



*Promoting the protection, conservation and restoration of natural forest ecosystems and their processes on the Olympic Peninsula, including fish and wildlife habitat, and surrounding ecosystems*

January 19, 2021

Washington State Parks and Recreation Commission  
PO Box 42650  
Olympia, Washington 98504

Attn: Becki Ellison  
*Via Electronic Communication*

Dear Commissioners:

I am writing on behalf of the Board and members of the Olympic Forest Coalition to comment on the Navy Special Operations Training in Western Washington application for permission to use 28 State Parks for cold water insertion training and other activities. Thank you for the opportunity to comment on this important permit application. Our organization urges the Commission to reject the Navy's permit application, and to withdraw permission allowing current use of state Parks for Navy training, for the reasons described below.

The need for adequate training of our military personnel is a national security matter, and our organization recognizes and appreciates the service and sacrifice of generations of men and women in uniform. Adequate training to ensure our service members are prepared to meet every challenge is critical to national security and their safety. However, it is the duty of citizens in democratic society to point out where military activities unnecessarily contradict environmental laws, may risk public health and safety, restrict public enjoyment of publicly funded State parks, and contradict the purpose of public recreational facilities.

**1. Reasonable and readily available alternatives.** The Navy has sufficient lands to conduct the training they propose for state parks. The Navy owns 46 miles of shoreline and 151,975 acres of land in this region yet proposes to conduct "realistic" combat training along 265 miles of western Puget Sound shoreline that includes the proposed 28 state parks. "Realistic" means training among civilians in state parks, whether or not permission from those individuals has been granted. In materials provided to the Commissioners,<sup>1</sup> the Navy states that there are no alternatives to using state parks and that it "will not be conducting surveillance of any members of the public, either through trainees or unmanned aircraft." It does not address the fact that surveillance can easily be conducted with handheld or remotely planted devices. While the Navy states that it will instead employ its own designated "actors" upon whom such surveillance will be performed, handheld surveillance technology such as that in use by many police departments casts a wide electronic net with the potential for gathering the cellphone data of everyone in the area. Even "eyeballs" on the actors requires surveilling others in order to locate him/her. Actors embedded among civilian families who are camping or picnicking are likely to create this unavoidable scenario, leading to potential Fourth Amendment violations against those families who happen to be near the actor, not to mention trauma if Navy participants are

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<sup>1</sup> Letter, Department of the Navy to Don Hoch, State Parks Commissioner, December 4, 2020. Paragraph 3.  
<https://parks.state.wa.us/DocumentCenter/View/16268/08-Parks-Questions-and-Navy-Response>

outed by a curious child or dog. If being among civilians was not necessary, this training could easily be conducted on the thousands of less-used and more remote public lands adjacent to the sea that are already utilized or owned by the Department of Defense. Thus, the necessity of using state parks only makes sense if detection of these "actors" among crowds of civilians is the objective.

Military doctrine advises units to "train as they intend to fight," which, when spelled out in the same report, means, "(t)he training environment, together with the application of tactics, should produce the psychological conditions encountered on the battlefield and in support areas."<sup>2</sup> The RPA states the trainings will occur between January and May, and June and November during the year, mostly during daylight hours. This training can last from 2 to 72 hours, and most of the selected sites are, according to Navy documents, slated for between six and eighteen training visits per year.

The Navy seeks permission to use the entire park. Trainees would come ashore in mini-sub, cross the beach, climb the bluff, and conceal in the landscape while observing the public for up to 72 hours before reversing and leaving the site. According to Navy documents, Navy observers would be stationed at the site of the activity and would engage with any civilians who find themselves close to the activity. In this violent climate with a pandemic raging, and even in normal times, the concept of civilians encountering armed members of the military in the psychological conditions expected on a battlefield while they are trying to enjoy a camping or picnicking experience is an unacceptable use of public parks. Families should not have to worry whether there is an armed person in camouflage hiding in the bushes watching them, and whether that person is a military trainee or a person intent on harm; the difference hardly matters, because for a child, trauma cannot be so easily parsed.

The military, including the Navy, currently trains on as much as 188 million acres of National Forest lands throughout the country, and has utilized other public and private lands. We object to the Navy's proposal for military training in any state park, and we urge the Commission to reject the permit application and withdraw permission granted by staff to the Navy.

**2. Full scope of training not portrayed in application materials:** We are concerned about the lack of detail provided on maps in the presentation by Steve Brand and Jessica Logan to the Commissioners. For example, the following two maps depicting training that would take place at Blake Island State Park contain markedly different levels of detail:

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<sup>2</sup> Defense Technical Information Center, Military Studies Program. Military Training on Public Lands: Guidelines for Success. <https://apps.dtic.mil/dtic/tr/fulltext/u2/a208705.pdf>

# Draft MAP and CONDITIONS

Blake Island

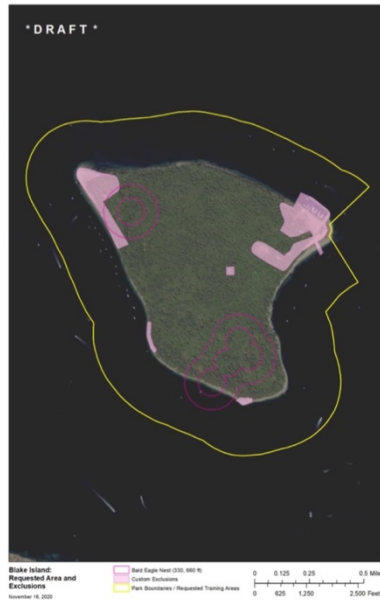


Figure 1: Presentation to Commissioners showing bald eagle nest, custom exclusions, and park boundary.



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## Blake Island State Park

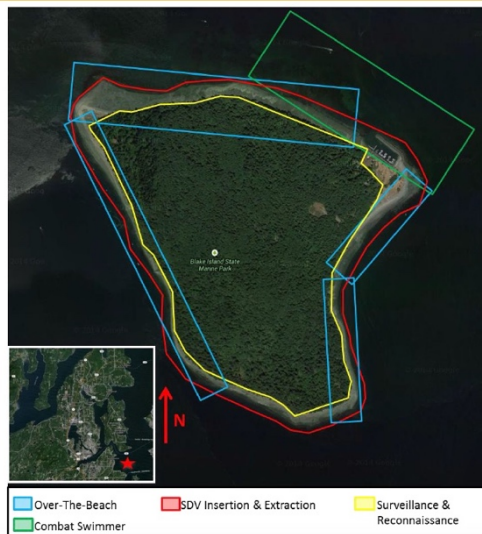
**Naval Special Warfare Group THREE  
Training Detachment (TRADET)**

**Location:** Blake Island State Park  
**Location Number:** WA34  
**Location City:** Port Orchard  
**Location County:** Kitsap County  
**Location Region:** South Puget Sound  
**Location State:** Washington State  
**Property Type:** State Property

**Point of Contact (POC) for scheduling and notification:**  
 1) Port Orchard Police Dept.  
 2) Paul Ruppert / Park Manager  
 Phone: (360) 229-4858

**Training Utilization:**  
 •SDV Insertion & Extraction  
 •Over-The-Beach (OTB)  
 •Combat Swimmer  
 •Surveillance & Reconnaissance (SR)

**Scheduling / Notification Requirements:**  
 Contact POC's 24 hours prior to evolution



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Figure 2: Same site, Navy internal documents. Source: Navy slide show provided by a whistleblower and published by Truthout. Use of Blake Island's marina by combat swimmers is not shown in previous presentation to Commission, but is on this map in green.

Blake Island is one of several sites that were previously being used for training, before Commissioners and the public were made aware of the training activities. Inconsistency among the Navy's documents is not new. Navy maps in Environmental Assessments on at least two occasions since 2014 have erased major features such as rivers, mountains, and large lakes, making it difficult for the public to accurately locate Navy projects in order to assess and comment on potential impacts. Erasure of such detail violates legal requirements to provide as much accurate and complete information as possible for informed public decisions.



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# Fort Flagler State Park

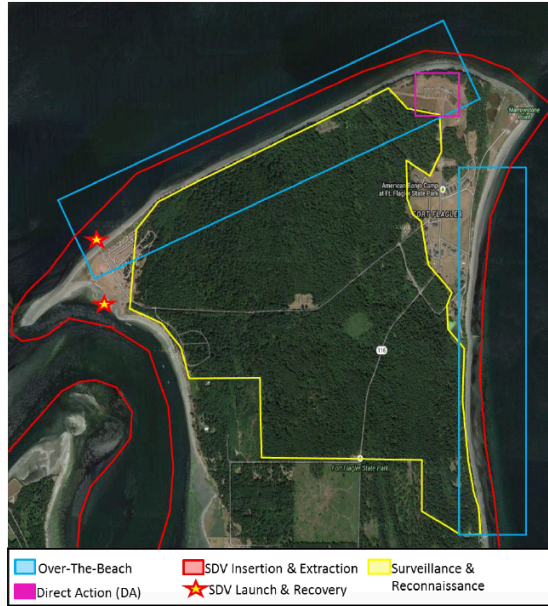
Naval Special Warfare Group THREE  
Training Detachment (TRADET)

**Location:** Fort Flagler State Park  
**Location Number:** WA01  
**Location City:** Nordland  
**Location County:** Jefferson County  
**Location Region:** North Puget Sound  
**Location State:** Washington State  
**Property Type:** State Property

**Point of Contact (POC) for scheduling and notification:**  
 1) Mike Zimmerman / Park Manager  
 Phone: (360)385-1259 Email: mike.zimmerman@parks.wa.gov

**Training Utilization:**  
 •SDV Insertion & Extraction  
 •Over-The-Beach (OTB)  
 •Surveillance & Reconnaissance (SR)  
 •Direct Action (DA)  
 •SDV Launch & Recovery (LR)

**Scheduling / Notification Requirements:**  
 Contact POC's 24 hours prior to evolution



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Figure 3: Direct Action operations area in magenta square.



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# Fort Worden State Park

Naval Special Warfare Group THREE  
Training Detachment (TRADET)

**Location:** Fort Worden State Park  
**Location Number:** WA19  
**Location City:** Port Townsend  
**Location County:** Jefferson County  
**Location Region:** Olympic Region  
**Location State:** Washington State  
**Property Type:** State Property

**Point of Contact (POC) for scheduling and notification:**  
 1) Port Townsend Police Dept.  
 2) Brian Hageman / Park Manager  
 Phone: (360)344-4402 Email: brian.hageman@parks.wa.gov  
 Fort Worden State Park - 200 Battery Way, Port Townsend, WA 98368

**Training Utilization:**  
 •SDV Insertion & Extraction  
 •Over-The-Beach (OTB)  
 •Surveillance & Reconnaissance (SR)  
 •Direct Action (DA)

**Scheduling / Notification Requirements:**  
 Contact POC's 24 hours prior to evolution



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Figure 4: Direct Action operations area in magenta square that includes public trails and a seating area set aside for quiet contemplation, called "Memory's Vault."

**3. Training activities incompatible with public recreation:** Despite not being mentioned in Training Activity Summaries presented to the Commissioners, "Direct Actions" are included in original Navy materials that list Fort Flagler and Fort Worden among six sites total that are slated for Direct Actions. Direct Action is described as: "Direct Action (DA): This training would

consist of up to 20 personnel conducting “simulated” actions against a threat or enemy within the confines of a specified area or building. It would include the use of “simulated weapons”; no live-fire weapons would be used. The simulated weapons would be marking rounds, which are plastic/paint capsules that wash away with water. No property damage would occur, and cleanup would be handled by the instructors and support staff.”

To our knowledge none of the Navy’s training program materials have excluded these activities except for the application currently under consideration. Commissioners and the public deserve to know if the Navy is conducting or intends to conduct mock gun battles or other potentially frightening activities in state parks whether or not the public is present. These training site locations and activities, projected frequencies, and essential designations are clearly delineated in the Navy’s materials. The Commission should not proceed with review of any permit request by the Navy as the RPA materials are incomplete; the Navy must address the reasons for these and other inconsistencies.

According to previous Navy documents, trainees are expected to use aerial and surface drones carrying “payloads” of technical equipment with data-capture and recording capability. In the current application before the Commission, they are not mentioned, and the Navy states they will not be used. However, we are concerned that should these activities be added later or used without notice to the Commission and the public, or without permission, there may be a possibility that surveillance could include warrantless downloading the contents of the cellphones of a civilian. This practice raises Fourth Amendment concerns about electronic surveillance of park users who are not the subject of a warrant or not suspected of terrorism. The Navy has not addressed these concerns despite repeated disclosure in other permitting and environmental processes related to Navy training in our area. The State Parks Commission should request specific information from the Navy about electronic surveillance, explicitly rejecting the training at any and all state parks, along with any electronic surveillance of park users.

**4. Potential increase in planned training activities not addressed:** We note that “direct action” gun battles and building-clearing activities using “simulated” weapons, along with the use of unmanned aircraft (drones) for surveillance have not been included in the Navy’s application yet are central to this training as proposed in earlier Navy documents. Evidence for this is in the Navy’s nonpublic materials reported by the media (See: <https://truthout.org/articles/exclusive-navy-uses-us-citizens-as-pawns-in-domestic-war-games/>). While the Navy in its response to the Commission commits to not surveilling the public, we are concerned about potential “mission creep” that could add these activities back in to trainings in state parks or take place without monitoring and permission.

- What are the Park’s Commission procedures for handling future amendments to the Navy’s application that might seek to include these activities?
- Would the Commission be notified of expansions in the scope and nature of this training?
- Or would amendments be a matter again handled at the Park staff level, as were the permits for previous training?
- Will the Commission commit staff to monitor the Navy trainings to ensure they comply with limits?

The Navy has a consistent pattern of incremental increases in activity after modest starts. Unclear procedures for oversight of Navy activities, limited park staffing resources to oversee and manage the training, and the potential for unpermitted “mission creep” is a legitimate concern. An example on point is the fact that the Navy was granted a permit to use 5 parks for training from 2015 to April 30, 2020. It is reported that the Navy actually used 7 parks. The Navy committed to notify local law enforcement of its training activities; it has been reported that the Navy has not notified local law enforcement to date. The Commission should deny the permit for any training in state parks.

**5. Segmented analysis violative of NEPA:** The Navy has segmented its RPA and NEPA and potentially SEPA analysis to obfuscate the cumulative impacts of its training program. Specifically, the Navy's 2018 environmental assessment for the complete training program said that 84 personnel would train annually in this State Parks program, but later at an open house to educate the public on this training, Navy officials said that it would be 504. An email from the Governor's Office responding to an open records request indicates that the program may include the possibility of up to 2,000 personnel. The information given to the public conflicts with the information given to the Commission. Therefore, the Commission should not grant this permit.

**6. Environmental impacts not adequately assessed nor mitigated:** The Navy determined that there will be no adverse environmental impacts, yet asks State Parks to identify any areas, habitats, or species they should avoid. The Navy assessment was not specific enough nor based on actual information to make a real determination on whether the habitats, species, or areas they will potentially use have or have not been identified. Since at least 2007, the Navy in the Pacific Northwest has not once concluded in any NEPA document that there would be significant impacts, when in fact there have been, both individually and cumulatively. Therefore, public trust in the Navy's assurance in this case that there will be no significant impacts is also extremely low.

**7. Inadequate oversight environmental agency consultation:** In 2015 the media outlet Truthout published information about this training program based on a whistleblower source. These materials described this training in great detail. A Nov. 9, 2015 Navy telephone log stated, "Presently considering 68+/- sites; on both military and non-military lands." An in-house Draft Endangered Species Act Determination concluded there would be no effects on federally listed species or habitats, and, "(t)herefore, Navy consultation with the USFWS and NMFS under the ESA and the Magnuson-Stevens Fishery Conservation and Management Act is not required." Self-certifying on endangered species issues to avoid consultation is unwise.

In addition, one of the two in-house slideshows depicted a number of selected sites intended for exemption to public disclosure requirements via the use of NEPA provisions for "categorical exclusions." The Navy's intent in late 2015 appeared to be to shield the magnitude of this training from the public and to conduct it without notification to relevant agencies. After the story broke in Truthout, the Navy admitted they'd been training in several state parks for years and initiated a public NEPA process on an "expanded" proposal. Their expanded proposal precisely matched the original, nonpublic one disclosed by the media.

Based on the reporting, one of our OFCO Board members contacted the Fish and Wildlife Service out of concern that some Navy training dates overlapped with nesting season on beaches for some critically important species. The Fish and Wildlife Service responded that it had not been apprised by the Navy of this training, and subsequently asked the Navy for consultation. Out of concern that this training was already taking place or could occur without a public process or state and federal agency notification, our Board member passed the information to federal and state contacts, and in early January 2016, to media outlets. We question why the Navy's 2018 NEPA process included the full scope of activities, yet the current RPA before the Commission does not. We remain concerned that the scope of planned activities will later be expanded to conform with the Navy's original plans.

In 2017 our Board member asked a Navy representative in charge of their regional environmental compliance programs whether any of the dozens of Environmental Impact Statements or Environmental Assessments produced by the Navy throughout the prior decade had concluded anything other than "No Significant Impacts." He replied none had.

**8. Public safety concerns not adequately addressed:** Item E-1 on the Washington State Parks and Recreation Committee's November 19, 2020 agenda, called Naval Special



Operations Training in Washington State Parks – Report, (<https://parks.state.wa.us/DocumentCenter/View/16005/Item-E-1-Naval-Special-Operations-Training-in-Washington-State-Parks--Report>) framed the Navy’s site selection suitability in terms of factors that include training, safety, and logistics. The Navy’s site selection safety criteria did not include public safety. The term “safety,” is defined in the report as “...assesses whether a site would put trainees or support teams at risk.” Trainee safety is very important. However, there is no corresponding statement on whether the public would be put at risk and what steps to mitigate potential risk will be taken.

Tragic encounters between armed civilians and Navy training activities have occurred. The Navy dismisses this possibility with their justification to Commissioners of a lethal shooting in North Carolina, where a sheriff’s deputy shot two trainees who refused to “break character” and cooperate with him during Operation Robin Sage; one trainee was killed. A lawsuit in that case ended with the community paying \$750,000 in damages. This would be an unbearable burden to local government and communities, and our state government. The Commission must reject this permit application on the grounds that public safety is not adequately assessed and mitigated.

**9. Liability not adequately assessed:** The Navy will not be liable for injuries to civilians. The Navy Admiral informed the Commission that civilians would have recourse to “the Federal Tort Claims Act.” The Commission should request the Attorney General to assess potential liability for Washington state and should not consider this permit without a full legal assessment of liability risk for the state and local governments where the parks are located.

**10. Archeological/historic consultations:** At-risk archaeological sites must be identified in order to be avoided and protected. Tribes are often reluctant to identify their most sacred sites because of public exposure risks associated with them being recorded in government databases that are subject to FOIA requests. This was the case in 2018 and during previous NEPA processes where some Tribes refused to disclose their most sacred sites. Thus, National Historic Preservation Act (NHPA) consultations for the RPA are likely incomplete. If confidential consultations with Tribes on sacred sites have not been adequately conducted and Tribal concerns resolved to the satisfaction of the Tribes that sites will not be impacted, the Commission must deny the permit.

**11. Foreign military training:** None of the materials appear to address whether foreign troops will be included in this training. Foreign military members are a significant presence at many bases including Whidbey Island, and are known to train in various capacities with American troops. We are concerned that the training could include foreign troops.

**12. Incompatible use will erode public use of parks:** Allowing military training is never appropriate among families who use public, state parks for camping and picnicking. It is problematic for park users throughout western Washington to know that at any time, for up to 72 hours, perhaps a dozen or more times per year, combat swimmers carrying rubber replica weapons could be swimming through public recreation areas, including marinas where families spend the night aboard their boats, or when they might be enjoying a night under the stars and in tents. It should be noted that in addition to Blake Island’s small marina, Navy materials show combat swimmers, surveillance, and other military maneuvers in several public marinas in western Puget Sound, including where people live aboard their boats. It is neither necessary nor appropriate for members of the military to be hiding in the woods surveilling passersby on a park’s public paths, or that “night vision devices” would be used to surveil them after dark, as stated in the presentation materials.

We believe that allowing the Navy to utilize Washington state parks for combat training would chill park use precisely at a moment when families most need safe outdoor recreational experiences; it could erode public support for funding state parks; and it will send an inappropriate signal that normalizes armed military presence in our most popular and accessible

public recreational sites. Further, it would contribute to normalizing the covert physical and/or electronic surveillance of citizens by the military, in violation of 18 U.S.C. § 1385,<sup>3</sup> and could trigger potential Fourth Amendment litigation.

The Navy dismissed any chilling effects on enjoyment of our state park system, of environmental impacts, of risks to public safety. Federal and state laws as well as zoning restrictions that conflict with using state parks and private lands for military training were also not addressed in the RPA.

We urge the Commission to preserve balanced public use, enjoyment and support of our state park system, and reject completely this incomplete, inadequate, unnecessary and unwise proposal, and to withdraw any permission for current training activities.

Thank you for your kind attention.

Sincerely,

A handwritten signature in cursive script that reads "Connie Gallant".

Connie Gallant, President  
Olympic Forest Coalition  
PO Box 461  
Quilcene, WA 98376-0461  
Olympicforest.org  
[info@olympicforest.org](mailto:info@olympicforest.org)

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<sup>3</sup> 18 U.S.C. § 1385 - Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both. (Added Aug. 10, 1956, ch. 1041, § 18(a), 70A Stat. 626; amended Pub. L. 86-70, § 17(d), June 25, 1959, 73 Stat. 144; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)