



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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September 11, 2015

L.M. Foster  
Department of the Navy  
United States Pacific Fleet  
250 Makalapa Drive  
Pearl Harbor, HI 96860

**RE: Coastal Zone Consistency for Northwest Training and Testing Environmental Impact Statement/Overseas Environmental Impact Statement, Pacific Ocean, Strait of Juan de Fuca, and Puget Sound, Washington**

Dear L.M. Foster:

On March 23, 2015, Department of the Navy, United States Pacific Fleet (Navy) submitted a Consistency Determination with the Washington State Coastal Zone Management Program (CZMP) to the Department of Ecology (Ecology). The following sequence of revisions and extensions occurred during Ecology's federal consistency review:

- On May 21, 2015, Ecology and the Navy agreed to a CZM extension until July 21, 2015.
- A second extension was agreed to on July 17, 2015, extending the review period until August 20, 2015.
- On August 19, 2015, Ecology and the Navy agreed to a third CZM extension until September 8, 2015.
- A revised Consistency Determination was submitted to Ecology on August 21, 2015.
- On September 8, 2015, Ecology and the Navy agreed to a fourth CZM extension until September 11, 2015.
- A newly revised Consistency Determination was submitted to Ecology on September 9, 2015.

The Navy proposes to conduct training and testing activities in the Northwest Training and Testing Study Area within the eastern North Pacific Ocean Region, as well as the Strait of Juan de Fuca and Puget Sound. These activities include development, testing, and introduction of new vessels, aircraft, and weapons systems into the fleet, as well as training exercises. The proposal does not include any land-based activity, land- or water-based construction, or changes in the geographic extent of existing training or testing areas.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the Navy's determination that the proposed work is consistent with Washington's CZMP, provided the following conditions are met:



1. The Shoreline Management Act (SMA) and Shoreline Master Program (SMP) Guidelines are approved enforceable policies of Washington's CZMP. WAC 173-26-176(3)(c) addresses protection and restoration of the ecological functions of shoreline natural resources, and WAC 173-26-181 addresses protection of the resources and ecology of the shoreline.

Within the Navy's Consistency Determination, reasonably foreseeable coastal effects are identified, including those to habitat, fish, other marine life, and birds within the coastal zone, including shorelines of the state. The Navy also noted that it will be conducting monitoring and implementing mitigation measures in consultation with the National Marine Fisheries Service and U.S. Fish and Wildlife Service.

In order to confirm that the Navy meets the enforceable policies of the SMA and SMP Guidelines for activities covered under this Consistency Determination within all shorelines of the state (both "shorelines" and "shorelines of statewide significance," including: the Pacific Coast, Hood Canal, all waters of the Puget Sound, and the Strait of Juan de Fuca), the Navy shall submit to Ecology one hard copy and one compact disc with electronic documents of the following:

- a) Monitoring plans for habitat and species (e.g., fish, shellfish and other invertebrates, marine mammals, and sea turtles),
  - b) Results of all monitoring activities,
  - c) Mitigation plans, and
  - d) Mitigation measures taken.
2. The Ocean Resource Management Act (ORMA) and General Ocean Use Guidelines are also approved enforceable policies of Washington's CZMP. RCW 43.143.030(2)(c) addresses long-term significant adverse impacts to coastal or marine resources or uses; RCW 43.143.030(2)(d) addresses avoidance and minimization of adverse environmental impacts with special protection for specific areas such as Olympic National Park; WAC 173-26-360(7)(j) addresses prevention, avoidance, and minimization of adverse impacts on migration routes and habitat areas of endangered or threatened species, as well as those that are environmentally critical and sensitive; WAC 173-26-360(7)(m) addresses minimization of adverse impacts on fishing grounds, aquatic lands, or other renewable resource ocean use areas during times of use or when the resource could be adversely impacted; WAC 173-26-360(7)(n) addresses avoidance of environmentally critical and sensitive habitats and migration routes during critical times those areas or species could be affected; and WAC 173-26-360(7)(u) addresses prevention, avoidance, and minimization of adverse impacts on the marine, estuarine, or upland environment, particularly during critical migration periods and life stages of marine species and critical oceanographic processes.

In order to confirm that the Navy meets the enforceable policies of ORMA and the General Ocean Use Guidelines for activities covered under this Consistency Determination within the Pacific Ocean, extending from Cape Flattery south to Cape Disappointment, beginning at the mean high tide line and running seaward for 200 miles, the Navy shall submit to Ecology one hard copy and one compact disc with electronic documents of the following:

- a) Monitoring plans for habitat and species (e.g., fish, shellfish and other invertebrates, marine mammals, and sea turtles),
- b) Results of all monitoring activities,
- c) Mitigation plans, and
- d) Mitigation measures taken.

All submittals should reference this Consistency Determination and be sent to: 401/CZM Federal Permit Coordinator, Shorelands and Environmental Assistance Program, PO Box 47600, Lacey, WA 98504 or by email to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov)

Pursuant to 15 C.F.R SS 930.4, if the conditions above are not met, then all parties shall treat this conditional concurrence letter as an objection.

If you have any questions regarding Ecology's consistency determination please contact Rebekah Padgett at (425) 649-7129.

#### **YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. 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 Order:

- File your appeal and a copy of this Order 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 Order on Ecology in paper form - by mail or in person. (See addresses below.) Email 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**

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

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Sincerely,



Paul Anderson, Wetlands/401 Unit Supervisor  
Shorelands and Environmental Assistance Program  
Northwest Regional Office

PA:rrp:ap

By certified mail: 7012 1640 0000 6245 7876

cc: Cyrilla Cook, Washington Department of Natural Resources  
Chris Waldbillig, Washington Department of Fish and Wildlife  
Mark Delaplaine, California Coastal Commission  
Patty Snow, Oregon Coastal Management Program

e-cc: Kimberly Kler, U.S. Navy [kimberly.kler@navy.mil](mailto:kimberly.kler@navy.mil)  
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