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Divine Strake EA Comments
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Comments on the DRAFT December 2006 Revised Environmental Assessment (EA) on Large-Scale, Open-Air Explosive Detonation DIVINE STRAKE at the Nevada Test Site

1. General Concerns about Impacts on Health and Habitat and “Sacrifice Zone” Thinking

The range of discussions and preliminary conclusions in the about the potential impacts of Divine Strake, in the EA and elsewhere, are couched only in terms of whether substantial harm to humans might reach the perimeter of the Nevada Test Site boundary. This is a growing trend in environmental analyses conducted by the U.S. government which HOME finds very disturbing. The Nevada Test Site is a dynamic desert bioregion with hundreds of plant, animal and bird species, which have every right to live and reproduce in peace and health, without the threat of violent destruction, terror or genetic mutation. These species freely cross NTS boundaries and interbreed well beyond NTS borders, which has been well substantiated in the press. Some plant and animal species continue to be harvested by humans as well, for food and medicinal uses, and therefore have potential contaminant-carrier impacts.

In addition to being carried on the wind in many directions, particulate matter is commonly transported in colloidal or other forms through surface and groundwater, and all water paths lead off the Test Site to the Amargosa Desert in Nevada and California. Plutonium 239 is of particular concern, for thousands of years to come. These issues are not addressed adequately in the EA at all.

2. The Need for a Supplemental EIS

In HOME’s view, there has not been sufficient public involvement around Divine Strake, as many people in Nevada, California, and other downwinder communities do not know about it. Utah had to conduct its own hearings. Divine Strake needs to be analyzed as a supplemental Environmental Impact Statement (sEIS) to the

Final Environmental Impact Statement for the Nevada Test Site and Off-Site Locations in the State of Nevada (NTS EIS) (DOE, 1996). As stated in the EA, there has never been an analysis of large open-air explosions at the Nevada Test Site (NTS).

As a supplemental EIS, a full public process is required including scoping prior to the analysis, which has not been the case so far. There needs to be a full discussion of how Divine Strake relates to the mission of the NTS as described in the NTS EIS. The EA merely states that Divine Strake is consistent with the NTS mission without a complete discussion of why this is true. It may be necessary upon complete programmatic analysis to modify the NTS mission in order to conduct open-air explosions of this sort.

Under the purpose and need section the EA states:

“Potential adversaries of the United States are increasingly using tunnels and underground bunkers, collectively designated hardened and deeply buried targets (HDBTs)... In order to deny an adversary the ability to use these capabilities against its forces, the U.S. military must have the ability to defeat HDBTs. To defeat these facilities and the assets they protect, the United States must have the capability to find, detect, characterize the potential targets, and then to plan, attack, and assess the results of such attacks.” pg 1.7

It is further stated that:

“...Presidential Decision Directive issued in the summer of 2004 directed the USSTRATCOM to extend Global Strike to counter all HDBTs...DTRA [Defense Threat Reduction Agency] is studying methods and associated technologies to defeat HDBTs. The Proposed Action is an integral part of the Congressionally-authorized DoD FY2002 - Initiated Tunnel Target Defeat ACTD.” Pg. 1.7-1.8

Thus, it is clear from these statements that Divine Strake will provide information that will advance the development of specific weapons to “defeat” HDBT’s. However, further on the EA states:

“While the Proposed Action is not directly linked to the evaluation of any specific weapon system...” pg. 2-17

This statement is incongruous. How could Divine Strake not be part of a project to develop a specific weapon? We are not going to “defeat” HDBT’s with daisies! It seems as though the NNSA/DTRA is mincing words here. Why? The point is that there is not clarity on where the information from Divine Strake will eventually go. It would be ludicrous to design an experiment/test as Divine Strake without some specific type of weapon in mind. As a supplement EIS NNSA/DTRA will need to clarify how Divine Strake is integral to developing weapons to “defeat” HDBT’s.

In section 2.2 of the EA it states: *“DIVINE STRAKE would be a one-time event. ...” (pg.2-2)*. However, this does not preclude future test explosions under a new program name. The EA does not state that Divine Strake will be the only large scale open-air explosion at the NTS; again a lack of clarity, and the above statement could be obfuscation. It seems reasonable that in the process of developing any new weapon especially one designed to “defeat” HDBT’s would require a series of large-scale tests. Further, it is not outside of the realm of possibility that the eventual weapon would have a nuclear warhead. What other kind of warhead would have the explosive power needed to “defeat” HDBT’s. The statement on page 1-7 of the EA,

“...the President directed the Secretary of Defense in May 2002 to develop the capability to be able to hold all potential adversarial targets at risk, as an integral part of the nation’s policy of deterrence. This was to become a DoD extension to the 26 June 2001 U.S. Air Force’s Global Strike Force concept to quickly respond to threats anywhere in the world with conventional tactics and munitions.” Pg 1.7,

might lead one to believe that Divine Strake is only to develop non-nuclear methods to “defeat” HDBT’s. upon careful reading of this statement, one can see that it is the “26 June 2001 U.S. Air Force’s Global Strike Force” which employs conventional weapons, and the word “extension” leaves the door open using nuclear weapons. What does “extension” really mean here?

HOME is aware that the concern that Divine Strake may be the first of many conventional explosion tests and that the eventual fate of this program will be a new type of nuclear weapon is speculation, but the public should not need to speculate about what its government is really doing.

3. Inadequate Review of Prior Nuclear Testing Fallout Impacts in the Vicinity

The EA for the Divine Strake test fails to take into consideration the full extent of fallout from all historic testing at the Nevada Test Site. It is imperative that the NNSA complete a full Environmental Impact Statement to address these concerns. Thorough review of government documents on prior fallout patterns should be a substantial concern for anyone investigating the potential impacts of an enormous explosion like “Divine Strake” on health and habitat. Independent analysis of impacts from re-suspending dust and particles left by fallout from prior nuclear bomb detonations between 1955 and 1957, reveals that airborne contaminants could have significant impacts. However, the EA does not address this concern in any reasonable way.

Six above-ground nuclear explosions identified by Richard L. Miller, an expert in the lawsuit of Winnemucca Indian Colony, et. al., vs. United States of America et. al., could have spread contamination over the proposed detonation zone of Divine Strake. Although the Divine Strake site is located west of Yucca Flat (between four to eight miles west of where those 1950s tests were conducted), the radioactive plumes from the six tests identified by Miller, Smoky, Turk, Shasta, Kepler, Galileo and Coulomb B, uniquely traveled in a westward direction. For example, based on visual assessment (of the close-in radiation contour map from Coulomb B), the Divine Strake site lies directly within the zone of fallout of Shot Coulomb B, which contained unusually high concentrations of Pu-239 for nuclear tests during the 1950s. The specific concentrations and wind directions of these prior nuclear detonations are substantially addressed in the submitted comments of others, and we will not repeat them here.

HOME’s California office is directly south of the Nevada Test Site, and we are well aware of the complexity of wind patterns and dust transport in the region. We strongly urge the NNSA to review comments on potential nuclear testing impacts seriously, and thoroughly research the concerns expressed. Information about the trajectories of the fallout clouds from the six tests identified by Miller, which was gathered from government documents, provides a compelling reason to further examine the surface and subsurface soils at the Divine Strake site as part of a full Environmental Impact Statement.

4. Divine Strake Violates the Western Shoshone Treaty of Ruby Valley

The US government has continued to disregard its agreements between Western Shoshone Nation in the Treaty of Ruby Valley of 1872. The EA must include an explanation of how the DOE/NNSA can ignore an agreement between the US government and the Western Shoshone, which is a treaty between nations and the highest law of the land. Further, if the DOE/ NNSA uses the claim that lands were taken by the U.S. through gradual encroachment, as the quasi-judicial Indian Claims Commission (ICC) alleged and was upheld by the subsequent Supreme Court decision (Dann vs US Government) that the Western Shoshone lost title of their land, then it must explain how a ruling of a court within one nation (US Supreme Court) is binding upon both nations.

Further, the DOE/NNSA needs to address the decisions of the Organization of American States Inter-American Commission on Human Rights (IACHR) and the United Nations Committee to Eliminate Racial Discrimination

(UNCERD), which both found that the U.S. violated the fundamental human rights of the Western Shoshone people with regard to the Indian Claims Commission Proceedings which led to the Supreme Court decision.

On March 9, 2006, UNCERD again urged the United States to “freeze”, “desist” and “stop” actions being taken, or threatened to be taken, against the Western Shoshone Peoples of the Western Shoshone Nation, including high-level nuclear waste repository at adjacent Yucca Mountain. The EA needs to take into consideration both the IACHR and UNCERD decisions and describe the proposed action in the context of these decisions.

Thank you for considering our comments on these matters. We appreciate this opportunity to respond to the Divine Strake EA, and fervently hope to be able to review a complete Environmental Impact Statement in the future.

Sincerely,

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