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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

September 26, 2007

Reply To
Attn Of: ETPA-088

Ref: 07-035-DOD

Kimberly Kler
Naval Facilities Engineering Command Northwest
1101 Tautog Circle, Suite 203
Silverdale, WA 98315-110

Dear Mrs. Kler:

We have reviewed the Federal Register Notice of Intent (NOI) to prepare an environmental impact statement (EIS)/Overseas Environmental Impact Statement (OEIS) for **Naval Training Operations in the Northwest Training Range Complex (NWTRC)**. Our review of the NOI was conducted in accordance with our responsibilities under National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Thank you for the opportunity to provide comments at this stage of the EIS/OEIS development process.

Section 309 specifically directs the U.S. Environmental Protection Agency (EPA) to review and comment in writing on the environmental impacts associated with all major federal actions. Under our Section 309 authority, our review of the draft EIS/OEIS prepared for the proposed project will consider the expected environmental impacts, and the adequacy of the EIS/OEIS in meeting procedural and public disclosure requirements of NEPA.

The scoping comments that follow are provided to inform the Department of the Navy of issues that EPA believes to be significant and warrant explicit treatment during the NEPA process. In providing these comments, it is our goal to have these issues addressed in the draft EIS/OEIS.

Purpose and Need

The EIS/OEIS should include a clear and concise statement of the underlying purpose and need for the proposed project, consistent with the implementing regulations for NEPA (see 40 CFR 1502.13). In presenting the purpose and need for the project, the EIS should reflect not only the Department of Navy's purpose, but also the broader public interest and need. Given the size of this project area, a concise statement is of critical importance to setting up the analysis of alternatives, which could range from too tightly focused to too broad, depending on how the statement is written. Your purpose and need statement and the alternatives analysis should discuss how project activities may adversely affect the environment.

Water Quality

The proposed project has the potential to alter and degrade water quality. Section 303(d) of the Clean Water Act (CWA) requires the states of Washington, Oregon and California to

identify those waterbodies which are not meeting or not likely to meet State water quality standards. The EIS/OEIS must disclose which waterbodies may be impacted by the project, the nature of the potential impacts, and the specific pollutants likely to impact those waters. It should also report those water bodies potentially affected by the project that are listed on the States' current 303(d) list and whether the states have developed water quality restoration plans (Total Maximum Daily Load) for the waterbodies and the pollutants of concern. If a Total Maximum Daily Load (TMDL) has not been established for those water bodies on the 303(d) list, then in the interim until one is established, the EIS/OEIS must demonstrate that there will be no net degradation of water quality to these listed waters.

Antidegradation provisions of the CWA apply to those water bodies where water quality standards are currently being met. This provision prohibits degrading the water quality unless an analysis shows that important economic and social development necessitates degrading water quality. The EIS/OEIS should explain how the antidegradation provisions would be met for the proposed project.

Air Quality

The EIS/OEIS needs to include a discussion of all applicable air quality standards, ambient conditions and potential air quality impacts the project may have within the project boundary and surrounding areas. The EIS/OEIS should discuss which areas are in nonattainment of National Ambient Air Quality Standards (NAAQS) including 8-hour ozone and particulate matter less than 10 and 2.5 microns in diameter (PM10 and PM2.5 respectively). While the majority of air quality impacts will be offshore, winds can transport pollutants considerable distances resulting in impacts and requiring mitigation measures far removed from the source. These impacts and mitigation measures need to be analyzed and discussed in the EIS/OEIS.

Endangered Species Act

The proposed project may impact endangered, threatened or candidate species listed under the Endangered Species Act (ESA), their habitats, as well as state sensitive species. The EIS/OEIS needs to discuss the direct, indirect and cumulative impacts on all threatened and endangered species and their habitat. In addition, the EIS/OEIS should describe the critical habitat for all ESA listed species, identify any impacts the proposed project will have on these species' critical habitat, and how it will meet all requirements under ESA.

Habitat

The proposed project may have impacts on fish and wildlife habitat, and habitat connectivity. The EIS/OEIS should describe the current quality and potential capacity of habitat, its use by fish and wildlife in and near the proposed project area, and identify known fish and wildlife corridors, migration routes, and areas of seasonal fish and wildlife congregation. The EIS/OEIS should evaluate effects on fish and wildlife from habitat removal and alteration, aquatic and terrestrial habitat fragmentation caused by roads, land use, and management activities, and human activity. The EIS/OEIS should also evaluate the impacts the project may have on plant species and their habitats.

Olympic Coast National Marine Sanctuary

The Olympic Coast National Marine Sanctuary is located in the proposed project area and is one of the nation's most treasured marine areas. The sanctuary is managed to both conserve its resources and encourage uses that are compatible with conservation. The EIS/OEIS needs to discuss all activities that may impact the marine sanctuary and provide information that assures that proposed activities are consistent with the Olympic Coast National Marine Sanctuary Management Plan and will meet National Marine Sanctuaries Act regulations.

Use of Mid-Frequency Active Sonar

The NOI does not indicate if Mid-Frequency Active (MFA) sonar will be utilized during training activities, however, we understand that MFA has been used in similar exercises elsewhere. Recent evidence indicates that MFA can cause temporary and permanent injury to whales and other marine mammals, and may be the cause of a number of whale strandings around the world. The EIS/OEIS needs to discuss if MFA will be utilized during training exercises and the expected impacts from its use. We recommend that a thorough discussion of the current best available science regarding impacts from sonar use on all biological resources be presented, and that this information be utilized in assessing potential impacts from the proposed project. In particular, the EIS/OEIS must clearly show the relationships between organisms used for assessing the impacts of MFA and the species that may be impacted by the proposed project.

Cumulative Impacts

EPA has issued guidance on how we are to provide comments on the assessment of cumulative impacts, *Consideration of Cumulative Impacts in EPA Review of NEPA Documents*, which can be found on EPA's Office of Federal Activities home page at: <http://www.epa.gov/compliance/resources/nepa.html>. The guidance states that in order to assess the adequacy of the cumulative impacts assessment, five key areas should be considered. EPA tries to assess whether the cumulative effects analysis:

1. Identifies resources if any, that are being cumulatively impacted;
2. Determines the appropriate geographic (within natural ecological boundaries) area and the time period over which the effects have occurred and will occur;
3. Looks at all past, present, and reasonably foreseeable future actions that have affected, are affecting, or would affect resources of concern;
4. Describes a benchmark or baseline;
5. Includes scientifically defensible threshold levels.

Indirect Impacts

The EIS/OEIS should identify and evaluate potential consequences of the proposed project outside the project area boundaries. For example, MFA can have impacts on marine species miles from its origin and outside the proposed project areas. These and other indirect impacts should be discussed and evaluated in the EIS/OEIS.

Monitoring

As discussed above, the proposed project has the potential to impact air and water quality, fish, wildlife and plants, and habitat. Predicting the severity of these impacts and the effectiveness of mitigation measures is an imprecise science. We recommend that the project

include a monitoring program designed to assess both impacts from the project and the effectiveness of measures utilized to mitigate such impacts. The EIS/OEIS should describe such a monitoring program and how it will be used as an effective feedback mechanism for the proposed project.

Consultation with Native American Tribes

The proposed project may affect resources and historical or traditional cultural places of importance to the area's Native American communities. The EIS/OEIS needs to identify historic resources, and assure that treaty rights, and privileges are addressed appropriately. If the proposed project will have impacts on Native Americans, the development of the EIS/OEIS should be conducted in consultation with all affected tribal governments, consistent with Executive Order (EO) 13175 (*Consultation and Coordination with Indian Tribal Governments*). EO 13175 states that the U.S. government will continue to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, trust resources, and Indian tribal treaty and other rights. Documentation of these consultations should be included in the EIS/OEIS. Consistent with the July 28, 1999 memorandum from the Council on Environmental Quality (CEQ) to Heads of Federal Agencies, we strongly urge the Forest Service to consider inviting affected Tribal governments to participate in the EIS/OEIS development process as cooperating agencies. This would provide for the establishment of a mechanism for addressing intergovernmental issues throughout the EIS/OEIS development process.

Public Participation and Environmental Justice

The EIS/OEIS should disclose what efforts were taken to ensure effective public participation. In addition, if low income or people of color communities will be impacted by the proposed project, the EIS/OEIS should disclose what efforts were taken to meet environmental justice requirements consistent with Executive Order (EO) 12898 (*Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*). This should include the following.

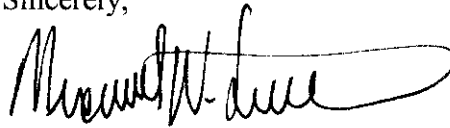
A description of the methodology and criteria utilized for identifying low income and people of color communities, the sources of data utilized for these analyses, and the references utilized for establishing the criteria.

A comprehensive accounting of all impacts on low income and people of color, including (but not limited to) cumulative and indirect impacts, exposure pathways unique to the impacted communities, historic exposures, and impacts to cultural, historic and protected resources. In addition, the EIS/OEIS needs to determine if the impacts to low income and people of color communities will be disproportionately higher than those on non-low income and non-people of color communities. For such a determination, the EIS/OEIS must identify a reference community, provide a justification for utilizing this reference community, and include a discussion of the methodology for selecting the reference community.

The EIS/OEIS must demonstrate that communities bearing disproportionately high and adverse effects have had meaningful input into the decisions being made about the project. The EIS/OEIS needs to describe what was done to inform the communities about the project and the potential impacts it will have on their communities (notices, mailings, fact sheets, briefings, presentations, exhibits, tours, news releases, translations, newsletters, reports, community interviews, surveys, canvassing, telephone hotlines, question and answer sessions, stakeholder meetings, and on scene information), what input was received from the communities, and how that input was utilized in the decisions that were made regarding the project.

We appreciate the opportunity to participate early in the planning process for this project and are available to discuss issues or answer questions that arise while you develop the draft EIS/OEIS. Should you have any questions regarding our comments please contact me at (206) 553-6382 or by electronic mail at letourneau.mike@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Letourneau", with a large, sweeping flourish at the end.

Michael W. Letourneau
Environmental Scientist