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Department of Ecology
Federal Permitting Team
Post Office Box 47600
Olympia, Washington 98504

SUBJECT: MARINE STRUCTURE MAINTENANCE AND PILE REPLACEMENT
ACTIVITIES AT NAVY REGION NORTHWEST

The Department of the Navy (Navy) is submitting the enclosed Federal Consistency Determination for the proposed maintenance and repair activities at marine waterfront structures at five Navy locations within Navy Region Northwest. The project will complete marine structure maintenance and pile replacement of concrete, timber, and steel piles to maintain the structural integrity of marine structures required to execute the Navy's mission within the Puget Sound area.

Pursuant to Section 307 of the Coastal Zone Management Act, the Navy has determined that the proposed work is consistent to the maximum extent practicable with Washington's Coastal Zone Management Program. The Navy respectfully requests your concurrence with the attached Federal Consistency Determination.

If you need additional information, please contact Mr. Jarrett Schuster at (360) 265-5254 or at Jarrett.l.schuster.civ@us.navy.mil. When completed, please email a letter of concurrence to Mr. Schuster.

Sincerely,

Dina Ginn P.E.

Navy Environmental Program Director
Northwest Region
By direction of the Commanding Officer

Enclosure 1. Coastal Zone Management Act Federal Consistency Determination

**Coastal Zone Management Act
Federal Consistency Determination
Marine Structure Maintenance and Pile Replacement Activities
at
Navy Region Northwest**



Prepared by:

Naval Facilities Engineering Systems Command Northwest

October 20, 2023

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List of Acronyms and Abbreviations

APE	American Pile Driving Equipment
BHP	Brake Horsepower
BMP	Best Management Practices
CFR	Code of Federal Regulations
CMP	Coastal Management Program
CZMA	Coastal Zone Management Act
CZMP	Coastal Zone Management Program
Ecology	Washington Department of Ecology
EHW	Explosives Handling Wharfs
mi	miles
MSP	Marine Spatial Plan
NAVBASE	Naval Base
NAVMAG	Naval Magazine
NAVSTA	Naval Station
Navy	Department of the Navy
ORMA	Ocean Resources Management Act
RCW	Revised Code of Washington
Region	Navy Region Northwest
SMA	Washington Shoreline Management Act
SMP	Shoreline Master Plan
U.S.	United States
USC	United States Code
WAC	Washington Administrative Codes
WCAA	Washington Clean Air Act
WPCA	Washington State Water Pollution Control Act
WQPMP	Water Quality Protection and Monitoring Plan

1 Introduction

The United States (U.S.) Department of the Navy (Navy) proposes to conduct maintenance and repair activities at marine waterfront structures at five Navy locations within Navy Region Northwest (Region). These locations, which are in the Puget Sound region of Washington State, include: Naval Base (NAVBASE) Kitsap Bangor, NAVBASE Kitsap Bremerton, NAVBASE Kitsap Manchester, Naval Station (NAVSTA) Everett, and Naval Magazine (NAVMAG) Indian Island (Figure 1).

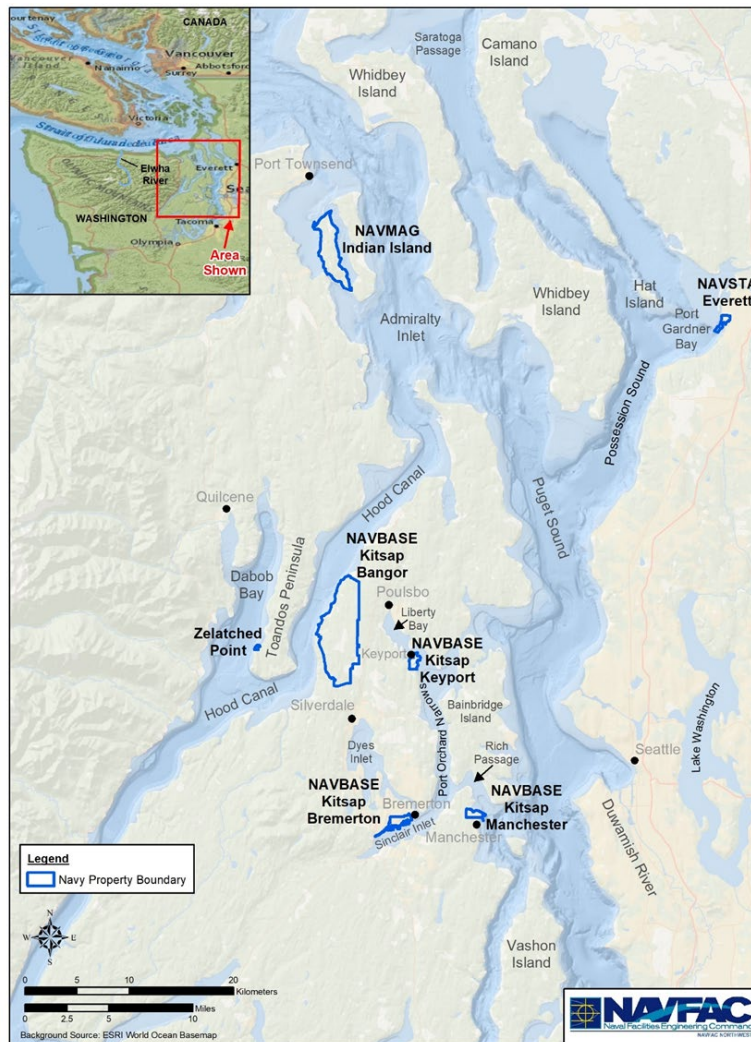


Figure 1. Navy Locations included in Marine Structures Maintenance and Pile Replacement Activities

This document provides the State of Washington with the Navy's Consistency Determination under Section 307 (c)(1) of the federal Coastal Zone Management Act (CZMA) of 1972, 16 United States Code (USC) §1451–1464, as amended. Under 16 USCS § 1456(c), each Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the

maximum extent practicable with the enforceable policies of approved State management programs. Excluded from the coastal zone is any Navy facility or real estate owned, held in trust, or used by Navy in performance of its mission as 16 USC §1453 excludes from the coastal zone any lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

The five project locations are not, by law (16 USC §1453(1)), part of the Washington coastal zone. In accordance with Washington's Coastal Zone Management Program (CZMP) (Washington Department of Ecology [Ecology] 2022):

"The Coastal Zone Management Act specifically excludes from the coastal zone, those lands that are, by law, subject solely to the discretion of, or held in trust by, the federal government. The CZMA's regulations provide that states must exclude from their coastal zone designations the lands that the federal government owns, leases, holds in trust, or otherwise has sole discretion to determine their use. These 'excluded federal lands' within the boundaries of Washington's coastal zone are: Military reservations and other defense installations (e.g., Joint Base Lewis-McCord, Bangor Naval Submarine Station, Naval Air Station Whidbey Island)..."

The Navy determined that the pile removal and installation activities could have effects on resources within the coastal zone outside of the base boundaries. Therefore, the Navy has prepared this Consistency Determination to address the enforceable policies of the Washington State CZMP.

2 Proposed Federal Agency Action

2.1 Proposed Action

The Navy proposes to conduct pile replacements at five location in the Navy Region Northwest. The proposed action replaces a total of 352 structural steel, concrete, and timber piles at the five locations (Table 1). The Proposed Action also includes general maintenance such as deck resurfacing and recoating corroded metal components and repair activities on wetwell concrete spalling, piers (including repairs to piles), and quay walls. Damaged or deteriorated components would also be repaired or replaced, including guide piles systems, brow floats, pile caps, safety ladders, cable straps, camel and camel connections, and lighting. Each of the five installations has a number of contingency piles that could also be used for emergent projects. Installation of piles is scheduled to begin in July 2024 and will require approximately 2 years (2024/2025 and 2025/2026) to complete.

Table 1. Number and type of piles to be installed at Naval Facilities in the Puget Sound Region

Installation	Number of piles installed per Year		Pile Type (# of piles)	Number of Contingency Piles
	2024/2025	2025/2026		
NAVBASE Kitsap Bangor	0	88	Steel (88)	70
NAVBASE Kitsap Bremerton	90	48	Concrete (90) Steel (48)	0
NAVBASE Kitsap Manchester	74	0	Concrete (74)	30
NAVSTA Everett	0	4	Steel (4)	76
NAVMAG Indian Island	24	24	Concrete (44) Steel (4)	0
Total	188	164	Concrete (208) Steel (144)	176

2.1.1 Best Management Practices Included in Proposed Action

Best Management Practices (BMP) include actions required by federal or state law or regulation. The recognition of the general management measures prevents unnecessarily evaluating impacts that are unlikely to occur. Table 2 includes a list of BMPs.

Table 2. Best Management Practices

BMP	Description	Impacts Reduced/Avoided
Water Quality Monitoring	<p>The Navy will comply with water quality restrictions imposed by Washington Department of Ecology (Chapter 173-201A Washington Administrative Code [WAC]), which specifies in Section 400 a mixing zone beyond which water quality standards cannot be exceeded.</p> <p>Water quality monitoring for turbidity would be conducted during pile driving.</p>	Water Quality

BMP	Description	Impacts Reduced/Avoided
Anti-Degradation	<p>Work done in the Puget Sound Naval Shipyard Superfund Site will follow Anti-Degradation protocol to ensure in-water work is performed in compliance with the anti-degradation requirements of WAC 173-204-120 and the anti-degradation policy of the state of Washington as generally guided by chapters 90.48 and 90.54 RCW.</p> <ul style="list-style-type: none"> Existing beneficial uses shall be maintained and protected and no further degradation which would interfere with or become injurious to existing beneficial uses shall be allowed. No degradation of existing sediment quality shall be allowed of waters constituting an outstanding national resource, such as waters of national and state parks and scenic and recreation areas, wildlife refuges, and waters of exceptional recreational or ecological significance. 	Sediment Quality
Environmental Protection Plan	The Navy will follow the Environmental Protection Plan in Navy 2019 (Environmental Assessment). The Plan identifies spill sources at the work site and outlines responsive actions in the event of a spill or release, as well as notification and reporting procedures.	Water quality
No discharge of unauthorized pollutants	<p>No petroleum products, fresh cement, lime, fresh concrete, chemicals, or other toxic or harmful materials will be allowed to enter surface waters.</p> <p>Washwater resulting from washdown of equipment or work areas will be contained for proper disposal, and will not be discharged unless authorized.</p> <p>Equipment that enters surface water will be maintained to prevent any visible sheen from petroleum products.</p> <p>There will be no discharge of oil, fuels, or chemicals to surface waters, or onto land where there is a potential for re-entry into surface waters. Fuel hoses, oil drums, oil or fuel</p>	Water quality

BMP	Description	Impacts Reduced/Avoided
	<p>transfer valves, fittings, etc., will be checked regularly for leaks. Materials will be maintained and stored properly to prevent spills.</p> <p>No cleaning chemicals or solvents will be discharged to ground or surface waters (Navy 2019).</p>	
General Pile Removal	<p>Removed piles and associated sediments (if any) will be contained on a barge. If a barge is not utilized, piles and sediments will be stored in a containment area near the construction sites.</p> <p>Piles that break or are already broken below the waterline may be removed by wrapping the piles with a cable or chain and pulling them directly from the sediment with a crane (EPA 2016).</p>	Water Quality
Limits on Changes to Structure Footprint	<p>In some cases, piles may not be placed in the same location as the previous pile; however, the overwater coverage (or footprint) of existing structures is not anticipated to change. Changes to overwater coverage would most likely occur from associated fender system structures or utility repairs. The MPR EA (Section 2.5.3.5) limited structure footprint changes to less than two percent of the original overwater coverage of each structure (Navy 2019).</p>	Protected Species
Creosote Pile Removal	<p>The following BMPs are in accordance with Section 2.5.2.1 of the MPR EA (Navy 2019).</p> <p>A containment boom surrounding the work area will be used during creosote-treated pile removal to contain and collect any floating debris and sheen. In some cases, the boom may be lined with oil absorbing material to absorb released creosote.</p> <p>Oil-absorbent materials will be used in the event of a spill if any oil product is observed in the water.</p>	Water Quality

BMP	Description	Impacts Reduced/Avoided
	<p>All creosote-treated material and associated sediments will be disposed of in a landfill approved for this type of waste.</p> <p>Used creosote piles would be cut into 4-ft. lengths to prevent re-use.</p>	
Timing restrictions	In-water work would be conducted during work window when Endangered Species Act-listed salmonids are least likely to be present (Table 3).	Protected Species
Species monitoring and shutdown	<p>A Marine Mammal Monitoring Plan and a Marbled Murrelet Monitoring Plan for each project will be developed and approved in coordination with the National Marine Fisheries Service and U.S. Fish and Wildlife Service.</p> <p>Should a marine mammal or marbled murrelet enter the shutdown zone, pile driving will be immediately halted until the marine mammal or marbled murrelet has left the area.</p>	Protected Species
Minimization Measures to Protect Eelgrass	<p>Where eelgrass is present in the work area, the Navy will provide the contractor with plan sheets showing eelgrass boundaries. The following restrictions will apply to areas designated as having eelgrass:</p> <ul style="list-style-type: none"> • Construction barges will avoid grounding in eelgrass beds. This will be accomplished with the use of spuds that would elevate barges during low tides. • Shallow draft, lower horsepower tugboats will be used in the nearshore area and for extended operations in areas shallower than 40 feet below Mean Lower Low Water, where feasible. • No scouring of sediments will occur within eelgrass beds. • Shading from construction vessels will be minimized to the time necessary to complete the work activities. 	Protected Species
Acoustic Minimization Measures	Sound attenuation measures (i.e. confined bubble curtain and/or unconfined bubble curtain) will be used during all impact hammer operations.	Noise

BMP	Description	Impacts Reduced/Avoided
	<p>The maximum number of impact hammer strikes per day shall be 4,000 and the total number of pile driving days shall be 90 each year. The total number of pile driving days is for all pile driving operations, impact and vibratory. These numbers shall not be exceeded.</p> <p>Acoustic monitoring would be conducted on a subset of piles if needed.</p> <p>Pile driving would be limited to occur between 7:00 a.m. and 10:00 p.m. However, the USFWS recommends pile driving limitations between 2 hours after sunrise and 2 hours after sunset for marbled murrelets during marbled murrelet nesting season (April 1 to September 15) (USFWS and NMFS 2017).</p>	
"Soft start" impact hammer operations	<p>The Navy will utilize a "soft start" procedure to provide a warning and/or give animals in close proximity to pile driving the opportunity to leave the area prior to an impact driver operating at full capacity thereby exposing fewer animals to loud underwater and airborne sounds. A soft start procedure would be used for impact pile driving at the beginning of each day's in-water pile driving or any time pile driving has ceased for more than 30 minutes.</p>	Protected Species

In-water work windows are timed to minimize the presence of juvenile salmonids. In-water work windows in the Puget Sound range between July 2 and March 2 depending on tidal reference area (Table 3). Impact pile driving is estimated to last a maximum duration of 4 hours per day or an average of 1.5 hours a day within the salmonid work window at any single or combination of the five facilities listed in the Proposed Action.

Table 3. In-Water Work Window by Location

Installation	In-Water Work Window	Tidal Reference Area
NAVBASE Bangor	July 16 – January 15	13
NAVBASE Bremerton and Manchester	July 16 – February 15	5
NAVSTA Everett	July 16 – October 14	7
NAVMAG Indian Island	October 1 – January 15	13

2.2 Purpose of and Need for the Proposed Action

The purpose of the Proposed Action is to maintain the structural integrity of marine structures required to execute the Navy's mission at these locations. The Proposed Action is needed to ensure the Navy's marine structures at these locations continue to meet mission requirements.

2.3 Background

Long-term exposure to harsh marine environmental conditions causes deterioration to components of the existing marine infrastructure, which over time can compromise the structural integrity to the point that it can no longer serve the mission. Also, marine infrastructure is particularly susceptible to damage from unexpected impacts by watercraft vessels and weather-driven conditions.

Maintaining these structures is vital to sustaining the Navy's mission and ensuring readiness. The Navy's existing waterfront inspection program identified the number of piles to be installed based on a 1:1 replacement ratio, assuming that all piles are removed and replaced with new piles. However, some existing piles may be repaired in place with no new piles installed. The inspection program also addressed structural repairs (emergent projects) required due to unforeseen events such as weather and vessel related incidents. Because construction details are unknown for all emergent projects, the actual number of piles replaced may be more or less than 1:1 due to pile material, pile size, and/or structural requirements. Replacement piles are projected to be less than 500 but in any event will not exceed 528.

2.4 Location

2.4.1 Naval Base Kitsap Bangor

NAVBASE Kitsap Bangor is located north of the community of Silverdale in Kitsap County on the Hood Canal. NAVBASE Kitsap Bangor occupies approximately five miles of shoreline on Hood Canal (Figure 1). The Proposed Action will remove 40 timber piles and 44 steel piles, and install 84 steel piles (Table 1). Pile installation methods are discussed in Section 2.4.3.2 (Pile Installation) the MPR Phase 1 Environmental Assessment (EA) (Navy 2019). Pile removal methods are described in Section 2.4.3.1 (Pile Removal) of the MPR Phase 1 EA (Navy 2019). Construction will occur during the 2025 - 2026 in-water work window (Table 3).

2.4.2 Naval Base Kitsap Bremerton

NAVBASE Kitsap Bremerton is located on the north side of Sinclair Inlet within the City of Bremerton in Kitsap County. NAVBASE Kitsap Bremerton occupies approximately three miles of shoreline along Sinclair Inlet (Figure 1). The Proposed Action will remove 25 timber and 53 steel piles during the 2024 - 2025 in-water work window (Table 3). Once the piles are removed the Navy will install 90 concrete piles within the same work window. The Proposed Action will also remove 48 steel piles and install 48 steel piles (Table 1) during the 2025 - 2026

in-water work window (Table 3). Pile installation methods are discussed in Section 2.4.3.2 (Pile Installation) the MPR Phase 1 Environmental Assessment (EA) (Navy 2019). Pile removal methods are described in Section 2.4.3.1 (Pile Removal) of the MPR Phase 1 EA (Navy 2019).

Previous remedial investigations have documented sediment contamination within Sinclair Inlet, including the study area. The Navy, in cooperation with the U.S. Environmental Protection Agency (USEPA) and the Washington State Department of Ecology (Ecology), is carrying out remedial actions to address contaminated sediment offshore of NBK Bremerton in accordance with a Record of Decision (ROD) issued under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (Navy et al. 2000). The National Priorities List identifies the site as the Puget Sound Naval Shipyard Superfund Site, which consists of five operable units (OU) (Figure 2).

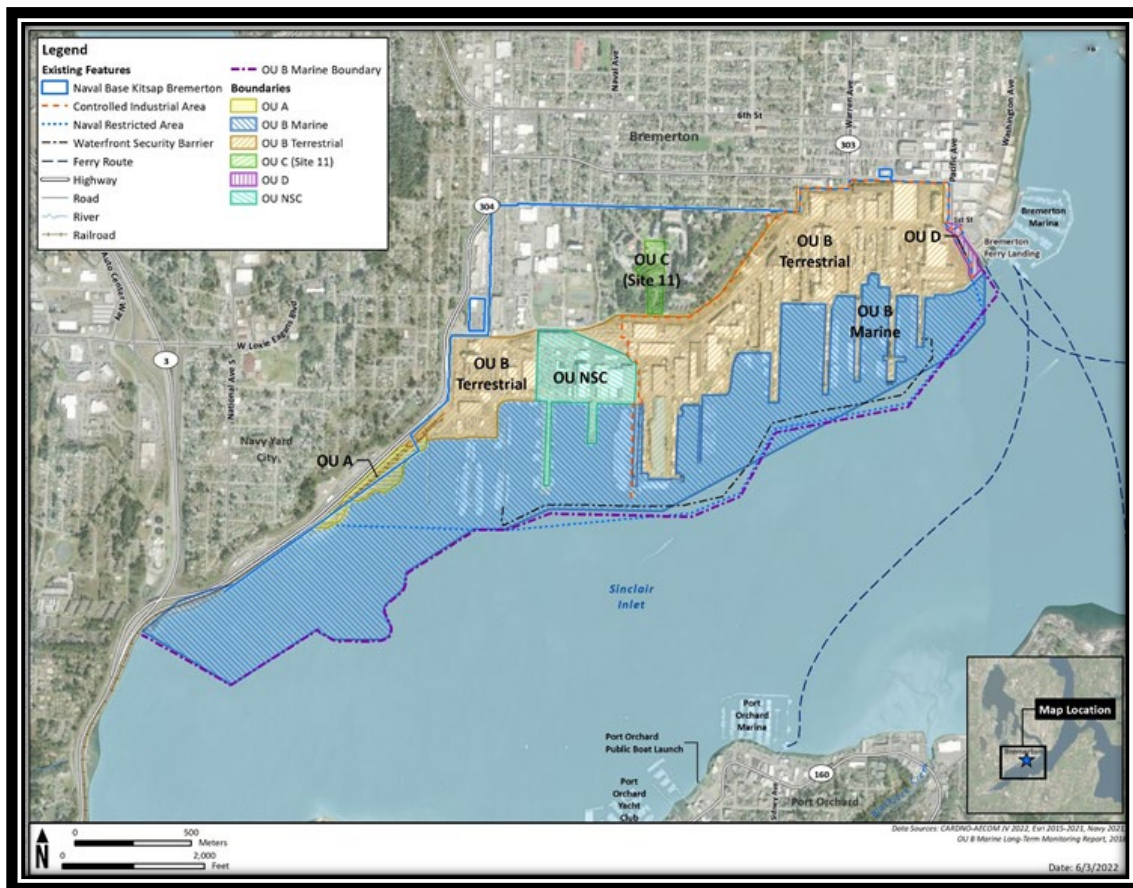


Figure 2. Naval Base Kitsap-Bremerton Operable Unit Boundaries

2.4.3 Naval Base Kitsap Manchester

NAVBASE Kitsap Manchester is located on Orchard Point, abutting Clam Bay off Rich Passage to the north and the main basin of Puget Sound to the east (Figure 1). It is located in the village of Manchester, approximately four miles due east of Bremerton in southern Kitsap County. NAVBASE Kitsap Manchester occupies approximately two miles of shoreline along Clam Bay and

Puget Sound. The Proposed Action would remove 72 steel piles and install 74 concrete piles (Table 1) during the 2024 - 2025 in-water work window (Table 3). Pile installation methods are discussed in Section 2.4.3.2 (Pile Installation) the MPR Phase 1 Environmental Assessment (EA) (Navy 2019). Pile removal methods are described in Section 2.4.3.1 (Pile Removal) of the MPR Phase 1 EA (Navy 2019).

As very dense/hard glacial soils and/or bedrock are anticipated at the site, the piles cannot be driven into these subsurface conditions using either impact or vibratory pile driving methods described in reference a. Where bedrock is encountered, piles will need to be placed at least 10 feet deep into existing bedrock to support the lateral load. Furthermore, as the water jetting methods discussed in reference a will not work in bedrock, the Navy proposes to “pre-drill” the 74 concrete piles into place using down-the-hole (DTH) drilling.

DTH drilling is a common method used to drill holes through hard rock substrates. DTH drilling uses rotary cutting percussion action using a button bit (Figure 3). In DTH drilling, the percussion mechanism, or hammer, is located directly above the drill bit. The drill pipe transmits the necessary feed force and rotation to the hammer and bit, along with the compressed air used to actuate the hammer and flush the cuttings. The activity is analogous to jack hammering. The primary sound components are percussive drilling and release of compressed air. Compressed air is constantly fed to not only power the drill but also clear out loose material and cuttings.



Figure 3. Example Down Hole Hammer Button Bit

The order and summary of vertical pile installation is as follows:

1. Barge drill advances casing through sediment (Figure 4; Step 1). The inside diameter of the casing should be large enough to insert the pile through it. The casing may be initially driven to embed few feet below the mudline before drilling occurs or it may be pushed down as the auger advances.
2. Auger brings drilled sediment to the surface where it is collected on the barge. Suitable rigging may be attached to the top of drill string to clear out the drilled overburden material from inside the casing.
3. Once the casing is adequately set into the sediment soils, the drill-string is inserted with drill bit inside the casing for drilling into the bedrock.
4. The drill bit locks into place beneath the casing, drilling into the rock for rock-socketing begins using the rigging equipment secured into place during step 3 (Figure 4; Step 2).
5. The MFR Proposed Action requires the pile to be socketed into bedrock 3 meters (10-feet).
6. Rock cuttings are removed from inside the casing and brought up to the barge to be collected and removed offsite.
7. Rigging equipment and drill string is removed.
8. Barge crane places pile through the casing into the rock coring hole (Figure 4; Step 3).
9. A grout casing is dropped through the space between the pile and the casing and set into the bottom of the pile/drilled hole.
10. After the grout tube is fed to the bottom of the hole, the grouting process begins.
11. Concrete is pumped into the open boring until it reaches the mudline (Figure 4; Step 4).
12. Barge crane removes the casing (Figure 4; Step 5).

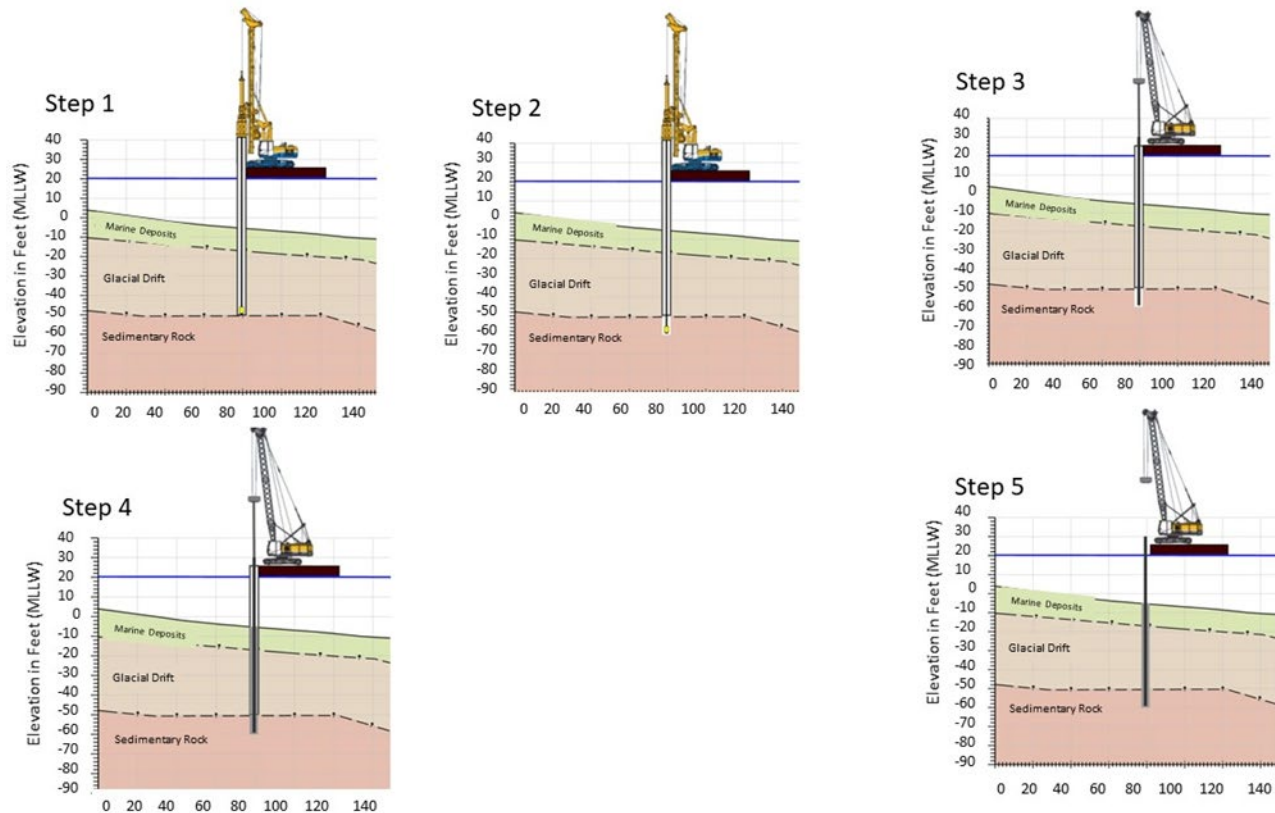


Figure 4. Drilling Sequence (Created by Haley & Aldrich for illustration of the DTH Method)

2.4.4 Naval Station Everett

NAVSTA Everett is located in the City of Everett in Snohomish County (Figure 1). The station is bordered to the north by the mouth of the Snohomish River, to the south and west by Port Gardner Bay, and to the east by East Waterway. The Port of Everett Marina is located to the north and the Port of Everett shipping terminals and former Kimberly-Clark Paper Mill are located southeast of the station. NAVSTA Everett occupies approximately 1.9 miles of shoreline along Port Gardner and the East Waterway. The Proposed Action will remove four steel piles and install four steel piles (Table 1) during the 2025 - 2026 in-water work window (Table 3). Pile installation methods are discussed in Section 2.4.3.2 (Pile Installation) the MPR Phase 1 Environmental Assessment (EA) (Navy 2019). Pile removal methods are described in Section 2.4.3.1 (Pile Removal) of the MPR Phase 1 EA (Navy 2019).

There is a substantial accumulation of woody debris in the East Waterway from historic operations of an old Kimberly-Clark facility, log storage, and other sources. The sediments in the waterways surrounding NAVSTA Everett have been polluted from historical industrial discharge; the nearshore environment is made up of shallow waters which were classified as polluted waters by Ecology.

Results from chemical analyses, bioassays and other toxicity tests from a comprehensive sediment characterization study indicated the sediments of the Everett Harbor area contain levels of organic and inorganic chemicals that are toxic to test organisms (Ecology 2009). Results from a range of studies complement and support Ecology's decision to focus cleanup and restoration efforts in Port Gardner Bay, specifically the East Waterway.

During construction of NAVSTA Everett the Navy conducted navigational dredging of East Waterway to allow for the construction and use of the carrier pier. The dredge prisms modeled for this effort, based on numerous sediment cores, indicated dredging would remove the contaminated sediment from all but two areas. Ecology has recently signed Agreed Orders with potentially liable parties around East Waterway to proceed with investigation and cleanup. The Navy is supporting these efforts.

2.4.5 Naval Magazine Indian Island

NAVMAG Indian Island is located near Port Hadlock in Jefferson County, Washington, southeast of Port Townsend, at the northeast corner of the Olympic Peninsula (Figure 1). The federal government owns the island. NAVMAG Indian Island occupies approximately 12 miles of shoreline within Port Townsend Bay. The Proposed Action will remove 22 concrete piles and two steel piles (Table 1) during both the 2024 - 2025 and 2025 - 2026 in-water work windows (Table 3) for a total of 48 piles removed during the two-year extension. The Proposed Action would install 44 concrete piles and four steel piles over the two year period (Table 1). Pile installation methods are discussed in Section 2.4.3.2 (Pile Installation) the MPR Phase 1 Environmental Assessment (EA) (Navy 2019). Pile removal methods are described in Section 2.4.3.1 (Pile Removal) of the MPR Phase 1 EA (Navy 2019).

3 Consistency with Enforceable Policies

The CZMA created a national program for management and control of development within the shoreline zone and protection of coastal waters and resources. The program provides for participating coastal states, such as Washington, to prepare coastal management programs (CMP) to implement the federal requirements of the CZMA. In Washington, Ecology's Shorelands and Environmental Assistance Program administers the Washington State CZMP.

Under the Washington State CZMP (Ecology 2022), federal actions that affect land use, water use or natural resources of the coastal zone must comply with the enforceable policies within the five regulations outlined in Ecology's Enforceable Policies document:

- The Washington Clean Air Act (WCAA) – Revised Code of Washington (RCW) 70A.15
 - Implementing Washington Administrative Codes (WAC) 173-400 through 495
- The Washington State Water Pollution Control Act (WPCA) - RCW 90.48
 - Implementing WACs 173-40 through 270; 372-52 through 68
- The Washington Shoreline Management Act (SMA) - RCW 90.58
 - Implementing WACs 173-18 through 26

- The Ocean Resources Management Act (ORMA) - RCW 43.143
 - Ocean Management Guidelines at WAC 173-26-360
- The Marine Spatial Plan for Washington's Pacific Coast (MSP) – Revised 2018 (Ecology et al. 2018)
 - Important, Sensitive, & Unique Areas Standards
 - Fisheries Protections Standards

In these cases, the Federal agency reviews the activity for consistency with the five laws and prepares a federal Coastal Zone Consistency Determination. This consistency determination describes the activity and whether the activity impacts coastal resources. If the activity impacts coastal resources, a statement must be provided that the activity is consistent to the maximum extent practicable with the enforceable policies.

An enforceable policy is a state policy that is legally binding under state law (i.e., through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions), and by which a state exerts control over private and public coastal uses and resources, and that is incorporated in a state's federally approved CMP.

3.1 Washington Clean Air Act – Chapter 70.94 RCW

The Washington Clean Air Act (RCW 70.94) provides for the protection and enhancement of the state's air resources. The proposed project will not result in any permanent new sources of air pollutant emissions, so a permit for a new source (Notice of Construction) would not be required. Jefferson, Kitsap, and Snohomish Counties are not designated as non-attainment or maintenance areas. As stated in the Clean Air Act General Conformity Rule (40 Code of Federal Regulations [CFR] Part 93, Determining Conformity of General Federal Actions to State or Federal Implementation Plans), "A Federal agency must make a determination that a Federal action conforms to the applicable implementation plan in accordance with the requirements of this subpart before the action is taken." Because Jefferson, Kitsap, and Snohomish Counties are designated attainment areas for all criteria pollutants, the General Conformity Rule does not apply.

Construction equipment and vehicles will generate minor amounts of localized carbon monoxide and particulate emissions. These emissions are temporary and may slightly affect local air quality but will be negligible compared to regular vehicle and equipment emissions. Therefore, other than the means required by local and state regulations to control construction-related emissions, no additional measures to control emissions are necessary or proposed during construction.

Temporary non-road engines include American Pile Driving Equipment (APE) 400 vibratory hammer, APE D100 diesel impact hammer, APE 200 vibratory hammer, APE 30 diesel impact hammer, and rotary bearing mounted drill. The proposed project does not propose the installation and operation of non-road engines with a cumulative maximum rated brake

horsepower greater than 500 brake horsepower (BHP) and less than or equal to 2000 BHP. The Proposed Action will not require the installation and operation of non-road engines with a cumulative maximum rated brake horsepower greater than 2000 BHP.

Particulate fallout from operation of the project equipment is not anticipated at unreasonable levels. No emission of particulate matter from any source is expected to be deposited beyond the proposed project area in sufficient quantity to interfere unreasonably with the use and enjoyment of any surrounding properties upon which the material is deposited in accordance with WAC 173-400-040(3).

Potential nuisance odors are not anticipated. Odors from construction activities are not expected to unreasonably interfere with any other property owner's use and enjoyment of their property in accordance with WAC 173-400-040(5).

Site Construction activities would be conducted in accordance with the dirt and dust plans in discussed in the Environmental Protection Plan. No emissions air contaminants would be released from construction activities that are detrimental to the health, safety, or welfare of any person, or causes damage to property or business in accordance with WAC 173-400-040(6). Likewise, the proposed project would not include any activities that involve fugitive dust, as defined in WAC 173-400-030(40).

Construction equipment will comply with the Fuel Standards listed in WAC 173-400-035(3) by using either ultra-low sulfur diesel or ultra-low sulfur biodiesel (a sulfur content of 15 parts per million or 0.0015 percent sulfur by weight or less), regular gasoline, natural gas, propane, liquefied petroleum gas, hydrogen, ethanol, methanol, or liquefied/compressed natural gas. Use of ultra-low sulfur fuels should result in any emissions below one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen for combustion sources, and based on the average of any period of sixty consecutive minutes in accordance with WAC 173-400-040(7).

Equipment exhaust stacks will be clearly visible during the duration of the project. No equipment exhaust or emissions will be intentionally blocked or masked in accordance with WAC 173-400-030 (21) and (49).

3.2 Washington State Water Pollution Control Act – Chapter 90.48 RCW

The proposed project will adhere to the water quality standards for surface waters of the State of Washington found within Chapter 90.49 RCW and WAC 173-201A. Direct discharges of waste to the marine environment will not occur during implementation of the proposed project. Impacts to water quality will be limited to short-term and localized caused by complete pile removals or pile driving operations. The following measures will ensure the activity is consistent to the maximum extent practicable with the enforceable policies.

The Navy will comply with water quality restrictions imposed by Ecology (WAC 173-201A-400), which specifies the criteria for a mixing zone beyond which water quality standards cannot be exceeded. Removed piles and associated sediments (if any) will be contained on a barge. If a barge is not utilized, piles and sediments will be stored in a containment area near the construction sites.

The proposed project meets general conditions for all Nationwide Permits (NWP) and Specific conditions for NWP 3 for maintenance activities (86 Federal Regulation 73522). There is no discharge of dredge or fill material associated with this proposed action, and it will not result more than minimal individual and cumulative adverse effects. Therefore, the action is exempt from Section 404. (See 86 Federal Regulation 73533).

The proposed Action meets the NWP 3 specific conditions for Section 401 certification found in the USACE User Guide 2021 Nationwide Permits in Washington State March 2021– March 2026 because it does not 1) involve the complete replacement of a shoreline stabilization using hard armoring, 2) increase the original footprint of the structure by more than 1/10th acre in wetlands; or 3) add new structures, such as weirs, flap gates/tide gates, or culverts to the site.

The Proposed Action meets Ecology Section 401 Water Quality Certification (WQC) as described below:

1) In-water construction activities. Table 2 of this CD describes best management practices that will be implemented during in-water work to protect State water quality and ensure water quality standards are met. The Proposed Action will not violate State water quality standards, or cause/contribute to an exceedance of a State water quality standard or sediment management standard.

2) Projects or Activities Discharging to Impaired Waters. The current Department of Ecology 303(d) list includes two grid segments along the NAVBASE Bangor Waterfront impaired by low dissolved oxygen (DO) levels and one grid impaired by fecal coliform. All three grids are listed as Category 5 (Ecology 2023).

A review of the 303(d) list shows Sinclair Inlet around NAVBASE Bremerton experiences isolated events of low DO associated with elevated nutrient concentrations and phytoplankton blooms (URS and SAIC 1999). Sinclair Inlet is listed as Category 5 on Washington State's Current 303(d) List for low DO levels (Ecology 2023). Sinclair Inlet is also listed as Category 5 for polychlorinated biphenyls, fecal coliform. Sediment contamination within Sinclair Inlet, including the project areas, has been well documented and includes a variety of metals and organic chemicals originating from human sources (EPA 2000).

There are no 303(d) listed waters or sediment in the project location at NAVBASE Manchester.

WDOE classifies the waters surrounding NAVSTA Everett as Category 5 for DO. Sediments have high contamination levels. Many chemical contaminants (such as arsenic, copper, mercury, cadmium, lead, benzoic acid, 2-methylphenol, and others) are present in this region. These the sediments are listed as Category 5 and are currently awaiting cleanup (Ecology 2023).

Marine sediments Near the NAVMAG Indian Island Ammunition wharf are listed Category 5, for Benzoic Acid.

Category 5 means that data show that the water quality standards have been violated for one or more pollutants, and there are no Total Maximum Daily Loads — or pollution control program — in place. There will be no direct discharge of waste to the marine environment during implementation of the proposed project. The Proposed Action will not result in further exceedances of the specific listed parameters in listed segments of a waterbody or any listed downstream segments.

3) Aquatic resources requiring special protection. The proposed project will not occur within or affect an aquatic resource requiring special protection. No wetlands with special characteristics, fens, aspen-dominated wetlands, camas prairie wetlands, Category I wetlands, or Category II wetlands with a habitat score ≥ 8 points will be impacted by the Proposed Action.

Eel grass is present in the nearshore marine subtidal photic zone along the NAVBASE Bangor waterfront, the subtidal margins of Clam Bay on the north side of NAVBASE Kitsap Manchester, and on pebble and cobble substrate along the NAVMAG Indian Island shoreline (SAIC 2009, Navy 2009, Anchor QEA 2012 Navy, 2015, Washington Marine Spatial Planning, 2018). Eelgrass beds occur in the general area of Port Gardner and Possession Sound but there are no known eelgrass beds within the water boundary of the Station (Navy 2019).

The Navy will follow the BMPs described in Table 2 to protect eelgrass during construction activities and the Proposed Action will not result in the loss of eelgrass.

4) Loss of More than 300 Linear Feet of Streambed. The proposed project will not result in the loss of any streambeds.

5) Temporary Fills. The proposed project will not include the use of any fill.

6) Mitigation. The proposed work meets the terms and conditions of NWP 3 and will not result in unavoidable impacts to aquatic resources which require compensatory mitigation.

7) Stormwater Pollution Prevention. The proposed project will not disturb more than one acre of land. All work will be conducted in-water.

8) Application. The Proposed Action, which will replace deteriorated piles in marine waters, meets the requirements of a NWP 3 for Maintenance. The Navy will comply with all NWP 3 conditions.

The Navy will develop and implement a WQPMP, as described above, to protect water quality. While the proposed action does include placement of structures in navigable waters and will require permitting under Section 10 of the Rivers and Harbors Act, the proposed work does not trigger the need to submit a pre-construction notification (PCN) to the U. S. Army Corps of Engineers, Seattle District nor does it require an Ecology WQC review.

3.3 State Shoreline Management Act – Chapter 90.58 RCW

The SMA was passed by the State Legislature in 1971 with the goal "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." The SMA applies to counties, towns, and cities in Washington that have "shorelines of the state" within their boundaries. Each of these jurisdictions must prepare and adopt a Shoreline Master Program (SMP) based on state laws and rules, but tailored to local geographic, economic, and environmental needs. Each SMP is a combined local shoreline comprehensive plan, zoning ordinance, and development permit system. The National Oceanic and Atmospheric Administration's Office for Coastal Management approves state CMPs and individual SMPs to ensure they are enforceable through federal consistency.

RCW 90.58.020 sets forth the State's policy regarding management of shorelines of the state by planning for and fostering all reasonable and appropriate uses. The Navy's proposed project will occur within naval restricted areas. The proposed project site does not impact a "Shoreline of Statewide Significance" as defined by RCW 90.58.030.

There are two areas in which vessel traffic is restricted along the Bangor waterfront, Naval Restricted Areas 1 and 2 (Title 33 of the CFR, Part 334.1220 [33 CFR 334.1220]). The regulation associated with Naval Restricted Area 1 [33 CFR 334.1220(a)(3)(i)] states that, "no person or vessel shall enter this area without permission from the Commander, Naval Submarine Base Bangor, or his/her authorized representative." The regulation associated with Naval Restricted Area 2 [33 CFR 334.1220(a)(3)(ii)D] states that navigation will be permitted within that portion of this circular area not lying within Restricted Area 1 at all times except when magnetic silencing operations are in progress.

There are two designated naval restricted areas at the Bremerton waterfront (33 CFR 334.1240). Within Naval Restricted Area No. 1 [33 CFR 334.1240(a)(3)(i)], "No vessel of more than, or equal to, 100 gross tons shall enter this area [identified in 33 CFR 1240(a)(1)] or navigate therein without permission from the enforcing agency [Commander, Navy Region Northwest and designated agents], except Washington State Ferries on established routes." Naval Restricted Area No. 2 "is for the exclusive use of the United States Navy. No person, vessel, craft, article or thing, except those under supervision of military or naval authority shall

enter this area [Naval Restricted Area No. 2, as defined in 33 CFR 1240(a)(2)] without permission from the enforcing agency [Commander, Navy Region Northwest, and such agencies and persons as he/she shall designate]." See 33 CFR 334.1240(3)(ii).

There is one designated Naval Restricted Area at NAVBASE Kitsap Manchester identified in 33 CFR 334.1244(a). Pursuant to 33 CFR 334.1244(b), "No person, vessel, craft, article or thing except those under the supervision of the military or naval authority shall enter the area [identified in 33 CFR 334.1244(a)] without the permission of the enforcing agency or his/her designees [in this case, Commander, Navy Region Northwest]. The restriction shall apply during periods when a ship is loading and/or pier operations preclude safe entry. The restricted periods would be identified by the use of quick-flashing beacon lights, which are mounted on poles at the end of the main fuel pier on the south side of Orchard Point at the entrance of Rich Passage. Entry into the area is prohibited when the quick-flashing beacons are in a flashing mode."

There is one designated Naval Restricted Area within the waters of Port Gardner and East Waterway surrounding NAVSTA Everett. The restricted area is designated in 33 CFR 334.1215(a). Pursuant to 33 CFR 334.1215(b), "All persons and vessels are prohibited from entering the waters within the restricted area for any reason without prior written permission from the Commanding Officer of the Naval Station Everett. Mooring, anchoring, fishing and/or recreational boating shall not be allowed within the restricted area without prior written permission from the Commanding Officer, Naval Station Everett."

There is one designated Naval Restricted Area at NAVMAG Indian Island identified in 33 CFR 334.1270(a). Pursuant to 33 CFR 334.1270 (b), "No person, vessel, craft, article or thing shall enter the area [identified in 33 CFR 334.1270(a)] without permission from the enforcing agency. [in this case, Commander, Navy Region Northwest]. The restriction shall apply during periods when ship loading and/or pier operations preclude safe entry. The periods will be identified by flying a red flag from the ship and/or pier."

The proposed project does not meet the definition of the procedural term "development" because the pile driving, placing of obstructions or any project of a permanent or temporary nature does not interfere with the normal public use of the surface of the waters overlying lands because the proposed project locations are within a naval restricted zones.

The proposed project will not intrude into state designated critical area ecosystems. There will be no change in the functions or values of any critical areas including streams, natural ponds, lakes, or wetlands and no harm to the public from hazards to health and safety.

This proposed project is located within naval restricted zones where public access and recreation is restricted. The project will not impact recreational opportunities for the public in the coastal zone. The project will not change or modify public access or navigation.

Local SMPs are not enforceable policies included in Washington's approved CZMP; however, the environmental designations of the shorelines adjacent to the project locations are described below.

Shorelines adjacent to NAVBASE Bangor and NAVBASE Keyport are designated "Rural Conservancy" and "Shoreline Residential" in the Kitsap County Shoreline Master Plan (SMP). Shorelines adjacent to NAVBASE Bremerton are designated "High Intensity" and "Shoreline Residential" and shoreline adjacent to NAVBASE Manchester are designated "Shoreline Residential" in the Kitsap County SMP. Shoreline residential is designated to accommodate residential development and appurtenant structures that are consistent with this program, and to provide appropriate public access and recreational uses. Rural conservancy is designated to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural floodplain processes, and provide recreational opportunities. High intensity is designated to provide for high intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

Shorelines adjacent to NAVMAG Indian Island are designated Indian Island "Aquatic" in the Jefferson County SMP. The aquatic designation is to protect, manage, and, where feasible, restore lake, stream, and marine waters and their underlying bedlands that are not designated as Priority Aquatic.

Shorelines adjacent to NAVSTA Everett are designated "Urban Deep Water Port" in the City of Everett SMP. Urban Deep Water Ports provide areas for large scale water dependent industries, port facilities, and supporting services that require proximity to navigable waters that can accommodate deep draft, ocean going vessels, and to ensure optimum use of shorelines that are presently industrial in nature while protecting and restoring ecological functions.

3.4 State Ocean Resource Management Act – Chapter 43.143 RCW

Jefferson, Kitsap, and Snohomish Counties are considered a coastal counties, however, RCW 43.143.020 defines "coastal waters" as the waters of the Pacific Ocean seaward from Cape Flattery south to Cape Disappointment, from mean high tide seaward two hundred miles. The proposed project location does not occur within marine waters of the Pacific Ocean, and therefore ORMA does not apply to this proposed action.

3.5 Marine Spatial Plan (MSP) for Washington's Pacific Coast – Chapter 43.372 RCW

The MSP Study Area consists of marine waters of the Pacific Ocean adjacent to Washington's coastline from the intertidal zone out to the continental slope. It extends from ordinary high

water on the shoreward side out to a water depth of 700 fathoms (4,200 feet) offshore. The MSP Study Area extends along the coast from Cape Flattery on the north of the Olympic Peninsula south to Cape Disappointment at the Mouth of the Columbia River. Because the Proposed Action is not a new development and does not occur within marine waters of the Pacific Ocean, the enforceable policies of the MSP do not apply to this proposed action.

4 Conclusion

Based on the information provided in this document, the Navy has determined that the Marine Structure Maintenance and Pile Replacement Activities will be consistent to the maximum extent practicable with the enforceable policies of the Washington State CZMP.

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