



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 94TH ARMY AIR AND MISSILE DEFENSE
COMMAND JOINT BASE PEARL HARBOR-HICKAM, HI96818

May 29, 2015

Ms. Tina Mafnas
Guam Coastal Management Program
Bureau of Statistics and Plans
P.O. Box 2950
Hagåtña, Guam 96932-2950

Dear Ms. Mafnas,

As outlined in the *Procedures Guide for Achieving Federal Consistency with the Guam Coastal Management Program*, this document provides the Guam Coastal Management Program (CMP) with the 94th Army Air and Missile Defense Command (AAMDC) Consistency Determination under Coastal Zone Management Act (CZMA) § 307(c) (1) and 15 CFR part 930, subpart C, for the permanent stationing of the Terminal High-Altitude Area Defense (THAAD) missile battery, and the proposed modification of a cargo drop zone (CDZ) training area on Northwest Field (NWF), at Andersen Air Force Base (AFB), in Guam. The information in this Consistency Determination is provided pursuant to 15 CFR § 930.39.

As described in chapter 2 of the enclosed THAAD Permanent Stationing in Guam Environmental Assessment, this proposed activity is to maintain the THAAD battery permanently in Guam to include appropriate site improvements for the long term operation of the battery. Additionally, the U.S. Army, in collaboration with the U.S. Air Force (USAF), would expand the current Cargo Drop Zone (CDZ) by shifting the drop zone assets from the NWF South Runway to the North Runway and adjacent areas.

As discussed in the enclosed Guam CMP Assessment form and chapter 4 of the enclosed Environmental Assessment, the 94th AAMDC has determined that there would be potential affects to land or water uses or natural resources of Guam in the following areas:

- Air Quality
- Water Quality
- Fragile Area
 - Historic and Archaeological Resources
 - Terrestrial Resources.

The Guam CMP contains the following applicable enforceable policies:

- Clean Air Act

While the following are not Guam CMP enforceable policies in relation to CZMA, the 94th AAMDC actions described also comport with the following Federal Policies:

- Clean Water Act
- Endangered Species Act
- National Historic Preservation Act

Based upon the following information, data and analysis the 94th AAMDC finds that the *permanent stationing of the Terminal High Altitude Area Defense (THAAD) missile battery, and the proposed modification of a cargo drop zone (CDZ) training area on Northwest Field (NWF), at Andersen Air Force Base (AFB), in Guam* is consistent to the maximum extent practicable with the enforceable policies of the Guam Coastal Management Program. As outlined in the enclosed form and chapter 4 of the Environmental Assessment, the following areas are determined to be consistent.

- **Air Quality.** The THAAD mission would obtain an appropriate Guam Environmental Protection Agency (Guam EPA) Air Pollution Source Construction Permit, with review and approval required by the Guam EPA and U.S. Environmental Protection Agency. The THAAD operations would also obtain a Title V operating permit because the potential emissions have been estimated at greater than 100 tons per year for nitrogen oxides. Obtaining and operating within the conditions of these permits ensures the Guam State Implementation Plan is being followed and ambient air quality standards are being met.
- **Water Quality.** A site-specific Stormwater Pollution Prevention Plan (SWPPP) and Spill Prevention, Control, and Countermeasure (SPCC) Plan would implement best management practices to minimize the potential for groundwater contamination from leaks and spills from stored fuels, motor pool wastes, and other materials used during operations. The THAAD mission and facility requirements do not include any new service connections for sewer or potable water. THAAD personnel and military dependents would be placed in existing and future permitted installation housing or off-base housing. Although not a THAAD mission issue, the fiscal year 2014 Consolidated Appropriations Act provided funding for civilian water and wastewater improvements on Guam and is expected to include repairs and improvements to the WWTP and wastewater collection systems. Such improvements are anticipated to bring the WWTP into compliance.
- **Fragile Area**
 - **Historic and Archeological Resources.** The U.S. Army has initiated consultations with the Guam Historic Preservation Office (GHPO) to negotiate and memorialize mitigation and best practice measures under a Section 106 Memorandum of Agreement between the U.S. Army and the GHPO.
 - **Terrestrial Resources.** The U.S. Army has initiated consultations with the U.S. Fish and Wildlife Service (USFWS) through submittal of a Biological Assessment requesting concurrence of the conclusions in the document regarding potential effects on federally listed and proposed species

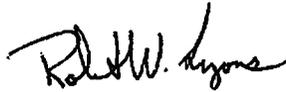
Pursuant to 15 CFR § 930.41, the Guam Coastal Management Program has 60 days from the receipt of this letter in which to concur with or object to this Consistency Determination, or to request an extension under 15 CFR §930.41(b).

The State's concurrence will be presumed if the State's response is not received by the 94th AAMDC on the 60th day from receipt of this determination.

The Guam Coastal Management Program response should be sent to:
MAJ Douglas S. Simmons
Headquarters, 94th Army Air and Missile Defense Command
Joint Base Pearl Harbor-Hickam, HI 96818

Of note, members of the THAAD Environmental Assessment Team will be on Guam from June 24-27, 2015 and available to meet and discuss this submission, if desired. Our Point of Contact is LTC Taneha N. Carter who can be reached at taneha.n.carter.mil@mail.mil

Sincerely,



Robert W. Lyons
Colonel, U.S. Army
Deputy Commander, 94th AAMDC

cc: JRM (J45)
U.S. Army Pacific

**GUAM COASTAL MANAGEMENT PROGRAM
ASSESSMENT FORMAT**

DATE OF APPLICATION: 19 May 2015

NAME OF APPLICANT: 94th Army Air and Missile Defense Command (attention: LTC Carter)

ADDRESS: HQ, 94th AAMDC, Joint Base Pearl Harbor Hickam, HI 96818

TELEPHONE NO. (808) 437-5779_ Fax No. _____ Cell No:(808) 208-9256

E-MAIL ADDRESS: taneha.n.carter.mil@mail.mil

TITLE OF PROPOSED PROJECT:

Terminal High-Altitude Area Defense (THAAD) Permanent Stationing in Guam

COMPLETE FOLLOWING PAGES

FOR BUREAU OF STATISTICS AND PLANS ONLY:

DATE APPLICATION RECEIVED: _____

OCRM NOTIFIED: _____ LIC. AGENCY NOTIFIED: _____

APPLICANT NOTIFIED: _____ PUBLIC NOTICE GIVEN: _____

OTHER AGENCY REVIEW

REQUESTED: _____

DETERMINATION:

(X) CONSISTENT () NON-CONSISTENT () FURTHER INFORMATION REQUESTED

OCRM NOTIFIED: _____ LIC. AGENCY NOTIFIED: _____

APPLICANT NOTIFIED: _____

ACTION LOG:

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

DATE REVIEW COMPLETED: _____

DEVELOPMENT POLICIES (DP):

DP 1. Shore Area Development

Intent: To ensure environmental and aesthetic compatibility of shore area land uses.

Policy: Only those uses shall be located within the Seashore Reserve which:

- enhance, are compatible with or do not generally detract from the surrounding coastal area's aesthetic and environmental quality and beach accessibility; or
- can demonstrate dependence on such a location and the lack of feasible alternative sites.

Discussion: Not Applicable. There is no planned development or activity in the Seashore Reserve or in any shore areas; all development is contained within the Federal reservation, Andersen Air Force Base (AAFB), therefore areas being development are not included in Guam Coastal Zone.

DP 2. Urban Development

Intent: To cluster high impact uses such that coherent community design, function, infrastructure support and environmental compatibility are assured.

Policy: Commercial, multi-family, industrial and resort-hotel zone uses and uses requiring high levels of support facilities shall be concentrated within appropriate zone as outlined on the Guam Zoning Code.

Discussion: Not Applicable. There is no planned development outside the military installation or in local communities; therefore, areas being developed are not included in the Guam Coastal Zone.

DP 3. Rural Development

Intent: To provide a development pattern compatible with environmental and infrastructure support suitability and which can permit traditional lifestyle patterns to continue to the extent practicable.

Policy: Rural districts shall be designated in which only low density residential and agricultural uses will be acceptable. Minimum lot size for these uses should be one-half acre until adequate infrastructure including functional sewerage is provided.

Discussion: Not Applicable. There is no planned development outside the military installation or in areas that would affect traditional lifestyle patterns.

DP 4. Major Facility Siting

Intent: To include the national interest in analyzing the siting proposals for major utilities, fuel and transport facilities.

Policy: In evaluating the consistency of proposed major facilities with the goals, policies, and standards of the Comprehensive Development and Coastal Management Plans, Guam shall recognize the national interest in the siting of such facilities, including those associated with electric power production and transmission, petroleum refining and transmission, port and air installations, solid waste disposal, sewage treatment, and major reservoir sites.

Discussion: Not Applicable. There are no plans for major utilities, including those associated with electric power production and transmission, petroleum refining and transmission, new port and air installations, solid waste disposal, sewage treatment, and major reservoir sites. Expansion of the current CDZ under Alternative 2, which expansion is fully within the Federal enclave, represents a shifting of prior/ existing airborne training operations within the existing Northwest Field (NWF) airfield at AAFB.

DP 5. Hazardous Areas

Intent: Development in hazardous areas will be governed by the degree of hazard and the land use regulations.

Policy: Identified hazardous lands, including flood plains, erosion-prone areas, air installations' crash and sound zones and major fault lines shall be developed only to the extent that such development does not pose unreasonable risks to the health, safety or welfare of the people of Guam, and complies with the land use regulations.

Discussion: The Proposed Action would be consistent with the Guam Coastal Management Program (CMP) development policy for Hazardous Areas as it is fully contained within the Federal enclave. In addition, construction activities would comply with applicable building standards for seismic risks and sinkholes associated with limestone karst. Should unexploded munitions be encountered as part of the grading and construction activities, workers would cease activities, in accordance with federal regulations, and immediately report the finding to the appropriate installation safety personnel. All Federally required explosive safety quantity distances (ESQDs) for the THAAD missile launchers and all Federally required personnel exclusion zones for THAAD radar electromagnetic radiation emissions are fully contained within AAFB. Expansion of the current CDZ under Alternative 2 represents a shifting of prior airborne training operations from the South Runway to the North Runway within the existing NWF airfield, resulting in little change to aircraft noise which remains within federally mandated levels and accident potential zones.

DP 6. Housing

Intent: To promote efficient community design placed where the resources can support it.

Policy: The government shall encourage efficient design of residential areas, restrict such development in areas highly susceptible to natural and manmade hazards, and recognize the limitations of the island's resources to support historical patterns of residential development.

Discussion: Not Applicable. There is no planned residential development.

DP 7. Transportation

Intent: To provide transportation systems while protecting potentially impacted resources.

Policy: Guam shall develop an efficient and safe transportation system, while limiting adverse environmental impacts on primary aquifers, beaches, estuaries, coral reefs and other coastal resources.

Discussion: Not Applicable. There are no planned transportation systems or infrastructure in this project.

DP 8. Erosion and Siltation

Intent: To control development where erosion and siltation damage is likely to occur.

Policy: Development shall be limited in areas of 15% or greater slope by requiring strict compliance with erosion, sedimentation, and land use regulations, as well as other related land use guidelines for such areas.

Discussion: The Proposed Action, while within the Federal enclave and outside the Guam coastal zone, would be consistent with the Guam CMP development policy for Erosion and Siltation. In general, none of the proposed development, construction, or other ground disturbance areas are located on slopes 15% or greater. The THAAD battery emplacement site is relatively flat. To eliminate and/or minimize nonpoint source pollution, best management practices (BMPs) would be implemented where necessary. Such BMPs, as described in the *CNMI and Guam Stormwater Management Manual* (Horsley Witten Group, Inc. 2006), may include diversion dikes/swales, silt fencing, grade stabilization, stabilization with vegetation. Because the new buildings and related structures under Alternative 2 would exceed 5,000 square feet (465 square meters) in total area of ground disturbance, the planning, design, and construction of the facilities would incorporate a low-impact development (LID) approach in accordance with United Facilities Criteria (UFC) 3-210-10 *Low Impact Development* and the *Technical Guidance on Implementing Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act* (USEPA 2009).

RESOURCES POLICIES (RP):

RP 1. Air Quality

Intent: To control activities to ensure good air quality.

Policy: All activities and uses shall comply with all local air pollution regulations and all appropriate Federal air quality standards in order to ensure the maintenance of Guam's relatively high air quality.

Discussion: The Proposed Action is consistent with the Guam CMP resource policy for Air Quality. Short-term, negligible, adverse effects on air quality would occur from the site preparation and construction activities on NWF. Long-term, moderate, adverse effects on air quality would occur from continuous operation of the power generators as part of the THAAD mission. All potential generator emissions are estimated to be below the Federal Prevention of Significant Deterioration (PSD) major source thresholds for all applicable pollutants. The THAAD mission would, therefore obtain an appropriate Guam Environmental Protection Agency (Guam EPA) Air Pollution Source Construction Permit, with review and approval required by the Guam EPA and U.S. Environmental Protection Agency. The THAAD operations would also obtain a Title V operating permit because the potential emissions have been estimated at greater than 100 tons per year for nitrogen oxides. Obtaining and operating within the conditions of these permits ensures the Guam State Implementation Plan is being followed and ambient air quality standards are being met.

RP 2. Water Quality

Intent: To control activities that may degrade Guam's drinking, recreational, and ecologically sensitive waters.

Policy: Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuaries, reef and aquifer areas.

Discussion: The Proposed Action would be consistent with the Guam CMP resource policy for Water Quality. There are no surface waters on or near the THAAD battery emplacement site that would be affected. A site-specific Stormwater Pollution Prevention Plan (SWPPP) and Spill Prevention, Control, and Countermeasure (SPCC) Plan would implement BMPs (e.g., secondary containment systems, spill sensors, and regular equipment maintenance) to minimize potential for groundwater contamination from leaks and spills from stored fuels, motor pool wastes, and other materials used during operations. The THAAD mission and facility requirements do not include any new service connections for sewer or potable water. THAAD personnel and military dependents would be placed in existing or future permitted installation housing or off-base housing. The additional THAAD personnel and dependents (a combined total of up to approximately 393 people) add to the cumulative demand for wastewater collection and treatment at the Northern District Wastewater Treatment Plant (WWTP), which is currently unable to meet secondary treatment discharge limits. The fiscal year 2014 Consolidated Appropriations Act provided funding for civilian water and wastewater improvements on Guam

and is expected to include repairs and improvements to the WWTP and wastewater collection systems. Such improvements are anticipated to bring the WWTP into compliance.

RP 3. Fragile Area

Intent: To protect significant cultural areas, and natural marine and terrestrial wildlife and plant habitats.

Policy: Development in the following types of fragile areas including Guam's Marine Protected Areas (MPA) shall be regulated to protect their unique character.

- historical and archeological sites
- wildlife habitats
- pristine marine and terrestrial communities
- limestone forests
- mangrove stands and other wetlands
- coral reefs

Discussion: The Proposed Action, though with a Federal enclave and not included in Guam's Coastal Zone, is consistent with the Guam CMP resource policy for Fragile Areas. No mangrove stands, wetlands, MPA, coral reefs, or other marine communities would be affected by the Proposed Action site preparation, construction, or operational activities. The following describes project-related affects on historical and archeological resources, and on terrestrial wildlife and habitats:

- Historical and Archeological Resources. There are no known archaeological sites within the project area that have been recommended eligible for listing in the National Register of Historic Places (NRHP) and that would be directly affected by the Proposed Action. The clearing and construction activities associated with the THAAD expeditionary emplacement site represent alterations to character-defining elements of the NWF historic airfield property that contributed to its eligibility for listing in the NRHP, and would be considered adverse effects under Section 106 of the National Historic Preservation Act (NHPA). The NWF airfield has been documented to Historic American Engineering Record standards, and any alterations to the pavement of the runways, taxiways, or service areas of NWF would be repaired in kind with like material. All future THAAD mission-related ground-disturbing activities would be conducted in keeping with the Andersen AFB Integrated Cultural Resources Management Plan (ICRMP). Any adverse effects to NRHP-eligible archaeological properties caused by the Proposed Action would be addressed in compliance with Section 106 of the NHPA through avoidance, minimization, or mitigation of adverse effects. If archaeological resources are inadvertently discovered during future ground-disturbing activities, then the standard operating procedures contained in the ICRMP would be followed, as well as applicable Federal and state regulations and guidelines. The U.S. Army has initiated consultations with the Guam Historic Preservation Office (GHPO) to negotiate and memorialize mitigation and best practice measures under a Section 106 Memorandum of Agreement between the U.S. Army and the GHPO.

- Terrestrial Wildlife and Habitats. Clearing and site preparation of the THAAD emplacement site includes the loss of approximately 35.7 acres (14.4 total hectares) of limestone forest and perennial scrub under Alternative 1, and an additional 55.5 acres (22.5 hectares) under Alternative 2, all within Federally controlled lands of NW field AAFB. These actions, however, have no effect on designated critical habitats. As for impacts on special status species, a very small but unknown number of individuals of fadang (*Cycas micronesica*), a federally proposed threatened plant, could have been destroyed during THAAD emergency deployment clearing of secondary limestone forest. The clearing of secondary forest could have caused the long-term loss of a small amount of habitat that might have been used by the proposed endangered Mariana wandering butterfly (*Vagrans egistina*) if it were to be reintroduced or rediscovered on Guam. Three federally endangered forest and forest-edge dwelling birds—the Guam Micronesian kingfisher (*Todiramphus cinnamomina*), Guam rail (*Gallirallus owstonii*), and Mariana crow (*Corvus kubaryi*)—have been extirpated from Guam. The clearing and site preparation activities under the Proposed Action, when combined with other past, present, and reasonably foreseeable future actions, would result in the cumulative loss of primary and secondary limestone forest, and perennial scrub habitat for these three bird species. When the loss of recovery habitat from the THAAD-related actions are combined with the habitat loss required for other identified military projects, between 1,542 acres (624 hectares) and 7,169 acres (2,901 hectares) of recovery habitat above the regulatory threshold would still remain for these bird species. Additionally, there are still well over 13,500 acres (5,463 hectares) of recovery habitat available on northern Guam for the federally threatened Mariana fruit bat (*Pteropus mariannus*). Noise on NWF from the combination of the THAAD generators and airborne training at the expanded CDZ (Alternative 2 only) could add to habitat loss in some areas, but such effects would be localized near the noise-generating sources. Because of the availability of suitable habitat elsewhere on the island, the clearing of potential habitat is expected to have less than significant effects in the short term and on the survivability of special status species in the area. In addition, the U.S. Army’s proposal to develop a planned wildlife conservation area (approximately 121 acres [49 hectares] in size) adjacent to the THAAD emplacement site would, over time, increase the availability of habitat for some species. The U.S. Army has initiated consultations with the U.S. Fish and Wildlife Service (USFWS) through submittal of a Biological Assessment to the Service requesting their concurrence of the conclusions in the document regarding potential effects on federally listed and proposed species.

RP 4. Living Marine Resources

Intent: To protect marine resources in Guam's waters.

Policy: All living resources within the waters of Guam, particularly fish, shall be protected from over harvesting and, in the case of corals, sea turtles and marine mammals, from any taking whatsoever.

Discussion: Not Applicable. No marine resources or near shore areas would be affected by the Proposed Action site preparation, construction, or operational activities.

RP 5. Visual Quality

Intent: To protect the quality of Guam's natural scenic beauty.

Policy: Preservation and enhancement of, and respect for the island's scenic resources shall be encouraged through increased enforcement of and compliance with sign, litter, zoning, subdivision, building and related land-use laws. Visually objectionable uses shall be located to the maximum extent practicable so as not to degrade significant views from scenic overlooks, highways and trails.

Discussion: The Proposed Action would be consistent with the Guam CMP resource policy for Visual Quality. The planned development and activities would occur entirely within the military installation, and would not be visible from scenic overlooks, highways, trails, or other public areas. Under Alternative 2, prior CDZ-related aircraft operations on NWF would resume following expansion of the existing CDZ training area and as such, has no new impact on visual quality.

RP6. Recreation Areas

Intent: To encourage environmentally compatible recreational development.

Policy: The Government of Guam shall encourage development of varied types of recreational facilities located and maintained so as to be compatible with the surrounding environment and land uses, adequately serve community centers and urban areas and protect beaches and such passive recreational areas as wildlife, marine conservation and marine protected areas, scenic overlooks, parks, and historical sites.

Developments, activities and uses shall comply with the Guam Recreational Water Use Management Plan (RWUMP).

Discussion: Not Applicable. There is no planned development outside the military installation or in recreational areas, and no recreational areas would be affected by proposed activities.

RP 7. Public Access

Intent: To ensure the right of public access.

Policy: The public's right of unrestricted access shall be ensured to all non-federally owned beach areas and all Guam recreation areas, parks, scenic overlooks, designated conservation areas and their public lands. Agreements shall be encouraged with the owners of private and federal property for the provision of releasable access to and use of resources of public nature located on such land.

Discussion: Not Applicable. Planned development and activities would have no effect on public access to beaches, shore areas, parks, or other public lands.

RP 8. Agricultural Lands

Intent: To stop urban types of development on agricultural land.

Policy: Critical agricultural land shall be preserved and maintained for agricultural use.

Discussion: Not Applicable. There is no planned development outside the military installation or on agricultural lands.

**FEDERAL CONSISTENCY
SUPPLEMENTAL INFORMATION FORM**

Date: 19 May 2015

Project/Activity Title or

Description Terminal High-Altitude Area Defense (THAAD) Permanent Stationing in Guam

Location: Andersen Air Force Base, Guam

Other applicable area(s) affected, if appropriate:

Est. Start Date: Sept 2015 Est. Duration: 5-10 years

APPLICANT

Name & Title LTC Carter

Agency/Organization 94th AAMDC

Address HQ, AAMDC

Joint Base Pearl Harbor Hickam, HI Zip Code 96818

Telephone No. during business hours:

A/C (808) 437-5779

A/C (808) 208-9256

Fax () _____

E-mail Address: Taneha.n.carter.mil@mail.mil

AGENT

Name & Title Mark Hubbs, Environmental Assessment Team Chairman

Agency/Organization Address USASMDC/ARSTRAT Zip Code 35807

Telephone No. during business hours:

A/C (256) 955-2608

A/C () _____

Fax () _____

E-mail Address: mark.e.hubbs.civ@mail.mil

CATEGORY OF APPLICATION (check one only)

- I - Federal Agency Activity
- II - Federal Permit or License
- III - Federal Grants & Assistance

TYPE OF STATEMENT (check one only)

- Consistency
- General Consistency (Category I only)
- Negative Determination (Category I only)
- Non-Consistency (Category I only)

APPROVING FEDERAL AGENCY (Categories II & III only)

Agency _____

Contact Person _____

Telephone No. during business hours:

Area Code (____) _____

Area Code (____) _____

FEDERAL AUTHORITY FOR ACTIVITY

Title of Law _____

Section _____

OTHER GUAM APPROVALS REQUIRED:

Agency	Type of Approval	Date of Application	Status
U.S. Fish and Wildlife Service (USFWS)	Concurrence with Biological Assessment findings	30 Mar 2015	Awaiting Biological Opinion from USFWS
U.S. Environmental Protection Agency	Air permits for generators	Pending	Pending submittal of applications
Guam Historic Preservation Office (GHPO)	Completion of Section 106 Consultations	26 Mar 2015	Consultations with GHPO are ongoing
Guam Environmental Protection Agency	Air permits for generators	Pending	Pending submittal of applications
	Stormwater management permitting/plan approval	Pending	Pending submittal of applications