

DEPARTMENT OF DEFENSE
DEPARTMENT OF THE NAVY

FINDING OF NO SIGNIFICANT IMPACT FOR NAVAL SPECIAL OPERATIONS
TRAINING IN WESTERN WASHINGTON STATE

The United States Naval Special Warfare Command (NSWC) gives notice of an Environmental Assessment (EA) prepared for the Naval Special Operations (NSO) training in Western Washington State, and the determination that an Environmental Impact Statement (EIS) is not required. Preparation of the EA is pursuant to the Council on Environmental Quality regulations (40 Code of Federal Regulations [CFR] parts 1500-1508) implementing the National Environmental Policy Act, and in accordance with Department of the Navy regulations (32 CFR part 775) and Chief of Naval Operations Instruction 5090.1E.

The proposed action is to conduct small-unit intermediate and advanced cold-water maritime and land training activities for NSO personnel, and occasional inclusion of other United States Special Operations Command personnel, in the coastal and inland waters, and adjoining shore environments of Western Washington State. The proposed action will increase current training and implement future NSO training within selected nearshore lands and inland waters of the Puget Sound and the southwestern Washington coast. The training includes: launch and recovery of small watercraft; insertion and extraction of trainees and/or equipment using small watercraft; diving/swimming; moving on foot over the beach; special reconnaissance (using observation techniques in pre-arranged scenarios); simulated building clearance; high-angle climbing; training with unmanned underwater vehicles (UUVs), and use of small unmanned aircraft systems (UASs).

The purpose of the proposed action is to support intermediate and advanced small-unit NSO training in increasingly complex, cold-water maritime, and land environments. As part of the rigorous training, the trainees learn skills needed to avoid detection with the goal of leaving no trace of their presence during and after training activities. NSO designs the training to further develop and sustain skill proficiency in the cold-water maritime and land aspects to ensure combat-capable naval forces are ready to deploy worldwide. In this regard, the proposed action furthers the NSWC's execution of its congressionally mandated roles and responsibilities under Title 10 United States Code Section 167. NSWC seeks to implement the proposed action because the current NSO training in Western Washington State does not meet the full range of training activities, locations, and duration needed to satisfy NSO mission training requirements and effectively prepare personnel to conduct operations and activities in support of Combatant Commanders and United States national interests. NSWC needs to train NSO units in full mission profile training, which involves simulated building clearance, high-angle climbing, and use of UASs, in diverse training environments. Full mission profile training mimics real world mission scenarios and includes all actions NSO units would typically have to accomplish during a mission.

Since NSO units must travel to Washington State, it is more efficient and cost-effective to conduct training in training blocks. A training block comprises a 2 to 8 week period where up to 84 NSO trainees and support personnel (safety observers, medical support, boat drivers, vehicle

drivers, evaluators, and equipment repair/maintenance support) arrive in Western Washington State to participate in cold-water maritime and land-based training and ends when they leave. A training block consists of single or multiple simultaneous training events on land and in the water. During a training block, trainees and support personnel would disperse throughout the training study area; not all 84 personnel would be at one site for a training event.

A training event (a component of a training block) may consist of one or multiple training activities (e.g., launch and recovery, diver/swimmer, over the beach). During a typical training event, there would be up to 8 trainees and up to 26 support personnel (or up to 34 people in total) at a training site within the training study area. In a few instances, there could be up to 14 trainees; however, total personnel involved in any single training event would not exceed 34. For purposes of analysis, NSWC assumes that not all 34 personnel would be in the water or on land at any given time because they would be dispersed between the two areas. Training events are progressive in nature and range between 2 and 72 hours depending on the activity.

Select training sites could be located on military, public, and private lands, but NSWC would not use every site every year. Use of all public and private property would require permission of the appropriate land owner/manager. Use of training locations would vary during certain times of the year when weather, currents, scheduled public events, or protected species concerns are present. The size of the study area allows for this flexibility, which helps prevent overuse of individual training locations.

The alternatives evaluated include the No Action Alternative and three Action Alternatives:

a) The No Action Alternative would sustain current NSO training, which is restricted to a limited number of sites in Region 1, an area within one-hour of Naval Base Kitsap Keyport, Washington. Current NSO training has occurred in Region 1 for decades and would continue in select areas of Region 1 as approved in the 2015 Northwest Training and Testing Final EIS/Overseas EIS, 2010 Northwest Training Range Complex EIS/Overseas EIS, and the application of event based categorical exclusions. The training would consist of two training blocks per year with up to 70 personnel per training block (20 trainees and 50 support staff) and no more than 140 personnel per year. Training activities would include launch and recovery of the submersible or small boats, insertion and extraction of these vessels, diver/swimmer training, over-the-beach, special reconnaissance, and the use of UUVs. NSWC would use small audible recall devices to communicate with diver/swimmers and submersible drivers. NSWC did not select the No Action Alternative because it would not meet the purpose of and need for the proposed action since the NSO units would not conduct, or meet, the full mission profile training requirements.

b) Under Alternative 1, training would be the same as described in the No Action Alternative, but training tempo would increase, and new training activities added within Region 1. Training would consist of four training blocks per year with up to 70 personnel per training block (20 trainees and 50 support staff) and no more than 280 total personnel per year. Use of an individual site would not exceed 20 times per year. New training activities would include simulated building clearance and use of UAS at Navy properties (Naval Base Kitsap Keyport, Toandos Buffer Zone, and Naval Magazine Indian Island). NSWC did not select Alternative 1

because it was not as flexible as the preferred alternative due to less training locations and training blocks.

c) Under Alternative 2, training would be the same as described under Alternative 1, except for an increase in the number of training sites by including training within Region 2 and Region 3 and addition of a new training activity (high-angle climbing at Deception Pass State Park). Region 2 covers areas around Sequim Bay, Discovery Bay, Whidbey Island, and Port of Anacortes; and Region 3 covers Washington State Parks along the Western Washington Coast from Leadbetter Point State Park to Fort Columbia State Park on the Columbia River. The training would consist of four training blocks per year. All of the training blocks would occur in Region 1 with the option of using one of the training blocks in both Region 2 and Region 3 every other year. There would be up to 70 personnel per training block (20 trainees and 50 support staff) and no more than 280 total personnel per year. An individual site in Region 1 would be used no more than 20 times per year, and an individual site in Region 2 and 3 would be used no more than three times every other year. Added training activities in Region 2 would include use of UAS at Restricted Area 6701 (R6701) over parts of Whidbey Island and high-angle climbing at Deception Pass State Park. UAS, simulated building clearance, and high-angle climbing training activities would not occur in Region 3. Otherwise, all other training activities are the same as Alternative 1. Although Alternative 2 would offer more training site flexibility, NWSC did not select it because it was not as flexible as the preferred alternative due to less training blocks.

d) Under Alternative 3 (preferred alternative), training would be the same as described under Alternative 2, but training tempo and number of personnel would increase. The training would consist of six training blocks per year. All of the training blocks would occur in Region 1 with an option of using one of the training blocks in both Region 2 and Region 3 every other year. There would be up to 84 personnel per training block (24 trainees and 60 support staff) and no more than 504 total personnel per year. An individual site in Region 1 would be used no more than 36 times per year and an individual site in Region 2 and Region 3 would be used no more than three times every other year. Alternative 3 is the preferred alternative because it allows two more training blocks per year and it increases the number of trainees, which allows for future mission needs and surges.

The proposed action will have no significant direct, indirect, or cumulative impacts to the following resources: socioeconomics, cultural resources, biological resources, public health and safety, and noise. There will be no disproportionate and adverse impacts to minority and low-income populations resulting from the proposed action.

The Navy submitted a Federal coastal consistency determination to the Washington State Department of Ecology in compliance with the Coastal Zone Management Act. The Navy determined that NSWC would carry out the proposed action in a manner that is fully consistent with the enforceable policies of the Washington's Coastal Zone Management Program by implementing best management practices and standard operating procedures. The Washington State Department of Ecology concurred that the proposed action is consistent with Washington's Coastal Zone Management Program.

The Navy initiated the National Historic Preservation Act (NHPA) Section 106 process in April 2017. NWSC sent letters to the Advisory Council on Historic Preservation (ACHP), Washington State Historic Preservation Officer (WA SHPO), 25 tribes, and 33 interested parties. In October 2018, the Navy sent out its Finding of Effect letter with a determination of no adverse effect. In response to the Navy's determination letter, WA SHPO requested that memorialization of measures to avoid potential adverse effects to historic properties in a legal agreement between the State of WA and the Navy. After additional consultation, the Navy confirmed that once the Navy implemented the five measures, no adverse effects would result from the preferred alternative. Per 36 CFR part 800.5, when a federal agency modifies an undertaking to avoid adverse effects, the undertaking qualifies for a finding of no adverse effect. On July 3, 2019, per 36 CFR part 800.5(c)(2)(i), the Navy requested ACHP to review its finding of no adverse effect, which included a commitment to undertake the five measures. The Navy requested ACHP review because WA SHPO had neither agreed nor disagreed with the Navy's finding of no adverse effect. ACHP chose not to respond within the applicable time limits outlined in 36 CFR part 800.5(c)(3)(i). Accordingly, the Navy's responsibilities under Section 106 were fulfilled. The NHPA Section 106 process concluded on July 23, 2019 with a finding of no adverse effect to historic properties. The five measures are:

- 1) Reopen consultation per 36 CFR part 800.5(d) if necessitated by a change in the undertaking;
- 2) Ensure a Secretary of Interior (SoI) qualified archaeologist reviews new and renewed real estate agreements for new information such as the presence of eroding archaeological deposits or features;
- 3) Implement the Inadvertent Discovery Plan;
- 4) Ensure a SoI qualified archaeologist provides sensitivity training prior to the start of each training block; and
- 5) Navy's SoI qualified archaeologist would periodically confirm to WA SHPO staff that NWSC activities continue to avoid adverse effects on historic properties.

The Navy initiated consultation with the National Marine Fisheries Service (NMFS) in May 2018. The biological assessment for the action addressed potential impacts to the following Endangered Species Act (ESA)-listed species in accordance with Section (7)(a)(2) of the ESA: Puget Sound Chinook salmon, Hood Canal summer run chum salmon, Puget Sound Steelhead, Puget Sound/Georgia Basin bocaccio, Puget Sound/Georgia Basin yelloweye rockfish, North American green sturgeon, Columbia River chum salmon, Southern distinct population segment (DPS) Pacific Eulachon, leatherback sea turtle, humpback whale Mexico DPS, humpback whale Central America DPS, and southern resident killer whale. In October 2018, NMFS determined the preferred alternative is not likely to adversely affect these species or their critical habitat designations. NMFS also determined that the action will not adversely affect essential fish habitat and that consultation under Magnuson-Stevens Act will not be required.

The Navy initiated consultation with the United States Fish and Wildlife Service (USFWS) in May 2018. The biological assessment addressed potential impacts to the following ESA-listed species in accordance with Section (7)(a)(2) of the ESA: bull trout, marbled murrelet, streaked horn lark, and the western snowy plover. In November 2018, USFWS concurred with the Navy's determination that the proposed action may affect, but is not likely to adversely affect

these species. To avoid the nesting season of western snowy plovers and streaked horned larks at Leadbetter Point and Grayland Beach State Parks, the Navy agreed that training at these two state parks would only occur between September 15 and March 15. In accordance with the Bald and Golden Eagle Protection Act, no eagles will be taken by the proposed training activities, nor will the activities limit use of nesting locations in the future. On-land, in-water, and UAS training activities will not occur within 330 feet of eagle nests during the nesting season as recommended by the USFWS National Bald Eagle Management Guidelines.

Nine marine mammal species protected under the Marine Mammal Protection Act (MMPA) reside in the nearshore areas of the proposed action. These include humpback whale, gray whale, transient killer whale, southern resident killer whale, harbor porpoise, Dall's porpoise, Steller sea lion, California sea lion, and harbor seal. The humpback whale Mexico DPS, humpback whale Central America DPS, and southern resident killer whale are also protected under the ESA. The proposed action will not result in the unintentional taking of marine mammals incidental to those activities, as defined by the MMPA and, therefore, no consultation under the MMPA is required. NSWC will employ best management practices, standard operating procedures, and comply with established boating laws and reduce speed in accordance with established safety procedures, avoiding contact and proximity to marine mammals. Submersibles use a sonar device to report depths to aid in navigation during a training activity. These devices have similar specifications to commercially available "fish finders" and other hand-held sonar devices, which typically generate frequencies over 200 kHz and source levels less than 160 dB re 1 μ Pa. NMFS considers devices with these specifications "*de minimis*" sources of sound in the water that are unlikely to cause behavioral or injurious effects on marine mammals.

Regarding public health and safety, the proposed action includes areas used by the public and tribes for recreational or commercial purposes. NSWC will delay, move, or cancel proposed action training activities if there is a question about the safety of the public. NSWC will incorporate several best management practices into different types of training, including having safety vessels and support personnel on site during the training to ensure the safety of trainees and the public and tribes. For UAS activities, NSWC will continue to observe all Navy and Department of Defense safety regulations including issuance of Notices to Airmen. NSWC will coordinate with the Federal Aviation Administration (FAA) to obtain a Certificate of Authorization (COA) for UAS operations over Naval Base Kitsap Keyport, Toandos Buffer Zone, and Naval Magazine Indian Island, which are owned by the Navy. UAS operations will operate safely within the COAs to avoid and prevent any potential safety impacts with other users of airspace. FAA already authorizes UAS operations over restricted airspace R6701 over a portion of Whidbey Island for UASs and, therefore, NSWC does not require a COA to operate in this airspace.

The proposed action would have no significant effect on protected tribal resources because it will not impede access to adjudicated treaty Usual and Accustomed (U&A) fishing grounds and stations in co-use marine waterways, it will not impede access to tribal hunting rights areas, and it will not reduce or degrade harvestable marine resources. NSWC provided early notification and solicited input from 16 tribes that have U&A fishing and hunting grounds and stations in the training study area. Three tribes requested additional information through the government-to-

government process. There was one formal government-to-government consultation with the Suquamish Indian Tribe of the Port Madison Reservation and two staff level meetings between July 2017 and September 2019. The Navy had staff level meetings with the Jamestown S'Klallam Tribe and the Port Gamble S'Klallam Tribe. The conclusions of all the meetings was mutually determined that formal government-to-government consultation was unnecessary.

The NSWC coordinated with federal, state, and local agencies; federally recognized tribes; elected officials; nongovernmental organizations; and interested individuals. NSWC welcomed public and agency comments during an early outreach period from April 18 to May 18, 2017. NSWC publishes newspaper advertisements in three consecutive issues of the Anacortes American, Chinook Observer, Kitsap Sun, Peninsula Daily News, and Whidbey News-Times, and for two publications in the Port Townsend and Jefferson County Leader and the Tacoma Weekly. NSWC held early outreach meetings May 2 to May 4, 2017, in Poulsbo, Port Townsend, and Oak Harbor, Washington. During the early outreach meetings, NSWC provided information on the proposed training activities, proposed training locations, Section 106 process, and the NEPA process for the purpose of introducing the proposed action to the public, answering general questions about the proposed action, and receiving comments from the public. NSWC considered information received during the early outreach period in preparing the EA. Some commenters offered properties to use for training and subsequently the Navy changed the study area for the Draft EA.

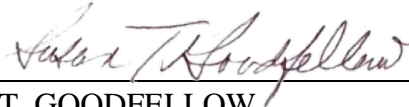
NSWC published a Notice of Availability of the Draft EA in three consecutive issues of the Anacortes American, Chinook Observer, Kitsap Sun, Peninsula Daily News, and Whidbey News-Times, and for two publications in the Port Townsend and Jefferson County Leader and the Tacoma Weekly, from January 22 through February 7, 2018. NSWC provided copies of the Draft EA in the following public libraries: Anacortes Public Library, Bainbridge Public Library, Gig Harbor Library, Kitsap Regional Library Poulsbo, Oak Harbor Public Library, Port Townsend Public Library, Sequim Branch Library, Tacoma Public Library Main Branch, Timberland Regional Library Ilwaco, and Timberland Regional Library Westport. NSWC made a digital copy of the Draft EA available for public review on the Naval Facilities Engineering Command Northwest website at <https://navfac.navy.mil/NSOEA>. The public comment period on the Draft EA was from January 22 to February 21, 2018. NSWC held three open house public meetings from February 6 to February 8, 2018 in Poulsbo, Port Townsend, and Oak Harbor. Upon request from local and State elected officials, and after review and consideration of the timeline and Navy requirements, NSWC agreed to a 30-day extension of the public comment period from January 22 to March 23, 2018. During the Draft EA public comment period, NSWC received 686 public comments. NSWC provided a summary of comments and responses in Appendix C of the Final EA.

Based on the analysis presented in the EA, the Navy has determined that the proposed action will not significantly impact the quality of the human environment. Accordingly, there is no requirement to prepare an EIS.

The EA addressing this action may be obtained from: Naval Special Warfare Command, 2000 Trident Way, Bldg. 624, San Diego, CA 92155-5599, Attn: Adrienne Saboya, NSO Training in

Western Washington State Project Manager, 619-537-1857, or project website at <https://navfac.navy.mil/NSOEA>.

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Date



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