

# **Georgia Department of Natural Resources**

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October 27, 2008

Naval Facilities Engineering Command Atlantic  
ATTENTION: Code EV22LL (USWTR OEIS/EIS PM)  
6506 Hampton Boulevard  
Norfolk, Virginia 23508-1278

RE: Georgia Federal Consistency Determination Objection – Navy Undersea Warfare Training Range

Dear Sir or Madam:

Staff of the Georgia Coastal Management Program (GCMP) as well as the Georgia Department of Natural Resources' Wildlife Resources Division (GDNR WRD) and the Coastal Resources Division (GDNR CRD) has reviewed your September 12, 2008 Draft Undersea Warfare Training Range (USWTR) Environmental Impact Statement (DEIS)/Overseas Environmental Impact Statement (OEIS). The GDNR recognizes the difficult situation that the Navy faces in balancing its national defense imperative with protection of our ocean resources. However, we are concerned that USWTR activities may negatively impact marine mammal species, including the endangered North Atlantic right whale. North Atlantic right whales are among the most endangered baleen whale species. The waters offshore of Georgia and northeast Florida are the only known calving ground for the species. Protection of the right whale calving habitat is critical for population recovery.

## **Project Description**

The purpose of the proposal is to implement an anti-submarine warfare (ASW) training range in the Jacksonville operating area (JAX OPAREA) to support ASW training exercises. The geographic scope of the DEIS/OEIS includes approximately 500 NM<sup>2</sup> of airspace, seaspace and seabed, and a narrow strip of seabed between the range and the shoreline where a single interconnect cable would be located. Sites in the JAX, Charleston, Cherry Point (North Carolina) and Virginia Capes OPAREAs are being considered; the JAX OPAREA site is the preferred alternative. The proposal would place up to 300 active/passive transducer nodes and interconnecting cables on the ocean floor to create an undersea ASW training range. The array would be connected to existing shore-based communication infrastructure via a cable that would lie on the seafloor or be buried 1-3 ft in the seabed. Once installed, training exercises would involve combinations of submarines, surface vessels and aircraft. Approximately 470 training events would be conducted per year, lasting 2-6 hours per event. Potential environmental impacts fall into the following categories: 1) project installation, 2) non-acoustic operations (e.g. vessel maneuvers) and 3) acoustic operations (ASW training will involve use of mid-frequency active sonar). Because installation is presumed to be of short duration, our concerns pertain primarily to proposed ASW operations.

## Comments and Recommendations

- Given the importance of Georgia and Florida coastal waters to endangered North Atlantic right whales, and given the proximity of the proposed USWTR range to the right whale calving grounds, our chief recommendation would normally be that the Navy avoid conducting USWTR activities between November 15 and April 15 each year (i.e. when right whales are present off Georgia and Florida). Unfortunately this option has been explicitly eliminated from consideration in the DEIS/OEIS. We urge the Navy to reconsider this decision. Avoiding or significantly reducing the scope of ASW activities between November 15 and April 15 would be the simplest way to reduce potential impacts to right whales and right whale habitat.
- Installation of the range should occur between April 15 and November 15 to avoid impacting North Atlantic right whales.
- We question the accuracy of the Acoustic Effects Analysis given how little is known about the density of marine mammal species inhabiting the project area. The marine mammal density data at the heart of the analysis (i.e. Navy OPAREA Density Estimates) are spatially and temporally coarse in scale, and therefore inappropriate for fine-scale analysis that was conducted in the DEIS/OEIS. Rather, we recommend that comprehensive marine mammal surveys be conducted within the proposed USWTR area across all seasons in order to calculate accurate season-specific estimates of marine mammal density. This point is particularly important for North Atlantic right whales because the density of right whales beyond 30 NM of shore is unknown. Accurate right whale density estimates for waters beyond 30 NM are needed in order to predict impacts to right whales. The revised density estimates should be incorporated into the Acoustic Effects Analysis prior to publication of the Final EIS; they should also be considered by NMFS prior to issuing a Letter of Authorization (LOA) or consulting with the Navy under Section 7 of the Endangered Species Act (ESA).
- The Navy estimated the annual "Acoustic Footprint" and exposure levels in its Acoustic Effects Analysis, but did not present this information in the DEIS/OEIS. This information is needed to assess the environmental impacts of the project and should be included in the Final EIS.
- The maximum distance at which Level B harassment will occur from sonar sources is not provided in the DEIS/OEIS. This is particularly important given the proximity of the USWTR project area to the right whale calving ground. The Navy should address whether sonar energy will propagate from the USWTR and into areas inhabited by right whales. This information should be included in the Final EIS; it should also be considered by NMFS prior to issuing a LOA or consulting with the Navy under Section 7 of the ESA.
- If sound is likely to propagate from the USWTR and into the right whale calving grounds, the potential for cumulative negative impacts on individual right whales and their habitat should be considered. Breeding females return to the waters off Georgia and northeast Florida to every 3-5 years to calve. Immature right whales often return to the calving grounds each winter during the first few years of their lives. These individual whales may remain in waters off Georgia and Florida for extended periods (3-4 months). As such, the potential for cumulative impacts on individual whales should not be discounted.
- The Navy's Integrated Comprehensive Monitoring Program (ICMP) should include a program for monitoring the long-term acoustic effects of USWTR activities on the project area and the adjacent right whale calving grounds. This program should be implemented in cooperation with NMFS and independent researchers.
- The Navy's emphasis on posting vessel lookouts as the primary operational means of avoiding marine mammal impacts is insufficient. Marine mammals are difficult to detect

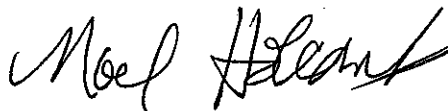
visually—even by trained observers. The probability of detecting marine mammals at night and in periods of inclement weather is even lower. Greater emphasis should be placed on real-time passive acoustic detection and visual detection of marine mammals by air prior to onset of USWTR activities.

- The right whale-specific vessel mitigation measures in the DEIS/OEIS would apply only to the Southeast U.S. critical habitat and an adjacent 5 NM-wide “associated area of concern.” Right whales inhabit a much larger area than this. Research has shown that right whales utilize most waters within 30 nautical miles of the Georgia and northeast Florida. As stated above, right whales may also utilize waters beyond 30 NM of shore; further research is needed to address this question. Right whale-specific mitigation measures should apply to all areas inhabited by right whales—not just the currently delineated Southeast U.S. critical habitat.
- Navy vessels should travel at 10 knots (or minimum safe speed) while transiting through waters inhabited by right whales between November 15 and April 15. Exercises requiring greater vessel speeds should be conducted outside the right whales season or in locations where right whales are not present. Contrary to the Navy’s contention in the DEIS/OEIS, vessel speed limits are not arbitrary. The best available science indicates that whale mortality and serious injury is significantly reduced at speeds of 10 knots or less.

Northern right whales are protected under both the Georgia Endangered Wildlife Act and the Federal Endangered Species Act. Proposed actions that do not mitigate right whale impacts to the maximum practicable extent are not consistent with Georgia’s Coastal Management Program. The Program **objects** to your federal consistency determination unless the Recommendations outlined above are incorporated into the final environmental impact statement.

The GDNR appreciates the opportunity to comment on this proposal. We look forward to continued cooperation with the Navy on this and other issues. If you have any technical questions, please contact Clay George at (912) 262-3336 or [clay.george@dnr.state.ga.us](mailto:clay.george@dnr.state.ga.us).

Sincerely,



Noel Holcomb

cc: David Kaiser, NOAA OCRM  
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