



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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REGIONAL
ADMINISTRATOR'S
DIVISION

February 11, 2021

Naval Facilities Engineering Command, Northwest
Attn: Ms. Kimberly Kler,
1101 Tautog Circle, Suite 203
Silverdale, Washington 98315

Dear Ms. Kler:

The U.S. Environmental Protection Agency has reviewed the Department of the Navy's December 2020, Draft Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement for the Navy's continuing periodic military readiness activities in the Gulf of Alaska (EPA Project Number 08-028-DOD; CEQ Number 20200250). The EPA comments are provided pursuant the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR 1500-1508) and Section 309 of the Clean Air Act.

This 2020 Draft SEIS/OEIS describes the Navy's intent to prepare a supplement to the 2011 Gulf of Alaska Navy Training Activities Final EIS/OEIS and the 2016 Gulf of Alaska Navy Training Activities Final Supplemental EIS/OEIS. These activities include the use of sonar and weapon systems at sea in the Gulf of Alaska Study Area. The re-analysis is in large part to support the reissuance of current Letters of Authorization from the National Marine Fisheries Service.

We appreciate the opportunity to provide these scoping comments and are available to engage further where needed. If you would like to discuss these comments, please contact Lauren Boldrick at (907) 271-5097 or boldrick.lauren@epa.gov.

Sincerely,

Karl Pepple, Acting Chief
Policy and Environmental Review Branch

Enclosure

EPA Comments on the proposed Draft Supplemental Environmental Impact Statement/Overseas Environmental Impact Statement for the Gulf of Alaska Navy Training Activities

Consultation with Tribes

EPA advised the Navy in our 2020 SEIS/OEIS scoping comments that the proposed project could affect traditional way-of-life practices in tribal communities of Prince William Sound and Kodiak Island. The 2020 Draft EIS/OEIS does not make apparent that the Navy has done more than a cursory attempt to provide notice to the federally recognized Alaska Native Tribes in the proposed action area that the action may occur. This is concerning since the document states that that the proposed action has the potential to significantly affect tribal rights, protected resources, and/or Indian lands.

EPA again recommends that the 2020 SEIS/OEIS identify historic resources, including subsistence resources, and assure that resource protections and privileges are addressed appropriately. We encourage the Navy to invest the necessary time and care to appropriately work with Alaska Native tribes on a government-to-government basis to address issues concerning tribal self-government, trust resources, and tribal treaty and other rights. We strongly recommend documentation of these consultations be included in the 2020 SEIS/OEIS and is consistent with the July 28, 1999 memorandum from the Council on Environmental Quality to Heads of Federal Agencies¹. We again strongly encourage the Navy to invite affected tribal governments to participate in the 2020 SEIS/OEIS process and take more robust measures to engage these governments prior to the 2020 Final SEIS/OEIS.

As previously mentioned, the 2016 SEIS/OEIS did not mention subsistence use areas. The 2011 EIS/OEIS includes contradicting statements regarding whether there would be effects on subsistence harvesting, “[t]he [Temporary Maritime Activities Area] also is used for subsistence harvesting by Alaska Natives.... Navy training exercises will not affect subsistence harvest because the subsistence use areas are outside of the TMAA.” We recommend tribal consultation on the project to help understand the use of the training area by Alaska Natives for subsistence harvesting to accurately inform the Supplemental EIS. We note that the National Marine Fisheries Service reports harvests for seals, sea lions and otters for subsistence uses in several communities on Kodiak Island and in other communities proximate to the TMAA such as Nanwalek and Chenega Bay. The 2020 Draft EIS/OEIS relies on information that is 15 years old (the literature cited within the 2011 EIS/OEIS). In an environment like the Gulf of Alaska that is rapidly changing, EPA finds it unlikely that subsistence use patterns are the same as they were at the time of the initial analysis.

We recognize that the document does discuss the subsistence use of certain biological resources, which is helpful to understand the circumstances that the animal biological resources are being impacted by the cumulative impacts within their respective habitats. EPA recommends that the Navy consider the project impacts that are perpetuated to tribal communities via the impacts to their subsistence resources. EPA encourages decisions – and, where appropriate, measures and practices – that ensure that the significance and integrity of way-of-life activities will be maintained during the proposed activities. We find that these measures and practices are most implementable and beneficial when they are supported by robust, thorough, and deferential consultations.

¹ https://www.energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-DOE-desig_nonfed_coop_agencies.pdf

Public Participation and Environmental Justice

EPA recognizes the limits of COVID-19 on attaining in-person public participation.

The 2011 EIS/OEIS notes that Region of Influence for environmental justice analysis includes only the TMAA, which is 12 - 24 nautical miles offshore, and therefore does not include any environmental justice communities. EPA recognizes that this is factually correct; however, it does not address the recommendation that EPA brought up during scoping, which was to take a comprehensive accounting of all impacts on low income or minority communities, including, but not limited to, cumulative and indirect impacts, exposure pathways unique to the impacted communities, historic exposures, and impacts to cultural, historic and protected resources.

Alaska Native people who live in recognized indigenous villages have diets that are higher in local fish and marine mammals; this diet is especially rich in marine mammals such as seals. Most home ranges of seals are hundreds, up to thousands of square miles; this negates the perception that impacts to environmental justice communities may only occur within the geographical boundary of the TMAA. Impacts to marine mammals that alter the accessibility, quality or spiritual connection of subsistence or traditional way-of-life practices of an indigenous minority community are a direct example of impacts to an environmental justice community.

EPA also notes that Alaska Native villages disproportionately face intensifying climate change impacts as global temperatures and sea levels rise. Alaska Native livelihoods and health are closely tied with their environment.

As evidenced in our earlier recommendations, EPA finds that there is additional analysis and discussion that should be included in the 2020 SEIS/OEIS. We recommend that subsistence resources of these environmental justice communities be addressed. Since many coastal Alaskan communities in proximity to the TMAA are also tribal environmental justice communities, we think it is of critical importance to demonstrate that these potential reference communities were evaluated to determine if they would bear disproportionately high and adverse effects from the proposed action.

Marine Acoustics

EPA appreciates the thorough analysis of the impacts from sonar and other acoustic noise in the marine environment that could be caused by the proposed action. We recommended additional statements to make this information more transparent to the public. The seismic environmental analyses have common statements such as “[t]he project proponent plans on firing 14 air guns at 2500 psi every 5-10 seconds for up to 24 hours a day, for 8 weeks.” EPA believes it would be more beneficial and accessible to the public to provide an introductory section with a figure or table explaining the information in plain language.

We also recommend direct language about when acoustic noise transforms from what could be reasonably considered “sound” (compressions and dilatations of the water column in a state of equilibrium) into “shockwaves” (when the amplitude becomes so large that discontinuities in acoustic quantities such as pressure and particle velocity occur) to clarify when it becomes a percussive force experienced by marine biological resources. This would help distinguish the impacts by clarifying between the physical impacts of the sound and impacts caused by the perception of sound by marine animals.

Pelagic Species

We recommend additional analysis of the impacts of noise on pelagic species, particularly plankton. The 2011 EIS/OEIS notes that any surface or near-surface explosions or impacts have the potential to kill or harm individual planktonic animals and plants in the immediate vicinity. A 2017 study² suggested that experimental air gun signal exposure decreased zooplankton abundance, as measured by sonar and net tows and caused a two- to threefold increase in dead adult and larval zooplankton. The study also recognizes that all larval krill were killed after air gun passage. Some scientists question these results since the study did not consider the diurnal migration of these animals. However, this study remains relevant to this proposed action because some of the devices and equipment used during training activities create noise within similar acoustic ranges used in the study. EPA recommends describing the potential hectares of zooplankton (and other pelagic species) that would be impacted by underwater explosions. EPA recognizes that this will be less than the entire ensonification area of these events since lethality of the impacts would diminish as the distance from the explosion increases. If the Navy determines that these impacts could be extensive in acreage, we recommend that the Navy incorporate a mitigation measure which could be simply avoiding large plankton blooms or planning activities when the plankton will not be the same strata of the water column when detonating explosives.

We recommend considering the potential cumulative impacts of climate change and acoustic noise on these resources since they are a critical component of a successful food web within the marine environment.

Monitoring

EPA commends the Navy for its long-term baseline Marine Species Research and Monitoring program in the Gulf of Alaska. Baseline monitoring is an essential tool for the successful mitigation of environmental impacts. We appreciate the detailed discussion of monitoring and mitigation measures throughout the document.

² McCauley, R., Day, R., Swadling, K. *et al.* Widely used marine seismic survey air gun operations negatively impact zooplankton. *Nat Ecol Evol* 1, 0195 (2017). <https://doi.org/10.1038/s41559-017-0195>