
6 Other Considerations

6 OTHER CONSIDERATIONS REQUIRED BY NEPA

6.1 POSSIBLE CONFLICTS WITH OBJECTIVES OF FEDERAL, STATE, AND LOCAL PLANS, POLICIES, AND CONTROLS

Implementation of the Navy's alternatives, including the Proposed Action for the Silver Strand Training Complex (SSTC) Environmental Impact Statement (EIS), would not conflict with the objectives or requirements of Federal, state, regional, or local plans, policies, or legal requirements. The Navy has consulted with regulatory agencies as appropriate during the National Environmental Policy Act (NEPA) process and prior to implementation of the Proposed Action to ensure requirements are met. Table 6-1 provides a summary of environmental compliance requirements that may apply. Appendix G provides a list of the Silver Strand Training Complex (SSTC) regulatory agency consultation documentation. Agency correspondence and supporting documentation can be found on the SSTC EIS website at www.silverstrandtrainingcomplexeis.com.

Table 6-1: Summary of Environmental Compliance for the Proposed Action

Plans, Policies, and Controls	Responsible Agency	Status of Compliance
NEPA of 1969 (42 United States Code [U.S.C.] §§ 4321 <i>et seq.</i>); Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [C.F.R.] §§ 1500-1508); Department of the Navy Procedures for Implementing NEPA (32 C.F.R. § 775)	U.S. Navy	This EIS has been prepared in accordance with NEPA, CEQ regulations, and Navy NEPA procedures. Public participation and review has been conducted in compliance with NEPA.
Clean Air Act (CAA) (42 USC §§ 7401 <i>et seq.</i>); CAA General Conformity Rule (40 C.F.R. § 93[B]); State Implementation Plan (SIP)	U.S. Environmental Protection Agency (USEPA) and San Diego Air Pollution Control District	The Proposed Action would be compatible with attainment and maintenance goals established in the SIP. A CAA conformity determination will not be required because emissions attributable to the alternatives including the Proposed Action would be below the <i>de minimis</i> thresholds for requiring a full conformity determination, and the General Conformity Rule is therefore not applicable. A Record of Non-Applicability is included in Appendix D.
Federal Water Pollution Control Act (Clean Water Act [CWA]) (33 U.S.C. §§ 1344 <i>et seq.</i>)	USEPA	CWA Section 401 water quality certification and CWA Section 404 permit will be prepared for Elevated Causeway System, Causeway Pier activities; and other activities involving fill below the high tide line within the SSTC. An amendment request to the existing Naval Base Coronado (NBC) National Pollutant Discharge Elimination System permit to include Reverse Osmosis Water Purification Unit discharge into the bay and ocean has been submitted.

Table 6-1: Summary of Environmental Compliance for the Proposed Action (Continued)

Plans, Policies, and Controls	Responsible Agency	Status of Compliance
Rivers and Harbors Act (RHA) (33 U.S.C. §§ 401 et seq.)	United States Army Corps of Engineers (USACE)	A RHA Section 10 permit is required for Elevated Causeway and Causeway Pier construction and training. The permit application will be submitted to the USACE.
Coastal Zone Management Act (CZMA) (16 C.F.R. §§ 1451 <i>et seq.</i>)	California Coastal Commission (CCC)	<p>A Coastal Consistency Determination (CCD) was prepared in compliance with the CZMA, which states that Federal actions that have reasonably foreseeable effects on coastal uses or resources must be consistent to the maximum extent practicable with the enforceable policies of approved state coastal management programs. Applicable sections of the California Coastal Act of 1976 (14 California Code of Regulations § 13001 <i>et seq.</i>) were thoroughly analyzed against the Proposed Action.</p> <ul style="list-style-type: none"> • The Navy submitted the CCD to the CCC on May 26, 2010. • Coastal Consistency Determination conditional concurrence received on August 17, 2010. • The Navy submitted a conditional concurrence response letter to the California Coastal Commission on August 20, 2010. • Final Consistency Determination Notification letter to California Coastal Commission dated November 23, 2010. The Navy determined that the conditions of concurrence proposed by the California Coastal Commission are not necessary for the proposed activities to be consistent to the maximum extent practicable with the applicable enforceable policies of the California Coastal Management Program (CCMP) as the Navy's proposed activities are consistent to the maximum extent practicable with the CCMP.
Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§ 1801-1802)	National Oceanic and Atmospheric Administration (NOAA) - National Marine Fisheries Service (NMFS)	<p>Implementation of the Proposed Action would result in a direct effect on eelgrass. However, based upon the minimal short-term impacts associated with the Proposed Action and extensive mitigation through eelgrass planting, there will not be any adverse effects to Essential Fish Habitat (EFH). The Navy submitted an EFH assessment to NMFS that reviews the impacts of the Proposed Action on EFH that includes applicable mitigation measures. The Navy has completed consultation with NMFS.</p> <ul style="list-style-type: none"> • The Navy submitted an EFH assessment to NMFS on March 22, 2010. • EFH updated to reflect discussions during the consultation process. A revised EFHA was submitted (September 27, 2010) to NMFS with inclusion of measures in the proposed action to include updated benthic habitat mapping, pre-event beach survey, eelgrass mitigation, and underwater detonation reporting. • NMFS provided Essential Fish Habitat Conservation Recommendations to the Navy on October 13, 2010. • Consultation with NMFS was completed on November 10, 2010 with the Navy's response letter to NMFS.

Table 6-1: Summary of Environmental Compliance for the Proposed Action (Continued)

Plans, Policies, and Controls	Responsible Agency	Status of Compliance
Endangered Species Act (ESA) (16 U.S.C. §§ 1531 et seq.)	U.S. Navy, U.S. Fish and Wildlife Service (USFWS)	<p>The EIS analyzes potential effects to species listed under the ESA. In accordance with ESA requirements, the Navy has completed consultation under Section 7 of the ESA with USFWS and which indicates that the Proposed Action may affect, not likely to adversely affect, ESA-listed species. With regard to USFWS jurisdiction over species present in SSTC, the Navy has conducted its activities in accordance with any applicable Biological Opinions.</p> <ul style="list-style-type: none"> • The Navy initiated consultation with USFWS on September 22, 2008. • Between November 18, 2008 and April 27, 2009, the Navy and USFWS met regularly to discuss the Proposed Action, effects to species and associated incidental take, and conservation measures to avoid, minimize, and monitor impacts. • USFWS provided a draft Biological Opinion to the Navy for review and comment on August 28, 2009. The Navy provided preliminary comments on the draft biological opinion on September 28, 2009. The Navy and USFWS discussed the Navy's comments at meetings held on September 21 and September 29, 2008. USFWS addressed these comments and provided a revised draft biological opinion to the Navy on January 15, 2010. The Navy provided additional comments on the revised draft Biological Opinion to USFWS, via electronic mail, on March 3, 2010. The Navy and USFWS discussed the Navy's additional comments at meetings held on March 4 and May 26, 2010. The USFWS addressed the Navy's comments in the final Biological Opinion. • USFWS Biological Opinion signed on July 7, 2010 (FWS-SDG-08B0503-09F0517).
Endangered Species Act (ESA) (16 U.S.C. §§ 1531 et seq.)	U.S. Navy and NMFS	<p>The Navy has also conducted informal consultation with NMFS for the green sea turtle. In accordance with ESA requirements, the Navy has completed informal consultation under Section 7 of the ESA with NMFS. NMFS has concurred that that the Proposed Action may affect, but is not likely to adversely affect, ESA-listed species.</p> <ul style="list-style-type: none"> • The Navy initiated informal consultation with NMFS for potential impacts to green sea turtles on March 15, 2010. • The Navy coordinated two exchanges of comments and responses with NMFS. • NMFS informal consultation on green sea turtles completed with letter of concurrence on November 17, 2010.

Table 6-1: Summary of Environmental Compliance for the Proposed Action (Continued)

Plans, Policies, and Controls	Responsible Agency	Status of Compliance
Marine Mammal Protection Act (16 U.S.C. §§ 1431 <i>et seq.</i>)	NOAA-NMFS	<p>The Navy has submitted an application for an Incidental Harassment Authorization (IHA) to NMFS per the requirements of MMPA for proposed training activities that have the potential to incidentally take marine mammals.</p> <ul style="list-style-type: none"> • Received comments from NMFS on the IHA request on September 9, 2010. • The Navy submitted the Final IHA to NMFS on September 15, 2010. • Notice of Receipt of the IHA request published in the Federal Register on (October 19, 2010). • After consideration of public comments on the IHA application, NMFS may grant the authorization to take small numbers of marine mammals by harassment if it finds that the taking will have a negligible impact on the species or stock(s) on subsistence uses (where relevant). NMFS will identify appropriate mitigation, monitoring and reporting requirements.
The National Marine Sanctuaries Act (16 U.S.C. §§ 1431 <i>et seq.</i>)	NOAA	Implementation of the Proposed Action will have no effect on sanctuary resources in the offshore environment of southern California. Review of agency actions under Section 304 is not required.
The Sikes Act of 1960 (16 U.S.C. §§ 670a-670o, as amended by the Sikes Act Improvement Act of 1997, Pub. L. No. 105-85)	Department of Defense	Implementation of the Proposed Action will be implemented in accordance with the management and conservation criteria developed in the Sikes Act Integrated Natural Resources Management Plans for NBC.
National Historic Preservation Act (16 U.S.C. §§ 470 <i>et seq.</i>)	U.S. Navy	The Proposed Action will be implemented in compliance with Section 106 through a programmatic agreement with the State Historic Preservation Office, and pursuant to the criteria developed by the Navy for cultural resources management practices. As a result of cultural resource management practices, implementation of the Proposed Action will not result in any adverse effects to cultural resources.
Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	U.S. Navy	Implementation of the Proposed Action would not result in any disproportionately high and adverse human health or environmental effects on minority or low-income populations.
EO 13045, Protection of Children from Environmental Health Risks and Safety Risks	U.S. Navy	Implementation of the Proposed Action would not result in disproportionate environmental health or safety risks to children.

Table 6-1: Summary of Environmental Compliance for the Proposed Action (Continued)

Plans, Policies, and Controls	Responsible Agency	Status of Compliance
EO 13112 Invasive Species	U.S. Navy	EO 13112 requires agencies to identify actions that may affect the status of invasive species and take measures to avoid introduction and spread of these species. To the extent invasive species management relates to ESA compliance on SSTC, the BO ensures compliance with EO 13112. This EIS also otherwise satisfies the requirement of EO 13112.
EO 11990 Protection of Wetlands	U.S. Navy	Section 2 (b) of EO 11990 requires federal agency action when there would be a significant impact to wetlands. Implementation of the Proposed Action would not have a significant impact on wetlands.
EO 12962 Recreational Fisheries	U.S. Navy	EO 12962 requires agencies to conserve, restore and enhance aquatic systems to provide for increased recreational fishing opportunities nationwide. Implementation of the Proposed Action will comply with these duties.
California Marine Life Protection Act (MLPA); Marine Managed Areas Improvement Act (California Department of Fish and Game [CDFG] Code §§ 2850-2863)	CDFG	MLPA requires CDFG to confer with the Navy regarding issues related to Navy activities. However, there are no proposed or existing Marine Managed Areas within the SSTC boundaries.
Migratory Bird Treaty Act (MBTA) (16 U.S.C. §§ 703-712)	USFWS	Implementation of military readiness activities will not have a significant adverse effect on any population of migratory birds, and will comply with the MBTA, and will not require a permit under the MBTA.

Note: Relevant agency correspondence is provided in Appendix G.

6.2 RELATIONSHIP BETWEEN SHORT-TERM USES AND LONG-TERM PRODUCTIVITY

NEPA requires an analysis of the relationship between a project's short-term impacts on the environment and the effects that these impacts may have on the maintenance and enhancement of the long-term productivity of the affected environment. Impacts that narrow the range of beneficial uses of the environment are of particular concern. This means that choosing one option may reduce future flexibility in pursuing other options, or that committing a resource to a certain use may often eliminate the possibility for other uses of that resource.

The majority of activities addressed in this EIS would be categorized as long-term. For example, although the use of training areas for individual training activities (e.g., breacher) may be of short duration, the training areas would continue to receive increased and repeated use for the foreseeable future. As the proposed action includes an increase in training tempo, areas designated for training would accommodate a higher level of operational uses in the long-term which would, in turn, affect the long-term productivity of environmental resources in those areas. The Navy's proposal to increase access and availability of SSTC-N and SSTC-S oceanside beach training lanes and SSTC-S inland areas for military training is an example of the balancing of long-term productivity of the environment with the need to address range capability shortfalls. Addressing such shortfalls through planning and accommodation of future training tempo requirements and deployment schedules will allow the Navy to more readily facilitate long-term resource management strategies while achieving the near-term goal of providing the capacity and capabilities to fully support required training tasks and meet the Title 10 mandate.

6.3 IRREVERSIBLE OR IRRETRIEVABLE COMMITMENT OF RESOURCES

NEPA requires that environmental analysis include identification of “any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.” Irreversible and irretrievable resource commitments are related to the use of non-renewable resources and the effects that the uses of these resources have on future generations. Irreversible effects primarily result from the use or destruction of a specific resource (e.g., energy or minerals) that cannot be replaced within a reasonable time frame. Irretrievable resource commitments involve the loss in value of an affected resource that cannot be restored as a result of the action (e.g., the disturbance of a cultural site).

Construction activities associated with increased training activities at the SSTC would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels (including fuel oil), natural gas, and gasoline construction equipment. Implementation of the Proposed Action would require fuels used by aircraft, vessels, and ground-based vehicles. Since fixed- and rotary-wing flight, amphibious vessels, and small craft activities could increase, total fuel use would increase. Fuel use by ground-based vehicles involved in training activities would also increase. Therefore, total fuel consumption would increase and this nonrenewable resource would be considered irreversibly lost.

6.4 ENERGY REQUIREMENTS AND CONSERVATION POTENTIAL

Increased training activities on SSTC would result in an increase in energy demand over the No Action Alternative. Although the required electricity demands would be met by the existing electrical infrastructure at SSTC, energy requirements would be subject to any established energy conservation practices. The use of energy sources would be minimized wherever possible without compromising safety, training, or testing operations.

6.5 NATURAL OR DEPLETABLE RESOURCE REQUIREMENTS AND CONSERVATION POTENTIAL

Resources that will be permanently and continually consumed by project implementation include water, electricity, natural gas, and fossil fuels. To the extent practicable, pollution prevention considerations are included. In addition, sustainable range management practices are in place that protect and conserve natural and cultural resources while preserving of access to training areas for current and future training requirement.