

APPENDIX J

Agency Correspondence

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Draft
Environmental Impact Statement/Overseas Environmental Impact Statement
Atlantic Fleet Training and Testing Activities

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APPENDIX J AGENCY CORRESPONDENCE

Appendix J contains correspondence between the Navy and federal or state agencies with respect to cooperating agency status.

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DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5090
Ser N45/15U132462
December 18, 2015

Ms. Donna S. Wieting
Director, Office of Protected Resources
National Marine Fisheries Service
1315 East West Highway
Silver Spring, MD 20910

Dear Ms. Wieting:

SUBJECT: COOPERATING AGENCY REQUEST FOR THE ATLANTIC FLEET
TRAINING AND TESTING (AFTT) PHASE III ENVIRONMENTAL IMPACT
STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS)

In accordance with the National Environmental Policy Act (NEPA) and Executive Order (EO) 12114, the Department of the Navy is initiating the preparation of an EIS/OEIS to evaluate the potential environmental effects associated with the continuation of military readiness activities, which consist of training as well as research, development, testing, and evaluation (RDT&E, hereinafter referred to as "testing") activities that include the use of active sonar and explosives in the AFTT Study Area. The AFTT Study Area includes the western North Atlantic Ocean along the east coast of North America, the lower Chesapeake Bay, portions of the Caribbean Sea, and the Gulf of Mexico. Also included are continued activities at select pier-side testing locations and port access channels.

This AFTT EIS/OEIS represents the third phase (Phase III) of ongoing NEPA and EO 12114 compliance for continuing at-sea training and testing. It will evaluate military readiness activities from November 2018 into the reasonably foreseeable future and accommodate evolving mission requirements associated with force structure changes, including those resulting from the development, testing, and ultimate introduction of new platforms (vessels, aircraft, and weapon systems) into the fleet. This Phase III AFTT EIS/OEIS will also evaluate a No Action Alternative for Navy at-sea training and testing. The existing Marine Mammal Protection Act (MMPA) Final Rule and Letters of Authorization for AFTT will expire in November 2018. This Phase III EIS/OEIS will support further MMPA authorization and consultation requirements under the Endangered Species Act (ESA).

To complete the analysis required by the permitting and consultation processes pursuant to MMPA and ESA in an efficient and effective way, Navy believes that participation by the National Marine Fisheries Service (NMFS) is essential. Therefore, in accordance with the Council on Environmental Quality's (CEQ's) regulations implementing NEPA (specifically 40 CFR § 1501.6) and CEQ's 2002 guidance on cooperating agencies, Navy requests that NMFS participate, as a cooperating agency for the development of the AFTT Phase III EIS/OEIS.

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As the lead agency, Navy will be responsible for overseeing preparation of the EIS/OEIS that will include, but not be limited to, the following:

- Gathering the necessary background information, including the most up-to-date scientific research, and preparing the EIS/OEIS and the necessary permit applications associated with the proposed action;
- Working with NMFS personnel to determine the method of estimating potential effects to protected marine species, including threatened and endangered species;
- Determining the scope of the EIS/OEIS, including the alternatives evaluated;
- Circulating the NEPA document with the public, including any other interested parties;
- Scheduling and supervising meetings held in support of the NEPA process and compiling any comments received from the public; and
- Maintaining an administrative record and responding to any Freedom of Information Act requests relating to the EIS/OEIS.

Navy requests that NMFS, in its role as a cooperating agency, provide support as follows:

- Providing timely comments on working drafts of the EIS/OEIS. Navy requests that comments on draft EIS/OEIS documents be provided in accordance with approved project schedules and commenting protocols;
- Responding to Navy requests for information, in particular related to review of the acoustic effects analysis and evaluation of the effectiveness of protection and mitigation measures;
- Participating, as necessary, in public engagement hosted by the Navy for discussion of issues related to the EIS/OEIS, including public meetings;
- Adhering to the overall schedule as set forth by the Navy in coordination with NMFS;
- Preparing any NMFS-specific documents, such as a Record of Decision, required to support the NMFS decision-making process;
- Maintaining an administrative record and responding to any Freedom of Information Act requests relating to the EIS/OEIS; and
- Providing a formal, written response to this request.

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December 18, 2015

Navy views NMFS participation as an important element to the successful completion of the environmental planning process for the AFTT Phase III EIS/OEIS.

My point of contact for this action is Ms. Dawn Schroeder, (703) 602-4769, email: dawn.schroeder@navy.mil.

Sincerely,



K. H. OHANNESSIAN
Deputy Director,
Energy and Environmental
Readiness Division (OPNAV N45)

Enclosure: 1. Notional schedule for AFTT Phase III EIS/OEIS, MMPA, and ESA documentation

Copy to:
COMFLTFORCOM (N465)
COMPACFLT (N465)



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

OCT 13 2016

Admiral Louis Cariello
Director,
Energy and Environmental Readiness Division
Department of the Navy
Office of the Chief of Naval Operations
2000 Navy Pentagon
Washington, DC 20350-2000

Dear Admiral Cariello,

Thank you for your letters requesting that the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) participate as a cooperating agency in the preparation of an Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS) to evaluate potential environmental effects of military readiness activities, which consist of training as well as research, development, testing, and evaluation activities conducted within the Hawaii-Southern California Training and Testing (HSTT) Study Area and the Atlantic Fleet Training and Testing (AFTT) Study Area. We reaffirm our support of the Navy's decision to prepare an EIS/OEIS for HSTT and AFTT and agree to be a cooperating agency, due, in part, to our responsibilities under section 101(a)(5)(A) of the Marine Mammal Protection Act and section 7 of the Endangered Species Act.

In response to your letters, NMFS staff will continue to, to the extent possible, provide support as follows:

- Provide timely comments on working drafts of the EIS/OEIS documents in accordance with approved project schedules and commenting protocols;
- Respond to Navy requests for information, in particular related to review of the acoustic effects analysis and evaluation of the effectiveness of protection and mitigation measures;
- Participate, as necessary, in public engagement hosted by the Navy for discussion of issues related to the EIS/OEIS, including public meetings;
- Adhere to the overall schedules as set forth by the Navy in coordination with NMFS;
- Prepare any NMFS-specific documents, such as a Record of Decision, required to support the NMFS decision-making process; and
- Maintain an administrative record and respond to any Freedom of Information Act requests relating to the EIS/OEIS.



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If you need any additional information, please contact Jolie Harrison, NMFS Office of Protected Resources, at (301) 427-8401.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna S. Wieting". The signature is fluid and cursive, with the first name "Donna" being the most prominent.

Donna S. Wieting
Director, Office of Protected Resources



DEPARTMENT OF THE NAVY
UNITED STATES FLEET FORCES COMMAND
1562 MITSCHER AVENUE SUITE 250
NORFOLK VA 23551-2487

5090
Ser N46/045
June 16, 2017

Ms. Donna Wieting
Director, Office of Protected Resources
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
1315 East-West Highway
SSMC3, Room 13821
Silver Spring, MD 20910-3282

Subject: REQUEST FOR MARINE MAMMAL PROTECTION ACT INCIDENTAL TAKE
AUTHORIZATION AND REGULATIONS FOR U.S. NAVY ATLANTIC FLEET
TRAINING AND TESTING ACTIVITIES

Dear Ms. Wieting:

In accordance with the Marine Mammal Protection Act, as amended, and 50 C.F.R. Part 216, the U.S. Navy requests a five-year incidental take authorization and regulations for the incidental taking of marine mammals associated with Atlantic Fleet Training and Testing (AFTT) activities occurring within the Gulf of Mexico and Atlantic Ocean.

The proposed action may incidentally expose marine mammals that reside within the AFTT study area to sound and other environmental stressors associated with training and testing activities. The enclosed request further describes the AFTT activities and study area, and provides the specific information required by the National Marine Fisheries Service (NMFS) for consideration for an incidental take request.

The U.S. Navy also requests that above regulation authorize, and NMFS issue, two five-year Letters of Authorization; one issued to Commander, United States Fleet Forces Command for training activities, and one issued to Commander, Naval Sea Systems Command for testing activities. Addresses for these commands are provided below:

Commander, United States Fleet Forces Command
Attn: Code N46
1562 Mitscher Avenue, Suite 250
Norfolk, Virginia 23551-2487

Commander, Naval Sea Systems Command
Attn: Code SEA 04R
1333 Isaac Hull Avenue, SE
Washington Navy Yard, DC 20376

5090
Ser N46/044
June 16, 2017

We appreciate your continued support in helping the U.S. Navy to meet its environmental responsibilities.

Sincerely,



Elizabeth Nashold
Director, Fleet Installations and Environment
and Deputy Chief of Staff

Enclosure: Request for Regulations and Letter of Authorization for the Incidental Taking of Marine Mammals Resulting from U.S. Navy Training and Testing Activities in the AFTT Study Area.

Copy to: Ms. Cathryn E. Tortorici, NMFS Office of Protected Resources
Ms. Jolie Harrison, NMFS Office of Protected Resources
OPNAV (N45)
NAVSEASYSKOM
NAVAIRSYSKOM
SPAWAR
ONR

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