
Appendix I: Agency Correspondence

Supplemental Environmental Impact Statement/ Overseas Environmental Impact Statement

Northwest Training and Testing

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Appendix I Agency Correspondence

Appendix I contains correspondence sent between the Navy and government agencies with respect to Notice of Intent and Notice of Availability notifications, cooperating agency status, the Marine Mammal Protection Act, the Endangered Species Act Consultation, Government-to-Government Consultations, Coastal Zone Management Act, Essential Fish Habitat Assessment, and the National Historic Preservation Act Compliance.

I.1 Notice of Intent/Availability Notification Letters

I.1.1 Notice of Intent to Prepare a Supplemental EIS/OEIS



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
260 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N465/0952
August 21, 2017

Dear Sir or Madam:

SUBJECT: NOTICE OF INTENT TO PREPARE A SUPPLEMENTAL ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT
STATEMENT FOR NORTHWEST TRAINING AND TESTING

This letter is to inform you that the Department of the Navy (Navy) is preparing a supplement to the 2015 Northwest Training and Testing (NWTT) Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) to assess the potential environmental effects associated with ongoing and future at-sea military readiness activities conducted within the NWTT EIS/OEIS Study Area (hereafter referred to as the "Study Area"). Military readiness activities include training and research, development, testing, and evaluation (hereafter referred to as "training and testing"). The Navy is requesting your comments on the scope of the analysis, including potential environmental issues and viable alternatives to be considered during the development of the Draft Supplemental EIS/OEIS.

The Navy previously completed an EIS/OEIS in 2015, for which a Record of Decision was signed in October 2016, for at-sea training and testing activities occurring within the Study Area. The supplement to the 2015 Final EIS/OEIS is being prepared to support ongoing and future activities conducted at sea within the Study Area beyond 2020. Proposed training and testing activities are generally consistent with those analyzed in the 2015 Final EIS/OEIS and are representative of activities the Navy has been conducting in the Study Area for decades.

The Supplemental EIS/OEIS will include an analysis of training and testing activities using new information available after the release of the 2015 Final EIS/OEIS. New information includes an updated acoustic effects model, updated marine mammal density data, and evolving and emergent best available science. As part of this process, the Navy will seek the issuance of federal regulatory permits and authorizations under the Marine Mammal Protection Act and the Endangered Species Act to support ongoing and future at-sea military readiness activities within the Study Area beyond 2020.

The Study Area remains unchanged since the 2015 Final EIS/OEIS (Enclosure 1). The Study Area is comprised of established maritime operating areas and warning areas in the northeastern Pacific Ocean, including areas within the Strait of Juan de Fuca, Puget Sound, and the Western Behm Canal in southeastern Alaska. The Study Area includes air and water space within and outside Washington state waters, air and water space outside state waters of Oregon and Northern California, and Navy pierside locations where sonar maintenance and testing occur. In the supplement to the 2015 Final EIS/OEIS, the Navy will only analyze those training and testing activities conducted at sea within the Study Area.

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August 21, 2017

The Proposed Action is to conduct at-sea training and testing activities within the Study Area. Activities include the use of active sonar and explosives while employing marine species protective mitigation measures. The purpose of the Proposed Action is to maintain a ready force, which is needed to ensure the Navy can accomplish its mission to maintain, train, and equip combat-ready naval forces capable of winning wars, deterring aggression, and maintaining freedom of the seas, consistent with Congressional direction in section 5062 of Title 10 of the U.S. Code.

To achieve and maintain military readiness, the Navy proposes to:

- Conduct at-sea training and testing activities at levels required to support military readiness requirements beyond 2020; and
- Accommodate evolving mission requirements, including those resulting from the development, testing, and introduction of new vessels, aircraft, and weapons systems into the fleet.

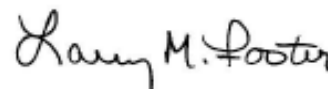
Public comments will be accepted during the 30-day scoping period beginning August 22, 2017 and extending through September 21, 2017. Comments must be postmarked or received online by **September 21, 2017** for consideration in the development of the Draft Supplemental EIS/OEIS. Comments may be submitted online at www.NWTTEIS.com, or by mail to:

Naval Facilities Engineering Command Northwest
Attention: NWTTEIS Supplemental EIS/OEIS Project Manager
3730 North Charles Porter Avenue, Building 385
Oak Harbor, WA 98278-3500

For more information, please visit the project website at www.NWTTEIS.com or contact Ms. Jackie Queen, NWTTEIS Supplemental EIS/OEIS Project Manager, at 360-257-3852, or email jackie.queen@navy.mil.

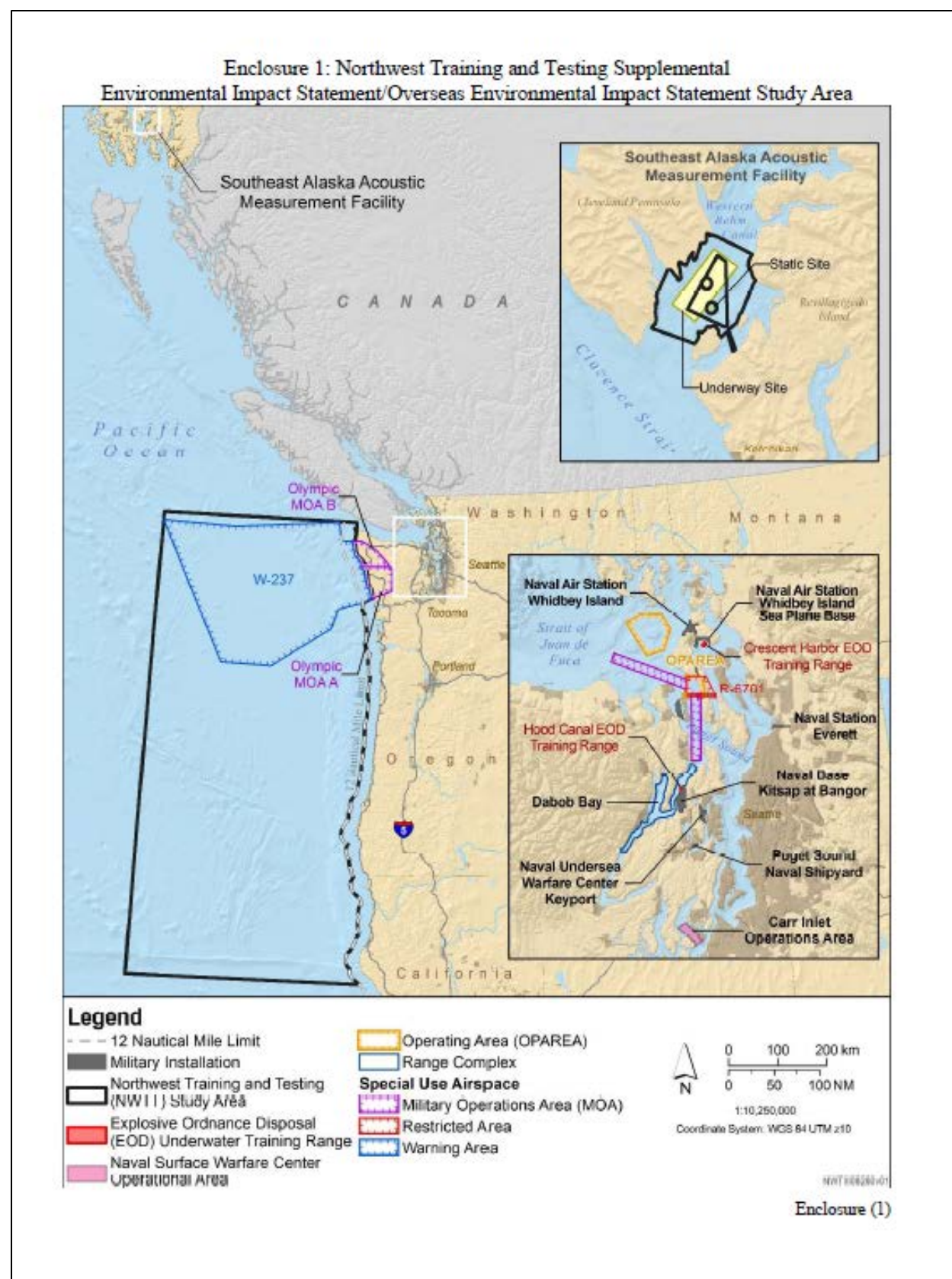
Please help the Navy inform the community about the intent to prepare the Supplemental EIS/OEIS for at-sea training and testing in the Pacific Northwest by sharing this information with your staff and interested individuals.

Sincerely,



L. M. FOSTER
By direction

Enclosure: 1. Northwest Training and Testing Supplemental Environmental Impact
Statement/Overseas Environmental Impact Statement Study Area



I.1.2 Notice of Availability of the Draft Supplemental EIS/OEIS



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N465/0352
March 22, 2019

Dear Sir or Madam:

SUBJECT: NOTICE OF AVAILABILITY OF THE NORTHWEST TRAINING AND
TESTING DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT
STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT AND
PUBLIC MEETING ANNOUNCEMENT

This letter is to inform you that the Department of the Navy (Navy) has prepared a draft supplement to the 2015 Northwest Training and Testing (NWT) Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) to assess the potential environmental impacts associated with military readiness activities within the NWT Study Area, referred to as the "Study Area." Military readiness activities include training and research, development, testing, and evaluation activities, referred to as "training and testing." The Navy welcomes your review and comments on the Draft Supplemental EIS/OEIS.

In October 2015, the Navy completed an EIS/OEIS for training and testing activities occurring within the Study Area from 2015 through 2020, for which a Record of Decision was signed in October 2016. The supplement to the 2015 NWT Final EIS/OEIS supports proposed ongoing and future activities conducted at sea and in associated airspace within the Study Area beyond 2020. Proposed activities are similar to those conducted in the Study Area for decades and analyzed in the 2015 document.

In the Draft Supplemental EIS/OEIS, the Navy evaluated new, relevant information, such as more recent marine mammal density data and new scientific information, and updated the environmental analyses as appropriate. The Navy prepared the Draft Supplemental EIS/OEIS to support the issuance of federal regulatory permits and authorizations under the Marine Mammal Protection Act and the Endangered Species Act.

The Study Area remains unchanged since the 2015 analysis, and is comprised of established maritime operating areas and warning areas in the northeastern Pacific Ocean, including areas within the Strait of Juan de Fuca, Puget Sound, and the Western Behm Canal in southeastern Alaska. The Study Area includes air and water space within and outside Washington state waters and established special use airspace, Navy pierside and harbor locations within Washington state waters, and air and water space outside the state waters of Oregon and Northern California (Enclosure 1).

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March 22, 2019

The Navy's Proposed Action includes the continued use of active sound navigation and ranging, known as sonar, and explosives while employing marine species mitigation measures. The purpose of the Proposed Action is to conduct training and testing activities to ensure the Navy can accomplish its mission to maintain, train, and equip combat-ready naval forces capable of winning wars, deterring aggression, and maintaining freedom of the seas, consistent with Congressional direction in section 8062 of Title 10 of the U.S. Code.

To achieve and maintain military readiness, the Navy proposes to:

- Conduct training and testing activities, at sea and in associated airspace, at levels required to support military readiness requirements beyond 2020.
- Accommodate evolving mission requirements, including those resulting from the development, testing, and introduction of new vessels, aircraft, and weapons systems into the fleet.

The Navy will hold eight open house public meetings to provide information, answer questions, and give the public an opportunity to comment on the Draft Supplemental EIS/OEIS. The public may arrive at any time between 5 and 8 p.m., as there will not be a presentation or public oral comment session. A stenographer will be available for the public to facilitate one-on-one oral comments; written comments can be submitted at any time during the meetings.

Concurrent with the National Environmental Policy Act public involvement process, the Navy is identifying additional consulting parties to participate in the Section 106 process under the National Historic Preservation Act regarding potential effects of the Proposed Action and alternatives on historic properties. Historic properties include districts, sites, buildings, structures, or objects listed or eligible for listing in the National Register of Historic Places. During each of the public meetings, an information station will be available where individuals can learn more about the Section 106 process.

Open house public meetings will be held from 5 to 8 p.m., at the following locations:

Date: Wednesday, April 24, 2019
Location: Hampton Inn Seattle/Everett Downtown Salish Room
2931 W. Marine View Drive
Everett, WA

Date: Thursday, April 25, 2019
Location: Ridgetop Middle School Cafeteria
10600 Hillsboro Drive NW
Silverdale, WA

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Date: Friday, April 26, 2019
Location: Naval Elks Lodge #353
131 E. First St.
Port Angeles, WA

Date: Monday, April 29, 2019
Location: Astoria High School Student Commons
1001 W. Marine Drive
Astoria, OR

Date: Tuesday, April 30, 2019
Location: Newport Performing Arts Center Lobby
777 W. Olive Street
Newport, OR

Date: Thursday, May 2, 2019
Location: Red Lion Hotel Eureka Ballroom
1929 Fourth Street
Eureka, CA

Date: Friday, May 3, 2019
Location: Dana Grey Elementary School Multipurpose Room
1197 Chestnut Street
Fort Bragg, CA

Date: Wednesday, May 8, 2019
Location: Ted Ferry Civic Center Naha and Alava Bays
888 Venetia Avenue
Ketchikan, AK

To review the Draft Supplemental EIS/OEIS and for additional project information, including details on the key differences between the 2015 NWTT Final EIS/OEIS and the 2019 Draft Supplemental EIS/OEIS, please visit the project website at www.NWTTEIS.com.

The Navy will accept comments throughout the public comment period from March 29, 2019 to May 28, 2019. All comments must be postmarked or received online by **May 28, 2019** for consideration in the Final Supplemental EIS/OEIS. All comments submitted during the comment period will become part of the public record, and substantive comments will be addressed in the Final Supplemental EIS/OEIS.

Comments may be submitted online at www.NWTTEIS.com, at the open house public meetings, or by mail to:

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March 22, 2019

Naval Facilities Engineering Command Northwest
Attention: NWTTC Supplemental EIS/OEIS Project Manager
3730 N. Charles Porter Avenue
Building 385
Oak Harbor, WA 98278-3500

If you would like additional information, please contact Ms. Jackie Queen, NWTTC Supplemental EIS/OEIS Project Manager, at projectmanager@nwtteis.com.

Please help the Navy inform the community about the availability of the Draft Supplemental EIS/OEIS and public meetings by sharing this information with your staff and interested individuals.

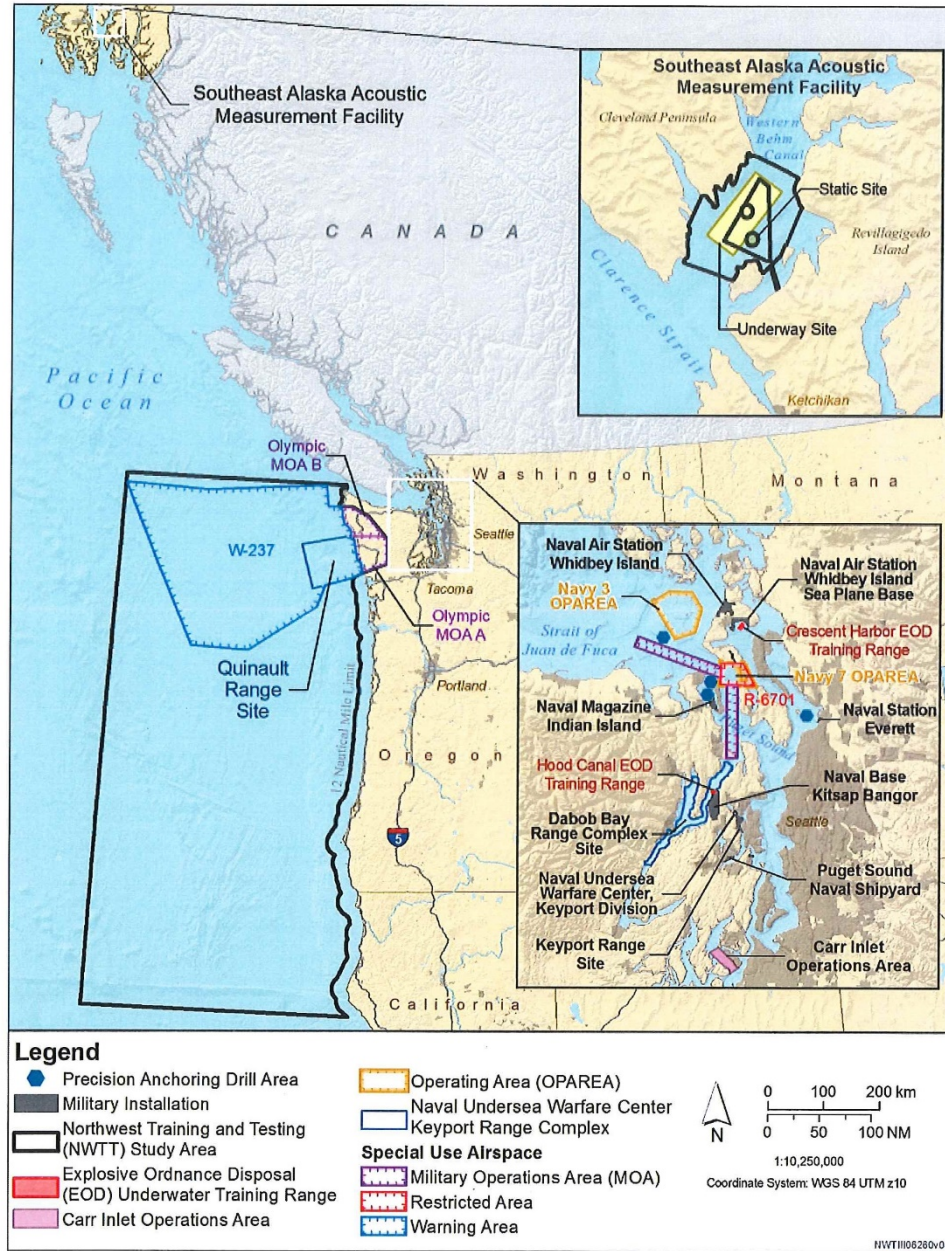
Sincerely,

A handwritten signature in black ink, appearing to read 'D. A. McNair', enclosed within a hand-drawn oval.

D. A. MCNAIR
Director, Environmental Readiness Division
By direction of the Commander

Enclosure: 1. Northwest Training and Testing Study Area

Enclosure 1: Northwest Training and Testing Study Area



I.2 Cooperating Agency Status

I.2.1 Navy Request Letter to the National Marine Fisheries Service



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-2000

5090
Ser N45/17U132423
September 27, 2017

Ms. Donna S. Wieting
Director, Office of Protected Resources
National Marine Fisheries Service
1315 East West Highway
Silver Spring, MD 20910

SUBJECT: NORTHWEST TRAINING AND TESTING SUPPLEMENTAL
ENVIRONMENTAL IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL
IMPACT STATEMENT - COOPERATING AGENCY REQUEST

Dear Ms. Wieting:

In accordance with the National Environmental Policy Act (NEPA) of 1969 and Executive Order (EO) 12114, the United States (U.S.) Department of the Navy (Navy) is preparing a Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) to assess the potential environmental impacts associated with the continuation of military readiness activities, which consist of training as well as research, development, testing, and evaluation (RDT&E, hereinafter referred to as "testing") activities that include the use of active sonar and explosives in the Northwest Training and Testing (NWTT) Study Area. The proposed training and testing activities within the NWTT Study Area support the Navy's Title 10 of the U.S. Code requirements to achieve and maintain military readiness by ensuring the Navy can provide trained and equipped combat-ready forces capable of winning wars, deterring aggression, and maintaining freedom of the seas.

This NWTT Supplemental EIS/OEIS represents the third phase (Phase III) of ongoing NEPA and EO 12114 compliance for continuation of at-sea training and testing. It will evaluate the conduct of military readiness activities from 2020 into the reasonably foreseeable future and accommodate evolving mission requirements associated with force structure changes, including those resulting from the development, testing, and ultimate introduction of new platforms (vessels, aircraft, and weapon systems) into the Fleet.

The Phase III NWTT Study Area remains consistent with the area studied in the Phase II NWTT EIS/OEIS completed in 2015 and consists of established maritime operating and warning areas in the eastern North Pacific Ocean region, located adjacent to the northwest coast of the United States, and areas within the Strait of Juan de Fuca, Puget Sound, and the Behm Canal. The Study Area includes four existing range complexes and facilities: the Northwest Training Range Complex, the Naval Undersea Warfare Center Keyport Range Complex, the Carr Inlet Operations Area, and the Southeast Alaska Acoustic Measurement Facility. In addition to these range complexes, the Study Area also includes select Navy pierside locations and inland waters that are outside the range complexes.

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September 27, 2017

The Phase III NWTTC Supplemental EIS/OEIS is intended to serve as a basis for the renewal of current regulatory permits and authorizations and the analysis of emerging and future force structure changes and training and testing requirements. An important aspect of the Phase III NWTTC Supplemental EIS/OEIS will be the analysis of the potential effects to marine species protected under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA) and habitats protected under the Magnuson-Stevens Fishery Conservation and Management Act. The existing MMPA Final Rule and Letters of Authorization for NWTTC Phase II activities will expire in November 2020.

To complete the analysis required by the permitting and consultation process pursuant to MMPA and ESA in an efficient and effective way, the Navy believes that participation by the National Marine Fisheries Service (NMFS) is needed. Therefore, in accordance with the Council on Environmental Quality's (CEQ) regulations implementing NEPA (specifically 40 CFR Part 1501) and CEQ's 2002 guidance on cooperating agencies, the Navy requests that NMFS serve as a cooperating agency for the development of the Phase III NWTTC Supplemental EIS/OEIS.

Consistent with 40 CFR 1501.6, the Navy is requesting NMFS' participation as early in the planning process as possible. As the lead agency, the Navy will:

- a. Gather all necessary background information and prepare the Supplemental EIS/OEIS and all necessary permit applications associated with acoustic issues within the Study Area;
- b. Work with NMFS personnel to determine the method of estimating potential effects to protected marine species, including threatened and endangered species;
- c. Determine the scope of the NWTTC Supplemental EIS/OEIS, including the alternatives evaluated;
- d. Circulate the NEPA document to the general public and any other interested parties;
- e. Schedule and supervise meetings held in support of the NEPA process and compile comments received; and
- f. Maintain an administrative record and respond to Freedom of Information Act (FOIA) requests relating to the Phase III Supplemental EIS/OEIS.

The Navy respectfully requests that NMFS, in its role as a cooperating agency, provide the following support:

- a. Participate in the NEPA process, to include public participation efforts pertaining to the Phase III Supplemental EIS/OEIS, and fund such support through its own sources to the maximum extent possible;

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September 27, 2017

- b. Provide timely comments on working drafts of the Phase III Supplemental EIS/OEIS in accordance with the approved project schedule and commenting protocols, and provide minutes of any agency information meetings that have been adjudicated within the agency;
- c. Adhere to the overall schedule as set forth by the Navy in coordination with NMFS;
- d. Respond to Navy requests for information, in particular, those related to review of the acoustic effects analysis and evaluation of the effectiveness of protection and mitigation measures;
- e. Coordinate, to the maximum extent practicable, any public comment periods that are necessary in the MMPA permitting process with the Navy's NEPA public comment periods;
- f. Make available staff support at Navy's request to enhance the Navy's interdisciplinary capability;
- g. Participate, as necessary, in meetings hosted by the Navy for discussion of issues related to the Phase III Supplemental EIS/OEIS;
- h. Utilize NMFS resources, including funding where appropriate, in support of executing its cooperating agency responsibilities.
- i. Prepare any NMFS-specific documents required to support the NMFS decision-making process;
- j. Maintain an administrative record and respond to FOIA requests relating to the Phase III Supplemental EIS/OEIS; and
- k. Provide a formal, written response to this request.

The Navy views this agreement as important to the successful completion of the environmental planning process for the Phase III NWTT Supplemental EIS/OEIS. It is the Navy's goal to complete the analysis as expeditiously as possible, while using the best scientific information available. NMFS assistance is invaluable to this endeavor.

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September 27, 2017

We appreciate your consideration of our request and look forward to your response. The point of contact for this action is Ms. Dawn Schroeder, (703) 695-5219, email: dawn.schroeder@navy.mil.

Sincerely,



C. A. LAHTI
Director, Energy and Environmental
Readiness Division

Copy to:
OPNAV (N9I, N83)
Commander, U.S. Fleet Forces Command (N46)
Commander, U.S. Pacific Fleet (N465)
Commander, Navy Installations Command (N45)
Commander, Naval Sea Systems Command
Commander, Naval Air Systems Command
Commander, Navy Region Northwest
Commander, Naval Facilities Engineering Command, (N45)

I.2.2 National Marine Fisheries Service Response Letter to the Navy



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

Captain C.A. Lahti
Director, Energy and
Environmental and Readiness Division
Department of the Navy
2000 Navy Pentagon
Washington, DC 20350-2000

Dear Captain Lahti:

Thank you for your letter requesting the National Marine Fisheries Service (NOAA Fisheries) be a cooperating agency in the preparation of a Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) to evaluate potential environmental effects in the Department of the Navy's (Navy) Northwest Training and Testing (NWT) Study Area. Activities conducted in the NWT Study Area will achieve and maintain military readiness and include current, emerging, and future training activities and research, development, test and evaluation events (Phase III). We support the Navy's decision to prepare a Supplemental EIS/OEIS on this activity and agree to be a cooperating agency, due, in part, to our responsibilities under section 101(a)(5)(A) of the Marine Mammal Protection Act and under section 7 of the Endangered Species Act. NOAA Fisheries will make every effort to support the Navy in the development of a Supplemental EIS/OEIS, including:

- Participating, as necessary, in meetings hosted by the Navy for the discussion of issues related to the Phase III Supplemental EIS/OEIS;
- Providing timely comments on working drafts of the Phase III Supplemental EIS/OEIS in accordance with the approved project schedule and commenting protocols;
- Responding to Navy requests for information, in particular, those related to review of the acoustic effects analysis and evaluation of the effectiveness of protection and mitigation measures; and
- Adhering to the overall schedule as set forth by the Navy in coordination with NMFS.

If you need any additional information, please contact Jolie Harrison at (301) 427-8420.

Sincerely,

Samuel D. Rauch III
Deputy Assistant Administrator for
Regulatory Programs
National Marine Fisheries Service

cc: Barry Thom, NMFS WCRO
Vicki Wedell, NMFS HQ NMS
Steve Leathery, NMFS HQ NEPA
Dawn Schroeder, Navy



Printed on Recycled Paper



I.2.3 Navy Request Letter to the U.S. Fish and Wildlife Service



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-2000

5090
Ser N45/17U132427
October 4, 2017

Mr. Greg Sheehan
Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, D.C. 20240

SUBJECT: NORTHWEST TRAINING AND TESTING SUPPLEMENTAL
ENVIRONMENTAL IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL
IMPACT STATEMENT - COOPERATING AGENCY

Dear Mr. Sheehan:

In accordance with the National Environmental Policy Act (NEPA) of 1969 and Executive Order (EO) 12114, the United States (U.S.) Department of the Navy (Navy) is preparing a Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) to assess the potential environmental impacts associated with the continuation of military readiness activities, which consist of training as well as research, development, testing, and evaluation (RDT&E, hereinafter referred to as "testing") activities that include the use of active sonar and explosives in the Northwest Training and Testing (NWTT) Study Area. The proposed training and testing activities within the NWTT Study Area supports the Navy's Title 10 of the U.S. Code requirements to achieve and maintain military readiness by ensuring the Navy can provide trained and equipped combat-ready forces capable of winning wars, deterring aggression, and maintaining freedom of the seas.

This NWTT Supplemental EIS/OEIS represents the third phase (Phase III) of ongoing NEPA and EO 12114 compliance for continuation of at-sea training and testing. It will evaluate the conduct of military readiness activities from 2020 into the reasonably foreseeable future and accommodate evolving mission requirements associated with force structure changes, including those resulting from the development, testing, and ultimate introduction of new platforms (vessels, aircraft, and weapon systems) into the Fleet.

The Phase III NWTT Study Area remains consistent with the area studied in the Phase II NWTT EIS/OEIS completed in 2015 and consists of established maritime operating and warning areas in the eastern North Pacific Ocean region, located adjacent to the northwest coast of the United States, and areas within the Strait of Juan de Fuca, Puget Sound, and the Behm Canal in southeastern Alaska. The Study Area includes four existing range complexes and facilities: the Northwest Training Range Complex, the Naval Undersea Warfare Center Keyport Range Complex, the Carr Inlet Operations Area, and the Southeast Alaska Acoustic Measurement Facility. In addition to these range complexes, the Study Area also includes select Navy pierside locations and inland waters that are outside the range complexes.

An important aspect of the Phase III NWTT Supplemental EIS/OEIS will be the analysis of the potential effects to species protected under the Endangered Species Act (ESA) and habitats protected under the Magnuson-Stevens Fishery Conservation and Management Act. The

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October 4, 2017

programmatic Biological Opinion for NWTT will expire in July 21, 2036. The NWTT Supplemental EIS/OEIS is intended to serve as a basis for a review of and potential amendment to the Biological Opinion and the analysis of emerging and future force structure changes and training and testing requirements.

To complete the analysis required by the permitting and consultation process pursuant to ESA in an efficient and effective way, the Navy believes that participation by U.S. Fish and Wildlife Service (USFWS) is needed. Therefore, in accordance with the Council on Environmental Quality's (CEQ) regulations implementing NEPA (specifically 40 CFR Part 1501) and CEQ's 2002 guidance on cooperating agencies, the Navy requests that the USFWS serve as a cooperating agency for the development of the Phase III NWTT Supplemental EIS/OEIS.

Consistent with 40 CFR 1501.6, the Navy is requesting USFWS' participation as early in the planning process as possible. As the lead agency, the Navy will:

- a. Gather all necessary background information and prepare the Supplemental EIS/OEIS and all necessary permit applications associated with acoustic issues within the Study Area.
- b. Work with USFWS personnel to determine the method of estimating potential effects to threatened and endangered species.
- c. Determine the scope of the NWTT Supplemental EIS/OEIS, including the alternatives evaluated.
- d. Circulate the appropriate NEPA documentation to the general public and any other interested parties.
- e. Schedule and supervise meetings held in support of the NEPA process and compile comments received.
- f. Maintain an administrative record and respond to Freedom of Information Act (FOIA) requests relating to the Phase III Supplemental EIS/OEIS.

The Navy respectfully requests the USFWS, in its role as a cooperating agency, provide support as follows:

- a. Participate in the NEPA process, to include public participation efforts pertaining to the Phase III Supplemental EIS/OEIS, and fund such support through its own sources to maximum extent possible.

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- b. Provide timely comments on working drafts of the Phase III Supplemental EIS/OEIS and minutes of any agency information meetings that have been adjudicated within the agency.
- c. The Navy requests that comments on draft documents be provided in accordance with approved project schedules and commenting protocols.
- d. Respond to Navy requests for information, in particular, those related to review of the acoustic effects analysis and evaluation of the effectiveness of protection and mitigation measures.
- e. Make available staff support at Navy's request to enhance the Navy's interdisciplinary capability.
- f. Participate, as necessary, in meetings hosted by the Navy for discussion of issues related to the Phase III Supplemental EIS/OEIS.
- g. Utilize USFWS resources, including funding where appropriate, to support the cooperating agency role.
- j. Prepare any USFWS-specific documents required to support the USFWS decision-making process.
- k. Provide a formal, written response to this request.

The Navy views this agreement as important to the successful completion of the environmental planning process for the Phase III NWT Supplemental EIS/OEIS. It is the Navy's goal to complete the analysis as expeditiously as possible, while using the best scientific information available. USFWS assistance is invaluable to this endeavor.

We appreciate your consideration of our request and look forward to your response. The point of contact for this action is Ms. Dawn Schroeder, (703) 695 - 5219, email: dawn.schroeder@navy.mil.

Sincerely,



C. A. LAHTI
Director, Energy and Environmental
Readiness Division

Copy to: (see next page)

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Ser N45/17U132427
October 4, 2017

Copy to:
OPNAV (N9I, N83)
Commander, U.S. Fleet Forces Command (N46)
Commander, U.S. Pacific Fleet (N465)
Commander, Navy Installations Command (N45)
Commander, Naval Sea Systems Command
Commander, Naval Air Systems Command
Commander, Navy Region Northwest
Commander, Naval Facilities Engineering Command, (N45)
Mr. Eric Rickerson, State Supervisor, Washington Fish and Wildlife Office, U.S. Fish and
Wildlife Service, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503

I.2.4 Navy Request Letter to the U.S. Coast Guard



DEPARTMENT OF THE NAVY
COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N46/1250
October 12, 2017

Vice Admiral Fred M. Midgette
Commander, U.S. Coast Guard Pacific Area
Coast Guard Defense Force West
Coast Guard Island, Bldg. 51-6
Alameda, CA, 94501-5100

Dear Admiral Midgette:

Subj: NORTHWEST TRAINING AND TESTING SUPPLEMENTAL ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT -
COOPERATING AGENCY REQUEST

In accordance with the National Environmental Policy Act (NEPA) of 1969 and Executive Order (EO) 12114, the United States (U.S.) Department of the Navy (Navy) is preparing a Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) to assess the potential environmental impacts associated with training and testing activities in the Northwest Training and Testing (NWTT) Study Area. The proposed training and testing activities within the NWTT Study Area supports the Navy's Title 10 of the U.S. Code requirements to achieve and maintain military readiness by ensuring the Navy can provide trained and equipped combat-ready forces.

The NWTT Supplemental EIS/OEIS represents the third phase (Phase III) of ongoing NEPA and EO 12114 compliance for continuation of at-sea training and testing. It will evaluate the conduct of military readiness activities from 2020 into the reasonably foreseeable future and accommodate evolving mission requirements associated with force structure changes, including those resulting from the development, testing, and ultimate introduction of new platforms (vessels, aircraft, and weapon systems) into the Fleet.

The Phase III NWTT Study Area remains consistent with the area studied in the Phase II NWTT EIS/OEIS completed in 2015 and consists of established maritime operating and warning areas in the eastern North Pacific Ocean region, located adjacent to the northwest coast of the United States, and areas within the Strait of Juan de Fuca, Puget Sound, and the Behm Canal in southeastern Alaska.

The Phase III NWTT Supplemental EIS/OEIS is intended to serve as a basis for the renewal of current regulatory permits and authorizations and the analysis of emerging and future force structure changes and training and testing requirements. An important aspect of the Phase III NWTT Supplemental EIS/OEIS will be the analysis of the potential effects to marine species protected under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA) and habitats protected under the Magnuson-Stevens Fishery Conservation and

5090
Ser N46/1250
October 12, 2017

Management Act. The existing MMPA Final Rule and Letters of Authorization for Phase II NWTT activities will expire in November 2020.

As with the 2015 Phase II NWTT EIS/OEIS, certain U.S. Coast Guard units and personnel are proposed to continue to support Navy Maritime Security Operation activities within the NWTT Study Area, and are appropriate to incorporate within this study. Therefore, in accordance with the Council on Environmental Quality's (CEQ) regulations implementing NEPA (specifically 40 CFR Part 1501) and CEQ's 2002 guidance on cooperating agencies, the Navy requests that the U.S. Coast Guard serve as a cooperating agency for the development of the Phase III NWTT Supplemental EIS/OEIS.

Consistent with 40 CFR Part 1501.6, the Navy is the lead agency for the Phase III NWTT Supplemental EIS/OEIS. As the lead agency, the Navy will:

- Use U.S. Coast Guard environmental analysis and proposals to the maximum extent possible consistent with its responsibility as lead agency.
- Meet with the U.S. Coast Guard to discuss the Supplemental EIS/OEIS process, as requested.
- Circulate the appropriate NEPA documentation to the general public and any other interested parties.
- Schedule and supervise meetings held in support of the NEPA process and compile comments received.
- Maintain an administrative record and respond to Freedom of Information Act (FOIA) requests relating to the SEIS/OEIS.

Navy respectfully requests the U.S. Coast Guard, in its role as a cooperating agency, provide the following support:

- Participate in the NEPA process.
- Provide a representative during the public outreach process within the USCG Area of Responsibility.
- Provide data to the Navy on Coast Guard activities that take place in the NWTT Supplemental EIS/OEIS study area.
- Assume, on request of the Navy, responsibility for developing information and preparing environmental analyses, for which the Coast Guard has special expertise.

5090
Ser N46/1250
October 12, 2017

- Make available staff support at the Navy's request to enhance the Navy's interdisciplinary capability for the study.
- Participate, as necessary, in meetings hosted by the Navy for discussion of issues related to the Supplemental EIS/OEIS.
- Utilize Coast Guard resources, including funding where appropriate, to support the cooperating agency role.
- Adhere to the overall schedule, as set forth by the Navy.
- Provide a formal, written response to this request.

The Navy views this agreement as important to the successful completion of the environmental planning process for the Phase III NWTT Supplemental EIS/OEIS. It is the Navy's goal to complete the analysis as expeditiously as possible, while using the best scientific information available. The Coast Guard's assistance is invaluable in this endeavor.

We appreciate your consideration of our request and look forward to your response. The point of contact for this action is Mr. John Mosher, COMPACFLT N465JM at (360) 257 - 3234, email: john.g.mosher@navy.mil.

Very respectfully,



J. W. KORKA
Fleet Civil Engineer

Copy to:
CNO WASHINGTON DC (N45)
COMNAVSEASYS COM WASHINGTON DC
COMNAVAIRSYS COM PATUXENT RIVER MD
COMNAVREG NW SILVERDALE WA

I.2.5 U.S. Coast Guard Response Letter to the Navy

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Coast Guard Pacific Area

Coast Guard Island, Bldg. 51-6
Alameda, CA 94501-5100
Staff Symbol: PAC-00
Phone: (510) 437-3908
Fax: (510) 437-3774

16475
29 Dec 2017

MEMORANDUM

From:  F.M. Midgett, ADM
PACAREA (PAC-00)

To: J. W. Korka, RDML
Fleet Civil Engineer
United States Pacific Fleet

Subj: NORTHWEST TRAINING AND TESTING EIS COOPERATING AGENCY REQUEST

Ref: (a) Your letter 5090 of 12 Oct 2017

1. The Coast Guard is pleased to accept the offer, as per reference (a), to participate as a cooperating agency in the subject EIS/OEIS. Doing so will materially further the Coast Guard's interest in the use of Navy range complexes for necessary Coast Guard weapons and military readiness training. The Coast Guard's participation will also assist in mutual efforts associated with the operation of the Range Complex and establishment of safety zones in accordance with 33 Code of Federal Regulations (CFR) Part 165. As the Coast Guard is a military service and a branch of the Armed Forces, we believe that this action is, and will remain, in full compliance with 40 CFR Part 1501 and the council on Environmental Quality Cooperating Agency guidance issued on 30 January 2002.

2. The Coast Guard agrees with the Navy's statements on pages 2 and 3 of reference (a) concerning the Navy's actions as the lead agency in the EIS/OEIS. As a cooperating agency, the Coast Guard will, to the extent allowed by available resources and fiscal constraints:

- Participate in the NEPA process;
- Provide data to the Navy on Coast Guard activities and operations that take place in the NWTT EIS/OEIS study areas;
- Assume, on request of the Navy, responsibility for developing information and preparing environmental analyses, for which the Coast Guard has special expertise;
- Make staff support available at the lead agency's request to enhance the Navy's interdisciplinary capability, consistent with operational requirements;
- Participate, as necessary, in meetings hosted by the Navy for discussion of issues related to the EIS/OEIS;
- Utilize available Coast Guard resources, including funding where appropriate and available, to support our role as a cooperating agency; and

Subj: NORTHWEST TRAINING & TESTING EIS COOPERATING AGENCY
REQUEST

5090

- Adhere to the overall schedule as set forth by the Navy.
- 3. As a cooperating agency, I request that the U.S. Coast Guard, as an armed force of the United States within the Department of Homeland Security, be expressly mentioned and described in the NWTT EIS/OEIS, and our operations and activities that take place in the study area be analyzed for environmental effects. To assist the Navy, the Coast Guard is providing operational data to the Navy on Coast Guard operations and activities that take place in the NWTT EIS/OEIS study areas, and we will continue to do so as necessary and appropriate.
- 4. This memo constitutes the formal written response requested by your letter. I request that the Navy supply the Coast Guard with two preliminary copies of all draft and final NWTT EISs/OEISs for our review of these documents, with a minimum 14 day response period in each instance. This action is important to the successful completion of the environmental planning process for the NWTT EIS/OEIS. We look forward to working with the Navy to facilitate mission accomplishment through productive use of the Northwest Training and Testing Range Complex.
- 5. The Coast Guard point of contact for all correspondence and exchanges of information with the Navy concerning the NWTT EIS/OEIS is Mr. Brad McKittrick, CG-OES-4 at (202) 372-1443, Bradley.K.McKittrick@uscg.mil.

#

Copy: DCMS
DCO
CG-4
CG-47
CG-0941
CG-7
CG-OES
CGDELEVEN
CGD THIRTEEN
CGD SEVENTEEN

I.3 Marine Mammal Protection Act

I.3.1 Navy Incidental Take Authorization Request Letter to the National Marine Fisheries Service



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N465/0282
March 11, 2019

Director, Office of Protected Resources
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
B-SSMC3, Room 13821
1315 East-West Highway
Silver Spring, MD 20910-3282

Subject: REQUEST FOR MARINE MAMMAL PROTECTION ACT INCIDENTAL TAKE
AUTHORIZATION AND REGULATIONS FOR U.S. NAVY NORTHWEST
TRAINING AND TESTING ACTIVITIES

Dear Director:

In accordance with the Marine Mammal Protection Act, as amended, and 50 C.F.R. Part 216, the U.S. Navy requests a seven-year Letter of Authorization (LOA) and regulations for the taking of marine mammals incidental to Navy training and testing activities in the Northwest Training and Testing (NWT) area from November 2020 to November 2027.

Analysis supporting this request is contained within the Navy's NWT LOA application and in the Navy's 2019 NWT Draft Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement. Due to the large file size and page count (>400 pages), the Navy will be electronically submitting the NWT LOA application directly to the appropriate National Marine Fisheries Service staff.

The U.S. Navy requests the above regulations authorize, and the NMFS issue, two seven-year Letters of Authorization; one issued to Commander, U.S. Pacific Fleet for training activities and one issued to Commander, Naval Sea Systems Command for testing activities. Addresses for these commands are provided below:

Commander, United States Pacific Fleet
Attn: N465
250 Makalapa Drive
Pearl Harbor, HI 96860-3131

Commander, Naval Sea Systems Command
Attn: Code SEA 04R
1333 Isaac Hull Avenue, SE
Washington Navy Yard, DC 20376

5090
Ser N465/0282
March 11, 2019

We appreciate your continued support in helping the U.S. Navy meet its environmental responsibilities. My point of contact for this matter is Ms. Andrea Balla-Holden at 360-396-0002 or andrea.ballaholden@navy.mil.

Sincerely,




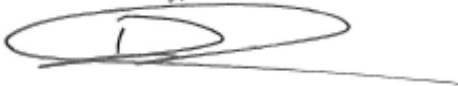
Daniel A. McNair
Director, Fleet Environmental Readiness Division
By direction of the Commander

Enclosure: Request for Regulations and Letter of Authorization for the Incidental Taking of
Marine Mammals associated with U.S. Navy Training and Testing Activities in the
NWT Study Area



Copy to: OPNAV (N45)
NAVSEASYSKOM
NAVAIRSYSKOM

I.4 Endangered Species Act Consultation

I.4.1 Navy Request Letter to the National Marine Fisheries Service

	DEPARTMENT OF THE NAVY COMMANDER UNITED STATES PACIFIC FLEET 250 MAKALAPA DRIVE PEARL HARBOR, HAWAII 96860-3131	IN REPLY REFER TO: 5090 Ser N465/1279 October 21, 2019
<p>Ms. Cathy Tortorici Division Chief, Endangered Species Act Interagency Cooperation Division Office of Protected Resources National Marine Fisheries Service National Oceanic and Atmospheric Administration SSMC3, Room 13821 1315 East-West Highway Silver Spring, MD 20910</p>		
<p>SUBJECT: REQUEST FOR INITIATION OF ENDANGERED SPECIES ACT SECTION 7 FORMAL CONSULTATION FOR THE U.S. NAVY'S NORTHWEST TRAINING AND TESTING ACTIVITIES</p>		
<p>Dear Ms. Tortorici:</p>		
<p>In accordance with Section 7 of the Endangered Species Act (ESA), the U.S. Navy (Navy) requests initiation of formal consultation on Northwest Training and Testing (NWT) activities occurring within the Pacific Ocean off the coast of Washington, Oregon, and Northern California, and in the inland waters of Washington (Puget Sound and the Strait of Juan de Fuca) and in Alaska (Western Behm Canal).</p>		
<p>The proposed action "<i>may affect</i>" listed species and designated critical habitat in the NWT Action Area. The NWT Biological Assessment (BA) (Enclosure 1) is the Navy's primary document that provides the required information pursuant to 50 C.F.R. §402.12(f). Those species and critical habitats with a "<i>no effect</i>" determination were not carried forward into the NWT BA.</p>		
<p>The complete list of ESA species and critical habitats evaluated and the Navy's determinations are provided in the attached summary table (Enclosure 2).</p>		
<p>The Navy is requesting formal consultation on the ESA-listed species with a "<i>likely to adversely affect</i>" determination. The Navy is requesting concurrence on our "<i>not likely to adversely affect</i>" determinations for listed species and designated critical habitat. The Navy will consult with NMFS on proposed critical habitat for the Southern Resident killer whale and the humpback whale once NMFS issues the Final Critical Habitat Designation.</p>		
<p>We appreciate your continued support in helping the Navy meet its environmental responsibilities. My point of contact for this matter is Ms. Andrea Balla-Holden (360) 396-0002, andrea.ballaholden@navy.mil.</p>		
<p>Sincerely,</p> 		
<p>DANIEL McNAIR Director, Environmental Readiness Division By direction of the Commander</p>		
<p>Enclosures: 1. NWT Biological Assessment (provided electronically) 2. Status & Effect Determination Table for all ESA-listed Species and Critical Habitat in the NWT Study Area (provided electronically)</p>		

I.4.2 National Marine Fisheries Response Letter to the Navy

	<p>UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL MARINE FISHERIES SERVICE 1315 East-West Highway Silver Spring, Maryland 20910</p>
<p>June 15, 2020</p>	
<p>Refer to NMFS No.: OPR-2019-00786</p>	
<p>D. A. McNair Department of the Navy Director, Environmental Readiness Division United States Pacific Fleet 250 Makalapa Drive Pearl Harbor, Hawaii 96860-3131</p>	
<p>RE: Initiation of Consultation Pursuant to Section 7 of the Endangered Species Act on the United States Navy Phase III Northwest Training and Testing Activities</p>	
<p>Dear Mr. McNair:</p>	
<p>On October 21, 2019, the National Marine Fisheries Service (NMFS) received your request for formal consultation under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 et seq.), for Northwest Training and Testing activities proposed by the United States Navy. This response to your request was prepared by NMFS pursuant to section 7(a)(2) of the ESA, implementing regulations at (50 CFR §402), and agency guidance.</p>	
<p>We have determined that the NMFS Permits and Conservation Division's proposed issuance of regulations in accordance with the Marine Mammal Protection Act to the Navy for the take of marine mammals during military readiness activities in the Northwest Training and Testing Study Area is interrelated and interdependent with the Navy's proposed action. As such, section 7 consultation with the Navy requires information on the proposed regulations from the Permits and Conservation Division to complete our analysis and prepare a biological opinion. We received a request for formal consultation from the Permits and Conservation Division, along with the proposed regulations, on May 27, 2020.</p>	
<p>Based on our review of the information submitted by the Navy and NMFS Permits and Conservation Division, we determined that there is sufficient information to initiate formal section 7 consultation. We are initiating consultation as of June 2, 2020. During consultation, we may request additional information or clarification to assist us in completing this consultation. Additionally, during formal consultation, we intend to propose additional mitigation to the Navy to minimize impacts to ESA-listed resources.</p>	
<p>The ESA requires that after initiation of formal consultation, the action agency may not make any irreversible or irretrievable commitment of resources that would preclude the formulation or implementation of any reasonable and prudent alternatives that would avoid violating section 7(a)(2) (50 CFR §402.09). This prohibition is in force during the consultation process and continues until the requirements of section 7(a)(2) are satisfied.</p>	
	

We plan to finalize our biological opinion prior to issuance of the Marine Mammal Protection Act regulations. If you have any questions, please contact Ron Salz at (301) 427-8487 or by email at ron.salz@noaa.gov, or me at (301) 427-8495 or by e-mail at cathy.tortorici@noaa.gov.

Sincerely,

Kristine Petersen

For

Cathryn E. Tortorici
Chief, ESA Interagency Cooperation Division
Office of Protected Resources

I.4.3 Navy Request Letter to the U.S. Fish and Wildlife Service



DEPARTMENT OF THE NAVY
COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N465/1292
October 24, 2019

Mr. Brad Thompson
Acting Manager
Western Washington Fish and Wildlife Office
U.S. Fish and Wildlife Service
510 Desmond Drive SE, Suite 102
Lacey, WA 98503

Dear Mr. Thompson:

SUBJECT: REQUEST FOR REINITIATION OF ENDANGERED SPECIES ACT
SECTION 7 FORMAL CONSULTATION FOR THE U.S. NAVY'S
NORTHWEST TRAINING AND TESTING ACTIVITIES

In accordance with Section 7(a) (2) of the Endangered Species Act (ESA), the U.S. Navy (Navy) requests reinitiation of formal consultation on Northwest Training and Testing (NWT) activities. The United States Fish and Wildlife Service (USFWS) issued a Biological Opinion (BiOp) on July 21, 2016 and a reinitiated BiOp on December 11, 2018.

Pursuant to 50 Code of Federal Regulations Section 402.16(b) and (c), reinitiation of formal consultation is required because (1) new information reveals effects of the Navy's proposed activities (the action) may affect listed species or critical habitat in a manner or to an extent not previously considered, and (2) the Navy proposes to modify its previous identified action in a manner that causes an effect to the listed species or critical habitat that was not considered in the BiOp.

The proposed action "*may affect*" listed species and designated critical habitat in the NWT Action Area. The NWT Biological Assessment (BA) (Enclosure) provides the required information and analysis pursuant to 50 C.F.R. §402.12(f). Those species and critical habitats with a "*no effect*" determination were not carried forward into the NWT BA.

The Navy concluded, "*may affect, likely to adversely affect*" for the marbled murrelet (*Brachyramphus marmoratus*) from the proposed testing activities and "*may affect, likely to adversely affect*" for bull trout (*Salvelinus confluentus*) from proposed training activities. The Navy is requesting formal consultation for species with a "*likely to adversely affect*" determination.

The Navy also concluded "*may affect, not likely to adversely affect*" for the marbled murrelet (from training activities) and for the short-tailed albatross (*Phoebastria albatrus*) (from

SUBJECT: REQUEST FOR REINITIATION OF ENDANGERED SPECIES ACT
SECTION 7 FORMAL CONSULTATION FOR THE U.S. NAVY'S
NORTHWEST TRAINING AND TESTING ACTIVITIES

training and testing activities) and for bull trout (from testing activities). The Navy determined "*may affect, not likely to adversely affect*" for bull trout designated critical habitat. The Navy is requesting informal consultation and concurrence on our "*not likely to adversely affect*" determinations.

The Navy has determined that the action would have "*no effect*" on critical habitat for marbled murrelet. Short-tailed albatross critical habitat has not been designated.

SECTION 7(d) ANALYSIS AND DETERMINATION:

Section 7(d) of the ESA provides that "after initiation of consultation required under subsection (a) (2), the Federal agency and the permit or license applicant shall not make any irreversible or irretrievable commitment of resources with respect to the agency action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures which would not violate subsection (a)(2)."

The Navy acknowledges that this prohibition is in force until the reinitiated consultation is concluded. Section 7(d) does not prohibit all aspects of an agency action from proceeding during consultation; rather, non-jeopardizing activities (those currently permitted under the 2016 and 2018 BiOps) may be implemented if to do so would not violate Section 7(d). Thus, during this period of reinitiation, the Navy plans to continue conducting training and testing events, as permitted in the 2016 and 2018 BiOps, and continue implementing all the associated conservation measures.

We appreciate your continued support in helping the Navy meet its environmental responsibilities. My points of contact for this matter are Ms. Cindi Kunz, (360) 396-1860, cindi.kunz@navy.mil or Ms. Andrea Balla-Holden, andrea.ballaholden@navy.mil, (360) 396-0002.

Sincerely,



DANIEL McNAIR
Director, Environmental Readiness Division
By direction of the Commander

Enclosure: NWTB Biological Assessment (Provided Electronically)

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: NWTT Phase III Deconstruction Matrix
Date: Monday, December 02, 2019 7:42:23 PM

Jason / All,

Per USFWS request, attached is the NWTT Phase III Deconstruction Matrix to assist in your analysis.

Additionally, and as we discussed last week, the Navy is reducing the number of Gunnery Exercises, Surface-to-Air, NEPM large caliber rounds as reflected on line A.2 of the attached document. This reduction in NEPM large caliber rounds from 6,670 to 80 will result in "no change" from the number of activities analyzed during the NWTT Phase II ESA consultation.

Please let me know if you have any questions during your review of this document.

V/r,
Cindi

Cynthia A. Kunz
NAVFAC NW, Senior Biologist; ESA Coordinator

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Revised Deconstruction Matrix 30 Jan 2020
Date: Thursday, January 30, 2020 1:16:56 PM

Jason,

Attached is the revised NWTT USFWS BA Deconstruction Matrices with Effect Determinations. The recent changes are denoted in track changes so you can see what edits were made to the last version.

The analyses and justification you requested of the Navy's acoustic team pertaining to the STAL and specific offshore activities is forthcoming.

V/r,
Cindi

Cynthia A. Kunz
NAVFAC NW, Senior Biologist; ESA Coordinator

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Sunday, January 26, 2020 7:27 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Revised Deconstruction Matrix

Jason,

As you requested, the Navy has revised the deconstruction matrix and provided additional information in this attached document. Please let me know if this satisfies that request.

Additionally, the Navy is finalizing the write-up you requested specific to the range to effects rationale and explanation to support the NLAA determination for STAL. I expect to transmit that document to you early in the week after I have clarified a couple of points with the acoustic team.

I will be on travel next week, but will have my computer and checking emails intermittently throughout the day. Please feel free to reach out to me via cell phone if you wish to discuss this consultation.

V/r,
Cindi

Cynthia A. Kunz
NAVFAC NW, Senior Biologist; ESA Coordinator

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: STAL Rationale
Date: Sunday, February 02, 2020 4:28:02 PM

Jason / All,

As requested, attached is the rationale pertaining to the STAL effect determination. Please let me know if you wish to discuss or if additional information is needed for the NWTT USFWS ESA consultation.

V/r,
Cindi

Cynthia A. Kunz
NAVFAC NW, Senior Biologist; ESA Coordinator

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 30, 2020 1:17 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Revised Deconstruction Matrix 30 Jan 2020

Jason,

Attached is the revised NWTT USFWS BA Deconstruction Matrices with Effect Determinations. The recent changes are denoted in track changes so you can see what edits were made to the last version.

The analyses and justification you requested of the Navy's acoustic team pertaining to the STAL and specific offshore activities is forthcoming.

V/r,
Cindi

Cynthia A. Kunz
NAVFAC NW, Senior Biologist; ESA Coordinator



From: [REDACTED]
Sent: Sunday, January 26, 2020 7:27 AM
To: [REDACTED]
Cc: [REDACTED]
[REDACTED]
[REDACTED]
Subject: Revised Deconstruction Matrix

Jason,

As you requested, the Navy has revised the deconstruction matrix and provided additional information in this attached document. Please let me know if this satisfies that request.

Additionally, the Navy is finalizing the write-up you requested specific to the range to effects rationale and explanation to support the NLAA determination for STAL. I expect to transmit that document to you early in the week after I have clarified a couple of points with the acoustic team.

I will be on travel next week, but will have my computer and checking emails intermittently throughout the day. Please feel free to reach out to me via cell phone if you wish to discuss this consultation.

V/r,
Cindi

Cynthia A. Kunz
NAVFAC NW, Senior Biologist; ESA Coordinator



Navy effect determination of NLAA for in-air Weapons Noise and Explosive Stressors, Section 7 ESA consultation with USFWS for the Short-Tailed Albatross (NWTT Study Area)

In the 2015 informal consultation on effects to the short-tailed albatross (STAL) in the NWTT Study Area, the Navy reached an effects determination of “may affect, not likely to adversely affect”. On October 30, 2015, USFWS informed the Navy that FWS did not concur with this determination. The Navy then initiated formal consultation for this species.

In their 2016 Biological Opinion, USFWS calculated that approximately 5.5 STAL would experience adverse effects from medium-caliber explosive projectiles from surface-to-air and surface-to-surface gunnery exercises, and that approximately 1.3 STAL would experience adverse effects from large-caliber explosive projectiles from surface-to-air and surface-to-surface gunnery exercises over 20 years. For all non-explosive practice munitions (NEPM), a total of 4.5 STAL were estimated to experience adverse effects over 20 years. The total number of STAL predicted to experience adverse effects from these gunnery exercises over 20 years was 11.3 individuals. USFWS estimated take of approximately 7 STAL over 20 years from in-air explosives in Phase II. These calculations were based on Ranges to Effect (RTEs) provided by the Navy, including RTEs for gun blast noise for large caliber munitions, supersonic bow shock projectile noise, and explosive energy (for explosive ordnance).

In the Phase III consultation, the US Navy submitted a Biological Assessment (B) on 24 October 2019 and requested ESA consultation. The Navy’s revised acoustic and explosives modeling improves the understanding of these stressors’ potential impacts on species included in this BA. The reasoning for Navy’s NLAA effects determination for Weapon Noise and Explosives under the Acoustic and Explosive stressor category for STAL is outlined below.

Standard Operating Procedures, Mitigation Measures, and Geographic Overlap

Standard Operating Procedures

All weapons firing activities that involve the use of explosive munitions are conducted during daylight hours. This standard operating procedure benefits seabirds by increasing the effectiveness of visual observations for mitigation during applicable explosive weapons firing activities.

Mitigation Measures

The Navy also will continue to implement procedural mitigation to reduce impacts to seabirds (any species). In their 2016 BO, USFWS concluded that standard operating procedures, mitigation measures, and monitoring would not eliminate risk to birds, citing that expert biologists were needed to identify ESA-listed birds. In the current Phase III consultation, lookouts will observe the mitigation zone and delay or relocate the activity when any birds (any species) are present, eliminating this concern. Procedural mitigation measures are in place to avoid impacts from: 1) weapon firing noise during Lg-cal gunnery activities (BA Table 2-8); 2) explosive Med-cal projectiles (BA Table 2-9); and 3) Med-cal non-explosive practice munitions (BA Table 2-11). Excerpts of these procedural mitigations from the Navy’s submitted Phase III Biological Assessment are provided at the end of this summary document.

Geographic Overlap

Figure 3-5 (below) shows that documented STAL presence has minimal overlap with Navy activities for the Proposed Action. Under the reinitiated Biological Opinion of 2018, the Navy agreed to conduct

gunnery exercises using explosive projectiles and maritime patrol aircraft testing activities using explosive sonobuoys greater than 50 NM from shore, consistent with all other explosive activities analyzed in the Phase II consultation (with the exception of a limited number of EOD training activities conducted in Inland Waters). Similarly, for Phase III, the Navy will not conduct explosive training activities, explosive testing activities (with the exception of explosive Mine Countermeasure and Neutralization Testing), and missile training within 50 NM from shore in the Marine Species Coastal Mitigation Area. Additionally, the Navy will not conduct non-explosive large-caliber gunnery training or non-explosive bombing training within 20 NM from shore. These mitigations would limit the potential for overlap with a significant portion of the short-tailed albatross preferred areas. From the 2019 BA: "Data indicates that the short-tailed albatross is much more likely to be present within 50 NM from shore, near upwellings associated with the shelf break, as described in Section 3.3.2 (Distribution); therefore, the potential for any exposures of short-tailed albatross to explosives in the Offshore Area is considered discountable."

Importantly, the STAL takes calculated in the 2016 Biological Opinion were based on the assumption that exposures to explosives could occur >20 NM from shore. The estimated takes were not revised in the 2018 reinitiated Biological Opinion, even though evidence suggests that conducting all explosive activities >50 NM from shore would significantly reduce the potential for overlap with STAL.

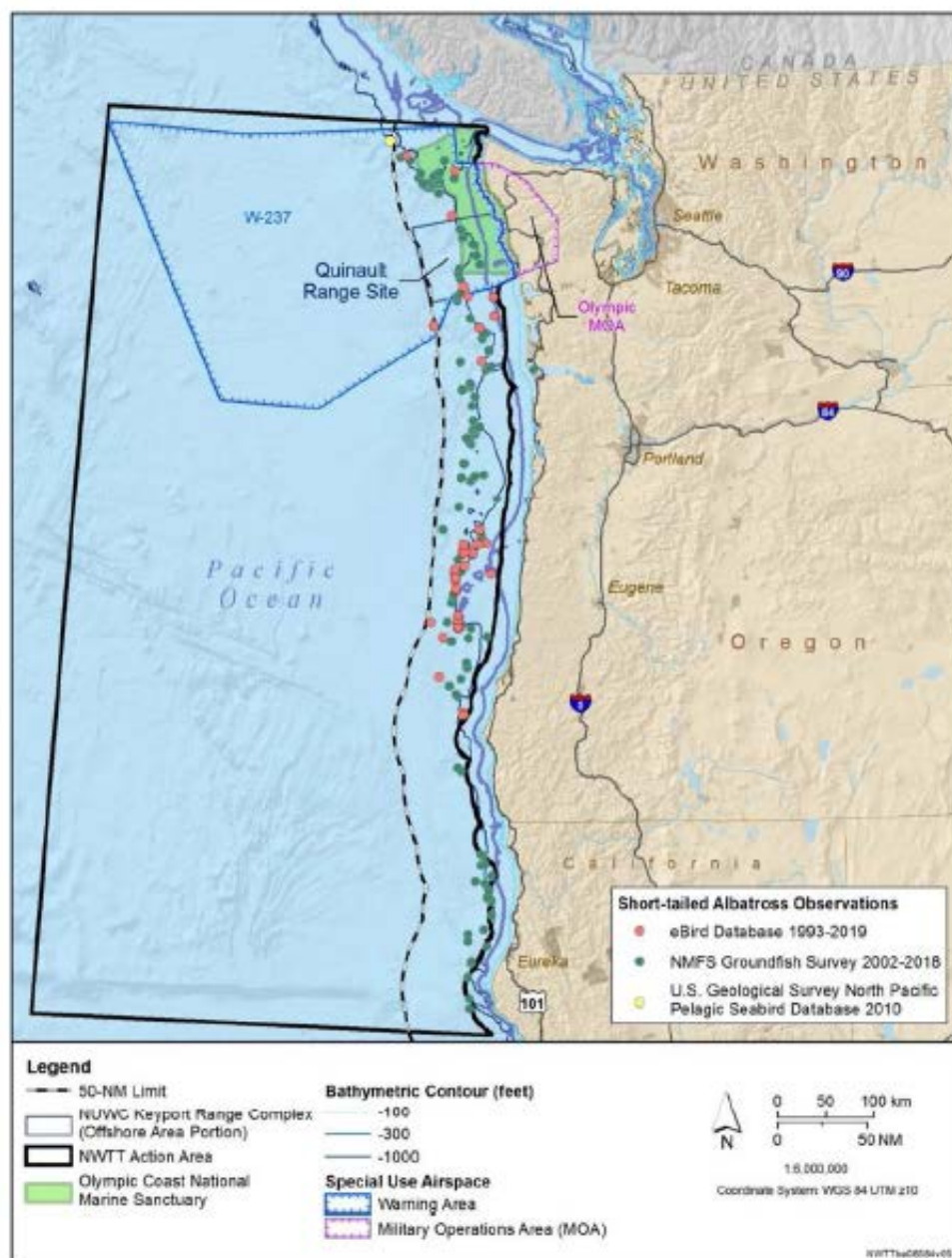


Figure 3-1: Occurrences of Short-Tailed Albatross Within the NWTT Offshore Area

Criteria

Since Phase II, no changes have been made to the criteria and thresholds except for the in-air impulsive criterion. Since Phase II, the onset threshold for auditory injury due to in-air explosions has been modified to use a more appropriate metric: unweighted peak pressure, rather than A-weighted peak pressure. In Phase II, the onset of auditory injury was defined as 140 dBA re 20 μ Pa peak, but this criterion in Phase III is defined as 165 dB re 20 μ Pa peak. For a detailed description and justification of this change, see the subsection entitled "Criteria and Thresholds Used to Estimate Impacts from Weapon Noise" in Section 5.3.1.1.5.1 of the 2019 BA.

Likelihood of Exposure

Overall, small areas of effect and ranges to effect were calculated following the same methods recommended in Phase II for gunnery exercises and other activities with in-air projectiles. Three components of weapons firing are considered in developing ranges to effect: blast noise (for large caliber shells only), bow shock noise (for supersonic projectiles), and explosions (in-air or at the water surface). These are each discussed below, with differences and similarities between Phase II and Phase III analytical methods identified. Lastly, differences in activity levels between Phase II and Phase III are provided.

Blast noise:

The range to effect for blast noise is based on actual 5-inch gun blast measurements. The estimated range to effect provided in the Navy's Phase III Biological Assessment is similar to the range used in the 2016 Biological Opinion, although slightly less due to refinement of the in-air auditory injury threshold, and is also based on Pater (1981).

Bow shock wave:

Consistent with Phase II, the Navy used the methods in Pater (1981) to calculate the range to effect from bow shock waves. Area of effect and range to effect are limited despite conservative assumptions used in these calculations (see Table 5-33). The list of assumptions for weapons firing is as follows:

- A low 10-degree firing angle and a target point at 10 m above the water surface were used in area of effect calculations. This conservative estimate maximizes potential area of effect.
- Upper limit of 20 m bird altitude. [Note that Navy alerted FWS that their calculations for Phase II inadvertently did not include this 20 m altitude consideration, although the text of the 2016 Biological Opinion stated that bird flight altitude was considered to reach up to 20 m. The areas of effect for bow shock for both Surface-Air and Surface-Surface projectiles are limited because only a portion of the range to effect around the flight path, at the firing point or near the impact point (for S-S), extend below 20 m altitude. This is illustrated in Figure 16 of the 2016 Biological Opinion. This consideration of altitude was not implemented in USFWS 2016 BO for all weapons firing, and resulting calculations included a large area where birds are not present.]
- Mach number at firing likely overestimates the range of effect along the length of the trajectory, as it does not account for deceleration of gun shells.

As an example, Table 5-33 in the BA shows that the range to auditory injury from projectile bow shock waves is between 2 and 17 m for all non-explosive projectiles. This small range combined with the infrequent events (see Table 5-34) is the basis for the determination that such injury is extremely unlikely.

Furthermore, each round fired does not constitute an independent risk to birds. Birds would most likely avoid the area near trajectories with multiple rounds (e.g., gunnery) once an event has begun, avoiding the potential for multiple exposures in the area of effect. In Phase II, the Navy did not provide cluster sizes for weapons firing. In Section 10.4.5.4.1.1.3 of the USFWS 2016 BO, USFWS used the assumption that rounds would be fired in bursts of 5 to conclude that 1.6 STAL will be affected in 20 years from large-caliber firing (for example). In the two activities where non-explosive large-caliber rounds are fired, the actual cluster size range is 8-20 rounds, which reduces the potential risk to birds as determined by FWS's Phase II analysis. Similarly, in Section 10.4.5.4.1.1.2, FWS assumed that non-explosive medium-caliber projectiles would be fired in bursts of five. The actual cluster size range for medium caliber projectiles is 16-18 for E1, and 5 or E2. In Phase II, USFWS expected a "total of 2.1 short-tailed albatross to be within that area and therefore exposed to stressors" of medium-caliber non-explosives, but that number is probably high, given the above clarifications regarding actual weapons firing cluster size.

In Phase II, the Navy did not provide detailed target altitude information for all activities involving weapons firing, and USFWS assumptions about target altitude may have contributed to overestimating potential impacts to birds (see p. 188 of the 2016 BO). In Phase III, the surface-to-air gunnery exercise target altitude is 1,000 ft. or greater (304.2 m), which is far above the 20 m altitude where birds are likely to be present, decreasing the area of exposure estimated in Phase II.

In-air explosives:

The ranges to effect for onset of injury caused by in-air explosions (presented in Table 37, p178) used in the Phase II USFWS 2016 exposure analysis were between 241 m and 692 m. These ranges were based on FEMA's human safety standoff ranges, which are extremely conservative and inappropriate for use in the injury analysis, as was advised by the Navy. Human safety zones for bomb threats describe evacuation distances from explosive threats in the human environment, considering overpressure glass shatter and including factors of safety. Still, USFWS used these distances to calculate an area of effect, greatly over-estimating potential harm to birds. In contrast, the ranges to effect calculated by the Navy (using the same methods as the Phase II ranges that Navy provided) in Phase III were 9.3 – 159.7 m (See Table A below).

Table A. Ranges to effect comparison.

	Phase II		Phase III		
	Range to 2 psi (onset TS)	Distance to Human Safety	Range to auditory injury	Range to non-auditory injury (impulse)	Range to non-auditory injury (peak pressure)
E1	17.2 m	241 m	9.3 m	0.6 m	1.7 m
E2			16.0 m	2.1 m	2.9 m
E3	28.7 m	367 m			
E5	49.2 m	442 m	43.4 m	16.4 m	7.9 m
E7	91.3 m	539 m			
E8	106.0 m	567 m			
E10	179.6 m	655 m	159.7 m	193.6 m	29 m
E12	228.2 m	692 m			

Change in number of potential exposure occurrences

Despite a modest increase in med-cal explosive rounds in the Surface-to-Surface Gunnery Exercise, there has been a significant reduction in the use of in-air explosives and Med-cal NEPM during the Gunnery Exercise Surface to Air and Gunnery Exercise Surface-to-Surface – Ship Training (refer to Table 2-4 in the BA). Between the 2016 BO and the 2019 BA, changes to gunnery activities include:

- Gunnery Exercise (Surface-to-Air):
 - The number of events has decreased from 160 to 125.
 - The number of Lg-cal explosive rounds has decreased from 230 to 60.
 - The number of Lg-cal NEPM rounds has not changed (80).
 - The number of Med-cal explosive rounds has decreased from 6,320 to 300.
 - The number of Med-cal NEPM rounds is nearly the same (9,672 to 9,660).
- Gunnery Exercise (Surface-to-Surface):
 - The number of events per year has changed from 200 to a range of 100-200.
 - The number of Lg-cal explosive rounds has decreased from 160 to 112.
 - The number of Lg-cal NEPM rounds has not changed (2,720).
 - The number of Med-cal explosive rounds has increased from 48 to 250.
 - The number of Med-cal NEPM has decreased from 33,492 to 16,750.

Based on the limited range to effect for most injury and the low potential for overlap with an ESA-listed bird in the Offshore Areas where these weapons are used, the potential for an injurious exposure is extremely low. Therefore, in consideration of mitigation measures and the low likelihood of overlap or significant response, the effects of weapons firing, launch, and non-explosive impact noise, and explosive detonations on short-tailed albatross would be discountable.

Mitigation measures applicable to seabirds (excerpt from the Navy's NWT Phase III Biological Assessment)

Table 2-1: Procedural Mitigation for Weapons Firing Noise

<i>Procedural Mitigation Description</i>
<u>Stressor or Activity</u>
<ul style="list-style-type: none"> Weapons firing noise associated with large-caliber gunnery activities
<u>Resource Protection Focus</u>
<ul style="list-style-type: none"> Seabirds (including marbled murrelets and short-tailed albatross)
<u>Number of Lookouts and Observation Platform</u>
<ul style="list-style-type: none"> 1 Lookout positioned on the ship conducting the firing
<u>Mitigation Requirements</u>
<ul style="list-style-type: none"> Mitigation zone: <ul style="list-style-type: none"> 30° on either side of the firing line out to 70 yards (yd.) from the muzzle of the weapon being fired Prior to the initial start of the activity: <ul style="list-style-type: none"> Observe the mitigation zone for seabirds; if observed, relocate or delay the start of weapons firing. During the activity: <ul style="list-style-type: none"> Observe the mitigation zone for seabirds; if observed, cease weapons firing. Commencement/recommencement conditions after a seabird sighting before or during the activity: <ul style="list-style-type: none"> The Navy will allow a sighted seabird to leave the mitigation zone prior to the initial start of the activity (by delaying the start) or during the activity (by not recommencing weapons firing) until one of the following conditions has been met: (1) the animal is observed exiting the mitigation zone; (2) the animal is thought to have exited the mitigation zone based on a determination of its course, speed, and movement relative to the firing ship; (3) the mitigation zone has been clear from any additional sightings for 30 minutes; or (4) for mobile activities, the firing ship has transited a distance equal to double that of the mitigation zone size beyond the location of the last sighting.

Table 2-2: Procedural Mitigation for Explosive Medium-Caliber Projectiles

<i>Procedural Mitigation Description</i>
<u>Stressor or Activity</u>
<ul style="list-style-type: none"> Gunnery activities using explosive medium-caliber projectiles <ul style="list-style-type: none"> Mitigation applies to activities using a surface target
<u>Resource Protection Focus</u>
<ul style="list-style-type: none"> Seabirds (including marbled murrelets and short-tailed albatross)
<u>Number of Lookouts and Observation Platform</u>
<ul style="list-style-type: none"> 1 Lookout on the vessel conducting the activity If additional platforms are participating in the activity, personnel positioned in those assets (e.g., safety observers, evaluators) will support observing the mitigation zone for applicable biological resources while performing their regular duties.
<u>Mitigation Requirements</u>
<ul style="list-style-type: none"> Mitigation zones: <ul style="list-style-type: none"> 200 yd. around the intended impact location Prior to the initial start of the activity (e.g., when maneuvering on station): <ul style="list-style-type: none"> Observe the mitigation zone for seabirds; if observed, relocate or delay the start of firing.

- During the activity:
 - Observe the mitigation zone for seabirds; if observed, cease firing.
- Commencement/recommencement conditions after a seabird sighting before or during the activity:
 - The Navy will allow a sighted seabird to leave the mitigation zone prior to the initial start of the activity (by delaying the start) or during the activity (by not recommencing firing) until one of the following conditions has been met: (1) the animal is observed exiting the mitigation zone; (2) the animal is thought to have exited the mitigation zone based on a determination of its course, speed, and movement relative to the intended impact location; (3) the mitigation zone has been clear from any additional sightings for 30 minutes for vessel-based firing; or (4) for activities using mobile targets, the intended impact location has transited a distance equal to double that of the mitigation zone size beyond the location of the last sighting.
- After completion of the activity (e.g., prior to maneuvering off station):
 - When practical (e.g., when platforms are not constrained by fuel restrictions or mission-essential follow-on commitments), observe the vicinity of where detonations occurred; if any injured or dead ESA-listed species are observed, follow established incident reporting procedures.
 - If additional platforms are supporting this activity (e.g., providing range clearance), these assets will assist in the visual observation of the area where detonations occurred.

Table 2-3: Procedural Mitigation for Small-Caliber and Medium-Caliber Non-Explosive Practice Munitions

<i>Procedural Mitigation Description</i>
<u>Stressor or Activity</u>
<ul style="list-style-type: none"> • Gunnery activities using small-caliber and medium-caliber non-explosive practice munitions <ul style="list-style-type: none"> – Mitigation applies to activities using a surface target
<u>Resource Protection Focus</u>
<ul style="list-style-type: none"> • Seabirds (including marbled murrelets and short-tailed albatross)
<u>Number of Lookouts and Observation Platform</u>
<ul style="list-style-type: none"> • 1 Lookout positioned on the platform conducting the activity
<u>Mitigation Requirements</u>
<ul style="list-style-type: none"> • Mitigation zone: <ul style="list-style-type: none"> – 200 yd. around the intended impact location • Prior to the initial start of the activity (e.g., when maneuvering on station): <ul style="list-style-type: none"> – Observe the mitigation zone for seabirds; if observed, relocate or delay the start of firing. • During the activity: <ul style="list-style-type: none"> – Observe the mitigation zone for seabirds; if observed, cease firing. • Commencement/recommencement conditions after a seabird sighting before or during the activity: <ul style="list-style-type: none"> – The Navy will allow a sighted seabird to leave the mitigation zone prior to the initial start of the activity (by delaying the start) or during the activity (by not recommencing firing) until one of the following conditions has been met: (1) the animal is observed exiting the mitigation zone; (2) the animal is thought to have exited the mitigation zone based on a determination of its course, speed, and movement relative to the intended impact location; (3) the mitigation zone has been clear from any additional sightings for 10 minutes for aircraft-based firing or 30 minutes for vessel-based firing; or (4) for activities using a mobile target, the intended impact location has transited a distance equal to double that of the mitigation zone size beyond the location of the last sighting.

I.4.4 U.S. Fish and Wildlife Service Response Letter to the Navy



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Washington Fish and Wildlife Office
510 Desmond Dr. S.E., Suite 102
Lacey, Washington 98503



In Reply Refer To:
01EWF00-2015-F-0251-R002

April 3, 2020

Daniel McNair
Director, Environmental Readiness Division
Department of the Navy
U.S. Pacific Fleet
250 Makalapa Drive
Pearl Harbor, Hawaii 96860-3131

Dear Mr. McNair:

This letter acknowledges the U.S. Fish and Wildlife Service (Service) received your request to reinitiate consultation on the subject action. Your request was dated October 24, 2019 and received on October 24, 2019. We also received revisions to the proposed action and other relevant information on December 2, 2019, January 30, 2020, and February 2, 2020. We also received your revised, "may affect, likely to adversely affect", determinations for short-tailed albatross (*Phoebastria albatrus*) and bull trout (*Salvelinus confluentus*) on March 11, 2020. We anticipate concluding the reinitiated consultation and issuing a new biological opinion and incidental take statement (ITS), as appropriate, on or before July 23, 2020. This is within 135 days of our receipt of the revised proposed action in accordance with the March 2019 Consultation Agreement between U.S. Department of the Navy (Navy) and U.S. Fish and Wildlife Service, Region 1, for Endangered Species Act (ESA) Section 7 Consultations. Within this timeframe, we expect to deliver a draft of the biological opinion by June 19, 2020, to you for your review.

In the meantime, the existing biological opinion and ITS will remain in place. The existing opinion found the subject action to be compliant with the requirements of ESA section 7(a)(2) (i.e., the biological opinion concluded that the subject action was not likely to jeopardize the continued existence of the marbled murrelet (*Brachyramphus marmoratus*), short-tailed albatross, and bull trout (*Salvelinus confluentus*)) and the ITS terms and conditions provide for

INTERIOR REGION 9
COLUMBIA-PACIFIC NORTHWEST
IDAHO, MONTANA*, OREGON*, WASHINGTON
*PARTIAL

INTERIOR REGION 12
PACIFIC ISLANDS
AMERICAN SAMOA, GUAM, HAWAII, NORTHERN
MARIANA ISLANDS

Daniel McNair

2

annual reporting. During the period of reinitiated consultation, the Service does not anticipate the Navy exceeding the level of exempted take provided in the existing ITS given the number of operations proposed in the Navy's October 2019 Biological Assessment. Should this assessment change during consultation, we will advise you immediately.

This response to your request was prepared in accordance with the requirements of section 7(a)(2) of the ESA, the implementing regulations for section 7 at 50 CFR 402, and Fish and Wildlife Service policy and guidance. The Service appreciates the Navy's request to reinitiate consultation on the subject action. Our point of contact for the reinitiated consultation is Jason Flory (jason_flory@fws.gov; 509-893-8003).

Sincerely,

A redacted signature block consisting of a light blue rectangular area with a small red tab on the left side containing the text "SIGN NAME".

for Brad Thompson, State Supervisor
Washington Fish and Wildlife Office

cc:

NB Kitsap-Bangor, Silverdale, WA (C. Kunz)

NB Kitsap-Bangor, Silverdale, WA (A. Bella-Holden)

NAS Whidbey Island, Oak Harbor, WA (J. Mosher)

I.5 Government-to-Government Consultation

I.5.1 Notice of Intent to Prepare an EIS/OEIS Notification Letters



DEPARTMENT OF THE NAVY
NAVAL BASE KITSAP
120 SOUTH DEWEY STREET
BREMERTON, WA 98314-5020

5090
Ser PRB4/00967
11 Aug 17

The Honorable [REDACTED] Chairman

Dear Chairman [REDACTED]:

SUBJECT: NOTICE OF INTENT TO PREPARE A SUPPLEMENTAL ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT
STATEMENT FOR NORTHWEST TRAINING AND TESTING

In recognition of our government-to-government responsibilities, I am writing to inform you that the Department of the Navy (Navy) is preparing a supplement to the 2015 Northwest Training and Testing (NWTT) Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) to assess the potential environmental impacts associated with ongoing and future at-sea military readiness activities conducted within the NWTT EIS/OEIS Study Area (hereafter referred to as the "Study Area"). Military readiness activities include training and research, development, testing, and evaluation (referred to as "training and testing"). The Navy is requesting your comments on the scope of the analysis, including potential environmental issues, cultural resources, tribal treaty issues, and viable alternatives to be considered during the development of the Draft Supplemental EIS/OEIS.

The Navy previously completed an EIS/OEIS in 2015, for which a Record of Decision was signed in October 2016, for at-sea training and testing activities occurring within the Study Area. The supplement to the 2015 Final EIS/OEIS is being prepared to support ongoing and future activities conducted at sea within the Study Area beyond 2020. Proposed training and testing activities are generally consistent with those analyzed in the 2015 Final EIS/OEIS and are representative of activities the Navy has been conducting in the Study Area for decades.

The Supplemental EIS/OEIS will include an analysis of training and testing activities using new information available after the release of the 2015 Final EIS/OEIS. New information includes an updated acoustic effects model, updated marine mammal density data, and evolving and emergent best available science. As part of this process, the Navy will seek the issuance of federal regulatory permits and authorizations under the Marine Mammal Protection Act and the Endangered Species Act to support ongoing and future at-sea military readiness activities within the Study Area beyond 2020. The Navy will also complete Section 106 of the National Historic Preservation Act analysis and consultations with the Washington State Historic Preservation Officer and Tribal Historic Preservation Officers. Additionally, the Navy will invite tribes to continue government-to-government consultation regarding tribal treaty rights.

The Study Area remains unchanged since the 2015 Final EIS/OEIS (Enclosure 1). The Study Area is comprised of established maritime operating areas and warning areas in the

**SUBJECT: NOTICE OF INTENT TO PREPARE A SUPPLEMENTAL ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT
STATEMENT FOR NORTHWEST TRAINING AND TESTING**

northeastern Pacific Ocean, including areas within the Strait of Juan de Fuca, Puget Sound, and the Western Behm Canal in southeastern Alaska. The Study Area includes air and water space within and outside Washington state waters, air and water space outside state waters of Oregon and Northern California, and Navy pierside locations where sonar maintenance and testing occur. In the supplement to the 2015 Final EIS/OEIS, the Navy will only analyze those training and testing activities conducted at sea within the Study Area.

The Proposed Action is to conduct at-sea training and testing activities within the Study Area. Activities include the use of active sonar and explosives while employing marine species protective mitigation measures. The purpose of the Proposed Action is to maintain a ready force, which is needed to ensure the Navy can accomplish its mission to maintain, train, and equip combat-ready naval forces capable of winning wars, deterring aggression, and maintaining freedom of the seas, consistent with Congressional direction in section 5062 of Title 10 of the U.S. Code. To achieve and maintain military readiness, the Navy proposes to:

- Conduct at-sea training and testing activities at levels required to support military readiness requirements beyond 2020; and
- Accommodate evolving mission requirements, including those resulting from the development, testing, and introduction of new vessels, aircraft, and weapons systems into the fleet.

Public comments will be accepted during the 30-day scoping period beginning August 22, 2017 through September 21, 2017. Comments must be postmarked or received online by **September 21, 2017** for consideration in the development of the Draft Supplemental EIS/OEIS. Comments may be submitted online at www.NWTEIS.com, or by mail to:

Naval Facilities Engineering Command Northwest
Attention: NWTT Supplemental EIS/OEIS Project Manager
3730 North Charles Porter Ave., Building 385
Oak Harbor, WA 98278-3500

If you would like additional information, or to receive a project briefing, please contact Mr. John Mosher at (360) 257-3234 or john.g.mosher@navy.mil. Please help the Navy inform the community about the intent to prepare a Supplemental EIS/OEIS for at-sea training and testing in the Pacific Northwest by sharing this information with your staff and interested individuals.

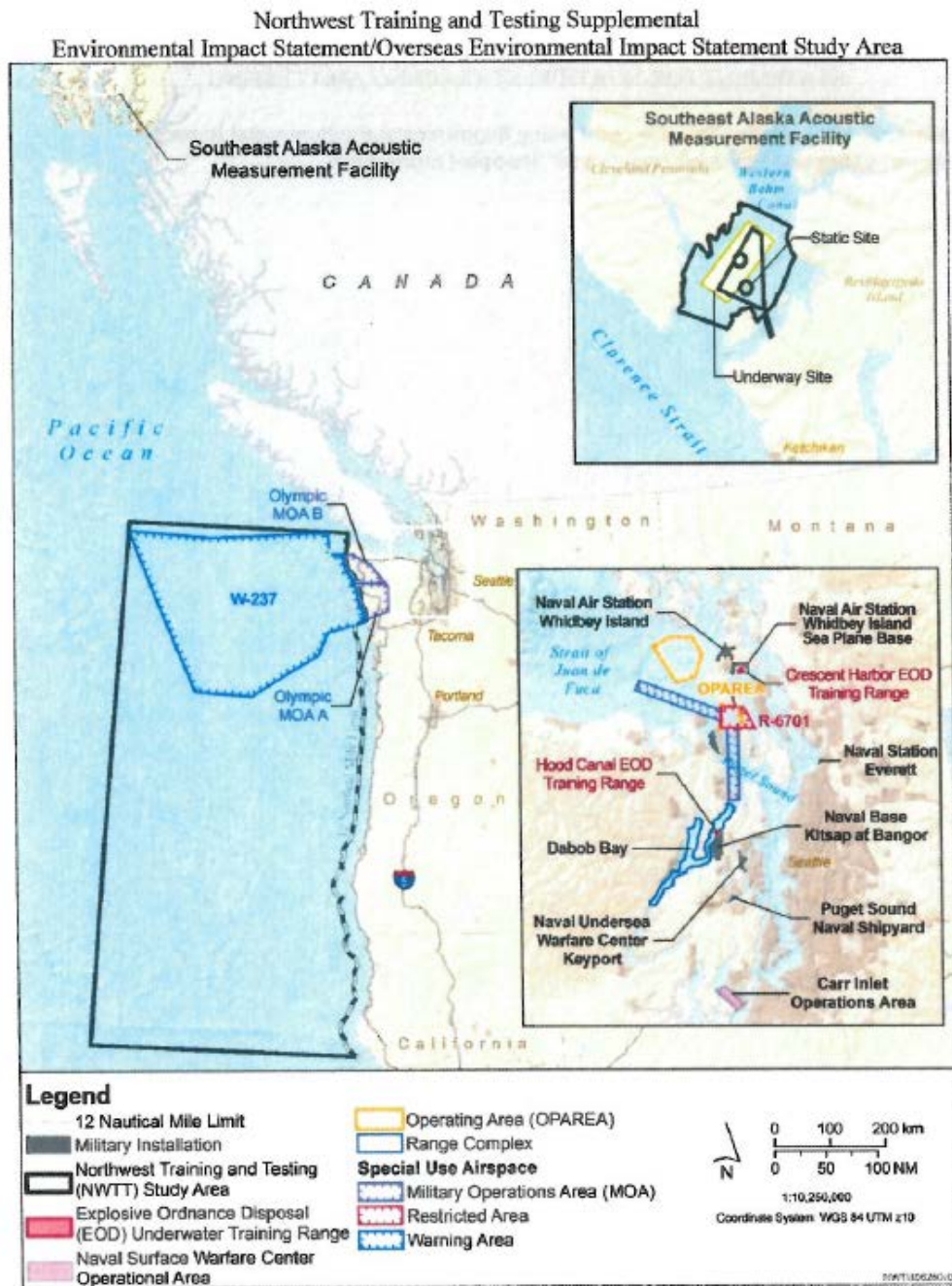
Sincerely,



E. A. SCHRADER
Captain, U. S. Navy
Commanding Officer

SUBJECT: NOTICE OF INTENT TO PREPARE A SUPPLEMENTAL ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT
STATEMENT FOR NORTHWEST TRAINING AND TESTING

Enclosure: 1. Northwest Training and Testing Supplemental Environmental Impact
Statement/Overseas Environmental Impact Statement Study Area.



Enclosure (1)



DEPARTMENT OF THE NAVY
NAVAL AIR STATION WHIDBEY ISLAND
3730 NORTH CHARLES PORTER AVENUE
OAK HARBOR, WASHINGTON 98278-5000

IN REPLY REFER TO:
5090
Ser PRW4/3035
August 17, 2017

The Honorable [REDACTED]

Dear Chairman [REDACTED]

SUBJECT: NOTICE OF INTENT TO PREPARE A SUPPLEMENTAL ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
FOR NORTHWEST TRAINING AND TESTING

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The Navy previously completed an EIS/OEIS in 2015, for which a Record of Decision was signed in October 2016, for at-sea training and testing activities occurring within the Study Area. The supplement to the 2015 Final EIS/OEIS is being prepared to support ongoing and future activities conducted at sea within the Study Area beyond 2020. Proposed training and testing activities are generally consistent with those analyzed in the 2015 Final EIS/OEIS and are representative of activities the Navy has been conducting in the Study Area for decades.

The Supplemental EIS/OEIS will include an analysis of training and testing activities using new information available after the release of the 2015 Final EIS/OEIS. New information includes an updated acoustic effects model, updated marine mammal density data, and evolving and emergent best available science. As part of this process, the Navy will seek the issuance of federal regulatory permits and authorizations under the Marine Mammal Protection Act and the Endangered Species Act to support ongoing and future at-sea military readiness activities within the Study Area beyond 2020. The Navy will also complete Section 106 of the National Historic Preservation Act analysis and consultations with the Washington State Historic Preservation Officer and Tribal Historic Preservation Officers. Additionally, the Navy will invite tribes to continue government-to-government consultation regarding tribal treaty rights.

The Study Area remains unchanged since the 2015 Final EIS/OEIS (Enclosure 1). The Study Area is comprised of established maritime operating areas and warning areas in the

5090
Ser N465/3035
August 17, 2017

northeastern Pacific Ocean, including areas within the Strait of Juan de Fuca, Puget Sound, and the Western Behm Canal in southeastern Alaska. The Study Area includes air and water space within and outside Washington state waters, air and water space outside state waters of Oregon and Northern California, and Navy pierside locations where sonar maintenance and testing occur. In the supplement to the 2015 Final EIS/OEIS, the Navy will only analyze those training and testing activities conducted at sea within the Study Area.

The Proposed Action is to conduct at-sea training and testing activities within the Study Area. Activities include the use of active sonar and explosives while employing marine species protective mitigation measures. The purpose of the Proposed Action is to maintain a ready force, which is needed to ensure the Navy can accomplish its mission to maintain, train, and equip combat-ready naval forces capable of winning wars, deterring aggression, and maintaining freedom of the seas, consistent with Congressional direction in section 5062 of Title 10 of the U.S. Code. To achieve and maintain military readiness, the Navy proposes to:

- Conduct at-sea training and testing activities at levels required to support military readiness requirements beyond 2020; and
- Accommodate evolving mission requirements, including those resulting from the development, testing, and introduction of new vessels, aircraft, and weapons systems into the fleet.

Public comments will be accepted during the 30-day scoping period beginning August 22, 2017 through September 21, 2017. Comments must be postmarked or received online by **September 21, 2017** for consideration in the development of the Draft Supplemental EIS/OEIS. Comments may be submitted online at www.NWTTEIS.com, or by mail to:

Naval Facilities Engineering Command Northwest
Attention: NWTTEIS Supplemental EIS/OEIS Project Manager
3730 North Charles Porter Ave., Building 385
Oak Harbor, WA 98278-3500

If you would like additional information, or to receive a project briefing, please contact Mr. John Mosher at (360) 257-3234 or john.g.mosher@navy.mil. Please help the Navy inform the community about the intent to prepare a Supplemental EIS/OEIS for at-sea training and testing in the Pacific Northwest by sharing this information with your staff and interested individuals.

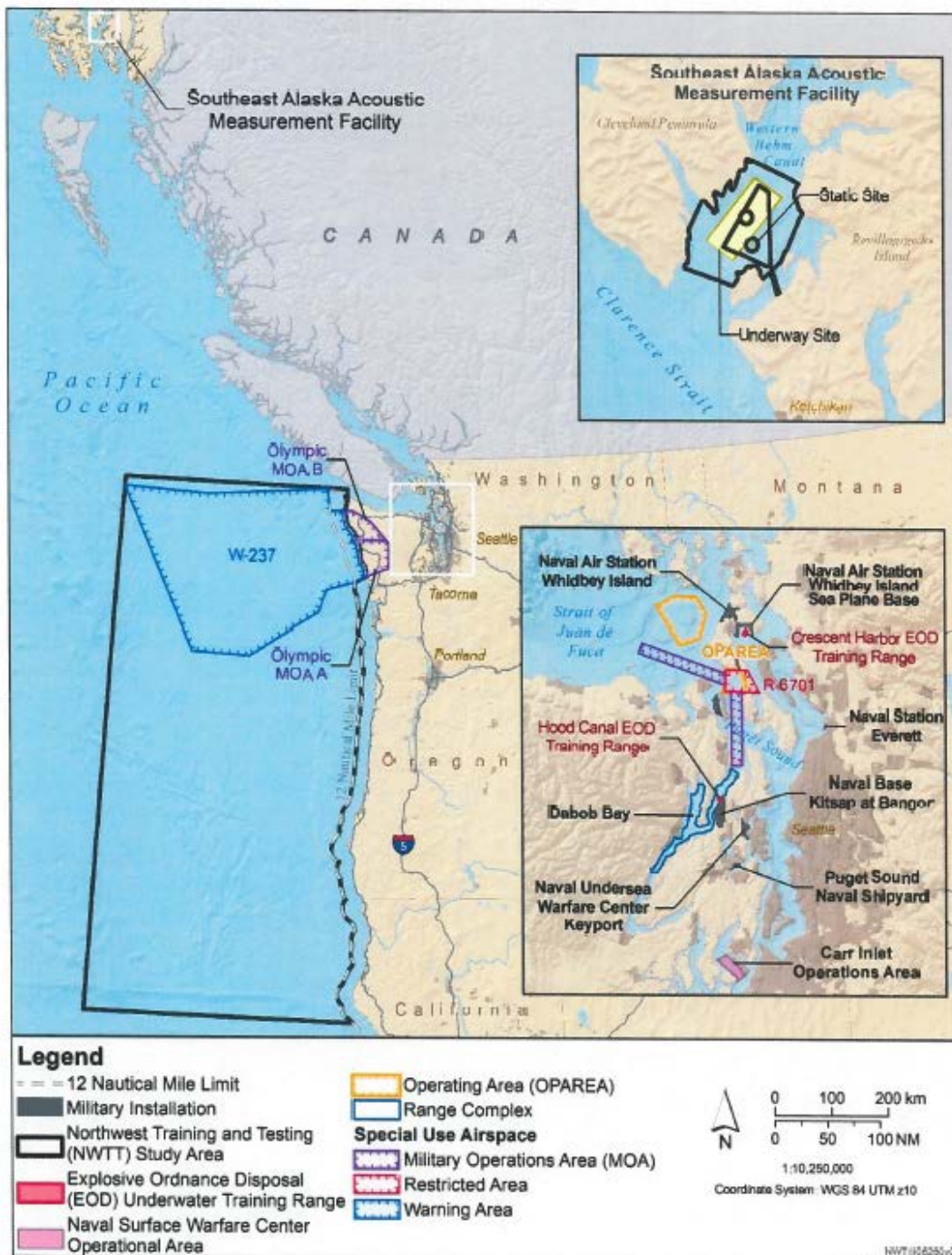
Sincerely,




G. C. MOORE
Captain, U.S. Navy
Commanding Officer

Enclosure: 1. Northwest Training and Testing Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement Study Area.

Northwest Training and Testing Supplemental Environmental Impact Statement/Overseas
Environmental Impact Statement Study Area



I.5.2 Invitation to Initiate Government-to-Government Consultation from Commander, Naval Base Kitsap

	DEPARTMENT OF THE NAVY NAVAL BASE KITSAP 120 SOUTH DEWEY ST BREMERTON, WA 98314-5020
	5090 Ser PRB4/ 00288 6 Feb 18
The Honorable [REDACTED] Chairman [REDACTED]	
Dear Chairman [REDACTED]:	
SUBJECT: INVITATION TO INITIATE GOVERNMENT-TO-GOVERNMENT CONSULTATION FOR U.S. NAVY NORTHWEST TRAINING AND TESTING ACTIVITIES	
<p>In continuation of the Department of the Navy's government-to-government tribal consultation responsibilities, I would like to inform you that the Navy is preparing a Supplement to the 2015 Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) that analyzed the Navy's training and testing activities in the Northwest. Please find attached the Notice of Intent to study the environmental effects of this proposed action, as published in the Federal Register on August 22, 2017 (Enclosure 1). Additional information is available on the project website at http://nwtteis.com/. Also attached, please find the letter I sent to you in August, discussing the Notice of Intent to develop the Supplemental EIS/OEIS in August 2017 (Enclosure 2).</p> <p>Although the Supplement to the EIS/OEIS is in the preliminary stages of development, I would like to invite you to review the information provided below and on the project website and evaluate whether you believe there may be a potential for this action to significantly affect tribal treaty rights, resources, or lands. This invitation is made pursuant to Navy policies for government-to-government consultation with American Indian and Alaska Native Tribes.</p> <p>The purpose of the proposed training activities is to ensure that the Navy accomplishes its mission to maintain, train, and equip combat-ready naval forces capable of winning wars, deterring aggression, and maintaining freedom of the seas. The Supplemental EIS/OEIS will assess the potential environmental effects associated with ongoing and future at-sea military readiness activities conducted within the Study Area beyond 2020. The Study Area remains unchanged since the 2015 Final EIS/OEIS. As part of this process, the Navy will seek the issuance of federal regulatory permits and authorizations under the Marine Mammal Protection Act and Endangered Species Act.</p> <p>The Navy and the U.S. Coast Guard conduct military readiness training and testing activities in waters and associated airspace of</p>	

SUBJECT: INVITATION TO INITIATE GOVERNMENT-TO-GOVERNMENT
CONSULTATION FOR U.S. NAVY NORTHWEST TRAINING AND TESTING
ACTIVITIES

the Pacific Northwest. These designated areas include areas within the Strait of Juan de Fuca and Puget Sound and at Navy pierside locations (as contained within Enclosure 3). These areas have historically been used by the Navy for training and testing, with some activities dating back to 1914.

Training activities may include operating vehicles, aircraft, submarines, and ships; conducting weapons training; detecting and locating submarines and finding and removing in-water practice mines. Testing activities may include basic and applied scientific research and technology development, as well as testing, evaluation, and maintenance of missiles, torpedoes, radar, active and passive sonar systems, vessels, submarines, and aircraft.

Pursuant to Navy policies for American Indian/Alaska Native tribal government-to-government consultation, I would like to offer the opportunity to have the Navy brief you or your staff on the testing and training activities. If you believe there would be a potential to significantly affect tribal treaty rights or resources resulting from the implementation of the proposed action and would like to initiate Government-to-Government consultation, the Navy will continue consultation with you beyond the initial briefing.

If you have questions or concerns, or require further information please contact me directly at (360) 627-4000 or Edward.schrader@navy.mil, or contact my Tribal Liaison, Katherine Pollock by telephone at (360) 315-1162 or katherine.pollock@navy.mil.

Sincerely,



E. A. Schrader
Captain, U.S. Navy
Commanding Officer

Enclosures: 1. Notice of Intent
2. Notice of Intent Letter
3. Northwest Training and Testing Supplemental
Environmental Impact Statement/Overseas Environmental
Impact Statement Project Information Booklet



Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at <http://www.regulations.gov> for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the DSS Office of Information Management, Russell Knox Building, 27130 Telegraph Rd., Quantico, VA 22134 or email dss.niss@mail.mil.

SUPPLEMENTARY INFORMATION:

Title: *Associated Form; and OMB Number:* National Industrial Security System (NISS); OMB Control Number 0704-XXXX.

Needs and Uses: The information collection requirement is necessary for DSS to oversee the National Industrial Security Program (NISP) pursuant to Executive Order 12829. The National Industrial Security System (NISS) will become the repository of records related to the maintenance of information pertaining to contractor facility security clearances (FCL) and contractor capabilities to protect classified information in its possession.

Affected Public: Cleared contractor companies participating in the NISP.

Annual Burden Hours: 11,671.

Number of Respondents: 11,671.

Responses per Respondent: 1.

Annual Responses: 11,671.

Average Burden per Response: 60 minutes.

Frequency: On occasion.

Respondents are security professionals who provide information to DSS in order to process facility security clearances (FCL), report changes of the facility that may affect the FCL, and managing incident response. In addition to this standard processing, NISS will enable security staff to communicate with their DSS representative pursuant to requirement DoD 5220.22-M, National Industrial Security Program Operating Manual. The NISS will be an integrated automated solution that will facilitate efficient execution of the Agency's core mission. NISS will allow users to manage large amounts of information through increased automated workflows to ensure accuracy, create linkages in data, and close the gap of missing data elements.

Dated: August 16, 2017.

Aaron Siegel,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
[FR Doc. 2017-17686 Filed 8-21-17; 8:45 am]
BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare a Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement for Northwest Training and Testing

AGENCY: Department of the Navy, DoD.
ACTION: Notice.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969 and regulations implemented by the Council on Environmental Quality, the Department of the Navy (DoN) announces its intent to prepare a supplement to the 2015 Final Northwest Training and Testing (NWT) Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS).

DATES: Public comments will be accepted during the 30-day scoping period from August 22, 2017 to September 21, 2017. Public scoping meetings will not be held. However, public meetings are planned to occur following the release of the Draft Supplemental EIS/OEIS in early 2019.

ADDRESSES: The DoN invites scoping comments on the NWT Supplemental EIS/OEIS from all interested parties. Substantive comments may be provided by mail to the address below and through the project Web site at <http://nwtteis.com/>. Comments must be postmarked or received online by September 21, 2017 for consideration during the development of the Draft Supplemental EIS/OEIS.

FOR FURTHER INFORMATION CONTACT: John Mosher, (360) 257-3234, john.g.mosher@navy.mil. Naval Facilities Engineering Command Northwest, Attention: NWT Supplemental EIS/OEIS Project Manager, 3730 North Charles Porter Avenue, Building 385, Oak Harbor, Washington 98278-3500.

SUPPLEMENTARY INFORMATION: The DoN will assess the potential environmental effects associated with ongoing and future at-sea military readiness activities conducted within the NWT EIS/OEIS Study Area (hereafter known as the "Study Area") beyond 2020. Military readiness activities include training and research, development, testing, and

evaluation (hereafter known as "testing"). The Supplemental EIS/OEIS will include an analysis of training and testing activities using new information available after the release of the 2015 Final EIS/OEIS. New information includes an updated acoustic effects model, updated marine mammal density data, and evolving and emergent best available science. Proposed activities are generally consistent with those analyzed in the 2015 Final EIS/OEIS and are representative of training and testing activities the DoN has been conducting in the Study Area for decades.

The Study Area remains unchanged since the 2015 Final EIS/OEIS. The Study Area is comprised of established maritime operating areas and warning areas in the northeastern Pacific Ocean, including areas within the Strait of Juan de Fuca, Puget Sound, and the Western Behm Canal in southeastern Alaska. The Study Area includes air and water space within and outside Washington state waters, air and water space outside state waters of Oregon and Northern California, and DoN pier-side locations where sound navigation and ranging (sonar) maintenance and testing occur. In the supplement to the 2015 Final EIS/OEIS, the DoN will only analyze those training and testing activities conducted at sea within the Study Area.

As part of this process, the DoN will seek the issuance of federal regulatory permits and authorizations under the Marine Mammal Protection Act and Endangered Species Act to support ongoing and future at-sea military readiness activities within the Study Area beyond 2020.

Pursuant to 40 CFR 1501.6, the DoN will invite the National Marine Fisheries Service and the U.S. Coast Guard to be cooperating agencies in preparation of the Supplemental EIS/OEIS.

The DoN's lead action proponent is Commander, U.S. Pacific Fleet. Additional action proponents include Naval Sea Systems Command and Naval Air Systems Command.

The DoN's Proposed Action is to conduct at-sea training and testing activities within the Study Area. Activities include the use of active sonar and explosives while employing marine species protective mitigation measures. The Proposed Action does not alter the DoN's original purpose and need as discussed in the 2015 Final EIS/OEIS.

The purpose of the Proposed Action is to maintain a ready force, which is needed to ensure the DoN can accomplish its mission to maintain, train, and equip combat-ready naval

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forces capable of winning wars, deterring aggression, and maintaining freedom of the seas, consistent with Congressional direction in section 5062 of Title 10 of the U.S. Code. A Supplemental EIS/OEIS is considered the appropriate document, as there is recent scientific information including revised acoustic criteria to consider, in furtherance of NEPA, relevant to the environmental effects of the DoN's Proposed Action. The analysis will support Marine Mammal Protection Act authorization requests.

Proposed training and testing activities are generally consistent with those analyzed in the 2015 Final EIS/OEIS. In the Supplemental EIS/OEIS, the DoN will analyze the proposed changes to the tempo and types of training and testing activities, accounting for the introduction of new technologies, the evolving nature of international events, advances in warfighting doctrine and procedures, and changes in the organization of vessels, aircraft, weapons systems, and DoN personnel. In the NWTTC Supplemental EIS/OEIS, the DoN will reflect the compilation of training and testing activities required to fulfill the DoN's military readiness requirements beyond 2020, and therefore includes the analysis of newly proposed activities and changes to previously analyzed activities.

In the Supplemental EIS/OEIS, the DoN will evaluate the potential environmental effects of a no action alternative and action alternatives. Resources to be evaluated include, but are not limited to, marine mammals, sea turtles, essential fish habitat, threatened and endangered species, and American Indian and Alaska Native Traditional Resources.

The scoping process is used to identify public concerns and local issues to be considered during the development of the Draft Supplemental EIS/OEIS. Federal agencies, state agencies, local agencies, the public, and interested persons are encouraged to provide substantive comments to the DoN on environmental resources and issue areas of concern the commenter believes the DoN should consider.

Comments must be postmarked or received online by September 21, 2017 for consideration during the development of the Draft Supplemental EIS/OEIS. Comments can be mailed to: Naval Facilities Engineering Command Northwest, Attention: NWTTC Supplemental EIS/OEIS Project Manager, 3730 North Charles Porter Avenue, Building 385, Oak Harbor, Washington 98278-3500. Comments can be submitted online via the project Web

site at <http://www.nwtta.com/>. Also at this Web site, those interested in receiving electronic project updates can subscribe to receive notifications via email for key milestones throughout the environmental planning process.

Dated: August 16, 2017.

A.M. Nichols,
Lieutenant Commander, Judge Advocate
General's Corps, U.S. Navy, Federal Register
Liaison Officer.

[FR Doc. 2017-17616 Filed 8-21-17; 8:45 am]
BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

Free Application for Federal Student Aid (FAFSA®) Information To Be Verified for the 2018-2019 Award Year

Correction

In notice document 2017-09167, appearing on pages 21204 through 21208, in the issue of Friday, May 5, 2017, make the following corrections:

1. On page 21207, in the second column, on the second line, the entry that reads "I certify that I ___", should read:

"I certify that I ___ am".

2. On the same page, in the same column, on the nineteenth line, the entry that reads "I certify that I ___", should read:

"I certify that I ___ am".

[FR Doc. G1-2017-09167 Filed 8-21-17; 8:45 am]
BILLING CODE 1301-08-D

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[EERE-2017-BT-CRT-0054]

Proposed Agency Information Collection Extension

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

ACTION: Information collection extension, with changes; notice and request for comment.

SUMMARY: The U.S. Department of Energy (DOE) intends to extend with changes for three years with the Office of Management and Budget (OMB), the Certification Reports, Compliance Statements, Application for a Test Procedure Waiver, and Recordkeeping for Consumer Products and Commercial/Industrial Equipment subject to Energy or Water Conservation Standards Package under OMB No.

1910-1400. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments and information are requested and will be accepted on or before October 23, 2017.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE-2017-BT-CRT-0054, by any of the following methods:

1. **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

2. **Email:** to InfoCollection2017CRT0054@ee.doe.gov. Include docket number EERE-2017-BT-CRT-0054 in the subject line of the message.

3. **Postal Mail:** Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE-5B, 1000 Independence Avenue SW., Washington, DC 20585-0121. Telephone: (202) 287-1445. If possible, please submit all items on a compact disc ("CD"), in which case it is not necessary to include printed copies.

4. **Hand Delivery/Courier:** Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 287-1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles (faxes) will be accepted.

Docket: The docket for this activity, which includes Federal Register notices, comments, and other supporting documents/materials, is available for review at <http://www.regulations.gov>. All documents in the docket are listed in the <http://www.regulations.gov> index. However, some documents listed in the index,

I.5.3 Invitation to Initiate Government-to-Government Consultation from Commander, Naval Air Station Whidbey Island



DEPARTMENT OF THE NAVY
NAVAL AIR STATION WHIDBEY ISLAND
3730 NORTH CHARLES PORTER AVENUE
OAK HARBOR, WASHINGTON 98278-5000

5090
Ser N44/0464
February 7, 2018

The Honorable [REDACTED]

Dear Chairman [REDACTED]

**SUBJECT: INVITATION TO INITIATE GOVERNMENT-TO-GOVERNMENT
CONSULTATION FOR U.S. NAVY NORTH WEST TRAINING AND TESTING
ACTIVITIES**

In recognition of the Department of the Navy's government-to-government responsibilities, I would like to inform you that the Navy is preparing a Supplement to the 2015 Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) that analyzed the Navy's training and testing activities in the Northwest. Please find attached the Notice of Intent to study the environmental effects of this proposed action, as published in the Federal Register on August 22, 2017 (Enclosure 1). Additional information is available on the project website at <http://nwtteis.com/>. Also attached, please find the letter we sent to you in August, discussing the Notice of Intent to develop the Supplemental EIS/OEIS in August 2017 (Enclosure 2).

Although the Supplement to the EIS/OEIS is in the preliminary stages of development, I would like to invite you to review the information provided below and on the project website and evaluate whether you believe there may be a potential for this action to significantly affect tribal treaty harvest rights, resources, or lands. This invitation is made pursuant to Federal Indian Policy and the Navy's policy for Government-to-Government consultation with American Indian and Alaska Native Tribes.

The purpose of the proposed training activities is to ensure that the Navy accomplishes its mission to maintain, train, and equip combat-ready naval forces capable of winning wars, deterring aggression, and maintaining freedom of the seas. The Supplemental EIS/OEIS will assess the potential environmental effects associated with ongoing and future at-sea military readiness activities conducted within the Study Area beyond 2020. The Study Area remains unchanged since the 2015 Final EIS/OEIS. As part of this process, the Navy will seek the issuance of federal regulatory permits and authorizations under the Marine Mammal Protection Act and Endangered Species Act.

The Navy conducts military readiness training and testing activities in waters and associated airspace of the Pacific Northwest. These designated areas include portions of the Pacific Ocean off the coast of Washington, Oregon, and California, in areas within the Strait of Juan de Fuca and Puget Sound, and at Navy pierside locations (as contained within Enclosure 3). These areas have historically been used by the Navy for training and testing, with some activities dating back to 1914.

5090
Ser N44/0464
February 7, 2018

Training activities may include operating vehicles, aircraft, submarines, and ships; conducting weapons training; detecting and locating submarines and finding and removing in-water practice mines. Testing activities may include basic and applied scientific research and technology development, as well as testing, evaluation, and maintenance of missiles, torpedoes, radar, active and passive sonar systems, vessels, submarines, and aircraft.

Pursuant to the Navy's policy for American Indian/Alaska Native tribal Government-to-Government consultation, I would like to offer the opportunity to have the Navy brief you or your staff on the testing and training activities. If you believe there would be a potential to significantly affect tribal treaty rights or resources resulting from the implementation of the proposed action and would like to initiate Government-to-Government consultation, the Navy will continue consultation with your tribe beyond the initial briefing.

If you have questions or concerns, or require further information please contact me directly at (360) 257-2037 or geoffrey.moore@navy.mil, or the Project Manager, John Mosher at (360) 257-3234 or john.g.mosher@navy.mil.

Sincerely,



G. C. MOORE
Captain, U.S. Navy
Commanding Officer

Enclosures: 1. Notice of Intent
2. Notice of Intent Letter
3. Northwest Training and Testing Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement Project Information Booklet.



Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at <http://www.regulations.gov> for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the DSS Office of Information Management, Russell Knox Building, 27130 Telegraph Rd., Quantico, VA 22134 or email dss.niss@mail.mil.

SUPPLEMENTARY INFORMATION:

Title: Associated Form; and OMB Number: National Industrial Security System (NISS); OMB Control Number 0704-XXXX.

Needs and Uses: The information collection requirement is necessary for DSS to oversee the National Industrial Security Program (NISP) pursuant to Executive Order 12829. The National Industrial Security System (NISS) will become the repository of records related to the maintenance of information pertaining to contractor facility security clearances (FCL) and contractor capabilities to protect classified information in its possession.

Affected Public: Cleared contractor companies participating in the NISP.

Annual Burden Hours: 11,671.

Number of Respondents: 11,671.

Responses per Respondent: 1.

Annual Responses: 11,671.

Average Burden per Response: 60 minutes.

Frequency: On occasion.

Respondents are security professionals who provide information to DSS in order to process facility security clearances (FCL), report changes of the facility that may affect the FCL, and managing incident response. In addition to this standard processing, NISS will enable security staff to communicate with their DSS representative pursuant to requirement DoD 5220.22-M, National Industrial Security Program Operating Manual. The NISS will be an integrated automated solution that will facilitate efficient execution of the Agency's core mission. NISS will allow users to manage large amounts of information through increased automated workflows to ensure accuracy, create linkages in data, and close the gap of missing data elements.

Dated: August 16, 2017.

Aaron Siegel,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.
[FR Doc. 2017-17686 Filed 8-21-17; 8:45 am]
BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Department of the Navy

**Notice of Intent To Prepare a
Supplemental Environmental Impact
Statement/Overseas Environmental
Impact Statement for Northwest
Training and Testing**

AGENCY: Department of the Navy, DoD.
ACTION: Notice.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969 and regulations implemented by the Council on Environmental Quality, the Department of the Navy (DoN) announces its intent to prepare a supplement to the 2015 Final Northwest Training and Testing (NWT) Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS).

DATES: Public comments will be accepted during the 30-day scoping period from August 22, 2017 to September 21, 2017. Public scoping meetings will not be held. However, public meetings are planned to occur following the release of the Draft Supplemental EIS/OEIS in early 2019.
ADDRESSES: The DoN invites scoping comments on the NWT Supplemental EIS/OEIS from all interested parties. Substantive comments may be provided by mail to the address below and through the project Web site at <http://nwtteis.com/>. Comments must be postmarked or received online by September 21, 2017 for consideration during the development of the Draft Supplemental EIS/OEIS.

FOR FURTHER INFORMATION CONTACT: John Mosher, (360) 257-3234, john.g.mosher@navy.mil. Naval Facilities Engineering Command Northwest, Attention: NWT Supplemental EIS/OEIS Project Manager, 3730 North Charles Porter Avenue, Building 385, Oak Harbor, Washington 98278-3500.

SUPPLEMENTARY INFORMATION: The DoN will assess the potential environmental effects associated with ongoing and future at-sea military readiness activities conducted within the NWT EIS/OEIS Study Area (hereafter known as the "Study Area") beyond 2020. Military readiness activities include training and research, development, testing, and

evaluation (hereafter known as "testing"). The Supplemental EIS/OEIS will include an analysis of training and testing activities using new information available after the release of the 2015 Final EIS/OEIS. New information includes an updated acoustic effects model, updated marine mammal density data, and evolving and emergent best available science. Proposed activities are generally consistent with those analyzed in the 2015 Final EIS/OEIS and are representative of training and testing activities the DoN has been conducting in the Study Area for decades.

The Study Area remains unchanged since the 2015 Final EIS/OEIS. The Study Area is comprised of established maritime operating areas and warning areas in the northeastern Pacific Ocean, including areas within the Strait of Juan de Fuca, Puget Sound, and the Western Behm Canal in southeastern Alaska. The Study Area includes air and water space within and outside Washington state waters, air and water space outside state waters of Oregon and Northern California, and DoN pier-side locations where sound navigation and ranging (sonar) maintenance and testing occur. In the supplement to the 2015 Final EIS/OEIS, the DoN will only analyze those training and testing activities conducted at sea within the Study Area.

As part of this process, the DoN will seek the issuance of federal regulatory permits and authorizations under the Marine Mammal Protection Act and Endangered Species Act to support ongoing and future at-sea military readiness activities within the Study Area beyond 2020.

Pursuant to 40 CFR 1501.6, the DoN will invite the National Marine Fisheries Service and the U.S. Coast Guard to be cooperating agencies in preparation of the Supplemental EIS/OEIS.

The DoN's lead action proponent is Commander, U.S. Pacific Fleet. Additional action proponents include Naval Sea Systems Command and Naval Air Systems Command.

The DoN's Proposed Action is to conduct at-sea training and testing activities within the Study Area. Activities include the use of active sonar and explosives while employing marine species protective mitigation measures. The Proposed Action does not alter the DoN's original purpose and need as discussed in the 2015 Final EIS/OEIS.

The purpose of the Proposed Action is to maintain a ready force, which is needed to ensure the DoN can accomplish its mission to maintain, train, and equip combat-ready naval

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forces capable of winning wars, deterring aggression, and maintaining freedom of the seas, consistent with Congressional direction in section 5062 of Title 10 of the U.S. Code. A Supplemental EIS/OEIS is considered the appropriate document, as there is recent scientific information including revised acoustic criteria to consider, in furtherance of NEPA, relevant to the environmental effects of the DoN's Proposed Action. The analysis will support Marine Mammal Protection Act authorization requests.

Proposed training and testing activities are generally consistent with those analyzed in the 2015 Final EIS/OEIS. In the Supplemental EIS/OEIS, the DoN will analyze the proposed changes to the tempo and types of training and testing activities, accounting for the introduction of new technologies, the evolving nature of international events, advances in warfighting doctrine and procedures, and changes in the organization of vessels, aircraft, weapons systems, and DoN personnel. In the NWT Supplemental EIS/OEIS, the DoN will reflect the compilation of training and testing activities required to fulfill the DoN's military readiness requirements beyond 2020, and therefore includes the analysis of newly proposed activities and changes to previously analyzed activities.

In the Supplemental EIS/OEIS, the DoN will evaluate the potential environmental effects of a no action alternative and action alternatives. Resources to be evaluated include, but are not limited to, marine mammals, sea turtles, essential fish habitat, threatened and endangered species, and American Indian and Alaska Native Traditional Resources.

The scoping process is used to identify public concerns and local issues to be considered during the development of the Draft Supplemental EIS/OEIS. Federal agencies, state agencies, local agencies, the public, and interested persons are encouraged to provide substantive comments to the DoN on environmental resources and issue areas of concern the commenter believes the DoN should consider.

Comments must be postmarked or received online by September 21, 2017 for consideration during the development of the Draft Supplemental EIS/OEIS. Comments can be mailed to: Naval Facilities Engineering Command Northwest, Attention: NWT Supplemental EIS/OEIS Project Manager, 3730 North Charles Porter Avenue, Building 385, Oak Harbor, Washington 98278-3500. Comments can be submitted online via the project Web

site at <http://www.nwtta.com/>. Also at this Web site, those interested in receiving electronic project updates can subscribe to receive notifications via email for key milestones throughout the environmental planning process.

Dated: August 16, 2017.

A.M. Nichols,
Lieutenant Commander, Judge Advocate
General's Corps, U.S. Navy, Federal Register
Liaison Officer.

[FR Doc. 2017-17616 Filed 8-21-17; 8:45 am]
BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

Free Application for Federal Student Aid (FAFSA®) Information To Be Verified for the 2018-2019 Award Year

Correction

In notice document 2017-09167, appearing on pages 21204 through 21208, in the issue of Friday, May 5, 2017, make the following corrections:

1. On page 21207, in the second column, on the second line, the entry that reads "I certify that I ___", should read:

"I certify that I ___ am".

2. On the same page, in the same column, on the nineteenth line, the entry that reads "I certify that I ___", should read:

"I certify that I ___ am".

[FR Doc. G1-2017-09167 Filed 8-21-17; 8:45 am]
BILLING CODE 1301-08-D

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[EERE-2017-BT-CRT-0054]

Proposed Agency Information Collection Extension

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

ACTION: Information collection extension, with changes; notice and request for comment.

SUMMARY: The U.S. Department of Energy (DOE) intends to extend with changes for three years with the Office of Management and Budget (OMB), the Certification Reports, Compliance Statements, Application for a Test Procedure Waiver, and Recordkeeping for Consumer Products and Commercial/Industrial Equipment subject to Energy or Water Conservation Standards Package under OMB No.

1910-1400. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments and information are requested and will be accepted on or before October 23, 2017.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE-2017-BT-CRT-0054, by any of the following methods:

1. **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

2. **Email:** to InfoCollection2017CRT0054@ee.doe.gov. Include docket number EERE-2017-BT-CRT-0054 in the subject line of the message.

3. **Postal Mail:** Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE-5B, 1000 Independence Avenue SW., Washington, DC 20585-0121. Telephone: (202) 287-1445. If possible, please submit all items on a compact disc ("CD"), in which case it is not necessary to include printed copies.

4. **Hand Delivery/Courier:** Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 287-1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles (faxes) will be accepted.

Docket: The docket for this activity, which includes Federal Register notices, comments, and other supporting documents/materials, is available for review at <http://www.regulations.gov>. All documents in the docket are listed in the <http://www.regulations.gov> index. However, some documents listed in the index,

I.5.4 Notice of Availability of the Draft Supplemental EIS/OEIS Notification Letters



DEPARTMENT OF THE NAVY
NAVAL BASE KITSAP
129 SOUTH DEWEY STREET
BREMERTON, WA 98314-5020

5090
Ser PRB4/ 00369
20 Mar 19

The Honorable [REDACTED]

Dear Chairwoman [REDACTED]

SUBJECT: NOTICE OF AVAILABILITY OF THE NORTHWEST TRAINING AND TESTING DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT AND ANNOUNCEMENT OF OPEN HOUSE MEETINGS

This letter is to inform you that the Department of the Navy (Navy) has prepared a draft supplement to the 2015 Northwest Training and Testing (NWTT) Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) to reassess the potential environmental impacts associated with conducting proposed ongoing and future military readiness activities within the NWTT Study Area, referred to as the "Study Area." Military readiness activities include training and research, development, testing, and evaluation activities, referred to as "training and testing." The Navy welcomes your review and comments on the Draft Supplemental EIS/OEIS.

In October 2015, the Navy completed an EIS/OEIS for training and testing activities occurring within the Study Area from 2015 through 2020, for which a Record of Decision was signed in October 2016. The supplement to the 2015 NWTT Final EIS/OEIS supports proposed ongoing and future activities conducted at sea and in associated airspace within the Study Area beyond 2020. Proposed activities are similar to those conducted in the Study Area for decades and analyzed in the 2015 document.

In the Draft Supplemental EIS/OEIS, the Navy evaluated new, relevant information, such as more recent marine mammal density data and new scientific information, and updated the environmental analyses as appropriate. The Navy prepared the Draft Supplemental EIS/OEIS to support the issuance of federal regulatory permits and authorizations under the Marine Mammal Protection Act and the Endangered Species Act.

The Study Area remains unchanged since the 2015 analysis, and the Navy is not proposing to change or expand the Study Area. The Study Area is comprised of established maritime operating areas and warning areas in the northeastern Pacific Ocean, including areas within the Strait of Juan de Fuca, Puget Sound, and the Western Behm Canal in southeastern Alaska. The Study Area includes air and water space within and outside Washington state waters and established special use airspace, Navy pier side and harbor locations within Washington state waters, air, and water space outside the state waters of Oregon and Northern California (Enclosure

1). In the supplement, the Navy analyzed only those training and testing activities conducted at sea and in associated airspace within the Study Area.

The Navy's Proposed Action is to conduct training and testing activities within the Study Area beyond 2020. These activities continue to include the use of active sound navigation and ranging, known as sonar, and explosives while employing marine species mitigation measures. The purpose of the Proposed Action is to conduct training and testing activities to ensure the Navy can accomplish its mission to maintain, train, and equip combat-ready naval forces capable of winning wars, deterring aggression, and maintaining freedom of the seas, consistent with Congressional direction in section 8062 of Title 10 of the U.S. Code.

To achieve and maintain military readiness, the Navy proposes to:

- Conduct training and testing activities, at sea and in associated airspace, at levels required to support military readiness requirements beyond 2020.
- Accommodate evolving mission requirements, including those resulting from the development, testing, and introduction of new vessels, aircraft, and weapons systems into the fleet.

In the Draft Supplemental EIS/OEIS, the Navy determined that training and testing activities could temporarily impede tribal access to portions of usual and accustomed fishing grounds; however, impacts are not expected to have a measureable effect on the availability of marine resources, and the potential for loss of or damage to fishing gear is low.

The Navy will hold eight open house meetings to provide information, answer questions, and give participants an opportunity to comment on the Draft Supplemental EIS/OEIS. Attendees may arrive at any time between 5 and 8 p.m., as there will not be a presentation or formal oral comment session. A stenographer will be available to facilitate one-on-one oral comments; written comments can be submitted at any time during the meetings.

Concurrent with the National Environmental Policy Act public involvement process, the Navy is identifying additional consulting parties to participate in the Section 106 process under the National Historic Preservation Act. During each of the open house meetings in Washington State, an information station on the Section 106 process will be available.

Open house meetings will be held from 5 to 8 p.m., at the following locations:

Washington:

Date: Wednesday, April 24, 2019
Location: Hampton Inn Seattle/Everett Downtown Salish Room
2931 W. Marine View Drive
Everett, Wash.

Date: Thursday, April 25, 2019
Location: Ridgetop Middle School Cafeteria
10600 Hillsboro Drive NW
Silverdale, Wash.

Date: Friday, April 26, 2019
Location: Naval Elks Lodge #353
131 E. First St.
Port Angeles, Wash.

Oregon:

Date: Monday, April 29, 2019
Location: Astoria High School Student Commons
1001 W. Marine Drive
Astoria, Ore.

Date: Tuesday, April 30, 2019
Location: Newport Performing Arts Center Lobby
777 W. Olive St.
Newport, Ore.

Northern California:

Date: Thursday, May 2, 2019
Location: Red Lion Hotel Eureka Ballroom
1929 Fourth St.
Eureka, Calif.

Date: Friday, May 3, 2019
Location: Dana Grey Elementary School Multipurpose Room
1197 Chestnut St.
Fort Bragg, Calif.

Southeastern Alaska:

Date: Wednesday, May 8, 2019
Location: Ted Ferry Civic Center Naha and Alava Bays
888 Venetia Ave.
Ketchikan, Alaska

To review the Draft Supplemental EIS/OEIS and for additional project information, including details on the key differences between the 2015 NWT Final EIS/OEIS and the 2019 Draft Supplemental EIS/OEIS, please visit the project website at www.NWTTEIS.com.

The Draft Supplemental EIS/OEIS is also available at the following public locations:

Washington:

- Everett Main Library
- Gig Harbor Library
- Jefferson County Library, Port Hadlock
- Kitsap Regional Library, Poulsbo
- Kitsap Regional Library, Sylvan Way, Bremerton
- North Olympic Library System, Forks Branch
- Lopez Island Library
- Oak Harbor Public Library
- Port Angeles Main Library
- Port Townsend Public Library
- San Juan Island Library
- Timberland Regional Library, Aberdeen
- Timberland Regional Library, Hoquiam

Oregon:

- Astoria Public Library
- Driftwood Public Library
- Newport Public Library
- Oregon State University, Guin Library Hatfield Marine Science Center
- Tillamook Main Library

Northern California:

- Fort Bragg Branch Library
- Humboldt County Public Library, Arcata Branch Library
- Humboldt County Public Library, Eureka Main Library
- Redwood Coast Senior Center

Southeastern Alaska:

- Juneau Public Library, Downtown Branch
- Ketchikan Public Library

The Navy will accept comments throughout the comment period from March 29, 2019, to May 28, 2019. All comments must be postmarked or received online by **May 28, 2019**, for consideration in the Final Supplemental EIS/OEIS. All comments submitted during the comment period will become part of the public record, and substantive comments will be addressed in the Final Supplemental EIS/OEIS.

Comments may be submitted online at www.NWTTEIS.com, at the open house meetings, or by mail to:

Naval Facilities Engineering Command Northwest
Attention: NWTT Supplemental EIS/OEIS Project Manager
3730 N. Charles Porter Ave.
Building 385
Oak Harbor, WA 98278-3500

If you would like additional information or to receive a project briefing, please contact Ms. Jackie Queen, NWTT Supplemental EIS/OEIS Project Manager, at projectmanager@nwtteis.com.

Please help the Navy inform the community about the availability of the Draft Supplemental EIS/OEIS and open house meetings by sharing this information with your staff and interested individuals.

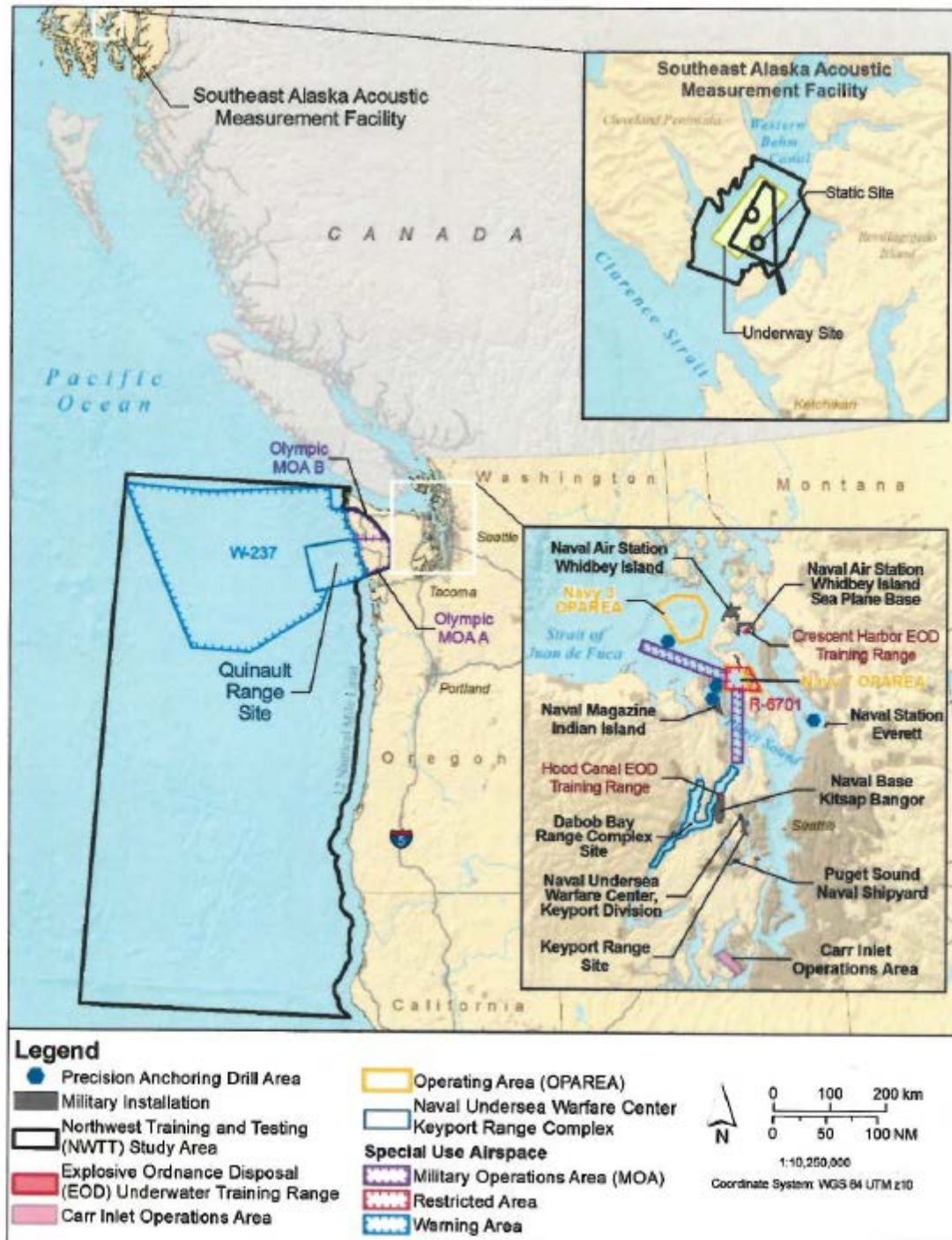
Sincerely,



E. A. Schrader
Captain, U.S. Navy
Commanding Officer

Enclosure: 1, Northwest Training and Testing Study Area

Enclosure 1: Northwest Training and Testing Study Area



Enclosure (1)



DEPARTMENT OF THE NAVY
NAVAL AIR STATION WHIDBEY ISLAND
3730 NORTH CHARLES PORTER AVE
OAK HARBOR WASHINGTON 98278-5000

5090
Ser PRW4/600
MAR 21 2019

The Honorable [REDACTED]

Dear Chairperson [REDACTED]

SUBJECT: NOTICE OF AVAILABILITY OF THE NORTHWEST TRAINING AND TESTING DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT AND ANNOUNCEMENT OF OPEN HOUSE MEETINGS

This letter is to inform you that the Department of the Navy (Navy) has prepared a draft supplement to the 2015 Northwest Training and Testing (NWTT) Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) to reassess the potential environmental impacts associated with conducting proposed ongoing and future military readiness activities within the NWTT Study Area, referred to as the "Study Area." Military readiness activities include training and research, development, testing, and evaluation activities, referred to as "training and testing." The Navy welcomes your review and comments on the Draft Supplemental EIS/OEIS.

In October 2015, the Navy completed an EIS/OEIS for training and testing activities occurring within the Study Area from 2015 through 2020, for which a Record of Decision was signed in October 2016. The supplement to the 2015 NWTT Final EIS/OEIS supports proposed ongoing and future activities conducted at sea and in associated airspace within the Study Area beyond 2020. Proposed activities are similar to those conducted in the Study Area for decades and analyzed in the 2015 document.

In the Draft Supplemental EIS/OEIS, the Navy evaluated new, relevant information, such as more recent marine mammal density data and new scientific information, and updated the environmental analyses as appropriate. The Navy prepared the Draft Supplemental EIS/OEIS to support the issuance of federal regulatory permits and authorizations under the Marine Mammal Protection Act and the Endangered Species Act.

The Study Area remains unchanged since the 2015 analysis, and the Navy is not proposing to change or expand the Study Area. The Study Area is comprised of established maritime operating areas and warning areas in the northeastern Pacific Ocean, including areas within the Strait of Juan de Fuca, Puget Sound, and the Western Behm Canal in southeastern Alaska. The Study Area includes air and water space within and outside Washington state waters and

5090
Ser PRW4/600
MAR 21 2019

established special use airspace, Navy pier side and harbor locations within Washington state waters, air, and water space outside the state waters of Oregon and Northern California (Enclosure 1). In the supplement, the Navy analyzed only those training and testing activities conducted at sea and in associated airspace within the Study Area.

The Navy's Proposed Action is to conduct training and testing activities within the Study Area beyond 2020. These activities continue to include the use of active sound navigation and ranging, known as sonar, and explosives while employing marine species mitigation measures. The purpose of the Proposed Action is to conduct training and testing activities to ensure the Navy can accomplish its mission to maintain, train, and equip combat-ready naval forces capable of winning wars, deterring aggression, and maintaining freedom of the seas, consistent with Congressional direction in section 8062 of Title 10 of the U.S. Code.

To achieve and maintain military readiness, the Navy proposes to:

- Conduct training and testing activities, at sea and in associated airspace, at levels required to support military readiness requirements beyond 2020.
- Accommodate evolving mission requirements, including those resulting from the development, testing, and introduction of new vessels, aircraft, and weapons systems into the fleet.

In the Draft Supplemental EIS/OEIS, the Navy determined that training and testing activities could temporarily impede tribal access to portions of usual and accustomed fishing grounds; however, impacts are not expected to have a measureable effect on the availability of marine resources, and the potential for loss of or damage to fishing gear is low.

The Navy will hold eight open house meetings to provide information, answer questions, and give participants an opportunity to comment on the Draft Supplemental EIS/OEIS. Attendees may arrive at any time between 5 and 8 p.m., as there will not be a presentation or formal oral comment session. A stenographer will be available to facilitate one-on-one oral comments; written comments can be submitted at any time during the meetings.

Concurrent with the National Environmental Policy Act public involvement process, the Navy is identifying additional consulting parties to participate in the Section 106 process under the National Historic Preservation Act. During each of the open house meetings in Washington State, an information station on the Section 106 process will be available.

5090
Ser PRW4/600
MAR 21 2019

Open house meetings will be held from 5 to 8 p.m. at the following locations:

WASHINGTON

Date: Wednesday, April 24, 2019
Location: Hampton Inn Seattle/Everett Downtown Salish Room
2931 W. Marine View Drive
Everett, WA

Date: Thursday, April 25, 2019
Location: Ridgetop Middle School Cafeteria
10600 Hillsboro Drive NW
Silverdale, WA

Date: Friday, April 26, 2019
Location: Naval Elks Lodge #353
131 E. First St.
Port Angeles, WA

OREGON

Date: Monday, April 29, 2019
Location: Astoria High School Student Commons
1001 W. Marine Drive
Astoria, OR

Date: Tuesday, April 30, 2019
Location: Newport Performing Arts Center Lobby
777 W. Olive St.
Newport, OR

NORTHERN CALIFORNIA

Date: Thursday, May 2, 2019
Location: Red Lion Hotel Eureka Ballroom
1929 Fourth St.
Eureka, CA

Date: Friday, May 3, 2019
Location: Dana Grey Elementary School Multipurpose Room
1197 Chestnut St.
Fort Bragg, CA

5090
Ser PRW4/600
MAR 21 2019

SOUTHEASTERN ALASKA

Date: Wednesday, May 8, 2019
Location: Ted Ferry Civic Center Naha and Alaya Bays
888 Venetia Ave.
Ketchikan, AK

To review the Draft Supplemental EIS/OEIS and for additional project information, including details on the key differences between the 2015 NWTTF Final EIS/OEIS and the 2019 Draft Supplemental EIS/OEIS, please visit the project website at www.NWTTEIS.com.

The Draft Supplemental EIS/OEIS is also available at the following public locations:

WASHINGTON

- Everett Main Library
- Gig Harbor Library
- Jefferson County Library, Port Hadlock
- Kitsap Regional Library, Poulsbo
- Kitsap Regional Library, Sylvan Way, Bremerton
- North Olympic Library System, Forks Branch
- Lopez Island Library
- Oak Harbor Public Library
- Port Angeles Main Library
- Port Townsend Public Library
- San Juan Island Library
- Timberland Regional Library, Aberdeen
- Timberland Regional Library, Hoquiam

OREGON

- Astoria Public Library
- Driftwood Public Library
- Newport Public Library
- Oregon State University, Guin Library Hatfield Marine Science Center
- Tillamook Main Library

NORTHERN CALIFORNIA

- Fort Bragg Branch Library
- Humboldt County Public Library, Arcata Branch Library
- Humboldt County Public Library, Eureka Main Library
- Redwood Coast Senior Center

5090
Ser PRW4/600
MAR 21 2019

SOUTHEASTERN ALASKA

- Juneau Public Library, Downtown Branch
- Ketchikan Public Library

The Navy will accept comments throughout the comment period from March 29, 2019, to May 28, 2019. All comments must be postmarked or received online by **May 28, 2019**, for consideration in the Final Supplemental EIS/OEIS. All comments submitted during the comment period will become part of the public record, and substantive comments will be addressed in the Final Supplemental EIS/OEIS.

Comments may be submitted online at www.NWTTEIS.com, at the open house meetings, or by mail to:

Naval Facilities Engineering Command Northwest
Attention: NWTT Supplemental EIS/OEIS Project Manager
3730 N. Charles Porter Ave.
Building 385
Oak Harbor, WA 98278-3500

If you would like additional information or to receive a project briefing, please contact Ms. Jackie Queen, NWTT Supplemental EIS/OEIS Project Manager, at projectmanager@nwtteis.com.

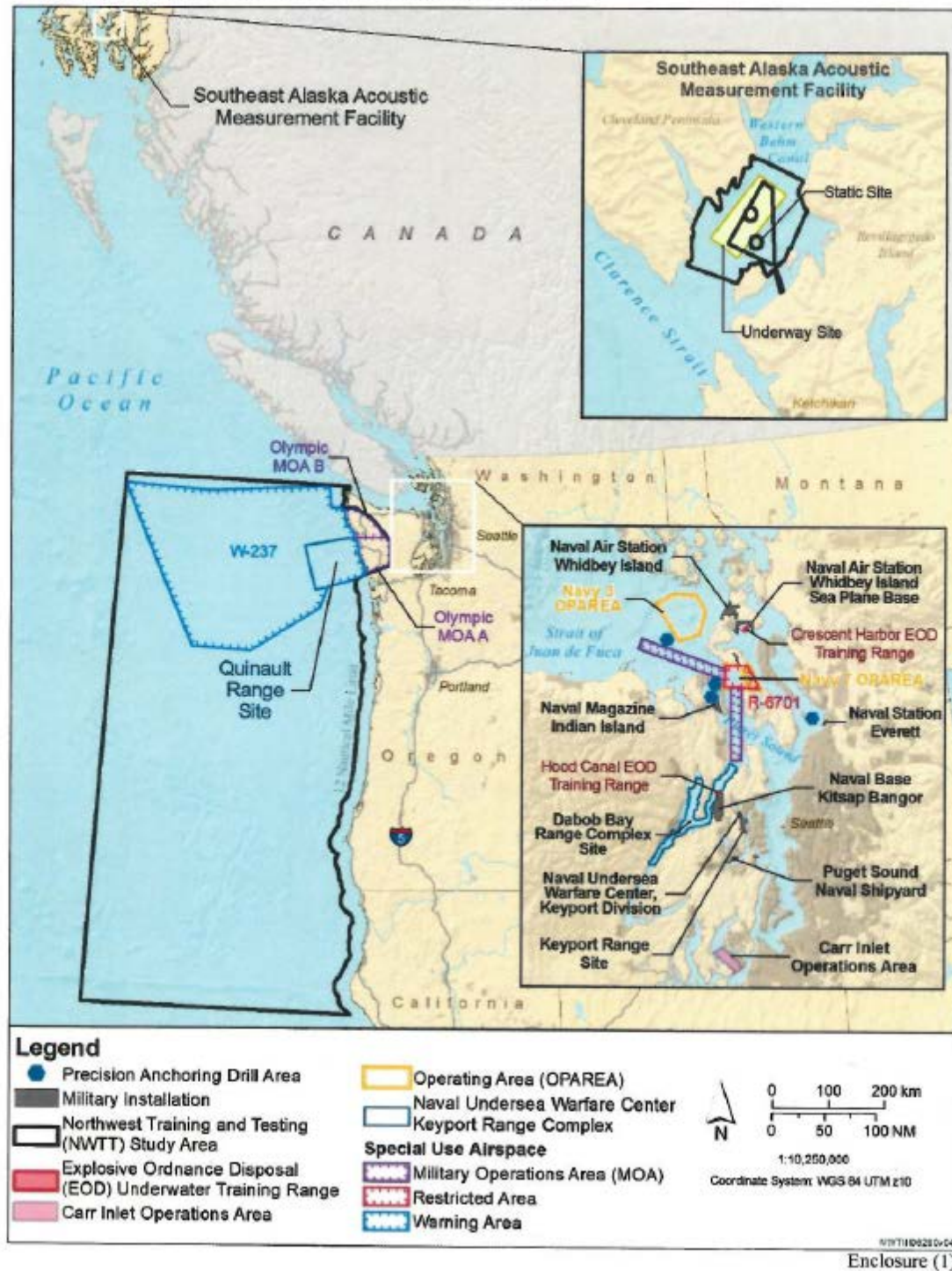
Please help the Navy inform the community about the availability of the Draft Supplemental EIS/OEIS and open house meetings by sharing this information with your staff and interested individuals.

Sincerely,


M. L. ARNY
Captain, U.S. Navy
Commanding Officer

Enclosure: 1. Northwest Training and Testing Study Area

Enclosure 1: Northwest Training and Testing Study Area



I.6 Coastal Zone Management Act

I.6.1 Negative Determination for the State of California, Navy Transmittal Letter



DEPARTMENT OF THE NAVY
COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N465/0605
May 13, 2020

Larry Simon
Manager, Federal Consistency Unit
Energy, Ocean Resources and Federal Consistency Division
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Mr. Simon:

SUBJECT: COASTAL ZONE MANAGEMENT ACT NEGATIVE DETERMINATION FOR
THE NORTHWEST TRAINING AND TESTING SUPPLEMENTAL
ENVIRONMENTAL IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL
IMPACT STATEMENT

Enclosed please find the Department of the Navy's Negative Determination under the Coastal Zone Management Act of 1972, as amended (16 United States Code 1456), as implemented by the provisions of 15 Code of Federal Regulations Section 930.35.

The Navy is proposing to continue training and testing activities off the California coast, outside the California coastal zone beyond 2020. These training and testing activities are necessary to achieve and maintain military readiness as articulated in the Supplement to the 2015 Northwest Training and Testing (NWT) Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS). A notice of the Supplemental Draft EIS/OEIS was provided to your office by letter dated March 22, 2019. Additional information is available on the project website at <http://nwtteis.com/>.

The NWT area extends offshore from the states of Washington, Oregon, and northern California (Humboldt and Del Norte Counties) with the vast majority of activities occurring offshore of the state of Washington. The Navy submitted a separate Consistency Determination to the state of Washington, as well as a Negative Determination to the State of Oregon. The Navy determined that the proposed action would have no reasonably foreseeable effects to California's coastal uses or resources, as all activities would occur greater than 12 nautical miles from shore, with most expected to continue to occur greater than 50 nautical miles from shore.

The activities proposed to occur off the coast of California are similar in type and level of intensity to those covered in a Negative Determination submitted for the 2010 Northwest Training Range Complex EIS/OEIS, for which the California Coastal Commission issued a

5090
Ser N465/0605
May 13, 2020

concurrence on December 22, 2009 (ND-066-09) and again for the 2015 NWT EIS/OEIS on June 15, 2015 (ND-0018-15). As recommended in your June 15, 2015 letter, the Navy has proposed additional mitigation measures to protect marine species identified within the enclosure.

If you would like additional information, please contact Ms. Jackie Queen, NWT Supplemental EIS/OEIS Project Manager, at jackie.queen@navy.mil.

Sincerely,

MCNAIR.DANIEL.AN
THONY.1166125894

Digitally signed by
MCNAIR.DANIEL.ANTHONY.1166125894
Date: 2020.05.14 07:11:10 -10700

D. A. MCNAIR
Director, Environmental Readiness Division
By direction of the Commander

Enclosure: CZMA Negative Determination for California

I.6.2 California Coastal Commission Concurrence Letter

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY	GAVIN NEWSOM, GOVERNOR
CALIFORNIA COASTAL COMMISSION 45 FREMONT, SUITE 2000 SAN FRANCISCO, CA 94105-2219 VOICE (415) 904-5200 FAX (415) 904-5400	
July 10, 2020	
D.A. McNair, Director Environmental Readiness Department of the Navy Commander, United States Pacific Fleet 250 Makalapa Dr. Pearl Harbor, HA 96860-3131	
Subject: Negative Determination ND-0018-20 (Navy Training Activities, Northwest Training and Testing, offshore of northern California)	
Dear Director McNair:	
<p>The Coastal Commission staff has reviewed the above-referenced negative determination. The Navy proposes to continue conducting components of its Northwest Training and Testing (NWTT) activities offshore of Humboldt and Del Norte Counties in northern California. The purpose of these activities is to ensure that the Navy can safely and successfully train with and test sensors and weapon systems used in military missions and combat operations. NWTT activities are currently authorized for seven years and take place mostly offshore of the states of Oregon and Washington. Most of the activities would occur offshore of Washington where Navy unit homeports are located. Under the federal Coastal Zone Management Act, the Navy has submitted separate consistency or negative determinations to the Washington, Oregon, and California coastal management programs.</p> <p>NWTT activities would take place at least 12 nautical miles offshore of northern California, with the majority of activities occurring at least 50 nautical miles from shore. Training and testing activities are sometimes conducted during transit of naval vessels through waters offshore of California. Activities with potential adverse effects to coastal resources include at-sea sonar testing, non-explosive torpedo testing, and undersea warfare testing. Activities offshore of northern California would consist of: (1) two surface firing training events using non-explosive ordnance per year; (2) approximately one hour of mid-frequency sonar training per year; (3) approximately 30 hours of airspace training per year; and (4) one active and passive sonar tracking event using sonobuoys per year. The northern California offshore activities, if conducted at all, would consist of less than one percent of the training and testing activities proposed for the Washington, Oregon, and California study area.</p>	

ND-0018-20 (Department of the Navy)

The Navy proposes to implement standard operating procedures and mitigation measures to avoid or minimize potential adverse effects on coastal resources. Mitigation measures for marine life include using trained lookouts to monitor for marine species whenever stressors or disturbance as part of NWTT activities are expected; not conducting explosive and non-explosive activities within 50 nautical miles from shore in the Marine Species Coastal Mitigation Area; not conducting non-explosive large caliber gunnery and bombing training activities within 20 nautical miles from shore; and not using mid-frequency active sonar or conducting explosive Mine Countermeasure and Neutralization Testing within the Point St. George Humpback Whale Mitigation Area. In addition, the Navy will notify ships and aircraft to the possible increased density of Southern Resident killer whales, humpback whales, and gray whales during periods of natural seasonal activity. Information gathered from these notifications will be used along with the Navy's visual monitoring to create whale mitigation zones for NWTT activities. Due to the infrequency and geographical restrictions of these activities, impacts to marine mammals are predicted to be small. There are also no predicted impacts to biological productivity, water quality, or fishing activities for the California coastal zone.

Under the federal consistency regulations (15 CFR Section 930.35(a)), a negative determination can be submitted for an activity that will not have coastal effects and "which is the same as or is similar to activities for which consistency determinations have been prepared in the past." The Commission staff **agrees** that the proposed component of NWTT activities, along with the added mitigation measures, would not affect California coastal zone resources. This project can be considered the same as or similar to the previous NWTT activities concurred with by the Executive Director in ND-066-09 and ND-0018-15.

Finally, and as we noted in our negative determination concurrences in 2009 and 2015, our concurrence with this negative determination is not in any way meant to convey the message that the Commission's concerns over the use of mid-frequency sonar have been diminished, as expressed in its actions on Navy SOCAL consistency determinations (CD-008-13, CD-049-08, and CD-086-06). The reason this NWTT matter is being treated administratively is rather due to the fact that the sonar use off California would be limited to only a few hours per year, compared to the over 19,000 hours per year of sonar use off southern California.

Thus, while we are agreeing with your negative determination ND-0018-20, please note that we do not intend the Navy to be left with the impression that the Commission has changed its position over the need for additional mitigation measures to protect marine mammals and sea turtles from the effects of mid-frequency sonar (as discussed in detail in the Commission's findings in the above-referenced consistency determinations). We continue to believe additional measures as described in those findings are warranted, and we continue to urge the Navy to implement (and NMFS to require) them.

With that understanding, we **concur** with your negative determination for the NWTT activities made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Alexis Barrera at Alexis.Barrera@coastal.ca.gov should you have any questions regarding this matter.

ND-0018-20 (Department of the Navy)

Sincerely,

A handwritten signature in black ink that reads "LARRY SIMON". The signature is written in a cursive, slightly slanted style.

(for) JOHN AINSWORTH
Executive Director

cc: CCC – North Coast District

I.6.3 Negative Determination for the State of Oregon, Navy Transmittal Letter



DEPARTMENT OF THE NAVY
COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N465/0610
May 14, 2020

Deanna Caracciolo
Coastal State-Federal Relations Coordinator
Oregon Coastal Management Program
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

Dear Ms. Caracciolo:

SUBJECT: COASTAL ZONE MANAGEMENT ACT NEGATIVE DETERMINATION FOR
THE NORTHWEST TRAINING AND TESTING SUPPLEMENTAL
ENVIRONMENTAL IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL
IMPACT STATEMENT

Enclosed please find the Department of the Navy's Negative Determination under the Coastal Zone Management Act of 1972, as amended (16 United States Code 1456), as implemented by the provisions of 15 Code of Federal Regulations Section 930.35.

The Navy is proposing to continue training and testing activities off the Oregon coast, outside the Oregon coastal zone beyond 2020. These training and testing activities are necessary to achieve and maintain military readiness as articulated in the Supplement to the 2015 Northwest Training and Testing (NWTT) Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS). A notice of the Supplemental Draft EIS/OEIS was provided to your office by letter dated March 22, 2019. Additional information is available on the project website at <http://nwtteis.com/>.

The NWTT area extends offshore from the states of Washington, Oregon, and northern California with the vast majority of activities occurring offshore of the state of Washington. The Navy submitted a separate Consistency Determination to the state of Washington, as well as a Negative Determination to the State of California. The Navy determined that the proposed action would have no reasonably foreseeable effects to Oregon's coastal uses or resources, as all activities would occur greater than 12 nautical miles from shore, with most expected to continue to occur greater than 50 nautical miles from shore.

The activities proposed to occur off the coast of Oregon are similar in type and level of intensity to those covered in a Negative Determination submitted for the 2010 Northwest Training Range Complex EIS/OEIS, for which the Department of Land Conservation and

5090
Ser N465/0610
May 14, 2020

Development issued a concurrence on November 3, 2009 and again for the 2015 NWTT EIS/OEIS on June 3, 2015.

If you would like additional information, please contact Ms. Jackie Queen, NWTT Supplemental EIS/OEIS Project Manager, at jackie.queen@navy.mil.

Sincerely,

MCNAIR.DANIEL.ANT
HONY.1166125894
D. A. MCNAIR
Director, Environmental Readiness Division
By direction of the Commander

Digitally signed by
MCNAIR.DANIEL.ANT.HONY.1166125894
Date: 2020.05.14 12:22:03 -10'00'

Enclosure: CZMA Negative Determination for Oregon

I.6.4 Oregon Department of Land Conservation and Development Concurrence Letter



Oregon

Kate Brown, Governor

Oregon Coastal Management Program
Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, Oregon 97301-2540
Phone (503) 373-0050
FAX (503) 378-6033
www.oregon.gov/LCD/OCMP

June 24, 2020

Department of the Navy
United States Pacific Fleet
250 Makalapa Drive
Pearl Harbor, Hawaii 96860-3131

Re: Coastal Zone Management Act Negative Determination
Project: Northwest Training and Testing Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement
Agency: Department of the Navy
Location: Coast wide, outside of the coastal zone
(Waters more than 12 nautical miles off the Oregon coast)

Dear Ms. Queen,

The Oregon Department of Land Conservation and Development (DLCD) received a Negative Determination provided by the Department of Navy, United States Pacific Fleet, on May 14, 2020. DLCD has reviewed the action, as described in the determination materials, for consistency with the Oregon Coastal Management Program (OCMP). As a federal agency activity, the proposed action is subject to consistency review pursuant to Section 307 of the Coastal Zone Management Act (CZMA) and attendant regulations of 15 CFR Part 930, Subpart C.

The Navy is proposing to continue to conduct selected training and testing activities off the Oregon coast, outside the Oregon coastal zone. DLCD received a copy of the Environmental Impact Statement (Volume 1 & 2) on May 20, 2020 from <https://www.nwtteis.com/>. The training activities proposed to occur off the coast of Oregon are similar in type and level of intensity to those covered in previous Negative Determinations for the Northwest Training Range Complex, for which DLCD issued concurrences for on November 3, 2009 and June 3, 2015. The Navy determined that the proposed action would have no reasonably foreseeable effects to Oregon's coastal uses or resources, as all training and testing activities would occur greater than 12 nautical miles from shore, with most expected to occur greater than 50 nautical miles from shore. Additionally, less than ten percent of all activities would occur off the Oregon coast.

Consistency Decision

DLCD **concurs** with the Navy's negative determination that the proposed project, as described in the negative determination and environmental impact assessment, will have no reasonably foreseeable effect to Oregon's coastal uses or resources.

Future Determinations

Pursuant to 15 Title CFR §930.35(b), an evaluation of all state enforceable policies is required for an appropriate evaluation of negative determinations. Although DLCD concurs with the Navy's current negative determination, future federal consistency determinations should include a more robust enforceable policy analysis. Early coordination between a federal agency and DLCD prior to submission of a consistency determination can aid in the creation of this enforceable policy evaluation and reduce the potential need for extension of the review period or postponement of the activity.

If you have any questions regarding this coastal zone management consistency finding or the consistency

review process, please contact me at 503-934-0026 or at deanna.caracciolo@state.or.us.

Sincerely,

A handwritten signature in cursive script that reads "Deanna Caracciolo".

Deanna Caracciolo
Coastal State-Federal Relations Coordinator

CC: John Mosher (Navy)

I.6.5 Consistency Determination for the State of Washington, Navy Transmittal Letter



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N46B/0639
May 28, 2020

Ms. Terry Swanson
Federal Permit Manager
Shorelands and Environmental Assistance Program
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Dear Ms. Swanson:

SUBJECT: COASTAL ZONE MANAGEMENT ACT CONSISTENCY DETERMINATION
FOR THE NORTHWEST TRAINING AND TESTING SUPPLEMENTAL
ENVIRONMENTAL IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL
IMPACT STATEMENT

In accordance with the Coastal Zone Management Act of 1972 as amended, and 15 Code of Federal Regulations Section 930, enclosed is the Department of the Navy's Consistency Determination for activities in the Northwest Training and Testing (NWTT) area that may affect Washington State coastal zone resources or use.

On September 11, 2015, the Washington State Department of Ecology issued a conditional concurrence for NWTT activities contained in the 2015 NWTT Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) under the Washington State Coastal Zone Management Plan (CZMP).

The Navy's March 2019 NWTT Draft Supplemental EIS/OEIS proposes the continuation of activities generally consistent with those analyzed in the 2015 NWTT Final EIS/OEIS and are representative of training and testing activities conducted in the study area for several decades. A notice of the Draft Supplemental EIS/OEIS was provided to your office by letter dated March 22, 2019. Additional information is available on the project website at <http://nwtteis.com/>.

The Navy has determined that the activities described in the Draft Supplemental EIS/OEIS are consistent with the enforceable policies of the Washington CZMP. The enclosed consistency determination provides details of the proposed NWTT activities.

5090
Ser N46B/0639
May 28, 2020

If you would like additional information, please contact Mr. John Mosher, U.S. Pacific Fleet NWTT Program Manager, at (360) 257-3234/email: john.g.mosher@navy.mil or Ms. Jackie Queen, NWTT Supplemental EIS/OEIS Project Manager, at email: jackie.queen@navy.mil.

Sincerely,



T. C. LIBERATORE
Captain, U.S. Navy
By direction of the Commander

Enclosure: Washington Consistency Determination

I.6.6 Washington State Conditional Concurrence Letter



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

August 28, 2020

Alexander Hutchison
Captain, U.S. Navy
United States Pacific Fleet
250 Makalapa Drive
Pearl Harbor, Hawaii 96860-3131

Re: Ecology's Coastal Zone Management Act Federal Consistency Conditional Concurrence for the U.S. Navy's NW T&T SEIS

Dear Captain Hutchison:

The state of Washington abounds in natural, breathtaking beauty and possesses a rich bounty of cultural, economic, and environmental resources. The Pacific Northwest is also an important military location for our national defense. For almost 180 years, the U.S. Navy has operated in the Pacific Northwest. For decades, the state has worked in close collaboration with the Navy to help protect Washington's air, land, and water. We appreciate the Navy's vitally important work safeguarding our national security and maritime shipping trade while working with the state to protect our environmental resources.

On June 1, 2020, the U.S. Navy submitted a Consistency Determination to the Washington State Department of Ecology seeking confirmation that the Navy's draft Northwest Training and Testing Supplemental Environmental Impact Statement is consistent to the maximum extent practicable with the enforceable policies of Washington's federally-approved Coastal Zone Management Program. These policies include state laws and regulations governing shoreline and ocean management, and clean water and air.

The state's original decision was due July 31, 2020, and the Navy granted an extension until August 15, 2020. On August 6, 2020, the Navy granted Ecology a second extension until August 28, 2020.

The Navy's proposed action seeks to continue and expand future sea and air training and testing activities in Washington waters using sonar, explosives, and other simulated military actions. These activities are to take place in the Study Area, made up of "previously established maritime operating and warning areas in the eastern North Pacific Ocean region, and training and testing areas within inland Washington State waters in the Strait of Juan de Fuca and Puget Sound."

According to the Navy's June 1 Consistency Determination, the following activities would be new to Washington waters and coastal zone area.

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They also have the potential to affect our state's coastal resources or uses (CD: pp 15-18). These include:

- Torpedo Exercise (non-explosive; Unmanned Underwater Vehicle Training)
- At-Sea Sonar Testing
- Mine Countermeasure and Neutralization Testing
- Propulsion Testing
- Undersea Warfare Testing
- Vessel Signature Evaluation
- Acoustic and Oceanographic Research
- Radar and Other Systems Testing;
- Simulant Testing
- Intelligence Surveillance, Reconnaissance/Electronic Warfare Triton Testing

These activities and their impacts are discussed in greater detail in section "Activities and their Effects" on p. 6.

According to the Navy's Consistency Determination, the activities associated with the Proposed Action are to be conducted at sea and at select Navy pierside and harbor locations, and the air and water space within and outside portions of Washington's coastal zone. In addition, the Study Area includes Navy pier-side locations where sonar maintenance and testing occurs as part of overhaul, modernization, maintenance, and repair activities (e.g., Naval Base (NAVBASE) Kitsap Bremerton, NAVBASE Kitsap Bangor, and Naval Station Everett).

Decision

Pursuant to Section 307(c)(1) of the Coastal Zone Management Act, as amended, and 15 C.F.R. § 930.4, the Department of Ecology (Ecology) is issuing a Conditional Concurrence for the U.S. Navy's 2019 Northwest Training and Testing Draft Supplemental Impact Statement (NWTTS SEIS). Ecology has concluded the Navy's proposed action is **not consistent** with Washington's Coastal Zone Management Program and its enforceable policies. Therefore, Ecology is issuing the Navy a "Conditional Concurrence" that outlines specific measures to be put in place to protect Washington's coastal resources, including threatened and endangered marine mammals and other wildlife species, related forage and habitat areas, and state water quality. The conditions contained in this decision will ensure that the Navy's Proposed Action is consistent, to the maximum extent practicable with Washington's Coastal Zone Management Program policies, provided the Navy modifies its Proposed Action in accordance with these conditions.

Ecology's conditions are necessary to protect Washington's endangered Southern Resident Killer Whales (orcas), which may benefit other cetaceans and marine mammals, and other numerous species. In addition, Ecology's conditions include measures to ensure that Washington's coastal zone waters remain free of pollutants from the Navy's use of explosives, simulants, and other testing media. Refer to page 11 for the complete set of conditions.

Washington's Coastal Resources

A significant enforceable policy is found in the Ocean Resources Management Act (ORMA) 43.143.030(2), which calls for projects to have no significant adverse impacts on marine resources. Thus,

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a description of the coastal resources that Ecology seeks to protect through its conditions is necessary to lay the foundation in satisfying the enforceable policy. Following the discussion of coastal resources, Ecology discusses the potential significant impacts that the Navy's Proposed Action will have on our coastal resources, particularly our Southern Resident orcas.

Excluding federal parks and marine reserves and tribal reservations, Washington's coastal zone areas include the entirety of the state's 15 counties contiguous to Puget Sound, Strait of Juan de Fuca, and Pacific Ocean coast out to 3 nautical miles. Washington's coastal areas include some of the most highly productive and diverse ecosystems on the planet. The health and status of marine flora and fauna, their habitats, and the coastal ecosystems in which they reside are of primary importance to tribes, coastal communities, Washington residents and the state.

Washington's biologically productive coastal waters support a diversity of habitats and species, many of which are important ecologically, culturally, and economically to Washington, the United States, and the world. The coastal areas are comprised of many habitats which support numerous species of fish, mammals, birds, and other marine fauna. Several habitats occur within the coastal zone and the Pacific coastal area where the majority of the Navy's proposed activities will occur: pelagic, seafloor, kelp forest, rocky shores, sandy beaches, and large coastal estuary habitat. These habitats support an impressive, diverse array of species that form a large, complex food network. Ecology is concerned about effects to many species in a variety of habitats.

Many species of seabirds and marine mammals feed and transit through the coastal areas, and numerous species of marine birds live, reproduce, feed, and transit through the area, some migrating thousands of miles to "winter" in Washington's coastal waters. These animals feed on zooplankton, forage fish, salmon, and other fishes. Occasionally, leatherback sea turtles also feed in the pelagic habitat. They forage off the coast, inhabiting open ocean and occasionally use inshore waters (bays and estuaries), with nesting on sandy beaches.

Several fishes live within coastal rocky shores, moving in and out with the tides and residing in tide pools. Common species include small sculpins and gunnells. Many seabirds, shorebirds, raptors, and general foraging bird species use rocky shores. Oystercatchers, gulls, and crows forage within the rocky intertidal zones. Species such as petrels, cormorants, gulls, tufted puffins, and murres nest in colonies on offshore rocky islands and sea stacks. Harbor seals are common in rocky intertidal habitats along the outer coast, and are year-round residents. Rocky islands are also used as haul-outs for Steller sea lions and California sea lions. Northern elephant seals have been observed occasionally at some rocky islands.

SHELLFISH & ESTUARIES

The large coastal estuaries of the Columbia River, Willapa Bay and Grays Harbor are semi-enclosed, brackish bodies of water that form where rivers meet the ocean. They are highly productive ecosystems that support a wide range of species at different life history stages, along with numerous ecosystem services. They are also important transitional systems that are linked to freshwater, terrestrial, and marine processes. Washington's coastal estuaries are critical habitat for a variety of marine and terrestrial organisms. Primary producers include phytoplankton, benthic microalgae, macroalgae, and macrophytes, such as eelgrass, kelp, salt marsh plants and terrestrial plants.

Shellfish and fish are abundant in the estuaries and Puget Sound. Specific shellfish species include the Olympia oyster, non-native Pacific oyster, non-native manila clam, Dungeness crab, and others. Numerous listed and commercially important fishes spend at least some part of their life-cycle within estuaries and Puget Sound. Specific fish species include six species of salmon, herring, three-spined

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stickleback, sturgeon, sevengill sharks, and many others. Estuaries and Puget Sound provide crucial nursery habitat for many species of juvenile fishes and crabs.

Ecology is concerned about high pH levels that could potentially affect the water quality within marine waters, particularly estuaries and Puget Sound, leading to effects on shellfish, plankton and other fauna.

FISH

Washington's coastal areas serve as habitat for a variety of fishes. Fishes are important both ecologically and economically to the state of Washington. Several species of forage fish inhabit the coastal waters, and they tend to be present in high abundance, feed on plankton for a portion of their life cycle, and form dense schools or aggregations.

- Salmonids (salmon and related species) and other anadromous fishes are of high ecological and economic importance in Washington. Anadromous species spawn in freshwater systems, migrate to nearshore and offshore marine areas to feed and grow, then return to home rivers and streams upon maturity to start the cycle again. Seven salmonids, Pacific eulachon, green sturgeon, white sturgeon, and Pacific lamprey occur within the coastal waters. Eight of the twelve anadromous species in the coastal area are listed under the federal Endangered Species Act (ESA) or Washington State species of concern lists.

SEABIRDS

Numerous bird species use and transit through Washington's coastal waters. Many species, including seabirds, raptors, marshbirds, waterbirds, and shorebirds, forage and nest in sea stacks, rocky offshore islands, cliffs, bluffs, dunes, marshlands, estuaries, tidal flats, coastal beaches, and old-growth forests. Seabird and shorebird populations occur throughout the outer coast of Washington, with the majority located along the west coast of the Olympic Peninsula. Washington is also along the Pacific Flyway, a migratory pathway for millions of waterbirds, shorebirds, and raptors. Some seabird species migrate thousands of miles to forage in the offshore waters, such as albatross and shearwaters. Estuaries are also crucial habitat for several resident and migratory bird species. Five National Wildlife Refuges have been established in or directly adjacent to Washington's coastal waters to protect land-based resources where large concentrations of birds occur and where seabirds nest.

MARINE MAMMALS

At least 29 species of marine mammals inhabit or transit through the coastal waters at some point in their lives. Species include baleen and toothed whales, seals and sea lions, and sea otters. Many marine mammals are top predators within the ecosystem, while some large baleen whales are primarily filter or bottom feeders (e.g. Humpback and Gray whales). Diets vary from krill, invertebrates, forage fish, salmon, other fishes, and even other marine mammals. About 20,000 Gray whales migrate through the coastal waters, with the abundance of Gray whales at any time influenced by environmental variability within the Arctic feeding grounds and the timing of migration.

- Southern Resident Killer Whales (Orcas): Southern Resident orcas are a unique group of orcas that spend over half the year in the Salish Sea, which includes Puget Sound, the Strait of Juan de Fuca and the Strait of Georgia. For the other half, they are found foraging for salmon along the west coast as far south as Monterey Bay. Males can live 50-60 years and females for 90 years or more. Southern Resident killer whales are the only endangered population of killer whales in the United States, ranging from central California to southeast Alaska. The Southern Resident orca is one of NOAA Fisheries' "Species in the Spotlight."

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WATER QUALITY

All of the coastal resources mentioned above rely on clean water; i.e. healthy water quality. Water quality refers to a chemically and biologically balanced water column, extending from the bottom of the waterbody's bed to the water's surface. The presence and distribution of plants and animals are determined by a combination of physical factors such as salinity, wave exposure, sediment type, and temperature.

Clean water sustains healthy watersheds and communities and ensure that it supports a wide variety of beneficial uses, including recreational and business activities, supplies for clean drinking water, and the protection of fish, shellfish, wildlife, and public health. Clean water is critical to the health of marine and freshwater habitats and the organisms that live in them. As described in this resource section, Washington's coastal waters support a stunning array of wildlife, maintain cultural identities, and provide many different uses that benefit the entire state.

Stressors

The CZMA's federal regulations call for federal agencies to review their proposed projects and activities to determine if they will have foreseeable, potential effects on states' coastal resources and uses. If there are such effects, then the federal agency must prepare a Consistency Determination (CD) describing how the proposed activity or project meets the states' coastal zone management programs by demonstrating consistency with the applicable enforceable policies of the programs.

In this case, the Navy prepared a Consistency Determination, thereby acknowledging effects to coastal resources and uses within Washington's coastal zone. The Navy's CD categorizes effects or impacts as different types of "stressors" that could occur with the each of the activities described associated with the various activities. The following stressors are described in the Navy's CD at pp 19-20 as excerpted below:

PHYSICAL DISTURBANCES AND STRIKES

(Vessel movement, in-water devices, aircraft and aerial targets, military expended material, and seafloor devices)

Vessel movement is similar to or less than those of general maritime environment and has the potential for short-term behavioral disturbance of marine species (e.g., birds) and recreational activities. Surface and subsurface vessels may have the potential for short-term behavioral disturbance on marine species.

ENERGY

(In-air electromagnetic energy, in-water electromagnetic energy, and high-energy lasers)

In-air electromagnetic energy is operated at power levels, altitudes, and distances from people and animals to ensure that energy received is well below levels that could disrupt behavior or cause injury. Most in-air electromagnetic energy is reflected by water. Potential minor and temporary effects may occur to bird species resulting in no population level effects.

EXPLOSIVES

(e.g., in-water explosives, in-air explosives)

The use of explosives could result in a disturbance to behavior, or lethal or non-lethal injuries. The majority of explosives are used either far offshore or on established ranges where the explosive activity is closely monitored to be protective of marine species. Most explosives would occur at or near the ocean surface, minimizing effects to habitat.

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Chemical byproducts from the use of explosives would be subject to physical, chemical, and biological processes that would render the materials harmless or otherwise disperse them to undetectable levels.

ENTANGLEMENT

(Wires and cables, decelerators/parachutes, biodegradable polymer)

The use of wires, cables, and decelerators/parachutes may have the potential to result in effects on marine mammals through entanglement. The likelihood that a marine species would encounter and become entangled in these items is considered low as there have been no known instances of entanglement of any marine mammals involving the use of wires and cables associated with Navy training and testing activities.

INGESTION

(e.g., military expended materials)

The use of military expended materials have the potential to result in effects on marine species due to ingestion. While heavier debris sinks to the seafloor, some remains floating or suspended within the water column. The likelihood that a marine species would encounter and then ingest a military expended item associated with activities is considered low.

ACOUSTICS

(Sonar and other transducers, vessel noise, aircraft noise, and weapons noise)

Active sonar may result in a wide range of effects from injury to behavioral changes to loss of hearing, and depends on the frequency and duration of the source, the physical characteristics of the environment, and the species (among many other complex factors).

Activities and their Effects

The Navy's CD describes the particular activity; e.g. "Torpedo Exercise," and then includes a description of the activity, the type of stressor, and potential impacts for each. Each exercise described below has at least two, and some have up to six, of the stressors described above. For example, the Mine Countermeasure and Neutralization Testing exercise has 6 stressors: (i.e., acoustic, explosive, physical disturbance/strike, ingestion, energy and entanglement).

Training

TORPEDO EXERCISE (NONEXPLOSIVE) – SUBMARINE: Submarine crews search for, detect, and track a surface vessel or threat submarine to develop firing position to launch a non-explosive torpedo. A single submerged submarine operates at slow speeds and various depths while using its hull-mounted or towed array sonar to track a surface vessel or threat submarine. Passive sonar is used almost exclusively.

Passive sonar is used almost exclusively. However, some active sonar is required for this activity, and although intensity diminishes with distance, sound emitted outside of the coastal zone may propagate into the coastal zone. Any marine mammals exposed to sonar or other acoustic effects outside of the coastal zone are not likely to remain affected if the animal were to return to the coastal zone, because the vast majority of predicted effects are temporary effects to behavior, which would no longer be present when the animal is in the coastal zone.

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UNMANNED UNDERWATER VEHICLE TRAINING: Conducted with unmanned platforms on which various payloads are attached and used for different purposes. Training can range from basic remote control and autonomous navigation tests to deployment and activation of onboard systems that may include hydrodynamic instruments, launchers, and recovery capabilities.

Active sonar is required for this activity and may result in a wide range of effects from injury to behavioral changes to loss of hearing, and depends on the frequency and duration of the source, the physical characteristics of the environment, and the species (among other complex factors).

Testing

AT-SEA SONAR TESTING: Tests consist of electronic support measurement, photonics, and sonar sensor accuracy testing. In some instances, a submarine's passive detection capability is tested when a second submarine utilizes its active sonar or is equipped with a noise augmentation system in order to replicate acoustic or electromagnetic signatures of other vessel types or classes.

Active sonar is required for this activity and may result in a wide range of effects from injury to behavioral changes to loss of hearing, and depends on the frequency and duration of the source, the physical characteristics of the environment, and the species (among many other complex factors).

MINE COUNTERMEASURE AND NEUTRALIZATION TESTING: Uses air, surface, and subsurface units to evaluate the effectiveness of tracking devices, countermeasure and neutralization systems, and general purpose bombs to neutralize mine threats. Testing uses explosives in the water column and would occur in waters 3 NM or greater from shore at the Quinault Range Site (outside the Olympic Coast National Marine Sanctuary) or 12 NM or greater from shore elsewhere in the NWTT Offshore Area.

Explosives are required for this activity. The use of explosives could result in a disturbance to behavior, or lethal or non-lethal injuries (quantitative analysis done for this activity did not predict any lethal injuries for marine mammals). Most explosives would occur in the water column, minimizing effects to habitat.

PROPULSION TESTING: During this activity the ship is tested for maneuverability, including full power and endurance runs. Surface ships will operate at least 10 NM from shore, across the full spectrum of capable speeds.

Coastal effects are not reasonably foreseeable because the stressors to biological resources (i.e., acoustic and physical disturbance and strike) associated with the activity would not likely affect coastal zone uses or resources. This activity would occur at least 10 NM from shore and involves the use of surface ships.

VESSEL SIGNATURE EVALUATION: While this activity is not new, it includes a new location in inland waters. Passive monitoring of surface ships and submarines, conducted on new ships and periodically throughout a vessel's life cycle, to assess the vessel's vulnerability to various types of detection systems when operating in different profiles (e.g., with or without a communication buoy deployed). Signature testing may include the subject vessel's own safety and navigation systems, tracking devices and range safety systems, radar systems, and underwater or in-air communications equipment. Submarines move through the test site, but in-water devices may be towed. Data may be collected by passive acoustic hydrophones, by passive electro-magnetic or infrared sensors, or by radar.

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During this activity the ship is tested for maneuverability, including full power and endurance runs. Surface ships will operate at least 10 NM from shore, across the full spectrum of capable speeds. Vessel movement is similar to or less than those of general maritime environment and has the potential for short-term behavioral disturbance of marine species (e.g., birds) and recreational activities. Surface and subsurface vessels may have the potential for short-term behavioral disturbance on marine species.

ACOUSTIC AND OCEANOGRAPHIC RESEARCH: Active acoustic transmissions are used for engineering tests of acoustic sources, validation of ocean acoustic models, tests of signal processing algorithms, and characterization of acoustic interactions with the ocean bottom, fish and ocean surface. Standard oceanographic research sensing (acoustic Doppler current profiler, fathometer-like systems) will also be employed. The CD has no stressors noted for this activity.

RADAR AND OTHER SYSTEM TESTING: Includes new stressor (high-energy laser weapon) and a laser-based optical communication system (tested in both the Inland Waters and Offshore Area).

- At-sea testing may include use of military or commercial radar, communication systems (including laser-based optical communication systems), or high-energy laser weapons. Air and surface targets used in testing may include unmanned aerial vehicles, small craft (e.g., floating cardboard triwalls, towed, anchored, or self-propelled vessels) or shore-based platforms.
- Testing of laser-based optical communication systems may include air and subsurface transmissions with targets that include stationary/moored platforms, manned or unmanned underwater vehicles, and unmanned aerial vehicles. High-energy laser weapons testing may include tracking, scoring, and neutralization runs with single or multiple targets.
- High-energy laser weapons would be tested only in the Offshore Area beyond 3 NM from shore. Laser-based optical communication systems would be tested in the Dabob Bay Range Complex or the Offshore Area (including the Quinalt Range Site).

This activity would occur both within and outside of the coastal zone and involves the use of surface ships, rotary-wing aircraft, unmanned aerial vehicles, stationary/moored platforms, support craft, shore-based facilities, aerial targets, surface targets, and/or sub-surface targets.

SIMULENT TESTING: The capability of surface ship defense systems to detect and protect against chemical and biological attacks are tested. All chemical simulants have low toxicity to humans and the environment. Examples of chemical simulants include glacial acetic acid and triethyl phosphate. All biological simulants are considered to be Biosafety Level 1 organisms (e.g. spore-forming bacteria, non-spore-forming bacteria, the protein ovalbumin, MS2 bacteriophages, and the fungus *Aspergillus niger*).

Coastal effects are not reasonably foreseeable because the stressors to biological resources (i.e., acoustic, physical disturbance/strike, and energy) associated with the activity would not likely affect coastal zone uses or resources. This activity would occur at least 3 NM from shore, outside of the coastal zone, and involves the use of fixed-wing aircraft, rotary-wing aircraft, and/or surface combatants.

INTELLIGENCE SURVEILLANCE, RECONNAISSANCE/ELECTRONIC WARFARE TRITON TESTING: Testing will evaluate the sensors and communication systems on board the MQ-4C Triton unmanned aerial system. This activity typically occurs at altitudes greater than 5,500 feet above mean sea level.

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The Navy concludes in its CD that the proposed training and testing activities are not expected to have long-term consequences for the populations or stocks of marine mammals. Ecology disagrees about the effects of the activities on marine mammals, particularly Southern Resident orcas, and, thus, is attaching the conditions below that will ensure that the Navy's activities are consistent to the maximum extent practicable with the Enforceable Policies of the WCZMP.

Specific Effects on Marine Resources

Ecology and other Washington State officials and resource agencies are concerned that, without Ecology's conditions, the Navy's activities will have significant long-term effects on Washington coastal resources. Given the numerous marine animals and other resources that are likely to suffer the effects from the Navy's new activities compounded by previously authorized activities, Ecology is highlighting the effects to the Southern Resident orcas and other large cetaceans. As described in the CD, the Navy's mitigation measures are insufficient to provide necessary protections to the vulnerable, declining populations of key marine mammals, particularly Southern Resident orcas, of Washington's coastal zone and lead to the conclusion that conditions are necessary to alleviate adverse effects.

Ongoing Naval exercises in the air and water around Washington pose a serious threat to **Southern Resident orcas**, and the impact of new and expanded activities will further threaten this vulnerable population. Ecology's conditions will help minimize the threats to these animals. An icon of the Pacific Northwest, Southern Resident orcas have captured the hearts of Washington's residents, citizens, and visitors and hold significant cultural value for Washington's tribes. With the apparent loss of three whales last summer 2019, Southern Resident orcas appear to have a population of just 73 whales—the lowest population level in more than 40 years.

Given this declining population, the loss of even one more whale could greatly undermine recovery efforts for decades. The most up-to-date information on the Southern Resident orca population, must be relied on, and assessments of impacts must be based on current data, which projects the existing population of 73 whales. Thus, the potential harm of the Navy's activities on this vulnerable population has been underestimated. With such a small and shrinking population, the impact of each take is amplified within the population.

The Navy's actions could result in a total of 51 annual "takes" a year of Southern Resident orcas in the form of Level B harassment. Given the imperiled nature of this population, this number of takes threatens a significant impact on the population from the Navy's training and testing activities. Furthermore, these take numbers do not account for the fact that Southern Resident orcas generally travel in pods and thus likely underestimate the potential adverse impact to this precarious population since activities could impact multiple animals at once. Additionally, three orcas appear to be carrying young, which makes them more vulnerable, as well as their future calves.

The cumulative impact of repeated exposures to the same whales over time needs to be seriously considered, and Ecology's conditions can address these impacts. The Navy's testing and training activities have already been authorized twice before, and are likely to continue into the future. According to the Washington Department of Fish and Wildlife, "Due to the longevity of Southern Resident orcas and the estimated percentage of take for the population [being] so high (68%), the effects of take will be compounded over time and may have cumulative effects, such as behavioral abandonment of key foraging areas and adverse, long term effects on hearing and echolocation." Instances of temporary hearing loss, such as the Temporary Threshold Shifts (TTS) can be cumulative

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and lead to long-term hearing loss. This could have a significant impact on Southern Resident orcas, which rely on hearing for communication, feeding, and ship avoidance.

In addition, Level B Harassment can disrupt "migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered," all behaviors critical to survival of the Southern Resident orcas. Given the many stresses already faced by this endangered population, repeated harassment on this scale could be significant and even lead to mortality.

The Navy's use of mid-frequency sonar can impact wildlife within 2,000 square miles and mine explosives can cause death or injury. Although these activities may affect a wide range of marine mammals, the potential impact of these activities on endangered Southern Resident orcas is of particular concern, given their dangerously low population size. This is the third consecutive authorization period during which the Navy may be approved for such testing and training exercises and these or similar activities are likely to continue for decades. For long-lived marine species, the effects of take will be compounded over time and may have cumulative effects, such as behavioral abandonment of key foraging areas and adverse, long-term effects on hearing and echolocation. Again, the Navy finds these effects of minor significance, a finding with which Ecology disagrees.

Gray whales are currently undergoing an unexplained die-off leading to 352 strandings between January 2019 and July 2020, including 44 strandings along the coast of Washington alone. NOAA is investigating the die-off as an Unusual Mortality Event. While it is not clear what specifically is driving this event, many animals show signs of "poor to thin body condition." Because the cause of the Unusual Mortality Event is unknown, the Navy cannot cite an increasing population and then assert that its activities for a seven-year period are insignificant because the health of the gray whale population could decline.

For several species, including **harbor seals, Dall's porpoise, and harbor porpoise**, the Navy's near constant harassment every year for a seven-year period could significantly damage the population of those species. For example, the Navy's proposal could lead to a take 30 times the abundance of the Hood Canal population of harbor seals every year, 3,084 percent of population abundance, and similarly authorizes high levels of takes for Southern Puget Sound harbor seals (168 percent of population abundance). This high level of take could lead to interruptions in foraging that could lead to reproductive loss for female harbor seals. However, there is no analysis regarding how this harassment and loss of reproduction could affect the population as a whole, beyond an assertion that these impacts "would not be expected to adversely affect the stock through effects on annual rates of recruitment or survival."

The rates of take for populations of Dall's porpoises (131 percent of population abundance) and the populations of harbor porpoises on the Northern OR/WA Coast (244 percent of population abundance) and in Washington Inland Waters (265 percent of population abundance) are also exceptionally high. These porpoises are particularly vulnerable to the impacts of anthropogenic sound. This level of take could also lead to reproductive loss.

The **leatherback turtle** is classified as endangered under the ESA and has Critical Habitat designated within the Study Area. The western Pacific leatherback sea turtle populations are particularly at risk, and the SEIS states that (the effort to analyze population structure and distribution by distinct population segment...) is critical to focus efforts to protect the species, because the status of individual stocks varies widely across the world. Western Pacific leatherbacks have declined more than 80 percent and eastern Pacific leatherbacks have declined by more than 97 percent since the 1980s. Because the threats to

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these subpopulations have not ceased, the International Union for Conservation of Nature has predicted a decline of 96 percent for the western Pacific subpopulation.”

Effects on Water Quality

Ocean acidification and changes to pH within the estuaries and Puget Sound have already had documented impacts to water quality and biological resources of the state of Washington, particularly shellfish and other fish. It has been a large enough concern that the state has developed and implemented a comprehensive action plan to address ocean acidification (<http://oainwa.org/>). Naval activities that alter the pH would further exacerbate these conditions.

The discharges from the simulant testing and explosive activities have potential to harm state waters, insofar as they affect Washington's coastal water quality; and the resources relying on water quality. The Navy must demonstrate that the effects from proposed activities meet the enforceable policies of Washington's CZMP through implementing the conditions of the conditional concurrence.

Conditions & Enforceable Policies

The following analysis includes the Condition and why the Condition is necessary along with the applicable enforceable policy, language from the Navy's Consistency Determination, and supporting language justifying the Condition. Conditions 1 – 3 are required for consistency with the Ocean Resources Management Act, and the basis for those Conditions is found in the attached letters to this document. Conditions 4 – 7 are required for consistency with the Water Pollution Control Act. The supporting documentation for these conditions is contained in Attachments 1, 2, and 3.

Within this conditional concurrence Ecology must notify the Navy of the following requirements:

Pursuant to §930.4 Conditional concurrences:

- (a)(1) The State agency shall include in its concurrence letter the conditions which must be satisfied, an explanation of why the conditions are necessary to ensure consistency with specific enforceable policies of the management program, and an identification of the specific enforceable policies. The State agency's concurrence letter shall also inform the parties that if the requirements of paragraphs (a)(1) and (2) of the section are not met, then all parties shall treat the State agency's conditional concurrence letter as an objection.
- (2) The Federal agency shall modify the applicable plan or project proposal pursuant to the State agency's conditions. The Federal agency, applicant, person or applicant agency shall immediately notify the State agency if the State agency's conditions are not acceptable;
- (b) If the requirements of paragraphs (a)(1) and (2) of this section are not met, then all parties shall treat the State agency's conditional concurrence as an objection.

Thus, according to the above CFR, if the Navy does not accept Ecology's conditions and does not modify the project, then Ecology's Conditional Concurrence will be treated as an objection under §930.43 State agency objection. The Navy must immediately notify Ecology if it finds Ecology's conditions unacceptable.

Condition 1. The Navy shall cease active sonar exercises when any orca is detected within 1000 yards and refrain from resuming transmissions until the orca has left the mitigation zone.

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Considering the potential for negative impacts from exposure to sonar, the Navy shall be required to cease transmission of active sonar when orcas are detected within 1,000 yards. The Navy's current mitigation zones include powering down by degrees at distances within 1000 yards but not ceasing activity until marine mammals, including orcas, are within 100-200 yards. This condition is necessary because the effects from the Navy's proposed activities are likely to have long-term, adverse significant impacts on marine resources, particularly Southern Resident Orcas. Due to the difficulties of distinguishing between orca ecotypes, especially with increased distance, the shut-down applies to all orcas. The enforceable policies of the Washington Coastal Management Program (WCZMP) require a finding that the Proposed Action will not be likely to have long-term significant adverse impacts to coastal or marine resources or uses, including the resources and uses described above. Additionally, all reasonable steps must be taken to avoid and minimize the adverse environmental impacts. Between onboard lookouts and the use of the additional detection measures cited in Condition 2 (see below), we believe this to be a feasible and appropriate precaution. While the Navy's CD concludes that the Proposed Action would not significantly affect marine habitats or decrease the overall fitness of WA coastal resources, the evidence suggests otherwise.

Analysis of the Navy's SEIS has identified active (e.g., DICASS) and Multistatic Active Coherent sonobuoys (AN/SSQS-125) to be the source of the majority of Northwest Training and Testing disturbance to Southern Resident orcas. The areas identified for that activity, while greater than 12 nautical miles offshore, overlap with documented Southern Resident use. As noted in a joint letter to NMFS, Washington State natural resource agencies asserted that "such systems only operate above 200dB (and appear to be omnidirectional), making them much louder, more potentially damaging, and with a much greater range than the MF1 and MF5 systems that are currently profiled" (State of Washington to Jolie Harrison, July 16, 2020, Attachment 3). As discussed above, Southern Resident orcas rely heavily on hearing for important functions necessary to their survival. The Navy's SEIS does not make clear the potential damage to Southern Residents and other cetaceans from this activity. This lack of clarity regarding the potential impacts demands a more cautious approach than currently proposed by the Navy.

Based on the effects to Washington's Southern Resident orcas, Ecology finds that the Navy's proposed action will result in long-term significant impacts, and it does not take all reasonable steps to avoid and minimize adverse environmental impacts to them. Additionally, given the stated adverse impacts to orcas, as well as other marine mammals, Ecology is concerned about whether all reasonable steps are taken to avoid and minimize adverse impacts to the marine life and resources of the Columbia River, Willapa Bay and Grays Harbor estuaries, and the Olympic national park. If the proposed action is modified in accordance with Condition 1, then it will be consistent with these enforceable policies to the maximum extent practicable.

Applicable Enforceable Policies:

ORMA RCW 43.143.030(2): Uses or activities that require federal, state, or local government permits or other approvals and that will adversely impact renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses, may be permitted only if the criteria below are met or exceeded:

(c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses.

The Navy's CD says: "Analyses in the Supplemental EIS/OEIS (see Section 3) indicate that the Proposed Action would not significantly affect marine habitats nor would it effect the ability of

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marine substrates to serve their function as habitat. The Proposed Action is also not expected to decrease the overall fitness of any marine mammal, sea turtle, marine invertebrate, fish, or marine vegetation population."

(d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia river, Willapa Bay and Grays Harbor estuaries, and Olympic National Park.

The Navy's CD says: *"Within the Study Area, the Navy implements standard operating procedures, mitigation measures, and marine species monitoring and reporting. Navy standard operating procedures have the indirect benefit of reducing potential effects on marine resources. Mitigation measures are designed to reduce or avoid potential effects on marine resources. Marine species monitoring efforts are designed to track compliance with take authorizations, evaluate the effectiveness of mitigation measures, and improve understanding of the effects of training and testing activities on marine resources."*

Condition 2. In addition to onboard spotters, the Navy shall consult whale location data available through NOAA's hydrophone network and Washington's Whale Report Alert System, prior to active sonar-testing and training activities.

This condition is necessary because the mitigation activities proposed are dependent upon observations by onboard Lookouts. Detection of an animal is dependent on many factors, such as availability, group size and surfacing behavior. This additional mitigation step represents use of the best available data, should cause minimal impact to the Navy's ability to perform exercises, and has the potential to reduce impacts to Southern Resident orcas and other cetaceans.

Real-time whale alert systems include NOAA's hydrophone network and data from the Whale Report Alert System currently used by Washington State Ferries. Passive acoustic monitoring in the waters in and around Washington can provide real time data to the Navy. This data is readily available and serves as a useful resource for the Navy to plan out its testing and training activities to reduce impacts to marine mammals. It may also increase the effectiveness of the Navy's testing and training activities if it helps to reduce the number of delayed or canceled actions due to animal presence.

Applicable Enforceable Policies:

ORMA RCW 43.143.030(2): Uses or activities that require federal, state, or local government permits or other approvals and that will adversely impact renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses, may be permitted only if the criteria below are met or exceeded:

(c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses.

The Navy's CD says: *"Analyses in the Supplemental EIS/OEIS (see Section 3) indicate that the Proposed Action would not significantly affect marine habitats nor would it effect the ability of marine substrates to serve their function as habitat. The Proposed Action is also not expected to decrease the overall fitness of any marine mammal, sea turtle, marine invertebrate, fish, or marine vegetation population."*

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(d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia river, Willapa Bay and Grays Harbor estuaries, and Olympic national park.

The Navy's CD says: "Within the Study Area, the Navy implements standard operating procedures, mitigation measures, and marine species monitoring and reporting. Navy standard operating procedures have the indirect benefit of reducing potential effects on marine resources. Mitigation measures are designed to reduce or avoid potential effects on marine resources. Marine species monitoring efforts are designed to track compliance with take authorizations, evaluate the effectiveness of mitigation measures, and improve understanding of the effects of training and testing activities on marine resources. Mitigation measures are coordinated with NMFS and USFWS through the consultation and permitting processes."

Condition 3: As the Navy has done for other forms of sonar, the Navy shall provide a table estimating the ranges of temporary and permanent threshold shifts for the Anti-Submarine Warfare 2 (ASWR) sonar bin and clarifying predicted effects on marine mammals. The Navy shall also submit reports on its use of the Whale Report Alert System and communications with National Oceanic and Atmospheric Administration NMFS to obtain near real-time information on the location of Southern Resident orcas to the state department of Ecology.

According to information cited in the letters in Attachments 1, 2, and 3 of this Conditional Concurrence letter, this condition is necessary because, as described below, sonar can impact marine mammals within a 2,000 square mile area, much farther than the 100 yards proposed for some of the Navy's proposed activities and the 1000 yards included in Condition 1. As previously discussed in the "Effects on Marine Resources" at p.9, Southern Resident orcas and other cetaceans rely heavily on hearing for important functions necessary to their survival. The use of sonar can disrupt these functions and lead to harm. Additionally, prior authorizations for similar activities, when added to the instant proposed authorization, and potential future authorizations, amount to a lifetime of sonar exposure and increased potential for permanent damage and population-level effects.

According to the Navy's SEIS, activities in the ASW2 sonar bin are responsible for the majority of Southern Resident orca impacts. Despite this fact, the Navy has not adequately documented potential threshold shifts in hearing for the Southern Resident orcas associated with these activities. It is possible that the effects are unlikely to be significant, but this omission renders Ecology unable to make a determination. In order to demonstrate the lack of significant impact on coastal resources, we require the Navy to provide a table estimating the potential impacts of these activities to marine mammals.

Ecology disagrees that the Proposed Action's impacts will not significantly affect coastal resources, rather, Ecology finds that the impacts are long-term and significant. The Navy has not demonstrated that the adverse impacts from this project will be avoided, minimized or mitigated enough to prevent long-term significant impacts.

Applicable Enforceable Policies:

ORMA RCW 43.143.030(2): Uses or activities that require federal, state, or local government permits or other approvals and that will adversely impact renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses, may be permitted only if the criteria below are met or exceeded:

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(c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses.

The Navy's CD says: "Analyses in the Supplemental EIS/OEIS (see Section 3) indicate that the Proposed Action would not significantly affect marine habitats nor would it effect the ability of marine substrates to serve their function as habitat. The Proposed Action is also not expected to decrease the overall fitness of any marine mammal, sea turtle, marine invertebrate, fish, or marine vegetation population."

(d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia river, Willapa Bay and Grays Harbor estuaries, and Olympic national park.

The Navy's CD says: "Within the Study Area, the Navy implements standard operating procedures, mitigation measures, and marine species monitoring and reporting. Navy standard operating procedures have the indirect benefit of reducing potential effects on marine resources. Mitigation measures are designed to reduce or avoid potential effects on marine resources. Marine species monitoring efforts are designed to track compliance with take authorizations, evaluate the effectiveness of mitigation measures, and improve understanding of the effects of training and testing activities on marine resources. Mitigation measures are coordinated with NMFS and USFWS through the consultation and permitting processes."

Condition 4. The Navy shall implement best management practices (BMPs) to protect water quality, prevent or reduce water pollution, and minimize any discharges from the proposed activities.

The Navy shall implement BMPs, including but not limited to practices for product storage, operations/use and disposal of unused product and associated wastes.

Washington's enforceable policies help protect and restore Washington's waters, while sustaining healthy watersheds and communities. They also ensure that state waters support beneficial uses such as recreational and business activities, provide clean drinking water, and protect fish, shellfish, wildlife, and public health. The discharges from the Navy's training and testing activities, specifically simulant testing and explosive activities, have potential to harm state waters insofar as they affect Washington's coastal water quality and coastal resources such as marine mammals and other Endangered Species Act-listed species along with their habitat.

Therefore, naval activities need to be conducted in a manner that minimizes the amount of debris and toxins discharged to water to ensure that the water quality standards are not violated and demonstrate that the effects from proposed activities meet the enforceable policies of Washington's CZMP.

While the Navy's assessment is that the chemical simulants would have low toxicity to humans and the environment and the biological simulants are considered "Biosafety Level 1 organisms," without further information, Ecology cannot come to the same conclusion. Depending on the simulants utilized, disbursement, volumes, etc., it is expected that as the material settles on the water surface it can get concentrated by currents and wind and, as a result, the local exposure might be very high. Further, airborne chemical substances may be inhaled by marine mammals, birds or people at sea or concentrated at the surface and ingested in a different way), and airborne biologics may be inhaled by marine mammals, birds or people at sea or deposited at the sea surface, resulting in a higher contact concentration for seabirds and marine mammals than anticipated. Finally, Ecology is concerned about

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high pH levels that could potentially affect the water quality within marine waters (i.e., ocean acidification), particularly in estuaries and Puget Sound, leading to effects on shellfish, plankton, and other fauna.

While the Navy states that [c]hemical byproducts from the use of explosives would be subject to physical, chemical, and biological processes that would render the materials harmless or otherwise disperse them to undetectable levels," Ecology remains concerned that about the effect of these byproducts on state waters and sediments.

The Navy's proposed best management practices and mitigation measures do not alleviate Ecology's concerns about the direct, indirect, and cumulative effects on its coastal water quality, and insufficient information was provided for Ecology to conclude that these activities would not have an effect on its coastal resources; Washington's coastal waters are likely to be degraded and marine life may be impacted from discharges associated with simulant and explosive activities.

This proposed action allows discharges of matter from simulant testing and explosive activity which may impact receiving waters. RCW 90.48.080 specifically prohibits the discharge of organic matters into waters of the state that shall cause or tend to cause pollution according to the determination of the department. The extent of the impact from these discharges cannot be readily determined based on the information within the CD.

- The Navy's CD states: "*Clean Water Act/Washington Water Pollution Control Act (Chapter 90.48 RCW) – Discharge permits are not required for the Proposed Action. Therefore, this enforceable policy, as it relates to Federal Consistency with the Washington CZMP, is not applicable to the Proposed Action. The Proposed Action is in compliance with the federal Clean Water Act*".

The CD wrongly assumes that Chapter 90.48 only applies when discharge permits are required and does not address best management practices for water quality protection.

Applicable Enforceable Policies:

Chapter 90.48.080 RCW – Discharge of polluting matter in water prohibited

"It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise [be] discharged into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the determination of the department, as provided for in this chapter."

WAC 173-201A-020 – Definition of "Pollution" from the WQ standards

Pollution means such contamination, or other alteration of the physical, chemical, or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or order of the waters, or such discharge of any liquid, gaseous, solid radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

WAC 173-201A-240 -Toxic substances

- (1) Toxic shall not be introduced above natural background levels in waters of the state which have the potential either singularly or cumulatively to adversely affect characteristic water uses,

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cause acute or chronic toxicity to the most sensitive biota dependent upon those waters, or adversely affect public health, as determined by the department.

- (2) The department shall employ or require chemical testing, acute and chronic toxicity testing and biological assessments, as appropriate, to evaluate compliance with subsection (1) of this section and to ensure that aquatic communities and the existing and designated uses of the waters are being fully protected.

WAC 173-201A-260(2) - Natural conditions and other water quality criteria and applications

- (1) **Toxics and aesthetics criteria.** The following narrative criteria apply to all existing and designated uses for fresh and marine water:

- (a) Toxic, radioactive, or deleterious material concentrations must be below those which have the potential, either singularly or cumulatively, to adversely affect characteristic water uses, cause acute or chronic conditions to the most sensitive biota dependent upon those waters, or adversely affect public health (see WAC [173-201A-240](#), toxic substances, and [173-201A-250](#), radioactive substances).
- (b) Aesthetic values must not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste (see WAC [173-201A-230](#) for guidance on establishing lake nutrient standards to protect aesthetics).

WAC 173-201A-310 - Tier I — Protection and maintenance of existing and designated uses.

- (1) Existing and designated uses must be maintained and protected. No degradation may be allowed that would interfere with, or become injurious to, existing or designated uses, except as provided for in this chapter.

WAC 173-201A-510(3) - Means of implementation.

(3) Nonpoint source and stormwater pollution.

- (a) Activities which generate nonpoint source pollution shall be conducted so as to comply with the water quality standards. The primary means to be used for requiring compliance with the standards shall be through best management practices required in waste discharge permits, rules, orders, and directives issued by the department for activities which generate nonpoint source pollution.
- (b) Best management practices shall be applied so that when all appropriate combinations of individual best management practices are utilized, violation of water quality criteria shall be prevented. If a discharger is applying all best management practices appropriate or required by the department and a violation of water quality criteria occurs, the discharger shall modify existing practices or apply further water pollution control measures, selected or approved by the department, to achieve compliance with water quality criteria. Best management practices established in permits, orders, rules, or directives of the department shall be reviewed and modified, as appropriate, so as to achieve compliance with water quality criteria.
- (c) Activities which contribute to nonpoint source pollution shall be conducted utilizing best management practices to prevent violation of water quality criteria. When applicable best management practices are not being implemented, the department may conclude individual

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activities are causing pollution in violation of RCW [90.48.080](#). In these situations, the department may pursue orders, directives, permits, or civil or criminal sanctions to gain compliance with the standards.

Condition 5. The Navy shall conduct visual monitoring during simulant testing activities looking for effects to water appearance (e.g., color, sheen, floating debris, etc.) and distressed animals as a result of exposure to chemical or biological simulants.

No degradation may be allowed that would interfere with, or become injurious to, existing or designated uses. By conducting visual monitoring, the Navy will demonstrate whether water quality impacts caused by the simulant testing activity are occurring. Therefore, the Navy shall conduct visual monitoring (i.e., spotting) during this activity, looking for effects to water appearance (e.g., color, sheen, floating debris, etc.) and observations of distressed animals such as marine mammals, seabirds, fish, sea turtles, or shellfish, as a result of exposure to chemical or biological simulants. Any observations of effects to the water appearance or distressed animals as a result of simulant activities shall be recorded and reported to Ecology per Condition 7 below.

Depending on the simulants utilized, disbursement, volumes, etc., it is expected that as the material settles on the water surface it can get concentrated by currents and wind and, as a result, the local exposure might be very high. Further, airborne chemical substances may be inhaled by marine mammals, birds or people at sea or concentrated at the surface and ingested in a different way), and airborne biologics may be inhaled by marine mammals, birds or people at sea or deposited at the sea surface, resulting in a higher contact concentration for seabirds and marine mammals than anticipated.

- The Navy's CD says: *"Clean Water Act/Washington Water Pollution Control Act (Chapter 90.48 RCW) – Discharge permits are not required for the Proposed Action. Therefore, this enforceable policy, as it relates to Federal Consistency with the Washington CZMP, is not applicable to the Proposed Action. The Proposed Action is in compliance with the federal Clean Water Act". The CD does not include sufficient information regarding the protection of water quality.*

Applicable Enforceable Policies:

RCW 90.48 – Water Pollution Control Act

RCW 90.48.080– Discharge of polluting matter in water prohibited

WAC 173-201A – Water Quality Standards for Surface Waters of the State of Washington

WAC 173-201A-210 – Marine water designated uses and criteria

WAC 173-201A-240 -Toxic substances

WAC 173-201A-260(2) - Natural conditions and other water quality criteria and applications -Toxics and aesthetics criteria.

WAC 173-201A-310 - Tier I — Protection and maintenance of existing and designated uses.

Condition 6. Geographic Limitation on Simulant Testing - Simulant testing shall not be conducted within Puget Sound.

While the CD states that simulant testing would be conducted at least 3 nautical miles from shore and the activity appears to be focused in the Offshore Area, Table 3, Summary of Navy Effects Test to Identify Elements of the Proposed Action (Naval Sea Systems Command Testing Activities) with

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Reasonable Foreseeable Coastal Effects, includes a footnote covering the entire Location column, stating that "Locations given are areas where activities typically occur. However, activities could be conducted in other locations within the Study Area." As noted under Condition #5 above, the Ecology is particularly concerned with the potential effects of simulant testing on water quality within Puget Sound, along with effects on coastal resources such as shellfish, plankton, marine mammals such as the Southern Resident orca, seabirds, salmonids, etc. Depending on the simulants used, disbursement, volumes, etc., we would expect that as the material settles on the water surface it can get concentrated by currents and wind and, as a result, the local exposure might be very high. Further, airborne chemical substances may be inhaled by marine mammals, birds or people at sea or concentrated at the surface and ingested in a different way), and airborne biologics may be inhaled by marine mammals, birds or people at sea or deposited at the sea surface, resulting in a higher contact concentration for seabirds and marine mammals than anticipated. Finally, Ecology is concerned about high pH levels that could potentially affect the water quality within marine waters (i.e., ocean acidification), particularly in estuaries and Puget Sound, leading to effects on shellfish, plankton, and other fauna.

As noted in the Navy's FEIS for these activities (2015, Section 5.5, p. 311):

Water quality appears poised to have larger-scale effects on the marine ecosystem of the Puget Sound – Georgia Basin as evidenced by the intensity and persistence of water stratification in the basin. Historically, Puget Sound was thought to have an unlimited ability to assimilate waste from cities, farms and industries in the region and decisions about human occupation of the landscape were based on that belief. More recent data suggests that the marine ecosystems of the basin have a much more limited ability to assimilate pollution, particularly in areas such as Hood Canal, south Puget Sound, inner Whidbey basin and the central Georgia Basin. In these areas, as strong stratification has developed and persisted, the respective water quality has steadily decreased. As waters become more stratified, through weather, climate or circulation changes, they become even more limited in their ability to assimilate pollution.

The State of Washington is charged with protecting these waters and the resources which depend on them. Restricting simulant activity from Puget Sound aids in this goal.

- The Navy's CD says: "**Clean Water Act/Washington Water Pollution Control Act (Chapter 90.48 RCW)** – Discharge permits are not required for the Proposed Action. Therefore, this enforceable policy, as it relates to Federal Consistency with the Washington CZMP, is not applicable to the Proposed Action. The Proposed Action is in compliance with the federal Clean Water Act". The CD does not include sufficient information regarding the protection of water quality.

Applicable Enforceable Policies:

RCW 90.48 – Water Pollution Control Act

RCW 90.48.080– Discharge of polluting matter in water prohibited

WAC 173-201A – Water Quality Standards for Surface Waters of the State of Washington

WAC 173-201A-210 – Marine water designated uses and criteria

WAC 173-201A-240 -Toxic substances

WAC 173-201A-260(2) - Natural conditions and other water quality criteria and applications -Toxics and aesthetics criteria.

WAC 173-201A-310 - Tier I — Protection and maintenance of existing and designated uses.

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Condition 7. The Navy shall notify and submit reports to the Department of Ecology as described below:

- a. The Navy shall immediately report any sheen or unusual appearance on the water surface to Ecology and document these in an annual report. Additionally, any observations of distressed animals as a result of the training and testing activities shall be reported to Ecology immediately and documented in an annual report.
- b. The Navy shall summarize any sheens or unusual appearances on the water surface, as well as any observations of distressed animals per condition 7.a. in an annual report to be submitted to Ecology.
- c. The Navy shall submit to Ecology a copy of any monitoring report that is submitted to NMFS, at the same time the report is submitted per the Biological Opinion.

Immediate reporting to Ecology would provide the State of Washington the opportunity to respond appropriately to impacts on state waters or coastal resources. The annual reporting would capture more fully these effects over a longer timeframe, as well as the monitoring and mitigation activities conducted by the Navy that would support the State's understanding of the effects of the training and testing activities on coastal resources.

Applicable Enforceable Policies

RCW 90.48 – Water Pollution Control Act

RCW 90.48.080– Discharge of polluting matter in water prohibited

WAC 173-201A – Water Quality Standards for Surface Waters of the State of Washington

WAC 173-201A-210 – Marine water designated uses and criteria

WAC 173-201A-260(2) - Natural conditions and other water quality criteria and applications

WAC 173-201A-310 - Tier I — Protection and maintenance of existing and designated uses.

- The Navy's CD says: *"Clean Water Act/Washington Water Pollution Control Act (Chapter 90.48 RCW) – Discharge permits are not required for the Proposed Action. Therefore, this enforceable policy, as it relates to Federal Consistency with the Washington CZMP, is not applicable to the Proposed Action. The Proposed Action is in compliance with the federal Clean Water Act".* The CD does not include sufficient information regarding the protection of water quality.

Conclusion

Ecology fully appreciates and understands that the Navy's Proposed Action is designed to ensure that the Navy can maintain, train, and equip combat-ready naval forces capable of winning wars, deterring aggression, and maintaining freedom of the seas. Ecology also has a responsibility to protect our coastal resources, especially the endangered Southern Resident orcas, other cetaceans and marine mammals, an array of other fish and wildlife species, habitat areas, and water quality. Our conditions are designed to help ensure the Navy's future sea and air training and testing activities are consistent with Washington's Coastal Zone Management Program as well as enforceable policies under the state Ocean Resources Management Act and State Water Pollution Control Act.

We look forward to working with the Navy and other interested parties on this project. Should you have any questions regarding this Conditional Concurrence, please contact Therese Swanson at (360) 407-6789 or tswa461@ecy.wa.gov or Loree Randall at (360) 485-2796 or lora461@ecy.wa.gov.

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YOUR RIGHT TO APPEAL

You have a right to appeal this federal consistency decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001 (2).

To appeal you must do all of the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Sincerely,



Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

Attachments (3): Governor Inslee Letter
Attorney General Ferguson Letter
Washington State Agency Letter

EC: Jacqueline Queen, Navy

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John Mosher, Navy
Laura Watson, Ecology
Heather Bartlett, Ecology
Denise Clifford, Ecology
Sharlatt Mena, Ecology
Gordon White, Ecology
Brian Lynn, Ecology
Loree' Randall, Ecology
Rebekah Padgett, Ecology
Jim Baumgart, Governor's Office
Jennifer Hennessey, Governor's Office
Tom Young, AAG
Sonia Wolfman, AAG
Todd Hass, Puget Sound Partnership
Laura Blackmore, Puget Sound Partnership
Jessica Stocking, WDFW
Julie Watson, WDFW
Hannah Anderson, WDFW
Cyrilla Cook, DNR
David Kaiser, NOAA/OCM
Kerry Kehoe, NOAA/OCM
Kris Wall, NOAA/OCM
ECYREFEDPERMITS

I.7 Essential Fish Habitat Assessment

I.7.1 Navy Request Email to National Marine Fisheries Service, Oregon-Washington Coastal Area Office

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Request for EFH Consultation, NWTT Phase 3
Date: Tuesday, February 11, 2020 3:42:28 PM

In accordance with Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Navy requests consultation for new activities described in the 2019 Draft Supplemental Northwest Training and Testing (NWTT) Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS). Specifically, the Navy has prepared an Essential Fish Habitat (EFH) Assessment (EFHA) to address potential impacts associated with the Navy's Mine Countermeasure and Neutralization activity that may adversely affect EFH in the Offshore waters of the NWTT Study Area.

The Navy is not requesting consultation for the continuation of training and testing activities analyzed in the 2015 NWTT EIS/OEIS, which was subject of consultations with NMFS concluding November 2, 2015. There are no significant changes to the activities, geographic parameters, or levels of activities, previously subject to consultation with NMFS that would alter the conclusions from the 2015 EFHA, or affect the basis for NMFS' EFH Conservation Recommendations. Therefore, the Navy is limiting its request for consultation to the Mine Countermeasure and Neutralization activity, which the Navy concludes may adversely affect EFH in the Offshore waters of Washington, Oregon, and northern California.

In accordance with 50 CFR part 600.930(f), the Navy's EFHA is included as Chapter 7 of the Navy's NWTT Biological Assessment. Section 7 consultation for this action is being conducted out of the NMFS Head Quarter Office, and is not being requested at this time.

Additional information regarding this activity, including the Draft Supplemental EIS/OEIS may be found at the projects website (www.NWTTIEIS.com). We appreciate your support in completing this consultation. Contacts for this action will be myself, and the Project's Lead Biologist, Andrea Balla-Holden who can be reached at [REDACTED].

Sincerely,
Stephanie Sleeman
Marine Biologist
NAVFAC NW
[REDACTED]

I.7.2 National Marine Fisheries Service, Oregon-Washington Coastal Area Office Response Email to the Navy

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: [Non-DoD Source] Re: Request for EFH Consultation_NWTT Phase 3
Date: Tuesday, February 25, 2020 4:21:07 PM

We have received your request for consultation and it has been logged into our database. The number that it has been issued is WCRO-2020-00371. Please refer to that number in future correspondence with NMFS. I have included the branch chief in this email so you are aware of who the project has been given to initially, they will assign it to one of their project managers and that person will be in contact with you. Please send any additional information regarding this project directly to the project manager you are working with.

Frankie Johnson [REDACTED]

On Tue, Feb 11, 2020 at 3:50 PM Sleeman, Stephanie L CIV USN NAVFAC NW SVD WA (USA) [REDACTED] wrote:

In accordance with Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Navy requests consultation for new activities described in the 2019 Draft Supplemental Northwest Training and Testing (NWTT) Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS). Specifically, the Navy has prepared an Essential Fish Habitat (EFH) Assessment (EFHA) to address potential impacts associated with the Navy's Mine Countermeasure and Neutralization activity that may adversely affect EFH in the Offshore waters of the NWTT Study Area.

The Navy is not requesting consultation for the continuation of training and testing activities analyzed in the 2015 NWTT EIS/OEIS, which was subject of consultations with NMFS concluding November 2, 2015. There are no significant changes to the activities, geographic parameters, or levels of activities, previously subject to consultation with NMFS that would alter the conclusions from the 2015 EFHA, or affect the basis for NMFS' EFH Conservation Recommendations. Therefore, the Navy is limiting its request for consultation to the Mine Countermeasure and Neutralization activity, which the Navy concludes may adversely affect EFH in the Offshore waters of Washington, Oregon, and northern California.

In accordance with 50 CFR part 600.930(f), the Navy's EFHA is included as Chapter 7 of the Navy's NWTT Biological Assessment. Section 7 consultation for this action is being conducted out of the NMFS Head Quarter Office, and is not being requested at this time.

Additional information regarding this activity, including the Draft Supplemental EIS/OEIS may be found at the projects website (www.NWTTIEIS.com). We appreciate your support in completing this consultation. Contacts for this action will be myself, and the Project's Lead Biologist, Andrea Balla-Holden who can be reached at [REDACTED], or at [REDACTED].

Sincerely,

Stephanie Sleeman

Marine Biologist

I.8 National Historic Preservation Act Compliance

I.8.1 Navy Letters to Washington State Historic Preservation Officer



DEPARTMENT OF THE NAVY
NAVAL AIR STATION WHIDBEY ISLAND
3730 NORTH CHARLES PORTER AVENUE
OAK HARBOR, WASHINGTON 98278-5000

5090
Ser N465/0595
February 16, 2018

Allyson Brooks, Ph.D.
State Historic Preservation Officer
Washington Department of Archaeology & Historic Preservation
P.O. Box 48343
Olympia, WA 98504-8343

Dear Dr. Brooks:


SUBJECT: INITIATION OF CONSULTATION UNDER SECTION 106 OF THE
NATIONAL HISTORIC PRESERVATION ACT FOR NORTHWEST
TRAINING AND TESTING ACTIVITIES

In accordance with Section 106 of the National Historic Preservation Act (NHPA), the Navy would like to initiate consultation on proposed training and testing activities to occur in Washington State beginning in 2020. The purpose of the proposed undertaking is to maintain, train, and equip combat-ready naval forces. The Navy is currently preparing a Supplement to the 2015 Northwest Training and Testing (NWT) Environmental Impact Statement (EIS)/Overseas EIS (OEIS) with the same Study Area, including areas of Puget Sound and the Strait of Juan de Fuca, areas off the coast of Washington State, and designated airspace over the Olympic Peninsula. The Navy requests to enter into consultation in defining the appropriate Area of Potential Effects (APE).

In order to meet its obligations under Section 106 and its implementing regulations, the Navy will use the NWT Supplemental EIS/OEIS public involvement processes (e.g., public scoping and public review) to partially fulfill its public notification and consultation requirements, as well as a separate Section 106 process involving interested and potential consulting parties.

Should you have any questions or require additional information, my point of contact for this proposed undertaking is Mr. David Grant, Archaeologist, Naval Facilities Engineering Command Northwest, (360) 396-0919 or dave.m.grant@navy.mil.

Sincerely,


G. C. MOORE
Captain, U.S. Navy
Commanding Officer



DEPARTMENT OF THE NAVY
NAVAL AIR STATION WHIDBEY ISLAND
3730 NORTH CHARLES PORTER AVENUE
OAK HARBOR, WASHINGTON 98278-5000

5090
Ser N44/1026
20 May 19

Allyson Brooks, PhD
State Historic Preservation Officer
Washington Department of Archaeology and Historic Preservation
1110 South Capital Way, Suite 30
P.O. Box 48343
Olympia, WA 98504-8343

Dear Dr. Brooks:

SUBJECT: LOG NO. 2018-02-01511-USN: CONTINUING SECTION 106
CONSULTATION ON THE PROPOSED AREA OF POTENTIAL EFFECTS
FOR NORTHWEST TRAINING AND TESTING ACTIVITIES

In accordance with Section 106 of the National Historic Preservation Act (NHPA), the Navy has determined the proposed Area of Potential Effects (APE) for Northwest Training and Testing (NWTT) activities specific to the State of Washington. The undertaking is scheduled to begin in 2020 and the majority of activities would be the same as or similar to the previous NWTT undertaking. The proposed undertaking entails over 50 activities, more than 30 of which occur within Washington or between state waters and territorial waters 12 nautical miles from its shore, and approximately 20 activities having potential to directly or indirectly affect historic properties (Enclosure 1). Section 106 consultations for earlier phases of NWTT based the APE on the National Environmental Policy Act (NEPA) 'Study Area', which included Puget Sound, the Strait of Juan de Fuca, offshore ranges, and coastal areas and designated airspace. However, for this consultation, the Navy will more appropriately define the APE in accordance with the applicability, directives, and definitions provided by 36 CFR 800.

Based on the scale and nature of the proposed NWTT undertaking, the Navy has determined that there is no potential to directly or indirectly affect the qualifying characteristics or use of historic properties associated with the established air space. The Navy maintains that Day Night Average Sound Levels (DNLs) exceeding 65 decibels (dB) remain the most reliable, tested, and defensible basis for assessing audible effects. The most current noise analysis does not identify any areas in the NWTT study area exceeding 37 dB DNL. Additionally, continuing aircraft flights within the altitude restrictions of established air space will not introduce new atmospheric or visual elements that may indirectly affect historic properties.

Accordingly, the proposed NWTT APE (Enclosures 2 and 3) comprises areas where historic properties could be directly affected by incidental disturbance and compression of littoral and seafloor sediments via tracked or wheeled vehicles, anchors, other seafloor devices, or explosions; destruction or damage to shipwrecks, submerged aircraft, or other historic or pre-contact structures standing proud of the seafloor from anchors or other seafloor devices; disturbance of pre-contact inundated archaeological deposits from anchors, other seafloor

5090
Ser N44/

devices, or explosions; or any other activities with potential to affect historic properties themselves. The APE also includes areas where indirect effects may change a submerged historic property's character or use by deposition of military expended materials like sonobuoys and other single-use items.

To identify properties with possible religious or cultural significance to affected tribes, the Navy has initiated consultation with 26 federally recognized Washington tribes with traditional ties to the proposed APE. In addition, the following parties have expressed interest in participating in the Section 106 process:

- National Park Service
- Ebey's Landing National Historic Reserve
- National Parks Conservation Association
- Olympic Forest Coalition
- West Coast Action Alliance
- Skagit Audubon Society
- Individual Members of the Public

Should you have any questions or require additional information, my point of contact for this proposed undertaking is Mr. David Grant, Archaeologist, Naval Facilities Engineering Command Northwest, (360) 396-0919 or dave.m.grant@navy.mil.

Sincerely,



M. L. ARNY
Captain, U.S. Navy
Commanding Officer

Enclosures: 1. Spreadsheet of activities within 12 nautical miles with a potential to affect
2. Proposed Offshore Area APE
3. Proposed Inland Waters APE

Copy to: 1. National Park Service
2. Ebey's Landing National Historic Reserve
3. National Parks Conservation Association
4. Olympic Forest Coalition
5. West Coast Action Alliance
6. Skagit Audubon Society
7. Dr. Beverly Goldie
8. Ms. Rhea Miller

9. Confederated Tribes and Bands of the Yakama Nation
10. Confederated Tribes of the Chehalis Reservation
11. Cowlitz Indian Tribe
12. Hoh Indian Tribe
13. Jamestown S'Klallam Tribe
14. Lower Elwha Klallam Tribe
15. Lummi Tribe of the Lummi Reservation
16. Makah Indian Tribe of the Makah Reservation
17. Muckleshoot Indian Tribe of the Muckleshoot Reservation
18. Nisqually Indian Tribe of the Nisqually Reservation
19. Nooksack Indian Tribe of Washington
20. Port Gamble S'Klallam Tribe
21. Puyallup Tribe of the Puyallup Reservation
22. Quileute Tribe of the Quileute Reservation
23. Quinault Indian Nation
24. Samish Indian Nation
25. Sauk-Suiattle Indian Tribe
26. Shoalwater Bay Tribe of the Shoalwater Bay Reservation
27. Skokomish Indian Tribe
28. Snoqualmie Indian Tribe
29. Squaxin Island Tribe of the Squaxin Island Reservation
30. Stillaguamish Tribe of Indians of Washington
31. Suquamish Indian Tribe of the Port Madison Reservation
32. Swinomish Indians of the Swinomish Reservation of Washington
33. Tulalip Tribes of Washington
34. Upper Skagit Indian Tribe
35. Advisory Council on Historic Preservation

Enclosure 1. Activities occurring within 12nm of Washington shore.¹

Activity	Description (extracted from Appendix A Draft V2)	Location	Potential Effect to Historic Properties
Air Combat Maneuver	Basic flight maneuvers in which fixed-wing aircrew engage in offensive and defensive maneuvering against each other.	Offshore Area W-237 Olympic MOA	Direct: none Indirect: none
Electronic Warfare Training	Aircraft and ship crews control the electromagnetic spectrum used by enemy systems to degrade or deny the enemy's ability to take defensive actions. Electronic Warfare Operations can be active or passive, offensive or defensive.	Offshore Area W-237 Olympic MOA	Direct: none Indirect: none
Civilian Port Defense—Homeland Security Anti-Terrorism/Force Protection Exercises	Naval forces conduct mine warfare training in conjunction with Department of Homeland Security units. Helicopters, surface ships, and undersea (divers, marine mammals, and unmanned vehicles) mine countermeasures will be used. Non-permanent mine shapes will be laid in various places on the bottom and will be retrieved.	Inland Waters Naval Magazine Indian Island (NAVMAG); Naval Station Everett (NSE) NBK Bangor Bremerton Manchester Port Angeles Port of Seattle	Direct: incidental disturbance of sediments by anchors for mine shapes Indirect: none
Mine Neutralization – Explosive Ordnance Disposal	Navy divers disable threat mines with explosive charges to create a safe channel for friendly vessels to transit. Personnel detect, identify, evaluate, and neutralize mines in the water with an explosive device and may involve detonation.	Inland Waters Crescent Harbor EOD Training Range (CH EOD TR) Hood Canal EOD Training Range (HC EOD TR)	Direct: damage to submerged historic properties from explosive shock wave Indirect: none
Intelligence, Surveillance, Reconnaissance	Maritime Patrol Aircraft and unmanned aerial systems operators use all available sensors to collect data on threat vessels. Passive sonobuoys are used to collect and analyze acoustic data, and photographic equipment is used to document the vessel with visual information.	Offshore Area Inland Waters Restricted Area (RA) 6701 NAVY 7 OPAREA	Direct: none Indirect: introduction of incompatible visual elements from deposition of military expended materials (MEM) such as sonobuoys, parachutes/decelerators, wires
Maritime Security Operations	Maritime security operations are predominantly maritime security escort events, including the Transit Protection Program (TPP) and training of other escort units.	Inland Waters Bremerton Hood Canal Dabob Bay	Direct: none Indirect: introduction of incompatible visual elements from deposition of military expended materials (MEM) such as blank

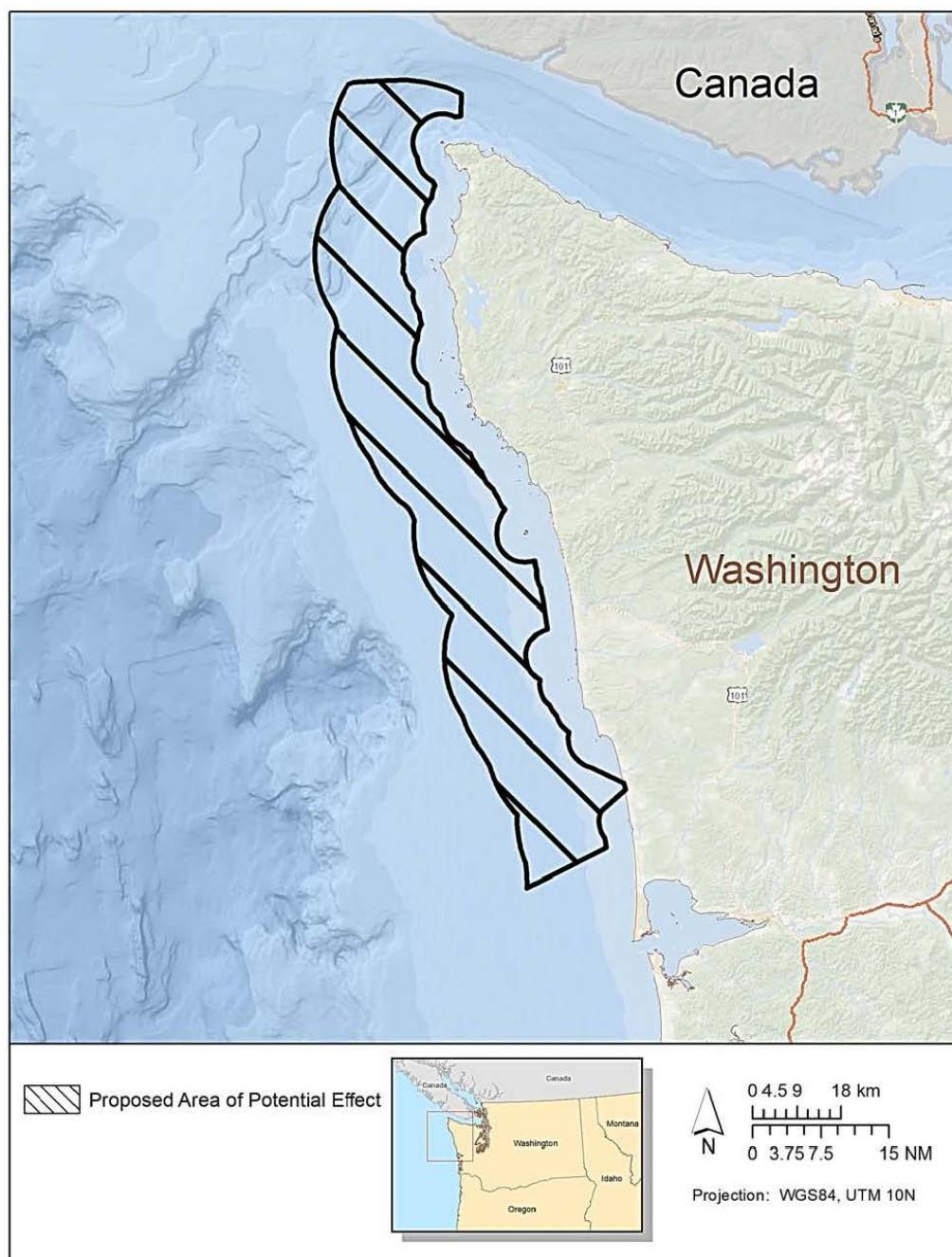
¹ The following activities occur beyond 12 nautical miles from shore or only in Alaska (SEAFAC) and therefore not addressed further: **Gunnery Exercise Surface-to-Air; Missile Exercise Air-to-Air; Missile Exercise Surface-to-Air; Anti-Submarine Warfare Torpedo Exercise—Submarine; Anti-Submarine Warfare Tracking Exercise – Helicopter; Anti-Submarine Warfare Tracking Exercise—Maritime Patrol Aircraft; Anti-Submarine Warfare Tracking Exercise—Ship; Anti-Submarine Warfare Tracking Exercise—Submarine; Bombing Exercise Air-to-Surface; Gunnery Exercise Surface-to-Surface – Ship; Missile Exercise Air-to-Surface; Torpedo (explosive) Testing; Kinetic Energy Weapon Testing; Vessel Signature Evaluation; Hydrodynamic and Maneuverability Testing; Anti-Submarine Warfare Tracking Test—Maritime Patrol Aircraft**

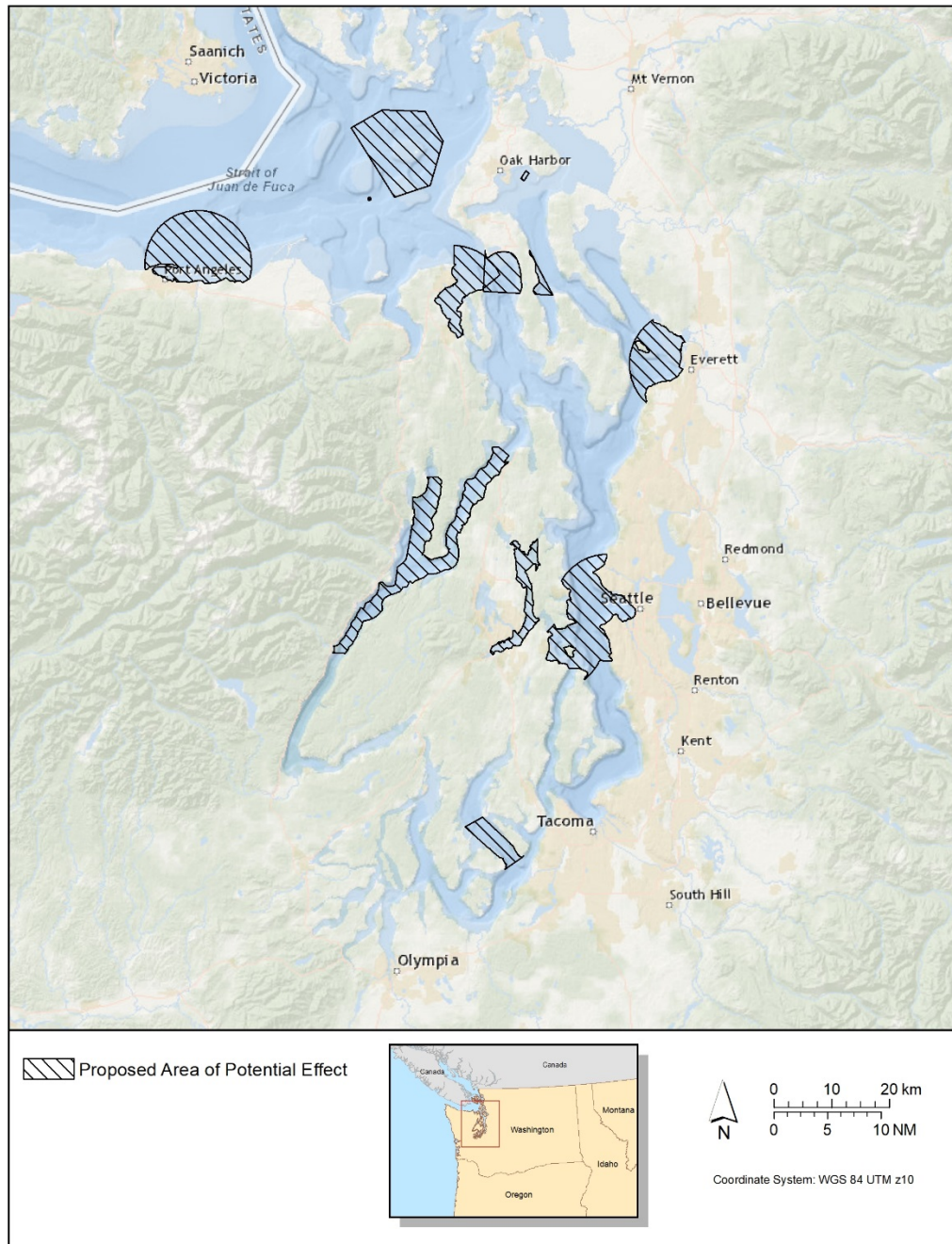
	All shell casings associated with use of blank ammunition shall be captured, to the greatest extent feasible, using either cofferdams around guns, capture bins, or capture on the deck of vessels.	TPS Route (169) NSE Puget Sound Strait of Juan de Fuca	ammunition brass, disintegrating ammunition belt links, and pyrotechnic parts and fragments
Personnel Insertion/Extraction Training—Non-Submersible	Military personnel train for clandestine insertion and extraction into target areas using rotary wing aircraft, fixed-wing aircraft (insertion only), or small boats.	Inland Waters CH EOD TR NAVY 7 OPAREA	Direct: none Indirect: none
Precision Anchoring	Surface ship crews release and retrieve anchors in designated locations.	Inland Waters Designated areas near NAVMAG NSE, NAVY 3 OPAREA, Eastern Bank Area	Direct: damage to submerged historic properties from anchors contacting and penetrating seafloor Indirect: none
Search and Rescue	Helicopter crews rescue military personnel at sea. Helicopters fly below 3,000 ft. and locate personnel to be rescued, hover, recover the survivor, and then depart.	Inland Waters CH EOD TR RA 6701	Direct: none Indirect: none
Small Boat Attack Exercise	Small boat crews engage pier side surface targets with small-caliber weapons. Only blank rounds are fired. Duration of firing will be approximately 2 hours with a total of 1,000 rounds fired the first day, and a duration of 1.5 hours with a total of 1,000 rounds fired the second day.	Inland Waters NSE NBK Bangor Bremerton	Direct: none Indirect: introduction of incompatible visual elements from deposition of military expended materials (MEM) such as ammunition brass and disintegrating ammunition belt links
Submarine Sonar Maintenance	Submarines conduct maintenance to their sonar systems in shallow water near their homeport; however, sonar maintenance could occur at sea as the system's performance may warrant.	Offshore Area Offshore Area Inland Waters NBK Bremerton NBK Bangor	Direct: none Indirect: none
Surface Ship Sonar Maintenance	Surface ships perform periodic maintenance to the sonar and other systems while in port or at sea. Surface ships operate active sonar systems for maintenance while in shallow water near their homeport; however, sonar maintenance could occur anywhere.	Offshore Area Offshore Area Inland Waters NSE Bremerton	Direct: none Indirect: none
Unmanned Underwater Vehicle Training	Training with unmanned platforms on which various payloads are attached and used for different purposes. Training can range from basic remote control and autonomous navigation tests to deployment and activation of onboard systems that may include hydrodynamic instruments, launchers, and recovery capabilities.	Offshore Area Quinalt Range Site Inland Waters CH EOD TR, Dabob Bay Range Complex (DBRC), NBK Bangor, Bremerton, Keyport Range, Manchester, NAVY 3 OPAREA, NAVY 7 OPAREA	Direct: incidental disturbance of sediments by anchors for instruments Indirect: none

Anti-Submarine Warfare Testing	Ships conduct operations using airborne and surface assets. Active and passive acoustic systems are used to detect and track submarine targets, culminating in the deployment of lightweight torpedoes.	Offshore Area Offshore Area	Direct: none Indirect: introduction of incompatible visual elements from deposition of military expended materials (MEM) such as torpedo accessories, decelerator/parachute, sonobuoys, and wires.
At-Sea Sonar Testing	At-sea sonar testing verifies the vessel meets design acoustic specifications, defines the underwater characteristics, determines effects of systems and equipment on ship's acoustic characteristics, and provides for design improvements.	Offshore Area Offshore Area Inland Waters DBRC	Direct: none Indirect: introduction of incompatible visual elements from deposition of military expended materials (MEM) such as torpedo accessories, decelerator/parachute, sonobuoys, and wires.
Countermeasure Testing	Countermeasure testing evaluates the deployment, operation, and effectiveness of systems used to defend a vessel from an incoming threat. Countermeasures may be mechanical, chemical, or electronic devices that are released from a vessel to obscure its location or provide a false target. Countermeasures may also be systems operated from within the vessel to detect, localize, track, and respond to incoming threats. Most components are used off shore and are consumed, dissipate, or recovered.	Offshore Area Quinault Range Site Inland Waters DBRC Keyport Range	Direct: none Indirect: introduction of incompatible visual elements from deposition of military expended materials (MEM) such as torpedo accessories, mobile subsurface target, and guidance wire.
Pierside Sonar Testing	Ships and submarines will activate mid- and high-frequency tactical sonars, underwater communications systems, and navigational devices. Testing may include the firing of inert torpedo shapes.	Inland Waters NBK Bangor Bremerton NSE	Direct: none Indirect: none
Torpedo (non-explosive) Testing	Aerial, surface, and subsurface assets fire exercise torpedoes against surface or subsurface targets, or programmed with a particular run geometry. Exercise torpedoes are typically recovered by ships and helicopters designed for this task.	Offshore Area Offshore Area Inland Waters DBRC	Direct: incidental disturbance of sediments from anchors for stationary surface targets Indirect: introduction of incompatible visual elements from deposition of military expended materials (MEM) such as small decelerator/parachutes, acoustic countermeasures, buoy (non-explosive), torpedo accessories, mobile sub-surface target, sonobuoy, sonobuoy wires, guidance wire
Mine Countermeasure and Neutralization Testing	These systems may be deployed with a variety of ships, aircraft, submarines, or UAVs. Mines are neutralized by cutting mooring cables of buoyant mines, producing acoustic energy that fires acoustic-influence mines; or by employing radar or laser fields, detonate mines using remotely-operated vehicles, and use explosive charges to destroy threat mines.	Offshore Area Offshore Area (no explosives in OCNMS) Inland Waters Bremerton Carr Inlet CH EOD TR DBRC HC EOD TR	Direct: explosive shock wave and incidental disturbance of sediments from anchors for mine shapes Indirect: introduction of incompatible visual elements from deposition of military expended materials (MEM) such as fiber optic wires and cables

		NSE Keyport Range NAVMAG NAVY 3 OPAREA	
Mine Detection and Classification Testing	Systems may use acoustic, electro-optic, or laser sensors, and may be deployed from aircraft, surface or subsurface vessels, or unmanned platforms.	Offshore Area Quinalt Range Site Inland Waters DBRC Keyport Range	Direct: incidental disturbance of sediments from anchors from mine shapes (in place up to 12 months) Indirect: none
Unmanned Aerial System Testing	UASs are remotely piloted or self-piloted (i.e., preprogrammed flight pattern) aircraft that include fixed-wing, rotary-wing, and other vertical takeoff vehicles. They can carry cameras, sensors, communications equipment, or other payloads.	Offshore Area Quinalt Range Site Inland Waters DBRC Keyport Range RA 6701	Direct: none Indirect: none
Unmanned Surface Vehicle System Testing	Unmanned surface vehicles (USV) can include remotely operated craft and test vehicles. During testing, they can operate autonomously, semi-autonomously, or non-autonomously.	Offshore Area Quinalt Range Site Inland Waters DBRC Keyport Range	Direct: incidental disturbance of sediments from anchors for stationary surface targets Indirect: none
Unmanned Underwater Vehicle Testing	UUVs may be developed to carry out warfare missions (e.g., mine detection) or scientific missions (e.g., bottom mapping), while others are developed to support other testing objectives (e.g., performing as a target for anti-submarine warfare).	Offshore Area Quinalt Range Site Inland Waters Carr Inlet DBRC Keyport Range	Direct: incidental disturbance of sediments from anchors for stationary surface and sub-surface targets Indirect: introduction of incompatible visual elements from deposition of military expended materials (MEM) such as torpedo accessories, mobile sub-surface target, decelerator/parachutes, wires, and cables
Propulsion Testing	Propulsion testing is one part of the total sea trial activity. The ship is tested for maneuverability, including full power and endurance runs.	Offshore Area Offshore Area beyond 3 nm	Direct: none Indirect: none
Undersea Warfare Testing	Undersea warfare testing includes demonstrating the ability of the ship to search, detect, and track a target and conduct attacks with exercise torpedoes. Subsurface moving targets, rocket and air-dropped weapons, sonobuoys, towed arrays, and sub-surface torpedo-like devices may be used.	Offshore Area Offshore Area	Direct: none Indirect: introduction of incompatible visual elements from deposition of military expended materials (MEM) such as decelerator/parachutes, acoustic countermeasures, expendable bathythermograph and wire, torpedo accessories, mobile subsurface target, sonobuoy and wires, and other cables and wires
Vessel Signature Evaluation	Signature testing is passive monitoring of surface ships and submarines to assess the vessel's vulnerability to various types of detection systems.	Inland Waters DBRC	Direct: none Indirect: none
Acoustic and Oceanographic Research	Active acoustic transmissions used for tests of acoustic sources, validation of ocean acoustic models, tests of signal processing algorithms, and	Offshore Area Quinalt Range Site Inland Waters DBRC	Direct: incidental disturbance of sediments from anchors for instruments Indirect: none

	characterization of acoustic interactions with the ocean bottom, fish and ocean surface.	Keyport Range	
Acoustic Component Testing	Pier side testing includes evaluation and troubleshooting of acoustic components. ROVs may be used to deploy sensors below the water line.	Inland Waters NBK Bangor Bremerton NSE NAVMAG	Direct: none Indirect: none
Cold Water Support	Training for divers in a cold water diver training environment, and other training supporting range/test facility operations and maintenance. Includes hand-held acoustic systems, underwater communication devices, in-water devices for transporting divers or cargo, and various dive targets such as mine-like shapes.	Inland Waters Carr Inlet DBRC Keyport Range	Direct: incidental disturbance of sediments from mine shape anchors Indirect: none
Non-Acoustic Component Testing	Radio communication with submarines using tethered, untethered, or towed buoyant in-water devices to raise an antenna to the surface to broadcast the signal. Test may involve radar, environmental sensors, magnetic, passive acoustic, or optical instrumentation to measure, record, and analyze effectiveness, dependability, operational parameters, and durability.	Offshore Area Offshore Area Inland Waters DBRC Keyport Range Keyport Pier NBK Bangor Zelatched	Direct: instruments placed on bottom Indirect: none
Post Refit Sea Trial	Testing activities following maintenance or repairs to evaluate submarine propulsion, sonar systems, and other mechanical tests.	Inland Waters DBRC	Direct: none Indirect: none
Radar and other System Testing	At-sea testing may include use of military or commercial radar, communication systems, simulators, or high-energy lasers. Testing of air and surface targets may include UAVs or small craft (e.g., floating cardboard tri-walls, towed, anchored, or self-propelled vessels).	Offshore Area Offshore Area	Direct: none Indirect: introduction of incompatible visual elements from deposition of MEM such as expendable drone, target fragments
Semi-Stationary Equipment Testing	Semi-stationary equipment calibration and testing is performed from a fixed site, suspended over the side of a boat, moored to the bottom, suspended in the water column, or on the surface; all devices and their anchors are recovered.	Inland Waters DBRC Keyport Range	Direct: incidental disturbance of sediments from placement/removal of seafloor devices such as anchors Indirect: none
Simulant Testing	The capabilities of defense systems to detect and protect in the event of chemical and biological attacks are tested via deployment of harmless compounds as substitutes for warfare agents.	Offshore Area Offshore Area beyond 3 nm	Direct: none Indirect: none
ISR/EW Triton Testing	Testing will evaluate the sensors and communication systems on board the MQ-4C Triton unmanned aerial system at a high altitude (50,000 feet above sea level).	Offshore Area Offshore Area	Direct: none Indirect: none





I.8.2 Washington State Historic Preservation Officer Response Letters to the Navy



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

June 17, 2019

Mr. M. L. Army
Captain, U.S. Navy
Commanding Officer
Naval Air Station Whidbey Island
3730 North Charles Porter Avenue
Oak Harbor, WA 98278-5000

In future correspondence please refer to:
Project Tracking Code: 2018-02-01511
Re: NW Training & Testing Activities (NWTT)

Dear Captain Army:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP). The above referenced project has been reviewed on behalf of the State Historic Preservation Officer (SHPO) under provisions of Section 106 of the National Historic Preservation Act of 1966 (as amended) and 36 CFR Part 800. Our review is based upon documentation contained in your communication.

We understand, based on your letter, that you are the appropriate federal person to receive our comments as per 36 CFR 800. We do not agree with the Area of Potential Effect (APE) that you have proposed, as it does not include all areas that will be affected by direct effects such as noise. The DC circuit court just issued an opinion on Dominion Virginia Power Towers that concluded indirect effects, such as visual or noise, can be considered direct impacts to historic properties. This needs to be considered in your Section 106 consultation, including the definition of the APE.

Our concerns center on the undertaking's proposed effects to cultural and historic resources from Whidbey Island to the training area. We are specifically concerned with the impact of noise levels and the frequency of elevated sound levels. We would expect that the APE to include all historic districts and cultural landscapes in the Puget Sound Basin, Salish Sea, and Strait of Juan de Fuca that will be affected by jet and ocean training noise.

During the consultation on the additional Growlers, we were adamant that the 65 DBL was not a meaningful measure of actual sound levels when determining the boundaries for the APE. The decibel level chosen was an average, as opposed to a direct impact, which was above 100 DBL. We are maintaining that concern during the consultation process for NWTT. As such, we are requesting that proposed APE maps of the region include the flight patterns and transit routes that will be used by the planes to reach the training and testing areas. Please provide DAHP and the other consulting parties with these maps, so that we can properly consult on the APE.

These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer (SHPO) in conformance with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR 800. Also, we appreciate receiving copies of any correspondence or comments from concerned tribes and other parties that you receive as you consult under the requirements of 36 CFR 800.4(a)(4). Should additional information become available, our assessment may be revised.

State of Washington • Department of Archaeology & Historic Preservation
P.O. Box 48343 • Olympia, Washington 98504-8343 • (360) 586-3065
www.dahp.wa.gov



Thank you for the opportunity to review and comment. Please ensure that the DAHP Project Number (a.k.a. Project Tracking Code) is shared with any hired cultural resource consultants and is attached to any communications or submitted reports. If you have any questions, please feel free to contact me.

Sincerely,



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

Kate Valdez (Confederated Tribes and Bands of the Yakama Nation)
Dan Penn (Confederated Tribes of the Chehalis Reservation)
Nathan Reynolds (Cowlitz Indian Tribe)
Alexis Barry (Hoh Indian Tribe)
David Brownell (Jamestown S'Klallam Tribe)
Bill White (Lower Elwha Klallam Tribe)
Lena Tso (Lummi Nation)
Janine Ledford (Makah Tribe)
Laura Murphy (Muckleshoot Indian Tribe)
Annette Bullchild (Nisqually Indian Tribe)
Trevor Delgado (Nooksack Tribe)
Stormy Purser (Port Gamble S'Klallam Tribe)
Brandon Reynon (Puyallup Tribe)
Rio Jaime (Quileute Tribe of the Quileute Reservation)
Justine James (Quinault Nation)
Jackie Ferry (Samish Indian Nation)
The Honorable Kevin Joseph (Sauk-Suiattle Tribe)
Earl Davis (Shoalwater Bay Tribe)
Kris Miller (Skokomish Tribe)
Steven Mullen-Moses (Snoqualmie Indian Tribe)
Rhonda Foster (Squaxin Island Tribe)
Kerry Lyste (Stillaguamish Tribe of Indians of Washington)
Dennis Lewarch (Suquamish Indian Tribe of the Port Madison Reservation)
Josephine Jefferson (Swinomish Indian Tribal Community)
Richard Young (Tulalip Tribes)
Scott Schuyler (Upper Skagit Indian Tribe)
Roy Zipp (National Park Service)
Kristen Griffin (Ebey's Landing National Historic Reserve)
Rob Smith (National Parks Conservation Association)
Patricia Jones (Olympic Forest Coalition)
Karen Sullivan (West Coast Action Alliance c/o Olympic Forest Coalition)
Reid Nelson (Advisory Council on Historic Preservation)
Timothy Manss (Skagit Audubon Society)
Rhea Miller
Beverly Goldie

State of Washington • Department of Archaeology & Historic Preservation
P.O. Box 48343 • Olympia, Washington 98504-8343 • (360) 586-3065
www.dahp.wa.gov





Allyson Brooks Ph.D., Director
State Historic Preservation Officer

July 22, 2020

Captain M.L. Army
Naval Air Station Whidbey Island
3730 North Charles Porter Avenue
Oak Harbor, Washington 98278-5000

Re: Northwest Testing & Training Project
Log No.: 021314-41-USN

Dear Captain Army,

Thank you for contacting our department. We have reviewed the materials you provided for the proposed Northwest Testing & Training Project within Washington.

We do not concur with your Determination of No Historic Properties Affected.

While we appreciate the detailed recitations in your letter, there is, as of this date, no professionally authored cultural resources report with the relevant sub-discipline reports on each of the types of cultural resources in the Area of Potential Effect, nor are there any completed site forms in the Wisaard under this project.

What is particularly important in any report, and especially for one of this type of undertaking, is actual field work testing and analyzing the assumptions built into your analysis.

While we appreciate your recitation of tribal outreach efforts and purported consultations, what is missing is the actual substantive results from your efforts. You note that specific tribes have requested the Navy conduct traditional cultural place studies and landscape scale analysis, but this has not been done.

Given the scale of the undertaking and the acknowledgment of the traditional cultural values associated with the Salish Sea we believe a more robust effort is necessary for the Navy to undertake the requested professional studies.

We believe much additional professional work is needed to arrive at a correct determination of effect that will reflect the true scale of the Navy's impact to significant cultural resources in the Salish Sea.

Given your acknowledged uncertainties on the information and effects we believe continued consultations are necessary both to resolve the information needs and also to create and implement a collaborative monitoring program to assure effects are carefully monitored and mitigation efforts can be successfully implemented.

State of Washington • Department of Archaeology & Historic Preservation
P.O. Box 48343 • Olympia, Washington 98504-8343 • (360) 586-3065
www.dahp.wa.gov



We look forward to further consultations and the development of a correct determination of effect and an agreed upon monitoring effort during the life of the undertaking.

We appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4).

These comments are based on the information available at the time of this review and on the behalf of the State Historic Preservation Officer in conformance with Section 106 of the National Historic Preservation Act and its implementing regulations 36CFR800. Should additional information become available, our assessment may be revised. Thank you for the opportunity to comment and a copy of these comments should be included in subsequent environmental documents.

Sincerely,



Robert G. Whitlam, Ph.D.
State Archaeologist
(360) 586-3080
email: rob.whitlam@dahp.wa.gov



I.8.3 Navy Letter to Alaska State Historic Preservation Officer



DEPARTMENT OF THE NAVY
NAVAL BASE KITSAP
120 SOUTH DEWEY ST
BREMERTON, WA 98314-5020

5090
Ser PRB4/00487
9 Mar 18

Ms. Judith E. Bittner
Chief, Office of History and Archaeology, and State Historic
Preservation Officer (SHPO)
550 West 7th Ave., Suite 1310
Anchorage, Alaska 99501-3565

SUBJECT: CONTINUATION OF NORTHWEST TRAINING AND TESTING (NWT)
NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION

Dear Ms. Bittner:

The purpose of this letter is to provide you with information concerning the status of the Navy's continuation of military training and testing activities that were previously the subject of consultation with your office (File number 3130-IR Navy). Although some levels of activities have increased or decreased, the types of activities have not changed. Therefore, the potential for the activities to affect historic properties has not changed nor has the area of potential effect (APE). The Navy is continuing public outreach with local communities and government-to-government consultation with five affected tribes. The Navy will take into consideration new information about historic properties if received, however, at this time none of the criteria for re-initiation of consultation as set forth in 36 Code of Federal Regulations (C.F.R.) §800 are triggered.

The undertaking will continue to occur in established maritime operating areas and warning areas in the eastern North Pacific Ocean, including the Southeast Alaska Acoustic Measurement Facility in Western Behm Canal (Enclosure 1). The Navy determined the nature of the testing activities had low potential to affect any unidentified properties, let alone affect character defining features that would qualify submerged structures or objects for listing in the National Register of Historic Places or result in potential loss of information from inundated archaeological deposits. Accordingly, the Navy determined the proposed undertaking would result in No Adverse Effect on Historic Properties in a letter dated June 23, 2015

SUBJECT: CONTINUATION OF NORTHWEST TRAINING AND TESTING (NWTI)
NATIONAL HISTORIC PRESERVATION ACT SECTION 106
CONSULTATION

(received by your office on June 30, 2015). Your office
concurred with this determination on July 20, 2015.

Because the Navy's training and testing activities and the
APE remain the same, the Navy's previous determination of No
Adverse Effect on Historic Properties remains unchanged. None
of the circumstances articulated at 36 C.F.R. § 800.8(c)(5) are
present. Therefore, the Navy is not requesting to reinitiate
consultation at this time.

If you need additional information or have questions, please
feel free to contact Mr. David Grant, who can be reached at
(360) 396-0919 or via email at dave.m.grant@navy.mil.

Sincerely,



E. A. Schrader
Captain, U.S. Navy
Commanding Officer

I.8.4 Alaska State Historic Preservation Officer Response Letter to the Navy

From: Grant, Dave M CIV NAVFAC NW, EV9
Sent: Wednesday, February 27, 2019 8:28 AM
To: Queen, Jacqueline M CIV NAVFAC NW, PRW4; Mosher, John G CIV COMPACFLT, N465JM; Thedwall, Craig S CDR NLSC, RLSO NW, SJA; Thompson, Sean M. CDR COMPACFLT N465; Kler, Kimberly H CIV NAVFAC NW, EV21; Abramson, Kerry L CAPT COMPACFLT N46
Subject: FW: Northwest Training and Testing
Signed By:

Per action item from T21 Feb NWTT Tribal/Cultural Working Group meeting.

-----Original Message-----

From: Meitl, Sarah J (DNR)
Sent: Tuesday, February 26, 2019 5:09 PM
To: Grant, Dave M CIV NAVFAC NW, EV9
Subject: [Non-DoD Source] Northwest Training and Testing

File No. 3130-1R / 2018-00375

Hi Dave,

Thank you for contacting our office. As we discussed over the phone, the Alaska State Historic Preservation Office received correspondence from the Navy concerning the continuation of Northwest Training and Testing in March of 2018. Our office reviewed the project and agreed that it did not require re-initiation of Section 106 consultation. We logged the project in our database and listed our action as "No Response Necessary" on April 26, 2018. Please contact me if you have any questions or if our office can be of further assistance.

Best,

Sarah Meitl

Review and Compliance Coordinator

Alaska State Historic Preservation Office / Office of History and Archaeology

550 West 7th Avenue, Suite 1310

Anchorage, AK 99501-3510

I.9 Olympic Coast National Marine Sanctuary Consultation

I.9.1 Navy Request Letter to the National Oceanic and Atmospheric Administration Office of National Marine Sanctuaries



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
260 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96880-3131

IN REPLY REFER TO:
5090
Ser N465/0555
April 29, 2020

Ms. Vicki Wedell
NOAA Office of National Marine Sanctuaries
National Permit Coordinator
1305 East-West Highway
Silver Spring, MD 20910

Dear Ms. Wedell:

SUBJECT: REQUEST FOR CONSULTATION FOR U.S. NAVY TRAINING AND
TESTING ACTIVITIES WITHIN THE OLYMPIC COAST NATIONAL
MARINE SANCTUARY

In accordance with Section 304(d) of the National Marine Sanctuaries Act, the U.S. Navy submits the enclosed Sanctuary Resource Statement (SRS) to initiate consultation for the Northwest Training and Testing (NWT) activities that overlap with the Olympic Coast National Marine Sanctuary (OCNMS).

The proposed action may incidentally expose marine resources within the OCNMS to sound and other environmental stressors associated with training and testing activities. The activities are described and analyzed in the SRS.

We appreciate your continued support in helping the U.S. Navy meet its environmental responsibilities. My point of contact is Ms. Andrea Balla-Holden (360) 396-0002.

Sincerely,

MCNAIRDANIELAN
THONY.1166125894

Digitally signed by
MCNAIRDANIELANTHONY.116612
5894
Date: 2020.04.29 11:24:57 -10'00'

D. A. McNAIR
Director, Fleet Environmental Readiness Division
By direction of the Commander

Enclosure: 1. SRS for the U.S. Navy's NWT activities in the OCNMS

Copy to: Ms. Leila Hatch, NOAA Office of National Marine Sanctuaries
Ms. Carol Bernthal, Superintendent, Olympic Coast National Marine Sanctuary
Ms. Jolie Harrison, F/PR1 Office of Protected Resources
Ms. Kris Peterson, F/PR5, Office of Protected Resources
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