

## **DEPARTMENT OF DEFENSE**

### **Department of the Navy**

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

**AGENCY:** Department of the Navy, DoD

**ACTION:** Record of Decision

**SUMMARY:** The Department of the Navy (Navy), after carefully weighing the operational and environmental consequences of the proposed action, announces its decision to construct and operate a Land-Water Interface (LWI) in Hood Canal on the waterfront of Naval Base (NAVBASE) Kitsap Bangor, Washington (WA). The Navy will implement LWI Alternative 3, Port Security Barrier (PSB) Modifications, which is the Preferred Alternative in the Final Environmental Impact Statement (EIS) of July 2016 for LWI and Service Pier Extension (SPE), NAVBASE Kitsap Bangor, WA. LWI Alternative 3 is also the environmentally preferred alternative and will fully meet the Navy's purpose and need to comply with Department of Defense (DoD) directives to protect Navy TRIDENT submarines from increased and evolving threats; prevent the seizure, damage, or destruction of military assets; enhance security within the Waterfront Restricted Area (WRA); and comply with security requirements at NAVBASE Kitsap Bangor.

Although the proposed SPE project was addressed in the Final EIS, a Navy decision on that project has been deferred and the details of that project are not discussed further in this record of decision.

**FOR FURTHER INFORMATION CONTACT:** LWI and SPE EIS Project Manager, Naval Facilities Engineering Command Northwest, 1101 Tautog Circle, Silverdale, WA 98315-1101, (360) 396-0029.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, Section 4321, *et seq.* of title 42, U.S. Code (USC), 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 LWI in Hood Canal on the waterfront at NAVBASE Kitsap Bangor, WA. The LWI barrier structures will connect the existing on-water PSB system to the existing on-land Waterfront Security Enclave (WSE) at the Bangor waterfront, thereby securing the entire perimeter of the WRA. The Navy will implement LWI Alternative 3, PSB Modifications, as described in the Final EIS dated July 2016. The proposed action will involve in-water and land-based construction, operation, and maintenance. This decision will allow the Navy to continue supporting TRIDENT Program operational requirements through 2066. A detailed description of the proposed action is provided in Chapter 2 of the Final EIS. The United States Army Corps of Engineers (USACE) and the National

Marine Fisheries Service (NMFS) were cooperating agencies for the EIS, and the USACE is also a permitting agency for the LWI 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 a SEAWOLF Class submarine. In order to comply with current security directives, the Navy will construct and operate the LWI. The LWI will enhance the perimeter security of the WRA on NAVBASE Kitsap Bangor through physical barriers in shallow waters and onto the immediate upland areas at the northern and southern extent of the WRA. These structures will tie into the existing PSB system and the on-land WSE system. Construction of the LWI will occur over a two-year period.

### **Purpose and Need**

The purpose of the LWI proposed action is to comply with DoD directives to protect Navy TRIDENT submarines from increased and evolving threats and to prevent the seizure, damage, or destruction of military assets. The LWI project is needed to enhance security within the WRA and comply with security requirements contained in the following documents:

- *Nuclear Weapon Security Manual: The DoD Nuclear Weapon Security Program*, DoD 5210.41M, Secret/Rel to USA and NATO;
- *United States Nuclear Weapons Command and Control, Safety, and Security*/NSPD-28, Secret; and
- *Naval Nuclear Weapons Security Policy*, SECNAVINST S8126.1, Secret.

Protection of strategic military assets is a vital national security concern. Aggressive security improvements within the Navy pre-date the USS COLE incident and the terrorist attacks of September 11, 2001, and continue today. The Navy continues to improve security along the Bangor waterfront to protect its submarines and critical support facilities. The proposed LWI structures and PSB modifications have been designed and located to meet DoD and Navy security requirements and minimize environmental impacts to the extent practicable.

### **Public Involvement**

A Notice of Intent was published in the Federal Register (78 FR 7416) on February 1, 2013, to announce the Navy's intent to prepare an EIS for two separate Navy projects, the LWI and the SPE, and to announce public scoping meetings. Additional public notices were published in local newspapers (*Kitsap Sun*, *Port Townsend & Jefferson County Leader*, and the *Seattle Times*).

The scoping period provided an early and open process for determining the scope of issues and for identifying the significant issues related to the proposed action. The 45-day public scoping period for the EIS occurred from February 1 to March 17, 2013. Throughout the scoping period, the Navy engaged and involved the public, American Indian tribes, government agencies and other interested stakeholders. Comments were solicited through press releases, newspaper advertisements, and letters. Scoping meetings were held in Chimacum and Poulsbo, WA, on February 20 and 21, 2013, respectively. Both written and oral comments were sought during

scoping. Comments were also accepted by mail and through the project website (<https://www.nbkeis.com/lwi>). Comments received during the scoping period were considered in preparing the Draft EIS.

On February 13, 2015, the United States Environmental Protection Agency (EPA) published a Notice of Availability (NOA) and the Navy published a Notice of Public Meetings for the Draft EIS in the Federal Register (80 FR 8081 and 80 FR 8076, respectively). The Draft EIS was made publicly available on February 13, 2015 for review and comment for 60 calendar days. The Navy made substantial efforts to notify the public to ensure maximum public participation during the public comment period via letters, postcards, press releases, and newspaper display advertisements. Copies of the Draft EIS were distributed to government agencies, American Indian tribes, local libraries, members of the public who requested copies, and all stakeholders on the mailing list. The Draft EIS was also posted to the project website (<https://www.nbkeis.com/lwi>). Public meetings were held in Chimacum and Poulsbo, WA, on March 3 and March 4, 2015, respectively. The meetings allowed stakeholders an opportunity to provide both oral and written comments on the Draft EIS. Comments received during the Draft EIS public comment period were considered in preparing the Final EIS. All comments submitted at the public meetings, received by mail, and by the project website were given equal consideration in preparation of the Final EIS. Appendix I of the Final EIS includes public comments received on the Draft EIS as well as Navy responses to those comments.

The EPA's NOA for the Final EIS was published in the Federal Register on July 15, 2016 (81 FR 46077), initiating a 30-day wait period ending on August 15, 2016. The Final EIS identified the Navy's Preferred Alternative for implementing the LWI 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 Final EIS documents comments received on the Draft EIS as well as the Navy's responses.

### **Alternatives Considered**

Alternatives to the proposed action that were considered are described in Chapter 2 of the Final EIS. 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 EIS.

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 EIS analysis. The rationale for elimination of the other alternatives considered but not carried forward for detailed analysis is discussed in Section 2.1.1 of the Final EIS.

### **Alternative 1: No Action**

Under LWI Alternative 1, there would be no construction and operation of LWI structures and existing PSBs would not be relocated. This alternative would not meet security requirements and, therefore, 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 would occur, and there would be no changes in operations.

### **Alternative 2: Pile-Supported Pier**

Under LWI Alternative 2, construction and operation of LWI structures would include pile-supported piers built from the base of the shoreline bluff out to a connection point with the existing PSB system at both the north and south ends of the WRA. The piers would connect to solid concrete abutments that would be built at the shoreline bluff, and an anchoring structure for the PSBs would be installed at the seaward end of each pier. Construction would require one barge, crane, supply barge, tugboat, and work skiffs. Best management practices (BMPs) and impact reduction measures would be implemented to avoid or minimize potential environmental impacts as discussed in Section 2.3.2 of the Final EIS.

### **Alternative 3: PSB Modifications (Preferred Alternative)**

LWI Alternative 3 is the Preferred Alternative, in part because it will have fewer environmental impacts than Alternative 2 and, therefore, it is also the environmentally preferred alternative. Under this alternative, the construction and operation of the LWI structures will consist of modifying the existing PSB system to extend across the intertidal zone to attach to concrete abutments built at the shoreline bluff. In addition, three observation posts would be installed, one each at the North LWI and South LWI, and one on Marginal Wharf. There would be no underwater mesh installed, which requires a rigid, fixed structure for attachment. As a security requirement, this alternative would use a greater number of security personnel than Alternative 2. However, the frequency of security vessel operations would not increase.

#### **LWI OPERATIONS**

Operation of the LWI will include opening and closing the PSBs for boat traffic, using small tug boats. The LWI will result in changes in patterns of security vessel movements within the WRA and would not increase in frequency. Operation of the LWI will also include maintenance of the in-water and upland structures, including routine inspections, cleaning, repair, and replacement of facility components as required. Maintenance will require infrequent visits by vehicles to the upland portions and by small boats to the LWI structures (tying up to the floating docks). Cleaning and replacement of the PSB guard panels (unbolted and re-bolted out of the water) by power washing would occur as needed, with BMPs employed to prevent discharges of contaminants to the environment (Section 2.3.2 of the Final EIS).

### **Environmental Impacts**

In the Final EIS, the Navy analyzed the potential environmental impacts that could occur as a result of implementing each of the alternatives and the mitigation measures to be employed. This record of decision, however, focuses on the impacts and mitigation measures associated with LWI Alternative 3, PSB Modifications (Preferred Alternative).

**1. Marine Impacts:** Construction of the LWI will not require in-water pile driving, thus avoiding underwater noise impacts to marine biota. Airborne noise from driving of the abutment piles and observation post piles is not expected to result in behavioral disturbance of pinnipeds

(seals and sea lions) or marbled murrelets. The USFWS determined that effects to marbled murrelets associated with impacts to forage fish and nearshore habitats are considered insignificant. The NMFS determined that LWI will have no effect on marine mammals and is not likely to adversely affect ESA-listed fish. Construction of the shoreline abutments will require temporary excavation of an area of approximately 15,600 square feet below mean higher high water (MHHW). The abutment stair landings and observation post piles will lie below MHHW, with a total area of approximately 142 square feet. For abutment construction, 650 feet of temporary coffer dam will be installed to provide for excavation of the abutment walls and stair landings. Once the abutment foundations are built, the existing beach sediment that was removed for LWI construction will be placed at grade over protective armor rock at the base of the abutments to prevent erosion while preserving natural shoreline dynamics. If further toe protection is needed to prevent erosion, the Navy will implement soft armoring techniques such as placement of large woody debris to diminish wave erosion. Placement of PSB buoy mooring anchors and PSB grounding will result in permanent loss of 580 square feet of eelgrass habitat. The observation posts would shade benthic habitat (total of 2,000 square feet), but not marine vegetation or shellfish (oyster) beds. Approximately 0.043 acre (0.017 hectare) of shellfish resources will be permanently lost due to on-shore pilings installation. The guard panels between PSB pontoons will have negligible impacts on migration of ESA-listed salmonids. Periodic cleaning of the PSBs would result in minor water quality impacts, which would be minimized by employing appropriate BMPs.

**2. Terrestrial Biological Impacts:** Impacts on the upland environment include approximately 1.1 acre of vegetation clearing, construction traffic, air pollutant emissions, and pile driving and conventional construction noise. With the exception of 0.12 acre of new impervious surface and 0.1 acre of permanent pervious surfaces such as aggregate pathways, the disturbed area will be revegetated with native species. There will be no impacts on wetlands. Wildlife may be disturbed by construction noise and lighting, but no terrestrial animals or plants protected under the ESA will be affected. Potential impacts to bald eagles may occur as a result of elevated noise levels or visual disturbance during construction, but no incidental takes are anticipated.

**3. Land Use and Recreation, Aesthetics, and Socioeconomic Impacts:** Nearby residential areas and recreational users of the waters off NAVBASE Kitsap Bangor may experience elevated noise levels during construction, but no other impacts on land use or recreation are anticipated. The proposed action will have minimal impacts on aesthetics. The proposed action will be consistent with the TRIDENT Support Site Master Plan. Temporary socioeconomic impacts of construction will be positive. The construction cost is estimated to be approximately \$33 million, which is estimated to create 300 direct jobs and 139 indirect and induced jobs. Indirect or induced jobs will be concentrated in the following industries: food services and drinking places, real estate establishment, health care, architecture and engineering, wholesale trade, and retail stores. Total economic output to the region will be in excess of \$48 million. Long-term socioeconomic impacts will be minimal. The proposed action will not have disproportionately high and adverse human health or environmental effects on minority populations or low-income populations. In addition, because the project is located within a restricted area of a military base, there will be no potential for children to be exposed to pollutants, other hazardous materials, or safety hazards as a result of construction and operation of the LWI.



**4. Cultural Impacts:** The cultural setting of Delta Pier and Explosives Handling Wharf 1, which are eligible to be listed in the National Register of Historic Places, will not be adversely affected. There will be a small potential for disturbance of archaeological resources (prehistoric sites) during construction. However, if any such resources are encountered, the Navy will coordinate with the State Historic Preservation Officer and American Indian tribes.

**5. American Indian Traditional Resources and Tribal Treaty Rights Impacts:** The Skokomish Tribe, Port Gamble S’Klallam Tribe, Jamestown S’Klallam Tribe and Lower Elwha Klallam Tribe will continue to have access to harvest and enhance shellfish at Devil’s Hole Beach, the location of the South LWI. Access to small portions of Devil’s Hole Beach will be temporarily restricted during construction of the South LWI. No significant impacts to Tribal fishing operations are anticipated from construction vessels transiting the co-use waterways of Hood Canal. During operation of the South LWI, there will be temporary loss of access to an estimated 0.64 acre (0.26 hectare) of shellfish resources for up to 2 years due to the safety zone established for construction activities and equipment. Approximately 0.043 acre (0.017 hectare) of shellfish resources will be permanently lost due to on-shore pilings installation. This equates to a loss of 0.23 percent of the overall estimated 18 acres of shellfish beach at Devil’s Hole. This decrease is not expected to significantly affect tribal shellfish harvests. The proposed action will not have adverse effects on salmon stocks harvested by the American Indian tribes.

**6. Traffic and Air Quality Impacts:** Construction will generate truck traffic, but this traffic will be within the capacity of the base road system. However, construction traffic will exacerbate existing peak-hour delays at both gates to NAVBASE Kitsap Bangor and roads immediately outside the gates. The proposed action will delay vehicle traffic crossing the Hood Canal Bridge when construction barges pass through it. The Navy will 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 will be scheduled to avoid peak commuting hours. The Notice to Mariners will also serve to notify divers, including tribal divers, of potential underwater noise impacts. Impacts on air quality will not be significant; the project site is in an attainment area, and emissions will be well below regulatory thresholds.

## **7. Cumulative Impacts**

Construction and operation of the LWI will contribute to regional cumulative impacts in conjunction with past, present, and reasonably foreseeable future actions to marine resources such as shallow-water habitat, including loss of eelgrass, macroalgae, shellfish, and habitat for juvenile salmon and other fish and invertebrate species. The project will also contribute to cumulative impacts to the marine environment. However, through implementation of the Mitigation Action Plan (Appendix C of the Final EIS), 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 2.3.2 of the Final EIS 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.

- Pile driving of steel piles on-shore 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.
- 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 15 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 about upcoming construction activities and noise at the beginning of each construction season.
- A revegetation plan will be developed with the objective of restoring native vegetation to the areas temporarily cleared for the construction. A monitoring and maintenance program will be implemented until the native plants are sufficiently established to minimize invasion by noxious weeds.
- A local Notice to Mariners will be developed to establish uniform procedures to facilitate the safe transit of vessels operating in the project vicinity. Barge trips and associated bridge openings will be scheduled to avoid peak commuting hours.

### **Compensatory Mitigation**

**In-Lieu Fee (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 Clean Water Act (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 Washington Department of Ecology (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 consulted with five federally recognized American Indian tribes that have usual and accustomed fishing grounds and stations co-located in the project area: the Skokomish Tribe, Port Gamble S’Klallam Tribe, Jamestown S’Klallam Tribe, Lower Elwha Klallam Tribe, and Suquamish Tribe. The Skokomish Tribe holds primary fishing rights in the waters of Hood Canal. On March 3, 2016, the Navy completed a Memorandum of Agreement (MOA) with the Skokomish Tribe to undertake treaty mitigation projects for LWI by contributing funding to support Skokomish River Basin restoration after the Navy begins in-water construction.

The Navy and the Port Gamble S’Klallam Tribe, Jamestown S’Klallam Tribe, and Lower Elwha Klallam Tribe have conducted government-to-government consultation on the LWI since 2008. For proposed mitigation, the Navy carefully assessed the potential for significant impacts to tribal rights and protected resources. At the time of this decision, the Navy and these three tribes

have not reached agreement on mitigation. However, the Navy will fund the following elements of the Tribes' mitigation proposal if willing and able partners are identified:

- Shellfish seeding and beach enhancement at locations off Navy property;
- Development and implementation of a floating upweller system management plan; and
- Kilisut Harbor Restoration Project.

The Suquamish Tribe has secondary fishing rights in Hood Canal south of the Hood Canal Bridge but has not been given permission to fish in the area by the primary rights holder, the Skokomish Tribe. Therefore, the Suquamish Tribe is not impacted by the proposed action and no treaty mitigation has been developed with them.

### **Agency Consultation and Coordination**

**ESA:** The Navy submitted a biological assessment to NMFS and the United States Fish and Wildlife Service (USFWS) on March 10, 2015 and requested informal consultation under the ESA. The Navy provided additional information to the agencies on July 10, 2015; October 26, 2015; November 6, 2015; and November 12, 2015. NMFS provided its concurrence with the Navy's *not likely to adversely affect* determinations for ESA-listed fish and marine mammal species under informal consultation on November 13, 2015. NMFS determined that no conservation recommendations were required because implementation of the Navy's BMPs will be sufficient to avoid, mitigate, or offset the impacts of the proposed action on listed species. In a concurrence letter dated March 4, 2016, USFWS stated that impacts to bull trout are not measurable and therefore insignificant, and impacts to marbled murrelets are discountable.

**MMPA:** The Navy coordinated with NMFS and determined that an Incidental Harassment Authorization is not required for the LWI Preferred Alternative.

**MSA:** The Navy submitted a biological assessment and an Essential Fish Habitat (EFH) Assessment to NMFS on March 6, 2015, and additional information requested by NMFS on October 26, 2015. In a letter dated November 13, 2015, NMFS concurred with the Navy's *may adversely affect* determination for EFH under the MSA. NMFS determined that no conservation recommendations were required because implementation of the Navy's BMPs will be sufficient to avoid, mitigate, or offset the impacts of the proposed action on intertidal EFH.

**CWA:** The Navy submitted a Joint Aquatic Resources Permit Application (JARPA) to the USACE, Seattle District, and WDOE on June 13, 2016, for issuance of a CWA Section 404 permit and a Section 401 Water Quality Certification, respectively. The Navy will not begin in-water construction until this permit and certification are received from USACE and WDOE, respectively.

**Rivers and Harbors Act:** The Navy submitted a JARPA to the USACE, Seattle District, for issuance of a permit under Section 10 of the Rivers and Harbors Act, which regulates structures in navigable waters of the U.S. The Navy will not begin in-water construction until this permit is received from USACE. The construction areas for the abutments and the observation posts will be isolated from tidal waters by the installation of temporary sheet pile walls, which will be



installed when the tide is out. Modifications to the existing PSB system will be accomplished using barge-mounted equipment. All in-water construction will be conducted during the in-water construction window from July 16 to February 15.

**Coastal Zone Management Act:** The Navy submitted a Coastal Consistency Determination to WDOE on May 25, 2016, with a finding that the proposed action is consistent to the maximum extent practicable with the enforceable policies of the state coastal zone program. On July 22, 2016, the Navy granted an extension of the review period through August 8, 2016, at WDOE's request. Since the Navy did not receive a concurrence or objection from WDOE following the extension, pursuant to 15 CFR 930.41, the Navy has presumed WDOE's concurrence with the Navy's Coastal Consistency Determination.

**National Historic Preservation Act:** The Navy submitted a request for concurrence with its determination of *no adverse effect* under Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR Part 800, to the WA Department of Archaeology and Historic Preservation on July 13, 2015. The WA State Historic Preservation Officer concurred with the Navy's determination of *no adverse effect* on July 30, 2015.

**Responses to Comments Received on the Final EIS:** Two public comments were received during the 30-day wait period following the issuance of the NOA of the Final EIS. No new substantive comments were received during the Final EIS wait period.

**Conclusion:** After considering the environmental impacts analyzed in the Final EIS; comments from federal agencies, American Indian tribes, state agencies, local entities, non-governmental organizations, and members of the public; and other factors discussed in this record of decision, I select LWI Alternative 3 to implement the LWI proposed action. The environmental impacts of Alternative 3 will be minimized by the implementation of BMPs and proposed mitigation measures, including the proposed compensatory aquatic mitigation and tribal mitigation. Alternative 3 will fully meet the Navy's purpose and need to comply with DoD directives to protect Navy TRIDENT submarines from increased and evolving threats, to prevent the seizure, damage, or destruction of military assets, and to enhance security within the WRA at NAVBASE Kitsap Bangor, WA. I defer making a decision on the SPE until such time as the proposed action is ripe for decision.

8 SEPT 2016

Date



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