

COASTAL CONSISTENCY DETERMINATION

COASTAL AREA MANAGEMENT ACT FEDERAL CONSISTENCY REVIEW

RANGE OPERATIONS UPDATE AT MARINE CORPS AIR STATION CHERRY POINT RANGE COMPLEX, NORTH CAROLINA

Pursuant to the Coastal Zone Management Act (CZMA) (16 United States [U.S.] Code [U.S.C.] section 1451 et seq.), as amended:

The Marine Corps has prepared this Consistency Determination in compliance with the Coastal Zone Management Act (CZMA), 16 U.S. Code (USC) section 1456 (c) and 15 Code of Federal Regulations 930.35. The Marine Corps is providing North Carolina with an evaluation of relevant enforceable policies of North Carolina's coastal management program (CMP). The proposed action would be consistent, to the maximum extent practicable, with the enforceable policies of North Carolina's federally approved CMP.

1 Introduction

The CZMA (16 U.S.C. section 1451 et seq.), enacted on October 27, 1972, establishes a national policy for the protection and use of the coastal zone and encourages coastal states to prepare and implement a CMP to manage and protect critical coastal resources, and to provide for public and governmental participation in decision-making processes that may affect such resources. Under Section 307 of the CZMA, federal agencies are required to determine whether their proposed activities would have a reasonably foreseeable direct or indirect effect on the coastal uses or natural resources of a state-defined, federally approved coastal zone. Accordingly, federal agencies must demonstrate that their Proposed Actions are consistent, to the maximum extent practicable, with the enforceable policies of a state's CMP.

Marine Corps Installations East – Marine Corps Air Station (MCAS) Cherry Point is in Craven County, in the City of Havelock in eastern North Carolina, approximately 20 miles southeast of New Bern and 50 miles northeast of Jacksonville. As illustrated on Figure 1, the MCAS Cherry Point Range Complex is widely dispersed with several non-contiguous land- and water-based training ranges located in four counties of eastern North Carolina. The complex includes the Air Station, Marine Corps Outlying Landing Field (MCOLF) Atlantic, MCOLF Oak Grove, Marine Corps Auxiliary Landing Field (MCALF) Bogue, and bombing targets (BT)-9 and BT-11 in the Pamlico Sound. The Marine Corps is conducting a National Environmental Policy Act Environmental Assessment for the Proposed Action.

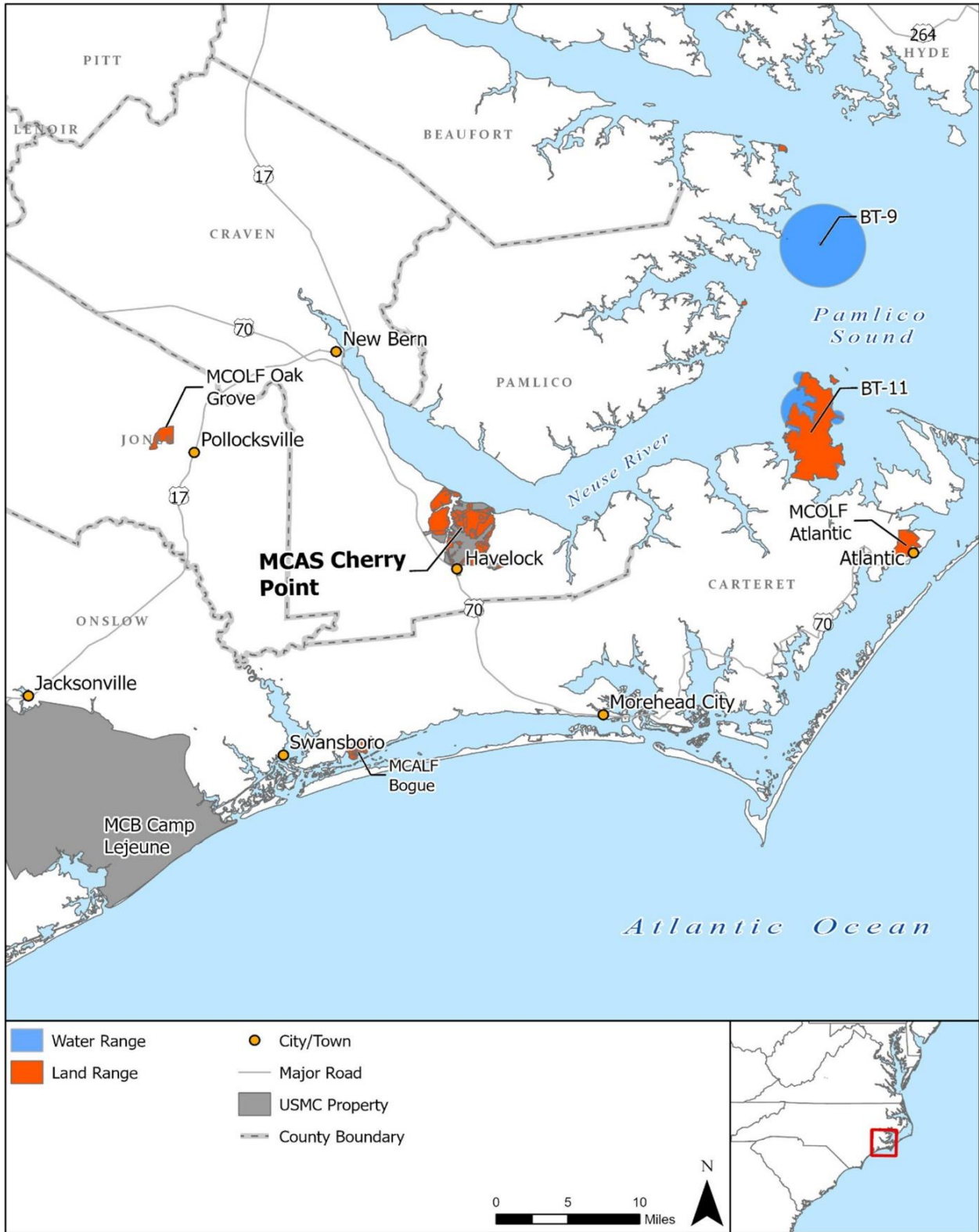


Figure 1. Regional Location of Marine Corps Air Station Cherry Point Range Complex

2 Federal Agency Purpose and Action

The purpose of the Proposed Action is to provide a training environment within the MCAS Cherry Point Range Complex with the capacity and capability to fully support required training for MCAS Cherry Point-based operational units, military schools, and other users.

The Marine Corps is responsible for training Marine forces for combat as directed by 10 U.S.C. section 5063. The Air Station is the primary airfield for Marine Corps fixed-wing aviation on the East Coast, and is home to the 2nd Marine Aircraft Wing Headquarters, the Navy's Fleet Readiness Center East, and tenant commands Marine Aircraft Group 14 and Marine Air Control Group 28. MCAS Cherry Point provides individual and unit level training for the Marine Corps, the Navy, and many other services and agencies including the U.S. Army, the U.S. Air Force, the U.S. Coast Guard, special operations, foreign military services, state wildlife resource officers, and law enforcement personnel from federal, state, and local agencies.

2.1 Components of the Proposed Action

The Proposed Action is to modify and increase current training activities and operations and add new training activities and operations within the range complex's land- and water-based training areas. The modifications, increases, and additions to training activities and operations would support anticipated future changes in the design of the Marine Corps Force operating environment by establishing expeditionary advanced base operations (EABO)/littoral operations in a contested environment (LOCE) training within the range complex. The EABO/LOCE training would require temporarily establishing locations ashore or inshore to conduct training in sea denial, sea control, and fleet establishment.

The Proposed Action does not include changes to the size of range complex training areas or changes to any range complex special use airspace in eastern North Carolina. However, the Proposed Action does include the proposed expansion of existing, intermittent use of water restricted area danger zones and the addition of a permanent 500-foot restricted area safety buffer around BT-11 to increase public safety during training events (see Section 2.5, *Proposed Action: Update Training and Operations Within the Range Complex* of the Environmental Assessment).

Under the Proposed Action, existing training activities and operations would increase in tempo and new operations would be added. In general, an annual 10 percent increase above current conditions would occur for field exercise training days, events, and annual expenditures (e.g., small arms blanks and small caliber munitions). Annual operations of unmanned aircraft system (UAS) groups 1 through 5 would increase throughout the range complex. In addition, the following activities and operations would occur:

- For MCOLF Atlantic, new activities would include establishing F-35B/C and KC-130J operations at the airfield, airfield damage repair/base recovery after attack as a routine training exercise, and a watercraft splash point in Barry Bay for amphibious combat vehicle loading/unloading and/or landing craft air cushion operations.
- For MCOLF Oak Grove, new activities would include establishing KC-130J operations at the airfield, an ordnance loading/arming/de-arming site, and airfield damage repair / base recovery after attack as a routine training exercise.
- For MCALF Bogue, new activities would include engineer training area cache digging of resupply materials training; up to two watercraft access points; and intelligence, surveillance, and

reconnaissance training at the Mariner's Bay 12-acre government-owned site located directly east of MCALF Bogue.

- For BT-9 and BT-11, proposed activities would include an increase in UAS operations and range clearance/maintenance that would involve increased frequency of munitions debris removal from waters at BT-9 and implementation of munitions debris removal from the land and water portions of BT-11. The existing intermittent use water restricted area danger zone would be expanded to the north of BT-11 to connect with BT-9 and a permanent 500-foot restricted area safety buffer would be created around BT-11 to increase public safety during training events. The permanent 500-foot restricted area safety buffer would align with the MCAS Cherry Point installation security boundaries within the Neuse/Pamlico basins. The additional stand-off restrictions would also provide an added level of safety since areas of armed overflight pose an added risk to interlopers. The existing danger zone and proposed intermittent water restricted area danger zone (i.e., exclusion area) and the proposed permanent 500-foot restricted area safety buffer are illustrated on Figure 2.
- Within the public trust waters, quarterly operations of government-owned and operated unmanned surface vessels and unmanned underwater vessels are proposed.

Table 1 presents current and proposed activities and operations for all locations within the MCAS Cherry Point Range Complex training areas.

3 North Carolina Coastal Management Program

The North Carolina CMP, approved by the National Oceanic and Atmospheric Administration in 1978, is administered by the Division of Coastal Management (DCM) within the North Carolina Department of Environmental Quality. The primary authority for the CMP is the Coastal Area Management Act (CAMA; §113A-100 et seq.) of 1974. North Carolina's coastal zone covers approximately 3,380 miles of shoreline and encompasses 20 coastal counties, including Carteret, Craven, and Pamlico. The basic premise of CAMA is to establish a comprehensive resource management program to coordinate the protection and equitable use of the state's coastal resources. Other key elements of North Carolina's CMP applicable to the Proposed Action include Chapter 7 of Title 15 of North Carolina's Administrative Code (NCAC) and North Carolina Coastal Resources Commission (CRC) certified land use plans (LUPs) for Carteret, Craven, and Pamlico Counties.

There are two tiers of regulatory review for projects within the coastal zone. The first tier includes projects that are located in Areas of Environmental Concern (AECs), which are designated by the CRC. The second tier includes projects located outside of an AEC but with the potential to affect coastal resources.

For coastal areas that are not specifically designated an AEC, the CAMA establishes 11 general policy guidelines to regulate the development or use of other coastal land and water resources. The CAMA defines development broadly as "any construction or activity that disturbs land or water." For the purposes of this federal Coastal Consistency Determination, the Proposed Action is evaluated here for consistency with the state guidelines for AECs, the state general policy guidelines, and the LUPs.

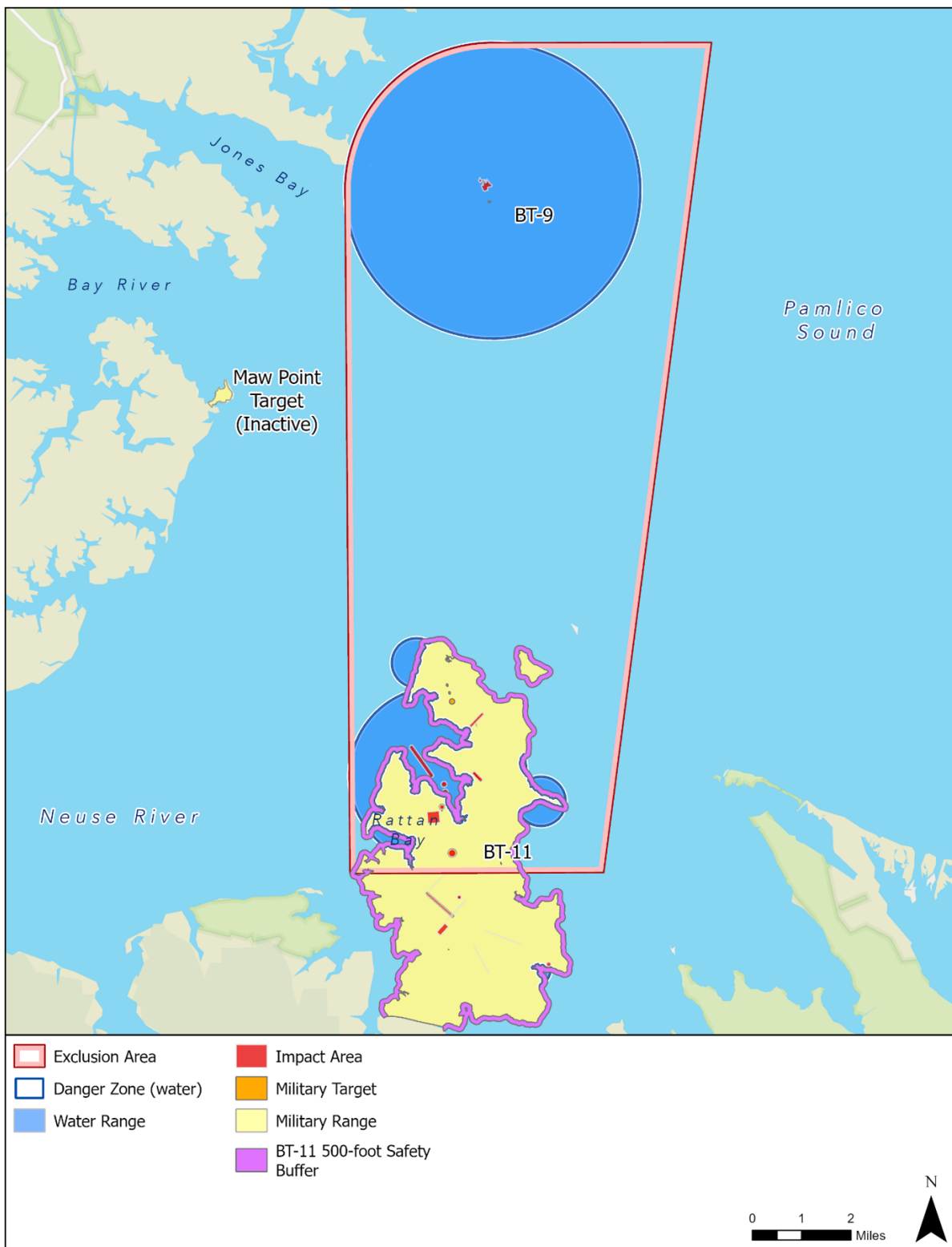


Figure 2. Proposed Expansion of the Intermittent Water Restricted Area Danger Zone Addition of a Permanent 500-Foot Restricted Area Safety Buffer

Table 1. MCAS Cherry Point Range Complex Training Areas Current and Proposed Activities/Operations

Location	Current Activities (No Action Alternative)		Proposed Action	
	Activity/Operation	Frequency/Total	Activity/Operation	Frequency/Total
<i>Air Station¹</i>				
Field Maneuver Training Areas	field training	see Table 2.4-1 in the EA	10% increase in field training days per training type	
	small arms blanks/pyrotechnics	annual expenditures = 29,015	10% increase	annual expenditures = 31,917
Combat Vehicle Operator Training Course	combat vehicle training	annual training days = 15	10% increase	annual training days = 17
SAR Complex	small caliber munitions	annual expenditures = 1,618,542	10% increase	annual expenditures = 1,780,396
Skeet/Trap Range	small caliber/lead/steel shot	annual expenditures = 59,338	10% increase	annual expenditures = 65,272
Chemical, Biological, Radiological, Nuclear Facility	training facility	annual training events = 75	10% increase	annual training events = 83
EOD Range	training range	annual detonation events = 37	10% increase	annual detonation events = 41
ETA Range	training range	annual training events = 30	10% increase	annual training events = 33
<i>Landing Fields¹</i>				
MCOLF Atlantic	field training	see Table 2.4-2 in the EA	10% increase in field training days per training type	
	FARP/RGR operations	annual training days = 30	10% increase	annual training days = 33
	rotary-wing/tiltrotor operations	annual operations = 956	10% increase	annual operations = 1,052
	fixed-wing operations	annual operations = 0	establish F-35B/C and KC-130J operations to support EABO training	annual operations = 721 (201 and 520, respectively)
	UAS groups 1-5	annual operations = 79	fivefold increase	annual operations = 395
	munitions	annual expenditures = 94,292	10% increase	annual expenditures = 103,721
	ADR/BRAAT on Runway 01/19	annual training events = 4	establish ADR/BRAAT as routine training exercise	annual training events = 8
	splash point in Barry Bay	number of sites = 0	establish one splash point in Barry Bay to support LOCE training	annual events = 10

Table 1. MCAS Cherry Point Range Complex Training Areas Current and Proposed Activities/Operations

Location	Current Activities (No Action Alternative)		Proposed Action	
	Activity/Operation	Frequency/Total	Activity/Operation	Frequency/Total
MCOF Oak Grove	field training	see Table 2.4-3 in the EA	10% increase in field training days per training type	
	FARP/RGR operations	annual training days = 20	10% increase	annual training days = 22
	rotary-wing/tiltrotor operations	annual operations = 2,450	no increase	annual operations = 2,450
	fixed-wing operations	annual operations = 0	establish KC-130J operations to support EABO training	annual operations = 520
	UAS groups 1-5	annual operations = 24	10% increase	annual operations = 26
	munitions	annual expenditures = 60,568	10% increase	annual expenditures = 66,625
	ordnance loading/arming/de-arming site	number of sites = 0	establish ordnance loading/arming/de-arming site	number of sites = 1
	ADR/BRAAT training on Runway 09/27	annual events = 4	establish ADR/BRAAT as routine training exercise	annual events = 8
MCALF Bogue	field training	see Table 2.4-4 in the EA	10% increase in field training days per training type	
	FARP/RGR operations	annual training days = 10	60% increase	annual training days = 16
	rotary-wing/ tiltrotor/fixed-wing operations	annual operations = 1,470	10% increase	annual operations = 1,618
	UAS groups 1-5	annual operations = 110	20% increase	annual operations = 132
	munitions	annual expenditures = 10,100	10% increase	annual expenditures = 11,110
	watercraft access points	number of sites = 0	establish up to two watercraft access points to support LOCE training	annual events = 4
	ETA cache digging for resupply materials	annual events = 0	establish ETA cache digging training	annual events = 2
	ISR training at Mariner's Bay 12-acre government-owned site	annual events = 0	ingress/egress via small inflatable watercraft for ISR training	annual events = 10
Bombing Targets¹				
BT-9	watercraft operations	annual operations = 471	no increase	annual operations = 471
	rotary-wing/ tiltrotor/fixed-wing operations	annual operations = 14,586	no increase	annual operations = 14,586
	UAS groups 1-5	annual operations = 38	10% increase	annual operations = 42

Table 1. MCAS Cherry Point Range Complex Training Areas Current and Proposed Activities/Operations

Location	Current Activities (No Action Alternative)		Proposed Action	
	Activity/Operation	Frequency/Total	Activity/Operation	Frequency/Total
	munitions expended	annual expenditures = 1,231,368	<1% increase in non-explosives	annual expenditures = 1,232,261
	range clearance cycle	every 7 years	increase frequency	every 4 years
	33 CFR section 334.420 codifies the existing intermittent use water restricted area		modify 33 CFR section 334.420 for intermittent expansion of water restricted area	
BT-11	watercraft operations	annual operations = 471	no increase	annual operations = 471
	fixed-wing, rotary-wing, tiltrotor operations	annual operations = 14,586	no increase	annual operations = 14,586
	UAS groups 1-5	annual operations = 55	fivefold increase	annual operations = 275
	munitions expended	annual expenditures = 1,229,863	87% increase	annual expenditures = 2,294,912
	range clearance cycle	Rattan Bay not cleared	implement clearance cycle	every 4 years
	33 CFR section 334.420 codifies the intermittent use water restricted area		modify 33 CFR section 334.420 for intermittent expansion of water restricted area and the addition of a permanent 500-foot restricted area safety buffer	
Public Trust Waters				
Public Trust Waters	small arms blanks	annual expenditures = 22,941	10% increase	annual expenditures = 25,235
	USVs	annual events = 0	establish use of USVs	annual events = 4
	UUVs	annual events = 0	establish use of UUVs	annual events = 4

Notes: < = less than; % = percent; ADR = airfield damage repair; BRAAT = base recovery after attack; BT = bombing target; CFR = Code of Federal Regulations; EA = Environmental Assessment; EABO = expeditionary advanced base operations; EOD = explosive ordnance disposal; ETA = Engineer Training Area; FARP = forward area refueling point; ISR = intelligence, surveillance, and reconnaissance; LOCE = Littoral Operations in a Contested Environment; MCAS = Marine Corps Air Station MCALF = Marine Corps auxiliary landing field; MCOLF = Marine Corps outlying landing field; RGR = Royal Gurkha Rifles; SAR = search and rescue; UAS = unmanned aircraft; system; USV = unmanned surface vessel; UUV = unmanned underwater vehicle

¹ Range maintenance activities and Operational Range Clearance are conducted periodically on all improved and unimproved land targets within the range complex; improved land target clearance is conducted approximately every six months. Maintenance activities include the installation and repair of signposts and warning signs to meet safety requirements. Landing zones and outlying landing field clear zones are maintained to support fixed-wing, rotary-wing, and tiltrotor activities. Range clearance is the destruction, removal, and proper disposition of debris. Target debris, military munitions packaging and crating material, and unexploded ordnance is removed periodically and disposed of in accordance with disposal procedures as defined in Marine Corps Order 3550.12. The routine and systematic process enhances operational range safety and prevents the accumulation of such material from impairing or preventing continued operational range use. Range managers conduct visual inspections of the ranges and use munitions usage data summarized within the military's Range Facility Management Support System to determine when range clearance activities are needed (U.S. Department of the Navy. 2021. *Marine Corps Order 3550.12A, Operational Range Clearance Program*. May 6.).

4 Current Rules Governing Coastal Management

This section evaluates the Proposed Action for consistency with Title 15A NCAC Subchapter 7H, “State Guidelines for Areas of Environmental Concern,” Subchapter 7B, “General Policy Guidelines for the Coastal Area,” and the Carteret, Craven, and Pamlico County LUPs.

4.1 State Guidelines for Areas of Environmental Concern

As defined by the CRC, AECs represent sensitive and valuable natural or cultural areas of statewide importance that require protection from uncontrolled or irresponsible development or use. The DCM administers the CAMA permit program to regulate development in AECs. As such, development proposed to occur within an AEC, or that has the potential to indirectly affect an AEC, is subject to the provisions of a CAMA permit issued by the DCM. More specifically, projects that require a CAMA permit must comply with the development guidelines established by the CRC. The AEC development guidelines range from specific, quantitative standards to general design goals that can be either specific to a singular AEC or applicable to all AECs. Pursuant to 15A NCAC 07K.0402, federal agency development proposals are exempt from CAMA permit requirements.

Projects occurring within designated AECs are subject to more thorough regulatory controls than are other portions of the North Carolina Coastal Zone. AECs comprise less than 3 percent of the land area subject to the state CMP. The DCM administers the CAMA permit program to regulate development in AECs as shown in Table 2.

Table 2. Areas of Environmental Concern and Regulatory Controls

AEC	Regulatory Controls
<i>Estuarine and Ocean Systems</i>	– <i>Coastal Wetlands (15A NCAC 07H.0205)</i>: salt marshes or other marshes subject to tidal flooding and normal wind tides – <i>Estuarine Waters and Public Trust Areas (15A NCAC 07H.0206-.0207)</i>: all waters of the sounds, estuaries, and oceans under North Carolina jurisdiction and all waters from the inland freshwater-saltwater boundary to 3 miles offshore; Public Trust Areas include all navigable natural bodies of water and lands thereunder to the normal high water or normal water level as the case may be – <i>Use Standards (15A NCAC 07H.0208)</i> – <i>Coastal Shorelines (15A NCAC 07H.0209)</i>: non-ocean estuarine shorelines extending from normal high water level or normal estuarine water level for a distance of 75 feet landward, and expanding to 575 feet landward when adjacent to waters classified as ORW
<i>Ocean Hazard Areas</i>	– <i>Ocean Erodible, High Hazard Flood, Inlet Hazard, and Non-vegetated Beach Areas (15A NCAC 07H.0304)</i>
<i>Public Water Supplies</i>	– <i>Small Surface Water Supply Watersheds (15A NCAC 07H.0405)</i> – <i>Public Water Supply Well Fields (15A NCAC 07H.0406)</i>
<i>Natural and Cultural Resource Areas</i>	Designated by the CRC on a case-by-case basis, including the following: – <i>Coastal Areas that Sustain Remnant Species (15A NCAC 07H.0505)</i> – <i>Coastal Complex Natural Areas (15A NCAC 07H.0506)</i> – <i>Unique Coastal Geologic Formations (15A NCAC 07H.0507)</i> – <i>Significant Coastal Archaeological Resources (15A NCAC 07H.0509)</i> – <i>Significant Coastal Historic Architectural Resources (15A NCAC 07H.0510)</i>

Notes: AEC = Area of Environmental Concern; CRC = Coastal Resources Commission; NCAC = North Carolina Administrative Code; ORW = Outstanding Resource Waters

4.1.1 Estuarine and Ocean Systems (15A NCAC 07H.0200)

Components of the Proposed Action would occur within the estuarine and ocean systems AEC. There would be no new construction; however, there would be two watercraft access points established as part of the Proposed Action. The management objective for the estuarine and ocean systems AEC is to protect public rights for navigation and recreation, and to conserve and manage the public trust areas so as to safeguard and perpetuate their biological, economic, and aesthetic value.

The following general use standards apply to the Proposed Action:

- A. The location, design, and need for development, as well as the construction activities involved, shall be consistent with the stated management objective. Before receiving approval for location of a use or development within these AECs, the permit-letting authority shall find that no suitable alternative site or location outside of the AEC exists for the use or development and, furthermore, that the applicant has selected a combination of sites and design that will have a minimum adverse impact upon the productivity and biologic integrity of coastal marshland, shellfish beds, beds of submerged aquatic vegetation, spawning and nursery areas, important nesting and wintering sites for waterfowl and wildlife, and important natural erosion barriers (e.g., cypress fringes, marshes, clay soils).
- B. Development shall not violate water and air quality standards.
- C. Development shall not cause major or irreversible damage to valuable documented archaeological or historic resources.
- D. Development shall not measurably increase siltation.
- E. Development shall not create stagnant water bodies.
- F. Development shall be timed to have minimum adverse significant effect on life cycles of estuarine and ocean resources.
- G. Development shall not impede navigation or create undue interference with access to, or use of, public trust areas or estuarine waters.

Assessment of Consistency with the Estuarine and Ocean Systems Enforceable Policy

The Proposed Action does not include new construction but does include establishment of two watercraft access points. Establishment of the two watercraft access points would be consistent with the general use standards outlined in "A."

The Proposed Action would not violate water or air quality standards. The Proposed Action would not introduce any new air emissions sources or stormwater water discharge sources.

The establishment of splash points in Barry Bay and at MCALF Bogue, in support of amphibious operations, would involve only selection, not development, of an area at each location that could facilitate these operations. Barry Bay does not have any water quality impairments. The waters off MCALF Bogue are impaired for shellfish harvesting and fish and shellfish consumption due to bacteria and other microbes. A combined 14 annual events for each of these splash points would not be expected to cause an exceedance of any water quality standards. Amphibious operations of watercraft would have no effect on existing impairments in the waters surrounding MCALF Bogue.

The counties of Carteret, Craven, and Pamlico are all in the Southern Coastal Plain Intrastate Air Quality Control Region, which is in attainment for all National Ambient Air Quality Standards. Air pollutant

emissions would be generated from vehicles, vessels, aircraft, and equipment. However, these emissions would not affect the attainment status of the region or result in more than minor levels of emissions.

The Proposed Action would not damage any historic resources. There are no identified historic resources within Proposed Action activity areas.

The Proposed Action would not affect the life cycles of estuarine or ocean resources. Due to the expansion of the intermittent use water restricted area danger zone at BT-9 and BT-11, the Proposed Action would impede navigation or interfere with access or use of public trust areas or estuarine waters. The U.S. Army Corps of Engineers would first amend the restricted area danger zone defined in 33 Code of Federal Regulations (CFR) section 334.420 – Pamlico Sound and adjacent waters in North Carolina, and then amend danger zones for Marine Corps operations according to CFR Title 33 section 334.4. Prior to activation of the expanded water restricted area danger zone, a U.S. Notice to Mariners would be issued to notify local users that the area would be closed to non-military users. Therefore, the Proposed Action is consistent to the maximum extent practicable with this policy.

4.1.2 Ocean Hazard Areas (15A NCAC 07H.0300)

There are no AECs designated as ocean erodible areas, high hazard flood areas, inlet hazard areas, or non-vegetated beach areas at the Proposed Action areas. Therefore, this policy is not applicable to the Proposed Action.

4.1.3 Public Water Supplies (15A NCAC 07H.0400)

There are no public water supply AECs located at or that would be affected by the Proposed Action areas. Therefore, this policy is not applicable to the Proposed Action.

4.1.4 Natural and Cultural Resource Areas (15A NCAC 07H.0500)

There are no AECs designated by the North Carolina CRC as unique coastal geologic formations, significant coastal archaeological resources, coastal areas that sustain remnant species, or significant coastal historic architectural resources at the Proposed Action areas. Therefore, this policy is not applicable to the Proposed Action.

4.2 General Policy Guidelines for the Coastal Area

4.2.1 Shoreline Erosion Response (15A NCAC 07M.0200)

Shoreline erosion response measures are designed to minimize the loss of private and public resources to erosion from recognized coastal hazards. The Proposed Action would not result in significant impacts to surface water, groundwater, wetlands, and floodplains. Therefore, the Proposed Action is consistent with this general policy.

4.2.2 Shorefront Access (15A NCAC 07M.0300)

Shorefront access to ocean beaches, as well as estuarine and other public trust waters of the coastal zone, should be managed consistently with the rights of private property owners and the concurrent need for natural resources protection. All shorefront areas are located on military installations. No public shorefront access areas are found at the Proposed Action areas. Therefore, this general policy is not applicable to the Proposed Action.

4.2.3 Coastal Energy (15A NCAC 07M.0400)

Coastal resources can be developed into reliable sources of energy serving local, regional, and national interests; however, the development of such resources and their associated facilities must occur in balance with other management objectives, such as natural resource protection and public access. The

Proposed Action would not include any energy or facility development. Therefore, this general policy is not applicable to the Proposed Action.

4.2.4 Post-disaster (15A NCAC 07M.0500)

Emergency planning can eliminate or minimize the potential adverse effects from natural disasters, laying the groundwork for better disaster recovery through a more effective, coordinated emergency response. The Proposed Action would not affect the state or county's ability to adequately plan for and respond to coastal emergencies such as a natural disaster. Therefore, the Proposed Action is consistent with this general policy.

4.2.5 Floating Structure (15A NCAC 07M.0600)

Floating structures (e.g., boats) used for residential or commercial purposes should not infringe upon the public trust rights nor should they discharge into the public trust waters of the North Carolina coast. The Proposed Action would not involve the use of any floating structures used for residential or commercial purposes. Therefore, this general policy is not applicable to the Proposed Action.

4.2.6 Mitigation Policy (15A NCAC 07M.0700)

Adverse impacts to coastal lands and waters should be mitigated or minimized through proper planning, site selection, compliance with standards for development, and creation or restoration of coastal resources. Coastal ecosystems shall be protected and maintained as complete and functional systems by mitigating the adverse impacts of development as much as feasible by enhancing, creating, or restoring areas with the goal of improving or maintaining ecosystem function and areal proportion. The Proposed Action does not entail any new construction. Three new water access points would be established: a splash point for amphibious combat vehicles at MCOLF Atlantic and two small inflatable watercraft water access points at MCALF Bogue. Impacts to coastal lands and waters would be minimized through proper planning and site selections. Because of the low rate of use (10 annual events for MCOLF Atlantic splash point and 14 annual events for the MCALF Bogue water access points, effects to coastal lands and waters are expected to be temporary and do not require mitigation. Therefore, the Proposed Action is consistent with this general policy.

4.2.7 Coastal Water Quality (15A NCAC 07M.0800)

Coastal waters support a wide variety of commercial and recreational activities, including fishing, swimming, hunting, boating, and commerce, among others. The coastal waters of North Carolina provide natural and economic value in support of these various activities. Land or water uses, within or outside the coastal zone, with the potential to degrade water quality should be avoided, minimized, or mitigated so as not to impair their continued beneficial use. No significant impacts to surface water, groundwater, wetlands, and floodplains would occur with implementation of the Proposed Action. Therefore, the Proposed Action is consistent with this policy.

4.2.8 Use of Coastal Airspace (15A NCAC 07M.0900)

Local, state, and federal government agencies operate aircraft for natural resources management, enforcement of environmental laws and regulations, and for other public interest functions such as health, safety, and welfare. The future development of aviation-related projects and associated airspace management practices should occur in an orderly manner that preserves airspace and promotes its efficient utilization.

The Proposed Action, while increasing the number of operations, would not change or expand any military airspace designations. Therefore, the Proposed Action is consistent with this policy because it occurs within existing designated airspace.

4.2.9 Water- and Wetland-Based Target Areas for Military Training Activities (15A NCAC 07M.1000)

The use of water- and wetland-based target areas for military training purposes should, to the maximum extent practicable, not infringe on public trust rights, cause damage to public trust resources, violate existing water quality standards, or result in public safety hazards.

Due to the expansion of the intermittent use water restricted area danger zone at BT-9 and BT-11, the Proposed Action would infringe on public trust rights. Prior to implementing the new intermittent use water restricted area danger zone, the U.S. Army Corps of Engineers would first amend the restricted area danger zone defined in 33 CFR section 334.420 – Pamlico Sound and adjacent waters in North Carolina, and then amend danger zones for Marine Corps operations according to CFR Title 33 section 334.4. Prior to activation of the expanded water restricted area danger zone, a U.S. Notice to Mariners would be issued to notify local users that the area would be closed to non-military users. The Proposed Action would not cause damage to public trust resources, violate water quality standards, or result in public safety hazards. Therefore, the Proposed Action is consistent to the maximum extent practicable with this policy.

4.2.10 Beneficial Use and Availability of Materials Resulting from the Excavation or Maintenance of Navigation Channels (15A NCAC 07M.1100)

Dredged material disposal practices should be conducted in a manner that avoids or minimizes the alteration of ocean and inlet sediment budgets. Furthermore, material resulting from the excavation or maintenance of navigation channels should be used in a beneficial manner, to the extent practicable.

The Proposed Action would not involve any dredged material disposal, nor would it entail any navigation channel excavation or maintenance. Therefore, this general policy is not applicable to the Proposed Action.

4.2.11 Ocean Mining (15A NCAC 07M.1200)

Although North Carolina's CMP regulates the Atlantic Ocean out to the 3-mile state jurisdictional boundary as a public trust AEC, the ocean environment is a contiguous, interrelated system. As such, ocean mining activities that occur in federal waters beyond the 3-mile mark have the potential to adversely affect state jurisdictional waters, including estuarine systems farther inland. These activities should not occur to the detriment of the physical ocean environment or to its related inland surface water systems.

The Proposed Action would not include any ocean mining activities with the potential to affect state jurisdictional waters. Therefore, this general policy is not applicable to the Proposed Action.

4.3 County Coastal Management Policies

In North Carolina, land use planning is a fundamental element of the CMP. Each coastal county is required to have a local LUP that is consistent with the guidelines established by the CRC. Once a county LUP is certified by the CRC, the DCM utilizes the plan to make CAMA-driven permit decisions, and as a basis for reviewing federal consistency determinations. The 2021 Carteret County LUP Update was adopted by the County Board of Commissioners on December 20, 2021, and was certified by the CRC on February 7, 2022. The Craven County CAMA Core LUP was adopted by the County Board of Commissioners on August 3, 2009, and certified by the CRC on October 30, 2009. The Pamlico County Joint CAMA LUP was adopted by the County Board of Commissioners on November 1, 2004, and was certified by the CRC on January 28, 2005.

Federal landholdings are not subject to the provisions of local LUPs; however, Table 3 describes the program elements of the LUPs used to evaluate the Proposed Action for consistency with its primary land use management objectives.

Table 3. LUP Program Elements

<i>Carteret County LUP Program Elements</i>
<i>Public Access</i> Develop comprehensive policies that maximize public access to the beaches and public trust waters of Carteret County.
<i>Land Use Compatibility</i> Balance protection of natural resources and fragile areas with economic development while avoiding risk to public health, safety, and welfare.
<i>Infrastructure Carrying Capacity</i> Ensure that development, extension, and upgrade of Carteret County infrastructure protects or restores AECs and other fragile areas.
<i>Natural and Man-Made Hazard Areas</i> Conservation of coastal features to maintain their natural storm protection functions and natural resources and recognition of the contributions of military installations to the area in relation to public health, safety, and welfare issues.
<i>Water Quality</i> Maintain, protect, and where possible enhance water quality in coastal wetlands, rivers, streams, and estuaries.
<i>Craven County LUP Program Elements</i>
<i>Public Access</i> Craven County and its participating municipalities will maximize public access to their shorelines and public trust waters. This goal includes developing facilities for additional waterfront access, particularly access to the creeks and rivers of the county for both pedestrian and boating traffic. Strong consideration should be given to developing access facilities that allow for progressive and continual ingress and egress of users along all fresh and estuarine waters of the county.
<i>Land Use Compatibility</i> Craven County will vigorously support residential, commercial, and industrial development which has only minimal adverse impact on the county's natural and cultural resources; existing land uses; or public health, safety, and welfare.
<i>Infrastructure Carrying Capacity</i> Craven County will ensure that public infrastructure systems and community facilities are appropriately sized, located, and managed so that all service needs are met, and quality/productivity of AECs/fragile areas are protected. Craven County will also support a safe, efficient transportation system within the county.
<i>Natural Hazard Areas</i> Craven County will support preservation of valuable natural resources while pursuing economic and population growth. The county will protect/maintain floodplains and other coastal features for their natural storm protection functions.
<i>Water Quality</i> Craven County will protect its surficial and surface water quality including enhancing water quality in all coastal wetlands, rivers, streams, and estuaries. This effort will focus on rapidly developing areas such as the U.S. 70 corridor.
<i>Local Areas of Concern and Subarea Concerns</i> Ensure a high quality of life for its citizens, by working to attract and expand a diversified economic base (including a strong military component), ample parks and recreation facilities, an active arts and cultural community, affordable, quality health and elder care, an excellent public school system, sustained interest in the area's history and traditions, and area-wide support for community cleanliness and beauty.

Table 3. LUP Program Elements

<i>Pamlico County LUP Program Elements</i>
<i>Public Access</i> Develop comprehensive policies that provide public trust water access for the shorelines of Pamlico County.
<i>Land Use Compatibility</i> Adopt and apply local development policies that balance protection of natural resources and fragile areas with economic development.
<i>Infrastructure Carrying Capacity</i> Establish policies to ensure that the location and capacity of public infrastructure is consistent with the county's growth and development goals.
<i>Natural Hazard Areas</i> Develop location, density, and intensity criteria for new development so that it can better avoid or withstand hazards.
<i>Water Quality</i> Policies that help prevent or control non-point source discharges.
<i>Areas of Local Concern</i> The plan entails objectives for economic development, community development, encouraging resource-based industries, land use, and municipality-specific (Bayboro, Mesic, Minnesott Beach, and Vandemere) goals.

Notes: AEC = Area of Environmental Concern; U.S. = United States

The following sections evaluate the Proposed Action for consistency with LUP management objectives for public access, land use compatibility, and infrastructure carrying capacity; natural hazard areas; water quality, and local areas of concern.

4.3.1 Public Access

In accordance with Section 101 of the Sikes Act, as amended (16 U.S.C. sections 670a–670f), military installations are authorized to facilitate public access to natural resources, to the extent appropriate, consistent with public safety and military security requirements. Land components of the Proposed Action occurs entirely on Marine Corps installations and would not affect public access to shorelines or public trust waters. Water-based components of the Proposed Action have the potential to restrict public access to public trust waters, in particular the proposed intermittent expansion of the restricted area danger zone. Prior to establishment of the expansion of the danger zone, the U.S. Army Corps of Engineers would first amend the restricted area danger zone defined in 33 CFR section 334.420 – Pamlico Sound and adjacent waters in North Carolina, and then amend danger zones for Marine Corps operations according to CFR Title 33 section 334.4. Prior to activation of the expanded water restricted area danger zone, a U.S. Notice to Mariners would be issued to notify local users that the area would be closed to non-military users. Therefore, the Proposed Action is consistent to the maximum extent practicable with this policy.

4.3.2 Land Use Compatibility

The activities under the Proposed Action would occur within designated military training areas. Noise analysis performed for the action resulted in negligible to minor increases in noise for some activities that extend past installation boundaries. Anticipated noise from training activities would be consistent with the land use compatibility policies contained in the Craven County and Carteret County LUPs. The Craven County LUP supports MCAS Cherry Point as the primary economic engine of the local economy and continuously evaluates the effectiveness of overlay districts (including noise) and proposed land uses. Similarly, the Carteret County LUP supports the continued presence of military activities in the county and mitigates impacts of aircraft noise by the enforcement of compatible use zones. The Jones

County and Pamlico County LUPs do not contain noise-specific land use compatibility policies. The Marine Corps actively engages with Craven, Carteret, Jones, and Pamlico Counties regarding ongoing and proposed operations, including coordination through the Eastern Carolina Joint Land Use Study program, which helps ensure that training activities remain consistent with local land use planning objectives. Therefore, the Proposed Action is consistent with the Craven County and Carteret County LUP program elements.

4.3.3 Infrastructure Carrying Capacity

The Proposed Action does not change existing personnel levels or population, nor does it involve infrastructure construction or otherwise affect services such as the local transportation system, drinking water supply systems, wastewater treatment facilities, solid waste management facilities, or stormwater management infrastructure. Therefore, this LUP program element is not applicable to the Proposed Action.

4.3.4 Natural Hazard Areas

The Proposed Action would include establishment of two watercraft access points at Mariner's Bay. A temporary increase in turbidity could occur from disturbance of sediments during the development and use of access points. Conditions would return to normal after activities cease. Long-term impacts to water quality would be negligible. Therefore, there would be no significant impacts to surface water or groundwater from the Proposed Action. Establishment of two watercraft access points could lead to damage of wetland vegetation or alteration of the natural wetland environment, which could result in degradation. The small craft landing area may require minor loss of wetlands and water storage capacity of floodplains. However, the use of small inflatable watercraft would be infrequent, and the wetland habitat would likely recover from infrequent trampling. There would be no significant impacts to wetlands and floodplains from the Proposed Action. Therefore, the Proposed Action is consistent to the maximum extent practicable with this LUP program element.

4.3.5 Water Quality

Section 4.1.1 addresses the effects of the Proposed Action on water quality. The Proposed Action is consistent with this LUP program element.

4.3.6 Local Areas of Concern

The Proposed Action would strengthen the military component in Craven County and thereby assist in ensuring a diversified economic base. The Proposed Action would not affect area parks and recreation facilities, the arts, health care, elder care, public schools, area history and traditions, or cleanliness and beauty. The Proposed Action would benefit the economy in Pamlico County by ensuring the continued presence of Marine Corps installation in the region. The Proposed Action would not affect community development, resource-based industries, land use, or the municipalities of Bayboro, Mesic, Minnesott Beach, and Vandemere.

5 Conclusion

The Marine Corps has determined the Proposed Action would affect a coastal use or natural resources of North Carolina; therefore, the Marine Corps has evaluated the Proposed Action for consistency with, and relevancy to, the North Carolina CAMA. Implementation of the Proposed Action would be consistent, to the maximum extent practicable, with the enforceable policies of North Carolina's federally approved CMP.