



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Michael F. Easley, Governor
 Secretary

James H. Gregson, Director

William G. Ross Jr.,

March 26, 2008

Melba McGee
 Environmental Coordinator
 Office of Legislative & Intergovernmental Affairs
 Department of Environment and Natural Resources
 1601 Main Service Center
 Raleigh, NC 27699-0001



SUBJECT: Proposed Use of Sonar in Atlantic Fleet Training Exercises in the Atlantic Ocean and the Gulf of Mexico (SCH#08-0258, DCM#20080017, and DCM#200820)

Dear Ms. McGee:

Thank you for the opportunity to review the "*Draft Atlantic Fleet Active Sonar Training Environmental Impact Statement/Overseas Environmental Impact Statement*" (DEIS) published on February 15, 2008. The DEIS evaluates the environmental effects anticipated to result from the US Navy (Navy) conduction sonar training in portions of the Atlantic Ocean and the Gulf of Mexico. The Navy has released the DEIS to solicit public comments on the proposed action. The Navy has proposed the "*No Action*" alternative as the preferred alternative (proposed action) for implementation. The North Carolina Division of Coastal Management (DCM) is reviewing the DEIS to evaluate the adequacy of the environmental analysis. The comments by the N.C. Division of Coastal Management are below.

Consistency Review: The DEIS correctly notes that pursuant to the Coastal Zone Management Act (CZMA) of 1972, as amended, Federal agencies, such as the Navy, are required to submit a proposed project to a state that has an approved coastal management program when their proposed activity would have a reasonable foreseeable affect on a state's coastal resources. Table ES-2 (Summary of Effects by Alternative) of the DEIS identifies that the Navy has submitted consistency determinations to the states of Connecticut, Florida, Georgia, Texas, and Virginia. By inference the Navy has determined that the proposed action (as analyzed in the DEIS) would not have a reasonable foreseeable effect on any coastal use or any coastal resource within North Carolina's coastal zone. Nonetheless, [should further environmental analysis by the Navy determine that North Carolina could experience a reasonable foreseeable effect from the proposed action the Navy will need to obtain a consistency concurrence from the State of North Carolina before implementing any actions that could affect North Carolina's coastal resources.]

No Action Alternative: The preferred alternative identified in the DEIS for implementation is the "*No Action*" Alternative. [The DEIS briefly summarizes the "*No Action*" alternative as "*continuing with the*

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present course of action."¹ DCM requests further clarification as to the meaning of "continuing with the present course of action."²

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[Section 2.7.5 (Altering the Tempo and Intensity of Atlantic Fleet Active Sonar Training) of the DEIS indicates that the "tempo and intensity" of operations are to remain the same. However, there may be operational changes that have not been disclosed that could have environmental effects. For example, will the Navy be using "new" sonar technologies that will be more powerful and/or operate at different frequencies than what is currently being used?]

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[If the Navy is proposing to use "new" sonar technology the environmental effects of the "new" technology on the environment, especially marine animals, could be substantially different from the currently used sonar technology. Section 1502.14 of the CEQA regulations requires that alternatives "should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public." (Emphasis added.) Pursuant to Section 1502.14, if the Navy is proposing the use of "new" sonar technologies, DCM would request that a new alternative be developed to compare the currently used sonar technology with the "new" sonar technology to provide the public with a clear basis for the selection of the preferred alternative.]

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Alternatives 1 and 2: The DEIS asserts that the implementation of either Alternative 1 or Alternative 2 would severely limit training opportunities by forcing the "relocation of approximately 30 percent of the Navy's current training."² The limited operating areas for Alternatives 1 and 2 are depicted in green in Figures ES-2, ES-3, ES-4, ES-5, and ES-6.

Figure ES-8 (which depicts the "No Action" Alternative) contains the notation that "Active Sonar could occur anywhere in the Study Area."³ (Emphasis added.) The Atlantic Fleet Active Sonar Training (AFAST) study area is depicted in Figure ES-1. Based on Figure ES-1, the study area encompasses a very large region within the Atlantic Ocean and the Gulf of Mexico.

Since the "No Action" Alternative would allow sonar training to occur unhindered over the entire study area as depicted in Figure ES-1, the question arises as to whether the proposed sonar training areas for Alternatives 1 and 2 have been excessively reduced in areal extent for the purpose of dismissing them as reasonable alternatives. [Considering the very large operating region depicted in Figure ES-1, there would appear to be opportunities to identify other locations (within the context of Alternatives 1 and 2) in the study area that could be suitable for sonar training. DCM suggests that the Navy further investigate the potential that other locations in the study area (as depicted in Figure ES-1) may be suitable for sonar training within the context of Alternatives 1 and 2.]

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Migration Measures: The Navy's proposed mitigation measures are summarized in Section 5 of the DEIS⁴. The Navy has concluded in the DEIS that the debris entering the marine environment as a result of sonar training operations would not have a significant impact on the environment on either an individual basis or in a cumulative sense.

While the Navy has concluded that debris resulting from the sonar training operations may not have a significant adverse impact to the environment, there will still be some degree of disposal into the marine environment. The DEIS notes that the marine debris can injure or kill marine life, interfere with navigation

¹ Pages ES-7 and 2-37 of the DEIS.

² Page ES-7 of the DEIS.

³ Page ES-15 of the DEIS.

⁴ Page 5-1 of the DEIS.

safety, and affect maritime commerce⁵. [DCM recognizes that the Navy would be only one of many potential sources of marine debris. To partially mitigate this adverse effect, DCM recommends that the Navy implement a public education effort that will facilitate the reporting of any debris that may wash ashore, be found floating in the water, or interfere with fishing activities⁶. The public education program could consist of a variety of activities, including, but not limited to: a toll-free number for reporting debris, a brochure, notice to mariners, and a partnership between the Navy and volunteer organizations doing coastal cleanup events.] 876

Integrated Comprehensive Monitoring Program (ICMP): The DEIS states that the Navy "is developing an Integrated Comprehensive Monitoring Program (ICMP) for marine species in order to assess the effects of training activities on marine species and investigate population trends in marine species distribution and abundance in various range complexes and geographic locations where Navy training occurs." This proposal for mitigation will be very helpful, when developed, in evaluating the effects of the proposed sonar training on the marine environment. [However, at this point in time, because the ICMP has not yet been developed, it is unknown whether or not the ICMP will be able to achieve its stated objectives. DCM recommends that when the ICMP is completed that it be made available for further review and public comment before the sonar training program is implemented.] 877

Sonar Environmental Effects: DCM staff does not have the scientific expertise to comment on the Navy's assertion that the proposed use of sonar would not have a significant adverse effect on the marine environment. Consequently DCM has not made specific comments regarding whether the sonar should or should not be used. Based on our review of various articles in the media discussing this issue, it appears that this concern is still open for debate. [Our lack of comments relative to the "safety" of the proposed sonar use should not be construed as an endorsement that the proposed use of the sonar would actually be "safe". DCM recommends that the Navy continue its research efforts to evaluate this concern.] 878

Alternative 2, in closing, appears to be the environmentally superior alternative that still meets the objectives of the Navy's proposed sonar training. [DCM recommends that the Navy reconsider the "No Action" Alternative as its preferred alternative and to consider Alternative 2 as the preferred alternative. Alternative 2 is environmentally superior since training operations would be adjusted seasonally to minimize effects to marine resources while still meeting operational training requirements.] Thank you for your consideration of the North Carolina Coastal Management Program. 879

Sincerely,



Stephen Rynas, AICP
Federal Consistency Coordinator

cc: Jim Gregson, Division of Coastal Management
Doug Huggett, Division of Coastal Management
Anne Deaton, NC Division of Marine Fisheries
Maria Dunn, NC Wildlife Resources Commission
Keith Jenkins, Naval Facilities Engineering Command, Atlantic

⁵ Page 6-16 of the DEIS.

⁶ Section 6.2.7 discusses materials washed ashore. DCM acknowledges that none of marine debris identified appears to be of military origin.

⁷ Page 5-7 of the DEIS.



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March 27, 2008

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 Environmental Coordinator
 Office of Legislative & Intergovernmental Affairs
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Dear Ms. McGee:

This letter provides an additional DCM comment on the "Draft Atlantic Fleet Active Sonar Training Environmental Impact Statement/Overseas Environmental Impact Statement" (DEIS). The National Oceanic Atmospheric Administration (NOAA) in reviewing the coastal zone reauthorization amendment stated: "The question of whether a specific federal agency activity may affect any natural resource, land use, or water in the coastal zone is determined by the federal agency."¹ In our prior comment letter DCM acknowledged that the Navy had, by inference, determined that the proposed Atlantic Fleet Sonar Training would not have a reasonable foreseeable effect on North Carolina's coastal resources. DCM also stated in the prior letter that "Nonetheless, should further environmental analysis by the Navy determine that North Carolina could experience a reasonable foreseeable effect from the proposed action the Navy will need to obtain a consistency concurrence from the State of North Carolina before implementing any actions that could affect North Carolina's coastal resources."

DCM received, on March 26, 2008, a copy of the comment letter on the DEIS from the North Carolina Division of Marine Fisheries (NCDMF). The NCDMF, in their letter, found that the DEIS was **not** "adequate with regard to its analysis of impacts of the proposed project to fish species" The NCDMF letter also stated that there "are important fishery resources under **DMF jurisdiction** within the VACAPES, CHPT, and CHASTN OPAREAS." (Emphasis added) The NCDMF letter raises the potential that proposed Atlantic Fleet Sonar Training could have a reasonable foreseeable effect on North Carolina's coastal resources. The NOAA findings on the coastal zone reauthorization amendment go on to state "Therefore, the term "affecting" is to be **construed broadly**,"² (Emphasis added) Based on the information provided by the NCDMF it

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¹ Page 77125 of the Federal Register of December 8, 2000
² Page 77125 of the Federal Register of December 8, 2000.

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appears that there could be a reasonable foreseeable effect of the proposed Atlantic Fleet Sonar Training on North Carolina's coastal resources. DCM requests that the Navy further evaluate this matter.] Thank you for your consideration of the North Carolina Coastal Management Program.

880 (cont'd)

Sincerely,



Stephen Rynas, AICP
Federal Consistency Coordinator

- cc: Jim Gregson, Division of Coastal Management
Doug Huggett, Division of Coastal Management
Anne Deaton, NC Division of Marine Fisheries
Michelle Duval, NC Division of Marine Fisheries
Jean Hardy, NC Division of Marine Fisheries
Maria Dunn, NC Wildlife Resources Commission
Keith Jenkins, Naval Facilities Engineering Command, Atlantic