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Ser PRB4/ 01440  
14 Aug 18

Ms. Rebekah Padgett  
Federal Permit Manager  
Washington State Department of Ecology  
Northwest Regional Office  
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Bellevue, WA 98008

SUBJECT: NEGATIVE DETERMINATION FOR MANCHESTER FUEL TANK  
IMPROVEMENTS, MANCHESTER, WASHINGTON

Dear Ms. Padgett:

The Navy is submitting this Coastal Consistency Negative Determination (CCND) for the Manchester Fuel Tank Improvements at Naval Base Kitsap, Naval Supply Systems Command, Fleet Logistics Center Puget Sound in Manchester, Washington. The Proposed Action involves the construction of new aboveground storage tanks (AST) and permanent closure of existing underground storage tanks.

In accordance with Section 307 (c)(1) of the federal Coastal Zone Management Act (CZMA) of 1972, 16 United States Code (USC) §§ 1451–1464, as amended, and Title 15 of the Code of Federal Regulations (CFR), Part 930, Subpart C, the Navy has determined that the Proposed Action would not affect the resources or uses of the coastal zone. The Navy respectfully requests your concurrence with the attached CCND.

If you need additional information, or if you have any questions, please contact Ms. Jacquelyn Stoner at (360) 396-0093 or at [jacquelyn.stoner@navy.mil](mailto:jacquelyn.stoner@navy.mil). When completed, please email a letter of concurrence to Ms. Stoner.

Sincerely,

E. A. SCHRADER  
Captain, U.S. Navy  
Commanding Officer

Enclosure: 1. Coastal Consistency Negative Determination

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**Coastal Zone Management Act**  
**Federal Consistency Negative Determination**

**Manchester Fuel Tank Improvements**  
**at Naval Base Kitsap – Naval Supply Systems Command, Fleet Logistics**  
**Center Puget Sound**  
**Manchester, Washington**

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Prepared by:  
**Naval Facilities Engineering Command Northwest**

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**S004413**

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## **1 Introduction**

The United States (U.S.) Department of the Navy (Navy) proposes to construct new aboveground fuel storage tanks (AST) and permanently close in place existing underground storage tanks (UST) at the Naval Supply Systems Command (NAVSUP), Fleet Logistics Center Puget Sound (FLCPS), located in Manchester, Washington. NAVSUP FLCPS, also referred to as the Manchester Fuel Department (MFD), is part of installation Naval Base (NAVBASE) Kitsap.

In accordance with Section 307 (c)(1) of the federal Coastal Zone Management Act (CZMA) of 1972, 16 United States Code (USC) §§ 1451–1464, as amended, and Title 15 of the Code of Federal Regulations (CFR), Part 930, Subpart C, the Navy has determined that the proposed action—Manchester Fuel Tank Improvements—would not affect the resources or uses of the coastal zone. Therefore, the Navy has concluded that a Coastal Consistency Determination is not required and is requesting concurrence by the State of Washington with this Coastal Consistency Negative Determination (CCND).

## **2 Project Description**

The existing USTs, each located within the footprints of the proposed new ASTs, would be closed in place in accordance with Washington State UST regulations (WAC 173-360). Implementation of the proposed action would begin as early as 2021. The Proposed Action would not change existing land use or operations at MFD, nor would it involve in-water construction.

The purpose of the proposed action is to meet the fuel storage and distribution requirements of the Department of Defense (DoD) and its customers, while minimizing risk to the mission and the environment. Further, the proposed action is needed to comply with recent changes in environmental regulations that have resulted in new compliance requirements.

MFD is a 234-acre site, located in eastern Kitsap County, Washington (see Figure 1). It consists of two separate functional areas divided by a county road and Little Clam Bay, a 27-acre lagoon. Little Clam Bay bisects the property from north to south and Puget Sound's Rich Passage is located to the north of the property (see Figure 2). MFD is one of the largest fuel storage and dispensing facilities in the Pacific Northwest. The primary mission of the facility is the bulk storage and distribution of aviation fuels and marine diesel. The facility is comprised of 34 existing underground single wall tanks, including 29 concrete and five steel cut and cover tanks.

All proposed construction activities would occur in upland areas with the project footprint occurring at least 350 feet from the ordinary high water mark (OHWM). The Proposed Action is shown in Figure 3 and Figure 4. Construction of the new fuel tanks would occur in three phases over six years and is estimated to include the following:

- Phase 1: Clearing and grubbing of all existing vegetation within approximately 8.5 acres in order to allow for construction of two welded steel ASTs and for the closure of approximately four USTs;
- Phase 2: Clearing and grubbing of all existing vegetation within approximately four acres to allow for construction of two welded steel ASTs and for the closure of approximately three USTs; and
- Phase 3: Clearing and grubbing of all existing vegetation within approximately five acres to allow for construction of two welded steel ASTs and for the closure of one UST.

In addition, a remote impoundment spill collection system would be constructed to prevent accidental discharge of petroleum. The system would consist of a series of swales and drain lines with connections to the storage tanks. For all phases, the existing USTs within the construction footprint would be removed from service, filled, and closed in place. UST fuel lines would be purged, cut, capped, and abandoned in place or removed. Existing water main piping, valves, and hydrants located within the improvement area would be disconnected from service and demolished. Excavated soil material would be stockpiled within MFD boundaries in generally flat areas, and appropriate erosion-control best management practices (BMP) would be implemented in accordance with a project-specific Stormwater Pollution Prevention Plan (SWPPP).

### **3 Basis for Determination**

Under 16 USC § 1456(c), each federal agency activity within or outside of the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs. Further, 15 CFR 930.33 requires federal agencies to determine which of their activities affect any coastal use or resource by looking at reasonably foreseeable direct and indirect effects on these resources.

Excluded from the coastal zone is any Navy facility or real estate that is owned, held in trust, or used by Navy in performance of its mission. Specifically, 16 USC §1453 excludes from the coastal zone any lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents. Accordingly, MFD is outside of the coastal zone.<sup>1</sup>

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<sup>1</sup> Per the Washington State Coastal Zone Management Program (CZMP), as administered by the Washington Department of Ecology: "The Coastal Zone Management Act specifically excludes from the coastal zone, those lands that are, by law, subject solely to the discretion of, or held in trust by, the federal government. The CZMA's regulations provide that states must exclude from their coastal zone designations the lands that the federal government owns, leases, holds in trust, or otherwise has sole discretion to determine their use. These 'excluded federal lands' within the boundaries of Washington's coastal zone are: Military reservations and other defense installations (e.g., Joint Base Lewis-McCord, Bangor Naval Submarine Station, Naval Air Station Whidbey Island)..."

Although NAVBASE Kitsap-NAVSUP FLCPS is excluded from the coastal zone under CZMA, the project is not excluded under the requirements of the National Environmental Policy Act (NEPA). To that end, the Navy is currently developing an Environmental Assessment (EA) for the Proposed Action. The EA analyzes reasonable, foreseeable direct and indirect impacts of two action alternatives and a no action alternative on the following areas: water resources, geological resources, cultural resources, American Indian traditional resources, biological resources, visual resources, transportation, and hazardous materials and wastes.

Federal consistency regulations stipulate that negative determinations shall be provided to state agencies for a federal agency activity when the agency has undertaken a thorough consistency assessment and developed initial findings on the coastal effects of the proposed activity [15 CFR 930.35(a)(3)]. As prescribed in OPNAV Instruction 5090.1C, the Navy considers NEPA project review for potential impacts to coastal uses or resources to be a thorough consistency assessment triggering the requirement to prepare a CCND.

#### **4 Effects Analysis**

Under the Washington State CZMP, federal actions that affect land use, water use or natural resource of the coastal zone must comply with the enforceable policies<sup>2</sup> of six laws identified in the CZMP:

- State Shoreline Management Act
- State Environmental Policy Act
- State Water Pollution Control Act
- Washington Clean Air Act
- Energy Facility Site Evaluation Council
- State Ocean Resource Management Act

The Navy analyzed the impacts of the Proposed Action on the coastal zone by looking at reasonable foreseeable direct and indirect effects on the coastal use and resources, and reviewing relevant enforceable policies of the Washington State CZMP.

##### **State Shoreline Management Act**

The Shoreline Management Act (SMA) applies to counties, towns, and cities in Washington that have "shorelines of the state" within their boundaries. Each of these jurisdictions must prepare and adopt a Shoreline Master Program (SMP) based on state laws and rules, but tailored to

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<sup>2</sup> An enforceable policy is a state policy that is legally binding under state law (i.e., through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions), and by which a state exerts control over private and public coastal uses and resources, and that is incorporated in a state's federally-approved Coastal Management Program (CMP).

local geographic, economic, and environmental needs. Each SMP is a combined local shoreline comprehensive plan, zoning ordinance, and development permit system. The National Oceanic and Atmospheric Administration's (NOAA) Office for Coastal Management approves state CMPs and individual SMPs to ensure they are enforceable through federal consistency.

The project site is within Kitsap County. Kitsap County has adopted the Kitsap County SMP, which is consistent with the SMA and approved by WDOE. While the project is compatible with Kitsap County's SMP, the SMP does not apply to lands owned by the federal government per WAC 173-27-060, nor has it been approved by the NOAA Office for Coastal Management. Therefore, the policies of the Kitsap County SMP are not addressed in this CCND.

The Revised Code of Washington (RCW) 90.58.020 provides guidelines for the Department of Ecology and local governments for the development of shoreline master programs, providing preferences for shoreline uses. RCW 90.58.020 does not apply to specific shoreline actions, but consideration of the preference concepts outlined in the code is discussed below.

***Policy statement:** To insure the development of shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.*

Any impacts from the Proposed Action would occur on MFD, which is by definition outside of the coastal zone. As the Proposed Action is an upland project extending landward of the OHWM by at least 350 feet, there would be no impacts to navigable waters. Construction of ASTs at MFD would improve safety, inspections and maintenance capabilities at the facility, resulting in increased protections against potential adverse effects to public health and safety, land, and water. Therefore, there would be no effects to shoreline resources in the coastal zone as a result of the Proposed Action.

***Policy statement:** The department [of Ecology], in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:*

*(1) Recognize and protect the statewide interest over local interest;*

The primary mission of MFD is the bulk storage and distribution of aviation fuels and marine diesel. The purpose of the Proposed Action is to make improvements to MFD fuel tank infrastructure. The project is needed in order to meet DoD and customer fuel storage and distribution requirements in a cost-effective manner, while simultaneously complying with applicable regulations, including recent changes to UST regulations concerning environmental compliance.

*(2) Preserve the natural character of the shoreline;*

Any impacts from the Proposed Action would occur on NAVBASE Kitsap-NAVSUP FLCPS, which is by definition outside of the coastal zone. As the Proposed Action is an upland project, the natural character of the shoreline would not be affected by the project. Although grading and tree removal is necessary to construct building foundations for the new ASTs, the Navy would preserve to the extent practicable existing vegetation and trees to reduce visual impacts to the surrounding viewshed. In time, re-planted trees would grow to provide visual screening consistent with the screening around the existing ASTs. The new ASTs would be visually consistent with the existing ASTs, thus the overall viewshed (see Figure 5), and therefore do not impact coastal resources.

*(3) Result in long term over short term benefit;*

The goal of this project is to provide a safe, cost effective, long-term fuel storage and distribution solution to the existing single-walled, cut and cover USTs. Recent regulatory changes for USTs have extended out-of-service times and increased operating and maintenance costs. Additionally, six of the existing USTs are located within a potential seismic fault zone. As such, the existing USTs have an increased risk of potential failure and/or product loss in the event of an earthquake. Implementation of the Proposed Action would provide a modern, safe, and maintainable fuel storage system located away from the potential seismic fault.

*(4) Protect the resources and ecology of the shoreline;*

The Proposed Action is not located within the coastal zone. Nonetheless, the Navy would adhere to BMPs and permit conditions during construction in order to minimize potential indirect impacts from clearing and grubbing of vegetation, as well as stockpiling of soil. Additionally, the project would be constructed with a reinforced, impermeable spill containment system in order to prevent the accidental release of any petroleum product from the property to surrounding soils and waters. After a detailed review of existing conditions and evaluation, the Navy has determined that there would be no impact to federally listed special status species, because no such species are located within the project area.

*(5) Increase public access to publicly owned areas of the shorelines; and*

As defined in 33 CFR 334.1244, the proposed project would occur entirely within the existing "Puget Sound, Manchester Fuel Depot, Manchester, Washington" Naval restricted area. No public access is allowed without permission of the Navy due to security concerns.



*(6) Increase recreational opportunities for the public in the shoreline;*

The Proposed Action would occur entirely on restricted property of the Navy. No public access is allowed due to security concerns. Therefore, public recreation opportunities would not be affected.

*(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary;*

The Navy is currently preparing an EA for the Proposed Action. With input from the public and other stakeholders, the EA is analyzing the reasonably foreseeable direct and indirect impacts of two action alternatives and a no action alternative on the following areas: water resources, geological resources, cultural resources, American Indian traditional resources, biological resources, visual resources, transportation, and hazardous materials and wastes. The Navy released the Public Draft EA for a 30-day public review period on June 15, 2018.

**State Environmental Policy Act (SEPA)**

The proposed activity is a federal action subject to review under NEPA. Therefore, the State Environmental Policy Act is not applicable.

**State Water Pollution Control Act**

The Washington Pollution Control Act, as amended, regulates discharges to the waters of the United States, including waters of Washington State. The design and implementation of the proposed activity, including handling, storage, and disposal of any hazardous materials and petroleum products, would adhere to applicable permit conditions and the water quality guidelines, policies, standards, and regulations of water quality management programs and regulatory agencies. In addition, during construction, appropriate erosion-control BMPs would be implemented in accordance with a project-specific SWPPP. There are oil-water separator systems throughout MFD that serve to prevent releases of petroleum products to both groundwater and surface water. Monthly sampling and quarterly visual inspections of the oil water separator outfalls are conducted at MFD as required under the NPDES permit. The existing tanks and infrastructure are routinely monitored, tested, and cleaned per Unified Facilities Guide Specifications 33 01 50.01 guidelines. MFD has a Spill Prevention, Control, and Countermeasures Plan in place, and MFD staff is trained annually on the Standard Operating Procedures in the event of a spill. The Navy would continue to adhere to these procedures and policies to comply with the Washington Pollution Control Act.

Therefore, there would be no effects to water resources in the coastal zone as a result of the Proposed Action.

**Washington Clean Air Act**

The General Conformity Rule, established by the Clean Air Act under 40 CFR 93, requires that federal actions occurring in a nonattainment or maintenance area must conform to the established State Implementation Plans. Because Kitsap County is classified by United States (U.S.) Environmental Protection Agency (USEPA) as unclassified/attainment for all criteria pollutants, a General Conformity evaluation is not required.

The Washington Clean Air Act (RCW 70.94) provides for the protection and enhancement of the state's air resources. The project would not result in any permanent new sources of air pollutant emissions, so a permit for a new source (Notice of Construction) would not be required.

Therefore, there would be no effects to air resources in the coastal zone as a result of the Proposed Action.

**State Ocean Resource Management Act**

The Proposed Action would not affect ocean uses involving renewable and/or non-renewable resources located in Washington's coastal waters.

**Energy Facility Site Evaluation Council**

The Proposed Action does not include the construction of any energy-generating facilities.

**5 Conclusion**

Based on the information provided in this document, the Navy has determined that the Proposed Action would be undertaken in a manner as to not affect coastal uses or resources.



Figure 1. Regional Location of Manchester Fuel Department

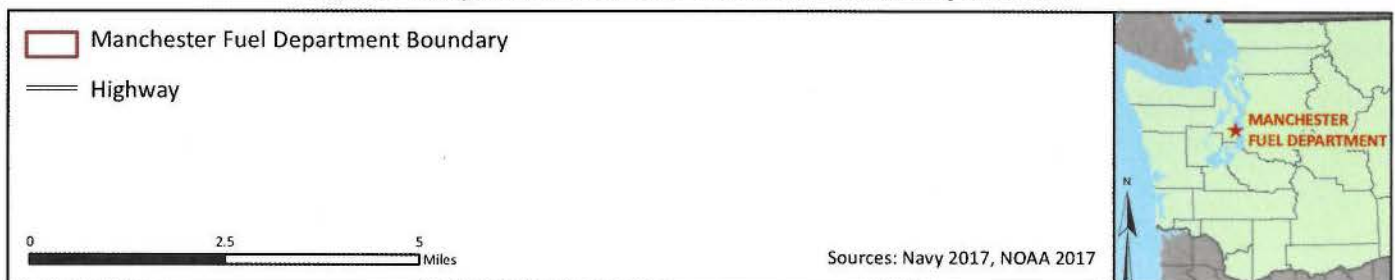
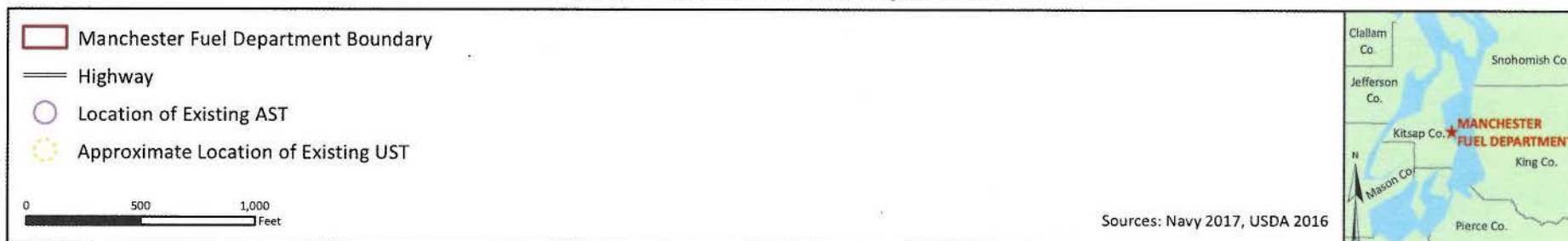






Figure 2. Manchester Fuel Department





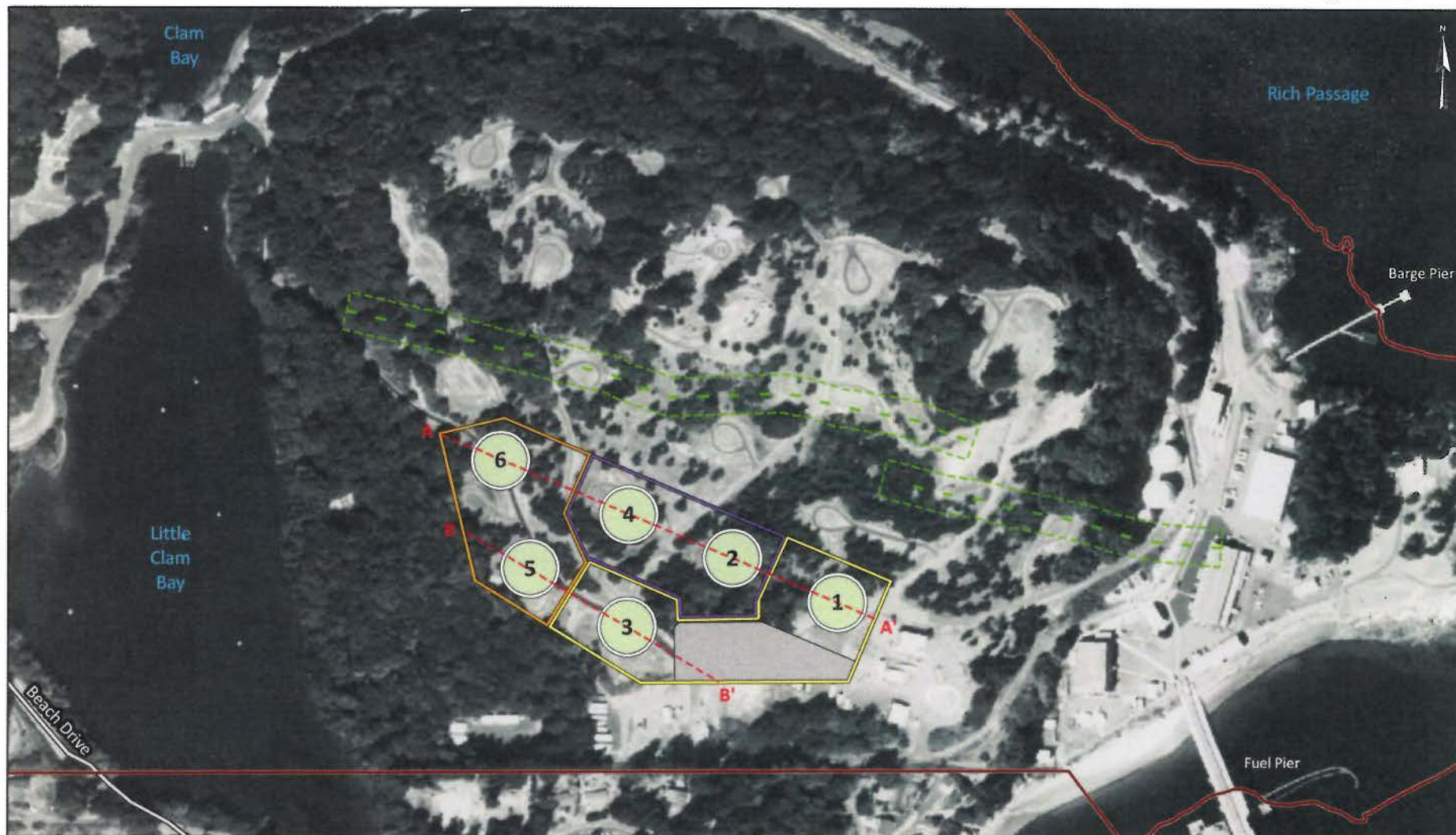


Figure 3. Location of Proposed Action

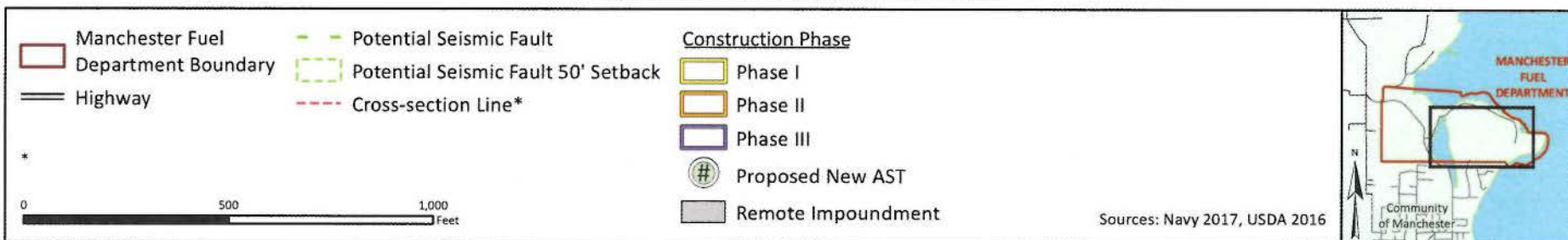
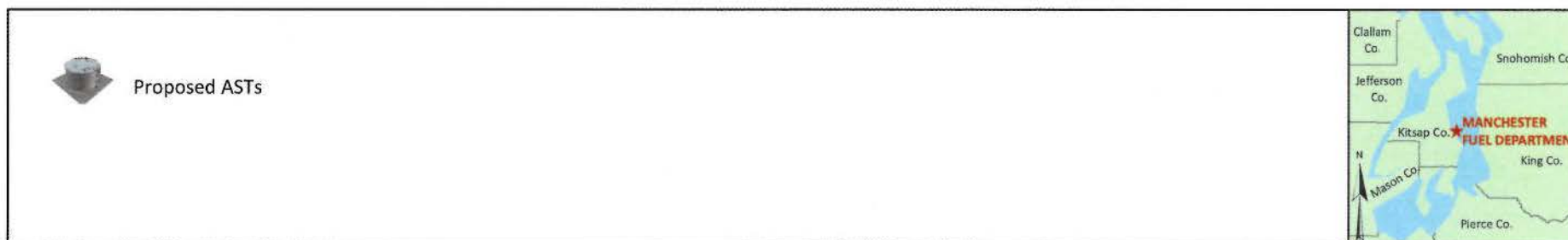


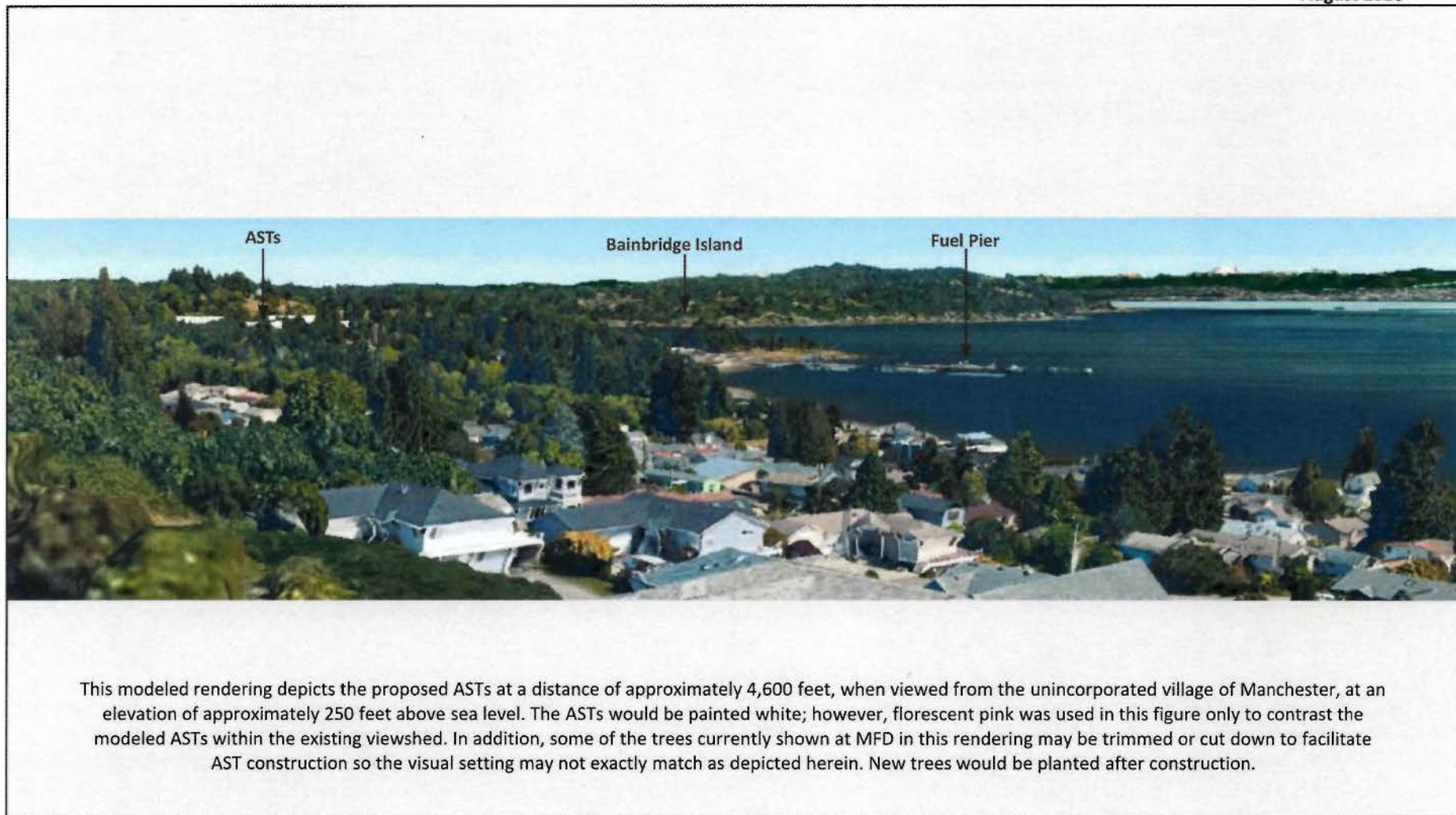




Figure 4. Preliminary 3D Visual Rendering of Proposed Action







**Figure 5. 3D Visual Rendering of Proposed Action as Viewed from the Unincorporated Village of Manchester**

