

## **DEPARTMENT OF DEFENSE**

### **Department of the Navy**

### **Record of Decision for Final Environmental Impact Statement/Overseas Environmental Impact Statement for the Gulf of Alaska Navy Training Activities**

**AGENCY:** Department of the Navy, Department of Defense

**ACTION:** Record of Decision

**SUMMARY:** The U.S. Department of the Navy (Navy), after carefully weighing the strategic, operational and environmental consequences of the proposed action to improve the availability and quality of training opportunities in the Alaska Training Areas (ATAs), and in particular the Temporary Maritime Activities Area (TMAA) within the Gulf of Alaska (GOA), announces its decision to implement Alternative 2, the Navy's Preferred Alternative, as described in the Final Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) for Gulf of Alaska Navy Training Activities (March 11, 2011). Under Alternative 2, the Navy will be able to achieve and maintain fleet readiness using the ATAs to support current, emerging, and future training activities. This decision allows the Navy to meet its statutory mission to deploy worldwide naval forces equipped and trained to meet existing and emergent threats and to enhance its ability to operate jointly with other components of the armed forces.

Alternative 2, the Preferred Alternative, is designed to meet Navy and U.S. Department of Defense (DoD) current and near-term operational training requirements. Under Alternative 2, the Navy would continue training activities currently conducted, increase certain necessary training activities, and accommodate force structure changes associated with new weapon

systems, vessels, aircraft, and training instrumentation. Alternative 2 includes all baseline training activities, and two large scale joint exercises (each occurring over a maximum time period of 21 days during the April to October time frame), including a sinking exercise with each joint force exercise within the TMAA. Alternative 2 also includes antisubmarine warfare training activities, which include the use of sonar. In addition, training activities associated with force structure changes will be implemented for the EA-18G Growler, Guided Missile Submarine (SSGN), P-8 Poseidon Multimission Maritime Aircraft (MMA), Guided Missile Destroyer (DDG) 1000 (Zumwalt Class), and Unmanned Aerial Systems (UASs). Force structure changes associated with new weapons systems would include new types of sonobuoys. Force structure changes associated with new training instrumentation include the use of a Portable Undersea Tracking Range.

In the GOA Final EIS/OEIS, the Navy evaluated potential environmental effects associated with implementation of the Proposed Action. The environmental analysis undertaken by the Navy included formal consultation with the National Marine Fisheries Service (NMFS), a cooperating agency for the EIS/OEIS. Public awareness and participation were integral components of the EIS/OEIS process. The Navy ensured that Native Alaskan Tribes and Nations, federal agencies, state agencies, local entities, other organizations, and members of the public had the opportunity to comment on the scope of the Navy's analysis included in the Draft EIS/OEIS as well as examine and consider environmental issues included in the Final EIS/OEIS. Twelve Native Alaskan Tribes and Nations were invited to participate in Government to Government consultation. Navy representatives met with tribal staff to resolve comments and concerns; no formal Government to Government consultation was required.

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**SUPPLEMENTARY INFORMATION:** Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, section 4321, et seq. of Title 42, U.S. Code (U.S.C.), Council on Environmental Quality regulations (parts 1500-1508 of Title 40 Code of Federal Regulations [CFR]), and Department of Navy regulations (part 775 of Title 32 CFR), the Navy announces its decision to implement the Preferred Alternative, Alternative 2, as described in the Final EIS/OEIS for the GOA Navy Training Activities. Under Alternative 2, the Navy proposes to continue training activities currently conducted, to increase training activities including the addition of antisubmarine warfare including the use of active sonar, accommodate force structure changes associated with new weapon systems, vessels, aircraft, and training instrumentation, to conduct two 21-day large-scale joint exercises, and conduct a sinking exercise during each joint exercise. A detailed description of the Proposed Action is provided in Chapter 2 of the Final EIS/OEIS. This decision will enable the Navy to improve the availability and quality of training opportunities within the GOA to achieve required levels of operational readiness required under Title 10 of the U.S. Code. The Navy considered applicable executive orders, including an analysis of the environmental effects of its actions outside the United States or its territories under Executive Order 12114, *Environmental Effects Abroad of Major Federal Actions*, and the requirements of Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations* and Executive Order 13045, *Protection of Children from Environmental Health Risks and Safety Risks*.

**BACKGROUND AND ISSUES:** Title 10 of the U.S. Code requires that the Chief of Naval Operations (CNO) ensure the readiness of United States' naval forces. The Navy accomplishes this mission by organizing, training, equipping, and maintaining combat-ready naval forces capable of winning wars, deterring aggression, and maintaining freedom of the seas. The CNO meets Navy's responsibilities, in part, by establishing and executing training programs, including at-sea training and exercises, as well as training in the critical systems used during wartime, such as antisubmarine warfare using mid-frequency active (MFA) and high-frequency active (HFA) sonar. It is essential that naval forces have access to the ranges, operational areas, and airspace needed to develop and maintain skills for conducting naval activities.

Training in the GOA plays a vital part in the execution of this naval readiness mandate. The training areas serve as the principal training venue for annual joint training exercises that can involve forces from the Navy, Air Force, Army, and Coast Guard. The Navy's Proposed Action is a step toward ensuring the continued vitality of this essential national training resource.

The ATAs consist of the inland Air Force Special Use Airspace, the Army training lands, and the TMAA. All maritime training activities analyzed in the GOA Final EIS/OEIS take place within the TMAA and the exercises normally occur during the period between April and October. For Navy training activities that occur in the inland Alaska ranges of the Air Force and Army, associated impacts have previously been analyzed and addressed in separate environmental analyses conducted by the Air Force and the Army, which have been incorporated by reference in the Final EIS/OEIS.

The TMAA is composed of 42,146 square nautical miles (nm<sup>2</sup>) of surface and subsurface ocean training area and overlying airspace that includes the majority of Warning Area 612 (W-612).

W-612 consists of about 2,256 nm<sup>2</sup> of airspace. No Navy training activities analyzed in this document will occur in the area of W-612 which is outside of the TMAA. The TMAA is approximately 300 nautical miles (nm) in length by 150 nm in width and situated south of Prince William Sound and east of Kodiak Island. With the exception of Montague Island, which is located over 22 nm north of the TMAA, the nearest shoreline is Kenai Peninsula, which is located approximately 24 nm north of the TMAA. The approximate middle of the TMAA is located 140 nm offshore. The inland Air Force Special Use Airspace consists of 46,585 nm<sup>2</sup> of airspace and the Army training land consists of 2,624 mi<sup>2</sup> of land area.

**Purpose and Need:** Given the vital importance of the ATAs to the readiness of U.S. naval forces and the unique training environment provided by the ATAs, the Navy proposes to take actions supporting U.S. Pacific Command and Northern Command training requirements, supporting Joint Task Force Commander training requirements, achieving and maintaining Fleet readiness using the ATAs to support and conduct current, emerging, and future training activities, and expanding warfare missions supported by the training conducted in the ATAs, consistent with Navy requirements.

The Proposed Action is needed to provide a training environment consisting of ranges, training areas, and range instrumentation with the capacity and capability to fully support required training tasks for operational units. The Navy developed a set of criteria that satisfy the purpose and need for the Proposed Action. These criteria are listed below in the discussion of alternatives considered.

In this regard, the ATAs further the Navy's execution of its roles and responsibilities under Title 10. To comply with its Title 10 mandate, the Navy needs to maintain current levels of military

readiness by training in the ATAs, accommodate future increases in training activity tempo in the ATAs, support the acquisition and implementation of advanced military technology using the ATAs to conduct training activities for new platforms and associated weapons systems, identify shortfalls in training, particularly training instrumentation, address those shortfalls through enhancements, maintain the long-term viability of the ATAs as a Navy training area while protecting human health and the environment, enhance the quality, capabilities, and safety of the training area, and be able to bring Army, Navy, Air Force, and Coast Guard assets together into one geographic area for joint training.

**Public Involvement:** During the development of the EIS/OEIS, the Navy initiated a mutual exchange of information through early and open communications with interested stakeholders. A Notice of Intent (NOI) that provided an overview of the Navy's proposed action and invited the public to participate in identifying the significant issues deserving of study (i.e., participate in scoping) was published in the Federal Register on March 17, 2008 (73 FR 14237). Copies of the NOI and the Agency Scoping Package were mailed to local, state, and federal elected officials, regulatory agencies, local municipal jurisdictions, public service providers, and other parties known or expected to be interested in the Proposed Action. The Navy held three public scoping meetings on April 1, 2, and 3, 2008 in Kodiak, AK, Anchorage, AK, and Cordova, AK, respectively. The meetings were designed to inform the public of the proposed action and to solicit the public's participation and comments. The meetings were advertised and the NOI was published in the *Anchorage Daily News*, *Kodiak Daily Mirror*, *Cordova Times*, and the *Peninsula Clarion*.

The Notice of Availability (NOA) of the Draft EIS/OEIS and Notice of Public Hearings were published in the Federal Register on December 11, 2009 (74 FR 65774 and 74 FR 65761) and in

the *Anchorage Daily News*, *Kodiak Daily Mirror*, *Cordova Times*, *Peninsula Clarion*, and *Juneau Empire*. The public comment period was 45 days in length to allow the public time to review and comment on the Draft EIS/OEIS. The Draft EIS/OEIS was distributed to those individuals, agencies, and associations who asked to be notified during the public scoping period, as well as to members of Congress, the Alaska governor, elected and other public officials, and Native Alaskan Tribes in the coastal region surrounding the GOA. Additionally, the Draft EIS/OEIS was made available for general review at eight information repositories (the A. Holmes Johnson Memorial Library, Alaska State Library, Copper Valley Community Library, Cordova Public Library, Humboldt Homer Public Library, Seward Community Library, University of Alaska Fairbanks Rasmussen Library, and Z.J. Loussac Library) and on the project website ([www. GulfofAlaskaNavyEIS.com](http://www.GulfofAlaskaNavyEIS.com)). A “Notice of Public Hearing Correction” was published in the Federal Register (74 FR 67861) on December 21, 2009. The Navy held five public hearings in Kodiak, AK, Anchorage, AK, Homer, AK, Juneau, AK, and Cordova, AK on January 7, 8, 9, 11, and 12, 2010, respectively. A total of 213 comments on the Draft EIS/OEIS were submitted from individuals, organizations, and agencies. The comments were further broken out into 1,127 comment issues to best respond to each concern of the individual, organization, or agency.

The NOA of the Final EIS/OEIS was published in the Federal Register on March 11, 2011 (76 FR 13402) and in the *Anchorage Daily News*, *Kodiak Daily Mirror*, *Cordova Times*, *Peninsula Clarion*, and *Juneau Empire*. The Final EIS/OEIS was distributed to those individuals, agencies, and associations who asked to be notified during the public comment period, as well as members of Congress, the Alaska governor, elected and other public officials, and Native Alaskan Tribes.

Additionally, the Final EIS/OEIS was made available on the project website and the same eight information repositories used for the Draft EIS/OEIS.

**Alternatives Considered:** The alternatives were developed by the Navy after careful assessment by subject-matter experts (units and commands that utilize the ranges, Navy environmental managers, and scientists) and the consideration of public comments received during scoping. Based on this input, a set of criteria for use in assessing whether a possible alternative meets the purpose of and need for the proposed action was developed by the Navy. Summarized briefly, the activities must: be situated in an appropriate physical environment, including unique and complex bathymetric and oceanographic conditions; be in close proximity to Alaska land and sea training areas to accommodate the joint training mission; include the availability of sufficiently sized airspace and ranges that support tactically realistic joint training activities; provide a cold-water environment and moderate seas; provide minimal encroachments on joint training requirements involving low interference with electronic sensors and systems in low density populated areas; and provide proximity to shipping lanes for realistic training on avoiding conflicts with air and marine traffic.

Three alternatives were carried forward for analysis in the EIS/OEIS:

- **No Action Alternative** – This alternative would continue baseline training activities. Since the 1990s, the Navy has participated in one annual major joint training exercise in the Gulf of Alaska that involves the Navy, Army, Air Force and Coast Guard participants reporting to a unified or joint commander, who coordinates the activities planned to demonstrate and evaluate the ability of the services to engage in a conflict and carry out plans in response to a national security threat. Under the No Action Alternative, the

Navy would not plan for an increase in training activities or implement proposed force structure changes in the Gulf of Alaska, nor would it add additional joint training or sinking exercises as deemed necessary to meet training requirements. The No Action Alternative is the environmentally preferred alternative.

- **Alternative 1** – Under this alternative, in addition to training activities currently conducted, the ATAs would support an increase in training activities designed to meet Navy and DoD current and near-term operational requirements. This increase would encompass conducting one large-scale joint force exercise, including Anti-Submarine Warfare activities and the use of active sonar, occurring over a maximum time period of up to 21 consecutive days during the summer months (April through October). Alternative 1 would include basic individual or unit level training events of relatively short duration occurring simultaneously with the large-scale joint force exercise. Alternative 1 would also accommodate increases in training activities due to force structure changes associated with the introduction of new weapon systems, vessels, aircraft, and training instrumentation. Training activities associated with force structure changes would be implemented for the EA-18G Growler, SSGN, P-8 MMA, DDG 1000 Zumwalt Class, and UASs. Force structure changes associated with new weapons systems would include new types of sonobuoys. Force structure changes associated with new training instrumentation include the use of a Portable Undersea Tracking Range (PUTR).
- **Alternative 2** – This alternative would include all elements of Alternative 1 (accommodating training activities currently conducted, increasing specific training activities to include the use of active sonar, and accommodating force structure changes).

In addition, Alternative 2 includes two large-scale joint force exercises, each occurring over a maximum time period of up to 21 consecutive days during the summer months (April through October). A sinking exercise (SINKEX) would also be a planned part of each summertime exercise, for a maximum of two annually.

Alternative 2 is the Preferred Alternative because it would allow the greatest flexibility for Navy exercise planners to benefit from the unique joint training environment in the ATAs. Further, Alternative 2 fully meets the Navy and DoD current and near-term training requirements while implementing mitigation and management measures needed to protect the environment.

**Environmental Impacts:** The Navy's analysis addressed the environmental impacts of implementing Alternative 2 in all potentially affected resource areas. The environmental analysis found that there would be no significant impacts on the following resource areas: air quality, expended materials, water resources, acoustic environment (airborne), birds, cultural resources, transportation and circulation, socioeconomics, environmental justice and protection of children, public safety and cumulative impacts.

The following discussion in this Record of Decision (ROD) summarizes those impacts associated with implementation of Alternative 2 considered to be potentially significant. However, in all cases, with implementation of management practices and mitigation measures, there would be no significant impacts resulting from implementation of the Preferred Alternative (Alternative 2).

**Marine Plants and Invertebrates:** Expended materials and the release of munitions constituents and other materials from activities included in Alternative 2 would be distributed across as much as 20 percent of the TMAA and would have minimal effects on pelagic and benthic communities. The vast majority of these items would be from gunshells and small

caliber rounds. Surface or near-surface explosions have the potential to kill or harm individual animals and plants in the immediate vicinity resulting in localized impacts, but would have minimal effects. Benthic communities would not be affected by explosions due to water depth. Localized and temporary impacts to benthic fauna may occur from use of the PUTR, but no long-term impact is anticipated. Although localized and temporary impacts to the pelagic environment would occur from a SINKEX, the relatively small quantities of materials expended coupled with dispersal over a very large area would have no adverse physical effects on marine biological resources.

**Fish:** Vessel movement, aircraft overflight, weapons firing disturbance, and expended materials would result in minimal harm to fish. As a result of consultation, NMFS determined that Navy activities are not likely to jeopardize the ESA-listed fish. Given the TMAA size and using conservative estimates, the concentration of expended materials would be 4.9 items per nm<sup>2</sup>. More than 91 percent of these items would be from gunshells and small caliber rounds. Explosive ordnance use may result in injury or mortality to individual fish but would not result in impacts to fish populations. Given the TMAA size and using conservative estimates, the concentration of explosive ordnance would be 0.14 items per nm<sup>2</sup>. Because only a few species of fish may be able to hear the relatively higher frequencies of mid-frequency sonar, sonar used in Navy exercises would result in minimal harm to fish. Navy concluded that activities would not adversely affect fish populations or Essential Fish Habitat (EFH) as defined under the Magnuson-Steven Fishery Conservation and Management Act (MSFCMA). NMFS disagreed with the Navy's conclusions regarding EFH, and submitted four conservation recommendations. These included: 1) conducting all training activities that will result in expended materials outside of HAPCs, 2) developing a long-term monitoring plan for expended materials in the GOA, 3)

coordinating exercises with NMFS to not displace research activities within the TMAA, and 4) developing a fish mortality reporting plan for Navy training activities. The Navy response included concurrence with recommendation 3, and non-concurrence with recommendations 1, 2, and 4.

**Sea Turtles:** NMFS found that Alternative 2 is not likely to jeopardize ESA-listed leatherback turtles. Short-term behavioral responses from general vessel disturbance are possible. There is potential for injury or mortality from vessel collisions but it is very unlikely. There is potential for short-term behavioral responses resulting from low level overflights, extremely low probability of direct strikes from ordnance, and low potential for ingestion of expended materials. There is also potential for exposure to at-sea explosions but it is very unlikely. Because sonar frequencies used in the TMAA are above the known hearing range of sea turtles, potential for effects resulting from the exposure to mid-frequency and high-frequency sources is unlikely. No long-term effects would occur.

**Marine Mammals:** Short-term behavioral responses from general vessel disturbance are possible. There is potential for injury or mortality from vessel collisions but it is very unlikely. There is potential for short-term behavioral responses resulting from low level overflights, but no long-term population-level effects are expected. And there is an extremely low probability of direct strikes from ordnance and low potential for ingestion of expended materials exists. Behavioral effects modeling shows that four Marine Mammal Protection Act (MMPA) Level A harassments are possible, as well as one exposure resulting in potential severe injury or mortality. A number of non-injurious behavioral takes (Level B) are also modeled. With implementation of mitigation measures (discussed below), the four MMPA Level A harassments and one severe injury should not occur. Conducting SINKEXs and the resulting increase in the

number of at-sea explosions in the TMAA results in the potential for effects on marine mammals. Based on the implementation of mitigation measures such as area clearance procedures, potential effects would be reduced.

The Preferred Alternative includes the use of active sonar. A detailed discussion of active sonar, and why the Navy trains with active sonar, is found in the Final EIS/OEIS at section 2.2. The possible acoustic effects of active sonar on marine mammals is likewise discussed, and is found at section 3.8.7.3. All modeled harassments are accounted for in the NMFS Final Rule and Letter of Authorization.

**Mitigation Measures:** As part of Alternative 2, the Navy will implement all mitigation measures identified in the Final EIS/OEIS, the NMFS Biological Opinion (*Final Programmatic Biological Opinion On U.S. Navy Activities In The Gulf Of Alaska Temporary Maritime Training Area 2011-2016*), and the NMFS Final Rule issued under the MMPA on May 4, 2011 (see section of this ROD on Agency Consultation and Coordination for further detail). Mitigation measures to be implemented will address Navy activities that involve the following resources:

**Marine Mammal and Sea Turtle Mitigation Measures:** Mitigation measures that reduce potential impacts to marine mammals are described and analyzed in the Final EIS/OEIS. NMFS also specified mitigation measures for activities related for marine mammals in its NMFS Final Rule for the proposed activities in the TMAA. Navy will comply with the more stringent of these requirements. Mitigation measures implemented for marine mammals also mitigate potential impacts to sea turtles and other marine resources.

Numerous existing mitigation measures for marine mammals and sea turtles are described in the Final EIS/OEIS, and are found at section 5.2. These mitigation measures are adopted as part of

this ROD. The current mitigation measures for marine mammals include: personnel training (watchstanders and look outs), operating procedures, collision avoidance, measures for specific training events including MFA sonar activities, surface-to-surface gunnery, surface-to-air gunnery, air-to-surface gunnery, air-to-surface at-sea bombing exercises, air-to-surface missile exercises, sinking exercise, and explosive source sonobuoys.

Individual mitigation measures include the following:

- Training personnel (watchstanders) to detect and report the presence of marine mammals so that activities can be stopped or altered to prevent conflicts or injuries.
- Maneuvering to keep at least 1,500 ft (500 yds) away from any observed whale in the vessel's path and avoid approaching whales head-on. These requirements do not apply if a vessel's safety is threatened, such as when change of course will create an imminent and serious threat to a person, vessel, or aircraft, and to the extent vessels are restricted in their ability to maneuver.
- Taking all practicable steps to alert other vessels in the vicinity of an observed whale.
- Conducting pre-training aerial and surface surveys for events involving ordnance in the water to detect and clear training areas of marine mammals that might be affected by activities before training activities are initiated.
- Reducing sound from sonar when marine mammals are detected in the vicinity of naval activities.
- Adjusting, delaying or moving activities when marine mammals are detected in the area.

- Maintaining protective buffer zones around ships and other vessels when marine mammals are detected within established safety zone distances of ships and sonar exercises.
- Maintaining marine mammal exclusion zones around areas that involve at-sea explosions.
- Coordinating with NMFS before, during, and after major training exercises and reporting incidents that may have involved marine mammals.

**Agency Consultation and Coordination:** NMFS served as a cooperating agency throughout the EIS process. NMFS was requested by the Navy to participate in the NEPA process because of its special expertise and jurisdiction over permit activities included in the proposed action. The early participation of NMFS in the EIS process aided the Navy's analysis of potential environmental impacts. In addition, the Navy consulted and coordinated with federal and state agencies, including NMFS, USFWS, and the Alaska Coastal Management Program in conjunction with actions addressed in the GOA EIS/OEIS. A summary of the results from each consultation and coordination process is included below:

**Marine Mammal Protection Act:** In support of the Proposed Action, the Navy applied for a Letter of Authorization (LOA) pursuant to Section 101(a)(5)(A) of the MMPA in November 2009. After the application was reviewed by NMFS, a Notice of Receipt of Application was published in the Federal Register on February 3, 2010 (75 FR 5575). Publication of the Notice of Receipt of Application initiated a 30-day public comment period. NMFS developed regulations governing the issuance of a LOA and published a Proposed Rule in the Federal Register on October 19, 2010 (75 FR 64508). Publication of the Proposed Rule initiated another 30-day public comment period which ended on November 18, 2010. A revision to the Proposed Rule and the inclusion of public comments received and responses then was published as a Final

Rule on May 4, 2011, and was effective that same day. NMFS will issue a Letter of Authorization, and the Navy will adhere to all provisions of the LOA and the monitoring plan.

**Endangered Species Act:** The Final EIS/OEIS analyzes potential effects to species listed under the ESA. In accordance with ESA requirements, the Navy entered into consultation under Section 7 of the ESA with NMFS and USFWS on the potential that implementation of the Proposed Action may affect threatened and endangered listed species. Informal consultation with USFWS concluded for listed marine birds with on March 24, 2010. Informal consultation with USFWS concluded for listed sea otters on March 31, 2011. Formal consultation with NMFS concluded for listed marine species, including mammals, turtles, and fish, when NMFS issued a Programmatic Biological Opinion on April 6, 2011. The Navy will adhere to any provisions of the Biological Opinion (BO) and the two informal consultation letters.

*NMFS:* The Navy requested Section 7 consultation under the ESA with NMFS, on April 21, 2008. The Navy subsequently submitted a biological evaluation and requested formal consultation with NMFS in accordance with Section 7 of the ESA on March 4, 2010. NMFS issued a Programmatic BO on Alternative 2, the Preferred Alternative on April 6, 2011, concluding that the Navy's proposal to conduct activities in the TMAA are not likely to jeopardize the continued existence of the threatened and endangered species under NMFS jurisdiction. Because critical habitat that has been designated for any of the listed species does not occur in the TMAA, critical habitat is not likely to be adversely affected by activities conducted under Alternative 2. NMFS intends to issue an Incidental Take Statement for each year that the Navy seeks a LOA.

The Navy consulted on 14 federally-listed species known to occur within the TMAA. The species that were consulted on include blue whale, fin whale, humpback whale, North Pacific right whale, sei whale, sperm whale, Steller sea lion (Eastern and Western stocks), leatherback sea turtle, Chinook salmon, chum salmon, coho salmon, sockeye salmon, steelhead trout, and Pacific Eulachon.

NMFS will issue a Section 7 consultation and BO in support of the LOA it will issue.

**USFWS:** The Navy submitted a request for informal consultation with the USFWS in accordance with Section 7 of the ESA for Alternative 2, on February 24, 2010, on one species, the short-tailed albatross. The Navy determined that the proposed action may affect, but is not likely to adversely affect the short-tailed albatross with implementation of mitigation measures, including watchstanders and area clearance measures prior to conducting training activities using explosives. The USFWS concurred with the Navy's determination in a letter dated March 24, 2010.

Initially, consistent with the most recent science publications, Navy concluded that northern sea otters were extralimital to the TMAA, and did not request consultation with USFWS in its February 24, 2010 request. However, based on two sources of information from the public hearings on the Draft EIS/OEIS, both members of the public, and follow-up personal communications with USFWS Alaska Region Office, the Navy made changes to the Final EIS/OEIS to indicate that while the northern sea otter may occasionally occur in the TMAA, they were not expected regularly. The Navy believed that this change required a re-initiation of informal consultation under the ESA for northern sea otters. The Navy determined that the proposed actions may affect, but are

not likely to adversely affect the northern sea otter due to their rare occurrence within the TMAA. The USFWS concurred with the Navy's determination in a letter dated March 31, 2011.

**Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):** The Navy provided the NMFS Alaska Region office an EFH Assessment prepared in conjunction with the EIS/OEIS on August 2, 2010. The Navy determined that because SINKEXs would not occur within HAPCs within the TMAA and with the implementation of mitigation measures that Navy training activities would not have an adverse effect on EFH. On January 4, 2011, NMFS Alaska Region disagreed with the Navy's conclusion of no adverse effect to EFH due to concerns about expended materials and explosives impacts to EFH and fish species and provided four conservation recommendations to the Navy. Per section 305(b)(4)(B) of the MSFCMA, the Navy responded in writing to the NMFS Alaska on January 24, 2011.

**Coastal Zone Management Act (CZMA):** In accordance with the CZMA, the Navy reviewed the enforceable policies of the Alaska Coastal Zone Management Plan. Pursuant to 15 CFR Part 930, Subpart C, the Navy prepared a consistency review under the State of Alaska's coastal zone management program enforceable policies. A *de minimis* determination was submitted to the Alaska Department of Natural Resources on July 29, 2010. Pursuant to Section 307(c)(1) of the federal CZMA, the Navy determined that the Preferred Alternative activities were expected to have only insignificant direct or indirect (secondary and cumulative) coastal effects to Alaska's coastal uses or resources. In a letter dated October 14, 2010, the Alaska Department of Natural Resources concurred with the Navy's *de minimis* determination.

**National Historic Preservation Act:** The Navy submitted a request for concurrence with its determination of “No Adverse Effect” under the Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f), and its implementing regulation, 36 CFR 800, to the Alaska State Historic Preservation Officer on April 14, 2010. The Navy received concurrence that the Proposed Action would not affect submerged cultural resources on May 18, 2010.

**RESPONSES TO COMMENTS ON THE FINAL EIS/OEIS:** On March 11, 2011, the NOA of the GOA Navy Training Activities Final EIS/OEIS was published in the Federal Register (76 FR 13402), in five local newspapers and on the GOA EIS/OEIS website. The NOA was also provided to the EIS/OEIS distribution list (Chapter 9 of the Final EIS/OEIS). Release of the GOA Final EIS/OEIS was followed by a 30-day wait period that concluded on April 11, 2011. The Navy reviewed and considered all comments that were received during that wait period. The comments are summarized and addressed below. A total of 4 letters were received on the Final EIS/OEIS, one from a private individual, two from non-governmental organizations (Natural Resources Defense Council and Basel Action Network) and one from a federal agency (EPA).

Based on a thorough review and analysis of the comments received the Navy is providing responses to the specific comments that raise issues that are either new substantive comments, were not otherwise previously addressed in the Final EIS/OEIS, or address specific changes in the Final EIS/OEIS from the previous draft version.

**Comment from U.S. Environmental Protection Agency (EPA) Region X regarding Navy's choice of Alternative 2 as its Preferred Alternative:** EPA expressed concern that Navy did

not incorporate timing exclusions to minimize impacts to marine mammals or choose to select the less impacting action alternative (Alternative 1) as its preferred alternative. In an attempt to address these concerns, the EPA encourages the implementation of an extensive monitoring and mitigation program, incorporating the measures currently identified in the final EIS, to be developed in conjunction with NMFS and EPA.

*Response:* The selection of Alternative 2 as the Preferred Alternative meets the Navy's purpose and need to achieve and maintain fleet readiness using the Alaska Training Areas and the need to maintain trained forces through joint exercises. Alternative 1 would not completely meet the Fleet's need to maintain trained and ready forces. The Navy will continue to operate within the terms of all relevant permits and authorizations and will implement the necessary mitigation and protection measures, as set forth in NMFS Final Rule and Letter of Authorization under MMPA, when conducting its training activities.

**Comment from the Basel Action Network (BAN) regarding potential impacts of SINKEX training activities:** The commenter inquired about the potential impacts of SINKEX activities in the Gulf of Alaska with the following particular concerns (1) that the conclusions made in the SINKEX Letter of Agreement (between Navy and EPA, found at [http://www.epa.gov/owow/oceans/regulatory/dumpedredged/documents/1999epa\\_navyagreement.html](http://www.epa.gov/owow/oceans/regulatory/dumpedredged/documents/1999epa_navyagreement.html)) are not supported by current scientific research, further research is both necessary and appropriate to assess the environmental impacts of SINKEX vessels, and specifically the cumulative impacts of PCBs on the environment, marine life and human health, (2) that recent information regarding the sinking of the ORISKANY should be gathered from the FWC Environmental Administrator, Jon Dodrill, to access 2006-2009 raw data and fish sampling summaries for fish caught at the ORISKANY site, and include this information in the Final

EIS/OEIS, and (3) that PCBs and other hazardous materials left on SINKEX vessels can be transported great distances from the initial sink site via physical and biological means and therefore must be included in the impact analysis of possible PCB transport mechanisms and associated risks.

*Response:* The Draft and Final EISs have been prepared using the best available scientific data concerning solid PCBs and environmental impacts. As part of the SINKEX Letter of Agreement referenced above, Navy has continued to work with EPA on assessing potential for environmental contaminants entering the ocean ecosystem as a result of SINKEX activities. SINKEX activities should not be confused with sinking a ship for use as a future artificial reef. Reefing is done in significantly shallower water (and much closer to shore) than are SINKEX activities. The Navy has reviewed all relevant data and studies as well as the unpublished and non-peer reviewed FWC data mentioned in the comment. The data and studies do not change or provide additional relevant data to the analysis or conclusions in the Final EIS/OEIS.

**Comment from Natural Resources Defense Council regarding potential impacts of Navy activities on marine mammals and other species:** The commenter indicated that the Navy does not have sufficient marine mammal density data to make informed conclusions about the impacts that proposed activities will have. The commenter believes that decisions regarding increased activities cannot be made without this data, and that NEPA requires Navy to obtain this data prior to making a decision. The commenter urges the Navy to begin a revised EIS after obtaining the necessary habitat, abundance, and population status data.

*Response:* This comment is essentially a summary of a more lengthy letter submitted by NRDC on the Draft EIS/OEIS. As such, this comment has already been answered in the Final EIS/OEIS, and a detailed response can be found at Appendix I, page I-313.

**Comment from Private Individual on the accuracy of statements regarding Acoustic**

**Sources:** The commenter indicated that a Navy response to an earlier comment on the Draft EIS/OEIS presented inaccurate data. “The Navy’s response to my comment in Volume 2, page I-273 states: “The Navy is not proposing to use Low-frequency or Extremely-low frequency transmission during its training activities in the TMMA.” However, that is not an accurate statement since the Acoustic Sources chart in Volume 2, page D-5 (Table D-3) and page D-7 list 4 types of narrowband sonar-one being the ‘low-frequency’ MK-39 EMATT training target which lists ‘per-hour’ Harassments. Also listed in the same charts is the ‘classified” BQS-15 submarine sonar which operates in both high and low frequencies (The Naval Institute Guide to the Ships and Aircraft of the U.S. Fleet) and the Lockheed Martin ‘classified’ BQQ-10 sonar (upgraded from the BQQ-5 Low-frequency sonar), which also has the capability to operate in the Low-frequency passive and active range (National Academy of Sciences).”

*Response:* The Final EIS/OEIS on page I-273 should have specified that the proposed activities do not include the use of the Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) system. Activities in the Preferred Alternative include three sources that operate in the low frequency spectrum (<1,000 Hz): the MK-39 EMATT, the BQQ-10, and the BQS-15. These sources are discussed and analyzed in the Final EIS/OEIS.

**Comment from Private Individual regarding the Joint Pacific Alaska Range Complex**

**Modernization and Enhancement EIS:** The commenter inquired about an EIS that is being

prepared for the Army and the Air Force (Joint Pacific Alaska Range Complex (JPARC) Modernization and Enhancement [75 FR 76444, December 8, 2010]). The commenter's interpretation is that Navy exercises will be expanding beyond the GOA TMAA.

*Response:* All Navy training within the Alaska Training Areas, including the Alaska land-based ranges and airspace of the Army and the Air Force, is included in the Gulf of Alaska Navy Training Activities Final EIS/OEIS and is covered by this Record of Decision. The Navy is aware of the JPARC EIS planning. The JPARC EIS will cover Air Force and Army proposed range enhancements and modernization. The JPARC EIS includes additional Missile Exercises over the GOA as a part of their proposed actions, but these training activities would be conducted throughout the entire year, not the period of April – October when the Navy intends to carry out activities described in the Preferred Alternative. Because it is a reasonably foreseeable proposed action, the JPARC EIS has been included in Table 4-1 of the Final EIS/OEIS as a project occurring in the vicinity of the GOA as part of our cumulative impacts analysis.

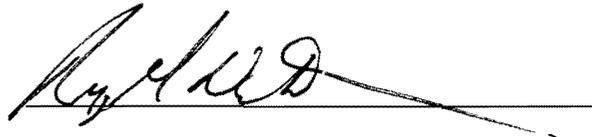
**Comment from Private Individual on impacts to marine mammals from training activities in other Navy training complexes:** The comment indicated that an incident that occurred off San Diego on March 4, 2011 utilizing Navy explosives could occur in the Gulf of Alaska, and that this is a major point of concern for many of the Alaskans who also commented on the EIS.

*Response:* The type of underwater detonation training that was involved in the referenced incident is not a part of the Navy's proposed actions in the GOA TMAA.

**CONCLUSION:** After considering the environmental impacts analyzed in the Final EIS/OEIS, comments from regulatory agencies as well as those received from members of the public, mitigation, and other factors discussed in this ROD, I select Alternative 2 to implement the Proposed Action. There would be no significant impacts resulting from implementation of Alternative 2, with implementation of management practices and mitigation measures. Alternative 2 will fully meet Navy and Department of Defense current and near-term training requirements in the ATAs while also implementing the mitigation and management measures needed to protect the environment.

11 May 11

Date



Roger M. Natsuhara

Principal Deputy Assistant Secretary of the Navy  
(Energy, Installations and Environment)