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Director

STATE OF WASHINGTON

## WASHINGTON STATE PARKS AND RECREATION COMMISSION

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November 19, 2020

### **Item E-1: Naval Special Operations Training in Washington State Parks - Report**

**EXECUTIVE SUMMARY:** This item reports to the Washington State Parks and Recreation Commission an update on the application process for Naval special operations training in Washington State Parks. This item advances the Commission's strategic goal: "Resource Protection: Protect and preserve park system resources for the future".

#### **SIGNIFICANT BACKGROUND INFORMATION:**

In February 2020, staff began a formal review process with the Navy after receiving applications to request use of 29 parks for special operations training exercises. This report provides an overview on the history of this activity, concerns and issues, specifics about the current request, and the agency's anticipated decision-making process.

#### **United States Navy Training in Washington State**

The US Navy maintains four bases within Washington State. The largest of these, now known as Naval Base Kitsap, was originally established in 1891, just three years after Washington State was admitted into the Union. For the past 70 years, the Navy has conducted trainings both on its bases and off, on private and public lands throughout the Puget Sound region. The region is used for training specifically for the challenging conditions it presents as the Puget Sound's cold waters, strong currents, rocky shorelines and steep cliffs allow the Navy to expose trainees to increasingly complex maritime and land environments.

The Navy's stated factors for selecting a site for their exercises include training, safety and logistics. "Training" means they look at a site to assess whether it provides adequate challenge for trainees to grow their skills. "Safety" assesses whether a site would put trainees or support teams at risk. Lastly, "Logistics" factor in whether difficulties accessing the site may impair the Navy's ability to schedule trainings or the ability for the support team to adequately provide support. All the training sites used by the Navy must fit within these screening criteria.

#### **History of US Navy Training in State Parks**

Navy use of State Park properties for training pre-dates agency records. Anecdotally, staff understands that original trainings were coordinated directly between Navy training teams and park rangers. In 2014, the Navy submitted their first formal request to use park properties, for Fort Flagler, Illahee, Mystery Bay, Scenic Beach and Manchester State Parks. Park staff provided them a Letter of Permission, giving the Navy permission to use the parks for the remainder of their training season (which was only a month). The Navy submitted another

request the following year for which staff granted them a right of entry (ROE) permit (attachment 1). The ROE permitted the Navy to conduct “Naval training exercises” within five parks, for the maximum term of five years. The Commission has delegated authority to staff to issue such permits for up to five years per Commission Policy 25-07-1 Delegations of Authority sec D(2)(a). Permits may be renewed for an additional five years upon mutual written consent. The ROE granted to the Navy expired on May 1, 2020.

Training activities conducted by the Navy under the previous ROE are consistent with their new expanded request with the exception of tactical cliff climbing. Table 1 identifies trainings the navy has historically done under the previous ROE. Historical data does not include specific numbers of times or dates each park was used, but rather general spans of months during which trainings occurred. Detailed descriptions for each training are included below in a training activity summary.

<b>Table 1 Previous Training Areas and Training Types</b>					
	Launch/ Recovery	Combat Swimming	Insertion/ Extraction	Over the Beach	Special Reconnaissance
<b>Parks included within 2015 ROE</b>					
Blake Island		X	X	X	X
Fort Flagler*	X	X	X	X	X
Illahee	X	X	X	X	X
Mystery Bay*		X	X	X	X
Scenic Beach	X		X	X	X
<b>Additional Parks Used</b>					
Joemma Beach	X				
Manchester			X	X	X

\*Parks used for over-night training

### **Expanded Training Proposal**

In January 2016, a report was posted on the website *Truthout.org* titled, “Navy Uses US Citizens as Pawns in Domestic War Games”, that cited unclassified Navy documents detailing the Navy’s intentions to conduct exercises in Washington State, and specifically in state parks. The article stated that the Navy wants to expand their existing trainings to more sites and include additional new training exercises, such as simulated building clearings and the use of unmanned aircraft. The article also asserted that the Navy exercises would result in “periodic closings of public land, including state park fishing areas, with no public comment periods or government oversight”.

After posting of this article, many members of the public expressed concern to State Parks, as well as the Washington State Governor’s Office, over both the proposed and current training being conducted on state land. The Navy then publicly announced their intentions to expand their training program to additional locations. They also contact agency staff directly to share their proposal, public outreach plans, environmental review process and discuss the potential of seeking new ROEs to use State Parks’ property.

In fall of 2017, the Navy began an environmental review scoping process for their expanded training proposal. The expanded proposal included additional locations and types of training activities. Additional locations for training, included twenty-two additional State Parks (Table 2).

This new proposal was different enough in scope from the Navy's previous training program that additional environmental review was required under the National Environmental Protection Act (NEPA). The Navy determined that an Environmental Analysis (EA) would be the appropriate mechanism through which to review the proposal. Drafting the EA took over a year and included three public open house meetings, Tribal consultation and significant stakeholder outreach. The review concluded in October of 2019; the Navy issued a Finding of No Significant Impact (FONSI) for their preferred alternative.

### **Current Navy Right of Entry Permit Applications**

On February 13, 2020, the Navy submitted applications requesting right of entry permits to conduct special operations trainings in 29 state parks (29 applications in 28 parks due to consolidation of Westport Light and Westhaven state parks). This request expands the number of parks the Navy had previously been approved to use by 24, specifies the types of training that would be conducted at each park, and includes one new training exercise - tactical cliff climbing.

There are seven different training exercise types distributed across applications for the 29 park sites (in 28 parks). With the exception of tactical cliff climbing, the Navy has conducted all of these trainings on park property under the previous ROE permit. As many as 84 naval special operations trainees and support personnel (safety observers, medical support, boat drivers, vehicle drivers, evaluators, and equipment repair/maintenance support) can be on site at a time during a training event. The request includes overnight access to most of the parks as trainings can occur over the span of multiple days.

### **Training Activity Summaries**

The training descriptions below, were provided by the Navy in their application.

- **Launch and Recovery** - During launch and recovery training events, training would be conducted in water areas and consist of launching and recovering submersibles or surface craft, or a combination of both, from a boat ramp, water platform, or via a crane located on a ship, barge, Navy pier or a wharf.
- **Insertion/Extraction** - During insertion/extraction training events, trainees may approach or depart an objective area using submersible craft, to include UUVs and ROVs, or watercrafts (jet skis or small boats). This activity trains personnel to effectively insert and extract people and equipment during the day or night. Submersible and surface crafts would have lighting for night training. Insertion/extraction training events utilizing submersible craft would operate along the shoreline to conduct water-based training.
- **Diver/Swimmer (DS)** - During diver/swimmer training events, trainees swim or dive to an objective area (e.g., harbor, beach, and or moored vessel) for up to six hours. Diver/swimmer training would be confined to the ocean (Region 3), inland water areas (Region 1 and 2), and Kitsap Lake (Region 1). During night training, the trainees would

use buoys marked with a glow stick (Chemlight) to identify their location to the support staff. Rubber replica weapons could be carried by trainees to reproduce the bulk and weight of the gear the trainee would carry during an actual mission.

- **Over-The-Beach (OTB)** - During an Over-The-Beach training activity, trainees would exit water, cross the beach, and quietly transition to land-based activities. Upon arrival at a pre-designated area, trainees would remain out of sight for several hours before exiting the site or continue moving towards a pre-determined objective. Typically, when trainees conduct Over-The-Beach at a site, they cross the beach twice (arrival and departure). However, when conducting Over-The-Beach training at Naval Base Kitsap Keyport, trainees could move over the beach multiple times. This is a core training competency, as such, trainees are required to conduct this activity until they perform it correctly.
- **Surveillance and Reconnaissance (SR)** - Upon arrival at a designated area, trainees would hike to a designated observation point. Trainees are taught the techniques for conducting reconnaissance without alerting anyone to their presence or location. Trainees would remain undetected for a period of time with the goal of leaving no trace of their presence behind. This includes no vegetation being trampled, no branches broken, no footprints visible, or any other indicators that they were there. Trainees would use observation techniques, follow procedures, and report back on a scenario involving role play with military instructors or support staff. Special reconnaissance would be performed on activities that are staged and pre-arranged for training purposes.
- **High-Angle Climbing Training** - Trainees would use climbing gear to navigate cliffs, rock faces, and other vertical structures to develop infiltration, rescue, and recover techniques.

Table 2 illustrates parks included in the request, as well as the exercises the Navy is requesting to conduct at each. Highlighted parks are those that the Navy has previously used.

Table 2 Sites and Training Types 2020 Applications						
	Launch/ Recovery	Diver/ Swimmer	Insertion/ Extraction	Over the Beach	Special Reconnaissance	Tactical Climbing
Blake Island SP		x	x	x	x	
Cama Beach SP			x	x	x	
Camano Island SP			x	x	x	
Cape Disappointment SP			x	x	x	
Deception Pass SP			x	x	x	x
Dosewallips SP			x	x	x	
Fort Casey SP			x	x	x	
Fort Columbia SP			x	x	x	
Fort Ebey SP			x	x	x	
Fort Flagler SP	x	x*	x	x	x	
Fort Townsend SP			x	x	x	
Fort Worden SP			x	x	x	
Grayland Beach SP			x	x	x	
Hope Island SP	x*	x*	x	x	x	

Illahee SP	x	x	x	x	x	
Joseph Whidbey SP			x	x	x	
Leadbetter Point SP			x	x	x	
Manchester SP			x	x	x	
Mystery Bay SP	x	x*	x	x	x	
Pacific Pines SP			x	x	x	
Scenic Beach SP			x	x	x	
Sequim Bay SP			x	x	x	
Shine Tidelands SP	x		x	x	x	
Skagit Island Marine SP			x	x	x	
South Whidbey SP			x	x	x	
Triton Cove SP	x		x			
Twin Harbors SP			x	x	x	
Westhaven SP			x	x	x	
Westport Light SP			x	x	x	

\*The Navy has conducted these exercises in the past but has not included them in their current application.

Best management practices (BMPs) and standard operating procedures (SOPs) are used during naval special operations training activities for naval special operations personnel. BMPs are existing policies, practices, and measures that the Navy would adopt to reduce the environmental impacts of designated activities, functions, or processes. BMPs mitigate potential impacts by avoiding, minimizing, reducing, or eliminating impacts.

The Navy did not request any sort of exclusive access to any of the park properties included in the applications. The use of sim-munitions (simulated fire weapons) and launch/recovery of unmanned flying aircraft (drones) was also not included in the Navy’s request – although they were discussed in the NEPA EA. It is worth noting however, that while the launch/recovery of un-manned flying aircraft was not part of the Navy’s request, the use of federal airspace above public properties does not require State Parks’ approval.

**Discussion of Issues**

Since the original posting of the *Truthout* article in 2016, State Parks has received considerable feedback from the public through public comment letters, emails, phone calls and in-person at Commission meetings. The primary issues raised in public comment are impacts that these trainings may have on public safety, the public’s recreational experience, and on the environment. Comments also raise concern that Navy’s training exercises are not consistent with State Parks’ mission and policies. These issues are discussed in more detail in the sections that follow.

Concerns for Public Safety

The potential for trainee/public conflict has been a prevalent concern from members of the public. Concerns are two-fold. One concern is that members of the public could get directly hurt by being caught in the crossfire of trainings involving the use of simulated munitions. A second concern is that trainees could possibly be injured, or worse, if a member of the public

accidentally happened upon them during a training and, by mistaking their tactile gear to mean they are a person with hostile intentions, shoot them.

The specific concern seems to stem from an incident that occurred in February of 2002, in Robbins, North Carolina, where a sheriff's deputy mistakenly shot and killed a U.S. soldier and seriously wounded another who were taking part in a role-playing field training exercise. The exercise was a part of a qualification course for the U.S. Special Forces. The drill, which included volunteer civilians, had been conducted four times a year for over 30 years without incident. An Army official called the incident a "fatal misunderstanding" and the Army moved immediately to develop new protocols to prevent future misunderstandings, ordering all Special Forces candidates to be in uniform throughout the exercise and switched the notification process for local law enforcement from phone and mail to face-to-face meetings<sup>1</sup>.

There have been no documented conflicts between Navy personnel or trainees and the public in Washington State Parks during the five-year duration of the previous ROE. Anecdotally, Parks is aware of one interaction between Navy personnel and the public during the previous permit cycle. It is reported that during a nighttime in-water training exercise at Illahee State Park boaters moored overnight at the moorage float observed diver's lights in the water. Navy observers contacted the boaters and explained the training exercise and no further complaint or comment was received by Parks staff regarding the incident.

It is important to note that no application received from the Navy for in-park training activities has included the use of simulated munitions. None of the training exercises proposed on State Park property includes live fire of weapons of any sort. According to the information provided within their request, all land-based training would have onsite safety personnel including, at minimum, a Lead Safety Supervisor, Assistant Safety Supervisor, and a qualified medic, who would stage an emergency response vehicle onsite.

As proposed, support staff would typically visit a site prior to the training event to ensure there is minimal public in the area. If there is a public presence or if public enters the training area while training is underway, the safety support personnel will assess the situation and, based upon safety considerations for all, will determine the best plan forward. The safety personnel would be responsible to intervene if a member of the public enters a training area. The following summary of possible operational options was provided in the Navy's application materials: "...ceasing to start training, continue training temporarily, suspend training, completely stopping training, or relocating training to another approved training site." As such, any effect on the public would be fleeting.

Activities would be coordinated in advance with park staff and a local law enforcement. The Navy abides by several policies and best management practices (BMPs) that regulate safety protocols and ensure protection of their trainees, personnel, and the public. All of these are described in their application materials and included in the BMPs of their Environmental Assessment.

### Concerns for Environmental Impacts

Public concern for impacts resulting to the environment seem to stem largely from the adequacy of the Navy and State Parks' environmental reviews of this action. There are several federal environmental laws that require compliance before the Navy can implement a new training proposal. NEPA requires federal agencies to analyze potential significant environmental impacts of an action before engaging in it. Additionally, the Navy is required to comply with Section 106 of the National Historic Preservation Act (NHPA), Marine Mammal Protection Act (MMPA), Endangered Species Act (ESA), and other applicable federal laws.

State agencies are similarly required to comply with the State Environmental Policy Act (SEPA) before making decisions that could potentially impact the environment. Under SEPA, some decisions may be exempted from the statutory requirements of a threshold determination if they meet the criteria of either a statutory (RCW 43.21C) or categorical exemption (WAC 197-11-800). Agencies are not required to document categorical exemptions.

The Navy submitted a SEPA checklist with their February 2020 applications along with their NEPA Environmental Assessment. Initial staff review of this information has identified limited areas of concern for impacts to the natural environment. The Navy's training activities are considered to have a "light footprint" and analysis has focused on where training activities deviate from those in which the public is allowed to engage. Staff has drafted several conditions to either limit or exclude the Navy's use of certain sensitive natural areas that are currently protected from the public or that could be sensitive to the training activities. Examples include an exclusion area at Fort Casey where there is a known listed sensitive plant called Golden Paintbrush. The exclusion would allow use of this area but only on pre-existing trails. Another example is Hope Island in North Puget Sound. Most of the park is classified as Natural Area Preserve and has therefor been included in an exclusion area and would be off limits to the Navy.

State Parks also has several areas that are culturally significant to Native American Tribes which have historically been present in the area. The Navy initiated a NHPA Section 106 process in April 2017. Letters were sent to the Advisory Council on Historic Preservation, Washington State Historic Preservation Officer (SHPO), 25 tribes, and 33 interested parties consisting of historical societies, museums, Certified Local Governments, and governments within or directly adjacent to the proposed Area of Potential Effect (APE). Of the 25 tribes that were contacted, eleven tribes participated in the review process. The NHPA Section 106 process concluded on July 23, 2019 with a finding of no adverse effect to historic properties with five measures. The Navy agreed to the five measures to ensure no historic properties are adversely affected:

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.
5. Navy's SoI qualified archaeologist would periodically confirm to SHPO staff that adverse effects are being avoided.

In anticipation of a future SEPA threshold determination, park staff also contacted tribes to discuss potential concerns specific to state parks. Letters were sent to the following tribes to notify them of the ongoing review and potential future opportunities to comment.

- Chehalis Confederated Tribes
- Chinook Tribe
- Jamestown S'Klallam Tribe
- Kikiallus Indian Nation
- Lower Elwha Klallam Tribe
- Lummi Nation
- Muckleshoot Tribe
- Port Gamble S'Klallam Tribe
- Quileute Tribe
- Samish Indian Nation
- Shoalwater Bay Tribe
- Skokomish Tribe
- Stillaguamish Tribe
- Suquamish Tribe
- Swinomish Tribe
- Tulalip Tribe
- Upper Skagit Tribe

Staff are currently identifying potential at-risk archeological sites to incorporate into mapped exclusion areas. Tribal concerns could ultimately result in additional conditions or exclusion areas applied to areas in which the Navy is allowed to conduct their training. Exclusion areas may be applied to other archeological areas, fishing and hunting areas, or areas of spiritual significance.

#### Impacts to Recreation

Training activities conducted as described in the application material are expected to have little direct impact to recreational park visitors. Training activities are generally designed to be hard to detect with mitigation measures included to prevent unwanted interaction between the public and trainees. However, each activity appears to bring a significant support presence and seems more likely that the public may notice these personnel during training cycles. As with the training event discovery at Illahee, public detection and Navy observer intervention can mitigate that direct effect or immediate concern by the public.

Importantly, public comments reveal that perception may have a more substantial impact to visitor experience than actual interaction with the training activity. The idea of someone surveilling anything or hiding nearby seems to be a potential visitor concern. Additionally, commenters expressed that the idea of training for war is objectionable and should be excluded from any park environment.

#### Consistency of Mission/Policy

RCW 79A.05.030 gives the Commission authority to permit this activity. In part, RCW 79A.05.030 says the Commission shall "...have the care, charge, *control*, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes."

The Commission delegated authority to staff to grant permits such as Rights of Entry for periods of up to five years through Commission Policy 25-07-1, provided that "...all actions serve the public good by enhancing State Parks' Mission, Core Values, and adopted strategic planning documents, or other guidance documents adopted by the Commission...." State Parks' mission and vision adopted by the Commission as part of its strategic plan states are included below.

## MISSION

The Washington State Parks and Recreation Commission cares for Washington's most treasured lands, waters, and historic places. State parks connect all Washingtonians to their diverse natural and cultural heritage and provide memorable recreational and educational experiences that enhance their lives.

## VISION

Washington's state parks will be cherished destinations with natural, cultural, recreational, artistic, and interpretive experiences that all Washingtonians enjoy, appreciate, and proudly support.

Training proposed by the Navy does not directly support the mission or vision of Washington State Parks. Neither does it directly conflict with the mission or vision. It should be noted that training by various entities and for a variety of reasons are routinely conducted within state parks.

Because the proposed training activities do not directly support the agency mission and because of heightened public concern, staff intends to abrogate its delegated authority and ask the Commission for further guidance.

## Next Steps

Staff continues to receive input externally from tribes and the public, and internally from affected Area Managers and supporting program staff. State Parks is conducting internal environmental review with costs reimbursed by the Navy. This review will determine what, if any, impacts may occur based on the Navy's training proposal and prescribe mitigations to offset them.

Next steps include developing proposed mitigation conditions and preparing SEPA documents for formal public comment. Upon completion of the SEPA comment period, mitigation may be refined, altered, or added based on stakeholder input. If it appears that applying the Navy's own BMPs and additional proposed permit requirements will effectively mitigate any impacts from Navy Seal training, staff may bring an action before the Commission for consideration at its January 2021 meeting. Staff anticipates that such a requested action would likely include authorizing the Director to enter into ROE agreements for individual sites or groups of sites and setting ROE conditions and any other limitations on Navy training activities the Commission determines necessary.

## SUPPORTING INFORMATION:

Appendix 1: Draft Permit Considerations

Appendix 2: RCW 79A.05.030- Commission Powers and Duties

Appendix 3: Navy Standard Operating Procedures and Best Management Practices

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**Reviewer(s):**

**Jessica Logan, SEPA Review:** Pursuant to WAC 197-11-704, staff has determined that this Commission agenda item is a report and therefore is not subject to State Environmental Policy Act (SEPA) review.

**Van Church, Fiscal Impact:** Report only, no fiscal impact at this time.

**Andy Woo, AAG Review:** Reviewed October 29, 2020

**Peter Herzog, Assistant Director – Parks Development**

**Approved for Transmittal to Commission**

A handwritten signature in black ink that reads "Donald Hoch". The signature is written in a cursive style with a large initial "D".

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**Don Hoch, Director**

## **APPENDIX 1**

### **Draft Permit Considerations**

#### **Proposed Park Conditions and Considerations**

If authorized, Right of Entry (ROE) Permits to allow training could be issued for up to five years at each approved site. Each ROE permit would give specific site constraints in addition to the BMP and SOP detailed within the Navy's EA and application. Generally, permit considerations would limit potential for interaction with the Public and damage to the environment or cultural sites through the following considerations:

- Exclusion of overnight use areas (camp areas, cabins, etc.)
- Nighttime only
- Possible seasonal limitations
- Require training to immediately stop or redirect training as needed if park visitors are present at the time of training
- No unmanned aircraft flown over the park
- No use of firearms or simunitions
- Ground disturbing activities would not be permitted
- Park Rangers must be notified 48 hours in advance of training
- Local and Tribal law enforcement must be notified 48 hours in advance of training
- Post activity assessment required

#### **Mapped Exclusion areas:**

Areas where training may not occur will be mapped and each ROE would include a map describing where training may and may not occur. These areas have been identified to avoid impacts to targeted features, sensitive resources, or to avoid areas where the public might be. Individual park exclusion areas will be identified by park staff and specific to each park/park property.

- Priority Habitat Species and mapped areas of significance which can be impacted through trampling.
- Habitat restoration areas
- Critical areas such as steep slopes/wetlands
- Overnight facilities (campgrounds/cabins) with a buffer area.
- Known or reported sensitive cultural sites

**APPENDIX 2**  
**RCW 79A.05.030 COMMISSION POWERS AND DUTIES**

**RCW 79A.05.030 -- [excerpted; emphasis added]**

Powers and duties—Mandatory.

The commission shall:

- (1) Have the care, *charge, control, and supervision* of all parks and parkways acquired or set aside by the state for park or parkway purposes.
- (3) Permit the use of state parks and parkways by the public under such rules as shall be adopted.

## **APPENDIX 3**

### **Navy Standard Operating Procedures and Best Management Practices**

#### **As provided in the Application Material**

##### **Cultural Resources:**

- Reopen consultation per 36 CFR 800.5(d) if necessitated by a change in the undertaking;
  - 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;
  - Implement the Inadvertent Discovery Plan;
  - Ensure a SoI qualified archaeologist provides sensitivity training prior to the start of each training block; and
  - Navy's SoI qualified archaeologist would periodically confirm to WA SHPO staff that adverse effects are being avoided.

##### **Navy Training Activity BMP Description Purpose Water-Based Training Activities**

- Diving and swimming events would have on-site safety support. For dives there would be a minimum of two boats with support personnel. Boat 1 would have the Safety Supervisor with coxswain, crewperson, and qualified medic. Boat 1 would maintain proximity to the divers or swimmers. Boat 2 would serve as a lookout boat and interdict oncoming vessel traffic.
- Additionally, depending on the length of the dive or swim, jet skis would be onsite to provide additional safety coverage.

##### **Maintain safety of trainees and the public**

- Vessels would avoid contact with hard surfaces during in-water training activities, vessels and personnel would avoid marine mammals, and vessels would remain within the water column (with the exception of small inflatable boats, which would be carried ashore).

##### **Maintain safety of trainees and avoidance of marine mammals Land-Based Training Activities**

- Land-based training would have onsite safety personnel. At a minimum there would be three personnel, a Lead Safety Supervisor, Assistant Safety Supervisor, and a qualified medic. The medic would stage an emergency response vehicle onsite.

##### **Maintain safety of trainees and the public**

- Vehicles would remain on existing established roadways, and sound would be minimized during training to avoid detection.

##### **Unmanned Aircraft System**

- Support personnel would maintain line of sight at all times with UAS. Personnel would enact immediate recovery in the event of a platform error.
- Maintain positive control of the UAS before, during, and after training event

## **All Activities**

Activities are coordinated with local and tribal law enforcement, park rangers and property owners. All training events would be conducted in accordance with military training procedures, approved standard operating procedures, and protective measures, including Chief of Naval Operations Instruction 5100.23G, Navy Safety and Occupational Health Program Manual (2011). Training activities would be consistent with management objectives of individual parks, including prohibiting training in sensitive areas containing important natural and cultural resources. For example, if a site has been revegetated with native plants and the public is prohibited from entering that area, NSWC would also observe this restriction and not enter the area.

## **Navy Standard Operating Procedures to avoid collisions with marine mammals and sea turtles in all in-water training locations:**

- All commanding officers, executive officers, lookouts, officers of the deck, and junior officers of the deck supporting Naval Special Operations training exercises will have completed the MSAT. All bridge lookouts will complete both parts one and two of the MSAT; part two is optional for other personnel. This training addresses the lookout's role in environmental protection, laws governing the protection of marine species, Navy stewardship commitments, and general observation information to aid in avoiding interactions with marine species.
- Naval special operations personnel piloting the small boats will complete Coxswain training and operate the boats in accordance with all U.S. Coast Guard rules and regulations.
- While in transit, naval vessels will be alert at all times, use extreme caution, and proceed at a safe speed so that the vessel can take proper and effective action to avoid a collision with any marine animal and can be stopped within a distance appropriate to the prevailing circumstances and conditions.
- When marine mammals have been sighted in the area, Navy vessels will increase vigilance and take reasonable and practicable actions to avoid collisions and activities that might 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).
- Naval vessels will maneuver to keep at least 1,500 feet away from any observed whale and avoid approaching whales head-on. This requirement does not apply if a vessel's safety is threatened, such as when change of course will create an imminent and serious threat to a person, vessel, or aircraft, and to the extent vessels are restricted in their ability to maneuver. Restricted maneuverability includes, but is not limited to, situations when vessels are engaged in dredging, submerged training activities, launching and recovering aircraft or landing craft, minesweeping training activities, replenishment while underway and towing training activities that severely restrict a vessel's ability to deviate course. Vessels will take reasonable steps to alert other vessels in the vicinity of the whale.
- Where feasible and consistent with mission and safety, vessels will avoid closing to within 200 yards of sea turtles and marine mammals other than whales (whales addressed above).

- Floating weeds and kelp, algal mats, clusters of seabirds, and jellyfish are good indicators of sea turtles and marine mammals. Therefore, where these circumstances are present, the Navy will exercise increased vigilance in watching for sea turtles and marine mammals.
- All vessels will maintain logs and records documenting training activities should they be required for event reconstruction purposes.