

**FINDING OF NO SIGNIFICANT IMPACT FOR THE ENVIRONMENTAL
ASSESSMENT FOR THE 2015 WEST COAST CIVILIAN PORT DEFENSE
TRAINING EXERCISE**

**DEPARTMENT OF DEFENSE
DEPARTMENT OF THE NAVY**

INTRODUCTION

Pursuant to the National Environmental Policy Act (NEPA) of 1969 (42 U.S. C. §§ 4321 - 4370h), the Council on Environmental Quality (CEQ) regulations (for implementing the Procedural Provisions of NEPA, Title 40 Code of Federal Regulations [C.F.R.] Parts 1500-1508) and United States (U.S.) Department of the Navy (Navy) Procedures for Implementing NEPA (32 C.F.R. Part 775), and the Chief of Naval Operations Environmental Readiness Program Manual M-5090.1, the Navy gives notice that an Environmental Assessment (EA) has been prepared. Based on this Finding of No Significant Impact (FONSI), an Environmental Impact Statement (EIS) is not required for the 2015 West Coast Civilian Port Defense (CPD) Training Exercise.

PURPOSE AND NEED

The purpose of the Proposed Action is to train Navy personnel in the skills necessary to ensure U.S. ports remain free of mine threats. The Proposed Action is needed for the Navy to support the Department of Defense mission to defend U.S. territory from attack by state and non-state actors. Naval forces provide mine warfare capabilities to defend the homeland per the Maritime Operational Threat Response Plan. These training activities are conducted in conjunction with other federal agencies, principally the Department of Homeland Security.

DESCRIPTION OF THE PROPOSED ACTION

CPD training events are typically conducted in ports or major surrounding waterways, within or adjacent to shipping lanes and seaward to the 300 foot (91 meter [m]) depth contour. The Surface and Mine Warfighting Development Center identified two possible locations on the U.S. west coast for the fall 2015 training event, the port of San Diego (Alternative 2) and the ports of Los Angeles and Long Beach (Alternative 1, the Preferred Alternative). CPD training activities in San Diego (Alternative 2) were included in the 2013 Hawaii-Southern California Training and Testing (HSTT) Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS). However, the preferred location for 2015 is within the Ports of Los Angeles and Long Beach and San Pedro Bay, which includes a portion of the entrance into Anaheim Bay at Naval Weapons Station Seal Beach, and is outside the HSTT EIS/OEIS study area and therefore, was not considered in the HSTT EIS/OEIS. This EA incorporates relevant

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environmental background portions of the HSTT EIS/OEIS and analyzes the potential impacts associated with the training activities in the Ports of Los Angeles and Long Beach under Alternative 1, the Preferred Alternative.

CPD training activities are naval mine warfare exercises conducted in support of maritime homeland defense, per the Maritime Operational Threat Response Plan. The three pillars of Mine Warfare include airborne (helicopter), surface (ship and unmanned vehicles), and undersea (divers, marine mammal systems, and unmanned vehicles), all of which are used in order to ensure that strategic U.S. ports are cleared of mine threats.

Under the Proposed Action, assets used during CPD training could include up to four unmanned underwater vehicles, marine mammal systems, up to two helicopters operating (two to four hours during daylight) at altitudes as low as 75 to 100 ft (23 to 31 m), two Explosive Ordnance Disposal platoons, a Littoral Combat Ship or Landing Dock Platform and a Mine Warfare Class Ship. The Mine Warfare Class Ship (e.g., AVENGER) is a surface mine countermeasure vessel specifically outfitted for mine countermeasure capability.

CPD training events employ the use of various mine detection sensors, some of which utilize high frequency active acoustics, for detection of mines and mine-like objects in and around various ports.

The Proposed Action also includes the placement, use, and recovery of up to 26 bottom placed non-explosive mine training shapes. These mine training shapes are relatively small, and are generally less than 6 ft (1.8 m) in length. Mine shapes may be retrieved by Navy divers, typically explosive ordnance disposal personnel, and may be brought to beach side locations to ensure that the neutralization measures are effective and the shapes are secured.

The final step in training is a beach side activity that involves explosive ordnance disposal personnel assessing the retrieved mine shape to gather facts (intelligence) on the type and identifying how the mine works, disassembling the non-explosive mine shape or disposing of it. This final step in the activities would take place on the existing Navy boat ramp at Naval Weapons Station Seal Beach inside the entrance to Anaheim Bay.

The entire training event takes place over two (2) weeks utilizing a variety of assets and scenarios. Active acoustic transmission would be used intermittently for approximately eight (8) days during the two (2) week long training event during the late October - early November 2015 timeframe.

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ALTERNATIVES

The Navy developed three (3) screening factors: (1) water depths of less than 300 ft (91 m), (2) near shipping lanes proximate to major ports, and (3) outside sensitive habitats. Other action alternatives analyzed but not further considered include geographic, seasonal and operational alterations. Geographic alternatives cannot be carried forward due to environmental constraints (i.e., sensitive habitats) that would limit the scope of the training.

Preliminary screening identified potential locations most likely to support future training events at ports on the West Coast based on the above criteria. However, after a preliminary acoustic analysis, the Navy concluded that it would not be feasible to complete quantitative analysis and all Marine Mammal Protection Act (MMPA) and ESA consultation requirements for these locations by the fall of 2015, the anticipated date of the proposed action. Only two areas in California were identified as priority areas that could support a CPD training exercise on the west coast in late 2015. Specifically, the areas considered in this EA include: Ports of Los Angeles/Long Beach and the Port of San Diego. The Ports of Los Angeles and Long Beach were deemed highest priority based on operational needs due to their proximity to San Pedro Bay, Anaheim Bay and Naval Weapons Station Seal Beach and is an area of heavy commercial shipping traffic, which provides a realistic setting within a unique maritime environment. The Ports of Los Angeles and Long Beach, as Alternative 1, were carried forward for analysis in this EA in addition to Alternative 2 for the Port of San Diego and the No Action Alternative.

No Action Alternative. Under the No Action Alternative, no training activities would occur.

Alternative 1. (Preferred Alternative). Under Alternative 1, the Preferred Alternative, training would occur within the Los Angeles/Long Beach proposed action area. This area would include the use of the entrance to and areas within Anaheim Bay and Naval Weapons Station Seal Beach. Only unmanned underwater vehicles (UUVs), explosive ordnance disposal (EOD) divers and marine mammal systems would be utilized inside Anaheim Bay. The training would take place for approximately two weeks during the fall of 2015. Alternative 1 is the preferred alternative as it best meets the purpose and need for the project and would have no significant impacts to the human or natural environment.

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Alternative 2. Under Alternative 2, training would occur within the Port of San Diego, which is covered within the HSTT EIS/OEIS Study Area by the 2013 HSTT EIS/OEIS, current MMPA Authorizations, and ESA consultations and is incorporated by reference in the EA. The activities in this alternative would be the same as Alternative 1 and occur within the same timeframe.

ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

This EA examined the potential impacts on the physical environment, including air quality and bottom sediment; the biological environment, including invertebrates and benthic communities, seabirds, fish, essential fish habitat (EFH), sea turtles, and marine mammals; and the socioeconomic environment, including commercial and recreational fisheries, commercial shipping and transportation, recreational boating and tourism. This EA did not analyze any resource areas that would not be impacted by the Proposed Action. Resource areas that did not require further analysis include airspace, floodplains, geology, land use, terrestrial environment, water quality, wild and scenic rivers, plankton, terrestrial wildlife; aesthetics, archaeological and historical resources, environmental justice, infrastructure, and utilities.

Below is a summary of the potential environmental impacts to the resources analyzed as a result of the activities conducted under the Proposed Action (by the means identified in the Preferred Alternative).

Physical Environment. The Proposed Action would not result in significant impacts to air quality and bottom sediment. The air emissions are below 'de minimis' threshold levels, and would make only a minimal contribution to greenhouse gas emissions; therefore, no significant impact to air quality or greenhouse gas and climate change are anticipated. Seafloor devices would be deployed on the seafloor for a short duration and any potential increases in turbidity would be temporary and localized as it is expected that soft sediments would shift back similar to following a disturbance of tidal energy. Therefore, no long-term increases in turbidity (sediment suspended in the water) or significant impacts to soft sediments are anticipated.

Biological Environment. The Proposed Action would not result in significant impacts to biological environment. The potential impacts to the biological environment that were analyzed are from physical stressors (vessel movements, aircraft strike,

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seafloor devices, in-water devices), energy (electromagnetic devices, low-energy laser use), acoustic stressors (vessel noise, aircraft noise, acoustic transmissions), and secondary stressors (marine mammal systems). The stressors of energy, physical disturbance, and secondary stressors would not significantly impact invertebrates and benthic communities, seabirds, fish, EFH, sea turtles or marine mammals. High-frequency active acoustic sources may affect, but are not likely to adversely affect ESA-listed marine mammals, sea turtles, and scalloped hammerhead sharks. High-frequency active acoustic sources may result in Level B behavioral harassment of some marine mammals; however, there are no expected mortality or Level A exposures. The remaining acoustic stressors (i.e., aircraft and vessel noise) are not expected to result in mortality, Level A or B harassment, and may affect, but not likely to adversely affect ESA-listed marine mammals, turtles and scalloped hammerhead sharks. The implementation of the Preferred Alternative would result in no significant impacts to biological resources.

Socioeconomic Environment. The Proposed Action would not result in significant impacts to the socioeconomic environment. The potential impacts analyzed include accessibility and aircraft noise. The Proposed Action would not occur directly within the active shipping channel. Potential disruptions are limited or avoided by the U.S. Coast Guard issuing Notices to Mariners advising commercial ship operators, commercial fishermen, recreational fishermen, boaters and other users of the area that the military would be operating in a specific area, allowing them to plan their activities accordingly. The Navy training activities are primarily short term in duration and therefore, impacts on tourism activities would be negligible. Commercial and recreational fisheries would be restricted only within established safety zones around vessels, if at all, and would be notified via Notices to Mariners. There would be no restrictions to land based activities which would impact subsistence use or recreational fishing. Tourism activities that would occur farther out at sea would not be impacted by near shore training. Vessel operators would be responsible for being aware of and abiding by maritime requirements such as general Rules of the Road.

Airborne sounds have the potential to disrupt human and marine resources within the proposed action area. The helicopter noise is transient in nature and variable, limited to one helicopter at a time and temporary short term flights, and

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not in close proximity to high tourism areas. The implementation of the Preferred Alternative would result in no significant impacts to the socioeconomic environment.

Cumulative Impacts. The past, current and reasonably foreseeable future activities in the proposed action area and the cumulative impacts of the activities associated with the Proposed Action to the physical (air quality, greenhouse gas and climate change, sediment), biological (benthic marine species marine vegetation, fish and EFH, marine mammals, sea turtles, sea birds) and socioeconomic environment (impact of increase in port and terminal facilities on commercial and recreational activities, recreational fishing activities) environments were analyzed. Due to the short duration and temporary nature of the proposed action, no significant cumulative impact to the physical, biological, or socioeconomic environment would occur as a result of the proposed action in combination with past present or future planned projects.

MITIGATION

As part of the Proposed Action, the Navy will implement all practicable mitigation, monitoring, and standard operating procedures to avoid or reduce adverse environmental impacts including those identified in the HSTT Final EIS/OEIS and the April 2014 reinitiated National Marine Fisheries Service (NMFS) Biological Opinion:

While underway and during the use of high-frequency active sonar activities associated with mine warfare activities at sea, vessels will have a minimum of one Lookout.

The Navy will apply a mitigation zone during high frequency active sonar use and will cease active transmission if a marine mammal is sighted within 200 yards (183 m) of the source.

Vessels will avoid approaching marine mammals head on and will maneuver to maintain a mitigation zone of 500 yd (457 m) around observed whales, and 200 yd (183 m) around all other marine mammals (except bow riding dolphins), providing it is safe to do so.

The Navy will ensure that towed in-water devices being towed from manned platforms avoid coming within a mitigation zone of 250 yd (229 m) around any observed marine mammal, providing it is safe to do so.

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PUBLIC OUTREACH

The Navy initiated the public participation process with the publication of a Notice of Availability (NOA) of the Draft EA in two local newspapers: Orange County Register and the Long Beach Press Telegram. The Draft EA was also made available for public review at the Long Beach Public Library, Main Branch, and the Seal Beach Public Library. In addition, the Draft EA was made available via the Commander, Navy Region Southwest public website: <http://www.cnrc.navy.mil/PortDefenseDraftEA>. The 15-day public review period was August 7 - 22, 2015. No public comments were received during this public review period on the Draft EA.

Pursuant to the MMPA, the NMFS published a Proposed Rule in the Federal Register for an Incidental Harassment Authorization, prior to final rulemaking. The Proposed Rule was available for a 30-day public review period from September 4 - October 5, 2015. A Final Rule for an Incidental Harassment Authorization will be published in the Federal Register and goes into effect immediately prior to conducting CPD training.

A NOA of the Final EA and FONSI will be made available via the Commander, Navy Region Southwest public website: <http://www.cnrc.navy.mil/PortDefenseDraftEA>. The NOA, final EA, and FONSI will also be available on the Commander, Navy Region Southwest website.

FINDINGS

Based on the analysis presented in this EA, the Navy finds that implementing the Preferred Alternative would not significantly impact the quality of the human and natural environment. Therefore, an EIS is not warranted.

- The Navy completed informal consultation with the NMFS, obtaining NMFS' concurrence with Navy's finding that the Proposed Action may affect, but is not likely to adversely affect ESA-listed species,
- The Navy is obtaining an Incidental Harassment Authorization from NMFS for predicted level B exposures under MMPA,

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- The Navy obtained a Negative Determination concurrence from California Coastal Commission that there would be no effect on the coastal zone or a coastal resource of the State of California,
- The Navy prepared a Record of No-Applicability under the Clean Air Act,
- The Navy made a determination of no significant adverse effect on EFH and is not required to consult with NMFS under Magnuson-Stevens Fishery Conservation and Management Act,
- The Navy made a determination of no significant adverse effect on a population of migratory bird species and is not required to consult with the U.S. Fish and Wildlife Service under the Migratory Bird Treaty Act.

This EA, which was prepared by the Navy addressing this action, is on file. Interested parties may access the EA on the Commander, Navy Region Southwest public website, or obtain a hard copy from the CPD EA Project Manager.

21 OCT 2015
Date



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