolving threats of advanced cruise, ballistic, and hypersonic missile attacks from regional adversaries. MDA and the Army need to strategically locate and integrate various system components, including a command and control center, radars, sensors, missile launchers, missile interceptors, and support facilities, at multiple sites around Guam.



The term “deploy” refers to preparing sites and, where needed, any construction required for supporting infrastructure or to distribute components of the system. The term “operate” refers to long-term facility operations and maintenance, including initial testing of the system.

MDA anticipates airspace modifications may be necessary at sites where radars would be located. Airspace needs or modifications would be coordinated with and approved by the Federal Aviation Administration.

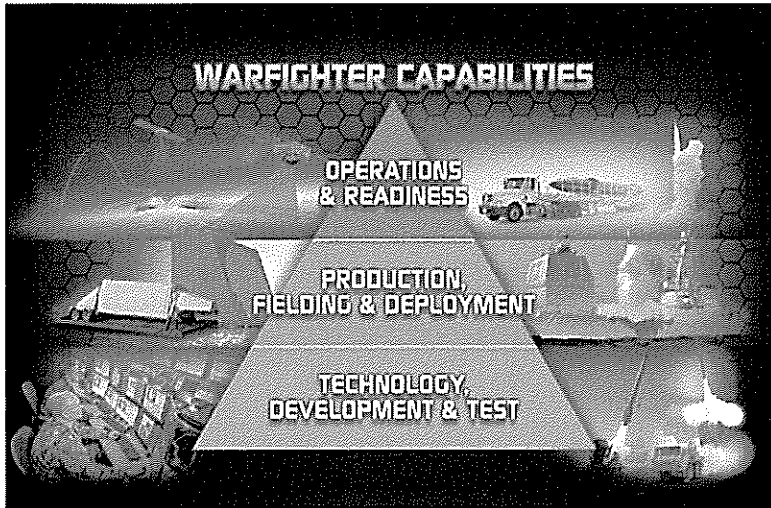
This radar searches, tracks, and discriminates objects and provides tracking data to other system components.

Cooperating Agencies

The Missile Defense Agency is the lead agency for preparing the EIS. Due to jurisdiction or expertise, or for potentially affected operations and resources, the U.S. Department of the Army, U.S. Department of the Navy, U.S. Department of the Air Force, and the Federal Aviation Administration will be cooperating agencies in the preparation and review of the EIS.

ABOUT THE MISSILE DEFENSE AGENCY

MDA is a research, development, and acquisition agency within the Department of Defense. Its workforce includes government civilians, military service members from all services, and contractor personnel around the world.



Mission of the Missile Defense Agency. MDA's mission is to develop and deploy a layered Missile Defense System to defend the United States, its deployed forces, and allies from missile attacks in all phases of flight.

MDA Mission

The mission of MDA is to develop and deploy a layered Missile Defense System to defend the United States, its deployed forces, and allies from missile attacks in all phases of flight.

MDA works closely with combatant commands who rely on the Missile Defense System to protect the United States, its forward deployed forces, and allies from advanced missile attack. MDA works with commanders to ensure the United States develops a robust missile defense system and development program to address the challenges of an evolving threat. It is also steadily increasing international cooperation by supporting mutual security interests in missile defense.

MDA Strategic Goals

To achieve its mission, MDA is dedicated to the following goals:

1. Support the warfighter.
2. Prove the power of missile defense through testing.
3. Continue development and deployment of the Missile Defense System for homeland and regional defense.
4. Implement a team approach to agency operations.
5. Optimize available resources.
6. Inspire professional excellence.
7. Foster a supportive environment for a diverse and professional workforce.
8. Implement the National Security Strategy through international cooperation in missile defense.
9. Capitalize on the creativity and innovation of the nation's universities and small business community.



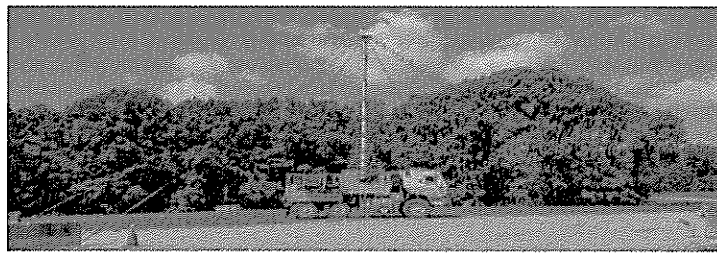
THE ENHANCED INTEGRATED AIR AND MISSILE DEFENSE SYSTEM

The Enhanced Integrated Air and Missile Defense system is intended to defend Guam against regional cruise, ballistic, and hypersonic missile attacks originating from any nation. The system would be able to defend Guam a full 360 degrees around the entirety of the island. The 360-degree capability would be achieved by distributing/placing missile defense components, including a command and control center, radars, sensors, missile launchers, missile interceptors, and support facilities, at multiple locations around the island. These integrated components would defend against simultaneous air and missile attacks against Guam. The system is expected to start deployment in 2027.

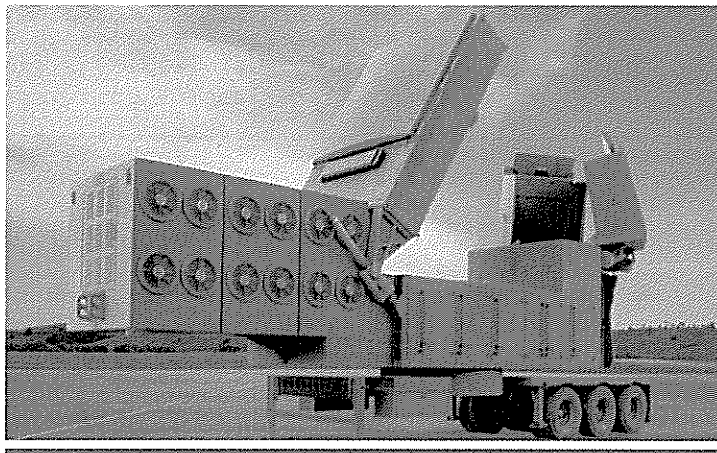
Components of the Enhanced Integrated Air and Missile Defense System

Deployment of the Enhanced Integrated Air and Missile Defense system would include the ground-based, mission critical system components from MDA, the Army, and the Navy that have been integrated to interact together for missile defense. Deployment also includes the facilities that support these components. System components are parts of the defense system that would be located on the ground sites and would include radars; sensors; missile launchers; missile interceptors; and command and control, battle management, and communications systems. Mission support facilities would be constructed in support of the system components, and would include power plants, fuel storage facilities, and operations facilities.

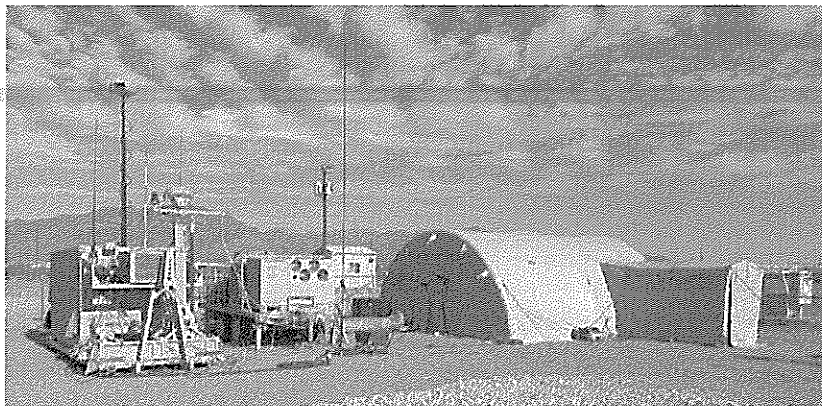
Once the components and facilities are deployed and become operational, life support facilities would be necessary to accommodate the personnel associated with the system. Life support facilities may include family housing, fire stations, gas stations, or child youth services.



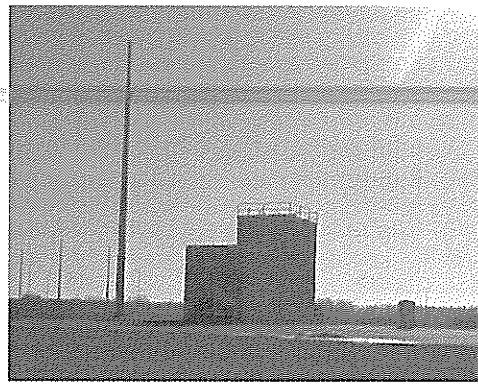
This Army 360-degree surveillance sensor is mobile and long-range.



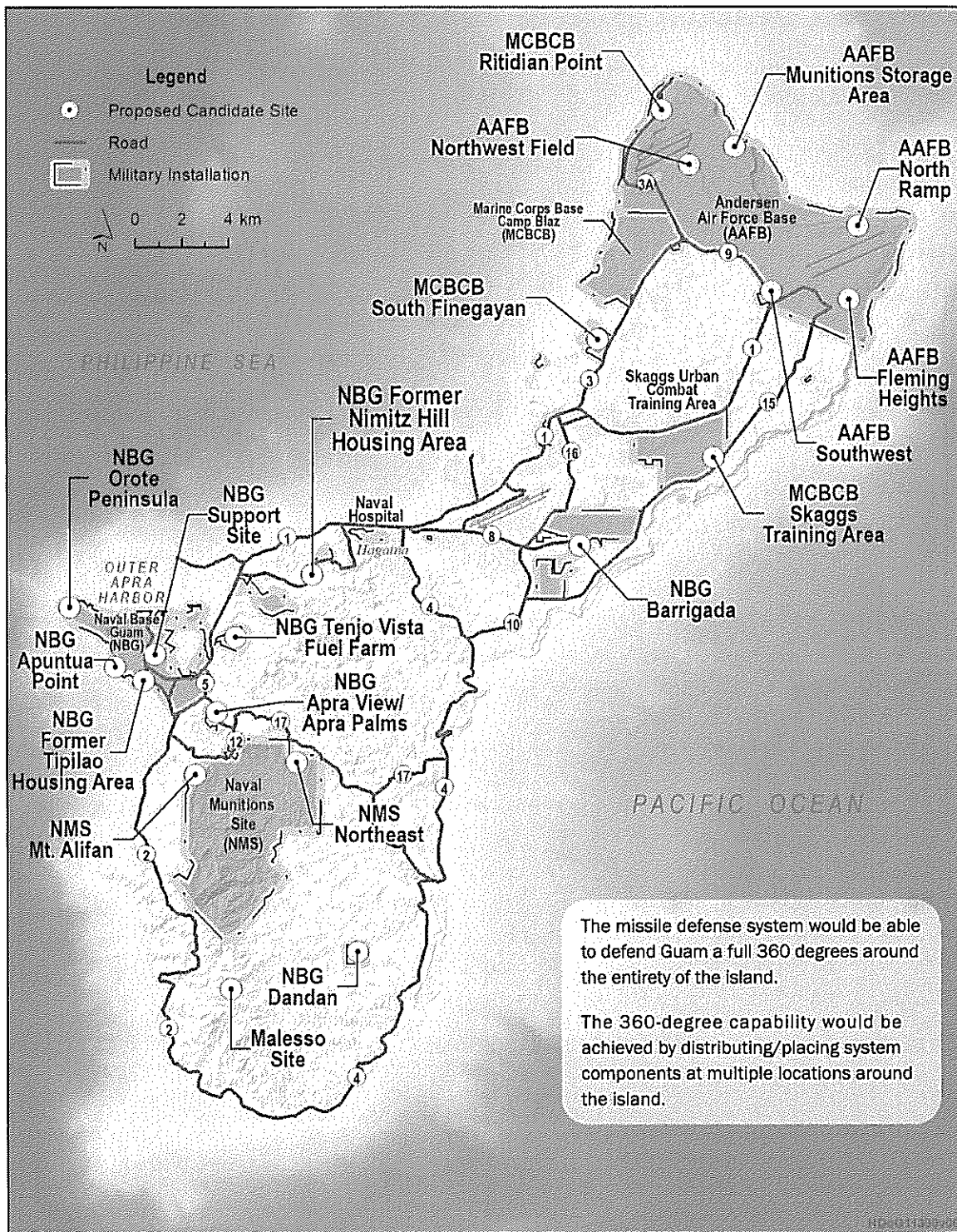
This land-based sensor provides critical information for the long-range classification, discrimination, and identification of missiles.



A communications relay support component is critical to the missile defense system.



Launchers would contain interceptor missiles to intercept incoming missile threats to Guam.



Candidate Sites for Enhanced Integrated Air and Missile Defense System Components. The Missile Defense Agency and the Army need to strategically locate and integrate various components of the Enhanced Integrated Air and Missile Defense system at multiple sites around Guam. In the event where Department of Defense (DoD) property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-federal properties, acquisition of appropriate real estate interests on non-federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered.

ENVIRONMENTAL RESOURCES TO BE ANALYZED IN THE EIS

MDA is preparing an EIS to evaluate the potential impacts of the Proposed Action on the following resource areas:

- Water Resources
- Air Quality (including Climate Change)
- Airspace Management
- Land Use
- Visual Resources
- Recreation
- Noise and Vibration
- Socioeconomics
- Environmental Justice and Protection of Children
- Geological Resources
- Terrestrial Biological Resources
- Cultural Resources
- Infrastructure and Utilities
- Public Health and Safety
- Transportation

MDA anticipates airspace modifications may be necessary at sites where radars would be located. Potential socioeconomic and transportation impacts are also anticipated due to increased staffing needs associated with the Proposed Action.

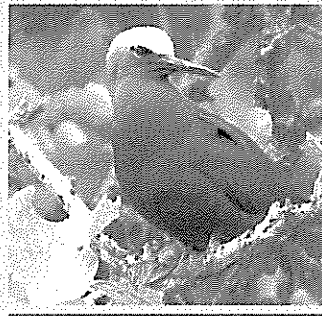
Cumulative impacts, which are the impacts on the environment resulting from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions, will also be analyzed.

MDA will also conduct surveys and studies to support the environmental impact analyses, including:

- Aeronautical Study
- Air Quality Impact Study
- Cultural Resource Assessment
- Natural Resources Baseline Survey
- Stormwater Study
- Utilities and Infrastructure Studies

Studies and surveys will also support required permitting and authorizations under the Clean Air Act, Clean Water Act, Coastal Zone Management Act, Endangered Species Act, the National Historic Preservation Act, and other regulations, as necessary. Airspace needs or modifications would be coordinated with and approved by the Federal Aviation Administration.

MDA will coordinate and consult with federal and local agencies to ensure a comprehensive environmental impact analysis document. The public and stakeholders can evaluate and comment on the Draft EIS when it is made available for public review.



MDA will analyze potential impacts of the Proposed Action on terrestrial biological resources, such as birds like the black noddie.



An aeronautical study will assess potential impacts on airspace and identify potential restricted areas to be requested. Photo of Antonio B. Won Pat International Airport.



The EIS will include an assessment of potential impacts from construction activities, such as noise and vibration.

NATIONAL ENVIRONMENTAL POLICY ACT AND PUBLIC INVOLVEMENT

The National Environmental Policy Act (NEPA) is a U.S. federal law that requires federal agencies to examine the potential environmental impacts of their proposed actions and to encourage and facilitate public involvement in decisions which may affect the quality of the environment.

MDA is committed to meaningful public involvement and will keep the public informed throughout the development of the EIS.

Before a federal agency may proceed with a major federal action (a "proposed action"), it must first consider the potential effects the proposal may have on the human, natural, or cultural environment. A federal agency can meet its NEPA requirements by preparing an EIS.

Public input and involvement are fundamental aspects of the EIS process. The NEPA process requires public involvement during the scoping period and when the Draft EIS is available for public review and comment. The public participates in the NEPA process during the following key stages:

- **Scoping Period:** The public can help the federal agency identify the scope of the EIS, potential alternatives, and identification of environmental concerns for consideration in the impact analysis.
- **Draft EIS Public Review and Comment Period:** The public can review, evaluate, and comment on the environmental impact analysis.
- **Final EIS Public Review Period:** The public can review how the federal agency responded to public comments on the Draft EIS and incorporated information into the impact analysis in the Final EIS.

For More Information and to Submit Comments

The public, including elected officials, government agencies, nongovernmental organizations, and interested individuals are encouraged to learn more and participate in the NEPA process.

MDA welcomes the public's comments on the scope of the EIS, potential alternatives, identification of environmental concerns, issues that should be addressed in the EIS, and the project's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966. Visit the project website at www.mda.mil/system/elamd.html to learn more and submit comments. For more information, please contact Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil.

The public can also submit comments at the open house public scoping meetings, by email to info@EIAMD-EIS.com, or by U.S. postal mail to:

ManTech International Corporation
Attention: EIAMD EIS Project Support
PMB 403
1270 N. Marine Corps Dr., Suite 101
Tamuning, Guam 96913-4331

Comments must be postmarked or received online by **June 27, 2023**, for consideration in the Draft EIS.

This public scoping effort will also support consultation under Section 106 of the NHPA and its implementing regulations at 36 Code of Federal Regulations Part 800.

The public is encouraged to provide comments on the scope of the EIS, potential alternatives, and identification of environmental concerns for consideration in the impact analysis.

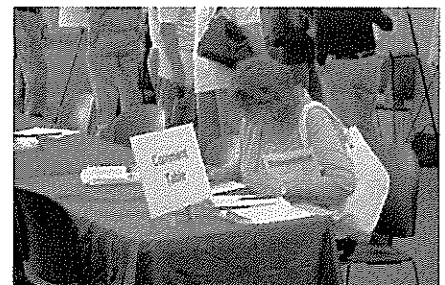
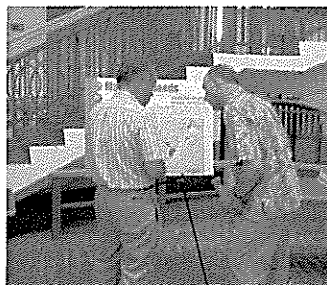
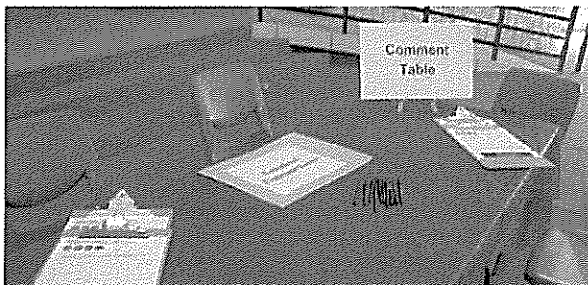
NATIONAL ENVIRONMENTAL POLICY ACT PROCESS AND TIMELINE

Milestone	Description	Current Schedule*
Notice of Intent to Prepare an EIS	<ul style="list-style-type: none"> Initiates the public involvement phase of the NEPA process. 	May 5, 2023
▶ Scoping Period	<ul style="list-style-type: none"> Provides an early and open public process for identifying, defining, and prioritizing issues to be evaluated in the EIS. Includes public meetings and other opportunities to learn more and submit comments. 	COMMENT PERIOD: May 5, 2023 – June 27, 2023 OPEN HOUSE SCOPING MEETINGS: Mangilao: June 14, 2023 Dededo: June 15, 2023 Santa Rita: June 16, 2023
Draft EIS	<ul style="list-style-type: none"> Presents the analysis of potential environmental impacts for each identified alternative. 	Spring 2024
▶ Draft EIS Public Review and Comment Period	<ul style="list-style-type: none"> Provides at least 45 days for the public to comment on the analysis presented in the Draft EIS. Includes public meetings and other opportunities to learn more and submit comments. 	COMMENT PERIOD: Spring 2024 PUBLIC MEETINGS: Spring 2024
▶ Final EIS and Public Review Period	<ul style="list-style-type: none"> Includes updates to the Draft EIS and responses to public comments received during the Draft EIS comment period. Provides at least 30 days for the public to review the Final EIS before agencies may make their decisions. 	Early 2025
Record of Decision	<ul style="list-style-type: none"> Includes selection of an alternative by agencies. 	Early 2025

* The current schedule is subject to change.

▶ Opportunity for Public Review and Comment

▶ Opportunity for Public Review



ENHANCED INTEGRATED AIR & MISSILE DEFENSE (EIAMD) FOR THE DEFENSE OF GUAM

Cultural & Historical

National Historic Preservation Act Consultation Section 106

Section 106 of the NHPA and its implementing regulations at 36 Code of Federal Regulations (CFR) Part 800, requires federal agencies to consider the effects of their undertakings (projects) on historic properties, to seek the input of interested parties and the public (consulting parties), and to provide the Advisory Council on Historic Preservation (ACHP) with a reasonable opportunity to comment. Under these laws, and others, the Missile Defense Agency (MDA) must identify significant historic properties, determine whether the undertaking would adversely affect such properties, and avoid, minimize, or mitigate adverse effects on historic properties. MDA must consult with consulting parties, including the Guam State Historic Preservation Office (SHPO) and those with a demonstrated interest in the project, and seek input from the public.

What is a Consulting Party?

Consulting parties are those with a consultative role defined in Section 106 regulations at 36 CFR 800.2, and may include SHPO, tribes, local government officials, applicants for federal assistance or approvals, and in some cases, the ACHP. Representatives of federal or state agencies involved in the undertaking may also join the Section 106 consultation process as consulting parties. Individuals or organizations that do not have a defined role in the Section 106 process may request consulting party status if they have a demonstrated interest in the undertaking and historic preservation issues.

If you wish to request consulting party status, please email info@EIAMD-EIS.com with your request as soon as possible, including relevant details about your interest in the undertaking, historic preservation issues, and/or your relationship with the project area. MDA will consider all requests for consulting party status.

For more information about the Section 106 process and the role of the public and consulting parties, we recommend reviewing ACHP's publication, "A Citizens Guide to Section 106 Review (external link opens in new window)," which can be found at www.achp.gov (<https://www.mda.mil/system/eiamd/comments.html>) (external link opens in new window).

U.S. Department of Defense - Missile Defense Agency

ENHANCED INTEGRATED AIR & MISSILE DEFENSE (EIAMD) SYSTEM ON GUAM

Public Comments

The Missile Defense Agency (MDA) welcomes the public's comments on the scope of the Environmental Impact Statement (EIS), potential alternatives, identification of environmental concerns, issues that should be addressed in the EIS, and the project's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act of 1966.

The public is encouraged to submit comments during the scoping period from **May 5, 2023, through June 27, 2023**. Comments may be submitted **at the open house public scoping meetings, by email to info@eiamd-eis.com, online (<https://eiamd-eis.com>), or by U.S. postal mail to:**

ManTech International Corporation
Attention: EIAMD EIS Project Support
PMB 403
1270 N. Marine Corps Dr., Suite 101
Tamuning, Guam 96913-4331

Comments must be postmarked or received online by June 27, 2023, for consideration in the Draft EIS. The National Environmental Policy Act process requires public involvement during the scoping period and when the Draft EIS is available for public review and comment.

Privacy Advisory: Requesting public review and comment on the scope of the EIAMD EIS and environmental issues that should be considered is required in accordance with the National Environmental Policy Act. The EIS process will also support the National Historic Preservation Act requirements, including Section 106 consultation. All comments received during the public comment period will become part of the public record and will be considered during preparation of the EIS. Providing private address information with your comment is voluntary and such personal information will be kept confidential unless release is required by law. Failure to provide your address will result in your name not being included on the project notification list, and you will not receive notifications about this project.

U.S. Department of Defense - Missile Defense Agency

National Environmental Policy Act (NEPA)

The NEPA requires all federal agencies to evaluate and consider the environmental impacts of their proposed actions and reasonable alternatives to those actions. The NEPA process enables federal agencies such as the Missile Defense Agency (MDA) to make informed decisions about the consequences of our projects, to both solicit public input and inform the public about our findings, and to take actions that will protect the environment.

The NEPA process starts after a proposal is formulated to take a major federal action. In the process, there are three levels of analysis depending on whether or not a proposed action could significantly affect the environment. The basic levels of NEPA environmental review and documentation process include:

Categorical Exclusion (CATEX): A category of actions that normally do not have a significant effect on the human environment, and therefore do not require preparation of an environmental assessment or environmental impact statement. Some CATEXs are documented with a Record of Environmental Consideration (REC).

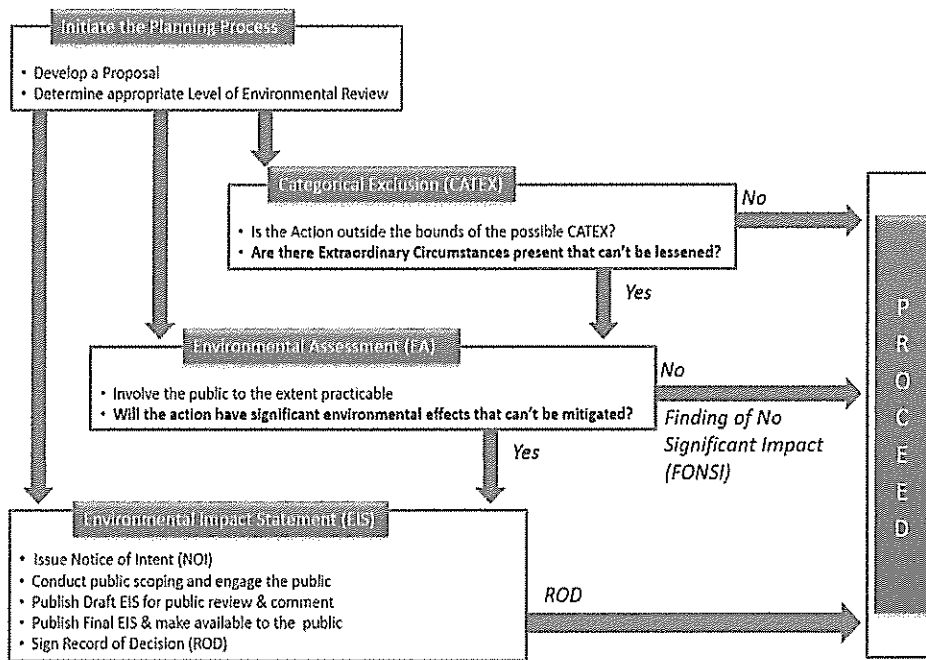
Environmental Assessment (EA): A document that determines whether or not a proposed action has the potential to cause significant environmental impacts. An EA briefly describes the proposed action and its need, any alternative actions to the proposed action, and the environmental impacts of the proposed action and alternatives. In the event an EA is prepared and there are no significant impacts identified that can't be mitigated, then this determination and required mitigations would be documented in a Finding of No Significant Impact (FONSI). If there would be significant impacts that could not be mitigated, then an Environmental Impact Statement would be prepared.

Environmental Impact Statement (EIS): A detailed document prepared for proposed actions expected to have a significant impact on the quality of the human environment. An EIS describes the proposed action and its need, any alternative actions to the proposed action, and the environmental impacts of the proposed action and alternatives. The EIS process begins with publication of a Notice of Intent (NOI) and ends with the issuance of a Record of Decision (ROD). The ROD documents the decision on which action to implement and discusses mitigation and monitoring measures, if necessary.

Mitigation measures avoid or reduce the impact of the action and can include:

- Avoiding the impact by not taking action or not implementing certain parts of the action,
- Minimizing impacts by limiting the degree or magnitude of the action,
- Repairing, rehabilitating, or restoring the affected environment,
- Reducing or eliminating the impact by preservation and maintenance operations during implementation over time, and
- Compensating for the impact by replacing or providing for substitute resources or environments.

The NEPA Process



How the MDA implements NEPA (</about/implementingnepa.html>)

NEPA Documents (</about/nepadocuments.html>)

Guam Civilian-Military Task Force
Contributions for Inclusion in "scoping process" for the Environmental Impact
Statement / Overseas Environmental Impact Statement (EIS / OEIS)
May 2007

Guam's Civilian Military Task Force (CMTF) and its Subcommittees have convened to discuss the myriad of issues related to:

1. the relocation of U.S. Marine Corps (USMC) forces to Guam;
2. the improvement of pier / waterfront infrastructure for transient U.S. Navy Nuclear Aircraft Carrier (CVN) at Naval Base Guam;
3. the placement of a U.S. Army Ballistic Missile Defense (BMD) task force on Guam;
4. the enhancement of infrastructure and logistics capabilities;
5. the social, cultural and economic implications; and
6. the effects upon Guam's environment.

The CMTF hereby submits its comments for inclusion into the "scoping process" for the Environmental Impact Statement / Overseas Environmental Impact Statement (EIS / OEIS). This document includes verbal & written contributions from the Public and Private sectors of our Island.

It is not the CMTF's intent that this document be Guam's single contribution. It should not be assumed that this document addresses all of Guam's contributions to the "scoping" process. Instead, this document highlights some of the key elements that were identified as important by the CMTF membership and government of Guam instrumentalities. The CMTF is aware that there are additional scoping comments that are being submitted by various Government of Guam instrumentalities that are not included in the document. These comments must also be taken into consideration.

It is the CMTF's hope that in addition to conducting a thorough environmental impact evaluation that the EIS/OEIS will also conduct an equally thorough review of the socio-economic impacts. This evaluation should include quantitative and qualitative measurements of the impacts of the proposed development. It should also identify ways to mitigate the impacts. The socio-economic evaluation should address:

- Changes in population;
 - Changes in community demographics;
 - Results of retail/service and housing market analyses;
 - Demand for public services;
 - Demand on Guam's utilities;
 - Demand on all of Guam's transportation infrastructure;
 - Demand for education services;
 - Demand for health care and social services;
 - Changes in employment and income levels;
-

- Changes in the allocation of fiscal resources to address the new demands that will be placed upon Guam’s government sector; and
- Changes in the aesthetic quality of Guam’s community.

One of the major challenges that the CMTF experienced in identifying issues that should be addressed in the Environmental Impact Statement and Overseas Environmental Impact Statement is the many unknowns that were left unanswered in DoD’s scoping presentations. The CMTF and each of its Subcommittees feel that it is presumptuous to “assume” any one growth pattern. Most of the comments in this document highlight the lack of information that is needed to plan for growth and to develop and provide meaningful scoping contributions to the EIS/OEIS process.

INFRASTRUCTURE IMPACTS

GUAM WATERWORKS AUTHORITY

BACKGROUND

The Department of Defense has invited comment from the general public and public agencies on the scoping of an Environmental Impact/Overseas Environmental Impact Statement (EIS/OEIS) regarding the repositioning of Department of Defense (DOD) forces in Guam. The projected military buildup on Guam includes the Relocation of U.S. Marines Corps Forces, 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. In addition, the military has proposed projects and force increases such as the extension of Kilo Wharf, development of additional submarine space at Polaris Point and numerous upgrades on Anderson Air Force Base.

The Guam Waterworks Authority (GWA) notes that these actions will have considerable impact on water and wastewater infrastructure and all of these impacts should be scrupulously and conscientiously evaluated within the EIS/OEIS document.

GWA POSITION ON MILITARY BUILDUP

Over the last decades, the national focus has been for DOD to concentrate on defense activities and allow civilian government and private sector professionals to manage and operate support functions such as utilities. Numerous privatization contracts on both the Navy and Air Force installations on Guam illustrate that similar advantages can be had by moving in accord with the rest of the country.

In the past, the DOD on Guam has generally followed an "inside-out" approach to wet utility infrastructure. That is, independent utility infrastructure is constructed on and between military installations to support the primary mission. Excess capacity is sold to the civilian government agencies and facilities are transferred to the same when no longer needed by the military. It appears that a similar approach is being taken with the proposed action.

It is clear that DOD must have access to reliable, redundant, and sustainable utility infrastructure in order to successfully implement its primary mission. The argument for the historical "inside-out" approach to infrastructure development is that such reliable, redundant and sustainable utility infrastructure is not available from the civilian government and private sectors. In the past this was indeed the case. However, GWA believes that this paradigm is no longer applicable. Significant strides have been made to improve all aspect of GWA operations.

Therefore GWA believes that an "outside-in" approach should be given primary consideration in all aspects of utility infrastructure planning pertaining to the proposed military development. First consideration should be given to investment in existing local infrastructure to build the reliability and redundancy that can adequately support the primary military mission and simultaneously benefit the civilian population.

IMPACTS AND SCENARIOS TO CONSIDER

The following sections contain a list of concerns and/or specific options that GWA would like to be considered in the development of the EIS/OEIS. The specific options listed are utility development options that GWA believes can meet both the needs of GWA and DOD. These options may be the most economical and environmentally friendly option to address specific needs and should be given fair and reasonable consideration.

General

- Direct Coordination Between EIS/OEIS Consultant and GWA: During the development of the EIS/OEIS, project consultants should coordinate directly with GWA personnel, as delegated by the General Manager, in order to ensure full understanding of the concerns and impacts expressed herein.
- GWA Water Resources Master Plan (WRMP) Population Forecasts: The recently completed WRMP forecasts population growth linearly based on historical data. Proposed infrastructure capacity upgrades are roughly based on these population projections. The military build-up has the potential to render the projections and associated project schedules null and void.

Although the current proposal would bring the total number of military personnel on Guam to a number similar to that of previous decades, the total population on Guam has significantly increased since that time. The impact of the proposed expansion will be fundamentally different than in the past. The EIS/OEIS cannot view the build-up simply in terms of on-base impacts. Even in the unlikely event that all additional military personnel and their dependents are all housed on base, the support personnel required to realize the increase in construction and long-term support services will significantly impact off-base population. This will run the gamut from teachers and day care provider for dependents and MWR personnel to expanded restaurants and entertainment establishments that will be developed to serve the increased DOD population.

Demands for water and wastewater loads will rise much faster than the projections in the WRMP, creating a need to revisit long term planning and funding forecasts (as approved by the U.S. EPA). The EIS/OEIS should evaluate WRMP population; recommend more appropriate projections based on military activities; and assess the

impact of revised population projections on WRMP project scheduling and funding projections.

- Evaluate Impact And Magnitude Of Capital Project Cost Increases: The sheer breadth of the proposed build-up will increase competition for A/E consultants, materials, and construction entities. The competition will drive up costs and will negatively impact the ability of GWA to implement much needed capital improvement projects as defined in the Water Resources Master Plan and unrelated to the military build-up. The negative impact will be exacerbated should the military decide to pursue an "inside to out" approach in which infrastructure to support the buildup is accomplished without consideration to the use and improvement of existing local utilities. In that case, GWA's \$100M CIP budget will be in competition with the \$15B DOD project budget. Being "priced out of the market" might mean that GWA would be unable to support these needs.
- Impact On Availability Of Technical Professionals: Significant growth in private developments, much of which is driven by the anticipated military growth, is already being experienced at GWA. Our paired-down staff is struggling to meet current demands. There is a current shortage of the professional and technical staff needed to meet existing workload. The needs gap will be exacerbated as development increases in anticipation of the military buildup. Additional staff will be required in order to insure that new development is done properly and does not become a burden to GWA rate payers.

As the large scale projects to support the DOD plan commence, the demand for skilled professionals in the private sector will increase as well in order to support implementation of these projects. Private financing may lure skilled professionals away from the public sector. It will be very difficult for public sector agencies to compete with private sector financing for these professionals.

- Inspectors will be required to verify that construction is completed in accordance with GWA rules and regulations and consistent with industry standard practices.
 - Professional Engineers will be needed to verify that the existing systems have sufficient capacity to satisfy increased demand and loading; to determine where upgrades are required; and to develop projects to address those upgrades.
 - Certified Operators will be needed to maintain expanded water and wastewater systems. DOD and GWA are already in competition for the few certified operators and skilled technicians available on island; expansion of on-base facilities will increase this pressure on both, while shared facilities would allow continuation of GWA's employee development and training plan.
 - Technicians such as electricians and mechanics are already in short supply on Guam, and additional personnel will be needed for system maintenance and repair.
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- Impact on Cost of Utility Service to GWA Customers: There are many areas of the island in which the GWA does not have a water distribution system but in which the Navy does. In order to provide water service to residential customers in these areas, GWA will enter an agreement with the Navy to buy water and subsequently provide service to these residences as GWA customers. The Navy and GWA currently have disparate rate structures with the Navy rate structure being greater than that of GWA. Therefore this provision of service is done at a net financial loss to GWA. GWA is able to do this because the number of customers is relatively small. However, should DOD pursue a primarily inside-out approach to this effort, there will likely be a need created requiring GWA to purchase significantly more water from the Navy in order to meet customer demand. This could have a significant financial impact on GWA. The EIS/OEIS should evaluate development options to completely avoid this scenario or evaluate mitigation measures such as rate structure parity with GWA that would mitigate the impacts.

Water System Impacts and Options

- Option of Leak Repair as an Alternative to New Source Development: The development of new water sources (wells) is being considered as an option to meet water demands. The potential impact of additional pumping on the sole source aquifer is not clearly understood. There are high water losses in both the Navy and GWA water distribution system. The GWA WRMP projects that future demands can be satisfied by recapture of water losses without having to develop new sources. Coordinated leak repair and/or line replacement in both GWA and Navy systems should be considered as source option to meet future demands of both entities.
 - Strategic Coordination and Integration of Distribution Systems: GWA believes that the GWA and the military should develop a long term vision and roadmap for the full coordination and integration of water distribution systems on the island. It is understood that the implementation of the vision may take place over a long period of time in order to address DOD concerns about the reliability and sustainability of existing GWA facilities. All projects implemented as part of this DOD action should be defined and developed to be consistent with a common long term vision.
 - Option of Extension of GWA System as Andersen Backup: Andersen Air Force Base has insufficient water supply to support the proposed USMC presence. Interconnection with the GWA system to supplement existing systems and to provide backup should be considered as an option to the proposal to extend the Navy system to the area.
 - Option of Extension and/or Expansion of GWA Distribution System to Support North/South Finegayan: North and South Finegayan have inadequate supply and storage. Interconnection to the GWA system and the provision of common storage facilities should be considered as an option to the development of new independent system.
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- Option of Coordinated Groundwater Under Direct Influence (GWUDI): Both the Navy, the Air Force and GWA are facing significant costs to install new treatment facilities should the Northern Aquifer be declared to be GWUDI. Coordinated efforts to address the treatment requirements could reduce the financial impact to all parties due to economies of scale. Options to mutually address GWUDI issues should be considered.
- Impact of Population on Existing Pumping, Distribution, and Storage Facilities: As previously noted, even if all military personnel are housed and served within base confines, significant civilian personnel will be required who will not be housed on base. Numerous GWA distribution lines and booster pump stations and storage facilities have been identified as needing upgrade due to future WRMP growth projections. Increases in these projections will mean inadequate funding for the infrastructure growth, leading to reduced water pressure and inadequate fire flows, which are both a high cost to ratepayers and a serious safety hazard.
- Coordination of Utilities with Defense Access Roads (DPW LRP-B20): GWA is working to reduce dependency on Navy water for customers in Agat and Santa Rita. Successful reduction of the dependency will create excess capacity for the Navy that could be used elsewhere without having to develop new sources. One barrier to reduced dependency in Agat and Santa Rita is limited ability to move water from the North. It is understood that a defense access road between naval magazine and Anderson Air Force Base is being considered as part of the overall scope. Installation of water transmission lines under portions of the proposed road could reduce GWA dependency on Navy water and should be considered as a “source” option.

Wastewater System Impacts

- Increased Environmental Impact of Multiple Wastewater Treatment Plants (WWTP): Duplicate wastewater systems will multiply environmental risk. For example, GWA is installing a new deep ocean outfall at their Northern District Wastewater Treatment Plant. This outfall has been designed to allow for future growth, and will discharge the treated effluent from a plant that currently treats sewage from both NCS Finegayan and AAFB. A duplicate plant and outfall would double the environmental impacts, quadruple project costs for the military, and is clearly contrary to DOD policy.
 - Option of Combined GWA/Navy Agat WWTP: The Navy has already identified a probable future need for additional treatment facilities for its southern bases (Apra Harbor, Naval Magazine and Polaris Point). As long ago as 1992 a feasibility study was done that identified the potential for a shared sewage treatment plant located at GWA’s Tipalao property (located across from Camp Covington). GWA will be building a new secondary wastewater treatment facility on this property with or without the addition of DOD flows. The WRMP identifies this project as a 2012 need. GWA’s Agat WWTP (which will be replaced by the new Tipalao facility) and
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the Navy's Apra Harbor WWTP already share a deep ocean outfall. Increasing the designed capacity of the new plant to accommodate Navy flows would be far less costly and have far fewer overall environmental impacts than building two new plants in the same area.

- Option of Expanded Northern District WWTP: GWA currently treats all wastewater from AAFB and NCS at this plant. GWA did not anticipate expanding this plant (based on WRPM projections) until 2015. Pushing up this deadline and combining efforts with DOD for a plant expansion could be cost effective for both systems. The advantages of a single outfall are noted above. Additional advantages include already existing collection systems.
 - Evaluation of Anderson Air Force Base Wastewater Characteristics: GWA has never characterized any of the wastewater discharges from any of the military facilities. The build-up and expanding industrial activities can be an opportunity for GWA and DOD to coordinate on potential pretreatment requirements. A treatment system included as a part of a Northern District upgrade could conceivably be far more cost effective to install than building a new treatment or pretreatment facility would be.
 - Impact of Population on Collection and Pumping Facilities: As previously noted, even if all military personnel are housed and served within base confines, significant civilian personnel will be required who will not be housed on base. Several GWA sewer lines and pump stations have been identified as needing upgrade due to future WRMP growth projections. Increases in these projections will mean inadequate funding for the infrastructure growth, leading to sewer backups and overflows that are both a high cost to ratepayers and a serious environmental and health hazard. Additionally, both GWA and DOD existing sewer lines are currently significantly deteriorated; a joint inspection and repair program potentially using in situ repair techniques currently not available on-island would be extremely beneficial to both.
 - Impact on Aquifer Due to Growth in Unsewered Areas: The WRMP identified significant unsewered areas in the Northern Aquifer watershed. Many of these areas are adjacent to the military bases. Growth in this area due to an increase in various off-base and support personnel could have a considerable negative impact on the aquifer from which both military and GWA wells draw.
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GUAM POWER AUTHORITY

Infrastructure, Ports:

- In considering the benefits of fuel diversification, one alternative is coal-fired generation. Delivery of coal supplies to such plant would require new dock facilities to accommodate shipping and transportation from the dock to the coal storage facilities. Consider the need to reserve space for any future potential coal shipment handling facility.

Infrastructure, Energy:

Generation Expansion and Fuel Issues

- Conduct an economic forecast to support relocation
 - Provide any additional information to improve GPA's models or to concur with GPA's current outlook
 - Prepare load demand and energy requirements for the transfer and buildup period.
 - Compare these requirements with GPA's assumptions used in GPA's Integrated Resource plan
 - Compare GPA's generation planning criteria of one day in four and a half years LOLP against DOD's requirement
 - Determine the added cost for the more stringent planning requirements
 - Investigate alternative fuels to mitigate rising diesel fuel (petroleum) costs
 - Identify the premiums to place on fuel diversification
 - Determine the DOD funding level for fuel diversification or renewable energy
 - Determine if GPA's fuel reserve policies are sufficient for the DON/DOD mission requirements (GPA's fuel inventory policy is to maintain a reserve of Residual Fuel Oil between 30 and 60 days)
 - Determine the fuel reserve requirements DON/DOD expects GPA to maintain for normal and critical operations
 - Determine DON/DOD funding required to expedite/accelerate existing equipment modifications/upgrades for any additional infrastructure (bulk storage) to support new fuel types and increased reserves?
 - Determine DON/DOD funding required for construction of additional storage tanks to meet DOD/DON requirements
 - Determine DON/DOD funding required for the additional fuel inventory required.
 - Explore various business models under which GPA purchases bunker fuel to meet inventory requirements to support DON/DOD.
 - Consider whether there are benefits to DON/DOD participation in GPA's residual fuel oil hedging program
 - Investigate the benefit of DON/DOD having the Authority purchase a fuel swap or other hedge instrument not currently authorized by the Guam Public Utilities Commission
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- Investigate whether DON/DOD desires arranging for an annual fixed price for fuel
- Review the single berthing & pipeline for tanker discharge condition and investigate the feasibility of additional berthing or pipelines for the purposes of increasing security and hedging against system unavailability...investigate economics and benefits of DON/DOD funding this additional infrastructure
- The Japan base relocation is a fast track project which may require improvement to existing infrastructures. Determine and articulate DON/DOD's commitment to ensure that the local community is not impacted with the move if GPA is not able to complete infrastructure improvement by the anticipated relocation. This could be due to funding issues, delays due to restoration after a typhoon or other catastrophic events, etc.

Separation from IWPS Grid Issues

- Assuming there are planning scenarios that include separation of the DOD power system from the island wide power system:
- Determine the rate impact on the civilian community and the impact of stranded assets recovery on the civilian community
- Determine the extent of separation from the GPA grid impact:
 - Transmission assets that are to be conveyed under the CSA
 - Tie-in to the grid
- Investigate any federal laws or requirements that prevent any adverse affects or impact on the community

Power System Issues

- Review the DON/DOD position and requirements for under frequency load shedding (UFLS), to include funding to mitigate the requirement, for the following:
 - Upgrade to Generator Governor Controls
 - Improvements to system protection and SCADA communications
 - Automatic transfers to existing backup generation
 - Special tariffs for exclusion from the UFLS.
- Investigate the following related to reliability and power quality concerns that have surfaced regarding GPA electric service
 - Power quality
 - Outage frequency and durations
 - Equipment obsolescence
 - System upgrades
 - Funding Source for c. and d. above
 - Rate Impact/mitigation

Backup Generation Issues

- DON/DOD has openly discussed options for construction of power generating facilities within the base parameters. GPA is confident that it can support DOD.
-

Determine DON/DOD's requirements for GPA that will keep it a customer of GPA.

Determine and provide DON/DOD requirements for:

- Planning and operations criteria
- Performance monitoring and reporting
- Criticality of loads
- Backup generation
- Power Quality.

DON/DOD Procurement Related Issues

- It has been brought to our attention that DON/DOD will create a Special Process Entity (SPC) or a core group to handle all procurement and contracts to support the Japan base relocation. There is concern that GPA will be excluded from discussions that may ultimately require GPA support to maintain or operate power utility facilities.
 - Determine how GPA can be allowed to compete within the SPC/SPE process.
 - Describe the alternatives to this SPC/SPE.

Conditions of War

- Determine any special/requirements during times of war or high security alerts in relation to the IWPS including:
 - Personnel
 - Assets
 - Vehicles
 - Access Restrictions (Tanguission Fuel Line, 115kv Maintenance Roads, WSD generators at GWA pump stations, etc)

Upcoming Studies & Projects

- Articulate what studies DON/DOD will conduct to determine impacts of the Japan base relocation. (e.g. Transmission planning, Cost of service, Generation expansion)
- Determine how GPA can actively participate in these planning studies.

Infrastructure, Water/Wastewater:

- The Cabras-Piti Complex contains the bulk of GPA baseload generation. This area gets its water from DON.
 - a. Investigate any impacts to current and future requirements for water supply to the Cabras-Piti Complex.

PORT AUTHORITY OF GUAM

Historically, the Port Authority of Guam (PAG) has been the venue through which military goods and equipment are off loaded. However, even before the actual relocation of equipment, military personnel and dependents, there will be an increase in cargo and personnel associated with the infrastructure build up to precede the actual relocation. This will have a more immediate impact on the capacity and operation of both our island's air and sea ports.

Furthermore, after the initial construction phase is completed, there will be an increase from the present flow on the number of military passengers and cargo (household items, POVs, commissary items, etc.) With that, we would like to see included in the EIS:

- An examination of the Port Authority of Guam's present Infrastructure. Provide projections for future infrastructure requirements in the areas of oil storage, water, sewer, electrical, data and communications systems, wharf waterfront expansion, warehousing and/or container yard expansion to accommodate realistic and expected future expansion.
 - An analysis of how the Department of Defense (DoD) will identify and address short term requirements, as well as to enable our ports to be in a position to provide for its sustained long term needs to include funding needs and potential funding sources.
 - A detailed analysis of the impacts of the Transient US Navy Nuclear Aircraft Carrier (CVN) at Naval Base Guam, ordinance handling operations at areas within the inner and outer harbor, particularly how it would affect or extend the Explosive Safety Quantity Distance (ESQD) arc and restrictions on operations on the civilian and recreational areas of the outer harbor.
 - Impact on Harbor Traffic – With the increase in traffic at the military side of the harbor, PAG operations may be affected. Although few, there have been instances in the past when the arrival of military vessels is kept confidential and only made known to the community when it is at the mouth of the Harbor.
 - Impact on current tugs and pilot services – Will the current resources accommodate both the military and commercial sides of the harbor? If a military vessel arrives, will the commercial vessel be expected to wait for the return of the tug and pilot?
 - Examination of the impact the anticipated increases in vessel activity, in both Inner and Outer Apra Harbor would have on future requirements/adequacies of navigational aids for the harbor waters under the Port's jurisdiction.
 - Mitigation plans for oil spills caused by Military activities.
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- Environmental impact potential for proposed dredging and construction activities at Apra Harbor related to Kilo Wharf.
- Environmental impact and containment plans in the event of a nuclear accident resulting from the Nuclear Vessels operating at Kilo Wharf, i.e. Nuclear carriers.
- With the USMC to be berthed on Guam but transiting primarily by sea to conduct training and, if necessary, to engage in combat, will the commercial port of Guam be designated a Seaport of Embarkation/Debarcation for military outload operations? If so, how will this increase in military operations impact the safety and security risks to the island's only commercial port? How will necessary upgrades to the commercial port's security be implemented/funded? How will the additional maritime safety and security requirements associated with military outload operations be accommodated by U.S. Coast Guard Sector Guam?
- The potential of invasive species, to include Brown Tree Snakes on other areas of the Pacific. The probability of these invasive species entering or leaving Guam on a military aircraft or container vessel will rise proportionately with the increase in air traffic and movement of personnel and cargo to and from Guam.
- The Port Authority of Guam is also mandated to provide support for recreational activities such as the small boats marinas and other community support functions. What impacts will be felt by the civilian community in providing this support for our military users?

The Port is presently obtaining consultant services to update the Port Authority of Guam Master Plan. It is strongly recommended that environmental documentation determining the impact of the proposed military relocation, and other anticipated major DOD developments, on the Port's infrastructure be compiled in conjunction with the preparation of the PAG Master Plan update. Also, given that the Port will be the first major infrastructural component in the local community to experience the impacts of the growth, we request that this coordination receive priority scheduling in the EIS process.

A.B. WON PAT GUAM INTERNATIONAL AIRPORT AUTHORITY (GIAA)

I. Background

The 2006 agreement between the United States and Japan to shift approximately 8,000 military personnel and their dependents from Japan to Guam is reflective of the island's strategic importance to the Department of Defense's (DoD) overall military posture. Given the island's geographical location in close proximity to major Asian countries provides the DoD with the opportunity to position forces on a permanent and rotational basis. The pre-positioning of military assets on Guam will help decrease DoD's response time to a crisis or contingency in the region.

In light of the above, the projected military build-up presents Guam with a unique opportunity to work closely with DoD agencies to identify areas of interest, issues or concerns and produce an Environmental Impact/Overseas Environmental Impact Statement to assess and address these items in its final report.

II. Overview – A.B. Won Pat International Airport Authority, Guam (GIAA)

The A.B. Won Pat International Airport Authority, Guam (GIAA) is the caretaker's of Guam's only commercial airport, the lifeline to the island's tourism-driven economy. An autonomous instrumentality of the Government of Guam, GIAA is licensed and certified by the Federal Aviation Administration (FAA) as the airport operator for island. An essential facility and service provider for the island of Guam, GIAA provides services to major international and regional airlines serving 22 destinations and employment opportunities for over 6,000 Guam residents.

Situated atop a bluff located in the middle of the island, the Won Pat Guam International Airport occupies approximately 1,622 acres of property that was formerly known as the U.S. Naval Air Station, Agana (NAS). A former Joint Use Airport, NAS was converted to a civilian operated airport in April 1995. In September 2000, GIAA received the deed from the federal government that conveyed the airfield, runways, taxiways and other properties designated for airport purposes. Designated by the FAA as a "Small Hub" Airport, annual passenger activity exceeds 3 million per year. The following is an overview of GIAA's properties and facilities:

1. Terminal Facilities
 - a. 767,553 square feet with over 76 ticket counter positions
 - b. 48 immigration and 42 customer inspection stations
 2. Gates
 - a. 21 aircraft parking positions
-

- b. 18 common use terminal gates
- 3. Runways
 - a. Runway 6L/24R – 10,000 feet (plans underway for extension to 12,000 feet)
 - b. Runway 6R/24L – 10,000 feet
- 4. Taxiways – plans are underway for the completion of a 12,000 feet parallel taxiway anticipated to be completed EOY 2008
- 5. Cargo Facilities
 - a. 43,990 square feet air cargo warehouse
 - b. 11,527 square feet of office space, consolidated shipping and express mail services
- 6. Other facilities and Areas
 - a. 24 Acres located on the North East part of the Airport
 - b. 86 Acres of former military housing units
 - c. 100 Acres of property to include aircraft hangars, ground support equipment maintenance facilities, storage facilities, warehouses, and barracks facilities

III. Current and Planned Improvements

GIAA has invested over \$500 million in Guam's commercial airport and is expected to complete or commence 59 projects worth over \$150 million over the next 18-24 months (please see the attached project listing). Many of the capital improvement projects are focused on infrastructure maintenance and development such as the runways extensions, taxiway construction, pavement strengthening, utilities projects, and integrated cargo facility; property development to create diversified revenue streams; and terminal upgrades to improve passenger facilitation and enhance the overall traveling experience. Many of these projects are driven by the projected forecast and growth of commercial aviation activities.

IV. Scoping Concerns for GIAA

In light of the projected military build-up, the following are areas of interest or concerns that GIAA would like to see addressed in the EIS/OEIS to be prepared by the DoD:

- 1. Projected Growth in passenger, cargo and aircraft traffic.

GIAA's projected forecasts were conducted in 2005 and earlier. While military traffic was taken into consideration, the figures used were based on the current military profile of the island at that point in time and did not reflect Guam's increased military posture for 2008 and beyond.

2. Impact on current and planned airport projects given the projected growth outlined in Item #1.

GIAA's capital improvement program is focused on infrastructure development and maintenance, property development and revenue diversification, and terminal upgrades to improve passenger facilitation and overall enhancement of the traveling experience. These projects are driven by the projected forecast and growth of commercial aviation activities.

3. Impact on additional infrastructure requirements for airfield, terminal, cargo facilities, road access, traffic pattern and circulation, and utilities infrastructure to ensure compatibility with current and future military aircraft operations or personnel movements.

GIAA's capital improvement program is based on the needs of the commercial aviation industry now and through the year 2025. Moreover, GIAA is limited in the expansion of its airfield infrastructure. Additional infrastructure requirements that are not identified in GIAA's current CIP program or planning horizon may have an impact the surrounding communities.

4. Impact on existing environmental mitigation programs.

GIAA has several environmental mitigation programs underway and the environmental baselines were based on current commercial aircraft activity with minimal military traffic. The following are GIAA's existing environmental programs.

- a. Noise Compatibility Program – the level of activity and type of aircraft deploy may affect our existing noise contours that were approved in 2004 by the FAA as part of GIAA's existing Noise Compatibility Program.
- b. Hazardous Spill Prevention Control and Countermeasures – what type of material and supplies would military aircraft contain and what controls or measures are in place to mitigate contamination or spills.
- c. Military Fuel Lines and Easement Boundaries – there are portions of the military fuel line that are located on airport property. What are DoD's mitigation and remediation action plans in the event of a spill or leak from these fuel lines?
- d. EPA Compliance Requirements – How will DoD address the federal EPA mandates with regards to conduct aircraft operations at the Guam International Airport?

5. Implementation and Funding Sources for additional infrastructure requirements

- a. Develop logical implementation schedule – work closely with GIAA to incorporate infrastructure development plans in accordance with GIAA's ongoing capital improvement program
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- b. Identify funding sources – GIAA's capital improvement program is 90% funded by the FAA. In addition, GIAA is a designated Military Airports Program grant recipient and is also eligible to receive grants from other federal agencies such as the Federal Highway Administration and the Economic Development Agency.

ENVIRONMENTAL IMPACTS

Guam Environmental Protection Agency

The Guam Environmental Protection Agency (Guam EPA) recognizes the need for repositioning of Department of Defense (DOD) forces in Guam and provision of infrastructure to support the increased needs of the DOD. In response to the Notice of Intent by the Department of the Navy to produce an Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) on the impacts of 1) proposed relocation of 8,000 Marines from Okinawa to Guam, 2) facilities for berthing of nuclear aircraft carriers at Guam and 3) placement of an Army Ballistic Missile Defense Group on Guam, the Guam EPA provides the following comments. We request that these be included in scoping input to the development of the Draft and the Final EIS.

Why an "Overseas EIS"?

Previous DOD EIS's for Military Training in the Marianas (1998) and for Relocation of Navy Activities to Guam from the Philippines (1993) were not OEIS's. What are the proposed actions and impacts that are to be "beyond 12 miles " from US shores that are said to trigger the need of an OEIS? Will application of the OEIS lessen the concerns and responsibilities of DOD that would otherwise be addressed in an EIS? Will impacts to the environment of the Commonwealth of the Northern Marianas be addressed equally as those to Guam's environment?

National Defense Concerns Versus NEPA:

What circumstances relative to National Defense would override, modify or cancel the NEPA requirements applied to these proposed actions and the development of the EIS/OEIS?

Cooperating Agencies:

How much will each Cooperating Agency contribute in resources, manpower and funds to this NEPA EIS/OEIS effort?

Infrastructure, Wastewater:

Wastewater collection and disposal systems must comply with Guam EPA Wastewater Regulations. The projected increase in numbers of DOD personnel and families precludes the use of individual wastewater disposal systems. As is implemented elsewhere on DOD properties on Guam, connection to the public sewer system is needed. Partnership of DOD with the Guam Waterworks Authority (GWA) on comprehensive upgrades of total facilities should be part of the DOD expansion. The DEIS must propose and evaluate alternatives that may best serve both the civilian and the military

communities on Guam through a comprehensive island-wide approach with GWA. The recent GWA Master Plan was developed to cover the period of the planned military expansion but was done before the information on increased military expansion was available. The EIS/OEIS process should revise the GWA Master Plan to include new military impacts.

If a more comprehensive wastewater collection system for all new or expanded DOD activities in northern Guam cannot be completed in time for planned expansion, the DEIS/OEIS should address this. In such an event, a temporary arrangement of special wastewater treatment facilities, that have effluent of drinking water quality discharged on the site, may be considered, if this can be built and operated to Guam EPA approval, with no impact on the aquifer below. DOD must coordinate with the local Guam Waterworks Authority on the total projected amount of wastewater from the DOD properties that will be treated at the Northern Sewage Treatment Plant. Under the necessary comprehensive approach to all DOD increased activities, extension of sewer facilities to new residential and other areas is needed. Also, plans must be approved to share in the up-grade and maintenance costs of sewer distribution and treatment once the existing DOD Wastewater MOU expires in 2010.

Alternative solutions to treating and disposing of the increase of wastewater from the planned DOD developments need to be addressed. The GWA Northern Wastewater Treatment Plant (WWTP) is out of compliance with its National Pollutant Discharge Elimination System (NPDES) permit from EPA. GWA is trying to make improvements to meet requirements under a Federal Stipulated Court Order. GWA may need to upgrade this WWTP to secondary treatment if Clean Water Act Section 301(h) requirements and water quality standards cannot be met. If the GWA improvements can be supported in the form of mitigation from the DOD impacts, the necessity and cost of secondary treatment may be avoided, through EPA's agreeing to continue GWA's waiver from secondary wastewater treatment requirements under Section 301(h) of the Clean Water Act.

Infrastructure, Drinking Water:

Plan review for expansion of the drinking water systems to service all DOD facilities will be required by US EPA and Guam EPA. Regardless of their owners and operators, the water distribution systems, including water storage tanks and water line connections must be inspected for compliance to meet Guam and U.S. Safe Drinking Water Standards. Existing capacities, projected needs and recommended approaches to meet those needs should be considered. The impacts of using alternative sources of drinking water should be assessed. These alternatives should consider surface water, ground water, recycled water, desalination and various treatments needed for future water sources and combinations of these sources. Partnership of DOD with GWA on comprehensive upgrades of total water facilities should be part of the DOD expansion. Impacts on Guam's population of such cooperative development of infrastructure versus separate DOD developed and operated systems must be addressed.

The EIS/OEIS process shall address the cumulative impact of the military build-up on the 2006 Guam Water Resource Master Plan to include the DOD's proposed future developments and evaluate alternatives that may best serve both the civilian and the military communities on Guam through a comprehensive island-wide approach with GWA. Accelerated replacement of leaking GWA and DOD water lines and development of new planned storage reservoirs should be emphasized to recover and store the lost water in lieu of developing new water sources. Such alternatives must be considered as well as water conservation and recycling.

Groundwater:

A series of assessments on ground water must be carried out as part of the EIS/OEIS. Cumulative impacts of military expansion and relocation on the US EPA recognized sole source aquifer of Guam need to be addressed. Increased pumping from the aquifer for all DOD uses shall be assessed relative to its corresponding sub-basin's sustainable yield. Because of pollution risks to currently utilized ground water resources, the issue of ground water under the direct influence of surface waters (GWUDI) must be assessed and its impact on cost and availability of water to serve the increased needs of expanded population and developments must be evaluated.

Extension of sewer facilities to unsewered developments off federal lands done in a coordinated comprehensive approach with GWA to protect the Guam Northern Aquifer while developing expanded sewer facilities for military customers must be considered.

The impact of existing TCE and PCE pollution on production of well water for expanded military needs and the alternatives for removing this pollution as part of the drinking water source development must be considered. The closing of the Tumon-Maui Tunnel and the closing of the Air Force air stripping facility in Dededo for well water should be reconsidered among alternatives for water production. Replacement of the air stripping facility with a granulated active carbon filter system as used at Guam International Airport for former Naval Air Station contamination clean-up, at two of GWA's water wells and two privately owned water wells, which have been quite successful in the removal of contaminants, should be considered.

Storm Water Management:

The Guam EPA requires that all storm water disposal, up to the 20-year, 24-hour storm event, be contained on-site of the proposed facilities. Permits for and upgrades to stormwater management systems will be required to accommodate the large expected increases to the flows and decreases to quality of the storm water, whether discharged to the ground or to surface waters.. New expansion construction and upgrades to air strips, wharves, roads, parking areas or other impervious surfaces should have management controls consistent with the Government of Guam's legally applied Stormwater

Management practices and this must be recognized as part of the mitigation under the EIS/OEIS. Special attention to the Federal Sole Source Aquifer designation of the aquifer under Northern Guam must be included in the DEIA/OEIA. Impacts of deviation by the DOD from practices enforced by Guam EPA for stormwater management, as applied on all non-DOD properties on Guam, must be addressed.

Erosion Control:

All proposed activities involving clearing and grading should comply with best management practices applied throughout Guam. Agency permit fees shall be paid where applicable. Environmental Protection Plans (EPP) are required for clearing and grading activities. Stormwater best management practices and erosion control measures shall be implemented for construction and post-construction phases. Vegetative waste should be composted, mulched and diverted from the waste stream going to the landfill. Prior to the commencement of earthmoving activities, local government clearances from the Guam EPA (e.g., for water quality impacts) Department of Agriculture (for wildlife and endangered species), Department of Parks and Recreation’s Historic Preservation Office (for historical and archeological concerns) must also be obtained.

Quarries:

Expanded demand for quarry materials for military construction and off-base construction triggered by the military developments must be assessed and matched to existing and new quarry sites. Impacts of the uses of the quarries and selection of sites and methods that are least damaging to the environment, and to human and natural resources should be assessed and developed into a comprehensive quarry development plan for Guam. The EIS must propose and evaluate alternative quarry materials sources that may best serve both the civilian and the military communities on Guam through a comprehensive island-wide partnership (shared development).

Production of limestone sand from quarries for all uses of sand should be required, rather than use of submarine and beach sources of sand.

Radon Abatement:

Guam EPA encourages that all new proposed dwellings, dormitories, barracks, classrooms and offices in northern Guam be designed as Radon Resistant New Construction Buildings, since they will be built over limestone topography known to emit unsafe levels of radon gas. Impacts of not doing so should be addressed in the EIS.

Air Pollution:

Impacts of emissions due to potential increase of demands from existing power suppliers or the construction of new power sources, including back-up power sources and waste to

energy production, need to be assessed and related to compliance at all potential Guam sites. Impacts of increased vehicle and vessel emissions on Guam air quality should be addressed.

Solid Waste and Construction and Demolition(C&D) Debris:

The AAFB has been successful in reducing and diverting waste, especially green waste, from landfills. Similar and improved new methods to reduce and recycle solid waste should be addressed in the DEIS/OEIS and impacts on landfill requirements noted. Partnership possibilities with private and Government of Guam recyclers should be considered. Assessment and recommendations should be made on limiting landfills to a single, privately operated one for all of Guam, regulated by an autonomous authority. The change to the lifetime of this already planned landfill due to increased waste from the expanded population due to military build-up must be calculated in the EIS. Temporary alternatives on military property should not be proposed without assessment of their impacts on development of the proposed single landfill for all of Guam. The impact of the transportation of increased solid waste to the new landfill facility should also be addressed.

C&D debris from DOD activities should be recycled as much as possible. Capacity to recycle old concrete from demolition sites exists on Guam. If the hardfill material resulting from demolition in DOD projects is to be disposed of off-Base, the current inventory of Guam EPA permitted hardfill sites must be evaluated in the DEIS/OEIS to see if they can accommodate the quantity of hardfill to be generated. If there is not assured capacity, alternatives must be proposed. Alternatives that may best serve both the civilian and the military communities on Guam through a comprehensive island-wide partnership (shared development) for hardfill management should be evaluated.

A recycling program encompassing all federal and non-federal activities on Guam should be considered, to include aluminum cans, cardboard, paper, plastics, glass, metals, wood and green waste. Separation and private curb-side collection for recycling of these materials needs to begin very soon and this should be promoted through a joint Military and Government of Guam approach. Impacts of not doing so should be assessed.

A deposit on all white goods, TV's and other appliances, aluminum cans, plastic bottles, and glass needs to be initiated Island-wide, with full commitment of the DOD, to promote recycling... Or else an alternative means of funding the collection and recycling of these items should be recommended, as is done on Saipan.

Hazardous Waste and Installation Restoration Sites:

Management practices and impacts of hazardous waste, inclusive of waste propellants, explosives, pyrotechnics, used oil; etc. must be addressed. Potential hazardous wastes from construction, demolition, training, restoration and support services must be included. DOD should have generic contingency plans that should outline procedures that DOD will

adhere to in the event that they find adverse environmental conditions during the buildup, this may include but not limited to buried or submerged drums/containers, contaminated soil/water, UXOs, as well as experienced "spotters" that can identify these situations.

Installation Restoration sites such as the Military Munitions Response sites, and the "over-the-cliff" dumping onto Urunao private properties and other clean-ups need to be incorporated in assessing of best alternative development sites. Unexploded ordinance from WWII and other widespread and often unrecorded military contaminants are in jungle areas, submerged lands and currently undeveloped military sites. This can impact site selection and costs of new developments. Known IR sites and timelines for cleanup actions need to be considered in the DEIS/OEIS review of alternative development sites.

Toxic or Environmentally Harmful Chemicals:

Impacts from increases in imports or in generation or storage of toxic chemicals or chemicals that may harm the environment must be addressed.

Pesticides Use:

Impacts of the use of insecticides, fungicides, rodenticides, and microbicides in DOD operations, construction, renovation and maintenance should be addressed. A Pesticides Use Plan should be required for all DOD activities.

Explosives Hazards:

Land use and water use impacts and potential natural resources impacts, especially to native species, from military explosives must be addressed.

Firearms Training Impacts:

For planned location of firearm training areas, the EIS must look into the impact of the noise that may disturb the normal activities of native species as well as human uses of land and waters. Besides land and water uses impacts, impacts to the environment from bullets, shell casings and firearms use residuals must be addressed in the EIS. The impacts of bullets on the marine environment should be assessed over the life of a shooting range. Clean-up of these training wastes must be planned and therefore shooting out to sea can not be acceptable. If an alternative includes shooting over the marine environment, the methods and costs of removal of bullets from the coral reefs protected by US Executive Order must be addressed.

Beach Landing Training Impacts:

Amphibious landing exercises will have impacts on coral reef conservation, beach and coastal area erosion, and migratory shorebird feeding, and can conflict with other uses of

natural resources and land and water areas. These issues all need to be addressed and impacts of all classes of proposed craft in all possible use areas must be separately addressed.

Electromagnetic Radiation Impacts:

Any possible or perceived impacts from electromagnetic radiation related to military activities and possible health and land use impacts must be addressed.

Nuclear Radiation Impacts:

Any possible or perceived impacts from nuclear radiation related to military activities and possible health and land and water use impacts must be addressed.

The current level of radioactivity in Apra Harbor (water and submerged lands adjacent to Polaris Point or the Inner Harbor) and the sources of this radioactivity must be assessed. What types of radioactive monitoring or surveying are done on military installations and at Guam sites external to the bases? What are the types of samples, periodicity of sampling, the isotopes and radiation of concern, and locations of sampling? What monitoring processes are employed? What is the turnaround time for results? What federal and Guam agencies receive these monitoring results?

Will there be a cumulative increase in background radiation levels due to the additional nuclear vessel activities in the Harbor or at the other proposed sites?

Native Species Habitats:

Significant cooperative activities among the DOD, and U.S. and Government of Guam agencies concerned with endangered species and native species conservation have progressed over many years. Habitat areas on DOD property have been used for cooperative conservation projects. The DEIS/OEIS must note impacts to listed species and address protection of their habitats, including providing improved studies and re-evaluation of their habitats near DOD development sites. The EIS must propose and evaluate natural resource conservation alternatives that may best serve both the civilian and the military communities on Guam through a comprehensive island-wide partnership. Management through accepted ecosystem approaches should be described.

Special attention must be given to native Guam tree snails which have been inadequately addressed in previous impact studies. All native tree snails have been badly impacted by human activities, especially removal of vegetation and introduction of alien species. Three of these species are listed as endangered on Guam. For example, the Draft EA for the proposed Beddown of Training and Support Initiatives at Northwest Field, listed tree snails as "not present ". But one species was recently rediscovered by the Director of the University of Guam Marine Laboratory while performing a study for the Air Force at

Northwest Field. This species had not been seen anywhere since its original discovery before its scientific description in 1898 (Reference: Barry D. Smith, 2000, Land Snail Survey of Proposed Cargo Drop Zone at Northwest Field, Andersen Air force Base, Guam).

Loss of vegetation serving as habitat and food sources for endangered tree snails, birds and bats and impacts on native species from all new developments and from DOD related population growth needs attention in the DEIS/OEIS. Information on impacts to Guam species and alternatives and activities to mitigate impacts on these species should be addressed. We believe that a comprehensive mitigation plan is needed in regards to overall impacts on living plants and animals from all the proposed DOD activities. This should include recommendations on mitigation banking possibilities for future impacts.

Cumulative impacts to health of ecosystems, including coral reefs, must be addressed.

Also, improved management of impacts from introduced species and procedures to prevent new introductions on land and in fresh and marine waters should be addressed

Apra Harbor Resources:

Impacts of the creation of wharf facilities to berth the CVN, as well as other expanded needs of the Navy, the Marines and the Coast Guard in Apra Harbor will seriously impact the many existing and potential uses of Apra Harbor. Outer Apra Harbor is one of the cleanest harbors in the world, with its clear waters and numerous coral, fish and invertebrate species. Because of the many existing uses occurring in Outer Apra Harbor, a comprehensive conceptual plan for all uses, including the planned new military uses, should be prepared as part of the EIS and its implementation by all users promoted. A partnership approach to such planning among Government of Guam, Federal resource agencies and the DOD will best serve both the civilian and the military communities on Guam and the National interest.

Alternatives to destroying the coral reef shoals in Apra Harbor must be developed and promoted in the EIS to allow a turning basin for the aircraft carriers that will visit Guam. These various shoals, including Western Shoals, Middle Shoals, Dry-Dock Shoals, Jade Shoals, Finger Reef, Sponge Reef and Hidden Reef are beautiful healthy coral areas with highly diverse fish and invertebrate species. These are areas that the tourist industry as well as the local population and military residents utilize for sport scuba diving, and snorkeling excursions. Protection of the shallower shoals from ship groundings and boat damage would be aided by better marking of the various shoals with proper buoys. Development of deeper artificial reefs in Apra Harbor would not mitigate damage to these shoals.

Increases in sea traffic and related restrictions or limitations on commercial and recreational water uses in Apra Harbor must be addressed.

Impacts beyond Inshore Waters:

If the Overseas EIS is being done because developments or changed uses are planned in areas beyond 12 miles from shore, these uses, their alternatives and their impacts should be described. No proposed activities in these waters have been named, but JGPO has said that the reason for an OEIS is because of some kind of activities and impacts will be beyond 12 miles.

Cumulative Impacts:

The Guam EPA has reviewed the scoping needs for the impacts expected from the actions noted in the NOI for the EIS/OEIS, as a separate group of impacts, not encompassing the significant interactive and cumulative impacts of related DOD proposed developments not only to current local conditions, but also to proposed or anticipated local development/growth. The overall cumulative impacts of additional projects and developments directly and indirectly caused by military expansion on Guam need to be addressed as thoroughly as possible in the DEIS/OEIS. For example, some of the many inter-related DOD activities that are ongoing and planned for development on Guam include the redevelopment of munition igloos at Andersen AFB, establishment of Global Hawk activities, the proposed Beddown of Training and Support Initiatives at Northwest Field, the expansion of Kilo Ammunition Wharf, the improvements to support nuclear submarines, the development of on-base schools, associated sports facilities directly related to school activities, library expansion, military education center expansion, facilities outside of the DoDEA school and higher education systems to provide collaborative opportunities and joint program planning for K-16 yet to be determined, barracks, housing and supermarkets, etc.

We request that the DEIS/OEIS include more than summary tables of the ongoing and expected projects. The cumulative and interactive impacts of each proposed project need to be addressed along with local future development/growth. Discussion should be provided on compatibility and interdependency of projects and ways to mitigate overall impacts. Comprehensive approaches to accommodate infrastructure needs and the lessening of any resulting negative impacts overall need to be addressed in light of all DOD activities.

The inclusion of impacts from transient DOD personnel and construction and service workers must be added to impacts of those based on Guam in all issues addressed in the EIS/OEIS.

Cumulative impact analyses should include not only direct impacts, but also impacts indirectly caused by military activities. Many indirect impacts due to the proposed build-up covered by this EIS/OEIS are already occurring, such as increased property sales,

production of barracks for construction workers, increased immigration or return of previous residents to Guam, etc. Statistics and projections on these changes and impacts must be generated for the EIS.

The logical reference point for measuring cumulative impacts must be established, such as environmental conditions at a certain point in time, e.g., 2006.

Mitigation:

Previous mitigation by the DOD on Guam and in the CNMI for environmental impacts has not been successful, such as the Navy mitigation for construction of Kilo Wharf. Much improved and permanent mitigation must be planned in this EIS/OEIS. We believe that a comprehensive mitigation plan is needed in regards to overall impacts on living plants and animals from all the proposed DOD activities on Guam. This could include recommendations on mitigation banking possibilities for future impacts. Impacts and mitigation for other islands should also be addressed.

The potential value of determining compensatory mitigation actions through the technique of Habitat Equivalency Analysis (HEA), as is being used for Kilo Wharf expansion mitigation, should be discussed and its application to all DOD projects impacts evaluated.

Mitigation for impacts to the human environment should consider provision of DOD lands for public uses such as recreation or a new public landfill and sharing of DOD resources such as those for mass transportation.

Impacts on Regulating Agencies:

We are particularly concerned over the anticipated impacts of increased military presence on Guam on the ability of Guam Environmental Protection Agency to provide the services which we are mandated to perform under US and Guam laws. The same concerns apply to other Government of Guam regulatory agencies.

Although plans, sites and detailed information on the relatively huge and sudden establishment of new facilities to be addressed in this EIS are not yet available, as well as information on other possible DOD projects and secondary impacts, these must be taken into consideration. Our estimates on anticipated impacts on Guam EPA services can only be general and preliminary at this time, and subject to revision as more information becomes available.

Wastewater: Whether the DOD develops its own or, as logically expected, uses Guam Waterworks Authority owned and operated wastewater collection and disposal systems, they must comply with Guam EPA Wastewater Regulations. A comprehensive wastewater collection system for all new or expanded DOD activities on Guam needs to be developed and coordinated with the GWA Master Plan, then approved by GEPA. DOD must

coordinate with the Guam Waterworks Authority and GEPA on the total projected amount of wastewater from the DOD properties that will be treated by GWA. Sewer connection permits, treated wastewater discharge permits and plans and designs for collection and treatment systems, all need Guam EPA engineers detailed reviews and approvals.

Drinking Water: Guam EPA will need added resources to review plans for expansion of the DOD drinking water systems and their meeting legal requirements , while not impacting resources necessary for non-DOD water users. The water distribution and treatment systems, including water storage tanks and water line connections must be inspected by Guam EPA for compliance to meet Guam and U.S. Safe Drinking Water Standards.

Clearing, Grading and Excavation: Most new DOD facilities will involve clearing and grading, which require Guam EPA permits following plans being reviewed by GEPA engineers. An Environmental Protection Plan (EPP) is also required for clearing and grading activities. If surface water may be impacted, a Water Quality Monitoring Plan must be filed with GEPA and approved for each project. Plans for best management practices applied to stormwater disposal and erosion control measures must be reviewed, approved, permitted, and then after construction, monitored by GEPA staff. New expansion, construction and upgrades to air strips, parking areas or other impervious surfaces should have management controls consistent with the Government of Guam's legally applied new Stormwater Management practices. Although the DOD does not apply for Guam Building Permits for construction on Federal properties, the private contractors working on DOD projects do apply for the various GEPA permits. Planned new developments over Guam's federally recognized Sole Drinking Water Source Aquifer will require increasing scrutiny by the already overworked GEPA staff.

Water Quality Certification: All US Clean Water Act Section 401 permitting is administered by Guam EPA. Related review of wetland permits and of Federal Consistency Approval under the Coastal Zone Management Act are also carried out. Projects from military expansion will increase workloads for all of these.

Solid Waste: GEPA must permit and regulate landfills that accommodate military expansion, and also must regulate other disposal activities and the expanded waste storage, recycling, waste separation, collection and transfer activities expected. GEPA plays a major role in having future military solid waste management be integrated with the public waste management system and having DOD utilize the new Guam Sanitary Landfill.

Significant amounts of Construction and Demolition(C&D) Debris are expected to be generated by upcoming military developments. This requires development and permitting of new hardfill sites.

Even the existing GEPA mandates for regulating and planning for these solid waste activities remain unfunded by the US and by Guam General funds. The added responsibilities for expanded military developments must result in added resources of

manpower, equipment and operational funds for GEPA to meet its mandates on solid waste management planning and regulation.

Hazardous Waste and Clean-Up Sites: Amounts of pesticides and hazardous materials linked to the military expansion will increase on Guam, needing additional Guam EPA resources for monitoring, permitting and enforcement.

Dozens of Installation Restoration (clean-up) sites of hazardous wastes on DOD properties (and overflowing from DOD properties, such as over the cliff at Urunao), as well as off-Base, Formerly Used Defense Sites (FUDS), are recognized. Many more on Guam may be found in the future as resources become available to identify them. These are being assessed and slowly restored to allow safe, but often restricted, uses of at least adjoining properties. GEPA through its DSMOA program plays a key part in promoting and overseeing such clean-up activities. Increased DOD developments will lead to pressure to increase and speed up the investigation and restoration of these hazardous waste sites and will increase generation of new hazardous waste to be managed. This will expand the already burdensome load on GEPA resources.

Air Quality: Permitting and monitoring of air quality related to increased releases of pollutants from military facilities, vehicles and equipment or private and Guam Government facilities, vehicles and equipment serving increased DOD demands, will increase the demands on already insufficient Guam EPA resources.

Off-Base Impacts: A very significant increase in off-base population would occur as a result of the importation of labor necessary for construction. Most of the laborers for DOD construction would have to be temporarily brought in to Guam.

Housing Facilities for Temporary Workers (Barracks) will cause many impacts involving land use and infrastructure permitting and planning by GEPA staff to mitigate and control. Likewise, related increases in traffic and government services for the imported workers will demand GEPA attention. The DOD may not assume primary responsibility for these impacts, making the work of GEPA even more difficult. The immediate increased demands on water, sewage and solid waste disposal from the influx of new workers will only aggravate the existing severe violations of environmental standards by the Government of Guam, as illustrated by the Federal Court ordered Consent Decree and Stipulated Orders.

New road construction has always been a regular burden on GEPA reviewers and permitting staff and this should greatly expand with urgent requirements for roads needed by the military.

The expected DOD construction both off and on Base will require massive amounts of quarried materials that will also lead to more review, permitting and inspection work by GEPA staff.

Wherever they are located, military developments, private and public developments triggered by the DOD expansion and even plans for expanded programs, will generate extensive EIA/EIS documents with strict timelines for review and comment. GEPA is already understaffed in manpower able to conduct these reviews and provide required formal comments.

Loss of Qualified Staff: Besides directly generating much more work for the GEPA staff, the urgent and well funded DOD development projects promise to lure more and more capable staff trained by GEPA to abandon the Agency for more lucrative positions in support of the military expansion. Several extremely important and experienced staff have already made this move in the last year. This is crippling the ability to fulfill GEPA mandates, while the demands and workloads are simultaneously greatly increasing. The EIS may address impacts on the permit processing resources and resulting delays in permit approvals and discuss the secondary impacts and costs resulting from these delays.

Infrastructure, Energy:

Partnership of DOD with GPA versus separate DOD developed and operated systems should be evaluated for impacts to the environment and to customers.

New alternative energy options to replace traditional sources of power should be evaluated, such as wind generation, cold seawater air-conditioning, ocean thermal energy conversion, methane from the Ordot Dump, waste-to-energy and solar power. These can prevent increased pollution that would be generated by expanded use of diesel, oil, solid waste or coal as fuel.

Military facilities should be designed for energy conservation and existing buildings should be modified to promote conservation.

Due to the many typhoons that Guam experiences, more reliable underground utilities need to be installed and the old system of power poles needs to be removed. In the past, after large storms have hit the Island, it has taken from 1 week to more than a month in some of the outlying areas for power to be restored. This is because of wind damage to power lines and equipment. Also, security of these utilities from other threats, such as vehicle accidents or terrorist and vandal actions would be served by relocating them underground. Current technology easily allows underground replacement of above ground lines. Costs and impacts of acceleration of this conversion, on and off DOD property, as related to the military build-up should be addressed.

Infrastructure, Traffic and New Roads:

With approximately 40,000 active duty personnel and dependents added to the island, what additional numbers of government and personal vehicles will be needed? What percentage will be importing their vehicles to Guam? What will be the impact to traffic? What will be the impact to Government of Guam Motor Vehicle Registration and licensing resources and services?

All Guam residents anticipate serious problems of increased road traffic accompanying the population changes tied to DOD expansion, and are concerned about development of new roads to link military operations. Much information and detail of alternative roads and their impacts must be covered in the EIS and Guam Highway Master Plans should be updated to coordinate with military road plans.

Potentials for bicycle use on and off base should be assessed and how to meet needs for safe bicycle paths throughout Guam should be considered.

Management of stormwater runoff must be incorporated in all plans and designs for new roads and road improvements. Where new roads are planned, impacts to wetlands and areas of environmental concern must be addressed.

Coordination with Government of Guam

All regulatory agencies of the Government of Guam will apply their permitting and regulatory responsibilities, as required by US National laws and Guam laws, to the activities undertaken by the DOD and its contractors to support relocation and expansion of the military on Guam. To avoid problems and delays in the progress of the support actions, regular dialog and communication among the DOD, its contractors and Guam agencies, including the Guam Bureau of Statistics and Plans, the Guam Environmental Protection Agency, the Guam Department of Agriculture and the Guam Department of Parks and Recreation should be held. The permits, approvals and consultations needed from Government of Guam Agencies as well as from other Federal Agencies should be noted as part of the draft EIS/OEIS.

Recreational Resources:

Impacts to Water Recreational Resources & Facilities: What numbers of additional active duty personnel and their dependents and military transients will be scuba diving, snorkeling, sailing, fishing, jet skiing, boating and competing with residents and tourists for dive, snorkel, fishing, and vessel use sites? This may be estimated from projections based on current Guam statistics on DOD associated divers and boat owners. Should the Recreational Water Use Master Plan and Recreational/Marine Preserve Permits limit the number of people at environmentally sensitive areas (like they do for Hanauma Bay in Hawaii) to minimize impact to those sites e.g., at Piti Bomb Holes Marine Preserve?

Increased impacts on marina facilities and moorings for boat will be impacted and should be assessed. The EIS also should estimate the impact of increased recreational and commercial fishing, due to population increases, to the local fish resources. Mitigation for these increased impacts must be detailed.

Increased use of public areas: Impacts must be assessed and mitigation planned for increased demands for off-base playgrounds, beaches, parks, picnic areas, sports facilities (soccer, football, baseball, softball, swimming, tennis, basketball, paintball, cock-fighting, volleyball, etc.), hunting areas, camping areas, off-roading vehicle use areas, fishing areas, conservation areas, hiking trails, biking trails and paths, and other public areas. This includes direct demands from military population increases and indirect increased demands from additional population triggered by the Military build-up.

Impacts to animal facilities:

With approximately 40,000 active duty personnel and dependents to the island, how many will be bringing their pets? What is the impact to pet quarantine facilities and veterinarian services?

SOCIO-ECONOMIC IMPACTS

MASS TRANSIT

Observation- a review of Department of Defense (DOD) facilities and land holdings on the Island of Guam show that they are spread throughout the island from south, central, east and north as follows:

- South- Naval Ordinance Annex, Apra Heights
- South-Central- Apra Harbor/Naval Station, Tenjo Vista Tank Farm, Sasa Valley Tank Farm, Nimitz Hill, Naval Hospital
- East- Barrigada Transmitter Site, NCTS Barrigada, Anderson South
- North- South Finegayan Housing, NCTS Finegayan, Northwest Field, Anderson Air Force Base

Most if not all of these facilities are separated by civilian/government lands and foreseeable traffic generation can be expected to increase using the local transportation networks (roads). As such, it is safe to say that most of Guam's public roads will be impacted depending on the level of increased activities connecting these facilities. Furthermore, traffic generation between military installations and civilian/private/government such as commercial, business and residential zoned areas can also be anticipated.

Based on the assumption that any proposed construction of housing facilities will be centrally and northerly located (*Andersen South, expansion of South Finegayan Housing, NCTS Finegayan*), thus increasing traffic movement in the already populated central and northern areas of Guam (*Mangilao, Dededo, Yigo, Barrigada, etc.*)

Traffic can be expected to increase connecting these populated areas as well as traffic generation into the existing commercial and business districts on Guam (*Dededo, Tamuning, Hagatna*), and connecting to southern military facilities (*Naval Station*). The major highways that will be impacted are:

- Route 1- Marine Corp Drive- from AAFB to Naval Station;
- Route 3-North
- Route 15- East
- Route 16-Central
- Route 10 and 4-Central

Traffic generation can also be expected to increase on Route 7 leading up to Naval Hospital with the proposed expansion of the hospital, the construction of a new high school and other related facilities.

Likewise, traffic generation associated with direct military functions and activities can be expected to increase between Naval Station/Ordinance Annex (south) and AAFB(north).

Public (Mass) Transit and Impact of Military Buildup:

Currently, the government of Guam through the Division of Public Transit Services, Department of Administration operates a public transit system supported by a fleet of fifteen (15) buses. This system has been in operations for over 20 years and is comprised of three (3) service categories:

- *Fixed Routes* - this system utilizes 4 of buses on a fixed schedule with designated bus stops connecting three (3) major hubs, Chamorro Village (central), Agat Mayor's Office (south) and Micronesia Mall (north);
- *Demand Response Services* - this system utilizes 6 buses and is designed to serve as a feeder shuttle service into the fixed routes. Riders using this service are required to call in to the dispatcher to schedule a ride.
- *Para-Transit Services* - this system utilizes 5 buses and are reserved for individuals with with a disability who are certified by the Department of Administration and issued a Paratransit ID card;

Over the past five years, the transit system has seen an increase in riders using the system averaging over 20,000 rides (Pax) per month. This number is expected to increase among the present population as dependency continues, and the quality and efficiency of the system improves. The increase in population as a result of the military buildup will result in additional increases in the volume of riders.

The public transit system in its current state is facing difficulties with keeping up with the local demand for services. The added demand from the military community as a result of the increase in military population will place additional as well as new challenges on the Guam Public Transit System.

It is estimated that at least a ten percent (10%) increase in ridership will result from the military community. This translates to about 2,000 additional rides per month just from the military community. It is anticipated that the Guam Public Transit System will have to expand current service routes and add new routes to serve the various military facilities.

The EIS should explore the consolidation or integration of both the Guam Public Transit System and military resources (buses, facilities, etc.) to better serve both population segments. This approach of consolidation or integration of resources should be seriously considered today and in the preliminary planning process that will benefit both military personnel/dependents and the civilian community. If the military currently has a bus system in Okinawa to service its personnel, then consideration should be given to

relocating those buses to Guam to augment the existing public bus transportation system. Potentials and impacts should be considered in the EIS for alternative systems to busses.

CULTURAL AND HISTORIC RESOURCES

The Environmental Impact Statement (EIS) Study should address social and cultural related issues, with the aim to:

- ensure a smooth transition of military members and their families, as well as for the people of Guam;
- ensure the continued preservation of Guam's culture and lands;
- foster and promote civilian and military relations;
- improve the quality of life for military members and their families while stationed on Guam and the local population;
- ensure inclusion of the military members and their families into the community to the maximum extent possible;
- investigate the potential, mutual synergies and efficiencies using shared federal and local resources to support the above objectives.

The following should be included in the EIS study to determine the impact to the community of Guam:

- Assess the attitude of the people of Guam and develop recommendations to mitigate and dispel the ill-perception of "why" the U.S. Marines were forced to leave Okinawa (e.g. rape of a minor, cultural differences, etc).
 - Based on statistics of U.S. Marines in Okinawa pertaining to the ill-effects (e.g. crime, Sexually Transmitted Diseases (STDs), alcohol-related crashes, bar fights, unwed pregnancies, etc), assess Guam's infrastructure and capacity to handle a proportional increase to its existing infrastructure.
 - Assess Guam's current infrastructure in terms of family entertainment, art, music, and cultural activities/alternatives and identify recommendations to overcome any identified shortcomings.
 - Assess Guam's current plans for the Guam Museum and identify cost efficiencies for integrating military history on Guam and the potential for shared funding, while Museum project is still in development (e.g. consider an integrated island-wide museum plan (e.g. National Park Service, Guam Museum, COMNAVMAR, Andersen AFB, and Micronesia Area Research Center).
 - Assess the feasibility of a joint partnership between the military, GovGuam, Consulates and Tourism entities to develop a *cultural reception center* for all newcomers that promotes Guam's culture and resources that ensures quality of
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life during their stay on Guam and provides a better understanding of Guam's "way". Such a center could be located in areas like

- hotel lobbies through Concierge services
 - A. B. Won Pat Guam International Airport
 - Guam Visitors Bureau
 - MWR offices
 - Department of Parks and Recreation postings
- Assess the available resources to ease the transition of a military member/family moving into and living on the economy (living outside the fence), and identify what village Mayors can do to support their transition (e.g. linking to other families as a local support group).
 - Assess the feasibility of the COMNAVMAR and Andersen AFB historians to educate the public to gain better understanding about the military in Guam to include the development of
 - orientation and cultural sensitivity programs;
 - training programs as appropriate for distinct populations; and
 - Materials that are culturally and linguistically accurate.
 - Assess the current cooperation between the military and local communities and identify recommendations to better integrate the military and local communities to include
 - bringing arts and culture groups to the table to think, act, and invest in what makes Guam unique;
 - increasing awareness, education, and outreach arts and cultural programs;
 - continuing to align villages to various military groups;
 - Creating a steering committee of civilian and military members to coordinate programs for the benefit of the public.
 - Assess the feasibility of utilizing local visual and performing artists during military related functions to foster and promote Guam's culture.
 - Assess the current interaction between DoDEA and GPSS and identify recommendations to integrate or identify collaborative school activities to promote anti-racism and gain a better understanding of cultural differences (e.g. invite DoDEA schools to GPSS schools during Chamorro Week, invite GPSS to DoDEA during Black History Month, other special events, etc.) and to also include
 - increase effective marketing to expand audiences and encourage greater participation and support of the arts by our residents;
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- Build on Guam's unique heritage, develop cultural tourism, and bring the arts & culture to the military through cultural and recreational activities and events.
- Identify if sufficient programs are available to ease the transition and, if not, identify programs that have worked in other communities.
- Identify an annual budget to support any recommendations stemming from the EIS study for social and cultural programs.
- Assess the DoDEA curriculum to determine if it is sufficient to educate youth on Guam's history and culture to include
 - bringing in knowledgeable experts to teach Chamorro language and culture;
 - building a resource pool of Chamorro language and culture teachers and utilizing that resource;
 - bringing Pa'a, CAHA, and other cultural groups to provide programs to the military; and
 - Reviewing and implementing a comprehensive Chamorro Guam-based curriculum in DODEA schools.
- Assess the requirement for additional Chamorro language and culture teachers to include necessary training, resources to teach the teachers, and venues for practical experiences.

Historical and Archeological sites: Every new development site proposed in the EIS alternatives must receive formal historical and archeological site impact review, evaluation and mitigation.

PUBLIC SAFETY AND LAW ENFORCEMENT

Assess the impact of the increased number of military personnel and their dependents, DoD civilian personnel and their dependents, and contractors (i.e. foreign labor workers, US companies) on Guam's law enforcement resources, to include the impact upon Guam's adult and juvenile correctional systems, confinement/rehabilitative facilities, court system, and victim services. Identify actions that will be taken to mitigate negative impacts and jurisdictional issues.

In order to accurately evaluate the impact the military will have on Guam's prison system and its criminal justice system, historical information is required. Data and an analysis of it from various units stationed in Okinawa and other neighboring areas that is related to military and local arrests is needed in order to project the true impact upon Guam's criminal justice system based upon data. The analyzed data should include the number of military personnel that were arrested by local authorities annually in order to accurately project any real impact on our prison system.

The United States Military may have plans to build a correctional facility or brig for all its military personnel but that may not be applicable for local arrests for violations of local laws. This may include for instance: Family Violence, Assault, Murder, Rioting, Theft, Sexual Assault, Robbery, Drug Possession, Public Intoxication, DUI, and a host of other violations that local authorities would have primary jurisdiction.

If we took the assumption that only 2% of the 20,000 military personnel and family expected would be arrested or get in trouble with the law, Guam will need 300 cells. This is a small percentage with a huge impact. Guam's adult correctional facility in its present state would be unable to provide a safe and healthy environment for these prisoners. This enormous impact would be further exacerbated if the local population were involved in the crime. This could impact our prison population exponentially.

HEALTH AND SOCIAL SERVICES

Comments are grouped by main categories. These categories include: general health issues; general mental health, substance abuse and developmental disability issues; general social issues; human resources; funding; infrastructure; policy and legislation and; health insurance. The scoping comments reflect the broad spectrum of healthcare and social services. Following is an overview about the *types of major activities* that should be undertaken by DoD to assess and mitigate impacts:

- Feasibility for partnerships
 - Ascertaining a baseline of services and quantifying military expansion efforts
 - Impact on the system of care for health & social services
 - Impact on existing respite, emergency, day care and residential treatment homes
 - Determining the impact on "minoritization" of indigenous Chamorros; weakening civilian personal and local identities; increased segregation and discrimination; disintegration and weakening of familial and kinship networks; increase in mental health and child abuse problems; capacity building of local health and social services; increased segregation and discrimination and building communication structures between local and military communities
 - Cost benefit investments and analyses of local infrastructures and off-island investment services;
 - Assessing standards of care and ethical requirements
 - Workforce capacity and ability to sustain services post construction phase
 - Current capacity to respond to wide spread epidemics, mass casualties, acts of terrorism, etc.
 - Impact of adult industry (bars, parlors, alcohol and drugs) on health and social welfare
 - Examine the policy of Food Defense and Terrorism for food distribution and outlets to reduce the risk of intentional food contamination between military and civilian
 - Cross mandatory reporting, sharing of information concerning health and welfare of children, seniors and general public health
 - Full inventory assessment of Guam's medical capacity and assess the cost-benefit of shared resources to conduct health screening, x-rays, laboratory exams, and specialized operations
 - Identify health and social high risk factors associated with population expansion
 - Assessing available federal funding streams
 - Analyses of health insurance structures and disparities
 - Local and military policies in accessing healthcare
 - Identify and maximize synergies and cost efficiencies in utilizing joint resources to improve health care and social services (shared funding, shared resources)
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It is important to note that while these scoping comments are specific to health and social services, it should be recognized that transportation, labor, education, infrastructure, public safety, housing, social and cultural issues, and economic development are interrelated areas that impact health and social services.

General Health Issues

- Study the feasibility for partnerships for the provision for health
- Consider the scenario: 2 years from now, over 40,000 people will move to Guam as part of the military's strategic defense plan. Report on the findings with respect to what impact it will have on Guam's health and social service delivery system: hospital and clinic facilities, medical, allied health and social service personnel, funding, supplies, medical equipment, and technology. With the findings, what impact will it have on family, community and social well being?

General Mental Health, Substance Abuse and Disability Issues

- Examine the impact military expansion will have with respect to drug and alcohol abuse on the community, criminal justice system
- Assess the current system of care and the potential impact it will have on residential treatment, the court system, to provide for those who need mental health, substance abuse and disability services
- Assess military expansion plans for mental health and substance abuse treatment and developmental disabilities and determine what measures are needed to meet demand for services.

General Social Issues

- Evaluate military policies to determine if they can be modified to accommodate the local situation.
 - Examine the extent the impact would have upon family income levels and its effect on the welfare system and potential disparities resulting
 - Examine the laws and processes for investigation and resolution of offenses and criminal acts committed by military personnel and their dependants.
 - Conduct a study to determine the impact on the following: "Minoritization" of indigenous Chamorros; weakening civilian personal and local identities; increased segregation and discrimination; disintegration and weakening of familial and kinship networks; increase in mental health and child abuse problems; capacity building of local health and social services; increased segregation and discrimination and building communication structures between local and military communities.
 - Explore the impact on respite care services, emergency shelters for battered women and their children, foster care homes.
 - Assess the impact of existing child care services and foster services to meet the demand
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- Conduct a sustainability plan post military buildup

Human Resources

- Assess the scale of margin with respect to the capacity of medical (family practice, pediatricians, public health doctors, for eg.), nursing, dentistry, pharmacy, barbering and cosmetology, optometry and allied health;
- Assess current workforce capacity of healthcare/ social service providers in both public and private sectors and determine the impact if adequate human resources are not obtained;
- Examine the workforce capacity to handle substantial increase of patients/consumers/customers

Funding

- Determine federal funding streams that are being initiated specifically to address the increase of military personnel on health and social services.
- Conduct a study of similar communities and population size that experienced military expansion and determine the economic impact it had on the health and social service system. What lessons learned would assist Guam's health and social service system in projecting and planning for appropriate funding levels, shared funding and other economy of scales?
- If federal and local funding remained at same levels what would be the implications for sustaining quality of care
- What funding levels would be necessary on an annual basis for 5 years to meet expansion plans for the needs for health and social services?

Infrastructure

- Evaluate the cost benefit of investing in the local infrastructure in lieu of building a brand new Naval Hospital or build a hospital that allows for both military and civilians (the public) to utilize, where there is a shared investment in hospital equipment and facilities.
 - Conduct cost benefit analysis of improving local infrastructure versus providing care off-island
 - Assess current healthcare and social services (hospital, clinics, residential treatment homes, shelters,) and identify areas where capitol investment can be directed to provide care locally vise off-island
 - Assess potential for Guam to serve as a healthcare hub for the western pacific region
 - Study Guam's Emergency Medical Services and Emergency Triage system and determine the human resources, and infrastructure capacity needed to meet military expansion efforts and potential threats to the community if needs are not met
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- Assess Guam's capacity to respond to wide spread epidemics, mass casualties, acts of terrorism, etc.
- Conduct a full inventory assessment of Guam's medical capacity and assess the cost-benefit of shared resources to conduct health screening, x-rays, laboratory exams, and specialized operations
- Identify health and social high risk factors associated with population expansion at this magnitude and determine the full impact it will have upon the current health and social service system.
- With respect to transportation, examine current plans and potential impact to gain access to emergency services, as well as health hazards resulting to fuel emissions
- With respect to the adult entertainment industry, (bars, night clubs, etc.) assess the level and severity of impact upon the community; what will be gained, lost and changed.

Policy & Legislation

- Examine disparities in local laws and military policies (ie) public health reporting, child abuse, environmental health and communicable diseases and its impact upon the community of Guam
- Examine the policy of Food Defense and Terrorism for food distribution and outlets to reduce the risk of intentional food contamination between military and civilian
- With existing public health laws governing animal and food borne complaints, assess the level of risk concerning "imported diseases" as a result of increased population numbers. What changes and/or developments must be made to control further diseases and new vaccines to control a public health outbreak?
- With respect to standards of care, conduct an assessment of regulatory requirements (medical and background clearances), institutional accreditation, provisions to practice at all levels of healthcare, licensing and certification to determine eligibility and quality and fair treatment for all people living on Guam
- Identify and maximize synergies and cost efficiencies in utilizing joint resources to improve health care and social services (shared funding, shared resources)

Health Insurance

- Examine Guam's health insurance industry for both civilian and military personnel and determine opportunities and treats to all family income levels and citizenship
 - Examine the major health policy plans (MIP/Medicaid) and determine the impact upon accessing quality of care
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Recommendations

The following need to be fully assessed by DoD in order to help mitigate negative impacts to Guam's health care and social service systems.

- It is necessary for the community to understand what the DoD policy is with respect to medical treatment, mental health, substance abuse treatment, etc. (e.g. off-base treatment, off-island treatment, etc) and it is necessary that DoD determine the potential impact to Guam's health system
- Focus on assisting the local hospitals and clinics (GMH, DMHSA, Public Health,) to become JCAHO accredited, so that the military can justify, utilize and pay for off-base treatment. Most clinics are JCAHO accredited; therefore, local clinics should be utilized to the maximum extent.

Assess impacts by addressing the following

- What will be the capacity at Naval Hospital and the AAFB clinic?
 - What medical assets will accompany the USMC move?
 - What social service assets will accompany the USMC move?
 - What family support service assets will accompany the USMC move?
 - What are the anticipated personnel/family demographics of the specific USMC units that are slated to move?
 - What are the current utilization rates for social services/family services of the specific USMC units slated to move?
 - Will current COMNAVMAR social service/family service functions be expanding?
 - Are there plans to expand the current US Naval Hospital Guam?
 - Do these plans include an expansion of services not currently provided by US Naval Hospital Guam?
 - What type of care is currently being referred from US Naval Hospital Guam to the local community?
 - Are there plans to recapture this work load?
 - What will be the use of military and their dependants in using welfare benefits (ie) WIC program
 - ~~Are there plans to increase civilian hires of medical personnel from the local community?~~
 - Will the USMC move have an impact on the DoD/VA sharing agreement, with regard to care provided to VA patients?
 - What is the current level of capacity to provide services for the organization in the organization
 - Can the current level of capacity meet the anticipated growth capacity during military expansion and if not, what will be the solution
 - What are the anticipated nursing education needs of military personnel/family
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- What are the educational levels of the military nurses/family members (particularly BSNs and MSNs)
 - Will the military contribute to expansion/renovation of the nursing school to accommodate personnel/family needing nursing education
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OFF-BASE HOUSING, HOUSING DEMAND, RENT COSTS

The real estate market on Guam has spiked since the speculation of the military build-up. We have seen the increase in prices of land, homes and rental units. The long-term effects will be mainly on the low-income and working class families. Support personnel and contract workers will be arriving to augment the military expansion. Some may be temporary.

Rental prices near economic centers will increase driving those who cannot afford these rents further away from their place of work. Families may find themselves priced out of the market and have difficulty finding places to live close to our island's employment centers. Although Guam is a small island, affordable and reliable transportation could be a problem for those with rental affordability issues. While there are plans to construct housing within the military installations being planned, based upon current DoD policies and practices, its services members are given the option of living off the base and are given a housing stipend. This housing stipend exceeds the amount of money Guam's civilian community, and in particular those in the low to moderate income categories have available. As a result, most of the housing developments are now being geared toward the upper-middle income range.

It is anticipated that current housing production is not expected to match future demand and due to this lag, Guam will run a deficiency in the total housing and most especially affordable units needed. Taking into consideration a population growth that is planned in phases, one gray area is the external demands that usually accompanies any military build-up and effects it will cause. What the housing income mix will be is a factor that needs to be immediately addressed. Another problematic area is pressure being placed on current affordable rental units. While these units have long been a staple for Section 8 clients within the U.S. Housing and Urban Development's Section 8 vouchers program, military BAQ subsidies will adversely affect market conditions, since they offer a higher dollar scale for members opting to live off base. Shifting conditions such as this will inadvertently lead landlords to gravitate more towards military members and thus leaving Section 8 clients with little to no rental opportunities. One needs only to look at the current Hawaii rental market with a utilization rate in the 70 to 80 percent lease up rate for its Section 8 program where the low-end renters have been severely affected by this difference in scale.

Presently, the potential availability of housing for low to moderate income families that own property contiguous to military properties is being negatively impacted. They are often denied access to their property or they are denied access to nearby basic infrastructure such as water, sewer, power and established roads. The cost to develop their property in order to provide for access and infrastructure places their ability to build a home on their property out of their financial reach.

EIS Issues That Should Be Addressed:

- Off-base Housing

An increase in off-base population is now occurring, even as the DEIS is being developed, as a result of the importation of labor necessary for construction. Numbers of H2 workers and temporary alien employees as well as workers from the US and other territories and the Freely Associated States need to be estimated and their temporary and long term impacts addressed.

These contract workers may rent existing available dwellings and the economic impacts of this should be addressed. The impacts on current and projected home renters in the community should be assessed. Housing Facilities for Temporary Workers (Barracks) should be discouraged if they are not in a compatible land use surroundings and are not supported by the local community. The DOD should bear responsibility in these matters and cannot depend on its contractors to identify and mitigate impacts of temporary workers living off-Base. If sewer, roads and water are not available for the barracks, use of available rental units should be encouraged. Or, barracks on Base for future military uses may be addressed as an alternative means to house construction workers.

- Housing demand, rent costs:

The impact on availability and local costs for purchase or renting of housing because of demand from military construction and build-up must be assessed. This assessment should include:

- An in-depth housing needs and assessment study to establish a baseline that could shed light on future housing needs
- Future housing stock and affordability of housing in an escalating housing market
- Possible deficit of affordable housing inventory and correspond effects on low to moderate-income families.
- Current affects of local and military regulatory requirements that create barriers to future housing needs on Guam.
- Identification of ways to remove barriers and other impediments to allow for land resources impacted by military installation to be accessed by the civilian community

- Civilian Growth

As employment opportunities are generated by the proposed military installations, the civilian population will relocate to areas near the military installations.

- The impact of the housing demands and the location of the housing developments should be assessed even through they may not be directly related to the military build-up and the creation of new military installations.
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- Building materials costs:
 - The impact on availability and local costs for building materials because of demand from military construction must be assessed.

GUAM'S ECONOMY

Expansion of the Guam Economy

While it is generally understood that the military expansion program will have positive benefits for the Guam economy, the extent of benefits and any potential impacts on jobs, revenue and additional economic activity have not been quantified.

- The proposed action is expected to increase jobs, revenue and economic activity. The EIS/OEIS should forecast the financial impact of the proposed actions on the Guam economy. In particular, the EIS should project what the cost of living would be on Guam during the period of construction and operation associated with the proposed actions; the number and types of jobs to be created; and the revenues projected to be payable to the Government of Guam. It is expected that the proposed actions will create positive impacts which need to be quantified. However, increases may create adverse impacts as well, such as increases in the cost of housing and homelessness. The EIS must address mitigation measures for potential adverse impacts.
 - The military consistently indicates that military growth is good for the Guam economy since servicemen and women will spend money off-base. The EIS should project how much spending will occur off-base as well as on-base by the various industrial categories. This information will allow business to have market information required for business expansion and new business introduction.
 - Guam is aware that the Navy has decided against locating a carrier strike force in Guam and opting instead to locate the CVN in San Diego. Although we understand that the costs for locating a CVN were determined to outweigh the benefits, we recommend that the EIS address the location of an Expeditionary Strike Group on Guam, given the presence of Marines and the need to transport them. An Expeditionary Strike Group consists of troop transports and support vessels such as The Bonhomme Richard Expeditionary Strike Group that visited Guam in April 2007.
 - The EIS/OEIS should describe whether the assignment of active duty military personnel to Guam will allow Guam to collect income tax as allowed under Section 30 of the Organic Act of Guam. Section 30 allows Guam to collect income tax revenue from active duty personnel stationed on Guam. Currently, as many personnel have been only temporarily assigned to Guam, Section 30 taxes are not paid into the Guam treasury, even though temporarily assigned active duty personnel utilize services on Guam. The EIS must identify mitigation measures to resolve this impact if the military plans to assign active duty personnel to Guam on a temporary basis.
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- Companies doing business with the military are required to comply with Guam "doing business" requirements e.g., business registration, payment of gross receipts taxes, and other requirements. Current military contracts contain a provision which identify these "doing business" requirements but the contracts also state: "Business registration with the Government of Guam is not considered in determining contractor responsiveness or responsibility." At the very least, the EIS should recommend that contractors must be registered with GovGuam upon contract award.

Opportunities for Local Businesses

- Based upon a data base of military contract awards maintained by Guam Economic Development and Commerce Authority, on the average from FY 2002-2007, local contractors obtained 45% of the funds awarded but won 71% of total contracts. Greater opportunity for local businesses to obtain a larger share of the contract amounts awarded is sought.
 - The proposed action will result in significant funding for construction projects. This amount of funding and the scope of projects have and will continue to attract numerous off-island contractors. The EIS should evaluate impacts on local businesses and particularly on local small, disadvantaged and minority businesses.
 - The source of funds to implement the proposed action may not all come from DoD budgets. Non-appropriated funds are exempt from small business targets and if funding from the Japanese Government is considered non-appropriated, local small businesses will have difficulty obtaining a share of such funding. U. S. small business programs are not required to be followed by US contractors in Okinawa, nor can we expect Japanese companies who will use Japanese government funding to comply with small business programs. The EIS must evaluate methods to mitigate against these impacts on small business.
 - On the other hand, if funds to implement the proposed action are appropriated into the DoD budget, small business targets are nation-wide goals ie, if these goals have already been reached in other US locations, use of funding in Guam need not have small business goals. The EIS should evaluate the source of funds from the standpoint of local small business participation.
 - Alaskan Native corporations seem to have some kind of advantage in bidding for military contracts. If this is true, the EIS might evaluate the Alaska Native Corporation model for application to Guam businesses that have remained here during good times and bad similar to ensure greater participation in military contract awards.
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- Local businesses may have franchises to supply certain goods and services to Guam consumers but the military or its contractors can ignore franchises and deal directly with off-island business with the same franchise because Guam is an "overseas" area. The EIS should evaluate the designation of Guam as an overseas area with respect to franchises and ensure that local franchises are respected in the award of contracts.
- Local wholesalers are at a disadvantage in competing with off-island wholesalers since shipping of goods is subsidized by the military. The EIS should evaluate subsidies provided to off-island suppliers of goods and identify mitigation measures that provide greater advantages to local businesses or at least levels the playing field
- General Bice consistently mentions public/private partnerships as the way to fund most improvements needed on or off bases. The public/private partnership model appears to involve private sector start-up funding with an agreement that requires a long term lease of the facility by the military. Assuming that most local businesses do not have or cannot obtain the level of financing required for large military projects, the EIS should discuss how local business/residents can benefit from public/private partnerships. In addition, the EIS must evaluate different models for public/private partnerships and the Government of Guam should be involved in the planning for any public/private partnership to ensure that to the maximum extent practicable, local businesses are included in such arrangements.
- The Japanese Government will funnel its financial commitment of over \$6 Billion through "Special Purpose Entities" which will allow the Japanese to directly benefit. This method of project financing will impact on local businesses and financial institutions. The EIS should discuss how SPEs can be made to provide opportunities for island businesses and residents.
- The EIS should evaluate how military services that are not intrinsically governmental will be performed. If such services will be contracted to the private sector, similar to the Base Operating Support contract for Naval Base Guam, then scopes of work should be tailored to the capabilities of local companies. The EIS should also consider the application of a local business preference system similar to that afforded US companies that compete against foreign companies for U.S. work.
- The EIS should provide estimates of the annual amount and nature of ship repair work so that impacts on this important industry can be evaluated. The EIS should baseline current ship repair capabilities and evaluate them against future needs for ship repair.

Other Economic Considerations

- Most of Guam is considered rural for the purposes of U. S. Department of Agriculture Rural Development Programs. This allows very low to moderate income, first-time homeowners to take advantage of low interest rate programs for home purchases and construction. The 2000 US Census determined that the Village of Dededo is ineligible for USDA's housing programs. Increases in military personnel may result in Guam no longer being classified as rural and declared eligible for USDA programs. As a result of military growth, Tamuning, Yigo and other villages may become ineligible if village populations exceed the 20,000 population threshold for USDA's housing programs. The EIS should identify mitigation measures to off-set this impact.
 - USDA Rural Development's Business & Industry Guaranteed Loan Program provides a government guarantee to private credit to improve, develop, or finance business, industry, and employment and improve the economic and environmental climate in rural communities. This purpose is achieved by bolstering the existing private credit structure through the guarantee of quality loans which will provide lasting community benefits. The maximum loan that can be guaranteed by USDA is \$25 million. Currently, all of Guam is eligible for USDA's Business Programs since the population threshold is 50,000. However, village whose populations increase as a result of military growth may become ineligible for the Business Programs as well. Mitigation measures for this potential impact must be identified in the EIS.
 - The U. S. military owns a number of unused federal property particularly small, isolated parcels that are scattered throughout the island. Given their size and location, it is expected that these parcels of land will not be needed for military expansion purposes. The EIS should assess the need for land in Guam and should recommend release of those parcels not needed for expansion purposes to allow them to be developed so that they can contribute to the Guam economy and reduce federal costs of maintaining these properties.
 - The Guam Economic Development and Commerce Authority manages the former FAA housing area which is contiguous to NCTMS and the South Finegayan Housing area and the area across from the Andersen South Housing, now used for urban assault training. The EIS must evaluate impacts generated by military use of adjacent military properties on the potential for development and operation of these properties for non-military uses.
 - Commercial Fisheries and Transshipment: Guam has had a recent history of large scale fisheries industry using the Apra Harbor port facilities and linked air cargo resources and has had plans for expanded service of foreign and US fishing fleets. Some of the few remaining large scale fisheries resources in the world that are not over-fished, the Western Pacific tuna stocks, are in waters surrounding Guam. Impacts must be addressed on current and potential fisheries including
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transshipment through Guam and development of proposed new fishery facilities in Apra Harbor.

- Impacts on the Guam’s tourism industry from the proposed DOD actions must also be addressed.

LABOR

The military expansion in the Mariana Islands poses many potential socio-economic changes that are best addressed with proper economic modeling to generate a range of data projections and produce forecasts for demographics, gross regional product, output (sales), wages and salaries, personnel income, employment and labor force to provide the basis for the analysis related to housing, retail, schools, social services, and local government impacts.

The approach must quantitatively measure where the island is now in terms of human capital, forecast what it will look like incrementally over the next 10 years, identify what resources are available and what resources are lacking, and provide practical alternatives on how best to address these shortfalls.

The plan for labor growth will specify all supporting data and assumptions used in making the recommendations. While the plan can be phased to address resources availability, the complete plan needs to include the following elements:

- A database of current available workers in terms of skills sets and trends that have occurred in these skills sets over the past decade.
- A listing of all potential military projects with as much definition as practically possible over the next 15 years.
- A forecast of the demand for skilled labors by skills sets, including the primary construction industry, the secondary service industry (support service) and the tertiary maintenance and repair industry over the next 10 years.
- A projection of certain significant aspects of the future Guam economy and, in particular, changes to Guam's cost of living in terms of housing, food, utilities, taxes, etc.
- An evaluation of manpower and staffing needs to support the delivery of service at the One Stop Career Center and partners.

It is recognized that the effectiveness of the strategic planning efforts is dependent upon the accuracy of the forecasts and on the ability of planning efforts to anticipate and adjust to the changes in the forecast. Preliminary indications of the scope, magnitude, and duration of the increase in military activity strongly suggest for an immediate need for a comprehensive economic plan with specific focus on human resources, training, employment, and employment support (i.e. transportation, housing, child care, etc.).

The situational context of Guam's labor market and the results of on-going military growth discussions pose concerns with regard to workforce sustainability and impact of Alien

Labor Force (H2B) to the local and regional community. The recent U.S. Congress approval to remove the restriction of the H2B on military related construction poses several challenges for an island economy and all workforce related issues and the ancillary social economic issues.

Impact of Service and Technical Capacity at Guam Department of Labor

- Compliance and Enforcement
 - Needs for Alien Labor Processing & Certification Division (ALPCD) enforcement and compliance – considering all budget categories (personnel, equipment, supplies, rental, capital outlay, etc.)
 - Funding associated with H-2B compliance and fraud/abuse prevention for ALPCD
 - Technology and Systems
 - Personnel and Administrative Services
 - Needs of GDOL to support an increased department workload as a result of the increased H-2B population to include:
 - Labor market testing within the Guam Employment Service (Wagner Peyser Act)
 - Support for Workman's Compensation & OSHA due to increase in construction activity and the injuries associated with this type of work
 - Support for Wage & Hour division to prevent wage abuses

Based upon the work that has been undertaken by the Labor Subcommittee, they have identified the following to be included in the Guam military build-up EIS/OEIS:

- An assessment and projection of wages by skills sets as well as other job desirability factors, including the potential for upward mobility, and a projection by age cohort from both Guam, Northern Marianas, and insular areas in the Pacific jurisdiction to measure potential labor supply alternatives, including attracting those considered non-employed away from continued dependence on public assistance programs is needed in the EIS.
 - Identification and assessment of the sustained job increase after construction, including the sustained job increases in the military and public/private sectors is required to insure the island is not negatively impacted by meeting immediate short term needs and failing to provide for sustained requirements that could have negative implications for Guam's private sector and its military sector.
 - A listing of training requirements to take the current workforce skill level to meet as many of the skill levels anticipated over the next 15 years. Current training resources need to be evaluated for its current effectiveness in meeting present and anticipated training needs as well as the capacity to provide specialized training to meet anticipated needs. The evaluation should include public sector providers such as the Guam Public School System (GPSS), Guam Community
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College (GSS), University of Guam (UOG), as well as private, non-profit training providers such as the Guam Contractors Association Trades Academy (GCATA), Guam Hotel and Restaurant Association (GHRA), and other civic and private for-profit training providers.

- The EIS must address the impact upon the availability of teachers and other specialty services the DODEA system will have upon Guam's public and private school systems. Inclusive within this assessment is not only the additional demand that will be created by an expanded DODEA system but also those military dependents that would be able to provide services to the civilian school systems.
- The EIS should provide a monetary quantification of the cost of training to be incurred by the civilian sector and the Government of Guam to meet DoD's labor requirements and an evaluation of all potential funding sources that may be available to address the training costs.
- An evaluation of potential workforce availability, including sources of labor, current and anticipated market for industrial skilled labors, and the barriers for attracting, recruiting, and retaining these labor forces over the next 10 years.
- The EIS should address the impact the inclusion of military dependents will have upon federal dollars and training slots that would otherwise be available for Guam's residents who are displaced workers as military dependents also qualify under federal displaced worker programs. The EIS should identify mechanisms to mitigate any negative impacts.

EDUCATION

The assessment and impact on the increased demands for education facilities and personnel at all levels caused by the proposed DoD actions must be addressed to ensure the goal of maintaining quality, accessible education island-wide (public, private, and DoDEA) at all levels (K-16) is achieved. This includes an assessment and impact for new schools/facilities, sports facilities directly related to school activities, library expansion, military education center expansion, and new facilities outside of the DoDEA school and higher education systems to provide collaborative opportunities and joint program planning for K-16 yet to be determined. This also includes an assessment and impact of the projected demands of the numbers and types of teachers needed; the number of administrators and staff needed; the number of support personnel (i.e. food service, maintenance, library, education centers) needed; and instructional material demands needed.

The most critical information needed are the growth planning factors for the number of DoD civilians and their dependents, contractors and family members, and Pacific region migration growth between 2008 and 2014. The lack of this information is preventing the CMTF Education Subcommittee's ability to assess any impact to the public and private school sectors in all elements of the education systems (K-16), to include vocational/technical training needs. This in turn does not allow feedback to other subcommittees who need to assess the total impact of water, power, sewage, waste disposal, construction, transportation support system requirements, phone, internet, and other needs to support the education system. The location of any projected school/facility needs is also dependent on where these families may reside. This will affect re-districting efforts to spread the appropriate population. Thus, it is critical that through the EIS process, the following be answered:

1. What are the changes to the planning factors of military personnel and dependents growth in the below spreadsheet and when are they projected to arrive on Guam (by year from 2008-2014)?
 2. Are Special Operations Forces (SOF) and family members still part of the projected gains?
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*CAT	Mar- ines	Mar- ine Fam Mem	Navy	Navy Fam Mem	Air Force	AF Fam Mem	Coast Guard	CG Fam Mem	Army	Army Fam Mem	SOF	SOF Fam Mem
2014??												
*Elementary (Age 5-10)	0	1,798	0	10	0	310	10	0	0	189	0	133
*Middle (Age 11-13)	0	585	0	5	0	110	5	0	0	62	0	43
*High (Age 14-17)	0	585	0	5	0	110	5	0	0	62	0	43
*Higher Ed (Age 18&up)	9,700	5,582	1,250	30	2,630	920	30	0	600	587	350	411
*Total	9,700	8,550	1,250	50	2,630	1,450	50	0	600	900	350	630

*NOTE: These numbers reflect growth in population, not total population.

- What growth planning factors can be provided for the number of DoD civilians and their dependents, contractors and family members, and Pacific region migration growth between 2008 and 2014 (broken down by elementary school (ages 5-10), middle school (ages 11-13), high school (ages 14-17), and higher education(ages 18 and above))?

*CAT	DoD Civ	DoD Civ Fam Mem	**Con- tractors	Contr Fam Mem	Pacific Region Migration
2014?					
*Elementary (Age 5-10)	0	??	0	??	??
*Middle (Age 11-13)	0	??	0	??	??
*High (Age 14-17)	0	??	0	??	??
*Higher Ed (Age 18&up)	??	??	??	??	??
*Total	??	??	??	??	??

NOTE: *These numbers reflect growth in population, not total population.

**Contractors include H1, H2, H3, U.S. etc.

- Where will these general populations mentioned above anticipated to work or reside?
- What is the anticipated length of stay of contractors and/or Pacific Region migration (i.e. Federal States of Micronesia)? This is important to know in order to ensure education-related facilities are not over/under constructed based on exaggerated data).

6. What special education planning factors/requirements can be anticipated, what ages, and how many?
 7. What are the anticipated vocational/technical training demands and timelines associated with the trained workforce?
 8. What is the procedure to incorporate new education-related facilities requirements during the EIS process, to include related sports fields/facilities for student activities (i.e. schools, libraries, education centers)?
 9. What is procedure to integrate new education-related new facilities requirements into on-going infrastructure support efforts (i.e. water, waste water, power, EPA assessments, etc)?
 10. What are the guidance/expectations of library support for service members and dependents – to expand or build additional new library facilities?
 11. What are the guidance/expectations of the Education Center support for service members (and family members) – to expand or build additional new learning facilities and/or office space?
 12. What communication infrastructure is being addressed towards band-width and internet capability increases for education-related programs or island-wide demands?
 13. What communication infrastructure is being addressed towards phone line increases?
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Other Impacts That Should Be Addressed in the EIS / OEIS

To follow is a listing of additional issues that also warrant consideration and inclusion in the EIS/OEIS that is being developed.

1. As originally presented by the DOD's proposed "scoping" document, the EIS / OEIS should continue to address all the "factors of interest to the community";
 2. The EIS / OEIS should require a direct dialogue with each of the infrastructure organizations, and to insure that the respective multi-discipline considerations & nuances thereof are incorporated into the Draft & Final EIS / OEIS;
 3. The EIS / OEIS should focus on how the existing & respective Infrastructure Organizations can support the needs of both the civilian and DOD community, and as opposed to establishing separate / independent / duplicative infrastructural systems & services (e.g., power generation, water wells, landfills, etc.) within a small, Island footprint;
 4. The EIS / OEIS should assess the impacts of the Military expansions on the existing & finite levels of industry professionals, contractors, workforce, materials & supplies, etc. ... and as it affects the cost of doing business, the cost of infrastructural construction, and the economic supply Vs. demand curve;
 5. The EIS / OEIS should assess the impacts of the DOD's expansions on the Island's power generation, transmission & distribution infrastructures, and specific to ...
 - Infrastructure, Ports,
 - Infrastructure, Energy ...
 - i. Generation Expansion and Fuel issues,
 - ii. Separation from IWPS Grid issues,
 - iii. Power System issues,
 - iv. Backup Generation issues,
 - v. DON/DOD Procurement related issues,
 - vi. Conditions of War,
 - vii. Upcoming Studies & Projects, and
 - Infrastructure, Water/Wastewater;
 6. The EIS / OEIS should assess the Mobile telecommunication requirements for the DOD's expansions on both Guam and the CNMI, and specific to ...
 - the capacities & locations,
 - the timeline for arrival of all new DOD personnel, and
 - the selection process for mobile telecommunication providers & the types of services;
 7. The EIS / OEIS should assess the establishment of an Exclusionary Zone around Guam and the CNMI, for Navy SPY1 Radar or similar radars from the other service branches, and as premised on the following ...
 - The Navy SPY1 Radar is very powerful and has the capability of interfering with commercial satellite delivery of video signals (television). When the Navy uses such radar within 75-100 miles of Guam or CNMI, it disrupts the delivery of cable television services to residents of Guam and the CNMI by
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disrupting the downlink from commercial satellites to MCV cable television reception dishes,

- This has not been a significant issue previously as few major unit naval exercises were held in waters near Guam, although in June of 2006, television signals were disrupted for approximately two weeks during a multi-nation exercise. With the establishment of berthing for a CVN battle group, these events are likely to become more frequent in the future, and
 - The Hawaiian cable television operators suffered from such disruptions from some time until an exclusionary zone was created around the Hawaiian Islands that prevented the Navy from using SPY1 radar within 75-100 miles of the Hawaiian Islands during routine (non-emergency) operations. Guam and the CNMI need a similar exclusionary zone to avoid disruption of cable television services to the residents of our islands;
8. The EIS / OEIS should assess reimbursements for relocation of the existing network during road or other construction. During road construction or other construction required by the military expansion, it may become necessary to move current viable wireline networks (cable television, telephone and power) to another location. Utilities would expect a continuation of current military policy which is to reimburse the costs of relocating such network, and will cooperate fully with any joint trench efforts in order to keep relocation costs to a minimum;
9. The EIS / OEIS should assess the impacts of the DOD's expansions on the Island's primary, secondary & tertiary roadway systems, and specific to ...
- the Guam 2010, 2020 & 2030 Highway Masterplans,
 - the establishment of an Intelligent Transportation System,
 - planned vs. proposed roadway reconstructions, and
 - Mass Transit, traffic signalizations, bridges, waterways and other roadway activities;
10. The EIS / OEIS should assess the impacts of the DOD's expansions on the Islands Integrated Solid Waste Management Systems, and specific to
- Municipal Solid Waste Landfill Facilities (MSWLF),
 - Solid Waste Transfer Stations,
 - Household Hazardous Waste Facilities,
 - Solid Waste Diversion & Materials Recycling Facilities,
 - Solid Waste Collections for Government, Commercial & Residential Customers, and
 - compliances to regulatory bodies having jurisdiction (e.g., USEPA, GEPA, GPUC, etc.);
11. The EIS / OEIS should assess the impacts of the DOD's expansions on the Island's building construction activities, and specific to ...
- the increased regulatory oversight and enforcement requirements imposed on regulatory Agencies, and
 - the increased cost of construction induced by an increased demand placed on a finite supply of Contractors, and
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12. The EIS / OEIS should assess the impacts of the DOD's expansions on the Island's bus transportation services for students of both the Public and the Private schools, and specific to increases in routes, equipment fuel & maintenance, etc.
13. The EIS / OEIS should assess the number of active military and veterans who will decide to retire and or live on Guam, and place demands on Guam's Veterans Affairs' services and benefits and determine the nature and impact of the demands (i.e. healthcare, housing, burial, etc.)
14. The EIS / OEIS should address the affects on Guam's tourism industry and economic sustainability.
15. The EIS / OEIS should examine the effect on income and wealth inequality (GINI score increase) as some individuals may profit from the base increase while others may be impoverished by it.
16. The EIS / OEIS should examine the effect the expansion will have on the cost of living, particularly for land and housing.
17. The EIS / OEIS should include the effect on unemployment and underemployment as a result of military dependents being introduced into the local labor force.
18. The EIS / OEIS should provide more detailed information in order to effectively plan and project the future needs of the local and military communities. The lack of detailed demographic data, for example, can produce inaccurate population projection counts which may result in poor planning calculations and outcomes. The numbers that have been officially released are too general and do not provide a clear picture as to the extent and make-up of the military buildup. Without specific age and sex breakdown of active duty members and their dependents, planners are left to do much guess work on the make-up of the school age population, the elderly, persons with disabilities, and the labor force. Social and demographic details are necessary to effectuate appropriate policy measures and action plans to meet the needs of the various population sectors.

COUNCIL ON ENVIRONMENTAL QUALITY
EXECUTIVE OFFICE OF THE PRESIDENT

A Citizen's Guide to NEPA

Having Your Voice Heard



JANUARY 2021

The Council on Environmental Quality (CEQ) revised this guide in January 2021 to reflect the updated National Environmental Policy Act (NEPA) Implementing Regulations that became effective on September 14, 2020. CEQ modernized and clarified the regulations to facilitate more efficient, effective, and timely NEPA reviews by Federal agencies. This guide provides an explanation of NEPA, how it is implemented, and how people outside the Federal Government—individual citizens, private sector applicants, members of organized groups, and representatives of Tribal, State, or local government agencies—can participate in the assessment of environmental impacts conducted by Federal agencies. This guide is informational, does not establish new requirements, and is not formal CEQ guidance. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

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List of Acronyms

CE	Categorical Exclusion
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
FONSI	Finding of No Significant Impact
NCECR	McCain Center for Environmental Conflict Resolution
NEPA	National Environmental Policy Act
NOI	Notice of Intent
ROD	Record of Decision
U.S.C.	United States Code

Purpose of the Guide

CEQ developed this guide to help citizens and organizations effectively participate in Federal agencies' environmental reviews under the National Environmental Policy Act (NEPA), which requires the consideration of environmental effects in Federal decision making.¹ With some limited exceptions, all Federal agencies in the executive branch have to comply with NEPA before they make final decisions about major Federal actions that could have environmental effects. The Federal Government takes hundreds of actions every day that may be subject to NEPA, including Federal construction projects, plans to manage and develop federally owned lands, and Federal approvals of non-Federal activities such as grants, licenses, and permits.

The environmental review process under NEPA provides an opportunity for citizens to get involved in a Federal agency's decision-making process. This guide will help you understand proposals for Federal actions, when to offer your thoughts on alternative ways for the agency to accomplish what it proposes, and how to offer your comments on the agency's analysis of the environmental effects of the proposed action and possible mitigation of potential harmful effects of such actions. NEPA requires Federal agencies to consider the effects of their actions on the environment, including interrelated social, cultural, and economic effects. Citizens often possess helpful information about the potential environmental, social, and economic effects that proposed Federal actions may have on people, places, and resources. NEPA's requirements provide you the opportunity to provide information to a Federal agency so it can take your input and unique perspective into account during the decision-making process.

History and Purpose of NEPA

Congress enacted NEPA in December 1969, and President Nixon signed it into law on January 1, 1970. NEPA established this country's national environmental policy and a process to implement it. Section 101 of NEPA declares that the national policy is "to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and [to] fulfill the social, economic, and other requirements of present and future generations of Americans." 42 U.S.C. 4331(a).

What are the Procedural Requirements of NEPA?

Section 102 of NEPA contains procedures to ensure Federal agencies carry out the national policy of Section 101. These procedures require Federal agencies to engage in an environmental review process that integrates the consideration of the environment in Federal agency decision-making. NEPA also directs Federal agencies, to the fullest extent possible, to interpret and administer the policies, regulations, and public laws of the United States consistent with the policies set forth in NEPA.²

In NEPA, Congress recognized that the Federal Government's actions may cause significant environmental effects. Using the NEPA process, agencies must determine if their proposed actions will have significant environmental effects and consider the reasonably foreseeable environmental and related social and economic effects of their proposed actions that have a reasonably close causal relationship to the proposed actions. NEPA does not require particular

results or outcomes. Rather, NEPA encourages better decisions by requiring agencies to consider the environmental effects of their proposed actions in making their decisions. This environmental review process has two major purposes: ensuring that agencies consider the significant environmental consequences of their proposed actions and informing the public about their decision making.

NEPA also created the Council on Environmental Quality (CEQ). One of the responsibilities of CEQ is to consult with Federal agencies on procedures to implement NEPA's procedural requirements. In 1978, CEQ issued binding regulations directing agencies on the fundamental requirements necessary to fulfill their NEPA procedural obligations. CEQ updated these regulations in 2020 to facilitate more efficient, effective, and timely NEPA reviews by Federal agencies and to improve interagency coordination.³

Who is Responsible for Implementing NEPA?

NEPA's procedural requirements apply to all Federal agencies in the executive branch and some Federal boards, commissions, independent agencies, and committees. NEPA does not apply to the President, to Congress, or to the Federal courts.⁴

Because NEPA implementation is an important responsibility of the Federal Government, many Federal agencies have established offices dedicated to NEPA policy and program oversight. Employees in these offices prepare NEPA guidance, policy, and procedures for the agency, and often make this information available to the public through the Internet. A "senior agency official" oversees the agency's overall compliance with NEPA and resolves any implementation issues that may arise, including those related to agency timelines and schedules for environmental reviews.⁵ Federal agencies must develop their own capacity within a NEPA program in order to develop analyses and documents (or review those prepared by others) to ensure informed decision making.⁶ Most agency NEPA procedures are available online at [NEPA.gov](https://www.nepa.gov) or on individual agency websites, which agencies are required to maintain to allow agencies and the public to efficiently and effectively access information about NEPA reviews.⁷ Agency NEPA procedures also are published in the *Federal Register* for public review and comment when first proposed and some are later codified and published in the Code of Federal Regulations.⁸ If you experience difficulty locating an agency's NEPA procedures, you can contact the agency NEPA point of contact and ask for a copy of their procedures.⁹

To What Do the Procedural Requirements of NEPA Apply?

NEPA's procedural requirements apply to a Federal agency's decisions on proposed actions, including providing permits for private actions; financing, assisting, conducting, or approving projects or programs; issuing agency rules, regulations, plans, policies, or procedures; making Federal land management decisions; and an agency's legislative proposals.¹⁰ NEPA applies when a Federal agency has discretion to choose among one or more alternative means of accomplishing a particular goal.¹¹

Frequently, private individuals or companies will become involved in the NEPA process when they need a permit issued by a Federal agency. When a company applies for a permit (for example, for crossing Federal lands or impacting waters of the United States), the agency that is

being asked to issue the permit must evaluate the reasonably foreseeable environmental effects of the permit decision that have a reasonably close causal relationship to the agency decision. Federal agencies might require the private company or developer to pay for the preparation of analyses, but the agency remains responsible for the scope and accuracy of the analysis.

When Does NEPA Apply?

NEPA requires agency decision makers to make informed decisions. Therefore, the NEPA process must be completed before an agency makes a final decision on a proposed action. As a threshold matter, agencies start the NEPA process early by evaluating in their agency NEPA procedures the extent to which a proposed action requires environmental analysis.¹² NEPA does not require the decision maker to select the environmentally preferable alternative or prohibit adverse environmental effects. Indeed, decision makers in Federal agencies often must take into account other concerns and policy considerations in the decision-making process, such as social, economic, technical or national security interests. But NEPA does require that decision makers be informed of the environmental consequences of their decisions.

Federal agencies also can use the NEPA process to comply with other environmental requirements like the Endangered Species Act, the National Historic Preservation Act, the Environmental Justice Executive Order, and other Federal, State, Tribal, and local laws and regulations.¹³ Agencies often coordinate to conduct these other environmental reviews concurrently to increase efficiency and avoid duplication.¹⁴

Who Oversees the NEPA Process?

There are two Federal agencies that have particular responsibilities relating to NEPA. CEQ has primary responsibility for overseeing implementation of NEPA by Federal agencies. Congress placed CEQ in the Executive Office of the President and gave it many responsibilities, including the responsibility to ensure that Federal agencies meet their obligations under the Act. CEQ oversees implementation of NEPA, principally through issuance and interpretation of NEPA regulations that implement the procedural requirements of NEPA. CEQ also reviews and approves Federal agency NEPA procedures, approves alternative arrangements for compliance with NEPA in the case of emergencies, and helps to resolve disputes between Federal agencies and with other governmental entities and members of the public.

The CEQ regulations set forth requirements for agencies and call for agencies to update their own implementing procedures that implement these requirements based on each agency's specific mandates, obligations, and missions.¹⁵ These agency-specific NEPA procedures account for the slight differences in agencies' NEPA processes.

The Environmental Protection Agency's (EPA's) Office of Federal Activities also conducts NEPA oversight as it reviews environmental impact statements (EISs) and some environmental assessments (EAs) issued by Federal agencies.¹⁶ It provides its comments to the public by publishing summaries of them in the *Federal Register*, a daily publication that provides notice of Federal agency actions. Appendix B has information on the *Federal Register*. EPA's reviews are intended to assist Federal agencies in improving their NEPA analyses and decisions.¹⁷

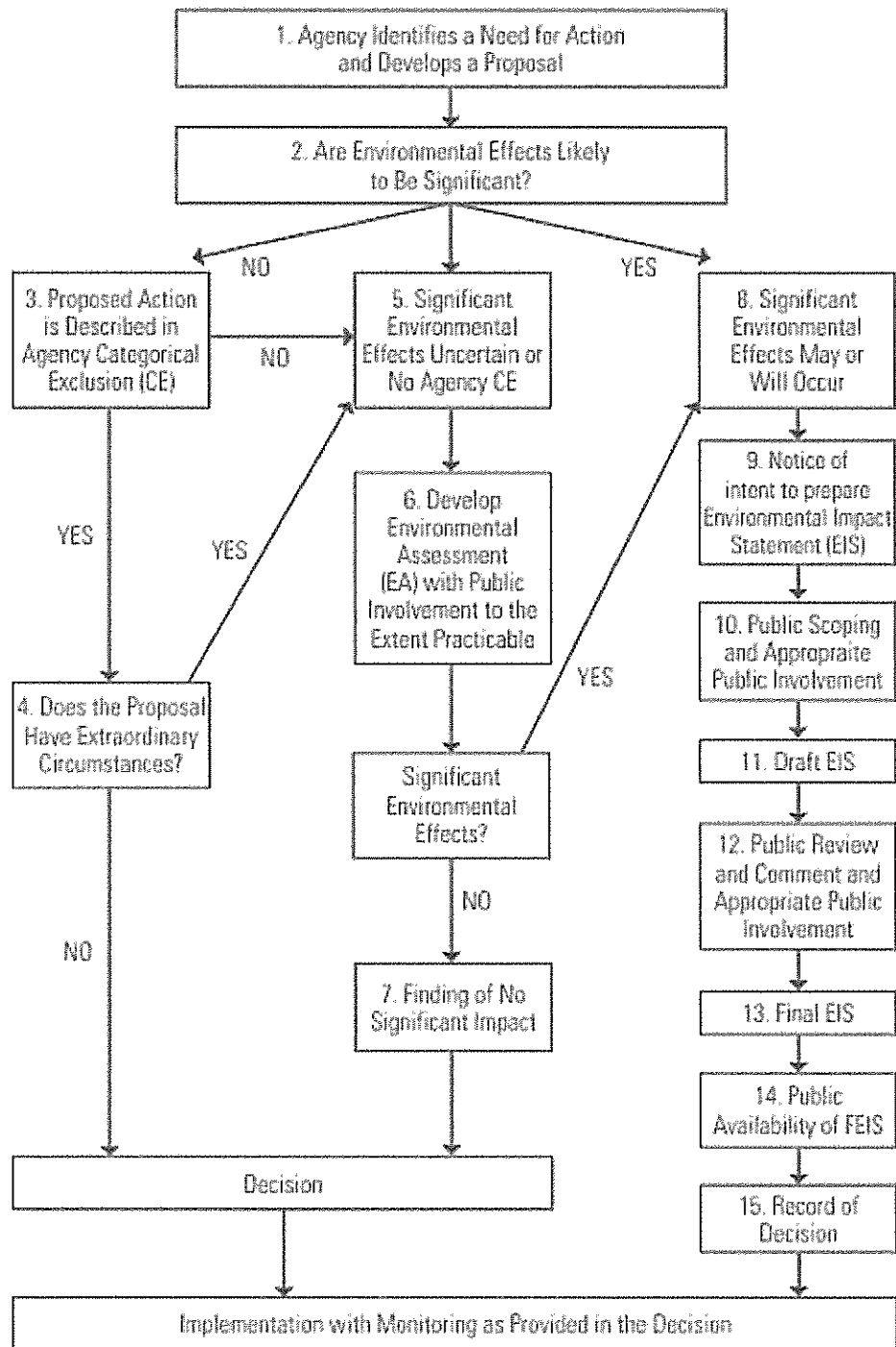
In addition to CEQ's and EPA's oversight, other agencies also may assist in the NEPA process, particularly in issue resolution (for example, the McCain Center for Environmental Conflict Resolution (NCECR) and Federal Permitting Improvement Steering Council).

Navigating the NEPA Process

Each year, Federal agencies prepare thousands of EAs and hundreds of EISs. These documents provide citizens and communities with an opportunity to learn about and be involved in the agencies' environmental reviews that are part of the Federal agency decision-making process. It is important to understand that commenting on a proposal is not a "vote" on whether the proposed action should take place. Nonetheless, the information you provide during the EA and EIS process can influence the decision makers and their final decisions because NEPA requires that Federal decision makers be informed of the environmental consequences of their decisions.

This guide will help you better navigate the NEPA process and better understand the roles of the various other actors. While reading the guide, please refer to the flowchart, "The NEPA Process," in Figure 1, which details the steps of the NEPA process. For ease of reference, each step of the process is designated with a number that is highlighted in the text discussing that particular step. While agencies may differ slightly in how they comply with NEPA, understanding the basics will give you the information you need to work effectively with any agency's process.

The NEPA Process (Figure 1)



** Significant new circumstances or information relevant to environmental concerns or substantial changes in the proposed action that are relevant to environmental concerns may necessitate preparation of a supplemental EIS following either the draft or final EIS, or the Record of Decision. 40 CFR 1502.9(d).*

The NEPA process begins when an agency develops a proposal to address a need to take an action. The need to take an action may be something the agency identifies itself, or it may be a need to make a decision on a proposal brought to it by someone outside of the agency, for example, an applicant for a permit. Based on the need, the agency develops a proposal for action (Number 1 in Figure 1). If it is the only Federal agency involved, that agency will automatically be the “lead agency,” which means it has the primary responsibility for compliance with NEPA.

Some large or complex proposals involve multiple Federal agencies along with State, Tribal, and local agencies. If another Federal, State, Tribal, or local agency has a major role in the proposed action and also has NEPA responsibilities or responsibilities under a similar NEPA-like law,¹⁸ that agency may be a “joint lead agency.” A “joint lead agency” shares the lead agency’s responsibility for management of the NEPA process, including public involvement and the preparation of documents.

Other Federal, State, Tribal, or local government agencies may have a decision or special expertise regarding a proposed action, but less of a role than the lead agency. In that case, such a Federal, State, Tribal, or local government agency may be a “cooperating agency.” A “cooperating agency” is an agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative). Thus, a “cooperating agency” typically will have some responsibilities for the analysis related to its jurisdiction or special expertise.

Special Situations

- Congress may exempt an action from NEPA.
- If the agency needs to take an action that would typically require preparation of an EIS in response to an emergency, and there is insufficient time to follow the regular NEPA process, then the agency can proceed immediately to mitigate harm to life, property, or important resources, and work with CEQ to develop alternative arrangements for compliance with NEPA (40 CFR 1506.12). The NEPA analyses and document may involve classified information. If the entire action is classified, the agency will still comply with the analytical requirements of NEPA, but the information will not be released for public review. If only a portion of the information is classified, the agency will organize the classified material so that the unclassified portions can be made available for review (40 CFR 1507.3(f)).

Implementing the NEPA Process

The CEQ NEPA regulations establish three levels of review for Federal agencies to assess proposals for agency action: a categorical exclusion (CE), an EA, or an EIS. Once it has developed a proposed action, the agency will determine which level of NEPA review the agency will pursue. Agencies may review expeditiously those actions that normally do not have

significant effects by using CEs or, for actions that are not likely to have significant effects, by preparing EAs. By using CEs and EAs whenever appropriate, agencies then can focus their limited resources on those actions that are likely to have significant effects and require an EIS.

Categorical Exclusions (CEs) (Number 3 in Figure 1)

A CE is a category of actions that the agency has determined does not normally have a significant effect on the human environment.¹⁹ Examples include issuing administrative personnel procedures, making minor facility renovations (such as installing energy-efficient lighting), and reconstruction of hiking trails on public lands. Agencies develop a list of CEs specific to their operations when they develop or revise their NEPA implementing procedures in accordance with CEQ's NEPA regulations.²⁰

A CE is based on an agency's experience with a particular kind of action and its environmental effects. The agency may have studied the action in previous EAs, found no significant impact on the environment based on the analyses, and validated the lack of significant impacts after the implementation. If this is a type of action that will be repeated over time, the agency may decide to amend their implementing regulations to include the action as a CE. In these cases, the draft agency procedures are published in the *Federal Register*, and a public comment period is required. Members of the public may comment on draft agency procedures that are proposing new CEs or amending existing CEs to ensure the agency takes into consideration relevant information and views.

An agency may comply with NEPA by determining that a CE applies to a proposed action and verifying that no extraordinary circumstances exist that may cause the proposed action to have a significant effect. Extraordinary circumstances typically include such matters as effects to endangered species, protected cultural sites, and wetlands (Number 4 in Figure 1). If there are no extraordinary circumstances indicating that the effects of the action may be significant, or there are circumstances that lessen the impacts or other conditions sufficient to avoid significant effects, then the agency can proceed with the action.

If the proposed action is not included in the description provided in the CE established by the agency, or there are extraordinary circumstances, the agency must prepare an EA or an EIS, or develop a new proposal that may qualify for application of a CE. When the agency does not know or is uncertain whether significant impacts are expected, the agency should prepare an EA to determine if there are significant environmental effects.

Environmental Assessments (EA) (Number 6 in Figure 1)

The purpose of an EA is to determine the significance of the potential environmental effects of a proposed Federal action and to look at alternative means to achieve the agency's objectives. The EA is a concise public document to aid an agency's compliance with NEPA and support its determination whether to prepare an EIS (Number 6 in Figure 1) or a finding of no significant impact (FONSI) (Number 7 in Figure 1).²¹

Agencies must complete EAs within one year of the agency decision to prepare an EA unless a senior agency official of the lead agency approves a longer period in writing and establishes a new time limit.²²

An EA should include brief discussions of:

- The purpose and need for the proposal;
- Alternative courses of action for any proposal that involves unresolved conflicts concerning alternative uses of available resources;
- The environmental impacts of the proposed action and alternatives; and
- A listing of agencies and persons consulted.²³

Because the EA serves to evaluate the significance of a proposal for agency action, it should focus on the potentially affected environment and degree of the effects of the action.²⁴ Often the EA will identify ways in which the agency can revise the action to minimize environmental effects.

When preparing an EA, the agency has discretion as to the level of public involvement (Number 6 in Figure 1). The CEQ regulations state that the agency must involve, to the extent practicable, the public, State, Tribal, and local governments, other relevant agencies, and applicants in preparing EAs.²⁵ Sometimes agencies will choose to use the scoping and public comment periods that are found in the EIS process. In other situations, agencies make the EA and a draft FONSI available to interested members of the public.

Some agencies require that interested parties be notified of the decision to prepare an EA. Some agencies keep a notification list of parties interested in a particular kind of action or in all agency actions. Other agencies simply prepare the EA. It is important that you read the specific NEPA procedures of the proposing agency or ask the local NEPA point of contact working on the project about the process and let the appropriate agency representative know if you are interested in being notified of all NEPA documents or NEPA processes related to a particular type of action.

The EA process concludes with either a FONSI (Number 7 in Figure 1) or a determination to proceed to preparation of an EIS. A FONSI is a document that presents the reasons why the agency has concluded that there are no significant environmental impacts projected to occur upon implementation of the action.²⁶ The FONSI either includes the EA or incorporates the EA by reference.

In two circumstances, the CEQ NEPA regulations require agencies to make the proposed FONSI available for public review for 30 days.²⁷ Those situations are:

- If the type of proposed action has not been done before by the particular agency, or
- If the action is something that typically would require an EIS under the agency NEPA procedures.

If this is the case, the agency usually publishes a notice of availability of the FONSI with information on how and where to provide your comments. The agency may post it on its website, publish it in local newspapers, publish it in the *Federal Register*, or make available in some other manner. If you are interested in a particular action that is the subject of an EA, you should find out from the agency how it will make the FONSI available.

Environmental Impact Statements (EIS) (Number 8 in Figure 1)

A Federal agency must prepare an EIS if it is proposing a major Federal action significantly affecting the quality of the human environment.²⁸ The regulatory requirements for an EIS are more detailed than the requirements for an EA or a CE. The EIS process consists of four main stages, which are explained below: scoping with a public notice of intent (NOI) to prepare an EIS, the draft EIS and public comment period, the final EIS, and the record of decision (ROD).

To the extent practicable, if a proposal will require action by more than one Federal agency, the lead and cooperating agencies will evaluate the proposal in a single EIS and issue a joint ROD. Agencies must complete EISs within two years from the date of the NOI unless a senior agency official of the lead agency approves a longer period in writing and establishes a new time limit.²⁹

Scoping and Public Notice of Intent (Number 10 in Figure 1)

When a proposed action is sufficiently developed for agency consideration, the agency may begin the process of determining the scope of issues for analysis in an EIS. Scoping generally involves identifying significant issues, eliminating non-significant issues from further study, and determining the range of actions, alternatives, and impacts to be considered by the EIS.³⁰

A cornerstone of the scoping process is the publication of a NOI to prepare an EIS in the *Federal Register*, which provides information on the proposed action (Number 10 in Figure 1).³¹ The lead agency publishes the NOI as soon as practicable after the agency determines that the proposal is sufficiently developed to allow for meaningful public comment on alternatives, information, and issues for analysis in the EIS. The NOI briefly summarizes the proposal, including the purpose and need, expected impacts, and possible alternatives. Under the updated CEQ regulations, agencies must request in the NOI public comment specifically on potential alternatives, information, and analyses relevant to the proposed action. The NOI also provides a schedule for the decision-making process including anticipated permits and other authorizations, and describes the agency's proposed scoping process, including any meetings and how the public can get involved. The NOI also contains an agency point of contact who can answer questions about the proposed action and the NEPA process. Scoping also may include pre-application communication with potential cooperating agencies, an applicant, and survey work conducted before or after the publication of the NOI. The scoping process is the best time to identify issues, determine points of contact, establish project schedules, and provide recommendations to the agency. The overall goal is to define the scope of issues to be addressed in depth in the analyses that will be included in the EIS. Specifically, the scoping process will:

- Identify the significant issues to be analyzed in the EIS and eliminate from detailed study non-significant issues;
- Identify people or organizations who are interested in the proposed action and invite them to participate;
- Determine the roles and responsibilities of lead and cooperating agencies;
- Identify any related EAs or EISs;
- Identify gaps in data and informational needs;
- Identify other environmental review and consultation requirements so they can be integrated with the EIS; and

- Indicate the relationship between the development of the environmental analysis and the agency's tentative decision-making schedule.³²

As part of the process, agencies must identify and invite the participation of interested persons. The agency should choose whatever communications methods are best for effective involvement of communities, whether local, regional, or national, that are interested in the proposed action, and the agency must consider the ability of affected persons to access electronic media. Video conferencing, public meetings, conference calls, formal hearings, or informal workshops are among the legitimate ways to conduct scoping. It is in your interest to become involved as soon as the EIS process begins and to use the scoping opportunity to make thoughtful, rational presentations on impacts and alternatives. Some of the most constructive and beneficial interaction between the public and an agency occurs when citizens identify or develop reasonable alternatives that the agency can evaluate in the EIS.

NEPA is About People and Places

Draft EIS (Number 11 in Figure 1)

The next major step in the EIS process that provides an opportunity for your input is when the agency publishes a draft EIS for public comment. The agency publishes its EIS on an agency website and the EPA publishes a Notice of Availability in the *Federal Register* informing you and other members of the public that the draft is available for comment (Number 11 in Figure 1). Based on the communication plan established by the agency, websites, local papers, or other means of public notice may also be used. The comment period is at least 45 days long. During this time, the agency may conduct webinars, public meetings, or hearings as a way to solicit comments.³³ The agency will also request comments from other Federal, State, Tribal, and local agencies that may have jurisdiction or interest in the matter.

One key aspect of a draft EIS is the statement of the underlying purpose and need.³⁴ Agencies draft a "Purpose and Need" statement to describe what they are trying to achieve by proposing an action. The purpose and need statement explains to the reader why an agency action is necessary, and serves as the basis for identifying the reasonable alternatives that meet the purpose and need.

Another fundamental part of the draft EIS is the identification and evaluation of alternative ways of meeting the purpose and need of the proposed action. The lead agency or agencies must, "evaluate reasonable alternatives, and for alternatives that were eliminated from detailed study, briefly discuss the reasons for their elimination."³⁵ Reasonable alternatives are those that are technically and economically feasible, meet the proposal's purpose and need, and, where applicable, meet the goals of the applicant.³⁶ If the agency is considering an application for a permit or other Federal approval, the agency must still consider all reasonable alternatives. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint, rather than simply desirable from the standpoint of the applicant. Agencies are obligated to evaluate a reasonable range of feasible alternatives in enough detail so that a reader can compare and contrast the environmental effects of the various alternatives.

If an agency has a preferred alternative when it publishes a draft EIS, the draft must identify which alternative the agency prefers. All agencies must identify a preferred alternative in the final EIS, unless another law prohibits it from doing so.³⁷

Agencies must always describe and analyze a “no action” alternative. The “no action” alternative is simply what would happen if the agency did not act upon the proposal for agency action. For example, in the case of an application to the U.S. Army Corps of Engineers for a permit to place fill material from a dredging project in a particular area, the “no action” alternative is no permit. But in the case of a proposed new management plan for the National Park Service’s management of a national park, the “no action” alternative is the continuation of the current management plan. The “no action” alternative describes reasonably foreseeable environmental trends or planned actions in the area that would be affected by the proposed action.³⁸

Definition of Effects

CEQ NEPA Regulation, 40 CFR 1508.1(g)

Effects or impacts means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives, including those effects that occur at the same time and place as the proposed action or alternatives and may include effects that are later in time or farther removed in distance from the proposed action or alternatives.

(1) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment), social, or health effects. Effects may also include those resulting from actions that may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.

(2) A “but for” causal relationship is insufficient to make an agency responsible for a particular effect under NEPA. Effects should generally not be considered if they are remote in time, geographically remote, or the product of a lengthy causal chain. Effects do not include those effects that the agency has no ability to prevent due to its limited statutory authority or would occur regardless of the proposed action.

(3) An agency’s analysis of effects shall be consistent with this paragraph (g). Cumulative impact, defined in 40 CFR 1508.7 (1978), is repealed.

The environmental consequences section discusses the effects of the proposed action, no action, and reasonable alternatives. It also forms the scientific and analytic basis for the comparisons of the proposed action and reasonable alternatives made under the alternatives section. For purposes of NEPA, “effects” and “impacts” mean the same thing—changes to the human

environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives. This includes those effects that occur at the same time and place as the proposed action or alternatives and may include effects that occur later or are farther removed in distance from the proposed action or alternatives.³⁹ Impacts include ecological, aesthetic, historic, cultural, economic, social, or health impacts, whether adverse or beneficial.⁴⁰ It is important to note that human beings are part of the environment (indeed, that is why Congress used the phrase “human environment” in NEPA), so when an EIS is prepared and economic or social and natural or physical environmental effects are interrelated, the EIS should discuss all of these effects.⁴¹

In addition to the environmental impacts of the proposed action and alternatives, the environmental consequences section will discuss:

- Any potential unavoidable adverse environmental effects;
- The relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity;
- Any potential irreversible or irretrievable commitments of resources;
- Possible conflicts with land use plans, policies, and controls for the area;
- Energy and natural or depletable resource requirements and conservation potential of alternatives and mitigation measures;
- Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures;
- Mitigation of adverse environmental impacts; and
- Applicable economic and technical considerations, including the economic benefits of the proposed action.

The draft EIS will also contain a summary of alternatives, information, and analysis submitted by commenters during the scoping process.⁴² The agency will specifically invite comment on this summary.

The EIS also will have a list of the individuals who prepared the document and their qualifications⁴³ and a table of contents.⁴⁴ The agency may choose to append the EIS with additional material relevant to the decision, including material prepared in connection with the EIS or that substantiates its analysis.⁴⁵

Final EIS (Number 13 in Figure 1)

When the public comment period is finished, the agency analyzes comments, conducts further analysis as necessary, and prepares the final EIS. The agency may respond to individual comments or groups of comments by making changes to the proposed action or alternatives, developing new alternatives, modifying its analyses, making factual corrections, or explaining why a comment does not require the agency’s response.⁴⁶ Often the agency will meet with other agencies that may be affected by the proposed action in an effort to resolve an issue or mitigate project effects. The final EIS also will include a summary that identifies all relevant alternatives, information, and analyses submitted by commenters for consideration by the lead and cooperating agencies.⁴⁷

When it is ready, the agency will publish the final EIS and EPA will publish a Notice of Availability in the *Federal Register*. The Notice of Availability can mark the start of a waiting period (Number 14 in Figure 1), during which a minimum of 30 days must pass before the agency can make a decision on its proposed action, unless the agency couples the 30 days with a formal internal appeals process or is authorized to issue a combined final EIS and ROD.⁴⁸ A waiting period provides time for the agency decision maker to consider public comments, the purpose and need for agency action, weigh the alternatives, balance the objectives and policy considerations, and make a decision.

There is an additional (but rarely used) procedure worth noting: pre-decisional referrals to CEQ.⁴⁹ This referral process takes place when EPA or another Federal agency determines that proceeding with the proposed action is environmentally unacceptable. If an agency reaches that conclusion, the agency can refer the issue to CEQ within 25 days after the Notice of Availability for the final EIS is issued. CEQ then works to resolve the issue with the agencies concerned. CEQ might also refer the agencies to the NCECR to try to address the matter before formal elevation.⁵⁰ There is no provision for citizens to formally refer an action to CEQ; however, CEQ typically provides an opportunity for public involvement in a referral.

Record of Decision (ROD) (Number 15 in Figure 1)

The ROD is the final step for agencies in the EIS process. The ROD is a document that states what the decision is; identifies the alternatives considered, including the environmentally preferred alternative; and discusses mitigation plans, including any enforcement and monitoring commitments.⁵¹ In the ROD, the agency discusses all the factors, including any considerations of national policy that were contemplated when it reached its decision on whether to, and if so how to, proceed with the proposed action. The ROD will also discuss if all practical means to avoid or minimize environmental harm have been adopted, and if not, why they were not. The ROD will summarize any monitoring and enforcement program that it has adopted for any enforceable mitigation requirements or commitments.⁵² The ROD also will contain a certification by the decision maker that, in developing the EIS, the agency has considered all of the alternatives, information, analysis, and objections submitted by State, Tribal, and local governments and public commenters.⁵³ The ROD is a publicly available document. Sometimes RODs are published in the *Federal Register* or on the agency's website, but if you are interested in receiving the ROD, you should ask the agency's point of contact for the EIS how to obtain a copy of the ROD.

Supplemental EIS

Sometimes a Federal agency is obligated to prepare a supplement to an existing EIS. An agency must prepare a supplement to either a draft or final EIS if the proposed action has not been completed and the agency makes substantial changes in the proposed action that are relevant to environmental concerns or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. An agency may also prepare a supplemental EIS if it determines that doing so will further the purposes of NEPA.⁵⁴ An agency prepares a supplemental EIS in the same way as a draft or final EIS, except that scoping is not required. If a supplement is prepared following a draft EIS, the final EIS will address both the draft EIS and supplemental EIS. An agency may find that substantial changes

in a proposed action or new circumstances or information do not result in significant environmental concerns. In such cases, the agency will document the finding consistent with its procedures, or, if necessary, in a FONSI supported by an EA.

EPA's Review

EPA plays a critical role in other agencies' NEPA processes. EPA must review and provide comments on the adequacy of the analysis and the impact to the environment.⁵⁵ EPA must refer a matter to CEQ if it determines that the action is environmentally unsatisfactory.

The Office of Federal Activities in EPA is the official recipient of all EISs prepared by Federal agencies, and publishes the notices of availability in the *Federal Register* for all draft, final, and supplemental EISs. The publication of these notices start the official clock for public review and comment periods and wait periods.⁵⁶ In addition to the *Federal Register*, EISs are available in the EIS database at <https://www.epa.gov/nepa>.

When and How to Get Involved

It Depends on the Agency

To determine the specific steps in the process where public involvement will be the most effective, it is very important to review the agency's NEPA procedures and the agency's NEPA website.⁵⁷ As previously mentioned, NEPA procedures may differ among agencies.

In addition, new legislation and presidential directives can change the way NEPA is implemented in agencies. Congress has enacted a number of statutes to improve coordination among agencies, integrate NEPA with other environmental reviews, and bring more transparency to the NEPA process. Presidents also have directed agencies, through Executive orders and Presidential memoranda, to undertake various initiatives that improve the timeliness and efficiency of the NEPA process.

Infrastructure Projects under FAST-41

In 2015, Congress enacted Title 41 of the Fast Act (FAST-41) to provide for a more efficient environmental review and permitting process for "covered projects."⁵⁸ These are projects that require Federal environmental review under NEPA, are expected to exceed \$200 million, and involve the construction of infrastructure for renewable or conventional energy production, electricity transmission, water resource projects, broadband, pipelines, manufacturing, and other sectors.

FAST-41 created the Federal Permitting Improvement Steering Council (FPISC or Permitting Council), composed of agency Deputy Secretary-level members and chaired by an Executive Director appointed by the President. FAST-41 establishes new procedures that standardize interagency consultation and coordination practices. FAST-41 also codifies into law the use of a Permitting Dashboard to track project timelines (www.permits.performance.gov). The Permitting Dashboard is an online tool for Federal agencies, project developers, and interested members of the public to track the Federal Government's environmental review and

authorization processes for large or complex infrastructure projects. Project sponsor participation in FAST-41 is voluntarily.

FAST-41 codified certain roles and responsibilities required by the NEPA regulations, such as the concepts of lead and cooperating agencies, and the different levels of NEPA analysis—EISs, EAs, and CEs—and the requirement for CEQ to resolve any dispute over designation of a facilitating or lead agency for a covered project.⁵⁹ Additionally, Congress addressed interagency coordination on key aspects of the NEPA process, including scoping, identification of the range of reasonable alternatives for study in an EIS, and the public comment process. Finally, Congress established a two-year statute of limitations for covered projects.⁶⁰ The Permitting Council has more resources on FAST-41 posted on the Permitting Dashboard.

Be Informed of Actions

Sometimes citizens generally are interested in actions taking place in a particular area (for example, in your community or in an ecosystem or a facility that affects you). If this is the case, you can inform the appropriate agency or agencies that you would like to be notified of any proposed action or any environmental impact analysis that might be prepared in that area. In addition, CEQ now requires agencies to have websites where they post environmental documents, relevant notices, and other relevant information for use by interested persons.⁶¹

Active Involvement

Being active in the NEPA process requires you to dedicate some of your resources to the effort. Environmental impact analyses can be technical and lengthy. Agencies can be expected to provide general responses to general comments on a NEPA document, so active involvement in the NEPA process requires a commitment of time and a willingness to share information with the decision-making agency and other citizens. For example, during the scoping process for an EIS, you are encouraged to identify alternatives, information, and analyses relevant to the proposed action for consideration by the agency.⁶² The agency will summarize that information in the draft EIS and invite further comment on that information.⁶³ However, you must submit your comments during the comment periods in order for the agency to consider the information and to ensure informed decision making.⁶⁴

You may participate as an individual, get involved by working with other interested individuals or organizations, or by working through your State, Tribal, or local government. For example, if an agency is taking an action for which your State, Tribal, or local government has special expertise or approval authority, the appropriate State, Tribal, or local agency can become a “cooperating agency” with the Federal agency.⁶⁵ This formal status does not increase their role in decision making, but it does allow the governments to use their knowledge and authorities to help shape the Federal decision-making process.

Another way to participate is to check with local experts such as biologists or economists at a university to assist with your review of the NEPA analyses and documents. You can also form study groups to review environmental impact analyses and enlist experts to review your comments on the documents.

Your involvement in the NEPA process does not have to be confined to commenting on the analysis. If the agency adopts monitoring and mitigation in the ROD, upon request, it must make available to the public the results of relevant monitoring.⁶⁶ Upon request, it also must inform cooperating or participating agencies on progress in carrying out mitigation measures that they have proposed and that were adopted by the agency making the decision.⁶⁷ Community groups also can be involved in monitoring.

In summary, there are several opportunities to get involved in the NEPA process:

- When the agency prepares its NEPA procedure;
- Prior to and during preparation of a NEPA analysis;
- When a NEPA document is published for public review and comment;
- When a final decision is pending before the agency decision-maker; and
- When monitoring the implementation of the proposed action and the effectiveness of any associated mitigation.

Other Processes that Require Public Involvement

When a proposed action is part of a permitting process, the statute or regulations for that permitting process also may provide opportunities to comment in addition to the NEPA public involvement opportunities discussed above. For example, most Federal agency land use planning regulations require public involvement. While this guide does not explore all of those additional possibilities for comment, the NEPA team working on a particular proposal will be familiar with the various comment periods and will be able to inform you of those opportunities. Note that the permitting and NEPA processes should be integrated or run concurrently in order to have an effective and efficient decision-making process.

Public Comment Periods

Agencies must make diligent efforts to involve the public in development and implementation of their NEPA procedures.¹ In requesting comments on a draft EIS, Federal agencies must affirmatively solicit comments in a manner designed to inform those persons or organizations who may be interested in or affected by the proposed action.¹ Citizens involved in the process should ensure that they know how agencies will inform the public that an action is proposed and the NEPA process is beginning (via the *Federal Register*, websites, newspapers, direct mailing, etc.); that certain documents are available; and that preliminary determinations have been made on the possible environmental effects of the proposal (e.g., what level of analysis the agency will initially undertake).

Agencies solicit different levels of involvement when they prepare an EA versus an EIS. In preparing an EIS, agencies must invite the identification of alternatives, information, and analyses relevant to the proposed action during the scoping process. Agencies must summarize that information in the draft EIS and have a 45-day comment period after the draft EIS is made available. In the case of an agency preparing an EA, the CEQ regulations require the agency to involve the public to the extent practicable, but each agency has its own guidelines about how to involve the public for EAs. In any case, citizens are entitled to receive “environmental documents,” such as EAs, involved in the NEPA process.¹

In terms of a specific agency, required public comment periods associated with an EA or an EIS can be found in its NEPA procedures. An agency may grant requests to extend the comment period to ensure enough time for the public and other agencies to review and comment.

Citizens who want to raise issues with the agency should do so as specifically as possible and at the earliest possible stage in the process. Agencies are much more likely to evaluate a new alternative or address a concern if it is raised in a clear and timely manner.

How to Comment

Comments may be the most important contribution from citizens because they promote informed decision making. Comments should provide sufficient detail for the agency to understand the commenter’s position and why the issues raised are important to the decision. Accordingly, comments should be clear, concise, relevant to the analysis of the proposed action, and submitted during the public comment periods. Take the time to organize thoughts and edit the document submitted.⁶⁸ As a general rule, the tone of the comments should be polite and respectful. Those reviewing comments are public servants tasked with a job, and they deserve the same respect and professional treatment that you and other citizens expect in return. Comments that are solution-oriented and provide specific examples will be more effective than those that simply oppose the proposed project. Comments that contribute to developing alternatives that address the purpose and need for the action also are effective. Agencies must invite the submission of alternatives

during the scoping process to facilitate timely submission of comments that contribute to developing alternatives.

Commenting is not a form of “voting” on an alternative. The number of negative comments an agency receives does not prevent an action from moving forward. Agencies typically respond collectively to numerous comments that repeat the same basic message of support or opposition. In addition, general comments that state an action will have “significant environmental effects” will not help an agency make a better decision unless the comment explains the relevant causes and environmental effects. If you think the proposed action will have a significant environmental effect, explain why the issues you raise are significant to the consideration of potential environmental impacts and alternatives to the proposed action. In drafting comments, try to focus on the purpose and need of the proposed action, the proposed alternatives, the assessment of the environmental impacts of those alternatives, and the proposed mitigation.

Finally, remember that decision makers also receive other information and data, such as operational and technical information related to implementing an action, which they will have to consider when making a final decision.

What If Involvement Is Not Going Well?

For the purposes of this discussion, “not going well” means that you or your organization believes that the lead agency is not giving the public sufficient opportunity to get involved or is not using that involvement effectively. Perhaps you think that the agency should hold a public meeting. Or you or your community or group has developed an alternative that you think meets the purpose and need of the proposed action and reflects the policies set forth in NEPA. Maybe you want an extension of the comment period because the document’s appendix is very lengthy, and you simply need more time to review it. Or maybe you feel that communications between your organization and the lead agency have, for some reason, not been constructive.

The most appropriate steps to take if you find yourself in these kinds of situations always depend, of course, on the particular people, timing, and proposal at hand. Nonetheless, here are some possible factors and courses of action to consider.

Do Not Wait Too Long

First, do not wait too long to raise your concerns; raise them as soon as practicable, and be mindful of the comment period and when it ends. If you just sit back and hope that things will get “better” or that your comments will have greater effect later, you may hear that “you should have raised this sooner.” At times, waiting can be detrimental to your interests as well as to the rest of the public and the agency involved. For example, if you feel strongly that a particular alternative should be addressed and do not raise it during the scoping process, then it will not get the benefit of comparative analysis with the other alternatives. In addition, it could result in a more expensive and lengthy process (costing taxpayers, including yourself, more) if your delayed suggestion results in the agency deciding to issue a supplemental EIS analyzing that alternative. Or, if you or your organization later go to court to argue that a certain alternative should have been analyzed in the NEPA document, the judge may find that the court will not

consider that information because you should have raised your concern earlier during the NEPA process.⁶⁹

Contact the Agency

Your first line of recourse should be with the individual that the agency has identified as being in charge of this particular process. See if you can sit down with him or her to discuss your concern(s). You may be pleasantly surprised at the response.

Collaboration and Conflict Resolution Support

Some decisions necessarily involve conflicting views, so Federal agencies may choose to engage an impartial third-party to support stakeholder engagement and conflict resolution in a NEPA process. Impartial third-party support may include facilitation, mediation, stakeholder engagement process design, and other services to enhance collaboration between the lead agency and its partners, stakeholders, and citizens. These approaches, referred to as environmental collaboration and conflict resolution (ECCR), are often beneficial if the process ahead may be particularly contentious or challenging and include a past history of deeply divided interests. If you believe the process that you are involved with has a high-level of conflict or contention, consider raising with the lead agency the possibility of enhancing collaborative opportunities within the NEPA process using outside assistance.

In recent years, the Federal Government has used ECCR due to its numerous benefits. The Office of Management and Budget (OMB) and CEQ underscored ECCR's utility by jointly issuing memoranda that directed Federal agencies to increase the effective use of environmental conflict resolution and build institutional capacity for collaborative problem solving.⁷⁰ These memoranda highlighted basic principles for agency engagement in ECCR processes, including informed commitment, balanced and voluntary representation, group autonomy, informed process, accountability, openness, timeliness, and implementation.

ECCR offers many advantages over adversarial approaches to resolve environmental challenges, such as litigation. A 2018 report examining the use of ECCR in Federal processes over the previous decade found that these approaches lead to a savings in time and financial resources, an improvement in relationships between government and stakeholders, and improved outcomes.⁷¹ For example, between 2011 and 2014, the EPA reported that ECCR took 45 percent less time to reach a decision, 30 percent fewer staff, and 79 percent fewer lead attorney hours.⁷² And in a 2009 study, those involved in ECCR reported improved relationships, ability to work together, and level of trust.⁷³ Other benefits to ECCR include:

- Better information, diverse expertise, better-informed decisions;
- Fairer process, especially for traditionally disadvantaged/under-represented parties;
- Better integration, enhanced coordination, and streamlining;
- Conflict prevention and resolution of differences;
- Improved fact-finding and common understanding of the facts;
- Increased social capital through the promotion of trust and partnership;
- Easier implementation “vesting” stakeholders in decision implementation;
- Enhanced stewardship promoted through cooperation; and

- Reduced litigation by solving problems at lowest possible level and narrowing issues.

The NCECR is a Federal agency⁷⁴ that provides collaboration, consensus-building, and conflict resolution services on a range of environmental, natural and cultural resources, Tribal, and public lands issues involving the Federal Government. Citizens can work with lead agencies to express their interest in a collaborative approach and may recommend the involvement of the NCECR.⁷⁵ There may also be an environmental conflict resolution office in your state that can provide assistance, and there are also many other individuals and organizations in the private sector that provide various types of conflict resolution services.

NEPA's Requirements

Perhaps your concern involves understanding a legal requirement. There are, of course, many ways to obtain the advice of lawyers knowledgeable about the NEPA process: the lead agency, private attorneys, and public interest attorneys. Build your own understanding by reading information on the [NEPA.gov](http://www.nepa.gov) website. You may also call the General Counsel's office or the Associate Director for NEPA at the Council on Environmental Quality for assistance in understanding NEPA's legal requirements or for advice and assistance if you have tried to work with the lead agency but feel those efforts have been unsuccessful (see Appendix A for contact information).

Remedies Available

Finally, of course, there are both administrative and judicial remedies available. A few Federal agencies, such as the Bureau of Land Management and the Forest Service, have an administrative appeals process. Each process is specific to that agency. If an appeal is available, you may find it beneficial to invoke it to try to resolve your concerns with the agency's decisions without the need for a legal challenge. Moreover, a statute or agency regulation may require you to exhaust such an appeal procedure before seeking judicial review. Citizens who believe that a Federal agency's actions violate NEPA may seek judicial review (after any required administrative appeals) in Federal court under the Administrative Procedure Act. If you are represented by a lawyer, you should consult with him or her about appropriate options and about communicating with the Federal agencies.

Final Thoughts

This guide was developed to explain NEPA, how it is implemented, and how people outside the Federal Government—individual citizens, private sector applicants, members of organized groups, or representatives of Tribal, State, or local government agencies—can better participate in the assessment of environmental impacts conducted by Federal agencies. To learn more about CEQ and NEPA, visit our web sites at <http://www.whitehouse.gov/ceq> and [NEPA.gov](http://www.nepa.gov) or contact the CEQ Associate Director for NEPA at (202) 395-5750. Your thoughts and comments on improving this Guide for future editions are always welcome.

Appendix A: About the Council on Environmental Quality

The National Environmental Policy Act (NEPA) established the Council on Environmental Quality (CEQ) in 1970 within the Executive Office of the President. CEQ oversees Federal agency NEPA implementation and develops and recommends national policies to the President that promote the improvement of environmental quality and meet the Nation's goals. In addition, CEQ is assigned various duties and responsibilities under other statutes, Executive Orders, and Presidential Memoranda, including with regard to Federal ocean policy, Federal sustainability, and timely environmental review and permitting processes for infrastructure development, and other matters.

The Council on Environmental Quality is housed within the Executive Office of the President. CEQ has offices within the Eisenhower Executive Office Building (EEOB) and within the Jackson Place townhouses on Lafayette Square.

Mailing Address

Council on Environmental Quality
730 Jackson Place, NW
Washington, DC 20503

Main Line: (202) 395-5750

Fax: (202) 456-6546

Appendix B: Useful Websites

NEPA.gov

NEPA.gov is the Council on Environmental Quality's NEPA website that is supported by the U.S. Department of Energy. It contains a wealth of information related to NEPA. The site contains CEQ guidance as well as studies and reports and information on NEPA training.

Under the "Laws & Regulations" section, there are several useful links including:

- The NEPA Statute
- Executive Orders
- CEQ Regulations for Implementing NEPA
- State NEPA Information
- The Legislative History of NEPA
- Individual Federal Agency Procedures for Implementing NEPA⁷⁶

The other sections provide information about:

- Guidance
- How to get involved
- Resources on NEPA Practice
- CEQ Publications
- CEQ Reports

The Federal Register and How to Use It

<https://www.federalregister.gov/>

The *Federal Register* is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents. It is updated daily by 6 a.m. and is published Monday through Friday, except Federal holidays.

This is where you will find notices from Federal agencies regarding their NEPA actions. Information on the availability of documents, schedule of meetings, and notices of intent to prepare EISs are also published in the *Federal Register*. In addition, EPA publishes a list of EISs that they have received from agencies each week, and a summary of ratings on EISs that they have reviewed.

The easiest way to pull up notices is to have as much information as possible. Key words such as the name of the agency, location of the action, date or date ranges of the publication are all helpful in the search.

The Electronic Code of Federal Regulations (e-CFR)

www.ecfr.gov

The Electronic Code of Federal Regulations (e-CFR) is a currently updated version of the Code of Federal Regulations (CFR). It is not an official legal edition of the CFR. The e-CFR is an editorial compilation of CFR material and *Federal Register* amendments produced by the National Archives and Records Administration's Office of the Federal Register (OFR) and the Government Publishing Office. The OFR updates the material in the e-CFR on a daily basis. The current update status appears at the top of all e-CFR web pages.

The United States Code

The United States Code is a compilation of most public laws currently in force, organized by subject matter. When a law has been amended by another law, the U.S. Code reflects this change. The U.S. Code collates the original law with subsequent amendments, and it deletes language that has later been repealed or superseded.

The full text of the official version of the U.S. Code is provided on www.govinfo.gov at www.govinfo.gov/app/collection/uscode. You can do fielded searches to look for Code material by popular name of the law, the public law number, U.S. Code citation, Statutes at Large citation, or word or phrase. You can also browse the U.S. Code by individual Code titles, down to the section level, for the latest available update.

The U.S. House Office of the Law Revision Counsel also provides the full text of the official version of the U.S. Code at uscode.house.gov/. You can do fielded searches or download entire titles or chapters. This site also provides classification tables that show where recently enacted laws will appear in the United States Code and which sections of the Code have been amended by those laws.

The Federal Infrastructure Permitting Dashboard

www.permits.performance.gov

The Permitting Dashboard is an online tool for Federal agencies, project developers, and interested members of the public to track the Federal Government's environmental review and authorization processes for large or complex infrastructure projects, part of a government-wide effort to improve coordination, transparency, and accountability.

A major function of this Dashboard is to track infrastructure projects designated as "Covered Projects" under Title 41 of the Fixing America's Surface Transportation Act (FAST-41). The Dashboard also provides information on most DOT projects, as well as other infrastructure projects. Follow the "Projects" link for project-specific information.

Appendix C: Agency NEPA Contacts

The list of Federal NEPA Contacts is maintained on [NEPA.gov](https://nepa.gov) under the heading “NEPA Practice” and is periodically updated.

The complete list is available via the link entitled “Federal NEPA Contacts” or available directly at <https://ceq.doe.gov/nepa-practice/agency-nepa-contacts.html>. If you do not have computer access, call CEQ at (202) 395-5750 for assistance.

Appendix D: Statutory References

The National Environmental Policy Act of 1969

42 U.S.C. 4321. Congressional declaration of purpose [Sec. 2]

The purposes of this chapter are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

(Pub. L. 91-190, § 2, Jan. 1, 1970, 83 Stat. 852)

SUBCHAPTER I—POLICIES AND GOALS [TITLE I]

42 U.S.C. 4331. Congressional declaration of national environmental policy [Sec. 101]

(a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with state and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(Pub. L. 91-190, title I, § 101, Jan. 1, 1970, 83 Stat. 852)

42 U.S.C. 4332. Cooperation of agencies; reports; availability of information; recommendations; international and national coordination of efforts [Sec. 102]

The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this chapter and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by subchapter II of this chapter, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision-making along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, and shall accompany the proposal through the existing agency review processes;

(D) Any detailed statement required under subparagraph (C) after January 1, 1970, for any major Federal action funded under a program of grants to States shall not be deemed to be legally insufficient solely by reason of having been prepared by a state agency or official, if:

(i) the State agency or official has statewide jurisdiction and has the responsibility for such action,

- (ii) the responsible Federal official furnishes guidance and participates in such preparation,
- (iii) the responsible Federal official independently evaluates such statement prior to its approval and adoption, and
- (iv) after January 1, 1976, the responsible Federal official provides early notification to, and solicits the views of, any other state or any Federal land management entity of any action or any alternative thereto which may have significant impacts upon such state or affected Federal land management entity and, if there is any disagreement on such impacts, prepares a written assessment of such impacts and views for incorporation into such detailed statement.

The procedures in this subparagraph shall not relieve the Federal official of his responsibilities for the scope, objectivity, and content of the entire statement or of any other responsibility under this Act; and further, this subparagraph does not affect the legal sufficiency of statements prepared by State agencies with less than statewide jurisdiction.

(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(F) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(G) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(H) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(I) assist the Council on Environmental Quality established by subchapter II of this chapter.

(Pub. L. 91-190, title I, § 102, Jan. 1, 1970, 83 Stat. 853; Pub. L. 94-83, Aug. 9, 1975, 89 Stat. 424)

42 U.S.C. 4333. Conformity of administrative procedures to national environmental policy [Sec. 103]

All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this chapter and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this chapter.

(Pub. L. 91-190, title I, § 103, Jan. 1, 1970, 83 Stat. 854)

42 U.S.C. 4334. Other statutory obligations of agencies [Sec. 104]

Nothing in section 4332 [Sec. 102] or 4333 [Sec. 103] shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3)

to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

(Pub. L. 91–190, title I, § 104, Jan. 1, 1970, 83 Stat. 854)

42 U.S.C. 4335. Efforts supplemental to existing authorizations [Sec. 105]

The policies and goals set forth in this chapter are supplementary to those set forth in existing authorizations of Federal agencies.

(Pub. L. 91–190, title I, § 105, Jan. 1, 1970, 83 Stat. 854)

SUBCHAPTER II – COUNCIL ON ENVIRONMENTAL QUALITY [TITLE II]

42 U.S.C. 4341. [Sec. 201] Omitted

Section 201 which required the President to transmit to Congress annually an Environmental Quality Report, was terminated by Congress, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

(Pub. L. 91–190, title II, § 201, Jan. 1, 1970, 83 Stat. 854; Pub. L. 104–66, title III, § 3003, Dec. 21, 1995 of as amended, 31 U.S.C. 1113)

42 U.S.C. 4342. Establishment; membership; Chairman; appointments [Sec. 202]

There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the “Council”). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in subchapter I of this chapter; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

(Pub. L. 91–190, title II, § 202, Jan. 1, 1970, 83 Stat. 854)

Provisions stating that notwithstanding this section, the Council was to consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council, were contained in the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Pub. L. 109–54, title III, Aug. 2, 2005, 119 Stat. 543, and were repeated in provisions of subsequent appropriations acts which are not set out in the Code.

42 U.S.C. 4343. Employment of personnel, experts and consultants [Sec. 203]

(a) The Council may employ such officers and employees as may be necessary to carry out its functions under this chapter. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, (but without regard to the last sentence thereof).

(b) Notwithstanding section 1342 of Title 31, the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council.

(Pub. L. 91–190, title II, § 203, Jan. 1, 1970, 83 Stat. 855; Pub. L. 94–52, § 2, July 3, 1975, 89 Stat. 258)

42 U.S.C. 4344. Duties and functions [Sec. 204]

It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 4341[Sec. 201] of this title;¹

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subchapter I of this chapter, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in subchapter I of this chapter for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

(Pub. L. 91–190, title II, § 204, Jan. 1, 1970, 83 Stat. 855)

42 U.S.C. 4345. Consultation with Citizens' Advisory Committee on Environmental Quality and other representatives [Sec. 205]

In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

¹ CEQ notes that Congress amended 42 U.S.C. 4341 to remove the Environmental Quality Report requirement.

(2) utilize, to the fullest extent possible, the services, facilities and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

(Pub. L. 91-190, title II, § 205, Jan. 1, 1970, 83 Stat. 855)

42 U.S.C. 4346. Tenure and compensation of members [Sec. 206]

Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV o[f] the Executive Schedule Pay Rates (5 U.S.C. 5315).

(Pub. L. 91-190, title II, § 206, Jan. 1, 1970, 83 Stat. 856)

42 U.S.C. 4346a. Travel reimbursement by private organizations and Federal, State, and local governments [Sec. 207]

The Council may accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, any State, or local government, for the reasonable travel expenses incurred by an officer or employee of the Council in connection with his attendance at any conference, seminar, or similar meeting conducted for the benefit of the Council.

(Pub. L. 91-190, title II, § 207, as added Pub. L. 94-52, § 3, July 3, 1975, 89 Stat. 258)

42 U.S.C. 4346b. Expenditures in support of international activities [Sec. 208]

The Council may make expenditures in support of its international activities, including expenditures for: (1) international travel; (2) activities in implementation of international agreements; and (3) the support of international exchange programs in the United States and in foreign countries.

(Pub. L. 91-190, title II, § 208, as added Pub. L. 94-52, § 3, July 3, 1975, 89 Stat. 258)

42 U.S.C. 4347. Authorization of appropriations [Sec. 209]

There are authorized to be appropriated to carry out the provisions of this chapter not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

(Pub. L. 91-190, title II, § 209, formerly § 207, Jan. 1, 1970, 83 Stat. 856, renumbered § 209, Pub. L. 94-52, § 3, July 3, 1975, 89 Stat. 258)

The Clean Air Act—Section 309

42 U.S.C. 7609. Policy review [Sec. 309]

(a) Environmental impact

The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this chapter or other provisions of the authority of the Administration, contained in any (1) legislation proposed by any Federal

department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 4332(2)(C) of the title applies, and (3) proposed regulations published by any department or agency of the Federal Government. Such written comment shall be made public at the conclusion of any such review.

(b) Unsatisfactory legislation, action, or regulation

In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and the matter shall be referred to the Council on Environmental Quality.

(July 14, 1955, ch. 360, title III, § 309, as added Pub. L. 91–604, § 12(a), Dec. 31, 1970, 84 Stat. 1709)

¹ National Environmental Policy Act of 1969, *as amended*, 42 U.S.C. 4321–4347 provided in Appendix D.

² Section 102 of the National Environmental Policy Act of 1969, 42 U.S.C. 4332.

³ CEQ NEPA Regulations, 40 CFR parts 1500–1508, available at NEPA.gov.

⁴ Council on Environmental Quality, “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act,” 40 CFR 1508.1(k) available at NEPA.gov.

⁵ 40 CFR 1507.2(a) and 1508.1(dd).

⁶ 40 CFR 1507.2.

⁷ 40 CFR 1507.4.

⁸ Agencies publish their draft NEPA procedures in the *Federal Register*, and the CEQ NEPA regulations require a public comment period prior to CEQ approval. 40 CFR 1507.3. Members of the public may participate in the development of agency NEPA procedures by providing comments. Most agencies already have NEPA procedures; however, when they are changed, the agency will again provide for public comment on the proposed changes.

⁹ See Appendix C for information on how to access agency points of contact and agency websites.

¹⁰ 40 CFR 1508.1(q)(2). Note that this section applies only to legislation drafted and submitted to Congress by Federal agencies. NEPA does not apply to legislation initiated by members of Congress or by the President of the United States.

¹¹ 40 CFR 1508.1(x).

¹² 40 CFR 1501.1.

¹³ 40 CFR 1502.24.

¹⁴ 40 CFR 1506.2.

¹⁵ 40 CFR 1507.3.

¹⁶ Clean Air Act, 42 U.S.C. 7609.

¹⁷ For additional information see www.epa.gov/nepa.

¹⁸ About a quarter of the States have such laws; for example, New York, Montana, Washington, and California all have such laws. New York City also has such a law. A list with references is available at NEPA.gov by clicking on “Laws & Regulations,” the “State NEPA Information” or directly at <https://ceq.doc.gov/laws-regulations/states.html>.

¹⁹ 40 CFR 1508.1(d).

²⁰ CEQ has developed a comprehensive list of the Federal agencies’ CEs, which is available at <https://ceq.doc.gov/nepa-practice/categorical-exclusions.html>. Citizens may consult this resource but also should review the relevant agency’s NEPA procedures to ensure that a CE is currently available for use.

²¹ 40 CFR 1508.1(h).

²² 40 CFR 1501.10(b)(1).

²³ 40 CFR 1501.5(c)(2).

²⁴ 40 CFR 1501.3(b).

²⁵ 40 CFR 1501.5(e).

²⁶ 40 CFR 1508.1(l).

²⁷ 40 CFR 1501.6(a)(2).

²⁸ 40 CFR 1502.3.

²⁹ 40 CFR 1501.10(b)(2).

³⁰ 40 CFR 1508.1(cc).

³¹ 40 CFR 1501.9(d).

³² 40 CFR 1501.9.

³³ Public hearings are run in a formal manner, with a recording or minutes taken of speakers' comments. Public meetings may be held in a variety of formats, and may be much more informal than hearings.

³⁴ 40 CFR 1502.13.

³⁵ 40 CFR 1502.14.

³⁶ 40 CFR 1508.1(z).

³⁷ 40 CFR 1502.14(d).

³⁸ 40 CFR 1502.14(c).

³⁹ 40 CFR 1508.1(g).

⁴⁰ 40 CFR 1508.1(g)(1).

⁴¹ 40 CFR 1502.16(b).

⁴² 40 CFR 1502.17(a).

⁴³ 40 CFR 1502.18.

⁴⁴ 40 CFR 1502.10.

⁴⁵ 40 CFR 1502.19.

⁴⁶ 40 CFR 1503.4.

⁴⁷ 40 CFR 1502.17(b).

⁴⁸ 40 CFR 1506.11(b) references statutory provisions for combining a final EIS and ROD. If the end of the 30 day wait period is less than 90 days after the notice of availability of the Draft EIS, was published in the *Federal Register*, then the decision must await the expiration of the 90 days.

⁴⁹ 40 CFR part 1504.

⁵⁰ The NCECR reports disputes it is involved with to CEQ and requests concurrence from CEQ to engage in those disputes involving two or more Federal agencies.

⁵¹ 40 CFR 1505.2.

⁵² 40 CFR 1505.2(a)(3).

⁵³ 40 CFR 1505.2(b).

⁵⁴ 40 CFR 1502.9(d).

⁵⁵ Clean Air Act, 42 U.S.C. 7609.

⁵⁶ 40 CFR 1506.11.

⁵⁷ 40 CFR 1507.4(a).

⁵⁸ Public Law 114-94, sec. 41001-41014, 129 Stat. 1312, 1741 (42 U.S.C. 4370m-4370m-12).

⁵⁹ 42 U.S.C. 4370m-2(a)(6)(B).

⁶⁰ 42 U.S.C. 4370m-6.

⁶¹ CEQ NEPA Regulations, 40 CFR 1507.4.

⁶² CEQ NEPA Regulations, 40 CFR 1501.9(d).

⁶³ CEQ NEPA Regulations, 40 CFR 1502.17, 1503.1(a)(3).

⁶⁴ 40 CFR 1500.3(b).

⁶⁵ 40 CFR 1501.8, 1508.1(e).

⁶⁶ 40 CFR 1505.3(d).

⁶⁷ 40 CFR 1505.3(c).

⁶⁸ There are many reference books for how to research issues, review documents, and write comments. One in particular is "The Art of Commenting" by Elizabeth Mullin from the Environmental Law Institute (Mullin, Elizabeth D. 2000. *The Art of Commenting: How to Influence Environmental Decisionmaking with Effective Comments*, Environmental Law Institute, Washington, DC). Another useful reference for those involved in commenting on transportation projects is the American Association of State Highway and Transportation Officials' (AASHTO) Practitioner's Handbook 05-Utilizing Community Advisory Committees for NEPA Studies, December, 2006, <http://environment.transportation.org> or available through AASHTO's Center for Environmental Excellence by calling (202) 624-3635.

⁶⁹ 40 CFR 1500.3(b), 1503.3(b).

⁷⁰ Memorandum on Environmental Conflict Resolution (Nov. 28, 2005), as expanded by Memorandum on Environmental Collaboration and Conflict Resolution (Sept. 7, 2012), <https://ceq.doe.gov/nepa-practice/environmental-collaboration-and-conflict-resolution.html>.

⁷¹ Federal Forum on Environmental Collaboration and Conflict Resolution, Environmental Collaboration and Conflict Resolution (ECCR): Enhancing Agency Efficiency and Making Government Accountable to the People (May 2, 2018), https://ceq.doe.gov/docs/nepa-practice/ECCR_Benefits_Recommendations_Report_%205-02-018.pdf.

⁷² Hall, W.E. (2016, June). "Assessing the value of environmental collaboration and conflict resolution: A census of litigation related cases to estimate comparative process costs at the U.S. Environmental Protection Agency." Concurrent session presentation, the 29th Annual Conference of the International Association for Conflict Management, Columbia University, New York, NY.

⁷³ Emerson, K., Orr, P.J., Keyes, D.L., & McKnight, K.M. (2009). Environmental conflict resolution: Evaluating performance outcomes and contributing factors. *Conflict Resolution Quarterly*, 27(1), 27–64.

⁷⁴ The McCain Center is a program of Udall Foundation, is an independent, nonpartisan Federal agency. Environmental Policy and Conflict Resolution Act of 1998, 20 U.S.C. 5601–5609, as amended.

⁷⁵ The McCain Center can be contacted via www.ecr.gov; mailing address: John S. McCain III National Center for Environmental Conflict Resolution, 130 S. Scott Ave. Tucson, AZ 85701; phone: (520) 901-8501; or electronic mail: usiecr@ecr.gov.

⁷⁶ The agency implementing procedures can be accessed at https://ceq.doe.gov/laws-regulations/agency_implementing_procedures.html and are mentioned throughout the Citizen's Guide as an important part of the process.

.....

brianne.dunstan@guam.gov

From: Vera A. Topasna <vera.topasna@guam.gov>
Sent: Tuesday, May 9, 2023 4:31 PM
To: Krystal Paco-San Agustin
Cc: Jon Calvo
Subject: Fwd: Governors File
Attachments: Notice-of-Intent-to-Prepare-an-Environm...efense-System-on-Guam_2023-09609 # 2.pdf; Guam Public Comment FAQ#4.pdf; Environmental Management#5.pdf; Section 105 Consulting#6.pdf; Enhanced Integrated Air and Missile Def..#3.pdf; A Citizen_s Guide to NEPA_2021#7.pdf

Krystal:

I think we can tab the Governors link as military updates or MDA EIS Information. Not sure what would be most appropriate. See attached documents for review/approval for posting. Can we issue a press release that informs the public that the Governor has a site for information? Also not sure if its needed.

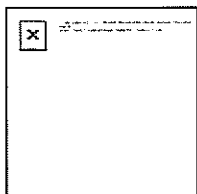
Chief- For your review/approval.

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Sincerely,

Vera Topasna
Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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brianne.dunstan@guam.gov

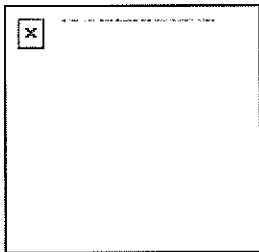
From: Eliza G. Dames <eliza.dames@guam.gov>
Sent: Tuesday, May 9, 2023 3:31 PM
To: Krystal Paco-San Agustin
Cc: Clynton Ridgell; Jon Junior Calvo; Shamra Chargualaf
Subject: Re: Request for interview on k57

Thank you!

On Tue, May 9, 2023 at 3:03 PM Krystal Paco-San Agustin <krystal.paco@guam.gov> wrote:
Confirmed with ginger. 630 it is

On Tue, May 9, 2023 at 2:13 PM Eliza G. Dames <eliza.dames@guam.gov> wrote:
Krystal,
Please confirm with Ginger that Gov can call in at 6:30am-6:45am. She has a 7:30am status hearing and cannot do 7:15 - this was what Ginger messaged the Gov.

On Tue, May 9, 2023 at 12:28 PM Krystal Paco-San Agustin <krystal.paco@guam.gov> wrote:
Thank you!



Krystal Paco-San Agustin, MPA, CM
Director of Communications
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Phone: 671.472.8931

On Tue, May 9, 2023 at 12:05 PM Eliza G. Dames <eliza.dames@guam.gov> wrote:
Gov is ok with this and on her schedule.

On Tue, May 9, 2023 at 9:50 AM Krystal Paco-San Agustin <krystal.paco@guam.gov> wrote:
Good morning Gov and team:

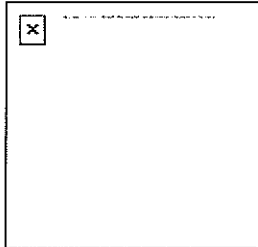
Would you be interested in doing a phone interview with Ginger and Simon Sanchez on Wednesday, May 10 (tomorrow) relative to the military buildup on Guam?

Time would be 6:30-7am. It's not specific to Eagles Field. I also have ensured Vera will be on this show at a later time. Ideally, you would provide an update on your latest engagements in the States. The hosts are more interested in how to get more local businesses engaged and more local people trained so Guam gets the benefits of the money coming in for the buildup.

Please advise. I think it's a great opportunity to call our public to participate in MDA scoping meetings as well.

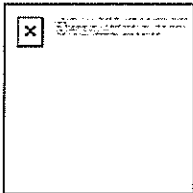
Thank you.

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Director of Communications
Office of the Governor of Guam
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Hagåtña, Guam 96910
Phone: 671.472.8931

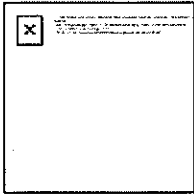
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Eliza Dames
Special Assistant
Ricardo J. Bordallo Governor's Complex
Office of the Governor
Hagatna, Guam
(671) 473-1104

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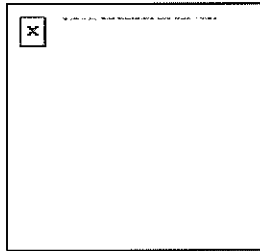
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Eliza Dames
Special Assistant
Ricardo J. Bordallo Governor's Complex
Office of the Governor
Hagatna, Guam
(671) 473-1104

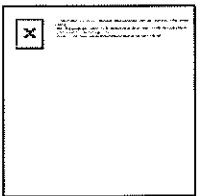
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Krystal Paco-San Agustin, MPA, CM
Director of Communications
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Phone: 671.472.8931

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Eliza Dames
Special Assistant
Ricardo J. Bordallo Governor's Complex
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brianne.dunstan@guam.gov

From: Nicole Nelson <Nicole.Nelson@otech.guam.gov>
Sent: Tuesday, May 9, 2023 3:15 PM
To: Frank Lujan
Cc: Beatrice Santos; Vera A. Topasna (vera.topasna@guam.gov); krystal.paco@guam.gov; Daylin Pelletier; Chantay Benítez
Subject: Re: Governors website (EIS)

Hi Frank,

We have not touched the Gov's website in over a year. Logan is no longer managing the site either. I believe Vera should work with Daylin in Comms. Daylin has taken over for Logan. They can loop in Chantay if needed.

Best regards,
Nicole

From: Frank Lujan <Frank.Lujan@otech.guam.gov>
Sent: Tuesday, May 9, 2023 12:58 PM
To: Nicole Nelson <Nicole.Nelson@otech.guam.gov>
Cc: Beatrice Santos <Bea.Santos@otech.guam.gov>; Vera A. Topasna (vera.topasna@guam.gov) <vera.topasna@guam.gov>
Subject: FW: Governors website (EIS)

Hi Nicole,

Since this involves the Governor's website, we may need to involve Chantay and perhaps Logan. What are your thoughts on this? Could you reach out to Vera to perform a quick discover with her?

Senseramente,

Frank L.G. Lujan, Jr.
Chief Technology Officer
Government of Guam - Office of Technology
211 Aspinall Avenue
PO Box 884, Hagatña, GUAM 96932
frank.lujan@otech.guam.gov
Office: 671.635.4500
Mobile: 671.488.5240
Chat with me on Teams!

"He who learns must suffer, and, even in our sleep, pain that cannot forget falls drop by drop upon the heart, and in our own despair, against our will, comes wisdom to us by the awful grace of God." Aeschylus

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-----Original Message-----

From: Vera A. Topasna <vera.topasna@guam.gov>

Sent: Tuesday, May 9, 2023 9:36 AM

To: Frank Lujan <Frank.Lujan@otech.guam.gov>

Cc: Jon Calvo <jon.calvo@guam.gov>; Krystal Paco Guam <krystal.paco@guam.gov>

Subject: Governors website

Frank:

As previously communicated I would like to have a link on the Govs website for the MDA EIS information should the public inquire. The COS would like for us to prioritize this given the recent release of the Notice of Intent.

Please let me know when this can be done and I will forward all pertinent info once cleared by Chief and Comms for posting.

Vera Topasna

Executive Director

Community Defense Liaison Office

Office of the Governor of Guam

Ph: 671-475-4740

Cell: 671-482-5946

From: Krystal Paco-San Agustin <krystal.paco@guam.gov>
Sent: Tuesday, May 9, 2023 3:03 PM
To: Eliza G. Dames
Cc: Clynton Ridgell; Jon Junior Calvo; Shamra Chargualaf
Subject: Re: Request for interview on k57

Confirmed with ginger. 630 it is

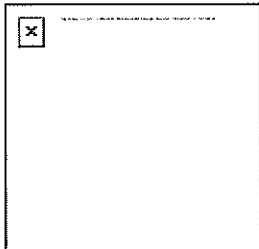
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Krystal,

Please confirm with Ginger that Gov can call in at 6:30am-6:45am. She has a 7:30am status hearing and cannot do 7:15 - this was what Ginger messaged the Gov.

On Tue, May 9, 2023 at 12:28 PM Krystal Paco-San Agustin <krystal.paco@guam.gov> wrote:

Thank you!



Krystal Paco-San Agustin, MPA, CM
Director of Communications
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Phone: 671.472.8931

On Tue, May 9, 2023 at 12:05 PM Eliza G. Dames <eliza.dames@guam.gov> wrote:

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On Tue, May 9, 2023 at 9:50 AM Krystal Paco-San Agustin <krystal.paco@guam.gov> wrote:

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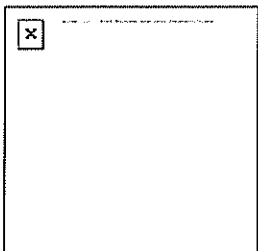
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Please advise. I think it's a great opportunity to call our public to participate in MDA scoping meetings as well.

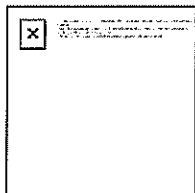
Thank you.

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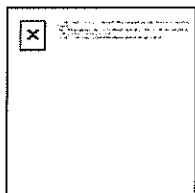
Krystal Paco-San Agustin, MPA, CM
Director of Communications
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Phone: 671.472.8931

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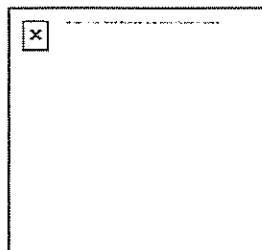


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Krystal Paco-San Agustin, MPA, CM
Director of Communications
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Phone: 671.472.8931

From: Clynton Ridgell <clynton.ridgell@guam.gov>
Sent: Monday, May 8, 2023 10:02 AM
To: Carlotta A. Leon-Guerrero
Cc: Stephanie G. Flores; Esther Aguigui; Jeffrey Moots; Jon Calvo; Krystal Paco-San Agustin; Leslie Travis; Lola.Leonguerrero@bsp.guam.gov; Rikki Orsini; Tyrone Taitano; Vera A. Topasna
Subject: Re: MDA EIS Action Plan

I think the most important thing with comments is that they have to be germane or relevant. I recall from the past scoping meetings that a lot of comments were discarded so to speak because they weren't relevant to the "scope" of the EIS. These scoping meetings are really meant for the public to tell DOD what kind of things they would like to see studied in the EIS. This helps DOD determine what the parameters or scope of the EIS will be. So comments that aren't specific to the scope of the EIS are not taken into consideration.

Clynt

On Mon, May 8, 2023 at 9:40 AM Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov> wrote:
Vera, I know that comments must be in a certain format, and there might be an official form used for comments. This is one of the trickiest parts of pushing for comments..at the earliest, we must make the agencies and the public know what the comment format looks like in order to be effective and elicit a response from DOD.
In the past, Gov Guam has designed newspaper ads that explain how to write an effective comment..we should do that at the earliest, pls and make sure our agencies are aware also of how raise their concerns in proper comment format.

Thanks for handling the logistics of this, Vera..see you soon, Car

On Sun, May 7, 2023 at 12:27 PM Stephanie G. Flores <stephanie.flores@guam.gov> wrote:
Received with thanks.

Sent from my iPhone

On May 8, 2023, at 7:51 AM, Vera A. Topasna <vera.topasna@guam.gov> wrote:

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working with this team to review comments before it is forwarded to legal and our leadership team for approval to submit to MDA. Please see the link for additional information.

Missile Defense Agency - U.S. Department of Defense (mda.mil)

I know most of you are off island so I hope to schedule the EIS Executive Cmte meeting on Monday May 15 pending additional direction/input from COS.

--

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

Office of the Governor of Guam

120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915

Office: 671-475-4735

Cell: 671-482-5946



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--

Carlotta A Leon Guerrero

Chief Advisor Military and Regional Affairs

Governor of Guam Office

brianne.dunstan@guam.gov

From: Vera A. Topasna <vera.topasna@guam.gov>
Sent: Monday, May 8, 2023 9:57 AM
To: Carlotta A. Leon-Guerrero
Cc: Stephanie G. Flores; Clynton Ridgell; Esther Aguigui; Jeffrey Moots; Jon Calvo; Krystal Paco-San Agustin; Leslie Travis; lola.leonguerrero@bsp.guam.gov; Rikki Orsini; Tyrone Taitano
Subject: Re: MDA EIS Action Plan

Car:

Thank you. Fortunately for us the CDLO has kept all historical files from the last EIS. We will be establishing working groups in the coming days to ensure that there is a coordinated and organized format for submitting comments.

I will encourage MDA to ensure that the public is informed as I believe it would be their responsibility to inform the public and the Government of Guam what their format is if any. The MDA liaison will be on island this week and I do plan to reach out to schedule a meeting. Appreciate your input as we move forward.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946

On May 8, 2023, at 9:40 AM, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov> wrote:

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In the past, Gov Guam has designed newspaper ads that explain how to write an effective comment..we should do that at the earliest, pls and make sure our agencies are aware also of how raise their concerns in proper comment format.

Thanks for handling the logistics of this, Vera..see you soon, Car

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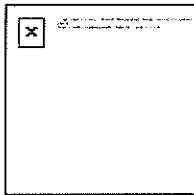
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--

Carlotta A Leon Guerrero
Chief Advisor Military and Regional Affairs
Governor of Guam Office

From: Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>
Sent: Monday, May 8, 2023 9:41 AM
To: Stephanie G. Flores
Cc: Clynton Ridgell; Esther Aguigui; Jeffrey Moots; Jon Calvo; Krystal Paco-San Agustin; Leslie Travis; Lola.Leonguerrero@bsp.guam.gov; Rikki Orsini; Tyrone Taitano; Vera A. Topasna
Subject: Re: MDA EIS Action Plan

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Executive Director

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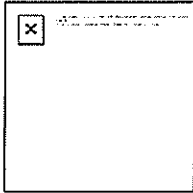
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Carlotta A Leon Guerrero

Chief Advisor Military and Regional Affairs

Governor of Guam Office

brianne.dunstan@guam.gov

From: Stephanie G. Flores <stephanie.flores@guam.gov>
Sent: Monday, May 8, 2023 8:28 AM
To: Vera A. Topasna
Cc: Rikki Orsini; Carlotta A. Leon-Guerrero; Lola.Leonguerrero@bsp.guam.gov; Esther Aguigui; Tyrone Taitano; Krystal Paco-San Agustin; Jon Calvo; Clynton Ridgell; Jeffrey Moots; Leslie Travis
Subject: Re: MDA EIS Action Plan

Received with thanks.

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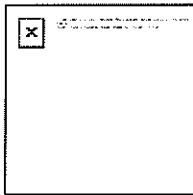
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brianne.dunstan@guam.gov

From: Esther Aguigui <esther.aguigui@guam.gov>
Sent: Monday, May 8, 2023 8:14 AM
To: Vera A. Topasna
Cc: Rikki Orsini; Carlotta A. Leon-Guerrero; lola.leonguerrero@bsp.guam.gov; Stephanie G. Flores; Tyrone Taitano; Krystal Paco-San Agustin; Jon Calvo; Clynton Ridgell; Jeffrey Moots; Leslie Travis
Subject: Re: MDA EIS Action Plan

Greetings and Hafa adai Director Topasna,

Copy all. Thank you for the courtesy notice.

V/r,

EJCA

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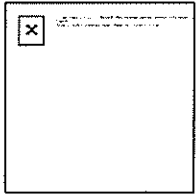
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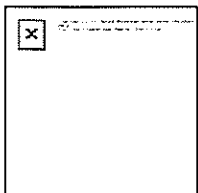
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From: Daylin Pelletier <daylin.pelletier@guam.gov>
Sent: Saturday, May 6, 2023 6:05 PM
To: Krystal Paco-San Agustin
Subject: revised
Attachments: Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam_2023-09609.pdf; NEWS_ Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register.docx.pdf

FOR IMMEDIATE RELEASE - May 6, 2023

Notice of Intent to Prepare an EIS for a Missile Defense System on Guam
Published in Federal Register
Public Encouraged to Participate in Comment Period Now through June 27

Hagåtña, Guam – The Missile Defense Agency (MDA) and Department of Defense (DoD) officially published its Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam in the Federal Register today. This notice starts the public scoping period which will run through June 27, 2023. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace.

“The deployment of a missile defense system on Guam has significant implications for the local community and the safety of our people. Starting today through June 27, we highly encourage our local community to participate in the process of reviewing and commenting on the Environmental Impact Study for a missile defense system,” said Governor Lou Leon Guerrero. “Participation and feedback are crucial to ensure the system's effectiveness and address any concerns or issues that may arise.”

“Community participation and comments are critical for the deployment of a missile defense system on Guam,” said Lt. Governor Joshua Tenorio. “We encourage community members to participate in the ongoing comment period for the environmental impact study and to provide their input and feedback. This will ensure that the study reflects the community's concerns and priorities and that the potential environmental impacts of the missile defense system are fully understood.”

Access to meeting information can be found on the MDA website at <https://www.mda.mil/system/eiamd.html>. The scoping period will be between May 5, 2023, through June 27, 2023 and schedule for Open House Public Scoping Meetings are set as follows:

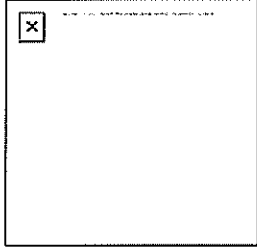
June 14, 2023 June 15, 2023 June 16, 2023

University of Guam Okkodo High School Southern High School
Calvo Field House Gymnasium Gymnasium
Gymnasium 660 Biradan Anakko 3rd St #1 Jose Perez Leon Guerrero Dr
Mangilao Dededo Santa Rita

The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyzes relevant to the Proposed Action, and the

Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

###



Daylin Pelletier
Staff Assistant at
The Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Phone: 671.472.8931
Cell: 671.788.6464

there are fewer than 200 individuals in the stratum. OPA weights the eligible respondents in order to make inferences about the entire population of active duty spouses. The weighting methodology utilizes standard weighting processes.

Dated: April 27, 2023.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.
[FR Doc. 2023-09623 Filed 5-4-23; 8:45 am]
BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0038]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 5, 2023.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Assistant Secretary for Defense for Military Personnel Policy, Office of Military Compensation Policy, ATTN: Mr. Ronald Garner, Pentagon, Washington, DC 20301-1500, or call (703) 693-1059.

SUPPLEMENTARY INFORMATION:

Title: Associated Form; and OMB Number: Data for Payment of Retired Personnel; DD Form 2656; OMB Control Number 0704-0569.

Needs and Uses: The information collection requirement is necessary to obtain applicable retirement information from Uniformed Service members and allow those members to make certain retired pay and survivor annuity elections prior to retirement from service or prior to reaching eligibility to receive retired pay. The form will also allow eligible members covered by the Blended Retirement System to make a voluntary election of a partial lump sum of retired pay, as required by section 1415 of title 10, United States Code.

Affected Public: Individuals or households.

Annual Burden Hours: 31,988.

Number of Respondents: 127,950.

Responses per Respondent: 1.

Annual Responses: 127,950.

Average Burden per Response: 15 minutes.

Frequency: As required.

Every member of the Uniformed Services who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, will voluntarily complete this form to request retired pay, designate beneficiaries, and make a Survivor Benefit Plan election. In an average calendar year, approximately 127,950 members of the Uniformed Service will complete this form. The spouses of retiring members of the Uniformed Services are only required to complete part V of this form if the Service member declines or reduces his or her level of under the Survivor Benefit Plan.

Dated: April 27, 2023.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.
[FR Doc. 2023-09627 Filed 5-4-23; 8:45 am]
BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD).

ACTION: Notice of intent.

SUMMARY: The MDA is issuing this notice of intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the **Federal Register**. Comments must be postmarked or

received on or before June 27, 2023 to ensure consideration in the Draft EIS.

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331.

Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the fiscal year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors,

missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

Associated support facilities and infrastructure (e.g., power plants, fuel storage facilities, and water storage facilities), and life support facilities (e.g., family housing, fire stations, and dining facilities) would also be constructed and operated on these sites to support proposed EIAMD components and accommodate personnel associated with the proposed EIAMD system.

The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomic, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on

Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: May 2, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09609 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0039]

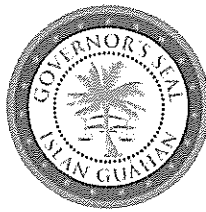
Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Contract Management Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

FOR IMMEDIATE RELEASE - May 6, 2023

**Notice of Intent to Prepare an EIS for a Missile Defense System on Guam
Published in Federal Register**

Public Encouraged to Participate in Comment Period Now through June 27

Hagåtña, Guam – The Missile Defense Agency (MDA) and Department of Defense (DoD) officially published its Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam in the Federal Register today. This notice starts the public scoping period which will run through June 27, 2023. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace.

“The deployment of a missile defense system on Guam has significant implications for the local community and the safety of our people. Starting today through June 27, we highly encourage our local community to participate in the process of reviewing and commenting on the Environmental Impact Study for a missile defense system,” said Governor Lou Leon Guerrero. “Participation and feedback are crucial to ensure the system's effectiveness and address any concerns or issues that may arise.”

“Community participation and comments are critical for the deployment of a missile defense system on Guam,” said Lt. Governor Joshua Tenorio. “We encourage community members to participate in the ongoing comment period for the environmental impact study and to provide their input and feedback. This will ensure that the study reflects the community's concerns and priorities and that the potential environmental impacts of the missile defense system are fully understood.”

Access to meeting information can be found on the MDA website at <https://www.mda.mil/system/eiamd.html>. The scoping period will be between May 5, 2023, through June 27, 2023 and schedule for Open House Public Scoping Meetings are set as follows:

June 14, 2023

University of Guam
Calvo Field House
Gymnasium
Mangilao

June 15, 2023

Okkodo High School
Gymnasium
660 Biradan Anakko 3rd St
Dededo

June 16, 2023

Southern High School
Gymnasium
#1 Jose Perez Leon Guerrero Dr
Santa Rita

The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyzes relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

###

From: Krystal Paco-San Agustin <krystal.paco@guam.gov>
Sent: Saturday, May 6, 2023 6:05 PM
To: undisclosed-recipients:
Subject: RESCIND AND REPLACE: NEWS: Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register
Attachments: Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam_2023-09609.pdf; NEWS_ Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register.docx.pdf

FOR IMMEDIATE RELEASE - May 6, 2023

**Notice of Intent to Prepare an EIS for a Missile Defense System on Guam
Published in Federal Register**

Public Encouraged to Participate in Comment Period Now through June 27

Hagåtña, Guam – The Missile Defense Agency (MDA) and Department of Defense (DoD) officially published its Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam in the Federal Register today. This notice starts the public scoping period which will run through June 27, 2023. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace.

“The deployment of a missile defense system on Guam has significant implications for the local community and the safety of our people. Starting today through June 27, we highly encourage our local community to participate in the process of reviewing and commenting on the Environmental Impact Study for a missile defense system,” said Governor Lou Leon Guerrero. “Participation and feedback are crucial to ensure the system's effectiveness and address any concerns or issues that may arise.”

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Access to meeting information can be found on the MDA website at <https://www.mda.mil/system/eiamd.html>. The scoping period will be between May 5, 2023, through June 27, 2023 and schedule for Open House Public Scoping Meetings are set as follows:

June 14, 2023

University of Guam
Calvo Field House
Gymnasium
Mangilao

June 15, 2023

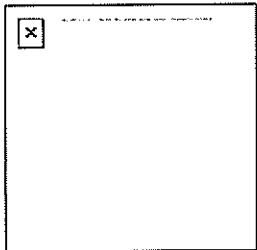
Okkodo High School
Gymnasium
660 Biradan Anakko 3rd St
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June 16, 2023

Southern High School
Gymnasium
#1 Jose Perez Leon Guerrero Dr
Santa Rita

The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyzes relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

###



Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

there are fewer than 200 individuals in the stratum. OPA weights the eligible respondents in order to make inferences about the entire population of active duty spouses. The weighting methodology utilizes standard weighting processes.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09623 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0038]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 5, 2023.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Assistant Secretary for Defense for Military Personnel Policy, Office of Military Compensation Policy, ATTN: Mr. Ronald Garner, Pentagon, Washington, DC 20301-1500, or call (703) 693-1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Data for Payment of Retired Personnel; DD Form 2656; OMB Control Number 0704-0569.

Needs and Uses: The information collection requirement is necessary to obtain applicable retirement information from Uniformed Service members and allow those members to make certain retired pay and survivor annuity elections prior to retirement from service or prior to reaching eligibility to receive retired pay. The form will also allow eligible members covered by the Blended Retirement System to make a voluntary election of a partial lump sum of retired pay, as required by section 1415 of title 10, United States Code.

Affected Public: Individuals or households.

Annual Burden Hours: 31,988.

Number of Respondents: 127,950.

Responses per Respondent: 1.

Annual Responses: 127,950.

Average Burden per Response: 15 minutes.

Frequency: As required.

Every member of the Uniformed Services who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, will voluntarily complete this form to request retired pay, designate beneficiaries, and make a Survivor Benefit Plan election. In an average calendar year, approximately 127,950 members of the Uniformed Service will complete this form. The spouses of retiring members of the Uniformed Services are only required to complete part V of this form if the Service member declines or reduces his or her level of under the Survivor Benefit Plan.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09627 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD).

ACTION: Notice of intent.

SUMMARY: The MDA is issuing this notice of intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the **Federal Register**. Comments must be postmarked or

received on or before June 27, 2023 to ensure consideration in the Draft EIS. **ADDRESSES:** Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331. Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the fiscal year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors,

missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

Associated support facilities and infrastructure (e.g., power plants, fuel storage facilities, and water storage facilities), and life support facilities (e.g., family housing, fire stations, and dining facilities) would also be constructed and operated on these sites to support proposed EIAMD components and accommodate personnel associated with the proposed EIAMD system.

The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomics, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on

Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: May 2, 2023.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09609 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0039]

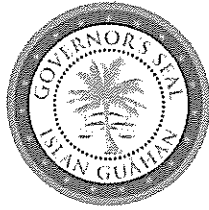
Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Contract Management Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use

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GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

FOR IMMEDIATE RELEASE - May 6, 2023

**Notice of Intent to Prepare an EIS for a Missile Defense System on Guam
Published in Federal Register**

Public Encouraged to Participate in Comment Period Now through June 27

Hagåtña, Guam – The Missile Defense Agency (MDA) and Department of Defense (DoD) officially published its Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam in the Federal Register today. This notice starts the public scoping period which will run through June 27, 2023. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace.

“The deployment of a missile defense system on Guam has significant implications for the local community and the safety of our people. Starting today through June 27, we highly encourage our local community to participate in the process of reviewing and commenting on the Economic Impact Study for a missile defense system,” said Governor Lou Leon Guerrero. “Participation and feedback are crucial to ensure the system's effectiveness and address any concerns or issues that may arise.”

“Community participation and comments are critical for the deployment of a missile defense system on Guam,” said Lt. Governor Joshua Tenorio. “We encourage community members to participate in the ongoing comment period for the economic impact study and to provide their input and feedback. This will ensure that the study reflects the community's concerns and priorities and that the potential economic impacts of the missile defense system are fully understood.”

Access to meeting information can be found on the MDA website at <https://www.mda.mil/system/eiamd.html>. The scoping period will be between May 5, 2023, through June 27, 2023 and schedule for Open House Public Scoping Meetings are set as follows:

June 14, 2023

University of Guam
Calvo Field House
Gymnasium
Mangilao

June 15, 2023

Okkodo High School
Gymnasium
660 Biradan Anakko 3rd St
Dededo

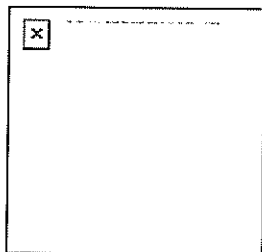
June 16, 2023

Southern High School
Gymnasium
#1 Jose Perez Leon Guerrero Dr
Santa Rita

The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyzes relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

###

From: Daylin Pelletier <daylin.pelletier@guam.gov>
Sent: Saturday, May 6, 2023 6:02 PM
To: Krystal Paco-San Agustin
Subject: revised pdf
Attachments: Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam_2023-09609.pdf



Daylin Pelletier
Staff Assistant at
The Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Phone: 671.472.8931
Cell: 671.788.6464

From: Norton, Catherine C CIV USN COMNAVMARIANAS GU (USA)
<catherine.c.norton2.civ@us.navy.mil>
Sent: Friday, May 5, 2023 8:28 AM
To: Norton, Catherine C CIV USN COMNAVMARIANAS GU (USA)
Cc: Koenig, Katherine Coaty (Katie) LCDR USN (USA); O'Neal, Shaina Marie S CIV USN
COMJTREG MARIANAS GU (USA); Landers, Rachel R CTR (USA); Rabara, Reynaldo T CIV
USN COMJTREG MARIANAS GU (USA)
Subject: PRESS RELEASE: Notice of Intent to Prepare an Environmental Impact Statement for an
Enhanced Integrated Air and Missile Defense System on Guam and to Announce Public
Scoping Meetings
Attachments: 23-027 Notice of Intent to Prepare an EIS for MDA on Guam - Public Scoping Meetings
Information.pdf

Good morning media partners and colleagues,

Please find the attached for your information and interest.

Please forward any questions to the point of contacts detailed in the
release.

Thank you, Catherine

=====

Very Respectfully,
Catherine Cruz Norton
Deputy Public Affairs Officer
Joint Region Marianas
Office: 671.349.3209
Cell: 671.483.0736
DSN: 315.349.3209
NIPR: catherine.c.norton2.civ@us.navy.mil
SIPR: catherine.norton@fe.navy.smil.mil

****Follow us @JRMGuam on Facebook and Instagram****

COMMANDER, JOINT REGION MARIANAS
Public Affairs Office
(671) 349-4055/3209
E-Mail: CJRMPAO@fe.navy.mil



FOR IMMEDIATE RELEASE
Press Release 23-027

**Notice of Intent to Prepare an Environmental Impact Statement for an
Enhanced Integrated Air and Missile Defense System on Guam and to
Announce Public Scoping Meetings**

ASAN, Guam (May 5, 2023) - The Missile Defense Agency (MDA), with the United States (U.S.) Department of the Army, U.S. Department of the Navy, U.S. Department of the Air Force, and the Federal Aviation Administration as cooperating agencies, is preparing an Environmental Impact Statement (EIS) to evaluate the potential environmental impacts and potential mitigation of deploying and operating an Enhanced Integrated Air and Missile Defense system to defend Guam against advanced missile threats (Proposed Action).

Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for an Enhanced Integrated Air and Missile Defense capability on Guam as soon as possible to address the rapid evolution of adversary missile threats.

Below is information about the Proposed Action, the upcoming open house public scoping meetings, and the process for submitting public comments. MDA welcomes the public's comments on the scope of the EIS, potential alternatives, identification of environmental concerns, issues that should be addressed in the EIS, and the project's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966. The EIS process requires public involvement during the scoping period and when the Draft EIS is available for public review and comment.

PROPOSED ACTION

The Proposed Action is to deploy and operate a comprehensive, persistent, 360-degree Enhanced Integrated Air and Missile Defense system to defend Guam against the rapidly evolving threats of missile attacks from regional adversaries. MDA and the Army need to strategically locate and integrate various system components, including a command and control center, radars, sensors, missile launchers, missile interceptors, and support facilities, at multiple sites around Guam. MDA is preparing an EIS to evaluate the potential environmental impacts of the Proposed Action, including potential impacts on airspace, natural and cultural resources, socioeconomics, public health and safety, transportation, utilities, and other resource areas.

OPEN HOUSE PUBLIC SCOPING MEETINGS

MDA will hold three public scoping meetings to inform the public about the Proposed Action and accept comments on the scope of the analysis. The meetings will be in an open-house format and will include poster stations staffed by project representatives who can provide information and answer questions about the Proposed Action and the upcoming environmental impact analysis. The public may arrive at any time between 4 and 7 p.m. as there will not be a presentation or formal oral comment session. The public scoping meetings will be held at the following locations:

June 14, 2023

University of Guam
Calvo Field House
Gymnasium
303 University Dr.
Mangilao, Guam

June 15, 2023

Okkodo High School
Gymnasium
660 Biradan Anakko 3rd
St.
Dededo, Guam

June 16, 2023

Southern High School
Gymnasium
#1 Jose, Perez Leon
Guerrero Dr.
Santa Rita, Guam

SUBMITTING COMMENTS

The public is encouraged to submit comments during the scoping period from May 5, 2023, through June 27, 2023. Comments must be postmarked or received online by **June 27, 2023**, for consideration in the development of the Draft EIS. Comments may be submitted in the following ways:

In person: Public scoping meetings
Email: info@EIAMD-EIS.com
Website: www.mda.mil/system/eiamd.html
Mail: ManTech International Corporation
Attention: EIAMD EIS Project Support
PMB 403
1270 N. Marine Corps Dr., Suite 101
Tamuning, Guam 96913-4331

NATIONAL HISTORIC PRESERVATION ACT SECTION 106

This public scoping effort will also support additional consultation under Section 106 of the NHPA of 1966 and its implementing regulations at 36 Code of Federal Regulations Part 800.

MDA is committed to meaningful public involvement and will keep the public informed throughout the development of the EIS. Please help MDA inform the community about the intent to prepare an EIS by sharing this information.

Visit the project website at www.mda.mil/system/eiamd.html to learn more about the project.

There will be a media availability at the first public scoping meeting, June 14 at 6:00 p.m. If you are interested in attending the media opportunity, or for more information, please contact Joint Region Marianas Public Affairs, by telephone at 671-349-4055 or by email to cjrmpao@fe.navy.mil. Please direct all media-related queries to Mr. Mark Wright at 571-231-8212 or by email to mda.info@mda.mil.

From: Krystal Paco-San Agustin <krystal.paco@guam.gov>
Sent: Friday, May 5, 2023 8:36 AM
To: Daylin Pelletier; Tihu Lujan
Subject: Fwd: PRESS RELEASE: Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam and to Announce Public Scoping Meetings
Attachments: 23-027 Notice of Intent to Prepare an EIS for MDA on Guam - Public Scoping Meetings Information.pdf

----- Forwarded message -----

From: **Norton, Catherine C CIV USN COMNAVMARIANAS GU (USA)** <catherine.c.norton2.civ@us.navy.mil>
Date: Fri, May 5, 2023 at 8:29 AM
Subject: PRESS RELEASE: Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam and to Announce Public Scoping Meetings
To: Norton, Catherine C CIV USN COMNAVMARIANAS GU (USA) <catherine.c.norton2.civ@us.navy.mil>
CC: Koenig, Katherine Coaty (Katie) LCDR USN (USA) <katherine.c.koenig.mil@us.navy.mil>, O'Neal, Shaina Marie S CIV USN COMJTREG MARIANAS GU (USA) <shainamarie.s.oneal.civ@us.navy.mil>, Landers, Rachel R CTR (USA) <rachel.r.landern2.ctr@us.navy.mil>, Rabara, Reynaldo T CIV USN COMJTREG MARIANAS GU (USA) <reynaldo.t.rabara.civ@us.navy.mil>

Good morning media partners and colleagues,

Please find the attached for your information and interest.

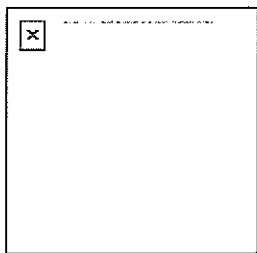
Please forward any questions to the point of contacts detailed in the release.

Thank you, Catherine

=====

Very Respectfully,
Catherine Cruz Norton
Deputy Public Affairs Officer
Joint Region Marianas
Office: 671.349.3209
Cell: 671.483.0736
DSN: 315.349.3209
NIPR: catherine.c.norton2.civ@us.navy.mil
SIPR: catherine.norton@fe.navy.smil.mil

****Follow us @JRMGuam on Facebook and Instagram****



Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

COMMANDER, JOINT REGION MARIANAS
Public Affairs Office
(671) 349-4055/3209
E-Mail: CJRMPAO@fe.navy.mil



FOR IMMEDIATE RELEASE
Press Release 23-027

**Notice of Intent to Prepare an Environmental Impact Statement for an
Enhanced Integrated Air and Missile Defense System on Guam and to
Announce Public Scoping Meetings**

ASAN, Guam (May 5, 2023) - The Missile Defense Agency (MDA), with the United States (U.S.) Department of the Army, U.S. Department of the Navy, U.S. Department of the Air Force, and the Federal Aviation Administration as cooperating agencies, is preparing an Environmental Impact Statement (EIS) to evaluate the potential environmental impacts and potential mitigation of deploying and operating an Enhanced Integrated Air and Missile Defense system to defend Guam against advanced missile threats (Proposed Action).

Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for an Enhanced Integrated Air and Missile Defense capability on Guam as soon as possible to address the rapid evolution of adversary missile threats.

Below is information about the Proposed Action, the upcoming open house public scoping meetings, and the process for submitting public comments. MDA welcomes the public's comments on the scope of the EIS, potential alternatives, identification of environmental concerns, issues that should be addressed in the EIS, and the project's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966. The EIS process requires public involvement during the scoping period and when the Draft EIS is available for public review and comment.

PROPOSED ACTION

The Proposed Action is to deploy and operate a comprehensive, persistent, 360-degree Enhanced Integrated Air and Missile Defense system to defend Guam against the rapidly evolving threats of missile attacks from regional adversaries. MDA and the Army need to strategically locate and integrate various system components, including a command and control center, radars, sensors, missile launchers, missile interceptors, and support facilities, at multiple sites around Guam. MDA is preparing an EIS to evaluate the potential environmental impacts of the Proposed Action, including potential impacts on airspace, natural and cultural resources, socioeconomics, public health and safety, transportation, utilities, and other resource areas.

OPEN HOUSE PUBLIC SCOPING MEETINGS

MDA will hold three public scoping meetings to inform the public about the Proposed Action and accept comments on the scope of the analysis. The meetings will be in an open-house format and will include poster stations staffed by project representatives who can provide information and answer questions about the Proposed Action and the upcoming environmental impact analysis. The public may arrive at any time between 4 and 7 p.m. as there will not be a presentation or formal oral comment session. The public scoping meetings will be held at the following locations:

June 14, 2023

University of Guam
Calvo Field House
Gymnasium
303 University Dr.
Mangilao, Guam

June 15, 2023

Okkodo High School
Gymnasium
660 Biradan Anakko 3rd
St.
Dededo, Guam

June 16, 2023

Southern High School
Gymnasium
#1 Jose, Perez Leon
Guerrero Dr.
Santa Rita, Guam

SUBMITTING COMMENTS

The public is encouraged to submit comments during the scoping period from May 5, 2023, through June 27, 2023. Comments must be postmarked or received online by **June 27, 2023**, for consideration in the development of the Draft EIS. Comments may be submitted in the following ways:

In person: Public scoping meetings
Email: info@EIAMD-EIS.com
Website: www.mda.mil/system/eiamd.html
Mail: ManTech International Corporation
Attention: EIAMD EIS Project Support
PMB 403
1270 N. Marine Corps Dr., Suite 101
Tamuning, Guam 96913-4331

NATIONAL HISTORIC PRESERVATION ACT SECTION 106

This public scoping effort will also support additional consultation under Section 106 of the NHPA of 1966 and its implementing regulations at 36 Code of Federal Regulations Part 800.

MDA is committed to meaningful public involvement and will keep the public informed throughout the development of the EIS. Please help MDA inform the community about the intent to prepare an EIS by sharing this information.

Visit the project website at www.mda.mil/system/eiamd.html to learn more about the project.

There will be a media availability at the first public scoping meeting, June 14 at 6:00 p.m. If you are interested in attending the media opportunity, or for more information, please contact Joint Region Marianas Public Affairs, by telephone at 671-349-4055 or by email to cjrmpao@fe.navy.mil. Please direct all media-related queries to Mr. Mark Wright at 571-231-8212 or by email to mda.info@mda.mil.

From: Koenig, Katherine Coaty (Katie) LCDR USN (USA) <katherine.c.koenig.mil@us.navy.mil>
Sent: Wednesday, May 3, 2023 9:30 PM
To: Cavaliere, Heather R CIV MDA PA (USA); Krystal Paco-San Agustin
Cc: Norton, Catherine C CIV USN COMNAVMARIANAS GU (USA); Wright, Mark E CIV MDA PA (USA)
Subject: Re: [URL Verdict: Neutral][Non-DoD Source] Fwd: Questions on 360-degree missile system

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/ break /

Krystal,

Please clarify.

V/r,
JRM PAO

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Heather Reed Cavaliere
Missile Defense Agency
Team Lead, Public Affairs
256-450-4699 office
256-503-7802 cell
Heather.Cavaliere@mda.mil

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Sent: Wednesday, May 3, 2023 6:01 AM
To: Cavaliere, Heather R CIV MDA PA (USA) <Heather.Cavaliere@mda.mil>; Krystal Paco-San Agustin

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Hagåtña, Guam 96910

Phone: 671.472.8931

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From: Wilson, Alex <Wilson.Alex@stripes.com <mailto:Wilson.Alex@stripes.com> >
Date: Tue, May 2, 2023 at 6:09 PM
Subject: Questions on 360-degree missile system
To: Krystal Paco-San Agustin <krystal.paco@guam.gov <mailto:krystal.paco@guam.gov> >

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Alex Wilson
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Mobile: 090-8054-8241

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Sent: Wednesday, May 3, 2023 4:35 PM
To: Krystal Paco-San Agustin
Cc: Norton, Catherine C CIV USN COMNAVMARIANAS GU (USA); Cavaliere, Heather R CIV MDA PA (USA)
Subject: Re: [URL Verdict: Neutral][Non-DoD Source] Fwd: Questions on 360-degree missile system

Krystal,

Adding Heather to this email as a POC.

//

Heather,

We are already getting questions and know we will get many more this weekend and next week.

We will refer the technical questions to you and do our best to field with pre-approved language.

Krystal had a question about releasing the letter to stakeholders- do you have any issue with the Governors office releasing that?

Thanks

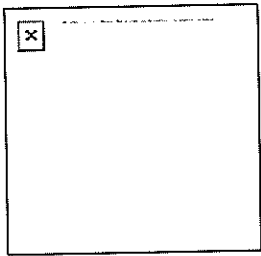
V/r,

Katie

From: Krystal Paco-San Agustin <krystal.paco@guam.gov>
Sent: Wednesday, May 3, 2023 8:47 AM
To: Koenig, Katherine Coaty (Katie) LCDR USN (USA) <katherine.c.koenig.mil@us.navy.mil>
Subject: [URL Verdict: Neutral][Non-DoD Source] Fwd: Questions on 360-degree missile system

Hi Katie.

Pls see the below questions. I advised Alex that we will provide more information as it becomes available.



Krystal Paco-San Agustin, MPA, CM
Director of Communications
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Phone: 671.472.8931

----- Forwarded message -----

From: **Wilson, Alex** <Wilson.Alex@stripes.com>
Date: Tue, May 2, 2023 at 6:09 PM
Subject: Questions on 360-degree missile system
To: Krystal Paco-San Agustin <krystal.paco@guam.gov>

Krystal,

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1. Is the Notice of Intent or EIP already available for review?
2. Does the governor's office have any immediate response or statement? I know there has already been considerable concern about environmental issues and cultural issues in reaction to the construction of Camp Blaz.
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Alex Wilson

Stars and Stripes
Asia-Pacific Correspondent
DSN: (315) 241-2874
Office: +81(46) 896-2874
Mobile: 090-8054-8241

From: Koenig, Katherine Coaty (Katie) LCDR USN (USA) <katherine.c.koenig.mil@us.navy.mil>
Sent: Wednesday, May 3, 2023 4:22 PM
To: Norton, Catherine C CIV USN COMNAVMARIANAS GU (USA); Krystal Paco-San Agustin
Subject: Re: Questions on 360-degree missile system

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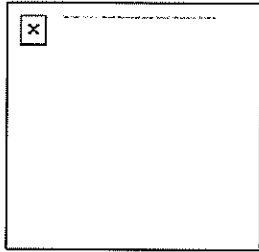
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Mobile: 090-8054-8241

From: Krystal Paco-San Agustin <krystal.paco@guam.gov>
Sent: Wednesday, May 3, 2023 12:31 PM
To: Daylin Pelletier
Subject: Fwd: Fwd: Questions on 360-degree missile system

fyi relative to Missile Defense messaging strategy



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Office of the Governor of Guam
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Hagåtña, Guam 96910
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From: Norton, Catherine C CIV USN COMNAVMARIANAS GU (USA) <catherine.c.norton2.civ@us.navy.mil>
Date: Wed, May 3, 2023 at 10:55 AM
Subject: RE: Fwd: Questions on 360-degree missile system
To: Koenig, Katherine Coaty (Katie) LCDR USN (USA) <katherine.c.koenig.mil@us.navy.mil>, Krystal Paco-San Agustin <krystal.paco@guam.gov>

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brianne.dunstan@guam.gov

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Cc: Norton, Catherine C CIV USN COMNAVMARIANAS GU (USA); Wright, Mark E CIV MDA PA (USA)
Subject: RE: [URL Verdict: Neutral][Non-DoD Source] Fwd: Questions on 360-degree missile system
Attachments: D Signed GovGuam Letter_EIAMD EIS NOI and Scoping Public Outreach Material 04302023.pdf

Katie,

We are ok with the Governor releasing the letter only. We are requesting that he not release the NOI so that it can go out in the Federal Registrar. Attached is what we sent to the Governor. He can release the first two pages.

Thanks,
Heather

Heather Reed Cavaliere
Missile Defense Agency
Team Lead, Public Affairs
256-450-4699 office
256-503-7802 cell
Heather.Cavaliere@mda.mil

-----Original Message-----

From: Koenig, Katherine Coaty (Katie) LCDR USN (USA) <katherine.c.koenig.mil@us.navy.mil>
Sent: Wednesday, May 3, 2023 6:01 AM
To: Cavaliere, Heather R CIV MDA PA (USA) <Heather.Cavaliere@mda.mil>; Krystal Paco-San Agustin <krystal.paco@guam.gov>
Cc: Norton, Catherine C CIV USN COMNAVMARIANAS GU (USA) <catherine.c.norton2.civ@us.navy.mil>; Wright, Mark E CIV MDA PA (USA) <mark.wright@mda.mil>
Subject: Re: [URL Verdict: Neutral][Non-DoD Source] Fwd: Questions on 360-degree missile system

Thanks Heather, looking forward to our chat.

From: Cavaliere, Heather R CIV MDA PA (USA) <Heather.Cavaliere@mda.mil>
Sent: Wednesday, May 3, 2023 8:58 PM
To: Koenig, Katherine Coaty (Katie) LCDR USN (USA) <katherine.c.koenig.mil@us.navy.mil>; Krystal Paco-San Agustin <krystal.paco@guam.gov>
Cc: Norton, Catherine C CIV USN COMNAVMARIANAS GU (USA) <catherine.c.norton2.civ@us.navy.mil>; Wright, Mark E CIV MDA PA (USA) <mark.wright@mda.mil>
Subject: RE: [URL Verdict: Neutral][Non-DoD Source] Fwd: Questions on 360-degree missile system

Hi Katie,

My team should be good with the Governor releasing those but I will do one check to make sure there isn't any heartburn. I'll respond shortly. For SA, our website update and releases are slated to go out Thursday afternoon US central time so they will hit your press Friday morning.

Heather

Heather Reed Cavaliere
Missile Defense Agency
Team Lead, Public Affairs
256-450-4699 office
256-503-7802 cell
Heather.Cavaliere@mda.mil

-----Original Message-----

From: Koenig, Katherine Coaty (Katie) LCDR USN (USA) <katherine.c.koenig.mil@us.navy.mil>
Sent: Wednesday, May 3, 2023 1:35 AM
To: Krystal Paco-San Agustin <krystal.paco@guam.gov>
Cc: Norton, Catherine C CIV USN COMNAVMARIANAS GU (USA) <catherine.c.norton2.civ@us.navy.mil>; Cavaliere, Heather R CIV MDA PA (USA) <Heather.Cavaliere@mda.mil>
Subject: Re: [URL Verdict: Neutral][Non-DoD Source] Fwd: Questions on 360-degree missile system

Krystal,

Adding Heather to this email as a POC.

//

Heather,

We are already getting questions and know we will get many more this weekend and next week.

We will refer the technical questions to you and do our best to field with pre-approved language.

Krystal had a question about releasing the letter to stakeholders- do you have any issue with the Governors office releasing that?

Thanks

V/r,

Katie

From: Krystal Paco-San Agustin <krystal.paco@guam.gov>
Sent: Wednesday, May 3, 2023 8:47 AM
To: Koenig, Katherine Coaty (Katie) LCDR USN (USA) <katherine.c.koenig.mil@us.navy.mil>
Subject: [URL Verdict: Neutral][Non-DoD Source] Fwd: Questions on 360-degree missile system

Hi Katie.

Pls see the below questions. I advised Alex that we will provide more information as it becomes available.

<https://lh6.googleusercontent.com/nz1k9IFM0xVo_2v2_MVtQh3VcDOSSBRM-a842WmPQ5De7g10NJdeiYBySFtpy7eUrMOet76J2Q9B4Y8x724ao6NCYkWKpWCx14AmyLMtu3mXb49H5f2SVVBTj51Yis6RW1z25JB21ZeJg9gbg9I_Fmk>

Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

----- Forwarded message -----

From: Wilson, Alex <Wilson.Alex@stripes.com <<mailto:Wilson.Alex@stripes.com>> >

Date: Tue, May 2, 2023 at 6:09 PM

Subject: Questions on 360-degree missile system

To: Krystal Paco-San Agustin <krystal.paco@guam.gov <<mailto:krystal.paco@guam.gov>> >

Krystal,

Good afternoon, and apologies for the late inquiry. Do you have any additional information on the 360-Degree Enhanced Integrated Air and Missile Defense System? Please consider the following questions:

1. Is the Notice of Intent or EIP already available for review?
2. Does the governor's office have any immediate response or statement? I know there has already been considerable concern about environmental issues and cultural issues in reaction to the construction of Camp Blaz.
3. Has a specific construction site been pinpointed?
4. Do you have any additional information?

Alex Wilson
Stars and Stripes
Asia-Pacific Correspondent
DSN: (315) 241-2874
Office: +81(46) 896-2874
Mobile: 090-8054-8241



DEPARTMENT OF DEFENSE
MISSILE DEFENSE AGENCY
5700 18TH STREET
FORT BELVOIR, VIRGINIA 22060-5573

April 28, 2023

The Honorable Lourdes A. Leon Guerrero
Governor of Guam
State Capitol
Hagatna, Guam 96910

Dear Governor Leon Guerrero:

The Missile Defense Agency (MDA), in cooperation with the United States (U.S.) Department of the Army (Army), U.S. Department of the Navy, U.S. Department of the Air Force, and the Federal Aviation Administration (FAA), is preparing an Environmental Impact Statement (EIS) to evaluate the potential environmental impacts and potential mitigation of deploying and operating an Enhanced Integrated Air and Missile Defense (EIAMD) system to defend Guam against rapidly evolving advanced missile threats from regional adversaries.

Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States, and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats.

The Proposed Action to be analyzed in the EIS is to deploy and operate missile defense radars, sensors, missile launchers, missile interceptors, and command and control systems; construct and operate associated support facilities and infrastructure; and manage the associated airspace. The MDA and the Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where Department of Defense (DoD) property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-federal properties, acquisition of appropriate real estate interests on non-federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, the MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace needs or modifications would be coordinated with and approved by the FAA.

The MDA plans to publish a Notice of Intent in the Federal Register and to local media outlets notifying the public of a public comment period from May 5, 2023 to June 27, 2023. The MDA will solicit comments from the public, organizations, agencies, and federal, state, and local government officials. The MDA, with the Cooperating Agencies, will hold three public scoping meetings to inform the public about the Proposed Action and accept comments on the scope of the analysis. The public scoping meetings will be in an open-house format and will include

poster stations staffed by project representatives who can provide information and answer questions about the Proposed Action and the upcoming environmental impact analysis. The public may arrive at any time between 4 and 7 p.m. as there will not be a presentation or formal oral comment session. The public scoping meetings will be held at the following locations:

June 14, 2023

University of Guam
Calvo Field House Gymnasium
303 University Dr.
Mangilao, Guam

June 15, 2023

Okkodo High School
Gymnasium
660 Biradan Anakko 3rd St.
Dededo, Guam

June 16, 2023

Southern High School
Gymnasium
#1 Jose, Perez Leon Guerrero Dr.
Santa Rita, Guam

Please contact Mr. Keith O'Neil, Director, Congressional Affairs, at 571-231-8108, or by email to keith.oneil@mda.mil, if you have questions regarding the EIAMD system to defend Guam. To learn more about this project, please go to www.mda.mil/system/eiamd.html.

Sincerely,



J. A. HILL
Vice Admiral, USN
Director

Enclosure:
As stated

cc:
The Honorable Joshua F. Tenorio
Lieutenant Governor of Guam

Billing Code: 5001-06

DEPARTMENT OF DEFENSE

Office of the Secretary

**Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced
Integrated Air and Missile Defense System on Guam**

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD)

ACTION: Notice of Intent.

SUMMARY: The MDA is issuing this Notice of Intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the

Proposed Action's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the **Federal Register**. Comments must be postmarked or received on or before **June 27, 2023** to ensure consideration in the Draft EIS.

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N. Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331. Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary

missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the Fiscal Year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors, missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

Associated support facilities and infrastructure (e.g., power plants, fuel storage facilities, and water storage facilities), and life support facilities (e.g., family housing, fire stations, and dining facilities) would also be constructed and operated on these sites to support proposed EIAMD components and accommodate personnel associated with the proposed EIAMD system.

The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomics, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with Section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under Section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS

including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: April 28, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NEWS: Acting Governor Tenorio Receives Formal Notice of 360 Degree Missile Defense System

Joshua F Tenorio <joshua.tenorio@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 4:16 PM

----- Forwarded message -----

From: **Krystal Paco-San Agustin** <krystal.paco@guam.gov>
Date: Tue, May 2, 2023 at 1:12 AM
Subject: NEWS: Acting Governor Tenorio Receives Formal Notice of 360 Degree Missile Defense System
To:

FOR IMMEDIATE RELEASE - May 2, 2023

Acting Governor Tenorio Receives Formal Notice of 360 Degree Missile Defense System

Public Encouraged to Participate in Upcoming Scoping Process

Hagåtña, Guam - Yesterday, Acting Governor Joshua Tenorio was notified by Joint Region Marianas Commander Rear Admiral Benjamin Nicholson on behalf of Vice-Admiral J.A. Hill about the Missile Defense Agency's plans to publish a Notice of Intent in the Federal Register. This action will initiate the public comment period for an Environmental Impact Statement (EIS) on a proposed 360 degree Enhanced Integrated Air and Missile Defense System. The Missile Defense Agency, the United States Department of the Army, the U.S. Department of the Navy, the U.S. Department of the Air Force, and the Federal Aviation Administration are working collaboratively on the EIS.

"During these times of increased tension in the Asia Pacific region, the Department of Defense has assured me they will do everything they can to protect Guam," said Acting Governor Tenorio. "This marks the beginning of the EIS process, which is a requirement of the National Environmental Policy Act. Our administration will closely examine their plans as soon as they are made available, and the relevant government agencies will provide the appropriate responses. We also encourage the public to participate in the upcoming scoping process and provide public input."

The public comment period will begin May 5 through June 27. This Notice of Intent also starts the scoping process, which is the period when the federal agency and the public collaborate to define the range of issues and potential alternatives to be addressed in the EIS.

Three scoping meetings are scheduled for next month. Scoping meetings will be held at the University of Guam Fieldhouse on June 14, Okkodo High School on June 15, and Southern High School on June 16, all from 4 p.m. to 7 p.m.

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Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

--
Senseramente,



JOSHUA F. TENORIO

Segundo Maga'låhen Guahan

Lieutenant Governor of Guam

Office of the Lieutenant Governor

Ricardo J. Bordallo Governor's Complex

Adelup, Guam 96910

Tel: (671) 473-1110

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NEWS_ Acting Governor Tenorio Receives Formal Notice of 360 Degree Missile Defense System.pdf
347K

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

FOR IMMEDIATE RELEASE - May 2, 2023

Acting Governor Tenorio Receives Formal Notice of 360 Degree Missile Defense System

Public Encouraged to Participate in Upcoming Scoping Process

Hagåtña, Guam - Yesterday, Acting Governor Joshua Tenorio was notified by Joint Region Marianas Commander Rear Admiral Benjamin Nicholson on behalf of Vice-Admiral J.A. Hill about the Missile Defense Agency's plans to publish a Notice of Intent in the Federal Register. This action will initiate the public comment period for an Environmental Impact Statement (EIS) on a proposed 360 degree Enhanced Integrated Air and Missile Defense System. The Missile Defense Agency, the United States Department of the Army, the U.S. Department of the Navy, the U.S. Department of the Air Force, and the Federal Aviation Administration are working collaboratively on the EIS.

"During these times of increased tension in the Asia Pacific region, the Department of Defense has assured me they will do everything they can to protect Guam," said Acting Governor Tenorio. "This marks the beginning of the EIS process, which is a requirement of the National Environmental Policy Act. Our administration will closely examine their plans as soon as they are made available, and the relevant government agencies will provide the appropriate responses. We also encourage the public to participate in the upcoming scoping process and provide public input."

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Three scoping meetings are scheduled for next month. Scoping meetings will be held at the University of Guam Fieldhouse on June 14, Okkodo High School on June 15, and Southern High School on June 16, all from 4 p.m. to 7 p.m.

###

**NEWS: Notice of Intent to Prepare an EIS for a Missile Defense System on Guam
Published in Federal Register**

Joshua F Tenorio <joshua.tenorio@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 4:16 PM

----- Forwarded message -----

From: **Krystal Paco-San Agustin** <krystal.paco@guam.gov>

Date: Sat, May 6, 2023 at 1:45 AM

Subject: NEWS: Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register
To:

FOR IMMEDIATE RELEASE - May 6, 2023

**Notice of Intent to Prepare an EIS for a Missile Defense System on Guam
Published in Federal Register**

Public Encouraged to Participate in Comment Period Now through June 27

Hagåtña, Guam – The Missile Defense Agency (MDA) and Department of Defense (DoD) officially published its Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam in the Federal Register today. This notice starts the public scoping period which will run through June 27, 2023. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace.

“The deployment of a missile defense system on Guam has significant implications for the local community and the safety of our people. Starting today through June 27, we highly encourage our local community to participate in the process of reviewing and commenting on the Economic Impact Study for a missile defense system,” said Governor Lou Leon Guerrero. “Participation and feedback are crucial to ensure the system's effectiveness and address any concerns or issues that may arise.”

“Community participation and comments are critical for the deployment of a missile defense system on Guam,” said Lt. Governor Joshua Tenorio. “We encourage community members to participate in the ongoing comment period for the economic impact study and to provide their input and feedback. This will ensure that the study reflects the community's concerns and priorities and that the potential economic impacts of the missile defense system are fully understood.”

Access to meeting information can be found on the MDA website at <https://www.mda.mil/system/eiamd.html>. The scoping period will be between May 5, 2023, through June 27, 2023 and schedule for Open House Public Scoping Meetings are set as follows:

June 14, 2023	June 15, 2023	June 16, 2023
University of Guam	Okkodo High School	Southern High School
Calvo Field House	Gymnasium	Gymnasium
Gymnasium	660 Biradan Anakko 3rd St	#1 Jose Perez Leon Guerrero Dr

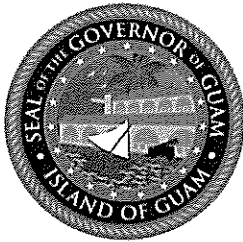
Mangilao

Dededo

Santa Rita

The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyzes relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

###



Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931

--

Senseramente,



JOSHUA F. TENORIO

Segundo Maga'låhen Guahan

Lieutenant Governor of Guam

Office of the Lieutenant Governor

Ricardo J. Bordallo Governor's Complex

Adelup, Guam 96910

Tel: (671) 473-1110

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2 attachments



Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam_2023-09609.pdf

177K



NEWS_ Notice of Intent to Prepare an EIS for a Missile Defense System on Guam Published in Federal Register.docx.pdf

351K

there are fewer than 200 individuals in the stratum. OPA weights the eligible respondents in order to make inferences about the entire population of active duty spouses. The weighting methodology utilizes standard weighting processes.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09623 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0038]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 5, 2023.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Assistant Secretary for Defense for Military Personnel Policy, Office of Military Compensation Policy, ATTN: Mr. Ronald Garner, Pentagon, Washington, DC 20301-1500, or call (703) 693-1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Data for Payment of Retired Personnel; DD Form 2656; OMB Control Number 0704-0569.

Needs and Uses: The information collection requirement is necessary to obtain applicable retirement information from Uniformed Service members and allow those members to make certain retired pay and survivor annuity elections prior to retirement from service or prior to reaching eligibility to receive retired pay. The form will also allow eligible members covered by the Blended Retirement System to make a voluntary election of a partial lump sum of retired pay, as required by section 1415 of title 10, United States Code.

Affected Public: Individuals or households.

Annual Burden Hours: 31,988.

Number of Respondents: 127,950.

Responses per Respondent: 1.

Annual Responses: 127,950.

Average Burden per Response: 15 minutes.

Frequency: As required.

Every member of the Uniformed Services who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, will voluntarily complete this form to request retired pay, designate beneficiaries, and make a Survivor Benefit Plan election. In an average calendar year, approximately 127,950 members of the Uniformed Service will complete this form. The spouses of retiring members of the Uniformed Services are only required to complete part V of this form if the Service member declines or reduces his or her level of under the Survivor Benefit Plan.

Dated: April 27, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09627 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD).

ACTION: Notice of intent.

SUMMARY: The MDA is issuing this notice of intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the **Federal Register**. Comments must be postmarked or

received on or before June 27, 2023 to ensure consideration in the Draft EIS.

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech

International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331.

Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the fiscal year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors,

missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

Associated support facilities and infrastructure (e.g., power plants, fuel storage facilities, and water storage facilities), and life support facilities (e.g., family housing, fire stations, and dining facilities) would also be constructed and operated on these sites to support proposed EIAMD components and accommodate personnel associated with the proposed EIAMD system.

The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomic, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on

Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: May 2, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09609 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0039]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Contract Management Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

FOR IMMEDIATE RELEASE - May 6, 2023

**Notice of Intent to Prepare an EIS for a Missile Defense System on Guam
Published in Federal Register**

Public Encouraged to Participate in Comment Period Now through June 27

Hagåtña, Guam – The Missile Defense Agency (MDA) and Department of Defense (DoD) officially published its Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam in the Federal Register today. This notice starts the public scoping period which will run through June 27, 2023. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace.

“The deployment of a missile defense system on Guam has significant implications for the local community and the safety of our people. Starting today through June 27, we highly encourage our local community to participate in the process of reviewing and commenting on the Economic Impact Study for a missile defense system,” said Governor Lou Leon Guerrero. “Participation and feedback are crucial to ensure the system's effectiveness and address any concerns or issues that may arise.”

“Community participation and comments are critical for the deployment of a missile defense system on Guam,” said Lt. Governor Joshua Tenorio. “We encourage community members to participate in the ongoing comment period for the economic impact study and to provide their input and feedback. This will ensure that the study reflects the community's concerns and priorities and that the potential economic impacts of the missile defense system are fully understood.”

Access to meeting information can be found on the MDA website at <https://www.mda.mil/system/eiamd.html>. The scoping period will be between May 5, 2023, through June 27, 2023 and schedule for Open House Public Scoping Meetings are set as follows:

June 14, 2023

University of Guam
Calvo Field House
Gymnasium
Mangilao

June 15, 2023

Okkodo High School
Gymnasium
660 Biradan Anakko 3rd St
Dededo

June 16, 2023

Southern High School
Gymnasium
#1 Jose Perez Leon Guerrero Dr
Santa Rita

The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyzes relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

###



Jean S. Taitano <jean.taitano@guam.gov>

Fwd: MDA EIS Plan of Action

1 message

Joshua F Tenorio <joshua.tenorio@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 4:16 PM

----- Forwarded message -----

From: **Jon Junior Calvo** <jon.calvo@guam.gov>

Date: Sun, May 7, 2023 at 9:48 PM

Subject: Fwd: MDA EIS Plan of Action

To: Gov. Lourdes A. Leon Guerrero <governor@guam.gov>, Joshua F Tenorio <joshua.tenorio@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Vera A. Topasna <vera.topasna@guam.gov>

Gov and LT - please see EIS Action Plan from Vera for your review and input.

Thanks,
Jon

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>

Date: Mon, May 8, 2023 at 1:11 PM

Subject: MDA EIS Plan of Action

To: Jon Calvo <jon.calvo@guam.gov>

Chief:

CDLO worked through the weekend to develop a plan of action & milestones for the EIS process. Attached is a draft for review.

--

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

Office of the Governor of Guam

120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915

Office: 671-475-4735

Cell: 671-482-5946



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Senseramente,



JOSHUA F. TENORIO

Segundo Maga'låhen Guahan
Lieutenant Governor of Guam
Office of the Lieutenant Governor
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910
Tel: (671) 473-1110

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CDLO Plan of Action.docx

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GOVERNOR

JOSHUA F. TENORIO
LT GOVERNOR



VERA A. TOPASNA
EXECUTIVE DIRECTOR

COMMUNITY DEFENSE LIAISON OFFICE
OFFICE OF THE GOVERNOR OF GUAM

MDA EIS Plan of Action--DRAFT

- 1) **Governor / Lieutenant Governor EIS Executive Committee** is as follows:
Jon Calvo, Chief of Staff, Clynt Ridgell, Deputy COS
Vera Topasna, Executive Director, CDLO; George Bamba, Special Assistant, CDLO;
Carlotta Leon Guerrero, Chief Policy Advisor, Regional Affairs; Tyrone Taitano,
Director, Office of Infrastructure Policy; Esther Aguigui, Security Advisor; Stephanie
Flores, Guam State Clearinghouse Director; Krystal San Agustin, Communications
Director; Rikki Orsini, Policy Director and Legal Counsel
- 2) **Working groups** are assigned as follows:
 - a) Infrastructure, Utilities and Transportation: Guam Waterworks Authority, Guam
Power Authority, the Port Authority of Guam, the A.B. Won Pat Guam
International Airport Authority (GIAA), the Department of Public Works and the
Water Environmental Research Institute (WERI) UOG
 - b) Labor: Department of Labor
 - c) Environmental: Guam Environmental Protection Agency, Guam Department of
Agriculture, and the Department of Land Management
 - d) Socio-Economic: Guam Regional Transit Authority, Guam State Historic
Preservation Office, Guam Police Department, and the Department of Youth
Affairs
 - e) Health and Social Services: Guam Department of Public Health and Social
Services and the Guam Behavioral Health and Wellness Center
 - f) Housing: Guam Housing and Urban Renewal Authority (GHURA), Guam Housing
Corporation, and the Bureau of Statistics and Plans
 - g) Economic: Guam Economic Development Authority and the Guam Visitors
Bureau
 - h) Education: Guam Department of Education, Guam Community College and the
University of Guam
- 3) **Key Plan of Action Dates**
 - a) **May 5** – Notice of Intent Published in the Federal Register to Prepare an Environmental
Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam
 - b) **May 8** – Memorandum sent to all agency heads indicating that CDLO is the lead on the
EIS
 - c) **May 8** – EIS Plan of Action sent to agency heads with working groups identified
 - d) **May 8 – May 12** – Review of the Guam Civilian-Military Task Force Contributions for
Inclusion in the "scoping process" for the EIS / OEIS from May 2007 as an example of
what to prepare for the current EIS
 - e) **May 8 – May 12** – Meetings scheduled for the working groups
 - f) **May 15 – June 9** – Working groups meet and prepare comments for submission
 - g) **June 12** – Prebrief meeting with Missile Defense Agency liaison and stakeholders

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COMMUNITY DEFENSE LIAISON OFFICE
OFFICE OF THE GOVERNOR OF GUAM

- h) **June 13** – Prebrief meeting with Missile Defense Agency liaison and stakeholders
- i) **June 14** – Public Scoping Meeting at the University of Guam Calvo Field House Gymnasium from 4 pm to 7 pm. All agency heads should attend one of the public scoping meetings.
- j) **June 15** – Public Scoping Meeting at the Okkodo High School Gymnasium from 4 pm to 7 pm. All agency heads should attend one of the public scoping meetings.
- k) **June 16** – Public Scoping Meeting at the Southern High School Gymnasium from 4 pm to 7 pm. All agency heads should attend one of the public scoping meetings.
- l) **June 20** - All working group's comments are due
- m) **June 22** – Comments to be reviewed by the EIS Executive Committee
- n) **June 23** – EIS Executive Committee to meet with Governor Lou Leon Guerrero and Lieutenant Governor Josh Tenorio to review and gain approval on the working group's comments
- o) **June 26** - Make all necessary changes to the working groups comments, if required. CDLO will forward final comments to info@EIAMD-EIS.com
- p) **June 27** – Final day for submission of comments for the draft EIS

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**Department of Defense Policy Updates
June 26, 2023**

The foregoing is a list of sub-committee markups and final Chairman markups to the National Defense Authorization Act FY2024 and accompanying language pertinent to the Pacific Deterrence Initiative (Guam Defense System) and other items of interest to Guam for the Indo Pacific. Both the House and Senate only released its executive summary and have yet to release its full markup bill including amendments made during full committee markup on June 21, 2023. It is expected that both chambers will be advancing to the full House and Senate floor in the coming weeks. CDLO will continue to track the final NDAA FY24 process to confirm passage of information provided herein.

Included are amendments introduced by Congressman Moylan relative to Guam passed by voice vote. Will continue to track.

Note: Neither House or Senate versions of the NDAA included an extension of the H2B program for Guam. It may be contained in the full Senate version not yet released GDOL may have an update to the policy language that may be contained in the Immigration Bill.

Also included in this report is the latest GAO report on the Guam Missile Defense Program reflecting proposed MDA leverage of Navy and Army capabilities for the program.

**NDAA 2024 HOUSE OF REPRESENTATIVES VERSION
BUDGET REQUEST - \$2,114,974,000**

Title X—General Provisions; Legislative Provisions; Subtitle B—Naval Vessels and Shipyards; Section 1017 [Log 77883]—Guam Shipyard Assessment

- (a) Assessment Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees an assessment of the ship building and repair capabilities located on Guam, as of the date of the enactment of this Act, and the feasibility of reestablishing the former Ship Repair Facility, Guam.
- (b) Elements.—The assessment required under subsection (a) shall include each of the following:
 - (1) A description of the capabilities to conduct shipbuilding and ship repair activities in Guam, as of the date of the enactment of this Act.
 - (2) A description of any planned improvements to shipbuilding and ship repair infrastructure in Guam.
 - (3) An evaluation of the feasibility of re-establishing a depot-level ship repair capability with dry-docking in Guam at the site of the former Ship

Repair Facility, Guam, including an identification of options for operating the ship repair capability through a public-private partnership.

Sec. 2201 [Log 77338]. Authorized Navy Construction and Land Acquisition Projects.

- (a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table (*relative to only Guam):

***Navy: Inside the United States**

State or Territory	Installation or Location	Amount
Guam	Andersen Air Force Base	\$497,620,000
	Joint Region Marianas	\$174,540,000
	Naval Base Guam	\$946,500,000

Sec. 2202 [Log 77469]. Family Housing.

- (a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203 (a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

Location	Installation	Amount
Guam	Joint Region Marianas	\$121,906,000
	Naval Support Activity	\$83,126,000
	Andersen	

Sec. 2205 [Log 78005]. Extension of Authority to Carry Out Certain Fiscal Year 2021 Navy Military Construction Projects.

- (a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4294), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (134 Stat. 4297), shall remain in effect until October 1, 2024 or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025, whichever is later.
- (b) Table.—The table (*relative to only Guam) referred to in subsection (a) is as follows:

***Navy: Extension of 2021 Project Authorizations**

State/Country	Installation or Location	Project	Original Authorized Amount
Guam	Joint Region Marianas	Joint Communication Upgrade	\$166,000,000

Sec. 2301 [Log 77471]. Authorized Air Force Construction and Land Acquisition Projects.

- (a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303 (a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table (*relative to only Guam):

***Air Force: Inside the United States**

State or Territory	Installation or Location	Amount
Guam	Joint Region Marianas	\$411,000,000

Sec. 2605 [Log 77483]. Authorized Air Force Reserve Construction and Land Acquisition Projects.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table (*relative to only Guam):

***Air Force Reserve**

State or Territory	Location	Amount
Guam	Joint Region Marianas	\$27,000,000

SEC. 2609 [Log 78023]. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2021 NATIONAL GUARD AND RESERVE MILITARY CONSTRUCTION PROJECTS.

- (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4294), the authorizations set forth in the table in subsection (b), as provided in sections 2601, 2602, and 2604 of that Act (134 Stat. 4312, 4313, 4314), shall remain in effect until October 1, 2024, or the date of the enactment of an Act

authorizing funds for military construction for fiscal year 2025, whichever is later.

(b) TABLE.—The table (*relative to only Guam) referred to in subsection (a) is as follows:

***National Guard and Reserve: Extension of 2021 Project Authorizations**

State or Territory	Installation or Location	Project	Original Authorized Amount
Guam	Joint Region Marianas	Space Control Facility #5	\$20,000,000

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE III—OPERATION AND MAINTENANCE

ITEMS OF SPECIAL INTEREST

LOGISTICS AND SUSTAINMENT ISSUES

Comptroller General Review of Department of Defense Sustainment Plans for the Defense of Guam

The committee further directs the Comptroller General to provide a briefing to the House Committee on Armed Services not later than March 15, 2024, on preliminary findings of the review and provide final results to the Senate Committee on Armed Services and the House Committee on Armed Services in a format and timeframe as mutually agreed upon. The committee expects the Secretary of Defense, the Secretaries of the military departments, and the combatant commanders to provide any pertinent information, including, but not limited to, related analyses and studies, contingency plans, and operational plans, to designated representatives of the Government Accountability Office assigned to this review.

Comptroller General Review of Department of Defense Sustainment Plans for the Defense of Guam

The Missile Defense Agency (MDA) and the military services have developed plans to improve the integrated air and missile defense capabilities on Guam. The 2022 Missile Defense Review indicates that Guam’s missile defenses will be commensurate with its status as both an unequivocal part of the United States, as well as a key power projection hub in the Indo-Pacific region. MDA requested over \$800 million in its fiscal year 2024 budget for additional capabilities to augment the current Terminal High Altitude Area Defense battery deployed to the island. The committee notes that Guam’s location and climate, as well as the Department of Defense’s plan to use mobile components as part of Guam’s defense infrastructure, require specific considerations to sustain these capabilities.

Therefore, the committee directs the Comptroller General of the United States to review the Department of Defense’s sustainment plans for the Missile Defense of Guam. This review shall address:

(1) the extent to which the Department of Defense is considering plans for

sustaining the new missile architecture that will comprise the defense of Guam as options are being considered, including the personnel (military, civilian, and contractors), infrastructure, and funding necessary for that sustainment;

(2) the extent to which adding new missile defense architecture on Guam would affect sustainment of preexisting defenses on the island and other missile defense elements in the Indo-Pacific region; and

(3) any other topics deemed appropriate by the Comptroller General. The committee further directs the Comptroller General to provide a briefing to the House Committee on Armed Services not later than April 1, 2024, on the Comptroller General's preliminary findings and provide final results to the committee in a mutually agreed upon format and timeframe.

TITLE XI—CIVILIAN PERSONNEL MATTERS

LEGISLATIVE PROVISIONS

Section 1102—Authorization to Pay a Living Quarters Allowance for Department of the Navy Civilian Employees Assigned to Permanent Duty in Guam for Performing Work, or Supporting Work Being Performed, Aboard or Dockside, of U.S. Naval Vessels

This section would allow the Secretary of the Navy to grant to covered employees a living quarters allowance for rent, heat, light, fuel, gas, electricity, and water and, in unusual circumstances, payment or reimbursement for initial repairs, alterations, and improvements to the privately leased residence in Guam.

SEC. 1102. [LOG 77933] AUTHORIZATION TO PAY A LIVING QUARTERS ALLOWANCE FOR DEPARTMENT OF THE NAVY CIVILIAN EMPLOYEES ASSIGNED TO PERMANENT DUTY IN GUAM FOR PERFORMING WORK, OR SUPPORTING WORK BEING PERFORMED, ABOARD OR DOCKSIDE, OF U.S. NAVAL VESSELS.

(a) ALLOWANCE.—Notwithstanding any other provision of law, when Government owned or rented quarters are not otherwise provided without charge to a covered employee, the Secretary of the Navy may grant to a covered employee one or more of the following allowances:

- (1) A living quarters allowance for rent, heat, light, fuel, gas, electricity, and water. The Secretary is authorized to pay such allowance by reimbursement or by advance payments without regard to section 3324 (a) and (b) of title 31, United States Code.
- (2) Under unusual circumstances, as determined by the Secretary, payment or reimbursement for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred in initial repairs, alterations, and improvements to the privately leased residence in Guam of a covered employee—
 - (A) the expenses are administratively approved in advance; and
 - (B) the duration and terms of the lease justify payment of the expenses by the Government.

- (b) **COVERED EMPLOYEE DEFINED.**—In this section, the term “covered employee” means any civilian employee of the Department of the Navy who is assigned to permanent duty in Guam for performing work or supporting work being performed, aboard or dockside, of U.S. naval vessels.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

Subtitle C—Real Property and Facilities Administration

SEC. 2821. [Log 78130]. IMPROVEMENTS RELATING TO ACCESS TO MILITARY INSTALLATIONS IN UNITED STATES.

“(c) **REVIEWS AND SUBMISSION TO CONGRESS.**—Not less frequently than once every five years, the Secretary shall—

“(5) The term ‘State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, or the Commonwealth of the Northern Mariana Islands.

DIVISION D—FUNDING TABLES

SEC. 4001 [Log 77464]. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

- (a) **IN GENERAL.**—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.
- (b) **MERIT-BASED DECISIONS.**—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—
- (1) Except as provided in paragraph (2), be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and
 - (2) Comply with other applicable provisions of law.
- (c) **RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.**—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.
- (d) **APPLICABILITY TO CLASSIFIED ANNEX.**—This section applies to any classified annex that accompanies this Act.
- (e) **ORAL AND WRITTEN COMMUNICATIONS.**—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT**SEC. 4101. PROCUREMENT.**

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2024 Request	House Authorized
039	DEFENSE OF GUAM PROCUREMENT	169,627	169,627

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program	Item	FY 2024 Request	House Authorized
095	0604102C	GUAM DEFENSE DEVELOPMENT	397,578	497,578
		INDOPACOM UPL—Guam Defense System, INDOPACOM		(100,000)

TITLE XLVI—MILITARY CONSTRUCTION**SEC. 4601. MILITARY CONSTRUCTION.**

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2024 Request	House Agreement
Navy	Andersen Air Force Base	PDI: Child Development Center	105,220	105,220
Navy	Andersen Air Force Base	PDI: Joint Consol. Comm. Center (INC)	107,000	107,000
Navy	Joint Region	PDI: Joint	292,830	50,000

	Marianas	Communication Upgrade (INC)		
Navy	Joint Region	PDI: Missile Integration	174,540	74,540
	Marianas	Test Facility		
Navy	Naval Base Guam	PDI: 9 th ESB Training Complex	23,380	23,380
Navy	Naval Base Guam	PDI: Artillery Battery Facilities	137,550	72,550
Navy	Naval Base Guam	PDI: Consolidated MEB HQ/NCIS PHii	19,740	19,740
Navy	Naval Base Guam	PDI: Recreation Center	34,740	34,740
Navy	Naval Base Guam	PDI: Religious Ministry Services Facility	46,350	46,350
Navy	Naval Base Guam	PDI: Satellite Communications Facility (INC)	166,159	100,000
Navy	Naval Base Guam	PDI: Training Center	89,640	89,640

SEC. 4601. MILITARY CONSTRUCTION

(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2024 Request	House Agreement
AF	Guam	PDI: North Aircraft	109,000	109,000
	Joint Region Marianas	Parking Ramp (INC)		
AF Res	Guam	Aerial Port Facility	27,000	27,000
	Joint Region Marianas			
FH Con	Guam	Replace Andersen	121,906	121,906
Navy	Joint Region Marianas	Housing, Phase 8		
FH Con	Guam	Replace Andersen	83,126	83,126
Navy	Naval Support Activity	Housing (AF), Phase 7		
FH Con	Unspecified Worldwide	USMC DPRI/Guam	9,588	9,588

SEC. 1013 [Log 77998]. GRANTS FOR IMPROVEMENT OF NAVY SHIP REPAIR OR ALTERATIONS CAPABILITY. 3 Chapter 131 of title 10, United States Code, is amended by inserting after section 2218a the following new section: “§ 2219. Grants for improvement of Navy ship repair or alterations capability “(a) ASSISTANCE AUTHORIZED.—(1) Subject to the availability of appropriations, the Secretary of the Navy may make grants to an eligible entity for the purpose of carrying out— “(A) a capital improvement project; or “(B) a maritime training program designed to foster technical skills and operational productivity. “(2) The amount of a grant under this section may not exceed 75 percent of the total cost of the project or program funded by the grant. “(3) A grant provided under this section may not be used to construct buildings or other physical facilities, except for piers, dry docks, and structures in support of piers and dry docks, or to acquire land.

Sec. 561 INCREASE IN THE NUMBER OF NOMINEES FROM GUAM TO THE SERVICE ACADEMIES

- (a) UNITED STATES MILITARY ACADEMY. – Section 7442 (a)(8) of title 10, United States Code, is amended by striking “Four” and inserting “Five”.
- (b) UNITED STATES NAVAL ACADEMY – Section 8454(a)(8) of title 10, United States Code, is amended by striking “Four” and inserting “Five”
- (c) UNITED STATES AIR FORCE ACADEMY – Section 9442(a)(8) of title 10, United States Code, is amended by Striking “Four” and inserting “Five”.

Navy	Location	Planning & Design
<div>Senate Armed Services Committee</div> <div>NDA FY 24 – Highlights for Guam and the Indo Pacific</div>		
<p>Supports the objectives of the National Defense Strategy, including defending the U.S. homeland; deterring adversaries; prevailing in long-term strategic competition; and building a resilient Joint Force.</p> <ul style="list-style-type: none"> Requires a report on the capacity of infrastructure, resources, and personnel available in Guam to meet U.S. Indo-Pacific Command strategic objectives. Directs a briefing on the status of the development of nuclear microreactors and plans to transition such capabilities to the services for production, as well as a briefing on the potential for using modular microreactors to supplement power generation on Guam. Designates the Under Secretary of Defense for Acquisition and Sustainment as the principal DOD official responsible for the acquisition of a system for the missile defense of Guam. Establishes the Indo-Pacific Campaigning Initiative in order to facilitate INDOPACOM's campaigning activities in the region, including increased frequency and scale of exercises, freedom of navigation operations, and partner engagements. Supports sustained funding for the Air Force's Cyber Operations for Base Resilient Architecture (COBRA) pilot program in the INDOPACOM area of responsibility, and recognizes the potential for service-wide use of COBRA. Establishes a comprehensive training, advising, and institutional capacity-building program for the military forces of Taiwan. Supports DOD activities relating to the security partnership among Australia, United 		

Kingdom, and the United States, known as AUKUS.

- Directs a briefing on the current ability of the joint force to conduct contested logistics in the Indo-Pacific Command (INDOPACOM) area of responsibility, as well as DOD's efforts to improve contested logistics capabilities and capacity.
- Authorizes the full budget request for the Pacific Deterrence Initiative (PDI) and extends PDI through fiscal year 2024.
- Establishes the Indo-Pacific Campaigning Initiative in order to facilitate INDOPACOM's campaigning activities in the region, including increased frequency and scale of exercises, freedom of navigation operations, and partner engagements.
- Establishes a comprehensive training, advising, and institutional capacity-building program for the military forces of Taiwan.
- Requires engagement with appropriate officials of Taiwan for the purpose of expanding cooperation on military cybersecurity activities.
- Directs a plan for enhancing security cooperation with Japan, including analyzing the feasibility and advisability of modifying U.S. command structures in Japan.
- Establishes the "Indo-Pacific Maritime Domain Awareness Initiative" – a defense initiative with allies and partners of the United States, including Australia, Japan, and India.
- Ensures that India is appropriately considered for security cooperation benefits consistent with the status of India as a major defense partner of the United States.
- Directs the designation of a senior Department of Defense civilian official to be responsible for overseeing DOD activities relating to the security partnership among Australia, United Kingdom, and the United States, known as AUKUS, and the development of an AUKUS implementation plan.
- Extends the cyber cooperation program with Vietnam, Thailand, and Indonesia and expands the program to include foreign military partners in the Philippines and Malaysia.
- Directs a strategy for improving the posture of U.S. ground-based theater-range missile capabilities in the Indo-Pacific region
- Authorizes U.S. Indo-Pacific Command to exercise temporary and limited military construction authorities to support allies throughout its area of responsibility
- Directs a briefing on DOD plans for military construction projects to enable the timely deployment of air and missile defense capabilities required for U.S. Indo-Pacific Command operational plans

COMMITTEE ON APPROPRIATIONS – FY24

DEPARTMENT OF DEFENSE

ITEMS OF INTEREST - PACIFIC

(Bill does not include military construction, military family housing, civil defense, nuclear warheads which are covered in connection with other appropriations bills.

First, the Committee resources the military capabilities necessary to decisively defeat potential adversaries. As such, the Committee's recommendation includes funding to directly counter the PRC's malign global influence, including over \$9,000,000,000 for the Pacific Deterrence

Initiative, \$108,000,000 for International Security Cooperation Programs for Taiwan, and robust funding for the modernization of the nuclear triad. The recommendation also includes language to prioritize the delivery of defense articles to Taiwan and supports training partnerships such as the National Guard State Partnership Program. Finally, the Committee recommendation supports the development of a 'hedge' portfolio to address the mounting global security risks. The Committee is concerned by growing tactical and logistical risks to current weapon systems, as well as the lack of industrial base capacity and diversity. A hedge in this sense will resource organizations capable of developing non-traditional solutions from non-traditional sources by intentionally taking calculated risks to incentivize positive, deliberate, accelerated change. If properly executed, this hedge has the potential to create asymmetric advantage to support combatant command operational challenges and reduce the taxpayer's burden by leveraging private capital, expand America's economic advantage by accelerating emerging technology, and broaden the pool of talent supporting national defense.

RED HILL BULK FUEL STORAGE FACILITY

The Committee continues to closely monitor the Department of Defense's defueling and dispersal actions at the Red Hill Bulk Fuel Storage Facility. The Committee directs the Secretary of Defense, in coordination with the Secretary of the Navy, to continue to take the necessary steps to safely decommission the facility, remediate the surrounding environment, assess and address the harm caused to the aquifer, work in conjunction with the State of Hawaii and the local community in these efforts, and build a more distributive fuel infrastructure for the Indo-Pacific. The Committee recommendation supports the \$106,363,000 requested by the Department in fiscal year 2024 toward these efforts.

For efforts in Hawaii, the Committee directs the Secretary of Defense, in coordination with the Secretary of the Navy, to submit quarterly updates in the form of written reports, beginning not later than 45 days after the enactment of this Act, to the congressional defense committees on obligations, health care and health surveillance efforts for those impacted by contaminated drinking water, progress toward decommissioning the facility, and community engagement efforts. For efforts to move the fuel from Red Hill to other locations in the Indo-Pacific, the Committee directs the Secretary of Defense to submit quarterly updates, in the form of written reports, beginning not later than 45 days after the enactment of this Act, to the congressional defense committees on obligations, new locations of fuel previously stored in the facility, efforts to build new fuel storage locations, a summary of any planning and design efforts for potential projects to store bulk fuel in the region, and efforts to improve the survivability of existing and new fuel storage locations. Information contained in these reports may be provided with a classified annex.

**AMENDMENTS INTRODUCED BY CONGRESSMAN MOYLAN AND
CONGRESSMAN STRONG - AGREED BY VOICE VOTE.**

MOYLAN Amendments:

- Request for Guam Defense System Study
- Study of Typhoon Mawar Impact on Guam
- Jones Act SECDEF Authority
- DOD Partnership for Guam Power Authority Study
- Defense Access Road Study
- Guam Housing Study
- Defense Community Infrastructure Project Cost Share
- OCOLA DRL
- Study of access to medical examinations for CNMI service academy applicants

STRONG Amendment:

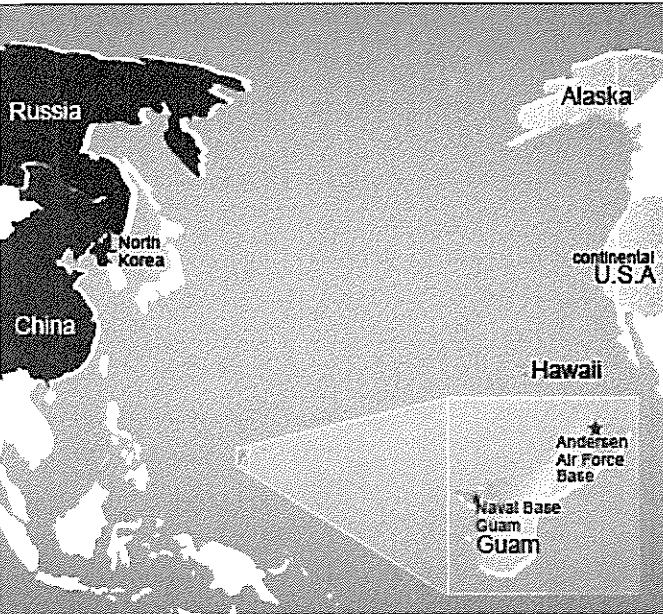
Directs the Director of the Missile Defense Agency to provide a report on the anticipated munitions requirements for the Guam Defense System



May 2023

MISSILE DEFENSE

Annual Goals Unmet for Deliveries and Testing



Source: GAO analysis of Department of Defense data; GAO (maps). | GAO-23-106011

ISSUE OVERVIEW

Defense of Guam

Guam is a United States island territory in the Indo-Pacific region. The island is approximately three times the size of Washington, D.C. with an estimated population of 170,000. Persons born on Guam are United States citizens.

Military officials have emphasized the importance of Guam for maintaining stability in the region. Guam serves as a hub for military operations, and multiple bases are on the island. Naval Base Guam is home to forward deployed naval vessels. Andersen Air Force Base provides millions of square feet to park aircraft. The Marine Corps activated Camp Blaz in 2020 and the base is under construction, with the intent of eventually accommodating approximately 5,000 Marines.

In recent years, according to DOD, North Korea and China have conducted missile tests that have heightened tensions in the region. Due to its proximity to these nations and its strategic importance, Guam is vulnerable to a potential attack. The 2022 Missile Defense Review states that the missile defense architecture for Guam will be commensurate with the island’s unique status as both an unequivocal part of the United States as well as a vital regional location.

CURRENT CAPABILITIES AND NEW REQUIREMENTS

Guam’s current missile defense requirements are for protection against simple ballistic threats from rogue states. As of October 2022, the on-island defense consisted of a single Terminal High Altitude Area Defense battery. A single ship equipped with the Aegis Ballistic Missile Defense system also provides support on an as-needed basis.

As adversary offensive missile capabilities evolve, DOD projects the current defense on Guam to be inadequate. In October 2022, MDA officials stated that United States Indo-Pacific Command, the combatant command overseeing the region, issued new requirements to upgrade Guam’s defense. This includes 360 degree coverage, and layered defense against regional ballistic, maneuvering ballistic, hypersonic glide, and cruise missile threats emanating from any nation. The Guam defense systems would also employ open systems architecture—meaning adaptable systems—to enable the integration of future capabilities as sensors and weapons technologies evolve. See the table below for a comparison of the current and new requirements for missile defense on Guam.

Table 8: Defense of Guam Requirements Information Provided by the Missile Defense Agency

	Current Requirements	New Requirement
Nations	Rogue states ^a	Any nation, including rogue states ^a and near peer threats ^b
Coverage	No Requirement	360 degree coverage to defend against missile threats Layered defense with multiple elements capable of intercepting missile threats
Threats	Ballistic missiles ^c	Ballistic missiles ^c Maneuvering ballistic missiles ^d Hypersonic glide ^e Cruise missile ^f

Source: GAO analysis of Missile Defense Agency data | GAO-23-106011

^aLimited offensive missile capability
^bSignificant and sophisticated offensive missile capability
^cParabolic and predictable flight path
^dCapable of changing flight path
^eCapable of flying in excess of Mach 5 and change flight path
^fCapable of self-powered flight

ACQUISITION STRATEGY

According to MDA, the acquisition strategy for the Defense of Guam mission architecture consists of leveraging existing Army and Navy programs, Army rapid capability prototype efforts, and a new program that includes integration of the Aegis Guam Weapon System. The strategy aims to provide the capability to meet warfighter requirements to fulfill the Defense of Guam mission. MDA's primary mission, in coordination with the Navy, is ballistic and hypersonic defense on Guam, while the Army's primary mission is cruise missile defense. According to MDA, DOD is assessing whether an agency or service will serve as the lead for the Defense of Guam mission and coordinate the delivery of capabilities. MDA did not indicate when a decision could be made.

ARCHITECTURE

MDA, in coordination with the Army and the Office of Cost Assessment and Program Evaluation, considered multiple architectures for the Defense of Guam, including an Aegis Ashore-like approach. In 2022, however, the Deputy Secretary of Defense opted for an architecture consisting of transportable radars and launchers. MDA officials defined transportable components as having the ability to be deconstructed, relocated, and reconstructed in weeks to months within an area. Some components used from existing programs are expected to require adaptations to provide 360 degree missile defense coverage. For example, Aegis elements are expected to be adapted to be land based and transportable versus ship based or permanent structures.

MDA reported multiple components supporting the Defense of Guam. See table 9 below for these components.

Table 9: Missile Defense Components to Support the Defense of Guam

Type	Components	Owner	Description
Radars and sensors	Homeland Defense Radar – Guam (HDR-G)	MDA	Combined expected capabilities include 360 degree coverage for threat acquisition, track, and discrimination for ballistic, hypersonic, and cruise missile defense.
	Lower Tier Air and Missile Defense Sensor (LTAMDS)	Army	
	Sentinel A4	Army	
	Army Low Cost Surveillance (ALPS) Sensor	Army	
Command and control	Aegis Guam System	MDA/Navy	Combined expected capabilities include (1) weapons and radar command, control, and decision; (2) overhead and sensor data and situational awareness to warfighters and weapon systems; and (3) sensor, battle and communications management.
	Command and Control, Battle Management and Communications (C2BMC)	MDA	
	Integrated Air and Missile Defense Battle Command System (IBCS)	Army	
	Integrated Fires Communication Network (IFCN) Relays	Army	
	Remote Interceptor Guidance (RIG)-360	Army	
Launchers	Army Launchers	Army	Combined expected capabilities include utilization for ballistic, hypersonic, and cruise missile defense.
	M903 Launchers	Army	
	Indirect Fires Protection Capability (IFPC) Multi-Mission Launchers	Army	

Source: GAO presentation and analysis of Missile Defense Agency provided data. | GAO-23-106011

CURRENT ACTIVITIES AND TIMELINE

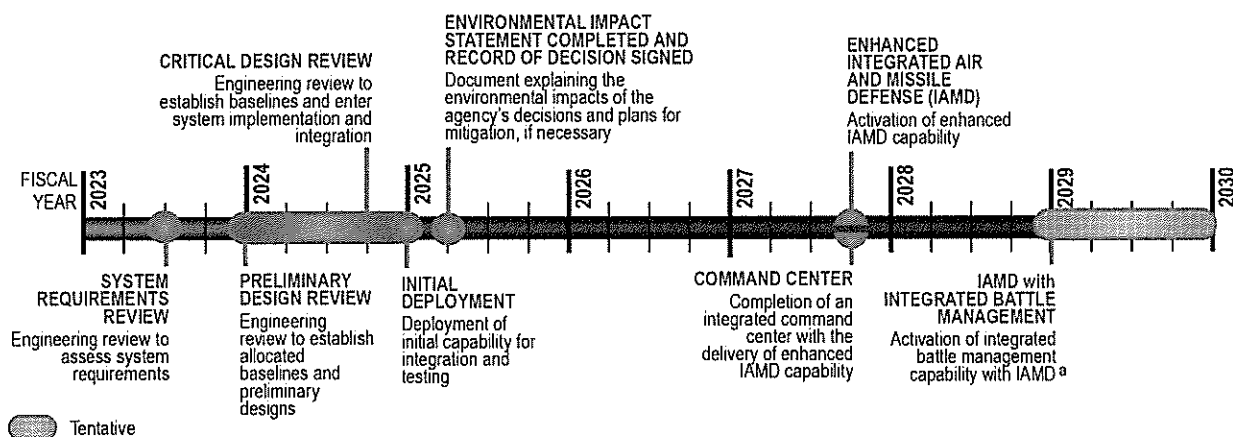
Site Selection

In fiscal year 2022, MDA reported receiving initial funding for the Defense of Guam mission and conducted site selection activities for missile defense components. MDA officials stated there are challenges in the site selection process. Available land is limited on the island and officials stated multiple entities compete for this land. They added Guam is also high risk for seismic activity and typhoons which will be factored into the military construction design considerations. Officials mentioned another factor to consider for possible sites is adjacent areas should not be affected by missile defense components and activities. For example, electromagnetic radiation from radars should not interfere with the surrounding air space and properties should be a sufficient distance away or barriers provided in the event of ordinance explosion. Officials noted environmental and cultural concerns are being considered, and the agency is involved in ongoing environmental impact studies. They stated initial sites are expected to be selected and approved in late fiscal year 2023.

Timeline

MDA has developed a plan to procure, acquire, develop, and integrate components and capabilities until the Defense of Guam architecture is operational. The figure below highlights key milestones and events over the next few years. In between milestones, MDA plans to conduct multiple developmental and operational tests. Initial deployment of limited equipment is expected to occur in early fiscal year 2025 and completion of the system is scheduled for fiscal year 2029.

Defense of Guam Key Milestones and Events



Source: GAO analysis of Missile Defense Agency data. | GAO-23-106011



Jean S. Taitano <jean.taitano@guam.gov>

Fwd: Latest NDAA FY24

1 message

Joshua F Tenorio <joshua.tenorio@guam.gov>

Fri, Jul 14, 2023 at 4:15 PM

To: "Jean S. Taitano" <jean.taitano@guam.gov>

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>

Date: Sun, Jun 25, 2023 at 11:37 PM

Subject: Latest NDAA FY24

To: Gov. Lourdes A. Leon Guerrero <governor@guam.gov>

CC: Lt. Gov <joshua.tenorio@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell

<clynton.ridgell@guam.gov>, J. George Bamba <george.bamba@guam.gov>, Jose Naputi <jose.naputi@guam.gov>

Gov:

Sharing attached outline of NDAA actions being tracked by CDLO. The full House and Senate markup versions will advance to the floor of both chambers respectively. We included congressional amendments introduced by Congressman Moyland and Strong as well as a GAO report on Missile Defense. We will continue to track final outcomes for NDAA FY24 and send updates as they come in .

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Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

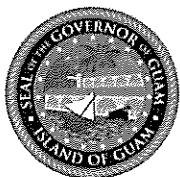
Office of the Governor of Guam

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--

Senseramente,



JOSHUA F. TENORIO

Segundo Maga'låhen Guahan

Lieutenant Governor of Guam

Office of the Lieutenant Governor

Ricardo J. Bordallo Governor's Complex

Adelup, Guam 96910

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CDLO_NDAA FY24 REPORT.pdf

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LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT GOVERNOR



VERA A. TOPASNA
EXECUTIVE DIRECTOR

COMMUNITY DEFENSE LIAISON OFFICE
OFFICE OF THE GOVERNOR OF GUAM

**Department of Defense Policy Updates
June 26, 2023**

The foregoing is a list of sub-committee markups and final Chairman markups to the National Defense Authorization Act FY2024 and accompanying language pertinent to the Pacific Deterrence Initiative (Guam Defense System) and other items of interest to Guam for the Indo Pacific. Both the House and Senate only released its executive summary and have yet to release its full markup bill including amendments made during full committee markup on June 21, 2023. It is expected that both chambers will be advancing to the full House and Senate floor in the coming weeks. CDLO will continue to track the final NDAA FY24 process to confirm passage of information provided herein.

Included are amendments introduced by Congressman Moylan relative to Guam passed by voice vote. Will continue to track.

Note: Neither House or Senate versions of the NDAA included an extension of the H2B program for Guam. It may be contained in the full Senate version not yet released GDOL may have an update to the policy language that may be contained in the Immigration Bill.

Also included in this report is the latest GAO report on the Guam Missile Defense Program reflecting proposed MDA leverage of Navy and Army capabilities for the program.

**NDAA 2024 HOUSE OF REPRESENTATIVES VERSION
BUDGET REQUEST - \$2,114,974,000**

Title X—General Provisions; Legislative Provisions; Subtitle B—Naval Vessels and Shipyards; Section 1017 [Log 77883]—Guam Shipyard Assessment

- (a) Assessment Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees an assessment of the ship building and repair capabilities located on Guam, as of the date of the enactment of this Act, and the feasibility of reestablishing the former Ship Repair Facility, Guam.
- (b) Elements.—The assessment required under subsection (a) shall include each of the following:
 - (1) A description of the capabilities to conduct shipbuilding and ship repair activities in Guam, as of the date of the enactment of this Act.
 - (2) A description of any planned improvements to shipbuilding and ship repair infrastructure in Guam.
 - (3) An evaluation of the feasibility of re-establishing a depot-level ship repair capability with dry-docking in Guam at the site of the former Ship

Repair Facility, Guam, including an identification of options for operating the ship repair capability through a public-private partnership.

Sec. 2201 [Log 77338]. Authorized Navy Construction and Land Acquisition Projects.

- (a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table (*relative to only Guam):

***Navy: Inside the United States**

State or Territory	Installation or Location	Amount
Guam	Andersen Air Force Base	\$497,620,000
	Joint Region Marianas	\$174,540,000
	Naval Base Guam	\$946,500,000

Sec. 2202 [Log 77469]. Family Housing.

- (a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203 (a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

Location	Installation	Amount
Guam	Joint Region Marianas	\$121,906,000
	Naval Support Activity	\$83,126,000
	Andersen	

Sec. 2205 [Log 78005]. Extension of Authority to Carry Out Certain Fiscal Year 2021 Navy Military Construction Projects.

- (a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4294), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (134 Stat. 4297), shall remain in effect until October 1, 2024 or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025, whichever is later.
- (b) Table.—The table (*relative to only Guam) referred to in subsection (a) is as follows:

***Navy: Extension of 2021 Project Authorizations**

State/Country	Installation or Location	Project	Original Authorized Amount
Guam	Joint Region Marianas	Joint Communication Upgrade	\$166,000,000

Sec. 2301 [Log 77471]. Authorized Air Force Construction and Land Acquisition Projects.

- (a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303 (a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table (*relative to only Guam):

***Air Force: Inside the United States**

State or Territory	Installation or Location	Amount
Guam	Joint Region Marianas	\$411,000,000

Sec. 2605 [Log 77483]. Authorized Air Force Reserve Construction and Land Acquisition Projects.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table (*relative to only Guam):

***Air Force Reserve**

State or Territory	Location	Amount
Guam	Joint Region Marianas	\$27,000,000

SEC. 2609 [Log 78023]. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2021 NATIONAL GUARD AND RESERVE MILITARY CONSTRUCTION PROJECTS.

- (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4294), the authorizations set forth in the table in subsection (b), as provided in sections 2601, 2602, and 2604 of that Act (134 Stat. 4312, 4313, 4314), shall remain in effect until October 1, 2024, or the date of the enactment of an Act

authorizing funds for military construction for fiscal year 2025, whichever is later.

(b) TABLE.—The table (*relative to only Guam) referred to in subsection (a) is as follows:

***National Guard and Reserve: Extension of 2021 Project Authorizations**

State or Territory	Installation or Location	Project	Original Authorized Amount
Guam	Joint Region Marianas	Space Control Facility #5	\$20,000,000

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE III—OPERATION AND MAINTENANCE

ITEMS OF SPECIAL INTEREST

LOGISTICS AND SUSTAINMENT ISSUES

Comptroller General Review of Department of Defense Sustainment Plans for the Defense of Guam

The committee further directs the Comptroller General to provide a briefing to the House Committee on Armed Services not later than March 15, 2024, on preliminary findings of the review and provide final results to the Senate Committee on Armed Services and the House Committee on Armed Services in a format and timeframe as mutually agreed upon. The committee expects the Secretary of Defense, the Secretaries of the military departments, and the combatant commanders to provide any pertinent information, including, but not limited to, related analyses and studies, contingency plans, and operational plans, to designated representatives of the Government Accountability Office assigned to this review.

Comptroller General Review of Department of Defense Sustainment Plans for the Defense of Guam

The Missile Defense Agency (MDA) and the military services have developed plans to improve the integrated air and missile defense capabilities on Guam. The 2022 Missile Defense Review indicates that Guam's missile defenses will be commensurate with its status as both an unequivocal part of the United States, as well as a key power projection hub in the Indo-Pacific region. MDA requested over \$800 million in its fiscal year 2024 budget for additional capabilities to augment the current Terminal High Altitude Area Defense battery deployed to the island. The committee notes that Guam's location and climate, as well as the Department of Defense's plan to use mobile components as part of Guam's defense infrastructure, require specific considerations to sustain these capabilities.

Therefore, the committee directs the Comptroller General of the United States to review the Department of Defense's sustainment plans for the Missile Defense of Guam. This review shall address:

(1) the extent to which the Department of Defense is considering plans for

sustaining the new missile architecture that will comprise the defense of Guam as options are being considered, including the personnel (military, civilian, and contractors), infrastructure, and funding necessary for that sustainment;

(2) the extent to which adding new missile defense architecture on Guam would affect sustainment of preexisting defenses on the island and other missile defense elements in the Indo-Pacific region; and

(3) any other topics deemed appropriate by the Comptroller General. The committee further directs the Comptroller General to provide a briefing to the House Committee on Armed Services not later than April 1, 2024, on the Comptroller General's preliminary findings and provide final results to the committee in a mutually agreed upon format and timeframe.

TITLE XI—CIVILIAN PERSONNEL MATTERS

LEGISLATIVE PROVISIONS

Section 1102—Authorization to Pay a Living Quarters Allowance for Department of the Navy Civilian Employees Assigned to Permanent Duty in Guam for Performing Work, or Supporting Work Being Performed, Aboard or Dockside, of U.S. Naval Vessels

This section would allow the Secretary of the Navy to grant to covered employees a living quarters allowance for rent, heat, light, fuel, gas, electricity, and water and, in unusual circumstances, payment or reimbursement for initial repairs, alterations, and improvements to the privately leased residence in Guam.

SEC. 1102. [LOG 77933] AUTHORIZATION TO PAY A LIVING QUARTERS ALLOWANCE FOR DEPARTMENT OF THE NAVY CIVILIAN EMPLOYEES ASSIGNED TO PERMANENT DUTY IN GUAM FOR PERFORMING WORK, OR SUPPORTING WORK BEING PERFORMED, ABOARD OR DOCKSIDE, OF U.S. NAVAL VESSELS.

(a) **ALLOWANCE.**—Notwithstanding any other provision of law, when Government owned or rented quarters are not otherwise provided without charge to a covered employee, the Secretary of the Navy may grant to a covered employee one or more of the following allowances:

- (1) A living quarters allowance for rent, heat, light, fuel, gas, electricity, and water. The Secretary is authorized to pay such allowance by reimbursement or by advance payments without regard to section 3324 (a) and (b) of title 31, United States Code.
- (2) Under unusual circumstances, as determined by the Secretary, payment or reimbursement for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred in initial repairs, alterations, and improvements to the privately leased residence in Guam of a covered employee—
 - (A) the expenses are administratively approved in advance; and
 - (B) the duration and terms of the lease justify payment of the expenses by the Government.

- (b) COVERED EMPLOYEE DEFINED.—In this section, the term “covered employee” means any civilian employee of the Department of the Navy who is assigned to permanent duty in Guam for performing work or supporting work being performed, aboard or dockside, of U.S. naval vessels.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

Subtitle C—Real Property and Facilities Administration

SEC. 2821. [Log 78130]. IMPROVEMENTS RELATING TO ACCESS TO MILITARY INSTALLATIONS IN UNITED STATES.

“(c) REVIEWS AND SUBMISSION TO CONGRESS.—Not less frequently than once every five years, the Secretary shall—

“(5) The term ‘State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, or the Commonwealth of the Northern Mariana Islands.

DIVISION D—FUNDING TABLES

SEC. 4001 [Log 77464]. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

- (a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.
- (b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—
- (1) Except as provided in paragraph (2), be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and
 - (2) Comply with other applicable provisions of law.
- (c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.
- (d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.
- (e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT**SEC. 4101. PROCUREMENT.**

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2024 Request	House Authorized
039	DEFENSE OF GUAM PROCUREMENT	169,627	169,627

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program	Item	FY 2024 Request	House Authorized
095	0604102C	GUAM DEFENSE DEVELOPMENT	397,578	497,578
		INDOPACOM UPL—Guam Defense System, INDOPACOM		(100,000)

TITLE XLVI—MILITARY CONSTRUCTION**SEC. 4601. MILITARY CONSTRUCTION.**

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2024 Request	House Agreement
Navy	Andersen Air Force Base	PDI: Child Development Center	105,220	105,220
Navy	Andersen Air Force Base	PDI: Joint Consol. Comm. Center (INC)	107,000	107,000
Navy	Joint Region	PDI: Joint	292,830	50,000

	Marianas	Communication Upgrade (INC)		
Navy	Joint Region	PDI: Missile Integration	174,540	74,540
	Marianas	Test Facility		
Navy	Naval Base Guam	PDI: 9 th ESB Training Complex	23,380	23,380
Navy	Naval Base Guam	PDI: Artillery Battery Facilities	137,550	72,550
Navy	Naval Base Guam	PDI: Consolidated MEB HQ/NCIS PHii	19,740	19,740
Navy	Naval Base Guam	PDI: Recreation Center	34,740	34,740
Navy	Naval Base Guam	PDI: Religious Ministry Services Facility	46,350	46,350
Navy	Naval Base Guam	PDI: Satellite Communications Facility (INC)	166,159	100,000
Navy	Naval Base Guam	PDI: Training Center	89,640	89,640

SEC. 4601. MILITARY CONSTRUCTION

(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2024 Request	House Agreement
AF	Guam	PDI: North Aircraft	109,000	109,000
	Joint Region Marianas	Parking Ramp (INC)		
AF Res	Guam	Aerial Port Facility	27,000	27,000
	Joint Region Marianas			
FH Con	Guam	Replace Andersen	121,906	121,906
Navy	Joint Region Marianas	Housing, Phase 8		
FH Con	Guam	Replace Andersen	83,126	83,126
Navy	Naval Support Activity	Housing (AF), Phase 7		
FH Con	Unspecified Worldwide	USMC DPRI/Guam	9,588	9,588

SEC. 1013 [Log 77998]. GRANTS FOR IMPROVEMENT OF NAVY SHIP REPAIR OR ALTERATIONS CAPABILITY. 3 Chapter 131 of title 10, United States Code, is amended by inserting after section 2218a the following new section: “§ 2219. Grants for improvement of Navy ship repair or alterations capability “(a) ASSISTANCE AUTHORIZED.—(1) Subject to the availability of appropriations, the Secretary of the Navy may make grants to an eligible entity for the purpose of carrying out— “(A) a capital improvement project; or “(B) a maritime training program designed to foster technical skills and operational productivity. “(2) The amount of a grant under this section may not exceed 75 percent of the total cost of the project or program funded by the grant. “(3) A grant provided under this section may not be used to construct buildings or other physical facilities, except for piers, dry docks, and structures in support of piers and dry docks, or to acquire land.

Sec. 561 INCREASE IN THE NUMBER OF NOMINEES FROM GUAM TO THE SERVICE ACADEMIES

- (a) UNITED STATES MILITARY ACADEMY. – Section 7442 (a)(8) of title 10, United States Code, is amended by striking “Four” and inserting “Five”.
- (b) UNITED STATES NAVAL ACADEMY – Section 8454(a)(8) of title 10, United States Code, is amended by striking “Four” and inserting “Five”
- (c) UNITED STATES AIR FORCE ACADEMY – Section 9442(a)(8) of title 10, United States Code, is amended by Striking “Four” and inserting “Five”.

Navy	Location	Planning & Design
<hr/>		
Senate Armed Services Committee		
NDAA FY 24 – Highlights for Guam and the Indo Pacific		
<hr/>		
Supports the objectives of the National Defense Strategy, including defending the U.S. homeland; deterring adversaries; prevailing in long-term strategic competition; and building a resilient Joint Force.		
<ul style="list-style-type: none">• Requires a report on the capacity of infrastructure, resources, and personnel available in Guam to meet U.S. Indo-Pacific Command strategic objectives.• Directs a briefing on the status of the development of nuclear microreactors and plans to transition such capabilities to the services for production, as well as a briefing on the potential for using modular microreactors to supplement power generation on Guam.• Designates the Under Secretary of Defense for Acquisition and Sustainment as the principal DOD official responsible for the acquisition of a system for the missile defense of Guam.• Establishes the Indo-Pacific Campaigning Initiative in order to facilitate INDOPACOM's campaigning activities in the region, including increased frequency and scale of exercises, freedom of navigation operations, and partner engagements.• Supports sustained funding for the Air Force's Cyber Operations for Base Resilient Architecture (COBRA) pilot program in the INDOPACOM area of responsibility, and recognizes the potential for service-wide use of COBRA.• Establishes a comprehensive training, advising, and institutional capacity-building program for the military forces of Taiwan.• Supports DOD activities relating to the security partnership among Australia, United		

Kingdom, and the United States, known as AUKUS.

- Directs a briefing on the current ability of the joint force to conduct contested logistics in the Indo-Pacific Command (INDOPACOM) area of responsibility, as well as DOD's efforts to improve contested logistics capabilities and capacity.
- Authorizes the full budget request for the Pacific Deterrence Initiative (PDI) and extends PDI through fiscal year 2024.
- Establishes the Indo-Pacific Campaigning Initiative in order to facilitate INDOPACOM's campaigning activities in the region, including increased frequency and scale of exercises, freedom of navigation operations, and partner engagements.
- Establishes a comprehensive training, advising, and institutional capacity-building program for the military forces of Taiwan.
- Requires engagement with appropriate officials of Taiwan for the purpose of expanding cooperation on military cybersecurity activities.
- Directs a plan for enhancing security cooperation with Japan, including analyzing the feasibility and advisability of modifying U.S. command structures in Japan.
- Establishes the "Indo-Pacific Maritime Domain Awareness Initiative" – a defense initiative with allies and partners of the United States, including Australia, Japan, and India.
- Ensures that India is appropriately considered for security cooperation benefits consistent with the status of India as a major defense partner of the United States.
- Directs the designation of a senior Department of Defense civilian official to be responsible for overseeing DOD activities relating to the security partnership among Australia, United Kingdom, and the United States, known as AUKUS, and the development of an AUKUS implementation plan.
- Extends the cyber cooperation program with Vietnam, Thailand, and Indonesia and expands the program to include foreign military partners in the Philippines and Malaysia.
- Directs a strategy for improving the posture of U.S. ground-based theater-range missile capabilities in the Indo-Pacific region
- Authorizes U.S. Indo-Pacific Command to exercise temporary and limited military construction authorities to support allies throughout its area of responsibility
- Directs a briefing on DOD plans for military construction projects to enable the timely deployment of air and missile defense capabilities required for U.S. Indo-Pacific Command operational plans

COMMITTEE ON APPROPRIATIONS – FY24

DEPARTMENT OF DEFENSE

ITEMS OF INTEREST - PACIFIC

(Bill does not include military construction, military family housing, civil defense, nuclear warheads which are covered in connection with other appropriations bills.

First, the Committee resources the military capabilities necessary to decisively defeat potential adversaries. As such, the Committee's recommendation includes funding to directly counter the PRC's malign global influence, including over \$9,000,000,000 for the Pacific Deterrence

Initiative, \$108,000,000 for International Security Cooperation Programs for Taiwan, and robust funding for the modernization of the nuclear triad. The recommendation also includes language to prioritize the delivery of defense articles to Taiwan and supports training partnerships such as the National Guard State Partnership Program. Finally, the Committee recommendation supports the development of a 'hedge' portfolio to address the mounting global security risks. The Committee is concerned by growing tactical and logistical risks to current weapon systems, as well as the lack of industrial base capacity and diversity. A hedge in this sense will resource organizations capable of developing non-traditional solutions from non-traditional sources by intentionally taking calculated risks to incentivize positive, deliberate, accelerated change. If properly executed, this hedge has the potential to create asymmetric advantage to support combatant command operational challenges and reduce the taxpayer's burden by leveraging private capital, expand America's economic advantage by accelerating emerging technology, and broaden the pool of talent supporting national defense.

RED HILL BULK FUEL STORAGE FACILITY

The Committee continues to closely monitor the Department of Defense's defueling and dispersal actions at the Red Hill Bulk Fuel Storage Facility. The Committee directs the Secretary of Defense, in coordination with the Secretary of the Navy, to continue to take the necessary steps to safely decommission the facility, remediate the surrounding environment, assess and address the harm caused to the aquifer, work in conjunction with the State of Hawaii and the local community in these efforts, and build a more distributive fuel infrastructure for the Indo-Pacific. The Committee recommendation supports the \$106,363,000 requested by the Department in fiscal year 2024 toward these efforts.

For efforts in Hawaii, the Committee directs the Secretary of Defense, in coordination with the Secretary of the Navy, to submit quarterly updates in the form of written reports, beginning not later than 45 days after the enactment of this Act, to the congressional defense committees on obligations, health care and health surveillance efforts for those impacted by contaminated drinking water, progress toward decommissioning the facility, and community engagement efforts. For efforts to move the fuel from Red Hill to other locations in the Indo-Pacific, the Committee directs the Secretary of Defense to submit quarterly updates, in the form of written reports, beginning not later than 45 days after the enactment of this Act, to the congressional defense committees on obligations, new locations of fuel previously stored in the facility, efforts to build new fuel storage locations, a summary of any planning and design efforts for potential projects to store bulk fuel in the region, and efforts to improve the survivability of existing and new fuel storage locations. Information contained in these reports may be provided with a classified annex.

**AMENDMENTS INTRODUCED BY CONGRESSMAN MOYLAN AND
CONGRESSMAN STRONG - AGREED BY VOICE VOTE.**

MOYLAN Amendments:

- Request for Guam Defense System Study
- Study of Typhoon Mawar Impact on Guam
- Jones Act SECDEF Authority
- DOD Partnership for Guam Power Authority Study
- Defense Access Road Study
- Guam Housing Study
- Defense Community Infrastructure Project Cost Share
- OCOLA DRL
- Study of access to medical examinations for CNMI service academy applicants

STRONG Amendment:

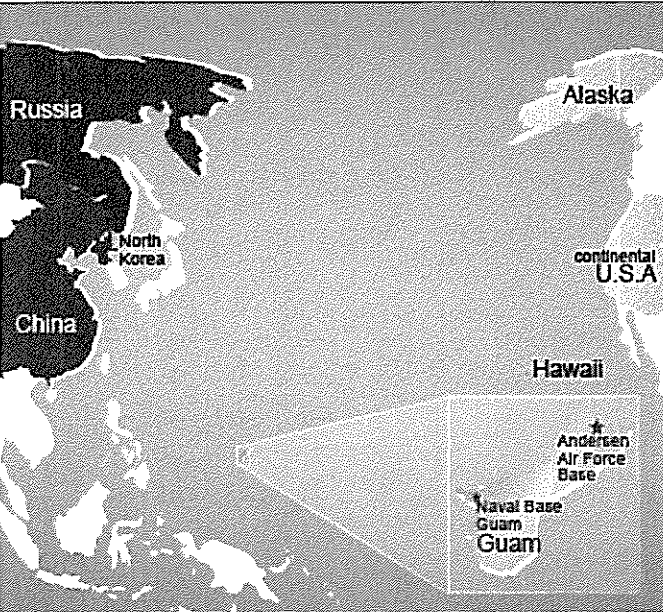
Directs the Director of the Missile Defense Agency to provide a report on the anticipated munitions requirements for the Guam Defense System



May 2023

MISSILE DEFENSE

Annual Goals Unmet for Deliveries and Testing



Source: GAO analysis of Department of Defense data; GAO (maps). | GAO-23-105011

ISSUE OVERVIEW

Defense of Guam

Guam is a United States island territory in the Indo-Pacific region. The island is approximately three times the size of Washington, D.C. with an estimated population of 170,000. Persons born on Guam are United States citizens.

Military officials have emphasized the importance of Guam for maintaining stability in the region. Guam serves as a hub for military operations, and multiple bases are on the island. Naval Base Guam is home to forward deployed naval vessels. Andersen Air Force Base provides millions of square feet to park aircraft. The Marine Corps activated Camp Blaz in 2020 and the base is under construction, with the intent of eventually accommodating approximately 5,000 Marines.

In recent years, according to DOD, North Korea and China have conducted missile tests that have heightened tensions in the region. Due to its proximity to these nations and its strategic importance, Guam is vulnerable to a potential attack. The 2022 Missile Defense Review states that the missile defense architecture for Guam will be commensurate with the island’s unique status as both an unequivocal part of the United States as well as a vital regional location.

CURRENT CAPABILITIES AND NEW REQUIREMENTS

Guam’s current missile defense requirements are for protection against simple ballistic threats from rogue states. As of October 2022, the on-island defense consisted of a single Terminal High Altitude Area Defense battery. A single ship equipped with the Aegis Ballistic Missile Defense system also provides support on an as-needed basis.

As adversary offensive missile capabilities evolve, DOD projects the current defense on Guam to be inadequate. In October 2022, MDA officials stated that United States Indo-Pacific Command, the combatant command overseeing the region, issued new requirements to upgrade Guam’s defense. This includes 360 degree coverage, and layered defense against regional ballistic, maneuvering ballistic, hypersonic glide, and cruise missile threats emanating from any nation. The Guam defense systems would also employ open systems architecture—meaning adaptable systems—to enable the integration of future capabilities as sensors and weapons technologies evolve. See the table below for a comparison of the current and new requirements for missile defense on Guam.

Table 8: Defense of Guam Requirements Information Provided by the Missile Defense Agency

	Current Requirements	New Requirement
Nations	Rogue states ^a	Any nation, including rogue states ^a and near peer threats ^b
Coverage	No Requirement	360 degree coverage to defend against missile threats Layered defense with multiple elements capable of intercepting missile threats
Threats	Ballistic missiles ^c	Ballistic missiles ^c Maneuvering ballistic missiles ^d Hypersonic glide ^e Cruise missile ^f

Source: GAO analysis of Missile Defense Agency data | GAO-23-106011

^aLimited offensive missile capability
^bSignificant and sophisticated offensive missile capability
^cParabolic and predictable flight path
^dCapable of changing flight path
^eCapable of flying in excess of Mach 5 and change flight path
^fCapable of self-powered flight

ACQUISITION STRATEGY

According to MDA, the acquisition strategy for the Defense of Guam mission architecture consists of leveraging existing Army and Navy programs, Army rapid capability prototype efforts, and a new program that includes integration of the Aegis Guam Weapon System. The strategy aims to provide the capability to meet warfighter requirements to fulfill the Defense of Guam mission. MDA's primary mission, in coordination with the Navy, is ballistic and hypersonic defense on Guam, while the Army's primary mission is cruise missile defense. According to MDA, DOD is assessing whether an agency or service will serve as the lead for the Defense of Guam mission and coordinate the delivery of capabilities. MDA did not indicate when a decision could be made.

ARCHITECTURE

MDA, in coordination with the Army and the Office of Cost Assessment and Program Evaluation, considered multiple architectures for the Defense of Guam, including an Aegis Ashore-like approach. In 2022, however, the Deputy Secretary of Defense opted for an architecture consisting of transportable radars and launchers. MDA officials defined transportable components as having the ability to be deconstructed, relocated, and reconstructed in weeks to months within an area. Some components used from existing programs are expected to require adaptations to provide 360 degree missile defense coverage. For example, Aegis elements are expected to be adapted to be land based and transportable versus ship based or permanent structures.

MDA reported multiple components supporting the Defense of Guam. See table 9 below for these components.

Table 9: Missile Defense Components to Support the Defense of Guam

Type	Components	Owner	Description
Radars and sensors	Homeland Defense Radar – Guam (HDR-G)	MDA	Combined expected capabilities include 360 degree coverage for threat acquisition, track, and discrimination for ballistic, hypersonic, and cruise missile defense.
	Lower Tier Air and Missile Defense Sensor (LTAMDS)	Army	
	Sentinel A4	Army	
	Army Low Cost Surveillance (ALPS) Sensor	Army	
Command and control	Aegis Guam System	MDA/Navy	Combined expected capabilities include (1) weapons and radar command, control, and decision; (2) overhead and sensor data and situational awareness to warfighters and weapon systems; and (3) sensor, battle and communications management.
	Command and Control, Battle Management and Communications (C2BMC)	MDA	
	Integrated Air and Missile Defense Battle Command System (IBCS)	Army	
	Integrated Fires Communication Network (IFCN) Relays	Army	
	Remote Interceptor Guidance (RIG)-360	Army	
Launchers	Army Launchers	Army	Combined expected capabilities include utilization for ballistic, hypersonic, and cruise missile defense.
	M903 Launchers	Army	
	Indirect Fires Protection Capability (IFPC) Multi-Mission Launchers	Army	

Source: GAO presentation and analysis of Missile Defense Agency provided data. | GAO-23-106011

CURRENT ACTIVITIES AND TIMELINE

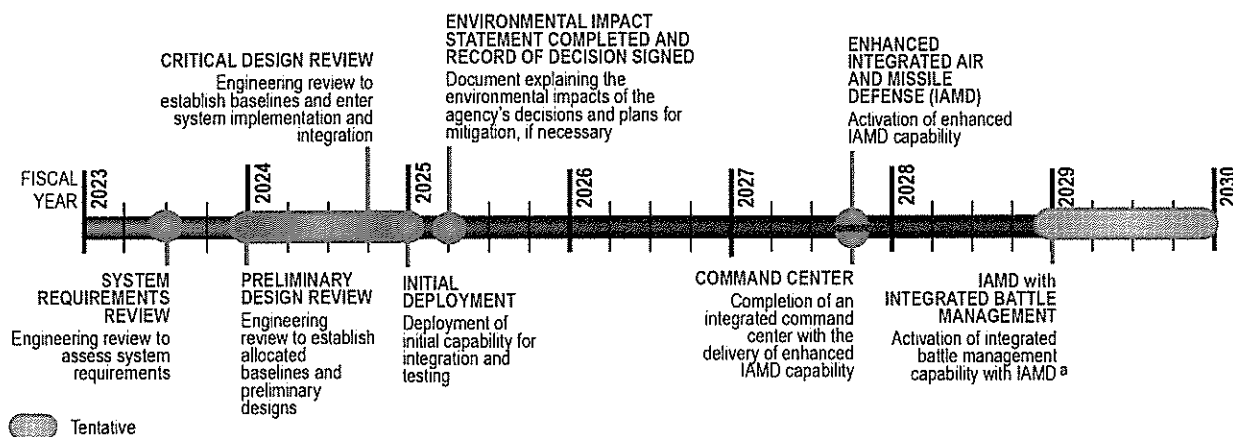
Site Selection

In fiscal year 2022, MDA reported receiving initial funding for the Defense of Guam mission and conducted site selection activities for missile defense components. MDA officials stated there are challenges in the site selection process. Available land is limited on the island and officials stated multiple entities compete for this land. They added Guam is also high risk for seismic activity and typhoons which will be factored into the military construction design considerations. Officials mentioned another factor to consider for possible sites is adjacent areas should not be affected by missile defense components and activities. For example, electromagnetic radiation from radars should not interfere with the surrounding air space and properties should be a sufficient distance away or barriers provided in the event of ordinance explosion. Officials noted environmental and cultural concerns are being considered, and the agency is involved in ongoing environmental impact studies. They stated initial sites are expected to be selected and approved in late fiscal year 2023.

Timeline

MDA has developed a plan to procure, acquire, develop, and integrate components and capabilities until the Defense of Guam architecture is operational. The figure below highlights key milestones and events over the next few years. In between milestones, MDA plans to conduct multiple developmental and operational tests. Initial deployment of limited equipment is expected to occur in early fiscal year 2025 and completion of the system is scheduled for fiscal year 2029.

Defense of Guam Key Milestones and Events



Source: GAO analysis of Missile Defense Agency data. | GAO-23-106011

^aThis event is not yet baselined and will not occur before the first quarter of fiscal year 2029.



Jean S. Taitano <jean.taitano@guam.gov>

Fwd: Missile Defense EIS Executive Committee Planning Meeting

Joshua F Tenorio <joshua.tenorio@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 4:14 PM

----- Forwarded message -----

From: **Esther Aguigui** <esther.aguigui@ghs.guam.gov>
Date: Tue, Jul 4, 2023 at 1:12 AM
Subject: Re: Missile Defense EIS Executive Committee Planning Meeting
To: Stephanie G. Flores <stephanie.flores@guam.gov>
CC: Vera A. Topasna <vera.topasna@guam.gov>, Matthew Santos <matthew.santos.bsp@guam.gov>, Lola Leon Guerrero <lolalg.bsp@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, <Lola.Leonguerrero@bsp.guam.gov>, Warren Pelletier <warren.pelletier@dpr.guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, Patrick Lujan <patrick.lujan@olddpr.guam.gov>, Gov. Lourdes A. Leon Guerrero <governor@guam.gov>, Lt. Gov <joshua.tenorio@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Jose Naputi <jose.naputi@guam.gov>, J. George Bamba <george.bamba@guam.gov>, Nichole AC Duenas <nicole.duenas@guam.gov>, Eliza G. Dames <eliza.dames@guam.gov>, Josephine C. Cepeda <josephine.cepada@guam.gov>

Acknowledge receipt of your email; confirming my attendance. Thank you.

V/r,

HSA 17

ESTHER J. C. AGUIGUI
Homeland Security Advisor
Guam Homeland Security

On Mon, Jul 3, 2023 at 5:08 PM Stephanie G. Flores <stephanie.flores@guam.gov> wrote:
Acknowledged.

Sent from my iPhone

On Jul 3, 2023, at 5:07 PM, Vera A. Topasna <vera.topasna@guam.gov> wrote:

Hafa Adai MDA EIS Executive Committee:

I hope that all is well with everyone post Mawar. As you may be aware the Missile Defense Agency is planning to reschedule scoping meetings for early August. While we await confirmed dates, we are requesting for the Executive Committee to meet and discuss/approve a format for our GovGuam agencies to provide comments.

Meeting is scheduled for Thursday July 6 at 9:00 a.m. Governors Small Conference Room Adelup. Will send courtesy calendar invites. Have a great 4th of July holiday.

--

Sincerely,

Vera Topasna

Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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Senseramente,



JOSHUA F. TENORIO

Segundo Maga'låhen Guahan
Lieutenant Governor of Guam
Office of the Lieutenant Governor
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910
Tel: (671) 473-1110

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Jean S. Taitano <jean.taitano@guam.gov>

Statement on the Progress of Missile Defense Agency Plans

Joshua F Tenorio <joshua.tenorio@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 4:14 PM

----- Forwarded message -----

From: **Krystal Paco-San Agustin** <krystal.paco@guam.gov>
Date: Tue, Jul 11, 2023 at 11:03 PM
Subject: Statement on the Progress of Missile Defense Agency Plans
To:

Statement on the Progress of Missile Defense Agency Plans

Hagåtña, Guam - The Office of the Governor issues the following response to Senator Chris Barnett's false allegations against the Leon Guerrero-Tenorio Administration:

"In a statement posted on his social media platforms on Tuesday, Senator Barnett claimed that our administration has begun moving forward with the Department of Defense to prepare for missile defense sites ahead of the scoping period. His statements are completely false and an attempt to deceive the public to benefit his personal agenda against the Administration. Acts like this only further segregate the trust between our island and military partners.

The only information the administration has with regard to DoD's missile defense plan is the information that DoD has already made public.

At this time, the Leon Guerrero-Tenorio Administration is preparing to respond as a government to provide comments from all relevant agencies who may have a direct or indirect impact from the proposed action. Much like the public is invited to participate in the public comment period, the Government of Guam will also be providing input in the areas of environment, socioeconomics, infrastructure, economics, and labor and workforce development. The scoping meetings are designed to elicit public input into the scoping process. This is where the public can comment on what they would like included in the scope of the environmental impact statement. The scoping process is "used to ensure the analysis of issues of interest to the public and/or important to decision making," - **Federal Register/Vol. 79, No. 153/Notices 46411**

The exact details of the Missile Defense Agency's plans have not been released to the public or to the Leon Guerrero-Tenorio Administration. The only information that has been released has already been publicly noticed and published at <https://www.mda.mil/system/eiamd/> and mirrored on the Office of the Governor of Guam's website at (<https://governor.guam.gov/militaryaffairs/>).

Although the original scoping comment period was initially scheduled to close on June 27, 2023, the MDA extended the scoping comment period to August 11, 2023 due to ongoing recovery from Typhoon Mawar. During this period, the federal agency and the public collaborate to define the range of issues to be addressed in the Environmental Impact Statement (EIS).

The in-person open house scoping meetings will be held at a later date. Information will be published as it becomes available to us."

###



Krystal Paco-San Agustin, MPA, CM

Director of Communications

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex

Hagåtña, Guam 96910

Phone: 671.472.8931



JOSHUA F. TENORIO

Segundo Maga'låhen Guahan

Lieutenant Governor of Guam

Office of the Lieutenant Governor

Ricardo J. Bordallo Governor's Complex

Adelup, Guam 96910

Tel: (671) 473-1110

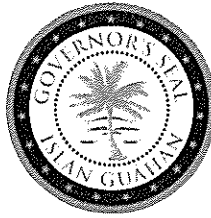
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Statement on the Progress of Missile Defense Agency Plans.pdf

329K

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

FOR IMMEDIATE RELEASE - July 12, 2023

Statement on the Progress of Missile Defense Agency Plans

Hagåtña, Guam - The Office of the Governor issues the following response to Senator Chris Barnett's false allegations against the Leon Guerrero-Tenorio Administration:

"In a statement posted on his social media platforms on Tuesday, Senator Barnett claimed that our administration has begun moving forward with the Department of Defense to prepare for missile defense sites ahead of the scoping period. His statements are completely false and an attempt to deceive the public to benefit his personal agenda against the Administration. Acts like this only further segregate the trust between our island and military partners.

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The in-person open house scoping meetings will be held at a later date. Information will be published as it becomes available to us."

####

Fwd: Meeting Notice

Clynton Ridgell <clynton.ridgell@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 6:08 PM

----- Forwarded message -----

From: **Josephine C. Cepeda** <josephine.cepeda@guam.gov>

Date: Tue, May 2, 2023 at 8:55 PM

Subject: Meeting Notice

To: Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, GEDA ADMINISTRATOR Melanie Mendiola <melanie.mendiola@investguam.com>, GIAA DEM Artemio Ricky Hernandez <ahernandez@guamairport.net>, Jeffrey Moots <jeffrey.moots@guam.gov>, John Quinata <john.quinata@guamairport.net>, Joseph M. Borja <joseph.borja@land.guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Leslie Travis <leslie.travis@guam.gov>, Lola Leon Guerrero <lolalg@bsp.guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, Rory J. Respicio <rjrespicio@portofguam.com>, Stephanie G. Flores <stephanie.flores@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, Vince Arriola <vince.arriola@dpw.guam.gov>, <patrick.lujan@dpr.guam.gov>

Good Evening and Hafa Adai!

Please be informed that an IN-PERSON Meeting with the Acting Governor has been scheduled for Wednesday, May 3, 2023 at 2:00 p.m. in the Governor's (Small) Conference Room regarding the Guam Missile Defense Environmental Impact Statement, Notice of Intent.

A calendar invite is forthcoming.

Thank you and have a great and pleasant evening.

Poping

--



Josephine "Poping" Cepeda
Executive Assistant to The Honorable Joshua F. Tenorio
Lieutenant Governor of Guam
Ufisinan I Sigundo Maga'lâhi Guahan
Office of the Lieutenant Governor of Guam
Tel: (671) 473-1110
Email: josephine.cepeda@guam.gov

Fwd: NOI EIS

Clynton Ridgell <clynton.ridgell@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 6:07 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>

Date: Sat, May 6, 2023 at 9:46 AM

Subject: NOI EIS

To: Gov. Lourdes A. Leon Guerrero <governor@guam.gov>

Cc: Lt. Gov <joshua.tenorio@guam.gov>, COS <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, <lola.leonguerrero@bsp.guam.gov>, Stephanie G. Flores <stephanie.flores@guam.gov>, Jeffrey Moots <jeffrey.moots@guam.gov>, Leslie Travis <leslie.travis@guam.gov>

Gov:

EIS NOI is now official and released on the federal register.

Vera Topasna
Executive Director
Community Defense Liaison Office
Office of the Governor of Guam
Ph: 671-475-4740
Cell: 671-482-5946



Notice of Intent to Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam_2023-09609.pdf
177K

there are fewer than 200 individuals in the stratum. OPA weights the eligible respondents in order to make inferences about the entire population of active duty spouses. The weighting methodology utilizes standard weighting processes.

Dated: April 27, 2023.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09623 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0038]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 5, 2023.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Assistant Secretary for Defense for Military Personnel Policy, Office of Military Compensation Policy, ATTN: Mr. Ronald Garner, Pentagon, Washington, DC 20301-1500, or call (703) 693-1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Data for Payment of Retired Personnel; DD Form 2656; OMB Control Number 0704-0569.

Needs and Uses: The information collection requirement is necessary to obtain applicable retirement information from Uniformed Service members and allow those members to make certain retired pay and survivor annuity elections prior to retirement from service or prior to reaching eligibility to receive retired pay. The form will also allow eligible members covered by the Blended Retirement System to make a voluntary election of a partial lump sum of retired pay, as required by section 1415 of title 10, United States Code.

Affected Public: Individuals or households.

Annual Burden Hours: 31,988.

Number of Respondents: 127,950.

Responses per Respondent: 1.

Annual Responses: 127,950.

Average Burden per Response: 15 minutes.

Frequency: As required.

Every member of the Uniformed Services who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, will voluntarily complete this form to request retired pay, designate beneficiaries, and make a Survivor Benefit Plan election. In an average calendar year, approximately 127,950 members of the Uniformed Service will complete this form. The spouses of retiring members of the Uniformed Services are only required to complete part V of this form if the Service member declines or reduces his or her level of under the Survivor Benefit Plan.

Dated: April 27, 2023.

Aaron T. Siegel,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 2023-09627 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD).

ACTION: Notice of intent.

SUMMARY: The MDA is issuing this notice of intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the **Federal Register**. Comments must be postmarked or

received on or before June 27, 2023 to ensure consideration in the Draft EIS.

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331.

Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the fiscal year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors,

missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

Associated support facilities and infrastructure (e.g., power plants, fuel storage facilities, and water storage facilities), and life support facilities (e.g., family housing, fire stations, and dining facilities) would also be constructed and operated on these sites to support proposed EIAMD components and accommodate personnel associated with the proposed EIAMD system.

The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomic, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on

Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: May 2, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09609 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0039]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Contract Management Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use

Governor's Circular No. 2023-06

Clynton Ridgell <clynton.ridgell@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 6:04 PM

----- Forwarded message -----

From: **Kathleen C. Cepeda** <kathleen.cepeda@guam.gov>
Date: Thu, May 11, 2023 at 8:23 AM
Subject: Governor's Circular No. 2023-06
To: Kathleen C. Cepeda <Kathleen.cepeda@guam.gov>
Cc: Gov. Lourdes A. Leon Guerrero <governor@guam.gov>, Lieutenant Governor Joshua Tenorio <lt.governor@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>

Hafa Adai,

Please find attached Governor's Circular No. 2023-06, regarding the single point of contact for the Government of Guam's response to the Missile Defense Agency (MDA) Guam missile defense environmental impact statement for an enhanced integrated air and missile defense system on Guam.

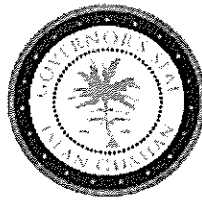
Senseramente,



Kathleen C. Cepeda
Executive Assistant to the Chief of Staff
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
671-473-1112 | governor.guam.gov

 **Governor's Circular No. 2023-06.pdf**
35K

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA E. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

GOVERNOR'S CIRCULAR NO. 2023-06

DATE: May 9, 2023

TO: All Department and Agency Heads

FROM: Lourdes A. Leon Guerrero, Governor of Guam *Signature*

SUBJECT: Single Point of Contact for the Government of Guam's Response to the Missile Defense Agency (MDA) Guam Missile Defense Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

Effective immediately, I am appointing Vera Topasna, Executive Director, Community Defense Liaison Office (CDLO), as the single point of contact for all matters related to the Environmental Impact Statement (EIS) of the Enhanced Integrated Air and Missile Defense (EIAMD) system for Guam.

As you are aware, the Guam Missile Defense is an important development for our island's security in the Indo-Pacific region. The EIS process is a tool in identifying and analyzing probable adverse environmental impacts, reasonable alternatives, and possible mitigation. As a government, we must ensure that the EIS process provides complete transparency and opportunities for our community stakeholders to participate in developing and analyzing information concerning the proposed EIAMD system for Guam. In this regard, I direct all agency heads to work closely with the CDLO to provide all the necessary support and information to enable the CDLO to carry out its responsibilities effectively.

Please ensure that all concerned parties in your respective agencies are informed of this appointment and directed to work with Mrs. Topasna on all matters related to the EIS of the Guam Missile Defense. Furthermore, Mrs. Topasna will establish agency working groups to assist in drafting EIS responses. By prior direction, an Executive Committee is established to assist in reviewing the draft agency questions/responses to present to me a final recommendation and official Government of Guam response to the EIS. All communications to Joint Region Marianas, Indo-Pacific Command, and the Missile Defense Agency shall be coordinated through the CDLO.

Si Yu'os Ma'åse.



Jean S. Taitano <jean.taitano@guam.gov>

Fwd: Guam Missile Defense Environmental Impact Statement

Clynton Ridgell <clynton.ridgell@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 6:04 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>

Date: Fri, May 19, 2023 at 12:50 AM

Subject: Guam Missile Defense Environmental Impact Statement

To: Arthur U. San Agustin (Arthur.SanAgustin@dphss.guam.gov) <arthur.sanagustin@dphss.guam.gov>, Lola Leon Guerrero <lolaig.bsp@guam.gov>, Joseph M. Borja <joseph.borja@land.guam.gov>, Joseph Carbullido <joseph.carbullido@doc.guam.gov>, Dafne M. Shimizu <dafne.shimizu@revtax.guam.gov>, Joey San Nicolas <joey.sannicolas@gfd.guam.gov>, Vince Arriola <vince.arriola@olddpw.guam.gov>, David Dellisola <david.dellisola@dol.guam.gov>, Lillian Perez-Posadas <lillian.perez-posadas@gmha.org>, John Quinata <john.quinata@guamairport.net>, Melanie Brennan <melanie.brennan@olddya.guam.gov>, Stephen Ignacio <stephen.ignacio@gpd.guam.gov>, Dominic G. Muna <dgmuna@portofguam.com>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, <therese.arriola@gbhwc.guam.gov>, Artemio Ricky Hernandez, PhD <ahernandez@guamairport.net>, Warren Pelletier <warren.pelletier@dpr.guam.gov>, Rory J. Respicio <rjrespicio@portofguam.com>, Melanie Mendiola <mel.mendiola@investguam.com>, Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, Carlos Bordallo <carlos.bordallo@investguam.com>, <ignacio.pedro@cqa.guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, <samantha.brennan@ghs.guam>
Cc: Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>

Hafa Adai Esteemed Colleagues:

As you may be aware the Missile Defense Agency has issued its Notice of Intent to prepare an Environmental Impact Statement (EIS) for Enhanced Integrated Air and Missile Defense System on Guam. This process provides an opportunity to identify potential gaps or inconsistencies with the EIS; raise concerns about the fairness of the study process; point to specific regulatory requirements that must be considered; or raise concerns about compliance with NEPA and other laws. It also allows for the identification of potential alternatives, information and analysis relevant to the proposed action. Your agency has been identified as having significant to minimal direct impact as a result of the proposed action.

The CDLO has been tasked to lead in preparing GovGuam comments on the scope of the EIS and to do so we have identified working groups to ensure we capture as much information from your agency's as possible. ***I have provided the attached information on the proposed action and will be sending out separate emails to the working groups to begin the process.***

Please also note an Executive Committee has been established to review and prepare a consolidated response for final review/approval by the Governor & Lt. Governor. I appreciate your support in this endeavor and look forward to working with each of you in the weeks ahead.

Please feel free to call me with any questions.

--

Sincerely,

Vera Topasna
Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
Office: 671-475-4735

Cell: 671-482-5946



CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity above. If you are not the intended recipient, you are hereby notified that any view, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

5 attachments



Notice-of-Intent-to-Prepare-an-Environm...efense-System-on-Guam_2023-09609 #2.pdf
191K



Enhanced Integrated Air and Missile Def..#3.pdf
2758K



Environmental Management#5.pdf
143K



Guam Public Comment FAQ#4.pdf
75K



A Citizen_s Guide to NEPA_2021#7.pdf
2498K

received on or before June 27, 2023 to ensure consideration in the Draft EIS.

ADDRESSES: Written comments should be sent via email to info@EIAMD-EIS.com; via the website comment submission form on www.EIAMD-EIS.com; or by United States (U.S.) Postal Service to: ManTech

International Corporation, Attention: EIAMD EIS Project Support, PMB 403, 1270 N Marine Corps Drive, Suite 101, Tamuning, Guam 96913-4331.

Comments will also be accepted at the public scoping meetings. All comments, including names and addresses, will be included in the administrative record, but personal information will be kept confidential unless release is required by law.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil. Additional information on the Proposed Action can be found at the MDA website: <https://www.mda.mil/system/eiamd.html>.

SUPPLEMENTARY INFORMATION: Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. An attack on Guam would be considered a direct attack on the United States and would be met with an appropriate response. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. The U.S. Indo-Pacific Command has identified a requirement for a 360-degree EIAMD capability on Guam as soon as possible to address the rapid evolution of adversary missile threats. The purpose of the EIAMD is to support the defense of Guam from cruise, ballistic and hypersonic missile threats. The EIAMD is necessary to meet requirements as directed in the fiscal year (FY) 2022 and FY 2023 National Defense Authorization Acts and to protect Guam as described in this notice.

The MDA, in coordination with Army, DoN, DAF, and FAA as cooperating agencies, is preparing an EIS to evaluate the potential environmental impacts associated with the Proposed Action and a No Action alternative.

The Proposed Action includes the deployment and operation of a combination of components from the MDA, Army, and DoN that would be integrated for air and missile defense. These proposed components include missile defense radars and sensors,

missile interceptor launchers, and command and control systems. The MDA and Army need to strategically locate and integrate the system components at multiple sites around Guam. In the event where DoD property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-Federal properties, acquisition of appropriate real estate interests on non-Federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered. Additionally, MDA anticipates airspace modification may be necessary at sites where radars would be located. Airspace issues would be coordinated with the FAA.

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The MDA and Army have conducted extensive siting studies to confirm alternative site selection, optimize system performance, and optimize facility planning and design. The proposed EIAMD components, support facilities and infrastructure, and life support facilities would be distributed across the candidate sites.

The environmental issues and resource areas the MDA would assess in the EIS include, but are not limited to, the following: airspace, air quality, biological resources, cultural resources, environmental justice and protection of children, geological resources, public health and safety, infrastructure and utilities, land use, noise and vibration, socioeconomics, transportation, recreation, visual resources, and water resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other relevant activities in the area of Guam.

This public scoping effort also supports compliance with section 106 of the NHPA and its implementing regulations at 36 CFR part 800. As such, the MDA will consult with government officials and other interested parties regarding historic and cultural resources under section 106 of the NHPA, as appropriate. Additionally, the MDA will undertake any other consultations and permitting required by applicable laws or regulations.

The MDA will conduct three in-person open house scoping meetings on

Guam in June 2023. Notification of the meeting locations, dates, and times will be published and announced in local news media to encourage public participation. Access to meeting information can also be found on the MDA website at <https://www.mda.mil/system/eiamd.html>.

The MDA encourages elected officials, government agencies, non-governmental organizations, and interested individuals to participate in the public scoping process for the preparation of this EIS. The public scoping process assists in determining the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties.

Additional opportunities for public comment will occur after the release of the Draft EIS. The MDA intends to publish the Draft EIS in spring 2024, publish the Final EIS in early 2025, and sign a Record of Decision following the 30-day Final EIS review period.

Dated: May 2, 2023.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2023-09609 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0039]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Contract Management Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use

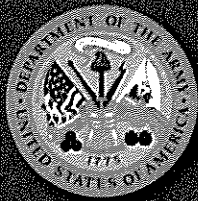


ENHANCED INTEGRATED AIR AND MISSILE DEFENSE SYSTEM ON GUAM

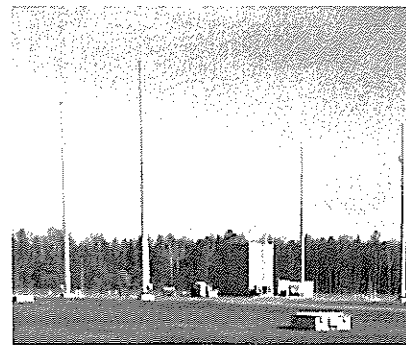
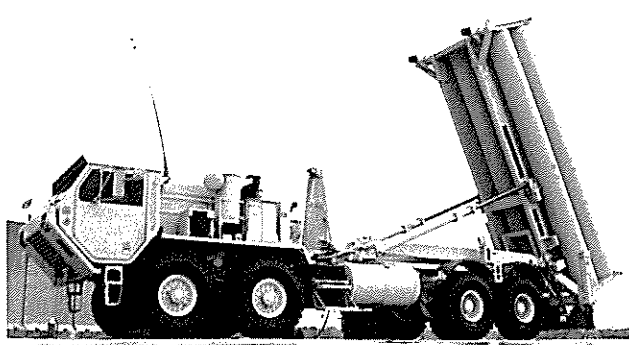
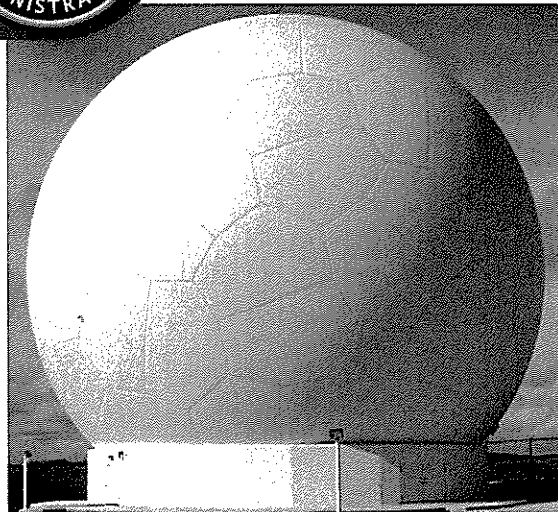
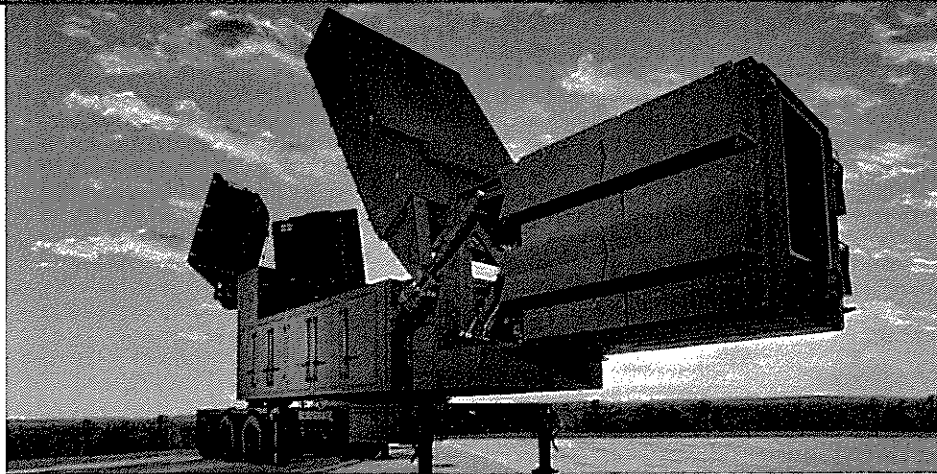
ENVIRONMENTAL IMPACT STATEMENT

Project Information

May 2023



www.mda.mil/system/eiamd.html



The Missile Defense Agency (MDA), with the U.S. Department of the Army, U.S. Department of the Navy, U.S. Department of the Air Force, and the Federal Aviation Administration as cooperating agencies, is preparing an Environmental Impact Statement (EIS) to evaluate the potential environmental impacts and potential mitigation of deploying and operating an Enhanced Integrated Air and Missile Defense system to defend Guam against advanced missile threats (Proposed Action).

Within the context of homeland defense, Guam is a key strategic location for sustaining and maintaining U.S. influence, deterring adversaries, responding to crises, and maintaining a free and open Indo-Pacific. Current U.S. forces are capable of defending Guam against regional ballistic missile threats. However, regional missile threats to Guam continue to increase and advance technologically. Therefore, the U.S. Indo-Pacific Command has identified a requirement for an Enhanced Integrated Air and Missile Defense system on Guam as soon as possible to address the rapid evolution of adversary missile threats.

PROPOSED ACTION

The Proposed Action is to deploy and operate a comprehensive, persistent, 360-degree Enhanced Integrated Air and Missile Defense system to defend the entirety of Guam against the rapidly evolving threats of advanced cruise, ballistic, and hypersonic missile attacks from regional adversaries. MDA and the Army need to strategically locate and integrate various system components, including a command and control center, radars, sensors, missile launchers, missile interceptors, and support facilities, at multiple sites around Guam.



The term "deploy" refers to preparing sites and, where needed, any construction required for supporting infrastructure or to distribute components of the system. The term "operate" refers to long-term facility operations and maintenance, including initial testing of the system.

MDA anticipates airspace modifications may be necessary at sites where radars would be located. Airspace needs or modifications would be coordinated with and approved by the Federal Aviation Administration.

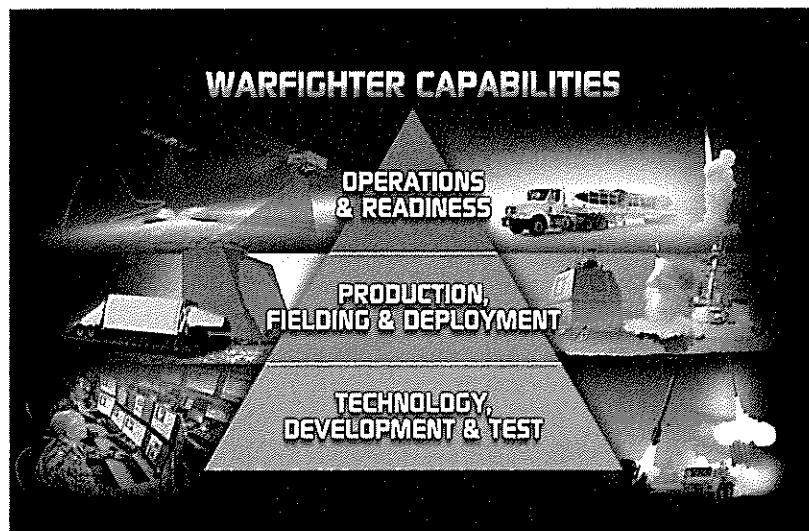
This radar searches, tracks, and discriminates objects and provides tracking data to other system components.

Cooperating Agencies

The Missile Defense Agency is the lead agency for preparing the EIS. Due to jurisdiction or expertise, or for potentially affected operations and resources, the U.S. Department of the Army, U.S. Department of the Navy, U.S. Department of the Air Force, and the Federal Aviation Administration will be cooperating agencies in the preparation and review of the EIS.

ABOUT THE MISSILE DEFENSE AGENCY

MDA is a research, development, and acquisition agency within the Department of Defense. Its workforce includes government civilians, military service members from all services, and contractor personnel around the world.



Mission of the Missile Defense Agency. MDA's mission is to develop and deploy a layered Missile Defense System to defend the United States, its deployed forces, and allies from missile attacks in all phases of flight.

MDA Mission

The mission of MDA is to develop and deploy a layered Missile Defense System to defend the United States, its deployed forces, and allies from missile attacks in all phases of flight.

MDA works closely with combatant commands who rely on the Missile Defense System to protect the United States, its forward deployed forces, and allies from advanced missile attack. MDA works with commanders to ensure the United States develops a robust missile defense system and development program to address the challenges of an evolving threat. It is also steadily increasing international cooperation by supporting mutual security interests in missile defense.

MDA Strategic Goals

To achieve its mission, MDA is dedicated to the following goals:

1. Support the warfighter.
2. Prove the power of missile defense through testing.
3. Continue development and deployment of the Missile Defense System for homeland and regional defense.
4. Implement a team approach to agency operations.
5. Optimize available resources.
6. Inspire professional excellence.
7. Foster a supportive environment for a diverse and professional workforce.
8. Implement the National Security Strategy through international cooperation in missile defense.
9. Capitalize on the creativity and innovation of the nation's universities and small business community.



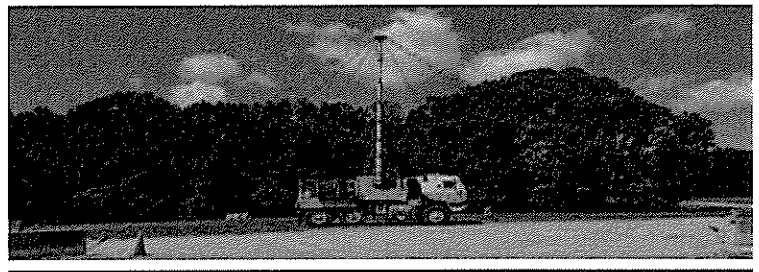
THE ENHANCED INTEGRATED AIR AND MISSILE DEFENSE SYSTEM

The Enhanced Integrated Air and Missile Defense system is intended to defend Guam against regional cruise, ballistic, and hypersonic missile attacks originating from any nation. The system would be able to defend Guam a full 360 degrees around the entirety of the island. The 360-degree capability would be achieved by distributing/placing missile defense components, including a command and control center, radars, sensors, missile launchers, missile interceptors, and support facilities, at multiple locations around the island. These integrated components would defend against simultaneous air and missile attacks against Guam. The system is expected to start deployment in 2027.

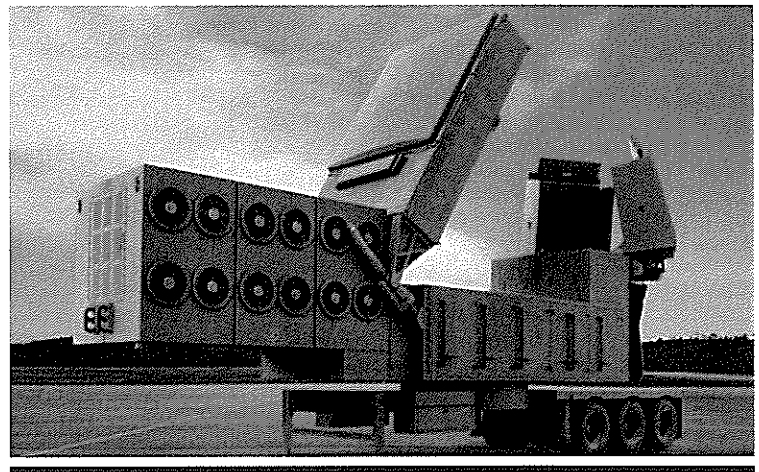
Components of the Enhanced Integrated Air and Missile Defense System

Deployment of the Enhanced Integrated Air and Missile Defense system would include the ground-based, mission critical system components from MDA, the Army, and the Navy that have been integrated to interact together for missile defense. Deployment also includes the facilities that support these components. System components are parts of the defense system that would be located on the ground sites and would include radars; sensors; missile launchers; missile interceptors; and command and control, battle management, and communications systems. Mission support facilities would be constructed in support of the system components, and would include power plants, fuel storage facilities, and operations facilities.

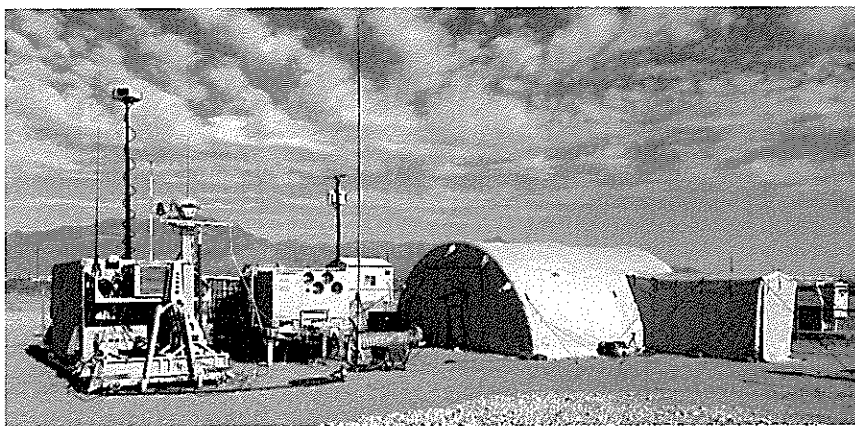
Once the components and facilities are deployed and become operational, life support facilities would be necessary to accommodate the personnel associated with the system. Life support facilities may include family housing, fire stations, gas stations, or child youth services.



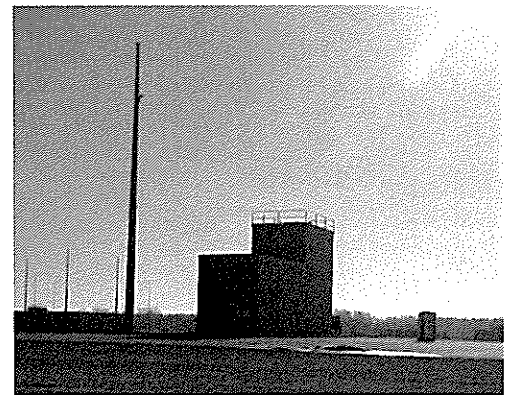
This Army 360-degree surveillance sensor is mobile and long-range.



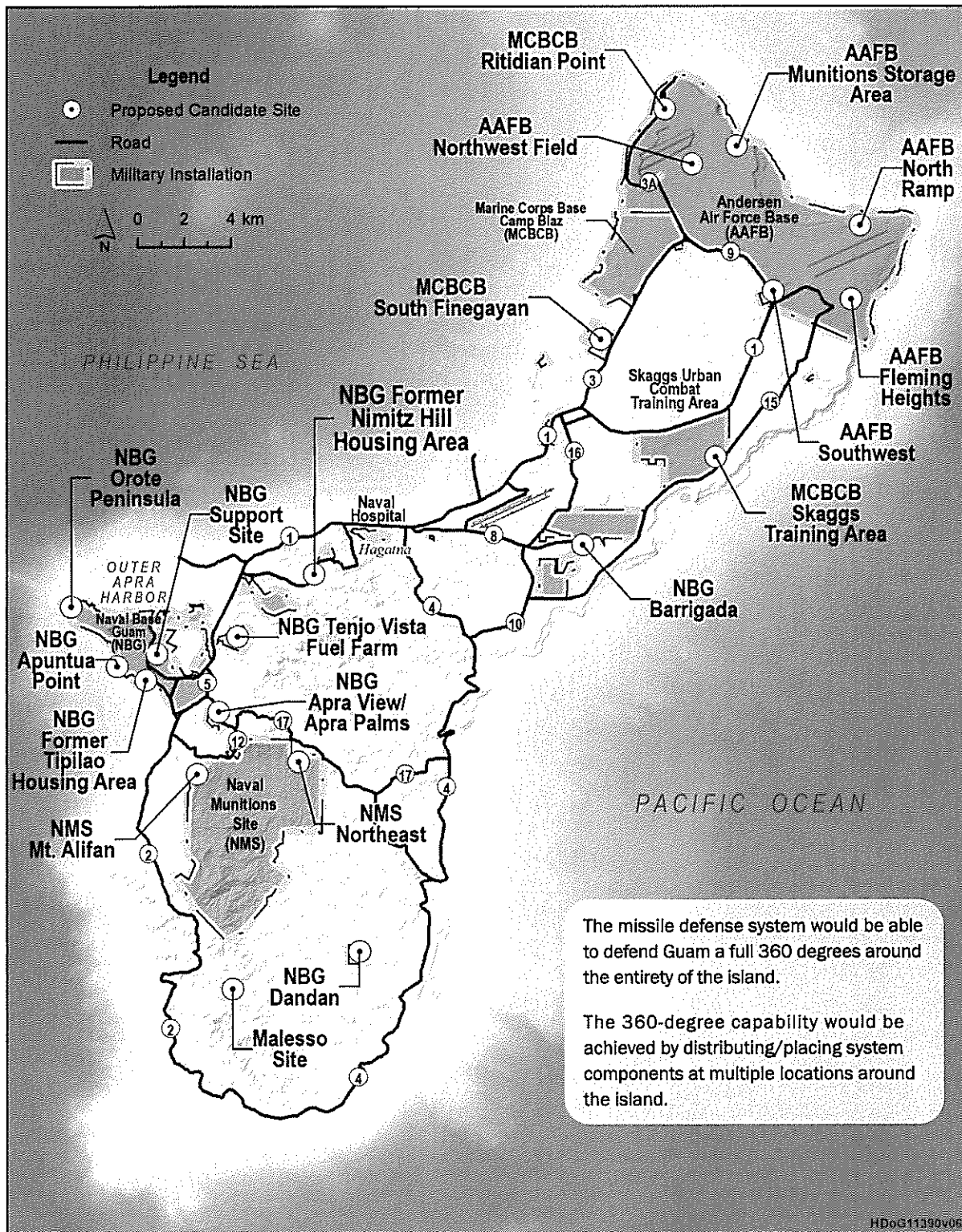
This land-based sensor provides critical information for the long-range classification, discrimination, and identification of missiles.



A communications relay support component is critical to the missile defense system.



Launchers would contain interceptor missiles to intercept incoming missile threats to Guam.



Candidate Sites for Enhanced Integrated Air and Missile Defense System Components. The Missile Defense Agency and the Army need to strategically locate and integrate various components of the Enhanced Integrated Air and Missile Defense system at multiple sites around Guam. In the event where Department of Defense (DoD) property is not available to strategically locate the components on DoD properties or where buffer and safety zone arcs encroach on non-federal properties, acquisition of appropriate real estate interests on non-federal property may be needed in a few areas. Site selection is evolving and additional sites may be considered.

ENVIRONMENTAL RESOURCES TO BE ANALYZED IN THE EIS

MDA is preparing an EIS to evaluate the potential impacts of the Proposed Action on the following resource areas:

- Water Resources
- Air Quality (including Climate Change)
- Airspace Management
- Land Use
- Visual Resources
- Recreation
- Noise and Vibration
- Socioeconomics
- Environmental Justice and Protection of Children
- Geological Resources
- Terrestrial Biological Resources
- Cultural Resources
- Infrastructure and Utilities
- Public Health and Safety
- Transportation

MDA anticipates airspace modifications may be necessary at sites where radars would be located. Potential socioeconomic and transportation impacts are also anticipated due to increased staffing needs associated with the Proposed Action.

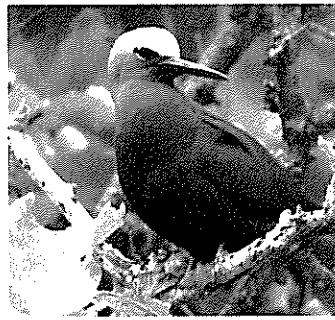
Cumulative impacts, which are the impacts on the environment resulting from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions, will also be analyzed.

MDA will also conduct surveys and studies to support the environmental impact analyses, including:

- Aeronautical Study
- Air Quality Impact Study
- Cultural Resource Assessment
- Natural Resources Baseline Survey
- Stormwater Study
- Utilities and Infrastructure Studies

Studies and surveys will also support required permitting and authorizations under the Clean Air Act, Clean Water Act, Coastal Zone Management Act, Endangered Species Act, the National Historic Preservation Act, and other regulations, as necessary. Airspace needs or modifications would be coordinated with and approved by the Federal Aviation Administration.

MDA will coordinate and consult with federal and local agencies to ensure a comprehensive environmental impact analysis document. The public and stakeholders can evaluate and comment on the Draft EIS when it is made available for public review.



MDA will analyze potential impacts of the Proposed Action on terrestrial biological resources, such as birds like the black noddie.



An aeronautical study will assess potential impacts on airspace and identify potential restricted areas to be requested. Photo of Antonio B. Won Pat International Airport.



The EIS will include an assessment of potential impacts from construction activities, such as noise and vibration.

NATIONAL ENVIRONMENTAL POLICY ACT AND PUBLIC INVOLVEMENT

The National Environmental Policy Act (NEPA) is a U.S. federal law that requires federal agencies to examine the potential environmental impacts of their proposed actions and to encourage and facilitate public involvement in decisions which may affect the quality of the environment.

MDA is committed to meaningful public involvement and will keep the public informed throughout the development of the EIS.

Before a federal agency may proceed with a major federal action (a "proposed action"), it must first consider the potential effects the proposal may have on the human, natural, or cultural environment. A federal agency can meet its NEPA requirements by preparing an EIS.

Public input and involvement are fundamental aspects of the EIS process. The NEPA process requires public involvement during the scoping period and when the Draft EIS is available for public review and comment. The public participates in the NEPA process during the following key stages:

- **Scoping Period:** The public can help the federal agency identify the scope of the EIS, potential alternatives, and identification of environmental concerns for consideration in the impact analysis.
- **Draft EIS Public Review and Comment Period:** The public can review, evaluate, and comment on the environmental impact analysis.
- **Final EIS Public Review Period:** The public can review how the federal agency responded to public comments on the Draft EIS and incorporated information into the impact analysis in the Final EIS.

For More Information and to Submit Comments

The public, including elected officials, government agencies, nongovernmental organizations, and interested individuals are encouraged to learn more and participate in the NEPA process.

MDA welcomes the public's comments on the scope of the EIS, potential alternatives, identification of environmental concerns, issues that should be addressed in the EIS, and the project's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966. Visit the project website at www.mda.mil/system/eiamd.html to learn more and submit comments. For more information, please contact Mr. Mark Wright, MDA Public Affairs, at 571-231-8212 or by email to mda.info@mda.mil.

The public can also submit comments at the open house public scoping meetings, by email to info@EIAMD-EIS.com, or by U.S. postal mail to:

ManTech International Corporation
Attention: EIAMD EIS Project Support
PMB 403
1270 N. Marine Corps Dr., Suite 101
Tamuning, Guam 96913-4331

Comments must be postmarked or received online by **June 27, 2023**, for consideration in the Draft EIS.

This public scoping effort will also support consultation under Section 106 of the NHPA and its implementing regulations at 36 Code of Federal Regulations Part 800.

The public is encouraged to provide comments on the scope of the EIS, potential alternatives, and identification of environmental concerns for consideration in the impact analysis.

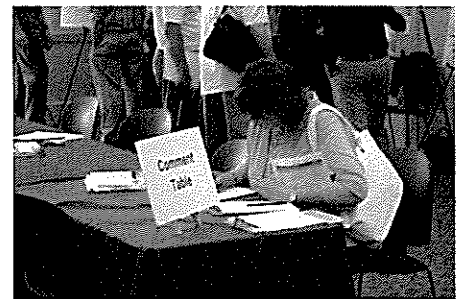
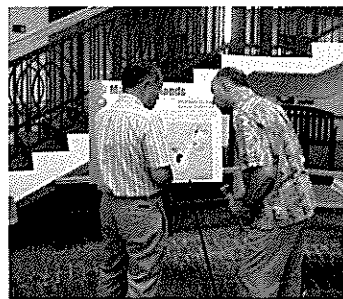
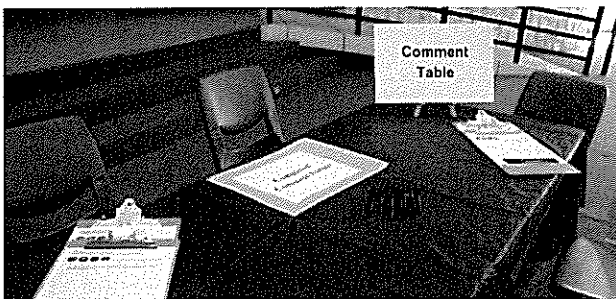
NATIONAL ENVIRONMENTAL POLICY ACT PROCESS AND TIMELINE

Milestone	Description	Current Schedule*
Notice of Intent to Prepare an EIS	<ul style="list-style-type: none"> Initiates the public involvement phase of the NEPA process. 	May 5, 2023
▶ Scoping Period	<ul style="list-style-type: none"> Provides an early and open public process for identifying, defining, and prioritizing issues to be evaluated in the EIS. Includes public meetings and other opportunities to learn more and submit comments. 	COMMENT PERIOD: May 5, 2023 – June 27, 2023 OPEN HOUSE SCOPING MEETINGS: Mangilao: June 14, 2023 Dededo: June 15, 2023 Santa Rita: June 16, 2023
Draft EIS	<ul style="list-style-type: none"> Presents the analysis of potential environmental impacts for each identified alternative. 	Spring 2024
▶ Draft EIS Public Review and Comment Period	<ul style="list-style-type: none"> Provides at least 45 days for the public to comment on the analysis presented in the Draft EIS. Includes public meetings and other opportunities to learn more and submit comments. 	COMMENT PERIOD: Spring 2024 PUBLIC MEETINGS: Spring 2024
▶ Final EIS and Public Review Period	<ul style="list-style-type: none"> Includes updates to the Draft EIS and responses to public comments received during the Draft EIS comment period. Provides at least 30 days for the public to review the Final EIS before agencies may make their decisions. 	Early 2025
Record of Decision	<ul style="list-style-type: none"> Includes selection of an alternative by agencies. 	Early 2025

* The current schedule is subject to change.

▶ Opportunity for Public Review and Comment

▶ Opportunity for Public Review



there are fewer than 200 individuals in the stratum. OPA weights the eligible respondents in order to make inferences about the entire population of active duty spouses. The weighting methodology utilizes standard weighting processes.

Dated: April 27, 2023.

Aaron T. Siegel,
*Alternate OSD Federal Register Liaison
 Officer, Department of Defense.*

[FR Doc. 2023-09623 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2023-OS-0038]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 5, 2023.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Deputy Assistant Secretary for Defense for Military Personnel Policy, Office of Military Compensation Policy, ATTN: Mr. Ronald Garner, Pentagon, Washington, DC 20301-1500, or call (703) 693-1059.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Data for Payment of Retired Personnel; DD Form 2656; OMB Control Number 0704-0569.

Needs and Uses: The information collection requirement is necessary to obtain applicable retirement information from Uniformed Service members and allow those members to make certain retired pay and survivor annuity elections prior to retirement from service or prior to reaching eligibility to receive retired pay. The form will also allow eligible members covered by the Blended Retirement System to make a voluntary election of a partial lump sum of retired pay, as required by section 1415 of title 10, United States Code.

Affected Public: Individuals or households.

Annual Burden Hours: 31,988.

Number of Respondents: 127,950.

Responses per Respondent: 1.

Annual Responses: 127,950.

Average Burden per Response: 15 minutes.

Frequency: As required.

Every member of the Uniformed Services who retires or reaches the age of eligibility to begin receiving retired pay, in the case of members of the Reserves and National Guard, will voluntarily complete this form to request retired pay, designate beneficiaries, and make a Survivor Benefit Plan election. In an average calendar year, approximately 127,950 members of the Uniformed Service will complete this form. The spouses of retiring members of the Uniformed Services are only required to complete part V of this form if the Service member declines or reduces his or her level of under the Survivor Benefit Plan.

Dated: April 27, 2023.

Aaron T. Siegel,
*Alternate OSD Federal Register Liaison
 Officer, Department of Defense.*

[FR Doc. 2023-09627 Filed 5-4-23; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Intent To Prepare an Environmental Impact Statement for an Enhanced Integrated Air and Missile Defense System on Guam

AGENCY: Missile Defense Agency (MDA), Department of Defense (DoD).

ACTION: Notice of intent.

SUMMARY: The MDA is issuing this notice of intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts associated with an Enhanced Integrated Air and Missile Defense (EIAMD) system for the defense of Guam. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA) of 1969; the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; MDA's NEPA Implementing Procedures; U.S. Department of the Army's (Army) NEPA Implementing Procedures; U.S. Department of the Navy's (DoN) Environmental Readiness Program; U.S. Department of the Air Force's (DAF) Environmental Impact Analysis Process; and Federal Aviation Administration's (FAA) NEPA Policies and Procedures. The EIS will evaluate the potential environmental impacts from the proposed deployment and operation of missile defense radars and sensors, missile interceptor launchers, and command and control systems; construction and operation of associated support facilities and infrastructure; and management of associated airspace (hereafter called "Proposed Action"). The MDA is initiating a public scoping period to receive comments on the scope of the EIS including identification of potential alternatives, information, and analyses relevant to the Proposed Action, and the Proposed Action's potential to affect historic properties pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966.

DATES: The MDA invites comments during the public scoping period beginning with publication of this notice in the **Federal Register**. Comments must be postmarked or

U.S. Department of Defense - Missile Defense Agency

National Environmental Policy Act (NEPA)

The NEPA requires all federal agencies to evaluate and consider the environmental impacts of their proposed actions and reasonable alternatives to those actions. The NEPA process enables federal agencies such as the Missile Defense Agency (MDA) to make informed decisions about the consequences of our projects, to both solicit public input and inform the public about our findings, and to take actions that will protect the environment.

The NEPA process starts after a proposal is formulated to take a major federal action. In the process, there are three levels of analysis depending on whether or not a proposed action could significantly affect the environment. The basic levels of NEPA environmental review and documentation process include:

Categorical Exclusion (CATEX): A category of actions that normally do not have a significant effect on the human environment, and therefore do not require preparation of an environmental assessment or environmental impact statement. Some CATEXs are documented with a Record of Environmental Consideration (REC).

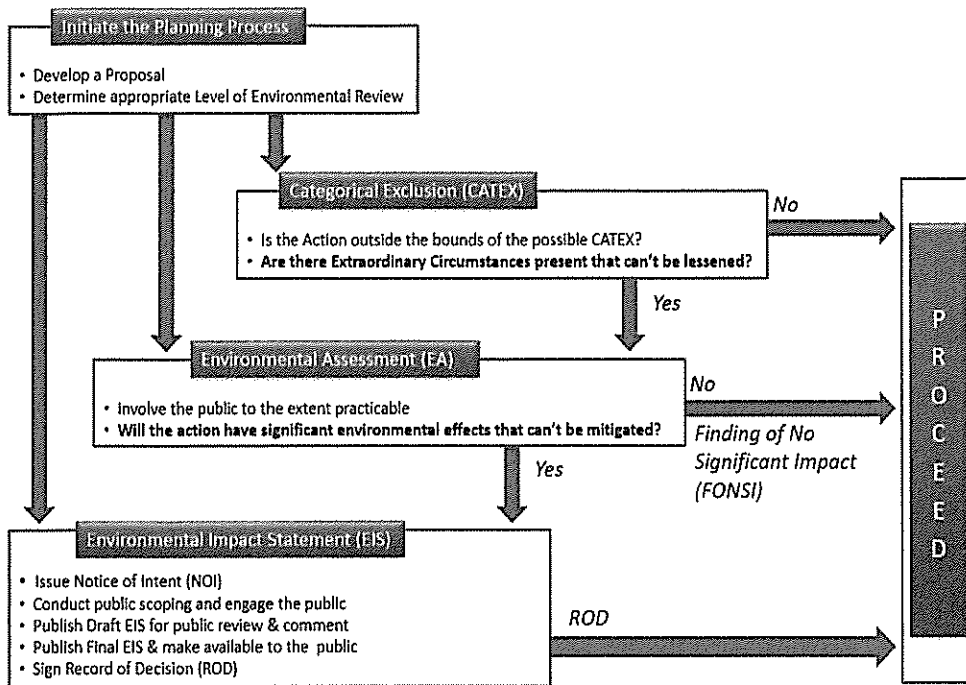
Environmental Assessment (EA): A document that determines whether or not a proposed action has the potential to cause significant environmental impacts. An EA briefly describes the proposed action and its need, any alternative actions to the proposed action, and the environmental impacts of the proposed action and alternatives. In the event an EA is prepared and there are no significant impacts identified that can't be mitigated, then this determination and required mitigations would be documented in a Finding of No Significant Impact (FONSI). If there would be significant impacts that could not be mitigated, then an Environmental Impact Statement would be prepared.

Environmental Impact Statement (EIS): A detailed document prepared for proposed actions expected to have a significant impact on the quality of the human environment. An EIS describes the proposed action and its need, any alternative actions to the proposed action, and the environmental impacts of the proposed action and alternatives. The EIS process begins with publication of a Notice of Intent (NOI) and ends with the issuance of a Record of Decision (ROD). The ROD documents the decision on which action to implement and discusses mitigation and monitoring measures, if necessary.

Mitigation measures avoid or reduce the impact of the action and can include:

- Avoiding the impact by not taking action or not implementing certain parts of the action,
- Minimizing impacts by limiting the degree or magnitude of the action,
- Repairing, rehabilitating, or restoring the affected environment,
- Reducing or eliminating the impact by preservation and maintenance operations during implementation over time, and
- Compensating for the impact by replacing or providing for substitute resources or environments.

The NEPA Process



How the MDA implements NEPA (</about/implementingnepa.html>)

NEPA Documents (</about/nepadocuments.html>)

U.S. Department of Defense - Missile Defense Agency

ENHANCED INTEGRATED AIR & MISSILE DEFENSE (EIAMD) SYSTEM ON GUAM

Public Comments

The Missile Defense Agency (MDA) welcomes the public's comments on the scope of the Environmental Impact Statement (EIS), potential alternatives, identification of environmental concerns, issues that should be addressed in the EIS, and the project's potential to affect historic properties pursuant to Section 106 of the National Historic Preservation Act of 1966.

The public is encouraged to submit comments during the scoping period from **May 5, 2023, through June 27, 2023**. Comments may be submitted **at the open house public scoping meetings, by email to info@eiamd-eis.com, online (<https://eiamd-eis.com>), or by U.S. postal mail to:**

ManTech International Corporation
Attention: EIAMD EIS Project Support
PMB 403
1270 N. Marine Corps Dr., Suite 101
Tamuning, Guam 96913-4331

Comments must be postmarked or received online by June 27, 2023, for consideration in the Draft EIS. The National Environmental Policy Act process requires public involvement during the scoping period and when the Draft EIS is available for public review and comment.

Privacy Advisory: Requesting public review and comment on the scope of the EIAMD EIS and environmental issues that should be considered is required in accordance with the National Environmental Policy Act. The EIS process will also support the National Historic Preservation Act requirements, including Section 106 consultation. All comments received during the public comment period will become part of the public record and will be considered during preparation of the EIS. Providing private address information with your comment is voluntary and such personal information will be kept confidential unless release is required by law. Failure to provide your address will result in your name not being included on the project notification list, and you will not receive notifications about this project.

COUNCIL ON ENVIRONMENTAL QUALITY
EXECUTIVE OFFICE OF THE PRESIDENT

A Citizen's Guide to NEPA

Having Your Voice Heard



JANUARY 2021

The Council on Environmental Quality (CEQ) revised this guide in January 2021 to reflect the updated National Environmental Policy Act (NEPA) Implementing Regulations that became effective on September 14, 2020. CEQ modernized and clarified the regulations to facilitate more efficient, effective, and timely NEPA reviews by Federal agencies. This guide provides an explanation of NEPA, how it is implemented, and how people outside the Federal Government—individual citizens, private sector applicants, members of organized groups, and representatives of Tribal, State, or local government agencies—can participate in the assessment of environmental impacts conducted by Federal agencies. This guide is informational, does not establish new requirements, and is not formal CEQ guidance. The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

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List of Acronyms

CE	Categorical Exclusion
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
FONSI	Finding of No Significant Impact
NCECR	McCain Center for Environmental Conflict Resolution
NEPA	National Environmental Policy Act
NOI	Notice of Intent
ROD	Record of Decision
U.S.C.	United States Code

Purpose of the Guide

CEQ developed this guide to help citizens and organizations effectively participate in Federal agencies' environmental reviews under the National Environmental Policy Act (NEPA), which requires the consideration of environmental effects in Federal decision making.¹ With some limited exceptions, all Federal agencies in the executive branch have to comply with NEPA before they make final decisions about major Federal actions that could have environmental effects. The Federal Government takes hundreds of actions every day that may be subject to NEPA, including Federal construction projects, plans to manage and develop federally owned lands, and Federal approvals of non-Federal activities such as grants, licenses, and permits.

The environmental review process under NEPA provides an opportunity for citizens to get involved in a Federal agency's decision-making process. This guide will help you understand proposals for Federal actions, when to offer your thoughts on alternative ways for the agency to accomplish what it proposes, and how to offer your comments on the agency's analysis of the environmental effects of the proposed action and possible mitigation of potential harmful effects of such actions. NEPA requires Federal agencies to consider the effects of their actions on the environment, including interrelated social, cultural, and economic effects. Citizens often possess helpful information about the potential environmental, social, and economic effects that proposed Federal actions may have on people, places, and resources. NEPA's requirements provide you the opportunity to provide information to a Federal agency so it can take your input and unique perspective into account during the decision-making process.

History and Purpose of NEPA

Congress enacted NEPA in December 1969, and President Nixon signed it into law on January 1, 1970. NEPA established this country's national environmental policy and a process to implement it. Section 101 of NEPA declares that the national policy is "to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and [to] fulfill the social, economic, and other requirements of present and future generations of Americans." 42 U.S.C. 4331(a).

What are the Procedural Requirements of NEPA?

Section 102 of NEPA contains procedures to ensure Federal agencies carry out the national policy of Section 101. These procedures require Federal agencies to engage in an environmental review process that integrates the consideration of the environment in Federal agency decision-making. NEPA also directs Federal agencies, to the fullest extent possible, to interpret and administer the policies, regulations, and public laws of the United States consistent with the policies set forth in NEPA.²

In NEPA, Congress recognized that the Federal Government's actions may cause significant environmental effects. Using the NEPA process, agencies must determine if their proposed actions will have significant environmental effects and consider the reasonably foreseeable environmental and related social and economic effects of their proposed actions that have a reasonably close causal relationship to the proposed actions. NEPA does not require particular

results or outcomes. Rather, NEPA encourages better decisions by requiring agencies to consider the environmental effects of their proposed actions in making their decisions. This environmental review process has two major purposes: ensuring that agencies consider the significant environmental consequences of their proposed actions and informing the public about their decision making.

NEPA also created the Council on Environmental Quality (CEQ). One of the responsibilities of CEQ is to consult with Federal agencies on procedures to implement NEPA's procedural requirements. In 1978, CEQ issued binding regulations directing agencies on the fundamental requirements necessary to fulfill their NEPA procedural obligations. CEQ updated these regulations in 2020 to facilitate more efficient, effective, and timely NEPA reviews by Federal agencies and to improve interagency coordination.³

Who is Responsible for Implementing NEPA?

NEPA's procedural requirements apply to all Federal agencies in the executive branch and some Federal boards, commissions, independent agencies, and committees. NEPA does not apply to the President, to Congress, or to the Federal courts.⁴

Because NEPA implementation is an important responsibility of the Federal Government, many Federal agencies have established offices dedicated to NEPA policy and program oversight. Employees in these offices prepare NEPA guidance, policy, and procedures for the agency, and often make this information available to the public through the Internet. A "senior agency official" oversees the agency's overall compliance with NEPA and resolves any implementation issues that may arise, including those related to agency timelines and schedules for environmental reviews.⁵ Federal agencies must develop their own capacity within a NEPA program in order to develop analyses and documents (or review those prepared by others) to ensure informed decision making.⁶ Most agency NEPA procedures are available online at [NEPA.gov](https://www.nepa.gov) or on individual agency websites, which agencies are required to maintain to allow agencies and the public to efficiently and effectively access information about NEPA reviews.⁷ Agency NEPA procedures also are published in the *Federal Register* for public review and comment when first proposed and some are later codified and published in the Code of Federal Regulations.⁸ If you experience difficulty locating an agency's NEPA procedures, you can contact the agency NEPA point of contact and ask for a copy of their procedures.⁹

To What Do the Procedural Requirements of NEPA Apply?

NEPA's procedural requirements apply to a Federal agency's decisions on proposed actions, including providing permits for private actions; financing, assisting, conducting, or approving projects or programs; issuing agency rules, regulations, plans, policies, or procedures; making Federal land management decisions; and an agency's legislative proposals.¹⁰ NEPA applies when a Federal agency has discretion to choose among one or more alternative means of accomplishing a particular goal.¹¹

Frequently, private individuals or companies will become involved in the NEPA process when they need a permit issued by a Federal agency. When a company applies for a permit (for example, for crossing Federal lands or impacting waters of the United States), the agency that is

being asked to issue the permit must evaluate the reasonably foreseeable environmental effects of the permit decision that have a reasonably close causal relationship to the agency decision. Federal agencies might require the private company or developer to pay for the preparation of analyses, but the agency remains responsible for the scope and accuracy of the analysis.

When Does NEPA Apply?

NEPA requires agency decision makers to make informed decisions. Therefore, the NEPA process must be completed before an agency makes a final decision on a proposed action. As a threshold matter, agencies start the NEPA process early by evaluating in their agency NEPA procedures the extent to which a proposed action requires environmental analysis.¹² NEPA does not require the decision maker to select the environmentally preferable alternative or prohibit adverse environmental effects. Indeed, decision makers in Federal agencies often must take into account other concerns and policy considerations in the decision-making process, such as social, economic, technical or national security interests. But NEPA does require that decision makers be informed of the environmental consequences of their decisions.

Federal agencies also can use the NEPA process to comply with other environmental requirements like the Endangered Species Act, the National Historic Preservation Act, the Environmental Justice Executive Order, and other Federal, State, Tribal, and local laws and regulations.¹³ Agencies often coordinate to conduct these other environmental reviews concurrently to increase efficiency and avoid duplication.¹⁴

Who Oversees the NEPA Process?

There are two Federal agencies that have particular responsibilities relating to NEPA. CEQ has primary responsibility for overseeing implementation of NEPA by Federal agencies. Congress placed CEQ in the Executive Office of the President and gave it many responsibilities, including the responsibility to ensure that Federal agencies meet their obligations under the Act. CEQ oversees implementation of NEPA, principally through issuance and interpretation of NEPA regulations that implement the procedural requirements of NEPA. CEQ also reviews and approves Federal agency NEPA procedures, approves alternative arrangements for compliance with NEPA in the case of emergencies, and helps to resolve disputes between Federal agencies and with other governmental entities and members of the public.

The CEQ regulations set forth requirements for agencies and call for agencies to update their own implementing procedures that implement these requirements based on each agency's specific mandates, obligations, and missions.¹⁵ These agency-specific NEPA procedures account for the slight differences in agencies' NEPA processes.

The Environmental Protection Agency's (EPA's) Office of Federal Activities also conducts NEPA oversight as it reviews environmental impact statements (EISs) and some environmental assessments (EAs) issued by Federal agencies.¹⁶ It provides its comments to the public by publishing summaries of them in the *Federal Register*, a daily publication that provides notice of Federal agency actions. Appendix B has information on the *Federal Register*. EPA's reviews are intended to assist Federal agencies in improving their NEPA analyses and decisions.¹⁷

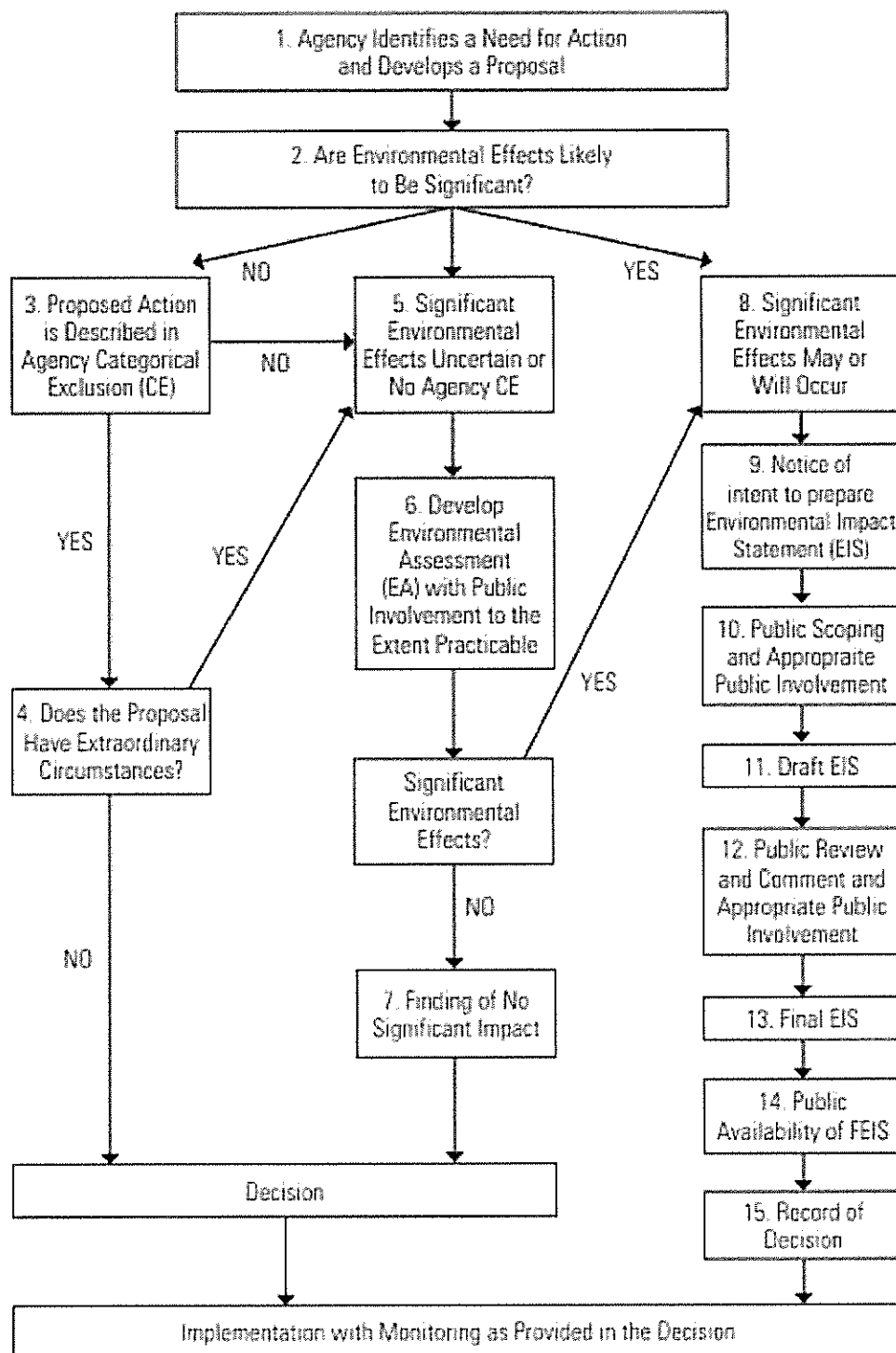
In addition to CEQ's and EPA's oversight, other agencies also may assist in the NEPA process, particularly in issue resolution (for example, the McCain Center for Environmental Conflict Resolution (NCECR) and Federal Permitting Improvement Steering Council).

Navigating the NEPA Process

Each year, Federal agencies prepare thousands of EAs and hundreds of EISs. These documents provide citizens and communities with an opportunity to learn about and be involved in the agencies' environmental reviews that are part of the Federal agency decision-making process. It is important to understand that commenting on a proposal is not a "vote" on whether the proposed action should take place. Nonetheless, the information you provide during the EA and EIS process can influence the decision makers and their final decisions because NEPA requires that Federal decision makers be informed of the environmental consequences of their decisions.

This guide will help you better navigate the NEPA process and better understand the roles of the various other actors. While reading the guide, please refer to the flowchart, "The NEPA Process," in Figure 1, which details the steps of the NEPA process. For ease of reference, each step of the process is designated with a number that is highlighted in the text discussing that particular step. While agencies may differ slightly in how they comply with NEPA, understanding the basics will give you the information you need to work effectively with any agency's process.

The NEPA Process (Figure 1)



** Significant new circumstances or information relevant to environmental concerns or substantial changes in the proposed action that are relevant to environmental concerns may necessitate preparation of a supplemental EIS following either the draft or final EIS, or the Record of Decision. 40 CFR 1502.9(d).*

The NEPA process begins when an agency develops a proposal to address a need to take an action. The need to take an action may be something the agency identifies itself, or it may be a need to make a decision on a proposal brought to it by someone outside of the agency, for example, an applicant for a permit. Based on the need, the agency develops a proposal for action (Number 1 in Figure 1). If it is the only Federal agency involved, that agency will automatically be the “lead agency,” which means it has the primary responsibility for compliance with NEPA.

Some large or complex proposals involve multiple Federal agencies along with State, Tribal, and local agencies. If another Federal, State, Tribal, or local agency has a major role in the proposed action and also has NEPA responsibilities or responsibilities under a similar NEPA-like law,¹⁸ that agency may be a “joint lead agency.” A “joint lead agency” shares the lead agency’s responsibility for management of the NEPA process, including public involvement and the preparation of documents.

Other Federal, State, Tribal, or local government agencies may have a decision or special expertise regarding a proposed action, but less of a role than the lead agency. In that case, such a Federal, State, Tribal, or local government agency may be a “cooperating agency.” A “cooperating agency” is an agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative). Thus, a “cooperating agency” typically will have some responsibilities for the analysis related to its jurisdiction or special expertise.

Special Situations

- Congress may exempt an action from NEPA.
- If the agency needs to take an action that would typically require preparation of an EIS in response to an emergency, and there is insufficient time to follow the regular NEPA process, then the agency can proceed immediately to mitigate harm to life, property, or important resources, and work with CEQ to develop alternative arrangements for compliance with NEPA (40 CFR 1506.12). The NEPA analyses and document may involve classified information. If the entire action is classified, the agency will still comply with the analytical requirements of NEPA, but the information will not be released for public review. If only a portion of the information is classified, the agency will organize the classified material so that the unclassified portions can be made available for review (40 CFR 1507.3(f)).

Implementing the NEPA Process

The CEQ NEPA regulations establish three levels of review for Federal agencies to assess proposals for agency action: a categorical exclusion (CE), an EA, or an EIS. Once it has developed a proposed action, the agency will determine which level of NEPA review the agency will pursue. Agencies may review expeditiously those actions that normally do not have

significant effects by using CEs or, for actions that are not likely to have significant effects, by preparing EAs. By using CEs and EAs whenever appropriate, agencies then can focus their limited resources on those actions that are likely to have significant effects and require an EIS.

Categorical Exclusions (CEs) (Number 3 in Figure 1)

A CE is a category of actions that the agency has determined does not normally have a significant effect on the human environment.¹⁹ Examples include issuing administrative personnel procedures, making minor facility renovations (such as installing energy-efficient lighting), and reconstruction of hiking trails on public lands. Agencies develop a list of CEs specific to their operations when they develop or revise their NEPA implementing procedures in accordance with CEQ's NEPA regulations.²⁰

A CE is based on an agency's experience with a particular kind of action and its environmental effects. The agency may have studied the action in previous EAs, found no significant impact on the environment based on the analyses, and validated the lack of significant impacts after the implementation. If this is a type of action that will be repeated over time, the agency may decide to amend their implementing regulations to include the action as a CE. In these cases, the draft agency procedures are published in the *Federal Register*, and a public comment period is required. Members of the public may comment on draft agency procedures that are proposing new CEs or amending existing CEs to ensure the agency takes into consideration relevant information and views.

An agency may comply with NEPA by determining that a CE applies to a proposed action and verifying that no extraordinary circumstances exist that may cause the proposed action to have a significant effect. Extraordinary circumstances typically include such matters as effects to endangered species, protected cultural sites, and wetlands (Number 4 in Figure 1). If there are no extraordinary circumstances indicating that the effects of the action may be significant, or there are circumstances that lessen the impacts or other conditions sufficient to avoid significant effects, then the agency can proceed with the action.

If the proposed action is not included in the description provided in the CE established by the agency, or there are extraordinary circumstances, the agency must prepare an EA or an EIS, or develop a new proposal that may qualify for application of a CE. When the agency does not know or is uncertain whether significant impacts are expected, the agency should prepare an EA to determine if there are significant environmental effects.

Environmental Assessments (EA) (Number 6 in Figure 1)

The purpose of an EA is to determine the significance of the potential environmental effects of a proposed Federal action and to look at alternative means to achieve the agency's objectives. The EA is a concise public document to aid an agency's compliance with NEPA and support its determination whether to prepare an EIS (Number 6 in Figure 1) or a finding of no significant impact (FONSI) (Number 7 in Figure 1).²¹

Agencies must complete EAs within one year of the agency decision to prepare an EA unless a senior agency official of the lead agency approves a longer period in writing and establishes a new time limit.²²

An EA should include brief discussions of:

- The purpose and need for the proposal;
- Alternative courses of action for any proposal that involves unresolved conflicts concerning alternative uses of available resources;
- The environmental impacts of the proposed action and alternatives; and
- A listing of agencies and persons consulted.²³

Because the EA serves to evaluate the significance of a proposal for agency action, it should focus on the potentially affected environment and degree of the effects of the action.²⁴ Often the EA will identify ways in which the agency can revise the action to minimize environmental effects.

When preparing an EA, the agency has discretion as to the level of public involvement (Number 6 in Figure 1). The CEQ regulations state that the agency must involve, to the extent practicable, the public, State, Tribal, and local governments, other relevant agencies, and applicants in preparing EAs.²⁵ Sometimes agencies will choose to use the scoping and public comment periods that are found in the EIS process. In other situations, agencies make the EA and a draft FONSI available to interested members of the public.

Some agencies require that interested parties be notified of the decision to prepare an EA. Some agencies keep a notification list of parties interested in a particular kind of action or in all agency actions. Other agencies simply prepare the EA. It is important that you read the specific NEPA procedures of the proposing agency or ask the local NEPA point of contact working on the project about the process and let the appropriate agency representative know if you are interested in being notified of all NEPA documents or NEPA processes related to a particular type of action.

The EA process concludes with either a FONSI (Number 7 in Figure 1) or a determination to proceed to preparation of an EIS. A FONSI is a document that presents the reasons why the agency has concluded that there are no significant environmental impacts projected to occur upon implementation of the action.²⁶ The FONSI either includes the EA or incorporates the EA by reference.

In two circumstances, the CEQ NEPA regulations require agencies to make the proposed FONSI available for public review for 30 days.²⁷ Those situations are:

- If the type of proposed action has not been done before by the particular agency, or
- If the action is something that typically would require an EIS under the agency NEPA procedures.

If this is the case, the agency usually publishes a notice of availability of the FONSI with information on how and where to provide your comments. The agency may post it on its website, publish it in local newspapers, publish it in the *Federal Register*, or make available in some other manner. If you are interested in a particular action that is the subject of an EA, you should find out from the agency how it will make the FONSI available.

Environmental Impact Statements (EIS) (Number 8 in Figure 1)

A Federal agency must prepare an EIS if it is proposing a major Federal action significantly affecting the quality of the human environment.²⁸ The regulatory requirements for an EIS are more detailed than the requirements for an EA or a CE. The EIS process consists of four main stages, which are explained below: scoping with a public notice of intent (NOI) to prepare an EIS, the draft EIS and public comment period, the final EIS, and the record of decision (ROD).

To the extent practicable, if a proposal will require action by more than one Federal agency, the lead and cooperating agencies will evaluate the proposal in a single EIS and issue a joint ROD. Agencies must complete EISs within two years from the date of the NOI unless a senior agency official of the lead agency approves a longer period in writing and establishes a new time limit.²⁹

Scoping and Public Notice of Intent (Number 10 in Figure 1)

When a proposed action is sufficiently developed for agency consideration, the agency may begin the process of determining the scope of issues for analysis in an EIS. Scoping generally involves identifying significant issues, eliminating non-significant issues from further study, and determining the range of actions, alternatives, and impacts to be considered by the EIS.³⁰

A cornerstone of the scoping process is the publication of a NOI to prepare an EIS in the *Federal Register*, which provides information on the proposed action (Number 10 in Figure 1).³¹ The lead agency publishes the NOI as soon as practicable after the agency determines that the proposal is sufficiently developed to allow for meaningful public comment on alternatives, information, and issues for analysis in the EIS. The NOI briefly summarizes the proposal, including the purpose and need, expected impacts, and possible alternatives. Under the updated CEQ regulations, agencies must request in the NOI public comment specifically on potential alternatives, information, and analyses relevant to the proposed action. The NOI also provides a schedule for the decision-making process including anticipated permits and other authorizations, and describes the agency's proposed scoping process, including any meetings and how the public can get involved. The NOI also contains an agency point of contact who can answer questions about the proposed action and the NEPA process. Scoping also may include pre-application communication with potential cooperating agencies, an applicant, and survey work conducted before or after the publication of the NOI. The scoping process is the best time to identify issues, determine points of contact, establish project schedules, and provide recommendations to the agency. The overall goal is to define the scope of issues to be addressed in depth in the analyses that will be included in the EIS. Specifically, the scoping process will:

- Identify the significant issues to be analyzed in the EIS and eliminate from detailed study non-significant issues;
- Identify people or organizations who are interested in the proposed action and invite them to participate;
- Determine the roles and responsibilities of lead and cooperating agencies;
- Identify any related EAs or EISs;
- Identify gaps in data and informational needs;
- Identify other environmental review and consultation requirements so they can be integrated with the EIS; and

- Indicate the relationship between the development of the environmental analysis and the agency's tentative decision-making schedule.³²

As part of the process, agencies must identify and invite the participation of interested persons. The agency should choose whatever communications methods are best for effective involvement of communities, whether local, regional, or national, that are interested in the proposed action, and the agency must consider the ability of affected persons to access electronic media. Video conferencing, public meetings, conference calls, formal hearings, or informal workshops are among the legitimate ways to conduct scoping. It is in your interest to become involved as soon as the EIS process begins and to use the scoping opportunity to make thoughtful, rational presentations on impacts and alternatives. Some of the most constructive and beneficial interaction between the public and an agency occurs when citizens identify or develop reasonable alternatives that the agency can evaluate in the EIS.

NEPA is About People and Places

Draft EIS (Number 11 in Figure 1)

The next major step in the EIS process that provides an opportunity for your input is when the agency publishes a draft EIS for public comment. The agency publishes its EIS on an agency website and the EPA publishes a Notice of Availability in the *Federal Register* informing you and other members of the public that the draft is available for comment (Number 11 in Figure 1). Based on the communication plan established by the agency, websites, local papers, or other means of public notice may also be used. The comment period is at least 45 days long. During this time, the agency may conduct webinars, public meetings, or hearings as a way to solicit comments.³³ The agency will also request comments from other Federal, State, Tribal, and local agencies that may have jurisdiction or interest in the matter.

One key aspect of a draft EIS is the statement of the underlying purpose and need.³⁴ Agencies draft a "Purpose and Need" statement to describe what they are trying to achieve by proposing an action. The purpose and need statement explains to the reader why an agency action is necessary, and serves as the basis for identifying the reasonable alternatives that meet the purpose and need.

Another fundamental part of the draft EIS is the identification and evaluation of alternative ways of meeting the purpose and need of the proposed action. The lead agency or agencies must, "evaluate reasonable alternatives, and for alternatives that were eliminated from detailed study, briefly discuss the reasons for their elimination."³⁵ Reasonable alternatives are those that are technically and economically feasible, meet the proposal's purpose and need, and, where applicable, meet the goals of the applicant.³⁶ If the agency is considering an application for a permit or other Federal approval, the agency must still consider all reasonable alternatives. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint, rather than simply desirable from the standpoint of the applicant. Agencies are obligated to evaluate a reasonable range of feasible alternatives in enough detail so that a reader can compare and contrast the environmental effects of the various alternatives.

If an agency has a preferred alternative when it publishes a draft EIS, the draft must identify which alternative the agency prefers. All agencies must identify a preferred alternative in the final EIS, unless another law prohibits it from doing so.³⁷

Agencies must always describe and analyze a “no action” alternative. The “no action” alternative is simply what would happen if the agency did not act upon the proposal for agency action. For example, in the case of an application to the U.S. Army Corps of Engineers for a permit to place fill material from a dredging project in a particular area, the “no action” alternative is no permit. But in the case of a proposed new management plan for the National Park Service’s management of a national park, the “no action” alternative is the continuation of the current management plan. The “no action” alternative describes reasonably foreseeable environmental trends or planned actions in the area that would be affected by the proposed action.³⁸

Definition of Effects

CEQ NEPA Regulation, 40 CFR 1508.1(g)

Effects or *impacts* means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives, including those effects that occur at the same time and place as the proposed action or alternatives and may include effects that are later in time or farther removed in distance from the proposed action or alternatives.

(1) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment), social, or health effects. Effects may also include those resulting from actions that may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.

(2) A “but for” causal relationship is insufficient to make an agency responsible for a particular effect under NEPA. Effects should generally not be considered if they are remote in time, geographically remote, or the product of a lengthy causal chain. Effects do not include those effects that the agency has no ability to prevent due to its limited statutory authority or would occur regardless of the proposed action.

(3) An agency’s analysis of effects shall be consistent with this paragraph (g). Cumulative impact, defined in 40 CFR 1508.7 (1978), is repealed.

The environmental consequences section discusses the effects of the proposed action, no action, and reasonable alternatives. It also forms the scientific and analytic basis for the comparisons of the proposed action and reasonable alternatives made under the alternatives section. For purposes of NEPA, “effects” and “impacts” mean the same thing—changes to the human

environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives. This includes those effects that occur at the same time and place as the proposed action or alternatives and may include effects that occur later or are farther removed in distance from the proposed action or alternatives.³⁹ Impacts include ecological, aesthetic, historic, cultural, economic, social, or health impacts, whether adverse or beneficial.⁴⁰ It is important to note that human beings are part of the environment (indeed, that is why Congress used the phrase “human environment” in NEPA), so when an EIS is prepared and economic or social and natural or physical environmental effects are interrelated, the EIS should discuss all of these effects.⁴¹

In addition to the environmental impacts of the proposed action and alternatives, the environmental consequences section will discuss:

- Any potential unavoidable adverse environmental effects;
- The relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity;
- Any potential irreversible or irretrievable commitments of resources;
- Possible conflicts with land use plans, policies, and controls for the area;
- Energy and natural or depletable resource requirements and conservation potential of alternatives and mitigation measures;
- Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures;
- Mitigation of adverse environmental impacts; and
- Applicable economic and technical considerations, including the economic benefits of the proposed action.

The draft EIS will also contain a summary of alternatives, information, and analysis submitted by commenters during the scoping process.⁴² The agency will specifically invite comment on this summary.

The EIS also will have a list of the individuals who prepared the document and their qualifications⁴³ and a table of contents.⁴⁴ The agency may choose to append the EIS with additional material relevant to the decision, including material prepared in connection with the EIS or that substantiates its analysis.⁴⁵

Final EIS (Number 13 in Figure 1)

When the public comment period is finished, the agency analyzes comments, conducts further analysis as necessary, and prepares the final EIS. The agency may respond to individual comments or groups of comments by making changes to the proposed action or alternatives, developing new alternatives, modifying its analyses, making factual corrections, or explaining why a comment does not require the agency’s response.⁴⁶ Often the agency will meet with other agencies that may be affected by the proposed action in an effort to resolve an issue or mitigate project effects. The final EIS also will include a summary that identifies all relevant alternatives, information, and analyses submitted by commenters for consideration by the lead and cooperating agencies.⁴⁷

When it is ready, the agency will publish the final EIS and EPA will publish a Notice of Availability in the *Federal Register*. The Notice of Availability can mark the start of a waiting period (Number 14 in Figure 1), during which a minimum of 30 days must pass before the agency can make a decision on its proposed action, unless the agency couples the 30 days with a formal internal appeals process or is authorized to issue a combined final EIS and ROD.⁴⁸ A waiting period provides time for the agency decision maker to consider public comments, the purpose and need for agency action, weigh the alternatives, balance the objectives and policy considerations, and make a decision.

There is an additional (but rarely used) procedure worth noting: pre-decisional referrals to CEQ.⁴⁹ This referral process takes place when EPA or another Federal agency determines that proceeding with the proposed action is environmentally unacceptable. If an agency reaches that conclusion, the agency can refer the issue to CEQ within 25 days after the Notice of Availability for the final EIS is issued. CEQ then works to resolve the issue with the agencies concerned. CEQ might also refer the agencies to the NCECR to try to address the matter before formal elevation.⁵⁰ There is no provision for citizens to formally refer an action to CEQ; however, CEQ typically provides an opportunity for public involvement in a referral.

Record of Decision (ROD) (Number 15 in Figure 1)

The ROD is the final step for agencies in the EIS process. The ROD is a document that states what the decision is; identifies the alternatives considered, including the environmentally preferred alternative; and discusses mitigation plans, including any enforcement and monitoring commitments.⁵¹ In the ROD, the agency discusses all the factors, including any considerations of national policy that were contemplated when it reached its decision on whether to, and if so how to, proceed with the proposed action. The ROD will also discuss if all practical means to avoid or minimize environmental harm have been adopted, and if not, why they were not. The ROD will summarize any monitoring and enforcement program that it has adopted for any enforceable mitigation requirements or commitments.⁵² The ROD also will contain a certification by the decision maker that, in developing the EIS, the agency has considered all of the alternatives, information, analysis, and objections submitted by State, Tribal, and local governments and public commenters.⁵³ The ROD is a publicly available document. Sometimes RODs are published in the *Federal Register* or on the agency's website, but if you are interested in receiving the ROD, you should ask the agency's point of contact for the EIS how to obtain a copy of the ROD.

Supplemental EIS

Sometimes a Federal agency is obligated to prepare a supplement to an existing EIS. An agency must prepare a supplement to either a draft or final EIS if the proposed action has not been completed and the agency makes substantial changes in the proposed action that are relevant to environmental concerns or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. An agency may also prepare a supplemental EIS if it determines that doing so will further the purposes of NEPA.⁵⁴ An agency prepares a supplemental EIS in the same way as a draft or final EIS, except that scoping is not required. If a supplement is prepared following a draft EIS, the final EIS will address both the draft EIS and supplemental EIS. An agency may find that substantial changes

in a proposed action or new circumstances or information do not result in significant environmental concerns. In such cases, the agency will document the finding consistent with its procedures, or, if necessary, in a FONSI supported by an EA.

EPA's Review

EPA plays a critical role in other agencies' NEPA processes. EPA must review and provide comments on the adequacy of the analysis and the impact to the environment.⁵⁵ EPA must refer a matter to CEQ if it determines that the action is environmentally unsatisfactory.

The Office of Federal Activities in EPA is the official recipient of all EISs prepared by Federal agencies, and publishes the notices of availability in the *Federal Register* for all draft, final, and supplemental EISs. The publication of these notices start the official clock for public review and comment periods and wait periods.⁵⁶ In addition to the *Federal Register*, EISs are available in the EIS database at <https://www.epa.gov/nepa>.

When and How to Get Involved

It Depends on the Agency

To determine the specific steps in the process where public involvement will be the most effective, it is very important to review the agency's NEPA procedures and the agency's NEPA website.⁵⁷ As previously mentioned, NEPA procedures may differ among agencies.

In addition, new legislation and presidential directives can change the way NEPA is implemented in agencies. Congress has enacted a number of statutes to improve coordination among agencies, integrate NEPA with other environmental reviews, and bring more transparency to the NEPA process. Presidents also have directed agencies, through Executive orders and Presidential memoranda, to undertake various initiatives that improve the timeliness and efficiency of the NEPA process.

Infrastructure Projects under FAST-41

In 2015, Congress enacted Title 41 of the Fast Act (FAST-41) to provide for a more efficient environmental review and permitting process for "covered projects."⁵⁸ These are projects that require Federal environmental review under NEPA, are expected to exceed \$200 million, and involve the construction of infrastructure for renewable or conventional energy production, electricity transmission, water resource projects, broadband, pipelines, manufacturing, and other sectors.

FAST-41 created the Federal Permitting Improvement Steering Council (FPISC or Permitting Council), composed of agency Deputy Secretary-level members and chaired by an Executive Director appointed by the President. FAST-41 establishes new procedures that standardize interagency consultation and coordination practices. FAST-41 also codifies into law the use of a Permitting Dashboard to track project timelines (www.permits.performance.gov). The Permitting Dashboard is an online tool for Federal agencies, project developers, and interested members of the public to track the Federal Government's environmental review and

authorization processes for large or complex infrastructure projects. Project sponsor participation in FAST-41 is voluntarily.

FAST-41 codified certain roles and responsibilities required by the NEPA regulations, such as the concepts of lead and cooperating agencies, and the different levels of NEPA analysis—EISs, EAs, and CEs—and the requirement for CEQ to resolve any dispute over designation of a facilitating or lead agency for a covered project.⁵⁹ Additionally, Congress addressed interagency coordination on key aspects of the NEPA process, including scoping, identification of the range of reasonable alternatives for study in an EIS, and the public comment process. Finally, Congress established a two-year statute of limitations for covered projects.⁶⁰ The Permitting Council has more resources on FAST-41 posted on the Permitting Dashboard.

Be Informed of Actions

Sometimes citizens generally are interested in actions taking place in a particular area (for example, in your community or in an ecosystem or a facility that affects you). If this is the case, you can inform the appropriate agency or agencies that you would like to be notified of any proposed action or any environmental impact analysis that might be prepared in that area. In addition, CEQ now requires agencies to have websites where they post environmental documents, relevant notices, and other relevant information for use by interested persons.⁶¹

Active Involvement

Being active in the NEPA process requires you to dedicate some of your resources to the effort. Environmental impact analyses can be technical and lengthy. Agencies can be expected to provide general responses to general comments on a NEPA document, so active involvement in the NEPA process requires a commitment of time and a willingness to share information with the decision-making agency and other citizens. For example, during the scoping process for an EIS, you are encouraged to identify alternatives, information, and analyses relevant to the proposed action for consideration by the agency.⁶² The agency will summarize that information in the draft EIS and invite further comment on that information.⁶³ However, you must submit your comments during the comment periods in order for the agency to consider the information and to ensure informed decision making.⁶⁴

You may participate as an individual, get involved by working with other interested individuals or organizations, or by working through your State, Tribal, or local government. For example, if an agency is taking an action for which your State, Tribal, or local government has special expertise or approval authority, the appropriate State, Tribal, or local agency can become a “cooperating agency” with the Federal agency.⁶⁵ This formal status does not increase their role in decision making, but it does allow the governments to use their knowledge and authorities to help shape the Federal decision-making process.

Another way to participate is to check with local experts such as biologists or economists at a university to assist with your review of the NEPA analyses and documents. You can also form study groups to review environmental impact analyses and enlist experts to review your comments on the documents.

Your involvement in the NEPA process does not have to be confined to commenting on the analysis. If the agency adopts monitoring and mitigation in the ROD, upon request, it must make available to the public the results of relevant monitoring.⁶⁶ Upon request, it also must inform cooperating or participating agencies on progress in carrying out mitigation measures that they have proposed and that were adopted by the agency making the decision.⁶⁷ Community groups also can be involved in monitoring.

In summary, there are several opportunities to get involved in the NEPA process:

- When the agency prepares its NEPA procedure;
- Prior to and during preparation of a NEPA analysis;
- When a NEPA document is published for public review and comment;
- When a final decision is pending before the agency decision-maker; and
- When monitoring the implementation of the proposed action and the effectiveness of any associated mitigation.

Other Processes that Require Public Involvement

When a proposed action is part of a permitting process, the statute or regulations for that permitting process also may provide opportunities to comment in addition to the NEPA public involvement opportunities discussed above. For example, most Federal agency land use planning regulations require public involvement. While this guide does not explore all of those additional possibilities for comment, the NEPA team working on a particular proposal will be familiar with the various comment periods and will be able to inform you of those opportunities. Note that the permitting and NEPA processes should be integrated or run concurrently in order to have an effective and efficient decision-making process.

Public Comment Periods

Agencies must make diligent efforts to involve the public in development and implementation of their NEPA procedures.¹ In requesting comments on a draft EIS, Federal agencies must affirmatively solicit comments in a manner designed to inform those persons or organizations who may be interested in or affected by the proposed action.¹ Citizens involved in the process should ensure that they know how agencies will inform the public that an action is proposed and the NEPA process is beginning (via the *Federal Register*, websites, newspapers, direct mailing, etc.); that certain documents are available; and that preliminary determinations have been made on the possible environmental effects of the proposal (e.g., what level of analysis the agency will initially undertake).

Agencies solicit different levels of involvement when they prepare an EA versus an EIS. In preparing an EIS, agencies must invite the identification of alternatives, information, and analyses relevant to the proposed action during the scoping process. Agencies must summarize that information in the draft EIS and have a 45-day comment period after the draft EIS is made available. In the case of an agency preparing an EA, the CEQ regulations require the agency to involve the public to the extent practicable, but each agency has its own guidelines about how to involve the public for EAs. In any case, citizens are entitled to receive “environmental documents,” such as EAs, involved in the NEPA process.¹

In terms of a specific agency, required public comment periods associated with an EA or an EIS can be found in its NEPA procedures. An agency may grant requests to extend the comment period to ensure enough time for the public and other agencies to review and comment.

Citizens who want to raise issues with the agency should do so as specifically as possible and at the earliest possible stage in the process. Agencies are much more likely to evaluate a new alternative or address a concern if it is raised in a clear and timely manner.

How to Comment

Comments may be the most important contribution from citizens because they promote informed decision making. Comments should provide sufficient detail for the agency to understand the commenter’s position and why the issues raised are important to the decision. Accordingly, comments should be clear, concise, relevant to the analysis of the proposed action, and submitted during the public comment periods. Take the time to organize thoughts and edit the document submitted.⁶⁸ As a general rule, the tone of the comments should be polite and respectful. Those reviewing comments are public servants tasked with a job, and they deserve the same respect and professional treatment that you and other citizens expect in return. Comments that are solution-oriented and provide specific examples will be more effective than those that simply oppose the proposed project. Comments that contribute to developing alternatives that address the purpose and need for the action also are effective. Agencies must invite the submission of alternatives

during the scoping process to facilitate timely submission of comments that contribute to developing alternatives.

Commenting is not a form of “voting” on an alternative. The number of negative comments an agency receives does not prevent an action from moving forward. Agencies typically respond collectively to numerous comments that repeat the same basic message of support or opposition. In addition, general comments that state an action will have “significant environmental effects” will not help an agency make a better decision unless the comment explains the relevant causes and environmental effects. If you think the proposed action will have a significant environmental effect, explain why the issues you raise are significant to the consideration of potential environmental impacts and alternatives to the proposed action. In drafting comments, try to focus on the purpose and need of the proposed action, the proposed alternatives, the assessment of the environmental impacts of those alternatives, and the proposed mitigation.

Finally, remember that decision makers also receive other information and data, such as operational and technical information related to implementing an action, which they will have to consider when making a final decision.

What If Involvement Is Not Going Well?

For the purposes of this discussion, “not going well” means that you or your organization believes that the lead agency is not giving the public sufficient opportunity to get involved or is not using that involvement effectively. Perhaps you think that the agency should hold a public meeting. Or you or your community or group has developed an alternative that you think meets the purpose and need of the proposed action and reflects the policies set forth in NEPA. Maybe you want an extension of the comment period because the document’s appendix is very lengthy, and you simply need more time to review it. Or maybe you feel that communications between your organization and the lead agency have, for some reason, not been constructive.

The most appropriate steps to take if you find yourself in these kinds of situations always depend, of course, on the particular people, timing, and proposal at hand. Nonetheless, here are some possible factors and courses of action to consider.

Do Not Wait Too Long

First, do not wait too long to raise your concerns; raise them as soon as practicable, and be mindful of the comment period and when it ends. If you just sit back and hope that things will get “better” or that your comments will have greater effect later, you may hear that “you should have raised this sooner.” At times, waiting can be detrimental to your interests as well as to the rest of the public and the agency involved. For example, if you feel strongly that a particular alternative should be addressed and do not raise it during the scoping process, then it will not get the benefit of comparative analysis with the other alternatives. In addition, it could result in a more expensive and lengthy process (costing taxpayers, including yourself, more) if your delayed suggestion results in the agency deciding to issue a supplemental EIS analyzing that alternative. Or, if you or your organization later go to court to argue that a certain alternative should have been analyzed in the NEPA document, the judge may find that the court will not

consider that information because you should have raised your concern earlier during the NEPA process.⁶⁹

Contact the Agency

Your first line of recourse should be with the individual that the agency has identified as being in charge of this particular process. See if you can sit down with him or her to discuss your concern(s). You may be pleasantly surprised at the response.

Collaboration and Conflict Resolution Support

Some decisions necessarily involve conflicting views, so Federal agencies may choose to engage an impartial third-party to support stakeholder engagement and conflict resolution in a NEPA process. Impartial third-party support may include facilitation, mediation, stakeholder engagement process design, and other services to enhance collaboration between the lead agency and its partners, stakeholders, and citizens. These approaches, referred to as environmental collaboration and conflict resolution (ECCR), are often beneficial if the process ahead may be particularly contentious or challenging and include a past history of deeply divided interests. If you believe the process that you are involved with has a high-level of conflict or contention, consider raising with the lead agency the possibility of enhancing collaborative opportunities within the NEPA process using outside assistance.

In recent years, the Federal Government has used ECCR due to its numerous benefits. The Office of Management and Budget (OMB) and CEQ underscored ECCR's utility by jointly issuing memoranda that directed Federal agencies to increase the effective use of environmental conflict resolution and build institutional capacity for collaborative problem solving.⁷⁰ These memoranda highlighted basic principles for agency engagement in ECCR processes, including informed commitment, balanced and voluntary representation, group autonomy, informed process, accountability, openness, timeliness, and implementation.

ECCR offers many advantages over adversarial approaches to resolve environmental challenges, such as litigation. A 2018 report examining the use of ECCR in Federal processes over the previous decade found that these approaches lead to a savings in time and financial resources, an improvement in relationships between government and stakeholders, and improved outcomes.⁷¹ For example, between 2011 and 2014, the EPA reported that ECCR took 45 percent less time to reach a decision, 30 percent fewer staff, and 79 percent fewer lead attorney hours.⁷² And in a 2009 study, those involved in ECCR reported improved relationships, ability to work together, and level of trust.⁷³ Other benefits to ECCR include:

- Better information, diverse expertise, better-informed decisions;
- Fairer process, especially for traditionally disadvantaged/under-represented parties;
- Better integration, enhanced coordination, and streamlining;
- Conflict prevention and resolution of differences;
- Improved fact-finding and common understanding of the facts;
- Increased social capital through the promotion of trust and partnership;
- Easier implementation “vesting” stakeholders in decision implementation;
- Enhanced stewardship promoted through cooperation; and

- Reduced litigation by solving problems at lowest possible level and narrowing issues.

The NCECR is a Federal agency⁷⁴ that provides collaboration, consensus-building, and conflict resolution services on a range of environmental, natural and cultural resources, Tribal, and public lands issues involving the Federal Government. Citizens can work with lead agencies to express their interest in a collaborative approach and may recommend the involvement of the NCECR.⁷⁵ There may also be an environmental conflict resolution office in your state that can provide assistance, and there are also many other individuals and organizations in the private sector that provide various types of conflict resolution services.

NEPA's Requirements

Perhaps your concern involves understanding a legal requirement. There are, of course, many ways to obtain the advice of lawyers knowledgeable about the NEPA process: the lead agency, private attorneys, and public interest attorneys. Build your own understanding by reading information on the [NEPA.gov](http://www.nepa.gov) website. You may also call the General Counsel's office or the Associate Director for NEPA at the Council on Environmental Quality for assistance in understanding NEPA's legal requirements or for advice and assistance if you have tried to work with the lead agency but feel those efforts have been unsuccessful (see Appendix A for contact information).

Remedies Available

Finally, of course, there are both administrative and judicial remedies available. A few Federal agencies, such as the Bureau of Land Management and the Forest Service, have an administrative appeals process. Each process is specific to that agency. If an appeal is available, you may find it beneficial to invoke it to try to resolve your concerns with the agency's decisions without the need for a legal challenge. Moreover, a statute or agency regulation may require you to exhaust such an appeal procedure before seeking judicial review. Citizens who believe that a Federal agency's actions violate NEPA may seek judicial review (after any required administrative appeals) in Federal court under the Administrative Procedure Act. If you are represented by a lawyer, you should consult with him or her about appropriate options and about communicating with the Federal agencies.

Final Thoughts

This guide was developed to explain NEPA, how it is implemented, and how people outside the Federal Government—individual citizens, private sector applicants, members of organized groups, or representatives of Tribal, State, or local government agencies—can better participate in the assessment of environmental impacts conducted by Federal agencies. To learn more about CEQ and NEPA, visit our web sites at <http://www.whitehouse.gov/ceq> and [NEPA.gov](http://www.nepa.gov) or contact the CEQ Associate Director for NEPA at (202) 395-5750. Your thoughts and comments on improving this Guide for future editions are always welcome.

Appendix A: About the Council on Environmental Quality

The National Environmental Policy Act (NEPA) established the Council on Environmental Quality (CEQ) in 1970 within the Executive Office of the President. CEQ oversees Federal agency NEPA implementation and develops and recommends national policies to the President that promote the improvement of environmental quality and meet the Nation's goals. In addition, CEQ is assigned various duties and responsibilities under other statutes, Executive Orders, and Presidential Memoranda, including with regard to Federal ocean policy, Federal sustainability, and timely environmental review and permitting processes for infrastructure development, and other matters.

The Council on Environmental Quality is housed within the Executive Office of the President. CEQ has offices within the Eisenhower Executive Office Building (EEOB) and within the Jackson Place townhouses on Lafayette Square.

Mailing Address

Council on Environmental Quality
730 Jackson Place, NW
Washington, DC 20503

Main Line: (202) 395-5750

Fax: (202) 456-6546

Appendix B: Useful Websites

NEPA.gov

NEPA.gov is the Council on Environmental Quality's NEPA website that is supported by the U.S. Department of Energy. It contains a wealth of information related to NEPA. The site contains CEQ guidance as well as studies and reports and information on NEPA training.

Under the "Laws & Regulations" section, there are several useful links including:

- The NEPA Statute
- Executive Orders
- CEQ Regulations for Implementing NEPA
- State NEPA Information
- The Legislative History of NEPA
- Individual Federal Agency Procedures for Implementing NEPA⁷⁶

The other sections provide information about:

- Guidance
- How to get involved
- Resources on NEPA Practice
- CEQ Publications
- CEQ Reports

The *Federal Register* and How to Use It

<https://www.federalregister.gov/>

The *Federal Register* is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents. It is updated daily by 6 a.m. and is published Monday through Friday, except Federal holidays.

This is where you will find notices from Federal agencies regarding their NEPA actions. Information on the availability of documents, schedule of meetings, and notices of intent to prepare EISs are also published in the *Federal Register*. In addition, EPA publishes a list of EISs that they have received from agencies each week, and a summary of ratings on EISs that they have reviewed.

The easiest way to pull up notices is to have as much information as possible. Key words such as the name of the agency, location of the action, date or date ranges of the publication are all helpful in the search.

The Electronic Code of Federal Regulations (e-CFR)

www.ecfr.gov

The Electronic Code of Federal Regulations (e-CFR) is a currently updated version of the Code of Federal Regulations (CFR). It is not an official legal edition of the CFR. The e-CFR is an editorial compilation of CFR material and *Federal Register* amendments produced by the National Archives and Records Administration's Office of the Federal Register (OFR) and the Government Publishing Office. The OFR updates the material in the e-CFR on a daily basis. The current update status appears at the top of all e-CFR web pages.

The United States Code

The United States Code is a compilation of most public laws currently in force, organized by subject matter. When a law has been amended by another law, the U.S. Code reflects this change. The U.S. Code collates the original law with subsequent amendments, and it deletes language that has later been repealed or superseded.

The full text of the official version of the U.S. Code is provided on www.govinfo.gov at www.govinfo.gov/app/collection/uscode. You can do fielded searches to look for Code material by popular name of the law, the public law number, U.S. Code citation, Statutes at Large citation, or word or phrase. You can also browse the U.S. Code by individual Code titles, down to the section level, for the latest available update.

The U.S. House Office of the Law Revision Counsel also provides the full text of the official version of the U.S. Code at uscode.house.gov/. You can do fielded searches or download entire titles or chapters. This site also provides classification tables that show where recently enacted laws will appear in the United States Code and which sections of the Code have been amended by those laws.

The Federal Infrastructure Permitting Dashboard

www.permits.performance.gov

The Permitting Dashboard is an online tool for Federal agencies, project developers, and interested members of the public to track the Federal Government's environmental review and authorization processes for large or complex infrastructure projects, part of a government-wide effort to improve coordination, transparency, and accountability.

A major function of this Dashboard is to track infrastructure projects designated as "Covered Projects" under Title 41 of the Fixing America's Surface Transportation Act (FAST-41). The Dashboard also provides information on most DOT projects, as well as other infrastructure projects. Follow the "Projects" link for project-specific information.

Appendix C: Agency NEPA Contacts

The list of Federal NEPA Contacts is maintained on [NEPA.gov](https://nepa.gov) under the heading “NEPA Practice” and is periodically updated.

The complete list is available via the link entitled “Federal NEPA Contacts” or available directly at <https://ceq.doe.gov/nepa-practice/agency-nepa-contacts.html>. If you do not have computer access, call CEQ at (202) 395-5750 for assistance.

Appendix D: Statutory References

The National Environmental Policy Act of 1969

42 U.S.C. 4321. Congressional declaration of purpose [Sec. 2]

The purposes of this chapter are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

(Pub. L. 91-190, § 2, Jan. 1, 1970, 83 Stat. 852)

SUBCHAPTER I—POLICIES AND GOALS [TITLE I]

42 U.S.C. 4331. Congressional declaration of national environmental policy [Sec. 101]

(a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with state and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(Pub. L. 91-190, title I, § 101, Jan. 1, 1970, 83 Stat. 852)

42 U.S.C. 4332. Cooperation of agencies; reports; availability of information; recommendations; international and national coordination of efforts [Sec. 102]

The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this chapter and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by subchapter II of this chapter, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision-making along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, and shall accompany the proposal through the existing agency review processes;

(D) Any detailed statement required under subparagraph (C) after January 1, 1970, for any major Federal action funded under a program of grants to States shall not be deemed to be legally insufficient solely by reason of having been prepared by a state agency or official, if:

(i) the State agency or official has statewide jurisdiction and has the responsibility for such action,

- (ii) the responsible Federal official furnishes guidance and participates in such preparation,
- (iii) the responsible Federal official independently evaluates such statement prior to its approval and adoption, and
- (iv) after January 1, 1976, the responsible Federal official provides early notification to, and solicits the views of, any other state or any Federal land management entity of any action or any alternative thereto which may have significant impacts upon such state or affected Federal land management entity and, if there is any disagreement on such impacts, prepares a written assessment of such impacts and views for incorporation into such detailed statement.

The procedures in this subparagraph shall not relieve the Federal official of his responsibilities for the scope, objectivity, and content of the entire statement or of any other responsibility under this Act; and further, this subparagraph does not affect the legal sufficiency of statements prepared by State agencies with less than statewide jurisdiction.

(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(F) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(G) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(H) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(I) assist the Council on Environmental Quality established by subchapter II of this chapter.

(Pub. L. 91-190, title I, § 102, Jan. 1, 1970, 83 Stat. 853; Pub. L. 94-83, Aug. 9, 1975, 89 Stat. 424)

42 U.S.C. 4333. Conformity of administrative procedures to national environmental policy [Sec. 103]

All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this chapter and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this chapter.

(Pub. L. 91-190, title I, § 103, Jan. 1, 1970, 83 Stat. 854)

42 U.S.C. 4334. Other statutory obligations of agencies [Sec. 104]

Nothing in section 4332 [Sec. 102] or 4333 [Sec. 103] shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3)

to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

(Pub. L. 91–190, title I, § 104, Jan. 1, 1970, 83 Stat. 854)

42 U.S.C. 4335. Efforts supplemental to existing authorizations [Sec. 105]

The policies and goals set forth in this chapter are supplementary to those set forth in existing authorizations of Federal agencies.

(Pub. L. 91–190, title I, § 105, Jan. 1, 1970, 83 Stat. 854)

SUBCHAPTER II – COUNCIL ON ENVIRONMENTAL QUALITY [TITLE II]

42 U.S.C. 4341. [Sec. 201] Omitted

Section 201 which required the President to transmit to Congress annually an Environmental Quality Report, was terminated by Congress, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

(Pub. L. 91–190, title II, § 201, Jan. 1, 1970, 83 Stat. 854; Pub. L. 104–66, title III, § 3003, Dec. 21, 1995 of as amended, 31 U.S.C. 1113)

42 U.S.C. 4342. Establishment; membership; Chairman; appointments [Sec. 202]

There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the “Council”). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in subchapter I of this chapter; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

(Pub. L. 91–190, title II, § 202, Jan. 1, 1970, 83 Stat. 854)

Provisions stating that notwithstanding this section, the Council was to consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council, were contained in the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Pub. L. 109–54, title III, Aug. 2, 2005, 119 Stat. 543, and were repeated in provisions of subsequent appropriations acts which are not set out in the Code.

42 U.S.C. 4343. Employment of personnel, experts and consultants [Sec. 203]

(a) The Council may employ such officers and employees as may be necessary to carry out its functions under this chapter. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, (but without regard to the last sentence thereof).

(b) Notwithstanding section 1342 of Title 31, the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council.

(Pub. L. 91–190, title II, § 203, Jan. 1, 1970, 83 Stat. 855; Pub. L. 94–52, § 2, July 3, 1975, 89 Stat. 258)

42 U.S.C. 4344. Duties and functions [Sec. 204]

It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 4341[Sec. 201] of this title;¹

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subchapter I of this chapter, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in subchapter I of this chapter for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

(Pub. L. 91–190, title II, § 204, Jan. 1, 1970, 83 Stat. 855)

42 U.S.C. 4345. Consultation with Citizens' Advisory Committee on Environmental Quality and other representatives [Sec. 205]

In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

¹ CEQ notes that Congress amended 42 U.S.C. 4341 to remove the Environmental Quality Report requirement.

(2) utilize, to the fullest extent possible, the services, facilities and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

(Pub. L. 91-190, title II, § 205, Jan. 1, 1970, 83 Stat. 855)

42 U.S.C. 4346. Tenure and compensation of members [Sec. 206]

Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV o[f] the Executive Schedule Pay Rates (5 U.S.C. 5315).

(Pub. L. 91-190, title II, § 206, Jan. 1, 1970, 83 Stat. 856)

42 U.S.C. 4346a. Travel reimbursement by private organizations and Federal, State, and local governments [Sec. 207]

The Council may accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, any State, or local government, for the reasonable travel expenses incurred by an officer or employee of the Council in connection with his attendance at any conference, seminar, or similar meeting conducted for the benefit of the Council.

(Pub. L. 91-190, title II, § 207, as added Pub. L. 94-52, § 3, July 3, 1975, 89 Stat. 258)

42 U.S.C. 4346b. Expenditures in support of international activities [Sec. 208]

The Council may make expenditures in support of its international activities, including expenditures for: (1) international travel; (2) activities in implementation of international agreements; and (3) the support of international exchange programs in the United States and in foreign countries.

(Pub. L. 91-190, title II, § 208, as added Pub. L. 94-52, § 3, July 3, 1975, 89 Stat. 258)

42 U.S.C. 4347. Authorization of appropriations [Sec. 209]

There are authorized to be appropriated to carry out the provisions of this chapter not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

(Pub. L. 91-190, title II, § 209, formerly § 207, Jan. 1, 1970, 83 Stat. 856, renumbered § 209, Pub. L. 94-52, § 3, July 3, 1975, 89 Stat. 258)

The Clean Air Act—Section 309

42 U.S.C. 7609. Policy review [Sec. 309]

(a) Environmental impact

The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this chapter or other provisions of the authority of the Administration, contained in any (1) legislation proposed by any Federal

department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 4332(2)(C) of the title applies, and (3) proposed regulations published by any department or agency of the Federal Government. Such written comment shall be made public at the conclusion of any such review.

(b) Unsatisfactory legislation, action, or regulation

In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and the matter shall be referred to the Council on Environmental Quality.

(July 14, 1955, ch. 360, title III, § 309, as added Pub. L. 91-604, § 12(a), Dec. 31, 1970, 84 Stat. 1709)

¹ National Environmental Policy Act of 1969, *as amended*, 42 U.S.C. 4321-4347 provided in Appendix D.

² Section 102 of the National Environmental Policy Act of 1969, 42 U.S.C. 4332.

³ CEQ NEPA Regulations, 40 CFR parts 1500-1508, available at NEPA.gov.

⁴ Council on Environmental Quality, "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," 40 CFR 1508.1(k) available at NEPA.gov.

⁵ 40 CFR 1507.2(a) and 1508.1(dd).

⁶ 40 CFR 1507.2.

⁷ 40 CFR 1507.4.

⁸ Agencies publish their draft NEPA procedures in the *Federal Register*, and the CEQ NEPA regulations require a public comment period prior to CEQ approval. 40 CFR 1507.3. Members of the public may participate in the development of agency NEPA procedures by providing comments. Most agencies already have NEPA procedures; however, when they are changed, the agency will again provide for public comment on the proposed changes.

⁹ See Appendix C for information on how to access agency points of contact and agency websites.

¹⁰ 40 CFR 1508.1(q)(2). Note that this section applies only to legislation drafted and submitted to Congress by Federal agencies. NEPA does not apply to legislation initiated by members of Congress or by the President of the United States.

¹¹ 40 CFR 1508.1(x).

¹² 40 CFR 1501.1.

¹³ 40 CFR 1502.24.

¹⁴ 40 CFR 1506.2.

¹⁵ 40 CFR 1507.3.

¹⁶ Clean Air Act, 42 U.S.C. 7609.

¹⁷ For additional information see www.epa.gov/nepa.

¹⁸ About a quarter of the States have such laws; for example, New York, Montana, Washington, and California all have such laws. New York City also has such a law. A list with references is available at NEPA.gov by clicking on "Laws & Regulations," the "State NEPA Information" or directly at <https://ceq.doe.gov/laws-regulations/states.html>.

¹⁹ 40 CFR 1508.1(d).

²⁰ CEQ has developed a comprehensive list of the Federal agencies' CEs, which is available at <https://ceq.doe.gov/nepa-practice/categorical-exclusions.html>. Citizens may consult this resource but also should review the relevant agency's NEPA procedures to ensure that a CE is currently available for use.

²¹ 40 CFR 1508.1(h).

²² 40 CFR 1501.10(b)(1).

²³ 40 CFR 1501.5(c)(2).

²⁴ 40 CFR 1501.3(b).

²⁵ 40 CFR 1501.5(e).

²⁶ 40 CFR 1508.1(l).

²⁷ 40 CFR 1501.6(a)(2).

²⁸ 40 CFR 1502.3.

²⁹ 40 CFR 1501.10(b)(2).
³⁰ 40 CFR 1508.1(cc).
³¹ 40 CFR 1501.9(d).
³² 40 CFR 1501.9.
³³ Public hearings are run in a formal manner, with a recording or minutes taken of speakers' comments. Public meetings may be held in a variety of formats, and may be much more informal than hearings.
³⁴ 40 CFR 1502.13.
³⁵ 40 CFR 1502.14.
³⁶ 40 CFR 1508.1(z).
³⁷ 40 CFR 1502.14(d).
³⁸ 40 CFR 1502.14(c).
³⁹ 40 CFR 1508.1(g).
⁴⁰ 40 CFR 1508.1(g)(1).
⁴¹ 40 CFR 1502.16(b).
⁴² 40 CFR 1502.17(a).
⁴³ 40 CFR 1502.18.
⁴⁴ 40 CFR 1502.10.
⁴⁵ 40 CFR 1502.19.
⁴⁶ 40 CFR 1503.4.
⁴⁷ 40 CFR 1502.17(b).
⁴⁸ 40 CFR 1506.11(b) references statutory provisions for combining a final EIS and ROD. If the end of the 30 day wait period is less than 90 days after the notice of availability of the Draft EIS, was published in the *Federal Register*, then the decision must await the expiration of the 90 days.
⁴⁹ 40 CFR part 1504.
⁵⁰ The NCECR reports disputes it is involved with to CEQ and requests concurrence from CEQ to engage in those disputes involving two or more Federal agencies.
⁵¹ 40 CFR 1505.2.
⁵² 40 CFR 1505.2(a)(3).
⁵³ 40 CFR 1505.2(b).
⁵⁴ 40 CFR 1502.9(d).
⁵⁵ Clean Air Act, 42 U.S.C. 7609.
⁵⁶ 40 CFR 1506.11.
⁵⁷ 40 CFR 1507.4(a).
⁵⁸ Public Law 114–94, sec. 41001–41014, 129 Stat. 1312, 1741 (42 U.S.C. 4370m—4370m–12).
⁵⁹ 42 U.S.C. 4370m–2(a)(6)(B).
⁶⁰ 42 U.S.C. 4370m–6.
⁶¹ CEQ NEPA Regulations, 40 CFR 1507.4.
⁶² CEQ NEPA Regulations, 40 CFR 1501.9(d).
⁶³ CEQ NEPA Regulations, 40 CFR 1502.17, 1503.1(a)(3).
⁶⁴ 40 CFR 1500.3(b).
⁶⁵ 40 CFR 1501.8, 1508.1(e).
⁶⁶ 40 CFR 1505.3(d).
⁶⁷ 40 CFR 1505.3(c).
⁶⁸ There are many reference books for how to research issues, review documents, and write comments. One in particular is “The Art of Commenting” by Elizabeth Mullin from the Environmental Law Institute (Mullin, Elizabeth D. 2000. *The Art of Commenting: How to Influence Environmental Decisionmaking with Effective Comments*, Environmental Law Institute, Washington, DC). Another useful reference for those involved in commenting on transportation projects is the American Association of State Highway and Transportation Officials’ (AASHTO) *Practitioner’s Handbook 05-Utilizing Community Advisory Committees for NEPA Studies*, December, 2006, <http://environment.transportation.org> or available through AASHTO’s Center for Environmental Excellence by calling (202) 624-3635.
⁶⁹ 40 CFR 1500.3(b), 1503.3(b).

⁷⁰ Memorandum on Environmental Conflict Resolution (Nov. 28, 2005), as expanded by Memorandum on Environmental Collaboration and Conflict Resolution (Sept. 7, 2012), <https://ceq.doe.gov/nepa-practice/environmental-collaboration-and-conflict-resolution.html>.

⁷¹ Federal Forum on Environmental Collaboration and Conflict Resolution, Environmental Collaboration and Conflict Resolution (ECCR): Enhancing Agency Efficiency and Making Government Accountable to the People (May 2, 2018), https://ceq.doe.gov/docs/nepa-practice/ECCR_Benefits_Recommendations_Report_%205-02-018.pdf.

⁷² Hall, W.E. (2016, June). “Assessing the value of environmental collaboration and conflict resolution: A census of litigation related cases to estimate comparative process costs at the U.S. Environmental Protection Agency.” Concurrent session presentation, the 29th Annual Conference of the International Association for Conflict Management, Columbia University, New York, NY.

⁷³ Emerson, K., Orr, P.J., Keyes, D.L., & McKnight, K.M. (2009). Environmental conflict resolution: Evaluating performance outcomes and contributing factors. *Conflict Resolution Quarterly*, 27(1), 27–64.

⁷⁴ The McCain Center is a program of Udall Foundation, is an independent, nonpartisan Federal agency. Environmental Policy and Conflict Resolution Act of 1998, 20 U.S.C. 5601–5609, as amended.

⁷⁵ The McCain Center can be contacted via www.ecr.gov; mailing address: John S. McCain III National Center for Environmental Conflict Resolution, 130 S. Scott Ave. Tucson, AZ 85701; phone: (520) 901-8501; or electronic mail: usiecr@ecr.gov.

⁷⁶ The agency implementing procedures can be accessed at https://ceq.doe.gov/laws-regulations/agency_implementing_procedures.html and are mentioned throughout the Citizen’s Guide as an important part of the process.

Fwd: Subcommittee on Readiness HR 2670 FY24 NDAA Markup Version

Clynton Ridgell <clynton.ridgell@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 6:02 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>
Date: Wed, Jun 14, 2023 at 5:15 PM
Subject: Fwd: Subcommittee on Readiness HR 2670 FY24 NDAA Markup Version
To: Gov. Lourdes A. Leon Guerrero <governor@guam.gov>
Cc: Lt. Gov <joshua.tenorio@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>

Gov:

Sharing CDLO policy review of the NDAA 2024 and pertinent Guam language for Shipyard Assessment and sustainment plans for Missile Defense as noted below. We will continue to track and update as this goes through the congressional process.

> Attached for your review is the markup version HR 2670 FY24 NDAA. The provisions pertinent to Guam are highlighted. I would note that two committee mandates contained in this markup are (1) Guam Shipyard Assessment and (2) mandating the Comptroller General's review of the "sustainment plans for the Defense of Guam." I will be analyzing each Subcommittee markup as heard. The next step in the approval process will be the full HASC Committee vote after the Subcommittee markup hearings are completed.



HR 2670 FY24 NDAA Readiness Subcom.pdf
5188K

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Section 2106—Extension of Authority to Carry Out Certain Fiscal Year 2019 Army Military Construction Projects

This section would require the Secretary of the Navy to complete common readiness models for existing maritime and aviation systems by December 31, 2025.

TITLE X—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

SUBTITLE B—NAVAL VESSELS AND SHIPYARDS

~~Section 1017—Guam Shipyard Assessment~~

This section would require the Department of the Navy to conduct an assessment of shipyard capabilities on Guam.

SUBTITLE E—STUDIES AND REPORTS

Section 1063—Assessment and Strategy Relating to Range Capability and Capacity for Joint All-Domain Operations

This section would require the Secretary of Defense to submit a report assessing the range capacity within the United States and lay out a strategy for ensuring range capability to develop Joint All-Domain Operational capabilities based on the results of the assessment.

TITLE XVIII—OTHER DEFENSE MATTERS

LEGISLATIVE PROVISIONS

Section 1803—Modification to Requirements Relating to Combating Military Reliance on Russian Energy

This section would modify section 1086 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263) to include all operating bases within U.S. European Command, not just main operating bases.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Section 2001—Short Title

This section would cite division B and title XLVI of this Act as the "Military Construction Authorization Act for Fiscal Year 2024."

Section 2002—Expiration of Authorizations and Amounts Required To Be Specified by Law

1 **SEC. 1017 [Log 77883]. GUAM SHIPYARD ASSESSMENT.**

2 (a) ASSESSMENT REQUIRED.—Not later than 180
3 days after the date of the enactment of this Act, the Sec-
4 retary of the Navy shall submit to the congressional de-
5 fense committees an assessment of the ship building and
6 repair capabilities located on Guam, as of the date of the
7 enactment of this Act, and the feasibility of reestablishing
8 the former Ship Repair Facility, Guam.

9 (b) ELEMENTS.—The assessment required under
10 subsection (a) shall include each of the following:

11 (1) A description of the capabilities to conduct
12 shipbuilding and ship repair activities in Guam, as
13 of the date of the enactment of this Act.

14 (2) A description of any planned improvements
15 to shipbuilding and ship repair infrastructure in
16 Guam.

17 (3) An evaluation of the feasibility of re-estab-
18 lishing a depot-level ship repair capability with dry-
19 docking in Guam at the site of the former Ship Re-
20 pair Facility, Guam, including an identification of
21 options for operating the ship repair capability
22 through a public-private partnership.

1 **SEC. 2201 [Log 77338]. AUTHORIZED NAVY CONSTRUCTION**
2 **AND LAND ACQUISITION PROJECTS.**

3 (a) INSIDE THE UNITED STATES.—Using amounts
4 appropriated pursuant to the authorization of appropria-
5 tions in section 2203(a) and available for military con-
6 struction projects inside the United States as specified in
7 the funding table in section 4601, the Secretary of the
8 Navy may acquire real property and carry out military
9 construction projects for the installations or locations in-
10 side the United States, and in the amounts, set forth in
11 the following table:

Navy: Inside the United States

State or Territory	Installation or Location	Amount
California	Marine Corps Air Ground Combat Center Twentynine Palms	\$42,100,000
	Port Hueneme	\$110,000,000
	Naval Submarine Base New London	\$331,718,000
Connecticut	Marine Barracks Washington	\$131,800,000
District Of Columbia	Marine Corps Logistics Base Albany	\$63,970,000
Georgia	Andersen Air Force Base	\$497,620,000
Guam	Joint Region Marianas	\$174,540,000
	Naval Base Guam	\$946,500,000
Hawaii	Marine Corps Base Hawai'i	\$227,350,000
Maryland	Fort Meade	\$186,480,000
	Naval Air Station Patuxent River	\$141,700,000
North Carolina	Marine Corps Air Station Cherry Point	\$270,150,000
	Marine Corps Base Camp Lejeune	\$215,670,000
Pennsylvania	Naval Surface Warfare Center Philadelphia	\$88,200,000
Virginia	Dam Neck Annex	\$109,680,000
	Joint Expeditionary Base Little Creek - Story	\$35,000,000
	Marine Corps Base Quantico	\$127,120,000
	Naval Station Norfolk	\$158,095,000
	Naval Weapons Station Yorktown	\$221,920,000
Washington	Naval Base Kitsap	\$245,000,000

12 (b) OUTSIDE THE UNITED STATES.—Using amounts
13 appropriated pursuant to the authorization of appropria-
14 tions in section 2203(a) and available for military con-
15 struction projects outside the United States as specified

1 **SEC. 2202 [Log 77469]. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2203(a) and available for military
 5 family housing functions as specified in the funding table
 6 in section 4601, the Secretary of the Navy may construct
 7 or acquire family housing units (including land acquisition
 8 and supporting facilities) at the installations or locations,
 9 in the number of units, and in the amounts set forth in
 10 the following table:

Navy: Family Housing

Location	Installation	Amount
Guam	Joint Region Marianas	\$121,906,000
	Naval Support Activity Andersen	\$83,126,000

11 (b) IMPROVEMENTS TO MILITARY FAMILY HOUSING
 12 UNITS.—Subject to section 2825 of title 10, United States
 13 Code, and using amounts appropriated pursuant to the
 14 authorization of appropriations in section 2203(a) and
 15 available for military family housing functions as specified
 16 in the funding table in section 4601, the Secretary of the
 17 Navy may improve existing military family housing units
 18 in an amount not to exceed \$57,740,000.

19 (c) PLANNING AND DESIGN.—Using amounts appro-
 20 priated pursuant to the authorization of appropriations in
 21 section 2203(a) and available for military family housing
 22 functions as specified in the funding table in section 4601,
 23 the Secretary of the Navy may carry out architectural and

1 **SEC. 2205 [Log 78005]. EXTENSION OF AUTHORITY TO**
 2 **CARRY OUT CERTAIN FISCAL YEAR 2021 NAVY**
 3 **MILITARY CONSTRUCTION PROJECTS.**

4 (a) EXTENSION.—Notwithstanding section 2002 of
 5 the Military Construction Authorization Act for Fiscal
 6 Year 2021 (division B of Public Law 116–283; 134 Stat.
 7 4294), the authorizations set forth in the table in sub-
 8 section (b), as provided in section 2201 of that Act (134
 9 Stat. 4297), shall remain in effect until October 1, 2024,
 10 or the date of the enactment of an Act authorizing funds
 11 for military construction for fiscal year 2025, whichever
 12 is later.

13 (b) TABLE.—The table referred to in subsection (a)
 14 is as follows:

Navy: Extension of 2021 Project Authorizations

State/ Country	Installation or Location	Project	Original Authorized Amount
California	Twentynine Palms	Wastewater Treat- ment Plant	\$76,500,000
Guam	Joint Region Marianas	Joint Communica- tion Upgrade	\$166,000,000
Maine	NCTAMS LANT De- tachment Cutler	Perimeter Security ..	\$26,100,000
Nevada	Fallon	Range Training Complex, Phase 1	\$29,040,000

1 **SEC. 2301 [Log 77471]. AUTHORIZED AIR FORCE CONSTRUC-**
2 **TION AND LAND ACQUISITION PROJECTS.**

3 (a) INSIDE THE UNITED STATES.—Using amounts
4 appropriated pursuant to the authorization of appropria-
5 tions in section 2303(a) and available for military con-
6 struction projects inside the United States as specified in
7 the funding table in section 4601, the Secretary of the
8 Air Force may acquire real property and carry out mili-
9 tary construction projects for the installations or locations
10 inside the United States, and in the amounts, set forth
11 in the following table:

Air Force: Inside the United States

State or Territory	Installation or Location	Amount
Florida	Eglin Air Force Base	\$14,600,000
	MacDill Air Force Base	\$131,000,000
	Patrick Space Force Base	\$27,000,000
Georgia	Robins Air Force Base	\$115,000,000
Guam	Joint Region Marianas	\$411,000,000
Massachusetts	Hanscom Air Force Base	\$37,000,000
Mississippi	Columbus Air Force Base	\$39,500,000
Montana	Malmstrom Air Force Base	\$10,300,000
South Dakota	Ellsworth Air Force Base	\$235,000,000
Texas	Joint Base San Antonio-Lackland	\$158,000,000
Utah	Hill Air Force Base	\$82,000,000
Wyoming	F.E. Warren Air Force Base	\$85,000,000

12 (b) OUTSIDE THE UNITED STATES.—Using amounts
13 appropriated pursuant to the authorization of appropria-
14 tions in section 2303(a) and available for military con-
15 struction projects outside the United States as specified
16 in the funding table in section 4601, the Secretary of the
17 Air Force may acquire real property and carry out mili-
18 tary construction projects for the installations or locations

1 **SEC. 2605 [Log 77483]. AUTHORIZED AIR FORCE RESERVE**
2 **CONSTRUCTION AND LAND ACQUISITION**
3 **PROJECTS.**

4 Using amounts appropriated pursuant to the author-
5 ization of appropriations in section 2606 and available for
6 the National Guard and Reserve as specified in the fund-
7 ing table in section 4601, the Secretary of the Air Force
8 may acquire real property and carry out military construc-
9 tion projects for the Air Force Reserve locations inside
10 the United States, and in the amounts, set forth in the
11 following table:

Air Force Reserve

State or Territory	Location	Amount
Arizona	Davis-Monthan Air Force Base	\$8,500,000
California	March Air Reserve Base	\$226,500,000
Georgia	Dobbins Air Reserve Base	\$22,000,000
Guam	Joint Region Marianas	\$27,000,000
Louisiana	Barksdale Air Force Base	\$7,000,000
Texas	Naval Air Station Joint Reserve Base Fort Worth	\$16,000,000

1 **SEC. 2609 [Log 78023]. EXTENSION OF AUTHORITY TO**
2 **CARRY OUT CERTAIN FISCAL YEAR 2021 NA-**
3 **TIONAL GUARD AND RESERVE MILITARY**
4 **CONSTRUCTION PROJECTS.**

5 (a) **EXTENSION.**—Notwithstanding section 2002 of
6 the Military Construction Authorization Act for Fiscal
7 Year 2021 (division B of Public Law 116–283; 134 Stat.
8 4294), the authorizations set forth in the table in sub-
9 section (b), as provided in sections 2601, 2602, and 2604
10 of that Act (134 Stat. 4312, 4313, 4314), shall remain
11 in effect until October 1, 2024, or the date of the enact-
12 ment of an Act authorizing funds for military construction
13 for fiscal year 2025, whichever is later.

14 (b) **TABLE.**—The table referred to in subsection (a)
15 is as follows:

**National Guard and Reserve: Extension of 2021 Project
Authorizations**

State or Territory	Installation or Location	Project	Original Authorized Amount
Arkansas	Fort Chaffee	National Guard Readiness Center	\$15,000,000
California	Bakersfield	National Guard Vehicle Maintenance Shop.	\$9,300,000
Colorado	Peterson Space Force Base	National Guard Readiness Center	\$15,000,000
Guam	Joint Region Marianas	Space Control Facility #5	\$20,000,000
Ohio	Columbus	National Guard Readiness Center	\$15,000,000
Massachusetts	Devens Reserve Forces Training Area	Automated Multi-purpose Machine Gun Range.	\$8,700,000
North Carolina	Asheville	Army Reserve Center/Land	\$24,000,000
Puerto Rico	Fort Allen	National Guard Readiness Center	\$37,000,000

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Foreign Ports Ship Repair

Wind Energy Concerns Near Department of Defense Facilities

The committee further directs the Comptroller General to provide a briefing to the House Committee on Armed Services not later than March 15, 2024, on preliminary findings of the review and provide final results to the Senate Committee on Armed Services and the House Committee on Armed Services in a format and timeframe as mutually agreed upon. The committee expects the Secretary of Defense, the Secretaries of the military departments, and the combatant commanders to provide any pertinent information, including, but not limited to, related analyses and studies, contingency plans, and operational plans, to designated representatives of the Government Accountability Office assigned to this review.

Comptroller General Review of Department of Defense Sustainment Plans for the Defense of Guam

The Missile Defense Agency (MDA) and the military services have developed plans to improve the integrated air and missile defense capabilities on Guam. The 2022 Missile Defense Review indicates that Guam's missile defenses will be commensurate with its status as both an unequivocal part of the United States, as well as a key power projection hub in the Indo-Pacific region. MDA requested over \$800 million in its fiscal year 2024 budget for additional capabilities to augment the current Terminal High Altitude Area Defense battery deployed to the island. The committee notes that Guam's location and climate, as well as the Department of Defense's plan to use mobile components as part of Guam's defense infrastructure, require specific considerations to sustain these capabilities.

Therefore, the committee directs the Comptroller General of the United States to review the Department of Defense's sustainment plans for the Missile Defense of Guam. This review shall address:

(1) the extent to which the Department of Defense is considering plans for sustaining the new missile architecture that will comprise the defense of Guam as options are being considered, including the personnel (military, civilian, and contractors), infrastructure, and funding necessary for that sustainment;

(2) the extent to which adding new missile defense architecture on Guam would affect sustainment of preexisting defenses on the island and other missile defense elements in the Indo-Pacific region; and

(3) any other topics deemed appropriate by the Comptroller General.

The committee further directs the Comptroller General to provide a briefing to the House Committee on Armed Services not later than April 1, 2024, on the Comptroller General's preliminary findings and provide final results to the committee in a mutually agreed upon format and timeframe.

Comptroller General Review of Navy Ship Sustainment Budget Presentation and Execution

The Navy spends billions of dollars annually to sustain its ships, yet it continually faces persistent and worsening sustainment challenges. In 2023, the

Fwd: Latest NDAA FY24

Clynton Ridgell <clynton.ridgell@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 5:58 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>

Date: Mon, Jun 26, 2023 at 3:37 PM

Subject: Latest NDAA FY24

To: Gov. Lourdes A. Leon Guerrero <governor@guam.gov>

Cc: Lt. Gov <joshua.tenorio@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, J. George Bamba <george.bamba@guam.gov>, Jose Naputi <jose.naputi@guam.gov>

Gov:

Sharing attached outline of NDAA actions being tracked by CDLO. The full House and Senate markup versions will advance to the floor of both chambers respectively. We included congressional amendments introduced by Congressman Moyland and Strong as well as a GAO report on Missile Defense. We will continue to track final outcomes for NDAA FY24 and send updates as they come in .

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

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120 Father Duenas Ave., Suite 104

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LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT GOVERNOR



VERA A. TOPASNA
EXECUTIVE DIRECTOR

COMMUNITY DEFENSE LIAISON OFFICE
OFFICE OF THE GOVERNOR OF GUAM

**Department of Defense Policy Updates
June 26, 2023**

The foregoing is a list of sub-committee markups and final Chairman markups to the National Defense Authorization Act FY2024 and accompanying language pertinent to the Pacific Deterrence Initiative (Guam Defense System) and other items of interest to Guam for the Indo Pacific. Both the House and Senate only released its executive summary and have yet to release its full markup bill including amendments made during full committee markup on June 21, 2023. It is expected that both chambers will be advancing to the full House and Senate floor in the coming weeks. CDLO will continue to track the final NDAA FY24 process to confirm passage of information provided herein.

Included are amendments introduced by Congressman Moylan relative to Guam passed by voice vote. Will continue to track.

Note: Neither House or Senate versions of the NDAA included an extension of the H2B program for Guam. It may be contained in the full Senate version not yet released GDOL may have an update to the policy language that may be contained in the Immigration Bill.

Also included in this report is the latest GAO report on the Guam Missile Defense Program reflecting proposed MDA leverage of Navy and Army capabilities for the program.

**NDAA 2024 HOUSE OF REPRESENTATIVES VERSION
BUDGET REQUEST - \$2,114,974,000**

Title X—General Provisions; Legislative Provisions; Subtitle B—Naval Vessels and Shipyards; Section 1017 [Log 77883]—Guam Shipyard Assessment

- (a) Assessment Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees an assessment of the ship building and repair capabilities located on Guam, as of the date of the enactment of this Act, and the feasibility of reestablishing the former Ship Repair Facility, Guam.
- (b) Elements.—The assessment required under subsection (a) shall include each of the following:
 - (1) A description of the capabilities to conduct shipbuilding and ship repair activities in Guam, as of the date of the enactment of this Act.
 - (2) A description of any planned improvements to shipbuilding and ship repair infrastructure in Guam.
 - (3) An evaluation of the feasibility of re-establishing a depot-level ship repair capability with dry-docking in Guam at the site of the former Ship

Repair Facility, Guam, including an identification of options for operating the ship repair capability through a public-private partnership.

Sec. 2201 [Log 77338]. Authorized Navy Construction and Land Acquisition Projects.

- (a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table (*relative to only Guam):

***Navy: Inside the United States**

State or Territory	Installation or Location	Amount
Guam	Andersen Air Force Base	\$497,620,000
	Joint Region Marianas	\$174,540,000
	Naval Base Guam	\$946,500,000

Sec. 2202 [Log 77469]. Family Housing.

- (a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2203 (a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

Location	Installation	Amount
Guam	Joint Region Marianas	\$121,906,000
	Naval Support Activity	\$83,126,000
	Andersen	

Sec. 2205 [Log 78005]. Extension of Authority to Carry Out Certain Fiscal Year 2021 Navy Military Construction Projects.

- (a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4294), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (134 Stat. 4297), shall remain in effect until October 1, 2024 or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025, whichever is later.
- (b) Table.—The table (*relative to only Guam) referred to in subsection (a) is as follows:

***Navy: Extension of 2021 Project Authorizations**

State/Country	Installation or Location	Project	Original Authorized Amount
Guam	Joint Region Marianas	Joint Communication Upgrade	\$166,000,000

Sec. 2301 [Log 77471]. Authorized Air Force Construction and Land Acquisition Projects.

- (a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2303 (a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table (*relative to only Guam):

***Air Force: Inside the United States**

State or Territory	Installation or Location	Amount
Guam	Joint Region Marianas	\$411,000,000

Sec. 2605 [Log 77483]. Authorized Air Force Reserve Construction and Land Acquisition Projects.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table (*relative to only Guam):

***Air Force Reserve**

State or Territory	Location	Amount
Guam	Joint Region Marianas	\$27,000,000

SEC. 2609 [Log 78023]. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2021 NATIONAL GUARD AND RESERVE MILITARY CONSTRUCTION PROJECTS.

- (a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2021 (division B of Public Law 116-283; 134 Stat. 4294), the authorizations set forth in the table in subsection (b), as provided in sections 2601, 2602, and 2604 of that Act (134 Stat. 4312, 4313, 4314), shall remain in effect until October 1, 2024, or the date of the enactment of an Act

authorizing funds for military construction for fiscal year 2025, whichever is later.

- (b) TABLE.—The table (*relative to only Guam) referred to in subsection (a) is as follows:

***National Guard and Reserve: Extension of 2021 Project Authorizations**

State or Territory	Installation or Location	Project	Original Authorized Amount
Guam	Joint Region Marianas	Space Control Facility #5	\$20,000,000

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE III—OPERATION AND MAINTENANCE

ITEMS OF SPECIAL INTEREST

LOGISTICS AND SUSTAINMENT ISSUES

Comptroller General Review of Department of Defense Sustainment Plans for the Defense of Guam

The committee further directs the Comptroller General to provide a briefing to the House Committee on Armed Services not later than March 15, 2024, on preliminary findings of the review and provide final results to the Senate Committee on Armed Services and the House Committee on Armed Services in a format and timeframe as mutually agreed upon. The committee expects the Secretary of Defense, the Secretaries of the military departments, and the combatant commanders to provide any pertinent information, including, but not limited to, related analyses and studies, contingency plans, and operational plans, to designated representatives of the Government Accountability Office assigned to this review.

Comptroller General Review of Department of Defense Sustainment Plans for the Defense of Guam

The Missile Defense Agency (MDA) and the military services have developed plans to improve the integrated air and missile defense capabilities on Guam. The 2022 Missile Defense Review indicates that Guam's missile defenses will be commensurate with its status as both an unequivocal part of the United States, as well as a key power projection hub in the Indo-Pacific region. MDA requested over \$800 million in its fiscal year 2024 budget for additional capabilities to augment the current Terminal High Altitude Area Defense battery deployed to the island. The committee notes that Guam's location and climate, as well as the Department of Defense's plan to use mobile components as part of Guam's defense infrastructure, require specific considerations to sustain these capabilities.

Therefore, the committee directs the Comptroller General of the United States to review the Department of Defense's sustainment plans for the Missile Defense of Guam. This review shall address:

- (1) the extent to which the Department of Defense is considering plans for

sustaining the new missile architecture that will comprise the defense of Guam as options are being considered, including the personnel (military, civilian, and contractors), infrastructure, and funding necessary for that sustainment;

(2) the extent to which adding new missile defense architecture on Guam would affect sustainment of preexisting defenses on the island and other missile defense elements in the Indo-Pacific region; and

(3) any other topics deemed appropriate by the Comptroller General. The committee further directs the Comptroller General to provide a briefing to the House Committee on Armed Services not later than April 1, 2024, on the Comptroller General's preliminary findings and provide final results to the committee in a mutually agreed upon format and timeframe.

TITLE XI—CIVILIAN PERSONNEL MATTERS

LEGISLATIVE PROVISIONS

Section 1102—Authorization to Pay a Living Quarters Allowance for Department of the Navy Civilian Employees Assigned to Permanent Duty in Guam for Performing Work, or Supporting Work Being Performed, Aboard or Dockside, of U.S. Naval Vessels

This section would allow the Secretary of the Navy to grant to covered employees a living quarters allowance for rent, heat, light, fuel, gas, electricity, and water and, in unusual circumstances, payment or reimbursement for initial repairs, alterations, and improvements to the privately leased residence in Guam.

SEC. 1102. [LOG 77933] AUTHORIZATION TO PAY A LIVING QUARTERS ALLOWANCE FOR DEPARTMENT OF THE NAVY CIVILIAN EMPLOYEES ASSIGNED TO PERMANENT DUTY IN GUAM FOR PERFORMING WORK, OR SUPPORTING WORK BEING PERFORMED, ABOARD OR DOCKSIDE, OF U.S. NAVAL VESSELS.

(a) ALLOWANCE.—Notwithstanding any other provision of law, when Government owned or rented quarters are not otherwise provided without charge to a covered employee, the Secretary of the Navy may grant to a covered employee one or more of the following allowances:

(1) A living quarters allowance for rent, heat, light, fuel, gas, electricity, and water. The Secretary is authorized to pay such allowance by reimbursement or by advance payments without regard to section 3324 (a) and (b) of title 31, United States Code.

(2) Under unusual circumstances, as determined by the Secretary, payment or reimbursement for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred in initial repairs, alterations, and improvements to the privately leased residence in Guam of a covered employee—

(A) the expenses are administratively approved in advance; and

(B) the duration and terms of the lease justify payment of the expenses by the Government.

- (b) **COVERED EMPLOYEE DEFINED.**—In this section, the term “covered employee” means any civilian employee of the Department of the Navy who is assigned to permanent duty in Guam for performing work or supporting work being performed, aboard or dockside, of U.S. naval vessels.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

Subtitle C—Real Property and Facilities Administration

SEC. 2821. [Log 78130]. IMPROVEMENTS RELATING TO ACCESS TO MILITARY INSTALLATIONS IN UNITED STATES.

“(c) **REVIEWS AND SUBMISSION TO CONGRESS.**—Not less frequently than once every five years, the Secretary shall—

“(5) The term ‘State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, or the Commonwealth of the Northern Mariana Islands.

DIVISION D—FUNDING TABLES

SEC. 4001 [Log 77464]. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

- (a) **IN GENERAL.**—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.
- (b) **MERIT-BASED DECISIONS.**—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—
- (1) Except as provided in paragraph (2), be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and
 - (2) Comply with other applicable provisions of law.
- (c) **RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.**—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.
- (d) **APPLICABILITY TO CLASSIFIED ANNEX.**—This section applies to any classified annex that accompanies this Act.
- (e) **ORAL AND WRITTEN COMMUNICATIONS.**—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT**SEC. 4101. PROCUREMENT.**

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2024 Request	House Authorized
039	DEFENSE OF GUAM PROCUREMENT	169,627	169,627

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program	Item	FY 2024 Request	House Authorized
095	0604102C	GUAM DEFENSE DEVELOPMENT	397,578	497,578
		INDOPACOM UPL—Guam Defense System, INDOPACOM		(100,000)

TITLE XLVI—MILITARY CONSTRUCTION**SEC. 4601. MILITARY CONSTRUCTION.**

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2024 Request	House Agreement
Navy	Andersen Air Force Base	PDI: Child Development Center	105,220	105,220
Navy	Andersen Air Force Base	PDI: Joint Consol. Comm. Center (INC)	107,000	107,000
Navy	Joint Region	PDI: Joint	292,830	50,000

	Marianas	Communication Upgrade (INC)		
Navy	Joint Region	PDI: Missile Integration	174,540	74,540
	Marianas	Test Facility		
Navy	Naval Base Guam	PDI: 9 th ESB Training Complex	23,380	23,380
Navy	Naval Base Guam	PDI: Artillery Battery Facilities	137,550	72,550
Navy	Naval Base Guam	PDI: Consolidated MEB HQ/NCIS PHii	19,740	19,740
Navy	Naval Base Guam	PDI: Recreation Center	34,740	34,740
Navy	Naval Base Guam	PDI: Religious Ministry Services Facility	46,350	46,350
Navy	Naval Base Guam	PDI: Satellite Communications Facility (INC)	166,159	100,000
Navy	Naval Base Guam	PDI: Training Center	89,640	89,640

SEC. 4601. MILITARY CONSTRUCTION

(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2024 Request	House Agreement
AF	Guam	PDI: North Aircraft	109,000	109,000
	Joint Region Marianas	Parking Ramp (INC)		
AF Res	Guam	Aerial Port Facility	27,000	27,000
	Joint Region Marianas			
FH Con	Guam	Replace Andersen	121,906	121,906
Navy	Joint Region Marianas	Housing, Phase 8		
FH Con	Guam	Replace Andersen	83,126	83,126
Navy	Naval Support Activity	Housing (AF), Phase 7		
FH Con	Unspecified Worldwide USMC DPRI/Guam		9,588	9,588

SEC. 1013 [Log 77998]. GRANTS FOR IMPROVEMENT OF NAVY SHIP REPAIR OR ALTERATIONS CAPABILITY. 3 Chapter 131 of title 10, United States Code, is amended by inserting after section 2218a the following new section: “§ 2219. Grants for improvement of Navy ship repair or alterations capability “(a) ASSISTANCE AUTHORIZED.—(1) Subject to the availability of appropriations, the Secretary of the Navy may make grants to an eligible entity for the purpose of carrying out— “(A) a capital improvement project; or “(B) a maritime training program designed to foster technical skills and operational productivity. “(2) The amount of a grant under this section may not exceed 75 percent of the total cost of the project or program funded by the grant. “(3) A grant provided under this section may not be used to construct buildings or other physical facilities, except for piers, dry docks, and structures in support of piers and dry docks, or to acquire land.

Sec. 561 INCREASE IN THE NUMBER OF NOMINEES FROM GUAM TO THE SERVICE ACADEMIES

- (a) UNITED STATES MILITARY ACADEMY. – Section 7442 (a)(8) of title 10, United States Code, is amended by striking “Four” and inserting “Five”.
- (b) UNITED STATES NAVAL ACADEMY – Section 8454(a)(8) of title 10, United States Code, is amended by striking “Four” and inserting “Five”
- (c) UNITED STATES AIR FORCE ACADEMY – Section 9442(a)(8) of title 10, United States Code, is amended by Striking “Four” and inserting “Five”.

Navy	Location	Planning & Design
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Senate Armed Services Committee
NDA FY 24 – Highlights for Guam and the Indo Pacific

Supports the objectives of the National Defense Strategy, including defending the U.S. homeland; deterring adversaries; prevailing in long-term strategic competition; and building a resilient Joint Force.

- Requires a report on the capacity of infrastructure, resources, and personnel available in Guam to meet U.S. Indo-Pacific Command strategic objectives.
- Directs a briefing on the status of the development of nuclear microreactors and plans to transition such capabilities to the services for production, as well as a briefing on the potential for using modular microreactors to supplement power generation on Guam.
- Designates the Under Secretary of Defense for Acquisition and Sustainment as the principal DOD official responsible for the acquisition of a system for the missile defense of Guam.
- Establishes the Indo-Pacific Campaigning Initiative in order to facilitate INDOPACOM's campaigning activities in the region, including increased frequency and scale of exercises, freedom of navigation operations, and partner engagements.
- Supports sustained funding for the Air Force's Cyber Operations for Base Resilient Architecture (COBRA) pilot program in the INDOPACOM area of responsibility, and recognizes the potential for service-wide use of COBRA.
- Establishes a comprehensive training, advising, and institutional capacity-building program for the military forces of Taiwan.
- Supports DOD activities relating to the security partnership among Australia, United

Kingdom, and the United States, known as AUKUS.

- Directs a briefing on the current ability of the joint force to conduct contested logistics in the Indo-Pacific Command (INDOPACOM) area of responsibility, as well as DOD's efforts to improve contested logistics capabilities and capacity.
- Authorizes the full budget request for the Pacific Deterrence Initiative (PDI) and extends PDI through fiscal year 2024.
- Establishes the Indo-Pacific Campaigning Initiative in order to facilitate INDOPACOM's campaigning activities in the region, including increased frequency and scale of exercises, freedom of navigation operations, and partner engagements.
- Establishes a comprehensive training, advising, and institutional capacity-building program for the military forces of Taiwan.
- Requires engagement with appropriate officials of Taiwan for the purpose of expanding cooperation on military cybersecurity activities.
- Directs a plan for enhancing security cooperation with Japan, including analyzing the feasibility and advisability of modifying U.S. command structures in Japan.
- Establishes the "Indo-Pacific Maritime Domain Awareness Initiative" – a defense initiative with allies and partners of the United States, including Australia, Japan, and India.
- Ensures that India is appropriately considered for security cooperation benefits consistent with the status of India as a major defense partner of the United States.
- Directs the designation of a senior Department of Defense civilian official to be responsible for overseeing DOD activities relating to the security partnership among Australia, United Kingdom, and the United States, known as AUKUS, and the development of an AUKUS implementation plan.
- Extends the cyber cooperation program with Vietnam, Thailand, and Indonesia and expands the program to include foreign military partners in the Philippines and Malaysia.
- Directs a strategy for improving the posture of U.S. ground-based theater-range missile capabilities in the Indo-Pacific region
- Authorizes U.S. Indo-Pacific Command to exercise temporary and limited military construction authorities to support allies throughout its area of responsibility
- Directs a briefing on DOD plans for military construction projects to enable the timely deployment of air and missile defense capabilities required for U.S. Indo-Pacific Command operational plans

COMMITTEE ON APPROPRIATIONS – FY24

DEPARTMENT OF DEFENSE

ITEMS OF INTEREST - PACIFIC

(Bill does not include military construction, military family housing, civil defense, nuclear warheads which are covered in connection with other appropriations bills.

First, the Committee resources the military capabilities necessary to decisively defeat potential adversaries. As such, the Committee's recommendation includes funding to directly counter the PRC's malign global influence, including over \$9,000,000,000 for the Pacific Deterrence

Initiative, \$108,000,000 for International Security Cooperation Programs for Taiwan, and robust funding for the modernization of the nuclear triad. The recommendation also includes language to prioritize the delivery of defense articles to Taiwan and supports training partnerships such as the National Guard State Partnership Program. Finally, the Committee recommendation supports the development of a 'hedge' portfolio to address the mounting global security risks. The Committee is concerned by growing tactical and logistical risks to current weapon systems, as well as the lack of industrial base capacity and diversity. A hedge in this sense will resource organizations capable of developing non-traditional solutions from non-traditional sources by intentionally taking calculated risks to incentivize positive, deliberate, accelerated change. If properly executed, this hedge has the potential to create asymmetric advantage to support combatant command operational challenges and reduce the taxpayer's burden by leveraging private capital, expand America's economic advantage by accelerating emerging technology, and broaden the pool of talent supporting national defense.

RED HILL BULK FUEL STORAGE FACILITY

The Committee continues to closely monitor the Department of Defense's defueling and dispersal actions at the Red Hill Bulk Fuel Storage Facility. The Committee directs the Secretary of Defense, in coordination with the Secretary of the Navy, to continue to take the necessary steps to safely decommission the facility, remediate the surrounding environment, assess and address the harm caused to the aquifer, work in conjunction with the State of Hawaii and the local community in these efforts, and build a more distributive fuel infrastructure for the Indo-Pacific. The Committee recommendation supports the \$106,363,000 requested by the Department in fiscal year 2024 toward these efforts.

For efforts in Hawaii, the Committee directs the Secretary of Defense, in coordination with the Secretary of the Navy, to submit quarterly updates in the form of written reports, beginning not later than 45 days after the enactment of this Act, to the congressional defense committees on obligations, health care and health surveillance efforts for those impacted by contaminated drinking water, progress toward decommissioning the facility, and community engagement efforts. For efforts to move the fuel from Red Hill to other locations in the Indo-Pacific, the Committee directs the Secretary of Defense to submit quarterly updates, in the form of written reports, beginning not later than 45 days after the enactment of this Act, to the congressional defense committees on obligations, new locations of fuel previously stored in the facility, efforts to build new fuel storage locations, a summary of any planning and design efforts for potential projects to store bulk fuel in the region, and efforts to improve the survivability of existing and new fuel storage locations. Information contained in these reports may be provided with a classified annex.

**AMENDMENTS INTRODUCED BY CONGRESSMAN MOYLAN AND
CONGRESSMAN STRONG - AGREED BY VOICE VOTE.**

MOYLAN Amendments:

- Request for Guam Defense System Study
- Study of Typhoon Mawar Impact on Guam
- Jones Act SECDEF Authority
- DOD Partnership for Guam Power Authority Study
- Defense Access Road Study
- Guam Housing Study
- Defense Community Infrastructure Project Cost Share
- OCOLA DRL
- Study of access to medical examinations for CNMI service academy applicants

STRONG Amendment:

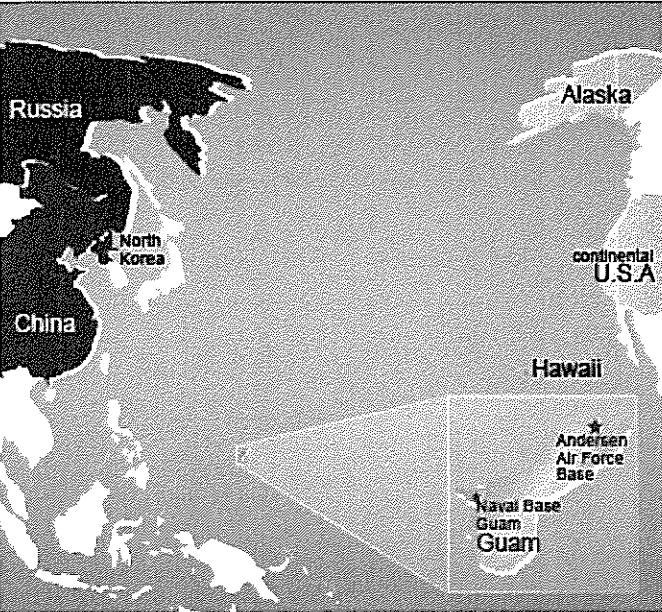
Directs the Director of the Missile Defense Agency to provide a report on the anticipated munitions requirements for the Guam Defense System



May 2023

MISSILE DEFENSE

Annual Goals Unmet for Deliveries and Testing



Source: GAO analysis of Department of Defense data; GAO (maps). | GAO-23-106011

ISSUE OVERVIEW

Defense of Guam

Guam is a United States island territory in the Indo-Pacific region. The island is approximately three times the size of Washington, D.C. with an estimated population of 170,000. Persons born on Guam are United States citizens.

Military officials have emphasized the importance of Guam for maintaining stability in the region. Guam serves as a hub for military operations, and multiple bases are on the island. Naval Base Guam is home to forward deployed naval vessels. Andersen Air Force Base provides millions of square feet to park aircraft. The Marine Corps activated Camp Blaz in 2020 and the base is under construction, with the intent of eventually accommodating approximately 5,000 Marines.

In recent years, according to DOD, North Korea and China have conducted missile tests that have heightened tensions in the region. Due to its proximity to these nations and its strategic importance, Guam is vulnerable to a potential attack. The 2022 Missile Defense Review states that the missile defense architecture for Guam will be commensurate with the island’s unique status as both an unequivocal part of the United States as well as a vital regional location.

CURRENT CAPABILITIES AND NEW REQUIREMENTS

Guam’s current missile defense requirements are for protection against simple ballistic threats from rogue states. As of October 2022, the on-island defense consisted of a single Terminal High Altitude Area Defense battery. A single ship equipped with the Aegis Ballistic Missile Defense system also provides support on an as-needed basis.

As adversary offensive missile capabilities evolve, DOD projects the current defense on Guam to be inadequate. In October 2022, MDA officials stated that United States Indo-Pacific Command, the combatant command overseeing the region, issued new requirements to upgrade Guam’s defense. This includes 360 degree coverage, and layered defense against regional ballistic, maneuvering ballistic, hypersonic glide, and cruise missile threats emanating from any nation. The Guam defense systems would also employ open systems architecture—meaning adaptable systems—to enable the integration of future capabilities as sensors and weapons technologies evolve. See the table below for a comparison of the current and new requirements for missile defense on Guam.

Table 8: Defense of Guam Requirements Information Provided by the Missile Defense Agency

Current Requirements		New Requirement
Nations	Rogue states ^a	Any nation, including rogue states ^a and near peer threats ^b
Coverage	No Requirement	360 degree coverage to defend against missile threats Layered defense with multiple elements capable of intercepting missile threats
Threats	Ballistic missiles ^c	Ballistic missiles ^c Maneuvering ballistic missiles ^d Hypersonic glide ^e Cruise missile ^f

Source: GAO analysis of Missile Defense Agency data | GAO-23-106011

^aLimited offensive missile capability
^bSignificant and sophisticated offensive missile capability
^cParabolic and predictable flight path
^dCapable of changing flight path
^eCapable of flying in excess of Mach 5 and change flight path
^fCapable of self-powered flight

ACQUISITION STRATEGY

According to MDA, the acquisition strategy for the Defense of Guam mission architecture consists of leveraging existing Army and Navy programs, Army rapid capability prototype efforts, and a new program that includes integration of the Aegis Guam Weapon System. The strategy aims to provide the capability to meet warfighter requirements to fulfill the Defense of Guam mission. MDA's primary mission, in coordination with the Navy, is ballistic and hypersonic defense on Guam, while the Army's primary mission is cruise missile defense. According to MDA, DOD is assessing whether an agency or service will serve as the lead for the Defense of Guam mission and coordinate the delivery of capabilities. MDA did not indicate when a decision could be made.

ARCHITECTURE

MDA, in coordination with the Army and the Office of Cost Assessment and Program Evaluation, considered multiple architectures for the Defense of Guam, including an Aegis Ashore-like approach. In 2022, however, the Deputy Secretary of Defense opted for an architecture consisting of transportable radars and launchers. MDA officials defined transportable components as having the ability to be deconstructed, relocated, and reconstructed in weeks to months within an area. Some components used from existing programs are expected to require adaptations to provide 360 degree missile defense coverage. For example, Aegis elements are expected to be adapted to be land based and transportable versus ship based or permanent structures.

MDA reported multiple components supporting the Defense of Guam. See table 9 below for these components.

Table 9: Missile Defense Components to Support the Defense of Guam

Type	Components	Owner	Description
Radars and sensors	Homeland Defense Radar – Guam (HDR-G)	MDA	Combined expected capabilities include 360 degree coverage for threat acquisition, track, and discrimination for ballistic, hypersonic, and cruise missile defense.
	Lower Tier Air and Missile Defense Sensor (LTAMDS)	Army	
	Sentinel A4	Army	
	Army Low Cost Surveillance (ALPS) Sensor	Army	
Command and control	Aegis Guam System	MDA/Navy	Combined expected capabilities include (1) weapons and radar command, control, and decision; (2) overhead and sensor data and situational awareness to warfighters and weapon systems; and (3) sensor, battle and communications management.
	Command and Control, Battle Management and Communications (C2BMC)	MDA	
	Integrated Air and Missile Defense Battle Command System (IBCS)	Army	
	Integrated Fires Communication Network (IFCN) Relays	Army	
	Remote Interceptor Guidance (RIG)-360	Army	
Launchers	Army Launchers	Army	Combined expected capabilities include utilization for ballistic, hypersonic, and cruise missile defense.
	M903 Launchers	Army	
	Indirect Fires Protection Capability (IFPC) Multi-Mission Launchers	Army	

Source: GAO presentation and analysis of Missile Defense Agency provided data. | GAO-23-106011

CURRENT ACTIVITIES AND TIMELINE

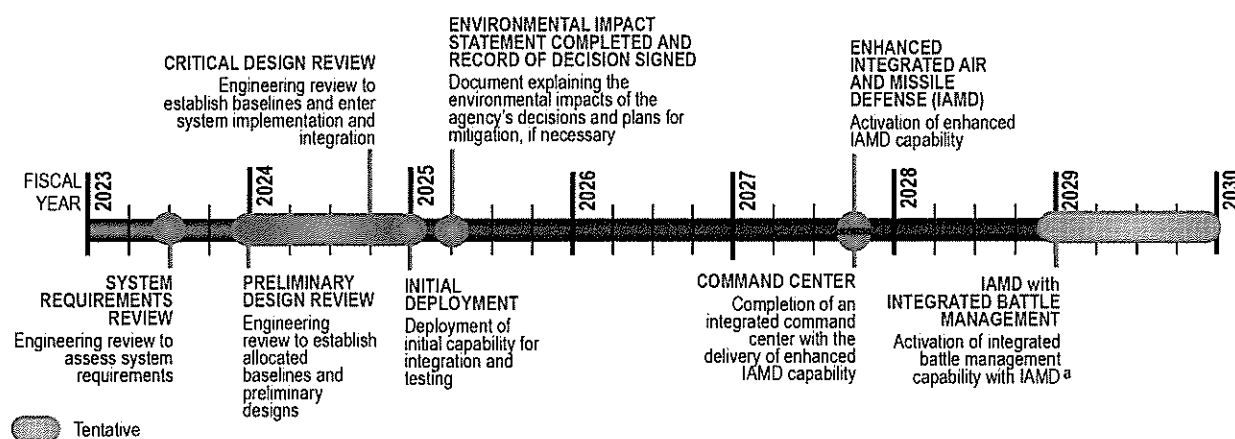
Site Selection

In fiscal year 2022, MDA reported receiving initial funding for the Defense of Guam mission and conducted site selection activities for missile defense components. MDA officials stated there are challenges in the site selection process. Available land is limited on the island and officials stated multiple entities compete for this land. They added Guam is also high risk for seismic activity and typhoons which will be factored into the military construction design considerations. Officials mentioned another factor to consider for possible sites is adjacent areas should not be affected by missile defense components and activities. For example, electromagnetic radiation from radars should not interfere with the surrounding air space and properties should be a sufficient distance away or barriers provided in the event of ordinance explosion. Officials noted environmental and cultural concerns are being considered, and the agency is involved in ongoing environmental impact studies. They stated initial sites are expected to be selected and approved in late fiscal year 2023.

Timeline

MDA has developed a plan to procure, acquire, develop, and integrate components and capabilities until the Defense of Guam architecture is operational. The figure below highlights key milestones and events over the next few years. In between milestones, MDA plans to conduct multiple developmental and operational tests. Initial deployment of limited equipment is expected to occur in early fiscal year 2025 and completion of the system is scheduled for fiscal year 2029.

Defense of Guam Key Milestones and Events



Source: GAO analysis of Missile Defense Agency data. | GAO-23-106011

^aThis event is not yet baselined and will not occur before the first quarter of fiscal year 2029.

Fwd: Missile Defense Land Meeting- (Gov., LT, COS & DCOS)

Clynton Ridgell <clynton.ridgell@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 6:01 PM

----- Forwarded message -----

From: <shamra.chargualaf@guam.gov>

Date: Tue, Jun 27, 2023 at 8:59 AM

Subject: Missile Defense Land Meeting- (Gov., LT, COS & DCOS)

To: <alice.taijeron@cltc.guam.gov>, <chelsa.munabrecht@doag.guam.gov>, <clynton.ridgell@guam.gov>, <jon.calvo@guam.gov>, <joseph.borja@land.guam.gov>, <kathleen.cepeda@guam.gov>, <vera.topasna@guam.gov>, <eliza.dames@guam.gov>, <dorothy.blas@guam.gov>, <josephine.cepeda@guam.gov>, <shamra.chargualaf@guam.gov>

Hafa Adai,

Kind reminder of the meeting for tomorrow at 3:30pm, Government House.

Thank you,
Shamra
(671) 473-1105

Missile Defense Land Meeting- (Gov., LT, COS & DCOS)

Wednesday Jun 28, 2023 · 3:30pm – 4:30pm (Chamorro Standard Time)

6/22- Req. by Vera;

Location

Government House

[View map](#)**Guests**

alice.taijeron@cltc.guam.gov
chelsa.munabrecht@doag.guam.gov
clynton.ridgell@guam.gov
jon.calvo@guam.gov
joseph.borja@land.guam.gov
kathleen.cepeda@guam.gov
vera.topasna@guam.gov
andrea.finona@guam.gov
randall.aguon@gpd.guam.gov

Fwd: Tentative MDA Stake Holder Briefing

Clynton Ridgell <clynton.ridgell@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 6:00 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>
Date: Fri, Jul 7, 2023 at 3:04 PM
Subject: Tentative MDA Stake Holder Briefing
To: Shamra L.A. Chargualaf <shamra.chargualaf@guam.gov>
Cc: Eliza G. Dames <eliza.dames@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Josephine C. Cepeda <josephine.cepeda@guam.gov>, Kathleen C. Cepeda <kathleen.cepeda@guam.gov>

Shamra:

Can we tentatively schedule the Missile Defense Agency briefing for Gov/Lt. Gov and cabinet members on **July 31, 2023 at 9:00 a.m.**? Based on discussions with Joint Region, this is the tentative date as they await final confirmation in the coming days, this at least blocks the calendar way in advance with room to move if needed.

Let me know if this is ok. The following Directors are recommended to attend:

- OOG Sr. Advisors (Carlotta, Stephanie)
- Policy
- CDLO
- TAG
- Guam Mass Transit Authority
- Guam EPA
- Bureau of Statistics and Plan
- Dept. of Agriculture
- Guam Historic Preservation Office
- Dept. of Public Works (Highways)
- Dept. of Labor
- Guam Economic Development Authority
- Dept. of Land Management (CLTC included)
- Guam Homeland Security

They have requested that the Guam Power Authority/Guam Waterworks Authority be invited by the Governor to have one GovGuam briefing. Let me know if you need anything. Will advise when confirmed again, should be very early next week. Thank you.

--

Sincerely,

Vera Topasna
Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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Fwd: Notice of Intent_Enhanced Integrated Air and Missile Defense System on Guam

Clynton Ridgell <clynton.ridgell@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 5:59 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>

Date: Thu, Jul 13, 2023 at 8:44 AM

Subject: Notice of Intent_Enhanced Integrated Air and Missile Defense System on Guam

To: Melanie Mendiola <mel.mendiola@investguam.com>, Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, Joseph M. Borja <joseph.borja@land.guam.gov>, Stephen Ignacio <stephen.ignacio@gpd.guam.gov>, Ignacio Peredo <ignacio.peredo@oldcqa.guam.gov>, Joey San Nicolas <joey.sannicolas@gfd.guam.gov>, Rory J. Respicio <rjrespicio@portofguam.com>, John Quinata <john.quinata@guamairport.net>, Tyrone Taitano <tyrone.taitano@guam.gov>, Vince Arriola <vince.arriola@olddpw.guam.gov>, <lolaig@bsp.guam.gov>, Warren Pelletier <warren.pelletier@dpr.guam.gov>, <therese.arriola@gbhwc.guam.gov>, lillian perez-posadas <lillian.perez-posadas@gmha.org>, Arthur U. San Agustin (Arthur.SanAgustin@dphss.guam.gov) <arthur.sanagustin@dphss.guam.gov>, Dafne M. Shimizu <dafne.shimizu@revtax.guam.gov>, Carl Gutierrez <carl.gutierrez@visitguam.com>, Elizabeth Napoli <efnapoli@ghura.org>, David Dellisola <david.dellisola@dol.guam.gov>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, Rebecca Respicio <rebecca.respicio@energy.guam.gov>, <melanie.brennan@dya.guam.gov>, Melvin Won Pat Borja <melvin.borja@guam.gov>
Cc: Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, Stephanie G. Flores <stephanie.flores@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, J. George Bamba <george.bamba@guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>

Good Morning Colleagues:

I hope that you and your families have recovered from the recent typhoon and that all is well with everyone. As you may be aware our office has been tasked to lead in agency responses to the public commenting period for the subject Notice of Intent for an Environmental Impact Statement (EIS) for the EIAMD aka Missile Defense of Guam. The National Environmental Policy Act (NEPA) requires Federal agencies to prepare an EIS for major Federal actions that significantly affect the quality of the human environment which could have a direct or indirect impact. GOVG Guam input will cover environment, cultural resources, socioeconomics, infrastructure, labor, education, workforce development.

In addition to the CDLO appointment for the EIS process, we have formed an Executive Committee in the cc to review final draft comments prior to submitting to the COS/DCOS, GOV & Lt. Gov. Some of you may have been involved in the previous EIS process in 2007 with the Realignment of Marines to Guam. For those who have not, we will assist in any way we can. Preliminary information we received regarding the timeline for the EIS **Public Scoping is Aug 2-4 and end of public comment period is tentatively Aug 11, 2023** after being delayed by the typhoon. As things evolve we expect that the Governor will be notified in advance.

Subcommittees and leads have been assigned and list is attached. We will be forwarding a calendar of meetings for all subcommittees and it is recommended that you appoint a Point of Contact for this process.

My point of contact for CDLO is Jose Naputi, Sr. Planner for CDLO. He will help coordinate meetings, information, questions and be available to assist your POCs. Finally, see links below for information to help guide you as well as attachments for your reference. **Note:** One of the attachments is a copy of agency responses in 2007 to the Marine Relocation to give you an idea on how to respond.

 [CMTF_EIS_PS2007.pdf](#)

Please feel free to call or email me if you have specific questions. Thanks so much in advance.

Weblinks:

<https://governor.guam.gov/militaryaffairs/militaryaffairsdocuments/>
<https://www.mda.mil/system/eiamd/>

--
Sincerely,

Vera Topasna
Executive Director
Community Defense Liaison Office (CDLO)
Office of the Governor of Guam
120 Father Duenas Ave., Suite 104
Hagatna, Guam 96915
Office: 671-475-4735
Cell: 671-482-5946



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 **GMD EIS COMMITTEES2023.pdf**
113K

GUAM MISSILE DEFENSE
GOVGUAM EXECUTIVE & SUBCOMMITTEE LISTING

EXEX. COMMITTEE:

Deputy COS Clynt Ridgell	Carlotta Leon Guerrero
J. George Bamba	Vera Topasna
Stephanie Flores	Michelle Lastimoza
Rikki Orsini	Tyrone Taitano
Lola Leon Guerrero	Krystal Paco
Chelsa Muna-Brecht	Esther J.C. Aguigui

Sub-Committees & Leads

Environment – Joe Borja, Land Management

- i. GEPA
- ii. DOAG
- iii. LAND
- iv. BSP
- v. WERI

b. Socio Economics – Melvin Won Pat Borja

- i. Transportation
- ii. Public Safety
- iii. Cultural/Historic (Section 106)

c. Health & Social Services – Therese Arriola

- 1. GBHWSS
- 2. DYA
- 3. Public Health
- 4. GMH

d. Infrastructure – Tyrone Taitano

- i. Utilities (GWA/GPA, WERI)
- ii. Port/DPW/GIAA

e. Economics – Melanie Mendiola

- i. GEDA
- ii. DEPT. OF REV/TAX
- iii. GVB
- iv. GHURA

f. Labor & Workforce Development – David Dell’Isola

- i. DOL
- ii. UOG
- iii. GCC
- iv. DOE

Fwd: Missile Defense EIS Executive Committee Planning Meeting

Clynton Ridgell <clynton.ridgell@guam.gov>
To: "Jean S. Taitano" <jean.taitano@guam.gov>

Fri, Jul 14, 2023 at 5:58 PM

----- Forwarded message -----

From: **Vera A. Topasna** <vera.topasna@guam.gov>

Date: Mon, Jul 3, 2023 at 5:07 PM

Subject: Missile Defense EIS Executive Committee Planning Meeting

To: Matthew Santos <matthew.santos.bsp@guam.gov>, Lola Leon Guerrero <lolalg.bsp@guam.gov>, Rikki Orsini <rikki.orsini@guam.gov>, Carlotta A. Leon-Guerrero <carlotta.leonguerrero@guam.gov>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, <lola.leonguerrero@bsp.guam.gov>, Warren Pelletier <warren.pelletier@dpr.guam.gov>, Stephanie G. Flores <stephanie.flores@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, Chelsa Muna-Brecht <Chelsa.MunaBrecht@doag.guam.gov>, Esther Aguigui <esther.aguigui@guam.gov>, Tyrone Taitano <tyrone.taitano@guam.gov>, Patrick Lujan <patrick.lujan@olddpr.guam.gov>

Cc: Gov. Lourdes A. Leon Guerrero <governor@guam.gov>, Lt. Gov <joshua.tenorio@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Jose Naputi <jose.naputi@guam.gov>, J. George Bamba <george.bamba@guam.gov>, Nichole AC Duenas <nicole.duenas@guam.gov>, Eliza G. Dames <eliza.dames@guam.gov>, Josephine C. Cepeda <josephine.cepada@guam.gov>

Hafa Adai MDA EIS Executive Committee:

I hope that all is well with everyone post Mawar. As you may be aware the Missile Defense Agency is planning to reschedule scoping meetings for early August. While we await confirmed dates, we are requesting for the Executive Committee to meet and discuss/approve a format for our GovGuam agencies to provide comments.

Meeting is scheduled for Thursday July 6 at 9:00 a.m. Governors Small Conference Room Adelup. Will send courtesy calendar invites. Have a great 4th of July holiday.

--

Sincerely,

Vera Topasna

Executive Director

Community Defense Liaison Office (CDLO)

Office of the Governor of Guam

120 Father Duenas Ave., Suite 104

Hagatna, Guam 96915

Office: 671-475-4735

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