

6 Other Considerations

6.1 Unavoidable Adverse Effects

Under Alternatives 1, 2, and 3, there would be a change in the air emissions associated with replacing the Expeditionary VAQ EA-6B with the EA-18G VAQ squadrons. Total annual mobile source emissions of CO, are projected to increase, and total annual mobile source emissions of nitrogen oxides (NO_x), VOCs, SO₂, and PM₁₀ are projected to decrease. Stationary source emissions of CO from the test cell are projected to increase, and emissions of NO_x, VOCs, SO₂, and PM₁₀ from the test cell are projected to decrease. In addition, construction of the proposed facility improvements under each alternative would generate fugitive dust and equipment exhaust emissions for the duration of the 12-month construction period.

Replacing the Expeditionary VAQ EA-6B with the EA-18G would result in an overall increase in the number of VAQ aircraft at NAS Whidbey Island. Relocating reserve squadron VAQ 209 would result in an overall increase in aircraft and associated personnel stationed at NAS Whidbey Island. It is estimated that up to 250 military personnel and their dependents would be relocated to NAS Whidbey Island. This small increase in personnel would have negligible long-term impacts on the on-station and the regional population.

6.2 Relationship Between Short-Term Uses of the Environment and the Enhancement of Long-Term Productivity

NEPA requires consideration of the relationship between short-term uses of the environment and the impacts that such use could have on the maintenance and enhancement of long-term productivity of the particular concern. Such impacts include the possibility that choosing one alternative could reduce future flexibility to pursue other alternatives or that choosing a certain use could eliminate the possibility of other uses at the site.

Implementation of the proposed action would not result in any environmental impacts that would narrow the range of beneficial uses of the project site or vicinity. The location of the facilities proposed for modification is a developed military site within the industrial (flight line) area of the base. The proposed action would not represent a new short-term use and would not impact the productivity of the natural environment. In addition, biological productivity would not be affected because implementation of the proposed action would not result in significant direct, indirect, or cumulative impacts on any biological resources.

Under Alternatives 1, 2, and 3, short-term uses of the environment include the use of fossil fuel to power equipment for modifications and construction of facilities at NAS Whidbey Island and expenditures of public funds/resources to implement the aircraft replacement. These short-term uses would be offset by the productive maintenance of the existing expertise of the VAQ community at NAS Whidbey Island. The Expeditionary VAQ EA-18G would serve as the replacement for the aging fleet of Expeditionary VAQ EA-6B aircraft. Replacement of the aircraft and upgrades to facilities and functions would improve the long-term productivity of the Navy, specifically, the VAQ community. The proposed action would result in improvements to the aircraft but initially would require additional training of the aircrew and maintenance personnel as well as continued testing and maintenance of the aircraft and its components.

6.3 Irreversible and Irrecoverable Commitments of Resources

NEPA (42 U.S.C. § 4332 Section 102(2)(C)(v) as implemented by CEQ regulation 40 CFR 1502.16) requires an analysis of significant, irreversible effects resulting from implementation of a proposed action. Resources that are irreversibly or irretrievably committed to a project are those that are typically used on a long-term or permanent basis; however, those used on a short-term basis that cannot be recovered (e.g., non-renewable resources such as metal, wood, fuel, paper, and other natural or cultural resources) also are irretrievable. Human labor is considered an irretrievable resource. All such resources are irretrievable in that they are used for a project and, thus, become unavailable for other purposes. An impact that is an irreversible or irretrievable commitment of resources is the destruction of natural resources that could limit the range of potential uses of that resource.

Implementation of the proposed action would result in less-than-significant irreversible commitments of building materials, vehicles, and equipment used during removal and installation activities, and human labor and other resources used for the proposed facilities modifications. Energy (electricity and natural gas), water and fuel consumption, as well as demand for services, would not increase greatly from implementation of the proposed action. The commitment of these resources would be undertaken in a regular and authorized manner and does not present significant impacts within this EA.

6.4 Relationship of the Proposed Action to Federal, State, and Local Plans, Policies, and Controls

6.4.1 Coastal Zone

NAS Whidbey Island is located within the state of Washington's coastal zone. The CZMA of 1972 (16 U.S.C .1451 *et seq.*, as amended) provides assistance to states, in cooperation with federal and local agencies, to develop land- and water-use programs in coastal zones. The State of Washington has developed and implemented a federally approved Coastal Zone Management Program describing current coastal legislation and enforceable policies. The Washington Coastal Zone Management Program provides management of the coastal zone within the 15 counties containing the state's coastal resources. It is implemented by the Washington State Department of Ecology through the Shorelands and Environmental Assistance Program. Under this program, activities that impact any land use, water use, or natural resource of the coastal zone must comply with enforceable policies: the Shoreline Management Act, the State Environmental Policy Act, the CAA, the Clean Water Act, the Energy Facility Site Evaluation Council, and the Ocean Resource Management Act.

When a state coastal management program is federally approved, federally proposed actions with the potential to affect the state's coastal uses or resources are subject to review under the CZMA Section 307 federal consistency determination requirement. Section 307 mandates that federal actions within a state's coastal zone (or outside the coastal zone, if the action affects land or water uses or natural resources within the coastal zone) be consistent to the maximum extent practicable with the enforceable policies of the state coastal management program. Federal agency actions include direct and indirect activities, federal approval activities, and federal financial assistance activities. Accordingly, federal agency activities under NEPA review that could affect the state's coastal zone must be consistent to the maximum extent practicable with the enforceable policies of the state's coastal management program unless compliance is otherwise prohibited by law.

Federal lands such as NAS Whidbey Island, which are "lands the use of which is by law subject solely to the discretion of the Federal Government, its officers, or agency," are statutorily excluded from the CZMA's definition of the "coastal zone" (16 U.S.C. Section 1453[1]). If, however, the proposed federal activity affects coastal uses or resources beyond the boundaries of the federal property (i.e., has spillover effects) or is located outside federal property, the CZMA Section 307 federal consistency requirement applies. The proposed project area is located within the watershed of the Strait of Juan de Fuca and, since the proposed action could potentially affect

coastal uses or resources, the proposed action is subject to federal regulations and the enforceable policies of the Washington Coastal Zone Management Program. Therefore, the Navy prepared a Negative Determination on May 10, 2012 (see Appendix B).

Based on a comprehensive coastal consistency program and policy analysis, the Navy has determined that the proposed action would not affect the coastal resources or uses of Washington State. The Navy submitted a negative Coastal Consistency Determination on May 10, 2012. In a letter dated June 12, 2012, the Washington State Department of Ecology concurred with the Navy’s negative determination. Copies of the Navy’s negative determination and the Washington State Department of Ecology response are included in Appendix B.

6.4.2 Compliance of the Proposed Action with Federal, State, and Local Plans, Policies, and Controls

Table 6-1 summarizes the laws and implementing regulations applicable to the proposed action.

Table 6-1 Compliance of the Proposed Action with the Objectives of Federal, State, and Local Plans, Policies, and Controls

Regulation	Agency	Status of Compliance
National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 <i>et seq.</i>)	U.S. Navy	This EA has been prepared in accordance with CEQ regulations implementing NEPA and Department of the Navy NEPA procedures.
Department of the Navy Procedures for Implementing NEPA (32 CFR 775)	U.S. Navy	The preparation of this EA and the provision for its review are being conducted in compliance with NEPA.
Coastal Zone Management Act (16 CFR § 1451 <i>et seq.</i>)	Washington Department of Ecology	The proposed action would not affect the coastal resources or uses of Washington State. In a letter dated June 12, 2012 the Washington State Department of Ecology concurred with the Navy’s negative determination.
Clean Water Act (CWA), Section 401/402 (§§ 401-402, 33 U.S.C. § 1251 <i>et seq.</i>), Section 404 (§ 404, 33 U.S.C. § 1251 <i>et seq.</i>)	U.S. Environmental Protection Agency, U.S. Army Corps of Engineers	This project does not involve a discharge of dredged or fill materials and does not trigger the requirements of Sections 404/401 of the CWA.
Clean Air Act (CAA), as amended (42 U.S.C. § 7401 <i>et seq.</i>)	U.S. Environmental Protection Agency	In accordance with CAA regulations, the proposed action would not compromise air quality attainment status in Washington or conflict with attainment and maintenance goals established in its state implementation plan. Island County is an attainment area; therefore, a CAA conformity determination is not required.

Table 6-1 Compliance of the Proposed Action with the Objectives of Federal, State, and Local Plans, Policies, and Controls

Regulation	Agency	Status of Compliance
Endangered Species Act (16 U.S.C. § 1531)	U.S. Fish and Wildlife Service, NMFS	The proposed action may affect, but is not likely to adversely affect the marbled murrelet. The proposed action would have no effect on any other listed species. In a letter dated May 25, 2012, the USFWS concluded informal consultation pursuant to Section 7(a)(2) of the ESA of 1973, as amended (16 U.S.C. 1531 <i>et seq.</i>) and concurred with the Navy's determination the proposed action may affect but is not likely to adversely affect the marbled murrelet.
EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (EO 12898, 59 Federal Register 7629 [Section 1-101])	U.S. Navy	The proposed action would not result in any disproportionately high and adverse human health or environmental effects on minority and low-income populations.
EO 13045, Protection of Children from Environmental Health Risks and Safety Risks (EO 13045, 62 Federal Register 1985)	U.S. Navy	Children would not be disproportionately exposed to environmental health risks or safety risks by the proposed action.
National Historic Preservation Act (§ 106, 16 U.S.C. 470 <i>et seq.</i>)	U.S. Navy	The proposed action will have no adverse effect on National Register of Historic Places (NRHP)-eligible or listed historic and cultural resources. A letter of concurrence on this finding was received on July 3, 2012.
Executive Order 13175: Consultation and Coordination with Indian Tribal Governments	U.S. Navy	The Navy has determined there would be no significant impacts on tribal treaty resources, tribal rights or Indian lands; therefore, government-to-government consultation was not required. A letter was sent to the tribes on 27 June 2012 notifying them of the project and the Navy's effect determination.
Marine Mammal Protection Act (MMPA) (16 U.S.C Chapter 31)	U.S. Fish and Wildlife Service, NOAA Fisheries	The proposed action would not affect nor result in reasonably foreseeable "takes" of a marine mammal species by harassment, injury, or mortality as defined under the MMPA.

Table 6-1 Compliance of the Proposed Action with the Objectives of Federal, State, and Local Plans, Policies, and Controls

Regulation	Agency	Status of Compliance
Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712, as amended)	U.S. Fish and Wildlife Service	The predicted change in noise levels would have no significant adverse effects on population of migratory bird species.

Key:

- CAA = Clean Air Act
- CEQ = Council on Environmental Quality
- CFR = Code of Federal Regulations
- CWA = Clean Water Act
- EA = Environmental Assessment
- EO = Executive Order
- EPA = U.S. Environmental Protection Agency
- NEPA = National Environmental Policy Act
- NOAA = North American Oceanic and Atmospheric Administration
- USC = United States Code