



MEMORANDUM FOR: The Record

FROM: Donna S. Wieting, Director
Office of Protected Resources
National Marine Fisheries Service
1315 East West Highway
Silver Spring, MD 20910

SUBJECT: Adoption of the U.S. Air Force's Environmental Assessment on
*Maritime Weapons System Evaluation Program in the Eglin Gulf
Training and Testing Range*

I. Background

I.A. NMFS' Proposed Action

The National Marine Fisheries Service (NMFS), a division of the National Oceanic and Atmospheric Administration (NOAA), is proposing to issue an Incidental Harassment Authorization (IHA) to the U.S. Air Force, Eglin Air Force Base, pursuant to Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. §§ 1371 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 Code of Federal Regulations [CFR] Part 216, Subpart I). The IHA would be valid from February 4, 2017, through February 3, 2018, and would authorize take, by Level A and Level B harassment, of marine mammals incidental to Maritime Weapons System Evaluation Program activities at the Eglin Gulf Training and Testing Range (EGTTR) in Florida.

NMFS' proposed action is a direct outcome of Eglin Air Force Base's IHA request (received on September 9, 2016), which involves acoustic sources (e.g., live munitions consisting of gunnery rounds, rockets, missiles, and bombs) that have the potential to cause marine mammals in the EGTTR to be taken and, therefore, warrants an authorization from NMFS. NMFS' IHA issuance criteria require that the unintentional taking of marine mammals authorized by an IHA will have a negligible impact on the species or stock(s) and, where relevant, will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, the IHA must set forth the permissible methods of taking, other means of effecting the least practicable impact on the species or stock and its habitat, and requirements pertaining to the monitoring and reporting of such taking.

I.B. U.S. Air Force's Proposed Action

The Environmental Assessment (EA), prepared by the U.S. Air Force (USAF), evaluates the potential environmental impacts associated with conducting Maritime Weapons System Evaluation Program (WSEP) activities at the EGTTR. The WSEP activities may potentially impact marine mammals at or near the surface due to the use of exploding and non-exploding projectiles and falling debris. Up to eight Maritime WSEP training missions are proposed,



occurring during a one-week period in February 2017 and a one-week period in March 2017. The proposed missions would occur for up to four hours each day during the morning hours. Eglin Air Force Base's Maritime WSEP activities are military readiness activities to evaluate maritime deployments data, evaluate tactics, techniques and procedures, and to determine the impact of techniques and procedures on combat Air Force training. The need to conduct this type of testing has developed in response to increasing threats at sea posed by operations conducted from small boats.

I.C. Comparison of USAF's Proposed Action to NMFS' Proposed Action

NMFS' proposed action (issuance of an IHA) would authorize take of marine mammals incidental to the activities analyzed in the USAF's EA that are anticipated to result in the take of marine mammals. Thus, these components of the USAF's proposed action are the subject of NMFS' proposed action. To the extent that authorizing incidental takes of marine mammals may result in effects on other components of the human and natural environment, NMFS' environmental review evaluates those effects as appropriate or applicable. The USAF's EA contains a thorough analysis of the environmental consequences of their proposed action on the human environment, including specific sections addressing the effects of sound on marine mammals and describing potential mitigation measures specific to marine mammals. In addition, since the scope of NMFS' environmental review pertaining to IHAs is limited to regulating takes of marine mammals, the mitigation and monitoring measures within NMFS' authority to impose via permits is specific to mitigating the impacts on the resources that are the subject of the IHA.

II. Alternatives and Impact Assessment

II.A. Summary of the Alternatives Considered by the USAF

The USAF's EA considers a No-Action Alternative and two Action Alternatives:

No-Action Alternative: The No-Action Alternative is required by Council on Environmental Quality (CEQ) regulations as a baseline against which the impacts of the Proposed Action are compared. Under the No-Action Alternative, Maritime WSEP testing with live ordnance would not occur at Eglin Air Force Base within the EGTR. The potential impacts of the No Action Alternative have been previously analyzed in the *Final Environmental Assessment Falcon 9 and Falcon 9 Heavy Launch Vehicle Programs from Space Launch Complex 4 East Vandenberg Air Force Base, California*.

Action Alternative 1: Under Alternative 1 (the Proposed Action), the total desired number of live munitions would be authorized; however, no subsurface detonation scenarios would be authorized as part of the Maritime WSEP activities. Due to the lack of subsurface detonations, the acoustic zone of influence would be smaller, requiring fewer survey vessels and less time to clear the target area of protected species.

Action Alternative 2: Under Alternative 2 (the Preferred Alternative) the total number of desired live munitions would be authorized with subsurface missile detonations.

II.B. Summary of Alternatives Considered by NMFS

No-Action Alternative: NMFS would not issue an IHA to the U.S. Air Force, Eglin Air Force Base for the take of marine mammals incidental to activities described in the USAF's preferred alternative (for NMFS, this constitutes the NEPA-required No-Action Alternative). The effects of NMFS' No-Action Alternative are substantially the same as those of the USAF's No-Action alternative.

Action Alternative: NMFS would issue an IHA authorizing take of marine mammals incidental to activities described in the USAF's preferred alternative, with the mitigation, monitoring and reporting measures presented in NMFS' proposed IHA and the USAF's EA. The USAF's EA includes consideration of a variety of mitigation, monitoring and reporting measures through incorporation of the IHA application. These measures include clearing the Level A acoustic zone of influence of protected species and monitoring the area from the periphery as well as reporting all observed marine mammals and their reactions to the Maritime WSEP activities.

II.C. Environmental Consequences

The EA analyzed the impacts to biological resources as well as impacts to water quality, the physical and biological environment, cultural resources, and other aspects of the human environment. NMFS' proposed action concerns only the potential effects to the biological components of the environment. The anticipated impacts of the proposed action on marine mammals are primarily from increased levels of underwater sound resulting from live munitions associated with the Maritime WSEP activities. Noise levels from these activities may affect marine mammals; these effects are expected to be limited to Level B harassment (behavioral disturbance and temporary threshold shift (TTS)), and Level A harassment (slight injury and permanent threshold shift (PTS)). The analysis in the EA indicated these impacts would be short term and temporary.

The need for restricted access due to live ordnance use associated with the Maritime WSEP activities as well as potential impacts to physical resources due to detonations could have an effect on wildlife as well as on humans in the VAFB vicinity. As such, the EA analyzed the impacts to wildlife as well as impacts to humans, marine vegetation, fish and benthic invertebrates and other environmental resources. The EA concludes the impacts associated with the proposed action are minor and temporary and result in no significant impacts, including impacts on species listed under the Endangered Species Act (ESA). No marine mammals are anticipated to be exposed to sound levels resulting in serious injury or mortality during the proposed action. Socioeconomics, environmental justice, and the regional economy would not be significantly impacted as a result of the proposed action. There would be no disproportionately high and adverse environmental, human health and socioeconomic affects to minority and low income populations.

Recent and proposed projects at EGTTTR and other projects in the area were examined to determine possible cumulative impacts. All resource areas analyzed in the EA have been evaluated for cumulative impacts including past, present and reasonably foreseeable future

actions. The analysis indicates that no significant cumulative impacts are anticipated because of the relative scale of projects and the nature and magnitude of specific impacts. The USAF's analysis indicates that the project would not result in significant impacts to the human environment; however, mitigation measures have been designed by NMFS and Eglin Air Force Base to further reduce project impacts to marine mammals and other resources.

II.D. Public Involvement

NMFS' IHA: To allow other agencies and the public the opportunity to review and comment on the actions, NMFS published a notice of receipt of Eglin Air Force Base's application and proposed IHA in the *Federal Register* on November 21, 2016 (81 FR 83209). The USAF's draft EA was also posted online with the publication of the proposed IHA. During the public comment period, NMFS received comments from the Marine Mammal Commission, which did not indicate that the environmental effects of NMFS' action were significantly controversial. One comment from a private citizen was also received, which expressed concern for endangered species and recommended that the Maritime WSEP activities be conducted in the Gulf of Mexico to avoid such impacts. As noted in the FR notice, the activities would take place in the EGTR, which is located in the Gulf of Mexico, and no take is authorized for any marine mammal species that are protected by the Endangered Species Act. Navy will complete consultation under Section 7 of the Endangered Species Act for non-marine mammal species protected, but impacts are not anticipated to result in a jeopardy determination. NMFS would make the Final IHA, our FONSI, and USAF's Final EA/FONSI available on the internet at www.nmfs.noaa.gov/pr/permits/incidental.

USAF's EA: The USAF completed a Final EA and a FONSI in December, 2014. These documents were available on NMFS's website (www.nmfs.noaa.gov/pr/permits/incidental) during the public review of the proposed IHA as well as during previous IHAs for similar activities.

III. Mitigation Measures and Monitoring and Reporting Requirements

NMFS' issuance of the IHA is conditioned upon the implementation of mitigation and monitoring designed to reduce impacts to marine mammals to the level of least practicable impact. The IHA, and USAF's, EA include details about the mitigation, monitoring and reporting requirements, summarized below.

III.A. Mitigation

Trained protected species observers (PSOs) will conduct protected species surveys before and after each mission from five boats dedicated solely to observing for marine species. Prior to mission activities, the PSOs would ensure that the Level A harassment range is free of protected species. Approximately 20-25 other range clearing boats will clear the area of non-authorized vessels during pre-mission surveys. Due to human safety issues, PSOs will be required to leave the mission area at least 30 minutes in advance of live weapon deployment and move to a position on the safety zone periphery where they will continue to scan for marine mammals. In addition to vessel-based monitoring, Eglin Air Force Base will position three high-definition

cameras on an anchored barge on-site approximately 600 feet from the target area to allow for real-time monitoring for the duration of the mission.

The purpose of pre-mission monitoring are to 1) Evaluate the mission site for environmental suitability, and 2) verify that the zone of influence is free of visually detectable marine mammals (including potential indicators of these species). Therefore, range clearing vessels and PSO surveys will be on site at sunrise or least two hours prior to the mission. One and a half hours prior to the mission, vessel-based surveys would begin. If marine mammals or indicators of their presence are observed, the range would be declared "fouled", indicating that a live ordnance drop cannot occur. Any observed protected species would be monitored until clear of the area and not seen again for 30 minutes or is presumed to be out of the clearance zone due to swimming out of the range.

III.B. Monitoring

Post-mission monitoring would commence once the mission has ended and the mission area is safe. Vessels would move into the survey areas from outside the safety zone and monitor for at least 30 minutes, concentrating on the area down-current from the test site. Up to 10 support vessels would be cleaning the debris and damaged targets for several hours after the mission is complete. Observers would document and report any marine mammal species and record the number, location and behaviors of any animals observed.

III.C. Reporting

Eglin Air Force Base is required to submit a report to NMFS within 90 days after expiration of the Authorization. This report must include the following: i) Date and time of each Maritime WSEP exercise; ii) a complete description of the pre-exercise and post-exercise activities related to mitigating and monitoring the effects of Maritime WSEP exercises on marine mammal populations; and iii) results of the Maritime WSEP exercise monitoring, including the number of marine mammals (by species) that may have been harassed due to presence within the activity zone.

IV. NMFS Review

The NMFS Office of Protected Resources (OPR) has reviewed the USAF Eglin Air Force Base's EA and concludes that the impacts evaluated by the USAF are substantially the same as the impacts of NMFS' proposed action to issue an IHA for the take of marine mammals. In particular, the EA contains an adequate evaluation of the direct, indirect and cumulative impacts on marine mammals and ESA-listed species. In addition, OPR has evaluated the USAF's EA and determined the EA includes all required components for adoption by NOAA, including:

- a brief discussion of the purpose and need for the proposed action;
- a listing of the alternatives to the proposed action;
- a description of the affected environment;
- a succinct description of the environmental impacts of the proposed action and alternatives, including cumulative impacts; and

- a listing of agencies and persons consulted and to whom copies of the Final EA are sent.

As a result of this review, the Office of Protected Resources has determined that the USAF's EA is complete and adequate to support NMFS' proposal to issue an IHA. It is therefore not necessary to prepare a separate EA or environmental impact statement to issue an IHA to USAF Eglin Air Force Base and adoption of the EA is appropriate.

V. Conclusion and Findings

The USAF's EA/FONSI and NMFS' FONSI support the finding that no significant environmental impacts will result from NMFS' proposed action to issue an IHA for the incidental take of marine mammals related to Maritime WSEP activities. Based on the environmental review and supporting analysis, the NMFS OPR has adopted the USAF's EA under the CEQ Regulations for Implementing the National Environmental Policy Act (40 CFR 1506.3).