



THE SECRETARY OF THE NAVY  
WASHINGTON DC 20350-1000

March 8, 2019

Mr. Milford Wayne Donaldson, FAIA  
Chairman  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001-2637

Dear Mr. Donaldson:

Thank you for providing the Advisory Council on Historic Preservation's (ACHP) comments of February 19, 2019 on the Navy's proposed increase of EA-18G Growler airfield operations at Naval Air Station (NAS) Whidbey Island Complex. I greatly appreciate the ACHP's substantial involvement throughout this complex consultation and your leadership to develop and provide guidance to all parties.

In accordance with Section 106 of the National Historic Preservation Act (NHPA) and implementing regulations at 36 C.F.R. § 800.7(c)(4), I have given serious consideration to each of your comments, as well as the concerns expressed by consulting parties and the public. I understand and appreciate your findings and recommendations and have taken them into account in reaching my decision to move forward with the undertaking, to include adopting some of your recommendations as described below. A summary of the rationale for my decision follows and will also be documented in the National Environmental Policy Act (NEPA) Record of Decision (ROD).

In careful consideration of the nature of the proposed undertaking, the Navy consulted with the Washington State Historic Preservation Officer (SHPO), Indian tribes, representatives of local government, the ACHP, and other interested individuals and organizations from October 2014 until terminating consultation on November 30, 2018. As part of that process, the Navy defined the Area of Potential Effect (APE) to include on-installation direct effect areas, on- and off-installation indirect effect areas, and the Ebey's Landing National Historical Reserve (ELNHR). The Navy consulted on the scope of the APE and provided the public and consulting parties with a detailed effects determination. The Navy determined that, although intermittent, the proposed increased Growler operations would result in adverse indirect effects to the Central Whidbey Island Historic District (Historic District) by affecting the perceptual qualities of five locations that contribute to the significance of the landscape. The Navy found no other adverse effects, including no potential for direct effects on historic properties.

The Navy provided these findings to the consulting parties and the public on June 25, 2018. On June 27, 2018 the SHPO concurred with the Navy's determination, which restated the definition of the APE as well as the Navy's determination that the undertaking would have no direct effects on historic properties. The Navy continued consultation to develop and evaluate alternatives or modifications to avoid, minimize, or mitigate the adverse indirect effects to the perceptual qualities of the five identified locations. Between June and November 2018, the Navy

supported extensive opportunities for public participation in these discussions. These engagements were in addition to the NHPA discussions that had occurred throughout the Section 106 consultation process in coordination with the development of the Navy's Environmental Impact Statement (EIS). Unfortunately, although the parties agreed on the adverse indirect effects on historic properties expected to result from the undertaking, an impasse on the type and amount of commensurate mitigation precluded reaching agreement on mitigation.

After reviewing your comments on the Navy's termination and relevant consultation documentation, below is my response to the points raised in your letter:

- 1) *The Navy, working with the stakeholders, should undertake additional efforts to monitor and, as needed, develop measures for addressing the effects to the affected historic properties.*

The Navy conducted a robust analysis of the potential effects to historic properties in the NHPA Section 106 consultation and as part of the EIS. The June 2018 Determination of Effect documents the finding that the undertaking would not directly affect historic properties, but would indirectly affect the perceptual qualities of five locations. The SHPO concurred in this analysis on June 27, 2018. The analysis of potential effects employed noise modeling, which is the commonly accepted methodology for assessing potential noise impacts on communities. Noise modeling incorporates actual noise measurements, allows action proponents to assess and compare various operational alternatives, and has been validated in court. The Navy's noise analysis findings were reinforced by noise measurements taken by the National Park Service (NPS) in the ELNHR that closely correlate with results from the Navy's noise modeling. In addition, operational conditions resulting from the proposed action at ELNHR would be similar to levels that occurred at the time the Historic District was listed on the National Register of Historic Places in 1973 and the ELNHR was created in 1978. For these reasons, I decline to implement additional noise monitoring efforts. I also decline the ACHP recommendation to undertake further study of effects on the Historic District from private property owners abandoning or not investing in rehabilitation or maintenance of buildings or structures, or complete abandonment of properties, which the ACHP acknowledges are not reasonably foreseeable at this time.

Should the Navy modify its undertaking in a manner that substantially changes the effects, or should we become aware of significant new circumstances or information relevant to environmental or historical concerns, the Navy will notify the ACHP and all consulting parties and will prepare supplemental environmental documentation or reinitiate Section 106 consultation as necessary, pursuant to the Navy's responsibilities under the NHPA and the NEPA. Further, pursuant to your recommendation, the Navy will collaborate with the community on any efforts to update the Historic District nomination and the designation of ELNHR.

- 2) *The Navy should commit to carrying out mitigation measures in further discussion with stakeholders.*

The Navy worked diligently to identify mitigation measures acceptable to all stakeholders before terminating consultation. The impasse we reached with the consulting parties precludes further productive discussion on identifying mitigation measures. As acknowledged by the ACHP, for many stakeholders, no amount of mitigation would be acceptable as avoidance (*i.e.*, not increasing operations at all) is the desired outcome. Accordingly, I have decided to carry out the mitigation measures contained in the Navy's final offer, as discussed below.

Prior to termination, the Navy received a list of potential Ferry House preservation projects from the NPS. Based on the NPS' preliminary cost estimate, the Navy agreed to fund up to \$1 million worth of Ferry House preservation projects that meet the Secretary of the Interior standards for preservation. Following termination, the Navy reviewed and developed a more accurate cost estimate based on detailed descriptions of the projects. Consistent with our internal Navy cost estimate, and in the spirit of honoring our previous offer, I have decided that the Navy will provide \$867K to the NPS to support these Ferry House preservation projects. In addition, the Navy will provide up to \$20K to the NPS for the design, construction, and installation of interpretive historical signs at appropriate locations.

The Navy has the authority to and will fund mitigation for the Ferry House via an Interagency Agreement with the NPS. Accordingly, I decline the ACHP recommendation to examine other creative means of funding and carrying out these measures. However, I strongly support the community's exploration of partnerships with the Department of Defense (DoD) Office of Economic Adjustment (OEA) to advance the long-term preservation of the historic characteristics of the Historic District, such as through DoD OEA's Compatible Use Program.

*3) The Navy should pursue innovative partnerships and techniques to promote the long-term preservation of affected historic properties.*

I agree with your recommendation that innovative partnerships can promote the long-term preservation of historic properties. The Navy will seek partnership opportunities through the Readiness and Environmental Protection Integration (REPI) program by working with the community to identify potential REPI projects and communicating its support for those projects to decision-making officials in the DoD. Thanks in large part to past Navy advocacy, over \$12M of REPI funds have been spent on Whidbey Island, the majority on projects in the Historic District. In addition, the Navy is willing to collaborate with stakeholders to evaluate the benefits of designating historic landscapes within the APE as Sentinel Landscapes. The Navy supports Whidbey Island joining a broader Sentinel Landscape effort, combined with ongoing efforts in the Hood Canal and at Naval Base Kitsap, which Federal, state, and local partners are currently coordinating for the Sentinel Landscape Coordinating Committee's consideration.

*4) The Navy should pursue additional noise minimization measures and adopt feasible noise-reducing technologies for EA-18G Growler operations.*

The Navy's efforts to reduce noise impacts on the community are detailed in Appendix H to the Final EIS and include limiting noise, land use planning and management, and noise abatement operational procedures. These measures will be summarized in the ROD. One of our

most significant mitigations is our commitment to employ the Precision Landing Mode (a.k.a. Magic Carpet) technology, which when combined with a reduction in the number of pilots per squadron, reduced the number of proposed aircraft operations under the preferred alternative as identified in the Draft EIS by 30 percent. Additionally, the Navy remains committed to implementing the measures identified in Appendix H to the Final EIS to minimize auditory, visual, and atmospheric effects of flight operations on the surrounding community. Lastly, Navy advocacy resulted in the recent appropriation of over \$1.9M to continue research on chevron seals, a potentially viable, noise-reducing technology. I commit to continued pursuit of innovative technologies that reduce aircraft noise without reducing operational capability.

The DoD has a noise abatement program that has adopted many of the Federal Aviation Administration (FAA) Part 150 strategies. Appendix H of the Final EIS describes the Navy's implementation of the DoD noise abatement program at NAS Whidbey Island. The Navy does not, however, have the statutory authority to implement the FAA's Residential Sound Insulation Program that ACHP references. That program applies only to operators of public use airports and is funded by money collected from passenger air fees at those airports that are eligible to receive Airport Improvement Program grant funds. Those funds are not available to the Navy.

*5) The Navy should better coordinate environmental and historic preservation reviews.*

I agree that careful coordination of environmental and historic preservation reviews is essential, and we rely on ACHP and SHPO to help ensure all public stakeholders understand the scope of review under NHPA and NEPA. The Navy fully complied with the regulatory requirements of 36 C.F.R. § 800.8 for coordinating the NEPA process with the NHPA's requirements, and sought extensive public engagement throughout the four-year consultation process. The Navy recognized the potential for confusion between the two processes early on and made every effort to clarify and explain the purpose and scope of each review throughout the consultation. As an example, during NEPA re-scoping meetings in Fall 2014, the Navy provided information on both processes, including a description of the Section 106 process in relation to the NEPA process, which is allowed under the NHPA regulations.

Throughout the NHPA consultation process, the Navy was fully transparent with the consulting parties regarding NHPA and NEPA timelines, communicating updates to the APE and the undertaking as soon as new information became available. From August through October 2018, the Navy conducted six consultation meetings and participated in numerous conference calls and visits with consulting parties, providing time for the parties to communicate their unique concerns and discuss proposed resolution options.

Although we strive to complete all consultations, including NHPA Section 106 consultation, before issuing a Final EIS, Navy policy is consistent with the joint ACHP-Council on Environmental Quality Handbook, which allows documenting the conclusion of the Section 106 process in the ROD. In this case, the Navy felt comfortable moving forward with publication of the Final EIS without an agreement on NHPA mitigation because the impacts of the undertaking were fully disclosed in the Final EIS and not in dispute. In addition, I felt it was important to extend the consultation timeline beyond issuance of the Final EIS to maximize our chances of reaching agreement on mitigation with the consulting parties. Nevertheless, the Navy

continually strives to improve its public outreach and relationships with surrounding local communities and will evaluate the subject consultation to determine where improvements can be made in the future.

In conclusion, there are a number of issues on which we agree, and I thank you for the ACHP's assistance in the Section 106 process. Historic preservation has been important to the Navy since the passage of the NHPA more than 50 years ago. I am committed to ensuring that the Navy remains a good neighbor with the local communities surrounding our installations while at the same time meeting urgent national defense priorities. This concludes the NHPA Section 106 process. A copy of this rationale will be provided to all consulting parties and to the public.

Sincerely,



Richard V. Spencer