

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

**FINDING OF NO SIGNIFICANT IMPACT/FINDING OF NO SIGNIFICANT HARM
FOR PROPOSED CARRIER STRIKE GROUP COMPOSITE TRAINING UNIT
EXERCISE IN JANUARY 2009 (CSG COMPTUEX JAN 2009)**

Pursuant to Council on Environmental Quality Regulations (40 CFR Parts 1500-1508) implementing the procedural provisions of the National Environmental Policy Act, and in accordance with Executive Order (EO) 12114, *Environmental Effects Abroad of Major Federal Actions* and the Chief of Naval Operations (CNO) Instruction (OPNAVINST) 5090.1C, the Navy gives notice that a combined Finding of No Significant Impact (FONSI)/Finding of No Significant Harm (FONSH) has been issued for the Carrier Strike Group Composite Training Unit Exercise (CSG COMPTUEX (Jan 09)). This combined FONSI/FONSH is based on analysis contained in a Comprehensive Environmental Assessment (EA) for Major Atlantic Fleet Training Exercises on the East and Gulf Coasts of the U.S. (February 2006), a Comprehensive Overseas EA (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 (February 2006), a Supplement to the Comprehensive OEA (SOEA) (April 2008), and a National Marine Fisheries Service (NMFS) Biological Opinion (BO) for Navy activities occurring off the southeastern U.S (15 May 1997) and a NMFS BO for 2008 Major Atlantic Fleet Training Exercises (14 April 2008). The FONSI for the Comprehensive EA for Major Atlantic Fleet Training Exercises was issued on February 10, 2006. A FONSH was signed for the Comprehensive OEA on 10 February 2006. An Environmental Impact Statement (EIS) and/or an Overseas EIS (OEIS) are not required for the proposed CSG COMPTUEX (JAN 09).

Major Atlantic Fleet training exercises 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. Major exercises include Carrier Strike Group Composite Training Unit Exercises (CSG COMPTUEXs), Expeditionary Strike Group Composite Training Unit Exercises (ESG COMPTUEXs), Carrier Strike Group Joint Task Force Exercises (CSG JTFEXs), and Combined CSG COMPTUEX/JTFEXs. The purpose of these exercises is to certify naval forces as combat-ready. The U.S. Navy trains to deploy combat-ready forces as mandated by 10 U.S.C. 5062. The CSG and ESG, which make up our forward-deployed U.S 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 and marines, to the myriad of tasks that might confront them.

The U.S. Navy proposes to conduct CSG COMPTUEX (JAN 09) over a twenty-one day period during the month of January 2009. Specific training activities associated with CSG COMPTUEX (JAN 09) include air-to-ground (ATG) bombing, Combat Search and Rescue (CSAR), Maritime Operations, Inert Naval Gunfire, Fast Attack Craft/Fast Inshore Attack Craft (FAC/FIAC), and Anti-Submarine Warfare (ASW). Shore events include ATG bombing occurring on Townsend Bombing Range, Georgia, Avon Park Air Force Range, Florida, Pinecastle Range Complex, Florida, and CSAR over Rodman Ordnance Range, Florida. Near-shore events (<12 NM) include Maritime Operations. At-sea events (> 12 NM) include ASW, Inert Naval Gunfire, Maritime Operations, and FAC/FIAC within the JAX OPAREA.

The Comprehensive EA for Major Atlantic Fleet Training Exercises provided an overall impact assessment for each of the major training exercise types and concluded that major Atlantic Fleet training exercises will not have significant effects on the quality of the human environment given that: these training exercises are similar in nature, scope and intensity to past major training exercises; past major exercises have not shown a significant impact on the environment either individually or cumulatively; and effective and robust mitigation measures are routinely implemented. Consistent with past practices, the U.S. Navy may conduct up to six major Atlantic Fleet training exercises annually. Specific training activities evaluated in the Comprehensive EA include ATG bombing, helicopter events, combat search and rescue (CSAR), amphibious operations, shore fire control party (SFCP) training, and mine warfare.

The Comprehensive EA evaluated areas where major Atlantic Fleet exercises would occur on land and in waters from the shoreline to 12 NM. The east coast land training areas include BT-9 Target/BT-11 Range, North Carolina; Navy Dare County Range, North Carolina; Marine Corps Base Camp Lejeune, North Carolina; Townsend Range, Georgia; Pinecastle Impact Range, Florida; Avon Park Range, Florida; and Eglin AFB, Florida. The East and Gulf Coasts in-water training areas include the JAX, Virginia Capes (VACAPES), Cherry Point (CHPT), Charleston (CHASN), and Eastern Gulf of Mexico (GOMEX) OPAREAs.

Environmental concerns addressed in the Comprehensive EA include land use, community facilities, coastal zone management, socioeconomics, cultural resources, airspace, air quality, noise, geology, soils, water resources, biological resources, munitions and hazardous materials management, and safety. Mitigation measures identified in the Comprehensive EA that are applicable to operations proposed during CSG COMPTUEX (JAN 09) will be implemented. Specifically, mitigation measures for ATG bombing will be followed in order to minimize any potential for environmental impacts. In addition, all aircraft operations and ordnance use will be consistent with existing range manuals and related environmental documents as incorporated in the Comprehensive EA.

In alignment with the Comprehensive EA, the Comprehensive OEA assessed the overall impact of up to six major Atlantic Fleet training exercises annually. The Comprehensive OEA made an overall impact assessment for each of the major training exercise types and concluded that given 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. Exclusive Economic Zone (EEZ). Therefore, the Comprehensive OEA concluded that major Atlantic Fleet training exercises are not expected to cause significant harm to the natural resources of the U.S. EEZ, impact listed species or marine mammals or adversely affect essential fish habitat (EFH). Specific training activities evaluated in the Comprehensive OEA include Air-to-Surface (ATS) bombing, Naval Gunfire, Maritime Operations, Torpedo Exercise (TORPEX), FAC/FIAC, CSAR, Air-to-Air Missile Exercises (MISSILEXs), Mine Warfare, and ASW.

The Comprehensive OEA evaluated potential impacts that may occur at-sea, 12 NM or more from the East Coast of the U.S. and the Gulf of Mexico in the JAX, VACAPES, CHPT, CHASN, and GOMEX OPAREAs. Environmental concerns addressed in the Comprehensive OEA include impacts to: the physical environment; fish and Essential Fish Habitat (EFH); sea turtles

and marine mammals; seabirds and migratory birds; endangered and threatened species; cultural resources; and socioeconomics.

Three alternatives were considered in both the Comprehensive EA and OEA for Major Atlantic Fleet Training Exercises 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 (CHPT) OPAREA only. Alternatives (2) and (3) met all of the project criteria. Alternative (1) would not allow the U.S. 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 U.S. Navy the greatest flexibility and number of available land ranges and OPAREAs to accommodate all of the land-based training components as well as the number of participants involved with a major Atlantic Fleet training exercise. Alternative (3) meets all of the criteria needed to satisfy 10 U.S.C. 5062 requirements, but would limit the U.S. Navy's flexibility to conduct major Atlantic Fleet training exercises.

The SOEA provided a quantitative acoustic effect analysis for use of mid-frequency active (MFA) sonar that could occur during four 2008 major Atlantic Fleet training exercises scheduled during spring (March through May), summer (June through August), and winter (December through February). The major exercises analyzed in the SOEA include a spring CSG COMPTUEX/JTFEX, summer ESG COMPTUEX, summer CSG JTFEX, and winter CSG COMPTUEX/JTFEX. The SOEA evaluated potential impacts that may occur at-sea, 12 NM or more from the East Coast in the CHPT, CHASN, and JAX OPAREAs. Environmental concerns addressed in the SOEA include impacts to: the physical environment; fish and Essential Fish Habitat (EFH); sea turtles and marine mammals; seabirds and migratory birds; endangered and threatened species; cultural resources; and socioeconomics.

The SOEA analyzed marine species occurrence and distribution for the proposed exercise areas. For ASW events, the SOEA included a quantitative analysis of potential acoustic effects from the use of MFA sonar. Sea turtles and marine mammals, including Endangered Species Act (ESA)-listed species, were included in this quantitative assessment.

For sea turtles, the SOEA concluded that deployment of sonobuoys may effect, but are not likely to adversely affect sea turtle species due to potential entanglement or ingestion as a result of the four proposed exercise training events. Consistent with the finding of the Comprehensive OEA, MFA sonar is not expected to affect sea turtles because MFA sonar is above the hearing range of sea turtles, which is limited to low frequencies. Acoustic modeling for the winter CSG COMPTUEX /JTFEX estimated potential effects to marine mammals. Potential effects to Non-ESA-Listed marine mammals include minke whale, pygmy and dwarf sperm whales, beaked whales, rough-toothed dolphins, bottlenose dolphins, pantropical spotted dolphins, Atlantic spotted dolphins, Clymene dolphins, common dolphins, Risso's dolphins, and pilot whales. Potential effects to ESA-Listed marine mammals include the North Atlantic right whale, humpback whale, sperm whale. The potential acoustic exposures that were estimated are behavioral effects that are non-injurious (Level B harassment). Although North Atlantic right whales, humpback whales, and sperm whales may exhibit a reaction when initially exposed to active acoustic energy, scientific literature reporting on field observations indicate the effects would not be long term, and any potential exposures are not expected to be significant.

Therefore, no injury, serious injury or mortality is anticipated. Although the winter exercise was originally analyzed to support a CSG COMPTUEX/JTFEX, current operational readiness and training requirements dictate a JTFEX will not be conducted. Therefore, the potential effects to marine mammals for the winter exercise will be less than originally estimated.

In January 2007, the Deputy Secretary of Defense implemented a two-year National Defense Exemption (NDE) from the requirements of the Marine Mammal Protection Act (MMPA) for Department of Defense (DoD) MFA sonar activities associated with military readiness. The ASW events that are planned for CSG COMPTUEX (JAN 09) are military readiness activities and are, therefore, subject to this exemption. The exemption includes mandatory mitigation measures that must be implemented during the two-year exemption period for all military readiness activities that involve the use of MFA sonar. The implementation of these mitigation measures during CSG COMPTUEX (JAN 09) will result in having the least practicable adverse impact on marine mammal species or stocks. The NDE will expire on 23 January 2007. The U.S. Navy is currently consulting with NMFS regarding Atlantic Fleet mid- and high frequency active sonar training, as well as maintenance and research, development, test, and evaluation (RDT&E) that is coincident and substantially similar to Atlantic Fleet training activities. The U.S. Navy submitted an application requesting a Letter of Authorization (LOA) pursuant to Section 101(a)(5)(A) of the MMPA. After the application was reviewed by NMFS, a Notice of Receipt of Application was published in the Federal Register on March 5, 2008 (NMFS, 2008c). NMFS developed regulations governing the issuance of a LOA and published a Proposed Rule in the Federal Register on October 14, 2008 (NMFS, 2008f). It is anticipated the NMFS will issue an LOA for Atlantic Fleet mid- and high frequency active sonar training and RDT&E that is coincident and substantially similar to Atlantic Fleet training activities. To the extent U.S. Navy training occurs following the NDE expiration, U.S. Navy units would comply with LOA mitigation measures.

In 1996, the U.S. Navy consulted with NMFS under Section 7 of the ESA for U.S. Navy Activities Occurring Off the Southeastern U.S. NMFS issued a BO in May 1997 for ESA-listed species in coastal waters off South Carolina, Georgia, and eastern Florida which primarily focused on the north Atlantic right whale. The BO concluded that the U.S. Navy's operations off the Southeastern U.S., as mitigated by protective measures, are not likely to jeopardize the continued existence of any protected species. A portion of CSG COMPTUEX (JAN 09) operations fall within the Consultation Area as defined by the BO, but do not fall within the north Atlantic right whale critical habitat as defined by regulation. Therefore, the mitigation measures required by the BO associated with the Consultation Area shall be implemented during CSG COMPTUEX (JAN 09).

Because SOEA acoustic modeling indicated potential effects to ESA-listed marine mammals, the U.S. Navy initiated consultation procedures under Section 7 of the Endangered Species Act (ESA) with NMFS for the 2008 Atlantic Fleet major training exercises. As a result, NMFS provided the U.S. Navy with a BO and Incidental Take Statement (ITS) in April 2008. The BO concludes the U.S. Navy's 2008 Atlantic Fleet Major Exercises may adversely affect, but are not likely to jeopardize the continued existence of threatened and endangered species under NMFS' jurisdiction. Additionally, NMFS concluded that because critical habitat designated for endangered or threatened species under NMFS' jurisdiction is not likely to be exposed to the direct or indirect effects of the proposed training exercises, the proposed exercises are not likely to adversely affect designated critical habitat and are not likely to destroy or adversely modify

that critical habitat. In addition, the BO and ITS estimates the number of times whales might be exposed to mid-frequency sonar greater than 173 dB are 2 fin whales, 482 humpback whales, 1 North Atlantic right whale, 2 sei whales, and 281 sperm whales. The BO and ITS also include mandatory mitigation measures for the protection of listed species that will be implemented during CSG COMPTUEX (JAN 09).

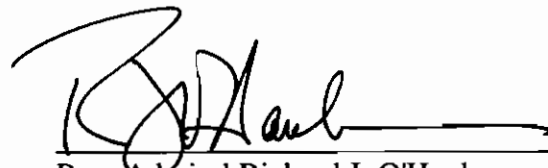
Exercise planners and participants will be made aware of all monitoring and mitigation measures that apply to CSG COMPTUEX (JAN 09) as identified in the Comprehensive EA, the Comprehensive OEA, the SOEA, NMFS BOs and ITS and the DRAFT AFAST Final Rule. These measures will be promulgated to all participants as mandatory requirements.

The U. S. Navy finds the proposed CSG COMPTUEX (JAN 09) is consistent with the training evaluated in the Comprehensive EA, Comprehensive OEA and SOEA and with past training and environmental documentation. Accordingly, the Navy finds that conducting CSG COMPTUEX (JAN 09) will not significantly impact listed ESA species or marine mammals, harm the environment, or adversely affect Essential Fish Habitat.

The Comprehensive EA, 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. Kelly Knight, Code EV21KK), telephone (757) 322-4960. A limited number of copies of the documents are available to fill single-copy requests.

12/18/2008

Dated



Rear Admiral Richard J. O'Hanlon
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