

Summary of Disclosures

This document serves as a concise summary of Ms. Mitton's disclosures, which are also detailed in the attached narrative document and which fall into categories: 1) Violations of Law, Rule and/or Regulations; 2) Abuse of Authority; and 3) Substantial and Specific Dangers to Public Health or Safety. Several disclosures overlap two or more categories. Ms. Mitton has personal knowledge of all of the following acts and omissions:

Violations of Law, Rule and/or Regulations

- 1) *Poaching of deer by Volunteer Conservation Officers (VCOs) – local residents who hunt on Base – in “no hunting” areas has occurred for several years and continues unabated. [Violation of Regulation – signed “no hunting” areas]
- 2) Since Ms. Mitton was relieved as Chief Conservation Officer of the on-base hunting program in April 2007, people without backgrounds in biology have served as Chief Conservation Officer of the on-base hunting program, including currently the Flight Chief and a contractor. [Violation of Rule – Air Force Guidance (AFI 32-7064), Section 6.2.1 & Attachment 1, Terms; also Abuse of Authority]
- 3) Volunteer Conservation Officers are not searched at the gate when arriving at Andersen. [Violation of Rule – 36th Wing Instruction (36WGI 31-101); also Substantial and Specific Danger to Public Health]
- 4) Beginning in September 2007, the Base constructed new runway approach lighting, in the process clearing native limestone forest vegetation, without consulting with the Fish and Wildlife Service re: effects on threatened Mariana fruit bats. [Violation of Law – Endangered Species Act (ESA) Section 7, 16 U.S.C. Section 1536(a)(2); also Abuse of Authority]
- 5) For eight (8) months after the approach lighting project started, Ms. Mitton asked Base officials to authorize a fence around the construction area to prevent apparent poaching of Mariana fruit bats by construction workers; they ignored her requests. [Violation of Law – ESA Section 9, 16 U.S.C. § 1538(a); also Abuse of Authority]
- 6) Base officials have refused Ms. Mitton's repeated requests to at least investigate the disappearance of highly endangered Mariana crows on Base, which began rapidly disappearing when hunting VCOs were allowed to use shotguns around one year ago; no crows have been sited or heard in weeks. [Violation of Law – ESA Section 9, 16 U.S.C. § 1538(a); also Abuse of Authority]
- 7) Cleanup projects at various Installation Restoration Program (IRP) sites on and near the Base failed to comply with ESA consultation requirements. Principal among these was the Uranao cleanup project, a federally-funded extensive cleanup of World War II debris and munitions near the Base that denuded an entire hillside of vegetation leading

down to a beach.[Violation of Law – ESA Section 7, 16 U.S.C. § 1536(a)(2); also Abuse of Authority]

8) Cleanup projects at various IRP sites, including Uranao, have also failed to comply with the National Environmental Policy Act's (NEPA), 42 U.S.C. ¶¶ 4321 *et seq.*, review requirements for major federal actions that significantly affect the human environment. This failure continues today. [Violation of Law – NEPA 42 U.S.C. ¶ 4332 *et seq.*]

9) Beginning in June 2008, Ms. Mitton began protesting to her supervisors that training exercises at Andersen South required ESA consultation; those exercises continued without any consultation [Violation of Law – ESA Section 7, 16 U.S.C. § 1536(a)(2); also Abuse of Authority]

10) In violation of both the ESA Section 7, 16 U.S.C. § 1536(a)(2), and NEPA, 42 U.S.C. § 4321 *et seq.*, the Air Force cleared Tarague Beach – a listed sea turtle nesting area – of almost all vegetation, ground up beach coral, and paved over an existing soil/sand beach road;

11) Ms. Mitton's supervisors refused to pursue illegal fishing activity under local law 5 GCA, Div. 5, Ch. 63, Guam Public Law 24-21; 36WGI 32-7003, because it was Air Force personnel doing the fishing;

12) Since beach monitoring stopped in November 2007, there has been increased illegal vehicle traffic by Base personnel that has damaged sea turtle nesting vegetation in violation of ESA Section 9, 16 U.S.C. § 1538(a);

13) The Base Fire Department is responsible for much of the damage to turtle nesting habitat due to its training operations on the beach; it never consulted with the FWS on these operations in violation of ESA Section 7, 16 U.S.C. § 1536(a)(2);

14) VCOs routinely violate local law 5 GCA, Div. 5, Ch. 63, Guam Public Law 24-21, by trapping coconut crabs within 30 feet of the shoreline, without repercussions;

15) Against the recommendations of the FWS during consultation, the Base approved a dog trail on the beach, potentially violating ESA Section 9's take prohibitions due to dogs harassing wildlife including protected sea turtles;

16) Andersen officials have thus far refused to implement conservation measures recommended by FWS officials under ESA Section 7 consultation earlier this year;

17) *Ms. Mitton has observed military personnel fishing in an Explosive Ordnance Disposal (EOD) area, which is not permitted due to safety concerns, see Air Force Regulations 36WGI 34-102; 36WGI 32-7003.

Substantial and Specific Dangers to Public Health or Safety

- 1) Lack of signage in Tarague Basin informing public hikers when hunting is in progress during the week creates a hazardous condition;
- 2) VCOs are allowed on base with guns, even at night, although they have no security clearances and do not undergo background checks;
- 3) The above-noted paving of a road on Tarague Beach resulted in extensive storm water runoff into the adjacent shoreline and ocean; and
- 4) Notifications of munitions detonations as part of training exercises are inadequate to ensure the safety of those in the area.