

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN**  
**2011 (FIRST) Regular Session**

**Resolution No. 24-31 (con)**

Introduced by:

A. A. Yamashita, PhD

2011 FEB 14  
PM 2:54  
AAY

Relative to ensuring that the health, safety and quality of life of Guam's community is preserved by requesting the Joint Region Marianas to implement noise mitigation measures to reduce the impact of military aircraft activities.

1        **BE IT RESOLVED BY THE COMMITTEE ON RULES OF I**  
2        **MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN:**

3        **WHEREAS**, an accord was signed in 2006 between the Unites States  
4        Government and the Government of Japan to relocate 8,600 US Marines and  
5        their 9,000 dependents from Okinawa, Japan and approximately 600 military  
6        personnel attached to the US Army, and their approximately 950 dependents  
7        to Guam with an impact to the Commonwealth of the Northern Mariana  
8        Islands beginning this year and expected to reach completion in 2014;

9        **WHEREAS**, the realignment of US Forces will impact Guam and the  
10       Commonwealth of the Northern Mariana Islands socially, environmentally  
11       and economically and there is a need to mitigate some of the potentially  
12       negative impacts;

1           **WHEREAS**, in 2009, the Naha branch of the Fukuoka High Court  
2 awarded 5.62 billion Yen – which was approximately \$57 million US – to 5,519  
3 litigants who are Naha residents who claimed their health suffered from noise  
4 from the Kadena Air Force Base flight activities;

5           **WHEREAS**, Okinawan litigants tried to place a ban on early-morning  
6 flights because they were disruptive and posed health-hazards to students in  
7 nearby schools;

8           **WHEREAS**, in February 2010, the US Environmental Protection Agency  
9 Region IX, Regional Administrator in a letter to the acting Assistant Secretary  
10 regarding EPA comments on the Draft Environmental Impact Statement  
11 (DEIS) for the Guam and CNMI Military Relocation, citing concerns about the  
12 potential noise pollution caused by impending flight activities at Andersen  
13 Air Force Base, Guam;

14           **WHEREAS**, the US EPA cited that “the DEIS appears to underestimate  
15 the significance of noise impacts. The noise impacts from the Anderson AFB  
16 ISR Strike DEIS alone were substantial, with that analysis showing that 2,310  
17 people off-base will be exposed to sound 65 dBA (A-weighted sound level  
18 measured in decibels) and above, with 552 potentially highly annoyed by the  
19 change, representing roughly ten times more people experiencing these  
20 impacts that at present;”

21           **WHEREAS**, the relocation of military personnel to Guam and the  
22 required training activities will include flight operations that will  
23 undoubtedly cause increased noise traffic that will impact all of Guam and the

1 CNMI, but most especially in northern Guam where several schools are  
2 located near Andersen Air Force Base;

3 **WHEREAS**, the US Department of Transportation Federal Aviation  
4 Administration issued Advisory Circular (AC) No: 91-36D relative to Visual  
5 Flight Rules (VFR) Flight Near Noise-Sensitive Areas, effectuated September  
6 17, 2004, that encourages pilots making VFR flights near noise-sensitive areas  
7 to fly at altitudes higher than the minimum permitted by regulation and on  
8 flight paths that will reduce aircraft noise in such areas;

9 **WHEREAS**, as defined in the AC, an area is “noise-sensitive” if noise  
10 interferes with normal activities associated with the area’s use. Examples of  
11 noise-sensitive areas include residential, educational, health, and religious  
12 structures and sites, and parks, recreational areas (including areas with  
13 wilderness characteristics), wildlife refuges, and cultural and historical sites  
14 where a quiet setting is a generally recognized feature or attribute;

15 **WHEREAS**, the Final Environmental Impact Statement states that while  
16 mitigation measures will be implemented to reduce adverse noise impacts to  
17 the community concerning construction of military facilities directly related to  
18 the buildup, it lacks measures to address potential adverse affects of increased  
19 aircraft-related traffic such as noise annoyance to the community caused by  
20 the buildup and post-buildup activities;

21 **WHEREAS**, the A.B. Won Pat Guam International Airport Authority  
22 (GIAA) recognized the potential impact aircraft noise can have to residences,  
23 and established a residential sounds solution program that provides for grants

1 to home owners to participate in a noise abatement program, including  
2 sound-insulation procedures, if their residences are determined to fall within  
3 the FAA approved Noise Exposure Map;

4 **WHEREAS**, the intent of the program is to reduce the impact on  
5 communities surrounding the airport to reduce interior noise levels for each  
6 home to forty-five (45) decibels and to achieve at least a five (5) decibel  
7 reduction in the homes;

8 **WHEREAS**, it is acknowledged that the military may not fall under the  
9 purview of the FAA and that the AC asks for voluntary compliance, now,  
10 therefore, be it

11 **RESOLVED**, that the Committee on Rules of *I Mina'Trentai Unu Na*  
12 *Liheslaturan Guåhan*, does hereby, on behalf of *I Liheslaturan Guåhan* and the  
13 people of Guam, respectfully requests and urges— in the spirit of cooperation  
14 and goodwill— that military aircraft adopt the recommendations provided in  
15 AC No: 91-36D relative to Visual Flight Rules (VFR) Flight Near Noise-  
16 Sensitive Areas to reduce and control the effect of aircraft noise impact on the  
17 community; and that the military to adopt and implement a program similar  
18 to that of GIAA for noise abatement for residences, churches, schools,  
19 businesses, organizations, and all others affected, and be it further

20 **RESOLVED**, that the Speaker and the Chairperson of the Committee on  
21 Rules certify, and the Legislative Secretary attest to, the adoption hereof, and  
22 that copies of the same be thereafter transmitted to the Honorable Barrack  
23 Obama, President; Honorable Ron Mabus, Secretary of the Navy; Honorable

- 1 Anthony M. Babauta, Assistant Secretary of the Interior for Insular Areas;
- 2 Guam; Honorable Madeleine Z. Bordallo, Guam Delegate to US Congress;
- 3 Rear Admiral Paul J. Bushong, Commander, Joint Region Marianas; Brigadier
- 4 General John W. Doucette, Deputy Commander, Joint Region Marianas; Mr.
- 5 Joseph Ludovici, Executive Director, Joint Guam Program Office; and to the
- 6 Honorable Edward J.B. Calvo, *I Maga'lahaen Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES  
OF *I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN* ON THE \_\_\_\_  
DAY OF \_\_\_\_\_ 2011 (2012).**

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**JUDITH T. WON PAT, Ed.D.**  
Speaker

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**RORY J. RESPICIO**  
Chairperson, Committee on Rules

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**TINA ROSE MUÑA BARNES**  
Legislative Secretary