

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Gulf of Alaska Final Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement

AGENCY: Department of the Navy (Navy), Department of Defense (DoD)

ACTION: Record of Decision

SUMMARY: The Department of the Navy (Navy), after carefully weighing the strategic and operational readiness and environmental consequences of the Proposed Action, announces its decision to conduct military readiness activities as identified in Alternative 1 in the Gulf of Alaska (GOA) Navy Training Activities Final Supplemental Environmental Impact Statement (EIS)/Overseas EIS (OEIS). Alternative 1 would include one large-scale Carrier Strike Group (CSG) exercise annually, as well as Anti-Submarine Warfare (ASW) activities and the use of active sonar for up to 21 consecutive days between April and October. With implementation of Alternative 1, the Navy will be able to meet current and future training requirements and manage and mitigate environmental impacts. Alternative 1 was not identified as the Preferred Alternative in the GOA Draft or Final Supplemental EIS/OEIS, but is being selected following careful and thorough consideration of the Navy's future training needs in the GOA to support joint training activities.

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A. SUPPLEMENTARY INFORMATION: Pursuant to §102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, §§4321 *et seq.* of Title 42 United States Code (U.S.C.), Council on Environmental Quality regulations (Parts 1500–1508 of Title 40 Code of Federal Regulations [C.F.R.]), Department of Navy regulations (Part 775 of Title 32 C.F.R.), and Executive Order (EO) 12114, *Environmental Effects Abroad of Major Federal Actions*, the Navy announces its decision to implement Alternative 1 as described in the GOA Final Supplemental EIS/OEIS. The Navy identified its need to support and conduct current, emerging, and future training activities in the Temporary Maritime Activities Area (TMAA). The geographic boundaries of the TMAA have not changed since the completion of the 2011 GOA Final EIS/OEIS. A detailed description of Alternative 1 is provided in Chapter 2 (Description of Proposed Action and Alternatives) of the 2011 GOA Final EIS/OEIS and the GOA Final Supplemental EIS/OEIS. This decision will enable the Navy to achieve current and future military readiness requirements under Section 5062 of Title 10 U.S.C.

B. BACKGROUND AND ISSUES: Since the 1990s, the DoD has routinely conducted a major joint training exercise in Alaska and off the Alaskan coast that involves the Departments of the Navy, Army, Air Force, and Coast Guard participants under the command of a unified or joint commander. This unified commander coordinates the activities which are planned to

demonstrate and evaluate the interoperability of the joint services to respond to a threat to national security. Based on conditions in the GOA during the winter months, exercises occur between April and October. The specific time period and training activities of an individual exercise are based on the exercise goals and focus, availability of forces, resource constraints, and timing of other exercises across the Pacific region.

Performing the exercise during an alternate time period, such as in the winter months, is not feasible. Weather conditions in the GOA preclude conducting an integrated exercise during the winter because sea conditions, storms, fog, fewer daytime hours, and other environmental conditions lead to safety concerns for both ships and airplanes involved in any winter exercise, and reduce the chance of conducting training events. Additionally, other services' training requirements prohibit overwater training when the water temperature decreases below an acceptable level (typically during the winter months in the GOA), as this jeopardizes the health and safety of exercise participants.

Purpose and Need

The purpose of the proposed action is to achieve and maintain fleet readiness using the Alaska Training Areas (now termed the Joint Pacific Alaska Range Complex) to support and conduct current, emerging, and future training activities. This mission is achieved in part by training within the Temporary Maritime Activities Area (TMAA) in the Gulf of Alaska for maritime portions of the overall training. The Navy needs to conduct this proposed action as naval forces must be ready for a variety of military operations—from large-scale conflict in a variety of different geographic areas to maritime security, humanitarian assistance, and disaster relief efforts—to deal with the dynamic, social, political, economic, and environmental issues that occur in today's world. The purpose of the GOA Final Supplemental EIS/OEIS is to update the 2011 GOA Final EIS/OEIS with new information and analytical methods developed and utilized by the Navy since 2011. The alternatives considered have not changed since the 2011 GOA Final EIS/OEIS.

Public Involvement

The Navy published a Notice of Intent (NOI) to prepare the GOA Supplemental EIS/OEIS for the proposed action in the Federal Register [FR] on January 16, 2013 (78 FR 3408) and in five local newspapers (*Anchorage Daily News* [now known as the *Alaska Dispatch News*], *Cordova Times*, *Juneau Empire*, *Kodiak Daily Mirror*, and *Peninsula Clarion*). The NOI included a project description and information on the purpose of the GOA Supplemental EIS/OEIS. In addition, a Notice of Scoping Period was distributed on January 11, 2013 to federal, state, and local elected officials and government agencies. Given that the Navy's proposed action and alternatives have not changed from the 2011 GOA Final EIS/OEIS, public scoping meetings were not held, but public comments were accepted during the 60-day scoping period, which concluded on March 18, 2013. Scoping comments were received as electronic mail, letters submitted through postal mail, and via the project website. In total, the Navy received 13 scoping comment submissions from individuals, groups, agencies, and elected officials. All issues were considered when preparing the GOA Draft Supplemental EIS/OEIS.

During the development of the GOA Draft Supplemental EIS/OEIS, the Navy initiated a mutual exchange of information through early and open communications with interested stakeholders. A Notice of Availability (NOA) for the GOA Draft Supplemental EIS/OEIS was published in the *Federal Register* (FR) by the U.S. Environmental Protection Agency (USEPA) on August 22, 2014 (79 FR 49774). The FR notice initiated a 60-day public comment period on the Draft Supplemental EIS/OEIS. A separate Notice of Public Meetings was published in the FR on August 22, 2014 (79 FR 49769). The public comment period on the Draft Supplemental EIS/OEIS concluded on October 20, 2014. Copies of the GOA Draft Supplemental EIS/OEIS were provided to eight public libraries in Alaska (Alaska State Library, Juneau, Copper Valley Community Library, Glennallen, Cordova Public Library, Cordova, Homer Public Library, Homer, Kodiak Public Library, Kodiak, Seward Community Library, Seward, University of Alaska, Fairbanks/Elmer E. Rasmuson Library, Fairbanks, and Z.J. Loussac Library, Anchorage). In addition, the document was available on the project website (<http://www.GOAEIS.com/>) for download and review.

The Navy held five public meetings during the public comment period. The open house public meetings were held in September 2014 from 5 to 8 p.m. at the following locations: Kodiak, Alaska (AK) (September 8, 2014); Anchorage, AK (September 9, 2014); Homer, AK (September 10, 2014); Juneau, AK (September 11, 2014); and Cordova, AK (September 12, 2014)¹. The public provided their input on the GOA Draft Supplemental EIS/OEIS in letters submitted through mail, written, or oral comments received at the public meetings, and via the project website. Comments were received from two federal agencies, one state/local/regional agency, three Federally-Recognized Tribes/Organizations, 10 non-governmental organizations, and approximately 176 private individuals (approximation due to duplicate comments received).

The NOA for the GOA Final Supplemental EIS/OEIS was published in the FR by the USEPA on July 26, 2016 (81 FR 49981) and in the same five local newspapers previously identified. Notices were also mailed to individuals, agencies, associations, and other interested parties who asked to be notified during the scoping period and GOA Draft Supplemental EIS/OEIS public comment periods, as well as members of Congress and elected and public officials. Copies of the GOA Final Supplemental EIS/OEIS were made available for public review at the eight public repositories previously identified for the GOA Draft Supplemental EIS/OEIS. Also, the GOA Final Supplemental EIS/OEIS was made publicly available on the project website. The GOA Final Supplemental EIS/OEIS 30-day public wait period ended on August 29, 2016. The Navy received several comments on the GOA Final Supplemental EIS/OEIS. Responses to new substantive comments (that were not already addressed in the GOA Final Supplemental EIS/OEIS) are included later in this Record of Decision.

¹ In addition to the public meetings, three meetings were conducted in 2015 in Cordova, Kodiak, and Homer. These three meetings were not considered public meetings under the NEPA process, however, the GOA Draft Supplemental EIS/OEIS was discussed and comments or concerns raised in those meetings were considered in the preparation of the GOA Final Supplemental EIS/OEIS and this Record of Decision.

In addition to the public involvement associated with the NEPA process, the Navy and Alaskan Command (ALCOM) participated in outreach events associated with the upcoming Northern Edge exercise planned for the GOA. The Navy and ALCOM provided information at these events to coastal communities, Alaska Native Tribes, environmental and scientific organizations, elected officials, and the general public. Outreach efforts will continue and the Navy will remain mindful of concerns made at these events, such as the timing of the Northern Edge exercise, in conjunction with other operational factors when planning future exercises.

Alternatives Considered

The same three alternatives that were analyzed in the 2011 GOA Final EIS/OEIS are analyzed in the GOA Supplemental EIS/OEIS.

No Action Alternative: Continue baseline training activities of the types and levels of training intensity conducted prior to 2011, which did not include ASW training activities involving the use of active sonar.

Alternative 1: Includes adjustments to the types and levels of activities from the baseline, as necessary, to support current and planned Navy training requirements, including:

- All training activities addressed in the No Action Alternative and an increase in training activities,
- Conducting one large-scale CSG exercise, plus ASW training activities and the use of active sonar for up to 21 consecutive days during the summer months (April–October),
- Training required by force structure changes for new weapons systems, instrumentation, and technology as well as new classes of ships, submarines, and types of aircraft, and
- Development and use of the portable undersea tracking range.

Alternative 2: Includes all elements of Alternative 1 plus one additional CSG exercise during the summer months (April–October). Additionally, Alternative 2 includes conducting one sinking exercise per CSG exercise for a total of two sinking exercises per year.

The No Action Alternative is the environmentally preferable alternative as it maintains the type and tempo of baseline training activities conducted prior to 2011. However, it fails to meet the Purpose and Need of the Proposed Action as it would not allow the Navy to support current and future training requirements, and therefore could not be selected. Alternative 1 and Alternative 2 remain as viable alternatives that both meet the Purpose and Need of the Proposed Action. Alternative 1 has less environmental impacts than Alternative 2, due to fewer total proposed exercises than Alternative 2; however, neither alternative results in significant impacts to the environment.

Environmental Impacts

The GOA Final Supplemental EIS/OEIS reanalyzes the potential environmental impacts of implementing the proposed action relative to the same 14 resource categories that were analyzed in the 2011 GOA Final EIS/OEIS: air quality, expended materials, water resources, acoustic environment (airborne), marine plants and invertebrates, fish, sea turtles, marine mammals, birds, cultural resources, transportation and circulation, socioeconomic, environmental justice and protection of children, and public safety. Each training activity was re-examined to determine which environmental “stressors” could adversely impact a resource. The term “stressor” is broadly used in this analysis to refer to an agent, condition, or other stimulus that causes stress to an organism or alters physical, socioeconomic, or cultural resources. Best available science was incorporated into the updated analysis. Cumulative impacts analysis of each alternative and other past, present and reasonably foreseeable future actions was included in the updated analysis.

The evaluation of the impacts from acoustic sources or explosives was a major piece of the analysis in the EIS/OEIS. The Navy performed a quantitative analysis to estimate the number of marine mammals that could be affected by acoustic sources or explosives used during military training activities. To conduct this analysis, the Navy used the best available marine mammal density data, information describing military activities utilizing sonar or explosives, and data on the physical environment in the TMAA Study Area. Additionally, two systematic line-transect surveys of the Study Area were conducted in April 2009 and June 2013 to collect data to assess the abundance and spatial distribution of marine mammals from both visual sighting data and passive acoustics using a towed-hydrophone array and sonobuoys.

The quantitative analysis was conducted using the Navy Acoustic Effects Model and a post-modeling analysis process. This model and analysis approach is the Navy’s current approach to acoustic impact analysis and represents an evolution from the more basic model previously used in the 2011 GOA EIS. The new model reflects a more complex modeling approach and is described in Section 3.8 (Marine Mammals) of the GOA Final Supplemental EIS/OEIS and in the December 2015 Technical Report, *Determination of Acoustic Effects on Marine Mammals and Sea Turtles for the Gulf of Alaska Training Activities Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement*.

The Navy’s environmental analysis addressed the potential environmental impacts of implementing Alternative 1 and confirmed the analysis and conclusions of the 2011 Final EIS and Record of Decision associated with all the resources areas, including a reassessment of cumulative impacts. Subsequent to the Final Supplemental EIS publication in July 2016, the Missile Defense Agency (MDA) published a Final Environmental Assessment (EA) in January 2017 to evaluate the potential environmental consequences of conducting defensive weapon system flight tests of various Ballistic Missile Defense (BMD) systems from the Pacific Spaceport Complex Alaska (PSCA) located on Kodiak Island, Alaska. This is a separate proposal unrelated to the Navy training events in the GOA TMAA. However, the Navy has reviewed this EA and coordinated with MDA to assess cumulative impacts and has determined that the proposal

would not have significant cumulative impacts or change the cumulative impacts analysis and conclusions in the Supplemental Final EIS. Also, subsequent to the Final Supplemental EIS publication, NMFS published the Alaska Fisheries Science Center “Fisheries and Ecosystem Research Activities in the Pacific and Arctic Oceans (2017-2022)” EA. The Navy has reviewed this EA and the associated research and management actions proposed and coordinated with NMFS. The review determined that the proposal would not have significant cumulative impacts or change the cumulative analysis and conclusions in the Supplemental Final EIS.

All resource area impact conclusions and analysis remain the same as in the 2011 Final EIS, with the exception of marine mammals. Based on new information, impacts to marine mammals from the use of sonar and underwater explosives were reanalyzed in the Supplemental EIS/OEIS and found to not have significant impacts. The discussion below summarizes the potential marine mammal environmental impacts associated with implementing Alternative 1:

- **Marine Mammals**: The use of sonar and other active acoustic sources, and underwater explosives, may result in Level A injury or Level B disturbance to certain marine mammal species under the MMPA. The Navy does not predict that any mortality to marine mammals would occur from the use of sonar and other active acoustic sources and underwater explosives, with the continuation of mitigation measures such as monitoring and exclusion zones. In addition to the current measures, the Navy has developed and will implement two new geographic mitigation measures discussed later in this Record of Decision (ROD).

Recent Scientific Information

The scientific community continues to conduct research to generate new data in an effort to expand and improve our understanding of the marine environment. The Navy is a strong advocate for and sponsor of marine research and is vigilant in its review of new information that may inform the analyses or affect the conclusions. Since the publication of the GOA Final Supplemental EIS/OEIS, the Navy has reviewed numerous publications relevant to the analysis of impacts described in the GOA Final Supplemental EIS/OEIS. The Navy has identified additional references, many of them published within the last year, that augment the analysis in the GOA Final Supplemental EIS/OEIS. Overall, these new references do not change the impacts analysis conclusions.

The majority of these references are peer-reviewed journal articles, and present the results of ongoing and new research on the topics of effects of vessel noise and sonar on marine mammals, distribution and density of marine mammals, hearing sensitivity in fishes and sea turtles, behavioral analysis of sea turtles, hearing thresholds and the effects of sonar and explosives on fish species, as well as other topics. For example, the Navy was provided the 5-year review of the short-tailed albatross (Short-tailed Albatross [*Phoebastria albatrus*] - 5-Year Review: Summary and Evaluation, USFWS, Anchorage Fish and Wildlife Office, 2014). This review provided updated information regarding albatross population, population growth rates,

number of adult breeding pairs, range, and updated recommendations. This information was considered by the Navy, but was determined not to result in a change to the impacts analysis conclusions. The Navy will continue to monitor and review the results of new research and evaluate how those results apply to the Navy's assessment of marine resources.

The North Pacific Fishery Management Council has three Fishery Management Plans (FMPs) in effect for the scallop, groundfish, and salmon fisheries in the Gulf of Alaska. Although a few updates have occurred to the FMPs since the 2011 GOA Final EIS/OEIS, none have changed or affected the previous information or analyses. As such, the general description of the EFH within the TMAA in the 2011 GOA Final EIS/OEIS has not changed; thus, the information presented remains valid.

In August 2016, NMFS finalized its "Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing-Underwater Acoustic Thresholds for Onset of Permanent and Temporary Threshold Shifts." At the time of the release of the GOA Final Supplemental EIS/OEIS, the Technical Guidance had not been finalized so the Navy could not adopt the NMFS proposed criteria in the GOA Final Supplemental EIS/OEIS. However, the underlying science contained within the Technical Guidance has been addressed qualitatively within the applicable sections of the GOA Final Supplemental EIS/OEIS. As discussed in the GOA Final Supplemental EIS/OEIS, had the Navy applied the new criteria, the changes would not be significant, and would not present a significantly different picture of the environmental impacts compared to the Navy's quantitative analysis presented in the GOA Final Supplemental EIS/OEIS. In fact, in most cases, application of the new criteria would result in a reduction in the predicted impacts. The Navy considered this information in making its final decision.

Agency Consultation and Coordination

NMFS served as a cooperating agency throughout the GOA Supplemental EIS/OEIS process. NMFS is a cooperating agency pursuant to 40 C.F.R. Section 1501.6 because of its expertise and regulatory authority over marine resources. Additionally, the GOA Final Supplemental EIS/OEIS will serve as NMFS' NEPA documentation for the rule-making process under the Marine Mammal Protection Act (MMPA). The early participation of NMFS in the GOA Supplemental EIS/OEIS process aided the Navy's analysis of potential environmental impacts to marine biological resources. The results of agency consultation and coordination conducted are summarized as follows:

- Marine Mammal Protection Act: The Navy submitted an application for 5-year incidental take authorizations on 21 January 2015 to the NMFS Office of Protected Resources. The Navy determined two stressors could potentially result in the incidental taking of marine mammals from training activities within the Study Area: (1) non-impulse acoustic stressors (sonar and other active acoustic sources); and (2) impulse acoustic stressors (explosives). NMFS issued its Record of Decision and Final Rule on April 21, 2017 (effective on publication in the *Federal Register*) and concluded that the Navy's training activities, with implementation of protective measures, will have a negligible impact on

the marine mammal species and stocks present in the TMAA Study Area. On April 21, 2017, NMFS also issued a Letter of Authorization (LOA) for Navy training activities. The LOA, which becomes effective after publication of the Final Rule in the *Federal Register*, authorizes the taking of marine mammals incidental to Navy training activities conducted in the TMAA Study Area pursuant to Section 101 (a)(5)(A) of the MMPA. The LOA specifies the type and amount of incidental take that is authorized, by species, as well as the Navy's specific mitigation, monitoring, and reporting requirements. The LOA was coordinated by NMFS with the Incidental Take Statement (ITS) and the Navy received for the incidental take of threatened and endangered marine mammals pursuant to Section 7 of the ESA.

As part of ongoing discussions with NMFS under the MMPA permitting process, the Navy was asked to reconsider whether additional mitigation is warranted in areas that have been identified as biologically important to the North Pacific right whale and that have minimal overlap with the TMAA. These areas were designated for consideration specifically because of those feeding and migrating behaviors taking place in these areas at specific time periods. After consideration of what training activities could occur in these overlap areas, and the endangered status and extremely small numbers of North Pacific right whales in the population, the Navy has agreed to establish a North Pacific Right Whale Cautionary Area in the GOA. In the North Pacific Right Whale Cautionary Area, the Navy will not use surface ship hull mounted mid-frequency sonar or explosives during any proposed training events occurring during the feeding months for the North Pacific right whale of June through September.

As part of adaptive management and with concurrence from NMFS, the Navy will continue marine mammal monitoring in the GOA using passive acoustic monitoring and other tools in a focused manner, specifically covering periods when Navy activities occur in the TMAA.

- Endangered Species Act:

NMFS: On February 18, 2015, the Navy requested initiation of formal consultation with NMFS for the U.S. Navy's Gulf of Alaska training activities. In the request for consultation, the Navy stated that the criteria for re-initiation of formal consultation (as set forth in 50 C.F.R. §402.16) had not been triggered for fish and sea turtles because there was no new information that would change the affected environment or analysis, no new Navy training activities being proposed, and no new or modified ESA status or critical habitat in the TMAA. Therefore, NMFS's conclusions for fish and sea turtles as stated in the 2011 GOA biological opinion (BO) were incorporated by reference within the request for initiation and biological evaluation (unlike the ESA marine mammal species that were the focus of the Supplemental EIS analysis based on new information). However, during the 2013 to 2016 consultation, NMFS did not quantify the amount or extent of take of fish species. Since issuance of that opinion, NMFS

has developed interim criteria for assessing effects to fish from explosives and has a better understanding of fish distribution in the action area that would allow quantification of take. NMFS therefore reinitiated formal consultation for fish and assessed those species in its biological opinion.

NMFS issued its Final Biological Opinion on April 19, 2017 and concluded that the Navy's training activities, with implementation of protective measures, are not likely to jeopardize the continued existence of any endangered or threatened species under NMFS' jurisdiction. NMFS also concluded that designated critical habitat for these species is not likely to be adversely modified by the Navy's training activities, because there is no critical habitat designated in the TMAA for fish, marine mammals, or sea turtles.

The Navy has no existing procedural protective measures in place specifically for fish; however, habitats associated with fish communities benefit from measures in place to protect marine mammals and sea turtles. As discussed above, Navy is instituting two geographic restrictions while training in the TMAA. These are (1) prohibiting use of explosives during training in the Portlock Bank area, and (2) establishing a North Pacific Right Whale Cautionary Area where the use of surface ship hull-mounted mid-frequency sonar or explosives will not occur in the June to September timeframe, both of which provide some level of benefit to fish communities in these areas.

- U.S. Fish and Wildlife Service: The Navy provided a Biological Evaluation covering potential effects of the Navy's training activities to ESA-listed species under jurisdiction of the U.S. Fish and Wildlife Service (USFWS) to USFWS in February 2010. The Navy concluded that the proposed action may affect but is not likely to adversely affect short tailed albatross (*Phoebastria albatrus*). USFWS concurred with this conclusion on March 24, 2010. The USFWS also concurred with a "may affect, not likely to adversely affect" conclusion for the northern sea otter (*Enhydra lutris kenyoni*) on March 21, 2011. Because the Navy's training activities, geographic parameters, and level of activities previously analyzed in the 2011 GOA Final EIS/OEIS have not changed, and none of the reinitiation triggers listed at 50 CFR 402.16(a)-(d) are present, the determinations for the short-tailed albatross and northern sea otter are unchanged. As a result, the Navy did not reinitiate consultation with the USFWS for these species.
- Consultation and Coordination with Indian Tribal Governments (Executive Order 13175). The Navy initiated Government-to-Government consultation by mailing Tribal letters in January 2013 to 12 federally recognized tribes in accordance with Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments", and DoD and Navy tribal consultation policies. Additionally, personal tribal notification letters were sent to 28 tribal chairpersons and staff members of the 12 federally recognized tribes. Government-to-Government consultations and/or staff level meetings were offered.

The Native Village of Eyak located in Cordova requested Government-to-Government consultation, which occurred through several meetings and information exchanges.

The Navy also received comments and consultation requests from five federally-recognized tribes with traditional use areas and resources in the Kodiak archipelago area in spring 2016 (Native Village of Afognak, Native Village of Ouzinkie, Native Village of Port Lions, Sun'aq Tribe of Kodiak, and Tangirnaq Native Village). The Navy engaged in Government-to-Government consultation to further discuss concerns regarding the potential of Navy training activities to affect migratory routes and populations of fish species and marine mammal species in the Gulf of Alaska. The Navy included additional information to the GOA Final Supplemental EIS/OEIS and Appendix D of the GOA Final Supplemental EIS/OEIS to address these concerns. For example, in response to concerns expressed by the Kodiak area Tribes during Government-to-Government consultation, the Navy committed to not to use explosives in Portlock Bank during Navy training events in the TMAA.

The Navy continues its consultation with these five Kodiak area Alaska Native Tribes as well at the Native Village of Eyak Tribe in Cordova regarding improving coordination of training activities in the Gulf of Alaska in order to minimize any potential impacts to protected resources. Government-to-Government consultation and staff-to-staff communications will continue, as appropriate, after the GOA Supplemental EIS/OEIS and ROD.

- Magnuson-Stevens Fishery Conservation and Management Act. The Navy did not prepare an updated EFHA, because the EFHA and associated consultation with NMFS conducted for the 2011 GOA Final EIS/OEIS is still valid. Further, amendments made to applicable fisheries management plans since the 2011 GOA Final EIS/OEIS were reviewed as part of the GOA Supplemental EIS/OEIS effort and nothing was found that warranted reinitiating the EFHA under 50 CFR 600.920(l). The Proposed Action would not adversely affect fish populations or EFH as defined under the Magnuson-Stevens Fishery Conservation and Management Act.
- Coastal Zone Management Act. The Alaska Coastal Management Program (ACMP) ended on 1 July 2011 per state legislative action (Alaska Statute 44.66.030). The Legislature adjourned the special legislative session on 14 May 2011 without passing legislation required to extend the ACMP. Therefore, Alaska currently does not have an approved Coastal Management Plan, and the Navy has no requirements to prepare and submit a consistency determination for the Proposed Action analyzed in this Supplemental EIS/OEIS.
- National Marine Sanctuaries Act. Within the Study Area, there are no National Marine Sanctuaries sites; therefore, the National Marine Sanctuaries Act does not apply.

- National Historic Preservation Act. For the 2011 GOA Final EIS/OEIS Navy consulted with the Alaska State Historic Preservation Officer (SHPO) and the SHPO concluded that there would be no adverse effect from the Navy's proposed activities. That conclusion remains valid. Navy sent a letter to the Alaska SHPO in April 2014 communicating that Navy would not be reinitiating consultation for this SEIS/SOEIS.

Mitigation Measures

The analysis presented in the GOA Final Supplemental EIS/OEIS indicates that Alternative 1 will include the implementation of standard operating procedures and all practicable mitigation and monitoring measures by the Navy to avoid or reduce environmental impacts, including those identified in the GOA Final Supplemental EIS/OEIS, the NMFS Biological Opinion (April 19, 2017), and the NMFS Final Rule and LOA issued under the MMPA on April 21, 2017. Mitigation measures and monitoring requirements will be implemented for Navy activities which could potentially impact the following resources:

- Marine Mammals: Mitigation measures and annual exercise and monitoring reporting requirements are identified in the GOA Final Supplemental EIS/OEIS, the NMFS Biological Opinion, and the MMPA LOA. In addition to existing procedural mitigation measures, such as the use of lookouts, the Navy has agreed to implement geographic mitigation measures while training in the TMAA. The Navy will establish a North Pacific Right Whale Cautionary Area where the use of surface ship hull mounted mid-frequency sonar or explosives will not occur in the June to September timeframe.
- Fish: Given concerns raised by the Kodiak area Tribes during Government to Government consultation, the Navy has affirmed a geographic restriction that the use of explosives will not occur in Portlock Bank during Navy training events in the TMAA.

Responses to Comments Received on the Final Supplemental EIS/OEIS

During the 30-day wait period following the publication of the NOA for the GOA Final Supplemental EIS/OEIS, the Navy received 13 comment letters. Five comments were from non-governmental organizations, five from individuals, one from the USEPA, one from the Department of the Interior, Office of Environmental Policy and Compliance, and one from the Sun'aq Tribe of Kodiak. The comments summarized here represent the major substantive comments received. All but five of the comments were similar or identical to comments received on the Draft EIS that were previously considered and addressed in the FEIS. Comments received were concerned with water quality, changes in USFWS estimates for certain species population sizes and listing status, and lack of updated scientific information used in the GOA Supplemental EIS/OEIS analysis. Response to comments warranting specific responses are provided below.

Comment 1: The GOA Final Supplemental EIS/OEIS did not review the analysis of the effects from discharge of oil, ground up glass and plastics, and chemicals resulting from explosives and weapons discharge on water quality.

Response: The GOA Final Supplemental EIS/OEIS includes a review of the analysis of the water quality analysis that was presented in Section 3 (Affected Environment and Environmental Consequences) of the 2011 GOA EIS/OEIS. Since the 2011 GOA EIS/OEIS, there is new information on existing environmental conditions. However, this new information does not change the affected environment, which forms the environmental baseline of the water resources analysis in the 2011 GOA Final EIS/OEIS. Additionally, no new Navy training activities are being proposed in this GOA Final Supplemental EIS/OEIS that would affect water resources in the TMAA. Therefore, conclusions for water resources impacts made for the alternatives analyzed in the 2011 GOA Final EIS/OEIS remain unchanged in this GOA Final Supplemental EIS/OEIS. The Navy also considered water quality in its cumulative impacts analysis. The continuation of Navy training in the GOA will not result in degraded water quality or fisheries, or have long-term consequences to populations of marine mammals.

Comment 2: It was noted that the short-tailed albatross (*Phoebastria albatrus*) population has increased since the GOA Draft Supplemental EIS/OEIS. Additionally, the yellow-billed loon (*Gavia adamsii*) was removed from the candidate list in 2014 when the USFWS published a 12-month finding (79 FR 59195) and determined that listing was not warranted for the species.

Response: Numbers of short-tailed albatross are estimated at 4,354 individuals (USFWS 2014). This change in population size was noted, however, the population size revision does not impact the analysis or conclusions made in the GOA Final Supplemental EIS/OEIS.

Comment 3: The GOA Final Supplemental EIS/OEIS has a lack of complete and/or a lack of updated information upon which the Navy uses as the basis for their determinations of adverse impacts to marine sea life, and potential adverse impacts to tribes.

Response: While knowledge of the ocean is limited, there is a considerable body of research and years of monitoring data from areas where the Navy intensively trains, which provide the basis for the findings presented in the 2011 GOA Final EIS/OEIS and the GOA Final Supplemental EIS/OEIS. For example, see Section 3.8.5, Summary of Observations During Previous Navy Activities, of the GOA Final Supplemental EIS/OEIS. In the GOA Final Supplemental EIS/OEIS, the Navy reevaluated potential impacts from the ongoing military training activities in the GOA TMAA. Through the application of new scientific information and the NAEMO acoustic effects model, the Navy reanalyzed direct, indirect, cumulative, short-term, long-term, irreversible, and irretrievable impacts that result from the Navy's training activities. All indications from the best available science and from decades of joint training exercises in the GAO are that impacts from the proposed continuation of Navy training in the TMAA will result in no meaningful or lasting changes to any marine species, their habitat, or other resources in the area.

Comment 4: The GOA Final Supplemental EIS/OEIS appears to be inconsistent with the Northwest Training and Testing [NWTT] Activities EIS with regards to mitigation and monitoring for salmon. The GOA Final Supplemental EIS/OEIS indicated that there was no reason to monitor salmon in the GOA. However, the Northwest Training and Testing Activities EIS does

include the potential for monitoring for salmon. The commenter suggested that the Navy revise the GOA Final Supplemental EIS/OEIS to correct this inconsistency.

Response: The terms and conditions for salmon monitoring referenced in this comment were developed for inshore areas of the NWTT training area and specifically for explosives ordnance disposal activities, which do not take place in the GOA TMAA. These activities in NWTT are conducted at specific areas unlike the training the GOA that is spread across the TMAA. Further, the GOA Final Supplemental EIS/OEIS concluded that GOA training activities would have little impact on migrating salmon, and combined with similar conclusions from NMFS in their Biological Opinion, there was no compelling rationale to monitor salmon in the GOA nor has there been any evidence of impacts to salmon from the decades of joint exercises in the GOA.

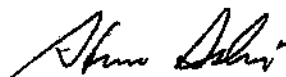
Comment 5: The Navy should use third party monitors on ships to observe the mitigation measures and should conduct in-water real time monitoring during the exercise.

Response: As discussed in the Final EIS/OEIS, the Navy does not use third party monitors because the Navy's lookouts are highly trained and experienced in spotting items on or near the surface and third party monitors are impractical due to space limitation, security issues, and logistics. Visual monitoring of the water during the exercise is currently already done through the safety zones for specific events; more widespread real time monitoring is not warranted based on the minimal potential environmental impacts and is also impractical for the exercise occurring across a vast area of the GOA.

C. CONCLUSION: After carefully considering the purpose of and need for the proposed action, the analyses contained in the Final Supplemental EIS/OEIS, and comments received on the Draft Supplemental EIS/OEIS and the Final Supplemental EIS/OEIS from federal, state, and local agencies, federally recognized Alaska Native Tribes, non-governmental organizations and individual members of the public, I have determined that Alternative 1, as identified in the GOA Final Supplemental EIS/OEIS, best meets the needs of the Navy and have selected it for implementation. This decision will enable the Navy to achieve current and future military readiness requirements under Section 5062 of Title 10 U.S.C., and allow the Navy to prevent or mitigate any potentially significant environmental impacts.

21 APR 17

Date



Steven R. Iselin
Principal Deputy Assistant Secretary of the Navy
(Energy, Installations, and Environment)