

COASTAL ZONE MANAGEMENT ACT
CONSISTENCY DETERMINATION FOR COMMONWEALTH OF NORTHERN
MARIANA ISLANDS

Submitted to:

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**Coastal Zone Management Act
Consistency Determination for the
Commonwealth of the Northern Mariana Islands**

**Consistency Determination
Military Training and Testing within the Coastal Zone of the Commonwealth of the Northern
Mariana Islands**

Document Notes:

1. Scientific names are listed at first appearance; the common names are used thereafter.
2. Units are provided as English units followed by metric units parenthetically.
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INTRODUCTION

This document provides the Commonwealth of the Northern Mariana Islands (CNMI) Bureau of Environmental and Coastal Quality (BECQ), Division of Coastal Resources Management 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 C.F.R. Part 930, Subpart C, for the Commonwealth of the Northern Mariana Islands (CNMI) portion of the Proposed Action described in the Mariana Islands Training and Testing (MITT) Draft Environmental Impact Statement/Overseas Environmental Impact Statement (DEIS/OEIS). 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 MITT DEIS/OEIS. The combined, cumulative coastal effects of the proposed activities are described below and in Chapters 3 and 4 of the MITT DEIS/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 are excluded from the coastal zone, federal activities occurring on federal lands which result in spillover impact which directly affect the coastal zone must be consistent, to the maximum extent practicable, with the coastal management plan.

As detailed in the MITT DEIS/OEIS, the Proposed Action is to conduct training and testing activities, including the use of active sonar and explosives in the Mariana Islands Range Complex (MIRC), throughout the in-water areas around the MIRC, and in the transit corridor between the MIRC and the Hawaii Range Complex (HRC). Military training and testing activities occur on federally leased lands in the CNMI and also on non-federal property on the island of Rota and in the Marpi Maneuver Area of Saipan. Some testing activities described in the DEIS/OEIS would occur within 3 nautical miles (nm) of land, with most testing activities occurring in Guam's nearshore waters because of the proximity to Apra Harbor. 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 (CRMO)) provided comments on the Draft EIS/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 MITT 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 activities on Rota. These updates to the Final EIS/OEIS are included in this CZMA consistency determination.

The CNMI CRMO and Navy began discussions of the Navy's compliance with the CZMA in July 2014. This consistency determination incorporates clarifications by the CNMI CRMO regarding the enforceable policies of CNMI's coastal management plan. The Navy reviewed CNMI's coastal

resources management policies¹ to determine those policies which are applicable to the Proposed Action. The Navy's consistency determination addresses the following five enforceable policies:

- **Standards for CRM Permit Issuance: General Criteria** - found at Chapter 15-10-305 of the CNMI Administrative Code,
- **Standards for CRM Permit Issuance: Specific Criteria/Areas of Particular Concern (APC)** – found at Chapter 15-10-310,
- **Standards for Determining Major Siting: Specific Criteria** – found at Chapter 15-10-505,
- **DEQ Water Quality Standards: Classification and Establishment of Water Use Areas** – found at Chapter 65-130 (Part 200), and
- **DEQ Water Quality Standards: Specific Water Quality Criteria** – found at Chapter 65-130 (Part 400).

Definition of the CNMI Coastal Zone

The CNMI Coastal Resources Management Program (CRMP) “defines the area subject to its provisions as the entire land area comprising the 14-island archipelago and the adjoining waters contiguous to each island seaward to the extent of three miles, with the exception of the island of Farallon de Medinilla and its surrounding waters.”² Federally controlled lands are not part of the coastal zone (15 C.F.R. § 923.33). Federally leased lands of the CNMI include the island of 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 MIRC. A description by island of the activities under the Proposed Action, including the type and nature of any excluded lands is provided below.

DESCRIPTION OF THE PROPOSED ACTION

The MITT EIS/OEIS includes a detailed description of the Proposed Action, which is also summarized below. The Navy proposes to conduct military readiness 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). 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 is occasionally scheduled on Saipan (e.g., Marpi Maneuver Area) and Rota (the Rota International Airport, Anjota Island³, and other

¹ These enforceable policies are found within Chapters 15-10 (Coastal Management Rules and Regulations), Chapter 65-120 (Wastewater Treatment and Disposal Rules and Regulations), Chapter 65-130 (Water Quality Standards), and Chapter 65-140 (Well Drilling and Well Operations Regulations).

² Finding of Michael Glazer, Assistant Administrator, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration Regarding Approval of the Commonwealth of the Northern Mariana Islands Coastal Resources Management Program, September 23, 1980.

³ The MITT EIS/OEIS uses the spelling “Angyuta.” For consistency with the CNMI Administrative Code, the spelling “Anjota” is used for Anjota Island off of Rota.

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 activities. Additional information on platforms, weapons systems, and ordnance expenditures associated with each military readiness activity are available in Tables 2.8-1 through 2.8-3 and Appendix A of the MITT DEIS/OEIS.

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

Proposed military readiness activities that may occur in the CNMI and nearshore waters of the CNMI are listed in Table 1. A detailed island-by-island description of the Proposed Action is included in the following sections.

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 § 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. Although federally controlled lands are excluded from the coastal zone, actions on excluded federal lands that have spillover effects on non-excluded lands are subject to consistency review. Because FDM is excluded from CNMI's coastal zone, only spillover effects are included in this analysis.

TINIAN

The northern two-thirds of Tinian are also leased to the federal government per the Covenant. On September 18, 2013, the CNMI was added to the TSLA, 48 USC § 1705 and 1706, transferring right, title, and interest in certain submerged lands out to 3 miles from the CNMI to the Government of the CNMI. The submerged lands adjacent to the Tinian Military Lease Area (MLA) were exempted from that transfer. Table 1 lists and describes MITT activities that could occur on land (within the Tinian MLA) and training and testing activities that could occur within 3 nm of Tinian.

SAIPAN

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. Land navigation training does not include the use of vehicles, and fires associated with bivouac activities are not allowed. Table 1 lists and describes MITT 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, Anjota Island near Song Song's West Harbor, and locations scheduled in coordination with local Rota and CNMI officials. Training activities on Rota are infrequent. Table 1 lists and describes MITT activities that could occur on land and training and testing activities that could occur within 3 nm of Rota.

Table 1: Land-based and At-sea Military Training and Testing Activities that occur within the CNMI and Nearshore Waters¹

Activity Name	Land-based Activity Location			At-sea Activity within 3 nm of CNMI coastline ⁴	Baseline Number of Activities ⁵	Proposed Number of Activities	Activity Description
	Rota ²	Tinian ³	Saipan				
Strike Warfare							
Combat Search and Rescue (CSAR)	X	X	X	X	60	80	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	8	10	Surface ship crews use large-caliber guns to fire on land-based targets in support of forces ashore.
Amphibious Assault	-	X	-	X	4	6	Forces move ashore from ships at sea for the immediate execution of inland objectives.
Amphibious Raid	X	X	-	X	2	6	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	X	-	17	36	Forces sized from squad (13 personnel) to battalions (approximately 950 personnel) conduct training activities in mock urban environments.

Table 1: Land-based and At-sea Military Training and Testing Activities that occur within the CNMI and Nearshore Waters¹ (Continued)

Activity Name	Land-based Activity Location			At-sea Activity within 3 nm of CNMI coastline ⁴	Baseline Number of Activities ⁵	Proposed Number of Activities	Activity Description
	Rota ²	Tinian ³	Saipan				
Noncombatant Evacuation Operations/ Humanitarian Assistance Operations/Disaster Relief Operations	-	X	-	-	2	5	Military units evacuate noncombatants from hostile or unsafe areas or provide humanitarian assistance in times of disaster.
Anti-surface Warfare							
Maritime Security Operations	-	-	-	X	6	40	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).
Naval Special Warfare							
Personnel Insertion/Extraction	X	X	-	X	150	240	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	12	20	Military personnel train for covert insertion into target areas using parachutes.
Embassy Reinforcement	X	X	-	-	50	50	Special warfare units train to provide reinforcement of an embassy under hostile conditions.

Table 1: Land-based and At-sea Military Training and Testing Activities that occur within the CNMI and Nearshore Waters¹ (Continued)

Activity Name	Land-based Activity Location			At-sea Activity within 3 nm of CNMI coastline ⁴	Baseline Number of Activities ⁵	Proposed Number of Activities	Activity Description
	Rota ²	Tinian ³	Saipan				
Intelligence, Surveillance, Reconnaissance	X	X	X	-	16	16	Special warfare units train to collect and report battlefield intelligence.
Direct Action (Combat Close Quarters and Breaching)	-	X	-	-	40	72	Military personnel train for use of force, breaching doors and obstacles, and close quarters combat.
Urban Warfare Training	X	X	X	-	8	18	Special warfare units train in mock urban environments.
Underwater Survey	-	-	-	X	6	16	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	-	-	16	16	Units conduct field maneuver training or convoy training.
Water Purification	-	X	-	-	NA	16	Units conduct water purification training using water purification equipment in field conditions.

Table 1: Land-based and At-sea Military Training and Testing Activities that occur within the CNMI and Nearshore Waters¹ (Continued)

Activity Name	Land-based Activity Location			At-sea Activity within 3 nm of CNMI coastline ⁴	Baseline Number of Activities ⁵	Proposed Number of Activities	Activity Description
	Rota ²	Tinian ³	Saipan				
Force Protection	X	X	-	-	75	75	Units train in providing defensive force protection against a terror threat.
Field Training Exercise	X	X	X	-	100	100	Units train in securing an area, establishing a camp or post, and guarding and patrolling.
Anti-terrorism	X	X	-	-	80	80	Units train in conducting direct action against a terror threat.
Seize Airfield	X	X	X	-	12	12	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	X	X	-	12	12	Units conduct training establishing, securing, maintaining, or operating an expeditionary airfield.
Land Demolitions (Improvised Explosive Device Discovery/Disposal) ²	-	X	-	-	120	120	Explosive ordnance units conduct training detecting, isolating, or securing Improvised explosive devices or unexploded ordnance.
Search and Rescue at Sea	-	-	-	X	NA	40	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.

Table 1: Land-based and At-sea Military Training and Testing Activities that occur within the CNMI and Nearshore Waters¹ (Continued)

Activity Name	Land-based Activity Location			At-sea Activity within 3 nm of CNMI coastline ⁴	Baseline Number of Activities ⁵	Proposed Number of Activities	Activity Description
	Rota ²	Tinian ³	Saipan				
Precision Anchoring	-	-	-	X	NA	18	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	NA	17	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	NA	36	Littoral Combat Ships conduct mine detection and neutralization using unmanned vehicles (surface, submersible, and aerial) and manned helicopters. Mine detection utilizes acoustic and laser systems to locate mines. Mine neutralization utilizes magnetic and acoustic systems or projectiles to trigger/disable mines. Non explosive mine shapes would be used as targets.

Table 1: Land-based and At-sea Military Training and Testing Activities that occur within the CNMI and Nearshore Waters¹ (Continued)

Activity Name	Land-based Activity Location			At-sea Activity within 3 nm of CNMI coastline ⁴	Baseline Number of Activities ⁵	Proposed Number of Activities	Activity Description
	Rota ²	Tinian ³	Saipan				
ASW Mission Package Testing	-	-	-	X	NA	33	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: ASW = anti-submarine warfare, CNMI = Commonwealth of the Northern Mariana Islands, MCM = mine countermeasures

1. Activities occurring on FDM are excluded from this table, as no reasonably foreseeable coastal effects to the CNMI Coastal Zone from activities on FDM are anticipated.
2. All activities on Rota are expected to occur at the Rota International Airport, Anjota Island, Commonwealth Port Facility, and other developed areas in coordination with local and CNMI officials.
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.
5. Baseline activities are those activities which were analyzed in the 2010 Mariana Islands Range Complex (MIRC) EIS/OEIS.

ANALYSIS OF THE APPLICABLE ENFORCEABLE POLICIES OF THE CNMI COASTAL RESOURCES MANAGEMENT PROGRAM

The CNMI CRMP includes 18 enforceable policies. These enforceable policies are listed in Table 2, along with whether these policies are applicable to the Proposed Action. The justification for excluding some enforceable policies for further analysis is also provided in Table 2. Policies that the Navy has determined to be applicable are described in more detail in this consistency determination.

Table 2: Enforceable Policies and Applicability to the Proposed Action

Enforceable Policy ¹		Applicability to the Proposed Action	Inclusion for Additional Analysis
Description	Legal Citation		
Part 001 – General Provisions: Definitions	15-10-020	Not applicable. This section establishes definitions that are incorporated by reference into this CD.	No
Part 200 – CRM Permit Process: Application	15-10-205	Not applicable. The Navy's Proposed Action does not include any new construction or development. Furthermore, the Navy is not applying for permits with the CNMI.	No
Part 200 – CRM Permit Process: Decision on Permit Process	15-10-230		No
Part 300 – Standards for CRM Permit Issuance: General Criteria	15-10-305	Applicable. The Navy will demonstrate that the MITT Proposed Action is consistent to the maximum extent practicable with the enforceable policies that are contained in such permit programs that are part of a management program.	Yes
Part 300 – Standards for CRM Permit Issuance: Specific Criteria	15-10-310	Applicable. Detail in regards to the significance of impacts to resources within APCs is included in this CD.	Yes
Part 500- Standards for Determining Major Siting: Specific Criteria	15-10-505	Applicable. The Proposed Action fits some, but not all, criteria for major sitings, and is evaluated accordingly in this CD.	Yes

Note:

APC = Area of Particular Concern

Table 2: Enforceable Policies and Applicability to the Proposed Action (Continued)

Enforceable Policy ¹		Applicability to the Proposed Action	Inclusion for Additional Analysis
Description	Legal Citation		
Part 600 – CRM Permit Conditions: Mandatory Conditions	15-10-610	Not applicable. The Navy is not applying for permits with the CNMI; rather, the Navy will demonstrate that the MITT Proposed Action is consistent to the maximum extent practicable with the enforceable policies that are contained in such permit programs that are part of a management program.	No
Part 700 – CRM Permit Amendment: Transfer of Interest	15-10-705		No
Part 800 – Enforcement of CRM Permits: Permit Enforcement Notice	15-10-815		No
Part 800 – Enforcement of CRM Permits: Remedies	15-10-830		No
Part 1200 – CRM Public Records Retention	15-10-1201		No
DEQ Well Drilling and Well Operations: Purpose	65-140-005	Not applicable. The Proposed Action does not include the construction or operation of water wells and will not impact groundwater.	No
DEQ Well Drilling and Well Operations Regulations: Groundwater Management Zones	Part 2000		No
DEQ Wastewater Treatment and Disposal Rules and Regulations: Definitions	65-120-010	Not Applicable. This section establishes definitions that are incorporated by reference into this CD.	No
DEQ Wastewater Treatment and Disposal Rules and Regulations: Animal Waste Management	65-120 Part 1700	Not Applicable. Animal waste will not be generated by the Proposed Action.	No
DEQ Water Quality Standards: Classification and Establishment of Water Use Areas²	65-130 Part 200	Applicable. The CD includes an analysis of the Proposed Action and water quality standards defined under Part 400 in waters classified in Part 200.	Yes
DEQ Water Quality Standards: Specific Water Quality Criteria²	65-130 Part 400		
DEQ Water Quality Standards: Mixing Zone in Receiving Waters	Part 500	Not applicable. Activities described in the Proposed Action do not require the establishment of mixing zones (e.g., there are no discharges in CNMI waters)	No

Notes:

1. Enforceable policies provided to the Navy in Commonwealth Of Northern Mariana Islands, Office of the Governor, Coastal Resources Management, Bureau of Environmental and Coastal Quality letter received July 27, 2014. Activities highlighted in **bold** text are applicable and are discussed in more detail in the following sections of this document.

2. These two enforceable policies are analyzed together in this consistency determination.

CNMI = Commonwealth of the Northern Mariana Islands, CRM = Coastal Resources Management, DEQ = Department of Environmental Quality, CRM = Division of Coastal Resources Management.

Part 300 – § 15-10-305, Standards for CRM Permit Issuance: General Criteria

The Navy is not applying for permits with CNMI CRMO; however, the Navy is required to ensure that the Proposed Action is consistent to the maximum extent practicable with the enforceable policies that are contained in the CNMI administrative code associated with the CRMO coastal zone management program.⁴

The following is the Navy's analysis of § 15-10-305: (a) cumulative impacts, (b) compatibility, (c) alternatives, (d) conservation, (e) compliance with local and federal laws, (f) ensuring access to clean and healthful environment, (g) effect on existing public services, (h) adequate access; (i) setbacks, and (j) management measures for non-point source pollution.

(a) Cumulative impacts. *"The CRM Administrator and CRM agency officials shall determine the impact of existing uses and activities on coastal resources and determine whether the added impact of the proposed project seeking a CRM permit will result, when added to the existing use, in a significant degradation of the coastal resources. Consideration shall include potential coastal nonpoint source pollution, watershed setting, and receiving waters of the watershed in which a project is situated."*

The Navy has included a cumulative analysis in Chapter 4 of the MITT EIS/OEIS. In accordance with this enforceable policy element, the Navy has also analyzed whether the Proposed Action could potentially impact existing uses and activities on coastal resources and whether the added impact of MITT activities could contribute to significant degradation of the coastal resources.⁵ Considerations for this analysis include whether the MITT activities are a source of nonpoint source pollution, interferes with watershed setting, and impacts receiving waters of the watershed in which those activities are to occur.

Impacts on sediments and water quality are analyzed in Section 3.1 (Water Quality) of the Draft EIS/OEIS and summarized for each area below:

- *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. Short-term impacts on sediments and water quality from the Proposed Action are not expected to contribute to long-term impacts. The incremental

The Navy analyzed the extent of the Proposed Action relative to the assessment criteria for CRM permit issuance.

Part 300 15-10-305 specifies nine criteria to evaluate consistency with this enforceable policy for projects that may directly and significantly impact APCs.

The Navy's analyses for these criteria are included under each APC discussion (under the APC enforceable policy).

The Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

⁴ See 15 CFR 930.39(e): "Even when Federal agencies are not required to obtain State permits, Federal agencies shall still be consistent to the maximum extent practicable with the enforceable policies that are contained in such State permit programs that are part of a management program."

⁵ Standard operating procedures for spill prevention and waste management are also specified in the Mariana Islands Training Manual (COMNAVMARIANSASINST 3500.4A), dated 13 October 2013.

contribution of the Proposed Action to cumulative impacts on sediments and water quality on Tinian would be low.

- *Saipan* - There are no wastewater discharges associated with training and testing activities on 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 and convoy training. These training activities on Saipan will not impact coastal water quality.
- *Rota* – There are no wastewater discharges associated with training and testing activities on Rota. The types of training activities proposed for Rota do not differ from previous training activities and these training activities will not impact coastal water quality.

It should be noted that all MITT activities on land employ standard operating procedures that address point and non-point source pollution (see Chapter 5 of the MITT EIS/OEIS). **Because the activities proposed in the MITT EIS/OEIS would not result in non-point source pollution, interfere with watershed setting, or impact receiving waters of the watershed, the Proposed Action would not induce cumulative impacts that would significantly degrade coastal resources within the CNMI coastal zone.**

(b) Compatibility. *"The CRM Administrator and CRM agency officials shall determine, to the extent practicable, whether the proposed project is compatible with existing adjacent uses and is not contrary to designated land and water uses being followed or approved by the Commonwealth government, its departments or agencies."*

The Navy has assessed the compatibility of the Proposed Action with management standards and use categories specified for APCs. This analysis is included below (see the analysis for Part 300, § 15-10-310, Standards for CRM Permit Issuance: Specific Criteria/Area of Particular Concern). **Based on this analysis, the activities proposed in the MITT EIS/OEIS are compatible with the management standards and use categories for APCs.**

(c) Alternatives. *"The CRM Administrator and CRM agency officials shall determine whether or not a reasonable alternative site exists for the proposed project."*

The Navy has assessed reasonable alternatives to training and testing locations. Chapter 1 of the MITT EIS/OEIS contains a discussion on why training and testing activities occur in the Mariana Islands. Chapter 2 of the MITT EIS/OEIS contains a description of alternatives considered and alternatives dismissed.

Due to the strategic location of the CNMI and Guam, and the DoD's ongoing reassessment of the Western Pacific military alignment, there has been a dramatic increase in the importance of the MIRC as a training and testing venue and its capabilities to support required military training. The MITT Study Area is characterized by a unique combination of attributes that make it a strategically important range complex for the military services. These attributes include the following:

- Location within and adjacent to U.S. territory,
- Ranges and operating areas on the islands of Rota, Saipan, Tinian, FDM, and Guam,

- Expansive airspace, surface sea space, and underwater sea space,
- Authorized use of multiple types of explosive and non-explosive ordnance on FDM,
- Support for all Navy warfare areas and numerous other service roles, missions, and tactical tasks,
- Support to homeported service units based at military installations on the CNMI and Guam,
- Training support for deployed forces,
- Western Pacific Theater training venue for Special Warfare forces,
- Ability to conduct joint and combined force exercises and,
- Rehearsal area for Western Pacific contingencies.

Based on this analysis, there are no other reasonable alternative locations for military training and testing activities that meet DoD's requirement to maintain military readiness.

(d) Conservation. *"The CRM Administrator and CRM agency officials shall determine, to the extent practicable, the extent of the impact of the proposed project, including construction, operation, maintenance and intermittent activities, on its watershed and receiving waters, marine, freshwater, wetland, and terrestrial habitat, and preserve, to the extent practicable, the physical and chemical characteristics of the site necessary to support water quality and living resources."*

The Navy has evaluated the Proposed Action and potential impacts on watershed and receiving waters, marine, freshwater, wetland, and terrestrial habitat. The proposed action preserves to the extent practicable, the physical and chemical characteristics of the study area necessary to support water quality and living resources.

Impacts to sediments and water quality are discussed in Section 3.1 (Sediments and Water Quality) of the Draft EIS/OEIS. The stressors that may impact sediments and water quality within the MITT study area include explosives and explosive byproducts, metals, chemicals other than explosives, and other military expended materials. While the majority of impacts would occur beyond the CNMI coastal zone and no explosives are expended within the CNMI coastal zone, all four stressors are discussed here as there could be reasonably foreseeable coastal effects to the CNMI coastal zone.

When considered together, the impact of the four stressors (explosives and explosive byproducts, metals, chemicals other than explosives, and other military expended materials) would be additive. Chemical, physical, or biological changes in sediment or water quality would not be detectable and would be below or within existing conditions or designated uses. This conclusion is based on the following reasons:

- Although individual training and testing activities may occur within a fairly small area, overall military expended materials and activities are widely dispersed in space and time throughout the MITT study area.
- When multiple stressors occur at the same time, it is usually for a brief period.
- Many components of expended materials are inert or corrode slowly.
- Numerically, most of the metals expended are small- and medium-caliber projectiles, metals of concern comprise a small portion of the alloys used in expended materials, and metal corrosion is a slow process that allows for dilution.

- Most of the components are subject to a variety of physical, chemical, and biological processes that render them benign.
- Potential areas of negative impacts would be limited to small zones immediately adjacent to the explosives, metals, or chemicals other than explosives.
- The failure rate is low for explosives and materials with propellant systems, limiting the potential impacts from the chemicals other than explosives.

Based on analyses, the proposed action preserves, to the extent practicable, the physical and chemical characteristics of the study area necessary to support water quality and living resources.

(e) Compliance with Local and Federal Laws. *"The CRM Administrator and CRM agency officials shall require compliance with federal and CNMI laws, including, but not limited to, air and water quality standards, land use, federal and CNMI constitutional standards, and applicable permit processes necessary for completion of the proposed project."*

The MITT EIS/OEIS provides a detailed analysis of all applicable federal regulatory frameworks. Section 3.01 (Regulatory Framework) provides a brief overview of the primary federal statutes (Section 3.0.1.1), executive orders (Section 3.0.1.2), and guidance (Section 3.0.1.3) that form the regulatory framework for the evaluation of resources for the Proposed Action. Chapter 6 (Additional Regulatory Considerations) provides a summary listing and status of compliance with the applicable environmental laws, regulations, and executive orders that were considered in preparing the MITT EIS/OEIS. The Navy is consulting with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service under Section 7 of the ESA for potential impacts on threatened and endangered species from the Proposed Action. The Navy submitted the Section 7 ESA consultation package to the National Marine Fisheries Service in March 2014 and to the U.S. Fish and Wildlife Service in July 2014. Formal consultation with the U.S. Fish and Wildlife Service began in August 2014. The Navy is requesting a Letter of Authorization from the National Marine Fisheries Service under MMPA, as well as conducting essential fish habitat analysis with the National Marine Fisheries Service.

The Proposed Action will comply with all applicable Local and Federal laws.

(g) Effect on Existing Public Services. *"Activities and uses which would place excessive pressure on existing facilities and services to the detriment of the Commonwealth's interests, plans and policies, shall be discouraged."*

The Proposed Action has no effect on existing public services within the CNMI coastal zone.

(h) Adequate Access. *"The CRM Administrator and CRM agency officials shall determine whether the proposed project would provide adequate public access to and along the shoreline."*

The Proposed Action does not hinder public access to anywhere within the CNMI coastal zone. Public access will only be affected on Navy leased lands within the CNMI.

(i) Setbacks. *"The CRM Administrator and CRM agency officials shall determine whether the proposed project provides adequate space between the project and identified hazardous lands including floodplains, 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, and welfare of the people of the Commonwealth, and complies with applicable laws."

There is no construction associated with the Proposed Action; therefore, there is no requirement for setbacks.

(j) Management Measures for Control of Nonpoint Source Pollution. *"The CRM Administrator and CRM agency officials shall determine if the selected management measures are adequate for the control of nonpoint source pollution resulting from project construction, operations and maintenance, including intermittent activities such as repairs, routine maintenance, resurfacing, road or bridge repair, cleaning, and grading, landscape maintenance, chemical mixing, and other nonpoint sources."*

Standard operating procedures for spill prevention and waste management are included in Chapter 5 of the MITT EIS/OEIS and are also specified in the Mariana Islands Training Manual (COMNAVMARIANSASINST 3500.4A), dated 13 October 2013.

Conclusion. The Navy analyzed the extent of the Proposed Action relative to the nine criteria of Part 300, § 15-10-305 to evaluate consistency with this enforceable policy for projects that may directly and significantly impact APCs within the CNMI coastal zone. **Based on this analysis, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.**

Part 300 – § 15-10-310, Standards for CRM Permit Issuance: Specific Criteria/Area of Particular Concern

CNMI Administrative Code 1.5.3 § 15-10-310 establishes definitions and use priorities for Areas of Particular Concern (APCs). Table 3 lists each APC and sub-classification, and determines whether the project has a nexus with the various APCs. Three APCs have potential nexus with project activities and are described in more detail below, with cross reference to management standards and use priorities established at CNMI Administrative Code 1.5.3 § 15-10-310. These APCs include Lagoon and Reef APC (general), Lagoon and Reef APC (Anjota Island), and Port and Industrial APC (Rota, Tinian, Saipan).

Lagoon and Reef APC (general). Management standards for this APC include (1) Subsistence usage of coastal areas and resources shall be ensured; (2) Living marine resources, particularly fishery resources, shall be managed so as to maintain optimum sustainable yields; (3) Significant adverse impacts to reefs and corals shall be prevented; (4) Lagoon and reef areas shall be managed so as to maintain or enhance subsistence, commercial and sport fisheries; (5) Lagoon and reef areas shall be managed so as to assure the maintenance of natural water flows, natural circulation patterns, natural nutrient and oxygen levels and to avoid the discharge of toxic wastes, sewage, petroleum products, siltation and destruction of productive habitat; (6) Areas and objects of historic and cultural significance shall be preserved and maintained; and, (7) Underwater preservation areas shall be designated.

Table 1 shows MITT activities that may occur within 3-nm of islands within the CNMI. Underwater explosives would not occur within 3-nm of land within the CNMI. Chapter 5 of the MITT FEIS/OEIS includes avoidance and minimization measures to avoid significant adverse impacts on coral reefs. Based on the analysis of activities listed in Table 1 that may occur within the CNMI coastal zone, the activities as part of the Proposed Action would not conflict with, and are consistent with, the management standards for this APC. The MITT activities within the CNMI coastal zone do not hinder use categories considered high priority (promotion of conservation of open space, high water quality, historic and cultural resource protection, protection of access and public recreation, impacting extractive use, contribute to beach erosion, or adversely impact fish and wildlife habitat). Nor do MITT activities that would occur within the CNMI coastal zone contribute to unacceptable uses (e.g., sewage and waste discharge, removing sand and aggregate materials, non-permitted coral removal, dumping of trash into lagoons or into areas that may enter lagoons).

The Navy analyzed the extent of the Proposed Action relative to the APCs specified in Part 300 15-10-310 of the CNMI Administrative Code.

The Navy analyzed in more detail the following APCs: Lagoon and Reef APC (general), Lagoon and Reef APC (Anjota Island), and the Port and Industrial APC.

The Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

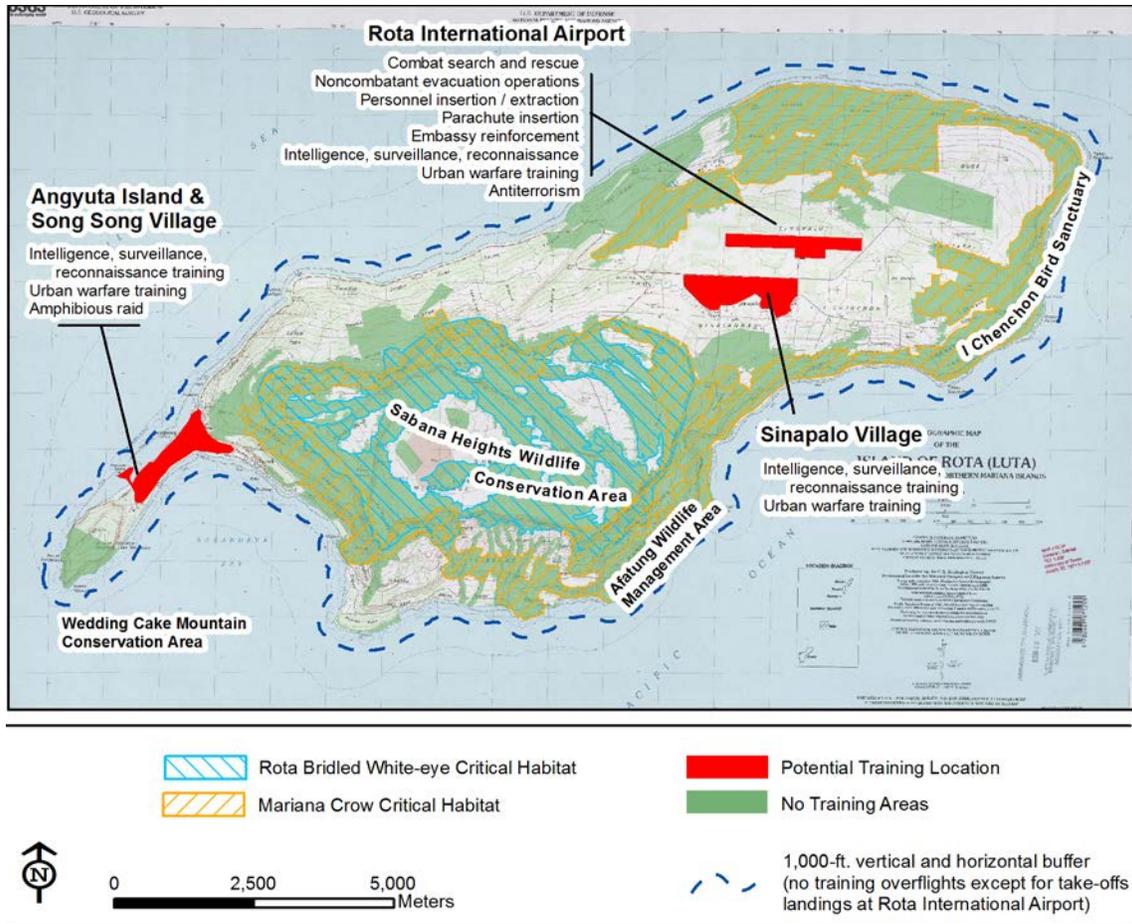
Table 3: Areas of Particular Concern and Applicability to the Proposed Action

Area of Particular Concern		Applicability to the Proposed Action (Reason for Inclusion / Exclusion)	Inclusion for Additional Analysis
Description	Location		
Lagoon and Reef APC	General	Applicable. General Standards addressed above.	Yes
	Managaha Island (Saipan)	Not Applicable. Activities as part of the Proposed Action do not occur on or around Managaha Island off of Saipan.	No
	Anjota Island (Rota)	Applicable. Amphibious raid training activities could occur off of Anjota Island.	Yes
	Coral reefs (Rota, Tinian, Saipan)	Not Applicable. Amphibious landing activities occur in areas excluded from the CNMI coastal zone and have no reasonably foreseeable effects to the CNMI Coastal Zone. Some amphibious landing activities may occur in port facilities but use established boat lanes and would not disturb corals.	No
Wetland and Mangrove APC	Wetlands and mangroves on all islands within the CNMI	Not Applicable. Wetlands are found with the Tinian MLA; however, these lands are excluded from the CNMI coastal zone and have no reasonably foreseeable effects to the CNMI Coastal Zone. It should be noted that the Navy has in place a wetlands management plan for Hagoi, Mahalang, and Bateha wetland features within the Tinian MLA, which contributes to the conservation of wetlands and restoration of wetland functions.	No
Shoreline APC	Shoreline areas for the entire Mariana Islands	Not Applicable. The activities described in the Proposed Action do not restrict access or use of areas outside of locations excluded from the CNMI coastal zone.	No
Port and Industrial APC	Rota, Tinian, Saipan	Applicable. Intelligence, surveillance, and reconnaissance training, urban warfare training, and amphibious raid training could occur on Anjota Island and Song Song Village, and Sinapalo Village.	Yes
Coastal Hazard APC	Flood hazard zones (V and VE) for the entire Mariana Islands	Not Applicable. The activities described in the Proposed Action do not site facilities in floodzones (or uplands), or include activities that would contribute to flood hazards.	No

Lagoon and Reef APC (Anjota Island). Offshore areas of Anjota Island may be used for amphibious raid activities. Amphibious raid activities are broadly described as: “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.” On Rota, the training would likely involve 1 to 5 people swimming to shore or using a small rubber inflatable raft. These activities do not hinder activities that are considered high priority categories (maintenance of areas outside of the port and industrial APC [discussed below] as a wildlife sanctuary or for passive recreation). The use of offshore areas of Anjota Island also does not contribute to the unacceptable activities identified in the regulations (e.g., encroachment onto wildlife areas or passive recreational use of the island).

Port and Industrial APC (Rota). Some training activities may occur within port and industrial areas of Rota. These training activities are shown on Figure 1 (Potential Training Locations on Rota). Training activities may include intelligence, surveillance, reconnaissance training, urban warfare training, and amphibious raid training at Anjota Island and Song Song Village. These activities do not conflict with the standards provided in the regulations for this APC. Further, the training activities do not hinder activities that are considered high priority use categories and do not contribute to low priority use or unacceptable use categories.

Conclusion. The Navy analyzed the extent of the Proposed Action relative to the APCs specified in Part 300, § 15-10-310 of the CNMI Administrative Code. These APCs are limited to areas within the CNMI coastal zone and do not include excluded areas. While the Navy identified the Lagoon and Reef APC (general), Lagoon and Reef APC (Anjota Island), and the Port and Industrial APC as potentially overlapping with the Proposed Action, and those coastal effects of the Proposed Action may be reasonably foreseeable, the Proposed Action would not contribute to unacceptable use categories and does not interfere with high priority use categories. **Based on this analysis, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy cited at Part 300, § 15-10-310 of the CNMI Administrative Code.**



Note: Potential training locations (shaded in red) show where training activities may occur. Intelligence, surveillance, reconnaissance training and urban warfare training locations are not exact and are arranged in coordination with the Rota Mayor’s office. These training activities occur in developed areas. No training activity would occur within designated critical habitat for the Mariana crow or Rota bridled white-eye, local conservation areas, or any other area considered to be habitat for ESA-listed species. Green shaded areas represent all areas that could be occupied by ESA-listed species at any time throughout the year. These areas are not proposed for training. Mariana fruit bat colonies are not depicted in the map as they fall within designated critical habitat or conservation areas.

Figure 1: Potential Training Locations on Rota

Part 500- Standards for Determining Major Siting: Specific Criteria

The Navy analyzed military training and testing activities described in the MITT EIS/OEIS based on the following criteria: (1) project site development, (2) minimum site preparation, (3) adverse impact on fish and wildlife, (4) cumulative environmental impact, (5) future development options, (6) mitigation of adverse impacts, (7) cultural / historic and scenic value, and (8) watershed conservation. These criteria are evaluated below, along with references to more detailed discussions within the MITT EIS/OEIS.

(a) Project Site Development. The Proposed Action does not include construction of any kind; therefore, there are no site development activities.

(b) Minimum Site Preparation. Training activities that occur on land require minimal or no site preparation.

(c) Adverse Impact on Fish and Wildlife. Impacts to natural resources are discussed in the following sections of the Draft EIS/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.

Marine mammals are protected under the Marine Mammal Protection Act (MMPA) and threatened or endangered species are protected under the Endangered Species Act (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 may affect, but are not likely to adversely affect ESA-listed marine mammals.

The Navy analyzed the Proposed Action in reference to criteria specified for “major sitings” pursuant with Part 500 15-10-505 of the CNMI Administrative Code.

The Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

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 EIS/OEIS. Terrestrial flora and fauna may also be impacted by the Proposed Action, which includes land training activities within the CNMI on Tinian, Saipan, Rota, and FDM. Most land training activities within the CNMI would occur on Tinian within areas leased by the military. Most impacts to terrestrial flora and fauna would occur on FDM due to impacts associated with strike warfare training.

- *FDM* - Impacts to terrestrial flora and fauna would be limited to FDM and there would not be reasonably foreseeable coastal effects on the CNMI Coastal Zone.
- *Tinian* - Impacts to terrestrial flora and fauna would be limited to the Military Leased Area and could have reasonably foreseeable coastal effects into the CNMI Coastal Zone. 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. The measures were not included in Chapter 5 of the Draft EIS/OEIS, but will be added to the Final EIS/OEIS once the Section 7 ESA consultation between the Navy and the U.S. Fish and Wildlife Service is completed.

Marine invertebrates, including corals, may be impacted by military training and testing activities 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 adversely 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 Draft EIS/OEIS.

Fish and fish habitats may be impacted by military training and testing activities 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 habitats are described in Chapter 5 of the Draft EIS/OEIS.

Terrestrial species, including the ESA-listed species Mariana common moorhen and the Micronesian megapode, may be impacted by military training activities 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. Fish and Wildlife Service Pacific Islands Fish and Wildlife Office in April 2014. The measures were not included in Chapter 5 of the Draft EIS/OEIS, but will be added to the Final EIS/OEIS once the Section 7 ESA consultation between the Navy and the U.S. Fish and Wildlife Service is completed.

- *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 activities 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 activities 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 and are described in Section 3.10.3.3.1 of the Draft EIS/OEIS.

- *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. Figure 1 shows the potential location of training activities that may occur on Rota. 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, and 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], I'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. Fish and Wildlife Service Pacific Islands Fish and Wildlife Office in April 2014. The measures were not included in Chapter 5 of the Draft EIS/OEIS, but will be added to the Final EIS/OEIS once the Section 7 ESA consultation between the Navy and the U.S. Fish and Wildlife Service is completed.

(d) Cumulative Environmental Impact. See discussion in this consistency determination (above) under *Part 300, § 15-10-305, Standards for CRM Permit Issuance: General Criteria*.

(e) Future Development Options. Most of the MITT activities occur in areas excluded from the CNMI coastal zone. The activities that may occur within the coastal zone are minor in terms of size and scope, and any reasonably foreseeable effects would not hinder future development in adjacent areas.

(f) Mitigation of Adverse Impacts. Chapter 5 of the MITT EIS/OEIS describes in detail mitigation measures that would be applied along with the Proposed Action. The Final MITT EIS/OEIS has been updated to include specific conservation measures developed during the ongoing Section 7 ESA consultation between the Navy and the U.S. Fish and Wildlife Service.

(g) Cultural / Historic and Scenic Value. The Proposed Action does not involve development. Impacts on historical and cultural resources from military training and testing activities are discussed in Section 3.11 (Cultural Resources) of the Draft EIS/OEIS. To the extent there are coastal effects on properties of historical and cultural significance, the Proposed Action is consistent to the maximum extent practicable with the enforceable policy elements of the CNMI CRM program as described below.

- *Tinian* - Significant historic and cultural resources exist in the MLA and are protected by the Navy's MLA Integrated Cultural Resources Management Plan. The 2009 Programmatic Agreement for Military Training in the Marianas also defines protective measures to be implemented during training activities on Tinian. Based on the analysis presented in the Draft EIS/OEIS, it was determined that military training and testing activities would not result in adverse effects on cultural resources, which include National Register of Historic Places-eligible resources and submerged historic resources within U.S. territorial waters on Tinian because protective measures have been previously implemented and will continue to be implemented to protect these resources. Because cultural resources are fixed-location resources, there would be no reasonably foreseeable direct or indirect effects to the Tinian coastal zone uses and resources from impacts to cultural resources from military training and testing activities. The Proposed Action on Tinian is consistent to the maximum extent practicable with the enforceable policy elements on historic and cultural resources of the CNMI CRM program.
- *Saipan* – Training and testing activities on Saipan will not occur in areas of historical and cultural significance.
- *Rota* – Training activities on Rota will not occur in areas of historical and cultural significance.

The majority of the MITT 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. Activities that would occur outside of leased areas would be scheduled in cooperation with local CNMI authorities. Solid waste (litter) generated during MITT activities, which may impair visual quality, will be collected, consolidated, and disposed of in Guam in accordance with applicable federal and local regulations and Navy solid waste management plans. There would be no reasonably foreseeable direct or indirect effects to the historical and cultural resources, to include scenic value, of the coastal zone from military training and testing activities.

(h) Watershed Conservation. The Proposed Action does not include construction of any kind; therefore, no areas will be disturbed in the coastal zone that would be susceptible to erosion and sediment loss. Further, the Proposed Action does not hinder or interfere with ecological functions necessary to maintain riparian and aquatic biota and/or protect to the extent practicable the natural integrity of waterbodies and natural drainage systems.

Conclusion. The Navy analyzed the Proposed Action as a "major siting" using the eight evaluation criteria specified in Part 500, § 15-10-505 of the CNMI Administrative Code. None of the activities described in the Proposed Action would conflict with the specifications provided in the evaluation criteria; **therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy cited at Part 300, § 15-10-310 of the CNMI Administrative Code.**

DEQ Water Quality Standards: Classification and Establishment of Water Use Areas and Specific Water Quality Criteria

This section discusses military training and testing activities and water classifications established in the DEQ Water Quality Standards. Section 3.1 (Water Quality) of the MITT EIS/OEIS contains a detailed analysis of fate and transport of byproducts produced during military training and testing activities, as well as additional information on potential runoff generated from training activities on land.

Chapter 65-130 Part 200 of the CNMI Administrative Code establishes definitions of water use areas within the CNMI coastal zone. Class "AA" waters are coastal waters surrounding Saipan, Tinian, Rota, and the northern islands (FDM, Anatahan, Sariguan, Guguan, Alamagan, Pagan, Agrihan, Asuncion, Maug, and Farallon de Pajaros) that are not designated as class "A" waters. Class "A" waters off of Saipan include waters out to 3,000 feet from the shoreline from the entrance to Smiling Cove Marina to Saddok As Agatan, inclusive of the waters within Smiling Cove Marina and its entrance channel, and waters surrounding the Agingan Wastewater Treatment Plant, within a 1,000 foot radius of the outfall. Class "A" waters off of Tinian include coastal waters known as San Jose Harbor. Class "A" waters off of the northern islands includes waters surrounding FDM; however, these waters are not included in the CNMI coastal zone. Class "1" and Class "2" waters are associated with freshwater features. The military does not conduct any training activities on land within waters that would be considered Class "1" or Class "2."

Chapter 65-130 Part 400 provides water quality standards for water use areas within the CNMI coastal zone. Table 4 lists each standard with specific criteria and applicability to each water use area. The water quality standards include criteria for microbiological concentrations (fecal coliform, Enterococci, and *E. coli*), pH, nutrients (nitrate-nitrogen, total nitrogen, orthophosphate, ammonia), dissolved oxygen, total filterable suspended solids, salinity, temperature, turbidity, radioactive materials, oil and petroleum products, toxic pollutants, and other general considerations. The military readiness activities that generate stressors to water quality do not occur in the water use areas; rather, they occur outside of the CNMI coastal zone, and are analyzed in the context of their potential to induce reasonably foreseeable effects into Class "AA" or Class "A" water use areas.

Section 3.1 (Water Quality) of the MITT EIS/OEIS provides detailed descriptions of fate and transport of chemical constituents generated from military readiness activities. Section 3.1.3.1 (Explosives and Explosive Byproducts) discusses the physical and chemical effects of explosions, including turbidity and suspended sediments from underwater explosions and byproducts left in the water after an explosion. Applicable water quality standards specified in Chapter 65-130 Part 400 of the CNMI Administrative Code for explosions and explosive byproducts include standards for nutrients, temperature, turbidity, filtered suspended solids (see Table 4 for specific criteria applicable within each water use area). Although explosions resuspend sediments in the water column, the sediment plume eventually dissipates as particles settle to the bottom or disperse. Unconsumed explosives and explosive byproducts are also not expected to exceed water quality standards within the CNMI coastal zone because: (1) No activities using

The Navy analyzed water quality standards and water use areas specified in Chapter 65-130 Parts 200 and 400 of the CNMI Administrative Code.

Based on the activities that would occur within the coastal zone, and in consideration of reasonably foreseeable effects, it is unlikely that the Proposed Action would exceed water quality standards established in Chapter 65-130 Part 400.

The Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

explosives are planned to occur within the CNMI coastal zone; (2) most of the explosives would be consumed during detonation; (3) the frequency of low-order detonations would be low, and therefore the frequency of releases of explosives would be low; (4) the amounts of explosives used would be small relative to the area within which they would be distributed; and (5) 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.

Section 3.1.3.2 (Metals) of the MITT EIS/OEIS discusses the various sources of metals introduced into the ecosystem as a result of military readiness activities. These metals represent parts or the whole of vessels, manned aircraft and unmanned aerial vehicles, ordnance (bombs, projectiles, missiles, and torpedoes), sonobuoys, chaff cartridges, batteries, electronic components, and anti corrosion compounds coating the exterior surfaces of some munitions. Applicable water quality standards for metals released during military readiness activities include standards for toxic materials, turbidity, and filtered suspended solids (see Table 4 for specific criteria applicable within each water use area). The vast majority of metals introduced into the marine environment would occur in areas outside of the CNMI coastal zone. Metals released into the marine environment are not expected to exceed water quality standards in the CNMI coastal zone because corrosion and biological processes (e.g., colonization by marine organisms) would reduce exposure of military expended materials to seawater, decreasing the rate of leaching. Further, leached metals would bind to sediments and other organic matter, thereby localizing the concentration to the site of deposition.

Section 3.1.3.3 (Chemicals Other than Explosives) of the MITT EIS/OEIS discusses chemicals associated with solid-fuel propellants in missiles and rockets, Otto Fuel II torpedo propellant and combustion byproducts, polychlorinated biphenyls in target vessels used during sinking exercises, and other chemicals associated with ordnance. Applicable water quality standards for chemicals other than explosives include standards for nutrients and toxic materials (see Table 4 for specific criteria applicable within each water use area). Activities that would expend solid propellant, Otto Fuel II, and pyrotechnic materials would occur outside of the CNMI coastal zone. Water quality standards within the CNMI coastal zone would not be exceeded because: (1) the vast majority of propellant and fuel would be consumed in missiles, rockets, and torpedoes; (2) residual perchlorates (leached from unconsumed propellants) would be at sufficiently low concentrations as to not be harmful to aquatic organisms; and (3) all torpedoes would be recovered during training and testing activities.

Section 3.1.3.4 (Other Materials) of the MITT EIS/OEIS discusses fate and transport of constituents of plastics, marine markers, flares, and chaff. Applicable water quality standards for these materials include standards for toxic materials, turbidity, and filtered suspended solids (see Table 4 for specific criteria applicable within each water use area). Some expended plastics from military readiness activities are unavoidable because they are used in ordnance or targets. Targets, however, would typically be recovered following training and testing activities. Chaff fibers are composed of nonreactive metals and glass, and would be dispersed by ocean currents as they float and slowly sink toward the bottom. The fine, neutrally buoyant chaff streamers would act like particulates in the water, temporarily increasing the turbidity of the ocean's surface. The chaff fibers would quickly disperse, and turbidity readings would return to normal. Because of the rapid settling and non-reactivity of materials not recovered after use, water quality standards in the CNMI coastal zone would not be exceeded.

Conclusion. The Navy analyzed water quality standards and water use areas specified in Chapter 65-130 Parts 200 and 400 of the CNMI Administrative Code. Based on the activities that would occur within the coastal zone, and in consideration of reasonably foreseeable coastal effects to the CNMI coastal zone from activities outside the coastal zone, it is unlikely that the Proposed Action would exceed water quality standards established in Chapter 65-130 Part 400 within water use areas established in Part 200. **Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.**

COASTAL ZONE CONSISTENCY CONCLUDING STATEMENT

The Navy has analyzed the Proposed Action in reference to the enforceable policies listed in Table 2. Based on this analysis, the Navy has concluded that the Proposed Action is consistent, to the maximum extent practicable, with the enforceable policies of the CNMI CRM program.

Table 4: Water Quality Standard, Criteria, and Applicable Water Use Areas

Water Quality Standard ¹		Criteria / Threshold ²	Water Use Area ³
Microbiological Requirements	Fecal Coliform	The fecal coliform concentration shall not exceed a geometric mean of 200 CFUs per one hundred milliliter based on samples taken in any 30 day interval nor shall any single sample exceed 400 CFUs per one hundred milliliter at any time.	All Waters
	Enterococci	The Enterococci concentration shall not exceed a geometric mean of 35 per 100 mL based on samples taken in any 30 day interval. No single sample result shall exceed 130 Enterococci per 100 mL.	All Waters
	<i>E. coli</i>	The <i>E. coli</i> concentration shall not exceed a geometric mean of 126 per 100 mL based on samples taken in any 30 day interval. The Statistical Threshold Value is 410 <i>E. coli</i> per 100 ml.	All Waters
pH		pH shall not deviate more than 0.5 units from a value of 8.1; no lower than 7.6 or higher than 8.6.	A, AA
		pH shall not deviate more than 0.5 from ambient conditions and shall not be lower than 6.5 nor higher than 8.5.	1, 2
Nutrients	Nitrate-Nitrogen	Not to exceed 0.20 mg/L	AA
		Not to exceed 0.50 mg/L	A
	Total Nitrogen	Not to exceed 0.4 mg/L	AA
		Not to exceed 0.75 mg/L	A, 1
		Not to exceed 1.50 mg/L	2
	Ortho-phosphate	Not to exceed 0.025 mg/L	AA
		Not to exceed 0.05 mg/L	A
		Not to exceed 0.10 mg/L	1,2
	Total Phosphorus	Not to exceed 0.025 mg/L	AA
		Not to exceed 0.05 mg/L	A
		Not to exceed 0.10 mg/L	1,2
	Ammonia	Not to exceed 0.02 mg/L	All Waters

Table 4: Water Quality Standard, Criteria, and Applicable Water Use Areas (Continued)

Water Quality Standard ¹		Criteria / Threshold ²	Water Use Area ³
Dissolved Oxygen		Not less than 75% saturation / or further reduce DO when low DO is attributed to natural causes	All Waters
Total filterable suspended solids		Concentrations of suspended matter at any point shall not be increased from ambient conditions at any time, and should not exceed 5 mg/l except when due to natural conditions.	AA, 1
		Concentrations of suspended matter at any point shall not be increased from ambient conditions at any time, and should not exceed 40 mg/l except when due to natural conditions.	A, 2
Salinity	Marine waters	No alterations of the marine environment shall occur that would alter the salinity of marine or estuarine waters more than 10% from ambient conditions or which would otherwise adversely affect the indigenous biota and sedimentary patterns, except when due to natural causes.	AA, A
	Fresh waters	The maximum allowable amount of chlorides and sulfates shall be 250 mg/l, and the total dissolved solids shall not exceed 500 mg/l or 133% of the ambient condition. The salinity of fresh water sources and wetlands shall not be increased more than 20% from ambient conditions.	1,2
Temperature		Water temperature shall not vary by more than 1.0°C from the ambient conditions.	All Waters
Turbidity		Turbidity at any point, as measured by NTU, shall not exceed 0.5 NTU over ambient conditions except when due to natural conditions.	AA, 1
		Turbidity values (NTU) at any point shall not exceed 1.0 NTU over ambient conditions.	A, 2
Radioactive Materials		Discharge of radioactive materials at any level into any waters of the Commonwealth is strictly prohibited.	All Waters
Oil and Petroleum Products		The concentration of oil or petroleum products shall not: (a) Be detectable as a visible film, sheen, or discoloration of the surface or cause an objectionable odor. (b) Cause tainting of fish or other aquatic life, be injurious to the indigenous biota or cause objectionable taste in drinking water. (c) Form an oil deposit on beaches or shoreline, or on the bottom of a body of water.	All Waters
Toxic Pollutants		All waters shall be free from toxic pollutants in concentrations that are lethal to, or that produce detrimental physiological responses in human, plant, or animal life. Detrimental responses include, but are not limited to: decreased growth rate and decreased reproductive success of resident or indicator species; or significant alterations in population, community ecology, or receiving water biota.	All Waters

Notes:

°C = degrees Celsius, CFU = coliform forming units, DO = dissolved oxygen, L = Liters, mg = milligrams, NTU = nephelometric turbidity unit.

1. Water Quality Standards are provided in § 65-130 Part 400 of the CNMI Administrative Code.

2. The Proposed Action will not exceed criteria/thresholds within the CNMI coastal zone.

3. Water use areas are specified in § 65-130 Part 200 of the CNMI Administrative Code.