

G-015



STATE OF MAINE
EXECUTIVE DEPARTMENT
MAINE STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, ME 04333

JOHN ELIAS BALDACCI
Governor

MARTHA E. FREEMAN
Director

March 31, 2008

Naval Facilities Engineering Command, Atlantic Division
Attention: Code EV22 (Atlantic Fleet Sonar Project Manager)
6506 Hampton Boulevard
Norfolk, VA 23508-1278

MAILED
3-31-08

RE: Draft Atlantic Fleet Active Sonar Training (AFAST) EIS/OEIS

Dear Madam or Sir:

We are writing to provide the comments of the Maine Department of Marine Resources and the Maine State Planning Office/Maine Coastal Program regarding the Navy's above-referenced draft Environmental Impact statement regarding Atlantic Fleet Active Sonar Training (AFAST) in waters along the Atlantic coast.

Review of the DEIS suggests that, with some exceptions, the Navy plans to conduct AFAST activities outside of the Gulf of Maine region and that those activities that may occur in the region will be conducted beyond the 12-mile limit. See DEIS, Section 2.4, Table 2.3. [The Navy does note that its active sonar training exercises have potential to affect whale and sea turtle species, such as the northern right whale and loggerhead, ridley and leatherback turtles, that are found in the Gulf of Maine, including potentially Maine's coastal waters. See, e.g., DEIS, pp. 4-93-4; and p. 4-144 (re: loggerhead turtle). These species are listed under the State's state endangered and state threatened marine species law, 12 MRSA Chapter 631, which authorizes the Maine Department of Marine Resources to establish programs necessary to protect state listed marine species in order to achieve compliance with the federal Endangered Species Act.]

We understand that, as outlined in Section 5 of the DEIS, the Navy intends to implement mitigation measures to further minimize the potential for adverse effects which the Navy has concluded would be "short term effects to most individuals exposed and would likely not affect annual rates of recruitment or survival"; and that the Navy is consulting with the National Marine Fisheries Service and United States Fish and Wildlife Service pursuant to pertinent provisions of the Marine Mammal Protection Act and Endangered Species Act. [To the extent not covered by the Navy's proposed mitigation measures, DMR suggests provision for seasonal restrictions be given careful consideration; and that torpedo exercises (TORPEX) and anti-submarine warfare (ASW) training activities that might take place in the Critical Marine Habitat Closure area in the Great South Channel where there is a high concentration of northern right whale sightings be afforded particular concern.]

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[In keeping with its objective of avoiding and minimizing potential adverse impacts, we also encourage the Navy to consult to the extent practicable with the Maine Department of Marine Resources (DMR), as

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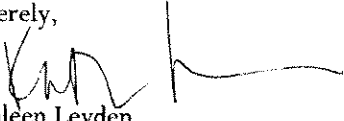
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March 31, 2008
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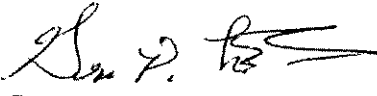
Maine's lead agency regarding protected marine species, regarding the nature, timing and location of any active sonar or torpedo exercises proposed in or that may affect marine life in Gulf of Maine areas proximate to Maine, particularly feeding and other areas frequented by the northern right whale. This coordination could potentially involve the Navy's use of information available from DMR's large whale sighting website as well as the Navy's sharing of information to further develop and enhance the effectiveness of this tool. Still in its early stages, this GIS/web-based application is intended to enable commercial fishermen and other interested persons to access real-time sightings information of large whales in the Gulf of Maine. See <http://maine.gov/dmr/rm/whale/whale.html>. Please contact Brian Swan (207-624-6573; brian.swan@maine.gov) regarding further consultation with DMR.]

849 [The DEIS indicates that the Navy intends to prepare a negative determination for Maine and most other East Coast and Gulf states rather than a consistency determination to address its obligations under the Coastal Zone Management Act's federal consistency provision. See DEIS, p. 4-177. The final EIS should include further explanation of the basis for the Navy's decision,] which we anticipate will be further detailed in the negative determinations themselves.

Thank you for your consideration of these comments.

Sincerely,


Kathleen Leyden
Director, Maine Coastal Program


George Lapointe
Commissioner, Maine Department of Marine Resources

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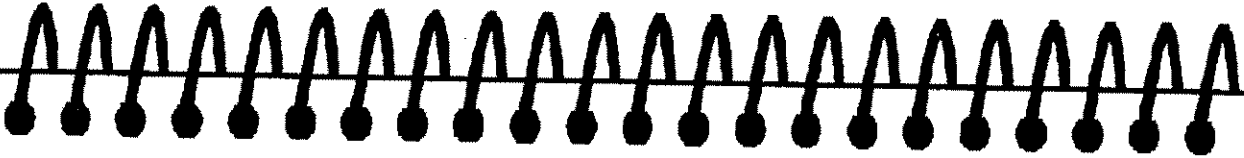


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DIRECTOR

Fax



DATE: 3-31-08

PAGES TO FOLLOW: 2

TO:

FROM: *Maine Coastal Program* TEL #:

SENT BY: *Sorraine Lessard* TEL #: *207-287-1486*

MESSAGE:

Comments on AFAST

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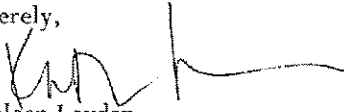
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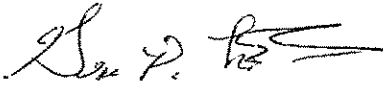
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