

**STATEMENT OF
MR. FRANK RUSH**

**CHAIR, SPECIAL PANEL ON MILITARY OPERATIONS ON
VIEQUES**

**Before The
Senate Committee on Armed Services**

ON

**The Report of the Special Panel on
Military Operations on Vieques**

October 19, 1999

Mr. Chairman and members of the Committee, the members of the Special Panel on Military Operations on Vieques are pleased to appear today to report on our findings and recommendations. The Special Panel was established by Secretary of Defense Cohen at the request of President Clinton. The President's request was made in response to requests he received from the Governor of Puerto Rico, the Resident Commissioner and others that live ordnance not be used on the Vieques range and that a special panel be appointed to review the military's Vieques operations.

Secretary Cohen asked that the Panel consider issues important to the residents of Vieques and to the training and readiness of our military forces. He asked that we review the need for the Vieques range and the continued use of live ordnance there, explore whether there were viable alternative locations or methods and study environmental, health and economic impacts on the island. We were asked to consider the views of the Governor of Puerto Rico, the Resident Commissioner, Mayor and other representatives of the residents of Vieques. The Secretary also asked that we consider the views of the armed forces and consult with other Federal agencies and any other source we felt would be helpful.

The Panel held open meetings both in Washington and on Vieques. The individuals whose testimony was heard by the Panel included Governor Rosselló, Resident Commissioner Romero-Barceló, Secretary of State Burgos, and Vice Admiral Fallon and Lieutenant General Pace, who testified on training requirements and potential alternative training areas and who subsequently testified before the Readiness and Management Support Subcommittee of this Committee. The Panel also heard from Congressmen Menendez, Serrano, and Gutierrez; Retired Rear Admiral Norton, former Commander of Fleet Air Caribbean and Rear Admiral Granuzzo, Director of Environmental Protection, Safety and Occupational Health on the staff of the Chief of Naval Operations; and Attorney General Fuentes-Agostini of Puerto Rico. A meeting that, due to the planned discussion of classified information, was closed to the public, was held with senior Navy and Marine Corps officers representing both East Coast and West Coast Naval forces.

In the Municipality of Vieques, the Panel heard from Mayor Santiago and eleven residents of Vieques who testified at a public meeting with respect to economic, environmental, health and safety concerns, and on the protection of and access to archeological sites. Navy officials escorted the Panel on a tour of the Inner Range and other Navy property at Vieques and Mayor Santiago escorted the Panel on a tour of the civilian area of the island.

In Puerto Rico the Panel also met with the Governor, heard the views of the members of the Governor's Special Commission on Vieques, and received briefings from the Commander, Navy Region Southeast, the Commander, U.S. Naval Station Roosevelt Roads, the Commanding Officer of the Atlantic Fleet Weapons Training Facility and members of their staffs.

During the course of its work, the Panel corresponded with and discussed environmental and health issues pertaining to Vieques with the Environmental Protection Agency and the Agency for Toxic Substances and Disease Registry. Finally, the Panel received and has included in its records a large volume of correspondence and materials from Federal and Commonwealth organizations, the Department of the Navy, members of Congress, and private organizations and individuals.

The Panel's conclusions and recommendations are set out in its attached report to the Secretary of Defense. The report speaks to each of the specific issues referenced in your letter inviting the members of the Panel to appear before the Committee. Central to the eleven recommendations included in the report is that the Department of the Navy should immediately begin a priority assessment of the training requirements at Vieques with the objective of ceasing all training activities at Vieques within five years. We did conclude that there is at present no viable alternative location that can meet the current stated requirement for combined arms training. The Panel did conclude that the impact of training activities on the residents of Vieques can and should be reduced and included specific recommendations to that end.

Mr. Chairman and members of the Committee, we want to clearly state for the record that the members of the Panel are in unanimous agreement with respect to the report, its conclusions and recommendations. In his request to Secretary Cohen that this Panel be established, the President indicated that he looked forward to a resolution that ensured our country's military readiness as well as the safety and welfare of the people of Vieques. The President reaffirmed this objective in his letter of September 22 to you, Mr. Chairman, and the work of the Panel was conducted with the clear goal of assisting in the attainment of such a resolution.

REPORT TO THE SECRETARY OF DEFENSE
OF THE
SPECIAL PANEL ON MILITARY OPERATIONS ON VIEQUES

FOREWORD

The report of the Special Panel on Military Operations on Vieques is submitted in response to a June 9, 1999 request from the President of the United States to the Secretary of Defense. The President asked that the Secretary establish a panel to: (1) review the need for operations at Vieques and (2) explore alternative sites or methods that would meet the Department's needs. The President also indicated that the panel should consider the views of the Governor of Puerto Rico, the Resident Commissioner, Mayor, and other representatives of the residents of Vieques.

BACKGROUND

Brief Description of the Navy Footprint on Vieques and the Military Training Conducted on and in the Vicinity of Vieques

The Navy owns approximately two-thirds of Vieques Island. The Naval Ammunition Facility (NAF) covers some 8,000 acres on the western end of the island. The Inner Range of the Atlantic Fleet Weapons Training Facility (AFWTF) on the eastern end of Vieques includes the 11,000 acre Eastern Maneuver Area (EMA) and the 900 acre Live Impact Area (LIA). There are approximately 9,300 United States citizens who reside in the Municipality of Vieques in the area between the NAF on the West and the Inner Range on the East.

The Navy reports that the inner range is used approximately 180 days a year, with two-thirds of total time devoted to advanced phase training involving major fleet and Joint Task Force exercises. The other one-third of training days involves use by U. S. and Allied ships and aircraft and by other Services such as U.S. Air Force attack and strike aircraft and the special operations forces of several Services.

Brief Background on Controversy Regarding Navy's Presence and Use of Vieques

Naval training operations in Puerto Rico have been the subject of significant controversy since at least the 1960s. The following provides a brief overview:

Culebra: From World War II until 1975 the Navy used the island of Culebra for weapons training. (Culebra, also off the eastern end of Puerto Rico, is north of Vieques.) In the late 1960s increased air-to-ground and naval surface fire on Culebra resulted in protests and widespread calls for the Navy to discontinue training in and around Culebra. In 1970, section 611 of Public Law 91-511 directed the Secretary of Defense to conduct a study and prepare a report on weapons training around Culebra. Secretary of Defense Laird submitted the report to the President and the Armed Services Committees on April 1, 1971. The report included a statement that the Secretary would review the Culebra situation by the end of 1972 in order to make a final decision as to where to relocate the naval training target areas that were then on Culebra.

Following the unscheduled discharge of mortar fire that landed on a Culebra beach where children were playing, all political parties in Puerto Rico called for the Navy to cease operations and leave the island. In June 1974, the President decided that weapons training activities on Culebra should be terminated by July 1, 1975.

Legal Actions concerning Naval Operations on Vieques: In March 1978 the Governor of Puerto Rico filed suit to enjoin the United States Navy from using portions of lands it owned on Vieques and in the water surrounding the island for the purposes of carrying out Navy training operations. In January 1981 the United States District Court for the District of Puerto Rico denied the Commonwealth's request for a comprehensive injunction.

House Armed Services Committee Study and Report, 1978-81: The transfer of Navy training activities from Culebra to Vieques in the 1970s generated significant controversy, including organized protests. As a result, on October 5, 1978, the Chairman of the House Armed Services Committee (HASC) appointed a full committee panel to review the status of, and future requirements for, Navy training activities on Vieques. Initial review of the issue was concentrated at committee staff level. On December 3, 1979 a full committee panel was reappointed with a focus on the requirements for the training facilities, Puerto Rico's perspective on the Navy's presence on Vieques and the exploration of alternatives, if any, to the naval training.

The HASC Panel held hearings in Washington in May 1980 and hearings on site in Vieques on July 10 and 11, 1980. The HASC Panel submitted its report to the Committee Chairman on February 8, 1981. The views of the panel members were in agreement on the need for an adequate naval training complex. Three members recommended that the Navy should locate an alternative site for the training activities. The other two members of the panel disagreed that a search for alternative sites was necessary.

Memorandum of Understanding Regarding the Island of Vieques: In 1983, the Governor of Puerto Rico and the Acting Secretary of the Navy signed a Memorandum of Understanding (MOU) that covered four broad areas: Community Assistance, Land Use, Ordnance Delivery in the Inner Range on Vieques, and Environmental Matters. With respect to community assistance, the Navy committed to strive to improve the welfare of the people of Vieques. This initiative was to include every meaningful effort, working with Commonwealth agencies and groups, to obtain full employment on the island. In the case of land use, the Navy agreed to actively consult with the Commonwealth Department of Natural Resources on the most beneficial and compatible uses of Navy lands. Agreement on ordnance included safety, absolute minimum utilization of explosive ordnance consistent with national defense needs, and notification of the Commonwealth, through the Secretary of the Commonwealth State Department, 15 days prior to the conduct of major exercises on Vieques. The provisions of the MOU on environmental matters covered a range of issues including ecosystems and conservation zones, endangered species, noise and historic preservation. A Management Advisory Committee comprised of representatives of the Navy, the U.S. Fish and Wildlife Service, the U.S. Forest Service and the Commonwealth Department of Natural Resources was established to facilitate the resolution of environmental problems and concerns.

April 19, 1999, Incident at Observation Post-1: On April 19, 1999 a Marine Corps F-18 pilot misidentified Observation Post-1, which is just to the west of the Live Impact Area in the Inner Range on Vieques, as his intended target and released two 500 pound bombs. This incident resulted in the death of a security guard, Mr. David Sanes Rodríguez, and the injury of four others. The next day, the Governor of Puerto Rico wrote to the President and the Secretary of Defense requesting the “immediate and permanent cessation of United States and allied activities that entail the use of weaponry anywhere in the vicinity of the Municipality of Vieques, Puerto Rico.” Following the April 19 incident, the Secretary of the Navy directed that no land operations occur on Vieques, to include live or inert fire, pending the report of the Panel.

Creation of Special Commission on Vieques: By his Executive Order of May 11, 1999 the Governor of Puerto Rico established a Special Commission to study the situation of Vieques, the effects of the Navy’s activities, and the strategies and alternatives available to the Governor to halt Navy activities and produce a recommendation as to what the official position of the people of Puerto Rico should be. The unanimous recommendations of the Special Commission were forwarded to the Governor of Puerto Rico on June 25, 1999. The first recommendation of the Special Commission was that the Navy should immediately and permanently cease and desist from all military activities on Vieques and that there be an orderly and expeditious transfer of the lands held by the Navy to the people of Vieques.

CONCERNS OF REPRESENTATIVES OF THE RESIDENTS OF VIEQUES

This section is based on the Report to the Governor of Puerto Rico from the Special Commission on Vieques; testimony before the Panel by the Governor of Puerto Rico and the Secretary of State on July 9; the Resident Commissioner of Puerto Rico and Representatives Menendez (New Jersey), Serrano (New York), and Gutierrez (Illinois) on July 16; the Mayor of Vieques and residents of Vieques on July 24, the Attorney General of Puerto Rico on August 6; and written submissions received by the Panel. Also included in this section is the status of the work of Federal Agencies that are actively reviewing the concerns of the residents of Vieques.

Economic Development: The Governor's Special Commission concluded that "one of the principal causes of the economic stagnation and recession suffered in Vieques" is the fact that "the Navy has been in control of three-quarters of the land on Vieques, confining the civilian population to a narrow space between a munitions warehouse and a firing range." Among the consequences specifically addressed in the report were the impact of the lack of access to the beaches and the land, the nonavailability of the land for economic development, and the need to reduce the distance traveled between Vieques and the main island of Puerto Rico by sea.

As the Attorney General of Puerto Rico testified, "Vieques is six miles from Puerto Rico. But, because the whole west end of the island is taken, it's a 22 mile boat trip to get from the nearest town on the main island, Fajardo, to the main town of Vieques." The adverse impact of Navy exercises on fishing activities was covered in the testimony from the President of the Southern Vieques Fishermen's Association. He also noted that a study of the potential productivity of Vieques maritime resources was commissioned by the Navy in 1983 and conducted by the Smithsonian Institute. While the study revealed a high potential for maritime projects, the Fishermens' Association President stated that "no such projects have ever been successfully developed because of the U.S. Navy's control of the land and waters of Vieques."

The Special Commission's report highlights statistics indicating that 73.3 percent of the population of Vieques lives below the poverty line, 14.4 percent higher than on the main island, and that the unemployment rate on Vieques of 26.3 percent is 5.9 per cent higher than on the main island. It was also stated in testimony before the Panel that the economic status of the residents of Culebra has improved since the departure of the Navy and is now better than that of the residents of Vieques in terms of employment and average income.

Environment: The Governor's Special Commission concluded that "the activities of the Navy in Vieques have had a damaging and unrelenting effect on the environment, ecology, unique archaeological sites, natural resources and surrounding waters." The Commission recommended that, in anticipation of the return of lands by the Navy, the people of Vieques should decide on the type of economic development they want and establish a land management plan that would incorporate a conservation plan for natural, archaeological and cultural resources.

On August 27, 1999, the Deputy Regional Administrator for Region 2, United States Environmental Protection Agency (EPA), responded to the Panel's request for an update and timetable with respect to the EPA's work in relation to the Navy's application for a renewal of its National Pollutant Discharge Elimination System permit (NPDES) and application for a Resource Conservation and Recovery Act (RCRA) permit. The existing permit requires the Navy to hold ordnance exercises to a minimum, commensurate with military readiness requirements.

The EPA indicates that it has determined that the Navy has violated the NPDES permit and has not demonstrated an ability to comply with the permit. The EPA also indicates that it will publish a notice of intent to deny the Navy's NPDES permit application in November 1999. Denial of the permit would not necessarily prevent the Navy from conducting some or all of its training exercises, however targets might have to be adjusted to avoid ordnance landing in waters in or surrounding the live impact area. With respect to the RCRA permit, the EPA plans to complete its review of the Navy's Part B application and issue a notice of deficiency (NOD) by the end of September 1999. The EPA indicates that the NOD is expected to require the Navy to develop a work plan for gathering baseline data regarding air, noise, and ground percussion impacts.

On August 23, 1999 the Director, Division of Health Assessment and Consultation of the Agency for Toxic Substances and Disease Registry (ATSDR) informed the Panel that the ATSDR is responding to a petition from a resident of Vieques. The resident requested that the Agency investigate health concerns of island residents as authorized under the Comprehensive Environmental Response, Compensation and Liability Act. The ATSDR conducted a site scoping visit to Vieques the week of August 9-13, 1999 to begin the data collection process of its investigation.

Health: The Report of the Special Commission indicated that the death rate for Vieques in 1997 was the highest of any municipality in Puerto Rico and that the infant mortality rate is considerably greater than the average for Puerto Rico. The Report also indicated that certain specific sectors of Vieques have a greater number of cancer cases. This concern was also expressed to the members of the Panel during the Panel's trip to Vieques. Dr. Castaño, a retired professor of epidemiology and now a resident of Vieques, testified during the Panel's hearings on July 24 that a Health Department study indicates that in the early 1960s the incidence of cancer in Vieques was lower than in the rest of Puerto Rico. In the mid-to-late 1980s, he indicated, the incidence was 26 percent higher than for the rest of Puerto Rico and statistically significant.

Historic Preservation: The 1983 Memorandum of Understanding incorporated an agreement between the Navy and the Commonwealth State Historic Preservation Office that set out specific actions and timetables concerning historical preservation of cultural resources on Vieques. Four papers were presented to the Governor's Special Commission on the Navy's compliance with federal laws, court orders and agreements concerning the study, protection and conservation of the archaeological sites on Navy land in Vieques. These papers expressed concern with deficiencies in the evaluation reports submitted by the Navy and called attention to one site, now identified as one of the most important in all of Puerto Rico, that the Navy had concluded had minimal potential. The Special Commission concluded that "the activities of the Navy in Vieques have had a damaging and unrelenting effect on the ... unique archaeological sites" The Panel received testimony expressing similar concerns. This testimony also emphasized the fact that the Eastern Maneuver Area is off limits to Puerto Rican archeologists.

Noise: The Report of the Governor's Special Commission summarized Department of Education reports that "the explosions and vibration caused by the bombing practice causes the school buildings to shake, affecting not only the teaching process but the physical plant itself." The Commission noted that "noise continues to be one of the problems pointed out by many deponents in the public hearings and during the on-site inspections. Vice Admiral Fallon's testimony to the Panel indicated that the population center in Esperanza was very obviously exposed to the noise of heavy naval guns. He stated that, in his opinion, that fact was "probably the biggest irritant and discomfort to people on the island," and that the noise was probably centered on the south shore and came principally from the heavy guns.

Safety: The Special Commission appointed by the Governor of Puerto Rico concluded that "the accident of April 19 is the last in a series of errors that prove that it is possible for an explosive or dangerous artifact to be discharged near or in the civilian population area, thus jeopardizing the life and safety of the citizens of Vieques." The Attorney General of Puerto Rico testified that "in 1998 alone, by the Navy's own admission, five separate live fire events ... occurred during training exercises." He further stated that "this pattern of live fire events has been repeated virtually every year," and concluded that "all of these incidents show that the Navy cannot ensure the safety of the population of Vieques."

Compliance with the 1983 Memorandum of Understanding: The Attorney General of Puerto Rico testified concerning the Memorandum of Understanding (MOU) that "the ... the MOU is Swiss cheese when it comes to obligations. But even those minimal standards, to which the Navy agreed in the MOU, have not been met even 16 years later." Resident Commissioner Romero-Barceló testified that "with the passage of time the intent of the MOU and the promises of the MOU were diminished ..." even though "... shortly after the agreement was entered into there was every effort made to be in compliance." The Mayor of Vieques, Manuela Santiago, testified that, based on her experience during her first ten years as Mayor, she could attest to the fact that "the Navy never wished to comply with the employment promise as stated in the Memorandum of Understanding."

The report of the Special Commission to the Governor of Puerto Rico concluded that “the constant violations, in both the spirit and the letter, of the 1983 Memorandum of Understanding, by the Navy, together with the limitations inherent therein, have made it a totally ineffective instrument to protect the interests of the population of Vieques, vis-à-vis the activities of the Navy.” The Special Commission recommended that the 1983 MOU be discarded as ineffective for protecting the interests of the people of Vieques.

REVIEW OF NAVAL ACTIVITIES ON THE ISLAND OF VIEQUES

This section is based on the study submitted to the Secretary of the Navy from the Commander, U.S. Second Fleet and the Commander, U.S. Marine Corps Forces Atlantic on the “National Security Need for Vieques”; testimony to the Panel from both Commanders; visit and briefings at Naval Station Roosevelt Roads and on Vieques; and written submissions received by the Panel.

Vieques Training Facilities: The Navy study concluded that the “Vieques Training Range, an integral part of the Atlantic Fleet Weapons Training Facility, is critical for pre-deployment training and preparation for East Coast Navy and Marine Corps forces. It is a range designed to measure, under stress, the performance of people and systems in the maritime combat environment.” The study further concluded that Vieques is a unique facility; the only one located in the Atlantic where “realistic combat training can be conducted in a combined and coordinated manner.” Offering the only Navy live fire land complex with day and night capability, amphibious landing beaches and maneuver areas, the Vieques Inner Range is immediately adjacent to a large area of low traffic airspace and deep water seaspace with underwater and electronic warfare ranges, a full-service naval base and air station and interconnected range support facilities.

Naval Training Requirement: The study and the Navy and Marine Corps witnesses covered in great detail the importance of live fire in the training of Naval Expeditionary Forces. Highlighting past and present experience, the importance of exposure to live ordnance, live fire conditions, and the associated stress, was emphasized by the Navy and Marine Corps as essential to combat readiness and as prerequisite preparation for the deployment of naval forces that may be called to engage in combat. While addressing the use of simulation, inert ordnance, and other ranges; the study and testimony emphasized that it is the Supporting Arms Coordination Exercise that pulls the training of all the forces together by integrating all facets of the combined arms capabilities of the Navy and Marine Corps. In the view of the Navy, Vieques is the only Atlantic location where Supporting Arms Coordination Exercises can be conducted. For all these reasons, the Navy is convinced of the need to continue the live fire training afforded by the Vieques Inner Range for the near future.

Alternative Training Sites: The Navy/Marine Corps study examined a total of 18 sites in great detail for their potential as alternative training locations. The criteria by which these sites were evaluated were:

- Availability of an air-to-ground live ordnance range with tactically realistic and challenging targets and airspace which allows for the use of high altitude weapon delivery.
- Availability of a Naval Surface Fire Support firing range which permits training of ships, forward spotters, and fire coordination teams.
- Ability to exercise combined arms amphibious operations.
- Availability of nearby naval and air base support.

The study concluded that “no single site” evaluated was able to accommodate all the training conducted at Vieques. The study did consider apportioning out the training to various sites, but concluded that such a piecemeal approach “significantly degrades training to support the effective integration and coordination of all combined arms.”

Readiness Impact: The Navy/Marine Corps study concluded that “because no suitable alternative to Vieques exists, the curtailment of operations would have an immediate impact on Navy and Marine readiness.” The authors emphasized that the mission essential tasks which serve as the basis for the certification and qualification of individuals, units and groups would not be met and that there would be significant deficiencies in overall readiness, thus leading to greater risk to deploying forces.

Impact on People of Vieques: The study addressed the issues of safety, economic and environmental matters and the health concerns of the residents of Vieques. In the study the Navy acknowledges its responsibilities in these areas. The Navy is quick to point out its safety record over 50 years but it is also quick to concede that additional safety measures are warranted. In the case of economic development and employment, the Navy study and witnesses admit to a less than satisfactory record of performance. While the Navy readily admits to shortcomings in these areas, it provided no near or long term plans that might provide solutions or result in improvements in these areas of concern. In the environmental and health domains, the report card is also less than satisfactory. The Navy has done good work in establishing conservation zones but, at the same time, their efforts to address water and air quality concerns, noise and historic preservation has been less than satisfactory.

CONCLUSIONS

Assessment of Concerns with Military Operations on Vieques:

Over the course of the Panel's assessment of military operations at the Atlantic Fleet Training Facility and on Vieques, it became obvious that the relationship between the Navy, the residents of Vieques, and the people of Puerto Rico had reached crisis proportions even prior to the tragic death of David Sanes Rodríguez in April 1999. This breakdown can be attributed in many respects to the legitimate complaint of the Commonwealth that the agreements made in the 1983 Memorandum of Understanding (MOU) between the Secretary of the Navy and the Governor of Puerto Rico had not been lived up to by the Navy. The Panel believes that the MOU provided a good basis for constructive cooperation, and the Panel's review of the MOU, and of what has, had, or had not been accomplished, contributed significantly to our conclusions and to our recommendations. Likewise, our careful review of the report prepared by the Governor's Special Commission on Vieques and the recommendations of that report weighed heavily in our deliberations, as did the testimony we received during the Panel's hearings and in written submissions from interested parties.

The Panel is convinced that the Navy was initially committed and sincere in its efforts to live up to the agreements reflected in the MOU. Programs were initiated with the high hope that they would encourage economic development and foster employment opportunities on the island. Unfortunately, for a myriad of reasons, some legitimate and some the result of inattention or neglect, those economic development initiatives failed. In significant part, this failure can be attributed to poor planning and to poor execution on the part of the Navy.

In addition, information provided to the Panel during its hearings and through other submissions led the Panel to conclude, as did Representative Dellums who chaired the HASC Special Panel in 1981, that "insensitivity has been the hallmark of the Navy's approach" with respect to community relations. The formulation of the 1983 MOU provided an exception to this pattern, but it is clear that the performance of the Navy in meeting its obligations under the MOU has been inadequate in recent years. It is also clear that the improved relations between the Navy and the community following agreement on the MOU was an exception to a general condition of poor relations between the Navy and the community of Vieques.

Just as significant are the health and noise concerns of the residents of Vieques and their representatives. The Panel notes with concern the lack of good data concerning the health of the residents of Vieques, particularly with respect to the incidence of cancer. Though the incidence of cancer is reported to be very high on the island, there is little indication of sincere and sustained efforts on the part of the Navy to assist the government of Puerto Rico in identifying what could be the cause(s) of high cancer rates.

Again, there appears to be an insensitivity and a detached approach to the concerns of the residents of Vieques. Likewise, complaints concerning the noise associated with military operations from the residents of Vieques have had little effect on either the tempo or conduct of operations by the Navy.

Included in the MOU is a commitment by the Navy that “to the greatest extent possible and consistent with national defense needs, the Navy will maintain the utilization of explosive ordnance at an absolute minimum.” Data before the Panel indicates that the percentage of live ordnance used at Vieques in relationship to inert ordnance has significantly increased beginning in fiscal year 1996. Moreover, the percentage of live ordnance in relation to inert ordnance in the early 1990s was about twice that reported in the late 1970s. While this increase may be warranted based on changing methods of weapons delivery, this is all the more reason to limit both live and inert ordnance to the elements of training that cannot effectively be conducted elsewhere. This limitation would serve to significantly reduce the amount of live ordnance expended and the number of days during the year in which operational training is conducted.

On the other hand, the Navy has done a commendable job in addressing some of the environmental challenges on the island. Working with agencies of the Federal government and the Commonwealth, some programs are models of excellence, equal to or better than those found at other U.S. bases. For example, the Navy has taken steps to protect the endangered species through the establishment of seven conservation zones.

The Panel is convinced that much of the breakdown in communications between Puerto Rican authorities and the Navy can be traced to the Navy’s decision to withdraw the flag officer billet and staff that served as the structure for personal interface between the Navy and the Commonwealth. It is obvious to the Panel that much of the energy, concern and commitment toward meeting the agreements set out in the MOU were curtailed or abandoned by the Navy with the loss of this structure. The leadership at Naval Station Roosevelt Roads had too much on its agenda already and, with no additional personnel or funds to dedicate to Vieques, a status of benign neglect appears to have set in. The tragic death of Mr. Sanes Rodríguez brought the smoldering Puerto Rican discontent to the surface and led to today’s situation.

Assessment of the Need for Military Operations at Vieques:

The Panel concludes that at present there is a valid requirement for the Navy to conduct combined arms exercises involving live air-to-ground ordnance, naval surface fire support and the combined arms live fire training needed to provide combat ready forces for deployment. Navy experience during the 1990s, when some of this training was cut back or omitted, supports the essentiality of these combined arms exercises in providing combatant units an appreciation of the coordination necessary to conduct amphibious landings with live ordnance supporting arms. For these reasons, the Panel is convinced that such training is vital to preparing deploying forces for possible combat and that, without such training, the risk to personnel is increased.

At present Vieques is the only place which provides the capability for all elements of the East Coast based Naval Expeditionary Force, (Carrier Battle Groups, Amphibious Ready Groups, and their embarked Marine Expeditionary Units), to conduct such exercises. The Panel was briefed in some detail on the mission essential tasks vital to meeting training requirements for deploying units. From the list of mission essential tasks, the following tasks are considered vital for mission success and, at present, there are no other sites on the East Coast except at Vieques at which they can be conducted:

- Conduct forcible entry: Airborne, Amphibious, Air Assault
- Assess munitions effects on operational targets
- Surface firepower interdiction of operational targets
- Provide firepower in support of operational maneuver
- Synchronize operational firepower
- Integrate tactical fires

Further, the Panel reviewed the Navy's assessment of the feasibility of 18 alternative sites to the training facilities on Vieques and the results of earlier efforts to locate alternative sites with similar characteristics. The Panel concluded that at present there are no potential sites that can meet the current stated requirement for combined arms live fire training. The Vieques Inner Range has been developed over time to fulfill the need for all facets of live fire training. For this reason, it is the opinion of the Panel that the availability and convenience of Vieques for pre-deployment training may have influenced the assessment of alternative training sites and methods of training. With this in mind, it is the Panel's opinion, that renewed efforts to further define criteria and approaches are warranted in the effort to identify alternatives to Vieques.

Additionally, the Panel concludes that, at present, alternate training methods for the combined arms exercises most essential for readiness are not currently feasible or available. However, the Panel does believe that new technologies, new techniques, and new weapons systems will rapidly change training requirements and methods. With this in mind, the Panel is convinced that the Navy should fully resource the active search for technological solutions for relatively near term application. Further, such changes led the Panel to conclude that adequate alternative sites may exist to meet these changing training requirements with alternative training methods in the future.

The Panel further concludes that the impact of training activities on the residents of Vieques can be reduced: (1) by immediately limiting training activities at Vieques to those activities that are vital to readiness and can, at present, only be conducted at Vieques, and (2) by limiting the use of explosive ordnance to the greatest extent possible.

With respect to alternative methods of training, the Panel concludes that some alternative methods to reduce dependence on Vieques for combined arms training are feasible now, and that others can be developed in the near term in conjunction with the development of new facilities. Alternative methods can include, among other things, the separation into components of some aspects of training that are now practiced in a continuum at Vieques. Examples include, but are not limited, to the following:

- Air-to-ground aircrew, squadron level and airwing level live ordnance training can be and is conducted at Fallon, Nevada. The sequencing of this training can be altered so as to ensure currency on deployment of the Carrier Air Wings. “End-to-end” training, which incorporates aircraft carrier operations and requires the validation of ordnance handling procedures from magazines to delivery on target of a properly armed weapon, could be conducted only to the level necessary for carrier and squadron ordnance crews to become qualified. Additionally, appropriate personnel assignment policies can insure the availability of personnel for training so as to ensure deploying aircrews are fully trained.
- Supporting arms for opposed amphibious landings can be practiced at Vieques using the end-to-end validation loads described above and inert naval ship fire support, which would permit the development of the necessary coordination among all the components involved. Most live artillery training can be carried out at existing Marine Corps ranges, and its use at Vieques limited to test coordinated fire during forcible entry training.
- Individual ship gunfire training could be partially conducted using towed targets at sea, and eventually using enhanced, computer aided virtual ranges at sea which enable spotter/fire control team interaction.
- Inert mine delivery and recovery operations can continue to be practiced at the ranges near South Carolina.

The Panel is aware that the separation of certain aspects of current training into their component parts cannot replicate the ideal solution that has been available by the integration of all operational activities at Vieques; however, the Panel strongly favors experimentation with such innovative methods as an effort to finding a solution to the need for Vieques.

RECOMMENDATIONS

1. The Department of the Navy should immediately conduct a priority assessment of the training requirements at Vieques with the objective of ceasing all training activities at Vieques within five years. The Navy should take necessary programming actions to ensure that adequate resources are available to facilitate the identification and preparation of alternative locations, to institute necessary changes in training methods, and to provide for restoration and transfer to Puerto Rico of the Eastern Maneuver Area. An assessment of progress toward this objective should be provided to the Secretary of Defense not later than October 1, 2002.
2. The Department of the Navy should take immediate steps to discontinue the use of the Naval Ammunition Facility, take immediate action to clean and restore the Naval Ammunition Facility and, in coordination with the government of Puerto Rico, expeditiously return the land to Puerto Rico. As recommended by the Governor of Puerto Rico's Special Commission, the return of the lands must be done in an orderly manner under an established land management plan with protection of the lands against illegal occupation. This recommendation includes Mosquito Pier and land contiguous to the airport. The Navy should retain those lands necessary for the safe operation of the Relocatable Over the Horizon counter-narcotics Radar (ROTHR) transmitter at the Naval Ammunition Facility, and for the safe operation of antennas on Mount Pirata to control operations in the outer range.
3. The Department of the Navy should develop a plan and submit a legislative proposal to expedite the disposal of excess Navy real property on Vieques that would authorize the direct transfer of property to the Commonwealth of Puerto Rico. In this regard, the transfer of the 110 acres of Navy land needed for the extension of the runway at the Antonio Rivera airport should be executed as expeditiously as possible.
4. The Department of the Navy should begin immediately to implement modifications to training methods such as those suggested in this report to reduce the use of the live impact area to an irreducible minimum during the transitional training period. Significant reductions in live air-to-ground ordnance expenditures, sharply reduced Naval Surface Fire Support activity, and a reduction in the total number of training days should be directed. The Panel recommends that, effective immediately, the Navy reduce the expenditure of live fire (bombs, naval gunfire, and artillery) by 50 percent from 1998 activity levels, and reduce the availability of the impact area from 365 days per year to 130 days per year.

5. The Navy should immediately reestablish a flag officer position and staff in Puerto Rico. The supporting staff should include individuals with the training and experience necessary to address and assist in the implementation of the approved recommendations of the Panel.
6. A joint committee should be chartered to ensure that the concerns of the local population and the Commonwealth of Puerto Rico are fully considered in the Navy's conduct of military operations on Vieques during the transition period, and that environmental protection and economic development are forcefully promoted. The Panel believes that the Navy flag officer and an official designated by the Governor of Puerto Rico should co-chair the committee.
7. To ensure maximum effectiveness in the operations of the joint committee, the Panel recommends that an Executive Order be drafted that would provide Presidential direction and authority for executive departments and agencies to provide assistance and resources as needed in support of the operations and objectives of the joint committee.
8. The Navy should install noise monitoring equipment on the South coast of Vieques near Esperanza and take necessary action to reduce noise levels associated with naval gun muzzle blast by repositioning Navy ships conducting Naval gunfire training.
9. The Panel recommends that, within 60 days of the release of its report, that the Public Health Service, with the assistance of the Department of Defense, and in coordination with other appropriate Federal and local agencies, introduce a health team to Vieques to address the incidence of cancer and other health concerns in the population of Vieques and develop a plan of action to address these concerns.
10. The Navy should take timely action to assist, within safety constraints, the funding and coordination of an island-wide inspection and review of possible archeological sites.
11. The Navy should undertake immediate actions to enhance range safety. These actions should include:
 - a. Modification of the Western boundary of the Live Impact Area to enhance recognition.
 - b. An easily distinguishable zigzag " firebreak" should be added, and lighting compatible with night vision should be installed along the entire length of the firebreak with co-located radar and infrared reflectors. These improvements could make the boundary unmistakable to aircrew and ship gunnery teams.
 - c. The observation post should also be equipped with improved visual recognition features, including a checkerboard paint scheme, and improved lighting.
 - d. Range procedures must be updated to remove any ambiguity that may have contributed to the April 19 mishap.

Frank Rush, Chair

Hon. Lee Hamilton

Richard Neal,
GEN, USMC, Ret.

Diego Hernandez,
VADM,USN, Ret.