

FINAL

**PROGRAMMATIC
ENVIRONMENTAL ASSESSMENT OF THE
INSTALLATION AND OPERATION OF THE
INTEGRATED ANTI-SWIMMER SYSTEM**



Contract No.: DTCG23-02-D-EXB001

Prepared for

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United States Coast Guard (G-OPD)
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APRIL 2006

Acronyms and Abbreviations

°C	degrees Celsius	FONSI	Finding of No Significant Impact
°	degrees	FR	Federal Register
APLMRI	Atlantic Protected Living Marine Resources Initiative	GLMPO	Great Lakes Monitoring Program Office
ARL-UT	Applied Research Laboratory-University of Texas	GMFMC	Gulf of Mexico Fishery Management Council
ASMFC	Atlantic States Marine Fisheries Commission	GOM	Gulf of Mexico
CCC	Criterion Continuous Concentration	GPS	Global Positioning System
CEQ	Council on Environmental Quality	HAPC	habitat areas of particular concern
CFMC	Caribbean Fishery Management Council	Hz	Hertz
CFR	Code of Federal Regulations	IAS	Integrated Anti-Swimmer System
CNMI	Commonwealth of the Northern Marianas Islands	IDS	Integrated Deepwater System
COMDTINST	Commandant's Instructions	IMO	International Maritime Organization
CONEX	Container Express [box]	KA	key assets
dB	decibels	kHz	Kilohertz
DDT	dichlorodiphenyltrichloroethane	lbs	pounds
DHS	Department of Homeland Security	LNG	liquefied natural gas
DO	dissolved oxygen	m	meter
DOD	Department of Defense	m/s	meters per second
EA	Environmental Assessment	MAFMC	Mid-Atlantic Fishery Council
EEZ	Exclusive Economic Zone	MCI	maritime critical infrastructure
EFH	Essential Fish Habitat	MHLS	Maritime Homeland Security
EIS	Environmental Impact Statement	mHz	megahertz
EMAP	Environmental Monitoring and Assessment Program	MK	Mark
EO	Executive Order	MMPA	Marine Mammal Protection Act
ERL	effects range low	MSA	Magnuson-Stevens Fisheries Conservation and Management Act
ERM	effects range medium	MSST	Maritime Safety and Security Team
ESA	Endangered Species Act	MTS	Marine Transportation System
ESU	Evolutionary Significant Unit	MTSA	Maritime Transportation Security Act
FERC	Federal Energy Regulatory Commission	NCCR	National Coastal Conditions Report
FMP	fishery management plan	<i>Continued on back inside cover →</i>	

U.S. Department of
Homeland Security



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Coast Guard

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PROGRAMMATIC ENVIRONMENTAL ASSESSMENT

FOR

INSTALLATION AND OPERATION OF THE INTEGRATED ANTI-SWIMMER SYSTEM

This USCG Programmatic Environmental Assessment was prepared in accordance with Commandant's Manual Instruction M16475.1D and is in compliance with the National Environmental Policy Act of 1969 (P.L. 91-190) and the Council of Environmental Quality Regulations dated 28 November 1978 (40 CFR Parts 1500-1508).

This Programmatic Environmental Assessment serves as a concise public document to briefly provide sufficient evidence and analysis for determining the need to prepare an environmental impact statement or a finding of no significant impact.

This Programmatic Environmental Assessment concisely describes the proposed action, the need for the proposal, the alternatives, and the environmental impacts of the proposal and alternatives. This environmental assessment also contains a comparative analysis of the action and alternatives, a statement of the environmental significance of the preferred alternative, and a list of the agencies and persons consulted during the preparation of the environmental assessment.

<u>24 MAR 2006</u>	 Kenneth McDaniel	<u>Management & Program Analyst</u> <u>Office of Security & Defense Operations</u>
Date	Preparer/Environmental Project Manager	Title/Position
<u>4 April 06</u>	 Edward F. Wandelt **Environmental Reviewer	<u>Chief, CG-443</u> Title/Position

In reaching my decision/recommendation on the USCG's proposed action, I have considered the information contained in this environmental assessment on the potential for environmental impacts.

<u>04 APRIL 2006</u>	 K.G. Quigley, CAPT, USCG	<u>Chief, Office of Security & Defense Operations</u>
Date	Responsible Official	Title/Position

* The USCG preparer signs for NEPA documents prepared in-house. The USCG environmental project manager signs for NEPA documents prepared by an applicant, a contractor, or another outside party.

** Signature of the Environmental Reviewer for the Bridge Administration Program may be that of the preparer's.

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FINDING OF NO SIGNIFICANT IMPACT

FOR

INSTALLATION AND OPERATION OF THE INTEGRATED ANTI-SWIMMER SYSTEM

A Programmatic Environmental Assessment (PEA) was prepared, in accordance with the National Environmental Policy Act, to evaluate the use of the installation and operation of the Integrated Anti-swimmer System (IAS). The U.S. Coast Guard (USCG) proposes to deploy and operate the IAS for temporary periods at various U.S. ports throughout the U.S. Maritime Domain, when necessary. This system would be co-located with and used by the USCG's existing Maritime Safety and Security Teams (MSSTs). The IAS is designed to detect underwater threats to the U.S. using five primary components: land-based sonar, portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at a frequency of 90 kilohertz (kHz). The portable sonar has a source level of 202 dB at frequencies of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at a frequency of 1 kHz and would be used only if a potential threat was detected.

The purpose of the IAS deployment is to increase the Coast Guard's ability to detect, track, classify, and interdict, if necessary, potential underwater threats and as a result, protect personnel, ships, and property from sabotage and/or other subversive acts. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow MSSTs sufficient time to react and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active sonar system is the only currently available technology that affords this capability.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

A PEA was prepared to evaluate the use of the IAS within all areas of USCG jurisdiction along the U.S. continental coastline, Hawaii, Alaska, and Territories. Each Region of Influence (ROI) would be expected to be limited to existing harbor infrastructure and adjacent waters within a given MSST's primary operating area. The IAS is not designed or intended for use offshore. In general, the IAS would be setup at a particular location for some defined period. Operational protocols that would be implemented to minimize adverse effects on protected marine mammal and other species include:

- USCG personnel will monitor the IAS at all times of deployment.
- If IAS is deployed and marine mammal or sea turtle activity is noted which may approach or enter the 160 dB isopleth (200 meter safety zone), the operational commander will take prudent measures to avoid impacting the wildlife which, situation permitting, may include shutting down the system.
- When conducting training activities, if marine mammals or sea turtles are detected which may approach or enter the 160 dB isopleth (200 meter safety zone), the system shall be shutdown until the marine mammals or sea turtles have left the IAS 200 meter safety zone.
- Except for emergency situations where the Coast Guard has specific intelligence indicating an imminent threat, the safety zone will be visually monitored for 20 minutes prior to turning on the device (as there is

Finding Of No Significant Impact

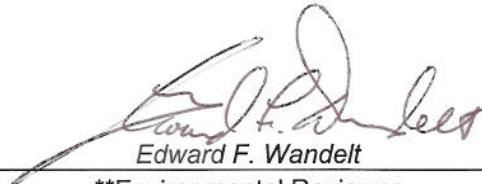
no warm-up period for the land-based sonar) to be sure it is clear of marine mammals and sea turtles. If the land-based sonar is switched on after dark, night vision devices will be used to monitor the safety zone.

- Barring exceptional circumstances that require such deployment, the IAS will not be placed in a location such that it interferes with obvious marine mammal or sea turtle throughways, or prevents entry or exit of marine mammals or sea turtles into and out of an area, e.g., the mouth of a bay or narrow choke-points, where sonar may deter them from traveling through or by.
- Continued implementation of existing USCG programs to guard against adverse impacts to marine mammals, e.g., the Ocean Steward Plan.

This project has been thoroughly reviewed by the USCG and it has been determined, by the undersigned, that this project will have no significant effect on the human environment including marine mammals, sea turtles, or other protected species.

This finding of no significant impact (FONSI) is based on the attached contractor-prepared PEA, which has been independently evaluated by the USCG and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project and provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The USCG takes full responsibility for the accuracy, scope, and content of the attached PEA.

4 April 06
Date


Edward F. Wandelt
**Environmental Reviewer

Chief, CG-443
Title/Position

I have considered the information contained in the PEA, which is the basis for this FONSI. Based on the information in the PEA and this FONSI document, I agree that the proposed action as described above, and in the PEA, will have no significant impact on the environment.

04 APRIL 2006
Date


K.G. Quigley, CAPT, USCG

Responsible Official

Chief, Office of Security &
Defense Operations
Title/Position

EXECUTIVE SUMMARY

The U.S. Coast Guard (USCG) proposes to deploy and operate a suite of components, collectively known as the Integrated Anti-Swimmer System (IAS) to defend against threats posed by hostile swimmers and divers. The IAS is being provided to select Maritime Safety and Security Teams for temporary deployments to protect high-valued vessels and critical port facilities and infrastructure.

The following Programmatic Environmental Assessment (PEA) documents in detail the purpose and need for the IAS, the proposed action and alternative solutions considered. The PEA looked at a number of resources but was principally focused on analysis of underwater sound and potential effects to living aquatic resources.

The IAS is designed to detect, track, identify and classify underwater threats using five primary components: land-based sonar, portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer.

- The land-based sonar has a maximum source level of 206 decibels (dB) referenced 1 microPascal at 1 meter (dB re 1 μ Pa at 1 m) with a frequency of 90 kilohertz (kHz). The land-based sonar is widely used throughout the underwater research and exploration community.
- The portable sonar is an acoustic-lens-based sonar which has a maximum source level of 202 dB re 1 μ Pa at 1 m and can operate at frequencies of 1,000 kHz or 1,800 kHz.
- The underwater loud hailer is a commercial off-the-shelf device that has a maximum source level of 180 dB re 1 μ PA at 1m at 1 kHz. The frequency range of the loud hailer can vary from 0.2 to 20 kHz depending mainly on the input voice frequency. Use of the loud hailer is limited to communicating brief warning messages to divers who have been detected and identified by the land-based sonar and processor. The underwater loud hailer is widely used by the military, commercial and recreational dive communities for communication between the surface and divers.
- The vehicle guidance system is not a source of underwater sound; it uses radio frequencies and a global positioning system (GPS) to direct the MSST vessel to the underwater threat.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

Environmental Assessments (EAs) covering the operation of the IAS in Galveston, TX and San Pedro, CA were completed in June 2005 with Findings of No Significant Impact.

In both cases, no adverse effects to threatened or endangered species or critical habitat were anticipated, and the National Oceanic Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) headquarters concurred, with a determination that “operation of the IAS in Galveston Bay and San Pedro Bay, in accordance with the mitigation measures [prescribed], is not likely to result in the take of marine mammals.” Since the IAS has been deployed in these locations, no environmental impacts of any kind have been observed.

The Coast Guard is prepared to issue a Finding of No Significant Impact (FONSI) based on the conclusion of the Analysis presented in Section 4.0 of this PEA. Given these conclusions, our experience, and the rationale set forth in the PEA, we have no reason to expect the impacts of IAS to be higher elsewhere, and the Coast Guard plans to employ the IAS more widely. The PEA to support the expanded use of the IAS is styled as “Programmatic” only because it does not reference a specific location. However, the Coast Guard does not believe it is necessary to do any follow-on environmental assessments or further consultation under Section 7 of the ESA before conducting training and deploying the system at ports where MSSTs are located and at events of national significance, such as the Superbowl and the G8 Summit.

This PEA evaluates the use of the IAS within all areas of USCG jurisdiction along the U.S. continental coastline, Hawaii, Alaska, and Territories. Each Region of Influence (ROI) would be limited to existing harbor infrastructure and adjacent waters within a given MSST’s primary operating area. The IAS is not designed or intended for use offshore and it is unlikely that the IAS would be used in a protected or sensitive habitat. Normal locations for IAS deployments include the ports and waterways of the nation’s 55 top tiered militarily and economically significant ports.

As a result of past consultations, the Coast Guard incorporated recommendations from NMFS into our operating procedures that help to insure the IAS will not result in takes of marine mammals, adversely affect listed species or essential fish habitat.

Operational protocols that have been implemented to minimize adverse effects on protected marine mammal and other species include:

- USCG personnel will monitor the IAS at all times of deployment.
- If IAS is deployed and marine mammal or sea turtle activity is noted which may approach or enter the 160 dB isopleth (200 meter safety zone), the operational commander will take prudent measures to avoid impacting the wildlife which, situation permitting, may include shutting down the system.
- When conducting training activities, if marine mammals or sea turtles are detected which may approach or enter the 160 dB isopleth (200 meter safety zone), the system shall be shutdown until the marine mammals or sea turtles have left the IAS 200 meter safety zone.
- Except for emergency situations where the Coast Guard has specific intelligence indicating an imminent threat, the safety zone will be visually monitored for 20 minutes prior to turning on the device to be sure it is clear of marine mammals and sea turtles. If the land-based sonar is switched on after dark, night vision devices will be used to monitor the safety zone.
- Barring exceptional circumstances that require such deployment, the IAS will not be placed in a location such that it interferes with obvious marine mammal or sea turtle throughways, or prevents entry or exit of marine mammals or sea turtles into and out of an area, e.g., the mouth of a bay or narrow choke-points, where sonar may deter them from traveling through or by.

Additionally, the following supporting rationale was used to reach a determination of “May Affect, But Not Likely to Adversely Affect.”

The results of the Coast Guard’s environmental analyses indicate that deployment would not adversely affect marine mammals, listed species or essential fish habitat. The relevant criteria that lead to this conclusion include:

- Sonar Imperceptible – The most important factor in our conclusion that IAS will not have any adverse impact is that both the land-based sonar and the portable sonar operate at a frequency generally beyond the hearing of most marine mammals, listed species, and fish species. Moreover, we believe that, based on the measures proposed to avoid impacts, if a protected marine species hears the signal it would not be adversely affected and it would not cause any harm.
- Infrequent Use – The system will be used relatively infrequently, operationally on the order of 18 times per year to protect moored vessels, critical port facilities and infrastructure and periodic training. Such infrequent use results in a low degree of potential exposure for marine life and habitat.
- Use in Developed Areas – IAS is not intended for operations in open ocean environments, protected or sensitive marine estuaries or habitats. The IAS is principally intended for use within the nation’s top economically and militarily significant ports. Such busy, highly trafficked, and industrial port environments are less likely to be inhabited by marine mammals, and the sonar in those locations would be perceived only against the background noise from military, commercial and recreational vessel traffic.
- Benefit to the Ecosystem – Prevention of a terrorist attack will convey benefits to the environment and marine life such as marine mammals and fish. Attacks launched by hostile divers on petroleum or chemical shipping and facilities could result in the catastrophic release of massive quantities of toxic materials into the marine ecosystem. The IAS and the preventative protection it provides contribute greatly to the net beneficial effect.
- Short Duration – The IAS is intended to be used to provide temporary protection to selected vessels and facilities during heightened periods of threat and events of national significance (generally less than 10 days).
- Constant Monitoring – The IAS and the area of water it operates in will be monitored at all times during operations. Consequently, the Coast Guard is unlikely to activate the system when marine mammals are present and is fairly likely to notice any adverse effects to marine life, especially marine mammals.
- Limited Range – The limited geographic zone of potential impact from the sound head (approximately 200 meters) where the high frequency sonar noise may fall within the hearing range of some marine mammals and fish.
- Controlled Use of the Loud Hailer – Use of the loud hailer is only allowed after confirmation by the IAS and response personnel that a swimmer or diver is present. If used, the loud hailer will be a temporary and transient source of sound, activated for at most a few minutes.

The IAS is a linchpin in the Coast Guard’s strategy to provide the United States with credible tools to deter, detect and interdict threats to our critical port infrastructure. Delay in deployment of IAS means greater vulnerability for those assets, and that the Coast Guard will have to devote more resources and work that much harder to provide equivalent protection. However, as an environmental law enforcement agency, we also take our duties of environmental stewardship very seriously. As such the Coast Guard will continue implementation of existing programs to guard against adverse impacts to the aquatic life (E.g., the Ocean Steward Plan).

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**PROGRAMMATIC ENVIRONMENTAL ASSESSMENT OF THE
INSTALLATION AND OPERATION OF THE INTEGRATED ANTI-SWIMMER SYSTEM**

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1. Purpose of and Need for the Action

1.1 Introduction

As the lead Federal agency for Maritime Homeland Security (MHLS)¹, the U.S. Coast Guard (USCG) is proposing to install and operate a suite of portable equipment termed the Integrated Anti-Swimmer System (IAS) that will enhance their underwater swimmer detection capabilities. The IAS is designed to detect, track, classify, and alert security forces of potential underwater threats to designated high-value vessels and critical port infrastructure. The IAS would be available at different locations around the country.

The USCG, one of the country's five armed services, is the nation's oldest maritime agency. As an agency of the Federal government, the USCG affords the nation a single maritime service dedicated to saving lives at sea and enforcing the nation's maritime laws. The USCG has continued to protect the nation throughout its long history and has served proudly in every one of the nation's conflicts. National defense responsibilities remain one of the USCG's most important functions.

Today, the USCG operates in all maritime regions:

- Approximately 95,000 miles of U.S. coastlines, including inland waterways and harbors.
- More than 3.36 million square miles of Exclusive Economic Zone (EEZ) and U.S. territorial seas.
- International waters and other maritime regions of importance to the United States.

The events of September 11, 2001, significantly changed the nation's homeland security posture. Terrorism is a clear and present danger to the United States. The USCG has dramatically shifted its mission activity to reflect its role as a leader in MHLS. On March 1, 2003, in response to growing national security demands, the newly formed Department of Homeland Security (DHS) assumed control of the USCG from the U.S. Department of Transportation (USDOT) in the largest reorganization of the Federal government since the 1940s (Public Law [P.L.] 107-296). The reorganization resulted in the USCG becoming the lead Federal agency for MHLS. The USCG's heightened maritime security posture will remain in place indefinitely.

1.2 Coast Guard Missions

The USCG is the only maritime service with regulatory and law enforcement authority, military capabilities, and humanitarian operations. USCG activities in warfare encompass critical elements of naval operations in littoral regions, including port security and safety, military environmental response, maritime interception, coastal control, and force protection. More than two centuries of littoral warfare operations at home and overseas have honed the USCG's skills most needed in support of the nation's military and naval strategies for the 21st century. The USCG's missions include maritime law enforcement, maritime safety, national defense, and marine environmental protection.

¹ MHLS is the concerted national effort lead by the U.S. Coast Guard to secure the homeland, associated with or in the U.S. Maritime Domain, from terrorist attacks.

Under the newly formed DHS, one of the USCG's primary missions is to protect the U.S. Maritime Domain² and the U.S. Marine Transportation System³ (MTS) and deny their use and exploitation by terrorists as a means for attacks on U.S. territory, population, and critical infrastructure. The Maritime Transportation Security Act (MTSA) of 2002 contains several provisions relating to the USCG's role in MHTS. It creates a U.S. maritime security system and requires Federal agencies, ports, and vessel owners to take numerous steps to upgrade security. The MTSA requires the USCG to develop national and regional area maritime transportation security plans; it also requires ports, waterfront terminals, and certain types of vessels to submit security and incident response plans to the USCG for approval.

The USCG has several additional roles:

- Protect ports, the flow of legitimate commerce, and the MTS from terrorism.
- Maintain maritime border security against illegal drugs, illegal aliens, firearms, and weapons of mass destruction.
- Ensure that U.S. military assets can be rapidly deployed and resupplied by keeping USCG units at a high state of readiness, and by keeping marine transportation open for the transit of assets and personnel from other branches of the armed forces.
- Protect against illegal fishing and indiscriminate destruction of living marine resources.
- Prevent and respond to oil and hazardous material spills—both accidental and intentional.
- Coordinate efforts and intelligence with Federal, state, and local agencies.

In response to the increased homeland security threat level, the USCG is engaged in Operations Liberty Shield and Iraqi Freedom. Operation Liberty Shield is a multidepartment, multiagency, national team effort to protect American citizens and infrastructure while minimizing disruption to our economy and way of life. Overseas, the USCG is playing a crucial role supporting the other military services in the implementation of Operation Iraqi Freedom. Several USCG cutters, aircraft, and reserve and active-duty personnel are currently deployed in the Persian Gulf region and in the Mediterranean to perform waterside security, maritime force protection, and environmental response duties.

In addition, the USCG and Department of Defense (DOD) are partners in two major actions: Operation Enduring Freedom and Operation Noble Eagle. Operation Enduring Freedom generally refers to U.S. military operations associated with the war on terrorism outside the United States. Operation Noble Eagle generally refers to U.S. military operations associated with homeland defense and civil support to Federal, state, and local agencies in the United States, and includes the increased security measures taken after the terrorist attacks on September 11, 2001. The operation involves joint agency coordination and cooperation to ensure our nation and its borders are protected from future attacks. The increased USCG maritime security presence prevents and deters those who would cause harm to innocent Americans.

² The U.S. Maritime Domain encompasses all U.S. ports, inland waterways, harbors, navigable waters, Great Lakes, territorial seas, contiguous waters, custom waters, coastal seas, littoral areas, the U.S. EEZ, and oceanic regions of U.S. national interest, as well as the sealanes to the United States, U.S. maritime approaches, and high seas surrounding the nation.

³ The U.S. MTS consists of waterways, ports, and their intermodal connections, vessels, vehicles, and system users, as well as Federal maritime navigation systems.

1.3 Purpose and Need for the Action

1.3.1 Purpose of the Action

The USCG is at a heightened state of alert, protecting more than 361 ports and 95,000 miles of coastline, America's longest border. The USCG continues to play an integral role in maintaining the operations of our ports and waterways by providing a secure environment in which mariners and the American people can safely live and work (USCG 2002a). USCG operational forces are required to protect the MTS and critical infrastructure in and around U.S. ports and waterways from underwater threats, including swimmers and divers potentially using a variety of weapons, gear, and vehicles. USCG forces must accomplish this mission while minimizing impacts on the environment and without unduly interfering with legitimate trade and commerce.

The purpose of the Proposed Action is to enhance the USCG's underwater swimmer detection capability in order to protect personnel, ships, and property from sabotage and other subversive acts. To support this goal, the USCG is proposing to install and operate IASs in various locations around the country. The IASs would be collocated with Maritime Safety and Security Teams (MSSTs). While not all MSSTs would have a dedicated IAS, the portability of the IAS will afford the capabilities to any port infrastructure as needed. MSST homeports are presented in Figure 1-1. Table 1-1 shows a list of each MSST and its respective homeport location. The MSSTs are also portable and can be moved outside of the homeport area to address a particular threat.

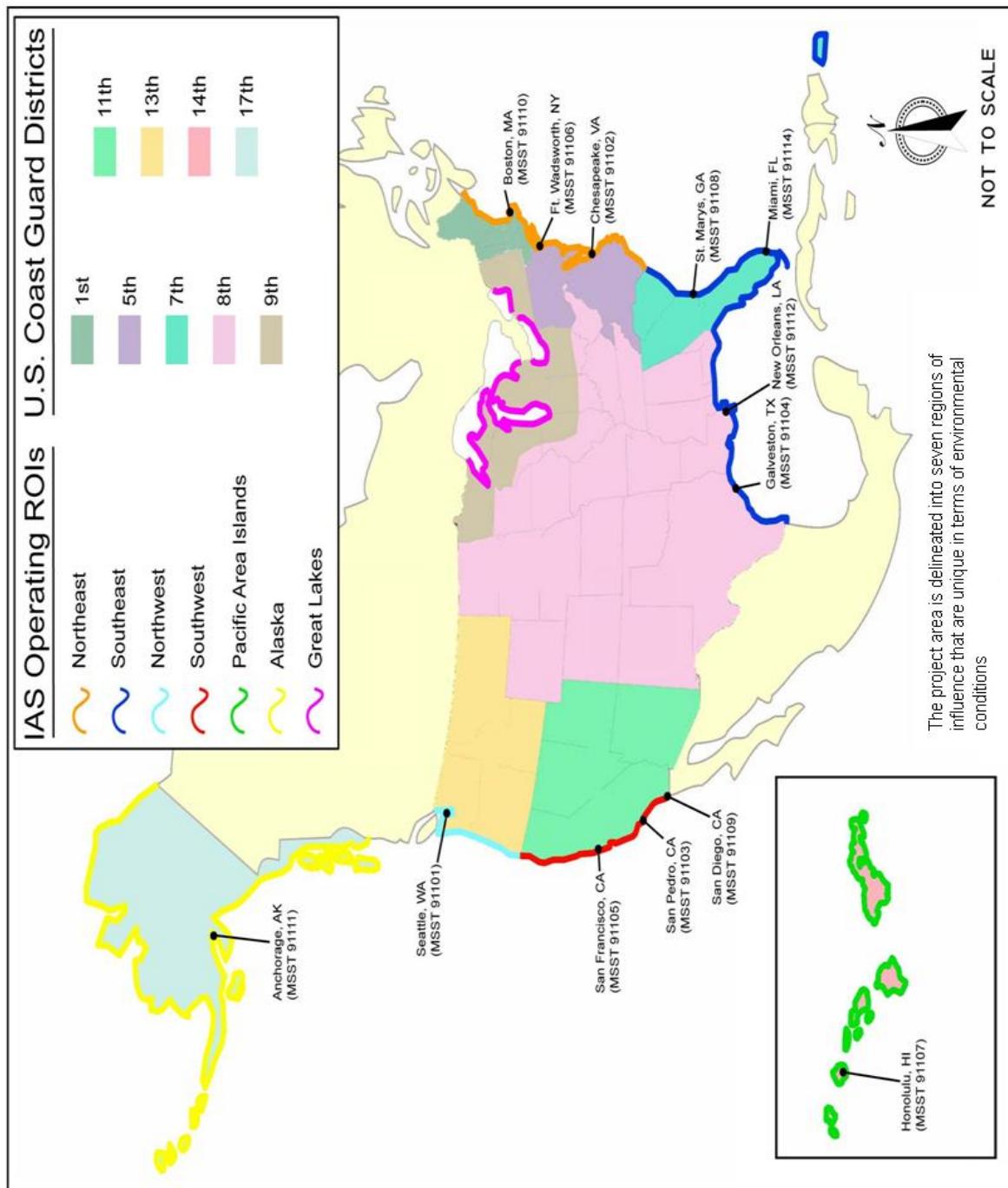
1.3.2 Need for the Action

The USCG has a broad range of environmental management, enforcement and homeland security responsibilities throughout the EEZ. In the wake of the events of September 11, 2001, the USCG expanded its homeland security duties in addition to maintaining its current missions. Threats facing the national security and well being of the United States are neither bipolar nor symmetrical, meaning the threats aren't always obvious or conventional. Intelligence reports establish a credible underwater threat to U.S. ports and waterways that includes combat swimmers and divers. As a result, the need for the Proposed Action is to address underwater threats to our nation's ports.

To meet the objectives of the Proposed Action, the system must be able to operate underwater, and detect underwater swimmers and threats in all water conditions at a range that allows effective action, and is not easily defeated. The system must also be mobile, immediate, and timely (readily available); proven effective; and affordable with respect to both procurement and operations. With the IAS in place, Operational Commanders responsible for maritime security will have at their disposal an underwater capability to detect, track, intercept, and, if necessary, interdict a combat swimmer or diver directed at a particular target.

1.4 Project Scope and Area

This Programmatic Environmental Assessment (PEA) encompasses the USCG's intended use of the IAS under normal operational and training conditions. The IAS units would be collocated with MSSTs (Figure 1-1). The IAS is designed to detect underwater threats to the United States using five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer.



Source: USCG 2002b

Figure 1-1. Regions of Influence for IAS

Table 1-1. MSST Locations

Unit ID	Location
MSST 91101	Seattle, WA
MSST 91102	Chesapeake, VA
MSST 91103	San Pedro, CA
MSST 91104	Galveston, TX
MSST 91105	San Francisco, CA
MSST 91106	Fort Wadsworth, NY
MSST 91107	Honolulu, HI
MSST 91108	St. Marys, GA
MSST 91109	San Diego, CA
MSST 91110	Boston, MA
MSST 91111	Anchorage, AK
MSST 91112	New Orleans, LA
MSST 91114	Miami, FL

The land-based sonar has a maximum source level of 206 decibels (dB) referenced 1 microPascal at 1 meter (dB re 1 μ Pa at 1 m) with a frequency of 90 kilohertz (kHz) and a pulse-width of 30 to 130 microseconds. The portable sonar has a maximum source level of 202 dB re 1 μ Pa at 1 m and can operate at frequencies of 1,000 kHz or 1,800 kHz with a pulse-width of 4 to 144 microseconds. The underwater loud hailer has a maximum source level of 180 dB re 1 μ PA at 1m at 1 kHz (low frequency). The frequency range of the loud hailer can vary from 0.2 to 20 kHz depending mainly on the input voice frequency. The vehicle guidance system is not a source of underwater sound; it uses radio frequencies and a global positioning system (GPS) to direct the MSST vessel to the underwater threat. Standard IAS operating protocol would require the system to be monitored by USCG personnel at all times of deployment.

All IAS components would be transported to mission locations using existing MSST vehicles and vessels. The land-based sonar and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST response vessel. No new vessels would be added to MSST fleets as a result of the Proposed Action. Therefore, this PEA does not analyze the impacts of the MSST trucks and vessels. These have already been assessed in separate Environmental Assessments (EAs) for each specific location and were found to have no significant environmental impact (USCG 2003). The applicable MSST EAs are incorporated by reference.

These documents, and other similar analyses, can be obtained by contacting Ms. Kebby Kelley, USCG (G-SEC-3), by phone at 202-267-6034, by email at <KKelley@comdt.uscg.mil>, or by writing to Ms. Kebby Kelley, Environmental Protection Specialist, Headquarters United States Coast Guard, Office of Civil Engineering, (GSEC) Room 6109, 2100 Second Street, Washington, DC 20593.

The IAS is intended to detect, track, classify, and alert security forces of potential underwater threats to designated high-value vessels and critical port facilities and infrastructure. The potential threats include combat swimmers and divers, whether moving or still, who might or might not be using a propulsion device, and who might be using either closed- or open-circuit breathing equipment; and unmanned

vehicles, either autonomous or remotely operated. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react and counter the threat.

The system is expected to operate to depths of up to 100 feet in fresh, salt, and brackish waters; day or night regardless of visibility; and in air and water temperatures and thermoclines normal for a port/harbor environment (arctic to subtropical). The IAS is designed and intended to protect maritime critical infrastructure (MCI) and key assets (KA) within the ports, waterways, and coastal areas of the U.S. maritime transportation system. The IAS is not designed or intended for use offshore (seaward of the coast). The IAS is designed for mobility and therefore would normally be used for relatively short-term protection around MCI/KA, forming an inner ring of protection in a multilayered defense system.

When deployed, the only in-water, sound-producing component of the system that operates continuously is the land-based sonar. Other components are used as needed in response to detected threats or during training. Actual distances of effective coverage are classified but, generally the IAS is designed and intended to provide point protection and is not used to cover large, expansive areas of ports, harbors, or waterways. Additionally the majority of existing MCI/KA that the IAS is intended to protect is in or near the nation's top economically and militarily significant ports. Under normal circumstances use of the IAS in areas outside of these busy, heavily trafficked, and industrial ports would be rare and generally limited to a site of specific importance or response to a specific threat potential. As outlined in Section 2.2, extensive research and analysis of alternatives has led to the conclusion that an active sonar system is the only available technology that currently affords this capability.

The Regions of Influence (ROIs) associated with the potential operating area of the IAS encompass the environmental concerns specific to regional areas of U.S. waters. It is anticipated that the primary environmental concerns are associated with threatened and endangered marine species and nonthreatened and nonendangered marine mammals. The ROIs have been defined based on jurisdictional regions of the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS), rather than the USCG districts, to account for NMFS regulatory oversight for a majority of the protected species of concern associated with the IAS. The NMFS jurisdictional ROIs defined for this PEA include

- The Northeast Region (Maine through Virginia).
- The Southeast Region (North Carolina through Texas and the U.S. Caribbean).
- The Southwest Region (California).
- The Northwest Region (Oregon and Washington).
- The Pacific Area Islands Region (Hawaii, Guam, American Samoa, and the Commonwealth of the Northern Marianas Islands [CNMI]).
- The Alaska Region.
- The Great Lakes Region.

Each ROI comprises unique environmental, economic, and social characteristics. The ROIs also include the internal continental areas to coincide with the jurisdictional regions of NMFS. Figure 1-1 presents regions in which the IAS might reasonably be employed.

The Southeastern ROI is a large area comprised of three marine ecosystems. These ecosystems are the U.S. Southeastern Atlantic coast (Southeast Atlantic ecosystem), the Gulf of Mexico (GOM), and Puerto Rico and U.S. Caribbean coasts (U.S. Caribbean ecosystem). Because these three ecosystems have unique characteristics, they will be discussed separately under the Southeast ROI.

The IAS would typically be deployed within the harbor or port to which it is assigned; however, the actual position would be determined by the asset that is being protected, so it could be located anywhere in the ROI. Under normal circumstances, the IAS would be assigned to protect specific existing port facilities, infrastructure, or vessels (i.e., the IAS is not used to protect large, undefined areas). Based on potential for impacts on living marine resources assessed in Section 4.0, the zone of potential effect would be limited to the waters in which the sound pressure level (SPL) of any of the IAS components is above 160 dB re 1 µPa at 1 m. While not predictable, unforeseeable security concerns could require the IAS to protect any port facilities or assets outside of the ROI. The IAS is not designed or intended for operation offshore.

In general, the IAS would be set up at a particular location for some defined period. During that time, only the land-based sonar component of the IAS would be operated continuously. The location and duration of each individual event is impossible to predict and would depend on a number of currently unknown circumstances. There are too many variables to adequately assess all potential locations where and when the IAS would be deployed in response to a potential threat. As such, the scope of this PEA will focus on potential impacts associated with the anticipated IAS baseline mission objective of protecting high value and critical port infrastructure within the nation's economically and militarily significant ports within the individual ROIs (Figure 1-1). Section 4.4.1 assesses potential impacts on living marine resources based on the IAS standard operating criteria. Supplemental National Environmental Policy Act (NEPA) documentation or consultation with appropriate resource authorities would be required if site-specific operating scenarios fall outside of the scope of this assessment.

1.5 Public Involvement Process

To announce the availability of this Draft PEA and Draft FONSI, a notice was published in the Federal Register on October 3, 2005 (70 FR 190 Pages 57612-57613). Letters were also sent to interested parties, and all appropriate Federal and state agencies (Appendix A, B and C). The USCG solicited comments on this Proposed Action throughout the PEA process. An announcement on the availability of the Final PEA and, if appropriate, the Finding of No Significant Impact (FONSI) will be placed in the Federal Register.

1.6 Organization of the PEA

Acronyms and abbreviations are used throughout the document to avoid unnecessary length. A list of acronyms and abbreviations used can be found on the inside cover of this PEA.

Section 1: Purpose of and Need for the Proposed Action. As required under the NEPA, this section provides an overview of the action, describes the area in which the Proposed Action would occur, and explains the public involvement process.

Section 2: Proposed Action and Alternatives. This section describes the Proposed Action and the No Action Alternative.

Section 3: Affected Environment. This section describes the existing environmental conditions in the area in which the Proposed Action would occur.

Section 4: Environmental Consequences. Using the information in Section 3, this section identifies the potential for environmental impacts on each resource area under both the Proposed Action and No Action Alternative. Direct and indirect impacts that could result from the Proposed Action are identified on a broad scale as appropriate in a PEA.

Section 5: Cumulative Impacts. This section discusses the potential cumulative impacts that could result from the impacts of the Proposed Action, combined with foreseeable future actions having resources similar to the IAS.

Sections 6 and 7. These sections provide a list of preparers and references for the PEA.

Appendices: This PEA includes eight appendices that provide additional information.

- Appendix A contains a copy of the Interested Party distribution list, letter with attachments, and a copy of the *Federal Register* announcement.
- Appendix B will include responses to the Interested Party letter.
- Appendix C includes the correspondence relating to coordination with Federal and state agencies.
- Appendix D includes a list of those regulations, laws, and executive orders that might reasonably be expected to apply to the Proposed Action.
- Appendix E contains a description of the ROIs for the current MSSTs.
- Appendix F contains a copy of USCG's Ocean Steward, Commandant's Instruction (COMDTINST) 16475.7 (Protected Living Marine Resource Program), and COMDTINST 16004.3A (Coast Guard's Participation in the Marine Sanctuary Program).
- Appendix G contains the tables of the Biological Resources within each ROI.

2. Proposed Action and Alternatives

2.1 Proposed Action

The USCG is proposing to establish and operate an IAS to be collocated with existing MSSTs. Threats facing the national security and well being of the United States are neither bipolar nor symmetrical, meaning the threats aren't always obvious or conventional. Intelligence reports establish a credible underwater threat to U.S. ports and waterways that includes combat swimmers and divers. With the IAS in place, Operational Commanders responsible for maritime security will have at their disposal underwater capabilities to detect, track, intercept, and, if necessary, interdict a combat swimmer or diver. The IAS would improve existing security capabilities within the ROIs on an ongoing basis.

Extensive research and assessment of alternatives has led to the conclusion that an active sonar system is the only existing technology that affords this capability (Section 2.2). As proposed the IAS has five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The IAS would allow the USCG to detect (with the land-based sonar) and classify (using the processor) potential underwater threats, guide security forces to them (using the vehicle guidance system), positively identify them (using the portable sonar), and contact them (with the underwater loud hailer) before taking action. The IAS is capable of distinguishing a marine mammal from a human swimmer or other object. A processor (a component of the IAS) uses a classified algorithm that considers several criteria to classify a contact as a swimmer, diver, or another type of object. The highly accurate system only alerts USCG security response personnel for a target that has been classified as a swimmer, diver, sea turtle or marine mammal. Only then would security forces react, using the appropriate response for living marine resources or with the underwater loud hailer to convey a warning message to a diver that they have entered a restricted area.

The land-based sonar uses a commercially available sound head that integrates with proprietary software to detect potential threats such as unidentified swimmers or divers approaching the area. This software detection system is also able to distinguish marine mammals and sea turtles within the effective range. When tested, the system detected and alerted 17 of 17 divers.

Under normal circumstances, the land-based sonar (and data processor) would be used from either a pier or a vessel tied to a pier and would be powered from an available electrical connection to the municipal power system. The less-preferred alternative would require an existing portable generator assigned to the MSST. If the land-based sonar was installed at the mission location, the signal-receiving equipment could be housed in a vehicle, a Container Express (CONEX) box (a military shipping container), or a tent on a pier. The land-based sonar would be transportable and could be moved anywhere in the ROIs, depending on where additional protection was required.

The portable sonar, vehicle guidance system, and underwater loud hailer would be on an MSST Defender Class Boat. The vehicle guidance system, which receives radio signals from the land-based sonar, is designed to guide security forces to a potential threat. The portable sonar would be used by security personnel on the Defender Class Boats to positively identify a potential threat once it has been localized out to 20 to 30 yards. The underwater loud hailer is a commercially available diver recall system that uses a submerged speaker to transmit human voices underwater and is used extensively throughout the diving community to communicate with divers. The loud hailer would allow security team members to contact unidentified swimmers and divers before further action is taken. For example, it would be used to convey warning messages to swimmers and divers that have entered a restricted area. Its use would normally be of very short duration and in close proximity to the suspected threat.

The support structure for the land-based sonar would have sacrificial zinc anodes attached to it to prevent metal corrosion from occurring due to immersion in salt water. It is estimated that 10 to 15 pounds (lbs) of zinc would be attached to the structure depending on the setup.

It is estimated that the IAS would be used for training approximately once per quarter. With the exception of a few training exercises that could last a day to a week, the IAS would generally be used for short durations of 8 to 10 hours. Training would incorporate the necessary components of the IAS based on the goal of the training. For example, if the boat crew needs to perfect the use of the vessel-based sonar, the other components would not be necessary. During training, the IAS can be shut down to avoid or minimize environmental impacts (including impacts on protected marine species).

For operational missions, the IAS would be deployed and operated on an as-needed basis, when and where additional protection is necessary. The IAS would be transported by the MSST as part of its mission requirements. Based on the IAS mission strategy, it is anticipated that each IAS unit would be transported approximately 1.5 times per month and it is probable that each IAS would be operated less than a total of 180 days per year (i.e., assuming a maximum of 18 deployments per year for each unit for a duration of 10 days). This operating period includes quarterly training.

As part of the Proposed Action, if the tactical situation permits, standard IAS operating procedures would include the following protocols to further avoid or minimize the probability that the IAS would adversely affect protected marine species. These procedures were developed from unofficial suggestions provided by NMFS in August 2004 (Appendix C).

- USCG personnel will monitor the IAS at all times of deployment.
- If the IAS is deployed and marine mammal or sea turtle activity that could approach or enter the 160-dB isopleth is noted, the operational commander will take prudent measures to avoid impacting the wildlife which, tactical situation permitting, could include shutting down the system. As discussed in Section 4.0, a safety zone extending 200 meters (m) from the sound head would encompass the 160-dB isopleth and provide an additional buffer for personnel to react to encroaching living marine resources.
- When conducting training activities, if marine mammals or sea turtles that could approach or enter the 160-dB isopleth (200-m safety zone) are detected, the system shall be shut down until the marine mammals or sea turtles have left the IAS 200-m safety zone.
- As there is no warm-up period for the land-based sonar, tactical situation permitting the safety zone will be visually monitored for 20 minutes prior to turning on the device to be sure it is clear of marine mammals or sea turtles. If the land-based sonar is switched on after dark, night vision devices will be used to monitor the safety zone.
- Barring exceptional circumstances that require such deployment, the IAS will not be placed in a location so that it interferes with obvious marine mammal throughways, or prevents entry or exit of marine mammals into and out of an area (e.g., the mouth of a bay or narrow choke-points where sonar might deter them from traveling through or by).
- Continued implementation of existing USCG programs to guard against adverse impacts on marine mammals (e.g., the Ocean Steward Plan).

2.2 Alternatives Analysis

NEPA requires an agency to consider reasonable alternatives to a proposed action. Identifying and considering reasonable alternatives helps to ensure that the agencies assessment of potential environmental impacts includes a comparative measure for agencies to gauge decisions regarding the action proposed for implementation.

2.2.1 Alternatives Considered and Eliminated

To warrant detailed evaluation by the USCG, an alternative must be reasonable and satisfy the purpose and need. To be considered reasonable, an alternative must be “ripe” for decisionmaking (any necessary preceding events have taken place). The system must be able to operate underwater, and detect underwater swimmers and threats in all water conditions at a range that allows effective action, and is not easily defeated. The system must also be mobile, immediate, and timely (readily available); proven effective; and affordable with respect to both procurement and operations, as stated in the purpose and need for the Proposed Action (Section 1.3). The USCG evaluated several potential alternatives to satisfy the purpose and need. This section describes the alternatives considered to provide anti-swimmer capabilities that were eliminated from further study and the basis for that finding. These alternatives are not carried forward for detailed evaluation in this EA.

The anti-swimmer alternatives that were considered include radar, optical systems, underwater barriers, marine mammals, underwater patrols, and other sonar-based systems. For the reasons described below, the only type of system that would satisfy the action’s purpose and need is a sonar-based system.

RADAR

Radio Detection and Ranging (RADAR) that is currently used in detecting swimmers and other potential threats at the surface of the water were considered. RADAR systems are currently available on the Defender Class Boats and would be used in conjunction with the IAS. However, the USCG’s evaluation found that RADAR systems have no capability to detect swimmers under the water. As discussed in Section 1.3.2, the system must be able to operate underwater and this system would not meet that criterion.

Optics

Available underwater optical devices (visible light and infrared) were found to have little or no capability to see swimmers in turbid water and only limited capability in clear water, except in cases where the swimmer is very near the surface. Some consideration was given to supplementing the IAS with an optical system to more definitively classify a target, but the potential for additional benefit was not clear and use of optics alone would not sufficiently detect underwater threats. As discussed under Sections 1.3.1 and 1.3.2, the system must be able to detect underwater swimmers and threats in all water conditions at a range that allows effective action, and this system does not meet those criteria.

Underwater Barriers

Underwater anti-swimmer barriers have been used in the past by the military. While these barriers were somewhat successful, swimmers going under, around, or through the barriers could very easily defeat them. Barriers were also very susceptible to underwater growth, which weighed them down, causing them to sag and making them even more easily defeated. Mobile, surface-to-bottom barriers were also found to have impacts associated with unintended impingement of sea life. As discussed in Sections 1.3.1

and 1.3.2, a system that is not easily defeated and that minimizes adverse impacts on the environment is needed and this system does not meet those criteria.

Marine Mammals

The U.S. Navy (USN) currently has programs that use marine mammals to detect and warn of underwater threats. Although this alternative was not removed from future consideration, the concept has significant cost, maintenance, time, and deployment issues generally associated with the training, care, and handling of large marine mammals that make the use of this alternative unreasonable to meet the immediate port security needs provided by the IAS. As discussed in Section 1.3.2, the system must also be timely (readily available), proven effective, and affordable with respect to both procurement and operations, and the use of marine mammals does not meet those criteria.

Other Sonar-Based Systems

The USCG also investigated the use of other sonar-based systems to meet the purpose and need. The proposed IAS system was readily available, cost-effective, and had been thoroughly tested by the USN and proven effective. The EA developed by the USN for similar systems found no significant environmental impacts associated with the deployment or operation of the proposed IAS system (USN 2002). Table 2-1 shows the comparative analysis that was used by the USCG in selecting the IAS system over other sonar-based systems. Details of the systems evaluated and selected are not being made available for security reasons.

2.3 No Action Alternative

NEPA implementing regulations require that a No Action Alternative be analyzed to provide a baseline for comparison with the action alternatives. The No Action Alternative identifies and describes the potential environmental impacts if the action agency does not choose the Proposed Action or one of the other action alternatives, if applicable.

The continuation of the existing conditions without implementation of the Proposed Action is referred to as the No Action Alternative. For the purposes of this project, the No Action Alternative is defined as not installing and operating an IAS in any of the defined ROIs. The No Action Alternative serves as the benchmark against which Federal actions can be evaluated. Inclusion of the No Action Alternative is prescribed by the Council on Environmental Quality (CEQ) regulations and, therefore, will be carried forward for further analysis in this PEA.

If the No Action Alternative were selected, as described in this PEA, it would not fulfill the USCG's requirement for sufficient protection of the MTS and critical infrastructure in and around U.S. ports and waterways from underwater threats. As stated in Section 1.3.2, intelligence reports establish a credible underwater threat to U.S. ports and waterways that includes combat swimmers and divers. The result might create the potential for significant adverse environmental impacts. Terrorists could strike at military or commercial vessels and facilities in these ports, creating health and safety hazards for the surrounding populace and impacting appropriate emergency responses, employment and trade, and marine life. The impacts could be immediate (loss of life) or long-lasting (disruption of commerce activities) that could affect the long-term economy. Recovery time would be dependent on the severity and extent of the loss.

Table 2-1. Comparison of Sonar Systems for Anti-Swimmer Detection

Sonar System	Range	Sector Scanned	Cost	Track Function	Issues
A	Greater	Larger area	Much greater	Advanced auto track	This system is not mobile and, as such, is not suitable for MSST deployment. It could however be considered in the future as a permanent fixture. Already deployed by the USN.
B	Acceptable	–	–	Advanced auto track	This is the system chosen for the IAS. It was immediately available, relatively cheap, and mobile. At the time, it was the only sound-head compatible with the USN processor. Since then, the USN was tasked to make their processor an open architecture that can use input from any sound-head.
C	Acceptable	Much smaller area	Much greater	Simple tracker	High cost for small sector. This system failed every test conducted.
D	Acceptable	Similar area	Greater	Simple tracker	High cost for small sector scan.
E	Unacceptably low	Variable within acceptable limits	Lower	Minimal	Single beam scanning, short range, slow update rate.
F	Acceptable (estimated)	Larger area	Unknown	Unknown	A working prototype has not yet been developed.
G	Acceptable (estimated)	Smaller area demo. Similar area claimed.	Much greater	Simple tracker	Not in production. The design specifications for this unit show great promise, but they have yet to develop a working prototype.

2.4 Selection of the Proposed Action

The Proposed Action was selected because it meets the purpose and need; has the potential of positive impacts on security and safety, as well as easing environmental concerns; has no foreseeable significant environmental impacts; and has distinct advantages over the alternative systems considered (Section 2.2). Specific considerations include

- Use of the IAS could provide added security from underwater terrorist attacks for the safety of ships entering and leaving the ROI, numerous commercial interests, and the general population who work and live in and near the port.
- Preventing such attacks would also protect the environment from the impacts resulting from damaged or destroyed infrastructure, facilities, or vessels.

- The Proposed Action would avoid additional potential environmental impacts associated with permanent installation of similar systems at multiple locations.

Operating the IAS from a pier or docked vessel is unlikely to result in significant adverse impacts on the environment. As described in Section 4.4.2, based on the frequencies and decibel levels of the IAS components and the protected marine species that would occur in the ROIs, adverse impacts on marine mammals, sea turtles, or other protected marine species are unlikely. In addition, the IAS would provide beneficial impacts on public safety by reducing the risk of a successful terrorist attack, as described in Section 4.5.2. The MSST vessels have already been assessed in EAs that found no significant environmental impact (USCG 2003). Furthermore, the USCG has existing measures in place to guard against adverse vessel impacts on marine protected species. The USCG incorporates the Ocean Steward plan and strategy into its operating procedures, as well as other long-standing initiatives and programs related to living marine resource protection (Appendix F). Ocean Steward is the USCG's national strategic plan to help the recovery and maintenance of healthy sustainable populations of protected marine species. Ocean Steward helps ensure that no impacts on marine protected species would occur from IAS operations and other USCG operations.

Under the No Action Alternative, the added safety and security provided by the IAS would not be available. The USCG would not be able to detect, track, and interdict underwater threats. While the USCG would increase their level of protection for shoreside infrastructure, credible underwater threats would still exist that need to be addressed. The potential environmental damage from a terrorist attack could be significant. Table 2-2 summarizes the impacts of the Proposed Action and No Action Alternative.

For these reasons the Proposed Action will be carried forward for evaluation in this PEA.

Table 2-2. Impact Summary Matrix

Resource Area	Proposed Action	No Action Alternative
Water and Sediment Quality	Due to the use of zinc anodes, the Proposed Action would have minor adverse impacts on water and sediment quality. However, the release of zinc would be transient and below USEPA standards.	Under the No Action Alternative, ambient water and sediment conditions would not be impacted and the IAS would not be used. If this alternative is selected, significant adverse impacts on water quality could be experienced due to the increased risk of a successful terrorist attack and the associated environmental degradation that could result. Recovery time would depend on the severity and extent of the impact (e.g., a successful attack on a major petroleum or chemical facility or vessel could result in the catastrophic release of deadly hazardous materials).
Noise	Implementation of the Proposed Action would result in minor adverse impacts on existing ambient waterborne sound levels. The area of potential effect for the land-based sonar would be less than 200 m. The use of the loud hailer and portable sonar would be intermittent and of short duration (a number of minutes) activated only under suspicion of a detected threat or in training or testing scenarios. Even in testing and training scenarios the underwater loud hailer would only be used to simulate operational conditions.	Under the No Action Alternative, existing conditions would remain as is and the IAS would not be used. If this alternative is selected, short-term significant adverse impacts on ambient waterborne noise levels could be experienced due to the increased risk of a successful terrorist attack that had an underwater explosion.

Table 2-2. Impact Summary Matrix (continued)

Resource Area	Proposed Action	No Action Alternative
Biological Resources	Implementation of the Proposed Action is not expected to cause adverse impacts on marine biological resources that do not occur underwater. Implementation of the Proposed Action could have temporary minor adverse impacts on marine organisms at a location where the IAS is operating. The frequencies of the signals produced by the land-based and portable sonars are above the perceptible range of most organisms. The area of potential effect for species that could be sensitive to the land-based sonar would be less than 100 meters. The use of the loud hailer would be temporary and only under suspicion of threat in training or testing scenarios. Even in testing and training scenarios the underwater loud hailer would only be used to simulate operational conditions. Additionally, current USCG environmental policies, regulations, and programs designed to protect living marine species (e.g., Ocean Steward – Appendix B and speed guidance designed to avoid collisions with marine mammals) would continue to be followed.	Under the No Action Alternative, existing conditions would remain as is, and the IAS would not be used. Under this scenario, it could be easier for a terrorist attack or an attack that could spread to areas frequented by marine mammals or other biological resources to occur. If this alternative is selected, significant adverse impacts on biological resources could be experienced due to the increased risk of a successful terrorist attack and the associated environmental degradation that could result. Recovery time would depend on the extent of loss.
Public Safety	Beneficial impacts can reasonably be expected from the Proposed Action. The Proposed Action would increase the USCG's ability to protect critical domestic ports and the MTS from warfare and terrorist attacks. The installation and operation of the IAS will close significant security gaps in our nation's strategic ports.	Under the No Action Alternative, the IAS would not be installed and operated. Significant adverse impacts could be expected should this alternative be selected due to the increased risk of a terrorist attack and the potential for significant adverse effects on public safety. Terrorists could strike at military or commercial facilities in the ROI creating health and safety hazards for the surrounding populace. The impacts could be immediate or long-lasting. Recovery time would depend on the severity and extent of the impact.

3. Affected Environment

3.1 Introduction

3.1.1 Resources for Analysis

This section describes the environmental and socioeconomic conditions most likely to be affected by the Proposed Action and serves as a baseline from which to identify and evaluate potential impacts from implementation of the Proposed Action. In compliance with NEPA, CEQ guidelines, and NEPA Implementing Procedures and Policy for Considering Environmental Impacts (COMDTINST M16475.1D), the description of the affected environment focuses on those conditions and resource areas that are potentially subject to impacts. These resources include water and sediment quality, soils and land use, water resources, socioeconomics, environmental justice, cultural resources, hazardous materials and waste management, biological resources, air quality and climate, noise, and public safety. Because of the size and limited range of impacts associated with the IAS, some environmental resources and conditions that are often analyzed in an EA have been omitted from this analysis. The following paragraphs identify the omitted resource areas and the basis for such exclusions:

- **Air Quality.** Operation of the IAS would not produce any emissions. Additionally, the IAS would use existing MSST vessels and would not require any additional MSST vessel trips. The MSSTs were assessed for air quality in USCG (2003). For these reasons, no significant air quality impacts are anticipated from installation and operation of the IAS. Accordingly, the USCG has omitted detailed examination of air quality.
- **Soils and Land Use.** The Proposed Action would not involve any physical disturbances, earth moving, or construction activities, nor would it involve any actions inconsistent with present and foreseeable land use patterns. Implementation of the Proposed Action would not alter the existing soil or land use at these locations. Accordingly, the USCG has omitted detailed examination of land use.
- **Socioeconomics.** The Proposed Action does not involve any activities that would contribute to changes in socioeconomic resources. The IAS would be operated by the MSSTs. No additional personnel would be required as a result of the Proposed Action. Therefore, there are no significant impacts. Accordingly, the USCG has omitted detailed examination of socioeconomics.
- **Environmental Justice.** Implementation of the Proposed Action would not result in adverse impacts in any environmental resource area that would be expected to disproportionately affect minority and low-income populations. Therefore, there are no significant impacts. Accordingly, the USCG has omitted detailed examination of environmental justice.
- **Cultural Resources.** The Proposed Action does not involve any activities that would impact cultural resources. There would be no ground-disturbing activities; therefore, there would be no impact on archaeological sites. The IAS would be collocated with an MSST. No construction is required. Therefore, no potential visual impacts would occur. The introduction of the IAS would not adversely affect setting or qualities of integrity, or jeopardize a property's eligibility on the National Register of Historic Places (NRHP). Accordingly, the USCG has omitted detailed examination of cultural resources.

- **Hazardous Materials and Hazardous Wastes.** The Proposed Action would involve only minor maintenance and repair work, which would be performed by MSST personnel at the homeport location. The MSST personnel would follow the USCG's procedures as described in the Hazardous Waste Management Manual (COMDTINST M16478.1B), internally known as the "Red Book." This manual is a compilation of standard operating procedures for employees handling hazardous materials and hazardous wastes, asbestos, polychlorinated biphenyls (PCBs), fuel tanks, lead, and biohazardous waste (USCG 1992). Major maintenance and repair work would occur at a commercial facility that would have an appropriate hazardous waste management plan. When not in use, the unit would be stored onshore, and would be cleaned frequently; therefore, corrosion or any other type of fouling would not be an issue. Accordingly, the USCG has omitted detailed examination of hazardous materials and hazardous wastes.
- **Wetlands and Seagrasses.** The Proposed Action would not involve the physical disturbances of wetlands and seagrasses. No construction is required. Therefore, there are no significant impacts. Accordingly, the USCG has omitted detailed examination of wetlands and seagrasses.
- **Airborne Noise.** The IAS employs underwater sonar technology and use of a commercially available diver recall system; therefore deployment of the IAS would have no effect on airborne noise. Accordingly, the USCG has omitted detailed examination of airborne noise.

3.1.2 Region of Influence

This ROI is defined as the area where the IAS would be deployed. The IAS would normally be assigned and maintained with an MSST. The IAS would be used primarily to protect valued vessels, facilities, and infrastructure within ports and waterways of the MSST operating areas or ROIs. The ROIs for each MSST are described in Appendix E and presented in Figure 1-1. Unforeseeable security concerns could require the IAS to protect any port facility in all coastal and inshore areas in which the USCG currently operates, which includes the entire U.S. coastline, the Great Lakes, Hawaii, Alaska, Guam, Puerto Rico, and the U.S. Virgin Islands. As such, seven broad ROIs have been defined based on the jurisdictional regions of NMFS (rather than the USCG districts). However, the most probable location for IAS development within these seven regions is in militarily and economically significant ports. The ROIs are composed of unique environmental, economic, and social characteristics. To address the substantial differences between geographic regions and to maintain the programmatic scope of the analysis, the following ROIs are addressed under each resource area: Northeast ROI (Maine through Virginia), Southeast ROI (North Carolina through Texas and the U.S. Caribbean), Southwest ROI (California), Northwest ROI (Oregon and Washington), Alaska ROI, Pacific Area Islands ROI (Hawaii and U.S. Territories), and the Great Lakes ROI. The ROIs also include the internal continental areas to coincide with the jurisdictional regions of NMFS. The Southeast ROI consists of a large area composed of three marine ecosystems. These ecosystems are U.S. Southeastern Atlantic coast (Southeast Atlantic ecosystem), GOM, and Puerto Rico and U.S. Caribbean coasts (U.S. Caribbean ecosystem). Because these three ecosystems have unique characteristics, they will be discussed separately under the Southeast ROI. Figure 1-1 presents ROIs and USCG districts in which the IAS might reasonably be employed.

Under normal circumstances, the IAS would be deployed to protect high-value vessels and critical port facilities and infrastructure within a given MSST's primary operating area. However, the IAS is transportable and would be deployed, as required, to provide additional protection for specific targets throughout the region. The IAS is not designed or intended for offshore (seaward of the coast) deployment or operation.

The zone of potential effect would be defined as the range in which the SPL of any of the IAS components is above 160 dB re 1 μ Pa at 1 m. This threshold is based on a Level B Marine Mammal

Harassment criterion provided by NMFS during the preparation of the Galveston and San Pedro IAS EAs (Lecky 2005) (see Appendix C). NMFS indicates that marine mammal behavioral changes have been observed when impulse SPLs are greater than 160 dB re 1 μ Pa at 1 m. Note that behavioral responses of marine mammals to acoustic stimuli depend on the species, the context, the properties of the stimuli, and prior exposure of the animal (NRC 2005). An assessment of sound on marine mammals and other living marine resources is presented in Section 4.0. The Proposed Action includes a 200-m safety zone that would be monitored for activity of protected species, including marine mammals and sea turtles. As discussed in Section 4.0 a safety zone extending 200 m from the sound head would encompass the 160 dB isopleths and provide an additional buffer for personnel to react to encroaching living marine resources (see Section 4.3).

3.1.3 Environmental Regulations, Laws, and Executive Orders

A table containing a listing of regulations, laws, and executive orders that might reasonably be expected to apply to the Proposed Action is included in Appendix C. It is not intended to be a complete description of the entire legal framework under which the USCG conducts its missions.

3.2 Water and Sediment Quality

3.2.1 Definition of the Resource

Water quality is defined as the ability of a waterbody to maintain the ecosystems it supports or influences. In the case of coastal and marine environments, water quality is influenced by river drainage (including sediments), and wet (e.g., precipitation) and dry (e.g., dust) atmospheric deposition. The natural aquatic processes of mixing and circulation can either improve the water quality through flushing or contribute to the decline in water quality. Besides these natural inputs, human activities affect water quality through discharges, runoff, burning, dumping, air emissions, and oil or chemical spills.

Clear waters are valued by society and contribute to the maintenance of healthy and productive ecosystems. Water clarity can affect ecosystem health in coastal and estuarine habitats. Submerged aquatic vegetation (SAV) requires sunlight for photosynthesis and is particularly sensitive to reductions in water clarity. Loss of SAV was reported in 12 of the 22 estuaries surveyed in the NOAA National Estuarine Eutrophication Assessment. Water clarity is considered poor if less than 10 percent of surface light reaches 1 meter (USEPA 2001).

Dissolved oxygen (DO) is fundamental for all estuarine life. A threshold of 4 to 5 parts per million (ppm) is used by many states to set their water quality standards. Concentrations below approximately 2 ppm are thought to be stressful to many estuarine organisms (USEPA 2001). Oxygen depletion has been associated with habitat loss, fish kills, and increased frequency of harmful algae blooms (USCG 2002b).

Sediment quality is defined as the ability of sediment to support a healthy benthic population and helps determine the relative biodiversity and ecological health of the aquatic systems. Sediments provide important habitat and food sources for many organisms, and influence the nature of overlying and interstitial waters. Sediments are also important in transporting and storing contaminants. Therefore, sediments are valuable in identifying contamination sources and levels, and in determining contaminant dispersion pathways. Contaminants integrate over time within sediments. As such, sediments provide an indicator of the level of contamination (Birch undated). Human activities affecting sediment quality are the same as those affecting water quality, including discharges, runoff, burning, dumping, air emissions, and oil or chemical spills.

Evaluating the potential effects of contaminated sediments on estuarine organisms is difficult because few applicable state or Federal regulatory criteria exist to determine “acceptable” sediment concentrations of all substances. Guidelines such as effects range low (ERL) and effects range medium (ERM) values provide environmental managers with benchmarks to determine if contaminated sediments have the potential to adversely affect aquatic organisms. The ERM criterion is the concentration of a contaminant that will result in ecological effects approximately 50 percent of the time, based on literature studies. A more protective indicator of contaminant concentrations is the ERL criterion, which is the concentration of a contaminant that will result in ecological effects about 10 percent of the time. A poor rating for sediment quality is given to an estuary if the ERM criteria for one or more contaminants are exceeded or if the ERL criteria for five or more contaminants are exceeded (USEPA 2001).

The data presented in the next section were collected by the U.S. Environmental Protection Agency’s (USEPA) Environmental Monitoring and Assessment Program (EMAP) and are presented in the National Coastal Conditions Report (NCCR) (USEPA 2001).

3.2.2 Affected Environment

Northeast ROI. The Northeast ROI coastal areas represent an extremely important commercial, population, and tourism center for the United States. Including the coastal region from Maine to North Carolina, the northeast waters are used extensively for industrial developments, port facilities, residential and commercial establishments, and recreational activities.

Ecological conditions in the northeastern estuaries are borderline poor according to USEPA’s NCCR (USEPA 2001). Coastal conditions considering water quality are generally considered fair to good in the Northeast ROI. EMAP data show reduced water clarity in 21 percent of estuarine waters in this region. Overall levels of DO in Northeast estuaries are fair, with severe oxygen deficiencies occurring primarily within the Chesapeake Bay and the Potomac River; and isolated occurrences in the Rappahannock River in Virginia, western Long Island Sound, New York, and waters near Providence, Rhode Island (USEPA 2001).

However, NCCR sediment ratings are poor in this region. Sediment samples were analyzed for pesticides, metals, PCBs, and polycyclic aromatic hydrocarbons (PAHs). For metals, ERM was exceeded in 4 percent of the area of estuarine sediments and ERL was exceeded in 41 percent of the area of estuarine sediments. PCBs and PAHs exceeded ERM in 3 percent of the sediments of northeastern estuaries and exceeded ERL in 27 percent of these sediments. Sediments exceeding ERM levels occur throughout the Northeast ROI but tend to be concentrated at the head of the Chesapeake Bay, the lower Hudson River, western Long Island Sound, and the Delaware River (USEPA 2001).

Southeast ROI. The Southeast ROI extends from South Carolina through Texas and the U.S. Caribbean and consists of three marine ecosystems. The U.S. Southeast Atlantic, the GOM, and the U.S. Caribbean and Puerto Rico will be discussed separately. Increasing population pressures in this region will require additional programs to correct existing problems and ensure that indicators that appear to be in fair condition do not worsen (USEPA 2001).

The condition of southeastern coastline estuaries is fair, with evidence of human-induced stress in some areas. The primary problem is wetland loss and sediment contamination; water clarity is considered fair. The presence of debris introduced by humans in surface and bottom waters provides an obvious sign of degradation. Two other indicators of human disturbance are the presence of oil and grease and the presence of noxious odors. All of these contribute to poor water visibility. DO conditions in southeastern coastline waters are generally good. EMAP estimates are that about 2 percent of southeastern waters have low DO (less than 2 ppm) on a continuing basis (USEPA 2001).

Sediments received a fair rating, with high contaminant levels being detected over moderate areas, but with additional low contaminant levels being detected over broader areas (particularly for pesticides and metals). EMAP reported that ERL guidelines were exceeded for all of the major groups of sediment contaminants, albeit at low rates (5 percent of area) for PAHs and PCBs. There were greater ERL exceedances for pesticides (33 percent) and heavy metals (39 percent). Only three contaminants, total dichlorodiphenyltrichloroethane (DDT), arsenic, and nickel, exceeded ERL guidelines by accounting for more than 15 percent of the southeastern coastline water sediments (USEPA 2001).

The waters labeled as the GOM include an area ranging from Florida through Texas. GOM estuaries provide critical feeding, spawning, and nursery habits for an assemblage of fish, wildlife, and plant species. The present, relatively low overall human population density in the area adjacent to the northeastern GOM results in relatively low inputs of nutrients, heavy metals, and organics, although significant sources of trace metals, oil, PAHs, and PCBs have been found in Pensacola Bay, Florida (USCG 2002b).

Ecological conditions in GOM waters are fair to poor. Water clarity in the GOM coastal waters is fair. Estimates of light penetration through the water column indicate that, in 22 percent of the waters, less than 10 percent of surface light penetrates to a depth of 1 meter. DO conditions in the GOM coastal waters are good, except in a few highly eutrophic regions. EMAP estimates for GOM estuaries show that about 4 percent of estuarine bottom waters have low DO on a continuing basis. These areas are largely associated with Chandeleur and Breton Sounds in Louisiana, some shoreline regions of Lake Ponchartrain, northern Florida Bay, Galveston Bay, Mobile Bay, Mississippi Sound, and the Florida panhandle (USEPA 2001).

The condition of GOM coastal waters, as measured by sediment contaminants, is poor. Although sediment contaminant concentrations rarely exceeded ERM guidelines, northern Galveston Bay showed high sediment contaminant concentrations. EMAP reports indicate that ERL guidelines are exceeded for all of the major sediment contaminant groups, with 32 percent of exceedences being for heavy metals (USEPA 2001).

The Wider Caribbean Region (WCR) includes the marine and coastal environments in the GOM, the Caribbean Sea, and parts of the tropical western Atlantic (30 degrees north latitude and within 200 nautical miles of the Atlantic coasts of the states). In this region, there are two general sources of marine pollution, land-based activities and ship-based sources. Pollution from land-based activities, which accounts for at least 75 percent of the pollutant load into WCR waters, is more pervasive than ship-based pollution and represents a larger threat to coral reef environments (although the threat from both sources is similar). Land-based pollution is closely linked to agricultural, forestry, and urban development runoff, which washed excessive amounts of sediments, sewage, and toxic chemicals into the marine environment. Many of these pollutants kill coral. Nutrients also promote the growth of algae, which compete with coral for space on the reef (USCG 2002b).

Water quality on the Puerto Rico coast varies with proximity to pollutant sources. Nearshore waters tend to be adversely affected by onshore activities, while water quality improves farther from the coast (USCG 2002b). In 1967, the Commonwealth of Puerto Rico adopted classifications and quality standards for its coastal waters, identifying waters for different types of contact (e.g., swimming or boating/fishing), and developing standards for each type.

Several regions in the WCR have initiatives to protect surface water quality. In 1993, the International Maritime Organization (IMO) granted "Special Area" status for the WCR under Annex V of the International Convention on Marine Pollution (MARPOL 73/78), which addresses trash (or solid waste)

generated on ships. In 1994, the IMO began the Wider Caribbean Initiative on Ship-Generated Waste to help Caribbean governments ratify and implement MARPOL 73/78 (USCG 2002b).

In 1981, the 37 countries bordering the Caribbean Sea, including the United States, developed an Action Plan for the WCR under the auspices of the United Nations Regional Seas Program. In 1983 and 1999, respectively, the United States signed protocols to combat oil spills and reduce land-based pollution sources and activities; and in 2000, a protocol that the United States signed in 1990 regarding Specially Protected Areas and Wildlife came into force (USCG 2002b).

Southwest ROI. The Pacific Ocean is the world's largest ocean. Except for its extreme southern sections, which are characterized by numerous islands, and the deeply indented Gulf of California, the coastal boundary is relatively regular and the continental shelf is narrow. Oil exploration has led to the construction of oil platforms off the coast of southern California, approximately between Long Beach and Santa Barbara (USCG 2002b). Increasing population pressures require continued environmental awareness to ensure that environmental indicators in fair condition do not worsen.

Ecological conditions in the Southwest ROI are fair, based on the information available from various monitoring efforts. Water clarity in small estuaries in the Southwest ROI is good. DO conditions in small estuaries of the Southwest ROI are good, with DO never measured below 2.0 ppm (USEPA 2001).

Within the larger estuaries, sediment contamination conditions are poor. Within the San Francisco Bay, samples exceeded sediment guidelines for 10 to 35 percent of contaminants. Of sediment quality parameters measured, 39 percent exceeded levels set by sediment quality guidelines. No data are currently available for sediment contamination in small Southwest ROI estuaries (USEPA 2001).

Northwest ROI. The Northwest ROI coastal boundary is a mix of rocky, narrow beaches in the north and wide, sandy beaches and dunes in the south. The Northwest ROI includes Puget Sound, the Strait of Juan de Fuca, the Columbia River Estuary, and other smaller estuaries. Ecological conditions in the Northwest ROI are fair, based on the information available from various monitoring efforts. Water clarity and DO conditions in small estuaries in the Northwest ROI are good. No data exist for water clarity or DO conditions in Puget Sound. Within the larger estuaries, sediment contamination conditions are poor. No data are currently available for sediment contamination in small Southwest ROI estuaries (USEPA 2001).

Pacific Area Islands ROI. In 1991, the Hawaii and Marine Resources Council developed the Hawaii Ocean Resources Management Plan (ORMP), which contains objectives, policies, implementing actions, and recommendations for a comprehensive, integrated ocean policy and management framework. The boundaries addressed by the ORMP are from the coastal zone to the limit of the 200-mile EEZ.

According to the NCCR, some form of pollution or habitat degradation impairs 56 percent of Hawaii's estuarine area. Data reported in 1998, as required under the Clean Water Act Section 305(b), concluded that the primary cause of estuarine impairment in Hawaii is increased concentrations of total suspended solids and nutrients (USCG 2002b).

In order to complete its 1998 Section 305(b) reporting requirement, Guam assessed 14 miles (12 percent) of its 117 miles of ocean shoreline. The results of this study concluded that all 14 miles of assessed waters were impaired for swimming (USCG 2002b).

Alaska ROI. The Alaska ROI covers nearly 3 million square miles of open ocean, rivers, bays, and inlets. It extends from the Canadian border around the Aleutian Chain, above the Arctic Circle, and back to the Canadian border. It includes the Pacific Ocean, the Gulf of Alaska, Cook Inlet, Bristol Bay, the Bering

Sea, the Chukchi Sea, and the Arctic Ocean. Oil tankers transport crude oil, which is pumped overland from the North Slope of Alaska to the port of Valdez, to ports on the western coast of the United States (USCG 2002b).

The Arctic Ocean is the smallest of Earth's oceans. The average depth is only 3,240 feet. Arctic sea-surface temperatures (SSTs), to a depth of 650 feet, are highly variable due to continual freezing and thawing cycles and additions of fresh water from rivers and precipitation. Sea temperatures are colder than air temperatures year round. Gales (winds exceeding 34 knots) occur regularly every 2 to 8 days, with the fewest gales occurring from May through July. Winter and spring gales last an average of 4 to 6 hours (USCG 2002b).

Although the surface area of Alaska's coastal resources is much larger than those of the other 49 states, Alaska has been excluded from many past monitoring studies due to logistical problems. The vast majority of Alaska's coastal resources are presumed to be in relatively pristine condition due to Alaska's size, sparse population, and general remoteness; however, in some more populated or industrial areas, coastal water quality has been impaired. For example, water quality is impaired in coastal areas surrounding port facilities along Prince William Sound, seafood processing facilities in the Aleutian Islands, and cruise ship docking facilities and corridors near Juneau and along the southeastern coastline. The State of Alaska assesses less than 1 percent of its total coastal resources, but 99 percent of these are reportedly impaired for one or more uses (USCG 2002b).

Great Lakes ROI. The Great Lakes ROI includes Lakes Michigan, Huron, Erie, Ontario, and Superior. The open waters of the approximately 290,000 square miles of the Great Lakes are monitored annually by USEPA's Great Lakes Monitoring Program Office (GLMPO) in conjunction with NOAA and the U.S. Geologic Survey (USGS). Probabilistic surveys like those completed for the Northeast, Southeast, and Gulf Coasts do not exist for the Great Lakes region. However, existing monitoring data from long-standing programs have been used to assess the condition of the ecosystem to the extent possible.

Based on available information from various monitoring efforts, ecological conditions in the Great Lakes are borderline poor. Water clarity is good and has increased in all the Great Lakes, except Lake Erie, over the past decade. DO conditions are generally good. However, DO in Lake Erie continues to be a persistent problem. Anoxic conditions (less than 0.5 milligrams per liter) often occur in late August and continue until turnover occurs in the fall.

Sediment is rated poor, with more than 25 percent of sediment found to be enriched or exceeding ERL/ERM guidance. USEPA's Great Lakes National Program Office has determined that polluted sediments remain the largest major source of contaminants to the Great Lakes food chain. Under the Great Lakes Water Quality Agreement, the governments of the United States and Canada have identified 43 Areas of Concern. More than 20 percent of the shoreline is considered impaired because of sediment contamination. PCBs, mercury, chlordane, dioxin, and mirex are the primary pollutants.

3.3 Noise

3.3.1 Definition of the Resource

Webster's dictionary defines noise as "sound or a sound that is loud, disagreeable, or unwanted." However, the definition of noise is highly subjective. To some people the roar of an engine is satisfying or thrilling; to others it is an annoyance. Loud music might be enjoyable, depending on the listener and the circumstances. While no absolute standards define the threshold of "significant adverse impact," there are common precepts about what constitutes adverse noise in certain settings, based on empirical studies. Noise is "adverse" in the degree to which it interferes with activities (such as speech, sleep, and

listening to the radio and television) and the degree to which human health might be impaired. Noise can also cause “adverse impacts” on marine mammals, depending on the type of noise and duration. Noise can result in stressful situations that disrupt sleep, reproduction, feeding habits, and communication in marine mammals.

This section defines noise standards and methodology; discusses the impacts of noise on humans and marine organisms; and describes the existing ambient sound level in the ROI. To understand the impact of noise on humans and marine organisms it is necessary to understand the properties of noise in air and water and the existing ambient noise levels in the ROI.

A primary component of noise is wave amplitude or loudness, which is typically measured in dB. A dB is the ratio between a measured pressure (with sound) and a reference pressure (without sound). It is a logarithmic unit that accounts for large variations in amplitude; therefore, relatively small changes in dB ratings correspond to significant changes in sound. The ambient sound level of a region is defined by the total noise generated, including sounds from both natural and artificial sources. The magnitude and frequency of environmental noise can vary considerably over the course of the day and throughout the week, due in part to changing weather conditions.

Waterborne Noise

The Proposed Action involves introduction of sound in the water through the use of active, high-frequency sonar and a commercially available diver recall system. Because of the differences in reference standards, noise levels cited for air do not equal underwater levels. The reference pressure used for underwater noise measurements is 1 μPa at 1 m, which is lower than that used for airborne sound measurements. In addition, underwater noise measurements typically do not have any frequency weighting applied (i.e., A-weighted or C-weighted), while airborne noise is often measured using one of several frequency weighting scales. In many cases, underwater noise levels are reported only for limited frequency bands, while airborne noise is usually reported as an integrated value over a very wide range of frequencies. To compare noise levels in water to noise levels in air, one must subtract 61.5 dB from the noise level referenced in water in order to account for the difference in reference pressure (USN undated).

Because the mechanical properties of water differ from those of air, sound travels faster through water (1,500 meters per second [m/s]) than air (about 340 m/s) (USCG and MARAD 2003). Temperature also affects the speed of sound, which travels faster in warm water than in cold water. Since the wavelength of a sound equals the speed of sound divided by the frequency of the wave (measured in Hertz [Hz]), lower frequency sounds have longer wavelengths than higher frequency sounds. For example, a 20-Hz sound wave is 75 meters long in the water, but only 17 meters long in the air (USCG and MARAD 2003). In sea water, the rate at which sound is absorbed is proportional to the square of sound frequency; therefore, high-frequency sounds are absorbed quickly and don't travel as far through the water as low-frequency sounds.

Regulatory Framework for Waterborne Noise

Navy regulations prohibit divers without a wet suit hood from working where the SPL exceeds 200 dB re 1 μPa at 1 m. With a wet suit hood, levels up to 215 dB can be tolerated, but levels this high are not likely given the IAS operational characteristics.

Human Response to Noise

Human response to noise varies according to the type and characteristics of the noise, the distance between the source and the receptor, receptor sensitivity, and time of day. Human hearing varies in

sensitivity for different sound frequencies. The ear is most sensitive to sound frequencies between 800 and 8,000 Hz and is least sensitive to sound frequencies below 400 Hz or above 12,500 Hz. Several frequency-weighting metrics have been developed using different dB adjustment values. The most commonly used dB weighting schemes are the A-weighted and C-weighted scales, as described above. Based on the properties of sound in water, a human is less sensitive to noises underwater because they sound 61.5 dB lower than they would as airborne noises.

Marine Organism Response to Noise

Increasing attention is being paid to the impacts of anthropogenic (human-generated) noise sources on marine organisms, especially those associated with the military, as these sources tend to be much louder and can be widespread (ONR 2000, Richardson et al. 1995). Both above-water (e.g., helicopters) and underwater (e.g., vessels) noise is recognized as a disturbance to marine mammals and sea turtles. Individual responses of marine organisms to noise are discussed in more detail in Section 4.2.2.

3.3.2 Affected Environment

Waterborne Noise

Anthropogenic noise sources in the ROIs include the operation of oil and gas platforms and drilling rigs, seismic exploration, shipping and recreational boating, dredging, shoreline construction (bulkheads, revetments, docks, and pile-driving), urban and industrial development, helicopters, and sonars. Noise generated from these activities can be generated through water or air, and might be stationary or transient. The intensity and frequency of the noise emissions are highly variable, both between and among industry sources. In general, the frequencies of anthropogenic sounds are below 1 kHz.

Shipping is a major contribution to underwater noise and ranges in frequency from 0.005 to 0.5 kHz (NRC 2003). SPLs for various types of ships are presented in Table 3-1. The noise due to recreational boating is not quantified.

Seismic exploration uses low-frequency energy waves to map layers and features below the ocean floor. It also can be used to measure foundation stability, detect groundwater, locate mineral deposits, and search for oil and gas. Recently it has been estimated that a typical 240-dB seismic array would have a 180 dB re 1 μ Pa at 1 m level at approximately 225 m from the array (NRC 2000).

Table 3-1. Underwater Sound Pressure Levels for Various Vessels

Vessel (length) and Description	Frequency	Source Level (dB re 1 μPa at 1m)
Outboard drive – 23 feet (2 engines, 80 horsepower each)	630, 1/3 octave	156
Twin Diesel – 112 feet	630, 1/3 octave	159
Small Supply Ships – 180 to 279 feet	1,000, 1/3 octave	125–135 (at 50 meters)
Freighter – 443 feet	41, 1/3 octave	172

Source: Richardson et al. 1995

Note: These underwater sound pressure levels cannot be directly compared to airborne decibel levels.

Underwater noise from fixed structures such as drilling rigs and platforms ranges in intensity from 20 to 40 dB above background levels and ranges in frequency from 0.03 to 0.3 kHz (USCG and MARAD 2003).

Helicopters generate below-water sounds with frequencies generally below 0.5 kHz (USCG and MARAD 2003). The sounds are usually transient.

3.4 Biological Resources

3.4.1 Definition of the Resource

Biological resources include native or naturalized plants and animals, and the habitats (e.g., wetlands, forests, and grasslands) in which they exist. Sensitive and protected biological resources include plant and animal species listed as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS), NMFS, or a state regulatory agency; or otherwise protected under Federal or state laws. Determining which species and habitats occur in an area affected by a proposed action was accomplished through literature reviews and coordination with appropriate Federal and state regulatory agency representatives, resource managers, and other knowledgeable experts.

Protected and Sensitive Habitats

Protected and sensitive habitats are usually defined as those regions that are identified as marine sanctuaries, critical habitats, fisheries management areas, coral reefs, national parks, wildlife refuges, estuarine research reserve sites, and biosphere reserves within the areas that the IAS would potentially operate. These regions and areas can be under Federal, state, and, in some cases, local or international jurisdictions.

Marine Mammals and Sea Turtles

Protection of marine protected species, such as mammals, sea turtles, or other threatened or endangered marine species, is an important USCG mission. Biotic and environmental factors, as well as human impacts, could influence the distribution of marine mammals and sea turtles. Biotic factors include prey distribution and abundance, competition for prey, reproduction, natural mortality, catastrophic events (e.g., die-offs), and predation. Environmental factors include chemical, climatic, or physical (i.e., those relating to the characteristics of a location) conditions. Human impacts include noise, hunting pressure, pollution, oil spills, habitat loss and degradation, shipping traffic, recreational and commercial fishing, oil and gas development and production, and seismic exploration. The interrelationship between environmental and biotic factors and human impacts can affect the location and temporal distribution of prey species. This, in turn, influences diversity, abundance, and distribution of marine mammals and sea turtles.

The USCG plays an important role in protecting marine mammals and sea turtles because it enforces all U.S. laws within the EEZ. Several of these laws protect marine species, including the ESA, the Marine Mammal Protection Act (MMPA), the National Marine Sanctuaries Act (NMSA), a number of maritime Executive Orders (EOs), and various Federal and international laws. COMDTINSTs include a number of USCG policies, directions, and procedures that establish specific rules to ensure that impacts on marine mammals and sea turtles are avoided whenever possible. The USCG's Ocean Steward and Ocean Guardian initiatives, Atlantic Protected Living Marine Resources Initiative (APLMRI) (where applicable), and guidance regarding vessel speed also support these goals (USCG 2002a). Additionally, the Ocean Steward initiative protects marine mammals from being harassed by nearby or repetitively approaching vessels.

The ESA of 1973 (16 United States Code [U.S.C.] 1531–1534), administered by USFWS and NMFS, mandates the protection and conservation of threatened and endangered species and the ecosystems upon which they depend. Under the ESA, an “endangered species” is defined as any species in danger of extinction throughout all or a significant portion of its range. A “threatened species” is defined as any species likely to become an endangered species in the foreseeable future. Section 7 of the ESA requires that all Federal agencies consult with the USFWS or NMFS, as applicable, before initiating any action that could affect a listed species. Section 7 of the ESA states that any project authorized, funded, or conducted by any Federal agency should not “...jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined to be critical.” As discussed in Section 4.0 no significant adverse impacts on threatened or endangered species managed under the USFWS including matinees, birds, or fish are expected.

In addition to listing named species and subspecies, the ESA also allows listing of “distinct population segments” of these species. NMFS’ policy stipulates that a salmon population will be considered “distinct” for purposes of the ESA if it represents an Evolutionary Significant Unit (ESU) of the biological species. To qualify as an ESU, a population (or group of populations) must be (a) reproductively isolated from populations of the same species, and (b) represent an important component in the evolutionary legacy of the species.

Under the MMPA of 1972 (16 U.S.C., 1361 et seq.), takes of marine mammals are prohibited unless a specific exception applies, regardless of whether or not they are listed under the ESA. The Secretary of Commerce is responsible for the protection of all cetaceans (whales, porpoises, and dolphins) and pinnipeds (seals and sea lions), except walruses, and has delegated authority for implementing the MMPA to NMFS. The Secretary of the Interior is responsible for walruses, polar bears, sea otters, manatees, and dugongs, and has delegated the responsibility of marine mammal conservation and protection to the USFWS. These responsibilities include providing oversight and advice to regulatory agencies on all Federal actions that might affect these species.

The MMPA prohibits the “take” of marine mammals, with certain exceptions, in waters under U.S. jurisdiction and by U.S. citizens on the high seas. Under Section 3 of the MMPA, “take” of marine mammals is defined as “harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.” “Harassment” for nonmilitary readiness activities is further defined as any act of pursuit, torment, or annoyance that has the potential to injure marine mammal stock in the wild, or that has the potential to disturb a marine mammal or marine mammal stock in the wild by disrupting behavioral patterns, including migration, breathing, nursing, breeding, feeding, and sheltering. In cases where U.S. citizens are engaged in activities (other than fishing) that result in “unavoidable,” incidental take of marine mammals, the Secretary of Commerce can issue a “small take authorization.” The authorization can be issued, after public notice and opportunity for public comment, if the Secretary of Commerce finds negligible impacts.

Fish

Under their Living Marine Resource Protection mission, the USCG protects, conserves, and manages fisheries resources by enforcing domestic fisheries laws and ensuring the development of practical enforcement plans. Laws pertaining to fish and fisheries management that the USCG enforces include

- Magnuson-Stevens Fisheries Conservation and Management Act (MSA) (16 U.S.C. 1801 et seq.)
- Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.)

- Atlantic Tunas Convention (16 U.S.C. 971, et seq.)
- Tunas Convention Act of 1950 (16 U.S.C. 951, et seq.)
- Atlantic Salmon Convention Act (16 U.S.C. 3601, et seq.)
- North Atlantic Salmon Fishing Program (16 U.S.C. 3607)
- Northwest Atlantic Fisheries Convention (16 U.S.C. 5606)
- Antarctic Conservation Act (16 U.S.C. 2401, et seq.)
- High Seas Fishing Compliance (16 U.S.C. 5504)
- Pacific Salmon Fishing Program (16 U.S.C. 3637)

Additionally, the Ocean Guardian initiative includes the Fisheries Enforcement Strategic Plan to support national goals for fisheries resource management and conservation.

Pursuant to Section 303(a)(7) of the MSA, regional fishery management councils must identify EFH used by all life history stages of each managed species in fishery management plans (FMPs). EFH is defined as habitats that are necessary to the species for spawning, breeding, feeding, or growth to maturity. EFH that is judged to be particularly important to the long-term productivity of populations of one or more managed species, or to be particularly vulnerable to degradation, should be identified as habitat areas of particular concern (HAPC) to help provide additional focus for conservation efforts. Pursuant to Section 305(b)(2) of the MSA, Federal agencies shall consult with NMFS regarding any action federally authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that might adversely affect EFH.

Coastal and Other Birds

The waters and adjacent coastal landforms of the northern GOM are inhabited by a diverse assemblage of resident and migratory birds (Clapp et al. 1982). There are four groups of coastal and marine birds that inhabit these areas: seabirds, shorebirds, marsh and wading birds, and waterfowl (MMS 2001). Discussion of these birds is limited to those species that might occur within coastal margins and nearshore areas of each ROI.

In enforcing the ESA, the USCG also protects endangered and threatened bird species. The USCG must also comply with the Migratory Bird Treaty Act and EO 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*.

3.4.2 Affected Environment

Protected and Sensitive Habitats

The Federal and territorial protected and sensitive habitats that occur in the individual ROIs (where the IAS would potentially operate) are presented in Appendix G, Tables G-1 through G-9. Note that because the IAS is not intended to operate offshore and because it would be used to protect designated high-value vessels and critical port facilities and infrastructure. Appendix G, Tables G-1 through G-9 list all of the protected and sensitive habitats that might fall within the typical operating area of the IAS.

Northeast ROI. There are 6 federally protected and sensitive habitats Northeast ROI, including 2 right whale critical habitats and 4 national estuarine research reserves (NERRs) (Appendix G, Table G-1) (DOC and DOI 2004).

Southeast ROI. There are 10 Federal and territorial protected and sensitive habitats in the Southeast ROI. These are within three primary ecological regions: the Southeast Atlantic, the GOM, and the U.S. Caribbean and Puerto Rico. The protected and sensitive habitats that occur in each of these ecosystems are presented in Appendix G, Tables G-2 through G-4. The Southeast Atlantic ecosystem contains 4 protected and sensitive habitats: West Indian manatee critical habitat, right whale critical habitat, 1 NERR, and 1 national marine sanctuary (NMS) (Appendix G, Table G-2). The GOM ecosystem contains 3 protected and sensitive habitats: 1 biosphere reserve, West Indian manatee critical habitat, and GOM sturgeon critical habitat (Appendix G, Table G-3). The U.S. Caribbean and Puerto Rico ecosystem contains 3 protected and sensitive habitats: green sea turtle critical habitat, leatherback sea turtle critical habitat, and hawksbill sea turtle critical habitat (Appendix G, Table G-4) (DOC and DOI 2004).

Southwest ROI. There are 7 protected and sensitive habitats in the Southwest ROI: 2 biosphere reserves, tidewater goby critical habitat, Steller sea lion critical habitat, 2 salmon ESU critical habitats, and 1 fishery management zone (Appendix G, Table G-5) (DOC and DOI 2004).

Northwest ROI. There are 5 protected and sensitive habitats in the Northwest ROI, including Steller sea lion critical habitat, 3 salmon ESU critical habitats, and 1 fishery management zone (Appendix G, Table G-6) (DOC and DOI 2004).

Pacific Area Islands ROI. The Pacific Area Islands ROI is composed of Hawaii, Guam, American Samoa, and the CNMI. There are 9 Federal and territorial protected and sensitive habitats in the Pacific Area Islands ROI: Hawaiian monk seal critical habitat, 5 fishery management zones, 2 marine sanctuaries, and 1 national park (Appendix G, Table G-7) (DOC and DOI 2004).

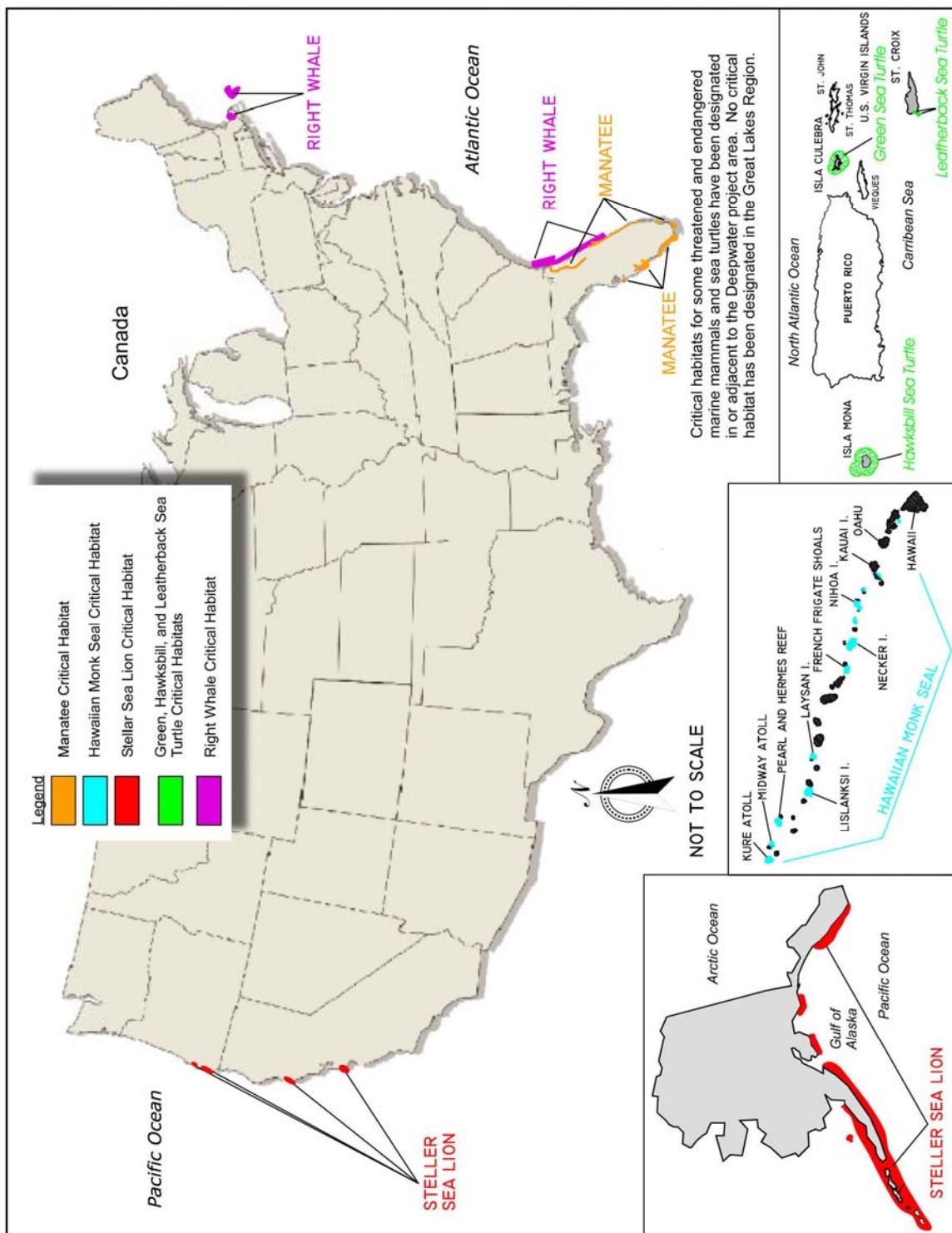
Alaska ROI. There are 6 federally protected and sensitive habitats in the Alaska ROI: 1 biosphere reserve, Steller sea lion critical habitat, and 4 Stellar sea lion protection areas (in review) (Appendix G, Table G-8) (DOC and DOI 2004).

Great Lakes ROI. There is 1 federally protected and sensitive habitat in the Great Lakes ROI. This is the Thunder Bay NMS (Appendix G, Table G-9) (DOC and DOI 2004).

Marine Mammals

Marine mammals that might occur within the ROIs are presented in Appendix G, Table G-10 through G-17. Specific marine mammals that occur in each ROI are discussed below. Figure 3-1 presents critical habitat for marine mammals within each ROI.

Northeast ROI. Marine mammals that occur in the coastal and inshore waters of the Northeast ROI are presented in Appendix G, Table G-10. These include three species of pinnipeds (seals) and eight species of cetaceans (whales and dolphins). Three of these cetacean species are federally listed as endangered: the Northern Atlantic right whale (*Eubalaena glacialis*), the humpback whale (*Megaptera novaeangliae*), and the fin whale (*Balaenoptera physalus*) (USCG 2002a). Critical habitat for the right whale is designated within this ROI in portions of Cape Cod Bay, Stellwagen Bank, and the Great South Channel off the coast of Massachusetts (59 Federal Register [FR] 28793).



Source: USCG 2002b

Figure 3-1. Critical Habitat of Marine Mammals and Sea Turtles within Each ROI

Southeast ROI. Marine mammals that can occur in the Southeast ROI (Southeast Atlantic, GOM, and U.S. Caribbean and Puerto Rico ecosystems) are presented in Appendix G, Tables G-11 through G-13. Marine mammal distribution and abundance varies within the three ecosystems that compose the Southeast ROI. Generally, pinnipeds are not expected to occur in these waters; however, various species of toothed and baleen whales, as well as the West Indian manatee, do inhabit the region. Additionally, several species of whales (e.g., the humpback and right whales) migrate from the Northeast ROI southward through the different ecosystems of the Southeast ROI.

Five species of marine mammals are expected to occur in the Southeast Atlantic ecosystem (Appendix G, Table G-10). Three of these species are listed as endangered: the humpback whale, right whale, and West Indian manatee (*Trichechus manatus*) (Table G-11) (USCG 2002b). Critical habitat for the right whale is designated within the ROI from the shoreline between the mouth of the Altamaha River, Georgia, to the Sebastian River Inlet, Florida, seaward to 15 nautical miles (59 FR 28793). Critical habitat for the West Indian manatee is designated within several watersheds along the east coast of Florida (42 FR 47840–47845).

While the GOM supports a diverse population of marine mammals, only two marine mammal species are expected to occur in the ROI, the bottlenose dolphin and the West Indian manatee (Appendix G, Table G-12). The remaining GOM marine mammal species are considered either extralimital (strays) or rare, or are expected to occur in the deeper waters of the continental shelf or the continental slope (Wursig et al. 2000). Critical habitat for the West Indian manatee is designated within several watersheds along the west coast of Florida (42 FR 47840–47845).

In a letter dated April 15, 2004, NMFS' Southeast Regional Office indicated that the establishment and operation of the IAS in the Galveston Bay and Galveston Channel in Texas would not adversely affect any threatened and endangered species, including sea turtles, under the purview of NMFS. This letter can be found in Appendix C.

The West Indian manatee is under the jurisdiction of the USFWS. The manatee inhabits both salt and fresh water in depths of at least 1.5 meters, but usually less than 6 meters throughout their range. They might be encountered in canals, rivers, estuarine habitats, and saltwater bays, and, on occasion, have been observed off the Florida Gulf coast. Between October and April, manatees concentrate in areas of warmer water in southern Florida or form large aggregations in natural springs and industrial outfalls. Severe cold fronts have been known to kill manatees without access to warmwater refuges. During warmer months manatee distribution is associated with prey availability, water depth, and proximity to fresh water. Manatees might not need fresh water, but they are frequently observed drinking fresh water from hoses, sewage outfalls, and culverts (USFWS 1993).

Less is known about the biology, natural history, and distribution of marine mammals in the U.S. Caribbean and Puerto Rico ecosystem (USCG 2002b). The species that might occur within the ROI include the humpback whale, bottlenose dolphin, and West Indian manatee (Appendix G, Table G-13). Humpback and sperm whales have been documented in the Turks and Caicos island areas, as well as in the Bahamas and Bermuda (USCG 2002b). There is no evidence of any periodicity in manatee habitat use in Puerto Rico.

Southwest ROI. Eighteen species of marine mammals inhabit the coastal and inshore waters of the U.S. Continental Pacific Coast and might occur in the Southwest ROI (Appendix G, Table G-14). Of these, one species is listed as endangered (humpback whales) and two are listed as threatened (Steller sea lion [*Eumetopias jubatus*] and southern sea otter [*Enhydra lutris*]). In California, Steller sea lion critical habitat is designated as major rookeries and their associated air and aquatic zones (Figure 3-1). The air

zones extend 3,000 feet above rookery areas historically occupied by sea lions, and aquatic zones extend 3,000 feet seaward from these areas (58 FR 45269–45285).

A letter from NMFS, dated March 30, 2004, indicates that the only threatened species of marine mammal that could be affected by the Proposed Action in the Southwest ROI is the Steller sea lion. This letter is included in Appendix C. Steller sea lions live around the North Pacific Ocean rim, from Japan through the Aleutian Islands and Bering Sea, along Alaska's east coast south to California (NMFS 1992). Steller sea lions consist of two distinct populations separated at 144 degrees ($^{\circ}$) west longitude (near Cape Suckling, just east of Prince William Sound, Alaska). NMFS listed the Steller sea lion as threatened rangewide under the ESA in April 1990. The decline has continued for the western population in Alaska, which was declared endangered in 1997. The eastern population remains listed as threatened. Steller sea lions are known to congregate in terrestrial areas to breed (rookeries) during the spring and summer months. Rookeries usually occur on beaches on remote islands. Haulouts are terrestrial areas where Steller sea lions congregate at times other than breeding season (fall and winter months); less is known about their distribution during these months. Steller sea lions occur from nearshore waters out to the edge of the continental shelf. Steller sea lions usually only enter rivers in pursuit of prey (NMFS 1992).

Northwest ROI. Sixteen species of marine mammals inhabit the coastal and inshore waters of the Northwest ROI (Appendix G, Table G-15). Of these, two species are listed as endangered (humpback whales) and the Eastern North Pacific Stock of killer whales. Additionally, the Steller sea lion is listed as threatened. In Oregon, Stellar sea lion critical habitat is designated as major rookeries and their associated air and aquatic zones (Figure 3-1). The air zones extend 3,000 feet (0.9 kilometers) above rookery areas historically occupied by sea lions, and aquatic zones extend 3,000 feet seaward from these areas (58 FR 45269–45285).

A letter from NMFS, dated March 30, 2004, indicates that the only threatened species of marine mammal in the Northwest ROI that could be affected by the Proposed Action is the Steller sea lion (Appendix C). The habitat tropes associated with the Steller sea lion are described above.

Pacific Area Islands ROI. Five marine mammal species might inhabit the Pacific Area Islands ROI, including one endangered whale (humpback whales) and the endangered Hawaiian monk seal (USCG 2002b) (Appendix G, Table G-16). Humpback whales are one of the most abundant marine mammals and the Hawaiian Islands are an important breeding ground. Critical habitat for the Hawaiian monk seal is designated within this ROI and is defined as all beach areas, sand spits, and islets (including all beach crest vegetation to its deepest extent inland), lagoon waters, inner reef waters, and ocean waters out to a depth of 20 fathoms around Kure Atoll, Midway Islands (except Sand Island and its harbor), Pearl and Hermes Reefs, Lisianski Island, Laysan Island, Maro Reef, Gardner Pinnacles, French Frigate Shoals, Necker Island, and Nihoa Island (53 FR 18998).

Marine mammal distributions and abundances in the waters of Guam are poorly documented, but there are documented accounts of pilot whales (*Globicephala macrorhynchus*), sperm whales (*Physeter macrocephalus*), dwarf sperm whales (*Kogia simus*), and various tropical dolphin species in Guam waters. Most likely, the waters are visited by several of the species that inhabit Hawaiian waters, but these species would be somewhat transient in this region (USCG 2002b).

A letter from NMFS, dated March 30, 2004, indicates that the only endangered species of marine mammal in the Pacific Area Islands ROI that could be affected by the Proposed Action is the Hawaiian monk seal (Appendix C). The Hawaiian monk seal occurs throughout the northern Hawaiian Islands, specifically on Kure Atoll, Midway Islands, Pearl and Hermes Reefs, Lisianski Island, Laysan Island, French Frigate Shoals, Necker Island, and Nihoa Island. Monk seals are less frequently observed at Gardner Pinnacles and Maro Reef and are infrequently observed at the main Hawaiian Islands. Hawaiian

monk seals typically use sandy beaches as haulout areas for pupping, nursing, and resting. Hard beach areas and exposed reefs are also used. The inner reef waters adjacent to the islands are critical to weaned pups learning to feed. Submerged land and sea mounts are important feeding grounds for Hawaiian monk seals (NMFS 1983).

Alaska ROI. Sixteen species of marine mammals might inhabit the inshore waters of the Alaska ROI: 4 species of pinnipeds, 11 species of cetaceans, and 1 species of otter (Appendix G, Table G-17). Five of these species are listed as endangered (the bowhead [*Balaena mysticetus*], humpback, fin, and blue whales; and the Steller sea lion) and one is listed as threatened (southern sea otter). The northernmost major breeding ground for Steller sea lions is in the Bering Sea on Walrus Island (in the Pribilof Islands), and the northernmost major haulout is on Hall Island (off the northwestern tip of St. Matthew Island). Critical habitat for Steller sea lion is designated within this ROI and is defined as major rookeries; haulouts; and associated terrestrial, air, and aquatic zones (Figure 3-1). There are also three special aquatic foraging areas that are designated as critical habitat for the Steller sea lion: Shelikof Strait (in the Gulf of Alaska), Bogoslof Island area and Seguam Pass (in the Bering Strait), and the Aleutian Islands area (58 FR 45269–45285) (Figure 3-1).

A letter from NMFS, dated March 30, 2004, indicates that the only endangered species of marine mammal in the Alaska ROI that could be affected by the Proposed Action is the Steller sea lion (Appendix C). The population of Steller sea lions west of 144° west longitude (population that occurs in the Alaska ROI) is listed as endangered. During the fall and winter in Alaska, sea lions might occur at rookeries and haulouts that are used during the summer. They are also seen near sea ice and islands in the northern Bering Sea (NMFS 1992).

Great Lakes ROI. No marine mammals occur within the Great Lakes.

Sea Turtles

All sea turtles are protected under the ESA. The sea turtles that might occur within the ROIs are all protected under the ESA and are presented in Appendix G, Table G-18. Figure 3-1 presents critical habitat for sea turtles within each ROI. Specific sea turtles that occur in each ROI are discussed below. A letter from NMFS, dated March 30, 2004, indicates that all sea turtles occurring in each ROI could be affected by the Proposed Action (Appendix C). This letter was sent by NMFS Headquarters prior to reviewing the PEA and without reviewing the EA for the establishment and operation of the IAS in Galveston, Texas. However, after reviewing the EA for the establishment and operation of the IAS in Galveston, Texas, NMFS' Southeast Regional Office sent a letter, dated April 15, 2004, indicating that the frequency ranges of the land-based and vessel-based sonars are highly unlikely to be audible, but that the frequency range of the underwater loud hailer "...does have the potential to result in effects to sea turtles such as stress, rapid swimming, and avoidance of the area. Such effects could potentially disrupt important behaviors such as feeding or breeding; however, the use of the underwater loud hailer is expected to be rare. The loud hailer would only be used under suspicion of potential threats to alert swimmers. Therefore, impacts to sea turtles would not be expected under normal operation of the IAS and are so low as to be considered discountable." This letter can be found in Appendix C.

Northeast ROI. Four species of federally threatened and endangered sea turtles occur seasonally in the nearshore waters of the U.S. Atlantic and have the potential to occur in the Northeast ROI. These are the loggerhead sea turtle (*Caretta caretta*) (threatened), Kemp's ridley sea turtle (*Lepidochelys kempii*) (endangered), green sea turtle (*Chelonia mydas*) (endangered), and leatherback sea turtle (*Dermochelys coriacea*) (endangered) (Koyama 2003) (Appendix G, Table G-18).

Sea turtles are normally found in tropical and subtropical waters but have occasionally been sighted in the colder waters in the U.S. North Atlantic. All sea turtle species occurring in the U.S. North Atlantic are reported to nest on beaches in the southeastern United States. Generally, sea turtles migrate to U.S. North Atlantic waters in early summer (typically when water temperatures reach 11 degrees Celsius [°C]) and return south when the water temperature decreases around October to November (Koyama 2003).

Southeast ROI. Six species of sea turtles might occur in the Southeast ROI (Appendix G, Table G-18). The five most common sea turtle species known to inhabit this ROI are the green, loggerhead, Kemp's ridley, leatherback, and hawksbill (*Eretmochelys imbricata*). The olive ridley (*Lepidochelys olivacea*) can also occur in this ROI. The hawksbill, Kemp's ridley, and leatherback are federally listed as endangered; the loggerhead, green, and olive ridley are federally listed as threatened. Two exceptions are the breeding populations of green sea turtles in Florida and the Pacific coast of Mexico, which are also listed as endangered.

Three sea turtle critical habitats are designated within this ROI. Critical habitat for the green sea turtle is designated in waters extending seaward 3 nautical miles from the mean high water line of the Culebra Islands in Puerto Rico. Critical habitat for the hawksbill sea turtle is designated in waters extending seaward 3 nautical miles from the mean high water line of Isla Mona and Monito Island, Puerto Rico. Critical habitat for the leatherback is designated off Sandy Point on St. Croix Island in the Caribbean and around southwest Cape Point (Figure 3-1). Leatherback, green, and hawksbill sea turtles nest throughout the U.S. Virgin Islands, and green and hawksbill sea turtles are commonly found feeding in the coastal waters of the U.S. Virgin Islands.

With the exception of the olive ridley, all U.S. sea turtle species are reported to nest on beaches in the southeastern United States, but only the loggerhead and green sea turtles do so in substantial numbers. Reports of green sea turtles nesting along the Gulf coast are infrequent, and the closest important nesting groups are along the east coast of Florida. Loggerheads nest primarily along the Florida panhandle, although some nesting also has been reported from Texas to Alabama.

Southwest ROI. Four species of sea turtles inhabit the Southwest ROI. These are the green (threatened and endangered), leatherback (endangered), loggerhead (threatened), and olive ridley (threatened) sea turtles (Appendix G, Table G-18).

Two distinct subspecies of the green sea turtle occur in the eastern Pacific: the black turtle (*C. m. agassizii*), which ranges from Baja California south to Peru and west to the Galapagos Islands; and the dominant green sea turtle (*C. m. mydas*), which occurs throughout the rest of the range (NMFS 2000a). Since both subspecies can be found in the ROI, they will be treated as one species and referred to as “green turtles” for the purposes of this PEA (NMFS 2000a). Green turtles are listed as threatened, except for breeding populations found in Florida and the Pacific coast of Mexico, which are listed as endangered. The primary green sea turtle nesting grounds in the eastern Pacific are located in Michoacán, Mexico; and the Galapagos Islands, Ecuador (NMFS and USFWS 1998a).

Leatherback turtles have the most extensive range of any living reptile and have been reported circumglobally from 71° north to 42° south latitude in the Pacific and in all other major oceans (NMFS and USFWS 1998b). Leatherbacks are highly migratory and can be found along continental margins, in archipelagic waters, and exploiting convergence zones and upwelling areas in the open ocean. Migratory routes of leatherbacks originating from eastern and western Pacific nesting beaches are not entirely known. Research indicates that Pacific leatherback stock structure (natal origins) varies by region. The eastern Pacific region has been shown to be a critical migratory route for female leatherbacks that nest on Mexiquillo Beach, Mexico. The high density of leatherback sightings in and around Monterey, California, in August and on the Pacific coast of Mexico from October through January suggests that the

turtles might migrate southward along the U.S. coastline to Mexican nesting beaches. However, genetic analyses of leatherbacks that have been stranded and taken by fisheries off Oregon and California indicate that some originate from the western Pacific nesting beaches (NMFS 2000a).

In the Pacific Ocean, major loggerhead nesting grounds are generally found in temperate and subtropical regions (with scattered nesting in the tropics) and are restricted to the western and southern region (primarily Japan and Australia). To date, there have been no reported loggerhead nesting sites in the eastern or central Pacific (NMFS 2000a). Upon reaching maturity, adult females migrate long distances from resident foraging grounds to their preferred nesting beaches. The loggerhead transition from hatchling to juvenile likely involves trans-Pacific movement. Juvenile Pacific loggerheads are expected to follow a migration similar to Atlantic loggerheads, being passively transported by currents (with flotsam such as driftlines) before taking up residence in developmental habitats in coastal waters (NMFS 2000a).

Olive ridley sea turtles lead a primarily pelagic existence, migrating throughout the Pacific, from their nesting grounds in Mexico and Central America to the North Pacific (NMFS 2000a). Little is known of their oceanic distribution and critical foraging areas. The species appears to forage throughout the eastern tropical Pacific Ocean, often in large groups. Evidence indicates that young turtles move off shore and occupy flotsam in areas of current convergence for food and shelter. When large enough, they recruit to the benthic feeding grounds of adults. Two months prior to nesting season, olive ridleys begin to aggregate near nesting beaches. Most mating is generally assumed to occur in the vicinity of the nesting beaches, although copulating pairs have been reported more than 100 kilometers from the nearest nesting beach. In the eastern Pacific, nesting occurs all along the Mexican and Central American coast, with large nesting aggregations occurring at a few select beaches in Mexico and Costa Rica (NMFS 2000a).

Northwest ROI. Two species of sea turtles inhabit the Northwest ROI: the leatherback (endangered) and the loggerhead (threatened) sea turtles (Appendix G, Table G-18).

Pacific Area Islands ROI. Five species of sea turtles inhabit the waters surrounding the Hawaiian Islands within the Pacific Area Islands ROI: the green, loggerhead, leatherback, hawksbill, and olive ridley. About 450 to 475 green sea turtles nest annually on Hawaiian beaches, making them the most abundant sea turtle in the region, and adult leatherbacks are commonly sighted near the Hawaiian archipelago. Hawksbill sea turtles are considered uncommon in Hawaiian waters, but a small number do nest on Hawaii and Molokai each year. Most records of olive ridley sea turtles are from entanglements and strandings (USCG 2002b).

Sea turtle distribution and abundance in the waters around Guam are poorly documented; however, there are documented accounts of green sea turtles in the region. Available evidence indicates that the waters are transiently visited by several of the species that inhabit Hawaiian waters (USCG 2002b).

Alaska ROI. The endangered leatherback turtle inhabits the Alaska ROI and has been found in the Bering Sea, along the coast of Russia (USCG 2002b).

Great Lakes ROI. No sea turtles occur within the Great Lakes ROI.

Fish

The commercially managed fish species that have EFH within the ROIs are presented in Appendix G, Table G-19. Fish species that occur in each ROI are discussed below.

Northeast ROI. The New England Fishery Management Council (NEFMC), the Mid-Atlantic Fishery Council (MAFMC), Atlantic States Marine Fisheries Commission (ASMFC), and NMFS Northeast Regional Office manage commercial and recreational fisheries in the Northeast Waters ROI. In 2002, commercial fishery landings in the Northeast Waters ROI totaled 1.4 billion pounds and were valued at \$1.1 billion (O'Bannon 2003).

Federally managed finfish and shellfish (crustaceans and mollusks) species that have EFH in the nearshore and inshore waters of the Northeast ROI are presented in Appendix G, Table G-19 (NMFS undated). NEFMC has designated 11 rivers or streams in Maine as HAPC for Atlantic salmon: the Dennys, Machias, East Machias, Pleasant, Narraguagus, Ducktrap, Sheepscot, Kennebec, Penobscot, and St. Croix rivers; and Tunk Stream. MAFMC has designated seagrasses in estuaries where summer flounder occurs as HAPC for juvenile summer flounder.

In addition to federally managed species, commercially and ecologically important species occurring in the Northeast ROI include the soft clam (*Mya arenaria*), sand lance (*Ammodytes hexapterus*), blue crab (*Clinectes sapidus*), white perch (*Morone americana*), bay anchovy (*Anchoa mitchilli*), Atlantic croaker (*Micropogonias undulatus*), Atlantic menhaden, American shad, and striped bass (*Morone saxatilis*) (NOAA 1990).

Two species of endangered fish occur in the Northeast ROI: the Atlantic salmon (*Salmo salar*) and the shortnose sturgeon (*Acipenser brevirostrum*) (Appendix G, Table G-19). There is no critical habitat designated for these species in the Northeast ROI.

A letter from NMFS, dated March 30, 2004, indicates that the only endangered species of fish in the Northeast ROI that could be affected by the Proposed Action is the shortnose sturgeon (Appendix C). The shortnose sturgeon occurs in every major river system on the east coast of the Atlantic Ocean, from St. John River in New Brunswick, Canada, to St. Johns River, Florida. The shortnose sturgeon is anadromous, meaning that it lives and feeds in slower riverine waters or nearshore marine waters and migrates seasonally to faster-moving fresh waters to spawn. The shortnose sturgeon is a benthic feeder. Juveniles feed on benthic insects and crustaceans and adults feed on mollusks and large crustaceans.

Southeast ROI. The fisheries in the Southeast ROI are managed by the South Atlantic Fishery Management Council (SAFMC), ASMFC, the Gulf of Mexico Fishery Management Council (GMFMC), the Caribbean Fishery Management Council (CFMC), the Gulf States Marine Fisheries Commission, and NMFS Southeast Regional Office. Commercial fishery landings in the entire Southeast ROI totaled 1.8 billion pounds and were valued at \$782 million in 2002 (O'Bannon 2003).

Commercial fishery landings in Southeast Atlantic ecosystem portion of the ROI totaled 44 million pounds and were valued at \$70 million in 2002 (O'Bannon 2003). Federally managed finfish and shellfish (crustaceans and mollusks) species that have EFH in the Southeast Atlantic ecosystem are presented in Appendix G, Table G-19 (SAFMC 1998, NMFS 1999a, NMFS 1999b). In addition to federally managed species, commercially and ecologically important species occurring in the Southeast Atlantic ecosystem include the blue crab, Atlantic croaker, Atlantic menhaden, panaeid shrimp, red drum (*Sciaenops ocellatus*), killifish, and anchovies (NOAA 1990).

Commercial fishery landings in the GOM ecosystem totaled 1.7 billion pounds and were valued at \$705 million in 2002 (O'Bannon 2003). Federally managed finfish and shellfish (crustaceans and mollusks) species that have EFH in the GOM ecosystem are presented in Appendix G, Table G-19 (GMFMC 1998, NMFS 1999a, NMFS 1999b). The GMFMC has designated HAPC for GMFMC-managed species as nearshore areas of intertidal and estuarine habitats with emergent and submerged vegetation, sand and mud flats, shell and oyster reefs, and other substrates that might provide food and

rearing for juvenile fish and shellfish and migration route areas for adult and juvenile fish and shellfish that are sensitive to natural or human-induced environmental degradation, especially in urban areas and in other areas adjacent to intensive human-induced developmental activities. Examples include submerged aquatic vegetation, emergent vegetated wetlands, oyster reefs, shellfish beds, and certain intertidal zones. Many of these areas are unique, and have a high potential to be affected by shore-based activities. The coastal zone is under the most intense development pressure, and estuarine and intertidal areas are limited in comparison with the areal scope of other marine habitats (GMFMC 1998).

In addition to federally managed species, commercially and ecologically important species occurring in the GOM ecosystem include the bay anchovy, sheepshead minnow (*Cyprinodon variegatus*), spot (*Leiostomus xanthurus*), croaker, Gulf menhaden, and many other species (NOAA 1990).

Commercial fishery landings in the Puerto Rico totaled 3.3 million pounds and were valued at \$7.5 million in 2002; the commercial landings in the other U.S. territories in the U.S. Caribbean ecosystem are not available (O'Bannon 2003). Federally managed finfish and shellfish (crustaceans and mollusks) species that have EFH in the U.S. Caribbean ecosystem are presented in Appendix G, Table G-19 (CFMC 1998, NMFS 1999a, NMFS 1999b). The CFMC has designated all Puerto Rico and U.S. Virgin Island estuaries as HAPC, because they are important to many fishery species, particularly as nursery grounds.

Threatened or endangered species that have been identified in the Southeast ROI include the shortnose sturgeon (threatened), Gulf sturgeon (threatened), and the smalltooth sawfish (*Acipenser oxyrinchus desotoi*) (Appendix G, Table G-19). Critical habitat has been designated for the Gulf of Mexico sturgeon within the major river systems that support the seven currently reproducing subpopulations and their associated marine habitats. These river systems are (from west to east) the Pearl, Pascagoula, Escambia, Yellow/Blackwater, Choctawhatchee, Apalachicola, and Suwannee Rivers (65 FR 69693–69717).

A letter from NMFS, dated March 30, 2004, indicates that the shortnose sturgeon in the Southeast ROI—Southeast Atlantic, and the Gulf of Mexico sturgeon and smalltooth sawfish in the Southeast ROI—GOM ecosystems could be affected by the Proposed Action (Appendix C).

The shortnose sturgeon is described above. The Gulf of Mexico sturgeon is a subspecies of the shortnose sturgeon. Historically, the Gulf of Mexico sturgeon occurred from Charlotte Harbor, Florida, to the Mississippi River, Louisiana. River systems where Gulf of Mexico sturgeon are currently known to occur are designated as critical habitat and are listed above. Gulf of Mexico sturgeon are also anadromous, with reproduction occurring in fresh water and feeding occurring in the waters of the GOM and its estuaries. Gulf of Mexico sturgeon are benthic feeders, feeding on invertebrates including brachiopods, insect larvae, mollusks, worms, and crustaceans (USFWS, GSMFC, and NMFS 1995).

Southwest ROI. The Pacific Fishery Management Council (PFMC) and NMFS Southwest Regional Office manage fisheries in the Southwest ROI. Commercial fishery landings in the Southwest ROI totaled 499 million pounds and were valued at \$108 million in 2002 (O'Bannon 2003). Federally managed finfish and shellfish (crustaceans and mollusks) species that have EFH in the Southwest ROI are presented in Appendix G, Table G-19 (PFMC 1998, PFMC 1999, PFMC 2003a, PFMC 2003b, NMFS 1999a, NMFS 1999b). In addition to federally managed species, commercially and ecologically important species occurring in the Southwest ROI include smelts, anchovies, white croaker, and kelp bass (NOAA 1990).

Species of threatened or endangered shellfish and fish species that occur in the Southwest ROI include the white abalone (*Haliotis sorenseni*) (endangered), tidewater goby (*Eucyclogobius newberryi*) (endangered), chinook salmon (*Onchorhynchus tshawytscha*) (endangered, threatened, and candidate),

coho salmon (*Onchorhynchus kisutch*) (threatened and candidate), sockeye salmon (*Onchorhynchus nerka*) (endangered, threatened, and candidate), chum salmon (*Onchorhynchus keta*) (endangered, threatened, and candidate), and steelhead (*Oncorhynchus mykiss*) (threatened and candidate). Critical habitat has been designated for the tidewater goby and includes 10 coastal stream segments, totaling approximately 9 linear miles of stream, in Orange and San Diego counties, California. Critical habitat includes the stream channels and their associated wetlands, floodplains, and estuaries (65 FR 69693–69717).

There are two ESUs of coho salmon in the Northwest ROI that are threatened, the Southern Oregon/Northern California Coasts ESU (critical habitat has been designated for this ESU) and the Central California ESU. There are two ESUs of chinook salmon that are threatened: the California Coastal ESU and the Central Valley spring-run ESU. The Sacramento winter-run ESU of chinook salmon is endangered and critical habitat has been designated for this ESU. There are four ESUs of steelhead that are threatened: the northern California ESU, the southern California ESU, the South-Central California Coast ESU, and the California Central Valley ESU. The Southern California ESU of steelhead is endangered (NMFS 2000b).

Northwest ROI. The PFMC and NMFS Northwest Regional Office manage fisheries in the Northwest ROI. Commercial fishery landings in the Northwest ROI totaled 387 million pounds and were valued at \$201 million in 2002 (O'Bannon 2003). Federally managed finfish and shellfish (crustaceans and mollusks) species that have EFH in the Northwest ROI are presented in Appendix G, Table G-19 (PFMC 1998, PFMC 1999, PFMC 2003a, PFMC 2003b, NMFS 1999a, NMFS 1999b). In addition to federally managed species, commercially and ecologically important species occurring in the Northwest ROI include smelts, anchovies, white croaker, and kelp bass (NOAA 1990).

There are threatened and endangered ESUs of salmon in the Northwest ROI. The Snake River ESU of sockeye salmon is endangered and critical habitat is designated for this ESU. The Ozette Lake ESU of sockeye salmon is threatened. The Upper Columbia River spring-run ESU of chinook salmon is endangered. There are five ESUs that are threatened in this ROI: the Snake River spring- and summer-run ESUs (critical habitat has been designated for these ESUs), Snake River fall-run ESU, Puget Sound ESU, and Upper Willamette River ESU. There are two ESUs of coho salmon listed as threatened: the Southern Oregon/Northern California ESU (critical habitat has been designated for this ESU), and the Oregon Coast ESU. One ESU of steelhead has been listed as endangered in this ROI: the Upper Columbia River ESU. Four ESUs of steelhead have been listed as threatened in this ROI: Snake River Basin ESU, Lower Columbia River ESU, Upper Willamette River ESU, and Middle Columbia River ESU (NMFS 2000b).

Pacific Area Islands ROI. The Western Pacific Fishery Management Council (WPFMC) and NMFS Pacific Island Regional Office manage fisheries in the Pacific Area Islands ROI. Commercial fishery landings in the Pacific Area Islands ROI totaled 39 million pounds and were valued at \$67 million in 2002 (O'Bannon 2003). Federally managed finfish and shellfish (crustaceans and mollusks) species that have EFH in the Pacific Area Islands ROI are presented in Appendix G, Table G-19 (DeMello 2004, NMFS 1999a, NMFS 1999b). No threatened or endangered species of fish occur in the Pacific Area Islands ROI.

Alaska ROI. The North Pacific Fishery Management Council (NPFMC) and NMFS North Pacific Regional Office manage fisheries in the Alaska ROI. Commercial fishery landings in the Alaska ROI totaled 5 billion pounds and were valued at \$812 million in 2002 (O'Bannon 2003). Federally managed finfish and shellfish (crustaceans and mollusks) species that have EFH in the Alaska ROI are presented in Appendix G, Table G-19 (NPFMC 1999, NMFS 1999a, NMFS 1999b). The NPFMC has designated the following nearshore areas of intertidal and estuarine habitats as HAPC if they contain submerged

vegetation, rock, and other substrates that might provide food and rearing for juvenile groundfish, salmon, and shellfish; provide spawning or mating areas for adults of some crab and groundfish species (e.g., Atka mackerel, yellowfin sole, red king crab); or provide migration route areas for adult and juvenile salmon. These areas are sensitive to natural or human-induced environmental degradation, especially in urban areas and in other areas adjacent to intensive human-induced developmental activities. Examples include eelgrass beds, submerged aquatic vegetation, emergent vegetated wetlands, and certain intertidal zones. Many of these areas are rare and have a high potential to be affected by shore-based activities. The coastal zone is under the most intense development pressure, and estuarine and intertidal areas are limited in comparison with the areal scope of other marine habitats.

Of all of the salmon ESUs occurring in this ROI, 6 of the 17 Chinook salmon ESUs are listed as threatened or endangered, 1 of the 7 sockeye salmon ESUs is listed as endangered, and 5 steelhead ESUs are listed as threatened or endangered. Critical habitat for salmon has not been designated in this ROI (NMFS 2000b).

Great Lakes ROI. Commercial fisheries in the Great Lakes ROI are managed by the states. Commercial fishery landings in the Great Lakes ROI totaled 17.8 million pounds and were valued at \$15 billion in 2002 (O'Bannon 2003). Because EFH only applies to federally managed estuarine, marine, and anadromous fisheries, there is no EFH designated in the Great Lakes ROI. No threatened or endangered species of fish occur in the Great Lakes ROI.

There are approximately 180 species of fish indigenous to the Great Lakes ROI. Those inhabiting nearshore areas include smallmouth and largemouth bass (*Micropterus salmoides*), muskellunge (*Esox masquinongy*), northern pike (*Esox lucius*), and channel catfish (*Ictalurus punctatus*). In open waters, common species include lake herring (*Coregonus artedii*), walleye (*Stizostedion vitreum*), freshwater drum (*Aplodinotus grunniens*), lake trout (*Salvelinus namaycush*), and white bass (*Morone chrysops*) (GOC and USEPA 1995). Relative abundances in the Great Lakes vary due to the changes in water currents, water temperature, breeding habitat, water chemistry, and size and depth of the lake. For example, shallow Lake Erie is the most productive of the Great Lakes due to its warm temperature, while Lake Superior is the least productive fisheries area in the region.

In the past 200 years, variations in the species composition of the Great Lakes basin have resulted from human activities and changes in natural conditions (USCG 2003). Many native fish species have been lost to overfishing, habitat destruction, or the arrival of exotic or nonindigenous species, such as the lamprey (*Petromyzon marinus*) and the alewife (*Alosa pseudoharengus*). Other species have migrated or perished because human activities such as damming and canal building have altered reproductive conditions and habitats. Pollution, especially in the form of nutrient loading and toxic contaminants, has placed additional stresses on fish populations. For example, the alteration and contamination of lake tributaries, which serve as important spawning grounds, prevent these distinct ecosystems from thriving and contributing to the larger basin ecosystem (USCG 2003).

Coastal and Other Birds

Thousands of bird species inhabit the ROIs, including seabirds, waterfowl, shorebirds (including gulls and terns), wading birds, raptors, and songbirds. There are more than 270 species of seabirds, representing five orders, in the ROIs and each order has species that dive to depths exceeding 82 feet, or 25 meters (USN 2001). Bird critical habitat is not considered as part of the ROI, because in all cases it is on land and all sources of noise associated with the proposed project would be underwater.

Northeast ROI. Two threatened and two endangered coastal and marine bird species occur in the Northeast ROI, including the bald eagle (*Haliaeetus leucocephalus*), brown pelican (*Pelecanus*

occidentalis), piping plover (*Charadrius melanotos*), and roseate tern (*Sterna dougallii dougallii*) (Appendix G, Table G-20).

Southeast ROI. Six threatened and endangered coastal and marine bird species are found in the Southeast ROI, including the yellow-shouldered blackbird (*Agelaius xanthomus*), whooping crane (*Grus americana*), bald eagle, brown pelican, piping plover, wood stork (*Mycteria americana*), and roseate tern (Appendix G, Table G-21)

Southwest ROI. Twelve threatened and endangered coastal and marine bird species are found in the Southwest ROI: the short-tailed albatross (*Phoebastria albatrus*), bald eagle, Steller's eider (*Polyictica stellaris*), coastal California gnatcatcher (*Polioptila californica californica*), marbled murrelet (*Brachyramphus marmoratus marmoratus*), brown pelican, western snowy plover (*Charadrius alexandrinus nivosus*), California clapper rail (*Rallus longirostris obsoletus*), light-footed clapper rail (*Rallus longirostris levipes*), San Clemente loggerhead shrike (*Lanius ludovicianus mearnsi*), San Clemente sage sparrow (*Amphispiza belli clementae*), and California least tern (*Sterna antillarum browni*) (Appendix G, Table G-22).

Northwest ROI. Six threatened and endangered coastal and marine bird species are found in the Northwest ROI: the short-tailed albatross, bald eagle, Steller's eider, marbled murrelet (*Brachyramphus marmoratus marmoratus*), western snowy plover, and brown pelican (occasionally) (Appendix G, Table G-23).

Pacific Area Islands ROI. Nine threatened and endangered coastal and marine bird species are found in the Pacific Area Islands ROI: the Guam broadbill (*Myiagra freycineti*), Hawaiian coot (*Fulica Americana alai*), Hawaiian duck (*Anas wyvilliana*), laysan duck (*Anas laysanensis*), laysan finch (*Telespyza cantans*), nihoa finch (*Telespyza ultima*), Hawaiian dark-rumped petrel (*Pterodroma phaeopygia sandwichensis*), Newell's Townsend's shearwater (*Puffinus auricularis newelli*), and Hawaiian stilt (*Himantopus mexicanus knudseni*) (Appendix G, Table G-24).

Alaska ROI. Five threatened and endangered coastal bird species can be found in the Alaska ROI: the short-tailed albatross, bald eagle, spectacled eider (*Somateria fischeri*), Steller's eider, and marbled murrelet (Appendix G, Table G-25).

Great Lakes ROI. Two threatened and endangered coastal and marine bird species are found in the Great Lakes ROI: the bald eagle and piping plover (Appendix G, Table I-26).

3.5 Public Safety

3.5.1 Definition of the Resource

A safe environment is one in which there is no, or an optimally reduced, potential for death, serious bodily injury or illness, or property damage. Public safety is one of the USCG's primary missions. The USCG is charged with implementing programs and providing assets to help ensure the safety and security of the MTS. Major members of the U.S. MTS include Federal agencies, commercial groups, state and local groups, and public and community groups (USCG 2002a). The MTS contains physical elements, including the waterways; ports; and the network of railroads, roadways, and pipelines that connect the waterborne portions of the system to the rest of the nation (USDOT 1999). The physical elements also include the vessels and vehicles that move goods and people within the system. The physical network is supported by a series of systems that facilitate the movement of goods and people, and provide access for recreation and to natural resources. Aspects such as geography, environmental conditions, and the number and types of vessels make the MTS diverse.

U.S. ports must provide safe and efficient rapid turnaround capabilities to accommodate expanding trade and the increasing size and speed of oceangoing ships, many of which are foreign. U.S. ports also handle a large volume of coastal and inland traffic. Since the events of September 11, 2001, the safety of the country's ports and its maritime system has received increased scrutiny and concern.

3.5.2 Affected Environment

There are approximately 326 ports in the MTS. Within the individual ports, cargo is transferred between water and landside transportation modes at publicly and privately owned marine terminals. The top ports in the United States, by ROI, are presented in Table 3-2. Generally, major ports on the Atlantic and Pacific Coasts service container trades, while the major GOM ports are involved primarily in tanker and dry bulk trades. For cruise ships, Miami and San Juan were by far the largest U.S. ports of call. The MTS has two major types of port facilities:

- Coastal seaports and Great Lakes port facilities (deepwater ports)
- Inland river and intracoastal waterways port facilities (shallow draft ports)

There are 28 states with deepwater ports; these include 1,914 terminals that contain 3,158 berths. Berths are the locations where vessels dock. Berths can be specialized to serve specific types of freight and passenger movements. For example, berths can be designed to handle containerized cargo, dry and liquid bulk cargo, automobiles and other cargo that can roll-on/roll-off vessels, and general cargo. Passenger berths can handle ferries or large cruise vessels.

There are more than 1,800 river terminals in 21 states (shallow draft ports). The U.S. inland waterway ports and terminals have depths of 14 feet or less. The inland system is less concentrated geographically and provides almost limitless access points to the waterways.

Shipyards and repair facilities are also an important part of the MTS infrastructure. The U.S. shipbuilding and repair industry is an aggregate of more than 280 privately owned facilities throughout the nation's waterways and ports.

The MTS includes 926 federally maintained harbor channels (this includes both deep draft and shallow draft ports). In addition, non-Federal interests maintain and improve a network of channels, connecting channels and berths. The U.S. deepwater port system includes more than 300 Federal harbor channel projects. There are 51 ports with depths greater than or equal to 40 feet. The 25 ports most active in foreign trade have depths of at least 40 feet.

There are about 25,000 miles of inland, intracoastal, and coastal waterways and channels in the United States. Of this, nearly 12,000 miles of network constitute the commercially active inland and intracoastal waterway system. Lock and dam structures allow vessels to move up or down one level when traveling navigable waterways with different water levels. There are 192 commercially active lock sites, with 238 chambers in the MTS.

Vessels and vehicles move goods and people throughout the MTS. The U.S. domestic fleet includes more than 30,000 vessels that transport goods and people between U.S. ports. As of January 1, 1999, the domestic fleet included

- Domestic coastal and oceangoing vessels (55 container ships, 104 tankers, 982 dry cargo barges, and 456 tank barges).
- An inland-barge fleet (22,279 dry cargo barges and 2,791 tank barges).
- Shipdocking, vessel escort, lightering, and other services fleet (5,424 tugs and towing vessels).
- The Great Lakes fleet (56 dry bulk carriers, 8 cement carriers, 3 tankers, 101 dry cargo barges, and 41 tank barges).
- Hundreds of passenger vessels that serve as ferries, excursion vessels, and gaming vessels.

In addition, the MTS is served by an international fleet that transports goods and people among U.S. and foreign ports. Table 3-2 shows the type and tonnage of cargo moved through major ports in each ROI. The international fleet consists of a wide variety of vessel types such as tankers, dry bulk carriers, containerships, roll-on/roll-off ships, and cruise ships. In 1997, 7,520 vessels (27 percent of the world merchant fleet) called at U.S. ports. In terms of capacity, these ships represented 44 percent of the world's merchant fleet. The intermodal component of the MTS includes an inland freight rail system and trucks. While many of these vehicles move domestic cargo, a significant number are involved in a variety of port-related activities, including transporting international cargo to customers.

Table 3-2. Type and Tonnage of Cargo Moved Through Major Ports in Each ROI

Port Name	Port Rank	Total Cargo (tons)	Domestic Cargo (tons)	Foreign Cargo (tons)	Import Cargo (tons)	Export Cargo (tons)
Northeast ROI						
New York, NY and NJ	3	134,504,511	64,932,653	69,571,858	59,419,046	10,152,812
Huntington-Tristate, WV	6	81,063,663	81,063,663	0	0	0
Baltimore, MD	19	38,822,710	15,188,610	23,634,100	18,256,065	5,378,035
Philadelphia, PA	20	34,100,667	13,719,934	20,380,733	20,073,391	307,342
Norfolk Harbor, VA	23	27,901,354	6,828,481	21,072,873	8,704,284	12,368,589
Portland, ME	25	27,131,856	1,986,833	25,145,023	24,970,592	174,431
Paulsboro, NJ	27	26,382,576	8,284,374	18,098,202	17,775,692	322,510
Marcus Hook, PA	28	25,207,395	9,626,723	15,580,672	15,561,662	19,010
Boston, MA	36	20,353,642	7,109,959	13,243,683	12,471,484	772,199
Newport News, VA	49	11,300,962	6,192,716	5,108,246	1,142,937	3,965,309
New Castle, DE	53	10,386,529	7,215,653	3,170,876	3,169,989	887
New Haven, CT	54	10,142,492	6,552,148	3,590,344	3,280,389	309,955
Providence, RI	62	8,244,140	5,294,803	2,949,337	2,552,434	396,903
Camden-Gloucester, NJ	71	6,142,468	2,133,171	4,009,297	3,739,661	269,636
Bridgeport, CT	80	4,606,912	3,152,845	1,454,067	1,453,795	272
Wilmington, DE	82	4,483,182	987,107	3,496,075	2,977,767	518,308

Table 3-2. Type and Tonnage of Cargo Moved Through Major Ports in Each ROI (continued)

Port Name	Port Rank	Total Cargo (tons)	Domestic Cargo (tons)	Foreign Cargo (tons)	Import Cargo (tons)	Export Cargo (tons)
Portsmouth, NH	87	4,108,430	631,335	3,477,095	3,397,999	79,096
Fall River, MA	95	3,391,888	2,442,385	949,503	949,503	0
Penn Manor, PA	103	2,847,590	106,368	2,741,222	2,728,537	12,685
Port Jefferson, NY	107	2,505,338	2,505,338	0	0	0
Chester, PA	120	1,817,672	286,151	1,531,521	1,287,685	243,836
Richmond, VA	134	1,363,424	876,266	487,158	241,409	245,749
Hempstead, NY	141	1,236,370	1,236,370	0	0	0
Hopewell, VA	145	1,108,381	774,882	333,499	16,844	316,655
Searsport, ME	146	1,039,705	276,109	763,596	763,596	0
Stamford, CT	147	1,010,092	1,010,092	0	0	0
Trenton, NJ	148	1,008,107	1,008,107	0	0	0
New Bedford, MA	150	952,703	572,332	380,371	380,371	0
Southeast ROI						
Port of South Louisiana, LA	1	216,396,497	124,908,067	91,488,430	34,577,409	56,911,021
Houston, TX	2	177,560,719	62,372,636	115,188,083	80,026,921	35,161,162
Beaumont, TX	4	85,910,947	18,181,692	67,729,255	62,625,566	5,103,689
New Orleans, LA	5	85,000,428	33,238,124	51,762,304	21,926,081	29,836,223
Matagorda, TX	56	9,590,150	2,912,219	6,677,931	4,640,338	2,037,593
Corpus Christi, TX	7	72,000,304	21,420,094	50,580,210	41,714,363	8,865,847
Baton Rouge, LA	9	60,582,710	39,645,083	20,937,627	16,808,194	4,129,433
Plaquemines, LA	10	59,110,736	35,826,872	23,283,864	13,725,168	9,558,696
Texas City, TX	11	55,232,906	16,062,067	39,170,839	36,397,436	2,773,403
Tampa, FL	15	48,384,970	31,815,180	16,569,790	8,343,457	8,226,333
Lake Charles, LA	16	47,522,085	20,090,917	27,431,168	23,105,186	4,325,982
Mobile, AL	17	46,021,599	21,871,248	24,150,351	15,661,508	8,488,843
Pascagoula, MS	22	31,857,678	11,371,251	20,486,427	17,496,585	2,989,842
Freeport, TX	24	27,163,872	5,079,632	22,084,240	19,778,106	2,306,134
Charleston, SC	29	24,993,443	5,994,947	18,998,496	13,461,079	5,537,417
Port Arthur, TX	30	22,675,808	7,458,017	15,217,791	11,687,188	3,530,603
Port Everglades, FL	32	21,279,754	12,582,424	8,697,330	6,707,601	1,989,729
Savannah, GA	33	20,663,806	1,935,705	18,728,101	10,905,004	7,823,097
Jacksonville, FL	38	17,905,831	8,228,941	9,676,890	8,688,528	988,362
Memphis, TN	41	16,400,555	16,400,555	0	0	0
San Juan, PR	47	12,378,301	7,070,592	5,307,709	4,884,795	422,914
Galveston, TX	58	9,135,823	3,887,370	5,248,453	1,215,501	4,032,952
Miami, FL	59	8,927,481	1,222,015	7,705,466	4,462,773	3,242,693
Wilmington, NC	69	6,504,177	3,393,354	3,110,823	2,232,622	878,201
Brownsville, TX	76	4,739,064	1,579,124	3,159,940	2,751,398	408,542

Table 3-2. Type and Tonnage of Cargo Moved Through Major Ports in Each ROI (continued)

Port Name	Port Rank	Total Cargo (tons)	Domestic Cargo (tons)	Foreign Cargo (tons)	Import Cargo (tons)	Export Cargo (tons)
Victoria, TX	77	4,734,456	4,734,456	0	0	0
Vicksburg, MS	84	4,236,989	4,236,989	0	0	0
Port Manatee, FL	85	4,232,687	1,040,616	3,192,071	2,618,735	573,336
Nashville, TN	86	4,224,393	4,224,393	0	0	0
Palm Beach, FL	88	4,022,089	2,243,456	1,778,633	661,309	1,117,324
Port Canaveral, FL	89	3,981,134	1,148,861	2,832,273	2,580,007	252,266
Ponce, PR	92	3,712,351	65,795	3,646,556	3,454,706	191,850
Kansas City, MO	93	3,574,749	3,574,749	0	0	0
Chattanooga, TN	105	2,769,683	2,769,683	0	0	0
Brunswick, GA	106	2,577,065	110,183	2,466,882	1,477,562	989,320
Panama City, FL	109	2,477,772	1,712,842	764,930	489,500	275,430
Guntersville, AL	111	2,417,234	2,417,234	0	0	0
Biloxi, MS	112	2,329,524	2,329,524	0	0	0
Gulfport, MS	114	2,290,453	132,974	2,157,479	1,255,667	901,812
Tulsa Port of Catoosa, OK	116	2,097,187	2,097,187	0	0	0
Morehead City, NC	117	2,096,824	797,817	1,299,007	770,343	528,664
Helena, AR	121	1,778,121	1,778,121	0	0	0
Pensacola, FL	132	1,422,852	1,277,669	145,183	134,154	11,029
Georgetown, SC	133	1,410,994	94,325	1,316,669	1,281,189	35,480
Weedon Island, FL	136	1,353,692	1,353,692	0	0	0
Sabine Pass, TX	143	1,214,323	1,133,929	80,394	80,229	165

Southwest ROI

Long Beach, CA	8	67,872,469	15,580,481	52,291,988	37,907,049	14,384,939
Los Angeles, CA	12	52,216,048	6,808,260	45,407,788	31,627,547	13,780,241
Richmond, CA	31	21,900,717	11,587,833	10,312,884	8,691,722	1,621,162
Oakland, CA	46	12,454,506	2,994,905	9,459,601	4,020,827	5,438,774
San Diego, CA	108	2,479,852	616,490	1,863,362	1,731,857	131,505
Stockton, CA	110	2,428,203	69,118	2,359,085	1,536,950	822,135
San Francisco, CA	119	2,005,723	840,270	1,165,453	1,069,352	96,101
Port Hueneme, CA	144	1,152,114	54,479	1,097,635	986,582	111,053

Northwest ROI

Portland, OR	26	26,635,044	11,203,936	15,431,108	4,065,740	11,365,368
Tacoma, WA	34	20,587,109	7,416,883	13,170,226	4,993,915	8,176,311
Seattle, WA	37	19,591,009	6,120,536	13,470,473	7,434,619	6,035,854
Anacortes, WA	42	15,362,650	12,790,686	2,571,964	1,711,572	860,392
Vancouver, WA	68	6,610,345	2,032,909	4,577,436	710,957	3,866,479
Kalama, WA	70	6,386,161	803,695	5,582,466	341,862	5,240,604
Longview, WA	78	4,705,771	827,677	3,878,094	587,468	3,290,626
Milwaukee, WI	100	3,126,642	1,707,539	1,419,103	885,579	533,524

Table 3-2. Type and Tonnage of Cargo Moved Through Major Ports in Each ROI (continued)

Port Name	Port Rank	Total Cargo (tons)	Domestic Cargo (tons)	Foreign Cargo (tons)	Import Cargo (tons)	Export Cargo (tons)
Everett, WA	101	3,009,175	2,505,001	504,174	197,676	306,498
Coos Bay, OR	124	1,706,821	338,670	1,368,151	151,575	1,216,576
Port Angeles, WA	126	1,673,985	1,377,692	296,293	188,784	107,509
Grays Harbor, WA	127	1,665,756	748,950	916,806	479,594	437,212
Olympia, WA	131	1,440,439	1,324,198	116,241	26,174	90,067
Pacific Area Islands ROI						
Honolulu, HI	40	16,635,700	11,780,556	4,855,144	4,269,146	585,998
Barbers Point, Oahu, HI	72	5,990,186	3,570,207	2,419,979	2,320,877	99,102
Kahului, Maui, HI	94	3,458,498	3,458,498	0	0	0
Hilo, HI	123	1,765,300	1,765,300	0	0	0
Kawaihae Harbor, HI	128	1,644,703	1,644,703	0	0	0
Nawiliwili, Kauai, HI	129	1,618,567	1,618,567	0	0	0
Alaska ROI						
Valdez, AK	14	50,513,074	50,508,598	4,476	91	4,385
Nikishka, AK	65	7,235,098	3,697,602	3,537,496	224,776	3,312,720
Kivilina, AK	99	3,126,661	1,615,217	1,511,444	0	1,511,444
Anchorage, AK	102	2,983,137	2,318,653	664,484	251,203	413,281
Great Lakes ROI						
Pittsburgh, PA	13	52,050,661	52,050,661	0	0	0
Duluth-Superior, MN and WI	18	44,160,834	29,699,830	14,461,004	624,222	13,836,782
St. Louis, MO and IL	21	32,601,491	32,601,491	0	0	0
Chicago, IL	35	20,402,907	18,777,496	1,625,411	1,059,317	566,094
Detroit, MI	39	17,305,875	12,897,162	4,408,713	4,201,545	207,168
Two Harbors, MN	43	14,895,295	14,804,320	90,975	0	90,975
Indiana Harbor, IN	44	13,839,001	13,325,649	513,352	471,753	41,599
Cincinnati, OH	45	13,006,858	13,006,858	0	0	0
Cleveland, OH	48	11,411,765	9,083,965	2,327,800	2,270,800	57,000
Toledo, OH	50	11,114,895	5,552,789	5,562,106	1,790,496	3,771,610
Presque Isle, MI	51	10,592,397	8,635,121	1,957,276	102,730	1,854,546
Conneaut, OH	52	10,474,064	5,380,442	5,093,622	758,906	4,334,716
Ashtabula, OH	55	9,837,562	4,469,382	5,368,180	1,065,983	4,302,197
Gary, IN	57	9,482,026	9,062,028	419,998	251,210	168,788
Burns Harbor, IN	60	8,620,968	6,635,658	1,985,310	1,696,401	288,909
Calcite, MI	61	8,575,416	7,173,460	1,401,956	103,651	1,298,305
Stoneport, MI	64	7,454,544	7,250,101	204,443	106,447	97,996
Albany, NY	66	6,835,609	5,531,413	1,304,196	713,070	591,126
Lorain, OH	67	6,672,214	6,317,824	354,390	354,390	0
St. Paul, MN	73	5,617,187	5,617,187	0	0	0

Table 3-2. Type and Tonnage of Cargo Moved Through Major Ports in Each ROI (continued)

Port Name	Port Rank	Total Cargo (tons)	Domestic Cargo (tons)	Foreign Cargo (tons)	Import Cargo (tons)	Export Cargo (tons)
Port Inland, MI	74	5,563,353	5,008,404	554,949	22,839	532,110
Silver Bay, MN	75	4,920,698	4,825,858	94,840	0	94,840
Escanaba, MI	79	4,645,086	4,602,447	42,639	42,639	0
St. Clair, MI	81	4,505,575	4,477,878	27,697	27,697	0
Sandusky, OH	83	4,455,370	1,196,258	3,259,112	167,259	3,091,853
Mount Vernon, IN	90	3,834,866	3,834,866	0	0	0
Marine City, MI	91	3,712,646	3,690,176	22,470	22,470	0
Marblehead, OH	96	3,384,360	3,121,145	263,215	4,312	258,903
Alpena, MI	97	3,217,718	3,021,458	196,260	53,473	142,787
Port Dolomite, MI	98	3,146,799	2,731,825	414,974	0	414,974
Greenville, MS	104	2,781,813	2,781,813	0	0	0
Fairport Harbor, OH	113	2,325,662	1,801,919	523,743	154,452	369,291
Muskegon, MI	115	2,187,003	1,923,301	263,702	263,702	0
Green Bay, WI	118	2,078,220	1,776,202	302,018	299,832	2,186
Minneapolis, MN	122	1,769,655	1,769,655	0	0	0
Buffalo, NY	125	1,685,873	1,244,439	441,434	441,434	0
Manistee, MI	130	1,457,338	429,285	1,028,053	154,062	873,991
Erie, PA	135	1,361,686	1,205,916	155,770	153,459	2,311
Charlevoix, MI	137	1,343,174	1,219,209	123,965	14,865	109,100
Marysville, MI	138	1,323,310	933,133	390,177	390,177	0
Kelleys Island, OH	139	1,289,245	1,289,245	0	0	0
Buffington, IN	140	1,250,645	1,250,645	0	0	0
Drummond Island, MI	142	1,220,901	983,672	237,229	10,929	226,300
Monroe, MI	149	1,008,011	916,206	91,805	91,805	0

Source: USACE NDC 2004

4. Environmental Consequences

4.1 Introduction

This section presents the potential environmental impacts of the Proposed Action and the No Action Alternative and evaluates the significance of those impacts. Pursuant to CEQ regulations, the significance of a given impact requires consideration of both context and intensity (40 Code of Federal Regulations [CFR] 1508.27). Context means that a proposed action should be assessed in relation to different situations, frameworks, or perspectives. For example, an action should be evaluated for its potential impact on society as a whole, the affected region, or a particular group or interest. When considering context, both short- and long-term impacts are relevant, and significance will vary with setting.

Intensity refers to the severity of the impact, and should consider the following:

- The proximity of the affected area to protected, sensitive, or unique natural, historical, or cultural resources.
- The degree to which the proposed action affects public health or safety.
- The degree to which impacts on the human environment are likely to be controversial.
- The degree to which impacts on the human environment are uncertain or involve risk.
- The degree to which the action could establish a precedent for future actions with significant effects.
- The degree to which the action might be individually insignificant but cumulatively significant.
- The degree to which the action might cause loss or destruction of important scientific, cultural, historical, or economic resources.
- The degree to which the action might adversely affect a federally listed threatened or endangered species or its critical habitat.
- Whether or not the action threatens a violation of Federal, state, or local law or environmental protection requirement.

When considering intensity, it is important to remember that impacts can be both beneficial and adverse. For example, a significant adverse impact might exist even if a Federal agency believes that the overall impact is beneficial.

USCG personnel and cutters currently perform security duties in and around all coastal areas and inland waters in which the USCG currently operates, including those areas off the continental United States, Alaska, Hawaii, Guam, Puerto Rico, and the U.S. Virgin Islands. The Proposed Action would result in an addition of equipment to established MSSTs.

The Proposed Action is the deployment and operation of an IAS system. The IAS would consist of five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The portable sonar, vehicle guidance system, and underwater loud hailer would be installed on an MSST response vessel. Under normal circumstances, the land-based sonar unit

would be in the water off a pier or a boat tied to a pier and operated from shore. The IAS is transportable and can be used from anywhere within the ROI; however, it is anticipated that operations would be limited to the developed portside waterfront areas.

Under the No Action Alternative, the USCG would continue to conduct safety and security activities at the current level. This section of the PEA assesses potential environmental consequences associated with the Proposed Action. Potential impacts are addressed in the context of the scope of the Proposed Action as described in Section 2.0 and in consideration of the potentially affected environment as characterized in Section 3.0.

4.2 Water and Sediment Quality

Due to the use of zinc anodes, the Proposed Action would have minor adverse impacts on water and sediment quality. However, the release of zinc would be transient, well below USEPA standards, and have no significant impact on water and sediment quality or the quality of the human environment at large.

4.2.1 Significance Criteria

Significant effects on water and sediment quality are those that measurably threaten human health; result in persistent degradation of the environment; or cause an existing Federal, state, or local water quality criterion or a federally recognized international criterion to be exceeded.

4.2.2 Potential Impacts

The IAS underwater support structure would have sacrificial zinc anodes attached to it to prevent metal corrosion from occurring due to immersion in salt water. These sacrificial anodes, which are 99.3 percent zinc with trace amounts of cadmium and aluminum required for activation, are identical to those used by most commercial and recreational vessels operating in U.S. coastal waters. Each anode would be preferentially corroded or “sacrificed” by electro-chemical interaction with sea water and metal (USN 2002). As a zinc anode is consumed (oxidized), ionized zinc would be released into the surrounding water.

The zinc discharge is characterized by a mass flux since the release is directly to the water (USN 2002). The USN calculated the zinc discharge for a permanently mounted system similar to the IAS using a mass flux equation of zinc that is released to the water. This calculation was based on the volume of seawater in the system and a zinc dissolution rate of 7.4×10^{-6} lbs of zinc per hour per zinc anode. The zinc anodes installed on the USN’s system totaled approximately 27 lbs. The USN determined that the anodes used by this system could potentially result in a combined maximum receiving water zinc concentration of 28 micrograms per liter ($\mu\text{g}/\text{L}$). Given the similarity of the components analyzed in the USN study and those of the Proposed Action, it is reasonable to conclude that the combined maximum receiving water discharge concentration from the zinc anodes used in the IAS would not exceed 28 $\mu\text{g}/\text{L}$, well below the USEPA’s Criterion Continuous Concentration (CCC) for zinc in salt water (81 $\mu\text{g}/\text{L}$) (USEPA 2002).

The fate and behavior of zinc in water is associated with salinity. In river water, zinc is predominantly present in the dissolved form (UK Marine SAC undated). In estuaries, where concentrations of suspended particles are greater, a greater proportion of the zinc is adsorbed to suspended particles (UK Marine SAC undated). In low salinity areas of estuaries, zinc can be mobilized from particles by microbial degradation of organic matter and displacement by calcium and magnesium (UK Marine SAC undated). In the turbidity maximum, zinc associated with suspended sediment will be deposited with flocculated particles where it can accumulate particularly in anaerobic sediments (UK Marine SAC

undated). In sea water, much of the zinc is found in dissolved form as inorganic and organic complexes (UK Marine SAC undated). The IAS would not be deployed or installed in any one place permanently; therefore, any localized accumulation of zinc in sediments related to the IAS zinc anodes would be minimal.

As a shore-based, water-dependent system, the IAS could be deployed in developed areas mapped as floodplain. The mobile nature and small size of the IAS would have no impact on flood conditions.

Due to the use of zinc anodes, the Proposed Action would have minor adverse impacts on water and sediment quality. However, the release of zinc would be transient, well below USEPA standards, and have no significant impact on water and sediment quality or the quality of the human environment at large.

4.2.3 No Action Alternative

Under the No Action Alternative, the IAS would not be established. The USCG would continue to implement additional MHLs measures. However, under this alternative, the USCG would be unable to detect underwater threats to the U.S. coast. This would not meet the USCG's requirement to provide maritime security and could possibly make it easier for an underwater attack to occur. Significant adverse impacts would be expected should this alternative be selected due to the increased risk of a successful terrorist attack. Terrorists could strike at military or commercial facilities and vessels in these ports, creating the potential for impacts on water and sediment quality (for example, if an oil spill were to occur as a result from a terrorist attack. In the case of a successful terrorist attack, short-term, severe adverse impacts on water and sediment quality could occur.

4.3 Noise

Based on the scope of this PEA, implementation of the Proposed Action would not result in an increase in existing ambient waterborne noise levels in the ROIs. The IAS is expected to have only short-term minor adverse impacts on the existing ambient waterborne noise levels at locations where it is deployed. This conclusion is based on the relatively rapid attenuation of the SPL for the land-based and portable sonars; the intermittent short-term (only during training and in response to identified threats), and the lower source level of the portable sonar; and the intermittent short duration (a number of minutes probably less than 15) use of the underwater loud hailer during training and in response to a detected threat..

4.3.1 Significance Criteria

Waterborne Noise

The significance of waterborne (underwater) noise impact criteria is normally based on the duration and magnitude of the noise level. The significance criteria of impacts of waterborne noise on marine organisms and other biological resources are discussed in Section 4.3.2.

Significance criteria for impacts of the Proposed Action on humans is based on the USN regulations that prohibit divers without hearing protection from working where the SPL exceeds 200 dB re 1 μ Pa at 1 m.

4.3.2 Potential Impacts

Waterborne Noise

The IAS has three components that would cause waterborne noise in the ROI: the land-based sonar, the portable sonar, and the underwater loud hailer. The vehicle guidance system is not a source of underwater sound; it uses radio frequencies and a GPS to direct the MSST vessel to the underwater threat. The MSST vessels are a source of waterborne noise and vehicle traffic; however, these effects were analyzed in the MSST EAs. No new vessels will be added to the MSST fleet as a result of the Proposed Action. Therefore, an analysis of the vessels is beyond the scope of this PEA.

Table 4-1 compares the frequency and source levels for each of IAS underwater components to a commercially available fish finder. The land-based sonar falls within the frequency range of a commercially available fish finder. The primary differences are that the pulse-width or the length of the sound pulse is much shorter for a fish finder and a fish finder is typically designed to focus sound in a downward direction. The land-based sonar projects sound forward. The portable sonar has a much higher frequency than a fish finder and is less likely to be audible to marine species.

Table 4-2 presents the three primary sound sources associated with the IAS, the estimated distance from each sound source to the 160-dB isopleth, and the estimated received level at the 200-m safety zone. Generally, underwater sound waves with low frequencies propagate further than those with high frequencies (MAN undated). The land-based and portable sonars emit high frequency signals that would attenuate very rapidly in the water column (USN 2002). The underwater loud hailer is a lower frequency sound source that would not attenuate rapidly. However, the source dB level of the underwater loud hailer is lower than both the sonars (180 dB versus 202 and 206 dB). Additionally, the loud hailer (if used) would be a temporary and transient source of sound, activated for at most a few minutes.

The portable sonar would not be running continuously; it would only be deployed after the land-based sonar and processor alert personnel of a potential threat. The underwater loud hailer emits sounds that are shorter in frequency, the area of potential effect would be expected to be greater. However, the underwater loud hailer has a lower source level (180 dB) and would not be used continuously; it would only be used intermittently to alert underwater swimmers entering the IAS detection area, and only under suspicion of potential threat. Based on the rapid attenuation of the SPL of the land-based and portable sonars, and the short-term, transient use of the portable sonar and the underwater loud hailer, the IAS is not expected to have a significant impact on the existing ambient waterborne noise levels at locations where it is deployed.

Table 4-1. Comparison of Each IAS Component to a Commercially Available Fish Finder

Source	Frequency (kHz)	Source Level (dB)	Pulse-Width (microseconds)
Land-based sonar	90	206	30–130
Portable sonar	1,000 and 1,800	202	4–144
Underwater loud hailer	0.2–20	180 at 1 kHz	Not Applicable
Commercially available fish finder	50–200	201 (Typical)	0.2

Sources: KSM 2001, APL undated, Hanot 2003, OTS 2002, NRC 2003

Table 4-2. Primary Sources of Sound associated with the IAS

Type	Frequency (kHz)	Maximum Source Level (dB re 1 µPa at 1 m)	Maximum Distance to the 160-dB (re 1 µPa at 1 m) isopleth (m) ^a	Received Level at the Edge of the 200-m Safety Zone (dB re 1 µPa at 1 m)
Land-based Sonar	90	206 dB @ 90 kHz	~140	154
Portable Sonar	1,000	202 dB @ 1,000 kHz	~17	0
	1,800	202 dB @ 1,800 kHz	~9	0
Underwater Loud Hailer	0.2–20	180 dB @ 1 kHz	~11	134

Notes: ^a The 160-dB isopleth is the contour where the sound level would attenuate from the source to 160 dB. The maximum distance to the 160-dB isopleth was calculated using the equations $RL = SL - TL_{ss} - TL_{ab}$, where RL is the received level (in dB re 1 µPa at 1 m), SL is the Source Level (dB re 1 µPa at 1 m), TL_{ss} is spherical spreading in water ($20 * \log_{10}[\text{distance in meters}]$), and TL_{ab} is the absorption coefficient multiplied by distance in meters. The absorption coefficient (α) is sound energy loss in db/m and is calculated based on the equation $\alpha = (0.036f^{1.5})/1000$ where f = the frequency in kHz.

The IAS is not expected to affect innocent humans, such as recreational divers. The IAS would be deployed in areas where civilians would be excluded in order to protect personnel, ships, and property from sabotage and other subversive acts. If a recreational diver was to stray into a security zone while the IAS was turned on, they would be contacted by USCG personnel at least 200 m from the system. At this distance the source level would be below 160 dB re 1 µPa at 1 m, which is well below the significance criteria for the effects on humans (200 dB re 1 µPa at 1 m and up to 215 dB re 1 µPa at 1 m with a wetsuit hood).

4.3.3 No Action Alternative

Under the No Action Alternative, the IAS would not be established. The USCG would continue to implement additional MHLs measures. However, under this alternative, the USCG would be unable to detect underwater threats to the U.S. coast. This would not meet the USCG's requirement to provide maritime security and could possibly make it easier for an underwater attack to occur. Significant adverse impacts would be expected should this alternative be selected due to the increased risk of a successful terrorist attack. Terrorists could strike at military or commercial facilities in these ports, creating the potential for impacts on the environment. In the case of a successful terrorist attack, short-term, severe adverse impacts on ambient waterborne noise levels could occur.

4.4 Biological Resources

4.4.1 Significance Criteria

This section evaluates the potential impacts of the Proposed Action and the No Action Alternative on biological resources. There is no scientific consensus regarding absolute thresholds for significance regarding noise (MMS 2000). Assessment of potential risk to a particular species must often begin with an estimate of frequency ranges to which the animal's hearing is most sensitive, and the associated thresholds. The range of sounds produced by a species is generally associated with ranges of good hearing sensitivity, but many species exhibit good hearing sensitivity well outside the frequency range of sounds they produce (USN 2002). Scientific research indicates that best hearing thresholds for marine vertebrates range from about 60 dB re 1 µPa at 0.1 kHz to about 40 dB re 1 µPa at 10 kHz.

Protected and Sensitive Habitats

Impacts on protected and sensitive habitats would be significant if IAS deployment resulted in any of the following outcomes:

- Temporary or permanent loss of any sensitive or protected habitat
- Direct loss or damage of any sensitive resource within a protected or sensitive habitat
- Excessive noise from normal USCG activities that lessens the habitat value

Marine Mammals

Impacts on marine mammals would be significant if IAS deployment resulted in any of the following outcomes:

- Permanent loss of habitat.
- Temporary loss of habitat that adversely affects a substantial number of a specific species.
- Direct loss (take) of a substantial number of a specific species. Take might include MMPA Level A harassment, defined as pursuit, torment, or annoyance that has the potential to injure.
- Permanent loss of breeding areas.
- Temporary loss of breeding areas that adversely affects a substantial number of a specific species.
- Substantial interference with movement of any resident species that results in the inability of the species to survive.

Known hearing sensitivities for marine mammals are presented in Table 4-3. Hearing capabilities have not been tested in many marine mammals (e.g., baleen whales). In these cases, information on hearing is based on the frequencies of sounds produced, behavioral observations, anatomical evidence, and extrapolations from what is known about other marine mammal hearing.

Marine mammal hearing varies among species; however, as a group, marine mammal hearing ranges from 0.01 to 200 kHz. Broad generalizations can be made about groups of marine mammals. For example, most toothed whales (odontocetes) hear well in ultrasonic ranges, with functional hearing from 0.2 to 100 kHz. Some toothed whales are able to hear frequencies as high as 200 kHz (NRC 2003). Killer whales are listed as endangered in the Northwest ROI. Killer whales have an upper hearing limit near 120 kHz. Killer whale hearing is considered very acute in the middle frequencies of their range, where odontocetes have their best sensitivity to sound (around 15 kHz) (Richardson et al. 1995).

Models indicate that baleen whales (mysticetes) have lower frequency hearing and cannot hear frequencies above 20 to 30 kHz (NRC 2003). It is predicted that blue, fin, and bowhead whales hear best in the range of 0.01 to 0.015 kHz and Bryde's whales vocalize using frequencies ranging from 0.07 to 0.245 kHz. Most pinnipeds have peak hearing sensitivities between 1 and 20 kHz. Sea otters vocalize in the range of 3 to 5 kHz and manatees vocalize in the range of 2.5 to 5 kHz.

Table 4-3. Reported Hearing Sensitivities, Vocalizations, and Transmissions of Marine Mammals

Common Name	Scientific Name	Frequency Range (kHz)	Dominant Frequencies (kHz)
Baleen whales (Suborder Mysticeti)		0.01–30 ^c	0.02 ^c
Gray whale	<i>Eschritus robustus</i>	0.02–2 ^a	0.2–1.2 ^a
	adult	0.01–20 ^a	3.4–4 ^a
	calve		
Humpback whale	<i>Megaptera novaeangliae</i>	0.03–10 ^a	0.12–4 ^a
			0.04–16 ^c
Fin whales	<i>Balaenoptera physalus</i>	0.014–0.75 ^a	0.02–0.04 ^a
			0.01–0.015 ^c
Minke whale	<i>Balaenoptera acutirostrata</i>	0.04–20 ^a	0.06–0.14 ^c
	clicks	3.3–20 ^a	NA
	moans, clicks, and grunts	0.06–0.14 ^a	NA
Northern right whale	<i>Eubalaena glacialis</i>	< 0.4 ^a	NA
			0.01–0.015 ^c
Blue whale	<i>Balaenoptera musculus</i>	NA	0.01–0.02 ^a
	Atlantic	0.01–0.39 ^a	0.016–0.024 ^a
	Pacific		0.01–0.015 ^c
Toothed Whales (Suborder Odontoceti)		0.2–100; up to 200 ^b	8–150
Killer whale	<i>Orcinus orca</i>	0.26–20 ^a	2–5.9 ^a
	whistles	1.2–25 ^a	
	clicks	up to 120 ^b	approximately 15 kHz
Bottlenose dolphin	<i>Tursiops truncatus</i>	0.8–24 ^a	3.5–14.5 ^a
	whistles	1–150 ^a	30–130 ^a
	clicks		
Manatees (Family Trichechidae)		NA	NA
West Indian Manatee	<i>Trichechus manatus</i>	2.5–5 ^a	NA
Earless seals (Family Phocidae)		1–50 ^b	NA
Harbor seals	<i>Phoca vitulina richardsoni</i>	< 0.1–>150 ^a	< 0.1–40 ^a
Eared seals, seal lions, walruses (Otariidae)		0.1–1 ; 36–40 ^b (changes with depth)	2–17 ^b
California sea lion	<i>Zalophus californianus</i>	0.25–4 ^a	0.5 – 4 ^a
Northern fur seal	<i>Callorhinus ursinus</i>	NA	NA
Gray seal	<i>Halichoerus grypus</i>	0.1–40 ^a	0.1–10 ^a
Northern elephant seal	<i>Mirounga angustirostris</i>	NA	< 1 ^b
Weasels, otters, and skunks (Family Mustelidae)		NA	NA
Southern sea otter	<i>Enhydra lutris nereis</i>	NA	3–5 ^a

Source: Nowacek et al. 2003; NPS 2003; NRC 2003; Richardson et al. 1995

^a Based on frequencies used in communication and echolocation.^b Tested hearing sensitivity.^c Predicted hearing sensitivity.

NA = Not Available

Studies have suggested that 180 dB re 1 μ Pa is the threshold above which some potentially significant physiological effects on marine mammals' hearing capability could occur (USN 2002). The USN concluded that a sound in the 0.1 to 0.5 kHz frequency band could cause serious problems in marine mammals' hearing capability from the following exposures:

- 1 second at 204 dB
- 1 minute at 186 dB
- 20 minutes at 172 dB
- 8 continuous hours at 160 dB

NMFS indicates that marine mammal behavioral changes occur when impulse SPLs are greater than 160 dB re 1 μ Pa at 1 m (Lecky 2005). Note that behavioral responses of marine mammals to acoustic stimuli depend on the species, the context, the properties of the stimuli, and prior exposure of the animal (NRC 2005).

Sea Turtles

Impacts on sea turtles would be significant if IAS deployment resulted in any of the following outcomes:

- Permanent loss of critical habitat.
- Temporary loss of critical habitat that adversely affects a substantial number of a specific species.
- Direct loss (take) of a substantial number of a specific species. Permanent loss of breeding areas.
- Temporary loss of breeding or nesting areas that adversely affects a substantial number of a specific species.
- Substantial interference with movement of any resident species that results in the inability of the species to survive.

Little is known about sea turtle hearing. Past research based on brain physiology indicates that sea turtles are able to hear sounds with frequencies ranging from 0.08 to 2 kHz, with maximum sensitivity levels reported between 0.1 and 0.8 kHz and 0.3 and 0.4 kHz (Lenhardt 1994, NRC 2003). Loggerhead sea turtles are capable of hearing sound from 0.25 to 1 kHz (Moein et al. 1994). Preliminary data from continuing research on green sea turtles indicate that they are capable of hearing tones ranging from 0.1 kHz to 0.5 kHz, with a threshold between 107 dB and 119 dB at 0.2 kHz and a threshold between 121 dB and 131 dB at 0.4 kHz (ONR undated).

Fish

Potential fisheries impacts would primarily affect fish populations by altering or impacting fish habitat. Impacts on fisheries would be significant if IAS deployment resulted in any of the following outcomes:

- Permanent loss of breeding areas or HAPC.
- Substantial interference with movement of any resident species or migration of anadromous or catadromous species.

Hearing sensitivity is known for approximately 100 of the 250,000 extant species of fish (NRC 2003). The hearing sensitivity of fish (including sharks and rays) ranges from 0.5 to 200 kHz; however, most fish detect sound within 0.5 to 1 kHz (NRC 2003, Popper 2003). It has been reported that clupeid fish, such as Gulf menhaden (*Clupea harengus*) and American shad (*Alosa sapidissima*), respond to frequencies as high as 180 kHz, with thresholds for American shad around 155 dB SPL and for Gulf menhaden around 180 dB SPL (Mann et al. 2001). These species can also hear within lower frequencies (below 10 kHz), with thresholds being around 120 to 130 dB SPL. Other clupeid fish that occur in the ROIs, such as anchovies (*Anchoa spp.*) and sardines (*Sardinella spp.* and *Harengula spp.*), can detect sounds up to 4 kHz (Mann et al. 2001). Known hearing sensitivities for fish are presented in Table 4-4.

Table 4-4. Reported Hearing Sensitivities, Vocalizations, and Transmissions of Marine Fish

Order	Description of Order	Common Name	Scientific Name	Hearing Range (kHz)
Perciformes^a	Tunas (Scombridae)	Yellowfin	<i>Thunnus albacares</i>	0.05–1.1 (best hearing from 0.3–0.5)
		Kawakawa	<i>Euthynnus affini</i>	0.05–1.1 not as sensitive as <i>Thunnus albacares</i>
	Damselfishes (Pomacentridae)	Various species	<i>Eupomacentrus spp.</i>	0.1–1.2 (best hearing from 0.3–0.6)
		Goby	<i>Gobius niger</i>	0.1–0.16
		Perch	<i>Perca fluviatilis</i>	0.1–0.16
		Pike perch	<i>Lucioperca Sandra</i>	0.1–0.16
		Serranidae (Sea basses)	<i>Epinephelus guttatus</i>	0.1–1 (best hearing from 0.2–0.4)
	Snappers	Red hind	<i>Lutjanus apodus</i>	0.1–1 (best hearing from 0.2–0.6)
		Chubbyu	<i>Equetus acuminatus</i>	0.1–2 (best hearing from 0.2–1)
		Blue-striped grunt	<i>Haemulon sciurus</i>	0.75–1.0 (best hearing from 0.75–0.8)
Batrachoidiformes	Wrasses (Labridae)	Blue-head wrasse	<i>Thalassoma birasciatum</i>	0.1–1.2 (best hearing from 0.2–0.4)
		Tautog	<i>Tautoga onitis</i>	0.1–0.16
Scorpaeniformes	Toadfish	Oyster toadfish	<i>Opsanuss tau</i>	0.1–0.16
Pleuronectiformes	Searobbins	Slender searobin	<i>Prionotus scitulus</i>	0.1–0.6 (best hearing from 0.3–0.4)
Flounders, sole, halibut	Plaice	<i>Pleuronectes platessa</i>	0.03–0.2	
		Dab	<i>Limanda limanda</i>	0.1–0.2

**Table 4-4. Reported Hearing Sensitivities, Vocalizations, and Transmissions of Marine Fish
(continued)**

Order	Description of Order	Common Name	Scientific Name	Hearing Range (kHz)
Anguilliformes	Eels	American eel	<i>Anguilla anguilla</i>	up to 0.3
Abuleiformes	Bonefishes	Bonefish	<i>Abula vulpes</i>	0.05–0.7
Salmoniformes	Salmon, trout, char	Atlantic salmon	<i>Salmo salar</i>	0.03–0.4
Gadiformes	Cods, hakes, haddock, pollock	Atlantic cod	<i>Gadus morhua</i>	0.01–0.5
		Haddock	<i>Melanogrammus aeglefinus</i>	0.03–0.47
		Pollack	<i>Pollachius pollachius</i>	0.03–0.47
		Ling	<i>Molva molva</i>	0.04–0.55
Lamniformes	Pelagic sharks	Bull shark	<i>Carcharhinus leucas</i>	0.1–1.4
		Lemon shark	<i>Negaprion brevirostris</i>	0.1–0.64
		Hammerhead shark	<i>Sphyrna lewini</i>	0.25–0.75
Heterodontiformes	Bullhead sharks	Horn shark	<i>Heterodontus francisci</i>	0.02–0.16
		Freshwater catfish	<i>Ictalurus nebulosus</i>	0.05–3+
		Goldfish	<i>Carassius auratus</i>	
		Chub	<i>Semotilus atromaculatus</i>	
		Japanese carp	<i>Cyprinus carpio</i>	
Beryciformes	Squirlfish		<i>Myripristis kuhnei</i>	0.1–3 (best hearing from 0.3–2)
			<i>Holocentrus ascensionis</i>	0.3–2
			<i>Holocentris vexillaris</i>	0.1–1.2
			<i>Adioryx xantherythrus</i>	≤ 1
Clupeiformes	Herrings, shads, sardines, and anchovies	American shad	<i>Alosa sapidissima</i>	10–180 +
		Blueback herring	<i>Alosa aestivalis</i>	200 +
		Herring	<i>Clupea harengus</i>	0.03–4 (best hearing from 0.3–1)
		Gulf menhaden	<i>Brevoortia patronus</i>	10–180+
		Sardines and anchovies	(<i>Harengula</i> sp., <i>Anchoa</i> sp., <i>Sardinella</i> sp.)	< 4

Sources: NPS 2003, Mann et al. 2001, Plachta and Popper 2003, NRC 2003, Tavolga et al. 1981, Mann et al. 1998

Note: ^a Perciformes is such a diverse group of fishes that they are broken down by taxonomic family)

Coastal and Other Birds

Impacts on coastal and other birds, particularly diving birds, would be significant if IAS deployment resulted in any of the following outcomes:

- Harassment of nesting and foraging areas.
- Permanent loss of critical habitat.
- Temporary loss of critical habitat that adversely affects a substantial number of a specific species.
- Direct loss (take) of a substantial number of a specific species. Permanent loss of breeding areas.
- Temporary loss of breeding or nesting areas that adversely affects a substantial number of a specific species.
- Substantial interference with movement of any resident species that results in the inability of the species to survive.

Studies with other (noncoastal) species indicate that birds are sensitive to low-frequency sounds in air. However, there are little data on seabird hearing or underwater hearing, and there is no evidence that seabirds are affected by changes in underwater sound (USN 2001).

4.4.2 Potential Impacts

The Proposed Action could result in minor adverse impacts on protected and sensitive habitat and marine organisms. These impacts would be due primarily to the release of zinc into the water column or the addition of waterborne noise. The impacts of zinc will be discussed in this section; the potential impacts of noise on various marine organisms will be discussed in subsequent sections.

Like most commercial and recreational vessels operating in U.S. coastal waters, the IAS system's underwater support structure uses sacrificial zinc anodes to prevent its metal parts from being corroded by the surrounding sea water. As these anodes are consumed (oxidized) by salt water (zinc is nonreactive in fresh water), ionized zinc is released into the surrounding water column. Due to this release of zinc, the IAS could cause minor adverse impacts on marine habitat or organisms.

Elevated levels of zinc in salt water can cause adverse effects on algae, invertebrates, and fish (UK Marine SAC undated), but chronic toxicity data regarding zinc are highly variable and difficult to interpret. Zinc can bioaccumulate in benthic organisms and this bioaccumulation could affect fish, birds, marine mammals, and other marine organisms that feed on sediments and benthic organisms (UK Marine SAC undated, NRC 2003). However, the release of zinc that would result from the Proposed Action is estimated to be less than 28 parts per billion (ppb), which is below USEPA's CCC for zinc of ppb in salt water (USEPA 2002). Because the IAS would not be deployed or installed in any one place permanently, localized accumulation of zinc in sediments and seagrass would be minimal, and there would not be a significant impact on this resource.

Protected and Sensitive Habitats

The IAS is intended to protect designated high-value vessels and critical port facilities and infrastructure and is not intended to operate offshore. Based on the purpose and need of the Proposed Action, it is unlikely that the IAS would be deployed in a protected or sensitive habitat. Therefore, deployment of the

IAS is not likely to have a significant impact on these resources. Supplemental NEPA documentation or consultation with appropriate resource authorities would be initiated if site-specific operating scenarios fall outside of the scope of this assessment.

Marine Mammals

The marine mammals occurring in each ROI are presented in Appendix G, Tables G-10 through G-17. They include 30 species within the seven ROIs (excluding the Great Lakes): 7 species of baleen whales, 13 species of toothed whales (odontocetes), 4 species of true seals, 4 species of eared seals, 1 species of manatee (sirene), and 1 species of sea otter (mustelid). Ten of these species are listed under the ESA, eight as endangered and two as threatened. The hearing sensitivities or vocalizations for 15 of these species are listed in Table 4-3.

Animals only respond to noise if they can hear it. Responses can be short- or long-term and will vary depending on factors such as hearing sensitivity; past exposure to the noise; individual noise tolerance; age, sex, and presence of offspring; the loudness of the noise; whether the sound is stationary or moving; sound transmission; and location (e.g., confinement) (NRC 2003). Short-term responses of marine mammals to audible sound include swimming away from the source; changes in surfacing, breathing, and diving patterns; changes in group composition; and changes in vocalization (NRC 2003). Long-term responses include habitat abandonment or increased tolerance of a noise. Noise impacts can be direct or indirect. Noise can cause direct acoustic trauma, as evidenced by the mass strandings of beaked whales, believed to be caused by a higher powered sonar with a much lower frequency range (1–10 kHz) than either of the sonars associated with the IAS (NRC 2003). More general increases in ambient noise can reduce an animal's ability to hear important sounds, such as communication or the sound of prey (NRC 2003). Additionally, ocean noise can indirectly affect marine mammals by changing prey distribution.

IAS operation is not expected to result in adverse noise-related impacts on marine mammals. The only species that are expected to be capable of detecting the 90 kHz signal transmitted by the land-based sonar are the toothed whales (odontocetes), including bottlenose dolphins and killer whales (which are now listed as endangered in the Northwest ROI), as well as harbor seals (earless seals). Similarly, it is unlikely (based on the information summarized in Table 4-3) that any marine mammals are capable of hearing the 1,000- and 1,800-kHz signal produced by the portable sonar. The signals transmitted by both sonars are higher than the known hearing sensitivities for other marine mammals, which are generally reported to be between 0.04 kHz and 50 kHz (Table 4-3).

Table 4-1 presents the frequency and source levels for each of these sources and compares them to a commercially available fish finder. The land-based sonar falls within the frequency range of a commercially available fish finder. The primary differences are that the pulse-width or the length of the sound pulse is much shorter for a fish finder and a fish finder is typically designed to focus sound in a downward direction. The land-based sonar projects sound forward. The portable sonar has a much higher frequency than a fish finder and is less likely to be audible to marine species.

Bottlenose dolphins use echolocation signals to hunt for prey and avoid obstacles. Underwater hearing ranges reported for bottlenose dolphins range from 1 to 150 kHz (USN 2002). Bottlenose dolphins are reported to produce sounds such as snapping, whistling, barking, and clicking (USN 2002). Whistles were reported at 0.8 to 24 kHz with dominant frequencies of 3.5 to 14.5 kHz (NRC 2000). Clicks used for echolocation were reported at 1 to 150 kHz with dominant frequencies between 30 and 130 kHz and an SPL of up to 213 dB (USN 2002, NRC 2000). Similarly, minke whales use sounds such as grunts, pings, zips, ratchets, and clicks to communicate and echolocate (USN 2002). The frequency range of these sounds is reported to be 0.04 to 2 kHz with dominant frequencies at 0.06 to 0.14 kHz (NRC 2000).

Killer whales predominantly use pulsed sounds (0.5 to 25 kHz at 160 dB) to communicate, but can also produce whistles (generally below 20 kHz). Killer whales use echolocation signals with frequencies ranging from 12 to 25 kHz and a source level of 180 dB. Limited data on killer whales indicate that they have upper frequency limits near 120 kHz, but that their hearing is very acute in the middle frequencies (Richardson et al. 1995). Killer whales could potentially hear the land-based sonar and the underwater loud hailer.

It is possible but not probable that bottlenose dolphins, killer whales, and other odontocetes could be adversely affected by the operation of the land-based sonar if they were to approach the soundhead given that the proposed operating measures included with the Proposed Action designed to avoid and minimize impacts on protected marine species (listed below). Specifically, a 200-m safety zone would be monitored for the activity of protected species. If marine mammal activity is observed that could approach or enter the 200-m safety zone, the operational commander will take prudent measures to avoid impacting the wildlife which (tactical situation permitting) would include shutting down the system. When conducting training activities, if marine mammals that could approach the 200-m safety zone are detected, the system shall be shut down until the marine mammals have left the IAS 200-m safety zone. It is not probable that marine mammals would be adversely affected outside of the 200-m safety zone because the noise level will be attenuated below 160 dB (see Table 4-2). Additionally, the use of the sonar system could alert officials to any marine mammals that might be in the area, allowing for mitigating circumstances.

It is possible that marine mammals could hear the underwater loud hailer. However, the probability of adverse effects on marine mammals related to the under water loud hailer is so low that it is considered discountable. The underwater loud hailer is expected to be an intermittent and short-duration (a minutes not expected to be greater than 15) source of sound used only in the event of an identified threat. At the 200-m safety zone, the dB level of the underwater loud hailer would be less than 134 dB. It is so unlikely that the underwater loudhailer would be used in the presence of sea turtle (an actual threat contemporaneous with the marine mammal) that any impacts are discountable.

The underwater loud hailer operates from 0.2 to 20 kHz, which is within the perceptible range of many marine mammals, including killer whales (Table 4-3). The underwater loud hailer operates at a source level of 180 dB re 1 μ Pa per m at 1 kHz with a depth range of 6 to 25 feet. It is possible that exposure to noise created by the underwater loudhailer could potentially adversely affect marine mammals. However, such an adverse effect is not probable because the underwater loud hailer is expected to be an intermittent and short-duration (a minutes not expected to be greater than 15) source of sound used in the event of a potential threat.

The underwater loud hailer is an off-the-shelf, commercially available diver recall system that uses a submerged speaker to transmit human voices underwater. The loud hailer would only be used in the event of a suspected threat. The loud hailer would allow security team members to contact unidentified swimmers and divers before further action is considered. For example, it would be used to convey warning messages to swimmers and divers that have entered a restricted area. Its use would normally be of very short duration (a maximum of a few minutes), in close proximity to the suspected threat, and during training exercises that simulate operational conditions (also short in duration). Under normal circumstances, continuous use of the loud hailer would not exceed the exposure duration thresholds outlined in Section 4.4.1. Additionally, outside of the 200-m safety zone the received level of the underwater loud hailer is expected to be 134 dB or below. During training, any component of the IAS could be shut down to avoid environmental impact. This includes the use of the underwater loud hailer, if marine mammals (or other protected species) are identified in the area of the training exercise.

As discussed in the project description (Section 2.1), if the tactical situation permits, standard IAS operating procedures would include the following protocols to further avoid or minimize the probability that the IAS would adversely affect protected marine species. These procedures were developed from unofficial suggestions provided by NMFS in August 2004 (Appendix E).

- USCG personnel will monitor the IAS at all times of deployment.
- If IAS is deployed and marine mammal or sea turtle activity that could approach or enter the 160-dB isopleth (200-m safety zone) is noted, the operational commander will take prudent measures to avoid impacting the wildlife which, tactical situation permitting, could include shutting down the system.
- When conducting training activities, if marine mammals or sea turtles that could approach or enter the 160-dB isopleth (200-m safety zone) are detected, the system shall be shut down until the marine mammals have left the IAS 200-m safety zone.
- As there is no warm-up period for the land-based sonar, tactical situation permitting the safety zone will be visually monitored for 20 minutes prior to turning on the device to be sure it is clear of marine mammals or sea turtles. If the land-based sonar is switched on after dark, night vision devices will be used to monitor the safety zone.
- Barring exceptional circumstances that require such deployment, the IAS will not be placed in a location so that it interferes with obvious marine mammal or sea turtle throughways, or prevents entry or exit of marine mammals or sea turtles into and out of an area (e.g., the mouth of a bay or narrow choke-points where sonar might deter them from traveling through or by).

The USCG would also continue to implement existing policies, regulations, and programs to guard against adverse impacts on marine mammals (e.g., Ocean Steward).

The results of this environmental analysis on the deployment of the IAS in the subject areas indicates minor adverse impacts on marine mammals are possible but not probable. Relevant criteria that lead to this conclusion are (1) the IAS will be monitored at all times during operation, (2) the shoreside location of the IAS sound head limits potential encounters by marine mammals, (3) the limited geographic zone of potential impact (within 200 meters) from the sound head where the high-frequency sonar noise could fall within the hearing range of some marine mammals and fish, (4) the limited and tightly controlled use of the underwater loud hailer and the response boat sonar (engaged only where a specific threat is identified), (5) the intended use of the IAS is for protecting existing developed shoreside infrastructure (i.e., no intended operation in open ocean environments), and (6) the temporary nature of the IAS mission at any specific location.

To date, the USCG has completed two EAs for the establishment and operation of the IAS at Galveston Bay, Texas, and San Pedro Bay, California. Both EAs resulted in FONSIs. In both cases, no adverse effects on threatened or endangered species or critical habitat were noted. In a letter dated June 15, 2005, NMFS' Headquarters made a determination that "operation of the IAS in Galveston Bay and San Pedro Bay, in accordance with the mitigation measures [prescribed], is not likely to result in the take of marine mammals." This letter is in Appendix C.

Sea Turtles

Six species of sea turtles potentially occur in the inshore waters of the ROIs (Appendix G, Table G-18). While little information is available on sea turtle hearing, it is known that sea turtle hearing generally

ranges from 0.08 to 2 kHz. Therefore, it is expected that the land-based and portable sonars, which operate at frequencies of 90 Hz and higher, would be imperceptible to sea turtles.

The underwater loud hailer operates from 0.2 to 20 kHz, which might be within the perceptible hearing range of sea turtles. The underwater loud hailer operates at a source level of 180 dB re 1 μ Pa per m at 1 kHz with a depth range of 6 to 25 feet. The underwater loud hailer is similar to commercially available diver recall systems that use submerged speakers to transmit human voices underwater. The loud hailer would only be used in the event of a suspected threat. The loud hailer would allow security team members to contact unidentified swimmers and divers before further action is considered. For example, it would be used to convey warning messages to swimmers and divers that have entered a restricted area. Its use would normally be of very short duration (a maximum of a few minutes), in close proximity to the suspected threat, and during training exercises that simulate operational conditions (also short in duration). Additionally, outside of the 200-m safety zone the received level of the underwater loud hailer is expected to be 134 dB or below. During training, any component of the IAS could be shut down to avoid environmental impact. This includes the use of the underwater loud hailer, if sea turtles are identified in the area of the training exercise.

It is possible but not probable that sea turtles could hear the underwater loud hailer. However, the probability of adverse effects on sea turtles related to the under water loud hailer is so low it is considered discountable. The underwater loud hailer is expected to be an intermittent and short-duration (a minutes not expected to be greater than 15) source of sound that would only be used in the event of an identified. At the 200-m safety zone, the dB level of the underwater loud hailer would be less than 134 dB. It is so unlikely that the underwater loudhailer would be used in the presence of sea turtle (an actual threat contemporaneous with the marine mammal) that any impacts are discountable.

The underwater loud hailer is expected to be an intermittent and short-duration (minutes) source of sound used in the event of a potential threat. Additionally, a 200-m a safety zone would be monitored for the activity of protected species. Specifically, it is not probable that sea turtles would be adversely affected outside of the 200-m safety zone because the noise levels will be attenuated below 160 dB (see Table 4-2). If the IAS is deployed and sea turtle activity that could approach or enter the 200-m safety zone is noted, the operational commander would take prudent measures to avoid impacting the wildlife which (tactical situation permitting) would include shutting down the system. Finally, the use of the sonar system could alert officials to any sea turtles that might be in the area, allowing for mitigating circumstances. When conducting training activities, if sea turtles are observed that could approach the 200-m safety zone, the system shall be shut down until the marine mammals have left the IAS 200-m safety zone.

A letter from NMFS, dated March 30, 2004, indicates that all sea turtles occurring in each ROI could be affected by the Proposed Action (Appendix C). This letter was sent by NMFS' Headquarters prior to reviewing the PEA and without reviewing the EA for the establishment and operation of the IAS in Galveston, Texas. However, after reviewing the EA for the establishment and operation of the IAS in Galveston, Texas, NMFS' Southeast Regional Office sent a letter, dated April 15, 2004, indicating that the frequency ranges of the land-based and vessel-based sonars are highly unlikely to be audible, but that the frequency range of the underwater loud hailer "...does have the potential to result in effects to sea turtles such as such as stress, rapid swimming, and avoidance of the area. Such effects could possibly disrupt important behaviors such as feeding or breeding; however, these effects are not probable with the limited use of the proposed underwater loud hailer. The loud hailer would only be used under suspicion of potential threats to alert swimmers. Therefore, impacts to sea turtles would not be expected under normal operation of the IAS and are so low as to be considered discountable." This letter can be found in Appendix C. Based on the conclusions of NMFS Southeast Regions, the IAS operation would have no effect on sea turtles. If informal consultation results in the determination that deployment is likely to

adversely affect threatened and endangered species under the ESA then formal consultation under the ESA will be undertaken and additional supplemental NEPA documentation will be prepared, as necessary.

Fish

IAS operation could result in minor adverse impacts on some fish species, but is not expected to result in adverse impacts on EFH or threatened or endangered fish species. The portable sonar operates at frequencies higher than most fish species are capable of perceiving (Table 4-4). However, the land-based sonar would operate within the perceptible range of some clupeid fish occurring in the ROIs, including the Gulf menhaden, American shad, sardines, and anchovies (Table 4-4).

Table 4-1 presents the frequency and source levels for each of these sources and compares them to a commercially available fish finder. The land-based sonar falls within the frequency range of a commercially available fish finder. The primary differences are that the pulse-width or the length of the sound pulse is much shorter for a fish finder and a fish finder is typically designed to focus sound in a downward direction. The land-based sonar projects sound forward. The portable sonar has a much higher frequency than a fish finder and is less likely to be audible to marine species.

The underwater loud hailer operates within perceptible frequencies of some tested fish species. However, the underwater loud hailer is expected to be a transient source of noise and should present no significant impacts on exposed fish.

The underwater loud hailer is a commercially available diver recall system that use submerged speakers to transmit human voices underwater. The underwater loud hailer would only be used in the event of a suspected threat and would allow security team members to contact unidentified swimmers and divers before further action is considered. For example, it would be used to convey warning messages to swimmers and divers that have entered a restricted area. Its use would normally be of very short duration (a maximum of a few minutes), in close proximity to the suspected threat, and during training exercises that simulate operational conditions (also short in duration). Under normal circumstances continuous use of the underwater loud hailer would not exceed the exposure duration thresholds outlined in Section 4.4.1. During training, any component of the IAS could be shut down to avoid environmental impact. This includes the use of the underwater loud hailer, if fish are identified in the area of the training exercise.

Coastal and Other Birds

IAS operation is not expected to result in adverse impacts on coastal and other birds. Localized, short-term increases in waterborne noise could potentially affect coastal birds, particularly diving birds, but diving birds spend relatively minimal time underwater and would only be exposed to short durations of underwater sound. Moreover, the sound produced by the IAS has a high frequency and might not be perceptible to coastal and other birds.

Waterborne noise could result in an indirect, minor effect on coastal and pelagic diving birds. This conclusion is based on the fact that some species of prey for coastal and pelagic diving birds might have the ability to hear the land-based sonar. As discussed above, the portable sonar operates at frequencies higher than most fish species are capable of perceiving (Table 4-4). However, the land-based sonar would operate within the perceptible range of some clupeid fish occurring in the ROIs, including the Gulf menhaden, American shad, sardines, and anchovies (Table 4-4).

Table 4-1 presents the frequency and source levels for each of these sources and compares them to a commercially available fish finder. The land-based sonar falls within the frequency range of a

commercially available fish finder. The primary differences are that the pulse-width or the length of the sound pulse is much shorter for a fish finder and a fish finder is typically designed to focus sound in a downward direction. The land-based sonar projects sound forward. The portable sonar has a much higher frequency than a fish finder and is less likely to be audible to marine species.

The underwater loud hailer operates within perceptible frequencies of some tested fish species. However, the underwater loud hailer is expected to be a transient source of noise and should present no significant impacts on exposed fish. If any of the components were to disturb fish that are prey for coastal and marine birds, the area of impact would be approximately 200 m around the source of the noise. This area would be insignificant based on the amount of available prey and the area available for foraging. Coastal and marine birds would be temporarily displaced and could go elsewhere to forage. Therefore, indirect impacts on coastal marine birds would not be expected under normal operation of the IAS and are so low they are considered discountable.

The underwater loud hailer is similar to commercially available diver recall systems that use submerged speakers to transmit human voices underwater. The underwater loud hailer would only be used in the event of a suspected threat and would allow security team members to contact unidentified swimmers and divers before further action is considered. For example, it would be used to convey warning messages to swimmers and divers that have entered a restricted area. Its use would normally be of very short duration (a maximum of a few minutes), in close proximity to the suspected threat, and during training exercises that simulate operational conditions (also short in duration). Under normal circumstances continuous use of the underwater loud hailer would not exceed the exposure duration thresholds outlined in Section 4.4.1. During training, any component of the IAS could be shut down to avoid environmental impact.

4.4.3 No Action Alternative

Under the No Action Alternative, the IAS would not be established. The USCG would continue to implement additional MHLS measures. However, under this alternative, the USCG would be unable to detect underwater threats to the U.S. coast. This would not meet the USCG's requirement to provide maritime security and could possibly make it easier for an underwater attack to occur. Significant adverse impacts would be expected should this alternative be selected due to the increased risk of a terrorist attack. Terrorists could strike at military or commercial facilities in these ports creating the potential for impacts on the environment. The impacts could be immediate or long-lasting. Recovery time would be dependent on the severity and extent of the impact.

4.5 Public Safety

4.5.1 Significance Criteria

Threats facing the national security and well being of the United States are neither bipolar nor symmetrical, meaning the threats are not always obvious or conventional. Intelligence reports establish credible underwater threats to U.S. ports and waterways that include combat swimmers and divers. Operational Commanders responsible for maritime security must have at their disposal underwater capabilities to detect, track, intercept, and interdict, if necessary, a combat swimmer or diver. It is due to these concerns that this Proposed Action is being considered.

This section addresses the impacts on public safety as a result of the Proposed Action. A safe environment is one in which there is no, or an optimally reduced, potential for death, serious bodily injury or illness, or property damage. Public safety is one of the USCG's primary missions. The USCG is charged with implementing programs and providing assets to help ensure the safety and security of the MTS.

Significant impacts are considered to occur if an action results in substantially increased risks to either USCG personnel or the public health and welfare or hinders the USCG's ability to respond to an emergency or accomplish its MHLS mission. It is assumed that loss of life, loss or damage to a vessel, or destruction of other property/port infrastructure would be significant.

4.5.2 Potential Impacts

Beneficial impacts on public safety would be expected from implementation of the Proposed Action. The Proposed Action would increase the USCG's ability to protect critical domestic port infrastructure, safeguard vessels, and preserve the flow of interstate and international commerce. The Proposed Action would enable the USCG to detect, track, and interdict a combat swimmer or diver at a range that provides security forces sufficient time to counter the threat and safeguard the protected asset. The IAS would operate in typical harbor, anchorage, and wharf environments including fresh, salt, and brackish waters, and in air and water temperatures as would typically be expected in an a port/harbor environment. The installation and operation of the IAS would close an identified significant security gap in our nation's strategic ports.

As the lead agency for MHLS, the USCG has been placed at an elevated state of alert for an indefinite period of time. The USCG is responsible for protecting more than 361 ports and 95,000 miles of coastline, America's longest border. The major ports in each ROI are presented in Table 3-2. USCG forces must accomplish the MHLS mission while minimizing impact on the environment and unduly interfering with legitimate trade and commerce.

4.5.3 No Action Alternative

Under the No Action Alternative, the IAS would not be established. The USCG would continue to implement additional MHLS measures. However, under this alternative, the USCG would be unable to detect underwater threats to the U.S. coast. This would not meet the USCG's requirement to provide maritime security and could possibly make it easier for an underwater attack to occur. Significant adverse impacts could be expected should this alternative be selected due to the increased risk of a terrorist attack. Terrorists could more easily strike at military or commercial facilities in these ports creating health and safety hazards for the surrounding populace, impacting appropriate emergency responses, and the potential for impacts on the environment. The impacts could be immediate or long-lasting. Recovery time would be dependent on the severity and extent of the impact.

5. Cumulative Impacts

5.1 Cumulative Impacts Methods

Cumulative impacts are defined as “the impacts that result from the incremental impact of the action, when added to other past, present, and foreseeable future action” (40 CFR 1508.7). Cumulative impacts can result from individually minor but significant collective impacts occurring over a period of time.

This cumulative impacts analysis considers reasonably foreseeable programs, USCG projects, policies, and general threats that could impact each resource area and might add to the incremental impacts of the operation of the IAS in the ROIs or surrounding areas. Because specific locations of deployment of the IAS are unknown, local projects will not be analyzed; instead general types of impacts on each resource area will be analyzed. Projects that are currently in the planning stages, or will not be finalized until further studies have been completed and have no target dates, have been dismissed from further consideration. For the purposes of this PEA, only those resources identified in Section 3.0 that might be impacted by the Proposed Action will be carried over into the cumulative impacts discussions.

Information about ongoing and future projects and programs has been identified from Internet searches, other NEPA documents, local newspaper articles, and discussions with knowledgeable USCG personnel. Based on professional judgment, potential impacts are identified as minor, moderate, or high; and beneficial or adverse whenever possible.

5.2 Coastal and Marine Uses

A large portion of the United States economy depends on use of the oceans. Therefore increases in human population, urbanization, and industrialization result in increases in activities that impact the oceans and the valuable resources within the U.S. EEZ. These activities include marine transportation and ports; marine fishing; offshore energy, minerals, and emerging uses; human health uses; tourism and recreation; and coastal development and real estate (US COP 2004). Overseas trade through U.S. ports is expected to double over the next 20 years (US COP 2004). General impacts that result from an increase of coastal and marine use (including coastal development and urbanization) include water degradation; an increase in ocean noise; increased risk of collision with marine mammals and sea turtles; increased risk of entanglement of marine mammals, sea turtles, and sea birds; interference with the migration of coastal and marine birds and sea turtles from light pollution; seawater intake; and thermal discharge.

5.3 USCG Programs and Projects

In addition to the marine and coastal uses cited above, the USCG has increased safety and security measures on U.S. ports and waterways since September 11, 2001. Past, ongoing, and reasonably foreseeable USCG programs, including Homeland Security activities and a mandatory ballast water program to be implemented by the USCG, are identified and briefly discussed in Table 5-1. Unless otherwise noted, NEPA documentation on pertinent USCG projects and programs can be obtained by contacting Ms. Kebby Kelley, USCG (G-SEC-3), by phone at 202-267-6034, by email at <KKelley@comdt.uscg.mil>, or by writing to Ms. Kebby Kelley, Environmental Protection Specialist, Headquarters United States Coast Guard, Office of Civil Engineering, (GSEC) Room 6109, 2100 Second Street, Washington, DC 20593.

Table 5-1. USCG Programs and Projects Evaluated for Potential Cumulative Impacts

Proposed (or Existing) Action	Potential Cumulative Impacts
Response Boat Acquisitions	No significant adverse impacts on air quality, ambient noise levels, biological resources, or water quality.
Stand-up of MSSTs	No significant adverse impacts on biological resources, no significant adverse impacts on existing ambient noise levels, and beneficial impacts on public safety.
Establishment and Operation of the Mark 11 Static Barrier Running Gear Entanglement System	Potential for minor adverse impacts on biological resources and beneficial impacts on public safety.
Mandatory Ballast Water Management Program for U.S. Waters	Beneficial impacts on biological resources.
Integrated Deepwater System Program	A range of adverse impacts on biological resources. Beneficial impacts on public safety.
Establishment of Safety and Security Zones	Beneficial impacts on public safety, no significant impacts on tribal fishing rights.
Proposed Licensing of Approximately 40 Nearshore Liquefied Natural Gas (LNG) Terminals	A range of adverse impacts on biological resources and beneficial impacts as a significant source of energy.

Response Boat Acquisitions. The Response Boat Acquisitions involve the USCG acquiring and operating 880 response boats-small and response boats-medium to add to or replace aging and inefficient assets with standard, more reliable, and more environmentally sound assets. These boats would be located at the 44 Groups/Activities, 186 multimission stations, and 24 Marine Safety Offices that currently operate nonstandard vessels or 41-foot Utility Boats. The project scope includes all USCG facilities along the coastal United States, including the Great Lakes states, Hawaii, Alaska, Guam, Puerto Rico, and the U.S. Virgin Islands. The project area includes the coastal zone areas where the 41-foot Utility Boats and nonstandard boats currently operate. The NEPA documentation for this project is complete.

Stand-up of the Maritime Safety and Security Teams. The stand-up of the MSSTs includes the stationing of active-duty personnel and reservists and the addition of response boats, tow vehicles, and passenger vans at various ports. The MSSTs will improve the security of the existing port infrastructure and the Intercoastal Waterway on an ongoing basis. Minor adverse impacts on biological resources could be a result of the operation of the MSST boats. The MSST boats could increase the existing ambient noise levels of the areas where they are operated. The MSST boats are equipped with four-stroke engines, which are not expected to significantly increase ambient noise levels or disturb biological resources. The MSST boats are highly maneuverable, and interactions with marine mammals, sea turtles, or other protected species are not expected to be a concern. Table 1-1 lists the MSSTs, their locations, and the fiscal year in which they were appropriated. The NEPA documentation for the MSSTs that were stood up from 2002 to 2004 is complete. The NEPA process for the remainder of the MSSTs is ongoing.

Establishment and Operation of the Mark (MK) 11 Static Barrier Running Gear Entanglement System (RGES). The USCG is proposing to establish and operate a MK 11 Static Barrier RGES as part of a layered defense strategy within Security and Safety Zones, at various and currently unknown U.S. ports throughout the U.S. Maritime Domain, when necessary. The MK 11 Static Barrier RGES would be used

to establish a “line of demarcation” within a Security or Safety Zone, providing a barrier around a high-value asset, and allowing security forces sufficient time to react and counter a threat. The MK 11 Static Barrier RGES would improve the USCG’s capabilities to intercept and interdict, if necessary, small boats or watercraft by delivering an entanglement device that would foul the propellers of unauthorized vessels attempting to approach a restricted area. The MK 11 Static Barrier RGES would not duplicate existing protective measures, but would provide complementary, nonredundant capabilities for port security.

Establishment and operation of the MK 11 Static Barrier RGES with measures to avoid and reduce impacts would not be expected to result in significant adverse impacts on biological resources. The operation of the MK 11 Static Barrier RGES would increase the risk of entanglement of marine species, including those protected under the MMPA and the ESA. However, operational measure have been proposed to minimize impacts on marine protected species. For example, personnel tending the MK 11 Static Barrier RGES would have the on-scene capabilities of freeing an entangled animal, in the unlikely event an entanglement should occur, reducing the risk of injury. Additional minor adverse impacts, such as effects of anchors on seagrass, sediments, and other sensitive benthic habitats, could occur. Beneficial impacts on public safety could occur from establishment and operation of the MK 11 Static Barrier RGES. No adverse impacts on Native American treaty fishing rights are expected. The RGES would be deployed within a Safety and Security Zone and would not exclude Native American tribes from their fishing areas or restrict them from any additional areas beyond the Safety and Security Zone. Entry into Safety and Security Zones is prohibited unless specifically authorized by the Captain of the Port. The NEPA process for this project is in progress.

Mandatory Ballast Water Management Program for U.S. Waters. To address the problem of unintentional introduction of nonindigenous species, and to comply with the *Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990* and the *National Invasive Species Act of 1996*, the USCG is proposing mandatory ballast water management practices for all vessels equipped with ballast tanks bound for ports or places within the United States or entering U.S. waters. The Great Lakes ballast water management program would remain unchanged. This proposed rulemaking would increase the USCG’s ability to protect U.S. waters against the introduction of nonindigenous species via ballast water discharges, which have significant impacts on the nation’s marine and freshwater resources, biological diversity, and coastal infrastructures. The NEPA process for this project is in progress.

Integrated Deepwater System Program. The USCG initiated the Integrated Deepwater System (IDS) Program in 1996 to continue to meet America’s 21st-century maritime threats and challenges. The IDS Program is a long-term acquisition program to upgrade existing USCG assets by renovating, modernizing, or replacing current assets. The IDS Program is the largest and most innovative acquisition in the USCG’s history and is expected to be completed in approximately 20 years.

The IDS is not just “new ships and aircraft,” but an integrated approach to upgrading existing assets while transitioning to newer, more capable platforms with improved systems for command, control, communications, computers, intelligence, surveillance, and reconnaissance; and innovative logistics support. This new system will significantly contribute to the USCG’s maritime domain awareness, as well as improve the ability to intercept, engage, and deter those activities that pose a direct challenge to U.S. sovereignty and security. The IDS Program will provide the USCG the means to extend layered maritime defenses from U.S. ports and coastal areas to hundreds of miles offshore. The NEPA documentation for this project is complete.

Establishment of Safety and Security Zones. As part of the Diplomatic Security and Antiterrorism Act of 1986 (P.L. 99-399), Congress amended Section 7 of the Port and Waterways Safety Act of 1972 (33 U.S.C. 1226) to allow the USCG to take actions, including the establishment of Safety and Security Zones, to prevent or respond to acts of terrorism against individuals, vessels, or public or commercial

structures (implementing regulations in 33 CFR Part 165). The USCG also has authority to establish Security Zones pursuant to the MSA (50 U.S.C. 191 et seq.) (implementing regulations in 33 CFR 6.01 and 6.04).

A Safety Zone is defined as a water area, shore area, or water and shore area in which access is limited to authorized persons, vehicles, or vessels for safety or environmental purposes.

A Security Zone is an area of land, water, or land and water which is designated by the USCG Captain of the Port or District Commander to protect any vessel, harbor, port, or waterfront facility (in the United States and all territory and water, continental or insular, that is subject to the jurisdiction of the United States) from damage, destruction, or injury caused by sabotage or other subversive acts, accidents, or other causes of a similar nature. A Security Zone might be stationary and described by fixed limits or a zone around a vessel in motion. Under NEPA, the USCG has a categorical exclusion for the establishment of Safety and Security Zones.

Proposed Licensing of Approximately 40 Nearshore Liquefied Natural Gas (LNG) Terminals. The Federal Energy Regulatory Commission (FERC) is responsible for authorizing the siting and construction of onshore LNG terminals (including LNG terminals within state waters). Therefore, FERC is required to complete an environmental review which is usually documented in the form of an Environmental Impact Statement (EIS). The USCG acts as a cooperating agency to FERC for the EIS and is required to issue a letter of recommendation regarding the suitability of the waterway for LNG marine traffic for the proposal. Once the appropriate Captain of the Port receives a letter of intent from an applicant proposing to build an onshore LNG terminal, the Captain of the Port issues a letter of recommendation to the applicant, and to appropriate state and local authorities. Currently, there are 6 LNG terminals operating on the East Coast, Puerto Rico, and Alaska. There are approximately another 40 LNG terminals that are either before FERC or being discussed by the LNG industry for North America. Of these, the NEPA documentation is complete for 7 proposed LNG terminals. The NEPA process is ongoing for 13 of the proposed onshore LNG terminals. The NEPA documentation for the proposed onshore LNG terminals can be obtained at <<http://www.ferc.gov/industries/lng/enviro/eis-status.asp>>.

5.4 Cumulative Impacts on Resource Areas Analyzed

5.4.1 Water and Sediment Quality

Human activities affecting water and sediment quality include discharges, runoff, burning, dumping, air emissions, and oil or chemical spills. The Proposed Action is expected to result in minor adverse impacts on sediment and water quality. However, the incremental contribution of the Proposed Action would be negligible when compared to other impacts on water and sediment quality in the ROIs.

5.4.2 Noise

Anthropogenic noise sources in the ROIs include the operation of oil and gas platforms and drilling rigs, seismic exploration, shipping and recreational boating, dredging, shoreline construction (bulkheads, revetments, docks, and pile-driving), urban and industrial development, helicopters, and sonars. Noise generated from these activities can be generated through water or air, and might be stationary or transient. The Proposed Action is expected to result in minor addition of waterborne noise. However, the incremental contribution of the Proposed Action would be negligible when compared to other impacts on ambient noise levels in the ROIs.

5.4.3 Biological Resources

Protected and Sensitive Habitats

Protected and sensitive habitats include marine sanctuaries, critical habitats, fisheries management areas, coral reefs, national parks, wildlife refuges, estuarine research reserve sites, and biosphere reserves. Threats to protected and sensitive habitats vary depending on the structure and composition of the habitat, the location of the habitat, and what animals use the habitat. General impacts associated with increases in human populations, urbanization, industrialization, and coastal and marine uses would impact protected and sensitive habitats. Protected and sensitive habitats can be protected under Federal, state, and, in some cases, local or international jurisdictions.

The Proposed Action could result in short-term minor impacts on some protected and sensitive habitats. The use of the IAS would be limited to existing developed shoreline. Cumulative impacts on protected and sensitive habitats from the Proposed Action in conjunction with the current uses and threats to protected and sensitive habitats could result in an increase in noise that could disturb protected marine resources such as marine mammals and sea. However, the increased noise relating to the Proposed Action would be temporary, localized to areas of existing shoreside infrastructure, and minor when compared to other less restricted activities such as fishing and benthic impacts from boat and vessel anchorages and other coastal uses. Therefore, the incremental contribution of the Proposed Action would be negligible when compared to other threats to protected and sensitive habitats.

Marine Mammals

Major threats to marine mammals include marine fishing and shipping resulting in entanglement and vessel collisions and ocean noise. No significant adverse impacts on marine mammals are expected to result from the MSSTs, RGES, and IDS projects. The mandatory ballast water requirements would potentially have beneficial impacts on marine mammals. The Proposed Action could represent a minor localized increase in noise that would not result in serious injury of any marine mammals. A number of procedures would be implemented as part of the Proposed Action to further reduced or avoided potential impacts.

Cumulative impacts on marine mammals from the Proposed Action in conjunction with the current threats to marine mammals could result in an increase in noise. However, the increased noise relating to the Proposed Action would be temporary, localized to areas of exiting shore-side infrastructure, and minor when compared to the risk of entanglement presented by fishing gear, the risk of vessel collisions, and prevailing noise in developed ports. Therefore, the incremental contribution of the Proposed Action would be negligible when compared to other threats to marine mammals.

Sea Turtles

Threats to sea turtles include entanglement in fishing gear, vessel collisions, and ingestion of marine debris. General impacts from an increase in population and coastal development can also affect sea turtles. Beach nourishment and shoreline hardening can affect nesting, and pollution can affect SAV, which is an important food source for sea turtles. No significant adverse impacts on sea turtles are expected to result from the MSSTs, RGES, and IDS projects. The mandatory ballast water requirements would potentially have beneficial impacts on marine mammals. The Proposed Action could represent a minor increase in noise, but is not expected to result in the serious injury of any sea turtle.

Cumulative impacts on sea turtles from the Proposed Action in conjunction with the current threats to sea turtles could result in an increase in noise. However, the increased noise relating to the Proposed Action

would be temporary, localized to areas of existing shore-side infrastructure, and minor when compared to waterborne noise resulting from shipping and other coastal uses. Therefore, the incremental contribution of the Proposed Action would be negligible when compared to other threats to sea turtles.

Fisheries Resources and EFH

Threats to fish include overfishing, habitat degradation caused by fishing (such as trawls and dredges), habitat loss caused by dams (in the case of West Coast salmon and shortnose sturgeon), introduced species, and a general degradation of water quality. The mandatory ballast water requirements would potentially have beneficial impacts on fisheries resources and EFH. The Proposed Action could represent minor impacts on EFH and HAPCs resulting in minor degradation of benthic habitat.

Cumulative impacts on fisheries resources from the Proposed Action in conjunction with the current threats to fisheries resources and EFH could result in a minor increase in noise. However, habitat increased noise relating to the Proposed Action would be temporary, localized to areas of exiting shoreside infrastructure, and minor when compared to waterborne noise related to shipping and other coastal uses. Therefore, the incremental contribution of the Proposed Action would be negligible when compared to other threats to fisheries resources and EFH.

Coastal and Other Birds

Threats to coastal and other birds include entanglement in fishing gear such as longlines, ingestion of marine debris, and habitat loss caused by coastal development. The Proposed Action is not expected to result in adverse impacts on coastal and marine birds. Therefore the Proposed Action would not add to the severity of the impacts resulting from the current threats to coastal and marine birds.

5.4.4 Public Safety

The Proposed Action, the MSSTs, the RGES, the IDS Program, the establishment of Safety and Security Zones, and the mandatory ballast water requirements would be expected to result in cumulative beneficial impacts on public safety. The MSSTs, the RGES, the IDS Program, and the Proposed Action do not duplicate existing protective measures and would provide complementary, nonredundant capabilities that would close significant readiness gaps in port security.

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APPENDIX A

INTERESTED PARTY LETTER, MAILING LIST, AND FEDERAL REGISTER ANNOUNCEMENT

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

**United States
Coast Guard**



**Commandant
United States Coast Guard**

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-OPD
Phone: (202) 267-2039
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OCT 21 2005

Dear Interested Party:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing Coast Guard Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500) and USCG policy (Commandant Instruction M16475.1D, Procedures for Considering Environmental Impacts).

The purpose of the IAS is to improve the Coast Guard's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

Public input is important to the preparation of the PEA. Your concerns and comments regarding the establishment and operations of the IAS and the possible environmental impacts are important

to the USCG. You are invited to request a copy of the Draft PEA and/or submit comments by November 17, 2005 using only one of the following means:

By mail to:
U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593
Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements

Or by fax at (202) 267-4278
Or by E-mail at kmcdaniel@comdt.uscg.mil

You may also download the Draft PEA and make comments using the Department of Transportation, Docket Management System (DMS) Web Site, <http://dms.dot.gov>. When using this method reference Docket Number USCG-2005-22499. Comments may also be delivered to the DMS by the following means:

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Sincerely,



K.G. Quigley
CAPT, U.S. Coast Guard
Chief, Office of Defense Operations (G-OPD)

Appendix A

Interested Party Mailing List

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5318 Chief Brown Lane
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The catastrophic destruction brought about by Hurricanes Rita and Katrina has dramatically impeded, and in some places in the affected region stopped altogether, production and transportation or transmission of oil, refined petroleum products, natural gas, and electricity. Much of the lost oil production is from producing areas in the Gulf of Mexico which have been leased pursuant to programs of the Department of the Interior. This lost production, refining, and transportation capacity has resulted in the actual or threatened unavailability of gasoline, jet fuel and other refined products, and threatens the Nation's economic and national security. I believe that waiver of the coastwise laws would facilitate the transportation of oil and refined petroleum products in and from portions of the United States affected by the hurricanes, and to other regions affected by the disruptions that have occurred in the Gulf Coast area.

Therefore, I am exercising my discretion and authority to waive the coastwise laws generally for the transportation of petroleum and refined petroleum products for the period until 12:01 a.m., October 24, 2005. On September 1, 2005, I exercised my discretion and authority to waive the coastwise laws generally for the transportation of petroleum released from the Strategic Petroleum Reserve, whether pursuant to an exchange, sale or otherwise, undertaken in response to the circumstances arising from Hurricane Katrina. I am today exercising my discretion and authority to extend that waiver of the coastwise laws generally for the transportation of petroleum released from the Strategic Petroleum Reserve, whether pursuant to an exchange, sale, or otherwise, undertaken in response to the circumstances arising from Hurricane Rita. I find, for the reasons set forth above, that such waivers are necessary in the interest of national defense.

Executed this 26th day of September, 2005.

Michael Chertoff,

Secretary.

[FR Doc. 05-19820 Filed 9-29-05; 1:23 pm]

BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG-2005-22499]

Integrated Anti-Swimmer System; Draft Programmatic Environmental Assessment

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability and request for comments.

SUMMARY: The Coast Guard announces the availability of the Draft Programmatic Environmental Assessment (PEA) of the Integrated Anti-Swimmer System (IAS). The Coast Guard is proposing to deploy and operate the IAS for temporary periods at various U.S. ports throughout the U.S. Maritime Domain, when necessary. The purpose of the Proposed Action is to increase the Coast Guard's ability to detect, track, classify, and interdict, if necessary, potential underwater threats and as a result, protect personnel, ships, and property from sabotage and/or other subversive acts. Potential threats targeted by the IAS include combat divers and unmanned vehicles. The IAS will be co-located with, and used by, the Coast Guard's newly established Maritime Safety and Security Teams (MSSTs). The IAS is proposed to be used at a range necessary to maintain situational awareness and allow the MSSTs sufficient time to react and counter a detected threat. Extensive research and analysis of alternatives has led to the conclusion that an active sonar system is the only currently available technology that affords this capability.

DATES: Comments and related material must reach the Docket Management Facility on or before November 17, 2005.

ADDRESSES: To make sure that your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

(2) By mail to the Docket Management Facility, (USCG-2005-22499), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) By delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday

through Friday, except Federal holidays. The telephone number is 202-366-9329.

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public, as well as the draft Programmatic Environmental Assessment (PEA), will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket, including the PEA, on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, the proposed project, or the associated PEA, call Mr. Kenneth McDaniel at (202) 267-1505 or by e-mail at kmcdaniel@comdt.uscg.mil. If you have questions on viewing or submitting material to the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, telephone 202-366-0271.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to submit comments and related material on the draft Programmatic Environmental Assessment (PEA). If you do so, please include your name and address, identify the docket number for this notice (USCG-2005-22499) and give the reasons for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

Proposed Action

Domestic port safety and security has long been a core Coast Guard mission. However, in the wake of the terrorist attacks committed on September 11, 2001, emerging threats to the U.S. homeland have prompted an increased Coast Guard focus on protecting domestic ports and the U.S. Maritime Transportation System from terrorist threats.

As part of the U.S. response to these threats, the Coast Guard has undertaken

a PEA to examine alternatives and assess the significance of the impacts on the quality of the human environment for the decision to deploy and operate IASs at various U.S. ports throughout the U.S. Maritime Domain, when necessary.

Draft Programmatic Environmental Assessment

We have prepared a draft Programmatic Environmental Assessment (PEA). The draft PEA identifies and examines the reasonable alternatives and assesses their potential environmental impact.

Our preferred alternative is to use the IAS to protect personnel, ships, and property from sabotage or other subversive acts. The IAS consists of five primary components: A land-based sonar, a portable (vessel mounted) sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. Use of the IAS would be limited to existing harbor infrastructure and adjacent waters. The IAS is not designed or intended for use offshore.

The system would be used for specific and finite periods of time to protect specific assets. During these times, the sonar would be operated and monitored continuously. The loud hailer would be used only if an actual threat was identified.

Recently, the Coast Guard completed environmental assessments (EAs) that address the impact of IAS deployment and operation in Galveston Bay, TX and San Pedro Bay, CA. The result of these EAs was a finding of no significant impact. The Coast Guard also engaged in informal consultation with the National Marine Fisheries Service pursuant to the section 7 of the Endangered Species Act, which resulted in a determination that deployment and operation of the IAS in Galveston Bay, TX and San Pedro Bay, CA is not likely to adversely affect threatened or endangered species or critical habitat, nor is it likely to result in the take of marine mammals in those bays. Similarly, there was no evidence to suggest that IAS deployment and operation would adversely affect essential fish habitat or have an impact on coastal uses and resources.

We are requesting your comments on environmental concerns you may have related to the PEA. This includes suggesting analyses and methodologies for use in the PEA or possible sources of data or information not included in the PEA. Your comments will be considered in preparing the final PEA.

Dated: September 23, 2005.

Kevin G. Quigley,

Captain, U.S. Coast Guard, Chief, Office of Defense Operations.

[FR Doc. 05-19662 Filed 9-30-05; 8:45 am]

BILLING CODE 4910-15-U

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG-2005-22569]

Meeting of the Office of Boating Safety's Recreational Boating Safety Strategic Planning Panel

AGENCY: Coast Guard, DHS.

ACTION: Notice of meeting.

SUMMARY: The Coast Guard's Office of Boating Safety is sponsoring a panel of representatives of the recreational boating community to discuss strategic planning goals, objectives and strategies that the Coast Guard may use to improve recreational boating safety. This meeting is open to the public.

DATES: The meeting will occur on Monday and Tuesday, October 17 and 18, 2005, from 8:30 a.m. to 5 p.m.

ADDRESSES: This meeting will occur at the Holiday Inn National Airport, 2650 Jefferson Davis Highway, Arlington, VA. This notice is available on the Internet at <http://dms.dot.gov> and at <http://uscgboating.org>.

FOR FURTHER INFORMATION CONTACT:

Dionca Williams, Administrative Assistant, Office of Boating Safety, U.S. Coast Guard telephone 202-267-1077, fax 202-267-4285. If you have questions on viewing material in the docket, call Renee V. Wright, Program Manager, Docket Operations, Department of Transportation, telephone 202-493-0402.

SUPPLEMENTARY INFORMATION: At the 2004 Fall meeting of the National Boating Safety Advisory Council (NBSAC), the Office of Boating Safety proposed to assemble a Goal-Setting Recommendation Panel. NBSAC endorsed this proposal. To facilitate this, the Coast Guard invited representatives of the recreational boating community to participate on this panel.

The Coast Guard held the meeting on February 8 and 9, 2005 at the Crystal City Sheraton Hotel, 1800 Jefferson Davis Highway, in Arlington, VA. The panel considered, analyzed, and proposed recreational boating safety performance goals that can be supported by the government, industry, and the boating public. A representative of the

panel presented its conclusions at the April 2005 NBSAC meeting. Minutes of the panel's February 2005 meeting may be obtained from the person listed above under **FOR FURTHER INFORMATION**.

A professional facilitator will moderate the second meeting. The panel will further consider, analyze, and propose recreational boating safety objectives and strategies that can be supported by the government, industry, and the boating public. A representative of the panel will present its conclusions at the November 2005 NBSAC meeting. We will also prepare minutes of the second meeting. You may obtain them from the person listed above under **FOR FURTHER INFORMATION**.

Procedural

The meeting is open to the public. Please note that the meeting may close early if all business is finished.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the person listed under **FOR FURTHER INFORMATION** as soon as possible.

Dated: September 26, 2005.

James M. Hass,

Captain, U.S. Coast Guard, Acting Director of Operations Policy.

[FR Doc. 05-19663 Filed 9-30-05; 8:45 am]

BILLING CODE 4910-15-U

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Notice of Cancellation of Customs Broker License

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: General Notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker licenses are cancelled without prejudice.

Name	License No.	Issuing port
Action International, Inc..	12875	Tampa.
Aries International Import Services.	12704	New York.

APPENDIX B

RESPONSES TO INTERESTED PARTY LETTERS



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

K.G. Quigley
CAPT, U.S. Coast Guard
Chief, Office of Security and Defense Operations
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593-0001

MAR 20 2006

Dear Captain Quigley:

NOAA's National Marine Fisheries Service received your request for concurrence on the United States Coast Guard's determination that the operation of the Integrated Anti-Swimmer System (IAS) would not adversely affect listed species or designated critical habitat. After review of the revised *Programmatic Environmental Assessment of the Installation and Operation of the Integrated Anit-Swimmer System* (February 2006) and other documents, we agree with your determination.

The purpose of the IAS is to detect, track, classify, and alert security forces of potential underwater threats around high-value vessels and critical port facilities and infrastructure. Generally, the IAS would be used in or near economically and militarily significant ports, which are typically busy, heavily trafficked, and industrial. Use of the IAS outside of these ports would be rare and limited to a site of specific importance or response to a specific potential threat.

Most of the 13 Coast Guard Maritime Safety and Security Teams (MSST) across the United States would have their own IAS. The IAS would be deployed and operated on an as-needed basis, when and where additional protection is necessary. The IAS would also be used for training once per quarter. Assuming a maximum of 18 deployments per year for each unit for a total duration of 10 days, the unit may be in operation about 180 days per year within any one MSST region.

The IAS consists of a land-based sonar and a portable sonar for detection and tracking of underwater swimmers and threats at a range that allows opportunities to take action. The land-based sonar would be used from either a pier or vessel tied to a pier. The portable sonar would be on an MSST Defender Class boat. While the land-based sonar is operated continuously, the portable sonar would be used to positively identify a potential threat once it has been localized out to 30 yards. An underwater loudhailer, a submerged speaker that transmits human voices underwater, would also be used to communicate with unidentified divers or swimmers before further action is taken. Its use would normally be of very short duration and in close proximity to the person.

Standard IAS operating procedures would include the following protocols to avoid or minimize the probability that the IAS would adversely affect protected marine species:



- USCG personnel will monitor the IAS at all times of deployment.
- If IAS is deployed and a marine mammal or sea turtle activity is noted to approach or enter the 160 dB isopleth (200-meter safety zone), the operational commander will take prudent measures to avoid impacting the wildlife which may, situation permitting, include shutting down the system.
- During IAS training, if marine mammals or sea turtles are detected approaching or entering the 200-meter safety zone, the system shall be shut down until the marine mammals or sea turtles have left the safety zone.
- Except for emergency situations where the USCG has specific intelligence indicating an imminent threat, the safety zone will be visually monitored for 20 minutes prior to turning on the device to be sure it is clear of marine mammals and sea turtles. If the land-based sonar is switched on after dark, night vision devices will be used to monitor the safety zone.
- Barring exceptional circumstances that require such deployment, the IAS will not be placed in a location such that it interferes with obvious marine mammal or sea turtle throughways, or prevents entry or exit of marine mammals into and out of an area, e.g., the mouth of a bay or narrow choke-points.

We analyzed the potential for adverse effects to endangered and threatened species, including the listed sea turtle, Pacific salmon, sturgeon species, the smalltooth sawfish, Steller sea lion, southern resident killer whale, and Hawaiian monk seal that may occur within the nearshore waters where the IAS would be deployed. Critical habitats designated for these species are in coastal areas, but the IAS is unlikely to be used in such habitats. A list of the species considered in the analysis is attached. Our analysis is based on the information provided in the *Programmatic Environmental Assessment of the Installation and Operation of the Integrated Anti-Swimmer System*.

The IAS emits sounds into the marine environment that could affect marine life. The following table describes the source level, frequency range, and attenuation of the sonars and loud hailer.

Type	Frequencies (kHz)	Maximum Source Level (dB re 1 µPa at 1 m)	Distance to the 160 dB re 1 µPa isopleth (m) ^a	Received Level at 200 m (dB re 1 µPa)
Land-based Sonar	90	206 dB @ 90 kHz	~140	154
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	1,800	202 dB @ 1,800 kHz	~9	0
Underwater Loud Hailer	0.2–20	180 dB @ 1 kHz	~11	134

Notes: ^a The 160-dB isopleth is the contour where the sound level would attenuate from the source to 160 dB. The maximum distance to the 160-dB isopleth was calculated using the equations $RL = SL - TL_{ss} - TL_{ab}$ where RL is the received level (in dB re 1 µPa), SL is the Source Level (dB re 1 µPa at 1 m), TL_{ss} is spherical spreading in water ($20 * \log_{10}[\text{distance in meters}]$), and TL_{ab} is the absorption coefficient multiplied by distance in meters. The absorption coefficient (α) is sound energy loss in dB/m and is calculated based on the equation $\alpha = (0.036f^{1.5})/1000$ where f = the frequency in kHz.

These sounds could only affect those marine species that are able to hear them. The *Environmental Assessment* summarizes the available data on hearing frequencies for most of the listed species. The sea turtle and fish species are believed to be able to hear low frequencies. Hard-shelled sea turtle hearing was measured to be between 0.08 to 2 kHz; leatherback sea turtles may be able to hear similarly given their similar anatomy. Salmon are reported to hear between 0.03 to 0.4 kHz and sturgeon between 0.05 to 1 kHz. Smalltooth sawfish are likely to also hear the low frequencies, i.e., less than 1 kHz, similar to sharks. The Steller sea lion may be able to hear frequencies up to 50 kHz, and the Hawaiian monk seal can hear up to 30 kHz. The southern resident killer whale, however, may be able to hear sounds up to 120 kHz.

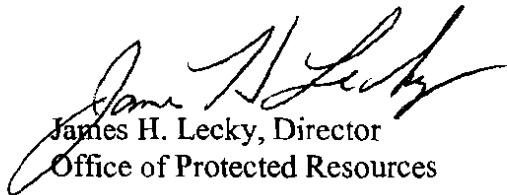
The underwater loud hailer would be audible to all of the above species. However, the likelihood that any of these species would be exposed to the loudhailer is extremely low for several reasons. First, the IAS would generally be used in busy, industrial ports that are unlikely to support desirable habitats for listed species. Second, the loudhailer would be used infrequently and only when the sonars show that there is a diver or swimmer that presents a threat to the asset that is being protected. Third, the use of the loud hailer would normally be of very short duration and in close proximity to the suspected threat. Finally, for marine mammals and sea turtles, USCG personnel would monitor the IAS at all times, be able to detect marine mammals or sea turtles within the 200-m safety zone, and avoid exposing these species to the loud hailer. The combination of these factors minimizes the probability of exposure to a discountable level.

The portable sonar, operating at 1,000 or 1,800 kHz would not be audible to any of the listed species. The land-based sonar, operating at 90 kHz would be audible to only the southern resident killer whale. Although the land-based sonar would be used continuously during an operational mission, the ensonified area would be monitored and the system would be shut-down if a marine mammal (such as a killer whale or monk seal) approaches the 200-m safety zone. The IAS is capable of accurately distinguishing a marine mammal from a human diver or other object. The system alerts USCG security response personnel for a target that has been classified as a swimmer, diver, sea turtle, or marine mammal. The potential for southern resident killer whales to be exposed to the portable sonar is also extremely low, given the location of IAS deployment, the infrequent and short duration of deployment, and the mitigation measures.

Given that the likelihood that listed species discussed above would be exposed to the IAS sonars and loud hailer are so low as to be discountable, we conclude that such species would not likely be adversely affected and therefore concur with your determination. We acknowledge the IAS could benefit listed species because it would contribute to the prevention of terrorist attacks involving petroleum or chemical spills.

We appreciate your efforts in the development and implementation of measures for the IAS that serve to avoid impacts to threatened and endangered species. If you have any questions or concerns about this consultation, please feel free to contact me or Mi Ae Kim at 301-713-1401.

Sincerely,



James H. Lecky, Director
Office of Protected Resources

Attachment (1): *Threatened and endangered species that may be affected by the Coast Guard's Integrated Anti-Swimmer System (IAS) chart.*

Threatened and endangered species that may be affected by the Coast Guard's Integrated Anti-Swimmer System (IAS).

Species	Status
Hawaiian monk seal (<i>Monachus schauinslandi</i>)	Endangered
Steller sea lion (<i>Eumetopias jubatus</i>)	
Eastern stock	Threatened
Western stock	Endangered
Killer whale, southern resident (<i>Orcinus orca</i>)	Endangered
Green sea turtle (<i>Chelonia mydas</i>)	
Florida and Mexico's Pacific coast breeding colonies	Endangered
All other areas	Threatened
Hawksbill sea turtle (<i>Eretmochelys imbricata</i>)	Endangered
Kemp's ridley sea turtle (<i>Lepidochelys kempii</i>)	Endangered
Loggerhead sea turtle (<i>Caretta caretta</i>)	Threatened
Leatherback sea turtle (<i>Dermochelys coriacea</i>)	Endangered
Olive ridley sea turtle (<i>Lepidochelys olivacea</i>)	
Mexico's Pacific coast breeding colonies	Endangered
All other areas	Threatened
Atlantic salmon (<i>Salmo salar</i>), Gulf of Maine	Endangered
Chinook salmon (<i>Oncorhynchus tshawytscha</i>)	
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Columbia River (lower)	Threatened
Columbia River (upper) spring run	Endangered
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Sacramento River winter run	Endangered
Snake River fall run	Threatened
Snake River spring/summer run	Threatened
Willamette River (upper)	Threatened
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Central California coast	Endangered
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South Oregon & North California coast	Threatened
Sockeye salmon (<i>Oncorhynchus nerka</i>)	
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California, southern	Endangered
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Columbia River (lower)	Threatened
Willamette River (upper)	Threatened
California, northern	Threatened
California coast, south central	Threatened
California central valley	Threatened

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APPENDIX C

AGENCY CONSULTATION AND COORDINATION



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20581-0

K.G. Quigley
CAPT, U.S. Coast Guard
Chief, Office of Security and Defense Operations
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593-0001

Dear Captain Quigley:

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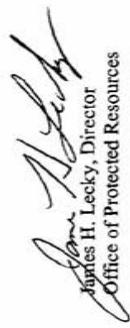
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Office of Protected Resources

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Columbia River (middle)	Threatened
Columbia River (lower)	Threatened
Willamette River (upper)	Threatened
California, northern	Threatened
California coast, south central	Threatened
California Central Valley	Threatened

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Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Swift Symbol: G-RPD
Phone: (202) 267-1505
Fax: (202) 267-4278

S090
MAR 6 2006

Mr. James H. Lecky, Director
Office of Protected Resources
National Marine Fisheries Service
Suite 13821
1315 East-West Highway
Silver Spring, MD 20910

Dear Mr. Lecky,

The United States Coast Guard (Coast Guard) requests that National Marine Fisheries Service (NMFS) conclude informal consultation under Section 7(a)(2) of the Endangered Species Act (ESA) on the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing Coast Guard Maritime Safety and Security Teams (MSSTS).

In a meeting between NMFS and Coast Guard on 3 February 2006 multiple aspects of the draft Programmatic Environmental Assessment (PEA) for the IAS was discussed with staff from your office, and those discussions did not reveal any significant concerns. Since that time the Coast Guard has revised the draft PEA, incorporating the recommendations received from NMFS headquarters in a letter dated 16 December 2005 and during the 3 February meeting. The revised PEA is included as enclosure (1) for your review and provides details of the IAS description, proposed action, past environmental assessments, past consultations and voluntary mitigation measures.

The Coast Guard has completed two Environmental Assessments for the establishment and operation of the IAS at Galveston Bay, TX and San Pedro Bay, CA. Both EAs resulted in Findings of No Significant Impact. In both cases, no adverse effects to threatened or endangered species or critical habitat were anticipated, and NMFS Headquarters concurred, with a determination that "operation of the IAS in Galveston Bay and San Pedro Bay, in accordance with the mitigation measures [prescribed], is not likely to result in the take of marine mammals." Since the IAS has been deployed in these locations, no environmental impacts of any kind have been observed.

Enclosures 2-5 are letters received from NMFS headquarters, Southeast and Southwest Regional Offices that in summary concurred with the Coast Guard's determination that operation of the IAS in the San Pedro and Galveston regions would not have adverse impacts on Essential Fish Habitat, is not likely to adversely affect endangered and threatened species under the purview of NMFS, and is not likely to adversely affect listed species or designated critical habitat. Both headquarters determined that operation of the IAS would have no effect on sea turtles and NMFS take of marine mammals.

MAR 6 2006
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Given these conclusions, our experience, and the rationale set forth in the PEA, we have no reason to expect the impacts of IAS to be higher elsewhere, and the Coast Guard plans to employ the IAS more widely. The PEA to support that effort [expanded use of the IAS] is styled as "Programmatic" only because it does not reference a specific location. However, the Coast Guard does not believe it is necessary to do any follow-on environmental assessments or further consultation under Section 7 of the ESA before conducting training and deploying the system at ports where MSSTS are located and at events of national significance, such as the Superbowl and the G8 Summit.

The IAS is a linchpin in the Coast Guard's strategy to provide the United States with credible tools to deter, detect and interdict threats to our critical port infrastructure. Delay in deployment of IAS means greater vulnerability for those assets, and that the Coast Guard will have to devote more resources and work that much harder to provide equivalent protection. However, as an environmental law enforcement agency, we also take our duties of environmental stewardship very seriously. The Coast Guard values NOAA's expertise in the study of effects of anthropogenic underwater noise on marine mammals, listed species and other marine species. Our agencies have a long history of supporting each other in the conservation of marine species, such as our recent collaboration in North Atlantic right whale disentanglement operations. The Coast Guard believes that establishing and operating the IAS is not likely to adversely affect protected resources and seeks your concurrence.

In the event that you conclude that formal consultation is necessary, please consider this letter as the initiation of that formal consultation. The Coast Guard intends to have the PEA stand as our Biological Assessment (BA), since it has assessed the potential impacts associated with the IAS on threatened and endangered species and non-listed species of marine mammals.

We would like to begin deploying this system at the end of March, 2006 and would greatly appreciate your expedited consideration of this request. Please send any comments within 10 days of receipt of this letter, to the Coast Guard through one of the following methods:

By mail to:
U.S. Coast Guard Headquarters
Commandant (G-RPD)
2100 Second St., S.W.
Washington, D.C. 20593
Attn: Mr. Kenneth McDaniel
Management & Program Analyst

Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@comdt.uscg.mil

MAR 6 2006
5090

We appreciate the substantial interaction related to this project which has already occurred between our offices, and thank you in advance for your expedited consideration. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505.

Sincerely,


K.Q. Quigley
C&F, U.S. Coast Guard
Chief, Office of Security and Defense Operations
(G-RPD)

- Enclosures:
- (1) Draft PEA (revised)
 - (2) Letter from NMFS Southeast Regional Office dated 8 January 2004
 - (3) Letter from NMFS Southeast Regional Office dated 15 April 2004
 - (4) Letter from NMFS Headquarters dated 15 June 2005
 - (5) Letter from NMFS Southwest Region dated 20 June 2005

cc: Mr. Ken Hollingshead
Ms. Mi Ae Kim
G-LLEL
CG-443

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DEC 27 2006

UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Silver Spring, MD 20501-0000

Kenneth McDaniel
Defense & Homeland Security
U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593

Dear Mr. McDaniel:

This letter responds to the request for comments on the draft Programmatic Environmental Assessment of the Installation and Operation of the Integrated Anti-Swimmer System (IAS) that was published in the U.S. Federal Register on October 3, 2005. The comments we provide in this letter represent technical assistance only and do not represent the National Marine Fisheries Service's comments or position on the proposal with respect to section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1536) or any other provision of that statute.

Based on the information contained in the draft Programmatic Environmental Assessment (PEA), we understand that the IAS would be used to enhance the U.S. Coast Guard's (USCG) underwater swimmer detection capability in order to protect personnel, ships, and property from potential underwater threats, such as sabotage and/or other subversive acts. The IAS uses acoustic technology to increase the USCG's ability to detect, track, classify, and interdict such potential underwater threats including combat swimmers, divers, and unmanned vehicles. A fully operational system consists of the following components:

- Land-based sonar
- Portable sonar
- Underwater loudhailer
- Data processor
- Vehicle guidance system
- MSST response vessels
- MSST trucks

The portable sonar, underwater loudhailer, and vehicle guidance system are designed for use on a Maritime Safety and Security Team (MSST) response vessel. The data processor and land-based sonar will be based onshore. The entire system will be transported to different ports, when necessary, using MSST trucks. The land-based sonar and the portable sonar emit high frequency sounds; the underwater loudhailer emits low frequency sound.

The IAS is proposed for use in any shore area, primarily in port and harbor areas, of the United States or territories where there is deemed to be a security threat and for training purposes. The IAS is not intended for use offshore (page 1-7, lines 5 - 6). The land-based sonar will be connected to a pier or shoreside structure, while the vessel-based sonar and underwater

loudhailer are mobile (page 3-3, lines 17 - 22). The zone of potential effect analyzed in the PEA was defined as the range at which sound pressure levels (SPL) from the land-based sonar would drop below 180 dB (pages 3-3 and 4 - 4). The PEA states that this zone of potential effect is approximately 9.8 to 328 feet (3 to 100 meters) from the shoreside structure to which the land-based sonar is connected, based on USN estimated attenuation of the land-based sonar signal in the *Environmental Assessment for Installation and Operation of an Underwater Swimmer Detection System at Naval Base Coronado, California 2002* (page 4-4). The IAS will not operate on a daily basis but rather for temporary and defined periods. The PEA states that the anticipated duration of use is approximately 10 days 18 times per year (i.e., approximately 180 days) (page 2-3, lines 6 - 7).

SPECIFIC COMMENTS

Scope of analysis, page J-8, lines 21 - 23: the PEA states that it focused only on analyzing the impacts of the IAS on developed waterfront areas within the nation's economically and militarily significant ports. Although this scope may be acceptable for NEPA purposes, it would need to be broader in scope to assess potential effects on threatened or endangered species or critical habitat that has been designated for those species.

Determination of the zone of potential effect for land-based and portable sonars, pages 1-3 and 4-4: the PEA states that the area of potential influence, or zone of potential effect, was derived by estimating the distance at which the sound pressure level (SPL) would drop below 180 dB. For the land-based sonar, the PEA states that the SPL would drop below 180 dB between 3 and 100 meters from the source and that the SPL for the portable sonar would attenuate to 180 dB within a shorter distance.

Although this zone of impact may be acceptable for the purposes of NEPA, it would not correspond to the action area for any section 7 consultation on the proposed action because the action area for a consultation must encompass the geographic area that contains the direct and indirect effects of an action (50 CFR 402.02). Because sound pressure levels that are below 180 dB might produce sub-lethal and behavioral responses that adversely affect individual, listed animals, even if they do not produce permanent or temporary threshold shifts, a consultation on the proposed action would have to consider the effects of exposing listed species to sound pressure levels between 180 dB and ambient sound levels. Therefore, the action area for a consultation would encompass an area that is larger than the zone of potential effect contained in the PEA.

Page J-4, line 26: the PEA states that the source level for the portable sonar is 202 dB. This appears to contradict information provided on page 4-4 of the PEA, which states that the source level is 205-210 dB. These two statements should be consistent in the final PEA.

Page J-4, line 27: the PEA states that the frequency range for the underwater loudhailer is 0.2 to 20 kHz. This appears to contradict information provided on page 4-4 of the PEA, which states that the frequency range is 0.5 to 4 kHz. These two statements should be consistent in the final PEA.

Page J-4, line 28: the PEA states that the source level for the underwater loudhailer is 180 dB re μPa at 1 m at 1 kHz. Insert a "1" (or the relevant reference) in front of "μPa."



Page 2-3, lines 3 - 7: the PEA states that the IAS will operate for approximately 10 days 18 times per year (i.e., approximately 180 days). The final PEA should state whether that estimate is for each IAS operated by each MSSF, or whether the estimate represents the total for operation of all IASs combined. The final PEA should also state whether that estimate is only for operation of the full IAS or if it also includes training time on individual components of the system.

Pages 3-17 and 3-18, National Estuarine Reserves: There are twenty-six National Estuarine Research Reserves (NERRs), but the PEA does not identify all of the NERRs in each Region of Influence (ROI). For instance, in the Northeast ROI it states there are only four NERRs, but there are nine total. In the Southeast there are ten, not one; the Southwest ROI has three; the Northwest ROI has two; the Alaska ROI has one; and the Great Lakes ROI has one. For detailed information, please visit the NERRs website: <http://nerrs.noaa.gov/Reserves.html>.

Thank you for the opportunity to review the draft Programmatic Environmental Assessment of the Installation and Operation of the Integrated Anti-Swimmer System. You should be aware that, based on the information provided in the PEA, we believe the sounds generated by the IAS may affect one or more listed species under NOAA Fisheries Service's jurisdiction. We would need to conduct additional analyses to determine whether those sounds are likely to adversely affect listed species under our jurisdiction. In order make these additional determinations and to ensure compliance with the requirements of section 7(a)(2) of the ESA, we recommend that the USCG initiate consultation with our office on the proposed action.

If you have any questions, please contact Jennifer Isé or Craig Johnson of this office at (301) 713-1401. We look forward to continued cooperation with you and your staff in the effort to conserve endangered and threatened species and are glad to support your mission in enhancing maritime safety and port security.

Sincerely,



Angela Somma
Chief, Endangered Species Division
Office of Protected Resources



Mr. Jim Griggs
Director
Alabama Coastal Area Management Program
Department of Environmental Management
64 North Union Street
Folsom Building
Montgomery, Alabama 36130

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-QPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Griggs:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16425.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

- By mail to:
U.S. Coast Guard Headquarters
Commandant (G-QPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcdbiel@com.dtu.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Alabama Department of Environmental Management (ADEM), Coastal Area Management Program with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under the Code of Alabama, Title 9, Chapter 7, Section 16, ADEM may "develop and promulgate...such rules and regulations as may be necessary to carry out the management program provided for in this chapter." Under this authority, and pursuant to the Federal Coastal Zone Management Act (16 U.S.C. §1452), ADEM is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of the Alabama Coastal Area Management Program (ACAMP). Therefore, the PEA will assess the impacts of the Proposed Action on coastal resources within the context of ACAMP's Provisions Relating to Coastal Activities (ADEM Administrative Code, Chapter 335, Division 8, Section 2).

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Alabama's coastal resources are anticipated. In accordance with ADEM Administrative Code 335-8-2 the Proposed Action does not adversely affect (a) historical, architectural or archeological sites; (b) wildlife and fishery habitat; or (c) public access to tidal and submerged lands, navigable waters and beaches or other public recreational resources.

Moreover, the Proposed Action, which is a water-dependent use that serves to enhance port security, supports ADEM's policy to "preserve, protect, develop and, where possible, to restore or enhance the resources of the state's coastal area for this and succeeding generations (Code of Alabama, Section 9-7-12.)"

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of IAS in Alabama coastal waters is consistent to the maximum extent practicable with the enforceable policies of the ACAMP.

Pursuant to 15 CFR Section 930.41, the ACAMP has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.4(1b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Ms. Kerry Howard
Coordinator
Alaska Coastal Management Program
Department of Natural Resources
P.O. Box 110030
Juneau, AK 99811-0030

Commandant
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-OPD
Phone: (202) 267-2039
Fax: (202) 267-4278

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Ms. Howard:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500), and USCG policy (Commandant Instruction M1645.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dmsc.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:

U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcdbn@comdt.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Alaska Department of Natural Resources (DNR), Office of Project Management and Permitting, Coastal Management Program with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing Coast Guard Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Alaska's Coastal Management Program Statute (Title 46, Chapter 39, Section 10), "the Department of Natural Resources shall render, on behalf of the state, all federal consistency determinations and considerations authorized by 16 U.S.C. 1456 (Section 307, Coastal Zone Management Act of 1972)." As such, DNR is responsible for ensuring that all federal activities are compliant with the enforceable policies of the Alaska Coastal Management Program. The PEA will assess the impacts of the Proposed Action on coastal resources that are provided under 1) the Standards of the Alaska Coastal Management Program (Alaska Administrative Code, Title 6, Chapter 80, Article 2, Uses and Activities) and 2) the Anchorage Coastal District Enforceable Policies.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Alaska's coastal resources are anticipated. The Proposed Action is consistent with enforceable policies regarding coastal development, transportation utilities (i.e., ports), marine habitats, and water quality, and should present to foreseeable effects to these areas. Additionally, the Proposed Action is consistent with Subsection 6 AAC 80.040 in that it is a water dependent use, as its specific purpose is to enhance port security.

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Alaska coastal waters is consistent to the maximum extent practicable with the enforceable policies of the Alaska Coastal Management Program.

Pursuant to 15 CFR Section 930.41, the Alaska Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(h). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Ms. Meg Caldwell
Commandant
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-QPD
Phone: (202) 287-2039
Fax: (202) 287-4278

Ms. Meg Caldwell
Director
California Coastal Management Program
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the
Establishment and Operation of the Integrated Anti-Swimmer System

Dear Ms. Caldwell:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16425.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

- By mail to:
U.S. Coast Guard Headquarters
Commandant (G-QPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
- Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@com.dtu.uscg.mil

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-QPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the
Establishment and Operation of the Integrated Anti-Swimmer System

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the California Coastal Commission (Commission) with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTS).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTS.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under the California Coastal Act of 1976 (Public Resources Code, Division 20, Section 30330), the Commission is "designated as the state coastal zone planning and management agency for any and all purposes, and may exercise any and all powers set forth in the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451, et seq.). Therefore, all activities authorized, funded, or carried out by the Federal Government that affect coastal zone resources must be reviewed by the Commission for consistency with the federally approved California Coastal Management Program and the California Coastal Act. The PEA will assess the impacts of the Proposed Action on coastal resources that are provided under the California Coastal Act, Chapter 3, Coastal Resources Planning and Management Policies.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time no significant impacts on California's coastal resources are anticipated.

The Proposed Action is consistent with enforceable policies regarding the marine environment, particularly Article 4, Section 30230, which states that "marine resources shall be maintained" and that "uses of the marine environment should be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms."

The Proposed Action, which provides enhanced port security, is also consistent with policies pertaining to development and public access (Article 2, Section 30210) in that it is a water-dependent use that protects public safety while preserving "maximum access...and recreational opportunities...for all the people."

Based upon the preceding information, data, and analysis, the USCG finds that the establishment and operation of the IAS is consistent to the maximum extent practicable with the enforceable policies of the California Coastal Management Program.

Pursuant to 15 CFR Section 930.41, the California Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,


K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Commandant
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-OPD
Phone: (202) 267-2039
Fax: (202) 267-4278

Mr. Will Travis
Executive Director
San Francisco Bay Conservation and Development Commission
50 California Street
Suite 2600
San Francisco, CA 94111

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Travis:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500), and USCG policy (Commandant Instruction M1645.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:

U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements

Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@comdt.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Bay Conservation and Development Council (BCDC) with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high-value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under McAtee-Petris Act, the BCDC is authorized to prepare an enforceable plan to protect the San Francisco Bay and its shoreline. Under this authority, and pursuant to the Federal Coastal Zone Management Act (16 U.S.C. §1452), BCDC is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of the San Francisco Bay Plan. The PEA will assess the impacts of the Proposed Action on coastal resources within the context of these policies.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§1361-1421). If necessary, all permits required will be obtained.

At this time, no significant impacts on San Francisco's coastal resources are anticipated. The Proposed Action is consistent with enforceable policies regarding water quality, surface area, and volume; wetlands, tidal marshes, and tidal flatlands; appearance and scenic views; shell deposits;

freshwater inflow. The Proposed Action should present no foreseeable effects on these resources. Additionally, the Proposed Action, which provides enhanced port security, is a water-dependent use that "ensures adequate and continued public access" and "does not impair the public interest in the use of navigable waters."

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in San Francisco Bay coastal waters is consistent to the maximum extent practicable with the enforceable policies of the San Francisco Bay Plan.

Pursuant to 15 CFR Section 930.41, the BCDC has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Mr. Charles Evans
Director
Connecticut Coastal Management Program
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,


K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Evans:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500), and USCG policy (Commandant Instruction M1645.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:

U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@comdt.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Connecticut Department of Environmental Protection, Office of Long Island Sound Programs, Coastal Management Program with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTS.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Connecticut's Coastal Management Act, (Connecticut General Statute, Title 22a, Chapter 444, Section 96), the Department of Environmental Protection is granted the authority to "represent the state in formal proceedings regarding "federal consistency" as defined in the federal act," and to "enter into written agreements with federal agencies concerning matters having an interest in or regulatory authority in the coastal area." Such matters are to "provide for cooperation and coordination in the implementation of state and federal programs with jurisdiction in the coastal area in a manner consistent with (the Coastal Management Act) Sections 22a-90 to 22a-96, inclusive." The PEA will assess the impacts of the Proposed Action on coastal resources that are provided under the Coastal Management Act and the Connecticut Coastal Manual.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Connecticut's coastal resources are anticipated. The Proposed Action is consistent with the Coastal Management Act in that it is "consistent with the capability of the land and water to support development, preservation and use without significantly disrupting either the natural environment or sound economic growth." It also "ensures maximum protection of coastal resources while minimizing conflicts and the disruption of economic development."

Furthermore, the Propose Action is a water-dependent use solely designed to enhance port security. As such, it serves the "national interests" defined in Section 22a-93 by making "improvement to the existing interstate rail, highway and water-borne transportation system," and providing "essential maintenance and improvement to existing water-dependent military, navigational, resource management and research facilities."

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Connecticut coastal waters is consistent to the maximum extent practicable with the enforceable policies of the Connecticut Coastal Management Program.

Pursuant to 15 CFR Section 930.41, the Connecticut Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Mr. Robert Baldwin
Director
Delaware Coastal Management Program
Department of Natural Resources and Environmental Control, Division of Soil and Water Conservation
89 King's Highway
Dover, DE 19903

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Mr. Robert Baldwin
Director
Delaware Coastal Management Program
Department of Natural Resources and Environmental Control, Division of Soil and Water Conservation
89 King's Highway
Dover, DE 19903

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Baldwin:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500), and USCG policy (Commandant Instruction M1645.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:

U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@comdt.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Delaware Department of Natural Resources and Environmental Control (DNREC) Division of Soil and Water Conservation, Coastal Zone Program with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing Coast Guard MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Delaware's Coastal Zone Act (Delaware Code [Del.C.] Title 7, Chapter 70), DNREC is authorized to develop regulations regarding the development and use of Delaware's coastal zone. Under this authority, and pursuant to the Federal Coastal Zone Management Act (16 U.S.C. §1452), DNREC is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of the Delaware Coastal Management Program. These policies include the Coastal Zone Act, the Beach Preservation Act (7 Del.C. 68), the Wetlands Act (7 Del.C. 66) and the Underwater Lands Act (7 Del.C. 72). The PEA will assess the impacts of the Proposed Action on coastal resources within the context of these policies.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Delaware's coastal resources are anticipated. The Proposed Action is consistent with enforceable policies regarding wetland, beach and coastal waters management, and should present no foreseeable effects on these resources. Additionally, the Proposed Action, which provides enhanced port security, is a water-dependent use that "ensures adequate and continued public access" and "does not impair the public interest in the use of tidal or navigable waters."

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Delaware coastal waters is consistent to the maximum extent practicable with the enforceable policies of the Delaware Coastal Management Program.

Pursuant to 15 CFR Section 930.41, the Delaware Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-QPD
Phone: (202) 267-2039
Fax: (202) 267-4278

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-QPD)

Ms. Lynn Griffin

Director Coastal Management Program
Florida Coastal Management Program
Department of Environmental Protection
Mail Station #47
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Ms. Griffin:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSST's). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16425.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:
U.S. Coast Guard Headquarters
Commandant (G-QPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel

Technical Director, Underwater Port Security – National Defense Requirements

Or by fax at (202) 267-4278
Or by E-mail at kmcdbn@com.dtu.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Florida Department of Environmental Protection, Office of Intergovernmental Programs, Coastal Zone Management Program with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Florida's Coastal Zone Management Act (Title XXXVIII, Chapter 380, Section 23), the Florida Department of Environmental Protection may review all "federal development projects and activities of federal agencies which significantly affect coastal waters and the adjacent shorelands of the state" to ensure that they "are conducted in accordance with the state's coastal management program." The PEA will assess the impacts of the Proposed Action on coastal resources that are provided under the 23 State Statutes that compose the Florida Coastal Management Plan.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time no significant impacts on Florida's coastal resources are anticipated. The Proposed Action is consistent with state policies regarding living resources, water resources and

beach and shore preservation, and should not present any foreseeable effects on these resources. Furthermore, in accordance with Florida's legislative policy for conservation (Title XXXV, Chapter 582, Section 5), the Proposed Action serves to "protect the tax base, protect public lands, and protect and promote the public health, safety and general welfare of the people" by providing enhanced port security.

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS is consistent to the maximum extent practicable with the enforceable policies of the Florida Coastal Management Program.

Pursuant to 15 CFR Section 930.41, the Florida Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Ms. Susan Shipman
Commandant
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-QPD
Phone: (202) 267-2039
Fax: (202) 267-4278

Ms. Susan Shipman
Director
Georgia Coastal Management Program
Department of Natural Resources, Coastal Resources Division
One Conservation Way
Suite 300
Brunswick, GA 31520-8687

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the
Establishment and Operation of the Integrated Anti-Swimmer System

Dear Ms. Shipman:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16475.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

- By mail to:
U.S. Coast Guard Headquarters
Commandant (G-QPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
- Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@com.dtu.uscg.mil

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-QPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the
Establishment and Operation of the Integrated Anti-Swimmer System

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides Georgia Department of Natural Resources, Coastal Resources Division with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 207(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Georgia's Coastal Management Act (Official Code of Georgia, Title 12, Chapter 5, Section 323), the Department of Natural Resources has the authority to "concur or object to a determination of consistency filed by a federal agency in connection with a federal activity based on the policies of the Georgia coastal management program...." Therefore, the PEA will assess the impacts of the Proposed Action on coastal resources that are provided under the Georgia Coastal Management Program Document and all state laws subject to the Federal Consistency provisions of the Coastal Zone Management Act

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time no significant impacts on Georgia's coastal resources are anticipated. The Proposed Action is consistent with state policies regarding coastal marshlands, tidal flats,

protected areas and shore protection, and should not present any foreseeable effects on these resources. Furthermore, it is consistent with policies pertaining to transportation utilities (i.e., ports and commercial waterways) management, in that it provides enhanced port security while appropriately considering the national interest of defense within the context of coastal resource protection.

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Georgia coastal waters is consistent to the maximum extent practicable with the enforceable policies of the Georgia Coastal Management Program.

Pursuant to 15 CFR Section 930.41, the Georgia Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Mr. David Blane
Director
Hawaii Coastal Zone Management Program
Office of Planning, Department of Business, Economic Development and Tourism
P.O. Box 2359
Honolulu, HI 96804

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,


K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Blane:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500), and USCG policy (Commandant Instruction M1645.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:

U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@comdt.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Hawaii Department of Business, Economic Development and Tourism, Office of Planning, Coastal Zone Management Program with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Hawaii's Coastal Zone Management Statute (Hawaii Revised Statutes, Chapter 205A, Section 3), the Department of Business, Economic Development and Tourism, Office of Planning is authorized to "review federal programs, federal permits, federal licenses, and federal development proposals for consistency with the coastal zone management program." The PEA will assess the impacts of the Proposed Action on coastal resources that are provided under Hawaii Revised Statutes, Chapter 205A, Section 2, Coastal Zone Management Program, Objectives and Policies.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time no significant impacts on Hawaii's coastal resources are anticipated. The Proposed Action is consistent with enforceable state policies regarding coastal ecosystems, beach

protection, marine resources and economic uses, and should present no foreseeable effects in these areas. Additionally, the Proposed Action facilitates H.R.S. Subsection 205A-2(c)-5, in that it is a coastal-dependent use that provides enhanced port security in a manner that minimizes "adverse social, visual, and environmental impacts in the coastal zone management area."

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS is consistent to the maximum extent practicable with the enforceable policies of the Hawaii Coastal Management Program.

Pursuant to 15 CFR Section 930.41, the Hawaii Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-QPD
Phone: (202) 267-2039
Fax: (202) 267-4278

Mr. Michael Molnar

Director
Lake Michigan Coastal Program
Department of Natural Resources
402 West Washington Street
Room W265
Indianapolis, IN 46204-2782

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the
Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Molnar:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16425.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:
U.S. Coast Guard Headquarters
Commandant (G-QPD)
2100 Second St., S.W.

Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements

Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@comdt.uscg.mil

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-QPD)

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Indiana Department of Natural Resources, Division of Soil Conservation with the United States USCG's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under the State of Indiana's Lake Michigan Coastal Management Program (LCMP), Federal consistency in Indiana is coordinated through the Indiana Department of Natural Resources' Division of Soil Conservation. The PEA will assess the impacts of the Proposed Action on the coastal resources of Indiana.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Indiana's coastal resources are anticipated. Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Indiana coastal waters complies with Indiana's approved coastal management program and will be conducted in a manner consistent with such program.

Pursuant to 15 CFR Section 930.41, the Lake Michigan Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Mr. Gerry Dusvynski
Acting Asst. Secretary
Louisiana Coastal Resources Program
Department of Natural Resources, Coastal Management Division
625 North Fourth Street
P.O. Box 44487
Baton Rouge, LA 70802

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CPT, USCG
Chief, Office of Defense Operations (G-QPD)

Mr. Gerry Dusvynski

Acting Asst. Secretary

Louisiana Coastal Resources Program

Department of Natural Resources, Coastal Management Division

625 North Fourth Street

P.O. Box 44487

Baton Rouge, LA 70802

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the
Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Dusvynski:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16475.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:
U.S. Coast Guard Headquarters
Commandant (G-QPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel

Technical Director, Underwater Port Security – National Defense Requirements

Or by fax at (202) 267-4278
Or by E-mail at kmcdbn@com.dtu.uscg.mil

Subject: Consistency Determination

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Louisiana Department of Environmental Resource, Office of Coastal Restoration and Management, Coastal Management Division with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Louisiana's State and Local Coastal Resources Management Act (Louisiana Revised Statutes, Title 49, Section 214.32), "any governmental body undertaking, conducting, or supporting activities directly affecting the coastal zone shall ensure that such activities shall be consistent to the maximum extent practicable with the state program and any affected approved local program having geographical jurisdiction over the action." The PEA will assess the impacts of the Proposed Action on coastal resources in accordance with the policies enumerated in Louisiana Administrative Code (L.A.C.), Title 43, Chapter 7, Section 701.F., Guidelines Applicable to All Uses.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Louisiana's coastal resources are anticipated.

The Proposed Action, which serves to enhance public safety and port security, is consistent with the guidelines listed in 43 L.A.C. 701 in that it is a water-dependent activity serving regional, state and national interests, while avoiding adverse impacts to biological, cultural, historical and archeological resources.

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Louisiana coastal waters is consistent to the maximum extent practicable with the enforceable policies of the Louisiana Coastal Management Program. Pursuant to 15 CFR Section 930.41, the Louisiana Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Commandant
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-OPD
Phone: (202) 267-2039
Fax: (202) 267-4278

Ms. Kathleen Leyden
Director
Maine Coastal Program
State Planning Office
State House Station #38
Augusta, ME 04333

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the
Establishment and Operation of the Integrated Anti-Swimmer System

Dear Ms. Leyden:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500), and USCG policy (Commandant Instruction M1645.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:

U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@comdt.uscg.mil

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Maine State Planning Office, Coastal Program with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Maine General Statute (Annotated) (M.R.S.A.) Title 38, Chapter 19, Section 1801, "state and local agencies and federal agencies with responsibility for regulating, planning, developing or managing coastal resources, shall conduct their activities affecting the coastal area consistent with the following policies..." The Statute then enumerates several enforceable policies that are further delineated by the federally-approved Maine Coastal Program. The PEA will assess the impacts of the Proposed Action on coastal resources that are provided under M.R.S.A. 1801 and the "Maine Guide to Federal Consistency Review."

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Maine's coastal resources are anticipated. The Proposed Action is consistent with policies pertaining, but not limited to, air quality, water quality, recreation and tourism, and marine resource management, and should present no

foreseeable effects in these areas. Additionally, the Proposed Action facilitates Maine's Coastal Management policies regarding shoreline management and port and harbor development, as it is a water-dependent activity that "promote(s) the maintenance, development and revitalization of the State's ports and harbors for fishing, transportation and recreation," by providing enhanced port security.

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Maine coastal waters is consistent to the maximum extent practicable with the enforceable policies of the Maine Coastal Program.

Pursuant to 15 CFR Section 930.41, the Maine Coastal Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Mrs. Gwynne Schultz
Commandant
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-OPD
Phone: (202) 267-2039
Fax: (202) 267-4278

Mrs. Gwynne Schultz
Director
Maryland Coastal Program
Department of Natural Resources
580 Taylor Avenue
Annapolis, MD 21401

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the
Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mrs. Schultz:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500), and USCG policy (Commandant Instruction M1645.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:

U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@comdt.uscg.mil

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Maryland Department of Natural Resources (DNR), Coastal Program with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Maryland Executive Order 01.01.1978.05 establishes the state's Coastal Program and grants DNR the authority to administer the program. Under this authority, and pursuant to the Federal Coastal Zone Management Act (16 U.S.C. §1452), DNR is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of the Maryland Coastal Program. The PEA will assess the impacts of the Proposed Action on coastal resources within the context of the Maryland Coastal Program's Goals. The PEA will be provided to you once it is available.

3. The U.S. Coast Guard has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Maryland's coastal resources are anticipated. The Proposed Action, which serves local, state and national interests by

providing enhanced port security, is a water-dependent activity that supports the Maryland Coastal Program's goals by (a) protecting coastal land and water habitats; (b) sustaining ports, harbors, marinas and urban waterfronts; and (c) preserving historic and cultural resource.

Based upon the preceding information, data and analysis, the Coast Guard finds that the establishment and operation of IAS in Maryland coastal waters is consistent to the maximum extent practicable with the enforceable policies of the Maryland Coastal Program.

Pursuant to 15 CFR Section 930.41, the Maryland Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,


K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-QPD)

Ms. Susan Snow-Cotter
Acting Director
Massachusetts Office of Coastal Zone Management
Executive Office of Environmental Affairs
251 Causeway Street
Suite 900
Boston, MA 02114-2119

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Ms. Snow-Cotter:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSST's). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16425.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

- By mail to:
U.S. Coast Guard Headquarters
Commandant (G-QPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcdbn@com.dtu.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Massachusetts Executive Office of Environmental Affairs, Office of Coastal Zone Management (CZM) with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTS.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high-value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. According to the Massachusetts Coastal Zone Management Program Federal Consistency Review Regulations (Code of Massachusetts Regulation, Title 301, Chapter 21, Section 6), CZM is responsible for "determining the consistency, to the maximum extent practicable, of federal activities in or affecting the Massachusetts Coastal Zone with CZM policies." The PEA will assess the impacts of the Proposed Action on coastal resources with the enforceable policies that are enumerated in 301 CMR 21.98 and the federally-approved CZM Program Plan.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§1361-1364) and the Marine Mammal Protection Act (16 U.S.C. §§1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Massachusetts' coastal resources are anticipated. The Proposed Action is consistent with CZM policies pertaining to water quality, habitat, and protected areas, and should not present any foreseeable effects on these resources. Furthermore,

the proposed use is consistent with CZM's smart growth policy, as it is a water-dependent use that "meets the needs of urban and community development centers" by providing enhanced port security.

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Massachusetts coastal waters is consistent to the maximum extent practicable with the enforceable policies of the Massachusetts Coastal Management Program.

Pursuant to 15 CFR Section 930.41, the Massachusetts Coastal Management Program has sixty days from the receipt of this letter and accompanying information, in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Ms. Cathie Cunningham Ballard
Commandant
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-QPD
Phone: (202) 267-2039
Fax: (202) 267-4278

Ms. Cathie Cunningham Ballard
Director
Michigan Coastal Management Program
Department of Environmental Quality
Constitution Hall, 525 West Allegan Street
P.O. Box 30458
Lansing, MI 48909-7958

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the
Establishment and Operation of the Integrated Anti-Swimmer System

Dear Ms. Cunningham Ballard:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSST's). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16475.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

- By mail to:
U.S. Coast Guard Headquarters
Commandant (G-QPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
- Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@com.dtu.uscg.mil

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-QPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the
Establishment and Operation of the Integrated Anti-Swimmer System

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Michigan Department of Quality (DNREC), Great Lakes Shorelands Section, Land and Water Management Division, Coastal Zone Management Program with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs
- The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high-value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, DEQ is authorized to enforce regulations regarding the development and use of Michigan's coastal zone. Under this authority, and pursuant to the Federal Coastal Zone Management Act (16 U.S.C. §1452), DEQ is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of the Michigan Coastal Management Program. The PEA will assess the impacts of the Proposed Action on coastal resources within the context of these policies.
3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§1361-1421). If necessary, all permits required will be obtained.

At this time, no significant impacts on Michigan's coastal resources are anticipated. The

Proposed Action is consistent with enforceable policies regarding water resources, soil erosion, wetlands, shorelands, farmlands, natural areas, endangered species, and aboriginal records and antiquities. The Proposed Action should present no foreseeable effects on these resources. Additionally, the Proposed Action, which provides enhanced port security, is a water-dependent use that "ensures adequate and continued public access" and "does not impair the public interest in the use of navigable waters."

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Michigan coastal waters is consistent to the maximum extent practicable with the enforceable policies of the Michigan Coastal Management Program.

Pursuant to 15 CFR Section 930.41, the Michigan Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-OPD
Phone: (202) 267-2039
Fax: (202) 267-4278

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,


K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Ms. Tricia Ryan
Program Manager
Minnesota Lake Superior Coastal Program
Department of Natural Resources
1568 Highway 2
Two Harbors, MN 55616

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Ms. Ryan:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500), and USCG policy (Commandant Instruction M1645.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:

U.S. Coast Guard Headquarters
Commandant (G-OPD)

2100 Second St., S.W.

Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements

Or by fax at (202) 267-4278

Or by E-mail at kmcdbn@comdt.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

coastal waters is consistent to the maximum extent practicable with the enforceable policies of Minnesota's approved coastal management program and will be conducted in a manner consistent with such program.

By this determination that the establishment and operation of the IAS is consistent to the maximum extent practicable with *Minnesota's Lake Superior Coastal Program*, the State of Minnesota is notified that it has 60 days (plus any appropriate extension under 15 C.F.R. 930.41(b)) from the receipt of this letter in which to agree or disagree with the USCG's determination. The agreement or disagreement of the State of Minnesota with the federal agency's consistency determination shall be sent to Mr. Kenneth McDaniel (address on cover letter).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTS.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under the State of Minnesota's Lake Superior Coastal Management Program (LSCMP), Federal consistency determinations are coordinated through the Minnesota Department of Natural Resources' Coastal Management Program. The PEA will assess the impacts of the Proposed Action on coastal resources of Minnesota according to the guidelines presented in the LSCMP Part V, Chapter 6.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time, no impacts on Minnesota's coastal resources are anticipated. Additionally, the Proposed Action is an activity considered by Minnesota to be of national interest under national defense and transportation, ports, and navigation. Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Minnesota



Commandant
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-OPD
Phone: (202) 267-2039
Fax: (202) 267-4278

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Mr. Jan Boyd

Director
Mississippi Coastal Management Program
Department of Marine Resources
1141 Bayview Avenue
Biloxi, MS 39530

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Boyd:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500), and USCG policy (Commandant Instruction M1645.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:

U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@comdt.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Mississippi Department of Marine Resources with the United States USCG's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Mississippi Code, Title 57, Chapter 15, Section 6, the Mississippi Marine Resources Council (Council) is "directed to prepare and implement a coastal program." Under this authority, and pursuant to the Federal Coastal Zone Management Act (16 U.S.C. §1452), the Council is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of the Mississippi Coastal Program. Therefore, the PEA will assess the impacts of the Proposed Action on coastal resources within the context of the policies enumerated in Mississippi Code, Sections 39-7-3, 49-15-1, 49-17-3, 49-27-3 and 51-3-1.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Mississippi's coastal resources are anticipated. The Proposed Action, which serves local, state and national interests by providing enhanced port

security, is consistent with the Mississippi Coastal Program's policies in that it is a water-dependent use that protects aquatic life, wetlands, and historical and archeological resources.

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Mississippi coastal waters is consistent to the maximum extent practicable with the enforceable policies of the Mississippi Coastal Program.

Pursuant to 15 CFR Section 930.41, the Mississippi Coastal Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Mr. Ted Diers
Planner
New Hampshire Coastal Program
Department of Environmental Services, Watershed Management Bureau
50 International Drive Suite 200
Peace Trade Port
Portsmouth, NH 03801

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,


K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-QPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Diers:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSST's). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16475.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

- By mail to:
U.S. Coast Guard Headquarters
Commandant (G-QPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
- Or by fax at (202) 267-4278
Or by E-mail at kmcdbiel@com.dtu.uscg.mil

Subject: Consistency Determination

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

present no foreseeable effects in these areas. Furthermore, it is a water-dependent activity, as its specific purpose is to enhance port security.

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in New Hampshire coastal waters is consistent to the maximum extent practicable with the enforceable policies of the New Hampshire Coastal Program.

Pursuant to 15 CFR Section 930.41, the New Hampshire Coastal Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).

- Necessary Data and Information:**
1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTS.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under New Hampshire Revised Statute, Title 1, Chapter 1c, Section 1, OEP "shall administer the state coastal zone management program." As such, OEP is responsible for ensuring that direct federal activities are conducted in a manner that is consistent to the maximum extent practicable with the state coastal management program. The PEA will assess the impacts of the Proposed Action on coastal resources in accordance with the enforceable policies delineated in the New Hampshire Coastal Program Final Environmental Impact Statement.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§1361-1364) and the Marine Mammal Protection Act (16 U.S.C. §§1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on New Hampshire's coastal resources are anticipated. The Proposed Action is consistent with policies pertaining coastal resources, recreation and public access, coastal development and historic and cultural resources, and should



Mr. Lawrence Schmidt
Director
New Jersey Coastal Management Program
Department of Environmental Protection
401 East State Street
Box 418
Trenton, NJ 08625

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,


K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Schmidt:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16425.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

- By mail to:
U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcdbn@com.dtu.uscg.mil

Enclosures: Consistency Determination

- 3), the Wetlands Act of 1970 (N.J.S.A. 13:9A-1) and the Coastal Area Facility Review Act (N.J.S.A. 13:19-1). Additionally, the Proposed Action, is consistent with the policies enumerated in the Coastal Zone Management Rules (NJAC 7:7E-1.5) in that it is a water-dependent use that “protect(s) the health, safety and welfare of people who reside, work and visit the coastal zone” and “maintain(s) active port and industrial facilities.”

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in New Jersey coastal waters is consistent to the maximum extent practicable with the enforceable policies of the New Jersey Coastal Management Program.

Pursuant to 15 CFR Section 930.41, the New Jersey Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).

This document provides the New Jersey Department of Environmental Protection (DEP), Office of Policy, Planning and Science, Coastal Management Program with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under New Jersey's Coastal Zone Management Rules (NJ Administrative Code, Title 7, Chapter 7E, Section 1.2(e)), DEP has the authority to determine “the consistency or compatibility of proposed actions by Federal, State and local agencies within or affecting the coastal zone, including, but not limited to, determinations of Federal consistency under Section 307 of the Federal Coastal Zone Management Act...” The PEA will assess the impacts of the Proposed Action on coastal resources in accordance with the Coastal Zone Management Rules.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§1361-1364) and the Marine Mammal Protection Act (16 U.S.C. §§1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on New Jersey's coastal resources are anticipated. The Proposed Action, which serves to enhance port security, is consistent with New Jersey State law, including the Waterfront Development Law (New Jersey Statute Annotated (N.J.S.A.) 12:5-

**ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION**



Mr. George Stafford
Director
New York Coastal Resource Program
Department of State, Division of Coastal Resources
41 State Street
Albany, NY 12231

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,


K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Stafford:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500), and USCG policy (Commandant Instruction M1645.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:

U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@comdt.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the New York Department of State, Division of Coastal Resources with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing an planned USCG MSST locations.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under New York's Waterfront Revitalization and Coastal Resources Act (New York State Executive Law 42, Section 912), it is New York state policy to ensure consistency of federal actions with "policies of the coastal area and inland waterways, and with accepted waterfront revitalization programs of the area defined or addressed by such programs." The PEA will assess the impacts of the Proposed Action on coastal resources within the context of the policies described in Part II, Section 6 of the New York Coastal Management Program (CMP) document.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on New York's coastal resources are anticipated. The Proposed Action is consistent with CMP policies regarding fish and wildlife, natural

protective features, historic and scenic resources and wetlands, and should not present any foreseeable effects on these resources.

The Proposed Action is also a water-dependent activity, consistent with CMP Policy 2, in that its sole purpose is to provide enhanced port security. Furthermore, in accordance with CMP Policy 18, the Proposed Action gives full consideration to "the vital economic, social and environmental interests of the state and of its citizens", as well as to "the safeguards which the state has established to protect valuable coastal resource areas."

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in New York coastal waters is consistent to the maximum extent practicable with the enforceable policies of the New York Coastal Management Program.

Pursuant to 15 CFR Section 930.41, the New York Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Mr. Charles Jones
Commandant
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-OPD
Phone: (202) 267-2039
Fax: (202) 267-4278

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Jones:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500), and USCG policy (Commandant Instruction M1645.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:

U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@comdt.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the North Carolina Department of Environment and Natural Resources, Division of Coastal Management with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under North Carolina's Administrative Code, Title 15A, Chapter 7A, "the purpose of the Division of Coastal Management is to "provide staff support to the Secretary of Environment, (Health) and Natural Resources...in the administration of the Coastal Area Management Act of 1974 and North Carolina's participation in the Federal Coastal Zone Management Act of 1972." As such, the Division is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of the North Carolina Coastal Management Program. Therefore, the PEA will assess the impacts of the Proposed Action on coastal resources within the context of the Coastal Area Management Act (CAMA) (NC General Statute, Article 7, Chapter 113A, Sections 100-134.3

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on North Carolina's coastal resources are anticipated. In accordance with CAMA policies on development and use of Estuarine and Ocean Systems, the Proposed Action "conserves the biological, economic and social values of coastal wetlands, estuarine waters and public trust areas" and "does not cause major or irreversible damage to valuable archeological or historic resources." Additionally, the Proposed Action, which provides enhanced port security, is consistent with CAMA policies in that it is a water-dependent use that "protects public rights of navigation and recreation in public trust areas."

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in North Carolina coastal waters is consistent to the maximum extent practicable with the enforceable policies of the North Carolina Coastal Management Program.

Pursuant to 15 CFR Section 930.41, the North Carolina Coastal Management Program has sixty days from the receipt of this letter and accompanying information, in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Mr. David Mackey
Commandant
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-OPD
Phone: (202) 267-2039
Fax: (202) 267-4278

Mr. David Mackey
Chief
Ohio Coastal Management Program
Department of Natural Resources, Office of Coastal Management
1630 Scamore Line
Sandusky, OH 44870-4132

**Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the
Establishment and Operation of the Integrated Anti-Swimmer System**

Dear Mr. Mackey:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500), and USCG policy (Commandant Instruction M1645.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:

U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@comdt.uscg.mil

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

Pursuant to 15 C.F.R. Section 930.41, the Ohio Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension as provided by 15 C.F.R. Section 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).

This document provides the Ohio Department of Natural Resources, Office of Coastal Management with the United States USCG's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTS.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Ohio Revised Code Title XV 1506.03, it is the responsibility of the Director of Natural Resources to determine that actions affecting Ohio's coastal zone are consistent with the policies in the coastal management program document. The PEA will assess the impacts of the Proposed Action on coastal resources of Ohio.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Ohio's coastal resources are anticipated. Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Ohio coastal waters is consistent with the enforceable policies of Ohio's approved coastal management program that are provided in the Ohio Coastal Management Program Environmental Impact Statement and Ohio Revised Code Title XV Chapter 1506.



Ms. Sarah Watson
Director
Oregon Ocean and Coastal Management Program
Department of Land Conservation and Development
635 Capitol Street NE
Suite 150
Salem, OR 97301-2540

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Ms. Watson:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16425.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

- By mail to:
U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcdbn@com.dtu.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Oregon Department of Land Conservation and Development (DLCD), Ocean-Coastal Management Program with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high-value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Oregon Revised Statute 196, Section 435, the DLCD is the "designated Coastal Management Agency for purposes of carrying out and responding to the Coastal Zone Management Act of 1972." As such, under the provisions of Oregon Administrative Code 600, Division 35, Section 20, "all consistency determinations, consistency certifications and proposals for federal assistance shall be sent to and reviewed by (DLCD) for consistency with the approved Oregon Coastal Management Program." The PEA will assess the impacts of the Proposed Action on coastal resources in accordance with the 19 Statewide Planning Goals that comprise the Oregon Coastal Management Program, particularly Goals 16-19, which specifically address coastal and ocean resources.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Oregon's ocean and coastal resources are anticipated. The Proposed Action, which serves to provide enhanced port security, is consistent with Goal 16 (Estuarine Resources) and 17 (Coastal Shorlands) in that it is a "water-dependent use that maintains the integrity of estuarine ecosystems and coastal waters." Additionally, it is consistent with Goal 19 (Ocean Resources) in that it "protects and encourage the beneficial uses of ocean resources, such as navigation...."

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Oregon coastal waters is consistent to the maximum extent practicable with the enforceable policies of the Oregon Coastal Management Program.

Pursuant to 15 CFR Section 930.41, the Oregon Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Mr. John Hines
Executive Director
Pennsylvania Coastal Zone Management Program
Department of Environmental Protection, Water Planning Office
P.O. Box 2063
400 Market Street, 15th Floor
Harrisburg, PA 17105-2063

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-QPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Hines:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16475.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

- By mail to:
U.S. Coast Guard Headquarters
Commandant (G-QPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
- Or by fax at (202) 267-4278
Or by E-mail at kmcdbn@com.dtu.uscg.mil

Subject: Consistency Determination

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

Document. Additionally, the Proposed Action is consistent with Encouragement Policies 7.1 and 7.2, because it enhances economic viability and supports future development and growth of the coastal ports of the Commonwealth of Pennsylvania.

This document provides the Pennsylvania Department of Environmental Protection, Water Planning Office with the United States USCG's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Pennsylvania Code Title 4 Chapter 1 Subchapter EE, the Pennsylvania Department of Environmental Protection is designated as the lead agency for implementing and administering the Federal Coastal Zone Management Program for the Commonwealth of Pennsylvania. The PEA will assess the impacts of the Proposed Action on coastal resources of Pennsylvania.
3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§1361-1421). If necessary, all permits required will be obtained.

However, at this time, no impacts on Pennsylvania's coastal resources are anticipated. Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Pennsylvania coastal waters is consistent with the enforceable policies of Pennsylvania's approved coastal management program that are provided in the Chapters 2 and 4 and Appendix A of the Commonwealth of Pennsylvania's Coastal Zone Program Guidance

Pursuant to 15 CFR Section 930.41, the Pennsylvania Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,


K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-QPD)

Mr. Grover Fugate
Director
Rhode Island Coastal Resource Management Program
Coastal Resources Management Council
4808 Tower Hill Road
Siedman Building
Wakefield, RI 02879

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Fugate:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16475.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

- By mail to:
U.S. Coast Guard Headquarters
Commandant (G-QPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
- Or by fax at (202) 267-4278
- Or by E-mail at kmcdbn@com.dtu.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Rhode Island Coastal Resources Management Council (CRMC) with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various USCG MSSTS.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high-value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range to necessary to maintain general awareness and allow security forces sufficient time to react and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Rhode Island's Coastal Resources Management Act (Rhode Island General Law [RIGL], Title 46, Chapter 23, Section 1), the CRMC is directed to "exercise effectively its responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone." Under this authority, and pursuant to the Federal Coastal Zone Management Act (16 U.S.C. § 1452), the CRMC is responsible for ensuring that Federal activities in the coastal zone are consistent to the maximum extent possible with the enforceable policies of the Rhode Island Coastal Management Program (RICMP). The PEA will assess the impacts of the Proposed Action on coastal resources within the context of the policies enumerated in the Coastal Resource Management Act and in the RICMP's "Red Book".

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Rhode Island's coastal resources are anticipated. In accordance with RIGL 46-23-6(B)(2), the Proposed Action does not, "(a) conflict with any resource management plan or program; (b) make any area unsuitable for any uses or activities to which it is allocated by a resource management plan...; or (c) significantly damage the environment of the coastal region."

Additionally, the Proposed Action, which serves to enhance port security, is consistent with RICMP policies regarding Type 4 (Multiple Purpose) and Type 6 (Industrial Waterfronts and Commercial Navigation Channels) waters, in that it is a "water-dependent" use that supports the "maintenance of port facilities and navigation channels." It is also consistent with policies regarding Type 3 (High Intensity Boating) and Type 5 (Commercial and Recreational Harbors) waters in that it "maintains a balance among diverse port-related activities" and "does not significantly interfere with recreational boating activities and values."

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Rhode Island coastal waters is consistent to the maximum extent practicable with the enforceable policies of the Rhode Island Coastal Management Program. Pursuant to 15 CFR Section 930.41, the Rhode Island Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Mr. Steve Moore
Director
South Carolina Coastal Management Program
Department of Health and Environmental Control, Ocean and Coastal Resource Management Office
1362 McMillan Avenue
Suite 400
Charleston, SC 29405

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-QPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Moore:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16425.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

- By mail to:
U.S. Coast Guard Headquarters
Commandant (G-QPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcdbn@com.dtu.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (OCRM) with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTS).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTS.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under South Carolina's Coastal Zone Management Act (S.C. Code of Laws, Title 48, Chapter 39, Section 80), the State Coastal Management Program "shall provide for consideration of whether a proposed activity of any applicant for a federal license or permit complies with the State's coastal zone program and for the issuance of notice to any concerned federal agency as to whether the State concurs with or objects to the proposed activity." The PEA will assess the impacts of the Proposed Action on coastal resources that are provided under South Carolina's Coastal Zone Management Act and OCRM's Critical Area Permitting Regulations (S.C. Code of Regulations, Chapter 30, Section 11).

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on South Carolina's coastal resources are

anticipated. The Proposed Action, which will serve to enhance port security, is consistent with the State Coastal Zone Management Act in that it "protects the resources of the State's coastal zone for this and succeeding generations." Additionally, in accordance with state regulations governing activities in coastal areas, the Proposed Action is a water-dependent use that does not "harmfully obstruct the natural flow of navigable water" or "unreasonably interfere with commercial navigation and shipping."

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in South Carolina coastal waters is consistent to the maximum extent practicable with the enforceable policies of the South Carolina Coastal Management Program.

Pursuant to 15 CFR Section 930.41, the South Carolina Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-QPD
Phone: (202) 267-2039
Fax: (202) 267-4278

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,


K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-QPD)

Ms. Gwen Spriggs
Coastal Administrative Coordinator
Texas Coastal Management Program
General Lands Office
1700 North Congress Street
Austin Building
Austin, TX 78701

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Ms. Spriggs:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSST's). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16475.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:
U.S. Coast Guard Headquarters
Commandant (G-QPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel

Technical Director, Underwater Port Security – National Defense Requirements

Or by fax at (202) 267-4278
Or by E-mail at kmcdbn@com.dtu.uscg.mil

Subject: Consistency Determination

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

consistent with the policies enumerated in 31 TAC §501.14.

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Texas coastal waters is consistent to the maximum extent practicable with the enforceable policies of the Texas Coastal Management Program.

This document provides the Texas General Land Office, Coastal Resource Program with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Texas' Natural Resource Code, Section 33.053, the Texas Coastal Management Program (CMP) includes a procedure for "determining the consistency of a federal action or activity with the goals and policies of the coastal management program." To facilitate this, the PEA will assess the impacts of the Proposed Action on coastal resources in the context of the goals and policies detailed in the Texas Coastal Management Program Final Environmental Impact Statement. These goals and policies are enforceable under Texas Administrative Code (TAC), Title 31, Chapters 501.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Texas' coastal resources are anticipated. The Proposed Action, which provides enhanced port security, is a water-dependent use that is

Pursuant to 15 CFR Section 930.41, the Texas Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-QPD
Phone: (202) 267-2039
Fax: (202) 267-4278

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-QPD)

Mrs. Laura McKay
Program Manager
Virginia Coastal Resources Management Program
Department of Environmental Quality
629 East Main Street
6th Floor
Richmond, VA 23219

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mrs. McKay:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSST's). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16475.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

- By mail to:
U.S. Coast Guard Headquarters
Commandant (G-QPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
- Or by fax at (202) 267-4278
Or by E-mail at kmcdbiel@com.dtu.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

Pursuant to 15 CFR Section 930.41, the Virginia Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).

This document provides the Virginia Department of Environmental Quality, Office of Environmental Impact Review with the United States USCG's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under the Code of Virginia, Title 10, Chapter 1, Section 1183, the Department of Environmental Quality has the authority to "coordinate state reviews with federal agencies on environmental issues, such as environmental impact statements." Under Executive Order Thirty-Three, this authority extends to ensuring that federal programs and activities are carried out in a manner that is consistent with the federally-approved Virginia Coastal Management Program.
3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Virginia's coastal resources are anticipated. Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Virginia coastal waters is consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Management Program.



Mr. Gordon White
Manager
Washington Coastal Zone Management Program
Department of Ecology, Shorelands and Environmental Assistance Program
P.O. Box 47600
Olympia, WA 98504-7600

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. White:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500), and USCG policy (Commandant Instruction M1645.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

By mail to:

U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
Or by fax at (202) 267-4278
Or by E-mail at kmcDaniel@comdt.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Washington Department of Ecology, Coastal Management Program with the United States Coast Guard's (USCG) Consistency Determination under CZMA Section 207(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. Under Washington Administrative Code, Title 173, Chapter 27, Section 060, "Direct federal actions and projects (within the coastal counties) shall be consistent to the maximum extent practicable with the approved Washington state coastal zone management program." Therefore, the PEA will assess the impacts of the Proposed Action on coastal resources in the context of the Washington Coastal Program's enforceable policies, including the Shoreline Management Act (Revised Code of Washington (RCW), Chapter 90.58).

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time, no significant impacts on Washington's coastal resources are anticipated. The Proposed Action, which enhances port security and public safety, is consistent with both the

Shoreline Management Act and the State Environmental Policy Act (43 RCW 21C.020) in that it facilitates "safe, healthful and productive surroundings" and "preserves important historic, cultural and natural aspects of (the State's) natural heritage." Furthermore, the Proposed Action is consistent with state policies and laws regarding clean water, clean air and ocean resource management, and should present no foreseeable effects on these areas.

Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Washington coastal waters is consistent to the maximum extent practicable with the enforceable policies of the Washington Coastal Management Program.

Pursuant to 15 CFR Section 930.41, the Washington Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



Commandant
United States Coast Guard
Wisconsin Coastal Management Program
Department of Administration
101 East Wilson Street, 10th Floor
PO Box 8944
Madison, WI 53702

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-OPD
Phone: (202) 267-2039
Fax: (202) 267-4278

Mr. James Langdon
Director
Wisconsin Coastal Management Program
Department of Administration
101 East Wilson Street, 10th Floor
PO Box 8944
Madison, WI 53702

Thank you for your assistance. If you have questions about the proposed establishment or operation of the IAS, please contact Mr. Kenneth McDaniel at (202) 267-1505, or about the PEA.

Sincerely,

K.G. Quigley
CAPT, USCG
Chief, Office of Defense Operations (G-OPD)

Subject: Consistency Determination - Programmatic Environmental Assessment (PEA) for the
Establishment and Operation of the Integrated Anti-Swimmer System

Dear Mr. Langdon:

The United States Coast Guard (USCG) is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the Integrated Anti-Swimmer System by various existing USCG Maritime Safety and Security Teams (MSSTs). Preparation of the PEA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations (Title 40 Code of Federal Regulations, Part 1500, and USCG policy (Commandant Instruction M16475.1D, *Procedures for Considering Environmental Impacts*). You may download Draft PEA and/or Draft FONSI, using the Department of Transportation, Docket Management System Web Site, <<http://dms.dot.gov>>, using the Coast Guard docket number USCG-2005-22499.

Enclosed for your review is the USCG's Consistency Determination under the Coastal Zone Management Act (CZMA) Section 307(c)(1) and Title 15 Code of Federal Regulations (CFR) Part 930, subpart C, for the Proposed Action (enclosed). Pursuant to 15 CFR Section 930.41, you have sixty days from the receipt of this letter and accompanying information in which to concur with or object to the USCGs Consistency Determination, or to request an extension. The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. The State's response should be sent using only one of the following methods:

- By mail to:
U.S. Coast Guard Headquarters
Commandant (G-OPD)
2100 Second St., S.W.
Washington, D.C. 20593 Attn: Mr. Kenneth McDaniel
Technical Director, Underwater Port Security – National Defense Requirements
- Or by fax at (202) 267-4278
- Or by E-mail at kmcdbn@com.dtu.uscg.mil

Enclosures: Consistency Determination

ENCLOSURE 1:
USCG COASTAL ZONE MANAGEMENT ACT (CZMA)
CONSISTENCY DETERMINATION

This document provides the Wisconsin Department of Administration, Coastal Management Program with the United States USCG's (USCG) Consistency Determination under CZMA Section 307(c)(1) and 15 CFR Part 930, subpart C, for the establishment and operation of the Integrated Anti-Swimmer System (IAS) by various existing USCG Maritime Safety and Security Teams (MSSTs).

Necessary Data and Information:

1. The USCG is announcing the availability of a Draft Programmatic Environmental Assessment (PEA) for the establishment and operation of the IAS by various existing USCG MSSTs.

The purpose of the IAS is to improve the USCG's capabilities to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port facilities and infrastructure. Potential threats include combat swimmers and divers and unmanned vehicles. The IAS would be used at a range necessary to maintain general awareness and allow security forces sufficient time to react to and counter the threat. Extensive research and analysis of alternatives has led to the conclusion that an active high-frequency (HF) sonar system is the only existing technology that affords this capability.

The IAS uses five primary components: a land-based sonar, a portable sonar, a data processor, a vehicle guidance system, and an underwater loud hailer. The land-based sonar has a source level of 206 decibels (dB) at 90 kilohertz (kHz). The portable sonar has a frequency of 1.0 megahertz (mHz) and 1.8 mHz. The underwater loud hailer would have a source level of 180 dB at 1 kHz and would be used only if a potential threat was detected.

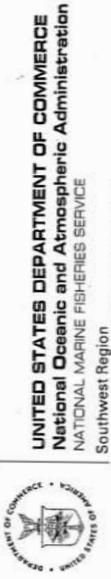
The IAS components are portable and would be transported to mission locations by existing MSST vehicles. The land-based sonar, data processor, and components of the vehicle guidance system would be based onshore. The portable sonar, underwater loud hailer, and remaining components of the vehicle guidance system are designed for use on an MSST Defender Class boat operating in direct coordination with the onshore IAS components.

2. The Department of Administration is designated as the lead agency for implementing and administering the Federal Coastal Zone Management Program for Wisconsin. The PEA will assess the impacts of the Proposed Action on coastal resources of Wisconsin.

3. The USCG has initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and NOAA-Fisheries to explore potential impacts to species protected under the Endangered Species Act (16 U.S.C. §§ 1531-1544) and the Marine Mammal Protection Act (16 U.S.C. §§ 1361-1421). If necessary, all permits required will be obtained.

However, at this time, no impacts on Wisconsin's coastal resources are anticipated. Based upon the preceding information, data and analysis, the USCG finds that the establishment and operation of the IAS in Wisconsin coastal waters is consistent with the enforceable policies of Wisconsin's approved coastal management program that are provided in Coastal Management Program guidance document entitled *A Strategic Vision for the Great Lakes*.

Pursuant to 15 CFR Section 930.41, the Wisconsin Coastal Management Program has sixty days from the receipt of this letter and accompanying information in which to concur with or object to this USCG's Consistency Determination, or to request an extension 930.41(b). The State's concurrence will be presumed if the State's response is not received by the USCG on the 60th day from receipt of this Determination. You may request a copy of the Draft PEA and/or submit comments through Mr. Kenneth McDaniel (address on cover letter).



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

JUN 20 2005

In Reply Refer to:

151401SWR04APR13781:MLD

Captain K.G. Quigley
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593

Dear Captain Quigley:

The NOAA's National Marine Fisheries Service (NMFS) has received your letter dated June 14, 2005, and the documents associated with that letter in regard to the U.S. Coast Guard's (USCG) proposal to establish and operate an Integrated Anti-Swimmer System (IAS) in San Pedro Bay, California. We understand that the purpose of the IAS is to enhance the USCG's underwater swimmer detection capability in San Pedro Bay, California, and as a result, protect personnel, ships, and property from sabotage and/or subversive acts through the use of acoustic detection, tracking, and interdiction of these threats. The IAS is comprised of three separate components that may cause underwater noise: the Kongnberg SM 2000 sonar (SM2000), the Dual High Frequency Identification Sonar (DIDSON), and the underwater loud hailer. The IAS will be co-located with, and used by, the USCG's Maritime Safety and Security Teams (MSST) based out of San Pedro, California. You have requested our concurrence that the operation of the IAS is not likely to adversely affect listed marine mammal species under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

The USCG has prepared a Preliminary Final Environmental Assessment (EA) for operation of an IAS in San Pedro Bay, California. The EA provides detailed information for operating the IAS in San Pedro Bay and in the Region of Influence (ROI), geographically defined as the Ports of Los Angeles Harbor and Long Beach including coastal Los Angeles County. On April 26, 2005, Monica DeAngelis, of my staff, participated via conference call, in a meeting between the USCG and NMFS staff to discuss the operation of the IAS.

The SM2000 is a commercially available sound head that integrates with software developed at the Applied Research Laboratory at the University of Texas. The SM2000, uses a high frequency sonar (90 kHz) and has a source level of 206 dB re 1 µPa at 1 meter. Under normal circumstances, the SM2000 would operate from shore from either a pier or vessel moored to a pier, and would be powered from an electrical connection to the municipal power system. Sound pressure levels from the sonar are expected to attenuate quickly and drop to below 180 dB between 3 and 100 m (9.8-328 feet) from the sound head. This area is considered to be the zone for potential Level A harassment (USN 2002) for marine mammals that have sensitive hearing in the range of 90 kHz.

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Although dolphins are not frequently found in San Pedro Bay near where in the IAS will be located, the frequency of the sonar (90 kHz) is within the dolphin's hearing range. The USCG stated on April 26, 2005, that the IAS system is able to distinguish between a marine mammal and any threat that may be in San Pedro Bay. A 200 m precautionary zone will be visually monitored for 20 minutes prior to turning on the device to ensure the zone is clear of marine mammals. If the system will be operated at night, then night vision devices will be used to monitor the zone. If the IAS is deployed and marine mammal activity is observed within the 200 m precautionary zone, the operational commander will take measures to avoid impacting wildlife, situation permitting, and may shut the system down. This ensures that marine mammal will not be inadvertently mistaken for a diver and effective mitigation (shut-down) can be employed so as to avoid inadvertently exposing marine mammals to either of the IAS acoustic sources.

The DIDSON sonar will be located on a MSST response vessel, will not be running continuously, and will be used to positively identify a threat once it has been observed out to 20 or 30 yards (60 or 90 feet). The DIDSON sonar has a source level of 202 dB re 1 µPa at 1 meter with frequencies of 1.0 and 1.8 megahertz (mHz). The sound coming from the DIDSON sonar is much smaller than that of the SM2000. Thus, the 200 m precautionary zone established for the SM2000 should be sufficient to protect marine mammals when the DIDSON sonar is deployed. The frequency of the DIDSON sonar is above the hearing level for marine mammals, and thus, will not result in the taking of marine mammals.

The underwater loud hailer, a commercially available diver recall device that transmits human voices underwater, will also be located on a vessel and will not operate continuously. It is a temporary sound source and will be used only in the event that a human intruder is detected. This will allow security teams to vocal contact unidentified divers before further action is considered. In addition, the source level for the loud hailer is below the sound pressure level that could cause injury or mortality for marine mammals. Therefore, it is unlikely that take of marine mammals would occur while the loud hailer is operating.

The IAS is transportable and could be moved anywhere in the ROI, however, the operation of the IAS would be limited to the waters within the ROI, and would not operate offshore. The IAS would operate on an as-needed basis at a particular location where additional protection is needed.

Under the Marine Mammal Protection Act (MMPA), it is illegal to "take" a marine mammal, without prior authorization from NMFS. As discussed in the April 26, 2005, meeting, because an incidental harassment authorization has not been requested by the USCG, it is appropriate to establish criteria to ensure that taking, including Level B harassment, does not occur incidentally to conducting IAS operations. As detailed in numbers 6 and 7 in your June 14, 2005, letter, the USCG committed to implementing the protocols, recommended by NMFS, by including them in the USCG standard operating procedures to ensure that no taking, including Level B harassment, will occur. When tested, the SM2000 demonstrated an average threat detection range, which NMFS



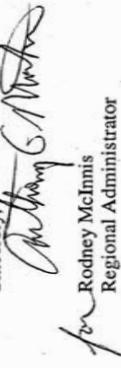
believes would allow the USCG to detect humans (and marine mammals) at sound pressure levels lower than the sound pressure levels currently used as a criterion for Level B harassment (i.e., 160 dB re 1 μ Pa at 1 meter). However, the USCG should verify the sound propagation for operation of the IAS in San Pedro Bay, to ensure that this presumption is correct. As noted at the April 26, 2005, meeting, the USCG will collect and provide these data to NMFS when verification is complete.

Based on the information contained in the EA and your letter, NMFS agrees that operation of the IAS in San Pedro Bay, in accordance with the mitigation measures described, is not likely to adversely affect marine mammals in San Pedro Bay. Should additional information on listed or proposed ESA species become available, this determination may be reconsidered. If, for any reason, the USCG does not implement the mitigation measures described, this opinion concurring with your determination that marine mammal takes are not likely, will not apply. In that case, NMFS recommends that the USCG apply for an incidental take authorization under section 101(a)(5) of the MMPA.

These comments are provided in accordance with the ESA and MMPA. We appreciate your efforts to comply with Federal regulations and to conserve and protect marine mammals. Please contact Monica DeAngelis at 562-980-3232 or Monica.DeAngelis@noaa.gov if you have any questions concerning this letter or if you require additional information.

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Sincerely,



for Rodney McInnis

Regional Administrator

cc: LT Curtis E. Borland, U.S. Coast Guard, Washington DC



NO. 7083

087:31

MARINE MAMMAL DIU NMFS → 912022674012

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISH-FIERS SERVICE
Silver Spring, MD 20501-010

JAN 15 2005

Captain K.G. Quigley
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593

Dear Captain Quigley:

The National Marine Fisheries Service (NMFS) has received your letter dated February 17, 2005, and the documents associated with that letter, in regard to the U.S. Coast Guard's (USCG) proposal to establish and operate an Integrated Anti-Swimmer System (IAS). We understand the purpose of the IAS is to protect the marine transportation system of the United States and critical infrastructure in and around U.S. ports and waterways from underwater threats through the use of acoustic detection, tracking and interdiction of these threats. Threats include swimmers and divers using a variety of weapons, gear, and vehicles. The IAS will be co-located with, and used by, the USCG's newly established Maritime Safety and Security Teams (MSST) based out of those ports where the IAS will be employed.

The USCG has prepared Preliminary Final Environmental Assessments (EAs) for operation of an IAS in Galveston Bay, Texas, and San Pedro Bay, California, and is presently preparing a Programmatic EA (PEA) for operation of the IAS at various other ports around the country. Each EA provides detailed information regarding the area where the IAS would be operated the majority of the time, or the Region of Influence (ROI) for their discrete locations, while the PEA will address the environmental impacts of IAS deployment on a nation-wide or global scale.

The USCG provided draft copies of the San Pedro and Galveston IAS EAs to NMFS for review and comment on the proposed actions and mitigation measures. The USCG requests NMFS concur with its determination that: (1) deployment of the IAS in the areas described in the respective EAs will not have a significant environmental impact on the marine environment; (2) deployment of the IAS in the ROI as described in the San Pedro EA is not likely to adversely affect threatened or endangered species or critical habitat; and (3) deployment of the IAS as described in the EAs is unlikely to result in the incidental take of marine mammals. This letter responds only to your request regarding marine mammal impacts in Galveston Bay and San Pedro Bay and does not address whether deployment of the IAS will, or will not, have a significant impact on the Galveston Bay and San Pedro Bay environments. In regard to consultation under section 7 of the Endangered Species Act for the San Pedro Bay IAS, please contact the Southwest Region, NMFS on this action.

The taking of marine mammals, including behavioral harassment, is prohibited under the Marine Mammal Protection Act (MMPA), unless the activity is exempted by law or permitted under the MMPA. Based on the following information contained in the EAs and your letter, NMFS agrees

that operation of the IAS in Galveston Bay and San Pedro Bay, in accordance with the mitigation measures described below, is not likely to result in the take of marine mammals in those bays.

The IAS is designed to detect underwater threats to the United States using four primary components: the Security Vehicle Acoustic Guidance system (SVAG), the Kongsberg SM 2000 (SM 2000) sonar, the Dual High Frequency Identification Sonar (DIDSON), and the underwater loud hailer; the latter three result in underwater noise.

The SM 2000 is a commercially available sound head that integrates with software developed at the Applied Research Laboratory-University of Texas. This high-frequency sonar (90 kHz) has a source level of 206 dB re 1 micro-Pa at 1 meter (dB/mPa/m). Under normal circumstances the SM 2000 would be operated from shore from either a pier or vessel tied to a pier and would be powered from an available electrical connection to the municipal power system. Sound pressure levels (SPLs) from this sonar are expected to attenuate quickly and drop to below 180 dB between 3 to 100 m (9.8-328 ft) from the sound head. This area is considered to be the zone of potential Level A harassment (USN 2002) for marine mammals that have sensitive hearing in the range of 90 kHz. The DIDSON sonar will be located on a MSST response vessel, will not be running continuously, and will be used to positively identify a threat once it has been localized out to 20 or 30 yds (18 or 27 m). The DIDSON sonar has a source level of 202 dB/mPa/m with frequencies of 1.0 and 1.8 megahertz (mHz). Because of the high frequencies of this sonar, sound coming from this sonar will attenuate rapidly and will have a zone of potential impact much smaller than that of the SM 2000. These frequencies are significantly above the level for marine mammal hearing and, therefore, will not result in taking marine mammals.

The underwater loud hailer, a commercially available diver recall device that transmits human voices underwater, will also be located on a vessel and will not be used continuously. It is a temporary and transient sound source as it will be used only in the event a suspected human intruder is detected, allowing security teams to vocally contact unidentified divers before further action is considered. The loud hailer uses a Lubell underwater speaker, model L.L.-98, and operates in a low frequency range of 200 Hz to 20 kHz with source level of 180 dB/mPa/m at 1 kHz. Because it will be used only to communicate with known diver presence based on detection by the SM 2000 and DIDSON sonars, no marine mammals would likely be incidentally taken by harassment while this unit is operating. Also, the loud hailer source is below SPLs that would cause injury or mortality to marine mammals for the duration of its nominal use.

The SVAG component of the IAS is not a source of underwater sound. With some parts of the SVAG located onshore and other parts located on a vessel, it uses radio frequencies and a global positioning system (GPS) to direct the MSST vessel to the underwater threat. MSST vessels are also considered a part of IAS and a source of waterborne noise and vessel traffic. However, no new vessels will be added to the fleet because of IAS.

The IAS is designed to operate to a depth of 100 feet (30 m) in fresh, salt, and brackish waters; day or night regardless of visibility; and in air and water temperatures and thermoclines normal for a port/harbor environment (arctic to sub-tropical). Under normal circumstances, in Galveston Bay,



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the IAS' ROI would be limited to the waters within approximately 300 m (984 ft) of specific, existing shore-side port infrastructure or docked ships associated with the inshore waters of the Galveston Bay and Galveston Channel, including the City of Galveston and the Intracoastal Waterway, from Texas City up the Texas coastline to the border with the state of Louisiana.

Only one IAS system would be used in conjunction with the MSST in each of the two Bay areas. The IAS is transportable and could be moved anywhere in the ROI. Operation of the IAS would be limited to the waters within the ROI, and will not operate in offshore waters. The IAS would operate on an as-needed basis at a particular location where additional protection is necessary, determined by the asset that is being protected, for some defined period. It is estimated that the IAS would be transported to a new location by MSST about 1.5 times a month and would operate approximately 180 days a year. During that time, the IAS would be operated continuously. However, it is only the SM 2000 that would be "on all the time." Use of the other acoustical components is expected to be rare, have only very short periods of operation, and used only under the suspicion of potential threats.

Because an incidental take authorization has not been requested, it is appropriate to establish criteria to ensure that taking, including Level B harassment, does not occur incidental to conducting your activities. In your February 17, 2005, letter, the USCG committed to implement fully the following measures in order to ensure that no taking, including Level B harassment, will occur. We stress that NMFS' opinion that take is not likely is predicated on implementation of these mitigation measures:

- (1) The IAS will be monitored by USCG personnel at all times of deployment. Those persons monitoring the IAS will shut down the SM 2000 whenever marine mammals are detected by the SM2000 approaching or about to enter the 160-dB isopleth (safety zone) at any time, even at night. The SM 2000 may be turned back on once marine mammals have left the safety zone.
- (2) Because there is no ramp-up of the SM 2000, the 160-dB safety zone will be visually monitored for 20 minutes prior to turning on the SM 2000 to be sure it is clear of marine mammals. If the SM 2000 is started during nighttime, night vision devices will be used to monitor the safety zone.
- (3) The IAS will not be placed in a location such that it interferes with obvious marine mammal thoroughways, or prevents entry or exit of marine mammals into and out of an area, such as the mouth of a bay or narrow choke-points where sonar may deter them from traveling through or by.
- (4) Continued implementation of existing USCG programs to guard against adverse impacts to marine mammals, such as the Ocean Steward Plan.

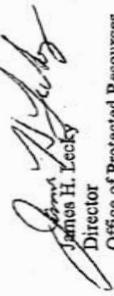
The Galveston and San Pedro Bay areas have many sources of anthropogenic noise, including the operation of platforms and drilling rigs, seismic exploration, shipping, recreational boating, dredging, shoreline construction, urban and industrial development, and helicopters and sonars

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(GBEP, 2002). Based on the rapid attenuation of SPLs from the SM 2000 and the fact that the DIDSON involves sound frequencies inaudible to marine mammals, and the transient and infrequent use of the DIDSON and the underwater loud hailer, the IAS is not expected to have contribute substantially to the existing ambient waterborne noise levels at locations in Galveston Bay and San Pedro Bay where it is deployed. While the IAS provides an alert when the SM2000 deters a human diver, it has the ability to discriminate between wildlife and humans. This ensures that a marine mammal won't be mistaken for a diver and effective mitigation (shut-down) can be employed so as to avoid inadvertently exposing marine mammals to either of the other IAS acoustic sources. When tested, the SM 2000 demonstrated an average threat detection range, which NMFS believes that this would allow the USCG to detect humans (and marine mammals) at SPLs lower than SPLs currently used as a criterion for Level B harassment (i.e., 160 dB re 1 microPa · m). However, the USCG should verify sound propagation for operation of the IAS, particularly the SM 2000, in Galveston Bay and San Pedro Bay to ensure that this presumption is correct. As noted at a previous meeting between our agencies, the USCG will collect these data and provide this data to NMFS when verification is completed.

If, for any reason, the USCG does not implement the mitigation described in this letter, this opinion concurring with your determination that marine mammal takes are not likely will not apply. In that case, we would recommend that the USCG apply for an incidental take authorization under section 101(a)(5) of the MMPA. This same recommendation would apply if the USCG subsequently obtains information during deployment of the IAS in Galveston Bay or San Pedro Bay indicating that marine mammals are being affected by the IAS. For additional information on this action, please contact Kenneth Hollingshead (301-713-2289, ext 128) of my staff.

Sincerely,



James H. Lecky
Director
Office of Protected Resources



2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Syntel G-OPD
Phone: (202) 267-2039
Fax: (202) 267-4278
Email:

5090
14 June 2005

MEMORANDUM

From: CAPT K.G. Quigley
COMFST (G-OPD)

To: Ms. Monica DeAngelis
Protected Resources, Southwest Region
U.S. Department of Commerce
National Oceanic and Atmospheric Administration, National Marine Fisheries Service
501 Ocean Blvd., Long Beach, CA 90802-4213

Subj: ENVIRONMENTAL ASSESSMENT AND ESA SECTION 7 CONSULTATION ON
THE OPERATION OF AN INTEGRATED ANTI-SWIMMER SYSTEM - SAN
PEDRO, CALIFORNIA

1. In accordance with Section 7(a)(2) of the Endangered Species Act, as amended, the U.S. Coast Guard (USCG) seeks to finalize informal consultation with the NMFS Southwest Regional office regarding the proposed establishment and operation of the Integrated Anti-Swimmer System (IAS) in San Pedro, CA. The USCG has concluded that establishing and operating the IAS out of San Pedro, CA is not likely to adversely affect protected resources under NMFS' jurisdiction and seeks your concurrence for same.

2. The USCG has completed preparation of the Environmental Assessment (EA) for the establishment and operation of the IAS to be co-located with the Maritime Safety and Security Team (MSST) operating out of San Pedro, CA. Preparation of the EA was conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102(2)(c)) and its implementing regulations, 40 Code of Federal Regulations, Part 1500. The purpose of the Proposed Action is to enhance the USCG's underwater swimmer detection capability in the San Pedro, CA region, and as a result, protect personnel ships and property from sabotage and/or other subversive acts. The IAS is not duplicative of existing protective measures, but provides complimentary, non-redundant capabilities that close significant readiness gaps in the nation's ports. The result of our EA was a finding of no significant impact.

3. The IAS is comprised of three separate components that may cause underwater noise: the Kongsberg SM 2000 sonar (SM 2000), the Dual High Frequency Identification Sonar (DIDSON), and the underwater loud hailer. Information regarding the frequency and source level for each of these sources is found in the EA. The EA provides detailed information regarding the region of influence during IAS operation.

4. In order to fully understand the potential impacts of IAS deployment, the Coast Guard submitted draft copies of the San Pedro EA to the NMFS Southwest Regional office and NMFS headquarters for comment. Our primary concern was to determine whether the operation of the IAS was likely to adversely affect species listed under authority of the Endangered Species Act or

Subj: ENVIRONMENTAL ASSESSMENT AND ESA
SECTION 7 CONSULTATION ON THE OPERATION
OF AN INTEGRATED ANTI-SWIMMER SYSTEM -
SAN PEDRO, CALIFORNIA

5090
14 June 2005

whether takes of non-listed marine mammals were likely under the Marine Mammal Protection Act.

5. As required by the ESA section 7(a)(2), consultation is required where a federal activity may affect listed or threatened species or adversely modify critical habitat. In a letter dated 15 April 2004 from the NMFS Southeast Regional Office to the Coast Guard, your agency concurred with the Coast Guard's determination that operation of the IAS in the Galveston Bay, TX area is not likely to adversely affect endangered and threatened species under the purview of NOAA Fisheries. No critical habitat is present in Galveston Bay; therefore, none will be affected. In a letter dated 8 January 2004, the NMFS Southeast Regional Office also concurred with the Coast Guard's determination that operation of the IAS would not have adverse impacts on Essential Fish Habitat. Based on the results of the San Pedro EA (and the EA that addressed environmental impacts in Galveston Bay, TX), NMFS headquarters has determined that operation of the IAS in both Galveston Bay, TX and San Pedro Bay, CA is not likely to result in the take of marine mammals.

6. The Coast Guard and NMFS have engaged in a lengthy informal consultation process. By letter dated May 14, 2005, your office identified certain species, e.g., the Steller sea lion that may occur in the IAS RO. This letter also concurred with the Coast Guard's determination that "this project is not likely to affect sea turtles." As a result of those consultations, the Coast Guard incorporated recommendations from NMFS into our operating procedures that help to insure the IAS will not result in takes of marine mammals, adversely affect listed species or essential fish habitat. The Coast Guard's standard operating procedures include the following protocols as recommended by NMFS:

- USCG personnel will monitor the IAS at all times of deployment.
- If the Coast Guard and NMFS have engaged in a lengthy informal consultation process. By letter dated May 14, 2005, your office identified certain species, e.g., the Steller sea lion that may occur in the IAS RO. This letter also concurred with the Coast Guard's determination that "this project is not likely to affect sea turtles." As a result of those consultations, the Coast Guard incorporated recommendations from NMFS into our operating procedures that help to insure the IAS will not result in takes of marine mammals, adversely affect listed species or essential fish habitat. The Coast Guard's standard operating procedures include the following protocols as recommended by NMFS:
 - USCG personnel will monitor the IAS at all times of deployment.
 - If IAS is deployed and marine mammal activity is noted which may approach or enter the 160 dB isopleth (200 meter precautionary zone), the operational commander will take prudent measures to avoid impacting the wildlife which, situation permitting, may include shutting down the system.
 - When conducting training activities, if marine mammals are detected which may approach or enter the 160 dB isopleth (200 meter precautionary zone), the loud hailer shall not be energized until the marine mammals have left the IAS 200 meter precautionary zone.
 - As there is no warm-up period for the SM 2000, the precautionary zone will be visually monitored for 20 minutes prior to turning on the device to be sure it is clear of marine mammals. If the SM 2000 is started during nighttime, night vision devices will be used to monitor the safety zone.
 - Barring exceptional circumstances that require such deployment, the IAS will not be placed in a location such that it interferes with obvious marine mammal thoroughways, or prevents entry or exit of marine mammals into and out of an area, e.g., the mouth of a bay or narrow choke-points, where sonar may deter them from traveling through or by.
 - Continued implementation of existing USCG programs to guard against adverse impacts to marine mammals, e.g., the Ocean Steward Plan.

Subj: ENVIRONMENTAL ASSESSMENT AND EEA
SECTION 7 CONSULTATION ON THE OPERATION
OF AN INTEGRATED ANTI-SWIMMER SYSTEM -
SAN PEDRO, CALIFORNIA

5090
14 June 2005

7. To summarize, the result of the Coast Guard's environmental analysis on the deployment of IAS in San Pedro Bay, CA indicates that such deployment would not have a significant impact on marine mammals, listed species or essential fish habitat. The relevant criterion that leads to this conclusion includes:

- The Coast Guard's intent to use the IAS only to protect human life on moored ships or existing, critical infrastructure/facilities; i.e., IAS is not intended for operations in open ocean environments.
- The significant benefit to the public health and welfare that prevention of a terrorist attack will convey.
- The significant benefit to the environment that prevention of a terrorist attack will convey.
- The temporary duration of the IAS mission at any specific location.
- The IAS will be monitored at all times during operation.
- The SM 2000 and the DIDSON components of the IAS operate at a frequency generally beyond the hearing of most marine mammals, listed species and fish species.
- The location of the IAS sound head in the water (directly connected to a pier or other shoreside fixture) limits potential encounters by marine mammals.
- The limited geographic zone of potential impact from the sound head (approximately 200 meters) where the high frequency sonar noise may fall within the hearing range of some marine mammals and fish.
- The operation of the loud hailer will only occur where a specific threat has been identified and will be a temporary and transient source of sound.
- The limited and tightly controlled use of the underwater loud hailer and the response boat sonar (use only where a specific threat is identified).

8. I wish to convey that the IAS is a linchpin in the Coast Guard's strategy to provide the United States with credible assets that allow us to deter, detect and interdict threats to our critical port infrastructure. However, as an environmental law enforcement agency, we also take our duties of environmental stewardship very seriously. The Coast Guard values NOAA's expertise in the study of effects of anthropogenic underwater noise on marine mammals, listed species and other marine species. Our agencies have a long history of supporting each other in the conservation of marine species as is highlighted by recent collaboration in North Atlantic right whale disentanglement operations.

9. If you have questions regarding this letter, please contact Mr. Ken McDaniel at (202) 267-2039 or Ms. Kebby Kelley at (202) 267-6034,

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, FL 33702
(727) 570-5312, FAX 570-5517
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APR 15 2004

F/SER3:KPB

K.G. Quigley, Captain
Commandant (G-OPD)
United States Coast Guard
2100 Second Street, S.W.
Washington, DC 20593-0001

Dear Captain Quigley:

We have reviewed your letter received on April 5, 2004, and associated documents regarding the U.S. Coast Guard's (USCG) establishment and operation of an Integrated Anti-Swimmer System (IAS) operating out of Galveston, Texas. Your letter responds to a correspondence from our office dated February 12, 2003, in which additional information was requested concerning the IAS. You also request consultation on the possible effects on the species listed under the Endangered Species Act of 1973 (ESA).

The USCG is proposing to establish and operate an IAS to be co-located with the Maritime Safety and Security Team operating out of Galveston, Texas. The IAS would operate on an as-needed basis and would be deployed where and when additional protection is necessary. The IAS will assist in detecting, tracking, intercepting, and interdicting, if necessary, a combat swimmer/diver. The purpose of the IAS is to improve existing security capabilities. The IAS has four primary components: the Kongberg SM 2000 sonar (SM 2000), the Security Vehicle Acoustic Guidance (SVAG) system, the Dual High Frequency Identification Sonar (DIDSON), and the underwater loud hailer.

The IAS is expected to operate in typical harbor, anchorage, and wharf environments including fresh, salt, and brackish waters. The operation of the IAS would be limited to the waters within approximately 300 meters of specific, existing shore-side, port infrastructure or docked ships associated with the inshore waters of the Galveston Bay and the Galveston Channel. The action area includes the City of Galveston and the Intracoastal waterway, from Texas City up the Texas coastline to the border with the State of Louisiana. The IAS will not operate in offshore waters.

ESA-listed species under the purview of the National Marine Fisheries Service (NOAA Fisheries) which potentially occur in the action area include the loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempii*), hawksbill (*Eretmochelys imbricata*), green (*Chelonia mydas*), and leatherback (*Dermochelys coriacea*) sea turtles. Although sea turtles are expected to be present in the action area, the SM 2000 (90 kHz) and DIDSON (1,000-1,800 kHz) operate at frequency levels that are highly unlikely to be audible to sea turtles at the source levels of operation of 206 and 202 dB re 1 μ Pa respectively. However, the frequency range of the underwater loud hailer (0.2-20 kHz) does have the potential to result in effects to sea turtles such as stress, rapid swimming, and avoidance of the area. Such effects could potentially disrupt

important behaviors such as feeding or breeding; however, the use of the underwater loud hailer is expected to be rare. The loud hailer would only be used under suspicion of potential threats to alert swimmers. Therefore, impacts to sea turtles associated with operation of the loud hailer would not be expected under normal operation of the IAS and are so low as to be considered discountable.

In 2003 a sawfish was reported off the southeastern coast of Texas. The species was not verified and may have been either the endangered smalltooth sawfish (*Pristis pectinata*) or the largetooth sawfish (*Pristis perotii*), which is a species of concern. Reported occurrences of both these species in Texas waters are rare. Historically, the smalltooth sawfish was common along the Texas coast, but the current range of this species is confined mainly to peninsular Florida, although some may occur along the Gulf of Mexico coast, including Texas. Smalltooth sawfish are usually found in shallow waters very close to shore over muddy and sandy bottoms; therefore, if individuals remain in Texas, they could potentially be present in the habitat types in which the IAS is proposed to operate. Since no known breeding or juvenile habitats are known to occur in Texas, and abundances are likely low, NOAA Fisheries believes the risk of any harm to smalltooth sawfish is so low as to be considered discountable. However, the USCG should include smalltooth sawfish in future environmental assessments for action occurring in the Gulf of Mexico.

Based on the information provided, NOAA Fisheries conveys with the USCG's determination that the proposed activity will not likely adversely affect endangered and threatened species under the purview of NOAA Fisheries. No critical habitat is present; therefore, none will be affected.

This concludes consultation responsibilities under section 7 of the ESA. A new consultation should be initiated if there is a take, new information reveals impacts of the identified activity that may affect listed species or their critical habitat, a new species is listed, the identified activity is subsequently modified or critical habitat designated that may be affected by the identified activity.

We look forward to the continued cooperation between our two agencies in conserving our endangered and threatened resources. If you have any questions, please contact Kyle Baker, fishery biologist, at the number above or via e-mail at Kyle.Baker@noaa.gov.

Sincerely,


Roy E. Crabtree, Ph.D.

Regional Administrator

cc: F/PR
File: 1514-22-g-2
Ref. No. J/SER/2003/01587



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Silver Spring, MD 20581-10

MAR 30 2004

K.A. Ward
Office of Law Enforcement
U.S. Coast Guard
2100 Second Street, S.W.
Washington, D.C. 20593-0001

Captain Ward:

This letter responds to your January 12, 2004 request for our concurrence with your determination that the use of the Running Gear Entanglement System (RGES) is not likely to adversely affect listed species under the jurisdiction of the National Marine Fisheries Service. Our comments are provided in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

We reviewed the draft Commandant Instruction 16243.1, the interim policy guidance for RGES, transmitted with your letter. The RGES would be used in safeguarding stationary vessels, harbors, ports, and waterfront facilities from small boats. It is designed to deny small boat access to a vessel, structure, or facility on or adjacent to the water by entangling an engine's propeller. The RGES consists of a floating line made of 7/16-inch polyethylene with loops that hang below the water surface. Three 100-foot sections, an anchor, an anchor rode assembly, three light buoys, and three marker buoys can be strung together to create a barrier of virtually unlimited length. The line is anchored to stop a boat's forward momentum. The use of RGES would only be authorized by a District Commander (or the officer acting in that capacity) under the limited set of circumstances listed in subparagraph 4(e) of the interim policy guidance.

We understand that RGES would be used infrequently and not as part of routine, day-to-day operations. However, the RGES may be used in any shore area of the United States or territories where a vessel or facility is deemed to be under a security threat. Several threatened and endangered species inhabit the waters where RGES could be used. The following species may be affected by the proposed action:

Green sea turtle	<i>Chelonia mydas</i>	Threatened
(Mexican and Florida breeding populations -- Endangered)	<i>Eretmochelys imbricata</i>	Endangered
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>	Endangered
Leatherback sea turtle	<i>Dermochelys coriacea</i>	Endangered
Loggerhead sea turtle	<i>Caretta caretta</i>	Threatened
Olive ridley sea turtle	<i>Lepidochelys olivacea</i>	Threatened
(Mexican breeding population -- Endangered)	<i>Acipenser oxyrinchus desotoi</i>	Threatened
Gulf sturgeon	<i>Acipenser brevirostrum</i>	Endangered
Shortnose sturgeon		

Smalltooth sawfish	<i>Pristis pectinata</i>	Endangered
Johnson's seagrass	<i>Halophila johnsonii</i>	Threatened
Steller sea lion, west of 144°W	<i>Eumetopias jubatus</i>	Endangered
Steller sea lion, east of 144°W		Threatened
Hawaiian monk seal	<i>Monachus schauinslandi</i>	Endangered

During a meeting on October 24, 2003, the Coast Guard presented information on RGES and the mitigation measures that would be used for the protection of marine animals. These measures have been included in the interim guidance, which states that District Commanders shall deploy RGES under the following conditions:

- with the assignment of at least one manned vessel to tend the system at all times and possessing on-scene capability to free any entangled vessels and animals;
- after surveying the deployment area by air and/or water and observing no marine mammal, sea turtle, or endangered species activity;
- if the area is not designated as critical habitat or is known to be a gathering point for endangered animals (e.g., a sea lion rookery);
- in water depths greater than 10 feet in areas where Gulf sturgeon may be present;
- if inspection occurs every 24 hours by retrieving and resetting the system; and
- retrieval of the system as soon as possible after the threat to the vessel or facility has subsided.

These measures would reduce the potential for mortality or injury of any animal that becomes entangled. However, these measures would not prevent sea turtles from becoming entangled in the gear. Unless RGES is used only in areas where these species would not be present, the available evidence leads us to conclude that RGES is still likely to adversely affect sea turtles. The potential for adverse effects on other listed species, such as shortnose sturgeon and Steller sea lion, will also need to be analyzed. As we discussed during the meeting on February 24, 2004, we can not concur with your "not likely to adversely affect" determination. In order to ensure compliance with the Endangered Species Act, we suggest one of the following courses of action be taken:

- Develop additional measures to avoid adverse effects to listed species, such as by avoiding potential exposure of RGES to the endangered and threatened species listed above. If the Coast Guard can restrict the use of RGES to times and areas without listed species, adverse effects would likely be avoided.
- Submit a request for formal consultation with the National Marine Fisheries Service, including information specified in the regulations for interagency cooperation (50 CFR 402.14(c)).



If you have any questions, please contact Maria Boroja of this office at (301) 713-1401. We look forward to continued cooperation with you and your staff in the effort to conserve endangered and threatened species and are glad to support your mission in enhancing maritime safety and port security.

Sincerely,



Laurie K. Allen
Director
Office of Protected Resources

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APPENDIX D

ENVIRONMENTAL REGULATIONS, LAWS, AND EXECUTIVE ORDERS

Table of Applicable Laws and Executive Orders ¹

Title, Citation	Summary
Archaeological and Historical Preservation Act, 16 U.S.C. 469	Protects and preserves historical and archaeological data. Requires Federal agencies to identify and recover data from archaeological sites threatened by a proposed action(s).
Clean Air Act, 42 U.S.C. 7401-7671q, as amended	Establishes Federal standards for air pollutants. Prevents significant deterioration in areas of the country where air quality fails to meet Federal standards.
Clean Water Act, 33 U.S.C. 1251–1387 (also known as the Federal Water Pollution Control Act)	Comprehensively restores and maintains the chemical, physical, and biological integrity of the Nation’s waters. Implemented and enforced by the U.S. Environmental Protection Agency (USEPA).
Coastal Barrier Resources Act, 16 U.S.C. 3501-3510	Discourages coastal barrier island degradation by prohibiting direct or indirect Federal financial funds (including flood insurance) for development, except for emergency life-saving activities.
Coastal Zone Management Act of 1972, 16 U.S.C. 1451-1464	Establishes a policy to preserve, protect, develop, and where possible, restore and enhance the resources of the Nation’s coastal zone. Encourages and assists states in developing and implementing coastal zone management programs.
Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601-9675 (also known as “Superfund”)	Provides for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and cleanup of inactive hazardous substances disposal sites. Establishes a fund financed by hazardous waste generators to support cleanup and response actions.
Deepwater Port Act of 1974, 33 U.S.C. 1501-1524	Assigns responsibility to the Secretary of Transportation to license the construction and operation of all oil and natural gas deepwater ports located beyond the U.S. territorial sea and off the U.S. coast.
Endangered Species Act of 1973, 16 U.S.C. 1531-1543, as amended	Protects threatened, endangered, and candidate species of fish, wildlife, and plants and their designated critical habitats. Prohibits Federal action that jeopardizes the continued existence of endangered or threatened species. Requires consultation with U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries and a biological assessment when such species are present in an area affected by government activities.

Table of Applicable Laws and Executive Orders (continued)

Title, Citation	Summary
Fish and Wildlife Coordination Act, 16 U.S.C. 661–667e, as amended	Authorizes the Secretaries of Interior and Commerce to provide assistance to and cooperate with Federal and State agencies to protect, rear, stock, and increase the supply of game and fur-bearing animals, as well as to study the effects of domestic sewage, trade wastes, and other polluting substances on wildlife. The 1946 amendments require consultation with the USFWS and the state fish and wildlife agencies involving any waterbodies that are proposed or authorized, permitted or licensed to be impounded, diverted or otherwise controlled or modified by any agency under a Federal permit or license.
Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801–1883, as amended	Establishes regional fisheries councils that set fishing quotas and restrictions in U.S. waters. Requires Federal agencies to consult with NOAA Fisheries on all actions (authorized, funded, or undertaken) that might adversely affect essential fish habitat.
Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1389, 1401–1407, 1538, 4107	Establishes a moratorium on the taking and importation of marine mammals. Prohibits harassing, hunting, capturing, collecting, or killing of marine mammals or attempting such actions. Requires permits for taking marine mammals. Requires consultations with USFWS and NOAA Fisheries if impacts on marine mammals are possible.
Marine Protection, Research, and Sanctuaries Act of 1972, 33 U.S.C. 1401–1445	Regulates dumping of materials into ocean waters. Provides a permitting process to control ocean dumping of dredged materials. Establishes the marine sanctuaries program.
Maritime Transportation Security Act of 2002, Pub. L. 107–295	Extends the Deepwater Port Act application to include facilities and operations related to natural gas.
Migratory Bird Treaty Act, 16 U.S.C. 703–712	Implements various treaties for protecting migratory birds; the taking, killing, or possession of migratory birds is unlawful.
National Environmental Policy Act of 1969, 42 U.S.C. 4321–4370e, as amended	Requires Federal agencies to use a systematic approach when assessing environmental impacts of government activities. Proposes an interdisciplinary approach in a decision-making process designed to identify unacceptable or unnecessary impacts to the environment.
National Historic Preservation Act, 16 U.S.C. 470–470x-6	Requires Federal agencies to consider the effect of any federally assisted undertaking or licensing on any district, site, building, structure, or object eligible for inclusion, or listed in the National Register of Historic Places (NRHP). Provides for the nomination, identification (through NRHP listing), and protection of significant historical and cultural properties.

Table of Applicable Laws and Executive Orders (continued)

Title, Citation	Summary
National Marine Sanctuaries Act, 16 U.S.C. 1431 <i>et seq.</i>	Authorizes the Secretary of Commerce to designate national marine sanctuaries based on statutory criteria and stipulated factors to be considered by the Secretary as a basis for designation. Stipulates consultation requirements with various Federal agencies, Congressional committees, state agencies and regional fishery councils.
Natural Gas Act of 1938, 15 U.S.C. 717	Designates the Federal Energy Regulatory Commission—an independent agency within the Department of Energy—to regulate the transmission and sale of natural gas for resale in interstate commerce.
Natural Gas Pipelines and Safety Act of 1968 and Hazardous Liquid Pipeline Safety Act of 1979, as amended, 49 U.S.C. 601	The Natural Gas Pipelines and Safety Act of 1968 authorizes the Department of Transportation to regulate pipeline transportation of natural (flammable, toxic, or corrosive) gas and other gases as well as the transportation and storage of liquefied natural gas (LNG). The Hazardous Liquid Pipeline Safety Act of 1979 authorizes the Department of Transportation to regulate pipeline transportation of hazardous liquids (crude oil, petroleum products, anhydrous ammonia, and carbon dioxide). Both of these Acts have been recodified as 49 U.S.C. Chapter 601.
Noise Control Act of 1972, 42 U.S.C. 4901–4918	Establishes a national policy to promote an environment free from noise that jeopardizes health and welfare. Authorizes the establishment of Federal noise emissions standards and provides relevant information to the public.
Nonindigenous Aquatic Nuisance Prevention Control Act of 1990, 16 U.S.C. 4701–4751	Establishes aquatic nuisance species.
Northwest Atlantic Fisheries Convention Act of 1995, 16 U.S.C. 5601–5610	Implements provisions of international conventions and establishes regulatory framework.
Occupational Safety and Health Act of 1970, 29 U.S.C. 651–678	Establishes standards to protect workers, including standards on industrial safety, noise, and health standards.
Outer Continental Shelf Lands Act of 1953, 43 U.S.C. 1331–1356, as amended	Defines the Outer Continental Shelf as all submerged lands lying seaward of State coastal waters that are three miles offshore. Delegates leasing authority to the Secretary of the Interior to promulgate regulations in an effort to reduce waste and conserve natural resources.

Table of Applicable Laws and Executive Orders (continued)

Title, Citation	Summary
Port and Waterways Safety Act, 33 U.S.C. 1221–1232	Sets boat operating and towing safety requirements and established enforcement provisions. Authorizes the U.S. Coast Guard (USCG) to establish vessel traffic service/separation schemes for ports, harbors, and other waters subject to congested vessel traffic.
Resource Conservation and Recovery Act, 42 U.S.C. 6901–6992k	Establishes requirements for safely managing and disposing of solid and hazardous waste and underground storage tanks.
<i>Executive Order (EO) 12372, Intergovernmental Review of Federal Programs</i> , July 14, 1982, 47 FR 30959 (6/16/82), as supplemented	Requires Federal agencies to consult with state and local governments when proposed Federal financial assistance or direct Federal development impacts interstate metropolitan urban centers or other interstate areas.
<i>EO 12898, Environmental Justice</i> , February 11, 1994, 59 FR 7629 (2/16/94), as amended	Requires certain Federal agencies, to the greatest extent practicable permitted by law, to make environmental justice part of their missions by identifying and addressing disproportionately high and adverse health or environmental effects on minority and low-income populations.
<i>EO 13089, Coral Reef Protection</i> , June 11 1998, 64 FR 232 (12/3/99)	Mandates that all Federal agencies whose actions may affect U.S. coral reef ecosystems (1) identify their actions that may affect U.S. coral reef ecosystems; (2) use their programs and authorities to protect and enhance the conditions of such ecosystems; and (3) to the extent permitted by law, ensure that any actions they authorize, fund, or carry out will not degrade the conditions of such ecosystems. Federal agencies shall, subject to the availability of appropriations, provide for the implementation of measures needed to research, monitor, manage, and restore affected ecosystems, including measures reducing impacts from pollution, sedimentation, and fishing.
<i>EO 13148, Greening the Government Through Leadership in Environmental Management</i> , April 21, 2000, 65 FR 24595 (4/26/00)	Designates the head of each Federal agency to ensure that all necessary actions are taken to integrate environmental accountability into agency day-to-day decision making and long-term planning processes, across all agency missions, activities, and functions. Establishes goals for environmental management, environmental compliance, right-to-know (informing the public and their workers of possible sources of pollution resulting from facility operations) and pollution prevention, and similar matters.
<i>EO 13175, Consultation and Coordination with Indian Tribal Governments</i> , November 6, 2000, 65 FR 67249 (11/09/00)	Requires Federal agencies to establish an accountable process that ensures meaningful and timely input from tribal officials in developing policies that have tribal implications.

Table of Applicable Laws and Executive Orders (continued)

Title, Citation	Summary
<i>EO 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, January 10, 2001, 66 FR 3853 (1/17/01)</i>	Requires each agency to ensure that environmental analyses of Federal actions (required by the National Environmental Policy Act or other established environmental review processes) evaluate the effects of actions and agency plans on migratory birds, emphasizing species of concern. Agencies must support the conservation intent of migratory bird conventions by integrating bird conservation principles, measures, and practices into agency activities, and by avoiding or minimizing, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions.
<i>EO 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971, 36 FR 8921 (5/15/71)</i>	Requires all Federal agencies to locate, identify, and record all cultural resources, including significant archaeological, historical, or architectural sites.

¹ This table only reflects those laws and EOs that may reasonably be expected to apply to the Proposed Action and alternatives.

Other laws and Executive Orders relevant to consideration of licensing of deepwater ports include, but are not limited to:

- Abandoned Shipwreck Act, 43 U.S.C. 2102, et seq.
- American Indian Religious Freedom Act, 42 U.S.C. 1996, et seq.
- Antiquities Act, 16 U.S.C. 433, et seq.; Archeological Resources Protection Act, 16 U.S.C. 470 aa-ll, et seq.
- Architectural Barriers Act, 42 U.S.C. 4151, et seq.
- Community Environmental Response Facilitation Act, 42 U.S.C. 9620, et seq.
- Department of Transportation Act, P.L. 89-670, 49 U.S.C. 303, Section 4(f), et seq.
- Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11001-11050, et seq.
- Environmental Quality Improvement Act, P.L. 98-581, 42 U.S.C. 4371, et seq.
- Farmlands Protection Policy Act, P.L. 97-98, 7 U.S.C. 4201, et seq.
- Federal Insecticide, Fungicide, and Rodenticide Act, P.L. 86-139, 7 U.S.C. 135, et seq.
- Federal Records Act, 44 U.S.C. 2101-3324, et seq.
- Fish and Wildlife Act of 1956, P.L. 85-888, 16 U.S.C. 742, et seq.
- Flood Disaster Protection Act, 42 U.S.C. 4001, et seq.
- Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001, et seq.
- Pollution Prevention Act of 1990, 42 U.S.C. 13101-13109, et seq.
- Safe Drinking Water Act, P.L. 93-523, 42, U.S.C. 201, et seq.

- Toxic Substances Control Act, 7 U.S.C. 136, et seq.
- Wild and Scenic Rivers Act, P.L. 90-542, 16 U.S.C. 1271, et seq.
- EO 12902, dated March 8, 1994, *Energy Efficiency and Water Conservation at Federal Facilities*, 59 FR 11463
- EO 12114, dated January 9, 1979, *Environmental Effects Abroad of Major Federal Actions*, 44 FR 1957
- EO 12088, dated October 13, 1978, *Federal Compliance with Pollution Control Standards*, 43 FR 47707, as amended by EO 12580, dated January 23, 1987, and revoked (in part) by EO 13148, dated April 21, 2000
- EO 13132, dated August 4, 1999, *Federalism*, 64 FR 43255
- EO 11988, dated May 24, 1977, *Floodplain Management and Protection*, 42 FR 26951, as amended by EO 12148, dated July 20, 1979, 44 FR 43239
- EO 13007, dated May 24, 1996, *Historic Sites Act*, 16 U.S.C. 46, et seq.; Indian Sacred Sites, 61 FR 26771
- EO 12372, dated July 14, 1982, *Intergovernmental Review of Federal Programs*, 47 FR 30959, as amended by EO 12416, April 8, 1983, 48 FR 15587; supplemented by EO 13132, August 4, 1999, 64 FR 43255
- EO 13112, dated February 3, 1999, *Invasive Species*, 64 FR 6183, as amended by EO 13286, February 28, 2003, 68 FR 10619
- EO 13158, dated May 26, 2000, *Marine Protected Areas*, 65 FR 2490
- EO 11514, dated March 5, 1970, *Protection and Enhancement of Environmental Quality*, 35 FR 4247, as amended by EO 11541, July 1, 1970, 35 FR 10737 and EO 11991, May 24, 1977, 42 FR 26967
- EO 13045, dated April 21, 1997, *Protection of Children from Environmental Health and Safety Risks*, 62 FR 19885, as amended by EO 13229, October 9, 2001, 66 FR 52013 and EO 13296, April 18, 2003, 68 FR 19931
- EO 11990, dated May 24, 1977, *Protection of Wetlands*, 42 FR 26961, as amended by EO 12608, September 9, 1987, 52 FR 34617
- EO 12962, dated June 7, 1995, *Recreational Fisheries*, 60 FR 307695
- EO 13123, *Greening the Government Through Efficient Energy Management*, dated June 3, 1999, 64 FR 30851

APPENDIX E

MARITIME SAFETY AND SECURITY TEAM DESCRIPTIONS

1.1 Introduction

Our seaports are a vital hub and central to our nation's defense and economic security. Considerable critical infrastructure, and thousands of commercial and military ships located in our seaports move over 90 percent of America's foreign trade and military cargo to overseas locations. The Maritime Safety and Security Teams (MSST) would provide a dedicated force focused on mastering the advanced tactics, techniques and procedures associated with port security and defense missions in ports that are also engaged in legitimate commercial and recreational activities. These advance skills and specialized capabilities required the development of a new capability, the MSST, which is specifically organized, trained and equipped to counter current and emerging threats to our nation's seaports.

1.2 Description of the MSST

The U.S. Coast Guard (USCG) operates MSSTs in critical ports around the country. The MSSTs improve existing security capabilities on an ongoing basis. The MSSTs do not duplicate existing protective measures, but provide complimentary capabilities and are able to close significant security gaps in our nation's militarily and economically strategic ports.

Each MSST has 71 active duty personnel, augmented by 33 reservists, support buildings for personnel, six Defender Class boats, and four Ford F350 pickup trucks for tow vehicles. Personnel consist of mostly reassigned personnel, although there may be some newly recruited personnel.

To date 13 MSSTs have been established. They are located in Seattle, Washington; Chesapeake, Virginia; San Pedro, California; Galveston, Texas; Fort Wadsworth, New York; Boston, Massachusetts; St. Marys, Georgia; San Francisco, California; New Orleans, Louisiana; Miami, Florida; San Diego, California; Honolulu, Hawaii; Anchorage, Alaska.

The area of responsibility (AOR) for each MSST is described below. Although each MSST is expected to spend the majority of its operating time in its respective AOR, it can be deployed nationwide during emergencies and special circumstances to protect the Maritime Transportation System (MTS).

1.3 MSST 91101: Seattle, WA

MSST 91101 is homeported at the Integrated Support Command (ISC) facilities in the Port of Seattle, Washington in the Pacific Continental Waters region. The AOR for the MSST is

geographically defined as that area of Puget Sound from the sea buoy (located approximately at the point where the Pacific Ocean meets Puget Sound) to the southern most portion of the Port of Seattle. The ROI includes the Duwamish Waterway and Elliot Bay (Port of Seattle).

1.4 MSST 91102: Chesapeake, VA

MSST 91102 is homeported at Naval Support Group Activity's (NSGA) Northwest Facility, Virginia in the Northeast Waters region. The boats are launched from three different locations: a nearby public marina, ISC Portsmouth, and USCG Station Little Creek, co-located on the Naval Amphibious Base. The AOR for the MSST is geographically defined as that area of the Chesapeake Bay from the Chesapeake Bay Bridge and Tunnel to the Highway 164 Bridge. The AOR includes the Virginia cities of Hampton, Newport News, Norfolk, Portsmouth, and Suffolk.

1.5 MSST 91103: San Pedro, CA

MSST 91103 is homeported at ISC San Pedro on Reservation Point on Terminal Island in the Port of Los Angeles in the Pacific Continental Waters region. The MSST patrols both the Port of Los Angeles and its sister Port of Long Beach. The MSST also patrols the coastline from Santa Barbara to San Clemente. The boats are launched from ISC San Pedro or the Cabrillo Beach boat ramp, a public facility. The AOR for the Proposed Action and the No Action Alternative is geographically defined as San Pedro Bay (Ports of Los Angeles and Long Beach). The ROI includes Los Angeles County.

1.6 MSST 91104: Galveston, TX

MSST 91104 is homeported at 7707 Harborside Drive, Galveston in the Southeast Waters region, Gulf of Mexico ecosystem. The Defender Class boats are launched from three different locations: Galveston Yacht Club, a public ramp at the southern end of Galveston Island, and a shared ramp with the U.S. Marine Corps (USMC), which is located adjacent to the USCG Base Galveston. The AOR is geographically defined as that area of Galveston Bay and the Galveston Channel including the City of Galveston and the Intracoastal Waterway, from Texas City up the Texas coastline to the border with the state of Louisiana (approximately opposite Port Arthur).

1.7 MSST 91105: San Francisco, CA

MSST 91105 is homeported at ISC Alameda on Coast Guard Island in the Pacific Continental Waters region. The Defender Class boats are launched from an existing boat ramp at ISC Alameda into Brooklyn Basin or Alameda Harbor. The AOR is geographically defined as San Francisco Bay Region, which is defined as the San Francisco Bay, the San Pablo Bay Wildlife

Refuge, the Ports of San Francisco, Oakland, Stockton, and Richmond, and the Sacramento River Delta. The AOR includes the California counties of Contra Costa, Alameda, Marin, San Francisco, Sonoma, Napa, Santa Clara, Solano, Yolo, Sacramento, and San Mateo. The MSST routinely patrols the ports of San Francisco, Oakland, Stockton and Richmond.

1.8 MSST 91106: Fort Wadsworth, NY

MSST 91106 is homeported at Station New York, Staten Island in the Northeast Waters region. The Defender Class boats are stored in a boathouse at Rosebank. Personnel are located in Building 120 on Fort Wadsworth. The MSST boats are launched from a public boat ramp in Fresh Kills, NY. The AOR is defined as New York Harbor (Upper New York Bay, Lower New York Bay, the Narrows, Newark Bay, Jamaica Bay, Arthur Kill, Kill Van Kull, the Hudson River to West Point, and the East River to Long Island Sound). The AOR includes the New York counties of Putnam, Orange, Rockland, Westchester, Bronx, New York, Kings, Queens, and Richmond and the New Jersey counties of Bergen, Hudson, Essex, Union, Middlesex, and Monmouth.

1.9 MSST 91107: Honolulu, HI

MSST 91107 is permanently homeported at the USCG ISC Honolulu, 400 Sand Island Parkway, Honolulu, HI 96819. The MSST Defender Class Boats would be launched from a public boat ramp at Keehi Lagoon, approximately 1 mile from the ISC. The AOR for MSST 91107 is geographically defined as the Port of Honolulu region, which includes the coastal waters surrounding the main Hawaiian Islands and Guam in the Pacific Tropical Region. The MSST is expected to spend the majority of its operating time patrolling the Port of Honolulu.

1.10 MSST 91108: St. Marys, GA

MSST 91108 is homeported at St. Mary's in the Southeast Waters region, Southeast Atlantic ecosystem. Both the MSST personnel and Defender Class boats are co-located with the St. Mary's Police Department at 563 Point Peter Road. The MSST uses a public boat ramp in downtown St. Mary's to launch the RB-HS. The AOR for the MSST is defined geographically as the mouth of the St. Mary's River, the intercoastal waterway between St. Mary's and Kings Bay, and Kings Bay. The MSST operates a majority of the time in Kings Bay; the MSST only operates in the intercoastal waterway while in transit from the boat ramp to Kings Bay. The ROI includes the Town of St. Mary's, Kings Bay, and the Cumberland Island National Seashore.

1.11 MSST 91109: San Diego, CA

MSST 91109 would be permanently homeported at the Marine Corps Recruit Depot (MCRD) on Belleau Avenue, San Diego, California. The MSST Defender Class Boats would be launched from boat ramps at the MCRD Marina, Shelter Island, National City, Chula Vista, and Mission Bay.

The AOR for MSST 91109 is geographically defined as the Port of San Diego region, which includes the coastal waters from the U.S./Mexican border north to Dana Point in the Pacific Continental Waters region. The MSST is expected to spend the majority of its operating time patrolling the Port of San Diego.

1.12 MSST 91110: Boston, MA

MSST 91110 is homeported at ISC Boston in the Northeast Waters region. The boats are launched from either ISC Boston or a public ramp in Boston Harbor. The AOR is geographically defined as Boston Harbor and Cape Cod Bay. The AOR includes the Massachusetts counties of Barnstable, Essex, Middlesex, Norfolk, Plymouth, and Suffolk.

1.13 MSST 91111: Anchorage, AK

MSST 91111 would be permanently homeported at the Port of Anchorage, 1980 Anchorage Port Road, Anchorage, Alaska 99501. The MSST Defender Class boats would be launched from a public boat ramp south of the Port of Anchorage on Ocean Dock Road.

The AOR is geographically defined as the U.S. coastal waters from Ketchikan to the Port of Anchorage, which includes the Cook Inlet between Eagle River and West Point in the Alaska region. The MSST is expected to spend the majority of its operating time patrolling the Port of Anchorage

1.14 MSST 91112: New Orleans, LA

MSST 91112 would be initially homeported at the Naval Support Activity-New Orleans (NSA-NO), which has facilities on the east and west banks of the Mississippi River. The MSST would initially be located in Building 602 at the Naval Support East Bank (NSA-EB). Once a smaller facility specifically designed for the New Orleans Communications Station (COMMSTA) is constructed, the MSST would be relocated to the current COMMSTA building at 4023 Main Street, Belle Chasse, Louisiana 70037. The MSST Defender Class boats would be launched from a public boat ramp on Lakeshore Drive into Lake Pontchartrain.

The AOR for MSST 91112 is geographically defined as the Port of New Orleans region, which includes the Port of New Orleans to as far as 20 mi offshore into the GOM, Lake Pontchartrain, and the Mississippi River north to above Baton Rouge in the Southeast region, GOM ecosystem. The MSST would routinely patrol the Port of New Orleans, Lake Pontchartrain, and the lower portions of the Mississippi River.

1.15 MSST 91114: Miami, FL

MSST 91114 is homeported at the Homestead Joint Air Reserve Base (JARB), 29050 Coral Sea Boulevard, Homestead, Florida 33039. Its initial temporary location would be Building 736, but after about one year, it would move into its permanent location in Building 718, which sits on a 22.4-acre parcel adjacent to Homestead JARB. The Defender Class boats would be launched from public boat ramps at the Homestead Bayfront Park and Black Point Marina. Other public boat ramps could be used, but have not yet been identified.

The AOR for MSST 91114 is geographically defined as the Port of Miami region, which includes the Port of Miami to 20 miles offshore, south to Tavernier at the south end of Key Largo, and Puerto Rico (MSST unit would be transported by aircraft or helicopter) in the Southeast Region, South Atlantic and Caribbean ecosystems. The MSST would routinely patrol the Port of Miami to Tavernier, and the waters near Turkey Point Nuclear Power Plant.

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APPENDIX F

USCG PROTECTED AND LIVING MARINE RESOURCES GUIDANCE

U.S. Department
of Transportation



United States
Coast Guard

Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-OPL-4
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16214

SEP 28 2000

LETTER OF PROMULGATION

From: Commandant

To: Distribution

1. Protecting our nation's natural resources is one of the Coast Guard's five strategic goals. Along with Maritime Safety, Maritime Security, Maritime Mobility, and National Defense, Protection of Natural Resources is one of the basic reasons the taxpayers fund the Coast Guard each year. Hence, it is one of the outcomes to which our entire organizational effort – programs, policies, and assets – should be dedicated. In our Strategic Plan 1999, I defined the Protection of Natural Resources Strategic Goals as "the elimination of environmental damage and natural resource degradation associated with all maritime activities." A vital aspect of achieving this goal is helping the nation recover and maintain healthy populations of marine protected species. OCEAN STEWARD is our strategic plan for making that happen.
2. OCEAN STEWARD provides the emphasis operational commanders, training commands, and administrative staffs need to prioritize and execute this increasingly important mission. The core idea behind OCEAN STEWARD is the premise that all of us, as members of the Coast Guard, have a responsibility to be good stewards of the ocean. If we adhere to this premise as individuals, then the Coast Guard, as an organization, will make great progress toward achieving OCEAN STEWARD's objectives.
3. As we enter the 21st century, our nation is becoming increasingly concerned about the ocean and the state of its living marine resources. Coast Guard leadership in protecting marine species, however, is nothing new; it dates back as far as the Fur Seal Act of 1897. The Coast Guard remains committed to continuing that tradition of leadership, and OCEAN STEWARD is your guide in this important endeavor.

A handwritten signature in black ink, appearing to read "JAMES M. LOY".

JAMES M. LOY

Encl: (1) OCEAN STEWARD, Protected Living Marine Resources Strategic Plan

Dist: CG LANTAREA (A, Am, Ao), CG PACAREA (P, Pm, Po), CG DISTRICTS (d, m, o), CG ACADEMY, CG INSTITUTE, CG TRACEN Yorktown, CG TRACEN Cape May, CG TRACEN Petaluma, CG PACAREA TRATEAM, CG RFTC Cape Cod MA, CG RFTC Charleston SC, CG RFTC New Orleans LA, CG RFTC Kodiak AK, CG R&DC

COMMANDANT'S PREAMBLE

The Coast Guard's Strategic Plan 1999 states the nation's waterways and their ecosystems are vital to our economy and health. This is why we made the protection of natural resources, specifically the elimination of environmental damage and natural resource degradation associated with maritime activities, one of our five strategic goals, and made enforcing the federal regulations that result in all living marine resources achieving healthy, sustainable populations one of our performance goals. We already have formal plans in place to help us achieve some of these goals, particularly in the areas of pollution response and fisheries law enforcement. However, if we are to fully achieve our protection of natural resources strategic goal, we must become more involved in the efforts to recover and maintain our nation's marine protected species and the habitats on which they depend.

In recent years, there has been a dramatic increase in public and governmental concern about the state of our oceans and their living resources. Evidence of this includes:

- Increasing fishery management measures designed to reduce bycatch of non-targeted species, such as turtle excluder devices (TEDs), fixed-net pingers, and bycatch reduction devices (BRDs).
- Rising conflicts between advocates for species protection and resource users, such as those existing between Steller sea lion protection advocates and Bering Sea/Gulf of Alaska pollock fishers, and between northern right whale protection advocates and New England fixed gear fishers.
- The recent formation of federal and state government task forces to protect coral reefs, northern right whales, Pacific salmon, and other endangered species.
- National Marine Fisheries Service Report to Congress (1999) concluding, of the 230 stocks for which the status can be determined, 98 are overfished and five are approaching overfished - an increase from 86 overfished stocks in 1997 and 90 in 1998.
- Fisheries closures and restrictions in the Gulf of Maine and the West Coast that have had a devastating economic impact on groundfish fleets.
- Increasing litigation against government agencies (including the Coast Guard) by organizations trying to influence marine resource management policy.
- Funding for the Lands Legacy Initiative, which included \$27 million to protect ocean and coastal resources in FY 2000 and a request for \$266 million for FY 2001.
- The recent signing, by President Clinton, of Executive Order 13158, strengthening and expanding the nation's system of marine protected areas (MPAs).

The Coast Guard already has effective, coordinated strategies for enforcing our nation's fisheries management regulations, protecting the marine environment from oil pollution, and responding to maritime disasters. However, our approach to marine protected species (MPS), specifically those species and geographic areas that are protected under the Endangered Species Act, the Marine Mammal Protection Act, the National Marine Sanctuaries Act, or similar regulations or executive orders, is less clearly defined. Problems resulting from this include:

- Initial delay in establishing a coordinated plan for accomplishing assigned Atlantic Protected Living Marine Resources Initiative (APLMRI) tasks.

- Difficulty in addressing potential conflicts between high-speed craft and marine protected species in New England.
- Low funding priority for funding assessments to address the impact Coast Guard operations have on marine protected species throughout the Pacific Area.
- Inconsistency in handling cross-directorate MPS issues such as working with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) on marine mammal protection initiatives and responding to the Coral Reef Initiative (Executive Order 13089).
- Working level frustration with lack of guidance for dealing with endangered species lawsuits, creation of Memorandums of Understanding (MOU) with NMFS, potential regulation of high-speed craft and whale watch industry vessels, and other MPS issues.

A robust ocean environment is essential to our nation's prosperity, and healthy populations of marine protected species are essential to maintaining a robust ocean environment. Just as protecting our water and air became top national priorities during the last decades of the 20th century, protecting our oceans is becoming a top priority of the 21st century. In the coming years, the nation will look for leaders to exercise responsible stewardship of our ocean resources. The Coast Guard is stepping forward and embracing this role, it is one of the most important roles we will ever undertake.

OCEAN STEWARD PURPOSE

The purpose of Ocean Steward is to help the Coast Guard achieve its strategic goal Protection of Natural Resources and its performance goal of enforcing federal regulations that result in all living marine resources achieving healthy, sustainable populations. Ocean Steward provides a clearly defined strategy for our role in helping the nation recover and maintain healthy populations of marine protected species; it captures the things we are already doing and provides a comprehensive list of objectives we can achieve if we are provided the necessary resources. Ocean Steward complements our fisheries enforcement strategic plan, Ocean Guardian. Together, Ocean Steward and Ocean Guardian provide a roadmap for the Coast Guard's efforts in ensuring our nation's waterways and their ecosystems remain productive by protecting all our nation's living marine resources from degradation.

COAST GUARD STRATEGIC GOAL: PROTECTION OF NATURAL RESOURCES

Eliminate environmental damage and natural resource degradation associated with all maritime activities

The nation's waterways and their ecosystems are vital to our economy and health. If the United States is to enjoy a rich, diverse and sustainable ocean environment, then we must halt the degradation of our ocean's natural resources associated with maritime activities. This includes ensuring our country's marine protected species are provided the protection necessary to help their populations recover to healthy, sustainable levels. Providing adequate protection will require the United States to enact and enforce a wide range of regulations to govern marine resource management and use. Ocean Steward will enable the Coast Guard, as the nation's primary at sea law enforcement agency, to develop and enforce those regulations necessary to help recover and maintain our country's marine protected species. Moreover, Ocean Steward will ensure the Coast Guard is viewed as a leader in regional, national and international efforts to protect the nation's marine ecosystems.

OCEAN STEWARD VISION STATEMENT

The Coast Guard will be a leader in the effort to recover and maintain our nation's marine protected species

OCEAN STEWARD MISSION STATEMENT

We will enforce and comply with marine protected species regulations, work with other agencies and organizations to develop appropriate regulations for marine protected species recovery, and publicize our efforts to gain the support and resources necessary to fully implement Ocean Steward

The Coast Guard will implement a formal MPS strategy, Ocean Steward, with a clear, focused vision. We will educate and train our members to make certain every individual understands that stewardship of the ocean environment is a fundamental part of their duty. We will use existing enforcement authorities, and seek new authorities as necessary, to help reduce the risks of extinction and recover marine protected species populations. We will conduct our own operations so as to minimize our impact on marine protected species. We will assess the impact on marine protected species when developing both internal and external regulations and policies. We will work closely with other federal, state and local governments, as well as environmental and research organizations, to carry out the nation's MPS policies. We will inform the public of both the importance of the mission and the ways in which they can help lessen the impact of human activities on marine protected species. We will widely publicize our strategy and results to inform policymakers and the public of the value of our MPS efforts.

GUIDING PRINCIPLE

We are Stewards of the Ocean

The guiding principle behind Ocean Steward is instilling in every member of the Coast Guard the belief that each individual is a steward of the ocean. This concept must be promoted throughout the entire organization. Our training commands – Training Center Cape May, the Coast Guard Academy, Training Center Yorktown, Training Center Petaluma, and the Regional Fisheries Training Centers – should produce graduates who understand and believe preservation of marine protected species is a fundamental Coast Guard responsibility. Our boarding officers and marine inspectors should know, and want to know, what marine protected species exist in their AORs, the regulations that exist to protect them, and how his or her actions can promote species recovery. Our operations and marine safety units should know, and want to know, the concerns of federal, state and local officials, and should work cooperatively with them. Our stations, cutters and marine safety offices should distribute appropriate educational literature. At every opportunity Coast Guard personnel should let the public know we are on watch protecting their oceans and waterways, and inform them of what they can do to help eliminate the degradation of natural resources associated with maritime activities. Our deck watch officers, aircrews and coxswains should be able to recognize the marine protected species they are likely to

encounter and report sightings to interested organizations. Our staff officers and port operations personnel should ensure, and want to ensure, recovery of marine protected species is taken into account when making policy decisions, and they should prioritize the workloads of their personnel to reflect this emphasis. In short, every member of the Coast Guard must think of himself or herself as a steward of the ocean. Committing to that, both organizationally and individually, we will enable us to reach our overarching Protection of Natural Resources strategic goal.

OCEAN STEWARD STRATEGIES

Raise the Profile of the MPS Mission: We will raise the profile of the MPS mission to the status of missions such as maritime drug interdiction, marine pollution prevention and fisheries enforcement.

Obtain Necessary Resources and Authorities: We will prioritize existing resources, use existing authorities, and seek additional resources and authorities as necessary to implement Ocean Steward.

Partner with Other Agencies: We will work closely with other agencies and organizations involved in the preservation and recovery of marine protected species to eliminate redundancy, and provide a clear link between enforcement and management.

Publicize Our Efforts: We will stress the importance of the Coast Guard's role as part of a comprehensive management scheme and highlight our successful efforts to the public.

Each of these strategies contains sets of near, mid, and long-term objectives. Near-term objectives are those that can be achieved without a major reallocation of resources. Mid-term objectives require addition resources or a significant reallocation of resources. Long-term objectives are those objectives that will require institutional changes such as seeking additional authorities or creation of program offices.

STRATEGY: RAISE THE PROFILE OF THE MPS MISSION

1. DISCUSSION

If the Coast Guard is to be truly committed to protecting the ocean and its resources, then, in the eyes of our own people, recovery of marine protected species must be just as important as traditional missions such as maritime drug interdiction, marine pollution prevention, and fisheries enforcement. We must go beyond development of single initiatives in response to pressure or crisis. We should approach MPS issues with the same proactive, integrated, long-term strategy we use for addressing counterdrug operations, fisheries law enforcement, and commercial vessel safety. Every member of the Coast Guard must know it is part of our job to help recover and maintain our marine

protected species, just as they know it is our job to rescue those in distress. If we understand this concept individually, we will certainly convey that image organizationally.

2. KEY OBJECTIVES

a. Near Term

1) Incorporate MPS issues into CG performance planning.	G-CCS
2) Develop Area and District MPS operating and enforcement guidance.	G-O/Areas/ Districts
3) Emphasize area specific MPS issues in the curriculum of all 5 Regional Fisheries Training Centers (RFTC).	G-O/G-W/ Areas/RFTCs
4) Identify ways to increase CG Auxiliary participation in MPS mission.	G-O
5) Identify ways to increase focus on MPS issues in Sea Partners program.	G-M
6) Measure the effectiveness of current MPS initiatives such as compliance with the Mandatory Ship Reporting System (MSR) and manatee speed zone regulations.	G-O
7) Designate MPS points of contact (POC) at HQ/Areas/Districts, and create a CG network for information flow on MPS issues.	G-O/Areas/ Districts

b. Mid Term

1) Increase Endangered Species Act/Marine Mammal Protection Act enforcement pulse ops during critical seasons.	G-O/Areas/ Districts
2) Ensure current and potential MPS missions (patrol of remote coral reefs, removal of derelict fishing gear, assisting in disentanglement of whales, etc.) are included in Deepwater decision making process.	G-O
3) Increase CG participation in environmental cleanup events such as the Center for Marine Conservation's annual International Coastal Clean Up.	G-M/G-O
4) Incorporate MPS mission into curriculum of all entry-level and accession training programs (e.g., Officer Candidate School, the Academy, Cape May, and Civilian Indoctrination).	G-W
5) Incorporate MPS issues into International Maritime Officers Course and Mobile Training Teams.	G-CI
6) Designate MPS POC at appropriate CG units.	Districts
7) Include MPS guidance in Maritime Law Enforcement Manual updates.	G-O
8) Include MPS guidance in Marine Safety Manual updates.	G-M

c. Long Term

1) Create HQ cross-directorate MPS office.	G-M/G-O
2) Incorporate MPS questions into Servicewide Examinations.	G-W
3) Add MPS material to appropriate A School curricula (e.g., BM, QM, and MST).	G-W
4) Add MPS material to appropriate C School curricula (e.g., Boarding Officer Course, Boarding Team Member Course, and Marine Safety Petty Officer Course).	G-W

STRATEGY: OBTAIN NECESSARY RESOURCES AND AUTHORITIES

1. DISCUSSION

As national sentiment builds for increasing the protection of our oceans, the Coast Guard should be at the top of the list of agencies that the public demands to be adequately funded. We should reinforce this by documenting our need for, and requesting, the additional resources required to meet the increasing enforcement and regulatory demands in the oceans environment. The public must view the Coast Guard as a leader in preserving our oceans and their protected species. When it is the right thing to do, we should seek to expand our enforcement and regulatory roles, and not shy away for fear of acquiring additional mandates or becoming the target of legal action. If we can be leaders in maritime search and rescue, drug interdiction and pollution prevention, then we can also become leaders in the recovery of marine protected species.

2. KEY OBJECTIVES

a. Near Term

1) Request funding for implementation of Ocean Steward through annual budgeting and resource allocation processes.	G-I/G-M/ G-O/G-
2) Include resource hour requests for implementation of Ocean Steward in input to the annual Operational Guidance letter.	G-O/Areas
3) Assess the need for more enforcement authority to protect resources of various marine protected areas and sanctuaries.	G-L/G-M/ G-O
4) Monitor and evaluate effectiveness of the Mandatory Ship Reporting System (MSR).	G-M/G-O
5) Monitor R&D efforts to develop new technologies for marine mammal detection and avoidance in order to plan for possible acquisition of feasible technologies.	G-O/G-S

b. Mid Term

1) Develop better measures of effectiveness for MPS enforcement efforts.	G-O
2) Support Resource Proposals that address requirements for MPS activities.	G-CCS
3) Allocate resources required to implement Ocean Steward in the annual Operational Guidance letter.	G-O
4) Propose statutory changes and new regulations to improve CG ability to support the nation's MPS objectives.	G-L/G-M/ G-O

c. Long term

1) Consider seeking expanded authority for regulation of vessels in order to protect marine protected species.	G-L/G-M/ G-O
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STRATEGY: PARTNER WITH OTHER AGENCIES AND ORGANIZATIONS

1. DISCUSSION

Our leadership should seek opportunities to help recover and maintain the nation's marine protected species (MPS) by working more closely with the National Oceanic and Atmospheric Administration (NOAA), the National Marine Fisheries Service, the National Marine Sanctuaries (NMS), the U.S. Fish and Wildlife Service, the Department of State, the Department of Defense, state and local governments, non-governmental organizations, industry, research institutions, and international organizations. We should partner with concerned agencies and organizations to ensure MPS issues are considered whenever agencies propose new regulations. We should work closely with NOAA, NMFS, the NMS, state and local governments, and international organizations to ensure we are doing all we can to provide enforcement for various marine protected areas, and to assist them with their education and outreach initiatives. We should reach out to other management agencies and research institutions to assist in providing the data needed to answer important questions about marine protected species.

2. KEY OBJECTIVES

a. Near Term

1) Maximize assistance to NMFS in investigation and prosecution of protected MPS incidents.	G-O
2) Work closely with NMFS on MPS issues such as fishing gear conflicts, vessel traffic management, and bycatch reduction.	G-M/G-O
3) Work closely with the Navy to monitor research and development efforts to use acoustics for tracking and avoiding endangered whales.	G-O/G-C
4) Use MOUs, as appropriate, to define relations with the National Marine Sanctuaries and other marine protected areas.	G-L/G-M/ G-O
5) Engage other agencies in a discussion of remote marine protected areas.	G-M/G-O
6) Increase our role in federal and international recovery teams and task forces (e.g., the Coral Reef Task Force, the Manatee Recovery Team, and Right Whale Recovery Plan Implementation Teams).	G-M/G-O
7) Emphasize ship-riding opportunities for NMFS and NMS personnel on CG fisheries/MPS patrols.	G-O

b. Mid Term

1) Establish a senior officer liaison billet to NOAA to increase CG input and interaction in developing MPS issues and regulations.	G-M/G-O
2) Establish a senior officer liaison billet to Council on Environmental Quality (CEQ).	G-M/G-O
3) Create opportunities for undergraduate/graduate level marine affairs students to experience CG fisheries and MPS operations.	G-O

c. Long term

1) Consider engaging other agencies in joint rulemaking for MPS regulations.	G-L/G-M
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STRATEGY: PUBLICIZE OUR EFFORTS

1. DISCUSSION

The Coast Guard already has many marine protected species success stories to tell. We are partnering with the USFWS to educate the boating public and reduce manatee deaths by enforcing speed zone regulations in Florida. We are working closely with NMFS and environmental agencies to help protect the highly endangered northern right whale. In Hawaii, we remove tons of derelict fishing nets from coral reefs that are critical habitat of the endangered Hawaiian monk seal. Conducting this work, however, is only half of the job.

If the public is to perceive us as stewards of the ocean, then we must highlight our efforts and successes to the press and the public at every opportunity. Local units need to let communities know what we are doing to protect their waters. Districts should emphasize the importance of our MPS mission in maintaining healthy, sustainable ecosystems. Area and Headquarters staffs must cultivate relationships with the press, civic leaders, stakeholders and legislators to ensure they are aware of the valuable work the Coast Guard is doing. The public must recognize we are the nation's most valuable maritime asset in the effort to protect and sustain our oceans and their resources. The more we are seen taking positive, decisive action and producing good results, the more the public will demand we be properly resourced to perform this vital mission.

2. KEY OBJECTIVES

a. Near Term

1) Maximize publicity of cooperative MPS efforts with federal and state agencies and non-governmental organizations.	G-I/G-L/ G-M/G-O
2) Maximize publicity of Sea Partners MPS initiatives.	G-I/G-M
3) Use inspections and examinations as opportunities to provide MPS information packages to vessels.	G-M/G-O

b. Mid Term

1) Use publicity to generate interest in, and develop ideas for, future marine environment cleanups and other initiatives.	G-I
2) Optimize publicity of CG role in MPS task forces.	G-I
3) Maximize publicity of CG Auxiliary public education efforts in MPS identification, sensitivity, and avoidance measures.	G-I/G-O

c. Long term

1) Develop an interactive forum for public comment and ideas regarding MPS protection.	G-I
2) Raise the profile of the MPS mission to attract recruits with interest in environmental issues.	G-W

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APPENDIX G

BIOLOGICAL RESOURCES TABLES

Table G-1. Protected and Sensitive Habitats in the Northeast Region of Influence (ROI)

Protected and Sensitive Habitat	Type	State
Cape Cod Bay Northern Right Whale Critical Habitat	CH	MA
Great South Channel Northern Right Whale Critical Habitat	CH	MA
Delaware National Estuarine Research Reserve	NERR	DE
Waquoit Bay National Estuarine Research Reserve	NERR	MA
Chesapeake Bay (MD) National Estuarine Research Reserve	NERR	MD
Great Bay National Estuarine Research Reserve	NERR	NH
Wells National Estuarine Research Reserve	NERR	ME
North Carolina National Estuarine Research Reserve	NERR	NC
Jacques Cousteau National Estuarine Research Reserve	NERR	NJ
Hudson River National Estuarine Research Reserve	NERR	NY
Narragansett Bay National Estuarine Research Reserve	NERR	RI
Chesapeake Bay (VA) National Estuarine Research Reserve	NERR	VA

Notes:

CH – Critical Habitat

NERR – National Estuarine Research Reserve

Table G-2. Protected and Sensitive Habitats in the Southeast ROI–Southeast Atlantic Ecosystem

Protected and Sensitive Habitat	Type	State
Southeastern Right Whale Critical Habitat	CH	GA/FL
West Indian Manatee Critical Habitat	CH	FL
Piping Plover Critical Habitat	CH	NC-FL
Sapelo Island National Estuarine Research Reserve	NERR	GA
Guana Tolomato Matanzas National Estuarine Research Reserve	NERR	FL
North Inlet-Winyah Bay National Estuarine Research Reserve	NERR	SC
Ashepoo Combahee Edisto Basin National Estuarine Research Reserve	NERR	SC
Florida Keys National Marine Sanctuary	NMS	FL

Notes: CH – Critical Habitat

NERR – National Estuarine Research Reserve

NMS – National Marine Sanctuary

Table G-3. Protected and Sensitive Habitats in the Southeast ROI–Gulf of Mexico Ecosystem

Protected and Sensitive Habitat	Type	State
Central Gulf Coast Plain Biosphere Reserve	BIO RES	FL
West Indian Manatee Critical Habitat	CH	FL
Gulf of Mexico Sturgeon Critical Habitat	CH	FL-LA
Weeks Bay National Estuarine Research Reserve	NERR	AL
Grand Bay National Estuarine Research Reserve	NERR	AL/MS
Apalachicola National Estuarine Research Reserve	NERR	FL
Rookery Bay National Estuarine Research Reserve	NERR	FL

Notes: BIO RES – Biosphere Reserve

CH – Critical Habitat

Deer – Deer Refuge

NERR – National Estuarine Research Reserve

Table G-4. Protected and Sensitive Habitats in the Southeast ROI–Puerto Rico and U.S. Caribbean Ecosystem

Protected and Sensitive Habitat	Type	State
Green Sea Turtle Critical Habitat	CH	IC
Leatherback Sea Turtle Critical Habitat	CH	SC
Hawksbill Sea Turtle Critical Habitat	CH	IM
Jobos Bay National Estuarine Research Reserve	NERR	PR

Notes: CH – Critical Habitat

NERR – National Estuarine Research Reserve

Table G-5. Protected and Sensitive Habitats in the Southwest ROI

Protected and Sensitive Habitat	Type	State
Channel Islands Biosphere Reserve	BIO RES	CA
Golden Gate Biosphere Reserve	BIO RES	CA
Steller Sea Lion Critical Habitat	CH	CA
Tidewater Goby Critical Habitat	CH	CA
Chinook Salmon – Sacramento Winter Run ESU Critical Habitat	CH	CA
Chinook Salmon – Snake River Fall Run ESU Critical Habitat	CH	CA
Pacific Whiting Klamath River Salmon Conservation Zone	FMZ	CA
Elkhorn Slough National Estuarine Research Reserve	NERR	CA
Tijuana River National Estuarine Research Reserve	NERR	CA
San Francisco National Estuarine Research Reserve	NERR	CA

Notes: BIO RES – Biosphere Reserve

CH – Critical Habitat

FMZ – Fishery Management Zone

NERR – National Estuarine Research Reserve

Table G-6. Protected and Sensitive Habitats in the Northwest ROI

Protected and Sensitive Habitat	Type	State
Steller Sea Lion Critical Habitat	CH	OR
Sockeye Salmon Snake River ESU Critical Habitat	CH	OR/WA
Chinook Salmon Snake River Spring/Summer Run ESU Critical Habitat	CH	OR/WA
Chinook Salmon Snake River Fall Run ESU Critical Habitat	CH	OR/WA
Pacific Whiting Columbia River Salmon Conservation Zone	FMZ	OR
South Slough National Estuarine Research Reserve	NERR	OR
Padilla Bay National Estuarine Research Reserve	NERR	WA

Notes: CH – Critical Habitat

FMZ – Fishery Management Zone

NERR – National Estuarine Research Reserve

Table G-7. Protected and Sensitive Habitats in the Pacific Area Islands ROI

Protected and Sensitive Habitat	Type	State
Hawaiian Monk Seal Critical Habitat	CH	HI
Bird Island Sea Cucumber Reserve	FMZ	GU
Laulau Bay Sea Cucumber Reserve	FMZ	GU
Tank Beach Trochus Reserve	FMZ	GU
Lobster Closed Areas	FMZ	HI
Longline Protected Species Zone - 4-50nm (Northwestern Hawaiian Islands)	FMZ	HI
USS Arizona Memorial	NP	HI
Forbidden Island Marine Sanctuary	Marine Sanc	GU
Hawaiian Islands Humpback Whale National Marine Sanctuary	NMS	HI

Notes: CH – Critical Habitat

FMZ – Fishery Management Zone

NMS – National Marine Sanctuary

NP – National Park

Marine Sanc – Marine Sanctuary

Table G-8. Protected and Sensitive Habitats in the Alaska ROI

Protected and Sensitive Habitat	Type	State
Aleutian Islands Biosphere Reserve	BIO RES	AK
Steller Sea Lion Critical Habitat (in review)	CH	AK
Aleutian Islands Subarea Stellar Sea Lion Protection area (multiple sites) (in review)	PA	AK
Bering Sea Subarea, Bogoslof District Steller Sea Lion Protection Area-(multiple sites) (in review)	PA	AK
Bering Sea/Aleutian Islands Steller Sea Lion Protection Area-(multiple sites) (in review)	PA	AK
Gulf of Alaska Stellar Sea Lion Protection Area- (multiple sites) (in review)	PA	AK
Kachemak Bay National Estuarine Research Reserve	NERR	AK

Notes: BIO RES – Biological Reserve

CH – Critical Habitat

FMZ – Fishery Management Zone

PA – Protection Area

NERR – National Estuarine Research Reserve

Table G-9. Protected and Sensitive Habitats in the Great Lakes ROI

Protected and Sensitive Habitat	Type	State
Thunder Bay National Marine Sanctuary	NMS	MI
Old Woman Creek National Estuarine Research Reserve	NERR	OH

Notes: NMS – National Marine Sanctuary

Table G-10. Marine Mammals Common in Coastal/Nearshore Areas of the Northeast ROI

Common Name	Scientific Name	Federal Status under ESA	Likelihood of Occurrence ROI	Distribution
Phocids (true or earless seals)				
Gray seal	<i>Halichoens griseus</i>	*		Year-round resident
Harbor seal	<i>Phoca vitulina</i>	*		Year-round resident
Harp seal	<i>Phoca groenlandica</i>	*	Occasional	More common in winter
Mysticetes (baleen whales)				
Fin whale	<i>Balaenoptera physalus</i>	E		Population highest in summer and fall due to northward migration from subtropics
Minke whale	<i>Balaenoptera acutorostrata</i>	*		Peak abundance during spring and summer; distribution influenced by spawning concentrations of capelin, on which they feed; can be seen close to land
Humpback whale	<i>Megaptera novaeangliae</i>	E		Migratory population, with peak abundance mainly during summer but also in autumn; coastal distribution in the summer. Breeds in the Caribbean within 8–16 km of shore
Right whale	<i>Eubalaena glacialis</i>	E/CH		Population highest in spring/summer
Odontocetes (Toothed Whales)				
Killer whale	<i>Orcinus orca</i>	*	Occasional	Incidental accounts in area; generally occurs in deeper waters, also occurs in shallow bays, inland seas, and estuaries
Common dolphin	<i>Delphinus delphis</i>	*		Mainly present in the spring, summer, and early fall in nearshore areas; less common south of Cape Hatteras; present in coastal and estuarine waters of the Atlantic ocean

Table G-10. Marine Mammals Common in Coastal/Nearshore Areas of the Northeast ROI
(continued)

Common Name	Scientific Name	Federal Status under ESA	Likelihood of Occurrence ROI	Distribution
Bottlenose dolphin	<i>Tursiops truncatus</i>	*	Common in more temperate waters	Occasional/rare in the more northern areas, more common in southern and more temperate waters; coastal form is found from New Jersey south to Cape Hatteras; offshore variety more common northerly areas; range also extends south
Harbor porpoise	<i>Phocoena phocoena</i>	*	Common in New England	Mainly occurs in nearshore waters, especially from New Jersey to Maine; in fall and spring, occurs from North Carolina to Maine but is less common from New Jersey to North Carolina; strandings reported in Florida; sometimes enters bays and river mouths

Sources: Adapted from USCG 2003

Notes: * = only protected under MMPA

E = Federally listed endangered

T = Federally listed threatened

CH = Critical Habitat in the ROI

**Table G-11. Marine Mammals Common in Coastal/Nearshore Areas of the Southeast ROI–
Southeast Atlantic Ecosystem**

Common Name	Scientific Name	Federal Status under ESA	Likelihood of Occurrence in ROI	Distribution
Mysticetes (baleen whales)				
Minke whale	<i>Balaenoptera acutorostrata</i>	*		Distribution influenced by spawning concentrations of capelin, on which they feed; can be seen close to land
Humpback whale	<i>Megaptera novaeangliae</i>	E	Occasional	Migratory population moves along the southeastern U.S. on the way to its wintering grounds
Northern right whale	<i>Eubalaena glacialis</i>	E/CH	Common in winter	Wintering and calving grounds are along Georgia and Florida; nearshore
Odontocetes (toothed whales)				
Bottlenose dolphin	<i>Tursiops truncatus</i>	*		Both coastal and offshore variety are common in this ROI
Trichechids (manatees)				
West Indian manatee	<i>Trichechus manatus</i>	E		Resident in rivers and coastal waters of peninsular Florida and southern Georgia; previous records in Carolinas and Texas

Sources: Adapted from USCG 2003

Notes: * = only protected under MMPA

E = Federally listed endangered

T = Federally listed threatened

CH = Critical Habitat in the ROI

Table G-12. Marine Mammals Common in Coastal/Nearshore Areas of the Southeast ROI–Gulf of Mexico Ecosystem

Common Name	Scientific Name	Federal Status under ESA	Likelihood of Occurrence in ROI	Distribution
Odontocetes (toothed whales)				
Bottlenose dolphin	<i>Tursiops truncatus</i>	*		Widespread throughout Gulf
Trichechids (manatees)				
West Indian manatee	<i>Trichechus manatus</i>	E	Occasional	Primarily found near the Florida coastline

Sources: Adapted from USCG 2003

Notes: * = only protected under MMPA

E = Federally listed endangered

T = Federally listed threatened

CH = Critical Habitat in the ROI

Table G-13. Marine Mammals Common in Coastal/Nearshore Areas of the Southeast ROI–U.S. Caribbean Ecosystem

Common Name	Scientific Name	Federal Status under ESA	Likelihood of Occurrence in ROI	Distribution
Mysticetes (baleen whales)				
Humpback whale	<i>Megaptera novaeangliae</i>	E		Migratory population; reproductive and calving area; occurs within 8–16 km offshore
Odontocetes (toothed whales)				
Bottlenose dolphin	<i>Tursiops truncatus</i>	*		Year-round resident
Sirenian				
West Indian manatee	<i>Trichechus manatus</i>	E	Occasional	Year-round resident; historic range includes southeastern U.S., Caribbean Sea, and South America

Sources: Adapted from USCG 2003

Notes: * = only protected under MMPA

E = Federally listed endangered

T = Federally listed threatened

CH = Critical Habitat in the ROI

Table G-14. Marine Mammals Common in Coastal/Nearshore Areas of the Southwest ROI

Common Name	Scientific Name	Federal Status under ESA	Likelihood of Occurrence in ROI	Distribution
Otarrids (eared seals or sea lions)				
Northern elephant seal	<i>Mirounga angustirostris</i>	*		Year-round resident
California sea lion	<i>Zalophus californianus</i>	*		Year-round resident
Steller sea lion	<i>Eumetopias jubatus</i>	T/CH	Occasional	Visitor to area from southern breeding grounds
Northern fur seal	<i>Callorhinus ursinus</i>	*	Occasional	Year-round resident
Phocids (true or earless seals)				
Harbor seal	<i>Phoca vitulina</i>	*		Year-round resident
Mysticetes				
Minke whale	<i>Balaenoptera acutorostrata</i>	*		Migratory population, with peak abundance during spring and summer
Humpback whale	<i>Megaptera novaeangliae</i>	E		Migratory population, with peak abundance mainly during summer but also in autumn
California gray whale	<i>Eschrichtius robustus</i>	*		Migration population, with peak abundance in winter and spring
Odontocetes (toothed whales and dolphins)				
Killer whale	<i>Orcinus orca</i>	*		Incidental accounts of transients in area, most likely from northern latitudes; may be some resident pods in area
Short-finned pilot whale	<i>Globicephala macrorhynchus</i>	*	Occasional	Small year-round population, with increases during winter
Pacific white-sided dolphin	<i>Lagenorhynchus obliquidens</i>	*		Year-round resident

Table G-14. Marine Mammals Common in Coastal/Nearshore Areas of the Southwest ROI
(continued)

Common Name	Scientific Name	Federal Status under ESA	Likelihood of Occurrence in ROI	Distribution
Northern right whale dolphin	<i>Lissodelphis borealis</i>	*		Mainly present in the winter and spring
Short-beaked common dolphin	<i>Delphinus delphis</i>	*		Year-round resident
Long-beaked common dolphin	<i>Delphinus capensis</i>	*		Year-round resident
Bottlenose dolphin	<i>Tursiops truncatus</i>	*		Year-round resident
Dall's porpoise	<i>Phocoenoides dalli</i>	*		Year-round resident, with peak population in autumn and winter
Harbor porpoise	<i>Phocoena phocoena</i>	*		Mainly occur in nearshore waters
Mustelid (weasels, otters, and skunks)				
Southern sea otter	<i>Enhydra lutris nereis</i>	T		Year-round resident

Sources: Adapted from USCG 2003, Dohl et al. 1978, NMFS NERO 2002, Angliss and Lodge 2003

Notes: * = only protected under MMPA

E = Federally listed endangered

T = Federally listed threatened

CH = Critical Habitat in the ROI

Table G-15. Marine Mammals Common in Coastal/Nearshore Areas of the Northwest ROI

Common Name	Scientific Name	Federal Status under ESA	Likelihood of Occurrence in ROI	Distribution
Otarrids (eared seals or sea lions)				
Northern elephant seal	<i>Mirounga angustirostris</i>	*		Year-round resident
California sea lion	<i>Zalophus californianus</i>	*		Year-round resident
Steller sea lion	<i>Eumetopias jubatus</i>	T/CH	Occasional	Visitor to area from southern breeding grounds
Northern fur seal	<i>Callorhinus ursinus</i>	*	Occasional	Year-round resident
Phocids (true or earless seals)				
Harbor seal	<i>Phoca vitulina</i>	*		Year-round resident
Mysticetes				
Minke whale	<i>Balaenoptera acutorostrata</i>	*		Migratory population, with peak abundance during spring and summer
Humpback whale	<i>Megaptera novaeangliae</i>	E		Migratory population, with peak abundance mainly during summer but also in autumn
California gray whale	<i>Eschrichtius robustus</i>	*		Migration population, with peak abundance in winter and spring
Odontocetes (toothed whales and dolphins)				
Killer whale	<i>Orcinus orca</i>	*		Incidental accounts of transients in area, most likely from northern latitudes; may be some resident pods in area
Pacific white-sided dolphin	<i>Lagenorhynchus obliquidens</i>	*		Year-round resident
Northern right whale dolphin	<i>Lissodelphis borealis</i>	*		Mainly present in the winter and spring
Short-beaked common dolphin	<i>Delphinus delphis</i>	*		Year-round resident

**Table G-15. Marine Mammals Common in Coastal/Nearshore Areas of the Northwest ROI
(continued)**

Common Name	Scientific Name	Federal Status under ESA	Likelihood of Occurrence in ROI	Distribution
Long-beaked common dolphin	<i>Delphinus capensis</i>	*		Year-round resident
Bottlenose dolphin	<i>Tursiops truncatus</i>	*		Year-round resident
Dall's porpoise	<i>Phocoenoides dalli</i>	*		Year-round resident, with peak population in autumn and winter
Harbor porpoise	<i>Phocoena phocoena</i>	*		Mainly occur in nearshore waters

Sources: Adapted from USCG 2003, Dohl et al. 1978, NMFS NERO 2002, Angliss and Lodge 2003

Notes: * = only protected under MMPA

E = Federally listed endangered

T = Federally listed threatened

CH = Critical Habitat in the ROI

Table G-16. Marine Mammals Common in Coastal/Nearshore Areas of the Pacific Area Islands ROI

Common Name	Scientific Name	Federal Status under ESA	Likelihood of Occurrence in ROI	Distribution
Phocids (true or earless seals)				
Monk seal	<i>Monachus schauinslandi</i>	E/CH	Uncommon	Most common northwest of the main seven-island chain
Mysticetes (baleen whales)				
Humpback whale	<i>Megaptera novaeangliae</i>	E		Occurs throughout the main seven island chain January through April
Odontocetes (toothed whales or dolphins)				
Pantropical spotted dolphin	<i>Stenella attenuata</i>	*		Common along the coastlines
Spinner dolphin	<i>S. longirostris</i>	*		Common along the coastlines
Bottlenose dolphin	<i>Tursiops truncatus</i>	*		Common along the coastlines

Sources: Adapted from USCG 2003, Dohl et al. 1978, NMFS NERO 2002, Angliss and Lodge 2003

Notes: * = only protected under MMPA

E = Federally listed endangered

T = Federally listed threatened

CH = Critical Habitat in the ROI

Table G-17. Marine Mammals Common in Coastal/Nearshore Areas of the Alaska ROI

Common Name	Scientific Name	Federal Status under ESA	Likelihood of Occurrence in ROI	Distribution
Otarrids (eared seals or sea lions)				
Northern fur seal	<i>Callorhinus ursinus</i>	*		Found in Pribilof Islands and southern Bering sea
Harbor seal	<i>Phoca vitulina</i>	*		Year-round resident throughout Alaskan waters
Steller sea lion	<i>Eumetopias jubatus</i>	T/CH	Common in certain areas	Distributed around North Pacific rim, northward to Bering Sea and along eastern shore of Kamchatka Peninsula, Gulf of Alaska, and Aleutian Islands
Phocids (true or earless seals)				
Northern elephant seal	<i>Mirounga angustirostris</i>	*	Occasional	Males feed near eastern Aleutian Islands, and in Gulf of Alaska
Mysticetes (baleen whales)				
Blue whale	<i>Balaenoptera musculus</i>	E	Occasional	Occur from the Gulf of Alaska to the Aleutian Islands
Fin whale	<i>B. physalus</i>	E	Occasional	Occur in high densities in the northern Gulf of Alaska and southeastern Bering Sea from May to October; some movement through the Aleutian into and out of the Bering Sea; in the Gulf of Alaska, appear to congregate in the waters around Kodiak Island and south of Prince William Sound Gulf of Alaska

**Table G-17. Marine Mammals Common in Coastal/Nearshore Areas of the Alaska ROI
(continued)**

Common Name	Scientific Name	Federal Status under ESA	Likelihood of Occurrence in ROI	Distribution
Minke whale	<i>B. acutorostrata</i>	*		Common in Bering, Chukchi seas and inshore waters of Gulf of Alaska
Humpback whale	<i>Megaptera novaeangliae</i>	E		Two populations occur, distinguished by the difference in wintering grounds; the northern Bering Sea, Bering Strait, and the southern Chukchi Sea along the Chukchi Peninsula appear to form the northern extreme range
Gray whale	<i>Eschrichtius robustus</i>	*		Migrate along the Alaskan coast in winter and early spring; inhabit the eastern Alaskan waters during summer; occur in both the Bering and Chukchi seas
Bowhead whale	<i>Balaena mysticetus</i>	E		Occur in the regions of Spitsbergen, Davis Strait, Hudson Bay, Okhotsk, and western Arctic
Mysticetes (baleen whales)				
Beluga whale	<i>Delphinapterus leucas</i>	*	Common in certain areas	Beaufort sea stock; resident population in Turnagain Arm of Cook Inlet; occur in offshore and coastal waters in Bristol Bay, Norton Sound, Kasegaluk Lagoon, and Mackenzie Delta
Killer whale	<i>Orcinus orca</i>	*		Occur along entire Alaskan coast
Dall's porpoise	<i>Phocoenoides dallii</i>	*		Occur along entire Alaskan coast
Harbor porpoise	<i>Phocoena phocoena</i>	*		Three stocks thought to occur: Southeast Alaskan, Gulf of Alaska, and Bering Sea
Pacific White-sided dolphin	<i>Lagenorynchus obliquidens</i>	*		Common both offshore and inshore
Mustelids (weasels, otters, and skunks)				

**Table G-17. Marine Mammals Common in Coastal/Nearshore Areas of the Alaska ROI
(continued)**

Common Name	Scientific Name	Federal Status under ESA	Likelihood of Occurrence in ROI	Distribution
Southern sea otter	<i>Enhydra lutris nereis</i>	T	Common in certain areas	Lives in shallow water areas along the shores of the North Pacific

Sources: Adapted from USCG 2003, Dohl et al. 1978, NMFS NERO 2002, Angliss and Lodge 2003

Notes: * = only protected under MMPA

E = Federally listed endangered

T = Federally listed threatened

CH = Critical Habitat in the ROI

Table G-18. Sea Turtles Inhabiting the ROIs

Common Name	Scientific Name	Federal Status under ESA	ROI Occurrence
Loggerhead	<i>Caretta caretta gigas</i>	T	Northeast Southeast Southwest Northwest Pacific Area Islands
Green	<i>Chelonia mydas</i>	T*/CH	Northeast Southeast Southwest Pacific Area Islands
Leatherback	<i>Dermochelys coriacea schlegelii</i>	E/CH	Northeast Southeast Southwest Northwest Pacific Area Islands Alaska
Olive ridley	<i>Lepidochelys olivacea</i>	T	Southeast Southwest Pacific Area Islands
Kemp's ridley	<i>L. kempii</i>	E	Northeast Southeast
Hawksbill	<i>Eretmochelys imbricate</i>	E/CH	Southeast Pacific Area Islands

Sources: Adapted from USCG 2002

Notes: E = Federally listed endangered

T = Federally listed threatened

* = Florida nesting population listed as endangered

CH = Critical habitat in a ROI

Table G-19. Fish Species with EFH within the Inshore Waters

Fishery Management Plan	Common Name	Scientific name	Region of Influence	Management Authority
Alaska Salmon	Chinook salmon	<i>Oncorhynchus tshawytscha</i>	AK	NPFMC
Alaska Scallops	Alaskan weathervane scallops		AK	NPFMC
Alaska Scallops	Alaskan pink scallops		AK	NPFMC
Alaska Scallops	Alaskan spiny scallops	<i>Chlamys hastate</i>	AK	NPFMC
Alaska Scallops	Alaskan rock scallops		AK	NPFMC
Atlantic Billfish	Blue marlin	<i>Makaira nigricans</i>	SE-USC	HMS
Atlantic Herring	Atlantic herring	<i>Clupea harengus</i>	NE	NEFMC
Atlantic Salmon	Atlantic Salmon	<i>Salmo salar</i>	NE	NEFMC
Atlantic sea scallops	Atlantic sea scallops	<i>Placopecten magellanicus</i>	NE	NEFMC
Atlantic Tunas, Swordfish, and Sharks	Atlantic bluefin tuna	<i>Thunnus thynnus</i>	NE	HMS
Atlantic Tunas, Swordfish, and Sharks	Great hammerhead	<i>Sphyrna mokarran</i>	SE-SEA, GOM	HMS
Atlantic Tunas, Swordfish, and Sharks	Scalloped hammerhead	<i>Sphyrna lewini</i>	NE, SE-SEA, GOM	HMS
Atlantic Tunas, Swordfish, and Sharks	Nurse shark	<i>Ginglymostoma cirratum</i>	SE-SEA, GOM, USC	HMS
Atlantic Tunas, Swordfish, and Sharks	Blacktip shark	<i>Carcharhinus limbatus</i>	SE-SEA, GOM	HMS
Atlantic Tunas, Swordfish, and Sharks	Bull shark	<i>Carcharhinus leucas</i>	SE-SEA, GOM	HMS
Atlantic Tunas, Swordfish, and Sharks	Caribbean reef shark	<i>Carcharhinus perezi</i>	SE-SEA	HMS
Atlantic Tunas, Swordfish, and Sharks	Dusky shark	<i>Carcharhinus obscurus</i>	NE, SE-SEA	HMS
Atlantic Tunas, Swordfish, and Sharks	Lemon shark	<i>Negaprion brevirostris</i>	SE-SEA, GOM	HMS
Atlantic Tunas, Swordfish, and Sharks	Sandbar shark	<i>Carcharhinus plumbeus</i>	NE, SE-SEA, GOM	HMS
Atlantic Tunas, Swordfish, and Sharks	Spinner shark	<i>Carcharhinus brevipinna</i>	NE, SE-SEA, GOM	HMS
Atlantic Tunas, Swordfish, and Sharks	Tiger shark	<i>Galeocerdo cuvieri</i>	NE, SE-SEA, GOM, USC	HMS
Atlantic Tunas, Swordfish, and Sharks	Sand tiger shark	<i>Carcharias taurus</i>	NE, SE-SEA	HMS
Atlantic Tunas, Swordfish, and Sharks	Atlantic angel shark	<i>Squatina dumerili</i>	NE	HMS

Table G-19. Fish Species with EFH within the Inshore Waters (continued)

Fishery Management Plan	Common Name	Scientific name	Region of Influence	Management Authority
Atlantic Tunas, Swordfish, and Sharks	Bonnethead	<i>Sphyrna tiburo</i>	SE-SEA, GOM	HMS
Atlantic Tunas, Swordfish, and Sharks	Atlantic sharpnose shark	<i>Rhizoprionodon terraenovae</i>	NE, SE-SEA, GOM	HMS
Atlantic Tunas, Swordfish, and Sharks	Blacknose shark	<i>Carcharhinus acronotus</i>	SE-SEA, GOM	HMS
Atlantic Tunas, Swordfish, and Sharks	Finetooth shark	<i>Carcharhinus isodon</i>	SE-SEA, GOM	HMS
BSAI Groundfish	Walleye Pollock	<i>Theragra chalcogramma</i>	AK	NPFMC
BSAI Groundfish	Pacific Cod	<i>Gadus macrocephalus</i>	AK	NPFMC
BSAI Groundfish	Yellowfin Sole	<i>Limanda aspera</i>	AK	NPFMC
BSAI Groundfish	Greenland Turbot	<i>Reinhardtius hippoglossoides</i>	AK	NPFMC
BSAI Groundfish	Arrowtooth flounder	<i>Atheresthes stomias</i>	AK	NPFMC
BSAI Groundfish	Rock sole	<i>Lepidotsetta bilineata</i>	AK	NPFMC
BSAI Groundfish	Alaska plaice	<i>Pleuronectes quadrifasciatus</i>	AK	NPFMC
BSAI Groundfish	Flathead sole	<i>Hippoglossoides elassodon</i>	AK	NPFMC
BSAI Groundfish	Sablefish	<i>Anoplopoma fimbria</i>	AK	NPFMC
BSAI Groundfish	Pacific Ocean perch	<i>Sebastodes alutus</i>	AK	NPFMC
BSAI Groundfish	Shortraker and Rougheye rockfish	<i>Sebastodes borealis and Sebastodes aleutianus</i>	AK	NPFMC
BSAI Groundfish	Northern rockfish	<i>Sebastodes polyspinis</i>	AK	NPFMC
BSAI Groundfish	Dusky rockfish	<i>Sebastodes ciliatus</i>	AK	NPFMC
BSAI Groundfish	Atka mackerel		AK	NPFMC
BSAI Groundfish	Sculpins		AK	NPFMC
BSAI Groundfish	Sharks		AK	NPFMC
BSAI Groundfish	Eulachon	<i>Thaleichthys pacificus</i>	AK	NPFMC
BSAI Groundfish	Capelin	<i>Mallotus villosus</i>	AK	NPFMC
BSAI Groundfish	Sand lance	<i>Ammodytes hexapterus</i>	AK	NPFMC
BSAI Groundfish	Sand fish		AK	NPFMC
BSAI Groundfish		<i>Euphausiids</i>	AK	NPFMC
BSAI Groundfish		<i>Pholididae and Stichaeidae</i>	AK	NPFMC
Bluefish	Bluefish	<i>Pomatomus saltatrix</i>	NE, SE-SEA	MAFMC
BSAI King and Tanner Crab	Red King crab		AK	NPFMC
BSAI King and Tanner Crab	Blue King Crab	<i>Paralithodes platypus</i>	AK	NPFMC

Table G-19. Fish Species with EFH within the Inshore Waters (continued)

Fishery Management Plan	Common Name	Scientific name	Region of Influence	Management Authority
BSAI King and Tanner Crab	Golden King Crab	<i>Lithodes aequispina</i>	AK	NPFMC
BSAI King and Tanner Crab	Scarlet King Crab	<i>Lithodes couesi</i>	AK	NPFMC
BSAI King and Tanner Crab	Tanner Crab	<i>C. bairdi</i>	AK	NPFMC
BSAI King and Tanner Crab	Snow crab	<i>C. opilio</i>	AK	NPFMC
BSAI King and Tanner Crab	Grooved crab	<i>C. Tanneri</i>	AK	NPFMC
BSAI King and Tanner Crab	Taiangle crab	<i>C. angulatus</i>	AK	NPFMC
Coastal Migratory Pelagics	King mackerel	<i>Scomberomorus cavalla</i>	NE, SE-SEA	SAFMC
Coastal Migratory Pelagics	Spanish mackerel	<i>Scomberomorus maculatus</i>	NE, SE-SEA	SAFMC
Coastal Migratory Pelagics	Cobia	<i>Rachycentron canadum</i>	NE, SE-SEA	SAFMC
Coastal Pelagics	King mackerel	<i>Scomberomorus cavalla</i>	SE-GOM	GMFMC
Coastal Pelagics	Spanish mackerel	<i>Scomberomorus maculatus</i>	SE-GOM	GMFMC
Coastal Pelagics	Cobia	<i>Rachycentron canadum</i>	NE, SE-GOM	GMFMC
Coastal Pelagics	Dolphin	<i>Coryphaena hippurus</i>	NE, SE-GOM	GMFMC
Coastal Pelagics	Pacific sardine	<i>Sardinops sagax</i>	SW, NW	PFMC
Coastal Pelagics	Pacific mackerel (chub)	<i>Scomber japonicus</i>	SW, NW	PFMC
Coastal Pelagics	Northern anchovy	<i>Engraulis mordax</i>	SW, NW	PFMC
Coastal Pelagics	Jack mackerel	<i>Triachurus symmetricus</i>	SW, NW	PFMC
Coastal Pelagics	Market squid	Various species	SW, NW	PFMC
Coral		Various species		CFMC
GOA Groundfish	Walleye Pollock	<i>Theragra chalcogramma</i>	AK	NPFMC
GOA Groundfish	Pacific cod	<i>Gadus macrocephalus</i>	AK	NPFMC
GOA Groundfish	Dover sole	<i>Miracostomas pacificus</i>	AK	NPFMC
GOA Groundfish	Yellowfin sole	<i>Limanda aspera</i>	AK	NPFMC
GOA Groundfish	Rock sole	<i>Lepidopsetta bilineatus</i>	AK	NPFMC
GOA Groundfish	Flathead sole	<i>Hippoglossoides elassodon</i>	AK	NPFMC
GOA Groundfish	Arrowtooth flounder	<i>Atheresthes stomias</i>	AK	NPFMC
GOA Groundfish	Sablefish	<i>Anoplopoma fimbria</i>	AK	NPFMC
GOA Groundfish	Pacific Ocean Perch	<i>Sebastes alutus</i>	AK	NPFMC
GOA Groundfish	Shortraker and Rougheye rockfish	<i>Sebastes borealis and Sebastes aleutianus</i>	AK	NPFMC
GOA Groundfish	Dusky rockfish	<i>Sebastes ciliatus</i>	AK	NPFMC

Table G-19. Fish Species with EFH within the Inshore Waters (continued)

Fishery Management Plan	Common Name	Scientific name	Region of Influence	Management Authority
GOA Groundfish	Yelloweye rockfish	<i>Sebastes ruberrimus</i>	AK	NPFMC
GOA Groundfish	Atka mackerel	Various species	AK	NPFMC
GOA Groundfish	Sculpins	Various species	AK	NPFMC
GOA Groundfish	Eulachon	<i>Thaleichthys pacificus</i>	AK	NPFMC
GOA Groundfish	Capelin	<i>Mallotus villosus</i>	AK	NPFMC
GOA Groundfish	Sand lance	<i>Ammodytes hexapterus</i>	AK	NPFMC
GOA Groundfish	Sand fish	Various species	AK	NPFMC
GOA Groundfish		<i>Pholididae and Stichaeidae</i>	AK	NPFMC
Groundfish	Red hake	<i>Urophycis chuss</i>	NE	NEFMC
Groundfish	Winter flounder	<i>Pleuronectes americanus</i>	NE	NEFMC
Groundfish	Windowpane flounder	<i>Scophthalmus aquosus</i>	NE	NEFMC
Groundfish	Haddock	<i>Melanogrammus aeglefinus</i>	NE	NEFMC
Groundfish	Pollock	<i>Pollachius virens</i>	NE	NEFMC
Groundfish	White hake	<i>Urophycis tenuis</i>	NE	NEFMC
Groundfish	Whiting	<i>Merluccius bilinearis</i>	NE	NEFMC
Groundfish	Yellowtail flounder	<i>Pleuronectes ferruginea</i>	NE	NEFMC
Groundfish	American plaice	<i>Hippoglossoides platessoides</i>	NE	NEFMC
Groundfish	Atlantic cod	<i>Gadus morhua</i>	NE	NEFMC
Groundfish	Leopard shark	<i>Triakis semifasciata</i>	SW, NW	PFMC
Groundfish	Soupfin shark	<i>Galeorhinus zyopterus</i>	SW, NW	PFMC
Groundfish	Spiny dogfish	<i>Squalus acanthias</i>	SW, NW	PFMC
Groundfish	California skate	<i>Raja inornata</i>	SW, NW	PFMC
Groundfish	Ratfish	<i>Hydrolagus colliei</i>	SW, NW	PFMC
Groundfish	Lingcod	<i>Ophiodon elongatus</i>	SW, NW	PFMC
Groundfish	Cabezon	<i>Scorpaenichthys marmoratus</i>	SW, NW	PFMC
Groundfish	Kelp greenling	<i>Hexagrammos decagrammus</i>	SW, NW	PFMC
Groundfish	Pacific cod	<i>Gadus macrocephalus</i>	SW, NW	PFMC
Groundfish	Pacific whiting	<i>Merluccius productus</i>	SW, NW	PFMC
Groundfish	Sablefish	<i>Anoplopoma fimbria</i>	SW, NW	PFMC
Groundfish	Bocaccio	<i>Sebastes paucipinnis</i>	SW, NW	PFMC
Groundfish	Brown rockfish	<i>S. auriculatus</i>	SW, NW	PFMC
Groundfish	Calico rockfish	<i>S. dallii</i>	SW, NW	PFMC
Groundfish	California scorpionfish	<i>Scorpaena guttata</i>	SW, NW	PFMC
Groundfish	Copper rockfish	<i>Sebastes caurinus</i>	SW, NW	PFMC
Groundfish	Quillback rockfish	<i>S. maliger</i>	SW, NW	PFMC
Groundfish	English sole	<i>Parophrys vetulus</i>	SW, NW	PFMC

Table G-19. Fish Species with EFH within the Inshore Waters (continued)

Fishery Management Plan	Common Name	Scientific name	Region of Influence	Management Authority
Groundfish	Flathead sole	<i>Hippoglossoides elassodon</i>	SW	PFMC
Groundfish	Pacific sanddab	<i>Citharichthys sordidus</i>	SW, NW	PFMC
Groundfish	Starry flounder	<i>Platichthys stellatus</i>	SW, NW	PFMC
HMS	Thresher shark	<i>Alopius volpinus</i>	PC	PFMC
New England Skate Complex	Clearnose skate	<i>Raja eglanteria</i>	NE	NEFMC
New England Skate Complex	Little skate	<i>Raja erinacea</i>	NE	NEFMC
New England Skate Complex	Thorny skate	<i>Amblyraja radiata</i>	NE	NEFMC
New England Skate Complex	Winter skate	<i>Raja ocellata</i>	NE	NEFMC
Pacific Herring	Pacific herring	<i>Clupea pallasi</i>	AK	NPFMC
Queen Conch	Queen conch	<i>Strombus gigas</i>	SE-USC	CFMC
Red Drum	Red Drum	<i>Sciaenops ocellatus</i>	NE, SE-SEA	SAFMC
Reef Fish	Coney	<i>Epinephelus fulvus</i>	SE-USC	CFMC
Reef Fish	Red hind	<i>Epinephelus guttatus</i>	SE-USC	CFMC
Reef Fish	Nassau grouper	<i>Epinephelus striatus</i>	SE-USC	CFMC
Reef Fish	Mutton snapper	<i>Lutjanus analis</i>	SE-USC	CFMC
Reef Fish	Schoolmaster	<i>Lutjanus apodus</i>	SE-USC	CFMC
Reef Fish	Gray snapper	<i>Lutjanus griseus</i>	SE-USC	CFMC
Reef Fish	Silk snapper	<i>Lutjanus vivanus</i>	SE-USC	CFMC
Reef Fish	Yellowtail snapper	<i>Ocyurus chrysurus</i>	SE-USC	CFMC
Reef Fish	White grunt	<i>Haemulon plumieri</i>	SE-USC	CFMC
Reef Fish	Butterflyfish	<i>Chaetodon striatus</i>	SE-USC	CFMC
Reef Fish	Queen triggerfish	<i>Balistes vetula</i>	SE-USC	CFMC
Reef Fish	Squirrelfish	<i>Holocentris ascensionis</i>	SE-USC	CFMC
Reef Fish	Sand tile fish	<i>Malacanthus plumieri</i>	SE-USC	CFMC
Reef Fish	Redtail parrotfish	<i>Sparisoma chrysopterum</i>	SE-USC	CFMC
Reef Fish	Trunkfish	<i>Lactophrys quadricornis</i>	SE-USC	CFMC
Salmon	Chinook salmon	<i>Oncorhynchus tshawytscha</i>	SW	PFMC
Salmon	Coho salmon	<i>Oncorhynchus kisutch</i>	NW	PFMC
Salmon	Pink	<i>Oncorhynchus gorbuscha</i>	NW	PFMC
Shrimp	Brown shrimp	<i>Penaeus aztecus</i>	SE-GOM	GMFMC
Shrimp	White shrimp	<i>Penaeus setiferus</i>	SE-GOM	GMFMC
Shrimp	Pink shrimp	<i>Penaeus duorarum</i>	NE, SE-GOM	GMFMC
Snapper-Grouper	Red grouper	<i>Epinephelus morlo</i>	SE-GOM	GMFMC
Snapper-Grouper	Gag	<i>Mycteroperca microlepis</i>	SE-GOM	GMFMC

Table G-19. Fish Species with EFH within the Inshore Waters (continued)

Fishery Management Plan	Common Name	Scientific name	Region of Influence	Management Authority
Snapper-Grouper	Gray snapper	<i>Lujanus griseus</i>	SE-GOM	GMFMC
Snapper-Grouper	Yellowtail snapper	<i>Ocyurus chrysurus</i>	SE-GOM	GMFMC
Spiny Dogfish	Spiny dogfish	<i>Squalus acanthias</i>	NE	MAFMC
Spiny Lobster	Spiny lobster	<i>Panulirus argus</i>	SE-USC	CFMC
Squid, Mackerel, Butterfish	Butterfish	<i>Peprilus triacanthus</i>	NE	MAFMC
Squid, Mackerel, Butterfish	Atlantic mackerel	<i>Scomber scombrus</i>	NE	MAFMC
Stone Crab	Stone crab	<i>Menippe mercenaria</i>	SE-GOM	GMFMC
Summer Flounder, Scup, Black Sea Bass	Summer flounder	<i>Paralichthys dentatus</i>	NE, SE-SEA	MAFMC
Summer Flounder, Scup, Black Sea Bass	Scup	<i>Stenotomus chrysops</i>	NE	MAFMC
Summer Flounder, Scup, Black Sea Bass	Black sea bass	<i>Centropristes striata</i>	NE	MAFMC
Bottomfish and Seamount Fisheries	Bottomfish adults	Various species	PTW	WPFMC
Pelagic Fisheries	Pelagic species all life stages	Various species	PTW	WPFMC
Crustacean Fisheries	Larvae, juveniles, adults	Various species	PTW	WPFMC

Notes: SE-USC = Southeastern Waters ROI-United States Caribbean

HMS = Highly Migratory Species

NE = Northeastern ROI

SE-SEA = Southeast ROI-Southeast Atlantic

SE - GOM = Southeast ROI-Gulf of Mexico

SE-USC = Southeast ROI-United States Caribbean

NEFMC = Northeast Fishery Management Council

MAFMC = Mid-Atlantic Fishery Management Council

SAFMC = South Atlantic Fishery Management Council

CFMC = Caribbean Fishery Management Council

AK = Alaska Waters ROI

NPFMC = North Pacific Fishery Management Council

GMFMC = Gulf of Mexico Fishery Management Council

PFMC = Pacific Fishery Management Council

SW = Southwest ROI

NW = Northwest ROI

BSAI = Bering Sea – Aleutian Islands

GOA = Gulf of Alaska

PAI = Pacific Area Islands ROI

WPFMC = Western Pacific Fishery Management Council

Table G-20. Protected Birds of the Northeast ROI

Common Name	Scientific Name	Federal Status under ESA	Occurrence in ROI	Distribution	Migration Pattern
Bald eagle	<i>Haliaeetus leucocephalus</i>	T/AD	Occasional	Locally throughout most of North America, including coasts	Occurs year-round in many coastal areas. Breeds in spring, and some individuals migrate south during winter, while many remain in the northeast year-round.
Brown pelican	<i>Pelecanus occidentalis</i>	E	Common	Atlantic coast from New Jersey south, and Gulf coast	Some individuals migrate south in winter, while most are year-round residents of the northeast coast.
Piping plover	<i>Charadrius melanotos</i>	T/CH	Common	Atlantic coast, Great Lakes, Northern Great Plains, Gulf coast, and Caribbean. Proposed critical habitat for wintering populations along Atlantic Coast from North Carolina south to Florida, and west along Gulf coast to Texas.	Breeds on sandy beaches in isolated colonies on the northeast coast and Great Lakes region from March to September, where they spend the summer. Winters along southeastern coast.
Roseate tern	<i>Sterna dougallii dougallii</i>	E	Common	Atlantic coast and Caribbean	Breeds on islands and protected sand spits. Occurs on northeast coast during spring and summer and migrates south as far as the Caribbean during fall and winter.

Sources: Adapted from USCG 2003

Notes: E = Federally listed endangered

T = Federally listed threatened

CH = Critical Habitat in the ROI

AD = Proposed Delisting

PCH = Proposed Critical Habitat

Table G-21. Protected Birds of the Southeast ROI

Common Name	Scientific Name	Federal Status under ESA	Occurrence in ROI	Distribution	Migration Pattern
Yellow-shouldered blackbird	<i>Agelaius xanthomus</i>	E/CH	Occasional	Critical habitat areas in southwest Puerto Rico, Roosevelt Roads Naval and Coast Guard Base, and Isla Mona	Resident species in Puerto Rico and Isla Mona. Nesting season April to October.
Whooping crane	<i>Grus Americana</i>	E/CH	Occasional	Critical habitat is on Texas coast	Winters in the Gulf coast of Texas October to April, when they migrate north to Canada.
Bald eagle	<i>Haliaeetus leucocephalus</i>	T/AD	Occasional	Locally throughout most of North America, including coasts	Winters along central and southeast coast and Texas coast with year-round populations in Florida and Gulf coasts east of Texas.
Brown pelican	<i>Pelecanus occidentalis</i>	E	Common	Atlantic coast from New Jersey south	Year-round resident in the southeast.
Piping plover	<i>Charadrius melanotos</i>	T/CH	Occasional	Breeding: Atlantic coast, Great Lakes, and Northern Great Plains. Winters: S. Atlantic, Gulf Coast, Caribbean. Proposed critical habitat for wintering populations along Atlantic Coast from North Carolina to Florida and west along Gulf Coast to Texas.	Winters on the southeast and Gulf coasts and the Caribbean October to March.
Roseate tern	<i>Sterna dougallii dougallii</i>	E	Common	Atlantic coast and Caribbean	Breeds in southern Florida May to June, migrates to the Caribbean in the fall.

Sources: Adapted from USCG 2003

Notes: E = Federally listed endangered

T = Federally listed threatened

CH = Critical Habitat in the ROI

AD = Proposed Delisting

PCH = Proposed Critical Habitat

Table G-22. Protected Birds of the Southwest ROI

Common Name	Scientific Name	Federal Status under ESA	Occurrence in ROI	Distribution	Migration Pattern
Bald eagle	<i>Haliaeetus leucocephalus</i>	T/AD	Occasional	Locally throughout most of North America, including coasts	Year-round resident and breeds in most Pacific continental coastal areas. Some migration occurs from northern California and Oregon to southern California coast, where small population spends the summer.
Short-tailed albatross	<i>Phoebastria albatrus</i>	E	Common	Open Pacific Ocean from Alaska to California	Found most commonly in summer and fall. Breeds in Japan, Midway, and Hawaii and migrates north for summer and south for winter.
Steller's eider	<i>Polysticta stelleri</i>	T	Occasional	Alaska Coast, accidental south to California. Critical habitat in Alaska.	Accidental in summer in Pacific waters. Migrates north to eastern Alaska.
Coastal California Gnatcatcher	<i>Polioptila californica californica</i>	T/CH	Occasional	Southern California coast. Critical habitat is approximately 513,650 acres in Los Angeles, Orange, Riverside, San Bernardino, and San Diego counties, California.	Nonmigratory inhabiting coastal sage scrub from Los Angeles county south to Baja California, Mexico.
Marbled murrelet	<i>Brachyramphus marmoratus marmoratus</i>	T	Occasional	Alaska coast south to California coast. Critical habitat in Alaska.	Breeds from northern Washington to San Francisco coast. Winters along entire Pacific coast.
Brown pelican	<i>Pelecanus occidentalis</i>	E	Common	Pacific coast	Breeds in southern California March to April and is found from southern Mexico to central California and occasionally from northern California to Washington.

Table G-22. Protected Birds of the Southwest ROI (continued)

Common Name	Scientific Name	Federal Status under ESA	Occurrence in ROI	Distribution	Migration Pattern
Western snowy plover	<i>Charadrius alexandrinus nivosus</i>	T/CH	Occasional	Washington coast south to California coast. Critical habitat is in 28 areas along the coasts of California, Oregon, and Washington.	Summers along Pacific coast and migrates south to Mexico and South America during winter.
California clapper rail	<i>Rallus longirostris obsoletus</i>	E	Occasional	San Francisco Bay area, California	Year-round resident on central and southern California coast.
Light-footed clapper rail	<i>Rallus longirostris levipes</i>	E	Occasional	Southern California coast	Year-round resident on central and southern California coast.
San Clemente loggerhead shrike	<i>Lanius ludovicianus mearnsi</i>	E	Occasional	San Clemente Island, California	Year-round resident on San Clemente Island.
San Clemente sage sparrow	<i>Amphispiza belli clementae</i>	T	Occasional	San Clemente Island, California	Year-round resident on San Clemente Island.
California least tern	<i>Sterna antillarum browni</i>	E	Occasional	Central and southern coast of California	Breeds and spends spring and summer on southern and central California coasts. Migrates to Central America and south in fall for the winter.

Sources: Adapted from USCG 2003

Notes: E = Federally listed endangered

T = Federally listed threatened

CH = Critical Habitat in the ROI

AD = Proposed Delisting

PCH = Proposed Critical Habitat

Table G-23. Protected Birds of the Northwest ROI

Common Name	Scientific Name	Federal Status under ESA	Occurrence in ROI	Distribution	Migration Pattern
Bald eagle	<i>Haliaeetus leucocephalus</i>	T/AD	Occasional	Locally throughout most of North America, including coasts	Year-round resident and breeds in most Pacific continental coastal areas. Some migration occurs from northern California and Oregon to southern California coast, where small population spends the summer.
Short-tailed albatross	<i>Phoebastria albatrus</i>	E	Common	Open Pacific Ocean from Alaska to California	Found most commonly in summer and fall. Breeds in Japan, Midway, and Hawaii and migrates north for summer and south for winter.
Steller's eider	<i>Polysticta stelleri</i>	T	Occasional	Alaska Coast, accidental south to California. Critical habitat in Alaska.	Accidental in summer in Pacific waters. Migrates north to eastern Alaska.
Marbled murrelet	<i>Brachyramphus marmoratus marmoratus</i>	T	Occasional	Alaska coast south to California coast. Critical habitat in Alaska.	Breeds from northern Washington to San Francisco coast. Winters along entire Pacific coast.
Brown pelican	<i>Pelecanus occidentalis</i>	E	Common	Pacific coast	Breeds in southern California March to April and is found from southern Mexico to central California and occasionally from northern California to Washington.

Sources: Adapted from USCG 2003

Notes: E = Federally listed endangered

T = Federally listed threatened

CH = Critical Habitat in the ROI

AD = Proposed Delisting

PCH = Proposed Critical Habitat

Table G-24. Protected Birds of the Pacific Area Islands ROI

Common Name	Scientific Name	Federal Status under ESA	Occurrence in ROI	Distribution	Migration Pattern
Guam broadbill	<i>Myiagra freycineti</i>	E	Unlikely	Formerly Guam coast (thought to be extinct)	Year-round resident on Guam.
Hawaiian Coot	<i>Fulica americana alai</i>	E	Occasional	Hawaii coasts	Year-round resident Hawaiian Islands.
Hawaiian duck	<i>Anas wyvilliana</i>	E	Occasional	Pearl Harbor, Hawaii	Year-round resident on selected Hawaiian Islands.
Laysan duck	<i>Anas laysanensis</i>	E	Occasional	Laysan, Hawaii	Year-round resident Laysan Atoll, Hawaii.
Laysan finch	<i>Telespyza cantans</i>	E	Occasional	Laysan, Pearl, and Hermes atolls, Hawaii	Year-round resident Laysan, Pearl, and Hermes atolls, Hawaii.
Nihoa finch	<i>Telespyza ultima</i>	E	Unlikely	Nihoa Island, Hawaii	Year-round resident Nihoa Island, Hawaii.
Hawaiian dark-rumped petrel	<i>Pterodroma phaeopygia sandwichensis</i>	E	Common	Pacific Ocean around Hawaii	Found on the Hawaiian Islands from May to mid-November during breeding. Range up to 1,000 kilometers offshore. Wander throughout the central Pacific from mid-November through April.
Newell's Townsend's sharwater	<i>Puffinus auricularis newelli</i>	E	Common	Pacific Ocean around Hawaii	Found on the island of Kauai April thought September during breeding. On the open ocean from October to April.
Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	E	Common	Hawaii coasts	Year-round resident Hawaiian Islands.

Sources: Adapted from USCG 2003

Notes: E = Federally listed endangered

T = Federally listed threatened

CH = Critical Habitat in the ROI

AD = Proposed Delisting

PCH = Proposed Critical Habitat

Table G-25. Protected Birds of the Alaska ROI

Common Name	Scientific Name	Federal Status under ESA	Occurrence in ROI	Distribution	Migration Pattern
Bald eagle	<i>Haliaeetus leucocephalus</i>	T/AD	Occasional	Locally throughout most of North America, including coasts	Breeds in Alaska coastal area and migrates to southern Canada and south during winter.
Short-tailed albatross	<i>Phoebastria albatrus</i>	E	Common	Open Pacific Ocean from Alaska to California	Summer visitor, migrates south in fall. Breeds in Japan, Midway, and Hawaii.
Steller's eider	<i>Polysticta stelleri</i>	T/CH	Occasional	Alaska Coast, accidental south to California. Critical habitat is at Kuskokwim Shoals in northern Kuskokwin Bay, the Seal Islands, Nelson Lagoon (including portions of Port Moller and Herendeen Bay), and Izembek Lagoon on the north side of the Alaska peninsula; and intertidal zone lands between the Askinuk Mountains and Nelson Lisland in the Yukon-Kuskokwim Delta.	Breeds in eastern Arctic coast of Alaska and migrates south and west to Aleutian Islands and western Alaska coast.
Spectacled eider	<i>Somateria fisheri</i>	T/CH	Occasional	Coast of Alaska	Breeds on the coast of Alaska on the Bering Sea and the Arctic Ocean. Migrates south for the winter but winter range is unknown.

Table G-25. Protected Birds of the Alaska Waters ROI (continued)

Common Name	Scientific Name	Federal Status under ESA	Occurrence in ROI	Distribution	Migration Pattern
Marbled murrelet	<i>Brachyramphus marmoratus marmoratus</i>	T/CH	Occasional	Coast of Alaska south to California. Critical habitat is Bering Sea between St. Lawrence and St. Matthews islands in Norton Sound east of Nome; in Ledyard Bay between Cape Lisburne and Icy Cape; and on the coastal fringe of parts of the Yukon-Kuskokwim Delta.	Summers from Alaska's Kenai Peninsula, Barren islands, and Aleutian Islands south along the coast of North America. May leave northernmost areas during winter.

Sources: Adapted from USCG 2003

Notes: E = Federally listed endangered

T = Federally listed threatened

CH = Critical Habitat in the ROI

AD = Proposed Delisting

PCH = Proposed Critical Habitat

Table G-26. Protected Birds of the Great Lakes ROI

Common Name	Scientific Name	Federal Status under ESA	Occurrence in ROI	Distribution	Migration Pattern
Bald eagle	<i>Haliaeetus leucocephalus</i>	T/AD	Unlikely	Locally throughout most of North America, including coasts	Year-round resident in Great Lakes. Breeds in Great Lakes area, migrates south to inland and Atlantic coastal areas during summer.
Piping plover	<i>Charadrius melanotos</i>	T/CH	Occasional	Breeding: Atlantic coast, Great Lakes, and Northern Great Plains; Winter: South Atlantic, Gulf Coast, and Caribbean. Proposed critical habitat for breeding populations has been designated along 201 miles of Great Lakes shoreline.	Breeding in Great Lakes region spring and summer. Migrates to southeastern and Gulf states coast.

Sources: Adapted from USCG 2003

Notes: E = Federally listed endangered

T = Federally listed threatened

CH = Critical Habitat in the ROI

AD = Proposed Delisting

PCH = Proposed Critical Habitat

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NEFMC	New England Fishery Management Council	USEPA	U.S. Environmental Protection Agency
NEPA	National Environmental Policy Act	USFWS	U.S. Fish and Wildlife Service
NERR	national estuarine research reserve	USGS	U.S. Geological Survey
NMS	national marine sanctuary	USN	U.S. Navy
NMSA	National Marine Sanctuaries Act	WCR	Wider Caribbean Region
NOAA	National Oceanic and Atmospheric Administration	WPFMC	Western Pacific Fishery Management Council
NMFS	NOAA National Marine Fisheries Service	µg/L	micrograms per liter
NPFMC	North Pacific Fishery Management Council	µPa	microPascal
NRHP	National Register of Historic Places		
NWR	national wildlife refuge		
ORMP	Ocean Resources Management Plan		
P.L.	Public Law		
PAH	polycyclic aromatic hydrocarbon		
PCB	polychlorinated biphenyl		
PEA	Programmatic Environmental Assessment		
PFMC	Pacific Fishery Management Council		
ppb	parts per billion		
ppm	parts per million		
RADAR	Radio Detection and Ranging		
RGES	Running Gear Entanglement System		
ROI	Region of Influence		
SAFMC	South Atlantic Fishery Management Council		
SAV	submerged aquatic vegetation		
SPL	sound pressure level		
SST	sea-surface temperature		
U.S.C.	United States Code		
USCG	U.S. Coast Guard		
USDOT	U.S. Department of Transportation		

