

**DEPARTMENT OF NAVY
U.S. FLEET FORCES COMMAND**

**FINDING OF NO SIGNIFICANT HARM FOR PROPOSED EXPEDITIONARY STRIKE
GROUP COMPOSITE TRAINING UNIT EXERCISE IN NOVEMBER-DECEMBER
2007 (ESG COMPTUEX (NOV/DEC 2007))**

Per Executive Order (EO) 12114, *Environmental Effects Abroad of Major Federal Actions*, and the Chief of Naval Operations (CNO) Instruction (OPNAVINST) 5090.1B, a Finding of No Significant Harm (FONSH) has been issued for the ESG COMPTUEX (Nov/Dec 2007). This FONSH is based on analysis contained in a Comprehensive Overseas Environmental Assessment (OEA) for Major Atlantic Fleet Training Exercises in Operating Areas (OPAREAs) 12 nautical miles (NM) and seaward off the East and Gulf Coasts of the U.S, prepared in February 2006, and a Supplement to the Comprehensive OEA (SOEA) issued in April 2007. A FONSH was signed for the Comprehensive OEA on 10 February 2006. An Overseas Environmental Impact Statement is not required for the proposed ESG COMPTUEX (May/June 2007).

The Comprehensive OEA made an overall impact assessment for each of the major training exercise types and concluded that given that these training exercises are similar in nature, scope and intensity to past major training exercises, and given that effective and robust mitigation measures are routinely implemented, these exercises have not individually or cumulatively shown significant harm to the natural resources of the U.S. EEZ. Therefore, it concluded that the conduct of major Atlantic Fleet training exercises is not expected to cause any significant harm to the natural resources of the U.S. EEZ, impact listed species or marine mammals or adversely affect EFH. Consistent with past practices, the Navy may conduct up to six major Atlantic Fleet training exercises annually. Major exercises include, but are not limited to ESG COMPTUEXs, Carrier Strike Group Composite Training Unit Exercises (CSG COMPTUEXs), Joint Task Force Exercises (JTFEX) and Combined CSG COMPTUEX/JTFEXs. Specific training activities evaluated in the Comprehensive OEA included anti-submarine warfare exercises, bombing exercises, gunnery exercises, combat search and rescue, helicopter events, mine warfare exercises, maritime interdiction operations, small boat interdiction operations, missile exercises, and torpedo exercises.

The SOEA provided a quantitative acoustic effects analysis for use of mid-frequency active (MFA) sonar and Naval Surface Fire Support (NSFS) with the Integrated Maritime Portable Acoustic Scoring and Simulator (IMPASS) system that could occur during major Atlantic Fleet training exercises scheduled between May 2007 and December 2007. ESG COMPTUEX (Nov/Dec 2007) is one of the three major exercises analyzed in the SOEA.

The Navy proposes to conduct ESG COMPTUEX (Nov/Dec 2007), a major Atlantic Fleet training exercise, during the months of November and December 2007. Specific training activities may include gunnery exercises, anti-submarine warfare exercises, maritime interdiction operations, and small craft interdiction operations. MFA sonar will be used during ESG COMPTUEX (Nov/Dec 2007), but IMPASS gunnery events will not occur as part of the exercise. The at-sea portion of the training exercise will be conducted 12 NM from the shoreline and seaward in the Cherry Point and Charleston OPAREAs.

Major Atlantic Fleet training exercises such as the proposed ESG COMPTUEX are designed to closely approximate the emerging threats and operational conditions that U.S. Armed Forces and Allied partners could encounter during forward-deployed operations around the world. The purpose of these exercises is to certify naval forces as combat-ready. The Navy needs to train to deploy combat-ready forces as mandated by 10 U.S.C. 5062. The CSG and ESG, which make up our forward-deployed naval forces, are fundamental elements of the U.S. strategic posture. These forces must be well trained to respond, at minimal personal risk to sailors, to the myriad of tasks that might confront them.

Three alternatives were considered in the Comprehensive OEA including: (1) No Action, (2) Conduct Major Atlantic Fleet Training Exercises along the East Coast of the U.S. and Gulf of Mexico (preferred alternative), and (3) Conduct Major Atlantic Fleet Training Exercises in the Cherry Point Operating Area only. Alternatives (2) and (3) met all of the project criteria. Alternative (1) would not allow the Navy to train for combat and therefore did not meet the mandate in 10 U.S.C. 5062. Alternative (2) was identified as the preferred alternative because it gives the Navy the greatest flexibility and number of available operating areas to accommodate at-sea training as well as accommodate the number of participants involved with a major Atlantic Fleet training exercise.

The Comprehensive OEA and SOEA evaluated impacts that could occur at-sea, 12 NM or more from the East Coast of the U.S. and the Gulf of Mexico in the Virginia Capes, Cherry Point, Charleston/Jacksonville, and Eastern Gulf of Mexico OPAREAs. A separate Comprehensive Environmental Assessment for major Atlantic Fleet training exercises evaluated the impacts of these operations on land ranges and in East and Gulf Coasts OPAREAs from the shoreline out to 12 NM in accordance with the National Environmental Policy Act (NEPA).

Environmental concerns addressed in the Comprehensive OEA and SOEA included impacts to: the physical environment; fish and Essential Fish Habitat; sea turtles and marine mammals; seabirds and migratory birds; endangered and threatened species; cultural resources; and socioeconomics.

Marine species occurrence and distribution for the proposed exercise area are the same as were analyzed in the Comprehensive OEA and SOEA. For ASW events, the SOEA included a quantitative analysis of potential effects from the use of MFA sonar. The SOEA also included a quantitative assessment of potential acoustic effects from use of explosive 5 inch rounds with the IMPASS system; however, IMPASS gunnery events will not occur during ESG COMPTUEX (Nov/Dec 2007). Marine mammals and sea turtles, including Endangered Species Act (ESA)-listed species, were included in this quantitative assessment. The analysis indicated that for ESG COMPUTEX (Nov/Dec 2007), no ESA-listed species would be affected by acoustic impacts from MFA sonar use. For non-listed marine mammals, the analysis in the SOEA indicated that dwarf/pygmy sperm whale, rough-toothed dolphin, bottlenose dolphin, spotted dolphin, spinner dolphin, common dolphin, Risso's dolphin, false killer whale, and pilot whale may be exposed to levels of MFA sonar that could result in non-injurious behavioral effects (Level B harassment). Beaked whales were also predicted to experience levels of MFA sonar that could result in Level B harassment; however, for beaked whales, such incidents are conservatively considered non-

lethal Level A harassment by policy. In January 2007, the Deputy Secretary of Defense implemented a two-year National Defense Exemption (NDE) from the requirements of the MMPA for DoD MFA sonar activities associated with military readiness. The ASW events that are planned for ESG COMPTUEX (Nov/Dec 2007) are military readiness activities, and are therefore subject to this exemption. The exemption includes mandatory mitigation measures for the protection of marine mammals that must be implemented during the two-year exemption period for all military readiness activities that involve the use of MFA sonar. These mitigation measures are included in the SOEA and will be implemented for ESG COMPTUEX (Nov/Dec 2007).

Mitigation measures identified in Chapter 5 of the Comprehensive OEA and the SOEA that relate to operations that will be conducted during ESG COMPTUEX (Nov/Dec 2007) will be implemented. Specifically, general maritime mitigation measures, including those identified in the Comprehensive OEA relating to previous consultations with the National Marine Fisheries Service, will be implemented for this exercise. Given these protective measures, collisions with marine mammals or sea turtles are not expected. Additionally, mitigation measures related to gunnery exercises will be implemented. No effects to threatened or endangered species or takes of marine mammals are expected as a result of these activities. Finally, mitigation measures related to use of MFA sonar during ASW training, as specified by the MMPA NDE, will be followed in order to minimize the potential for environmental impacts. An exercise-specific measure that restricts the area where mid-frequency active sonar is used will also be implemented.

Exercise planners and participants will be made aware of all restrictions and mitigative measures that apply to ESG COMPTUEX (Nov/Dec 2007) as identified in the Comprehensive OEA, the SOEA, and in this memo. These measures will be promulgated to all participants as mandatory requirements.

Based on the information gathered during the preparation of the Comprehensive OEA and SOEA, and the evaluation of the nature, scope and intensity of the proposed ESG COMPTUEX (Nov/Dec 2007), the Navy finds that the proposed ESG COMPTUEX is consistent with the training evaluated in the Comprehensive OEA and SOEA and with past training and environmental documentation. Accordingly, the Navy finds that based on Section 7 consultations, implementation of mitigation measures identified in the Comprehensive OEA and SOEA, and the implementation of mitigation measures as identified in this document, conducting ESG COMPTUEX (Nov/Dec 2007) will not significantly harm the environment, impact listed endangered species or marine mammals, or adversely affect Essential Fish Habitat.

The Comprehensive OEA and SOEA addressing this action are on file and may be reviewed by interested parties at the place of origin: Commander, Naval Facilities Engineering Command Atlantic, 6506 Hampton Blvd, Norfolk, VA 23508 (ATTN: Ms. Erin Swiader, Code EV21ES), telephone (757) 322-4960. A limited number of copies of the OEAs are available to fill single-copy requests.

25 October 2007

Dated

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