



Commonwealth of the Northern Mariana Islands

OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

DEQ: P.O. Box 501304, DCRM: P.O. Box 10007, Saipan, MP 96950-1304

DEQ Tel: (670) 664-8500/01; Fax: (670) 664-8540

DCRM Tel: (670) 664-8300; Fax: (670) 664-8315

www.deq.gov.mp and www.cnm.gov.mp



Ralph DLG. Torres
Governor

Victor B. Hocog
Lt. Governor

Frank M. Rabauliman
Administrator

Frances A. Castro
Director, DCRM

October 21, 2016

HQ PACAF/PA
ATTN: PACAF Divert Marianas EIS
25 E Street, 39 Suite G-108
Joint Base Pearl Harbon-Hickam, HI 96853

Dear Department of Defense:

The Commonwealth of the Northern Mariana Island's (CNMI) Bureau of Environmental and Coastal Quality (BECQ) reviewed and submitted comments on the Draft Environmental Impact Statement (DEIS) for Divert Activities in December, 2015. Please find herein comments in response to the Final Environmental Impact Statement (FEIS) for the Department of Defense's "Divert" activities and exercises.

BECQ is composed of:

The Division of Environmental Quality (DEQ), mandated to administer programs and mitigate contamination related to water quality, air quality, hazardous materials, earthmoving and erosion in the CNMI (PL 3-23); and

The Division of Coastal Resources Management (DCRM), mandated to regulate activities impacting coastal resources of the CNMI by providing interagency collaboration, permitting and enforcement, monitoring, outreach and education, and restoration (PL 3-47).

As outlined in the attached comments, if the Divert Activities and Exercises go forward, BECQ encourages the Pacific Air Forces (PACAF) and other Department of Defense (DoD) agencies including the U.S. Navy and U.S. Marine Corps to continue working with all of the CNMI environmental agencies to ensure military projects are conducted with minimal impact to the environment. BECQ is available to work with the Department of Defense to inform and improve upon the Divert proposal as well as future activities. Please contact us with any questions.

Sincerely,

Frank M. Rabauliman
Administrator

**BUREAU OF ENVIRONMENTAL AND COASTAL QUALITY
DIVISION OF ENVIRONMENTAL QUALITY
DIVISION OF COASTAL RESOURCES MANAGEMENT**

*Comments on the Final Environmental Impact Statement for Divert Activities and Exercises,
Commonwealth of the Northern Mariana Islands, October 2016*

On September 23, 2016, the U.S. Air Force (USAF) published the Final Environmental Impact Statement (FEIS) for “Divert Activities and Exercises, Commonwealth of the Northern Mariana Islands” (“Divert”). The USAF describes this as a proposal to “improve an existing airport or airports, in support of expanding mission requirements and to achieve divert capabilities in the western Pacific.” Under this action, the USAF proposes to construct facilities and infrastructure at an existing airport or airports to support a combination of cargo, tanker, and similar aircraft and associated support personnel for divert operations, periodic exercises, and humanitarian assistance and disaster relief. The 2016 FEIS identified the “Modified Tinian Alternative” as described in ES 4.3.2 as the “preferred alternative.” Under this alternative, construction and project implementation would occur at and around the Tinian International Airport. The USAF “would construct infrastructure on either the north or south side of the runway” (see FEIS pg. 4-50 – 54).

While BECQ agrees that focusing Divert activities on the island of Tinian will reduce likely negative impacts on Saipan, substantive environmental health and safety as well as procedural concerns raised by this proposal are highlighted in this comment.

Summary of Comments

BECQ has reviewed the DoD’s FEIS to assess the accuracy and adequacy of the analysis as well as the implications of the proposed actions. These comments focus on possible impacts identified in discussion of “Alternative 2”, the “Preferred Action” to focus Divert activities on the island of Tinian. This is referred to throughout the FEIS, and thus, in these comments, as the “Modified Tinian Alternative” with a “North Option” and a “South Option”.

As stated in BECQ’s 2015 DEIS comment, if this proposal moves forward, the United States Air Force (USAF) should propose further mitigation to offset effects to noise receptors, air quality, terrestrial resources, and socioeconomic impacts. Furthermore, BECQ encourages USAF to work closely with our agency to ensure negative impacts to water resources associated with fuel transport, storage, and increased jet fueling operations be avoided. As the CNMI government is currently engaged with the Army Corps in discussions of and studies on the Tinian Harbor, BECQ encourages the USAF to contribute to these dialogs to ensure that increased fuel transport activities do not imperil the invaluable natural resources of the CNMI. To support this effort, USAF should perform, publish, and share a feasibility study detailing shipping requirements that will be needed to support the construction and fuel supplies associated with this project, the current capability at the Tinian Harbor, and limitations that may

emerge resulting from the cumulative usage of this harbor created by this and other pending Department of Defense actions, including the proposed CNMI Joint Military Training. BECQ would welcome further coordination and information sharing regarding this and future proposals. What follows are our comments on the Divert review process as well as substantive concerns for subsections of the FEIS.

Process

BECQ is concerned that the FEIS does not thoroughly address issues raised by our agency in the DEIS, and does not reflect interagency outreach and coordination envisioned by the NEPA process. Moreover, to note a challenge with the review timeline, the Department of Defense published the FEIS on September 23, 2016. A copy of the release was mailed to our office, and was received on October 5, 2016. With a 30-day comment period, an emailed notice would have been helpful to support timely review.

Additionally, the FEIS does not present sufficient information to provide meaningful review of the proposed action. The FEIS describes construction and implementation activities that “could potentially occur” (see e.g. FEIS pg. ES-7) but does not provide adequate detail to review proposed activities in terms of their potential impacts or opportunities to avoid, minimize, or mitigate adverse effects.

For example, the FEIS states that during the construction phase “potential infrastructure to be constructed could include ... jet fuel receiving, storage, and distribution.” Implementation activities that “could potentially occur at the selected airport or airports” include:

- d. Jet fuel receiving, storage, and distribution – Fuel transfer from the receiving port to the selected airport would occur. Once fuel was available at the airport, it would be transferred via a fuel delivery system to the aircraft.
- e. Lodging and associated support – Temporary lodging, including medical, transportation, and dining services, would be required for the personnel supporting aircraft operations. (FEIS pg. ES-7 – ES-8).

In addition to the procedural challenge of assessing impacts of activities that “could potentially occur”, there are substantial environmental concerns involved with bringing large quantities of jet fuel into the Tinian Harbor. Major improvements are needed to accommodate the type of fuel off-loading as well as heavy construction machinery and materials that would be associated with implementing the preferred action on Tinian. The FEIS does not meaningfully acknowledge several important and potentially conflicting land uses including the planned harbor improvement project and Plumeria Resort on Tinian, although these developments and related concerns were noted in comments on received on the 2015 Draft EIS. Moreover, the island of Tinian does not have a Resource Conservation and Recovery Act (RCRA) compliant solid waste facility. These challenges and limitations are noted briefly in chart summarizing “Non-DoD Development” in Chapter 5, but no meaningful analysis is provided.

Because construction and implementation actions are described in the FEIS as mere possibilities, sufficient detail has not been provided to address logistical considerations of how such actions can be accomplished while minimizing adverse impacts to the environment. Further details of environmental concerns that should be avoided, minimized, and mitigated are provided herein.

Noise

In BECQ's 2015 comment on the DEIS, we recommended using the updated American National Standards Institute standard of 50dBA baseline for comparison of levels of "high annoyance". This suggestion was not taken into account in the FEIS. Furthermore, the continued inclusion of Average Annual Day calculations that divide noise from operations occurring over an 8-week period by 365 days does not appear to use consistent noise receptor reporting methodology or support accurate assessment of how noise levels would actually be experienced. As was explained in BECQ's 2015 comment, residents and visitors to Saipan and Tinian put a premium on peace and quiet, which is an essential draw for the CNMI tourist industry. Loud noises will likely cause higher rates of annoyance on the islands. Thus, we recommended using Best Available Technology to reduce noise impacts. This would include regular maintenance, on-the-ground monitoring, reporting noise (ambient and peak levels) to BECQ when requested, and planning and implementation of noise mitigation response efforts should reported actual noise exceed acceptable limits. Numerous studies indicate negative human health and environmental impacts from cumulative and isolated exposure to loud noises. Reasonable efforts to avoid, minimize, and mitigate such impacts should be preemptively discussed and agreed to with the potentially effected community members of the CNMI, as well as representatives from relevant CNMI agencies, the Tinian Mayor's Office, and the CNMI Office of the Governor.

Furthermore, the approximate number of persons and residences provided in the FEIS clearly does not take into account proposed and permitted development in the vicinity of the Tinian Airport. In the past year, a large resort / hotel project from the Alter City Group has been permitted. This project will construct 6,015 rooms in close proximity to the airport over the next twelve years. This is an economically important development project for the island of Tinian, and potential noise impacts to these future guests and residents, as well as future return visitor rates, have not been adequately considered or addressed.

Air Quality

As noted in the 2015 DEIS comment, BECQ remains concerned that the Divert activities will have a negative impact on the CNMI's air quality. While both the DEIS and FEIS note that USAF will coordinate with CNMI BECQ to obtain necessary stationary source permits, additional efforts to reduce air emissions, including CO₂ emissions, is encouraged. Air emission calculations for the construction and implementation of this project should be considered together for the purposes of NEPA review. Given the fact that modeling documentation states that the CNMI is considered an "in-attainment" zone, efforts should be taken to ensure no degradation of existing air quality occurs as a result of the Divert. This is especially important given that the emissions will be concentrated over the 8-week implementation period. Therefore, the USAF should take preemptive measures to reduce emissions wherever and where ever possible.

Airspace and Airfield Environment

BECQ defers to the Commonwealth Ports Authority for comments on this section.

Geology and Soils

Although BECQ appreciates USAF efforts to minimize and mitigate impacts, as proposed, “adverse impacts on geology and soil would be anticipated due to disturbance and construction of an additional 4,483,194 ft² of new impervious surfaces” for the North Option, “1,650,579 ft² less than that” (or 2,832,615 ft²) for the South Option (FEIS pg. 4-60). While the FEIS states that USAF would implement spill prevention and control mitigation measures during construction and project implementation, as described in Section 4.12, it should be noted that adding millions of square feet of impervious cover to this watershed is in itself a direct, long-term impact.

Additionally, considering that the failure of the Saipan Airport ramp hydrant system in 2000 resulted in the release of 7,000 gallons of aviation fuel that moved quickly through the karst topography into nearshore waters at Ladder Beach, redundancies should be developed and implemented to both prevent and capture fuel in the event of a leak or spill resulting from a system failure. BECQ welcomes the opportunity to further discuss best management practices for spill avoidance and control during the One-Start permitting process.

Water Resources

BECQ is very concerned about potential water contamination associated with the Divert build-out on Tinian. As noted in the DEIS, under Alternative 2 “the underlying aquifer could be very susceptible to contamination. Therefore, storm water directed from these areas could require substantial pre-treatment and filtering prior to infiltration to protect the quality of groundwater resources” (DEIS, pg. 4-60 – 4-61). As written, neither the DEIS nor this FEIS contain sufficient information to meaningfully review potential impacts of the proposed preferred action to water resources in Tinian. Due to the sensitivity of receiving waters and Tinian’s sole / principal source groundwater aquifer, as noted in BECQ’s 2015 comment on the Draft EIS and acknowledged in the FEIS, a DEQ-Earthmoving permit will be required. Through this process, stormwater management facilities that will address frequent heavy rain events must be installed. Non-point source pollution is a significant contributor to coral reef degradation in the Mariana Islands; thus we encourage USAF to work closely with BECQ to develop and implement a monitoring program that adequately assesses baseline conditions, post-construction flow, and sediment transport, and confirms the effectiveness of catchment and retention measures for prevention of increased stormwater volume and containment of any contaminants. Furthermore, USAF and DoD should work closely with BECQ, CUC, and Tinian’s Office of the Mayor to identify water consumption and wastewater treatment needs and management solutions before any construction is authorized.

BECQ appreciates the USAF’s commitment to ensuring that water quality and stormwater runoff associated with this project are consistent with CNMI Water Quality Standards. Given the potential contaminants involved, and the sensitivity of the Tinian groundwater system, BECQ requests that best management practices highlighted in the 2006 Guam / CNMI Stormwater Manual be implemented and that the best available technology be installed to contain and treat stormwater on site. Furthermore, as

described in the 2006 Guam / CNMI Stormwater Manual, groundwater recharge volumes (Re_v) and water quality volumes (WQ_v) must be considered when designing and implementing a stormwater management system and that stormwater discharge rates from the site not exceed pre-development discharge rates for a 25-year storm event. We look forward to coordinating further on stormwater management planning when USAF begins the One-Start application process with DEQ.

Additionally, the FEIS notes that USAF would install two water wells to meet their water requirements, each approximately 350 feet deep. Presumably injection wells would also be installed to dispose of RO waste. As noted, design and permitting of wells must comply with CNMI BECQ Well Regulations.

Terrestrial Biology

BECQ is concerned about the DoD's plan to expand the airport into prime agricultural areas and potential Tinian Monarch habitat. The FEIS appears to dismiss the long-term loss of habitat for certain species as insignificant. Approximately 37 acres would be lost under the Tinian North option, and 83 acres would be converted under the South option. While the FEIS states that 11,000 acres of tangantangan and other second growth forest exist on Tinian, the cumulative and secondary effects of this action must also be considered. As noted in the 2015 Commonwealth of the Northern Marianas Joint Military Training DEIS, the U.S. military has leased two-thirds of the island of Tinian – an area of approximately 15,148 acres – and, depending on what action is selected in that proposal, an additional 817 acres of tangantangan and 693 acres of mixed introduced forest would be impacted or removed (CJMT DEIS, pg. 4-217). It is disingenuous to the NEPA process to suggest that the cumulative impact of these combined activities would not be significant to the unique habitat on Tinian and the endemic Tinian Monarch. Although the Tinian Monarch was federally delisted in 2004 (69 FR 56367) and delisted by the CNMI government in 2009, as noted in the 2015 Divert DEIS, “this endemic species could be threatened by habitat loss” (DEIS pg. 4-72). As noted in BECQ's 2015 DEIS comment, there appear to be no mitigation measures proposed for the protection of the Tinian Monarch. Activities should ensure that habitat not be disturbed or destroyed to the greatest extent possible.

Similarly, BECQ's 2015 DEIS comment raised concern with possible airstrikes to migratory birds. Although the FEIS states that: (1) “[s]ignificant impacts on migratory birds are not expected and 50 CFR Part 21.15 of the MBTA, which authorizes take incidental to military activities, would be applicable” and (2) “operations could result in some additional migratory bird airstrikes” (FEIS pg. 4-87), BECQ maintains the previous recommendations provided in our 2015 DEIS comments. To reiterate, BECQ recommends that airstrikes be reported to the Department of Lands and Natural Resources, Division of Fish and Wildlife to support improved communication, monitoring, and response.

Marine Biology

BECQ is very concerned about proposed expansion activities that may require additional fuel shipment through the Tinian Harbor.

Both the DEIS and FEIS state that military aircraft would conduct training over the ocean within the Mariana Islands Range Complex (MIRC), and that these training activities are authorized under the

Programmatic Biological Opinion on Military Readiness. These activities appear highly connected and interrelated, and, as stated in BECQ's 2015 DEIS comment, it is confusing how these projects connect and overlap. The "DoD Development" summary provided in 5.2 of this FEIS does not add clarity – rather, it highlights how numerous, seemingly related and connected activities are occurring concurrently or may be "reasonably foreseeable". It is suspect that obviously connected and cumulative impacts of these actions are not being summarized and reviewed as a full project proposal, raising concerns about segmenting and piecemealed proposals that may circumvent the NEPA process. To assuage this concern, increased coordination between DoD and the CNMI natural resource agencies prior to drafting future project proposals is necessary. Furthermore, DoD should provide a clear description of all proposed activities and how they overlap in the resulting final proposal.

Cultural Resources

BECQ defers to the Historic Preservation Office for comments on Cultural Resources.

Land and Submerged Land Use

Although mentioned in future development tables in Chapter 5 "Cumulative and Other Effects", the Land and Submerged Land Use section of the FEIS does not appear to account for planned developments on Tinian, including the Alter City development (Plumeria Resort) and Harbor improvement project. Studies to support the Tinian Harbor improvement project are ongoing, and further coordination with the Taskforce is encouraged to avoid use conflicts.

Moreover, the issue of waste management on Tinian remains unresolved. The recent closure of the Tinian Dynasty and the pending closure of the Tinian Dump pose logistical challenges for the construction and implementation proposed in Alternative 2.

When discussing climate change, the FEIS states that "coastal flooding due to sea level rise could have an adverse impact on proposed fuel tanks located near the seaports of Saipan and Tinian. If a rise were to occur suddenly, fuel tanks could become inundated, and this could lead to a release of fuel into the environment" (FEIS pg. 5-44). As noted in BECQ's 2015 comment on the DEIS, USAF should work with BECQ, CPA, and other agencies to ensure that storm surge and sea level rise models are considered when planning locations of facilities in order to minimize risks and ensure long-term sustainability.

Transportation

BECQ is concerned about the impact of the Divert to commuter flights and air traffic. The FEIS does not take into account Alter City Group's Plumeria Resort and other proposed developments on Tinian which could affect demand for and availability of commercial flights. BECQ is also concerned about transportation of jet fuel from the Tinian Harbor to the airport. While the FEIS notes that USAF would develop and implement spill control and prevention measures to prevent the release of fuel or other contaminants from the built environment, details of what these measures will be are lacking.

Furthermore, the FEIS states that in the event of a spill, hazardous materials are “not expected to leave the site but would be contained on the site” but does not provide details regarding how these materials would be contained or removed. Furthermore, the FEIS states that the USAF “does not propose to measurably increase the number of fuel tanker trips to the Tinian harbor or to improve the harbor”. As noted in the November 24, 2015 letter from NOAA NMFS, during the scoping meetings for this project, “it was noted that significant harbor improvements may be required to support the development, enhancement, and operations of a divert airfield” and that “Tinian has a limited capability to accept fuel shipments at the port” (quoting RDEIS 2.3.2.3 – line 28). In that letter, NOAA NMFS suggested that “a feasibility study should be performed and presented here detailing the shipping requirements that will be created for both construction and fuel supplies for this project, the current capability at Tinian harbor and limitations that may emerge resulting from the cumulative usage of this harbor created by the CNMI Joint Military Training and other pending Department of Defense actions. The findings from this study should then be shared within the FEIS.” Without such an assessment, it is unclear how shipments of fuel can safely continue without harbor improvements. In addition to the forgoing considerations, comments and concerns raised by the Commonwealth Ports Authority regarding potential impacts on Tinian should be meaningfully addressed and plans to mitigate potential impacts should be implemented before Divert Activities occur.

Hazardous Materials and Wastes

The FEIS envisions shipping hazardous waste materials to Andersen Airforce Base for disposal, and notes that “[i]mplementation of Alternative 2 might require Tinian International Airport to obtain a RCRA hazardous waste generator permit and be classified as a hazardous waste generator should the changes in the amounts and types of hazardous wastes stored and generated at Tinian International Airport meet applicable regulatory thresholds” (FEIS pg. 4-170 – 4-171). While USAF’s response to public comments notes that all “collection, storage, and management of hazardous wastes by the contractor will be defined in the actual contract with the construction contractor” (FEIS pg. G-216) this information is still vague and does not offer satisfactory details as to how these materials of concern will be managed, transported, or disposed. BECQ encourages USAF to work with the Division of Environmental Quality, Tinian’s Mayor’s Office, and the Department of Public Works to determine if hazardous wastes can be stored at the Tinian Transfer Station or if the military needs to construct its own hazardous waste management facility.

It is worth noting that, in the 2015 comment, BECQ invited USAF to coordinate with the Site Assessment and Remediation Branch for information on locations of existing contaminated areas or Brownfield areas, as visual surveys are unlikely to be sufficient to identify contaminated or UXO areas. In the FEIS response, USAF stated that “BECQ provided comments on the RDEIS but provided no further information on locations of existing contamination.” No requests for information or further coordination were received by our office.

The FEIS also states that “[l]ong-term, direct, minor to moderate, adverse impacts from petroleum products would be expected due to implementation of Alternative 2” (FEIS pg. 4-171). BECQ is prepared to work with USAF and its contractors to avoid, minimize, and mitigate potential negative impacts should the Divert activities move forward.

Infrastructure and Utilities

The FEIS states that between 2,948 tons and 5,020 tons of debris would be generated under Alternative 2 (South option and North option respectively) and notes that “there is a lack of municipal solid waste facilities on Tinian; therefore, the construction debris would have to be collected and transported off the Island of Tinian using commercial solid waste haulers and commercial barges or ships until a permitted municipal solid waste facility is constructed” (FEIS pg. 4-187). The FEIS does not adequately address what will happen to solid waste generated on Tinian. A more detailed plan must be offered.

Reverse osmosis wells and septic systems are envisioned to supply water and wastewater treatment for Alternative 2. While the DEIS concludes the construction of a septic tank system for 265 personnel would have “no impacts ... because residents and business have individual septic systems”, cumulative impacts of continued expansion of septic systems should be considered a concern. It is unclear where this new septic leaching field – or housing for these personnel – would be located, and how “long-term maintenance” would be conducted, given the absence of an approved disposal location. Conversations are underway to build a wastewater treatment plant on Tinian, and if the USAF intends to house 265 personnel on island for two months at a time, perhaps additional accommodations should be considered to ensure the wastewater treatment plant is sized to allow for USAF usage as well.

Socioeconomics and Environmental Justice

The FEIS describes that USAF personnel and their contactors would “coordinate with local hotels” to secure the required number of hotel rooms prior to proposed use (e.g. during construction or during exercises) to minimize impacts and avoid supply issues. The FEIS states that “it is assumed that all [peak 150] workers could be housed at the Tinian Dynasty Hotel and Casio or other hotel in Tinian in double occupancy rooms” (FEIS pg. 4-212). At the time of this submission, the major hotel on Tinian, the Tinian Dynasty, is closed, and there is limited hotel capacity in the two other small establishments on island. It is also assumed that “approximately 50 percent of workers would be from off-island” (Id.). Current estimates indicate the majority of Tinian’s construction workforce is currently employed by other major development projects; thus, these assumptions appear to present an inaccurate picture of USAF needs and potential impacts during the construction phase. As noted above, it can also not be assumed that housing will be available for the 265 personnel that will stay on Tinian for 8 week intervals at this time. The housing plan proposed in this FEIS is not realistic. If the USAF intends to bring in construction workers or armed forces members, housing plans, complete with solid waste reduction and management provisions should be provided.

The FEIS also presents an inadequate and inaccurate view of what environmental justice is, claiming that since all Tinian residents will be affected similarly due to the additional demand of 150 construction workers or 265 personnel, impacts to affected services would not be significant. This construction of environmental justice ignores the U.S. EPA’s commonly accepted definition of environmental justice as the fair treatment and meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. In this context, more emphasis must be given to cultural importance of the islands to the Chamorro and Carolinian people.

Information on risks associated with increased jet fuel transportation and military exercise activities, including potential health impacts to these discrete minority populations should be considered in greater detail. USAF should make meaningful commitments to install best management practices at every opportunity in order to reduce threats of accidents or spills that could negative effect the health and wellbeing of the community of Tinian.

Public Health and Safety

The Public Health and Safety chapter of the FEIS, like the DEIS, focuses primarily on construction hazards and the importance of fencing. Although suggested in BECQ's 2015 comment on the DEIS, the FEIS did not consider potential cumulative impacts to public health such as increased air emissions, including increased levels of particulate pollution including ultrafine particles, especially considering the high prevalence rate of asthma in the CNMI. Baseline asthma studies and periodic monitoring should be conducted to ensure that increased air emissions associated with this and other DoD exercises in the region do not have cumulative detrimental effects to air quality or human health. Additionally, risks of jet fuel spills and associated groundwater contamination or catastrophic events such as explosions or fires were not considered. In order to take precautions to ensure public safety to the maximum extent possible, emergency events as well as long-term cumulative impacts should be considered and plans should be made to reduce risks to public health where ever they might be avoidable.

Mitigation Measures

It is unsatisfactory to see references to mitigation measures that "could" address impacts in a FEIS. Where measures are available to minimize effects, they should be employed. For example, the FEIS notes that the "USAF could restrict construction activities to between sunrise and sunset to reduce annoyance to adjacent populations" (FEIS pg. 4-230). Efforts to reduce annoyance of noise should be employed at every opportunity and should not be limited to construction activities – best practices suggested by BECQ in the 2015 DEIS comment including regular maintenance and on-the-ground monitoring should be implemented.

Cumulative Effects

The Cumulative Effects chapter lists possible effects of various projects but makes no effort to quantify how the effects may add up to significant impacts, cumulatively or as a synergistic effect. Information presented in this section is inadequate to support meaningful review or comments.

Coordination and Federal Consistency

Appendix C of the FEIS states that a "coastal zone negative determination (ND) assessment was submitted to the Commonwealth of the Northern Mariana Islands (CNMI) Coastal Resources Management Office (CRMO) on May 18, 2012. The assessment encompassed all proposed actions

described in the June 2012 Draft Environmental Impact Statement for Divert Activities and Exercises ... and since the CNMI CRMO did not respond to the ND within 60 days, the CNMI CRMO concurrence with the ND was presumed. The USAF provided the Revised Draft EIS to the CNMI CRMO during the public review period for that document. The USAF received no additional correspondence from the CNMI CRMO” (FEIS pg. C-1).

It is important to note that one of the primary goals of the Coastal Zone Management Act’s Federal Consistency provisions is to “foster intergovernmental cooperation” and ensure that “enforceable polices are considered” (15 CFR 930.1). It is worth noting that DCRM’s approved enforceable policies have gone through several changes, including incorporation of BECQ water quality regulations, in the four years since this letter was submitted to the former Coastal Resources Management Office. Even without consideration of these changes, it is unclear how a negative determination could be justified for this project proposal.

A negative determination is appropriate if a Federal agency determines that there *will not be coastal effects* (15 CFR 930.35). Given the numerous conclusions of long-term effects of various levels of purported significance found throughout the series of EIS associated with the Divert project, there seems to be no basis to support a claim of “no effects” and thus a negative determination. Additionally, 15 CFR 930.35 goes on to clarify that “[i]n determining effects, Federal agencies shall follow § 930.33(a)(1), including an evaluation of the relevant enforceable policies of a management program and include the evaluation in the negative determination.” We have no record of such evaluation on file. Perhaps this May 18, 2012 letter and any supporting information that was provided at that juncture could be supplemented to this FEIS for reference and context to the short summary of federal consistency coordination contained in Appendix C.

BECQ-DCRM would like to further correct the statement from Appendix C that “USAF received no additional correspondence from the CNMI CRMO” – as noted earlier in this comment, BECQ-DCRM submitted comments regarding the DEIS for this proposal on November 25, 2015.

As detailed throughout your FEIS, the USAF contemplates working with BECQ-DEQ through the One-Start process, and with BECQ-DCRM for activities that would occur within the Port and Industrial or Shoreline Areas of Particular Concern (APCs) – to the extent that these activities are permitted, they will be consistent with DCRM enforceable polices. Moving forward, our office encourages increased outreach and communication to support early identification and resolution of environmental concerns to ensure potential negative impacts are avoided, minimized, and mitigated to the greatest extent practicable.