



OKINAWA PREFECTURAL GOVERNMENT

1-2-2 IZUMIZAKI NAHA CITY

OKINAWA 900-8570 JAPAN

April 16, 2018

The Honorable James N. Mattis
Secretary of Defense
Washington D.C.
U.S.A. 20301-3010

Adm. Harry B. Harris Jr.
Commander, U.S. Pacific Command and U.S. Navy
Camp H.M. Smith, Hawaii, U.S.

Lt. Gen. Jerry P. Martinez
Commander, U.S. Forces Japan and 5th Air Force
Yokota Air Base, Kanagawa, Japan

Lt. Gen. Lawrence D. Nicholson
Commander, U.S. Marines Japan and III Marine Expeditionary Force
Camp Foster, Okinawa, Japan

**Request for Consultation Regarding Okinawa Dugongs
under the U.S. National Historical Preservation Act**

Dear Secretary Mattis, Adm. Harris, Lt. Gen. Martinez, and Lt. Gen. Nicholson:

As Governor of Okinawa Prefecture, in accordance with Section 402 of the U.S. National Historical Preservation Act (NHPA), I request that the U.S. Department of Defense (DoD) consult with the Okinawa Prefectural Government regarding the impact on the Okinawa dugong from the construction of the U.S. Marine Corps Futenma Air Base Replacement Facility (FRF) at Henoko-Oura Bay in northern Okinawa. I make this

request in light of the disturbing reports regarding the dugong and in light of the August 2017 ruling of the U.S. Appeals Court on the “Dugong case” under the NHPA and information available through the case.

I firmly believe that when proper consultation between the U.S. DoD and the Okinawa Prefectural Government takes place, the U.S. DoD will understand that the area of Henoko-Oura Bay is not suitable for construction of the FRF or any other new military facilities.

Importance of the Dugong and Conservation Efforts

As you are aware, the dugong is a rare marine mammal species, related to the manatee inhabiting the coastal areas of Florida in the U.S. It is the only living marine mammal species that subsists only on plants and lives exclusively in the ocean. It is protected as an endangered species by Japanese laws and international conventions. At present, the waters of Okinawa Island are the only remaining known habitat for the dugong in Japan, making Okinawa the northernmost habitat for the world's dugong population. As one of the most biodiversity rich areas in Japan, Henoko-Oura Bay is critical for the survival of the dugong.

As you are also aware, the dugong is of cultural significance for the people of Okinawa. As an intermediary creature between the everyday human world and the super natural world, it appears in Okinawa's creation myth, folklore and songs. Coastal communities of Okinawa hold rituals honoring the dugong. In 1955, the Government of the Ryukyus Islands (at present the Okinawa Prefectural Government) under the U.S. military's occupation designated the dugong as a *Natural Monument* in its first list of *Natural Monuments* along with eight other *Natural Monuments* including plants found in sacred places and rare birds. At present, the dugong is designated and protected as a national *Natural Monument* by the Japanese Law for the Protection of Cultural Properties. Because of its designation as Japan's *Natural Monument*, the U.S. Federal District Court ruled in March 2005 that the dugong is protected by the U.S. NHPA.

The Okinawa Prefectural Government has been making efforts to protect and conserve the dugong. It has published educational booklets and video materials, has held seminars and workshops on conservation, and at present is engaging on a dugong protection program in the waters around Okinawa Island.

In a similar vein, I understand, the U.S. DoD has made efforts to protect the dugong in Okinawa in accordance with the Japan Environmental Governing Standard and U.S. laws, particularly because the construction of the FRF takes place in Henoko-Oura Bay. I am aware that the U.S. DoD engaged in the “take into account” process regarding the impact

of the FRF on the dugong, as ordered in 2008 by the U.S. Federal District Court under the U.S. NHPA. (e.g. *U.S. Marine Corps Recommended Findings, April 2014*).

Construction of FRF and the Dugong

Despite the efforts of all concerned, however, the dugong continues to face a critical situation. In particular, since the Okinawa Defense Bureau began in August 2014 setting up of floats and buoys in the water to mark the “restricted area” for construction work for the FRF, we have seen changes in the behavior of the dugong.

According to survey reports by the Okinawa Defense Bureau, no dugong has been sighted in Oura Bay since January 2015 although in the past dugong had been sighted here. The individual dugong known as Dugong C, which had been frequently sighted along the coastal areas of northern Okinawa Island including Oura Bay before then, has not been sighted since June 2015. With these reports, the Okinawa Defense Bureau has taken some measures to address this situation, which have not been effective. Still, the Bureau continues construction work.

The situation is disturbing, and in my view, it is inconsistent with the “no adverse effect” predictions made by the Okinawa Defense Bureau's Environmental Impact Assessment (EIA, 2012) and the U.S. DoD's *U.S. Marine Corps Recommended Findings April 2014* conducted under the U.S. NHPA.

The Dugong Case in the U.S.

The Okinawa Prefectural Government is now seeking ways to address this situation.

In August 2017, the U.S. Court of Appeals for the Ninth Circuit reversed the San Francisco Federal District Court's 2015 decision on the Dugong case and remanded it to the Federal District Court. The case is currently proceeding to decide whether or not the U.S. DoD had properly “taken into account” the impacts of the FRF on Okinawa dugongs in accordance with Section 402 of the NHPA.

It is my understanding that, to “take into account” under the NHPA, the U.S. DoD conducted research by reviewing literature, interviewing experts, and “consulting” with the Japanese government. However, the U.S. DoD did not consult with the Okinawa Prefectural Government and Nago City. It also did not consult with experts and environmental organizations which could have provided views contrary to those presented in the Okinawa Defense Bureau's EIA.

Had consultations taken place with the Okinawa Prefectural Government, Nago City, and experts and environmental organization with additional information and various points of

view, this situation could have been avoided.

Requests to the U.S. Department of Defence

Based upon my understanding of the disturbing situation mentioned above, as Governor of Okinawa Prefecture, I request that the U.S. DoD consult with the Okinawa Prefectural Government in accordance with Section 402 of the U.S. NHPA. I also request that the U.S. DoD in collaboration with the Okinawa Defense Bureau and the Japanese Government to halt FRF construction work until such consultation is completed and appropriate measures are agreed and implemented. I also request that the U.S. DoD does not issue permit to the Japanese government to enter and engage in construction of the FRF on Camp Schwab.

As Governor of Okinawa Prefecture, I have the responsibility, together with the Prefectural Government, to protect and conserve the dugong for its biological and cultural significance for future generations. I believe that the U.S. DoD also has the responsibility, under the NHPA, other U.S. laws and agreements with the Japanese Government, to protect the dugong from the construction and operation of the FRF.

I firmly believe that, through proper consultation with the Okinawa Prefectural Government, the U.S. DoD will understand that the area of Henoko-Oura Bay is not suitable for the FRF or any new military facilities and that it is instead an area the U.S. Government, the Japanese Government, and the Okinawa Prefectural Government need to work together to protect.

I look forward to hearing from you soon.

Sincerely yours,



Takeshi Onaga
Governor of the Prefecture of Okinawa

cc: Mr. John M. Fowler, Executive Director
The U.S. Advisory Council on Historical Preservation

Dr. Peter O. Thomas, Executive Director
The U.S. Marine Mammal Commission