

Draft

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

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6 REGULATORY CONSIDERATIONS

In accordance with Council on Environmental Quality regulations for implementing the National Environmental Policy Act (NEPA), federal agencies shall, to the fullest extent possible, integrate the requirements of 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, policies; the relationship between short-term impacts and the maintenance and enhancement of long-term productivity in the affected environment; irreversible and irretrievable commitments of resources; and energy requirement and efficiency initiatives; and climate change.

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 United States Code [U.S.C.] section 2101 et seq.)	As applicable to the Proposed Action, these legal requirements have not changed since the 2018 <i>Final Atlantic Fleet Training and Testing Environmental Impact Statement/Overseas Environmental Impact Statement</i> (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 with two exceptions. First, the South Coast Air Quality Management District v. Environmental Protection Agency decision of 2018 changed the requirements for maintenance areas under the revoked 1997 8-hour ozone standard, requiring these maintenance areas to continue to meet requirements of the standard, even though the standard has been revoked and superseded. Second, the approach to greenhouse gas analysis has evolved as a result of recent executive orders and guidance. See Section 3.1 (Air Quality) for the assessment.
Coastal Zone Management Act (16 U.S.C. section 1451 et seq.)	The Action Proponents will comply 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, 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 and an informal consultation package that was submitted to U.S. Fish and Wildlife Service as part of the ongoing consultation under section 7 of the Endangered Species Act.
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 are preparing an Essential Fish Habitat Assessment. The Proposed Action may adversely affect Essential Fish Habitat and managed species. The Action Proponents will submit 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).

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>
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 a 7-year Letter 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 Letter of Authorization that was submitted to NMFS as part of the ongoing consultation under the Marine Mammal Protection Act.
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.
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. Accordingly, 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).
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.

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>
Executive Orders (EOs)	
EO 11990, <i>Protection of Wetlands</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 12898, <i>Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations</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 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 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 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.
EO 13990, <i>Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis</i>	This EO was signed on January 20, 2021. The Proposed Action is consistent with this EO's goals to empower workers and communities, promote and protect public health and the environment, and conserve national treasures and monuments.

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 14008, <i>Tackling the Climate Crisis at Home and Abroad</i> , as amended by EO 14082	This EO was signed on January 27, 2021. The Proposed Action is consistent with this EO's goal to taking a government-wide approach to tackling the climate crisis.
EO 14057, <i>Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability</i>	This EO was signed on December 8, 2021. The Action Proponents have completed a Climate Action Plan in accordance with this EO.
EO 14096, <i>Revitalizing Our Nation's Commitment to Environmental Justice for All</i>	This EO was signed on April 21, 2023. This Supplemental EIS/OEIS fulfills the legal requirements of this EO by addressing environmental justice concerns to ensure an equitable and sustainable environment for all.
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; 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* (hereinafter referred to as the 2018 Final EIS/OEIS) 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 Code of Federal Regulations (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, the Action Proponents will submit a consistency determination or negative determination to each of the 18 states.

6.1.2 MARINE PROTECTED AREAS

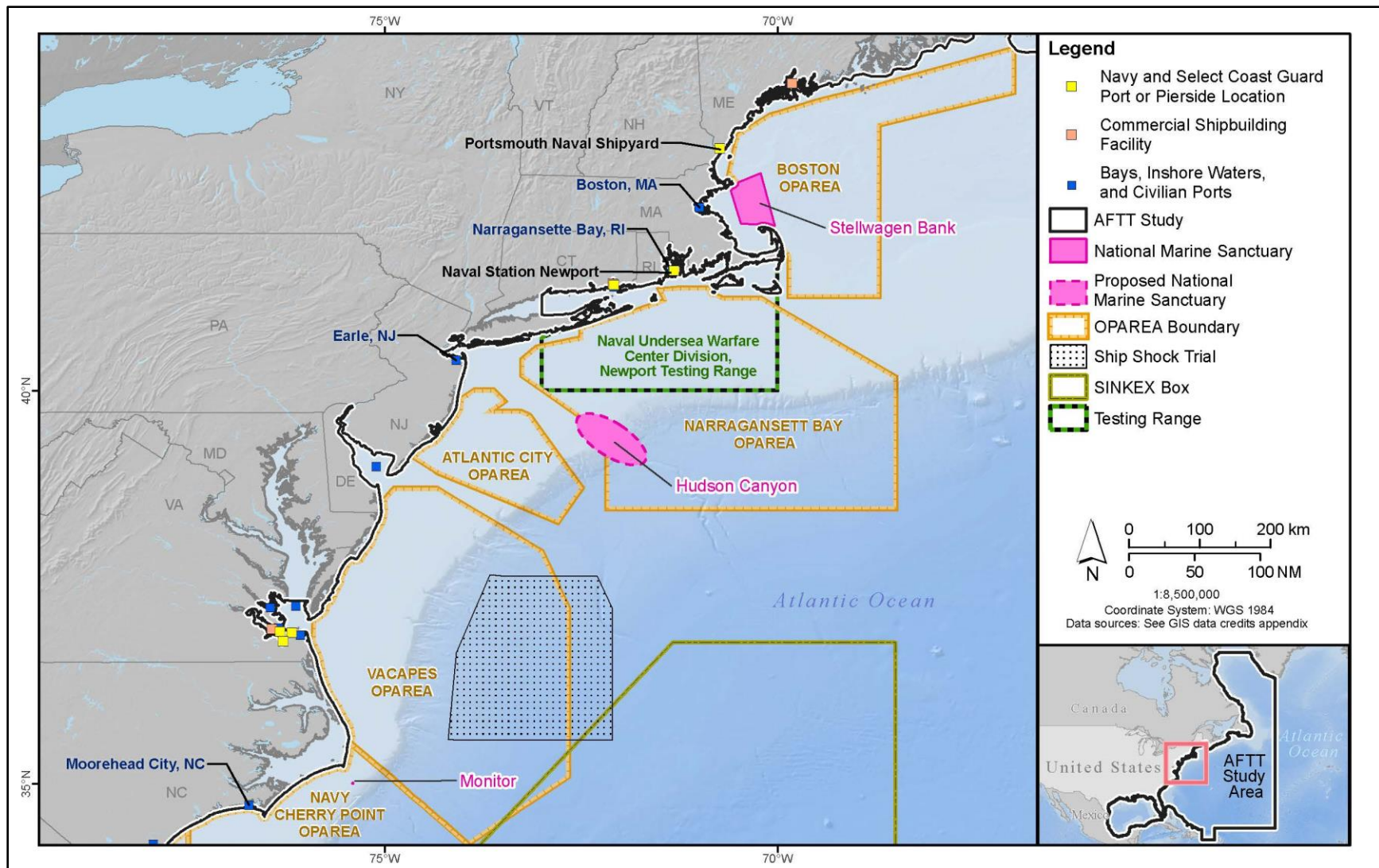
[Section 6.1.2](#) of the 2018 Final EIS/OEIS discussed marine protected areas that were part of the National System of Marine Protected Areas that overlapped with the Study Area (U.S. Department of the Navy, 2018). Since the publication of the 2018 Final EIS/OEIS, the National Marine Protected Areas 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.

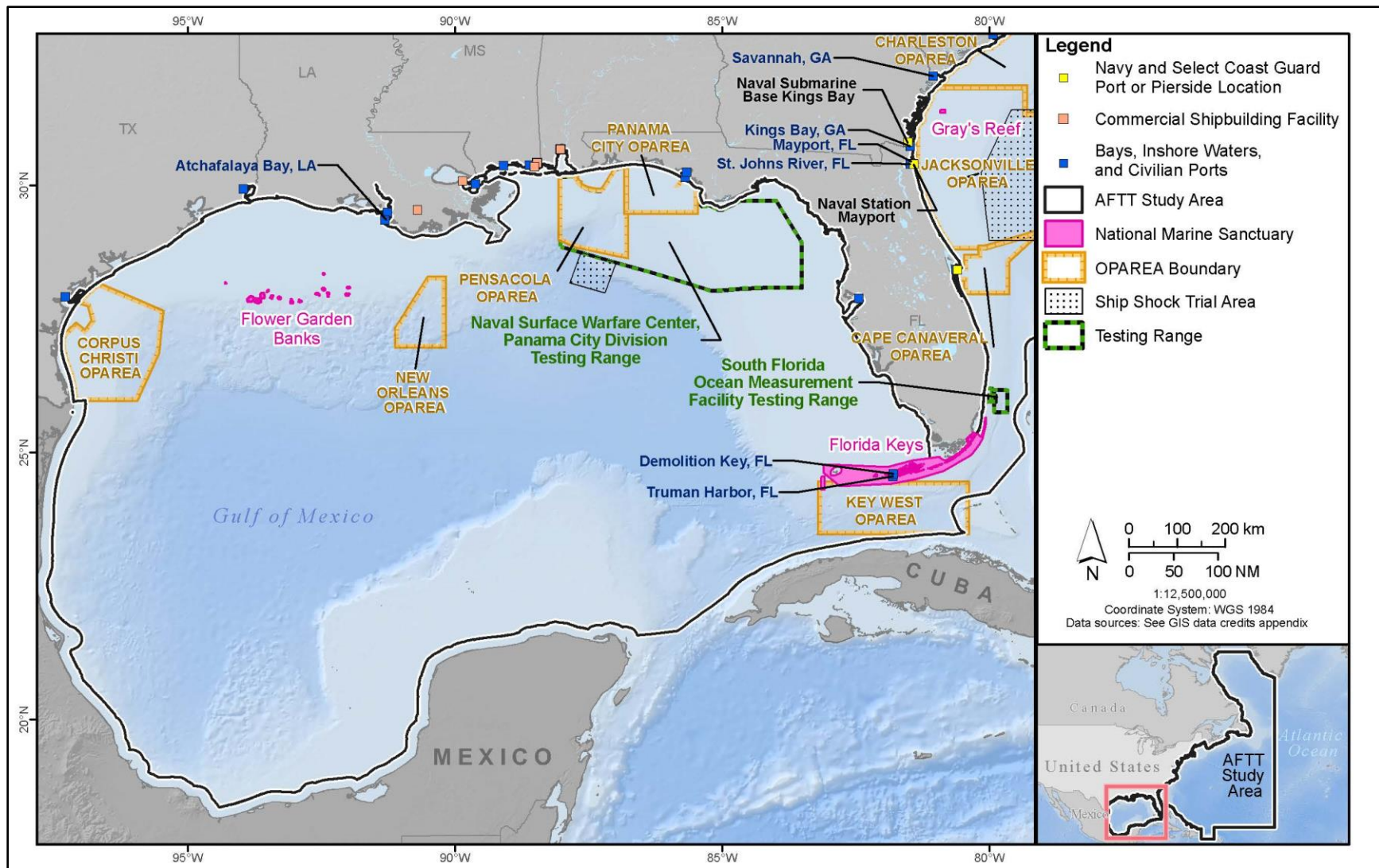
6.1.3 NATIONAL MARINE SANCTUARIES

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 its proposed actions and potential effects on sanctuary resources, which will be submitted to the Office of National Marine Sanctuaries to initiate National Marine Sanctuaries Act section 304(d) consultation. A description of each National Marine Sanctuary in the Study Area is included in Table 6.1-2.



Notes: AFTT = Atlantic Fleet Training and Testing; OPAREA = operating area; SINKEX = Sinking Exercise; VACAPES = Virginia Capes

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



Notes: AFTT = Atlantic Fleet Training and Testing; OPAREA = operating area

Figure 6.1-2: Location of National Marine Sanctuaries within the Southeast Atlantic and Gulf of Mexico 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). 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 plan to submit a new joint Sanctuary Resource Statement for Stellwagen Bank National Marine Sanctuary.</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 do not plan to submit a joint Sanctuary Resource Statement for Monitor National Marine Sanctuary.</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 plan to submit a new joint Sanctuary Resource Statement for Gray's Reef National Marine Sanctuary.</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). Five geographic mitigation areas overlap the Sanctuary, the Key West Range Complex Seafloor Mitigation Area, the Dry Tortugas Bird and Cultural Resource 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 plan to submit a new joint Sanctuary Resource Statement for the Florida Keys National Marine Sanctuary.</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.</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. 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 do not plan to submit a joint Sanctuary Resource Statement to Flower Garden Banks National Marine Sanctuary.</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	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 will review the proposed activities that could occur within and in the vicinity of the proposed sanctuary boundaries and will consult under National Marine Sanctuaries Act section 304(d), as necessary.	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 are preparing an Essential Fish Habitat Assessment for this Supplemental EIS/OEIS and will submit it to NMFS.

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. This consultation is ongoing, and the results will be documented in the Final SEIS/OEIS and Record of Decision.

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

In accordance with Council on Environmental Quality regulations, this Supplemental EIS/OEIS analyzes the relationship between the short-term impacts on the environment and the effects those impacts may have on the maintenance and enhancement of the long-term productivity of the affected environment. 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).

6.4 ENERGY REQUIREMENTS AND EFFICIENCY INITIATIVES

The federal government is the largest single energy consumer in the United States. In fiscal year 2017, the Department of Defense (DoD) consumed approximately 76 percent of the total energy used by the federal government (Congressional Research Service, 2019). In fiscal year 2020, the DoD used approximately 77.6 million barrels of liquid fuel for operational energy to power ships, aircraft, combat vehicles, and contingency bases. The Navy and Marine Corps consume approximately 36 percent of the total DoD share (28.3 million barrels in fiscal year 2020) (U.S. Department of Defense, 2021). In 2023, the DoD published a new Operational Energy Strategy to update the 2016 strategy and transform the way energy is consumed in military operations; the strategy sets the overall direction for operational energy security (U.S. Department of Defense, 2023). The 2023 strategy shifts focus toward four lines of effort and focus areas: (1) Energy Demand Reduction; (2) Energy Substitution and Diversification; (3) Supply Chain Resilience; and (4) Enterprise-Wide Energy Visibility (U.S. Department of Defense, 2023).

The Proposed Action would not result in a significant change in energy use from that described in the 2018 Final EIS/OEIS. Military readiness activities within the Study Area would result in an increase in energy demand over the No Action Alternative. The increased energy demand would arise from an increase in fuel consumption, mainly from aircraft and vessels participating in training and testing. The alternatives could result in a net cumulative reduction in the global energy (fuel) supply.

Energy requirements would be subject to any established energy efficiency practices. Per DoD policy, the use of energy sources has been minimized wherever possible without compromising safety, training, or testing activities. No additional efficiency measures related to direct energy consumption by the proposed activities are identified. In accordance with the Operational Energy Strategy, the DoD's energy vision is to prioritize energy demand reduction and seek to adopt more efficient and clean energy technologies that reduce logistics requirements in contested environments (U.S. Department of Defense, 2023).

The Action Proponents are committed to improving energy security and environmental stewardship by reducing its reliance on fossil fuels. The Navy is actively developing and participating in energy, environmental, and climate change initiatives that will help conserve the world's resources for future generations. The U.S. Department of the Navy Climate Action 2030 report (U.S. Department of the Navy, 2022) identifies actions the Navy and Marine Corps are taking to implement Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* (executed January 20, 2021) and EO 14008, *Tackling the Climate Crisis at Home and Abroad* (executed January 27, 2021). The two performance goals set in the report are (1) Build Climate Resilience – Ensure that our forces, systems, and facilities can continue to operate effectively and achieve the mission in the face of changing climate conditions, and worsening climate impacts; and (2) Reduce Climate Threat – The Department must reduce its greenhouse gas emissions and draw greenhouse gases out of the atmosphere, stabilize ecosystems, and achieve, as an enterprise, the nation's commitment to net-zero emissions by 2050 (U.S. Department of the Navy, 2022). To meet these performance goals, the Navy has begun creating plans and initiatives to meet the following specific targets of Executive Order 14057, *Catalyzing Clean Energy Industries and Jobs* (executed December 8, 2021):

- achieving a 65 percent reduction in scopes 1 and 2 greenhouse gas emissions department-wide by 2030 (measured from a 2008 baseline)
- achieving 100 percent carbon pollution-free electricity by 2030, at least half of which will be locally supplied clean energy to meet 24/7 demand
- acquiring 100 percent zero-emission vehicles by 2035, including 100 percent zero-emission light-duty vehicle acquisitions by 2027
- achieving a 50 percent reduction in emissions from buildings by 2032
- annually diverting at least 50 percent of non-hazardous solid waste from landfills, including food and compostable materials, and construction and demolition waste and debris by 2025 (U.S. Department of the Navy, 2022)

6.5 CLIMATE CHANGE

Both action alternatives would generate greenhouse gas emissions, and in combination with past and future worldwide sources of greenhouse gas emissions, would contribute incrementally to the global warming that produces the adverse effects of climate change. The Navy takes proactive measures to reduce greenhouse gas emissions by decreasing the use of fossil fuels and increasing the use of alternative energy sources in accordance with the goals set by executive orders, the Energy Policy Acts of 2005 and 2020, and Navy and DoD policies. The Department of the Navy Climate Action Plan details the Navy's goals to meet the requirements of Executive Orders 14008 and 14057, as discussed above. Following these directives, the Action Proponents will continue to optimize its force through hybridization, electrification, alternative lower-carbon fuels, and advanced propulsion solutions for both existing and future tactical platforms in all domains: sea, air, and ground. The Action Proponents will

ensure that energy performance is formally evaluated and optimized for every weapons system in the acquisitions process.

The Navy is committed to climate stewardship and will continue to consider climate change in its planning and operations under the action alternatives. For example, the DoD conducts research on potential impacts from climate change and develops measures for installations to adapt to these threats (Strategic Environmental Research and Development Program, 2023).

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