

**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**Record of Decision for the Northwest Training and Testing Final Environmental Impact Statement/Overseas Environmental Impact Statement**

**AGENCY: Department of the Navy (DoN), Department of Defense (DoD)**

**ACTION: Record of Decision**

**SUMMARY:** The U.S. Department of the Navy (DoN), after carefully weighing the strategic, operational, and environmental consequences of the proposed action, announces its decision to implement Alternative 1, the DoN's Preferred Alternative as described in the Northwest Training and Testing (NWTT) Final Environmental Impact Statement (EIS)/Overseas EIS (OEIS). Under Alternative 1, the DoN will be able to meet current and future DoN and Department of Defense (DoD) training and testing requirements while following environmentally protective measures to reduce potential impacts to the environment.

The NWTT Final EIS/OEIS updates the analyses of military readiness activities occurring in the Northwest Training Range Complex (NWTRC), Naval Undersea Warfare Center (NUWC) Keyport Range Complex, surrounding waters, and the Western Behm Canal in southeast Alaska to support issuance of new regulations by the National Marine Fisheries Services (NMFS) under the Marine Mammal Protection Act (MMPA) to govern the unintentional taking of marine mammals incidental to these military readiness activities. It also supports issuance by NMFS and the U.S. Fish and Wildlife Service (USFWS) of Biological Opinions under the Endangered Species Act (ESA) that include written statements which provide for the incidental taking of threatened and endangered marine species.

The NWTT Final EIS/OEIS analyzes training and testing activities adjusted from previously analyzed levels to the levels needed to support military readiness requirements. As part of a second phase of DoN at-sea planning, the NWTT Final EIS/OEIS accounts for other activities and sound sources not addressed in the previously completed environmental analyses. The NWTT Final EIS/OEIS also analyzes the potential environmental impacts of training and testing activities in additional areas where training and testing historically occur but which have not been previously analyzed, including DoN ports and shipyards. The at-sea environmental impact analyses for military readiness activities were updated to account for planned force structure changes, including those resulting from the development, testing, and use of weapons, platforms, and systems that will be operational by 2020. Finally, the environmental analyses were updated with the best available science and most current acoustic analysis methods to evaluate the potential effects of training and testing activities on the environment.

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**A. SUPPLEMENTARY INFORMATION:** Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 (42 United States Code [U.S.C.] § 4321 *et seq*), Council on Environmental Quality regulations (40 Code of Federal Regulations [C.F.R.] parts 1500–1508), Department of Navy (DoN) regulations for implementing NEPA (32 C.F.R. part 775), and Executive Order (EO) 12114, *Environmental Effects Abroad of Major Federal Actions* (44 Fed. Reg. 1957), the DoN announces its decision to implement the DoN’s Preferred Alternative, Alternative 1, as described in the NWTT Final EIS/OEIS. The DoN identified its need to support and conduct current, emerging, and future training and testing activities in the Study Area, which is made up primarily of existing range complexes, operating areas, and testing ranges located in the Pacific Northwest of the United States, to include the Strait of Juan de Fuca, Puget Sound, and the Western Behm Canal in southeastern Alaska. A detailed description of Alternative 1 is provided in Chapter 2 (Description of Proposed Action and Alternatives) of the Final EIS/OEIS. This decision will enable the DoN to meet changing military readiness requirements to achieve the levels of operational readiness required by 10 U.S.C. section 5062.

**B. BACKGROUND AND ISSUES:** The DoN has historically trained and tested in the areas in the Pacific Northwest of the United States, including the Strait of Juan de Fuca, Puget Sound, and the Western Behm Canal in southeastern Alaska. The types of training and testing activities, the level of activity, and the specific locations where activities occur have evolved over the years to meet changing threats and to incorporate improved technology. Activities will continue to evolve to meet the military’s readiness requirements; however, the general types of activities and the geographic regions where the military has trained and tested for decades have not appreciably changed, nor will they change as a result of this proposed action.

Military readiness training must be as realistic as possible to provide the experiences critical to success and survival. While simulators and synthetic training are important elements of training that provide early skill repetition and enhance teamwork, there is no substitute for live training in a realistic environment. The range complexes, test ranges, and OPAREAs provide these realistic environments, with sufficient sea and airspace vital for safety and mission success. Just as a pilot would not be ready to fly solo after simulator training, a DoN Commander cannot allow military personnel to engage in real combat activities based merely on simulator training.

The DoN also requires access to a realistic environment to test ships, submarines, aircraft, and weapon systems. New or modified platforms and systems must be evaluated in the environment in which they will be used to ensure performance, reliability, and endurance criteria are met before the platform or system is delivered to the military for operational use. The military frequently conducts tests on fleet training range complexes and uses fleet assets to support the testing. Systems installed on Fleet assets may be tested on test ranges.

The NWTT Study Area is characterized by a unique combination of attributes that make it a strategically important area for conducting military readiness activities. These attributes include the following:

- The proximity of training areas to naval homeports which allows for the efficient execution of training activities and non-training maintenance functions as well as ensuring that Sailors' and Marines' time away from their homeports and families is minimized.
- The proximity of the testing ranges to technical centers of expertise (e.g., NUWC Keyport) is crucial to the successful completion of testing activities.

Use of OPAREAs and infrastructure in the NWTT Study Area has developed over time as training and testing requirements in support of modern warfare have evolved. The DoN has not proposed, and is not proposing, to create new range complexes or OPAREAs under the Proposed Action. Furthermore, the activities analyzed within this Final EIS/OEIS are the same as or similar to those that historically occur within the NWTT Study Area.

### **Purpose and Need**

The purpose of the Proposed Action is to conduct training and testing activities to ensure that the DoN meets its mission, which is to maintain, train, and equip combat-ready military forces capable of winning wars, deterring aggression, and maintaining freedom of the seas. This mission is achieved in part by conducting training and testing within the Study Area.

### **Public Involvement**

The DoN engaged in a robust process to inform public stakeholders and solicit input to the project. The Navy developed an extensive distribution list of approximately 2,000 recipients including federally recognized Tribes and Tribal groups; federal, state and local elected officials; government agencies; organizations; and individuals. The development of the NWTT EIS/OEIS began when the DoN published a Notice of Intent (NOI) for the NWTT EIS/OEIS in the *Federal Register* (77 Fed. Reg. 11497) on February 27, 2012. The NOI included a project description and announced nine scoping meetings, which were held in Oak Harbor, WA (March 13); Quilcene, WA (March 14); Silverdale, WA (March 15); Aberdeen, WA (March 16); Tillamook, OR (March 19); Newport, OR (March 20); Eureka, CA (March 22); Fort Bragg, CA (March 23); and Ketchikan, AK (March 27). In addition, notification letters were distributed on February 23, 2012 to federally recognized Tribes and Tribal groups. Postcards were mailed on February 28, 2012 notifying stakeholders and interested public of meeting locations and times. Letters conveying the DoN's NOI/Notice of Scoping Meeting were distributed on February 29, 2012, to federal, state, and local elected officials and government agencies. The meetings were held in an open house format, during which the DoN presented informational posters and written information, and made DoN staff and project experts available to answer questions from participants. Additionally, a digital voice recorder was available to participants who requested to provide oral comments. The DoN received a total of 1,054 comments from 316 sources during the scoping period. Scoping comments were submitted by mail, through written and oral

comments at the public meetings, and through electronic comments via the project website. The scoping period lasted 60 days, concluding on April 27, 2012.

The NWTT Draft EIS/OEIS was released to the public on January 24, 2014 with the issuance of the Notice of Availability (NOA) and a Notice of Public Meetings in the *Federal Register* (79 Fed. Reg. 4158). The 60-day public comment period was extended by 21 days with a publication of extension on March 25, 2014 (79 Fed. Reg. 16317). The comment period concluded on April 15, 2014. The Navy distributed notification letters to Tribes and Tribal groups, federal, state and local elected officials, government agencies, and organizations. Additional efforts to notify the public included postcards, press releases, and newspaper advertisements (The Seattle Times, The Everett Herald, Whidbey News-Times, The Kitsap Sun, Peninsula Daily News, Port Townsend and Jefferson County Leader, The Daily World, The Oregonian, Tillamook-Headlight Herald, Newport News-Times, Times-Standard, Fort Bragg Advocate-News, The Juneau Empire, and Ketchikan Daily News).

The DoN provided the public with several ways of accessing the Draft EIS/OEIS for review and comment during the comment period. Hard copies and CD-ROM copies of the Draft EIS/OEIS were provided to libraries and other information repositories located in Washington (Everett, Gig Harbor, Port Hadlock, Poulsbo, Bremerton, Oak Harbor, Port Angeles, Port Townsend, Aberdeen, and Hoquiam), Oregon (Astoria, Lincoln City, Newport, and Tillamook), California (Fort Bragg, Arcata, and Eureka), and Alaska (Juneau and Ketchikan). The document was available for download online from the project website (<http://nwtteis.com/>). In addition, hardcopies of the document and CD-ROM copies were mailed to a number of tribes, agencies, and individuals.

The DoN held nine open house-style public meetings to inform the public about the Proposed Action and alternatives under consideration, and to obtain comments on the NWTT Draft EIS/OEIS. Each of the public meetings included an open house information session and an opportunity to present oral and written comments. Military representatives were available to discuss the Proposed Action and the Draft EIS/OEIS. The public meetings were held in February and March 2014 from 5 to 8 p.m. at the following locations: Oak Harbor, WA (February 26); Everett, WA (February 27); Poulsbo, WA (February 28); Astoria, OR (March 3); Newport, OR (March 4); Eureka, CA (March 6); Fort Bragg, CA (March 7); and Ketchikan, AK (March 11). Comments were received from 5 federal agencies, 9 American Indian tribes, nations, and tribal organizations, 7 state/local/regional agencies, 16 non-governmental organizations, and approximately 2,000 private individuals (approximation due to duplicate comments received). The DoN also received approximately 9,700 form letters from one non-governmental organization and a petition from another non-governmental organization with approximately 6,000 signatures.

Following the public release and public review of the Draft EIS/OEIS, the DoN determined that updated training requirements would result in substantial changes to the Proposed Action, necessitating the Draft EIS/OEIS be supplemented. The purpose of this Supplement to the Draft

EIS/OEIS was to present these changes to the Proposed Action and significant new information relevant to environmental concerns per 40 C.F.R. § 1502.9. The DoN published a NOI to prepare the Supplement to the NWTT Draft EIS/OEIS in the *Federal Register* on 24 October 2014 (79 Fed. Reg. 63610). Postcards were mailed to the distribution list notifying of the NOI for the Supplement to the NWTT Draft EIS/OEIS.

The NOA for the Supplement to the NWTT Draft EIS/OEIS was published on December 19, 2014 in the *Federal Register* (79 Fed. Reg. 75800). It was distributed for a 45-day public review period from December 19, 2014 to February 2, 2015. The Notice of Public Meetings for the Supplement to the NWTT Draft EIS/OEIS was published in the *Federal Register* (79 Fed. Reg. 76309) on December 22, 2014. The scope of the Supplement was more narrowly focused than the Draft, and the public meetings were held in locations where the highest public interest was anticipated based on input received for the Draft, which were held from 5 to 8 p.m. PST in Poulsbo, WA (January 12); Aberdeen, WA (January 13); Newport, OR (January 14); and Eureka, CA (January 16). The DoN made significant efforts, similar to the Draft EIS/OEIS, to notify Tribes and Tribal groups, federal, state and local elected officials, government agencies, organizations, and individuals to ensure maximum participation during the public comment period, through the use of letters, postcards, press releases, and newspaper advertisements (Forks Forum, Journal of the San Juan Islands, Peninsula Daily News, Sequim Gazette, The Daily Herald, The Seattle Times, Whidbey News-Times, The Kitsap Sun, Port Townsend and Jefferson County Leader, The Daily World, The Oregonian, The Daily Astorian, Newport News-Times, Eureka Times-Standard, Fort Bragg Advocate-News, The Juneau Empire, and Ketchikan Daily News). The DoN made review copies available at the same strategic locations and the same project website as the Draft EIS/OEIS.

Comments were received on the Supplement to the NWTT Draft EIS/OEIS from 4 federal and state/local agencies, 7 American Indian tribes, nations, and tribal organizations, 25 non-governmental organizations, and approximately 700 private individuals (approximation due to duplicate comments received). Comments received during the public review period for the Supplement to the NWTT Draft EIS/OEIS, as well as all comments received on the Draft EIS/OEIS, were incorporated into the NWTT Final EIS/OEIS.

The NOA for the NWTT Final EIS/OEIS was published in the *Federal Register* on October 2, 2015 (80 Fed. Reg. 59775). Concurrent with the publication in the *Federal Register*, notifications of the availability of the Final EIS/OEIS were published for three consecutive days (where possible) in each of the following newspapers: The Seattle Times (WA), The Daily Herald (WA), Whidbey News-Times (WA), Port Townsend and Jefferson County Leader (WA), Journal of the San Juan Islands (WA), The Kitsap Sun (WA), Peninsula Daily News (WA), The Daily World (WA), Forks Forum (WA), Sequim Gazette (WA), The Oregonian (OR), Newport News-Times (OR), The Daily Astorian (OR), Eureka Times-Standard (CA), Fort Bragg Advocate-News (CA), The Juneau Empire (AK), and Ketchikan Daily News (AK). Notification letters and postcards were mailed to Tribes and Tribal groups, federal, state and local elected officials, government agencies, organizations, and individuals. The NWTT Final EIS/OEIS also was made available on the project website and at

libraries in Washington (Everett, Gig Harbor, Port Hadlock, Poulsbo, Bremerton, Oak Harbor, Port Angeles, Port Townsend, Aberdeen, and Hoquiam), Oregon (Astoria, Lincoln City, Newport, and Tillamook), California (Fort Bragg, Arcata, and Eureka), and Alaska (Juneau and Ketchikan).

### **Alternatives Considered**

Three alternatives are analyzed in the NWTT EIS/OEIS.

- **No Action Alternative:** Baseline training and testing activities, as defined by existing DoN environmental planning documents, including the *NWTRC EIS/OEIS* (U.S. Department of the Navy 2010a), the *NAVSEA NUWC Keyport Range Complex Extension EIS/OEIS* (U.S. Department of the Navy 2010b), and the *SEAFAC EIS* (U.S. Department of the Navy 1988). The baseline testing activities also include other testing events that historically occur in the NWTT Study Area and have been subject to previous analysis pursuant to NEPA and EO 12114.
- **Alternative 1 (Preferred Alternative):** Adjustments to types and levels of activities, from the baseline as necessary to support current and planned DoN training and testing requirements. This alternative considers:
  - modified or updated mission requirements associated with force structure changes, including those resulting from the development, testing, and ultimate introduction of new platforms (vessels and aircraft), and weapons systems into the fleet,
  - new biennial training exercises conducted in the Offshore Area,
  - biennial mine warfare exercises in Puget Sound in support of homeland defense,
  - testing of undersea systems, subsystems, and components in Puget Sound,
  - proof-of-concept testing of unique undersea hardware and fixtures,
  - resumption of testing activities at the Carr Inlet Operations Area,
  - pier-side sonar maintenance and life cycle testing,
  - sea trials in support of overhaul, and
  - maritime security operations.
- **Alternative 2:** Consists of Alternative 1 plus adjustments to the tempo of training and testing. All training activities would remain the same except for an increase in Maritime Homeland Defense/Security Mine Countermeasures Integrated Exercise Civilian Port Defense training events from one every other year to one every year. The tempo of testing activities over those proposed for Alternative 1 would increase in a range between 6 percent for maintenance and miscellaneous testing events and 38 percent for all testing activities in the Western Behm Canal, Alaska. On average, most testing activities in Alternative 2 would increase about 12 percent over those in Alternative 1.

While the No Action Alternative is the environmentally preferable alternative, it fails to meet the Purpose and Need of the Proposed Action. Alternative 1 and Alternative 2 are viable alternatives that meet the Purpose and Need of the Proposed Action. Alternative 1 has a

slightly smaller environmental impact than Alternative 2, due to fewer total proposed activities than Alternative 2.

### **Environmental Impacts**

Environmental impacts were analyzed in the Final EIS/OEIS for the following resources: sediments and water quality, air quality, marine habitats, marine mammals, sea turtles, birds, marine vegetation, marine invertebrates, fish, cultural resources, American Indian and Alaska Native traditional resources, socioeconomic resources, and public health and safety. Each training and testing activity was examined to determine which environmental “stressors” could adversely impact a resource. The term “stressor” is broadly used in this analysis to refer to an agent, condition, or other stimulus that causes stress to an organism or alters physical, socioeconomic, or cultural resources.

The DoN’s analysis under Alternative 1 (Preferred/Selected Alternative) found that there will be negligible impacts on the following resource areas: sediments and water quality, air quality, marine habitat, marine vegetation, marine invertebrates, cultural resources, socioeconomic resources, and public health and safety. The discussion below summarizes the potential environmental impacts associated with implementing Alternative 1:

- **Marine Mammals**: The use of sonar and other active acoustic sources, and underwater explosives, may result in harassment of certain marine mammal species, including ESA listed species, as well as Level B (behavioral disturbance and non-injurious physiological effects) or Level A harassment (injury) under the MMPA. The DoN anticipates that neither marine mammal strandings nor mortality will result from the use of active sonar and other active acoustic sources, nor from underwater explosives. Other underwater anthropogenic sounds resulting from training and testing activities, such as weapons firing, launch, and impact noise; vessel noise; and aircraft noise, will cause only minor temporary changes in the behavior of marine mammals that do not rise to the level of harassment under the MMPA or incidental take under the ESA.

Non-acoustic impacts from the use of electromagnetic devices, in-water devices, military expended materials, seafloor devices, fiber optic cables and guidance wires, and decelerators/parachutes are unlikely to occur. Any impacts from these stressors will be temporary and minor, and natural behavioral patterns will not be significantly altered or abandoned.

Vessel strikes of marine mammals during the DoN’s proposed training and testing activities are unlikely to occur based upon a review of the best available scientific and commercial (historical) data and standard operating procedures employed by the Navy. Standard operating procedures include the use of trained bridge watch standing teams, adherence to standard maritime collision avoidance rules, use of safe speed and additional avoidance of approaching whales head on and maneuvering to maintain a 500-yard zone around observed whales and 200 yard zone around all other marine mammals.

In June 2016 a U.S. Coast Guard-operated vessel supporting Navy's Maritime Security Operations in the Strait of Juan de Fuca unexpectedly struck a humpback whale. This event did not result in evidence of serious injury or mortality to the humpback whale. The strike was an exceptionally rare event, all mitigation measures were followed, and there was no fault on the part of the crew, or actions that could have avoided the strike. This is the only marine mammal strike during training and testing activities in the past ten years in the NWTT study area and there has never been a strike during Maritime Security Operations in the Northwest. This one occurrence of a strike does not change the Navy's assessment that a future strike is so unlikely to occur as to be discountable). This incident does not significantly change any of the conclusions the Navy made in the Final EIS/OEIS regarding the likelihood of vessel strike on marine mammals.

Immediately after the strike the Navy re-initiated consultation under the ESA with NMFS. Should the re-consultation process result in NMFS authorizing incidental take for potential vessel strikes, the amount of take would be extremely low and would not result in jeopardy under the ESA to any listed species nor more than a negligible impact on marine mammal stocks or species under the MMPA. The Navy continues to believe that its current mitigation measures and standard operating procedures achieve the least practicable adverse impact on marine mammal species or stocks. Therefore, even the potential authorization of incidental take is unlikely to significantly change the Navy's overall effect determination of this action to marine mammals. Nevertheless, following the completion of the re-consultation, the Navy will assess whether any changes to its existing analysis may be necessary.

- Sea Turtles: The leatherback sea turtle (*Dermochelys coriacea*) is the only sea turtle expected in the NWTT Study Area. Exposure of leatherback turtles to active acoustic sources may result in behavioral effects or a temporary threshold shift in hearing sensitivity if the exposure is intense enough. No permanent threshold shift or injury effects are predicted by the Navy Acoustic Effects Model. The use of explosives is not expected to result in temporary or permanent threshold shift, injury, or mortality. Some leatherback sea turtles may react behaviorally if they hear a detonation. Leatherback sea turtles could be exposed to sound in the water from a number of other military sources, such as weapons firing, launch, and impact noise; vessel noise; and aircraft noise, which may result in minor and temporary behavioral reactions.

Leatherback sea turtles may also be exposed to electromagnetic devices, in-water devices, military expended materials, and seafloor devices. Impacts on sea turtles are expected to be short-term and will not result in significant changes in behavior, growth, survival, annual reproductive success, lifetime reproductive success (fitness), or species recruitment. NMFS determined the likelihood of a leatherback sea turtle to be struck by a Navy vessel during training and testing activities is so low as to be discountable.

The leatherback sea turtle is an ESA-listed sea turtle with designated critical habitat in the Study Area. The proposed training and testing will have no effect on leatherback sea turtle critical habitat that exists in the NWTT Study Area.

- Birds: Effects from stressors such as noise, aircraft strike, and explosives will range from short-term behavioral responses to injury or mortality to individuals. Impacts on bird species, including ESA-listed species, are not expected to decrease the overall fitness or result in long-term population-level impacts on any population.
- Fish: Effects will range from short-term behavioral responses to injury or mortality to individuals. Impacts on fish species, including ESA-listed species, are not expected to decrease the overall fitness of any given species.
- American Indian and Alaska Native Traditional Resources: DoN training and testing activities in Inland Waters could temporarily impede tribal access to portions of their usual and accustomed fishing grounds. However, based on past experience, significant disruptions to tribal fishing are expected to be infrequent. Training and testing activities will not alter fish and other marine species population levels or the availability of these resources for tribal use in the Offshore, Inland Waters, and Western Behm Canal. Although unlikely, loss or damage to American Indian fishing equipment from training and testing activities could occur in the Offshore Area and in the Inland Waters, reducing fishing opportunities while fishing equipment is being replaced or repaired and increasing the amount of effort and resources required to catch the same amount of fish. Any claims for loss or damage to fishing gear related to Navy activities are addressed through the Navy's claims adjudication process. Information on admiralty claims can be found at the Navy Judge Advocate General's Corps website: [http://www.jag.navy.mil/organization/code\\_11.htm](http://www.jag.navy.mil/organization/code_11.htm)

### **Recent Scientific Information**

The scientific community continues to conduct new research in an effort to expand and improve our understanding of the marine environment. The DoN is a strong advocate for and sponsor of marine research and is vigilant in its review of new information that may inform the analyses or affect the conclusions. Since the publication of the Draft EIS/OEIS, the DoN reviewed numerous publications relevant to the analysis of impacts reported in the Final EIS/OEIS and has identified additional references, many of them published within the last year, for inclusion in the Final EIS/OEIS. Overall these new references did not change the impacts analysis conclusions.

The majority of these references are peer-reviewed journal articles and present the results of ongoing and new research on the topics of effects of vessel noise and sonar on marine mammals, distribution and density of marine mammals, hearing sensitivity in fishes and sea turtles, behavioral analysis of sea turtles, hearing thresholds and the effects of sonar of fish

species, as well as other topics. The DoN will continue to monitor and review the results of new research and evaluate how those results apply to the DoN's assessment of marine resources.

In August 2016, NMFS finalized its "Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing-Underwater Acoustic Thresholds for Onset of Permanent and Temporary Threshold Shifts." At the time of the release of the NWTT Final EIS/OEIS, the Technical Guidance had not been finalized so the Navy could not adopt the NMFS proposed criteria in the Final EIS/OEIS. However, the underlying science contained within the Technical Guidance has been addressed qualitatively within the applicable sections of the Final EIS/OEIS. As discussed in the Final EIS/OEIS, had the Navy applied the new criteria, the changes would not be significant, and would not present a seriously different picture of the environmental impacts compared to the Navy's quantitative analysis. In fact, in most cases, application of the new criteria would result in a reduction in the predicted impacts. The Navy considered this information in making its final decision.

### **Agency Consultation and Coordination**

NMFS served as a cooperating agency throughout the EIS/OEIS process. NMFS is a cooperating agency pursuant to 40 C.F.R. §1501.6 because of its expertise and regulatory authority over marine resources. Additionally, this EIS/OEIS informed NMFS' decision and rule-making process under the MMPA. The early participation of NMFS in the EIS/OEIS process aided the DoN's analysis of potential environmental impacts to marine biological resources. In addition, the DoN consulted and coordinated with other federal and state agencies, including USFWS, in conjunction with actions addressed in the Final EIS/OEIS. A summary of the results from each consultation and coordination process is included below.

### **Marine Mammal Protection Act**

The DoN submitted an application for a 5-year letter of authorization (LOA) for training activities and for a 5-year LOA for testing activities on December 19, 2013 to the NMFS Office of Protected Resources. The DoN submitted a revised application on October 1, 2014 (first revision dated September 26, 2014), which included changes described in the Supplement to the Draft EIS/OEIS. The revised application also provided an update to the effects analysis for Guadalupe fur seals based on further review of animal co-occurrence or lack of co-occurrence with specific DoN training and testing events. On November 7, 2014 the DoN submitted a second revised LOA application to address: (1) inadvertent errors in the recommended mitigation zone for mine countermeasure and neutralization training events; (2) removal of the time delay firing underwater explosive training activity; (3) correction and clarification of certain mitigation measures applied to testing, and (4) revised mitigation for pinniped haulouts. On November 21, 2014 the DoN submitted a third revised application to correct inadvertent errors in the exposure calculations. On April 2, 2015, the DoN submitted a final revision to the LOA application (hereinafter referred to as the LOA application) to incorporate and update population density estimates for the Hood Canal stock of harbor seals and to remove the ship strike mortality request.

The DoN determined two stressors could potentially result in the incidental taking of marine mammals from training and testing activities within the Study Area: (1) non-impulsive acoustic stressors (sonar and other active acoustic sources); and (2) impulsive acoustic stressors (explosives). NMFS issued its Record of Decision and its Final Rule on November 9, 2015 (effective on publication in the *Federal Register*). NMFS concluded that the DoN's training and testing activities, with implementation of protective measures, will have a negligible impact on the marine mammal species and stocks present in the NWTT Study Area. NMFS considered not only the full suite of procedural measures the Navy developed with NMFS consisting of lookouts and activity-specific mitigation zones but also other measures to include time/area limitations in the context of ensuring the least practicable adverse impact on the marine mammals species and stocks and their habitats. Additional activity time/area limitations were adopted by the Navy to support NMFS' determination that least practicable adverse impact could be achieved while balancing personnel safety, practicality of implementation, and impact on the effectiveness of military readiness activity. These are reflected in the regulations and LOA. (See the Mitigation Measure section below for further information on these additional measures to be implemented.) On November 9, 2015, NMFS also issued separate LOAs for DoN training and for DoN testing activities. The LOAs authorize the taking of marine mammals incidental to DoN training and testing activities conducted in the NWTT Study Area pursuant to Section 101(a)(5)(A) of the MMPA. The LOAs specify the type and amount of incidental take that is authorized, by species, as well as the DoN's specific mitigation, monitoring, and reporting requirements. The LOAs were coordinated with the NMFS Section 7 ESA review and issuance of a related Incidental Take Statement, which includes listed marine mammals.

#### Endangered Species Act – NMFS Jurisdiction Species

The DoN requested formal consultation with NMFS (Headquarters, Office of Protected Resources) on ESA-listed species in a letter dated 9 January 2015. Species addressed include 6 species of whales, Guadalupe fur seal, leatherback sea turtle, 16 species of salmon, 10 species of steelhead, 3 species of rockfish and southern DPS of Pacific eulachon.

NMFS issued its Biological Opinion on November 9, 2015, and concluded that any adverse effects to ESA-listed species are not likely to jeopardize the continued existence of the threatened or endangered species included in the consultation. NMFS also concluded the proposed action will not result in the destruction or adverse modification of critical habitat. In addition to the Biological Opinion, NMFS issued an Incidental Take Statement for DoN training and testing activities. In accordance with section 7(a)(4)(C), NMFS included in its Incidental Take Statement those measures necessary to comply with section 101(a)(5)(A) of the MMPA. The Incidental Take Statement exempts the DoN's activities as described in the EIS/OEIS from the prohibitions of Section 9 of the ESA.

#### Endangered Species Act – USFWS Jurisdiction Species

The DoN requested formal consultation with USFWS (Western Washington Fish and Wildlife Office) on ESA-listed species in a letter dated January 9, 2015 that accompanied the DoN's Northwest Training and Testing Biological Evaluation. Species addressed included the marbled

murrelet, northern spotted owl, short-tailed albatross, streaked horned lark, western snowy plover, and the bull trout. Following an exchange of additional information from the DoN, USFWS initiated formal consultation under the ESA on June 4, 2015.

The USFWS issued their Biological Opinion on July 21, 2016, concluding that the NWTT action is not likely to adversely affect the streaked horned lark, northern spotted owl, the western snowy plover, or designated critical habitat for the bull trout. They also concluded that any adverse effects are not likely to jeopardize the continued existence of the bull trout, marbled murrelet, and short-tailed albatross. The USFWS also concluded that NWTT activities are not likely to destroy or adversely modify designated critical habitat for marbled murrelet. In order to be exempt from the prohibitions of section 9 of the ESA, the DoN must comply with the terms and conditions identified in the Services' Biological Opinion dated July 21, 2016. The Opinion also includes an analysis regarding listed species found on U.S. Forest Service lands in and around the existing roads within the Olympic National Forest for which Navy has submitted a special permit application to access for use of the mobile emitters in support of the Pacific Northwest Electronic Warfare Range activities within the Olympic National Forest.

#### Magnuson-Stevens Fishery Conservation and Management Act

On March 18, 2015, the NMFS California Coastal Area Office and the Oregon/Washington Coastal Area Office received The Northwest Training and Testing Essential Fish Habitat Assessment (EFHA). On April 6, 2015, the Washington Coast/Lower Columbia Branch assumed the lead coordination role for the NMFS West Coast Offices. On August 3, 2015, NMFS provided a draft letter to DoN for review of the description of the Proposed Action. The DoN provided comments to NMFS, and on October 9, 2015, NMFS sent the DoN a revised draft Essential Fish Habitat (EFH) letter, which the DoN reviewed and provided comments clarifying aspects of the proposed action and mitigation measures. On November 4, 2015, NMFS sent the DoN a final letter, concluding that the impacts to EFH from the DoN's actions will all be temporary and localized and no further conservation recommendations required with implementation of the mitigation measures outlined for the proposed action.

#### Coastal Zone Management Act

The DoN evaluated the Proposed Action to determine whether it would affect the coastal uses or resources of States of Washington, Oregon, and California. Alaska's Coastal Management Program ended in 2011 and Alaska currently does not have an approved coastal management program which would require the Navy to submit a Consistency Determination to Alaska. The following discusses CZMA conclusions with respect to the other three states.

On March 17, 2015, the DoN submitted a Consistency Determination for activities within Washington State waters to the Washington State Department of Ecology (DOE). In a letter dated May 15, 2015, DOE requested additional information in order to complete its assessment of the DoN's Consistency Determination. The DoN submitted a revised Consistency Determination to DOE on August 21, 2015, and following further questions from DOE, submitted another revised Consistency Determination on September 9, 2015. The DoN and DOE

agreed to extend the review period until September 11, 2015. In a letter dated September 11, 2015, DOE concurred with the DoN's determination with the condition that the DoN provides documents that would confirm to DOE that the DoN continues to meet the enforceable policies of the Shoreline Management Act, the Shoreline Master Program, and the Ocean Resource Management Act. Washington DOE found the DoN to be meeting the enforceable policies on the basis of current and proposed future mitigation and monitoring, some of which were still in development through other consultations; therefore, DOE requested copies of:

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

The DoN responded to the conditional concurrence on November 6, 2015. The DoN intends to respond again after this ROD is signed to provide the full list of mitigation as a result of completed consultations with NMFS and USFWS.

On February 27, 2015, the DoN submitted a Negative Determination for activities within the Oregon portion of the Study Area to the Oregon Department of Land Conservation and Development. In a letter dated June 3, 2015, the Oregon Department of Land Conservation and Development concurred with the Navy's negative determination that the proposed project, as described in the negative determination and environmental impact assessment, will have no reasonably foreseeable effect to Oregon's coastal uses or resources.

On February 17, 2015, the DoN submitted a Negative Determination for activities within the California portion of the Study Area to the California Coastal Commission. In a letter dated April 28, 2015, the California Coastal Commission disagreed that the DoN's proposed testing and training activities would not adversely affect California coastal zone resources and objected to the DoN's negative determination. On May 18, 2015, the DoN submitted a revised Negative Determination that better quantified the DoN's estimates of training and testing activities that could potentially occur in waters off the northern California coast, outside the California coastal zone. On June 15, 2015, the California Coastal Commission concurred with the revised Negative Determination.

#### National Marine Sanctuaries Act

The Olympic Coast National Marine Sanctuary (OCNMS) lies within the NWTT Study Area. The DoN consulted on its activities when the Sanctuary was designated in 1993, and OCNMS considered these activities in the Sanctuary Management Plan in 1994. The DoN has been in an ongoing dialogue with the Sanctuary since that designation and has a representative serving on the OCNMS Advisory Council and participating in management plan updates and revisions. Activities by the DoD and the DoN have been and continue to be compatible with the OCNMS Management Plan. While DoN previously determined, in compliance with NMSA Section 304(d),

that its activities were not likely to result in injury to sanctuary resources, and responded to OCNMS recommended reasonable and prudent alternatives in the past, NMFS independently determined it was necessary to consult with the Sanctuary because of NMFS's issuance of an incidental take authorization and MMPA rulemaking. Therefore, NMFS, and DoN as cooperating agencies, consulted with the Sanctuary for the ongoing training and testing activities in the NWTT Study Area. The DoN and NMFS entered into consultation with the OCNMS and submitted a Sanctuary Resource Statement on September 2, 2015. The Sanctuary Resource Statement included a description of the DoN's Proposed Action and an analysis of the potential effects of that action. The DoN concluded its activities are not likely to result in the loss, destruction, or injurious impacts to Sanctuary resources. On October 23, 2015, the OCNMS provided the DoN and NMFS with recommended alternatives that would "further protect sanctuary resources and eliminate, minimize or mitigate injury to sanctuary resources associated with the proposed DoN NWTT activities and NMFS' five-year authorization of take associated with these activities." The DoN and NMFS jointly responded on November 5, 2015 to the recommended alternatives provided by OCNMS, completing consultation with the sanctuary. This consultation was completed after publication of the Final EIS/OEIS; therefore the letters referenced are posted on the project website.

#### National Historic Preservation Act

On March 11, 2015, the DoN initiated consultation with the states of Alaska and Washington pursuant to Section 106 of the National Historic Preservation Act implementing regulations codified at 36 C.F.R. Part 800. In addition, the DoN conducted Section 106 consultation with tribes from September 2014 through November 2015. Both Alaska and Washington State Historic Preservation Officers (SHPOs) concurred with the Area of Potential Effect, as described in letters dated April 6, 2015 and May 22, 2015, respectively. As a result of the analysis conducted in the EIS/OEIS, the DoN determined that its proposed activities would result in "no adverse effects on historic properties." In letters to Alaska and Washington SHPOs (dated June 23, 2015 and July 20, 2015, respectively), the DoN requested concurrence with its findings of no adverse effect on historic properties. On July 20, 2015, the Alaska Department of Natural Resources concurred with the DoN's determination of no adverse effect on historic properties. The DoN received no response from the Washington SHPO within 30 days of its request, therefore, per statutory requirements in 36 C.F.R. § 800.5(c), consultation was concluded. In a letter dated November 5, 2015, the DoN notified the Washington SHPO of the conclusion of the consultation due to SHPO lack of response within the statutory timeline. Additional correspondence between the SHPO, DoN and Advisory Council of Historic Properties continued in December 2015 due to disagreement on the procedural completion of the process. While the Section 106 review is complete, the DoN looks forward to continued dialogue with the SHPO on future actions.

#### **Consultation and Coordination with Indian Tribal Governments (Executive Order 13175)**

The DoN invited 56 federally recognized American Indian and Alaska Native tribal governments to consider whether government-to-government consultation with the Navy was desired for this proposed action in accordance with Executive Order 13175, Consultation and Coordination

with Indian Tribal Governments and Navy tribal consultation policies. It is DoN policy to establish permanent government-to-government working relationships with tribal governments that are built upon respect, trust, and openness. Under these policies the Navy is required, among other things, to consider tribal comments and concerns prior to making a final Navy decision on a proposed action.

The Navy conducted government-to-government consultations with the Hoh Indian Tribe, the Lower Elwha Klallam Tribe, the Jamestown S'Klallam Tribe, the Port Gamble S'Klallam Tribe, the Suquamish Indian Tribe, Skokomish Indian Tribe, the Swinomish Indian Tribal Community, the Metlakatla Indian Community Annette Island Reserve, and the Intertribal Sinkyone Wilderness Council, representing the Cahto Tribe of Laytonville Rancheria; Coyote Valley Band of Pomo Indians; Hopland Band of Pomo Indians; Pinoleville Pomo Nation; Potter Valley Tribe; Redwood Valley Rancheria of Pomo Indians; Round Valley Indian Tribes; Scotts Valley Band of Pomo Indians and Sherwood Valley Rancheria of Pomo Indians. The Navy also solicited comments from these tribes at each phase of the public involvement process (see Navy response to tribal comments in Appendix I).

The Navy will continue discussions with tribes in Washington and California after the Record of Decision. Certain tribes in the Puget Sound region (Inland Study Area) have expressed concerns regarding the potential of DoN training and testing activities to impede access to adjudicated treaty usual and accustomed fishing grounds and stations as well as concerns regarding the potential for Maritime Security Operations to inadvertently damage tribal fishing gear. The DoN continues to communicate with the Jamestown S'Klallam Tribe, the Lower Elwha Klallam Tribe, the Port Gamble S'Klallam Tribe and the Suquamish Indian Tribe regarding these concerns and improving on-water vessel coordination in order to eliminate or minimize potential impacts to tribal fishing in these co-use marine waterways. In the Offshore Study Area, the Navy continues to communicate with the Hoh Indian Tribe regarding concerns about potential impacts to the ecosystem off the coast of Washington. The Navy also continues to communicate with the Intertribal Sinkyone Wilderness Council regarding potential impacts to tribal traditional resources in the marine environment off northern California.

### **Mitigation Measures**

As part of Alternative 1, the DoN will implement standard operating procedures and all practicable mitigation and monitoring measures to avoid or reduce adverse environmental impacts, including those identified in the Final EIS/OEIS, the NMFS Biological Opinion (November 9, 2015), the USFWS Biological Opinion (July 21, 2016), and the NMFS Final Rule and LOAs issued under the MMPA on November 9, 2015.

The following mitigation measures were developed during MMPA rule making specifically for activities conducted in the NWTT Study Area. These measures were incorporated into the Final EIS/OEIS and the Final Rule. In addition to the broader mitigation measures the DoN complies with in all locations, the DoN shall comply with the following measures when conducting certain training or testing activities in the NWTT Study Area:

- Maritime Homeland Defense/Security Mine Countermeasure Integrated Exercises – The DoN shall conduct pre-event planning and training to ensure that all exercise participants are aware of required mitigation measures. When this event is proposed to be conducted in Puget Sound, DoN event planners shall consult with DoN biologists who shall contact NMFS during the planning process in order to determine likelihood of gray whale or southern resident killer whale presence in the proposed exercise area as planners consider specifics of the event.
- Small Boat Attack Gunnery Exercises - The DoN shall conduct pre-event planning and training to ensure that all exercise participants are aware of required mitigation measures. When this event is proposed to be conducted in and around Naval Station Everett, Naval Base Kitsap Bangor, or Naval Base Kitsap Bremerton in Puget Sound, DoN event planners shall consult with DoN biologists who shall contact NMFS early in the planning process in order to determine the extent marine mammals may be present in the immediate vicinity of the proposed exercise area as planners consider the specifics of the event.
- Missile Exercises - The DoN shall conduct Missile Exercises using high explosives at least 50 nm from shore in the NWTRC Offshore Area.
- BOMBEX (high explosive munitions) – The DoN shall conduct BOMBEX (high explosive munitions) events at least 50 nm from shore.
- BOMBEX (non-explosive practice munitions) - The DoN shall conduct BOMBEX (non-explosive practice munitions) events at least 20 nm from shore and shall not conduct BOMBEX events within the Olympic Coast National Marine Sanctuary.
- Mine Countermeasure and Neutralization Underwater Detonations – The DoN shall require approval from U.S. Third Fleet prior to conducting mine countermeasure and neutralization underwater detonations at Hood Canal or Crescent Harbor.
- Hull Mounted Mid-Frequency Active Sonar Training - The DoN shall require approval from U.S. Pacific Fleet’s designated authority prior to conducting hull-mounted mid-frequency active sonar training on vessels while underway in Puget Sound and the Strait of Juan de Fuca.
- Pierside Maintenance or Testing of Sonar Systems – The DoN shall require approval from U.S. Pacific Fleet's designated authority or the applicable Systems Command’s designated authority (as applicable to ship and submarine active sonar use) prior to conducting pierside maintenance or testing in Puget Sound or the Strait of Juan de Fuca.

#### **Updates, Clarifications, and Corrections to the Final EIS/OEIS**

Following the publication of the Final NWTT EIS/OEIS, the DoN discovered a few minor errors in the document. The following corrective actions were taken:

- Correction in sonar hours and take calculations associated with “Life Cycle Activities – Pierside Sonar Testing,”

- Corrections in baseline and proposed activity levels for reduced HE rounds for “Gunnery Exercise (Surface-to-Surface) – Ship”, locations for “Surface Ship Sonar Maintenance”, and locations for “Pierside Acoustic Testing,”
- Clarification on the number of actual detonations of size E4 as summarized in Table 3.0-11 on p. 3-33 of the Final EIS/OEIS, and
- Correction in the number of Lookouts for “Gunnery Exercises – Small- or Medium-Caliber using a Surface Target.” In Table 5.4-1 on p. 5-73 of the Final EIS/OEIS.

A detailed description of these corrections can be found on the project website. These changes and corrections are not significant. The activities as modified to reflect slightly different activity levels, locations or ordnance types are still qualitatively within the spectrum of the proposed action and alternatives that were analyzed in the FEIS.

### **Responses to Comments Received on the Final EIS/OEIS**

Per DoN regulations for implementing NEPA (32 CFR part 775), no decision on the proposed action may take place until 30 days after publication of the NOA for the Final EIS/OEIS. The DoN reviewed and considered all comments received during the wait period following the issuance of the NOA for the Final EIS/OEIS. Comment letters were received from federal agencies, tribes, county agencies, non-governmental organizations, and individuals. A summary of the substantive comments not previously addressed in the EIS/OEIS and DoN responses is below.

**Comment 1:** The DoN did not provide adequate means or adequate time to comment on the Final EIS/OEIS; some comments included requests to extend the 30-day wait period.

**Response:** The DoN is not required to have a comment period after publishing the Final EIS/OEIS, but rather must wait 30 days before making a decision or taking action. The Final EIS/OEIS is used to inform the decision maker before the decision is made. Council on Environmental Quality (CEQ) Regulations provide for a 30-day wait period after the Final EIS/OEIS is published before the agency may make any decisions or take action. This wait period provides an opportunity for stakeholders to see how the Final EIS/OEIS incorporates information developed through public comments, government-to-government consultations, and regulatory consultations. See Appendix C (Agency Correspondence) for a record of correspondence between the DoN and agencies. Appendix I in the Final EIS/OEIS provides a list of comments received and the DoN’s responses to the comments, including references to those sections where adjustments were made to the document based on the comment.

Although this 30-day wait period is technically not a comment period under federal regulations, the DoN accepted and considered all comments on the Final EIS/OEIS made during the 30-day wait period before making a final decision. Additionally, the Navy did consider comments received after the 30 day wait period passed. Therefore, an extension of the 30-day wait period is not required. To aid those desiring to comment on the Final EIS/OEIS, the DoN revised the project website to include a mailing address where written comments could be sent. The DoN is addressing any substantive new comments in this Record of Decision that were received.

The DoN had three prior public comment periods for this project and held public meetings in multiple locations during each comment period. The DoN conducted a 60-day public scoping period (February 27, 2012 to April 27, 2012); an 81-day public comment period on the NWTT Draft EIS/OEIS (January 24, 2014 to April 15, 2014); and a 45-day public comment period on the NWTT Supplement to Draft EIS/OEIS (December 19, 2014 to February 2, 2015).

**Comment 2:** The DoN issued the Final EIS/OEIS without completing consultation with the U.S. Fish and Wildlife Service.

**Response:** The DoN is not required to complete consultations prior to releasing the Final EIS/OEIS. The DoN will comply with the terms and conditions identified in the Services' Biological Opinion dated July 21, 2016. The information in the Biological Opinion was not significant and therefore did not trigger a need to supplement the Final EIS/OEIS.

**Comment 3:** The DoN informed the National Marine Fisheries Service of their preferred alternative before issuing a Final EIS/OEIS. The DoN claims that they will not determine their choice of a preferred alternative action until they issue their Record of Decision, but the NMFS, who have been working on the DoN permit since April 2, 2015, obviously were told well in advance which alternative action the DoN had chosen.

**Response:** As stated in the Council on Environmental Quality regulations implementing NEPA (40 C.F.R. §1502.14), the agency shall identify its preferred alternative, if one exists, in the Draft EIS. The action proponent identifies the preferred alternative, but the decision maker, by signing the Record of Decision, determines the approved alternative, which may or may not be the action proponent's preferred alternative. Although the DoN identified a preferred alternative in its Draft EIS/OEIS, no decision was made until this Record of Decision was signed regarding which of the alternatives would be selected and implemented. The decision was based on many factors, including the details of the DoN's environmental analyses, public comments, regulatory consultations, recommendations from DoN commands, and mission requirements.

**Comment 4:** The DoN has failed to adequately consider impacts to Olympic National Park's World Heritage designation because the Appendix K noise study is cursory, without FICAN input, and fails to consult with UNESCO. When asked to conduct a new noise study the DoN failed to do so; instead, reconstituting an older study using data from Prowler jets. An independent professional sound study has concluded that Growlers are far noisier than Prowlers.

**Response:** The DoN conducted noise modeling and analysis to support evaluation of any potential impacts on the Olympic National Park, including its World Heritage designation. The modeling results and subsequent analysis can be found in Appendices J and K of the Final EIS/OEIS. The analysis centers around the two World Heritage criteria (superlative natural phenomena/areas of exceptional beauty and significant ecological/biological processes) identified for site selection. Through the U.S. Department of the Interior, the DoN has been

communicating to the United Nations Educational, Scientific and Cultural Organization (UNESCO) its analysis and findings regarding potential impacts to the outstanding universal value of the Olympic National Park under World Heritage criteria. As noted in Appendix K of the Final EIS/OEIS, the DoN's activities will have no significant impacts to the Olympic National Park World Heritage Site.

Contrary to the comment's assertions, the noise modeling did not simply reconstitute an older study using data from Prowler jets. As evidenced in Appendix J, noise exposure modeling of EA-6B (Prowler), EA-18G (Growler), P-3C, P-8A, F-15, and F-16 were compared within the airspace and operational parameters.

The DoN uses the best available science to support its NEPA documents, and that is true for the studies supporting the NWTT Final EIS/OEIS in appendices J and K. The independent professional sound study that the comment references as concluding that Growlers are far noisier than Prowlers does not provide any measured data for the Prowler. In fact, noise levels for the Growler and the Prowler are comparable in most flight profiles. The noise study conducted for the DoN for the 2012 Environmental Assessment (EA) "The Transition of Expeditionary EA-6B Prowler Squadrons to EA-18G Growler at NAS Whidbey, Island" does acknowledge that the Growler is 1 dB SEL louder during arrival than the Prowler while 2-6 dB SEL quieter than the Prowler in other flight profiles.

Representative Derek Kilmer sent the Secretary of the Navy, Secretary of the Interior, and the Federal Interagency Committee on Aviation Noise (FICAN) a letter on May 11, 2015, requesting review of the noise model and analysis by the DoN, National Park Service, and requesting that FICAN evaluate any knowledge gaps regarding aircraft noise effects in wildlife or cultural resource areas as well as the value of noise monitoring on-site versus different measurement protocols. Contrary to the comment's assertions, a specific sound study was not requested. The DoN continues to be in communication with FICAN and the National Park Service related to noise from military activities.

**Comment 5:** The U.S. Environmental Protection Agency (EPA), Region 10 requested clarifying information on the process for modifying mitigation or monitoring related to the following points:

**5(a):** The Final EIS/OEIS section 5.2.1 Regulatory Requirements for Mitigation explains a process for modifying mitigation measures that ends with the Record of Decision. However, adaptive management continues beyond the Record of Decision.

To the extent that NMFS's MMPA Proposed Rule is included by reference in the Final EIS/OEIS as a means of addressing adaptive management details, we would note that the Proposed Rule - like the Final EIS/OEIS - focuses on monitoring and reporting but does not explain how the evaluation of monitoring information would influence future mitigation commitments other than stating that new information would be considered by NMFS and the DoN "... on an annual or biennial basis..."

To address our interest in clarifying information on the process for modifying mitigation or monitoring, we recommend that the ROD include additional information on the DoN and NMFS's plans for annual adaptive management meetings. We believe clarifying information on this meeting could help improve adaptive management by, for example, establishing a kind of deadline and venue for monitoring results, DoN funded Research and Development, results from stranding investigations, general research results, or any other relevant information.

**Response:** DoN agrees with EPA's recommendation to continue adaptive management for mitigation after the Record of Decision; it was not the DoN's intent to convey the message otherwise. Once the DoN is issued regulations and LOAs under the MMPA, the DoN is subject to potential modification of any mitigation requirements under the terms of the regulations. Specifically, the regulations allow for NMFS to modify existing mitigation, monitoring or reporting measures after consulting with DoN if doing so "creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring" required for the proposed action. In evaluating the need for alteration of mitigation or monitoring, the regulations set forth sources of data to consider, including: previous year DoN monitoring reports, results from other marine mammal or sound research/studies, or any information revealing take of marine mammals in a manner, extent, or number not authorized by regulations or MMPA LOA permit.

Therefore, adaptive management is intended as a continuous process on all of the DoN's at-sea environmental planning documents and associated permits. As described in Chapter 5 of the NWTT EIS/OEIS, in Section 5.5.3.1 (Exercise and Monitoring Reporting), the DoN will continue to monitor active sonar use in the NWTT Study Area, report that use to NMFS, and use that data to inform future adaptive management activities, which include adapting of mitigation or monitoring.

Additionally, as an example, during adaptive management meetings, NMFS and the DoN discussed watchstander requirements for major training events and ultimately changed them through rule making. This is just one example of how the adaptive management process influenced mitigation and monitoring commitments.

Information on the DoN's marine species monitoring program and adaptive management materials such as research publications and annual exercise reports required under regulations (to include the above mentioned Integrated Comprehensive Monitoring Program) is available online (<http://www.navy.marinespeciesmonitoring.us/>).

Readers may also learn more about DoN funded Research and Development at the DoN's Living Marine Resources Applied Research Program website - <http://www.lmr.navy.mil>. For the Office of Naval Research's Marine Mammals and Biology Basic Research Program see <http://www.onr.navy.mil/Science-Technology/Departments/Code-32/All-Programs/Atmosphere-Research-322/Marine-Mammals-Biology.aspx>.

**5(b):** Final EIS/OEIS section 5.3.4.1.11 Avoiding Marine Species Habitats and Biologically Important Areas could be improved with, for example, a definition or threshold for "biologically meaningful effects" that would inform future adaptive management of activities.

**Response:** Defining the exact extent and severity of biologically meaningful effects pursuant to the MMPA remains a challenge for both NMFS and the DoN. Additionally, deciding biological significance along the lines of a severity scale is subject to scientific uncertainty and has not yet been codified in NMFS incidental take authorizations or regulations. Complicating this assessment is the wide range of responses and variations among individuals within a given species population, differences in responses across different species, and the behavioral context of a response (i.e., an individual engaged in one activity may not respond to a stressor, but the same individual doing something else might respond to the same stressor). In addition, there is documented variability in behavioral reactions seen in captive and wild marine mammal experiments; therefore, it is unlikely any generalized quantitative threshold would be accurate or representative.

To help inform this ongoing discussion, the DoN continues to fund millions of dollars in species-specific behavioral response studies every year.

**Comment 6:** The EPA (Region 10) commented that the Final EIS/OEIS is not responsive to the EPA's recommendation [at the Draft EIS/OEIS stage] for additional focus on how the DoN's training and testing actions in this area will contribute to meeting greenhouse gas goals - such as relating estimated greenhouse gas emissions to the target for the Department of Defense as called for in Executive Order 13514 (34 percent reduction by 2020). The Final EIS/OEIS maintains the Draft EIS/OEIS's comparison to total U.S. greenhouse gas emissions, which we believe is less useful than addressing specific greenhouse gas reduction efforts associated with northwest training and testing.

**Response:** The training and testing analyzed under the proposed action is undertaken in a manner that is influenced by the backdrop of targets for reducing greenhouse gas emissions discussed in EO 13693. The DoN is actively developing and participating in energy, environmental, and climate change initiatives that are increasing DoN's use of alternative energy and helping to conserve the world's resources for future generations. These developments and improvements would be reflected in the activities conducted in the NWTT Study Area. For example, the DoD has a number of specific military propulsion programs and initiatives underway to improve aircraft energy efficiency, which will also reduce greenhouse gases. These initiatives would be applicable to a range of military aircraft (e.g., fighters, bombers), including those conducting activities in the NWTT Study Area.

The DoN is also implementing sustainable practices for energy efficiency, avoidance or reduction of greenhouse gas emissions, and reduction of petroleum products use for shore-based actions. Among several mandates, OPNAV Instruction 4100.5E-Shore Energy Management (June 22, 2012) directs that the DoN shall reduce consumption of fossil fuel and increase the use of alternative fuels by the DoN's non-tactical vehicle fleet, and reduce

greenhouse gas emissions. In the most cost-effective manner, the DoN plans to meet the following shore energy goals:

- 50-percent ashore consumption reduction by 2020;
- 50-percent total ashore energy from alternative sources by 2020; and
- 50-percent of installations net-zero consumers by 2020.

It is through these DoD/DoN initiatives (which influence the assets, equipment and consumption fossil fuels and other materials) that DoN is addressing greenhouse gas reductions associated with training and testing actions in the NWTT EIS/OEIS.

**Comment 7:** The Port Gamble S’Klallam Tribe provided the following comment: As we have stated in our comments regarding the NWTT DEIS and SDEIS, as well as during our consultation meetings, the proposed NWTT project will have a significant impact and cumulative impact on access to portions of the tribe's usual and accustomed fishing grounds and stations and is likely to have a cumulative effect on habitat and availability of marine resources for harvest by the tribe. We do not agree with the DoN's conclusion that potential project impacts are "de minimis," as communicated during our government-to-government process. Therefore, more discussion is needed to close the gap in our understanding of the proposed project impacts on treaty rights.

**Response:** As requested in the comment, the DoN and the Port Gamble S’Klallam Tribe continue government-to-government consultation to provide clarity on the DoN’s activities as well as the potential impacts of those activities. All the issues mentioned in this comment are included as topics of discussion in the consultation between the DoN and the Tribe.

**CONCLUSION:** Based on the assessed environmental impacts and the operational readiness needs of the Navy as described in the Final EIS/OEIS, an evaluation of comments received in the Final EIS/OEIS, comments from regulatory agencies, Federally Recognized Tribes and Nations, non-governmental organizations and members of the public, mitigation, and other factors discussed above, the DoN selects Alternative 1, the Final EIS/OEIS Preferred Alternative, to implement the Proposed Action. This decision will enable the DoN to achieve current and future military readiness requirements and meet the intent of Section 5062 of Title 10 U.S.C., by managing and mitigating any potentially significant potential environmental impacts.

As described in the Final EIS/OEIS and this Record of Decision, the DoN consulted with NMFS and the USFWS to evaluate and obtain authorization and permits to carry out military training and testing activities in the NWTT Study Area. The DoN has adopted all practicable means to avoid and minimize impacts to marine species. Through a robust adaptive management program, the DoN will continue to monitor activities and their effects on marine species and will make adjustments to monitoring or mitigation measures based on new information as appropriate. With implementation of the mitigation measures identified in the Final EIS/OEIS and associated regulatory documents developed in consultations with NMFS and USFWS, and adherence to standard operating procedures, management plans, and monitoring requirements described herein, environmental impacts associated with implementing Alternative 1 will be

minimized to the least practicable level. In addition, the Navy assessed the effects of Alternative 1 in accordance with E.O. 12114 and concluded that there would be no significant harm to the environment in areas outside the U.S., its territories, and possessions.

31 OCT 2016

Date



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Steven R. Iselin  
Principal Deputy Assistant Secretary of the Navy  
(Energy, Installations and Environment)