

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
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July 10, 2012

Naval Facilities Engineering Command, Southwest
Attention: HSTT EIS/OEIS Project Manager – EV21.CS
1220 Pacific Highway, Building 1, Floor 3
San Diego, CA 92132-5190

Subject: Hawaii-Southern California Training and Testing Draft Environmental Impact Statement/Overseas Environmental Impact Statement, (CEQ # 20120143)

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the Environmental Protection Agency (EPA) has reviewed the subject document. The DEIS will also serve as the National Marine Fisheries Service's NEPA documentation for the rule-making process under the Marine Mammal Protection Act (MMPA) to issue any incidental take authorizations because of the potential effects of the Navy's training and testing activities on species protected by Federal law.

We acknowledge the critical importance that training and testing plays in meeting the U.S. Navy's mission. We thank the Navy for its assistance with our review and for providing a corrected Table 3.5-14. We have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed "Summary of Rating Definitions"), based on the adverse impacts to marine resources described in the DEIS, and our concern that the information provided in the document does not sufficiently assess such impacts. While we defer to the National Marine Fisheries Service's expertise regarding the likely adverse affect of proposed project on marine mammals and sea turtles, we believe that the FEIS would benefit from improved and corrected disclosure of impacts. Please see the enclosed detailed comments for more information regarding our concerns.

EPA appreciates the opportunity to review this DEIS. When the Final EIS is released for public review, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521 or Tom Kelly, the lead reviewer for this project, at 415-972-3856 or kelly.thomasp@epa.gov.

Sincerely,

/s/

Kathleen Martyn Goforth, Manager
Environmental Review Office (CED-2)

Enclosures: Summary of EPA Rating Definitions
Detailed Comments

cc (via email): Michelle Magliocca, NMFS
Jayne Lefors, NMFS

US EPA DETAILED COMMENTS ON THE HAWAII-SOUTHERN CALIFORNIA TRAINING AND TESTING ENVIRONMENTAL IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT (DEIS/OEIS), CALIFORNIA AND HAWAII, JULY 2012

Acoustic Impacts

The DEIS frequently mentions the Navy Acoustic Effects Model as the source of the estimates of impacts on marine mammals and sea turtles. The Navy's website contains a supporting technical document¹ that discusses the model and its results. While the supporting technical document appears consistent in many respects with the DEIS, the hours of sonar operation modeled in the technical report (Table 14) differ from the hours of sonar use in the DEIS (Table 3.0-8) for some source classes. For example, the technical report indicates the hours of operation for Sonar Source Class LF-4 (Low-frequency sources equal to 180 dB and up to 200 dB) for the preferred alternative is 87 hours, while the DEIS indicates that number is 2,157. Similarly, the number of mammal species experiencing permanent threshold shift (i.e., permanent noise-induced hearing damage) differs between the reports. For example, the technical report indicates that annual testing events would result in permanent threshold shift for nearly 5,850 Short-Beaked Common Dolphins (Table 19), while the DEIS indicates that number would be 309 (Table 3.4-14).

Recommendation:

The FEIS should correct any discrepancies between the technical report and the FEIS.

Mitigation Measures

Ramp-Up

The DEIS clarifies the distinction between training and testing in Section 1.4, emphasizing the need for training to "be as realistic as possible to provide the experiences so important to success and survival" (p. 1-5). It separates testing into several categories: scientific research and testing, private contractor testing, developmental testing, operational testing, fleet training support, follow-on test evaluation and maintenance and repair testing (1-7). We note that, under the preferred alternative, sonar *testing* results in more level A harassment to marine mammals than does sonar *training*.

Mitigation considered but rejected from the DEIS discusses the concept of sonar "[r]amp-up procedures, (slowly increasing the sound in the water to necessary levels)" (p. 5-55), which appears to be a process that greatly reduces the effects of sonar for many testing processes. Ramp up procedures are dismissed for training because they would not allow the

¹ Determination of Acoustic Effects on Marine Mammals and Sea Turtles for the Atlantic Fleet Training and Testing Environmental Impact Statement/Overseas Environmental Impact Statement. (NUWC-NPT Technical Report 12,084) Naval Undersea Warfare Command Division, Newport.

Navy to “train as they fight,” but the DEIS also states, “ramp-up procedures have been used in testing.”

Recommendation:

The FEIS should include a more thorough discussion of ramp-up, either as a mitigation measure or an operational procedure, for testing (not training) activities listed in Chapter 2. We recognize that ramp-up would not be appropriate in many sonar testing procedures (e.g. where testing is concurrent with training), but the FEIS should disclose the circumstances under which it would be compatible with testing.

Identification of Cautionary Areas and Coral Reef Resources

The DEIS discusses the designation of a humpback whale cautionary area, “which consists of a 5 km (3.1 miles) buffer zone that has been identified as having one of the highest concentrations of humpback whales during the critical winter months” (p. 5-45). From December 15 to April 15, the cautionary area will only be used for training if approval is granted by the commander of the U.S. Pacific Fleet, taking into account “the Navy’s commitment to fully consider and balance mission requirements with environmental stewardship” (p. 5.45-46). It is not clear whether the area identified in the DEIS as a cautionary area is within or consistent with the boundaries of the Hawaiian Islands Humpback Whale National Sanctuary managed by NMFS.

The DEIS also includes a mitigation measure to limit training and testing within 350 yards of coral reefs (p. 5-46). While it discusses the inclusion of coral reefs and other protected areas in the Navy’s mapping program, known as the Protective Measures Protocol Assessment, the DEIS does not include a map of these areas.

Recommendation:

The FEIS should clarify the relationship, if any, of the Humpback Whale Cautionary Area to the Hawaiian Islands Humpback Whale National Sanctuary, and include a map of the Area, as well as a map of coral reefs that will be avoided. By including these maps in the FEIS, or making them available through a link similar to DEIS technical reports, the Navy and NMFS could invite comments on the accuracy or thoroughness of the maps from researchers and ocean protection groups.