

---

**COASTAL ZONE MANAGEMENT ACT**

**CONSISTENCY DETERMINATION FOR**

**COMMONWEALTH OF THE NORTHERN**

**MARIANA ISLANDS**

---

Submitted to:

Commonwealth of the Northern Mariana Islands  
Bureau of Environmental and Coastal Quality  
Division of Coastal Resources Management  
P.O. Box 501304  
Saipan, MP 96950

Submitted by:

Commander, United States Pacific Fleet  
Department of the Navy  
250 Makalapa Drive  
Pearl Harbor, Hawaii 96860-3131

**DECEMBER 2019**

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

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

**Document Notes:**

1. Scientific names are listed at first appearance; the common names are used thereafter.
2. Units are provided as English units followed by metric units parenthetically.
3. Suggested Citation: U.S. Department of the Navy. (2019). Coastal Zone Management Act Consistency Determination for the Commonwealth of the Northern Mariana Islands: CD for Military Training and Testing Activities within the CNMI Coastal Zone. Prepared for Commander, U.S. Pacific Fleet and Naval Facilities Command Pacific by ManTech. Contract Number N62742-14-D-1863, Task Order 020. December 2019.

## INTRODUCTION

This document provides the Commonwealth of the Northern Mariana Islands (CNMI) Coastal Management Program with the United States (U.S.) Department of the Navy's (Navy's) Consistency Determination under the Coastal Zone Management Act Part 307(c)(1) and 15 Code of Federal Regulations (CFR) Part 930, Subpart C, for the CNMI portion of the Proposed Action described in the Mariana Islands Training and Testing (MITT) Draft Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS).

This Consistency Determination is part of the Navy's Phase III of environmental compliance for training and testing activities in the Mariana Islands. This Determination supplements the 2014 Phase II Consistency Determination which was submitted on June 4, 2014 to the CNMI Coastal Resource Management Office in support of the 2015 MITT Final EIS/OEIS. The CNMI Coastal Management Program conditionally concurred with the Navy 2014 Phase II Consistency Determination. .

The nature of training and testing activities included in Phase III are similar to those for Phase II; described in the 2015 MITT Final EIS/OEIS. However, some activities have increased or decreased in tempo. Additionally, some activities have been reclassified or differ slightly from the Phase II Consistency Determination. Activities previously analyzed that would occur at the same or decreased levels are not included herein and continue to be covered under the 2014 Phase II Consistency Determination (including all land-based activities on Saipan, Tinian and Rota). The Navy will continue to comply with the terms of the conditional concurrence issued by the CNMI Coastal Management Program as noted in the Navy response letter dated March 12, 2015, for military readiness activities within the CNMI coastal zone. Activities not previously included in the Phase II determination, as well as those that would increase in tempo or in the number of expended materials, are included, even if the increase would be minor.

The information in this Consistency Determination is provided pursuant to 15 CFR Part 930.39. A detailed description of the proposed military training and testing activities is described in Chapter 2 (Description of Proposed Action and Alternatives) of the MITT Draft Supplemental EIS/OEIS, and the combined, cumulative coastal effects of the proposed activities are described in Chapters 3 (Affected Environment and Environmental Consequences) and 4 (Cumulative Impacts) of the Draft Supplemental EIS/OEIS.

The Coastal Zone Management Act's consistency provision requires federal actions that have reasonably foreseeable effects on any land or water use or natural resource of the coastal zone (also referred to as coastal uses or resources, or coastal effects) to be consistent with the enforceable policies of a coastal state's federally approved coastal management plan. Although federal lands in the CNMI are excluded from the coastal zone, federal activities occurring on federal lands (including submerged lands) that result in spillover impact and directly affect CNMI's coastal zone must be consistent with the enforceable policies of the CNMI coastal management program.

As detailed in the MITT Draft Supplemental EIS/OEIS, the Proposed Action is to conduct training and testing activities in the Mariana Islands Range Complex (MIRC), throughout the in-water areas around the MIRC, and in the transit corridor between the MIRC and the Hawaii Range Complex.

The Navy reviewed CNMI's coastal resources management enforceable policies<sup>1</sup> to determine those policies which are applicable to the Proposed Action. Table 2 of the Navy's Consistency Determination addresses the Proposed Action and applicability of the enforceable policies.

## DEFINITION OF THE CNMI COASTAL ZONE

The CNMI Coastal Management Program defines the "coastal zone" of the CNMI to include:

*"all non-federally owned land and water areas, including submerged lands and waters extending seaward to a distance of three (3) nautical miles. The CNMI is an island chain consisting of 15 islands. Each island in its entirety is designated a "coastal zone" in the context of the CZMA, under 15 C.F.R. Section 923.31(a)(7). Excluded lands include the federally-leased: northern two-thirds of Tinian, all of Farallon de Medinilla and approximately 72 hectares at Tanapag Harbor in Saipan (U.S. Public Law 94-241).*

*Submerged lands in the CNMI were conveyed back to the Commonwealth on January 16, 2014 with the exception of the submerged lands adjacent to the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion, as well as the submerged lands adjacent to federally-leased lands on Tinian and Farallon de Medinilla (Presidential Proclamation 9077)."*

## DESCRIPTION OF THE PROPOSED ACTION

The MITT Draft Supplemental EIS/OEIS includes a detailed description of the Proposed Action, which is also summarized below. The U.S. Navy's Proposed Action is to conduct military readiness activities which include training and testing activities in the MITT Study Area, primarily within the existing MIRC. Proposed training and testing activities would be conducted at sea, with some of these activities occurring within 3 NM of the CNMI coastline; furthermore, training activities would also occur on Farallon de Medinilla (FDM). Proposed activities are generally consistent with those at-sea and FDM activities analyzed in the 2015 MITT Final EIS/OEIS and are largely a continuation of activities the military has been conducting in the Study Area for decades. These training and testing activities include the use of active sonar and explosives at sea in the MIRC (the Navy is not proposing to use explosives at sea within the CNMI coastal zone). The 2015 MITT Final EIS/OEIS analyzed land-based activities on Saipan, Tinian, and Rota; the MITT Supplemental EIS/OEIS did not reanalyze land-based training, as there are no changes in land-based training proposed.

## ACTIVITIES THAT MAY AFFECT THE COASTAL ZONE

Training and testing activities that may affect uses or natural resources of the CNMI coastal zone are listed in Table 1. While there are new activities that include the use of sonar, overall the total number of annual hull-mounted mid-frequency sonar hours would decrease (see Figure 2.4-1 of the MITT Draft

---

<sup>1</sup> These enforceable policies are found within Northern Mariana Islands Administrative Code (NMIAC) Chapters 15–10 (Coastal Management Rules and Regulations), Public Law No. 3–47, NMIAC Chapter 65–20 (Drinking Water Regulations), NMIAC Chapter 65–90 (Underground Injection Control Regulations), Chapter 65–120 (Wastewater Treatment and Disposal Rules and Regulations), Chapter 65–130 (Water Quality Standards), and Chapter 65–140 (Well Drilling and Well Operations Regulations).

Supplemental EIS/OEIS). Only those activities that are new and include the use of sonar are analyzed in this Consistency Determination. Other activities that include the use of sonar were previously analyzed in the 2014 Consistency Determination document, which determined the Proposed Action was consistent to the maximum extent practicable with applicable enforceable policies.

A detailed island-by-island description of the Proposed Action is included in the following sections. Additional information on platforms, weapons systems, and ordnance expenditures associated with each training or testing activity is available in Tables 2.5-1 and 2.5-2, and Appendix A (Training and Testing Activities Descriptions) of the MITT Draft Supplemental EIS/OEIS.

#### **FARALLON DE MEDINILLA**

FDM is an uninhabited and undeveloped island on lease to the federal government per the *1976 Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America* (Covenant). On September 18, 2013, the CNMI was added to the Territorial Submerged Land Act, 48 United States Code (U.S.C.) sections 1705 and 1706, transferring right, title, and interest from the United States, in certain submerged lands out to 3 NM from the CNMI shoreline to the Government of the CNMI. The submerged lands adjacent to the island of FDM were exempted from that transfer. Although federally controlled lands are excluded from the coastal zone, actions on excluded federal lands that have spillover impacts on non-excluded lands and natural resources are subject to consistency review. There are no reasonably foreseeable spillover impacts anticipated from activities on FDM that would affect uses or natural resources of the CNMI coastal zone.

#### **SAIPAN**

Activities that could affect natural resources of the coastal zone are presented in Table 1. Proposed activities that have increased and may affect the uses or natural resources of the coastal zone around Saipan include personnel insertion/extraction, parachute insertion, intelligence/surveillance/reconnaissance, search and rescue, underwater survey, unmanned underwater vehicle training, surface ship object detection and anti-submarine warfare mission package testing. The 2015 MITT Final EIS/OEIS analyzed land-based activities on Saipan; the MITT Supplemental EIS/OEIS did not reanalyze land-based training, as there are no changes in land-based training proposed.

#### **TINIAN**

The northern two-thirds of Tinian are leased to the federal government, per the Covenant. On September 18, 2013, the CNMI was added to the Territorial Submerged Land Act, 48 U.S.C. sections 1705 and 1706, transferring right, title, and interest in certain submerged lands 0–3 NM from the U.S. government to the Government of the CNMI. The submerged lands adjacent to the island of Tinian Military Lease Area were exempted from that transfer. Table 1 lists and describes activities that could affect uses or natural resources of the coastal zone. Proposed activities that have increased and may affect uses or natural resources of the coastal zone around Tinian include personnel insertion/extraction, parachute insertion, intelligence/surveillance/reconnaissance, search and rescue, underwater survey, unmanned underwater vehicle training, surface ship object detection, and anti-submarine warfare mission package testing. The 2015 MITT Final EIS/OEIS analyzed land-based activities on Tinian; the MITT Supplemental EIS/OEIS did not reanalyze land-based training, as there are no changes in land-based training proposed.

**ROTA**

Activities that could affect uses or natural resources of the coastal zone are presented in Table 1. Proposed activities that have increased and may affect uses or natural resources of the coastal zone around Rota include personnel insertion/extraction, parachute insertion, intelligence/surveillance/reconnaissance, search and rescue, underwater survey, unmanned underwater vehicle training, surface ship object detection, and anti-submarine warfare mission package testing. The 2015 MITT Final EIS/OEIS analyzed land-based activities on Rota; the MITT Supplemental EIS/OEIS did not reanalyze land-based training, as there are no changes in land-based training proposed.

**AT-SEA BEYOND 3 NAUTICAL MILES**

Activities that would occur at-sea beyond 3 NM with the potential to affect uses or natural resources of the CNMI coastal zone are presented in Table 1. Activities include the use of aircraft, surface vessels, and submarines. These activities include the use of active sonar and explosives at sea off the coast of the CNMI, throughout the in-water areas around the MIRC, the transit corridor between the MIRC and the Hawaii Range Complex.

**Table 1: At-Sea Military Training and Testing Activities with Potential Effects to Land or Water Use or Natural Resource of the Coastal Zone Within the Purview of CNMI's Coastal Management Program**

Activity Name	Location <sup>1</sup>	2015 MITT Final EIS/OEIS Ongoing Activities (No. of events per year)	MITT Draft Supplemental EIS/OEIS Proposed Action (No. of events per year)	Activity Description
<b>Air Warfare (previously named Anti-Air Warfare in 2015 MITT Final EIS/OEIS)</b>				
Air Intercept Control	Study Area > 12 NM from land: SUA <sup>2</sup>	4,800	5,300	Aircrew and air controllers conduct aircraft intercepts of other aircraft.
GUNEX (Surface-to-Air [S-A]) – Large-caliber	Study Area SUA > 12 NM from land	6	9	Surface ship crews fire large-caliber (explosive) guns at air targets.
GUNEX [S-A] – Medium – caliber	Study Area SUA > 12 NM from land	13	19	Surface ship crews fire medium-caliber (explosive) guns at air targets.
MISSILEX [S-A]	Study Area SUA > 12 NM from land	18	27	Surface ship crews fire surface-to-air missiles (explosive or non-explosive) at air targets.
<b>Anti-Submarine Warfare</b>				
Torpedo Exercise (TORPEX)– Helo	Study Area > 3 NM from land	4	6	Helicopter crews search for, track, and detect submarines. Recoverable air launched torpedoes (explosive or non-explosive) are employed against submarine targets.
TRACKEX – Maritime Patrol Aircraft	Study Area > 3 NM from land	34	36	Maritime patrol aircraft crews search for, track, and detect submarines.

Activity Name	Location <sup>1</sup>	2015 MITT Final EIS/OEIS Ongoing Activities (No. of events per year)	MITT Draft Supplemental EIS/OEIS Proposed Action (No. of events per year)	Activity Description
TORPEX – Maritime Patrol Aircraft	Study Area > 3 NM from land	4	6	Maritime patrol aircraft crews search for, track, and detect submarines. Recoverable air launched torpedoes (non-explosive) are employed against submarine targets.
TORPEX – Surface	Study Area > 3 NM from land	3	6	Surface ship crews search for, track, and detect submarines. Exercise torpedoes (non-explosive) are used during this event.
Small Joint Coordinated ASW exercise (e.g., MultiSail/GUAMEX/SWATT)	Study Area > 3 NM from land	Not called out in previous document, but components were covered under several unit-level exercises	3	Typically, a 5-day exercise with multiple ships, aircraft, and submarines integrating the use of their sensors, including sonobuoys, to search, detect, and track threat submarines.
<b>Electronic Warfare</b>				
Electronic Warfare Operations	Study Area	480	522	Aircraft and surface ship crews control portions of the electromagnetic spectrum used by enemy systems to degrade or deny the enemy's ability to take defensive actions.
Counter Targeting Chaff Exercise – Ship	Study Area > 12 NM from land	40	60	Surface ship crews deploy chaff to disrupt threat targeting and missile guidance radars.
<b>Expeditionary Warfare</b>				
Personnel Insertion/ Extraction	MIRC; Guam; Tinian; Rota	240	365 <sup>3</sup>	Military personnel train for covert insertion (in which personnel jump into the water) and extraction into target areas using helicopters, fixed-wing aircraft (insertion only), small boats, and submersibles.



Activity Name	Location <sup>1</sup>	2015 MITT Final EIS/OEIS Ongoing Activities (No. of events per year)	MITT Draft Supplemental EIS/OEIS Proposed Action (No. of events per year)	Activity Description
Parachute Insertion	MIRC parachute drop zones; Guam; Tinian; Rota	20	64 <sup>3</sup>	Military personnel train for covert insertion into target areas using parachutes.
<b>Mine Warfare</b>				
Limpet Mine Neutralization System	Mariana littorals; Inner and Outer Apra Harbor	40	60	Navy Explosive Ordnance Disposal divers place a small charge (explosive) on a simulated underwater mine.
Underwater Demolition Qualification/Certification	Agat Bay underwater detonation site Piti and Outer Apra Harbor underwater detonation sites	30	45	Navy divers conduct various levels of training and certification in placing underwater demolition charges (explosive).
Surface Ship Object Detection	Study Area	Not previously analyzed	6	Ship crews detect and avoid mines while navigating restricted areas or channels using active sonar.
<b>Surface Warfare</b>				
GUNEX (Air-to-Surface [A-S]) – Small-caliber	Study Area SUA > 12 NM from land	242	321	Helicopter and tilt-rotor aircrews use small caliber (non-explosive) guns to engage surface targets.
MISSILEX (A-S) – Rocket	Study Area SUA > 12 NM from land	3	111	Helicopter aircrews fire both precision-guided and unguided rockets (explosive and non-explosive) at surface targets.
MISSILEX (Surface-to-Surface [S-S])	Study Area > 50 NM from land	12	28	Surface ship crews defend against surface threats (ships or small boats) and engage them with missiles.
GUNEX (S-S) Ship – Large – caliber	Study Area SUA > 12 NM from land; Transit Corridor	140	255	Surface ship crews fire large-caliber (explosive) guns at surface targets.

Activity Name		Location <sup>1</sup>	2015 MITT Final EIS/OEIS Ongoing Activities (No. of events per year)	MITT Draft Supplemental EIS/OEIS Proposed Action (No. of events per year)	Activity Description
GUNEX (S-S) Ship – Small- and Medium-caliber		Study Area SUA > 12 NM from land; Transit Corridor	100	234	Surface ship crews fire medium (explosive) and small (nonexplosive) caliber guns at surface targets.
GUNEX [S-S] Boat – Small and Medium – caliber	Medium-caliber	Study Area SUA > 12 NM from land; Transit Corridor	10	20	Small boat crews fire medium-caliber (explosive) guns at surface targets.
	Small-caliber	Study Area > 3 NM from land; Transit Corridor	40	43	Small boat crews fire small-caliber (nonexplosive) guns at surface targets.
<b>Other</b>					
Intelligence, Surveillance, Reconnaissance		MIRC; Guam; Tinian; Rota; Saipan	16	44	Personnel train to collect and report battlefield intelligence.
Search and Rescue At Sea		Study Area	40	45	Helicopter, ship, and submarine crews practice the skills required to recover personnel lost at sea.
Small Boat Attack		Study Area > 3 NM from land	6	27	Afloat units defend against small boat or personal watercraft attack.
		Study Area	12		
Submarine Sonar Maintenance		Study Area > 3 NM from land; Inner Apra Harbor; Transit Corridor	48	86	Maintenance of submarine sonar and other system checks are conducted pierside or at sea.
Surface Ship Sonar Maintenance		Study Area > 3 NM from land; Inner Apra Harbor; Transit Corridor	42	44	Maintenance of surface ship sonar and other system checks are conducted pierside or at sea.
Underwater Survey		Mariana littorals	16	32	Navy divers train in survey of underwater conditions and features in preparation for insertion; extraction; or intelligence, surveillance, and reconnaissance activities.

Activity Name	Location <sup>1</sup>	2015 MITT Final EIS/OEIS Ongoing Activities (No. of events per year)	MITT Draft Supplemental EIS/OEIS Proposed Action (No. of events per year)	Activity Description
Unmanned Underwater Vehicle Training <sup>4</sup>	MIRC, Warning Areas	Not previously analyzed <sup>4</sup>	64	Personnel conduct training with unmanned underwater vehicles from a variety of platforms, including surface ships, small boats, and submarines.
Anti-Submarine Warfare Mission Package Testing	Mariana Island Range Complex	33	100	Vessels conduct detect-to-engage operations against modern diesel-electric and nuclear submarines using airborne and surface assets (both manned and unmanned). Active and passive acoustic systems are used to detect and track submarine targets, culminating in the deployment of lightweight torpedoes to engage the threat.
Torpedo (Explosive) Testing	Mariana Island Range Complex	2	3	Air, surface, or submarine crews employ explosive and non-explosive torpedoes against artificial targets.
Torpedo (Non-explosive) Testing	Mariana Island Range Complex		7	Air, surface, or submarine crews employ nonexplosive torpedoes against submarines or surface vessels.

<sup>1</sup>The 2015 MITT Final EIS/OEIS analyzed land-based activities on Saipan, Tinian, and Rota; the MITT Supplemental EIS/OEIS did not reanalyze land-based training, as there are no changes in land-based training proposed.

<sup>2</sup> Activity will be conducted anywhere in the Study Area and greater than 12NM from land

<sup>3</sup>Parachute drop zones (insertion) may be at sea or on land. Proposed increases in activities would only occur at sea. There are no proposed increases in activities nearshore or on land.

<sup>4</sup>Activity not called out in the 2015 MITT Final EIS/OEIS document, however components of the activity were covered under several unit level activities in the 2015 MITT Final EIS/OEIS.

Notes: MITT = Mariana Islands Training and Testing, EIS = Environmental Impact Statement, OEIS = Overseas Environmental Impact Statement, No. = Number

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

The enforceable policies of CNMI's Coastal Management Program are listed in Appendix A of the Bureau of Coastal and Environmental Quality Division of Coastal Resources Management *Procedures Guide for Achieving Federal Consistency with the CNMI Coastal Management Program*, (September 2018). These enforceable policies are listed in Table 2, along with whether these policies are applicable to the Proposed Action. The justification to exclude some enforceable policies for further analysis is also provided in Table 2. Policies that the Navy has determined to be applicable are described in more detail in this consistency determination and are bold-faced type in Table 2.

**Table 2: Enforceable Policies<sup>1</sup> and Applicability to the Proposed Action**

Enforceable Policy <sup>2</sup>		Applicability to the Proposed Action (Rationale for Inclusion/Exclusion)	Inclusion for Additional Analysis
Description	Legal Citation		
<b>Part 001 – General Provisions</b>			
Definitions	15-10-020	Not applicable. Definitions provided for context of Title 15 Coastal Resources Management, Northern Mariana Islands Administrative Code (NMIAC).	No
Conflicts with Regulations of Other CNMI Government Agencies	15-10-025	Not applicable. The Navy's Proposed Action does not include applying for permits with the CNMI.	No
<b>Part 300 – Standards for CRM Permit Issuance</b>			
General Standards for all CRM Permits	15-10-301	Not applicable. The Navy's Proposed Action does not include applying for permits with the CNMI.	No
General Criteria for CRM Permits	15-10-305		No
Specific Criteria; Areas of Particular Concern; Lagoon and Reefs	15-10-315	Not applicable. The Navy's Proposed Action does not include the use of lagoons or reefs.	No
Specific Criteria; Areas of Particular Concern; Managaha and Anjota Islands	15-10-320	Not applicable. The Navy's Proposed Action does not include Managaha or Anjota Islands.	No
Specific Criteria; Areas of Particular Concern; Coral Reefs	15-10-325	Not applicable. Nearshore activities that primarily occur in areas around Tinian are excluded from the CNMI coastal zone and would not have reasonably foreseeable effects or spillover effects to the CNMI coastal zone. Other activities, as listed in Table 1, occurring within the coastal zone of Tinian (including Tinian Harbor) and Rota would have no effect on coral reefs.	No
Specific Criteria; Areas of Particular Concern; Wetlands and Mangroves	15-10-330	Not applicable. The Navy's Proposed Action does not include activities in wetlands or mangroves.	No
Specific Criteria; Areas of Particular Concern; Shorelines	15-10-335	Not applicable. The Navy's Proposed Action does not include the use of the area defined as shoreline: "the area between the high tide line or the edge of a shoreline cliff and 150 feet inland on the islands of the Northern Mariana Islands chain." The activities	No

Enforceable Policy <sup>2</sup>		Applicability to the Proposed Action (Rationale for Inclusion/Exclusion)	Inclusion for Additional Analysis
Description	Legal Citation		
		described in the Navy's Proposed Action do not restrict access or use of areas outside of locations excluded from the CNMI coastal zone.	
Specific Criteria; Areas of Particular Concern; Ports and Industrial Areas	15-10-340	Not applicable. The Navy's Proposed Action does not include construction or development within ports or industrial areas. In the event water-dependent activities are conducted in a port, the activity would be consistent to the maximum extent practicable with the use priorities of ports and industrial areas. The Proposed Action would not interfere with the water dependent activities or uses of the ports or industrial areas.	No
Specific Criteria; Areas of Particular Concern; Coastal Hazards	15-10-345	Not applicable. The Navy's Proposed Action does not include construction or development on land or activities within coastal hazard areas.	No
Height Density, Setback, Coverage, and Parking Guidelines	15-10-350	Not applicable. The Navy's Proposed Action does not include construction or development on land.	No
<b>Part 500 – Standards for Determining Major Siting</b>			
Determination of Major Siting	15-10-501	Not applicable. The Navy's Proposed Action does not meet the criteria for a major siting.	No
Specific Criteria for Major Sitings	15-10-505		No
<b>Part 600 – CRM Permit Conditions</b>			
Mandatory Conditions	15-10-610	Not applicable. The Navy is not applying for permits with the CNMI.	No
<b>Air and Water Quality Standards and Regulations of the NMIAC</b>			
DEQ Underground Injection Control Regulations	65-90	Not applicable. The Navy's Proposed Action does not include land-based activities or underground injection controls.	No
DEQ Drinking Water Regulations	65-20	Not applicable. The Navy's Proposed Action does not include land-based activities and will not impact drinking water.	No
DEQ Well Drilling and Well Operations	65-140-005 through 65-140-010	Not applicable. The Navy's Proposed Action does not include the construction or operation of water wells and will not impact groundwater.	No
DEQ Wastewater Treatment and Disposal Rules and Regulations: Definitions	65-120-010 and 65-120 Part 1700		No
<b>DEQ Water Quality Standards: Classification and Establishment of Water Use Areas<sup>3</sup></b>	<b>65-130 Part 200</b>	<b>Applicable. The CD includes an analysis of the Proposed Action and water quality standards defined under Part 400 in waters classified in Part 200.</b>	<b>Yes</b>
<b>DEQ Water Quality Standards: Specific Water Quality Criteria<sup>3</sup></b>	<b>65-130 Part 400</b>		<b>Yes</b>

Enforceable Policy <sup>2</sup>		Applicability to the Proposed Action (Rationale for Inclusion/Exclusion)	Inclusion for Additional Analysis
Description	Legal Citation		
DEQ Water Quality Standards: Mixing Zone in Receiving Waters	Part 500	Not applicable. Activities described in the Navy's Proposed Action do not require the establishment of mixing zones (e.g., there are no discharges in CNMI waters).	No
<b>Public Law No. 3-47</b>			
Policy Element 1. Encourage land-use master planning, floodplain management, and the development of zoning and building code legislation.		Not applicable. This policy pertains to the Government of CNMI.	No
Policy Element 2. Promote, through a program of public education and public participation, concepts of resource management, conservation and wise development of coastal resources.		Not applicable. This policy pertains to the Government of CNMI.	No
Policy Element 3. Promote more efficient resources management through: <ul style="list-style-type: none"> <li>A. Coordination and development of resource management laws and regulations into a readily identifiable program;</li> <li>B. Revision of existing unclear laws and regulations;</li> <li>C. Improvement of coordination among Commonwealth agencies;</li> <li>D. Improvement of coordination between Commonwealth and federal agencies;</li> </ul> Establishment of educational and training programs for Commonwealth government personnel and refinement of supporting technical data.		Not applicable. This policy pertains to the Government of CNMI.	No
<b>Policy Element 4. Plan for and manage any use or activity with the potential for causing a direct and significant impact on coastal resources. Significant adverse impacts shall be mitigated to the extent practicable.</b>		<b>Applicable. The CD includes an analysis of the Proposed Action and potential for impacts on coastal resources, including discussion of mitigation measures.</b>	<b>Yes</b>
Policy Element 5. Give priority for water-dependent development and consider the need for water-related and water-oriented locations in its siting decisions.		Not applicable. The Navy's Proposed Action does not involve development or siting decisions of any kind.	No

Enforceable Policy <sup>2</sup>		Applicability to the Proposed Action (Rationale for Inclusion/Exclusion)	Inclusion for Additional Analysis
Description	Legal Citation		
Policy Element 6. Provide for adequate consideration of the national interest, including that involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, the Commonwealth’s coastal zone) which are necessary to meet requirements which are other than local in nature.		Not applicable. The Proposed Action does not involve development of any kind, including facilities.	No
Policy Element 7. Not to permit to the extent practicable, development of identifiable hazardous lands, including floodplain, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones and major fault lines, unless it can be demonstrated that such development does not pose unreasonable risks to the health, safety or welfare of the people of the commonwealth, and complies with applicable laws.		Not applicable. The Navy’s Proposed Action does not involve development of identifiable hazardous lands, including floodplain, erosion-prone areas, storm-wave inundation areas, air installation crash and sound zones and major fault lines.	No
Policy Element 8. Mitigate, to the extent practicable adverse environmental impacts, including those aquifers, beaches, estuaries and other coastal resources while developing an efficient and safe transportation system.		Not applicable. The Navy’s Proposed Action does not involve the development of a transportation system.	No
Policy Element 9. Require any development to strictly comply with erosion, sedimentation, and related land and water use districting guidelines, as well other related land and water use policies for such areas.		Not applicable. The Navy’s Proposed Action does not involve development of any kind.	No
<b>Policy Element 10. Maintain or improve coastal water quality through control of erosion, sedimentation, runoff, siltation, sewage and other discharges.</b>		<b>Applicable. The CD includes an analysis of the Proposed Action and coastal water quality.</b>	<b>Yes</b>
<b>Policy Element 11. Recognize and respect locations and properties of historical significance throughout the Commonwealth, and ensure that development which would disrupt, alter, or destroy these, is subject to Commonwealth laws and regulations.<sup>4</sup></b>		<b>Applicable. The CD includes an analysis of the Proposed Action and historic and cultural areas of significance.</b>	<b>Yes</b>
<b>Policy Element 12. Recognize areas of cultural significance, the development of which would disrupt the cultural practices associated with such areas, which shall be subject to a consultation</b>			<b>Yes</b>

Enforceable Policy <sup>2</sup>		Applicability to the Proposed Action (Rationale for Inclusion/Exclusion)	Inclusion for Additional Analysis
Description	Legal Citation		
<b>process with concerned ethnic groups and any applicable laws and regulations.<sup>4</sup></b>			
<b>Policy Element 13. Require compliance with all local air and water quality laws and regulations and any applicable federal air and water quality standards.</b>		<b>Applicable. The CD includes an analysis of the Proposed Action and compliance with local air and water quality laws and regulations.</b>	<b>Yes</b>
Policy Element 14. Not permit, to the extent practicable, development with the potential for causing significant adverse impact in fragile areas such as designated and potential historic and archaeological sites, critical wildlife habitats, beaches, designated and potential pristine marine and terrestrial communities, limestone and volcanic forests, designated and potential mangrove stands and other wetlands.		Not applicable. The Navy's Proposed Action does not involve development of any kind.	No
<b>Policy Element 15. Manage ecologically significant resource areas for their contribution to marine productivity and value as wildlife habitats, and preserve the functions and integrity of reefs, marine meadows, salt ponds, mangroves and other significant natural areas.<sup>5</sup></b>		<b>Applicable. The CD includes an analysis of the Proposed Action and ecological resources.</b>	<b>Yes</b>
<b>Policy Element 16. Manage the development of the local subsistence, sport and commercial fisheries, consistent with other policies.<sup>5</sup></b>		<b>Applicable. The CD includes an analysis of the Proposed Action and local subsistence, sport, and commercial fisheries.</b>	<b>Yes</b>
<b>Policy Element 17. Protect all coastal resources, particularly sand, coral and fish from taking beyond sustainable levels and in the case of marine mammals and any species on the Commonwealth endangered species list, from any taking whatsoever.</b>		<b>Applicable. The CD includes an analysis of the Proposed Action and coastal resources.</b>	<b>Yes</b>
Policy Element 18. Encourage preservation and enhancement of and respect for, the Commonwealth's scenic resources through the development of, increased enforcement of, and compliance with, sign, litter, zoning, building codes, and related land use laws.		Not applicable. This policy pertains to the Government of the CNMI.	No
Policy Element 19. Discourage, to the maximum extent practicable, visually		Not applicable. The majority of the military readiness activities within the CNMI will be conducted within the boundaries of federally leased land at FDM, within	No



Enforceable Policy <sup>2</sup>		Applicability to the Proposed Action (Rationale for Inclusion/Exclusion)	Inclusion for Additional Analysis
Description	Legal Citation		
objectionable uses so as not to significantly degrade scenic views.		3 NM of federally leased land on Tinian or in areas greater than 3 NM from shore and will have no impact on the aesthetic quality of CNMI’s scenic views. There would be no reasonably foreseeable direct or indirect effects to the uses and resources of the CNMI coastal zone from impacts on visual quality from military training and testing activities.	
Policy Element 20. Encourage the development of recreation facilities which are compatible with the surrounding environment and land uses.		Not applicable. The Navy’s Proposed Action does not involve development of recreation facilities.	No
<b>Policy Element 21. Encourage the preservation of traditional rights of public access to and along the shorelines consistent with the rights of private property owners.</b>		<b>Applicable. The CD includes an analysis of the Proposed Action and rights of public access.</b>	<b>Yes</b>
Policy Element 22. Pursue agreements for the acquisition of use of any lands necessary to guarantee traditional public access to and along the shorelines.		Not applicable. This policy element pertains to the Government of CNMI.	No
Policy Element 23. Encourage agricultural development and the preservation and maintenance of critical agricultural lands for agricultural uses.		Not applicable. The Navy’s Proposed Action does not involve any agricultural development or critical agricultural lands.	No

<sup>1</sup> Enforceable Policies as defined in Appendix A of the *Procedures Guide for Achieving Federal Consistency with the CNMI Coastal Management Program, Bureau of Coastal and Environmental Quality Division of Coastal Resources Management, September 2018*

<sup>2</sup> Activities highlighted in **bold** text are applicable and are discussed in more detail in the following sections of this document.

<sup>3, 4, 5</sup> Enforceable policies are analyzed together in this consistency determination.

Notes: APC = Area of Particular Concern, CNMI = Commonwealth of the Northern Mariana Islands, CRM = Coastal Resources Management, DEQ = Department of Environmental Quality

**DEPARTMENT OF ENVIRONMENTAL QUALITY WATER QUALITY STANDARDS: CLASSIFICATION AND ESTABLISHMENT OF WATER USE AREAS AND SPECIFIC WATER QUALITY CRITERIA**

This section discusses military training and testing activities and water classifications established in the DEQ Water Quality Standards. A comprehensive water quality impact analysis of the Proposed Action is presented in Section 3.1 (Sediments and Water Quality) of the MITT Draft Supplemental EIS/OEIS and the 2015 MITT Final EIS/OEIS. Since the publication of the 2015 MITT Final EIS/OEIS, the Navy conducted a review of new literature pertaining to the potential impacts of the Proposed Action on sediments and water quality. The Draft Supplemental EIS/OEIS uses data from other equally or more heavily used military ordnance sites in Hawaii; Vieques, Puerto Rico; and the Potomac River, Maryland as a proxy to assess potential impacts on sediments and water quality in the Study Area. Additional studies on lead and lithium include those conducted at the Pamlico Sound in North Carolina, and a Canadian military site (Canadian Forces Maritime Experimental and Test Ranges near Nanoose Bay, British Columbia). Information on impacts on sediments and water quality from munitions at two additional sites, one in Hawaii and one in the Potomac River, Maryland, where military munitions have resided for decades, have been added to the section. The Navy's Supplemental EIS/OEIS also includes information that suggests that the majority of concerns regarding bioaccumulation are associated with urban coastal environments with specific point source and non-point source contributors of pollutants. The studies concerning military sites suggest that metals exposed to seawater are of less concern because of decreased bioavailability.

The new information summarized above and presented in the MITT Supplemental EIS/OEIS does not indicate an appreciable change to the existing environmental conditions as described in the 2015 MITT Final EIS/OEIS. Thus, the MITT Draft Supplemental EIS/OEIS refers to Section 3.1 (Sediments and Water Quality) of the 2015 MITT Final EIS/OEIS, which contains the detailed analysis of fate and transport of byproducts produced during military training and testing activities.

Chapter 65-130 Part 200 of the Northern Mariana Islands Administrative Code (NMIAC) establishes definitions of water use areas within the CNMI coastal zone. Class "AA" waters are coastal waters surrounding Saipan, Tinian, Rota, and the northern islands (FDM, Anatahan, Sariguan, Guguan, Alamagan, Pagan, Agrihan, Asuncion, Maug, and Farallon de Pajaros) that are not designated as class "A" waters. Class "A" waters off of Saipan include waters out to 3,000 feet from the shoreline from the entrance to Smiling Cove Marina to Saddok As Agatan, inclusive of the waters within Smiling Cove Marina and its entrance channel, and waters surrounding the Agingan Wastewater Treatment Plant, within a 1,000-foot radius of the outfall. Class "A" waters off of Tinian include coastal waters known as San Jose Harbor. Class "A" waters off of Rota include coastal waters known as East Harbor and West Harbor. Class "A" waters off of the northern islands includes waters surrounding FDM; however, these waters are not included in the CNMI coastal zone. Class "1" and Class "2" waters are associated with freshwater features. No land-based training activities are included in the Proposed Action, and the military does not conduct any training activities on land within waters that would be considered Class "1" or Class "2."

The Navy analyzed water quality standards and water use areas specified in Chapter 65–130 Parts 200 and 400 of the NMIAC.

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

The Proposed Action is fully consistent with this enforceable policy.

Chapter 65-130 Part 400 provides water quality standards for water use areas within the CNMI coastal zone. Table 3 lists each standard with specific criteria and applicability to each water use area. The water quality standards include criteria for microbiological concentrations (Enterococci, and *E. coli*), pH, nutrients (nitrate-nitrogen, total nitrogen, orthophosphate, ammonia), dissolved oxygen, total filterable suspended solids, salinity, temperature, turbidity, radioactive materials, oil and petroleum products, toxic pollutants, and other general considerations. The military readiness activities that generate stressors to water quality do not occur in the water use areas; rather, they occur outside of the CNMI coastal zone, and are analyzed in the context of their potential to induce reasonably foreseeable effects into Class “AA” or Class “A” water use areas.

Section 3.1.3.1 (Explosives and Explosive Byproducts) of the MITT Draft Supplemental EIS/OEIS and, by reference, the 2015 MITT Final EIS/OEIS, discusses the physical and chemical effects of explosives, including turbidity and suspended sediments from underwater explosions and byproducts left in the water after an explosion. Applicable water quality standards specified in Chapter 65–130 Part 400 of the NMIAC for explosions and explosive byproducts include standards for nutrients, temperature, turbidity, and filtered suspended solids (see Table 3 for specific criteria applicable within each water use area). Although explosions resuspend sediments in the water column, the sediment plume eventually dissipates as particles settle to the bottom or disperse. Unconsumed explosives and explosive byproducts are also not expected to exceed water quality standards within the CNMI coastal zone because no activities using explosives are planned to occur within the CNMI coastal zone, and activities occurring beyond the CNMI coastal zone would not affect the land or water use, or natural resource of the coastal zone because (1) most of the explosives would be consumed during detonation; (2) the frequency of low-order detonations would be low, and therefore the frequency of releases of explosives would be low; (3) the amounts of explosives used would be small relative to the area within which they would be distributed; and (4) the constituents of explosives would be subject to physical, chemical, and biological processes that would render the materials harmless or otherwise disperse them to undetectable levels.

Section 3.1.3.2 (Metals) of the MITT Draft Supplemental EIS/OEIS and, by reference, the 2015 MITT Final EIS/OEIS, discusses the various sources of metals introduced into the ecosystem as a result of military readiness activities. These metals represent parts or the whole of vessels, manned aircraft and unmanned aerial vehicles, ordnance (bombs, projectiles, missiles, and torpedoes), sonobuoys, chaff cartridges, batteries, electronic components, and anti-corrosion compounds coating the exterior surfaces of some munitions. The vast majority of metals introduced into the marine environment would occur in areas outside of the CNMI coastal zone. Metals released into the marine environment are not expected to exceed water quality standards in the CNMI coastal zone because corrosion and biological processes (e.g., colonization by marine organisms) would reduce exposure of military expended materials to seawater, decreasing the rate of leaching. Further, leached metals would bind to sediments and other organic matter, thereby localizing the concentration to the site of deposition.

Section 3.1.3.4 (Other Materials) of the MITT Draft Supplemental EIS/OEIS and, by reference, the 2015 MITT Final EIS/OEIS, discusses fate and transport of constituents of plastics, marine markers, flares, and chaff. Applicable water quality standards for these materials include standards for toxic materials, turbidity, and filtered suspended solids. Some expended plastics from military readiness activities are unavoidable because they are used in ordnance or targets. Targets, however, would typically be recovered following training and testing activities. Chaff fibers are composed of nonreactive metals and glass, and would be dispersed by ocean currents as they float and slowly sink toward the bottom. The fine, neutrally buoyant chaff streamers would act like particulates in the water, temporarily increasing the turbidity of the ocean’s surface. The chaff fibers would quickly disperse, and turbidity readings

would return to normal. Because activities would occur in areas outside of the CNMI coastal zone and the rapid settling and non-reactivity of materials not recovered after use, water quality standards in the CNMI coastal zone would not be exceeded.

**Conclusion.** The Navy analyzed water quality standards and water use areas specified in Chapter 65-130 Parts 200 and 400 of the NMIAC. Based on the analysis presented in the Draft Supplemental EIS/OEIS and as discussed above, the Proposed Action would not exceed water quality standards established in Chapter 65-130 Part 400 within water use areas established in Part 200. **Therefore, the Proposed Action is fully consistent with this enforceable policy.**

**Table 3: CNMI Water Quality Standard, Criteria, and Applicable Water Use Areas**

Water Quality Standard <sup>1</sup>		Criteria/Threshold <sup>2</sup>	Water Use Area <sup>3</sup>
Microbiological Requirements	Enterococci	The Enterococci concentration shall not exceed a geometric mean of 35 per 100 mL based on samples taken in any 30 day interval. No single sample result shall exceed 130 Enterococci per 100 mL.	All Waters
	<i>E. coli</i>	The <i>E. coli</i> concentration shall not exceed a geometric mean of 126 per 100 mL based on samples taken in any 30 day interval. The Statistical Threshold Value is 410 <i>E. coli</i> per 100 ml.	All Waters
pH		pH shall not deviate more than 0.5 units from a value of 8.1; no lower than 7.6 or higher than 8.6.	A, AA
		pH shall not deviate more than 0.5 from ambient conditions and shall not be lower than 6.5 nor higher than 8.5.	1, 2
Nutrients	Nitrate-Nitrogen	Not to exceed 0.20 mg/L	AA
		Not to exceed 0.50 mg/L	A
	Total Nitrogen	Not to exceed 0.4 mg/L	AA
		Not to exceed 0.75 mg/L	A, 1
		Not to exceed 1.50 mg/L	2
	Ortho-phosphate	Not to exceed 0.025 mg/L	AA
		Not to exceed 0.05 mg/L	A
		Not to exceed 0.10 mg/L	1, 2
	Total Phosphorus	Not to exceed 0.025 mg/L	AA
		Not to exceed 0.05 mg/L	A
Not to exceed 0.10 mg/L		1, 2	
Ammonia (un-ionized)	Not to exceed 0.02 mg/L	All Waters	
Dissolved Oxygen	Not less than 75% saturation/or further reduce DO when low DO is attributed to natural causes	All Waters	
Total filterable suspended solids		Concentrations of suspended matter at any point shall not be increased from ambient conditions at any time, and should not exceed 5 mg/l except when due to natural conditions.	AA, 1
		Concentrations of suspended matter at any point shall not be increased from ambient conditions at any time, and should not exceed 40 mg/l except when due to natural conditions.	A, 2
Salinity	Marine waters	No alterations of the marine environment shall occur that would alter the salinity of marine or estuarine waters more than 10% from ambient conditions or	AA, A

Water Quality Standard <sup>1</sup>		Criteria/Threshold <sup>2</sup>	Water Use Area <sup>3</sup>
		which would otherwise adversely affect the indigenous biota and sedimentary patterns, except when due to natural causes.	
	Fresh waters	The maximum allowable amount of chlorides and sulfates shall be 250 mg/l, and the total dissolved solids shall not exceed 500 mg/l or 133% of the ambient condition. The salinity of fresh water sources and wetlands shall not be increased more than 20% from ambient conditions.	1,2
Temperature		Water temperature shall not vary by more than 1.0°C from the ambient conditions.	All Waters
Turbidity		Turbidity at any point, as measured by NTU, shall not exceed 0.5 NTU over ambient conditions except when due to natural conditions.	AA, 1
		Turbidity values (NTU) at any point shall not exceed 1.0 NTU over ambient conditions.	A, 2
Radioactive Materials		Discharge of radioactive materials at any level into any waters of the Commonwealth or state waters is strictly prohibited.	All Waters
Oil and Petroleum Products		The concentration of oil or petroleum products shall not: (a) Be detectable as a visible film, sheen, or discoloration of the surface or cause an objectionable odor. (b) Cause tainting of fish or other aquatic life, be injurious to the indigenous biota or cause objectionable taste in drinking water. (c) Form an oil deposit on beaches or shoreline, or on the bottom of a body of water.	All Waters
Toxic Pollutants		All waters shall be free from toxic pollutants in concentrations that are lethal to, or that produce detrimental physiological responses in human, plant, or animal life. Detrimental responses include, but are not limited to: decreased growth rate and decreased reproductive success of resident or indicator species; or significant alterations in population, community ecology, or receiving water biota.	All Waters

<sup>1</sup> Water Quality Standards are provided in section 65-130 Part 400 of the CNMI Administrative Code.

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

<sup>3</sup> Water use areas are specified in section 65-130 Part 200 of the CNMI Administrative Code.

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

**PUBLIC LAW NO. 3-47**

Public Law 3-47 includes 23 policy elements. As summarized in Table 2, nine of these policy elements are applicable to the Proposed Action as detailed in the MITT Draft Supplemental EIS/OEIS.

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

The Navy analyzed the Proposed Action in reference to the Policy Elements contained within Public Law No. 3-47.

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

The MITT Draft Supplemental EIS/OEIS provides detailed analyses of impacts on coastal resources, including marine mammals, sea turtles, corals, and fishes. The impacts analyzed in the MITT Draft Supplemental EIS/OEIS are summarized below. The Navy has initiated the Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA), and Magnuson-Stevens Fishery Conservation and Management Act compliance processes with the National Marine Fisheries Service (NMFS). The Navy will implement measures described in Section 2.3.3 (Standard Operating Procedures), Chapter 5 (Mitigation), and Appendix I (Geographic Mitigation Assessment) of the MITT Draft Supplemental EIS/OEIS and any mitigation measures or conservation recommendations resulting from the ESA and MMPA consultations.

**Natural Resources – Marine**

**Marine Mammals.** Marine mammals are discussed in Section 3.4 (Marine Mammals) of the MITT Draft Supplemental EIS/OEIS. Stressors to marine mammals from the Proposed Action include acoustic (sonar and other transducers, vessel noise, aircraft noise, weapons noise), explosives (in-water explosions), energy (in-water electromagnetic devices and high-energy lasers), physical disturbance and strike (vessels and in-water devices, military expended materials, seafloor devices), entanglement (wires and cables, decelerators/parachutes), ingestion (military expended materials – munitions, and military expended materials – other), and secondary (impacts on habitat, impacts on prey availability). More information about each training and testing activity and stressors can be found in Appendix A (Training and Testing Activities Descriptions) and Appendix F (Training and Testing Activities Matrices) in the MITT Draft Supplemental EIS/OEIS. As analyzed below, stressors may result in impacts on marine mammals, a coastal resource of the CNMI coastal zone.

Marine mammals, in general, are protected under the MMPA, while species of marine mammals that are endangered or threatened are further protected under the ESA. For this reason, impacts on marine mammals are analyzed separately under each law for each stressor, as discussed below.

**Acoustic Stressors.** Pursuant to the MMPA, acoustic sources may result in Level A and Level B harassment of certain marine mammals. The analysis completed by the Navy predicts no mortalities and therefore the Navy is not requesting an incidental take under the MMPA for mortality. Pursuant to the ESA, sonar and other transducers, weapons noise, vessel noise, air guns, and aircraft may affect certain ESA-listed marine mammals. See Section 3.4 (Marine Mammals) of the Draft Supplemental EIS/OEIS.

**Explosives Stressors.** Pursuant to the MMPA, the use of explosives would result in the incidental taking of certain marine mammal species. Pursuant to the ESA, the use of explosives may affect certain ESA-listed marine mammals. See Section 3.4 (Marine Mammals) of the Draft Supplemental EIS/OEIS.

**Physical Disturbance and Strike Stressors.** Pursuant to the MMPA, the use of vessels has the potential to result in incidental take from direct injury or mortality. However, Navy policy (Chief of Naval Operations Instruction F3100.6J) is to report all whale strikes by Navy vessels. That information has been provided to NMFS on an annual basis. Vessel strike records from the Navy have been kept since 1995, and there have been no known Navy vessel strikes to marine mammals in the Study Area during training or testing activities. Based on the absence of any Navy vessel strikes during training and testing in the Study Area, and the general reduction in strike incidents Navy-wide since introduction of the Marine Species Awareness Training in 2006, the Navy does not anticipate vessel strikes to marine mammals within the Study Area during training and testing activities. The use of in-water devices, military expended materials, and seafloor devices are not expected to result in mortality or Level A or Level B harassment of any marine mammal. Pursuant to the ESA, the use of vessels, in-water devices, military expended materials, and seafloor devices may affect ESA-listed marine mammal species. See Section 3.4 (Marine Mammals) of the Draft Supplemental EIS/OEIS.

**Entanglement Stressors.** Pursuant to the MMPA, the use of wires and cables, and decelerators/parachutes is not expected to result in mortality or in Level A or Level B harassment of any marine mammal. Pursuant to the ESA, the use of wires and cables, and decelerators/parachutes may affect ESA-listed marine mammals. See Section 3.4 (Marine Mammals) of the Draft Supplemental EIS/OEIS.

**Ingestion Stressors.** Pursuant to the MMPA, the potential for ingestion of all types of military expended materials is not expected to result in mortality or Level A or Level B harassment of any marine mammal. Pursuant to the ESA, the potential for ingestion of all types of military expended materials may affect ESA-listed marine mammals. See Section 3.4 (Marine Mammals) of the Draft Supplemental EIS/OEIS.

**Secondary Stressors.** Pursuant to the MMPA, secondary stressors are not expected to result in mortality or Level A or Level B harassment of any marine mammal. Pursuant to the ESA, secondary stressors may affect ESA-listed marine mammals. See Section 3.4 (Marine Mammals) of the Draft Supplemental EIS/OEIS.

The Navy is consulting with the NMFS under Section 7 of the ESA for the potential effects of the Proposed Action on ESA-listed species. Terms and conditions of the Section 7 consultation between the Navy and the NMFS will be reflected in the Biological Opinion (BO) and Record of Decision (ROD) for the MITT Supplemental EIS/OEIS.

There are reasonably foreseeable direct and indirect effects from impacts on marine mammals to the uses and resources of the CNMI coastal zone. The Navy will implement standard operating procedures and mitigation measures described in Section 2.3.3 (Standard Operating Procedures), Chapter 5 (Mitigation), and Appendix I (Geographic Mitigation Assessment) of the MITT Draft Supplemental EIS/OEIS to minimize these effects.

*Sea Turtles.* Sea turtles are discussed in Section 3.5 (Sea Turtles) of the MITT Draft Supplemental EIS/OEIS. Stressors to sea turtles from the Proposed Action include acoustic (sonar and other transducers, vessel noise, aircraft noise, weapons noise), explosives (in-water explosions), physical disturbance and strike (vessels and in-water devices, military expended materials, seafloor devices),

entanglement (wires and cables, decelerators/parachutes), ingestion (military expended materials – munitions, and military expended materials – other), and secondary (impacts on habitat, impacts on prey availability). Pursuant to the ESA, stressors listed above may affect ESA-listed green, hawksbill, loggerhead, leatherback and olive ridley sea turtles.

The Navy is consulting with the NMFS under Section 7 of the ESA for the potential effects of the Proposed Action on the ESA-listed green, hawksbill, loggerhead, leatherback sea turtles, and olive ridley sea turtles. Terms and conditions of the Section 7 consultation between the Navy and the NMFS will be reflected in the BO and the ROD for the MITT Supplemental EIS/OEIS. Because activities described in the MITT Draft Supplemental EIS/OEIS do not change what was analyzed previously for land-based activities that may affect sea turtles (e.g., amphibious warfare training activities), the Navy is not requesting Section 7 ESA consultation with the U.S. Fish and Wildlife Service (USFWS) for sea turtles. The BO that the USFWS provided to the Navy in 2015 is still applicable for land-based training activities associated with the MITT program.

*Corals.* Corals are discussed in Section 3.3 (Marine Habitats) and Section 3.8 (Marine Invertebrates) of the MITT Draft Supplemental EIS/OEIS. Pursuant to ESA, explosives (in-water explosions), physical disturbance and strike stressors (vessels and in-water devices, military expended materials, seafloor devices, personnel disturbance), entanglement (wires and cables, decelerators/parachutes), ingestion stressors (military expended materials – munitions, and military expended materials - other), and secondary stressors (from impacts on sediments and water quality) may affect ESA-listed *Acropora retus*, *Seriatopora aculeata*, and *Acropora globiceps* corals. Acoustic stressors would have no effect on corals.

The Navy is consulting with the NMFS under Section 7 of the ESA for the potential effects of the Proposed Action on the *Acropora retus*, *Seriatopora aculeate*, and *Acropora globiceps* corals. Terms and conditions of the Section 7 consultation between the Navy and the NMFS will be reflected in the BO and the ROD for the MITT Supplemental EIS/OEIS.

*Fishes.* Fishes are discussed in Section 3.9 (Fishes) of the MITT Draft Supplemental EIS/OEIS. The Proposed Action does not involve the harvesting of fish. However, stressors to fishes include acoustic (sonar and other transducers, vessel noise, aircraft noise, weapons noise), explosives (in-water explosions), physical disturbance and strike (vessels and in-water devices, military expended materials), entanglement (wires and cables, decelerators/parachutes), ingestion (military expended materials – munitions, and military expended materials - other), and secondary (from impacts on sediments and water quality). Impacts from stressors to fishes would be localized. Although potential impacts on individuals of certain fish species from the Proposed Action may include injury or mortality, impacts are not expected to decrease the overall fitness of any given population. Pursuant to the ESA, stressors listed above may affect ESA-listed fish.

The Navy is consulting with the NMFS under Section 7 of the ESA for the potential effects of the Proposed Action on the scalloped hammerhead sharks, oceanic white-tipped shark, and giant manta ray. Terms and conditions of the Section 7 consultation between the Navy and the NMFS will be reflected in the BO and the ROD for the MITT Supplemental EIS/OEIS.

#### *Natural Resources – Terrestrial*

The 2015 MITT Final EIS/OEIS analyzed land-based activities on Saipan, Tinian, and Rota. The MITT Supplemental EIS/OEIS did not reanalyze land-based training, as there are no changes in land-based



training proposed. Training activities conducted on the islands of Rota, Tinian, and Saipan, and several mitigation measures developed for the 2015 MITT Final EIS/OEIS, such as mitigation for invasive species control, are outside the scope of this SEIS/OEIS; however, the Navy will continue implementing these mitigation measures in accordance with the U.S. Fish and Wildlife Service (2015) BO. For additional information, see Chapter 5 (Standard Operating Procedures, Mitigation, and Monitoring) of the 2015 MITT Final EIS/OEIS. Therefore, terrestrial flora and fauna would not be impacted by the Proposed Action on Saipan, Tinian, or Rota.

Based on a detailed stressor analysis presented in the MITT Draft Supplemental EIS/OEIS, and as summarized above, the Navy has determined that the Proposed Action would be carried out in a manner that would protect the uses and resources of the CNMI coastal zone from disruption and minimize adverse impacts. As evident from the standard operating procedures and mitigation measures detailed in Chapter 2 (Section 2.3.3, Standard Operating Procedures) and Chapter 5 (Mitigation) of the MITT Draft Supplemental EIS/OEIS, the Navy's Proposed Action provides special protection to coastal resources and mitigates adverse impacts to the extent practicable. **Therefore, the Proposed Action, with the implementation of standard operating procedures and mitigation measures, is fully consistent with this enforceable Policy Element 4.**

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

The Proposed Action does not involve any activities which would degrade CNMI coastal zone water quality from erosion, sedimentation, runoff, siltation, sewage and other discharges. No land-based training activities are proposed on Saipan, Tinian, or Rota in the MITT Draft Supplemental EIS/OEIS; thus, there would be no impact on CNMI coastal zone water quality. **Therefore, the Proposed Action is fully consistent with the enforceable policy element on water quality of the CNMI coastal management plan.**

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

The coastal consistency analyses for Policy Element 11 is discussed below with Policy Element 12.

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

Impacts on submerged historical and cultural resources from military training and testing activities are discussed in Section 3.11 (Cultural Resources) of the MITT Draft Supplemental EIS/OEIS. Training and testing activities are conducted in accordance with various cultural resources management plans developed by the military for its installations on Guam and in the Programmatic Agreement among the Department of Defense Representative Guam; Commonwealth of the Northern Mariana Islands; Federated States of Micronesia and Republic of Palau; Joint Region Marianas; Commander, Navy Region Marianas; Commander, 36th Wing, Andersen Air Force Base; the Guam Historic Preservation Officer; and the Commonwealth of the Northern Marianas Islands Historic Preservation Officer Regarding Military Training in the Marianas (U.S. Department of Defense, 2009). The Programmatic Agreement expires in December 2019 and the Navy is consulting with the CNMI Historic Preservation Office in accordance with Section 106 of the National Historic Preservation Act for activities proposed in the MITT

Draft Supplemental EIS/OEIS. The Proposed Action does not involve any development which would disrupt, alter, or destroy any location or property of historical significance, or would disrupt the cultural practices associated with areas of cultural significance. **Therefore, the Proposed Action is fully consistent with the enforceable policy element on cultural significance of the CNMI coastal management plan.**

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

Impacts on sediments and water quality and air quality are analyzed in Section 3.1 (Sediments and Water Quality) and Section 3.2 (Air Quality), respectively of the MITT Draft Supplemental EIS/OEIS. Water quality impacts have been addressed previously under the policy element on coastal water quality (Policy Element 10 and under the DEQ Water Quality Standards) and indicate no impact on coastal zones within the purview of CNMI's coastal management program.

*Saipan* – Air emissions generated from training and testing activities will be minimal. The reasonably foreseeable direct and indirect effects and cumulative, combined effects from air quality impacts attributable to military training and testing activities to the Saipan coastal zone uses and resources would also be minimal. The Proposed Action complies with all local air and water quality laws and regulations and any applicable federal air and water quality standards.

*Tinian* – Air emissions will be generated from ships, small watercraft, and aircraft transiting near Tinian during military training activities. Emissions will be intermittent and short term, resulting in minimal impact on the air quality of Tinian. Increased and new training and testing activities are limited in number and can occur in areas of the Study Area other than on Tinian. The incremental contribution of the Proposed Action to cumulative air quality impacts on Tinian would be low. The reasonably foreseeable direct and indirect effects and cumulative, combined effects from air quality impacts attributable to military activities to the Tinian coastal zone uses and resources would be minimal. The Proposed Action complies with all local air and water quality laws and regulations and any applicable federal air and water quality standards.

*Rota* – Air emissions generated from training and testing activities will be minimal. The reasonably foreseeable direct and indirect effects and cumulative, combined effects from air quality impacts attributable to military training and testing activities to the Rota coastal zone uses and resources would be minimal.

Based on the detailed stressor analysis presented in the MITT Supplemental Draft EIS/OEIS Section 3.1 (Sediments and Water Quality), specifically Section 3.1.2 (Environmental Consequences), and as summarized above and under Policy Element 10 and the DEQ Water Quality Standards, the Navy has determined that the incremental contribution of the Proposed Action to impacts on sediments and water quality would not result in impacts on water quality within the purview of the CNMI coastal zone. Based on the detailed stressor analysis presented in the MITT Supplemental Draft EIS/OEIS Section 3.2 (Air Quality), specifically Section 3.2.2 (Environmental Consequences), and as summarized above, air emissions generated as a result of the Proposed Action would be minimal, intermittent, and short term. Thus, the Proposed Action would not have a significant impact on ambient air quality and is in compliance with local and federal air quality standards. **Therefore, based on the above analysis, the Navy finds that the Proposed Action is fully consistent with the enforceable policy on air and water quality.**

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

Discussion of Policy Element 15 is presented below under Policy Element 16.

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

See discussion in this Consistency Determination (above) under Policy Element 4, for an analysis of ecological resources associated with Policy Elements 15 and 16. **Based on the above analysis, the Navy finds that the Proposed Action, is fully consistent with the enforceable Policy Elements 15 and 16 on coastal resources of the CNMI coastal management plan.**

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

See discussion in this Consistency Determination (above) under Policy Element 4, for an analysis of coastal resources associated with Policy Element 17.

As discussed under Policy Element 4, the Proposed Action has the potential to take marine mammals and species on the Commonwealth endangered species list. The Proposed Action stems from the Navy's statutory requirement to prepare naval forces for prompt and sustained combat operations at sea. Training with sonar and explosives in the MITT study area is integral to the Navy's ability to meet its Title 10 obligations. Strict compliance with an enforceable policy that essentially prohibits all incidents of take would undermine the Navy's ability to meet its statutory obligations. Any take occurring as a result of the Proposed Action would be incidental to, and not the purpose of, the Navy's otherwise lawful training and testing activities.

The Navy is consulting with the NMFS to ensure that the Proposed Action will not put the population and the future of these species in jeopardy, or adversely impact their viability as a coastal zone resource. The potential impacts on listed species from the proposed military readiness activities will be thoroughly analyzed by Navy biologists and rigorously scrutinized by experts from the NMFS. Also, the Proposed Action includes an extensive suite of protective measures designed specifically to help avoid or minimize any potential impacts on protected species. See Section 2.3.3 (Standard Operating Procedures), Chapter 5 (Mitigation), and Appendix I (Geographic Mitigation Assessment) of the MITT Draft Supplemental EIS/OEIS. These measures will be updated as appropriate upon completion of the Section 7 consultation. Overall, the Navy's compliance with the ESA will ensure that the activities proposed in the MITT Draft Supplemental EIS/OEIS are consistent with the objectives of Policy Element 17, while allowing the Navy to carry out its statutory mission to train and test naval forces to be prepared for combat at sea. **Based on the above analysis, the Navy finds that the Proposed Action, with the implementation of standard operating procedures and mitigation measures, is consistent to the maximum extent practicable with enforceable Policy Element 17 of the CNMI coastal management plan.**

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

The MITT Draft Supplemental EIS/OEIS does not propose any change to the public access normally allowed on federally leased lands including FDM, which would remain restricted for security and safety reasons. The MITT Draft Supplemental EIS/OEIS does not propose a change to the ocean areas currently used by both the Navy and the public. Restrictions on accessing areas of co-use would continue to be infrequent and short-term, while other fishing sites in the Study Area would continue to be available to the public. This is consistent with the 2015 MITT Final EIS/OEIS. For security and safety reasons, public access on federally leased lands (with the exception of FDM) may be temporarily curtailed during military training and testing activities and restored upon completion of those activities. The Proposed Action does not include altering the rights of private property owners. Additional information is available in Section 3.12 (Socioeconomic Resources and Environmental Justice) of the MITT Draft Supplemental EIS/OEIS. **Based on the above analysis, the Navy finds that the Proposed Action, with the implementation of standard operating procedures and mitigation measures, is fully consistent with the enforceable policy on public access of the CNMI coastal management plan.**

#### **COASTAL ZONE CONSISTENCY CONCLUDING STATEMENT**

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

The CNMI Coastal Management Program response should be sent to:

John Van Name or Suzanne Smith  
Environmental Program Manager, United States Pacific Fleet  
Department of the Navy  
250 Makalapa Drive  
Pearl Harbor, Hawaii 96860-3131  
[john.vannname@navy.mil](mailto:john.vannname@navy.mil) // [suzanne.smith3@navy.mil](mailto:suzanne.smith3@navy.mil)