

Opinion on the DEFENDANTS' RESPONSE TO COURT MEMORANDUM  
AND ORDER

Association to Protect Northernmost Dugong

We strongly claim that the Japanese Government is far from reliable in appropriately conducting legally and scientifically credible and reliable environmental impact assessment (EIA) for the Futemma Replacement Facilities(FRF). The government has ignored the proper, designated EIA procedures and has commenced the surveys before the scope and assessment methodology were evaluated and approved. Some ongoing surveys turned out to be not only inadequate but also potentially dangerous for the dugongs using area. Moreover, the government is not even prepared to give sufficient explanation about their own action to the public.

Japan's Ministry of Defense (MoD), the party responsible for the project, has already commenced the field survey. They have falsely insisted that this is only preliminary and not the actual EIA survey, but the procedures used are almost identical to those the MoD had planned to use in the EIA for another (already-cancelled) project on the outer reef. Field surveys are being carried out by MoD's Okinawa Defense Facilities Agency (DFA), regardless of protests at local and national level, despite the fact that the scope and methodology for the assessment have not even been approved by the EIA committee.

On top of forcible proceeding of the unapproved EIA, an incident revealed the inappropriateness and inadequacy of the current survey methods and irresponsible, careless work of the MoD and DFA. In October ~ November 2007, in seagrass beds where many dugong grazing tracks are found, a large number of nails of approximately 8cm (3 inches) with short nylon ropes attached were driven in to the seabed. These may well have been markers for a crude attempt to record the location and size of grazing trenches. However, some nails had come out due to the sandy bottom sediment and were left unattended in the dugongs' feeding habitat (see <http://sea-dugong.org/english/index.html>).

We consulted several sirenian experts from around the world and they shared the view that such practice potentially poses a threat to the local dugong population because 1) the nails can injure the dugongs (especially young and inexperienced animals) during in-water activities 2) the presence of dangerous debris (nails and ropes), especially in such large quantities, obviously poses the risk of accidental ingestion on the feeding dugongs 3) the dugongs are extremely vulnerable to the possibility of incidentally ingesting foreign items due to their feeding habits. Therefore, these scientists suggested that the survey itself should be suspended immediately with all the nails removed from the feeding ground and that another technique for marking survey transects should be employed.

We then, immediately requested the DFA to remove these unattended materials as soon as possible and they were eventually removed. However, the DFA were not forthcoming over our question of why they had chosen this method. They asserted that they paid sufficient attention to dugongs and the environment upon conducting the survey but never clarified how. Finally, we would like to emphasize again that this survey is being carried out before the publication of the document of the EIA implementation plan, which is to say, before the method has even been approved.

This EIA survey which the Japanese government forced to carry out, violating [the Environmental Impact Assessment Law](#), has posed a potential direct threat to the dugongs in Okinawa. In addition, their EIA document does not include any specific and practical methods for impact evaluation and assessment. These indicate the government's dereliction and ignorance concerning biology and ecology of dugongs, survey methods that are suitable for the animal, and mitigation measures.

We conclude and claim that the Japanese government seriously lacks the reliability in undertaking an appropriate and credible EIA for FRF and thus will not be able to appropriately identify and mitigate the impacts of the project on the critically endangered Okinawan dugongs and on their last remaining habitat. We, as a dugong conservation organization, declare that such inappropriate EIA is inadequate for the DoD to fulfill its responsibility required under NHPA.