



DEPARTMENT OF THE NAVY

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

IN REPLY REFER TO:

5090

Ser N465/1462

December 09, 2019

Mr. Tyrone J. Taitano
Director
Bureau of Statistics and Plans
P.O. Box 2950
Hagatna, Guam 96932

Dear Mr. Taitano:

**SUBJECT: CONSISTENCY DETERMINATION FOR MILITARY TRAINING AND
TESTING WITHIN THE GUAM COASTAL ZONE**

In accordance with the Federal Coastal Zone Management Act (CZMA) and 15 C.F.R. Part 930, the U.S. Navy submits the enclosed Federal Consistency Determination (CD) for proposed activities in the Mariana Islands Training and Testing (MITT) Study Area that have reasonably foreseeable coastal effects on the coastal use or resources of Guam.

Based on the enclosed consistency determination and the activities and analysis contained in the enclosed Draft Supplemental Environmental Impact Statement/Overseas Impact Statement (DSEIS/OEIS), the Navy finds that the proposed military training and testing activities presented in Alternative 2 are consistent to the maximum extent practicable with the enforceable policies of the Guam Coastal Management Program.

We look forward to your timely review of and concurrence with the Navy's determination. If you have any questions, please contact Mr. John Van Name at (808) 471-1714 or john.vanname@navy.mil or Ms. Suzanne Smith at (808) 471-4696 or suzanne.smith3@navy.mil.

Sincerely,

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

Enclosures: (1) CD for Guam
(2) CDROM – MITT DSEIS/OEIS

Copy to: COMNAVREGMARIANAS (w/o enclosure)
OPNAV N45 (w/o enclosure)

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STATISTICS AND PLANS

COASTAL ZONE MANAGEMENT ACT CONSISTENCY DETERMINATION FOR GUAM

Submitted to:

Government of Guam
Bureau of Statistics and Plans
P.O. Box 2950
Hagatna, Guam 96932

Submitted by:

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

DECEMBER 2019

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STATISTICS AND PLANS

COASTAL ZONE MANAGEMENT ACT CONSISTENCY DETERMINATION

The United States (U.S.) Department of the Navy (Navy) has prepared a supplement to the 2015 Mariana Islands Training and Testing (MITT) Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) (U.S. Department of the Navy, 2015b) pursuant to 40 Code of Federal Regulations (CFR) section 1502.9(c)(1). This Consistency Determination is part of the Navy's Phase III of environmental compliance for training and testing activities in the Mariana Islands. The Navy completed consistency determinations for previous phases of Navy activities in the Mariana Islands. The 2015 MITT Final EIS/OEIS served as the basis for the Navy's Phase II Consistency Determination.

The nature of training and testing activities included in Phase III are similar to those described in the 2015 MITT Final EIS/OEIS. However, some activities have increased or decreased in tempo. Additionally, some activities have been reclassified or differ slightly from the Phase II Consistency Determination (submitted June 4, 2014, to the Guam Coastal Management Program; concurrence received August 29, 2014, from the Guam Bureau of Statistics and Plans). Activities previously analyzed that would occur at the same or decreased levels are not included herein. Activities not previously included in the Phase II determination, as well as those that would increase in tempo or in the number of expended materials, are included, even if the increase would be minor.

This Coastal Consistency Determination supplements the 2014 Phase II Consistency Determination to account for changes in the Navy's proposed training and testing activities necessary to meet mission needs. The Navy has prepared this Consistency Determination to provide the Guam Coastal Management Program (GCMP) with the U.S. Navy's Consistency Determination under the Coastal Zone Management Act (CZMA) section 307(c)(1) and 15 CFR Part 930, Subpart C, for military training and testing that may have reasonably foreseeable effects on any coastal use or resource of Guam. The information in this consistency determination is provided pursuant to 15 CFR Part 930.39. Proposed military training and testing activities are described in the MITT Draft Supplemental EIS/OEIS, Chapter 2 (Description of Proposed Action and Alternatives). Potential environmental impacts on coastal resources are described in Chapters 3 (Affected Environment and Environmental Consequences) and 4 (Cumulative Impacts) of the MITT Draft Supplemental EIS/OEIS, and foreseeable coastal effects are summarized below.

The GCMP defines the "coastal zone" of Guam to include all non-federal property within the Territory, including offshore islands and the submerged lands and waters extending seaward to a distance of 3 nautical miles (NM). The United States federal government retained the rights to certain lands and mineral rights to include "all submerged lands adjacent to property owned by the United States above the line of mean high tide" in 48 United States Code section 1705(b)(ii). The National Oceanic and Atmospheric Administration Office of Ocean and Coastal Resources oversees implementation of the CZMA and the GCMP provides day-to-day implementation of coastal management of waters or submerged lands outside of U.S. federal jurisdiction.

Proposed military training and testing activities have the potential to affect uses and natural resources of Guam's coastal zone, as described in the attached completed GCMP Assessment Form and in the MITT Draft Supplemental EIS/OEIS. Per 15 CFR part 930.33, the Navy assessed reasonably foreseeable direct and indirect effects on Guam's defined coastal zone and Guam's resources, and reviewed relevant management programs (enforceable policies) of the GCMP in accordance with the CZMA. The Navy determined that certain Department of Defense actions that occur outside Guam's coastal zone could have reasonably foreseeable effects on coastal uses or resources within Guam's coastal zone. Proposed actions that could affect coastal uses or resources are subject to CZMA federal consistency

requirements. This consistency determination has been prepared in accordance with Guam's *Procedures Guide for Achieving Federal Consistency with the Guam Coastal Management Program* (Bureau of Statistics and Plans May 2011).

Based on the information, data, and analysis contained in the attached completed GCMP Assessment Form and in the enclosed MITT Draft Supplemental EIS/OEIS, the Navy finds that the proposed military training and testing activities are consistent to the maximum extent practicable with the enforceable policies of the GCMP.

Pursuant to 15 CFR part 930.41, the GCMP has 60 days from the receipt of this letter in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR part 930.41(b). Guam's concurrence will be presumed if Guam's response is not received by the Navy on the 60th day from receipt of this determination.

**GUAM COASTAL MANAGEMENT PROGRAM
ASSESSMENT FORM**

DATE OF APPLICATION: _____
NAME OF APPLICANT: Department of the Navy
ADDRESS: _____
TELEPHONE NUMBER: _____ Fax No. _____ Cell No. _____
E-MAIL ADDRESS: _____

TITLE OF PROJECT:
Military Training and Testing

COMPLETE FOLLOWING PAGES**FOR BUREAU OF STATISTICS AND PLANS ONLY:**

DATE APPLICATION RECEIVED: _____
OCRM NOTIFIED: _____ LIC. AGENCY NOTIFIED: _____
APPLICANT NOTIFIED: _____ PUBLIC NOTICE GIVEN: _____
OTHER AGENCY REVIEW
REQUESTED: _____

DETERMINATION:
() CONSISTENT () NON-CONSISTENT () FURTHER INFORMATION REQUESTED
OCRM NOTIFIED: _____ LIC. AGENCY NOTIFIED: _____
APPLICANT NOTIFIED: _____
ACTION LOG:
1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

DATE REVIEW COMPLETED: _____

DEVELOPMENT POLICIES (DP):

DP 1. SHORE AREA DEVELOPMENT

- Intent:** To ensure environmental and aesthetic compatibility of shore area land uses.
- Policy:** Only those uses shall be located within the Seashore Reserve that enhance, are compatible with, or do not generally detract from the surrounding coastal area's aesthetic and environmental quality and beach accessibility; or can demonstrate dependence on such a location and the lack of feasible alternative sites.
- Discussion:** Not applicable. The Proposed Action does not include any shore area development on Guam or shore area/land-based training activities.

DP 2. URBAN DEVELOPMENT

- Intent:** To cluster high-impact uses to ensure coherent community design, function, infrastructure support, and environmental compatibility.
- Policy:** Commercial, multi-family, industrial, and resort-hotel zone uses and uses requiring high levels of support facilities shall be concentrated within appropriate zone as outlined on the Guam Zoning Code.
- Discussion:** Not applicable. The Proposed Action does not involve the development of commercial, multi-family, industrial, or resort-hotel zone uses or uses requiring high levels of support facilities.

DP 3. RURAL DEVELOPMENT

- Intent:** To provide a development pattern compatible with environmental and infrastructure support suitability and which can permit traditional lifestyle patterns to continue to the extent practicable.
- Policy:** Rural districts shall be designated in which only low-density residential and agricultural uses will be acceptable. Minimum lot size for these uses should be one-half acre until adequate infrastructure including functional sewerage is provided.
- Discussion:** Not applicable. The Proposed Action does not involve residential development and agricultural uses.

DP 4. MAJOR FACILITY SITING

- Intent:** To include the national interest in analyzing the siting proposals for major utilities, fuel, and transport facilities.
- Policy:** In evaluating the consistency of proposed major facilities with the goals, policies, and standards of the comprehensive development and coastal management plans, Guam shall recognize the national interest in the siting of such facilities, including those associated with electric power production and transmission, petroleum refining and transmission, port and air installations, solid waste disposal, sewage treatment, and major reservoir sites.
- Discussion:** Not applicable. The Proposed Action does not involve construction or siting of major utilities, fuel, or transport facilities.

DP 5. HAZARDOUS AREAS

Intent: Development in hazardous areas will be governed by the degree of hazard and the land use regulations.

Policy: Identified hazardous lands, including flood plains, erosion-prone areas, air installations, crash and sound zones, and major fault lines, shall be developed only to the extent that such development does not pose unreasonable risks to the health, safety, or welfare of the people of Guam and complies with the land use regulations.

Discussion: Not applicable. The Proposed Action does not involve development in hazardous areas.

DP 6. HOUSING

Intent: To promote efficient community design placed where the resources can support it.

Policy: The government shall encourage efficient design of residential areas, restrict such development in areas highly susceptible to natural and manmade hazards, and recognize the limitations of the island's resources to support historical patterns of residential development.

Discussion: Not applicable. The Proposed Action does not involve residential development.

DP 7. TRANSPORTATION

Intent: To provide transportation systems while protecting potentially impacted resources.

Policy: Guam shall develop an efficient and safe transportation system, while limiting adverse environmental impacts on primary aquifers, beaches, estuaries, coral reefs and other coastal resources.

Discussion: Not applicable. The Proposed Action does not include the development of transportation systems.

DP 8. EROSION AND SILTATION

Intent: To control development where erosion and siltation damage is likely to occur.

Policy: Development shall be limited in areas of 15 percent or greater slope by requiring strict compliance with erosion, sedimentation, and land use districting guidelines, as well as other related land use standards for such areas.

Discussion: Not applicable. The Proposed Action does not involve any development; therefore, erosion and siltation damage due to development would not occur.

RESOURCES POLICIES (RP):

RP 1. AIR QUALITY

Intent: To control activities to ensure good air quality.

Policy: All activities and uses shall comply with all local air pollution regulations and all appropriate federal air quality standards to ensure the maintenance of Guam's relatively high air quality.

Discussion: A comprehensive air quality impact analysis of the Proposed Action is presented in Section 3.2 (Air Quality) of the MITT Draft Supplemental EIS/OEIS and is summarized in the following paragraphs.

The training and testing activities described in the MITT Draft Supplemental EIS/OEIS would occur mostly offshore of Guam, although some elements of the Proposed Action would occur within or over Naval Base Guam Apra Harbor, Agat Bay and within or over the Guam coastal zone. Guam meets all national and local ambient air quality standards except for the areas of Piti-Cabras, which is nonattainment of the sulfur dioxide primary National Ambient Air Quality Standards. The nonattainment area extends in a circle with a radius of 6.074 miles from the power-generating facilities. This circle encompasses the majority of Apra Harbor, Agat Bay, and nearshore areas, which includes the Piti Floating Mine Neutralization Site.

Most of the training and testing area is offshore, where attainment status is unclassified and Clean Air Act National Ambient Air Quality Standards do not apply to nearer shore areas. For the criteria pollutant sulfur dioxide, the General Conformity rule applies and the *de minimis* threshold is used to determine conformity. Given fluctuations in wind direction, air quality in adjacent onshore areas may be affected by releases of air pollutants from offshore training and testing sources.

Criteria air pollutants are generated by the combustion of fuel by surface vessels, fixed-wing, and rotary-wing aircraft. They are also generated by the combustion of explosives and propellants in various types of munitions. Propellants used to fire small-, medium-, and large-caliber projectiles generate criteria pollutants when detonated. Nonexplosive practice munitions contain spotting charges and propellants that generate criteria air pollutants when they function. Powered targets require fuel, generating criteria air pollutants during their operation, and towed targets generate criteria air pollutants secondarily because another aircraft or vessel is required to provide power. Chaff cartridges used by ships and aircraft are launched by an explosive charge that generates small quantities of criteria air pollutants. Countermeasure flares, parachute flares, and smoke floats are designed to burn for a prescribed period, emitting criteria pollutants in the process. Criteria pollutants emitted in the Study Area within territorial waters could be transported ashore but would not affect the attainment status of the relevant air quality control regions for the reasons described below.

Trace amounts of hazardous air pollutants would be emitted by combustion sources and use of ordnance. Hazardous air pollutants such as rocket motor exhaust and unspent missile fuel vapors may be emitted during missile and target use. Hazardous air pollutants are generated, in addition to criteria air pollutants, by combustion of fuels, explosives, propellants, and the materials of which targets, munitions, and other training and testing materials are constructed (e.g., plastic, paint, wood). Fugitive volatile and semivolatile

petroleum compounds also may be emitted whenever mechanical devices are used. These emissions are typically one or more orders of magnitude smaller than concurrent emissions of criteria air pollutants, and only become a concern when large amounts of fuel, explosives, or other materials are consumed during a single activity or in one location. Even though criteria and hazardous air pollutants can co-occur in time and space, these training and testing activities do not all occur simultaneously on a continuous basis. Sufficient dispersion would occur between training and testing activities; as a result, impacts on air quality would be short term in all areas.

Air pollutants from offshore training and testing activities would not have a measurable impact on air quality in coastal waters or on adjacent land because of the distances from land at which the majority of pollutants are emitted and the generally strong ventilation resulting from regional meteorological conditions. The reasonably foreseeable direct and indirect effect of military training and testing activities on Guam's air quality as a resource of the Guam coastal zone is an increase in air pollutants. Because these emissions are intermittent and short term, the foreseeable direct or indirect effect on uses and other resources of the Guam coastal zone is minimal.

Based on a detailed stressor analysis presented in the MITT Draft Supplemental EIS/OEIS, Section 3.2 (Air Quality), specifically Section 3.2.2 (Environmental Consequences), and, as summarized above, the Navy has determined that the air emissions generated as a result of the Proposed Action would be minimal, intermittent, and short term. Additionally, the Navy evaluated all training and testing activities that occur within the non-attainment area and determined that emissions from these activities do not exceed the *de minimis* criteria for sulfur dioxide and are exempt from the General Conformity Rule. Thus, the Proposed Action would not have a significant impact on ambient air quality. Based on the above analysis, the Navy finds that the proposed military training and testing activities are fully consistent with the enforceable policy on air quality of the GCMP.

RP 2. WATER QUALITY

- Intent:** To control activities that may degrade Guam's drinking, recreational, and ecologically sensitive waters.
- Policy:** Safe drinking water shall be ensured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuaries, reefs, and aquifer areas.
- Discussion:** A comprehensive water quality impact analysis of the Proposed Action is presented in Section 3.1 (Sediments and Water Quality) of the MITT Draft Supplemental EIS/OEIS and additional supporting information regarding the water quality assessment is summarized in the following paragraphs. The MITT Final Supplemental EIS/OEIS will be updated to include the additional data presented below.

Land-based training on Guam was analyzed in the 2015 MITT Final EIS/OEIS and was not reanalyzed in the MITT Draft Supplemental EIS/OEIS, as there are no changes in land-based training proposed. The MITT Draft Supplemental EIS/OEIS does not involve activities that would degrade drinking water or degrade recreational and ecologically sensitive waters on Guam.

Research conducted at World War II era disposal sites and military ranges inform the analysis of potential impacts on sediments and water quality in the marine environment

from the use of explosives and explosion byproducts, military expended materials with metal components, and chemicals other than explosives associated with military expended materials. Sampling and analysis of sediments and waters at World War II underwater munitions disposal sites off Hawaii (Briggs et al., 2016; Kelley et al., 2016; Koide et al., 2015) evaluated the sites for contaminants and other effects, including:

- Distribution of chemical warfare agents, energetics, and metals in sediments
- Analysis of towed camera images to determine the effects of disposed mustard-filled bombs on the deep water benthic community
- Bioaccumulation of chemical warfare agents, energetic materials, and metals in deep-sea shrimp from discarded military munitions sites off Pearl Harbor

On a localized scale, the studies at the disposal sites investigated the sediments, seawater, or marine life, depending on the study, in close proximity to corroding munitions to determine if released constituents from the munitions (including explosive materials and metals) could be detected. Comparisons were made between disposal site samples and “clean” nearby reference sites. Analysis of the samples showed no confirmed detection for explosive materials despite decades since the disposal and a relatively high concentration of munitions at the site. Munitions residing on the seafloor as a result of training and testing activities would be more widely dispersed with much lower concentrations than munitions in a disposal site.

The intensively used live-fire range on the island of Farallon De Medinilla was surveyed and found to be serving as a de-facto marine protected area for reef fishes when compared to similar habitat where fishing occurs. Investigations found that intact munitions (i.e., ones that failed to detonate or non-explosive practice munitions) residing in or on soft sediment habitats provided hard substrate similar to other disposed objects or “artificial reefs” that attracted “hard substrate species,” which would not have otherwise colonized the area. Sampling these species revealed that there was no bioaccumulation of munitions-related chemicals in the species (Smith & Marx, 2016).

On a broader scale, the island of Farallon De Medinilla has been used as a target area for both explosive and non-explosive munitions since 1971. Between 1997 and 2012, the Navy has conducted 14 underwater scientific surveys around the island, providing a consistent, long-term investigation of a single site where munitions have been used regularly (Smith & Marx, 2016). Marine life assessed during these surveys included algae, corals, benthic invertebrates, sharks, rays, bony fishes, and sea turtles. The investigators found no evidence, over the 16-year period, that the condition of the physical or biological resources had been adversely impacted to a significant degree by the training activities (Smith & Marx, 2016). Furthermore, they found that the health, abundance, and biomass of fishes, corals and other marine resources were comparable to or superior to those in similar habitats at other locations within the Mariana Archipelago.

These findings are consistent with other assessments, such as the water range condition assessment for the Potomac River Test Range at Dahlgren, Virginia, which was established in 1918 and is the Nation’s largest fully instrumented, over-the-water gun-firing range. The concentrations of munitions are also substantially greater than munitions concentrations that would occur in the MITT Study Area as a result of training and testing activities.

Multiple investigations since 2007 involving survey and sampling of World War II munitions disposal sites off Oahu Hawaii and other locations have found the following (Briggs et al., 2016; Edwards & Beldowski, 2016; Edwards et al., 2016a; Edwards et al., 2016b; Koide et al., 2016; Silva & Chock, 2016): (1) chemicals and degradation products, including explosive materials, from underwater munitions “do not pose a risk to human health or to fauna living in direct contact with munitions;” (2) metals measured in sediment samples next to World War II munitions are lower than naturally occurring marine levels and “do not cause a significant impact on the environment;” and (3) sediment is not a significant sink of chemicals released by degradation of the explosive components in munitions.

The concentrations of explosive munitions and any associated explosives byproducts at any single location in the waters around Guam would be a small fraction of the totals that have accumulated over decades at World War II-era disposal sites and military ranges. Sampling at these sites has shown minimal to no measurable impacts on water quality, marine sediments, and benthic fauna. Activities including the use of explosives and explosion byproducts, military expended materials with metal components, and chemicals other than explosives would occur in federally owned submerged land, or more than 3 NM off shore, thus outside of Guam’s coastal zone. The activities would have no significant effect on sediments and water quality within Guam’s coastal zone because impacted sediments and water quality would only be immediately adjacent to the munition. Chemical, physical, or biological changes in sediment or water quality would be measurable at the detonation site, but neither state nor federal standards or guidelines would be violated. This conclusion on the level of impact is based on the following: (1) most of the explosives would be consumed during detonation; (2) the frequency of low-order detonations would be low, and therefore the frequency of releases of explosives directly into the water column would be low; (3) the amounts of explosives used would be small relative to the area over which they would be distributed; and (4) the constituents of explosives would be subject to physical, chemical, and biological processes that would render the materials harmless or otherwise disperse them to undetectable levels.

While there are no existing standards and guidelines in Guam for marine sediments and water quality related to explosives and explosive byproducts or metals in the marine environment, the Environmental Protection Agency has established criteria for concentrations of explosives, explosive byproducts, and metals in saltwater. Based on the analysis presented above and in the MITT Draft Supplemental EIS/OEIS, existing federal standards and guidelines would not be violated.

Therefore, based on the above analysis and the analysis presented in the MITT Draft Supplemental EIS/OEIS, the Proposed Action would be fully consistent with the GCMP enforceable policy to ensure safe drinking water and protect aquatic recreation sites from uses and discharges that pose a pollution threat to Guam’s waters, particularly in estuaries, reefs, and aquifer areas.

RP 3. FRAGILE AREAS

Intent: To protect significant cultural areas, and natural marine and terrestrial wildlife and plant habitats.

Policy: Development in the following types of fragile areas, including Guam's marine protected areas, shall be regulated to protect their unique character.

- Historical and archeological sites
- Wildlife habitats
- Pristine marine and terrestrial communities
- Limestone forests
- Mangrove stands and other wetlands
- Coral reefs

Discussion: The proposed military training and testing activities do not include any development activities. The 2015 MITT Final EIS/OEIS analyzed land-based training on Guam; the MITT Draft Supplemental EIS/OEIS did not reanalyze land-based training, as there are no changes in land-based training proposed. The MITT Draft Supplemental EIS/OEIS provides detailed analyses of impacts on fragile areas listed above including federally owned lands.

Historical and Archeological Sites. Historical and archeological sites are discussed in Section 3.11 (Cultural Resources) of the MITT Draft Supplemental EIS/OEIS. The Navy determined stressors from Navy training and testing activities would not adversely affect cultural resources on or around Guam. The Navy will continue to implement measures to protect submerged cultural resources. Measures to protect cultural resources are defined in the various cultural resources management plans developed by the military for its installations on Guam and in the Programmatic Agreement among the Department of Defense Representative Guam; Commonwealth of the Northern Mariana Islands; Federated States of Micronesia and Republic of Palau; Joint Region Marianas; Commander, Navy Region Marianas; Commander, 36th Wing, Andersen Air Force Base; the Guam Historic Preservation Officer; and the Commonwealth of the Northern Mariana Islands Historic Preservation Officer Regarding Military Training in the Marianas (U.S. Department of Defense, 2009). The Programmatic Agreement expires in December 2019, and the Navy is pursuing a new Programmatic Agreement to maintain full compliance with the National Historic Preservation Act.

Wildlife Habitats. Not applicable. The 2015 MITT Final EIS/OEIS analyzed land-based training on Guam; the MITT Draft Supplemental EIS/OEIS did not reanalyze land-based training, as there are no changes in land-based training proposed.

Pristine Marine and Terrestrial Communities. Section 3.3 (Marine Habitats), Section 3.7 (Marine Vegetation), and Section 3.8 (Marine Invertebrates) of the MITT Draft Supplemental EIS/OEIS discusses marine communities. As noted above under wildlife habitats, the Proposed Action does not involve land-based areas on Guam or training and testing activities that would affect terrestrial wildlife habitat on Guam. Acoustic stressors, physical disturbances, and strike stressors associated with the proposed training and testing activities within federally owned submerged lands, would not diminish the ability of soft shores, soft bottoms, hard shores, or hard bottoms to function as habitat.

Limestone Forests, Mangrove Stands, and Other Wetlands. Not applicable. The Proposed Action does not involve land-based areas on Guam or training and testing activities that would affect limestone forests, mangrove stands, and other wetlands on Guam.

Coral Reefs. Coral reefs and hardbottom habitats in military training and testing areas of Guam are discussed in Section 3.3 (Marine Habitats) and Section 3.8 (Marine

Invertebrates) of the MITT Draft Supplemental EIS/OEIS. Impacts on corals and coral reefs are discussed under RP4 (Living Marine Resources).

The reasonably foreseeable direct and indirect effects from impacts on fragile areas from military training and testing activities on the uses and resource of the Guam coastal zone would be minimal. Training and testing activities including the use of vessels, in-water devices, military expended materials, and seafloor devices may impact individual marine invertebrates and groups of marine invertebrates associated with the Guam coastal zone. However, these activities are unlikely to impact populations or subpopulations of marine invertebrates. Activities that occur within federally owned submerged lands, such as the use of explosives, may result in minimal effects to Guam coastal zone waters adjacent to federally submerged lands; however, these activities are unlikely to impact populations or subpopulations of marine invertebrates. Activities occurring 3 NM beyond Guam would not result in effects to Guam coastal zone waters.

Based on a detailed stressor analysis presented in the MITT Draft Supplemental EIS/OEIS, Section 3.3 (Marine Habitats), Section 3.7 (Marine Vegetation), Section 3.8 (Marine Invertebrates), Section 3.11 (Cultural Resources) and information summarized above, the Navy has determined that the Proposed Action would be carried out in a manner that would protect submerged cultural resources, and natural marine wildlife and plant habitats, from disruption and minimize adverse impacts on these fragile resources. As evident from the standard operating procedures and mitigation measures detailed in Chapter 2 (Section 2.3.3 Standard Operating Procedures) and Chapter 5 (Mitigation) of the MITT Draft Supplemental EIS/OEIS, the Navy's Proposed Action provides special protection to historical and archeological sites, pristine marine communities and coral reefs. Based on the above analysis, the Navy finds that the proposed military training and testing activities are fully consistent with the enforceable policy on fragile areas of the GCMP.

RP 4. LIVING MARINE RESOURCES

Intent: To protect marine resources in Guam's waters.

Policy: All living resources within the waters of Guam, particularly fish, shall be protected from overharvesting and, in the case of corals, sea turtles, and marine mammals, from any taking whatsoever.

Discussion: The MITT Draft Supplemental EIS/OEIS provides detailed analyses of impacts on fishes, corals, sea turtles, and marine mammals. The impacts analyses are summarized below. The Navy has initiated the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) compliance processes with the National Marine Fisheries Service (NMFS).

Fishes. Fishes are discussed in Section 3.9 (Fishes) of the MITT Draft Supplemental EIS/OEIS. The Proposed Action does not involve the harvesting of fish. However, stressors to fishes include acoustic (sonar and other transducers, vessel noise, aircraft noise, weapons noise), explosives (in-water explosions), energy (in-water electromagnetic devices and high-energy lasers), physical disturbance and strike (vessels and in-water devices, military expended materials), entanglement (wires and cables, decelerators/parachutes), ingestion (military expended materials – munitions, and military expended materials - other), and secondary (from impacts on sediments and water quality). Impacts from stressors to fishes would be localized. Although potential impacts on individuals of certain fish species from the Proposed Action may include injury or

mortality, impacts are not expected to decrease the overall fitness of any given population. Pursuant to the ESA, the stressors listed above may affect ESA-listed fish.

Corals. Corals are discussed in Section 3.3 (Marine Habitats) and Section 3.8 (Marine Invertebrates) of the MITT Draft Supplemental EIS/OEIS. Pursuant to ESA, explosive stressors (in-water explosions), physical disturbance and strike stressors (vessels and in-water devices, military expended materials, seafloor devices), entanglement (wires and cables, decelerators/parachutes), ingestion stressors (military expended materials – munitions, and military expended materials – other), and secondary stressors (from impacts on sediments and water quality) may affect ESA-listed *Acropora retus*, *Seriatopora aculeata*, and *Acropora globiceps* corals. Acoustic stressors and energy stressors would have no effect on corals.

Sea Turtles. Sea turtles are discussed in Section 3.5 (Sea Turtles) of the MITT Draft Supplemental EIS/OEIS. Stressors to sea turtles from the Proposed Action include acoustic (sonar and other transducers, vessel noise, aircraft noise, weapons noise), explosive (in-water explosions), energy (in-water electromagnetic devices and high-energy lasers), physical disturbance and strike (vessels and in-water devices, military expended materials, seafloor devices), entanglement (wires and cables, decelerators/parachutes), ingestion (military expended materials – munitions, and military expended materials – other), and secondary (impacts on habitat, impacts on prey availability). Pursuant to the ESA, stressors listed above may affect the ESA-listed green, hawksbill, loggerhead, leatherback, and olive ridley sea turtles; however, not all listed stressors affect all sea turtles the same.

Marine Mammals. Marine mammals are discussed in Section 3.4 (Marine Mammals) of the MITT Draft Supplemental EIS/OEIS. Stressors to marine mammals from the Proposed Action include acoustic (sonar and other transducers, vessel noise, aircraft noise, weapons noise), explosives (in-water explosions), energy (in-water electromagnetic devices and high-energy lasers), physical disturbance and strike (vessels and in-water devices, military expended materials, seafloor devices), entanglement (wires and cables, decelerators/parachutes), ingestion (military expended materials – munitions, and military expended materials – other), and secondary (impacts on habitat, impacts on prey availability). Pursuant to the ESA, the stressors listed above may affect ESA-listed marine mammals.

The Navy is consulting with NMFS under the MMPA. Pursuant to the MMPA, acoustic and explosive sources may result in Level A and Level B harassment of certain marine mammals. The analysis completed by the Navy predicts no mortalities and therefore the Navy is not requesting an incidental take under the MMPA for mortality.

While stressors resulting from Navy activities may result in impacts on marine mammals, which are a coastal zone resource, the implementation of mitigation measures, developed in coordination with the NMFS, would minimize adverse impacts. Section 2.3.3 (Standard Operating Procedures), Chapter 5 (Mitigation), and Appendix I (Geographic Mitigation Assessment) of the MITT Draft Supplemental EIS/OEIS provide details on the Navy's avoidance, minimization, and mitigation measures.

As discussed above, the Proposed Action has the potential to take fish, corals, sea turtles, and marine mammals. The Proposed Action stems from the Navy's statutory requirement to prepare naval forces for prompt and sustained combat operations at sea. Training with sonar and explosives in the MITT study area is integral to the Navy's ability to meet its

Title 10 obligations. Strict compliance with an enforceable policy that essentially prohibits all incidents of take on fish, corals, sea turtles, and marine mammals, would undermine the Navy's ability to meet its statutory obligations. Any take occurring as a result of the Proposed Action would be incidental to, and not the purpose of, the Navy's otherwise lawful training and testing activities.

The Navy is consulting with the NMFS to ensure that the Proposed Action will not put the population and the future of these species in jeopardy, or adversely impact their viability as a coastal zone resource. The potential impacts on listed species from the proposed military readiness activities will be thoroughly analyzed by Navy biologists and rigorously scrutinized by experts from the NMFS. Also, the Proposed Action includes an extensive suite of protective measures designed specifically to help avoid or minimize any potential impacts on protected species. See Section 2.3.3 (Standard Operating Procedures), Chapter 5 (Mitigation), and Appendix I (Geographic Mitigation Assessment) of the MITT Draft Supplemental EIS/OEIS. These measures will be updated as appropriate upon completion of the Section 7 consultation. Terms and conditions of the Section 7 consultation between the Navy and NMFS will be reflected in the Biological Opinion (BO) and the Record of Decision (ROD) for the MITT Supplemental EIS/OEIS. Overall, the Navy's compliance with the ESA will ensure that the activities proposed in the MITT Draft Supplemental EIS/OEIS are consistent with the objectives of the Guam CZM Program, while allowing the Navy to carry out its statutory mission to train and test naval forces to be prepared for combat at sea. Therefore, the Proposed Action is consistent to the maximum extent practicable with the enforceable policy to provide protection for living marine resources within the waters of Guam of the GCMP.

RP 5. VISUAL QUALITY

- Intent:** To protect the quality of Guam's natural scenic beauty.
- Policy:** Preservation and enhancement of, and respect for, the island's scenic resources shall be encouraged through increased enforcement of and compliance with sign, litter, zoning, subdivision, building, and related land-use laws. Visually objectionable uses shall be located to the maximum extent practicable so as not to degrade significant views from scenic overlooks, highways, and trails.
- Discussion:** Not applicable. All military training activities would be in the areas currently used for military training, such as Apra Harbor and Agat Bay, and would have no impact on the aesthetic quality of the island of Guam's scenic views. There would be no reasonably foreseeable direct or indirect effects to the uses and resource of the Guam coastal zone from impacts on visual quality from military training and testing.

RP 6. RECREATION AREAS

Intent: To encourage environmentally compatible recreational development.

Policy: The Government of Guam shall encourage development of varied types of recreational facilities located and maintained to be compatible with the surrounding environment and land uses, adequately serve community centers and urban areas, and protect beaches and such passive recreational areas as wildlife, marine conservation and marine protected areas, scenic overlooks, parks, and historical sites.

Developments, activities, and uses shall comply with the Guam Recreational Water Use Management Plan.

Discussion: Not applicable. The Proposed Action does not involve recreational development.

RP 7. PUBLIC ACCESS

Intent: To ensure the right of public access.

Policy: The public's right of unrestricted access shall be ensured to all non-federally owned beach areas and all Guam recreation areas, parks, scenic overlooks, designated conservation areas, and their public lands. Agreements shall be encouraged with the owners of private and federal property for the provision of releasable access to and use of resources of public nature located on such land.

Discussion: Not applicable. The Proposed Action does not involve restrictions to public access to non-federally owned beach areas, Guam recreation areas, parks, scenic overlooks, designated conservation areas, and their public lands.

RP 8. AGRICULTURAL LANDS

Intent: To stop urban types of development on agricultural land.

Policy: Critical agricultural land shall be preserved and maintained for agricultural use.

Discussion: Not applicable. The Proposed Action does not involve development on agricultural land.

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**FEDERAL CONSISTENCY
SUPPLEMENTAL INFORMATION FORM**

Date: _____

Project/Activity Title or

Description: Military Training and Testing, as described in the Mariana Islands Training and Testing Draft Supplemental Environmental Impact Statement/Overseas Environmental Impact StatementLocation: On military installations associated ports and nearshore areas, and open ocean areas

Other applicable area(s) affected, if appropriate:

Est. Start Date: August 2020 Est. Duration: Ongoing activity**APPLICANT**

Name & Title: _____

Agency/Organization: Department of the Navy

Address: _____

Zip Code: _____

Telephone No. during business hours:

A/C (____) _____

A/C (____) _____

Fax (____) _____

E-mail Address: _____

AGENT

Name & Title: _____

Agency/Organization: _____

Address: _____ Zip Code: _____

Telephone No. during business hours:

A/C (____) _____

A/C (____) _____

Fax (____) _____

E-mail Address: _____

CATEGORY OF APPLICATION (check one only)☒ I Federal Agency Activity☐ II Permit or License☐ III Grants & Assistance

TYPE OF STATEMENT (check one only)

- ☒ Consistency
☐ General Consistency (Category I only)
☐ Negative Determination (Category I only)
☐ Non-Consistency (Category I only)

APPROVING FEDERAL AGENCY (Categories II & III only)

Agency:

Contact Person:

Telephone No. during business hours:

A/C (___) _____

A/C (___) _____

Fax (___) _____

FEDERAL AUTHORITY FOR ACTIVITYTitle of Law: Title 10 – Armed Forces, United States CodeSection: Subtitle A – General Military Law, Part III – Training and Education**OTHER GUAM APPROVALS REQUIRED**

Date of: _____

Agency	Type of Approval	Date of Application	Status
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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