

Item E-1: Naval Special Operations Training in Washington State Parks – Requested Action

APPENDIX 2

(Amended January 27, 2021)

**Navy Personnel Training Activity
Permit Conditions and Limitations**

If authorized by the Commission, permits to allow Navy Special Operations training could be issued for up to five years at each approved site. Each permit will include specific site constraints appropriate to each individual park in addition to the general conditions listed below. For each permit, a map of the park or area where training is authorized will be included delineating the approved training area. Separate and additional park exclusion areas may be identified by park staff and specific to each park/park property at the time of notification.

The following list of site criteria and conditions captures the mitigating criteria detailed in the State Environmental Policy Act (SEPA) Final Mitigated Determination of Non-significance (MDNS), Best Management Practices and Standard Operating Procedure detailed within the Navy's Environmental Assessment and Real Property Agreement application as well as additional park operating conditions identified to moderate staff workload and permit issuance.

Site Criteria and Mitigating Conditions*

Best Management Practices Affirmed and Incorporated

- The Navy will follow all conditions and Best Management Practices (BMPs) described in the “2019 Final Environmental Assessment for Naval Special Operations Training in Western Washington” to avoid, minimize or otherwise mitigate public or environmental impacts.

Cultural Resource Monitoring Plan Required

- No permit will be issued until the Navy provides a monitoring plan consistent with the measures agreed upon with the Washington Department of Historic Preservation during the Navy's Section 106 consultation as required under the National Historic Preservation Act (Section 106 consultation concluded on July 23, 2019) and as conditioned below.

Prior Notification

No less than two weeks prior to a training event the Navy will Make the following Notifications:

- Park Area Manager - No training activity may proceed without an affirmative response from the area manager. The Park Area Manager may redirect or prohibit the proposed training for any reason.
- Tribal Law Enforcement - as identified in the site specific permit.
- Local Law Enforcement Official (County or City) - as identified in site the specific permit.

Additional restrictions and conditions may be applied at any time as deemed necessary by Washington State Parks

Recreation and Visitor Protection Measures

- Surveillance of members of the public is prohibited.
- Approved training areas will be, at minimum, 500 feet from camp areas and overnight accommodations except as conditioned in this section. This distance has been determined by park staff to be the minimum distance appropriate to avoid interaction with the public. To address public concern/comfort, most exclusion areas will be increased from the minimum of 500 feet to 1,000 feet to provide an additional buffer and typical training areas will be at least 1,000 feet from campground areas and other overnight accommodations. Exceptions to this extended buffer would occur only when permitting staff determine that geological features or site characteristics exist that would provide equal adequate separation from the public.
- No trainings may occur if there is an existing public presence in or approaching the training area or, if the public enters the training area, training will either cease, be suspended, or be redirected to a different approved training area.
- Replica weapons may be carried to simulate the bulk and weight of the gear that would be carried by personnel during an actual mission. Use or carrying of weapons capable of launching or firing projectiles of any sort for training or otherwise is prohibited.
- Boat launches may be used for launch and recovery trainings only and are otherwise exempted from exclusion areas.
- Vehicle and pedestrian ingress and egress access for support staff and staging may be exempted from certain exclusion areas. Vehicles will remain on park roadways or designated parking areas at all times.
- The public will not be excluded by the Navy from any area that is otherwise open to public access. Observers and safety personnel may intervene in the event of imminent detection of a trainee by a non-participant during training. Such intervention will be limited to informing the non-participant of the activity or to prevent injury. Safety personnel will be stationed at logical points of entry to the training area as required by the Park Area Manager (such as trail heads and intersections).
- For in-water activities, the Coast Guard Navigation Rules and Regulations Handbook will apply. Vessels underway may be redirected from transiting the training area or temporarily stopped only as necessary for the safety of personnel in the water.
- No vessel operated by a member of the public shall be excluded or evicted from any park during a training exercise.

For the Protection of Listed Plants and Species of Conservation Concern

- The Navy will follow the most up-to-date Best Management Practices (BMPs) to avoid, minimize or otherwise mitigate impacts to plants. BMPs are resources-management decisions based on the latest professional and technical standards for the protection, enhancement, and rehabilitation of natural resources. BMPs include schedules of activities, prohibitions of practices, maintenance procedures, treatment requirements, operating procedures, control practices, and other management practices to prevent impacts to natural resources.
- State Parks will verify the presence species of conservation concern and trainees are restricted to developed trails in areas where sensitive species are presents.
- Trainees are prohibited from steep slopes and feeder bluffs.

- Trainees are prohibited from using restoration sites or any restored areas off limits to the public.
- All Natural Area Preserves (Washington State Parks land classification) will be excluded from use areas.
- All climbing activities must stick to established trail routes and all “gardening” (removal or alteration of vegetation) is prohibited including mosses and lichens.
- Trainees are prohibited from disturbing eelgrass (*Zostera marina*) beds.
- No boats will be landed within shores designated within the Natural Areas classification.

For the Protection of Wildlife

- The Navy will follow all conditions and Best Management Practices (BMPs) described in the “2019 Final Environmental Assessment for Naval Special Operations Training in Western Washington” as adapted and incorporated below:
 1. Training activities shall be conducted in such a way as to ensure marine animals are not harassed or harmed by human-caused events.
 2. Marine mammal observers are on board ship during range activities. All training personnel shall be trained in marine mammal recognition. Marine mammal observer training is normally conducted by qualified organizations such as NOAA/National Marine Mammal Lab (NMML) on an as needed basis.
 3. Vessels involved in trainings will use safety lookouts during all hours of training activities. Lookout duties include looking for any and all objects in the water, including marine mammals. These lookouts are not necessarily looking only for marine mammals. They have other duties while aboard. All sightings are reported to the Range Officer in charge of overseeing the activity.
 4. Visual surveillance shall be accomplished just prior to all in-water exercises. This surveillance shall ensure that no marine mammals or turtles are visible within the boundaries of the training area. Surveillance shall include, as a minimum, monitoring from all participating surface craft and, where available, adjacent shore sites. If whales are observed, the Navy will report the observation to the Ocean Wise Research Whale Alert System.
 5. The Navy shall postpone activities until cetaceans (whales, dolphins, and porpoises) leave the project area. When cetaceans have been sighted in an area, all training participants will increase vigilance and take reasonable and practicable actions to avoid collisions and activities that may result in close interaction of naval assets and marine mammals. Actions may include changing speed and/or direction and are dictated by environmental and other conditions (e.g. safety, weather)
- For upland activities, State Parks will verify the presence of species of conservation concern and Navy trainees are restricted to developed trails in areas where sensitive species are present.
- The Navy is prohibited from conducting trainings during nesting windows for listed species in parks where those species exist.
- During training activities, Naval personnel shall not harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct any federally or state listed species.
- The Navy will avoid areas within 330 feet of nest sites for identified raptor species during breeding seasons.
- No boats will be landed within shores designated within the Natural Areas classification.

For the Protection of Cultural Resources

- No permit will be issued until the Navy provides a monitoring plan consistent with the measures developed during Section 106 consultation (The NHPA Section 106 process concluded on July 23, 2019) which are as follows:
 1. Reopen consultation per 36 CFR 800.5(d) if necessitated by a change in the undertaking.
 2. Ensure a Secretary of Interior (SoI) qualified archaeologist reviews new and renewed real estate agreements for new information such as the presence of eroding archaeological deposits or features.
 3. Implement the Inadvertent Discovery Plan.
 4. Ensure a SoI qualified archaeologist provides awareness training prior to the start of each training block; and
 5. Navy's SoI qualified archaeologist would periodically no less than annually confirm to SHPO staff that adverse effects are being avoided.
- The Navy will respect any Tribal request to avoid culturally significant locations of special importance on state park property and will not interfere with Tribal fishing or shellfish harvesting activities.
- Consistent with the condition regarding public presence, no trainings may occur in areas where Tribal members are present. If any member of Tribe enters the training area, training will either cease or be redirected to a different approved training area. Prior to any training, the Navy must verify with local tribal enforcement authorities that no cultural or traditional activities/events are planned to take place in the training area.
- Digging or otherwise disturbing the substrate is prohibited.

Post Activity Site Review

State Parks staff may observe training activities upon mutually agreed upon conditions. The Navy will report activity within two weeks of each training event and will offer a follow-up site visit with personnel familiar with the training activity conducted if requested by Park Staff. Notification will be to the Park Area Manager and Real Estate Program designee.