

Final

**Supplemental Environmental Impact Statement/
Overseas Environmental Impact Statement
Atlantic Fleet Training and Testing**

TABLE OF CONTENTS

6	REGULATORY CONSIDERATIONS.....	6-1
6.1	Consistency with Regulatory Considerations	6-1
6.1.1	Coastal Zone Management Act Compliance	6-6
6.1.2	Marine Protected Areas	6-6
6.1.3	National Marine Sanctuaries	6-7
6.1.4	Magnuson-Stevens Fishery Conservation and Management Act	6-16
6.2	Relationship Between Short-Term Use of the Environment and Maintenance and Enhancement of Long-Term Productivity	6-16
6.3	Irreversible or Irretrievable Commitment of Resources	6-16

List of Figures

Figure 6.1-1: Location of National Marine Sanctuaries within the Northeast and Mid-Atlantic Portion of the Study Area	6-8
Figure 6.1-2: Location of National Marine Sanctuaries within the Southeast Atlantic and Gulf of America Portion of the Study Area	6-9

List of Tables

Table 6.1-1: Summary of Environmental Compliance for the Proposed Action.....	6-1
Table 6.1-2: National Marine Sanctuaries in the Study Area.....	6-10

This page intentionally left blank.

6 REGULATORY CONSIDERATIONS

Consistent with 42 United States Code (U.S.C.) section 4334's mandate to fulfill obligations to comply with standards of environmental quality and to coordinate and consult with applicable federal or state agencies to the fullest extent possible, the Navy has integrated the requirements of the National Environmental Policy Act (NEPA) with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently rather than consecutively. This chapter summarizes environmental compliance for the Proposed Action and consistency with other federal, state, and local plans and policies as required; the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; irreversible and irretrievable commitments of resources; and energy requirement and efficiency initiatives.

6.1 CONSISTENCY WITH REGULATORY CONSIDERATIONS

Implementation of the Proposed Action for this Atlantic Fleet Training and Testing (AFTT) Supplemental Environmental Impact Statement (EIS)/Overseas EIS (OEIS) would comply with applicable federal, state, and local laws, regulations, and executive orders. The Action Proponents are consulting with and will continue to consult with regulatory agencies, as appropriate, during the NEPA process and prior to implementation of the Proposed Action to ensure that requirements are met. Table 6.1-1 summarizes the environmental compliance requirements assessed in this Supplemental EIS/OEIS. Documentation of consultation and coordination with regulatory agencies is provided in Appendix L (Agency Correspondence).

Table 6.1-1: Summary of Environmental Compliance for the Proposed Action

<i>Laws, Executive Orders, International Standards, and Guidance</i>	<i>Status of Compliance</i>
Laws	
Abandoned Shipwreck Act (43 U.S.C. section 2101 et seq.)	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final Atlantic Fleet Training and Testing Environmental Impact Statement/Overseas Environmental Impact Statement (hereinafter referred to as the 2018 Final EIS/OEIS), and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
Act to Prevent Pollution from Ships (33 U.S.C. section 1901 et seq.)	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
Antiquities Act (54 U.S.C. section 320301 et seq.)	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
Bald and Golden Eagle Protection Act (16 U.S.C. section 668 et seq.)	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.

Table 6.1-1: Summary of Environmental Compliance for the Proposed Action (continued)

<i>Laws, Executive Orders, International Standards, and Guidance</i>	<i>Status of Compliance</i>
Clean Air Act (42 U.S.C. section 7401 et seq.) Clean Air Act General Conformity Rule (40 Code of Federal Regulations [CFR] section 93[B]) State Implementation Plan	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, except that the Action Proponents' analysis accounts for recent court decisions, executive orders, and guidance. See Section 3.1 (Air Quality) for the assessment. Additionally, as a result of new executive orders and agency guidance, the Navy's analysis of the potential effects of greenhouse gas emissions identifies reasonably foreseeable effects with greater specificity rather than employing broad concepts (Section 4.3.1, Cumulative Impacts, Air Quality).
Coastal Zone Management Act (16 U.S.C. section 1451 et seq.)	The Action Proponents have complied with the coastal zone federal consistency requirements for those states/territories whose coastal uses or resources may be affected by the Proposed Action (as discussed in Section 6.1.1 , Coastal Zone Management Act Compliance). There are 18 states (Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas) and two U.S. territories (Puerto Rico and the U.S. Virgin Islands) whose coastal zones are located within the Study Area.
Clean Water Act (33 U.S.C. section 1251 et seq.)	In November 2019, the U.S. Environmental Protection Agency and Department of Defense Uniform National Discharge Standards for Vessels of the Armed Forces were updated (40 CFR Part 1700). The Action Proponents will continue to work with the U.S. Environmental Protection Agency regarding Uniform National Discharge Standards and will continue to implement and comply with these requirements as outlined in 40 CFR Part 1700. Regarding other requirements of the Clean Water Act discussed in the 2018 Final EIS/OEIS, the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
Endangered Species Act (16 U.S.C. section 1531 et seq.)	This Supplemental EIS/OEIS analyzes potential effects to species listed under the Endangered Species Act, which is administered by both the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). The Action Proponents have prepared a Biological Assessment that was submitted to NMFS as part of the ongoing consultation under section 7 of the Endangered Species Act. The Action Proponents have prepared an informal consultation package that was submitted to U.S. Fish and Wildlife Service as part of the consultation under section 7 of the Endangered Species Act. U.S. Fish and Wildlife Service has concurred with the conclusions provided in the consultation package, and the section 7 of the Endangered Species Act consultation for the Proposed Action is complete.

Table 6.1-1: Summary of Environmental Compliance for the Proposed Action (continued)

<i>Laws, Executive Orders, International Standards, and Guidance</i>	<i>Status of Compliance</i>
Historic Sites Act (54 U.S.C. section 320101 et seq.)	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. section 1801 et seq.)	The Action Proponents have prepared an Essential Fish Habitat Assessment. The Proposed Action may adversely affect Essential Fish Habitat and managed species. The Action Proponents submitted the Essential Fish Habitat Assessment to NMFS to consult on affected species and their habitats (as discussed in Section 6.1.4 , Magnuson-Stevens Fishery Conservation and Management Act). NMFS has concurred with the conclusions provided in the Essential Fish Habitat Assessment, and the Magnuson-Stevens Fishery Conservation and Management Act consultation for the Proposed Action is complete.
Marine Mammal Protection Act (16 U.S.C. section 1361 et seq.)	This Supplemental EIS/OEIS updates the analysis and is the basis for a request for three 7-year Letters of Authorization from NMFS. This is a change from the 2018 Final EIS/OEIS per the 2018 National Defense Authorization Act, as the NMFS permitting period has been changed from 5- to 7-year permits, to cover the Action Proponents' proposed activities for the 2025–2032 timeframe. The Action Proponents have prepared a request for Letters of Authorizations that was submitted to NMFS as part of the ongoing consultation under the Marine Mammal Protection Act.
Marine Protection, Research, and Sanctuaries Act (33 U.S.C. section 1401 et seq.)	In compliance with the Marine Protection, Research, and Sanctuaries Act, the Navy has obtained a general permit for the SINKEX Program. Under the general permit, vessel sinking cannot occur unless the U.S. Environmental Protection Agency concurs that the action complies with the conditions of the permit, including removal of all readily detachable material capable of creating debris or contributing to chemical pollution. SINKEX activities under the Proposed Action only occur in designated SINKEX boxes, and vessels are cleaned in accordance with the general permit before the exercise can proceed.
Migratory Bird Treaty Act (16 U.S.C. section 703 et seq.)	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
National Fishing Enhancement Act (33 U.S.C. section 2101 et seq.)	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.

Table 6.1-1: Summary of Environmental Compliance for the Proposed Action (continued)

<i>Laws, Executive Orders, International Standards, and Guidance</i>	<i>Status of Compliance</i>
National Historic Preservation Act (54 U.S.C. section 300101 et seq.)	The Proposed Action is not anticipated to affect known cultural resources within the Study Area. In the event that the Action Proponents inadvertently impact a submerged prehistoric site or historic resource, consultation would be conducted with the appropriate State Historic Preservation Officer(s).
National Marine Sanctuaries Act (16 U.S.C. section 1431 et seq.)	Five National Marine Sanctuaries managed by the National Oceanic and Atmospheric Administration Office of National Marine Sanctuaries lie within the Study Area. One proposed National Marine Sanctuary is located within the Study Area. These are discussed further in Section 6.1.3 (National Marine Sanctuaries). The Office of National Marine Sanctuaries has concurred with the conclusions provided for each Sanctuary and chosen not to issue any alternatives. The National Marine Sanctuaries Act section 304(d) consultation for the Proposed Action is complete.
Resource Conservation and Recovery Act (42 U.S.C. section 6901 et seq.)/Military Munitions Rule (40 CFR Part 266 Subpart M)	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
Rivers and Harbors Act (33 U.S.C. section 401 et seq.)	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
Submerged Lands Act (43 U.S.C. section 1301 et seq.)	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
Sunken Military Craft Act (10 U.S.C. section 113 et seq.)	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
R.M.S. Titanic Maritime Memorial Preservation Act (16 U.S.C. section 450rr et seq.)	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
Executive Orders (EOs)	
EO 11990, <i>Protection of Wetlands</i> , as amended by EO 12608	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.

Table 6.1-1: Summary of Environmental Compliance for the Proposed Action (continued)

<i>Laws, Executive Orders, International Standards, and Guidance</i>	<i>Status of Compliance</i>
EO 12962, <i>Recreational Fisheries</i> , as amended by EO 13474	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
EO 13045, <i>Protection of Children from Environmental Health Risks and Safety Risks</i> , as amended by EO 13229 and EO 13296	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
EO 13089, <i>Coral Reef Protection</i>	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
EO 13112, <i>Invasive Species</i> , as amended by EO 13286 and EO 13751	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
EO 13158, <i>Marine Protected Areas</i>	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.
EO 13175, <i>Consultation and Coordination with Indian Tribal Governments</i>	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements. In January 2018, the U.S. Congress passed the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act, granting federal recognition to the Chickahominy, the Eastern Chickahominy, the Upper Mattaponi, the Rappahannock, the Monacan, and the Nansemond tribes in Virginia. However, the Proposed Action would not affect these newly recognized tribes and government-to-government consultation is not required.
EO 13840, <i>Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States</i>	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.

Table 6.1-1: Summary of Environmental Compliance for the Proposed Action (continued)

<i>Laws, Executive Orders, International Standards, and Guidance</i>	<i>Status of Compliance</i>
International Standards	
International Convention for the Prevention of Pollution from Ships as implemented in Act to Prevent Pollution from Ships (33 U.S.C. sections 1901 et seq.)	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 Final EIS/OEIS, and the Action Proponents have verified that the updated proposed activities and stressor quantities do not change its compliance with these requirements.

Notes: CFR = Code of Federal Regulations; EIS = Environmental Impact Statement; EO = Executive Order; NMFS = National Marine Fisheries Service; OEIS = Overseas Environmental Impact Statement; SINKEX = Sinking Exercise; U.S. = United States; U.S.C. = United States Code

6.1.1 COASTAL ZONE MANAGEMENT ACT COMPLIANCE

[Section 6.1.1](#) of the 2018 *Final Atlantic Fleet Training and Testing Environmental Impact Statement/Overseas Environmental Impact Statement* describes the Coastal Zone Management Act of 1972 (16 United States Code [U.S.C.] section 1451 et seq.). This description and the definitions in the 2018 Final EIS/OEIS have not changed.

In accordance with the Coastal Zone Management Act, the Action Proponents have reviewed the enforceable policies of each state's federally approved Coastal Zone Management Plan relevant to the Study Area. There are 18 states and two U.S. territories whose coastal zones are located within the Study Area. The Action Proponents determined that no activities are proposed within or in proximity to the coastal zones of Puerto Rico and the U.S. Virgin Islands, and therefore no activities would cause reasonably foreseeable effects on coastal uses or resources against which to analyze enforceable policies. As such, the Action Proponents were not required to submit a negative determination pursuant to 15 CFR section 930.35. Activities are proposed within or in proximity to the coastal zones for the remaining 18 states that may have reasonably foreseeable effects on coastal uses or resources and are therefore subject to consistency requirements. Based on an evaluation of the effects of the Proposed Action discussed in this Supplemental EIS/OEIS and the enforceable policies of each state's Coastal Zone Management Plan, and pursuant to 15 CFR section 930.39, concurrence or presumed concurrence (due to lack of response, in accordance with 15 CFR section 930.41) was received from all 18 states. See Appendix L (Agency Correspondence) for correspondence between the Action Proponents and state agencies.

6.1.2 MARINE PROTECTED AREAS

[Section 6.1.2](#) of the 2018 Final EIS/OEIS discussed marine protected areas that were part of the National System of Marine Protected Areas that overlapped with the Study Area (U.S. Department of the Navy, 2018). Since the publication of the 2018 Final EIS/OEIS, the National Marine Protected Areas Center has updated their definitions and classification system for marine protected areas to mirror that of the International Union for Conservation of Nature. More information on marine protected areas, as well as an online mapper, can be found at the National Marine Protected Areas Center website (National Marine Protected Areas Center, 2023). The Northeast Canyons and Seamounts Marine National Monument is located within the Study Area off the coast of southern New England.

All resources of the marine protected areas located within the Study Area have been incorporated into the analyses in Section 3.1 (Air Quality), Section 3.2 (Sediment and Water Quality), Section 3.3 (Habitats), Section 3.4 (Vegetation), Section 3.5 (Invertebrates), Section 3.6 (Fishes), Section 3.7 (Marine Mammals), Section 3.8 (Reptiles), and Section 3.9 (Birds and Bats). In accordance with Executive Order 13158, *Marine Protected Areas*, the Action Proponents have considered the potential impacts of its proposed activities under the Preferred Alternative (Alternative 1) to the national system of protected areas that contain marine waters within the Study Area, factoring in Action Proponents' standard operating procedures (see Appendix A, Activity Descriptions) and mitigation (see Chapter 5, Mitigation) when applicable to the stressor and resource.

6.1.3 NATIONAL MARINE SANCTUARIES

Within the Study Area, there are five designated National Marine Sanctuaries and one proposed National Marine Sanctuary. The National Marine Sanctuaries within the Study Area are mapped in Figure 6.1-1 and Figure 6.1-2. In association with the 2018 Final EIS/OEIS the Action Proponents consulted under section 304(d) of the National Marine Sanctuaries Act with three of the then five designated sanctuaries. As part of that consultation a Sanctuary Resource Statement was submitted that addressed the potential for the proposed activities to injure sanctuary resources. Based on the analysis within the Sanctuary Resource Statement, it was determined that only those activities with acoustic and explosive stressors had the potential to destroy, cause the loss of, or injure (or affect in the case of Stellwagen Bank) sanctuary resources. At the conclusion of the consultation, the Office of National Marine Sanctuaries indicated that consultation reinitiation would be required if the following conditions occurred: (1) if the action is modified such that it is likely to destroy, cause the loss of, or injure a sanctuary resource or quality in a manner greater than was considered in a previous consultation under section 304(d) of the National Marine Sanctuaries Act; (2) if the action is likely to destroy, cause the loss of, or injure a sanctuary resource or quality not considered in a previous consultation under 304(d); or (3) if a new action is proposed that is likely to destroy, cause the loss of, or injure a sanctuary resource. Where appropriate, the Action Proponents have prepared a Sanctuary Resources Statement describing their proposed actions and potential effects on sanctuary resources, which has been submitted to the Office of National Marine Sanctuaries to initiate National Marine Sanctuaries Act section 304(d) consultation. The Office of National Marine Sanctuaries has concurred with the conclusions provided for each Sanctuary and chosen not to issue any alternatives. The National Marine Sanctuaries Act section 304(d) consultation for the Proposed Action is complete. A description of each National Marine Sanctuary in the Study Area is included in Table 6.1-2.

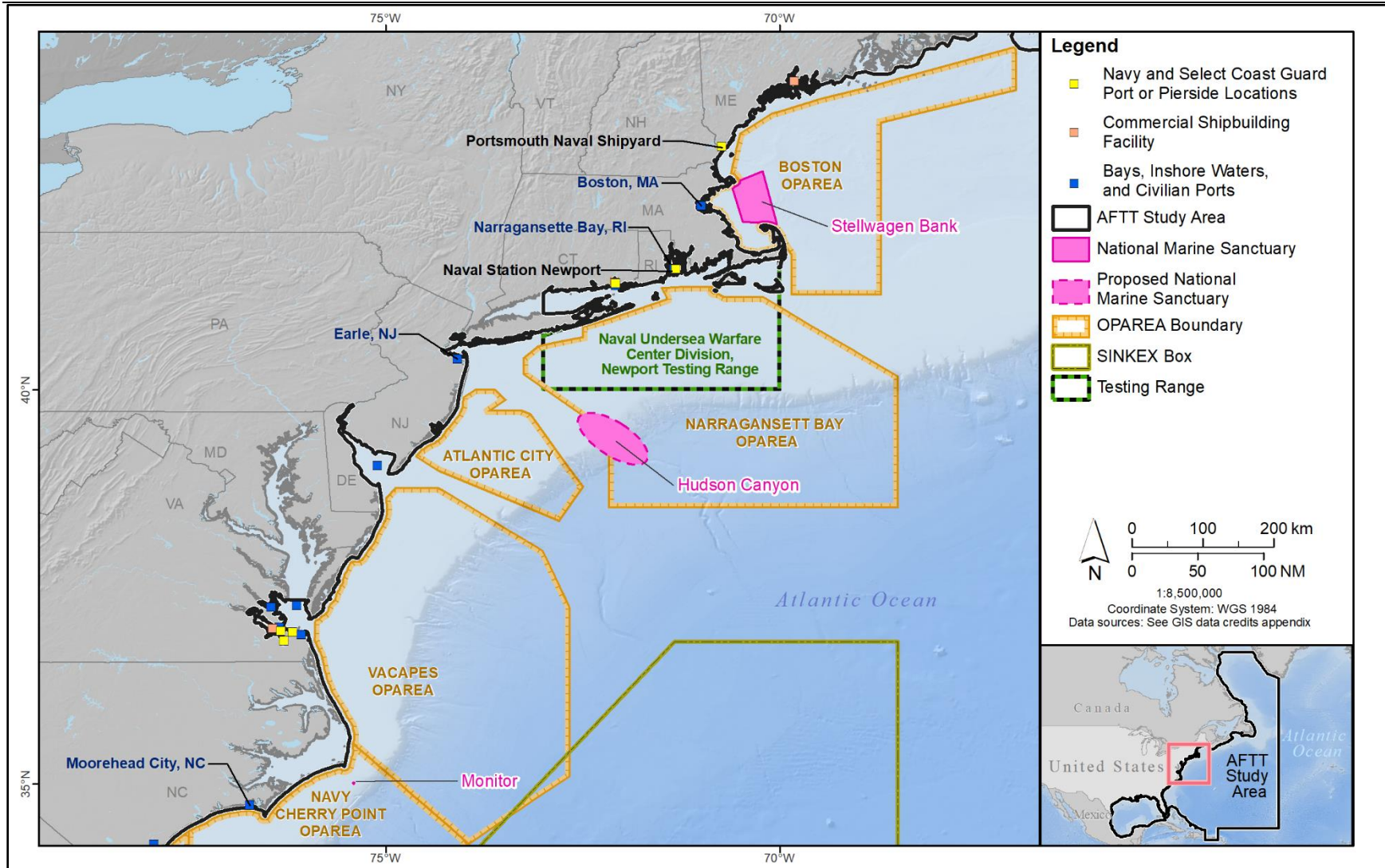


Figure 6.1-1: Location of National Marine Sanctuaries within the Northeast and Mid-Atlantic Portion of the Study Area

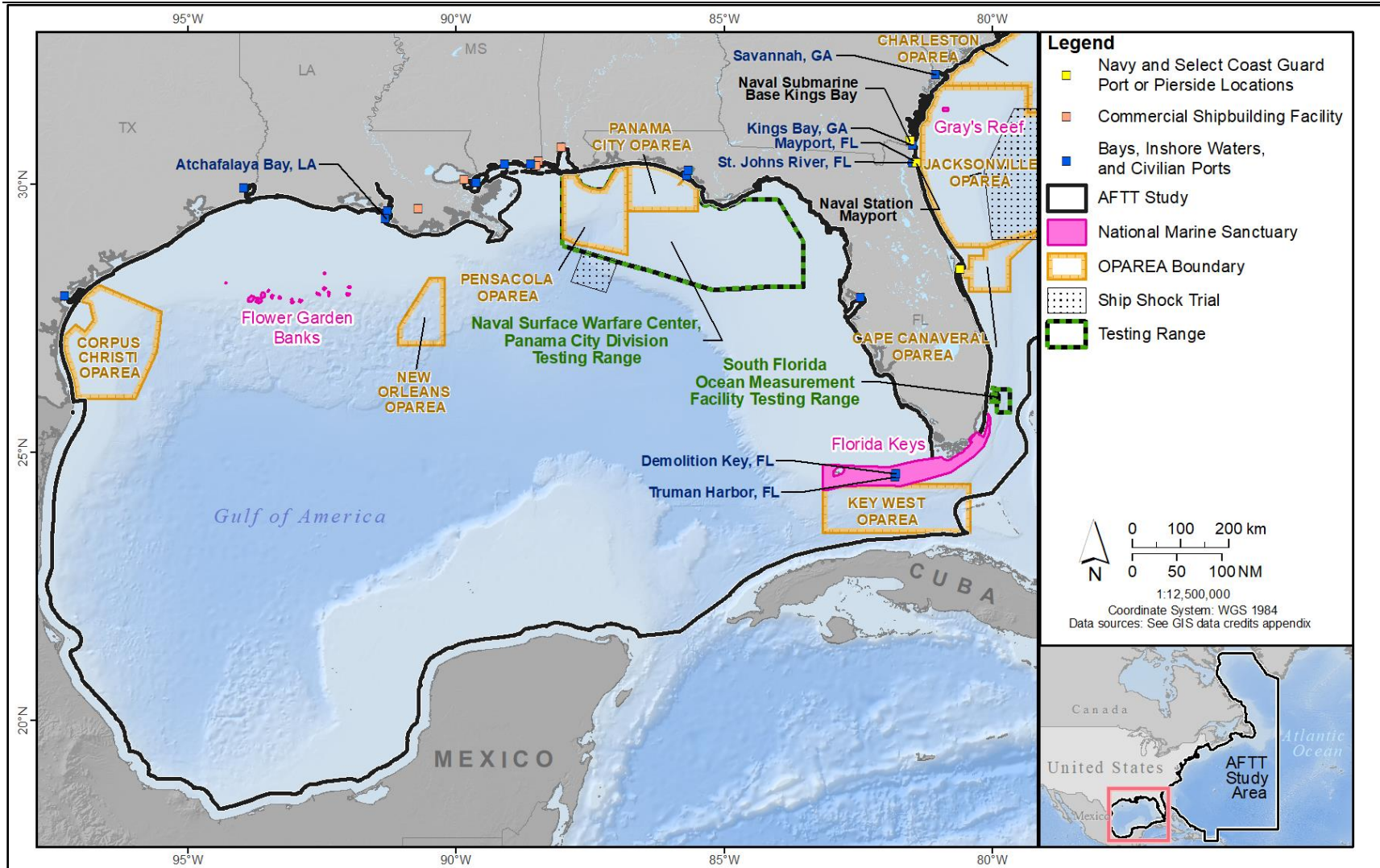


Figure 6.1-2: Location of National Marine Sanctuaries within the Southeast Atlantic and Gulf of America Portion of the Study Area

Table 6.1-2: National Marine Sanctuaries in the Study Area

<i>National Marine Sanctuary</i>	<i>Sanctuary Details</i>	<i>Sanctuary Resource Statement</i>
Stellwagen Bank National Marine Sanctuary	<p>Details of the Stellwagen Bank National Marine Sanctuary are discussed in the 2018 Final EIS/OEIS, and the dimensions, species, and descriptions of the area have not changed. The offshore portion of the Study Area encompasses the Stellwagen Bank National Marine Sanctuary (see Figure 6.1-1). Activities that the Action Proponents may conduct and those that they are not planning to conduct within the Sanctuary are also discussed in the 2018 Final EIS/OEIS. The Action Proponents implement mitigation measures based on visual observations as applicable to a given activity anywhere in the Study Area as described in Chapter 5 (Mitigation). Four geographic mitigation areas overlap the Sanctuary: the Gulf of Maine Marine Mammal Mitigation Area, the Northeast North Atlantic Right Whale Mitigation Area, the Artificial Reef, Live Hard Bottom, Shipwreck, or Submerged Aquatic Vegetation Mitigation Areas, and the Major Training Exercise Planning Awareness Mitigation Area. All mitigation specific to these areas can be found in Chapter 5. All activity and geographic mitigations would be followed as applicable when conducted within a sanctuary boundary, which would result in a benefit to Stellwagen Bank National Marine Sanctuary resources. The Stellwagen Bank National Marine Sanctuary recently updated its management plan and associated Environmental Assessment; however, military activities are not mentioned within these recent documents. Therefore, the information regarding the military activities in the 2010 management plan is still relevant (National Oceanic and Atmospheric Administration, 2010; Office of National Marine Sanctuaries, 2023).</p> <p>The Action Proponents reviewed the proposed activities that could occur within and in the vicinity of the Sanctuary to determine if military readiness activities have the potential to result in adverse impacts on sanctuary resources or qualities, and if reinitiation is required. Based on this analysis and to ensure compliance with the National Marine Sanctuary Program regulations and the interagency consultation requirements of National Marine Sanctuaries Act section 304(d), the Action Proponents and NMFS included the Stellwagen Bank National Marine Sanctuary in a new joint Sanctuary Resource Statement. On March 15, 2025, in an injury determination letter in response to the Sanctuary Resource Statement, the Office of National Marine Sanctuaries concluded that the Proposed Action is likely to cause injury to sanctuary resources, but given the provided analysis and ongoing coordination, no sanctuary-specific recommendations were issued under this consultation.</p>	Yes

Table 6.1 2: National Marine Sanctuaries in the Study Area (continued)

<i>National Marine Sanctuary</i>	<i>Sanctuary Details</i>	<i>Sanctuary Resource Statement</i>
Monitor National Marine Sanctuary	<p>Details of the Monitor National Marine Sanctuary are discussed in the 2018 Final EIS/OEIS, and the dimensions, species, and descriptions of the area have not changed. The offshore portion of the Study Area encompasses the Monitor National Marine Sanctuary (see Figure 6.1-1). Activities that the Action Proponents may conduct and those that they are not planning to conduct within the Sanctuary are also discussed in the 2018 Final EIS/OEIS. The Action Proponents implement mitigation measures based on visual observations as applicable to a given activity anywhere in the Study Area as described in Chapter 5 (Mitigation). All activity mitigations would be followed as applicable when conducted within a sanctuary boundary, which would result in a benefit to Monitor National Marine Sanctuary resources. The regulations and management plan for the Monitor National Marine Sanctuary have not been updated since the 2018 Final EIS/OEIS.</p> <p>The Action Proponents reviewed the proposed activities that could occur within and in the vicinity of the Sanctuary to determine the potential impacts from military readiness activities to sanctuary resources or qualities. Based on this analysis it was determined that the proposed activities do not meet the conditions for reinitiation, and would not destroy, cause the loss of, or injure sanctuary resources as defined in the interagency consultation requirements of National Marine Sanctuaries Act section 304(d). Therefore, the Action Proponents and NMFS did not include the Monitor National Marine Sanctuary in the Sanctuary Resource Statement. On March 15, 2025, in an injury determination letter, the Office of National Marine Sanctuaries concurred with this conclusion.</p>	No

Table 6.1 2: National Marine Sanctuaries in the Study Area (continued)

<i>National Marine Sanctuary</i>	<i>Sanctuary Details</i>	<i>Sanctuary Resource Statement</i>
Gray's Reef National Marine Sanctuary	<p>Details of the Gray's Reef National Marine Sanctuary are discussed in the 2018 Final EIS/OEIS, and the dimensions, species, and descriptions of the area have not changed. The offshore portion of the Study Area encompasses the Gray's Reef National Marine Sanctuary (see Figure 6.1-2). Activities that the Action Proponents may conduct and those that they are not planning to conduct within the Sanctuary are also discussed in the 2018 Final EIS/OEIS. The Action Proponents implement mitigation measures based on visual observations as applicable to a given activity anywhere in the Study Area as described in Chapter 5 (Mitigation). Three geographic mitigation areas overlap the Sanctuary: the Southeast North Atlantic Right Whale Special Reporting Mitigation Area, the Jacksonville Operating Area North Atlantic Right Whale Mitigation Area, and the Artificial Reef, Live Hard Bottom, Shipwreck, or Submerged Aquatic Vegetation Mitigation Areas. All mitigation specific to these areas can be found in Chapter 5. All activity mitigations would be followed as applicable when conducted within a sanctuary boundary, which would result in a benefit to Gray's Reef National Marine Sanctuary resources. The regulations and management plan for the Gray's Reef National Marine Sanctuary have not been updated since the 2018 Final EIS/OEIS.</p> <p>The Action Proponents reviewed the proposed activities that could occur within and in the vicinity of the Sanctuary to determine if military readiness activities have the potential to destroy, cause the loss of, or injure sanctuary resources or qualities and if reinitiation is required. Based on this analysis and to ensure compliance with the National Marine Sanctuary Program regulations and the interagency consultation requirements of National Marine Sanctuaries Act section 304(d), the Action Proponents and NMFS included the Gray's Reef National Marine Sanctuary in a new joint Sanctuary Resource Statement. On March 15, 2025, in an injury determination letter in response to the Sanctuary Resource Statement, the Office of National Marine Sanctuaries concluded that the Proposed Action is likely to cause injury to sanctuary resources, but given the provided analysis and ongoing coordination, no sanctuary-specific recommendations were issued under this consultation.</p>	Yes

Table 6.1 2: National Marine Sanctuaries in the Study Area (continued)

<i>National Marine Sanctuary</i>	<i>Sanctuary Details</i>	<i>Sanctuary Resource Statement</i>
Florida Keys National Marine Sanctuary	<p>Details of the Florida Keys National Marine Sanctuary are discussed in the 2018 Final EIS/OEIS, and the dimensions, species, and descriptions of the area have not changed. An expansion to the Sanctuary boundaries was proposed in 2019 (Office of National Marine Sanctuaries, 2019). The offshore portion of the Study Area encompasses the Florida Keys National Marine Sanctuary, including the proposed expansion (see Figure 6.1-2). Activities that the Action Proponents may conduct and those that they are not planning to conduct within the Sanctuary are discussed in the 2018 Final EIS/OEIS. The Action Proponents implement mitigation measures based on visual observations as applicable to a given activity anywhere in the Study Area as described in Chapter 5 (Mitigation). Six geographic mitigation areas overlap the Sanctuary: the Key West Range Complex Seafloor Mitigation Area, the Dry Tortugas Bird and Cultural Resource Mitigation Area, the Demolition Key Queen Conch Mitigation Area, the Major Training Exercise Planning Awareness Mitigation Area, the Shallow water Coral Reef Mitigation Area, and the Artificial Reef, Live Hard Bottom, Shipwreck, or Submerged Aquatic Vegetation Mitigation Areas. All mitigation specific to these areas can be found in Chapter 5. All activity mitigations would be followed as applicable when conducted within a sanctuary boundary, which would result in a benefit to Florida Keys National Marine Sanctuary resources. The regulations and management plan for the Florida Keys National Marine Sanctuary have not been updated since the 2018 Final EIS/OEIS. However, the Sanctuary is in the process of updating its existing management plan and associated Environmental Impact Statement (Office of National Marine Sanctuaries, 2019). These updated documents will continue to take into account military readiness activities occurring within and in the vicinity of the Sanctuary as previous plans and environmental documents have.</p> <p>The Action Proponents reviewed the proposed activities that could occur within and in the vicinity of the Sanctuary (including the proposed boundary expansion) to determine if military readiness activities have the potential to destroy, cause the loss of, or injure sanctuary resources or qualities and if reinitiation is required. Based on this analysis and to ensure compliance with the National Marine Sanctuary Program regulations and the interagency consultation requirements of National Marine Sanctuaries Act section 304(d), the Action Proponents and NMFS included the Florida Keys National Marine Sanctuary in a new joint Sanctuary Resource Statement. On March 15, 2025, in an injury determination letter in response to the Sanctuary Resource Statement, the Office of National Marine Sanctuaries concluded that the Proposed Action is likely to cause injury to sanctuary resources, but given the provided analysis and ongoing coordination, no sanctuary-specific recommendations were issued under this consultation.</p>	Yes

Table 6.1 2: National Marine Sanctuaries in the Study Area (continued)

<i>National Marine Sanctuary</i>	<i>Sanctuary Details</i>	<i>Sanctuary Resource Statement</i>
Flower Garden Banks National Marine Sanctuary	<p>On January 19, 2021, the National Oceanic and Atmospheric Administration issued the final rule for expansion of Flower Garden Banks National Marine Sanctuary (15 CFR 922.120 et seq.). The expansion protects 14 additional reefs and banks, slightly adjusts the boundaries of the sanctuary's original three banks, and expands the sanctuary from 56 square miles to a total of 160 square miles. The final rule applies existing sanctuary regulations to all of the new areas, providing protection to limit the impact of activities related to fishing with bottom-tending gear, ship anchoring, oil and gas exploration and production, and salvage on sensitive biological resources (National Oceanic and Atmospheric Administration, 2023). The offshore portion of the Study Area encompasses the Flower Garden Banks National Marine Sanctuary (Figure 6.1-2). The Action Proponents implement mitigation measures based on visual observations as applicable to a given activity anywhere in the Study Area as described in Chapter 5 (Mitigation). One group of geographic mitigation areas overlap the Sanctuary: the Artificial Reef, Live Hard Bottom, Shipwreck, or Submerged Aquatic Vegetation Mitigation Areas. All mitigation specific to these areas can be found in Chapter 5. All activity and geographic mitigations would be followed as applicable when conducted within a sanctuary boundary, which would result in a benefit to Flower Garden Banks National Marine Sanctuary resources. The regulations and management plan for the Flower Garden Banks National Marine Sanctuary have not been updated since the 2018 Final EIS/OEIS. The Final Environmental Impact Statement developed to support the boundary expansion states that the regulations applicable to military readiness activities also apply to the expanded portions of the Sanctuary and are not changed from when the Sanctuary was originally designated. The Action Proponents reviewed the proposed activities that could occur within and in the vicinity of the Sanctuary to determine if military readiness activities have the potential to destroy, cause the loss of, or injure sanctuary resources or qualities. Based on this analysis it was determined that the proposed activities do not meet the conditions for reinitiation and would not destroy, cause the loss of, or injure sanctuary resources as defined in the interagency consultation requirements of National Marine Sanctuaries Act section 304(d). Therefore, the Action Proponents and NMFS did not include the Flower Garden Banks National Marine Sanctuary in the Sanctuary Resource Statement. On March 15, 2025, in an injury determination letter, the Office of National Marine Sanctuaries concurred with this conclusion.</p>	No

Table 6.1 2: National Marine Sanctuaries in the Study Area (continued)

<i>National Marine Sanctuary</i>	<i>Sanctuary Details</i>	<i>Sanctuary Resource Statement</i>
Proposed Hudson Canyon National Marine Sanctuary	<p>The Office of National Marine Sanctuaries is in the process of designating the Hudson Canyon National Marine Sanctuary off the coast of New York and New Jersey (see Figure 6.1-1). Hudson Canyon is the largest submarine canyon along the U.S. Atlantic coast and is one of the largest in the world. Beginning approximately 100 miles southeast of New York City, the canyon extends about 350 miles seaward, reaches depths of 2 to 2.5 miles, and is up to 7.5 miles wide. Hudson Canyon’s grand scale and diverse structure—steep slopes, firm outcrops, diverse sediments, flux of nutrients, and areas of upwelling—make it an ecological hotspot for a vast array of marine wildlife. Hudson Canyon provides habitat for a range of protected and sensitive species, including sperm whales, sea turtles, and deep-sea corals. The area’s rich biodiversity is integral to the regional economy, underpinning commercial and recreational fisheries, recreational diving, whale watching, and birding. There are also several shipwrecks in the proposed area. The primary goals of the proposed national marine sanctuary designation are to (1) support conservation of the area’s marine wildlife, habitats, and maritime cultural resources, (2) work closely with Indigenous tribes and nations to identify and raise awareness of Indigenous connections to the area, (3) highlight and promote sustainable uses of the area, (4) expand ocean science and monitoring in, and education and awareness of the area, and (5) provide a platform for collaborative and diverse partnerships that support effective and inclusive long-term management of the area (Office of National Marine Sanctuaries, 2024). The Action Proponents will coordinate with the Office of National Marine Sanctuaries to ensure that proposed activities are considered as part of the regulations and environmental analysis, as appropriate. The Action Proponents have reviewed the proposed activities that could occur within and in the vicinity of the proposed sanctuary boundaries and included an analysis of potential effects to the proposed sanctuary resources in the Sanctuary Resource Statement. On March 15, 2025, in an injury determination letter, the Office of National Marine Sanctuaries acknowledged the analysis conducted for the proposed sanctuary, and noted that should Hudson Canyon become a designated Sanctuary, the Navy and NMFS will be required to formally initiate section 304(d) consultation.</p>	Yes

Notes: EIS = Environmental Impact Statement; NMFS = National Marine Fisheries Service; OEIS = Overseas Environmental Impact Statement

6.1.4 MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

The Proposed Action may adversely affect Essential Fish Habitat and managed species within the Study Area. The Action Proponents have prepared an Essential Fish Habitat Assessment for this Supplemental EIS/OEIS and have submitted it to NMFS. NMFS has concurred with the conclusions provided in the Essential Fish Habitat Assessment, and the Magnuson-Stevens Fishery Conservation and Management Act consultation for the Proposed Action is complete.

The Action Proponents will continue to coordinate with NMFS to ensure that the best available data is considered for continued compliance with the Magnuson-Stevens Fishery Conservation and Management Act.

6.2 RELATIONSHIP BETWEEN SHORT-TERM USE OF THE ENVIRONMENT AND MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

In accordance with 42 U.S.C. section 4332, this Supplemental EIS/OEIS analyzes the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This analysis has not changed since the analysis conducted in the 2018 Final EIS/OEIS. See [Section 6.2](#) (Relationship Between Short-Term Use of the Environment and Maintenance and Enhancement of Long-Term Productivity) of the 2018 Final EIS/OEIS for more information.

6.3 IRREVERSIBLE OR IRRETRIEVABLE COMMITMENT OF RESOURCES

NEPA requires that environmental analysis include identification of "any irreversible and irretrievable commitments of resources which would be involved in the Proposed Action should it be implemented" (42 U.S.C. section 4332). This analysis has not changed since it was conducted in the 2018 Final EIS/OEIS and the Action Proponents' activities have been ongoing and continuous since then. See [Section 6.3](#) (Irreversible or Irretrievable Commitment of Resources) of the 2018 Final EIS/OEIS for more information (U.S. Department of the Navy, 2018).

References

- National Marine Protected Areas Center. (2023). *The MPA Inventory*. Retrieved March 14, 2023, from <https://marineprotectedareas.noaa.gov/dataanalysis/mpainventory/>.
- National Oceanic and Atmospheric Administration. (2010). *Stellwagen Bank National Marine Sanctuary Final Management Plan and Environmental Assessment*. Silver Spring, MD: National Oceanic and Atmospheric Administration, National Ocean Service.
- National Oceanic and Atmospheric Administration. (2023). *Sanctuary Expansion: Flower Garden Banks National Marine Sanctuary*. Retrieved September 19, 2023, from <https://flowergarden.noaa.gov/management/sanctuaryexpansion.html>.
- Office of National Marine Sanctuaries. (2019). *Draft Environmental Impact Statement for Florida Keys National Marine Sanctuary: A Restoration Blueprint*. Silver Spring, MD: U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries.
- Office of National Marine Sanctuaries. (2023). *Stellwagen Bank National Marine Sanctuary Final Management Plan and Environmental Assessment*. Silver Spring, MD: National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries.
- Office of National Marine Sanctuaries. (2024). *Proposed Designation of Hudson Canyon National Marine Sanctuary*. Retrieved March 7, 2024, from <https://sanctuaries.noaa.gov/hudson-canyon/>.
- U.S. Department of the Navy. (2018). *Atlantic Fleet Training and Testing Final Environmental Impact Statement/Overseas Environmental Impact Statement*. Norfolk, VA: Naval Facilities Engineering Command Atlantic.

This page intentionally left blank.