

APPENDIX L AGENCY CORRESPONDENCE

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Draft

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

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L AGENCY CORRESPONDENCEL-1

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L AGENCY CORRESPONDENCE

Appendix L contains correspondence between the Navy and federal or state agencies with respect to cooperating agency status.

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DEPARTMENT OF THE NAVY
Office of the Chief of Naval Operations
2000 Navy Pentagon
Washington DC 20350-2000

5090
Ser N4I/22U130173
August 4, 2022

Ms. Kimberly Damon-Randall
Director, Office of Protected Resources
NOAA Fisheries
1315 East West Highway
Silver Spring, MD 20910

Dear Ms. Damon-Randall:

SUBJECT: ATLANTIC FLEET TRAINING AND TESTING SUPPLEMENTAL
ENVIRONMENTAL IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL
IMPACT STATEMENT - COOPERATING AGENCY

In accordance with the National Environmental Policy Act (NEPA), the Department of the Navy is preparing a Supplement to the 2018 Atlantic Fleet Training and Testing (AFTT) Environmental Impact Statement/Overseas Environmental Statement (SEIS/OEIS).

This AFTT SEIS/OEIS represents the fourth phase (Phase IV) of NEPA and EO 12114 compliance for continuation of at-sea training and testing. It will evaluate the conduct of military readiness activities from 2025 to the reasonably foreseeable future. It will also accommodate evolving mission requirements associated with force structure changes, including those resulting from the development, testing, and ultimate introduction of new Fleet platforms (vessels, aircraft, and weapon systems).

The Phase IV AFTT SEIS/OEIS provides analysis of military readiness training and testing requirements and is intended to serve as a basis for the renewal of current regulatory permits and authorizations. The existing Marine Mammal Protection Act (MMPA) Final Rule and Letters of Authorization for AFTT will expire in November 2025.

To complete the analysis required within the permitting and consultation process pursuant to the MMPA and the Endangered Species Act (ESA), the Navy believes that participation by National Marine Fisheries Service (NMFS) is essential. Therefore, in accordance with the Council on Environmental Quality's (CEQ's) NEPA guidelines (specifically 40 C.F.R. Part 1501) and CEQ's 2002 guidance on cooperating agencies, Navy requests that NMFS serve as a cooperating agency for the development of the Phase IV AFTT SEIS/OEIS.

As defined in 40 CFR Section 1501.6, the Navy is the lead agency for the Phase IV AFTT SEIS/OEIS. As the lead agency, the Navy will perform the following:

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- Gather all necessary background information and prepare all permit applications associated with the proposed action.
- Work with NMFS personnel to determine the method of estimating potential effects to protected marine species, including threatened and endangered species.
- Determine the scope of the AFTT SEIS/OEIS, including the alternatives evaluated.
- Circulate the NEPA document to the public and other interested parties.
- Schedule and supervise meetings held in support of the NEPA process and compile comments received from the public.
- Maintain an administrative record and respond to any Freedom of Information Act requests relating to the AFTT SEIS/OEIS.
- Maintain and execute an overall project planning schedule. The initial AFTT SEIS/OEIS Stick Chart containing major milestones is provided in enclosure (1).
- Maintain and execute an interagency permitting schedule for MMPA and ESA authorizations. The AFTT Interagency Permitting Milestone Schedule is provided in enclosure (2).
- Track permitting schedule milestones via an online At-Sea Permitting Dashboard that will be updated by Navy on a weekly basis and accessible by Navy and NMFS staff.
- Provide monthly Interagency Permitting Milestone Schedule Status Reports beginning at publication of the Notice of Intent and ending when the MMPA and ESA authorizations are finalized. The monthly status reports will be forwarded by the Navy project lead to NMFS as well as Navy senior leadership.
- Provide proposed schedule changes, as necessary, to the Interagency Permitting Milestone Schedule with the monthly status reports.

Navy respectfully requests that NMFS, in its role as a cooperating agency, provide support as follows:

- Provide timely comments on working drafts of the SEIS/OEIS. The Navy requests that comments on draft SEIS/OEIS documents be provided in accordance with approved project schedules.

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- Provide timely regulatory deliverables, such as draft and final Proposed Rules, in accordance with approved project schedules.
- Adhere to the overall schedule as set forth by the Navy and provide advance notification to the Navy when there is a likelihood of missing schedule milestones.
- Respond to Navy requests for information, in particular related to review of the acoustic effects analysis and evaluation of the effectiveness of protective and mitigation measures.
- Coordinate, to the maximum extent practicable, any public comment periods required in the MMPA permitting process with the Navy's NEPA public comment periods.
- Participate, as necessary, in Tiger Team meetings hosted by the Navy for discussion of issues related to the SEIS/OEIS.
- Participate in project scoping and public meetings and attend any scheduled risk communication training in advance of those meetings.
- Provide a formal, written response to this cooperating agency request.

Navy and NMFS have been working to develop the enclosed schedules integrating the requirements of NEPA, MMPA and ESA in support of environmental planning for the AFTT Study Area.

- The schedules establish target milestones to facilitate coordination across the agencies' areas of responsibility. Each agency commits to support the target milestones within their area of responsibility, to notify other affected parties if a milestone within that signatory's area of responsibility is at risk, and to identify in-house schedule adjustments to achieve Record of Decision dates.
- This commitment to support integrated scheduling in no way supersedes regulatory processes nor assumes the outcome of requisite regulatory analyses, agency determinations, public involvement processes or independent agency decision authorities.
- Navy and NMFS agree to coordinate any changes to the schedules with their senior leadership. Proposed changes that require a waiver of the two-year CEQ timeline for completion of an Environmental Impact Statement will be forwarded to Navy and NMFS senior agency officials for approval.

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August 4, 2022

The Navy views this agreement as critical to the successful completion of the environmental planning process for the AFTT SEIS/OEIS. NMFS assistance will be invaluable in this endeavor.

We appreciate your consideration of our request and look forward to your response. The Navy point of contact for this action is Ms. Kimberly Kler, who can be reached at (360) 865-5015 or kimberly.h.kler.civ@us.navy.mil.

Sincerely,

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Date: 2022.08.04 10:46:43
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E. M. KERN
Director, Installations (N4I)

Enclosures: 1. AFTT SEIS/OEIS Overall Project Schedule
2. AFTT SEIS/OEIS Interagency Permitting Milestone Schedule

Copy to:
ASN (EI&E)
DASN (EM&R)
OAGC (EI&E)
COMUSFLTFORCOM (N46)
COMPACFLT (N465)
CNIC (N45)
COMNAVSEASYS
COMNAVAIRSYS
CNR
COMNAVREG SE (N45)
COMNAVREG MIDLANT (N45)



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

August 18, 2022

Deputy Chief of Naval Operations
(Fleet Readiness and Logistics (CNO N4))
Attn: Capt. Chad Brooks (N4I)
2000 Navy Pentagon
Washington, DC 20350-200

Dear Captain Brooks,

Thank you for your letter requesting that the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) participate as a cooperating agency in the preparation of a Supplemental Environmental Impact Statement (SEIS)/Overseas Environmental Impact Statement (OEIS) to evaluate potential environmental effects of military readiness activities, which consist of training and testing, conducted within the Atlantic Fleet Training and Testing (AFTT) Study Area. We reaffirm our support of the Navy's decision to prepare an SEIS/OEIS for AFTT and agree to be a cooperating agency, due, in part, to our responsibilities under section 101(a)(5)(A) of the Marine Mammal Protection Act and section 7 of the Endangered Species Act.

In response to your letter, NMFS staff will continue to, to the extent possible, provide support as follows:

- Provide timely comments on working drafts of the SEIS/OEIS in accordance with approved project schedules;
- Provide timely regulatory deliverables, such as draft and final proposed rules, in accordance with approved project schedules;
- Adhere to the overall schedule as set forth by the Navy and provide advance notification to the Navy when there is a likelihood of missing schedule milestones;
- Respond to Navy requests for information, in particular related to review of the acoustic effects analysis and evaluation of the effectiveness of protective and mitigation measures;
- Coordinate, to the maximum extent practicable, any public comment periods required in the MMPA permitting process with the Navy's NEPA public comment periods;
- Participate, as necessary, in Tiger Team meetings hosted by the Navy for discussion of issues related to the SEIS/OEIS; and



- Assess the need for participation in project scoping and public meetings and attend when agreed upon given staff workload and available funding.

Further, as noted in your letter, the Navy and NMFS have been working to develop the schedules included in Enclosures 1 and 2 to the Navy's letter, integrating the requirements of NEPA, MMPA and ESA in support of environmental planning for the AFTT Study Area. NMFS commits to support the target milestones within its area of responsibility, to notify other affected parties if a milestone within our area of responsibility is at risk, and to identify in-house schedule adjustments to achieve Record of Decision dates. This commitment to support integrated scheduling in no way supersedes regulatory processes nor assumes the outcome of requisite regulatory analyses, agency determinations, public involvement processes or independent agency decision authorities. Additionally, the Navy and NMFS agree to coordinate any changes to the schedules with their senior leadership. Proposed changes that require a waiver of the two-year CEQ timeline for completion of an Environmental Impact Statement will be forwarded to Navy and NMFS senior agency officials for approval.

If you need any additional information, please contact Jolie Harrison, NMFS Office of Protected Resources, at (301) 427-8401.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kimberly B. Q.' followed by a long horizontal flourish.

Kimberly Damon-Randall
Director, Office of Protected Resources



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-2000

5090
Ser N4I/

Mr. Andrew Haley
Chief, Office of Environmental Management
Commandant (CG-47)
U.S. Coast Guard Headquarters, Stop 7714
2703 Martin Luther King Jr. Ave. SE
Washington, DC 20593

Dear Mr. Haley:

SUBJECT: ATLANTIC FLEET TRAINING AND TESTING SUPPLEMENTAL
ENVIRONMENTAL IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL
IMPACT STATEMENT – JOINT LEAD AGENCY

In accordance with the National Environmental Policy Act (NEPA), the Department of the Navy (Navy) is initiating the preparation of a Supplement to the 2018 Atlantic Fleet Training and Testing (AFTT) Environmental Impact Statement/Overseas Environmental Statement (SEIS/OEIS).

This AFTT SEIS/OEIS represents the fourth phase (Phase IV) of ongoing NEPA and Executive Order 12114 compliance for continuation of at-sea training and testing. It will evaluate the conduct of military readiness activities from 2025 into the reasonably foreseeable future and accommodate evolving mission requirements associated with force structure changes, including those resulting from the development, testing, and ultimate introduction of new platforms (vessels, aircraft, and weapon systems) into the Fleet.

The Phase IV AFTT SEIS/OEIS provides analysis of military readiness training and testing requirements and is intended to serve as a basis for the renewal of current regulatory permits and authorizations. The existing Marine Mammal Protection Act (MMPA) Final Rule and Letters of Authorization for AFTT will expire in November 2025.

To include the analysis of potential impacts caused by the conduct of Coast Guard training activities in support of various Department of Defense statutory missions, the Navy believes that participation by the U.S. Coast Guard is essential. Therefore, in accordance with the Council on Environmental Quality's (CEQ's) NEPA guidelines (specifically 40 C.F.R. Part 1501) and NEPA (specifically 42 U.S.C. 4336a), Navy requests that U.S. Coast Guard serve as a joint lead agency for the development of the Phase IV AFTT SEIS/OEIS.

As defined in 40 CFR section 1501.7, the Navy is the lead agency for the Phase IV AFTT SEIS/OEIS. As the lead agency, the Navy will perform the following:

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Ser N4I/

- a. Gather all necessary background information and prepare all necessary permit applications associated with the proposed action.
- b. Work with National Marine Fisheries Service (NMFS) personnel to determine the method of estimating potential effects to protected marine species, including threatened and endangered species.
- c. Determine the scope of the AFTT SEIS/OEIS, including the alternatives evaluated.
- d. Circulate the NEPA document to the public, including any other interested parties.
- e. Schedule and supervise meetings held in support of the NEPA process and compile any comments received from the public.
- f. Maintain an administrative record and respond to any Freedom of Information Act requests relating to the AFTT SEIS/OEIS.
- g. Maintain and execute an overall project planning schedule. Schedule changes will be coordinated between Navy project lead and U.S. Coast Guard project lead. The initial AFTT SEIS/OEIS Stick Chart containing major milestones is provided in enclosure (1).
- h. Track interagency permitting schedule milestones via an online At-Sea Permitting Dashboard that will be updated by Navy on a weekly basis and will be accessible by Navy and U.S. Coast Guard staff.
- i. Provide monthly Interagency Permitting Milestone Schedule Status Reports beginning at publication of the Notice of Intent and ending when the MMPA and ESA authorizations are finalized. The monthly status reports will be forwarded by the Navy project lead to U.S. Coast Guard as well as Navy senior leadership.
- j. Provide proposed schedule changes for team discussion, as necessary, to the Interagency Permitting Milestone Schedule with the monthly status reports.

Navy respectfully requests that U.S. Coast Guard, in its role as a joint lead agency, provide support as follows:

- a. Provide timely comments on working drafts of the SEIS/OEIS. The Navy requests that comments on draft SEIS/OEIS documents be provided in accordance with approved project schedules (see Enclosure 2).
- b. Adhere to the overall schedule as set forth by the Navy and provide advance notification to the Navy if there is a likelihood of missing schedule milestones.

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Ser N4I/

- c. Respond to Navy requests for information, in particular related to proposed training activities that will be conducted in the AFTT Study Area.
- d. Participate, as necessary, in Tiger Team meetings hosted by the Navy for discussion of issues related to the SEIS/OEIS.
- e. Participate in project public meetings and attend any scheduled risk communication training in advance of those meetings.
- f. Provide a formal, written response to this joint lead agency request.

The Navy views this agreement as critical to the successful completion of the environmental planning process for the AFTT SEIS/OEIS. U.S. Coast Guard assistance will be invaluable in this endeavor.

We appreciate your consideration of our request and look forward to your response. The Navy point of contact for this action is Ms. Kimberly Kler, (360) 649-1160, email: kimberly.h.kler.civ@us.navy.mil.

Sincerely,

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M. S. SINDER
Director, Installations Division

Enclosures: 1. AFTT SEIS/OEIS Overall Project Schedule (Stick Chart)
2. AFTT Master Project Schedule

Copy to:
ASN (EI&E)
DASN (EM&R)
OAGC (EI&E)
MCICOM GF EV
COMUSFLTFORCOM NORFOLK VA (N46)
COMPACFLT PEARL HARBOR HI (N465)
CNIC WASHINGTON DC (N45)
COMNAVSEASYS COM WASHINGTON DC
COMNAVAIRSYS COM PATUXENT RIVER MD
CNR ARLINGTON VA
COMNAVREG SE JACKSONVILLE FL (N45)
COMNAVREG MIDLANT NORFOLK VA (N45)

**U.S. Department of
Homeland Security**

**United States
Coast Guard**



Commandant
United States Coast Guard

2703 Martin Luther King Jr. Avenue SE
U.S. Coast Guard STOP 7714
Washington DC 20593-7714
Staff Symbol: CG-47D
Phone: (202) 475-5690
Fax: (202) 372-8419

5090

December 14, 2023

Mr. M.S. Sinder
Director, Installations Division (N4I)
Office of the Chief of Naval Operations
2000 Navy Pentagon
Washington DC 20350-2000

Dear Mr. Sinder:

The Coast Guard appreciates the Navy's 08 November 2023 request to join the Atlantic Fleet Training and Testing Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement (AFTT SEIS/OEIS) team as a joint lead agency. In accordance with 40 CFR section 1501.7, we recognize the Navy's role as the lead agency in the development of the AFTT SEIS/OEIS which will cover training and testing activities from 2025 to the foreseeable future.

The Coast Guard is committed to being a meaningful partner in the development of the AFTT SEIS/OEIS and related environmental compliance efforts. Specifically, the Coast Guard will:

- a. Provide timely comments on working drafts of the SEIS/OEIS. The Navy requests that comments on draft SEIS/OEIS documents be provided in accordance with approved project schedules.
- b. Adhere to the overall schedule as set forth by the Navy and provide advance notification to the Navy if there is a likelihood of missing schedule milestones.
- c. Respond to Navy requests for information, in particular related to proposed training activities that will be conducted in the AFTT Study Area.
- d. Participate, as necessary, in Tiger Team meetings hosted by the Navy for discussion of issues related to the SEIS/OEIS.
- e. Participate in project public meetings and attend any scheduled risk communication training in advance of those meetings.
- f. Provide formal, written responses when requested.

The Coast Guard views this agreement as critical to the successful completion of the environmental planning process for the AFTT SEIS/OEIS. We appreciate your invitation and look forward to working together. The Coast Guard's point of contact for this action is Mr. Neil Sheehan, (202) 714-7955, email: neil.a.sheehan@uscg.mil.

Sincerely,

HALEY.ANDREW.SH
EENAN.1283556065

A. S. Haley
Chief, Office of Environmental Management
U.S. Coast Guard

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HALEY.ANDREW.SHEENAN.1283556
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Date: 2023.12.14 11:11:10 -0500



DEPARTMENT OF THE NAVY
U.S. FLEET FORCES COMMAND
1562 MITSCHER AVENUE SUITE 250
NORFOLK VA 23551-2487

5090
Ser N46/019
May 21, 2024

Ms. Kimberly Damon-Randall
Director, Office of Protected Resources
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
1315 East-West Highway
SSMC3, Room 13821
Silver Spring, MD 20901-3282

Dear Ms. Damon-Randall:

In accordance with the Marine Mammal Protection Act, as amended, and 50 C.F.R. Part 216, the U.S. Navy requests a seven-year incidental take authorization and regulations for the incidental taking of marine mammals associated with the Atlantic Fleet Training and Testing (AFTT) activities occurring within the Gulf of Mexico and Atlantic Ocean.

The proposed action may incidentally expose marine mammals that reside within the AFTT study area to sound and other environmental stressors associated with training and testing activities. The enclosed request further describes the AFTT activities and study area, and provides the specific information required by the National Marine Fisheries Service (NMFS) for consideration for an incidental take request.

The U.S. Navy also requests that the regulation authorize, and NMFS issue, three seven-year Letters of Authorization; one issued to Commander, United States Fleet Forces Command for training activities; one issued to Commandant, United States Coast Guard for training activities; and one issued to Commander, Naval Sea Systems Command for testing activities. Addresses for these commands are provided below:

Commander, United States Fleet Forces Command
Attn: Code N46
1562 Mitscher Avenue
Suite 250
Norfolk, Virginia 23551-2487

Commandant, United States Coast Guard
Headquarters, US Coast Guard
Office of Cutter Forces USCG COMDT CG-751
2703 Martin Luther King Jr. Avenue, SE
Washington, DC 20593-7714

5090
Ser N46/019
May 21, 2024

Commander, Naval Sea Systems Command
Attn: Code SEA 091
1333 Isaac Hull Avenue, SE
Washington Navy Yard, DC 20376-0001

We appreciate your continued support in helping the U.S. Navy to meet its environmental responsibilities.

Sincerely,

AGUAYO.MARIA.L
ORETO.115727673
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AGUAYO.MARIA.L
DN: cn=AGUAYO.MARIA.L, o=U.S. NAVY
Date: 2024.05.21 16:27:50 -0400

M. J. AGUAYO
Director, Fleet Installations and Environment
and Deputy Chief of Staff

Enclosure: Request for Regulations and Letters of Authorization for the Incidental Taking of
Marine Mammals Resulting from the U.S. Navy Training and Testing Activities in
the AFTT Study Area.

Copy to: Ms. Tanya Dobrzynski, NMFS Office of Protected Resources
Ms. Jolie Harrison, NMFS Office of Protected Resources
CNO WASHINGTON DC (OPNAV N41)
COMNAVSEASYS COM WASHINGTON DC
COMNAVAIRSYSCOM PATUXENT RIVER
ONR ARLINGTON VA