DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Final Supplemental Environmental Impact Statement for Land-Water Interface and Service Pier Extension at Naval Base Kitsap Bangor, Kitsap County, Washington

AGENCY: Department of the Navy, Department of Defense

ACTION: Record of Decision

SUMMARY: The Department of the Navy (Navy) announces its decision to construct and operate a Service Pier Extension (SPE) and associated support facilities in Hood Canal on the waterfront of Naval Base (NAVBASE) Kitsap Bangor, Washington (WA). The Navy will implement Alternative 2, short pier configuration, which is the preferred alternative in the October 2018 Final Supplemental Environmental Impact Statement (SEIS) for the Land-Water Interface (LWI) and SPE, NAVBASE Kitsap Bangor, WA. The Alternative 2 short pier configuration is also the environmentally preferred alternative and will fully meet the Navy's purpose and need for the proposed action. The purpose of the action is to provide additional maintenance berthing capacity and improve associated support facilities for existing homeported and visiting submarines at NAVBASE Kitsap Bangor. The SPE project is needed to provide alternative opportunities for berthing to mitigate restrictions at NAVBASE Kitsap Bremerton, WA, on navigating SEAWOLF Class submarines though Rich Passage under certain tidal conditions; improve long-term effectiveness for the three SEAWOLF Class submarines on NAVBASE Kitsap; provide berthing and logistical support for SEAWOLF, LOS ANGELES, and VIRGINIA classes of submarines at the Navy's submarine research, development, test, and evaluation hub at NAVBASE Kitsap Bangor; and improve submarine crew training and readiness through co-location of command functions at NAVBASE Kitsap Bangor submarine training center. The start of construction is estimated to be delayed one year from what was proposed in the Final SEIS due to programming for construction funds.

FOR FURTHER INFORMATION, CONTACT: Naval Facilities Engineering Command Northwest, 1101 Tautog Circle, Silverdale, WA 98315-1101, Attn: Ms. Kimberly Kler, LWI and SPE SEIS Project Manager, (360) 315-5103 or project website at http://www.nbkeis.com/SEIS.aspx.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, Section 4321, *et seq.* of title 42, U.S. Code, Council on Environmental Quality regulations (parts 1500-1508 of the title 40 Code of Federal Regulations [CFR]), and Department of Navy Regulations (32 CFR Part 775), the Navy announces its decision to construct and operate a SPE and associated support facilities in Hood Canal on the waterfront at NAVBASE Kitsap Bangor, WA. The existing Service Pier will be extended by 520 feet and will require in-water construction as well as upland construction of a Waterfront Support Building and associated parking lot. The Navy will

implement the Alternative 2 short pier configuration in two-phases as described in the Final SEIS dated October 2018. Phase 1 includes construction of the pier extension; construction of support facilities on the pier; and upland development of a construction laydown staging area, a 420-space parking lot, and associated road and utility improvements. Phase 2 includes construction of an upland area Waterfront Ship Support Building at the site of an existing parking lot. A detailed description of the proposed action is provided in Chapter 2 of the Final SEIS; however, since the completion of the Final SEIS the Navy decided to delay the start of construction by one year due to programming for construction funds. Therefore, Phase 1 will begin in spring of 2020 rather than spring of 2019 and will require approximately 26 months to complete. Proposed operations at the Phase 1 facilities will begin in autumn of 2022. Phase 2 construction of the upland Waterfront Ship Support Building will begin after completion of Phase 1 construction and will require approximately 2 years. Phase 2 construction is expected to begin in the summer of 2023 depending on programming for construction funds. The phasing and overall duration of construction has not changed from what is described in the Final SEIS. The United States Army Corps of Engineers (USACE) Seattle District and the National Marine Fisheries Service (NMFS) were cooperating agencies for the SEIS, and are also permitting agencies for the SPE proposed action.

BACKGROUND AND ISSUES: NAVBASE Kitsap Bangor, located on Hood Canal approximately 20 miles (30 kilometers) west of Seattle, WA, provides berthing and support services to Navy OHIO Class ballistic missile submarines, also referred to as TRIDENT submarines, as well as SEAWOLF Class submarines.

A Final Environmental Impact Statement (EIS) was prepared in July 2016 for the LWI and SPE, however, the Record of Decision (ROD) signed September 8, 2016 addressed only the LWI project and deferred a decision on the SPE pending congressional approval and funding. Following the ROD signature for the LWI, the United States Congress approved funding for the SPE project. As a result of project design changes and new regulatory guidance issued by NMFS in August 2016 and updated in April 2018, the Navy decided to prepare a SEIS for the SPE project.

Purpose and Need

The purpose of the SPE proposed action is to provide additional maintenance berthing capacity and improve associated support facilities for existing homeported and visiting submarines at NAVBASE Kitsap Bangor. The SPE project is needed to:

- Provide alternative opportunities for berthing to mitigate restrictions at NAVBASE Kitsap Bremerton on navigating SEAWOLF Class submarines through Rich Passage under certain tidal conditions.

- Improve long-term operational effectiveness for the three SEAWOLF Class submarines on NAVBASE Kitsap Bangor.

- Provide berthing and logistical support for SEAWOLF, LOS ANGELES, and

VIRGINIA submarine classes at the Navy's submarine research, development, test and evaluation hub, which is currently located on NAVBASE Kitsap Bangor.

- Improve submarine crew training and readiness through co-location of command functions at NAVBASE Kitsap Bangor submarine training center.

Public Involvement

A Notice of Intent (NOI) to prepare an SEIS for the SPE proposed action was published in the Federal Register (82 FR 13437) on March 13, 2017, and a corrected NOI was published on March 21, 2017 (82 FR 14506) to correct an error in the project website address. Additional public notices were published in local newspapers, including the Kitsap Sun, Port Townsend and Jefferson County Leader, and the Seattle Times. The NOI was also made available via the SEIS project website at http://www.nbkeis.com/SEIS.aspx.

The Navy coordinated with key regulatory agencies that included NMFS, the United States Fish and Wildlife Service (USFWS), and the USACE. Coordination with State agencies included the Washington Department of Ecology (WDOE) and the Washington Department of Natural Resources.

The Navy engaged in Government-to-Government (GTG) consultation with the Skokomish, Port Gamble S'Klallam, Jamestown S'Klallam, Lower Elwha Klallam, and Suquamish Tribes who have adjudicated usual and accustomed fishing grounds and stations in the project area.

On August 18, 2017, the United States Environmental Protection Agency (EPA) published a Notice of Availability (NOA) of the Draft SEIS in the Federal Register (82 FR 39424), thereby initiating a 45-day public and agency review and comment period. The NOA was also published in local newspapers, including the Kitsap Sun, Port Townsend and Jefferson County Leader, and the Seattle Times. The Navy distributed the Draft SEIS to government agencies, Native American tribes, local libraries, members of the public who requested copies, and all stakeholders from the 2016 Final EIS mailing list. The Draft SEIS was also posted to the project website. Comments received were considered in preparation of the Final SEIS. Appendix D of the Final SEIS includes public comments received on the Draft SEIS as well as Navy responses to those comments.

On November 9, 2018, the EPA published a NOA of the Final SEIS in the Federal Register (83 FR 56078), which initiated a 30-day wait period ending December 10, 2018. The Final SEIS identified the Navy's preferred alternative for implementing the SPE proposed action; other alternatives considered by the Navy; environmental impacts of the alternatives analyzed in detail; and included a Mitigation Action Plan detailing measures designed to reduce environmental impacts and to address tribal concerns. The Navy distributed notice of the Final SEIS to government agencies, Native American tribes, and all stakeholders from the Draft SEIS mailing list. The Navy made the Final SEIS available at local libraries and on the project website during the 30-day wait period, and advertised the opportunity to submit any additional public and agency comments via mail to the LWI-SPE SEIS project manager.

Alternatives Considered

Alternatives to the proposed action that were considered are described in Chapter 2 of the Final SEIS. Screening criteria were developed to determine if a potential alternative was reasonable, whether it met the purpose and need, and whether it should be carried forward for detailed analysis in the SEIS. Of the alternatives that were considered, the Navy determined that two action alternatives would meet the proposed action's purpose and need and the screening criteria. These two action alternatives and the No Action alternative were carried forward through the SEIS analysis. The rationale for elimination of the other alternatives considered but not carried forward for detailed analysis is discussed in Section 2.2 of the Final SEIS.

Three alternatives were analyzed in the Final SEIS:

- Alternative 1 – No Action. Under Alternative 1, No Action, there would be no construction and operation of the SPE structure and associated support facilities. This alternative would not meet the purpose and need of the proposed action. No environmental impacts would result from this alternative, as no construction or physical alteration to the waterfront or upland areas would occur, and there would be no changes in operations.

- Alternative 2 – Short Pier Configuration (Preferred Alternative). Under Alternative 2, there would be construction and operation of a short pier configuration for the SPE and associated support facilities. The service pier would be extended by 520 feet with a total surface area of 38,924 square feet. Piles installed to support the pier would include: 203, 36-inch diameter steel piles; 50, 24-inch diameter steel piles for small craft mooring and dolphin piles; and 103, 18-inch diameter concrete fender piles. Creosote-treated timber piles would be removed and include: 19, 18-inch diameter and 17, 15-inch diameter piles. The total area of benthic impacts from permanent piles is 11,358 square feet. Twenty-seven 36-ince diameter temporary falsework steel piles would be installed for the duration of the construction phase and removed at the end. This alternative includes construction of support facilities on the pier, and the upland development of a construction laydown staging area, a 420-space parking lot with associated road and utility improvements, and an upland area Waterfront Ship Support Building at the site of an existing parking lot. Operation of the SPE and upland support facilities would be consistent with the description in the 2016 Final EIS, except that under Alternative 2 in the SEIS there would be a permanent alteration of the 4-acre construction laydown staging area at one of the upland sites. In the 2016 Final EIS, this area was originally proposed to be revegetated with native forest species following construction, resulting in a temporary disturbance. In the SEIS, this area would be covered with gravel following construction, and would be maintained as a permanent gravel lot. Best management practices (BMPs) and impact reduction measures would be implemented to avoid or minimize potential environmental impacts as discussed in Section 2.4 of the Final SEIS. Alternative 2 is the preferred alternative, in part because it will have fewer environmental impacts than Alternative 3 and is, therefore, also the environmentally preferred alternative.

- Alternative 3 – Long Pier Configuration. Under Alternative 3, there would be the construction and operation of a long pier configuration for the SPE and associated support facilities. The service pier would be extended by 975 feet with a total surface area of 70,000 square feet. Piles installed to support the pier would include 500, 24-inch diameter steel piles; 50, 24-inch diameter steel piles for small craft mooring and dolphin piles; and 160, 18-inch diameter concrete fender piles. Creosote-treated timber piles would be removed and include: 19, 18-inch diameter and 17, 15-inch diameter piles. The total area of benthic impacts from permanent piles would be 17,605 square feet. Fifty 36-inch temporary falsework steel piles would be installed for the duration of the construction phase and removed at the end. As with Alternative 2, Alternative 3 includes construction of support facilities on the pier, and the upland development of a construction laydown staging area, a 420-space parking lot with associated road and utility improvements, and an upland area Waterfront Ship Support Building. Similar to Alternative 2, there would be a permanent alteration of the 4-acre construction laydown staging area at one of the upland sites. BMPs and impact reduction measures would be implemented to avoid or minimize potential environmental impacts as discussed in Section 2.4 of the Final SEIS.

Environmental Impacts

The Navy determined that none of the project design changes or the updated regulatory guidance that prompted preparation of the SEIS was relevant to the impact analysis for Alternative 1, No Action Alternative, which was described in relevant resource subsections of Chapter 3 of the 2016 Final EIS. In the 2018 Final SEIS, the Navy analyzed the potential environmental impacts that could occur as a result of implementing Alternative 2 or Alternative 3 and the mitigation measures to be employed. This ROD, however, focuses on the impacts and mitigation measures associated with the preferred (and selected) alternative, Alternative 2.

1. Marine Water Quality, Vegetation, and Invertebrates Impacts: Construction of the SPE will require pile driving and will create temporary and localized changes in water quality through suspension of sediments and turbidity in the water column that would persist from minutes to hours following pile driving activity but would not exceed marine water quality standards. There would also be temporary and localized alteration of the seafloor topography with the intermittent disturbances of sediments within the 2.21-acre construction footprint. Sediment displacement at each pile is estimated to be between 0.5 and 3 feet, which is roughly the amount of sediment displaced by an anchor. Natural processes would return the seafloor to its original profile within 6 to 12 months following construction. In-water construction would occur beyond the depth where marine vegetation occurs, but there will be a permanent loss of 0.037 acre of benthic habitat and invertebrate community from installation of permanent piles and temporary loss of 0.004 acres from installation of falsework piles. Recolonization of benthic species in the area of removed falsework piles would occur within 2 years. BMPs, current practices, and applicable mitigation measures will be implemented to manage and reduce risks to marine water resources during construction, which would also benefit marine vegetation and invertebrates. The Navy will

undertake compensatory mitigation to offset unavoidable adverse impacts on aquatic resources under the provisions of the Clean Water Act (CWA) Final Rule for Compensatory Mitigation for Losses of Aquatic Resources. The Navy will purchase habitat credits from the Hood Canal In-Lieu Fee (ILF) Program, which will implement appropriate mitigation in the Hood Canal watershed.

2. **Fish and Essential Fish Habitat (EFH) Impacts:** Impact pile driving of steel piles could, during the 160 day in-water construction period, temporarily expose fish, as well as coastal pelagic EFH, Pacific coast groundfish EFH, and Pacific coast salmon EFH to noise levels above the cumulative injury thresholds for fish. However, implementation of minimization measures such as use of an attenuation device and a soft start approach will reduce impacts. Further, impact pile driving activity would be less than 45 minutes per day during the in-water construction period. Vibratory pile driving may cause behavioral changes in fish, such as area avoidance, but duration of vibratory pile driving would be no more than 5 hours per day during the in-water construction period. There would be localized and temporary suspended sediments and turbidity on benthic communities that may be prey for fish species during pile driving. These impacts would temporarily disrupt Pacific coast groundfish and coastal pelagic EFH. Due to strong nearshore currents and wind waves, a small portion of suspended fine-grained/sandy sediment would likely settle out of the water column onto intertidal beaches, but is not expected to adversely impact the spawning success of sand lance that spawn near the project site. All in-water work, including pile driving, would be conducted during the in-water work window of July 16 through January 15. NMFS provided the Navy their Magnuson-Stevens Fisheries Conservation Management Act Essential Fish Habitat Response on August 16, 2018 which concurred with Navy's determinations of "may adversely affect" for Pacific coast groundfish EFH, coastal pelagic species EFH, and Pacific coast salmon EFH. The Navy, in compliance with section 7 of Endangered Species Act (ESA), also received a Biological Opinion from NMFS on August 16, 2018 which concluded that the Navy's proposed action "is not likely to jeopardize the continued existence" of Puget Sound Chinook salmon, Hood Canal summer-run chum salmon, Puget Sound steelhead, Puget Sound/Georgia Basin bocaccio, Puget Sound/Georgia Basin yelloweye rockfish, and "is not likely to destroy or adversely modify" Puget Sound Chinook salmon, Hood Canal summer-run chum salmon, Puget Sound/Georgia Basin bocaccio, and Puget Sound/Georgia Basin yelloweye rockfish designated critical habitats.

3. **Marine Mammal Impacts:** Increased levels of activity and noise from construction may disturb marine mammal movements and cause temporary avoidance of certain areas. Construction disturbance due to in-water work would occur over one season, including a total of 160 days of pile driving. Habitat degradation to prey species would be expected during construction but the number of marine mammals indirectly affected by impacts on the prey population would be small. Pile driving noise would reach NMFS behavioral disturbance (Level B) thresholds for marine mammals, including the transient killer whale, harbor porpoise, Steller sea lion, California sea lion, and harbor seal. The potential exists to reach NMFS injury harassment (Level A) threshold for harbor seals and may result in 125 exposures from impact pile driving noise. Mitigation is expected to avoid most potential adverse impacts to marine mammals from impact pile driving, but some exposure may be unavoidable. Pile driving would affect individual marine mammals, but would not cause population-level impacts. Operation of

the SPE would not result in permanent impacts to areas used directly by marine mammals; minor indirect impacts on prey species would occur due to loss and degradation of benthic habitat but would be less than significant. There would be a minor increase in human activity, vessel traffic, and noise related to maintenance activities on submarines. These effects from operations would not occur at a level to change the prey base for marine mammals or affect marine mammal foraging habitats. Pursuant to the Marine Mammal Protection Act (MMPA), the Navy received an Incidental Harassment Authorization (IHA) from NMFS on June 22, 2018 for behavioral disturbance (Level B) to transient killer whale, harbor porpoise, Steller sea lion, California sea lion, and harbor seal. Injury harassment (Level A), for harbor seal was also authorized within the IHA. Due to a construction delay, the current IHA as issued will require revision to cover the new in-water construction dates of July 16, 2020 through July 15, 2021. No further NEPA or ESA consultation is expected to be required. A detailed Marine Mammal Monitoring Plan was prepared and has been approved by NMFS. The Plan will be implemented at the start of construction. In-situ acoustic monitoring at commencement of pile driving (impact and vibratory) will verify estimated radial distances to injury threshold zones. Pursuant to ESA, the Navy consulted with NMFS regarding an effect determination for the humpback whale (based on infrequent occurrence) of "may affect, not likely to adversely affect;" and "no effect" on Southern Resident killer whale and its critical habitat. The Navy received a Biological Opinion from NMFS on August 16, 2018 concluding "may affect, not likely to adversely affect" for Mexico and Central America Distinct Population Segments (DPS) of humpback whale and for Southern Resident killer whale and its designated critical habitat.

4. **Marine Bird Impacts:** Permanent loss of 0.037 acres and temporary loss of 0.004 acres from installing and removing 27 falsework piles would potentially displace the existing benthic community occurring within the footprint and impact area of the piles which could affect prey for marbled murrelet and other marine birds. Sediment disturbance, turbidity, airborne and underwater noise would cause temporary disturbance to marine birds and foraging marbled murrelet. Impacts to foraging marbled murrelet would be minimized by conducting impact pile driving 2 hours after sunrise and 2 hours before sunset (between July 16 and September 23). Temporary noise from non-pile-driving construction activities would be consistent with the typical ambient noise of the industrial nature of the area and would not significantly disturb marine birds. Time restrictions (avoiding marbled murrelet breeding season from April 1 to September 23) would be implemented during tree removal. The Navy received an email on May 19, 2017 from USFWS acknowledging that the Navy will not be reinitiating consultation on the proposed changes to the SPE project.

5. **Geology and Soils Impacts:** No shoreline construction will occur. New upland facilities will be built to meet requirements of the WDOE Stormwater Management Manual and the Energy Independence and Security Act of 2007. A new parking lot and laydown area would occupy 7 acres. Permanent upland disturbance of approximately 4 acres would result from site clearing, grading, hauling, excavation and filling for the parking lot and the Waterfront Ship Support Building. Erosion from the 4-acre laydown area (converted to gravel lot following construction) would be controlled through drainage and stormwater conveyance structures. The Unified Facilities Criteria guidelines for low impact development would be incorporated into the design of the upland parking lot and would

include water quality enhancement and infiltration. Construction BMPs and a Stormwater Pollution Prevention Plan would be implemented to control erosion and sedimentation to protect surface waters, including wetlands and the intertidal area. The Navy will apply for a Construction Stormwater Permit and operational stormwater discharges would be covered by the NAVBASE Kitsap Bangor Multi-Sector General Permit from EPA, Region 10.

6. Native American Traditional Resources and Tribal Treaty Rights Impacts: No tribal fishing, including finfishing, crabbing, shellfishing, subtidal geoduck, or shrimping, occurs at the SPE project site. Impacts to benthic communities from pile placement and sediment disturbance would not impact the overall populations of fish and shellfish that could be harvested by tribes outside of the project site. Additional water traffic would not significantly affect tribal access to usual and accustomed fishing areas in Hood Canal during the 2-year construction timeframe. The Navy signed a Memorandum of Agreement (MOA) with the Skokomish Tribe on March 3, 2016 and a MOA with the Port Gamble S'Klallam, Jamestown S'Klallam, and Lower Elwha Klallam Tribes on May 16, 2018 to implement mitigation projects proposed to address potential effects of the proposed action on reserved treaty rights and resources of these tribes.

Cumulative Impacts

Construction and operation of the SPE and associated support facilities will contribute to regional cumulative impacts in conjunction with past, present, and reasonably foreseeable future actions to the marine environment in terms of marine resources such as macroalgae, habitat for fish, and invertebrate species, and on Native American tribal treaty rights. However, through implementation of the Mitigation Action Plan (Appendix B of the Final SEIS), the project's contribution to cumulative impacts will be less than significant.

Mitigation Measures

The Navy will implement all current practices and BMPs identified in Section 2.4 of the Final SEIS to avoid or minimize potential environmental impacts. Mitigation measures to further avoid, minimize, or compensate for impacts to the marine, terrestrial, and human environments are detailed in the Mitigation Action Plan and summarized below.

- Creosote-treated piles will be removed by using a vibratory driver or direct pull as preferred methods for removal. Removed creosote-treated piles and associated sediments will be contained on a barge or stored in a containment area near the construction site. All creosote-treated material and associated sediments will be disposed of in a state-approved upland disposal site.

- To limit soil erosion and potential pollutants contained in stormwater runoff during both construction and operation of the SPE project, a Stormwater Pollution Prevention Plan will be prepared and implemented in conformance with the Stormwater Management Manual for Western Washington (WDOE, 2014).

- To reduce the likelihood of any petroleum products, chemicals, or other toxic or

deleterious materials from entering the water, fuel hoses, oil or fuel transfer valves, and fittings will be checked regularly for drips or leaks and will be maintained and stored properly to prevent spills from construction and pile driving equipment into state waters.

- During in-water construction activities, floating booms will be deployed and maintained to collect and contain floatable materials released accidentally. Any accidental release of equipment or materials will be immediately retrieved and removed from the water. Following completion of in-water construction activities, an underwater survey will be conducted to remove any remaining construction materials that may have been missed previously. Retrieved debris will be disposed of at an approved upland disposal site.

- No construction barges will occur on the south side (nearshore side) of the pier. The barges will remain on the north side of the pier where water depths are greater than 30 feet mean lower low water. This will avoid eelgrass beds and limit disturbance to macroalgae that occur on the south side of the pier.

- To minimize impacts to marine habitat, resulting seafloor disturbance will be confined to a 100-foot-wide construction corridor on the north side and 20-foot-wide construction corridor on the south side of the structure under construction.

- To minimize impacts on ESA-listed fish species, in-water construction will be conducted within the in-water work window (July 16 through January 15). The exception is that relocation of the Port Security Barrier and placement of anchors could occur outside the work window.

- Pile driving of steel piles will be done using vibratory rather than impact methods whenever feasible, which would reduce airborne noise levels by approximately 20 decibels at 33 feet from the source.

- To attenuate in-water noise, bubble curtains will be used around steel piles being driven by impact methods. The Navy will also consider other equally or more effective noise attenuation methods that may become available. Noise attenuation will not be used for driving concrete piles, because of the much lower level of noise generated by driving of concrete piles compared to steel piles, and the resulting lower potential for impacts to biota.

- During impact pile driving, a soft-start approach would be used to induce marine mammals to leave the immediate area. This soft-start approach requires contractors to initiate noise from hammers at reduced energy, followed by a waiting period.

- Construction activities will not be conducted between the hours of 10:00 p.m. and 7:00 a.m. in order to minimize noise impacts to the public. Between July 16 and September 23, impact pile driving will only occur between two hours after sunrise and two hours before sunset to protect foraging marbled murrelets during the breeding season. Between September 24 and January 15, in-water construction activities would occur during daylight hours (sunrise to sunset) to allow for visual

monitoring of marbled murrelets. The Navy will notify the public via news releases and Notices to Mariners about upcoming construction activities and noise at the beginning of each construction season.

- To avoid impacts on marine mammals protected by ESA and MMPA and marbled murrelets protected by ESA, monitoring of shut down and buffer zones around in-water pile driving locations would be implemented as documented in the completed marine mammal monitoring plan. A detailed marbled murrelet monitoring plan will be developed and implemented in consultation with USFWS.

- To protect potential breeding marbled murrelets, tree removal would not be conducted during the marbled murrelet breeding season of April 1 through September 23. This timing restriction would also limit exposure of general construction noise and habitat disturbance on migratory birds.

- The Navy would develop a local Notice to Mariners to establish uniform procedures to facilitate the safe transit of vessels operating in the project vicinity. Barge trips and associated bridge openings would be scheduled to avoid peak commuting hours. The Notice to Mariners would also serve to notify divers, including tribal divers, of potential underwater noise impacts.

Compensatory Mitigation

ILF Program: The Navy will, as part of the proposed action, undertake compensatory habitat mitigation in accordance with the Mitigation Action Plan to offset impacts on aquatic resources under the provisions of the CWA Final Rule for Compensatory Mitigation for Losses of Aquatic Resources. The Navy will purchase habitat credits from the Hood Canal ILF Program, which would implement appropriate mitigation in the Hood Canal watershed. The number and cost of credits to be purchased will be determined through consultation with the permitting agencies USACE and WDOE, with input from the Hood Canal ILF Program Interagency Review Team. This determination will be completed prior to issuance of all CWA permits.

Treaty Mitigation

The Navy began GTG consultation with the Skokomish Indian Tribe, Port Gamble S'Klallam Tribe, Jamestown S'Klallam Tribe, and Lower Elwha Klallam Tribe in July 2012. On March 3, 2016, the Navy and the Skokomish Indian Tribe signed a MOA in which the Navy agreed to undertake Treaty Mitigation for the LWI and SPE projects. Pursuant to that MOA, the Navy agreed to contribute funding to the Skokomish River Restoration project, with the terms and conditions of the MOA to apply only after the Navy begins in-water construction. The signed MOA is still in place, and the Navy will continue to provide the Skokomish Tribe with updates on any changes to the proposed action.

On May 16, 2018, the Navy and the Port Gamble S'Klallam, Jamestown S'Klallam, and Lower Elwha Klallam Tribes signed a MOA in which the Navy agreed to undertake Treaty Mitigation

for the SPE, which included two projects. For the first project, the Navy will provide funding to support the replacement of a culvert at Little Boston Road over Shipbuilders Creek on the Port Gamble S'Klallam Tribe Reservation. The present culvert is undersized, perched, and is a barrier to fish passage. To restore fish migration, the project would install a properly-sized culvert, designed per WA State Department of Fish and Wildlife Water Crossing Design Guidelines. The project will install a culvert at the location of the original stream channel crossing, approximately 150 ft. north of the existing culvert. Improvements to connect the outlet of the new culvert will be made along the old channel bed and associated wetland. The adjacent riparian corridor disturbed by the construction would be restored with native vegetation and appropriate streambed substrate. For the second project, the Navy would fund shellfish seeding and beach enhancement at locations off Navy properties. Shellfish seeding would be conducted in areas where eelgrass is not present. Beach enhancement involves placing gravel and sand on tidelands (beach nourishment) to enhance shellfish seed habitat. The gravel and sand are placed through the use of barges and dispersal equipment during appropriate tidal windows. These mitigation measures will improve the health of the Hood Canal nearshore areas and shellfish populations.

Agency Consultation and Coordination

ESA: The Navy submitted a biological assessment to NMFS on June 6, 2017 and a letter to USFWS on May 3, 2017 informing the agency of the SPE project. The Navy received a Biological Opinion on July 5, 2018 and errata for correction to the Biological Opinion was issued on August 16, 2018 concluding "may affect, not likely to adversely affect" for Mexico and Central America DPS of humpback whale, and Southern Resident killer whale and designated critical habitat. The Biological Opinion concluded that the Navy's proposed action "is not likely to jeopardize the continued existence" of Puget Sound Chinook salmon, Hood Canal summer-run chum salmon, Puget Sound steelhead, Puget Sound/Georgia Basin bocaccio, Puget Sound/Georgia Basin yelloweye rockfish, and "is not likely to destroy or adversely modify" Puget Sound Chinook salmon, Hood Canal summer-run chum salmon, Puget Sound/Georgia Basin bocaccio, and Puget Sound/Georgia Basin yelloweye rockfish designated critical habitats. Terms and Conditions contained in the Biological Opinion included the development and implementation of an Acoustic Monitoring Plan and subsequent submission of a report to NMFS regarding results of the acoustic monitoring. The USFWS acknowledged that the Navy will not be reinitiating consultation on the proposed changes to the project (received email dated May 19, 2017). Conclusions stating impacts to bull trout are not measureable and therefore insignificant, and impacts to marbled murrelets are discountable and still valid.

MMPA: The Navy received the final IHA from NMFS on June 22, 2018 for behavioral disturbance to transient killer whale, harbor porpoise, Steller sea lion, and California sea lion, and for injury to harbor seal. Due to construction delays the current IHA as issued will require revision to cover new in-water construction dates, July 16, 2020 through July 15, 2021.

Magnuson-Stevens Act: The Navy submitted an EFH Assessment to NMFS on June 6, 2017. NMFS provided the Navy their Magnuson-Stevens Fisheries Conservation Management Act Essential Fish Habitat Response on August 16, 2018 which included a determination of "may adversely affect" for Pacific coast groundfish EFH, coastal pelagic

species EFH, and Pacific coast salmon EFH. Additionally, NMFS provided conservation recommendations for EFH which included referencing the first Term and Condition contained in the section 7 ESA Biological Opinion. The Navy is committed to implementing the Terms and Conditions of the Biological Opinion, and all EFH conservation recommendations.

CWA: The Navy submitted a Joint Aquatic Resource Permit Application (JARPA) to USACE, Seattle District on March 1, 2018. The Navy has applied for a permit under Section 404 of the CWA from the USACE and Section 401 Water Quality Certification from WDOE. The Navy will also apply for a Construction Stormwater Permit from EPA Region 10. Operational stormwater discharges will be covered by the NAVBASE Kitsap Bangor Multi-Sector General Permit from the EPA Region 10.

Rivers and Harbors Act: A Rivers and Harbors Act Section 10 permit from the USACE is required for placement of new structures in navigable waters. The Navy has applied for a Section 10 permit through the JARPA process.

Coastal Zone Management Act: The Navy submitted a Coastal Consistency Determination to WDOE on October 27, 2017 and received concurrence from WDOE on January 10, 2018 that the project is consistent with the state Coastal Zone Management Program provided that two conditions are met. The conditions include copying WDOE on any CWA permits or authorizations obtained by the Navy and submittal of the Navy's ILF Use Plan.

National Historic Preservation Act (NHPA): In the 2016 Final EIS, the Navy concluded Section 106 consultations with the Washington State Historic Preservation Officer, concurring with the Navy's findings of no adverse effects on historic properties. If, in the course of the construction, operation, or maintenance of any component of the SPE, there is an unanticipated discovery of cultural or archaeological resources, work will be stopped and the Navy's cultural resources manager contacted to determine subsequent steps in compliance with Section 106 of the NHPA and other relevant cultural resources legislation.

Responses to Comments Received on the Final SEIS: No new comments were received during the 30-day wait period following the Federal Register publication of EPA's NOA of the Final SEIS.

Conclusion: After considering the environmental impacts analyzed in the Final SEIS; comments from federal agencies, Native American Indian tribes, state agencies, local entities, non-governmental organizations, and members of the public; and other factors discussed in this ROD; the Navy selects Alternative 2, short pier configuration, to implement the SPE proposed action. The Navy has decided to initiate construction of Alternative 2 approximately one year later (spring of 2020) than was proposed in the Final SEIS, with construction phasing and relative timing to occur after that new start time as described in the Final SEIS. The environmental impacts of Alternative 2 will be minimized by the implementation of BMPs and proposed mitigation measures, including the proposed compensatory aquatic mitigation contained in the ILF Plan and tribal mitigation. Alternative 2 will fully meet the Navy's purpose and need to provide additional maintenance berthing capacity and improve associated support facilities for existing homeported and visiting submarines at NAVBASE Kitsap Bangor.

11 Jan 19
Date

Phyllis L. Bayer
Assistant Secretary of the Navy
(Energy, Installations, and Environment)