

Georgia Department of Natural Resources

2 Martin Luther King, Jr. Drive, SE, Suite 1252 East, Atlanta, Georgia 30334-9000

Noel Holcomb, Commissioner

Phone: (404) 656-3500

Fax: (404) 656-0770

G-010

March 31, 2008

Commander, Naval Facilities
Engineering Command, Atlantic
Attn: Code EV22 (AFAST PM)
6506 Hampton Blvd.
Norfolk, VA 23508-1278

RE: Federal Consistency with Georgia's Coastal Management Program for DEIS/DOEIS
for Atlantic Fleet Active Sonar Training (AFAST)

Dear Commander:

Staff of the Georgia Coastal Management Program (GCMP) as well as the Georgia Department of Natural Resources' Wildlife Resources Division (GDNR WRD) and Coastal Resources Division (GDNR CRD) has reviewed your February 15, 2008 letter and attached Draft Atlantic Fleet Active Sonar Training Environmental Impact Statement and Overseas Environmental Impact Statement. GDNR CRD is responsible for coordinating GCMP's enforceable policies for all coastal uses and resources, whereas GDNR WRD is responsible for managing marine mammal resources in Georgia state and federal waters (through various cooperative agreements with the National Marine Fisheries Service and U.S. Fish and Wildlife Service).

Proposed Action and Alternatives:

GDNR recognizes the difficult situation that the Navy faces in balancing its national defense imperative with protection of marine mammal resources. Moreover, we recognize that much uncertainty surrounds the science of sonar impacts on marine mammal populations. Nonetheless, we contend that unfettered use of mid-frequency sonar throughout all existing U.S. Atlantic and Gulf of Mexico OPAREAs (Preferred No Action Alternative) is not prudent or in line with risk-averse management for the following reasons:

- 883 [1] exposure to mid-frequency sonar has been implicated in numerous toothed whale mortality events [2] the mechanism that produces mortality and/or morbidity is uncertain [3] 886 [4] the potential impact of sonar on baleen and toothed whale populations is unknown [5] 888 [6] the abundance and distribution of many whales species within the project area is poorly understood and [7] numerous federally-listed species (e.g. sperm whales, North Atlantic right whales) inhabit waters within the project area. 889 The Georgia and north Florida coasts support the only known calving area for the highly imperiled North Atlantic right whale. Given these concerns, it would be more prudent to implement designated sonar training

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ranges within areas of low whale density (Alternatives 1 and 2) or to identify important whale habitats within the project area and avoid using sonar in such areas (Alternative 3).]

Alternatives Analysis:

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The DEIS states that the preferred No Action Alternative (status quo) was selected because Alternatives 1-3 would place unreasonable geographic constraints on sonar training and would result in only modest reductions in marine mammal impacts over the status quo. Regarding the latter point, we question the reliability of the Alternatives Analysis given how little is known about the distribution and abundance of many marine mammal species inhabiting the project area. The marine mammal density data at the heart of the Alternatives Analysis are spatially and temporally coarse in scale, and therefore inappropriate for fine-scale analysis that was conducted in the DEIS (i.e. identifying designated sonar training ranges). As such, it is not surprising that the Alternatives Analysis found only a modest reduction in impacts between Alternatives 1-3 and the No Action Alternative. Rather, GDNR recommends that comprehensive marine mammal surveys be conducted within each OPAREA and across all four seasons in order to calculate accurate season-specific estimates of marine mammal density. Results should be incorporated into the Alternatives Analysis prior to publication of the final EIS and used to determine if it is appropriate for NMFS to issue a Letter of Authorization to the Navy to take marine mammals under the Marine Mammal Protection Act. We suspect that areas of lower whale density will be evident upon completion of such surveys, enabling the Navy to designate meaningful sonar ranges, thereby reducing impacts on marine mammal resources. Without such studies the GCMP can not make a determination that there are no reasonably foreseeable effects on coastal uses or resources and therefore, would not concur with a federal consistency determination that the Navy is consistent to the maximum extent practicable with Georgia's enforceable policies. If areas of lower marine mammal density are not identified through such studies, then GDNR may support the Navy's selection of the No Action Alternative if adequate mitigation measures are implemented. ✓]

Mitigation Measures:

The Navy recognizes the need for more accurate marine mammal density data, stating in the DEIS that a pilot monitoring project is currently underway through a contract with federal and academic research groups. As stated above, accurate marine mammal density estimates should be calculated and analyzed prior to publication of the final EIS and prior to implementation of proposed AFAST activities. Reliable marine mammal population estimates within the project area should not be considered as mitigation. Rather, accurate density estimates are baseline information that should be considered in Alternatives Analysis prior to onset of the proposed action.] 703

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910 GDNR recognizes that many of the mitigation measures proposed during the public scoping process are impractical (e.g. posting independent observers aboard navy vessels, allowing independent vessels to oversee naval operations). However, the Navy's emphasis on posting lookouts as the primary operational means of avoiding marine mammal impacts is equally impractical. Many of the marine mammal species most likely to be impacted by AFAST activities (e.g. beaked whales, *Kogia* sperm whales) are known to be difficult to detect visually. The most prudent approach to reducing impacts is to identify areas of lower marine mammal density within respective OPAREAs prior to onset of AFAST activities. If such low-density areas cannot be located on an OPAREA-scale, then more vigorous small-scale surveys should be conducted prior to individual AFAST exercises (e.g. some combination of boat-based, passive acoustic and aerial surveys). 907

917 The DEIS refers to an Integrated Comprehensive Monitoring Program (ICMP) proposed by the Navy that would monitor marine mammal impacts caused by AFAST and other similar activities. GDNR recommends that the Navy coordinate with NMFS to develop and implement an effective monitoring program prior to onset of AFAST activities. At a minimum, the ICMP should consider the following objectives: 1) determine the cause of marine mammal mortality and morbidity in individuals exposed to sonar (e.g. physiological impacts, direct vs. indirect effects, what species are most susceptible), 2) estimate numbers of marine mammals "taken" by AFAST activities, 3) determine whether AFAST activities are impacting species at the population level (e.g. changes in species distribution or density, cumulative impacts from increased ocean noise) and 4) use monitoring results to inform and improve mitigation efforts (i.e. adaptive management). The ICMP should be transparent and include on-site and shore-based (i.e. stranding network) components. The NMFS-coordinated Marine Mammal Stranding Network (MMSN) is the only shore-based mechanism capable of monitoring broad-scale anthropogenic impacts on marine mammals. 922 The Navy should provide NMFS with funding to support the MMSN given the complicated nature of diagnosing sonar-related trauma in stranded marine mammals. Likewise, the Navy should communicate the location of all AFAST training exercises to the NMFS Regional Stranding Coordinators within 24 hours of completion of each event, thereby increasing the probability that sonar-related stranding events may be detected. While the stranding network should have an important role in the ICMP, the development of an effective onsite (i.e. on-the-water) monitoring component is imperative given the numerous biases inherent in stranding data (e.g. carcass degradation, loss of carcasses at sea).

926 [Special consideration should be given to the potential impacts of AFAST activities on North Atlantic right whales. North Atlantic right whales are among the most endangered baleen whale species. Mortality from vessel collisions is a leading cause of mortality in right whales. As such, the Navy should avoid conducting AFAST exercises within all areas of known right whale occurrence to the maximum extent possible.] In the southeast U.S.,

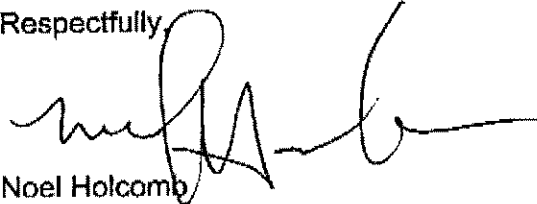
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areas of right whale occurrence would include all waters within 30nm of shore from Cape Canaveral, FL to Chesapeake Bay, VA from November 15 through March 15 each year.

A formal Federal Consistency Determination has not yet been submitted to the GCMP for concurrence or objection, which must be done at least 90 days prior to your taking final action. GDNR appreciates the opportunity to comment on this proposal and looks forward to continued cooperation with the Navy on this and other issues. If you have any technical questions regarding our comments, please contact Brad Winn or Clay George at (912) 262-3336. If you have any questions regarding federal consistency, please contact Kelie Moore at (912) 264-7218.

Respectfully,



Noel Holcomb

cc: Capt. J.M. Hinton, United States Navy
Dan Forster, GDNR WRD
Susan Shipman, GDNR CRD