
COASTAL ZONE MANAGEMENT ACT

CONSISTENCY DETERMINATION FOR

COMMONWEALTH OF NORTHERN

MARIANA ISLANDS

Submitted to:

Commonwealth of the Northern Mariana Islands
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INTRODUCTION

This document provides the Commonwealth of the Northern Mariana Islands (CNMI) Coastal Resources Management (CRM) Office with the United States (U.S.) Department of the Navy's (Navy's) Consistency Determination under the Coastal Zone Management Act (CZMA) §307(c)(1) and 15 Code of Federal Regulations (C.F.R.) Part 930, Subpart C, for military training and testing that may have reasonably foreseeable coastal effects on CNMI. The information in this consistency determination is provided pursuant to 15 C.F.R. §930.39. A detailed description of the proposed military training and testing activities is described below and in Chapter 2 of the enclosed *Mariana Islands Training and Testing (MITT) Draft Environmental Impact Statement/Overseas Environmental Impact Statement (DEIS/OEIS)*. The combined, cumulative coastal effects of the proposed activities are described below and in Chapters 3 and 4 of the MITT EIS/OEIS. Data and information sufficient to support the U.S. Navy's conclusion is found below and in the MITT DEIS/OEIS.

The CZMA's consistency provision requires federal actions that have reasonably foreseeable effects on any land or water use or natural resources of the coastal zone (also referred to as coastal uses or resources, or coastal effects) to be consistent to the maximum extent practicable with the enforceable policies of a coastal state's federally approved coastal management plan. Although federal lands in the CNMI are excluded from the CRM program jurisdiction, federal activities occurring on federal lands which result in spillover impact which directly affect CNMI's coastal zone must be consistent, to the maximum extent practicable, with the CRM program. Proposed military training and testing activities described in the MITT DEIS/OEIS will be undertaken in a manner consistent, to the maximum extent practicable, with the CRM program.

Federally leased lands of the CNMI include the island of Farallon de Medinilla (FDM), the Military Lease Area (MLA) on the island of Tinian, land at Tanapag Harbor on the island of Saipan, and the waters over federally controlled submerged lands in the CNMI, all of which form parts of the Mariana Islands Range Complex (MIRC).

In December 2013, various agencies from the CNMI (including the CNMI Coastal Resources Management Office) provided comments on the MITT DEIS/OEIS. Comments from these agencies will be incorporated into the Final EIS/OEIS. Specific updates to the FEIS include an improved analysis of sedimentation and runoff resulting from military training activities on FDM and Tinian, as well as improved analysis of potential impacts to rookeries and seabird breeding locations on FDM with a statistical analysis of seabird census information collected over the past 17 years through monthly and quarterly aerial surveys of the island. In addition, the Final EIS/OEIS has been updated to include clarifications on training activities on Rota. These pending updates to the Final EIS/OEIS are included in this CZMA Consistency Determination document.

DETAILED DESCRIPTION OF THE PROPOSED ACTION

The MITT DEIS/OEIS includes a detailed description of the Proposed Action, which is summarized below. The U.S. Navy proposes to conduct training and testing activities, including the use of active sonar and explosives in the MIRC, throughout the in-water areas around the MIRC and in a representative transit corridor between the Mariana Islands and the Hawaii Range Complex (collectively called the Study Area in the MITT EIS/OEIS). Military training and testing activities

will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the CNMI CRMP.

Lands of the CNMI that are included in the MIRC include FDM, the northern two-thirds of the island of Tinian, 179 acres (72 hectares) of Tanapag Harbor, and non-DoD lands where training activities are occasionally scheduled on Saipan (e.g., Marpi Maneuver Area) and Rota (the Rota International Airport, Angyuta Island, and other locations arranged through local authorities). The DoD leases FDM for use as a live and inert gunnery, missile, and bombing range. Training on Tinian is conducted on two parcels within the Military Lease Area (MLA): the Exclusive Military Use Area (EMUA) and the Leaseback Area. The MLA supports unit level training, large field exercises, and expeditionary warfare activities. The Marpi Maneuver Area on Saipan is occasionally used for Saipan Army National Guard field training exercises. Rota can support special warfare training and combat search and rescue training activities. No testing activities are proposed to occur on land.

Proposed training and testing activities that may occur in the CNMI and nearshore waters of the CNMI are listed in Table 1. Additional information on platforms, weapons systems, and ordnance expenditures associated with each training or testing activity are available in Tables 2.8-1, 2.8-2, 2.8-3, and Appendix A of the MITT DEIS/OEIS.

Table 1: Land-based and At-sea Military Training and Testing Activities within the 3 Nautical Miles of the CNMI

Activity Name ¹	Land-based Activity Location				At-sea Activity within 3 nm of CNMI coastline	Activity Description
	Rota ¹	Tinian	Saipan	FDM		
Strike Warfare						
Bombing Exercise Air-to-Ground	-	-	-	X	-	Fixed-wing aircraft drop of explosive and non-explosive bombs on a land target.
Gunnery Exercise Air-to-Ground	-	-	-	X	-	Helicopters and fixed wing aircraft fire guns at land based targets.
Missile Exercise	-	-	-	X	-	Missiles or rockets from aircraft and ships are launched at a land target.
Combat Search and Rescue	X	X		-	X	CSAR units use helicopters, night vision and identification systems, and insertion and extraction techniques under hostile conditions to locate, rescue, and extract personnel.
Amphibious Warfare						
Fire Support Exercise-Land Based Target	-	-	-	X	X	Surface ship crews use large-caliber guns to fire on land-based targets in support of forces ashore.
Amphibious Assault	-	X	-	-	X	Forces move ashore from ships at sea for the immediate execution of inland objectives.
Amphibious Raid	X	X	-	-	X	Small unit forces move swiftly from ships at sea in amphibious assault craft for a specific short-term mission. Raids are quick operations with as few personnel as possible.
Urban Warfare Training	-	X		-	-	Forces sized from squad (13 personnel) to battalions (approximately 950 personnel) conduct training activities in mock urban environments.
Noncombatant Evacuation Operations / Humanitarian Assistance Operations / Disaster Relief Operations	-	X	-	-	-	Military units evacuate noncombatants from hostile or unsafe areas or provide humanitarian assistance in times of disaster.

Activity Name ¹	Land-based Activity Location				At-sea Activity within 3 nm of CNMI coastline	Activity Description
	Rota ¹	Tinian	Saipan	FDM		
Anti-surface Warfare						
Maritime Security Operations	-	-	-	-	X	Helicopter and surface ship crews conduct a suite of Maritime Security Operations (e.g., Vessel, Search, Board, and Seizure; Maritime Interdiction Operations; Force Protection; and Anti-Piracy Operation).
Electronic Warfare						
Electronic Warfare Operations	-	-	-	-	X	Aircraft, surface ship, and submarine crews attempt to control portions of the electromagnetic spectrum used by enemy systems to degrade or deny the enemy's ability to take defensive actions.
Naval Special Warfare						
Personnel Insertion/Extraction	X	X	-	-	X	Military personnel train for covert insertion and extraction into target areas using helicopters, fixed-wing aircraft (insertion only), small boats, and submersibles.
Parachute Insertion	X	X	-	-	X	Military personnel train for covert insertion into target areas using parachutes.
Embassy Reinforcement	X	X	-	-	-	Special warfare units train to provide reinforcement of an embassy under hostile conditions.
Direct Action (Combat Close Quarters and Breaching)	-	X	-	-	-	Military personnel train for use of force, breaching doors and obstacles, and close quarters combat.
Direct Action (Tactical Air Control Party/Joint Tactical Air Control)	-	-	-	X	-	Military personnel train to control combat support aircraft and designate targets for airspace de-confliction and terminal control for close air support. Teams also train to use small arms and mortars.
Intelligence, Surveillance, Reconnaissance	X	X	X	-	-	Special warfare units train to collect and report battlefield intelligence.
Urban Warfare Training	X	X	X	-	-	Special warfare units train in mock urban environments.

Activity Name ¹	Land-based Activity Location				At-sea Activity within 3 nm of CNMI coastline	Activity Description
	Rota ¹	Tinian	Saipan	FDM		
Underwater Survey	-	-	-	-	X	Navy divers train in survey of underwater conditions and features in preparation for insertion, extraction, or intelligence, surveillance, and reconnaissance activities.
Other Training Activities						
Maneuver (Convoy, Land Navigation)	-	X	-	-	-	Units conduct field maneuver training or convoy training.
Water Purification	-	X	-	-	X	Units conduct water purification training using water purification equipment in field conditions.
Field Training Exercise	X	X	X	-	-	Units train in securing an area, establishing a camp or post, and guarding and patrolling.
Force Protection	X	X	-	-	-	Units train in providing defensive force protection against a terror threat.
Anti-terrorism	X	X	-	-	-	Units train in conducting direct action against a terror threat.
Seize Airfield ²		X	X	-	-	Train Naval Special Warfare, Navy Expeditionary Combat Command, or Marine Corps personnel to seize control of an airfield or port for use by friendly forces.
Airfield Expeditionary		X		-	-	Units conduct training establishing, securing, maintaining, or operating an expeditionary airfield.
Land Demolitions (Improvised Explosive Device Discovery/Disposal) ³	-	X	-	-	-	Explosive ordnance units conduct training detecting, isolating, or securing Improvised explosive devices or unexploded ordnance.
Submarine Navigation	-	-	-	-	X	Submarine crews train to operate sonar for navigation and locate underwater objects and ships while transiting out of port (Apra Harbor on Guam)

Activity Name ¹	Land-based Activity Location				At-sea Activity within 3 nm of CNMI coastline	Activity Description
	Rota ¹	Tinian	Saipan	FDM		
Search and Rescue at Sea	-	-	-	-	X	U.S. Coast Guard vessels, Navy vessels, and rotor-wing and fixed-wing aircraft coordinate on scene actions to search and conduct rescue and recovery of personnel or vessels at sea.
Precision Anchoring	-	-	-	-	X	Vessels navigate to a pre-planned position and deploy the anchor. The vessel uses all means available to determine its position when anchor is dropped, to demonstrate calculating and plotting the anchor's position within 100 yards of center of planned anchorage.
Testing Activities⁴						
Ship Signature Testing	-	-	-	-	X	Radar cross signature testing of surface vessels is accomplished on new vessels and periodically throughout a vessel's lifecycle to measure how detectable the vessel is to radar.
MCM Mission Package Testing	-	-	-	-	X	Littoral Combat Ships conduct mine detection using unmanned submersible and aerial vehicles, magnetic and acoustic sensor systems deployed by vessel or support helicopters, and laser systems. Mines are then neutralized using magnetic, acoustic, and supercavitating systems.
ASW Mission Package Testing	-	-	-	-	X	Vessels conduct detect-to-engage operations against modern diesel-electric and nuclear submarines using airborne and surface assets (both manned and unmanned). Active and passive acoustic systems are used to detect and track submarine targets.

Notes:

1. All activities on Rota are expected to occur at the Rota International Airport, Angyuta Island, Commonwealth Port Facility, and other developed areas in coordination with local and CNMI officials.
2. This training activity on Saipan will be conducted at the leased area on Tanapag Harbor.
3. Land demolitions exercises that would occur on Tinian do not use explosives. Rather, the training focuses on discovery of simulated improvised explosive devices.
4. Testing activities that are authorized to occur within 3 nm of land would primarily occur in waters off of Guam, because of proximity to Apra Harbor.

DESCRIPTION OF PROJECT ASSOCIATED FACILITIES

There are no new permanent project-associated facilities proposed in conjunction with continuing military training and testing activities. Runways, roadways, bivouac areas, and structures already in place will continue to be used. Only temporary equipment appropriate to a specific training or testing activity will be staged and removed at the conclusion of the activity.

DESCRIPTION OF THE COMBINED, CUMULATIVE COASTAL EFFECT OF THE PROJECT

The MITT DEIS/OEIS (Chapter 3 [Affected Environment and Environmental Consequences], Chapter 4 [Cumulative Impacts], and Chapter 5 [Standard Operating Procedures, Mitigation and Monitoring]) includes a detailed description of the potential coastal effects of the Proposed Action, including comprehensive data and information supporting the determination that the activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the CNMI Coastal Resources Management Act (CRMA) (<http://www.crm.gov.mp/resources/files/Coastal%20Resources%20Management%20Act.pdf>). To determine consistency of the Proposed Action with the CNMI Coastal Resources Management Policy, the 23 elements of the policy from the CNMI CRMA were reviewed for applicability of enforceable policy elements to the Proposed Action.

A discussion of the applicable policy elements by island and the coastal effects of the proposed action to affected resources, including any data and information supporting the consistency determination, are provided herein.

To define the coastal zone, a description by island of the activities under the Proposed Action, including the type and nature of any excluded lands is provided below. In accordance with 15 C.F.R. § 923.33(a), the boundary of a state's coastal zone must exclude lands owned, leased, held in trust or whose use is otherwise by law subject solely to the discretion of the federal government, its officers or agents. The exclusion of federal lands does not remove federal agencies from the obligation of complying with the consistency provisions of Section 307 of the CZMA when federal actions on these excluded lands have spillover impacts that affect any land or water use or natural resource of another coastal zone within the purview of a state's management program (15 C.F.R. § 923.33[b]).

DESCRIPTION OF ACTIVITIES BY ISLAND

FARALLON DE MEDINILLA

Farallon de Medinilla (FDM) is an uninhabited and undeveloped island on lease to the federal government per the *1976 Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America* (Covenant). On September 18, 2013, the CNMI was added to the Territorial Submerged Land Act (TSLA), 48 USC USC § 1705 and 1706, transferring right, title, and interest in certain submerged lands out to 3 nm from the CNMI shoreline to the Government of the CNMI. The submerged lands adjacent to the island of FDM were exempted from that transfer. Those submerged lands, however, may be subsequently conveyed when the Secretary of the Navy and the Government of the CNMI have entered into an agreement that ensures protection of military training within the excepted area.

FDM will continue to be used as an inert and live bombing range. Because dangerous military activities are conducted on FDM, the island, surrounding airspace and nearshore waters are restricted to public access out to a three-nautical mile (nm) radius. A request to extend the restricted airspace and establish a danger zone out to 12 nm from FDM is currently pending with the Federal Aviation Administration and the U.S. Army Corps of Engineers, respectively. The restricted airspace and danger zone are intended to keep airmen, fishermen and other people safe. When not in use by the military, civilian vessels can enter the danger zone, up to the 3-nm radius around FDM. To limit impacts on FDM, the use of cluster bombs, fuel air explosives, incendiaries, and ordnance greater than 2,000 pounds are not allowed. Table 1 lists and describes training activities that could occur on land and training and testing activities that could occur within 3 nm of FDM. See Figure 2.1-10 in the MITT DEIS/OEIS for a map of FDM.

TINIAN

The northern two-thirds of Tinian is leased to the federal government per the Covenant. On September 18, 2013, the CNMI was added to the TSLA, 48 USC USC § 1705 and 1706, transferring right, title, and interest in certain submerged lands 0-3 miles from the CNMI to the Government of the CNMI. However, the submerged lands adjacent to the island of Tinian Military Lease Area (MLA) were exempted from that transfer. However, those lands may be subsequently conveyed when the Secretary of the Navy and the Government of the CNMI have entered into an agreement that ensures protection of military training within the excepted area. Table 1 lists and describes training activities that could occur on land (within the Tinian MLA) and training and testing activities that could occur within 3 nm of Tinian.

SAIPAN

Approximately 177 acres are leased by the federal government on Tanapag Harbor. The Army Reserve Center is in Garapan. Historically, very limited land navigation training exercises have occurred on Saipan on non-Department of Defense (DoD) property (designated as the Marpi Maneuver Area) on the northern east side of Saipan. The Army Reserve Center at Garapan does not support field maneuvers. Land navigation training does not include the use of vehicles, and fires associated with bivouac activities are not allowed. Table 1 lists and describes training activities that could occur on land (primarily within the Saipan Marpi Maneuver Area) and training and testing activities that could occur within 3 nm of Saipan.

ROTA

Training activities on Rota are limited to developed areas, which include the Rota International Airport, Angyuta Island near Song Song's West Harbor, and locations scheduled in coordination with local Rota and CNMI officials. In general, training activities on Rota are infrequent and rare. Table 1 lists and describes training activities that could occur on land and training and testing activities that could occur within 3 nm of Rota.

COMBINED, CUMULATIVE COASTAL EFFECTS OF THE PROPOSED ACTION

The elements of the CRMA policy are discussed below in the context of the Proposed Action occurring in the CNMI:

Policy Element 1. Encourage land-use master planning, floodplain management, and the development of zoning and building code legislation.

Not applicable. This policy pertains to the Government of CNMI.

Policy Element 2. Promote, through a program of public education and public participation, concepts of resource management, conservation and wise development of coastal resources.

Not applicable. This policy pertains to the Government of CNMI.

Policy Element 3. Promote more efficient resources management through:

- i. **Coordination and development of resource management laws and regulations into a readily identifiable program;**
- ii. **Revision of existing unclear laws and regulations;**
- iii. **Improvement of coordination among Commonwealth agencies;**
- iv. **Improvement of coordination between Commonwealth and federal agencies;**
- v. **Establishment of educational and training programs for Commonwealth government personnel and refinement of supporting technical data.**

Not applicable. This policy pertains to the Government of CNMI.

Policy Element 4. Plan for and manage any use or activity with the potential for causing a direct and significant impact on coastal resources. Significant adverse impacts shall be mitigated to the extent practicable.

Training activities in the CNMI and testing activities in waters off of the CNMI are planned in advance, and environmental considerations are accounted for in this planning. Chapter 5 (Standard Operating Procedures, Mitigation, and Monitoring) of the DEIS/OEIS describes in detail standard operating procedures, mitigation measures, and monitoring plans to be implemented by the Navy during any training and testing activities. The Proposed Action is consistent to the maximum extent practicable with this enforceable policy element.

Policy Element 5. Give priority for water-dependent development and consider the need for water-related and water-oriented locations in its siting decisions.

Not applicable. The Proposed Action does not involve development or siting decisions of any kind.

Policy Element 6. Provide for adequate consideration of the national interest, including that involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, the Commonwealth's coastal zone) which are necessary to meet requirements which are other than local in nature.

Not applicable. The Proposed Action does not involve development of any kind, including facilities.

Policy Element 7. Not to permit to the extent practicable, development of identifiable hazardous lands, including floodplain, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones and major fault lines, unless it can be demonstrated that such development does not pose unreasonable risks to the health, safety or welfare of the people of the commonwealth, and complies with applicable laws.

Not applicable. The Proposed Action does not involve development of identifiable hazardous lands, including floodplain, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones and major fault lines.

Policy Element 8. Mitigate, to the extent practicable adverse environmental impacts, including those aquifers, beaches, estuaries and other coastal resources while developing an efficient and safe transportation system.

Not applicable. The Proposed Action does not involve the development of a transportation system.

Policy Element 9. Require any development to strictly comply with erosion, sedimentation, and related land and water use districting guidelines, as well other related land and water use policies for such areas.

Not applicable. The Proposed Action does not involve development of any kind.

Policy Element 10. Maintain or improve coastal water quality through control of erosion, sedimentation, runoff, siltation, sewage and other discharges.

Impacts on sediments and water quality are analyzed in Section 3.1 (Water Quality) of the DEIS/OEIS.

FDM - There are no wastewater discharges associated with training and testing activities involving FDM. Small amounts of unconsumed ordnance residues deposited on FDM may be carried out to the ocean by percolating surface waters from precipitation; however, these residues have low solubility in saltwater and dissipate rapidly in the marine environment.

Military use of FDM may also contribute to ongoing soil disturbance and erosion from natural causes. FDM is comprised of highly weathered limestone overlain by a thin layer of clay soil. Ordnance use in areas where explosive ordnance use is permitted could dislodge sediments which may potentially wash into nearshore waters of FDM. In addition to natural wind and water erosion (including high energy typhoon events), erosion caused by ordnance use could contribute to increased turbidity and siltation. The Navy has in place an Operational Range Clearance Plan for FDM. The plan requires range surfaces at FDM to be cleared of ordnance, inert ordnance debris, inert munitions, and other material that may potentially present an explosive hazard. Materials greater than 2 ft. (0.6 m) in length are removed from impact areas on FDM. Range clearance on FDM occurs every two to four years, which reduces the potential for soil contamination and contamination of nearshore habitats receiving surface runoff.

The incremental contribution of the Proposed Action to impacts on sediments and water quality in the immediate waters around FDM would be negligible and would not affect any land or water use or natural resource of the coastal zone within the purview of CNMI's management

program. The Proposed Action on FDM is consistent to the maximum extent practicable with the enforceable policy element on water quality of the CNMI CRMA.

Tinian - Water discharges associated with training activities on Tinian will be limited to gray water from cantonment areas, which will be contained in soakage trenches and pits fitted with grease traps. Aircraft washdowns will not be conducted on Tinian. Oily waste and bilge water will be disposed on facilities available on Guam or Saipan. Short-term impacts on sediments and water quality from the Proposed Action are not expected to contribute to long-term impacts. The incremental contribution of the Proposed Action to cumulative impacts on sediments and water quality on Tinian would be low because increased and new training activities are limited in number and can occur in areas of the Study Area other than on Tinian. The Proposed Action on Tinian is consistent to the maximum extent practicable with the enforceable policy element on water quality of the CNMI CRMA.

Saipan - The types of training that may occur on Saipan as part of the Proposed Action are not different from previous training activities, and would be limited to basic field training exercises. These training activities on Saipan will not impact coastal water quality. The Proposed Action on Saipan is consistent to the maximum extent practicable with the enforceable policy element on water quality of the CNMI CRMA.

Rota – The types of training activities proposed for Rota do not differ from previous training activities and do not introduce stressors to freshwater or marine water areas. Therefore, the proposed training on Rota will not impact coastal water quality. The Proposed Action on Rota is consistent to the maximum extent practicable with the enforceable policy element on water quality of the CNMI CRMA.

The coastal consistency analyses for Policy Elements 11 and 12 are discussed together.

Policy Element 11. Recognize and respect locations and properties of historical significance throughout the Commonwealth, and ensure that development which would disrupt, alter, or destroy these, is subject to Commonwealth laws and regulations.

Policy Element 12. Recognize areas of cultural significance, the development of which would disrupt the cultural practices associated with such areas, which shall be subject to a consultation process with concerned ethnic groups and any applicable laws and regulations.

Not applicable. The Proposed Action does not involve any development which would disrupt, alter, or destroy any location or property of historical significance, or would disrupt the cultural practices associated with areas of cultural significance.

Impacts on historical and cultural resources from military training and testing activities are discussed in Section 3.11 (Cultural Resources) of the DEIS/OEIS. These activities are conducted in accordance with the 2009 Programmatic Agreement for Military Training in the Marianas.

Policy Element 13. Require compliance with all local air and water quality laws and regulations and any applicable federal air and water quality standards.

Impacts on sediments and water quality and air quality are analyzed in Section 3.1 and Section 3.2, respectively of the DEIS/OEIS. Water quality impacts have been addressed previously under

the policy element on coastal water quality (Policy Element #10) and indicate no spillover impact to coastal zones within the purview of CNMI's management program.

FDM - Emissions will be generated from ships, small watercraft, and aircraft transiting to and from FDM during military training activities. Minor particulate emissions intermittently generated from the impact of ordnance on the land mass of FDM will continue. Particulate emissions will either be deposited on land or blown away by trade winds and dispersed over the surrounding ocean. The incremental contribution of the Proposed Action to cumulative air quality impacts on FDM would be low with no spillover impact to coastal zones within the purview of CNMI's management program. The Proposed Action on CNMI's coastal zone complies with all local air and water quality laws and regulations and any applicable federal air and water quality standards. The Proposed Action on FDM is consistent to the maximum extent practicable with the enforceable policy element on air quality of the CNMI CRMA.

Tinian - Emissions will be generated from ships, small watercraft, and aircraft transiting to and from Tinian during military training activities and from trucks and light wheeled vehicles while operating within the EMUA. Emissions will be intermittent and short term, resulting in minimal impact to the air quality of Tinian. Increased and new training and testing activities are limited in number and can occur in areas of the Study Area other than on Tinian. The incremental contribution of the Proposed Action to cumulative air quality impacts on Tinian would be low. The reasonably foreseeable direct and indirect effects and cumulative, combined effects from air quality impacts attributable to military activities to the Tinian coastal zone uses and resources would be minimal. The Proposed Action complies with all local air and water quality laws and regulations and any applicable federal air and water quality standards. The Proposed Action on Tinian is consistent to the maximum extent practicable with the enforceable policy element on air quality of the CNMI CRMA.

Saipan – Emissions generated from training and testing activities will be minimal. The reasonably foreseeable direct and indirect effects and cumulative, combined effects from air quality impacts attributable to military training and testing activities to the Saipan coastal zone uses and resources would also be minimal. The Proposed Action complies with all local air and water quality laws and regulations and any applicable federal air and water quality standards. The Proposed Action on Saipan is consistent to the maximum extent practicable with the enforceable policy element on air quality of the CNMI CRMA.

Rota - Emissions generated from training and testing activities will be minimal. The reasonably foreseeable direct and indirect effects and cumulative, combined effects from air quality impacts attributable to military training and testing activities to the Rota coastal zone uses and resources would be minimal. The Proposed Action on Rota is consistent to the maximum extent practicable with the enforceable policy element on air quality of the CNMI CRMA.

Policy Element 14. Not permit, to the extent practicable, development with the potential for causing significant adverse impact in fragile areas such as designated and potential historic and archaeological sites, critical wildlife habitats, beaches, designated and potential pristine marine and terrestrial communities, limestone and volcanic forests, designated and potential mangrove stands and other wetlands.

Not applicable. The Proposed Action does not involve development of any kind.

The coastal consistency analyses for Policy Element 15, 16, and 17 are discussed together.

Policy Element 15. Manage ecologically significant resource areas for their contribution to marine productivity and value as wildlife habitats, and preserve the functions and integrity of reefs, marine meadows, salt ponds, mangroves and other significant natural areas.

Policy Element 16. Manage the development of the local subsistence, sport and commercial fisheries, consistent with other policies.

Policy Element 17. Protect all coastal resources, particularly sand, coral and fish from taking beyond sustainable levels and in the case of marine mammals and any species on the Commonwealth endangered species list, from any taking whatsoever.

Impacts to natural resources are discussed in the following sections of the DEIS/OEIS:

- Section 3.3 – Marine Habitats
- Section 3.4 – Marine Mammals
- Section 3.5 – Sea Turtles
- Section 3.6 – Marine Birds
- Section 3.7 – Marine Vegetation
- Section 3.8 – Marine Invertebrates
- Section 3.9 – Fish
- Section 3.10 – Terrestrial Species and Habitats.

All marine mammals are protected under the Marine Mammal Protection Act (MMPA) and threatened or endangered species are further protected under the ESA. Potential impacts of the Proposed Action on marine mammals could be attributed to acoustic, energy, physical disturbance and strike, entanglement, ingestion, and secondary stressors. Under the MMPA, training and testing activities that involve the use of sonar, other active acoustic sources, and explosives may result in Level A harassment, Level B harassment, or mortality of certain marine mammals. Training and testing activities producing weapons firing, launch, and impact noise; vessel noise, aircraft noise; and energy emissions are not expected to result in Level A or Level B harassment of any marine mammals. Training and testing activities using in-water devices, seafloor devices, fiber-optic cables and guidance wires, decelerators/parachutes, non-explosive practice munitions, and other military expended materials are not expected to result in Level A or Level B harassment of any marine mammals. Secondary stressors (habitat – sediment and water quality, air quality, prey availability) are also not expected to result in Level A or Level B harassment of any marine mammals.

Under the ESA, vessel strikes and the use of sonar during training may affect, and are likely to adversely affect ESA-listed marine mammals. All other stressors (except for seafloor devices which have no effect on marine mammals) may affect, but are not likely to adversely affect ESA-listed marine mammals.

Impacts of the Proposed Action may contribute to sea turtle mortality, injury, or short-term disturbance or behavioral modification. Mortality or injury could be caused by underwater explosions or vessel strikes. Injury, in the form of permanent threshold shift (hearing), could also be caused by sonar use. Non-injurious impacts of underwater explosions and sonar use could include short-term disturbance, behavioral modification, or temporary hearing loss (or

temporary threshold shift). Pursuant to the ESA, sound from sonar and other active acoustic sources and in-water explosions may affect and is likely to adversely affect the ESA-listed green and hawksbill sea turtles. Pursuant to the ESA, sound from sonar and other active acoustic sources and in-water explosions may affect, but is not likely to adversely affect the ESA-listed olive ridley, loggerhead and leatherback sea turtles. Pursuant to the ESA, sound from weapons firing, launch and impact; and vessels and aircraft, may affect but is not likely to adversely affect the ESA-listed green, hawksbill, loggerhead, olive ridley and leatherback sea turtles. Pursuant to the ESA, the remainder of the stressors (non-acoustic) may affect but are not likely to adversely affect the ESA-listed green, hawksbill, loggerhead, olive ridley and leatherback sea turtles.

Other marine resources, such as marine invertebrates, marine vegetation, fish, and marine habitats may be impacted by various stressors described in the MITT DEIS/OEIS. Terrestrial flora and fauna may also be impacted by the Proposed Action, which includes land training activities on Tinian, Saipan, Rota, and FDM. Most land training activities would occur within the leased areas on Tinian. Most impacts to terrestrial flora and fauna would occur on FDM due to impacts associated with strike warfare training.

The Navy is consulting with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) under Section 7 of the ESA for potential impacts on threatened and endangered species from the Proposed Action. The Navy has requested a Letter of Authorization from NMFS under MMPA. The Navy has also submitted an Essential Fish Habitat Assessment to NMFS as required by the Magnuson-Stevens Fishery Conservation and Management Act. The conclusions of these consultations will be reflected in the Record of Decision (ROD) for the MITT EIS/OEIS.

Mitigation measures for potential impacts on marine mammals, sea turtles, and other resources are described in Chapter 5 of the DEIS/OEIS. With the implementation of mitigation measures, the Proposed Action is consistent to the maximum extent practicable with the enforceable policy element on coastal resources of the CNMI CRMA.

FDM – There are two ESA-listed species on FDM that may be affected by the Proposed Action: the Micronesian megapode and the Mariana fruit bat. The impact areas on FDM are sparsely vegetated, except in the interior flat areas, where there are dense herbaceous communities. This vegetation supports a small population of the Micronesian megapode, especially on the northern part of the island. In 1999, 10 megapodes were estimated to be on the island based on a 1996 limited survey. Surveys conducted in December 2007 by the Navy identified 21 pairs of megapodes. The most recent survey for megapodes on FDM was completed in 2013, when Navy biologists detected 11 megapodes while surveying a limited transect in the north part of the island (impact areas 1 and 2). Although the Navy’s analysis has determined that the Proposed Action may affect and is likely to adversely affect the Micronesian megapode, there are no other activities or actions proposed on FDM that would contribute to cumulative impacts on the Micronesian megapode population. FDM is also used by Mariana fruit bats, likely transiting between other islands. The area north of the “no-fire line” contains the remnant forests with suitable forage trees and temporary roost locations. The likelihood of direct strike of fruit bats is low because only the range areas south of the no fire line are targeted. However, the possibility of harassment, injury, or mortality to a Mariana fruit bat from military use of FDM cannot be discounted. The Navy’s analysis has determined that the Proposed Action may affect, and is likely to adversely affect, the Mariana fruit bat.

FDM is an important rookery location for a number of marine birds. Breeding has been reported on FDM for seven seabird species (black noddies, brown noddies, brown boobies, masked boobies, red-footed boobies, white terns, and great frigatebirds). Booby species are the most readily identifiable due to their numbers and individual sizes. Lusk et al. (2000) identified the locations of the rookery locations for the great frigatebirds, masked boobies, red-footed boobies, and brown boobies. The other species-breeding locations are either dispersed or breeding activity is sporadic. From 1997 through 2013, regular seabird surveys of FDM were conducted via helicopter. The surveys were conducted most months from 1997 to 2008 (125 times out of a total 144 months). From 2009 through 2013, the surveys were conducted on a quarterly basis. Over the entire 17-year period (204 months), aerial surveys of FDM were conducted 153 times. The three booby species were the most abundant seabirds on FDM and large enough to be observable from the helicopter. Great frigatebirds in flight or on the roost are noted when seen, as are turtles, marine mammals, and rare or unusual species for the island. Observations are also recorded during the transit to and from Saipan. The survey results are reported to the U.S. FWS Pacific Islands Fish and Wildlife Office, in accordance with annual reporting requirements specified in recent Section 7 ESA consultations. The surveys have shown seasonal and annual fluctuations of masked boobies, red-footed boobies, and brown boobies. Over the course of 17 years of 153 monitoring surveys, the most abundant of the three booby species was the red-footed booby (with a mean population between 348 and 378 birds), followed by masked boobies (with a mean population between 94 and 104 birds), and brown boobies (with a mean population between 41 and 53 birds). Lusk et al. (2000) reported a small great frigatebird rookery; however, breeding has not been reported during any of the periodic surveys completed by the Navy.

The Navy currently implements a number of mitigation measures to reduce impacts on Micronesian megapodes, Mariana fruit bats, and other terrestrial species. These measures include targeting and access restrictions discussed above (no purposeful targeting of the areas north of the no-fire line and only targeting designated range areas during air-to-ground bombing exercises and air-to-ground missile exercises). Joint Region Marianas controls access to the island, and all aircraft, boats, and equipment originating from Guam and landing on FDM must undergo brown treesnake inspection procedures prior to departing Guam. These measures are included with the Section 7 ESA consultation package submitted to the U.S. FWS Pacific Islands Fish and Wildlife Office in April 2014. The final measures from the Section 7 ESA consultation between the Navy and the U.S. FWS will be reflected in the ROD for the MITT EIS/OEIS.

With the implementation of mitigation measures, the Proposed Action on FDM is consistent to the maximum extent practicable with the enforceable policy element on coastal resources (endangered species and marine birds) of the CNMI CRMA.

Tinian - Amphibious vehicles used on Tinian during amphibious warfare activities may potentially strike sea turtles on the beach or crush buried nests. Sea turtle nesting occurs primarily at night, and resting sea turtles during the day are not common on inhabited islands in the Marianas, therefore, there is an elevated risk to sea turtles during night time training activities. Continuance of amphibious landing standard operating procedures, which include observation of normal harbor navigation rules, pre-exercise surveys for presence of sea turtles no more than six hours prior to an exercise, directing landing crafts to areas determined to be clear of sea turtles and sea turtle nests, restoration of beach topography using hand tools after exercises, and monitoring of landing sites during night-time landing activities, could limit the

potential impacts associated with amphibious training activities . Mitigation measures for potential impacts to sea turtles are described in Chapter 5 of the MITT DEIS/OEIS. With the implementation of mitigation measures, the Proposed Action on Tinian is consistent to the maximum extent practicable with the enforceable policy element on coastal resources (sea turtles) of the CNMI CRMA.

Marine birds that breed on Tinian include the white tern, the black noddy, the brown noddy, and the Pacific reef heron. These species are not ESA-listed seabird species. ESA-listed seabird species breed outside of the MITT Study Area and are not known to visit land training areas within the Mariana Islands. These seabird species are thought to be rare visitors to the open waters of the Study Area. Potential stressors to seabirds and shorebirds include acoustic, energy, physical disturbance and strike, and ingestion. Under the ESA, because of the rarity of occurrence of ESA-listed species in the area, there would be no effect from these stressors to ESA-listed species. Under the Migratory Bird Treaty Act, the potential stressors listed, including secondary stressors, from military training on Tinian have the potential to injure and kill seabirds and shorebirds on Tinian, but will not cause significant adverse effects on populations of seabirds and shorebirds on Tinian. Mitigation measures for potential impacts to marine birds are described in Chapter 5 of the DEIS/OEIS. With the implementation of mitigation measures, the Proposed Action on Tinian is consistent to the maximum extent practicable with the applicable enforceable policy element on coastal resources (seabirds and shorebirds) of the CNMI CRMA.

Marine invertebrates, including corals, may be impacted by military training and testing in and around Tinian from multiple stressors (acoustic, physical disturbance and strike, energy, entanglement, ingestion and secondary [sediment and water quality]), but they are not particularly susceptible to energy, entanglement or ingestion stressors. Stressors to proposed ESA –listed corals were determined as having “no effect” or “may affect, not likely to adversely affect” under the Navy’s effects determinations for ESA-listed species. The stressors that may affect but are not likely to affect corals include acoustic sources, physical disturbance and strike, and secondary stressors from explosives, explosion byproducts, unexploded ordnance, metals, chemicals, and other materials. The incremental contribution of these stressors to reasonably foreseeable direct and indirect impacts and combined, cumulative impacts on marine invertebrates including corals was determined to be negligible. Mitigation measures for potential impacts on marine invertebrates including corals are described in Chapter 5 of the DEIS/OEIS. With the implementation of mitigation measures, the Proposed Action on Tinian is consistent to the maximum extent practicable with the enforceable policy elements on ecologically significant resource areas and coastal resources (including corals) of the CNMI CRMA.

Fish and fish habitats may be impacted by military training and testing in and around Tinian from multiple stressors (acoustic, physical disturbance and strike, energy, entanglement, ingestion and secondary [sediment and water quality]). Mitigation measures for potential impacts on fish are described in Chapter 5 of the DEIS/OEIS. With the implementation of mitigation measures, the Proposed Action on Tinian is consistent to the maximum extent practicable with the enforceable policy elements on ecologically significant resource areas and coastal resources of the CNMI CRMA.

Terrestrial species, including the ESA-listed species Mariana common moorhen and the Micronesian megapode, may be impacted by military training on Tinian from acoustic

(explosives and weapons firing, launch and impact noise) and physical (ground disturbance, aircraft and aerial target strike, military expended materials, and wildfires) stressors. The Mariana common moorhen is known to exist on Tinian around the Lake Hagoi area in the EMUA, while the Micronesian megapodes observed on Tinian are believed to be transient and likely do not breed on Tinian. Under the ESA, aircraft noise and aircraft and aerial target strikes may affect but are not likely to adversely affect the Mariana common moorhen. The current aggregate impacts of past and present actions and reasonably foreseeable future actions on Tinian are not expected to result in combined, cumulative impacts on terrestrial species. The Navy maintains a number of protective measures that avoids or minimizes potential impacts to the moorhen and megapode. For example, the Navy maintains “no training” restrictions for Lake Hagoi and surrounding habitats, and does not train in intact limestone forest areas that may support Micronesian megapodes. These measures are included with the Section 7 ESA consultation package submitted to the U.S. FWS Pacific Islands Fish and Wildlife Office in April 2014. The final measures from the Section 7 ESA consultation between the Navy and the U.S. FWS will be reflected in the ROD for the MITT EIS/OEIS. With the implementation of mitigation measures, the Proposed Action on Tinian is consistent to the maximum extent practicable with the enforceable policy elements on ecologically significant resource and coastal resources (endangered species) areas of the CNMI CRMA

Saipan - The Micronesian megapode, the nightingale reed-warbler, and the Mariana fruit bat, occur in the Marpi Maneuver Area in Saipan. The Navy has determined that land training on Saipan has no effect on the Mariana fruit bat, and may affect, but is not likely to adversely affect the Micronesian megapode and the nightingale reed-warbler. Since land training will occur on the Saipan coastal zone, the impacts to the Micronesian megapode and the nightingale reed-warbler are considered reasonably foreseeable direct and indirect effects to the resources of the Saipan coastal zone. The combined, cumulative effects on these coastal zone resources would be minimal. Mitigation measures resulting from the ESA consultations will be implemented accordingly. Measures to control the introduction of the brown treesnake into Saipan will be the same as those used elsewhere in the CNMI. With the implementation of mitigation measures, the Proposed Action on Saipan is consistent to the maximum extent practicable with the applicable enforceable policy element on coastal resources (endangered species) of the CNMI CRMA.

Rota - The Navy has determined that training activities on Rota would have no effect on the ESA-listed *Serianthes nelsonii*, *Osmoxylon mariannense*, *Nesogenes rotensis*, or Rota bridled white-eye. The Navy also proposes to conduct Combat Search and Rescue training out of Rota International Airport. Some of these training events may occur at night. Although this training activity is expected to be infrequent, the Navy has determined that potential acoustic impacts associated with aircraft overflights may affect, but would not adversely affect, the Mariana crow and Mariana fruit bat. Impacts and cumulative impacts analysis for training activities proposed on Rota, other than those that are currently occurring on Rota, would be similar to those for Tinian. Measures to control the introduction of the brown treesnake into Rota will be the same as those used elsewhere in the CNMI. No training activities will occur near or within critical habitat or habitat occupied by ESA listed species on Rota (Mariana crow, Mariana fruit bat, Rota bridled white-eye). Prior to planning exercises on Rota, Joint Region Marianas will coordinate with appropriate local officials on Rota to determine the latest status of species (e.g., species locations). Based on this information, the Navy will plan exercises that avoid ESA-listed species to the extent practical. Aircraft operations on Rota are primarily associated with combat search

and rescue training based out of Rota International Airport. Combat search and rescue training activities on Rota occur infrequently. Personnel extractions do not occur in designated conservation areas (e.g., Sabana Heights Conservation Area [Sabana Plateau region], l'Chenchon Bird Sanctuary) or designated critical habitat for the Mariana crow or Rota bridled white-eye. These measures are included with the Section 7 ESA consultation package submitted to the U.S. FWS Pacific Islands Fish and Wildlife Office in April 2014. The final measures from the Section 7 ESA consultation between the Navy and the U.S. FWS will be reflected in the ROD for the MITT EIS/OEIS. With the implementation of mitigation measures, the Proposed Action on Rota is consistent to the maximum extent practicable with the enforceable policy element on ecologically significant resource areas and coastal resources (endangered species) of the CNMI CRMA.

Policy Element 18. Encourage preservation and enhancement of and respect for, the Commonwealth's scenic resources through the development of, increased enforcement of, and compliance with, sign, litter, zoning, building codes, and related land use laws.

Not applicable. This policy pertains to the Government of the CNMI.

Policy Element 19. Discourage, to the maximum extent practicable, visually objectionable uses so as not to significantly degrade scenic views.

Not applicable. Majority of the military training activities within the CNMI will be conducted within the boundaries of federally leased lands and will have no impact on the aesthetic quality of CNMI's scenic views. Land based activities that would occur outside of leased areas would be scheduled in cooperation with local CNMI authorities. There would be no reasonably foreseeable direct or indirect effects to the uses and resources of the CNMI coastal zone from impacts on visual quality from military training and testing activities.

Policy Element 20. Encourage the development of recreation facilities which are compatible with the surrounding environment and land uses.

Not applicable. The Proposed Action does not involve development of recreation facilities. MI.

Policy Element 21. Encourage the preservation of traditional rights of public access to and along the shorelines consistent with the rights of private property owners.

Certain activities of the Proposed Action would take place within the boundaries of federally leased lands in the CNMI. For security and safety reasons, public access normally allowed on federally leased lands (with the exception of FDM) may be temporarily curtailed during military training and testing activities and restored upon completion of the training and testing exercises. There would be minimal reasonably foreseeable direct or indirect effects to the uses and resources of the CNMI coastal zone from impacts on public access from military training and testing activities. Based on the above analysis, the Navy finds that the proposed military training and testing activities are consistent to the maximum extent practicable with the enforceable policy on public access of the CNMI CRMA.

Policy Element 22. Pursue agreements for the acquisition of use of any lands necessary to guarantee traditional public access to and along the shorelines.

Not applicable. This policy element pertains to the Government of CNMI.

Policy Element 23. Encourage agricultural development and the preservation and maintenance of critical agricultural lands for agricultural uses.

Not applicable. The Proposed Action does not involve any agricultural development or critical agricultural lands.

Conclusion

The Proposed Action is consistent to the maximum extent practicable with the applicable enforceable policy elements of the CNMI CRMA.