

**APPENDIX W**

**Impacts of Implementing the USCG APLMR Initiative**



# Memorandum

Subject: IMPACTS OF IMPLEMENTING THE USCG  
ATLANTIC PROTECTED MARINE RESOURCES  
INITIATIVE

From: G-OP, G-OC

To: G-O

Date: 15 October 1996  
16000

Reply to: G-OPa  
Attn. of: LCDR Haskovec  
x7-1965

1. Enclosed are an impact summary for implementing the subject initiative and supporting background and resource materials.
2. Chapter 3 of the DEIS defines emergency operations as those operations for which rapid response is required to avoid the loss of life and property. SAR is given as an example. We seek FEIS wording that includes SAR responses along with urgent law enforcement incidents and urgent matters of national security as defined by the operational commander on a case-by-case basis.
3. G-O-2 should work with G-O programs and facilities staffs and Operational Commanders to develop models and methods of measurement if portions of the subject initiative are implemented.
4. We see no conflicts between these impact assessments and those of the First and Seventh Districts and COMLANTAREA. We have reviewed those field commanders' assessments, and believe we have addressed larger issues and a broader range of asset and program impacts in our enclosures.

  
M. F. MCCORMACK

  
T. L. TERRIBERRY

Encl: (1) Impact Summary  
(2) Impact Assumptions  
(3) Facilities Impacts  
(4) Mission Impacts Expanded  
(5) Cutter Resource Hr Spreadsheets by District

Copy: CDR Rooth, Mr. Keith Boi, G-O-2, G-OCA

# ENVIRONMENTAL IMPACT STATEMENT

## IMPACT SUMMARY

of

### Draft Environmental Impact Statement

The “Proposed Actions and Alternatives” listed in the Executive Summary, and described more fully in chapter three of the Draft Environmental Impact Statement for the USCG Atlantic Protected Living Marine Resources Initiative (Initiative) are within the capabilities of United States Coast Guard. They are **not**, however, achievable within the Coast Guard’s current resource base of facilities, personnel and budget, without undue degradation of the current level of mandated services provided by the agency.

- Additional facilities will be required to adequately undertake the added MMPA/ESA enforcement patrols; take on the increased communications requirements; and provide for the loss of “on scene” resource time in other mission areas due to increased transit times;
- Additional personnel will be required to administer and monitor the additional functions required and to conduct the newly imposed training;
- Additional fiscal resources will be required to fund the facilities, personnel and training.

In general, the reduced speed guidance contained in the DEIS, as promulgated by Coast Guard message, is the single item that will most adversely impact Coast Guard operations. Reduced speed equates to increased time to transit environmentally sensitive zones and complete missions. Examples of adverse mission impacts due to reduced speed include, but are not limited to the following:

- A reduction in boarding and terminating illegal fishing operations, resulting in further depletion of fish stocks in the New England fisheries region;
- A reduction in intercepting migrant smuggling operations, resulting in an increase of illegal migrants reaching US territory;
- A reduction in boarding, searching and seizing drug smuggling vessels in the maritime transit and arrival zones, resulting in an increase of illegal drugs reaching US territory;
- An increase in the time required to restore navigational channel safety and full port operations following natural disasters, resulting in interruptions to maritime commerce and a potential increase in marine casualties and release of hazardous cargo into the environment;
- An increase in the number of non-emergent search and rescue missions becoming emergent due to mission queuing and changing conditions, resulting in loss of lives and property;
- An increase in response time to hazardous cargo releases into the environment, resulting in increased ecological damage.

**ENCLOSURE(1)**

## IMPACT ASSUMPTIONS

1. We have evaluated the facility and policy impacts of implementing the USCG Atlantic Protected Marine Resources Initiative. The impacts are based on FY-95 data. Our basic assumptions to form impact examples were:

a. For D1 cutter operations:

- (1) MLE cutters underway will be in "critical habitats" 20% of the time requiring altered courses or reduced speeds. The net effect on speed of advance while cutters are in critical habitat areas will be a 50% reduction in speed made good toward the cutter's next destination. This will reduce effective patrol time by 10%.
- (2) Cutters prosecute the majority of off-shore SAR and much of this SAR is non-emergent. Cutters en route SAR cases and returning with vessels in tow or survivors on board will likely transit critical habitats. Cutters will not be relieved until transiting within 20nm of shore or entering port. Maneuvering around whales at towing speeds will increase sortie time (reducing speed is usually not the best option). WPBs execute the majority of off-shore SAR and their speed advantage to get on scene quickly will be negated by the need to transit critical habitats. We estimate that non-emergent SAR sortie time will increase by 10%.
- (3) Cutters executing ATON missions will often transit and work entirely within critical habitat areas. The ATON Service Force Mix 2000 Project Study (June 1992) examined fleet size in relation to transit speeds. Our 10% estimate of increased ATON cutter resource hrs roughly matches the Force Mix Study if WLMs reduce transit speeds from 10 kts to 9 kts and WLBs reduce transit speeds from 12 kts to 9 kts.

b. For D5 cutter operations:

- (1) MLE cutters will be in critical habitats 10% of the time requiring altered courses or reduced speeds. Following that same reasoning as for D1 MLE cutters, this equates to a 5% reduction in effective patrol time.
- (2) SAR cutters will increase sortie time by 10% following the same reasoning as D1 SAR cutters.
- (3) ATON cutters will increase ATON mission time by 10% based on the same reasoning as D1 ATON cutters.

c. For D7 cutter operations:

- (1) Gulf coast cutters were excluded from the resource hour spreadsheet. Resource hours for only 5 110' WPBs were included to account for 110 ft WPBs that are

**ENCLOSURE(2)**

homeported from Mayport, FL to Charleston, SC and out-of-district WPBs transiting to/from D7 operations.

- (2) MLE cutters will lose 1% of effective patrol time. This is because of D7's vast AOR and a relatively small portion of the AOR being included in this impact assessment. We believe this adequately allows for all cutter operations in the vicinity of the whale calving grounds off of Mayport, FL with the exception of WHEC/270 WMEC Refresher Training.
  - (3) SAR cutter sortie times will increase by 1% because off-shore SAR cutters have nearest safe havens outside CONUS and the large AOR may not require transiting critical habitats to prosecute and complete the mission.
- d. Small boats prosecuting all missions with the exception of emergency SAR cases will reduce speed by 50%. All small boats in D1, D5 and D7 were included in this impact assessment.
  - e. Aircraft on SURVPATS will be required to remain above 2000 ft while over critical habitats or when whales are sighted.
  - f. ANT boats will transit at reduced speeds.
  - g. All boat crew and bridge watch personnel will receive marine mammal training.
  - h. Cutters are currently fully employed and cutter employment standards will not change.
  - i. We want to maintain and improve our levels of services to the public and nation.

## FACILITIES & CAPABILITIES IMPACTS

### AVIATION

1. No additional aircraft will be needed.
2. Increased costs for helicopter training. CGAS's Cape Cod, Brooklyn and Savannah will be most impacted. CGAS's Cape May and E-City will also be impacted to some extent. Boat/helo, rescue swimmer and cutter/flight deck training will have to take place outside of critical habitat areas. The extent of increased fuel and maintenance costs have not been determined.
3. Requirements to maintain an altitude of 2000 ft will greatly diminish surveillance patrol effectiveness. The CG does not possess the technology to ID fishing vessels and pleasure craft from this altitude. Sensors may be available from sources outside the CG but compatibility with our aircraft and cost are unknown.
4. The DEIS refers to the Air Ops Manual, COMDTINST 3710.1 stating that aircraft must maintain an altitude of at least 3000 feet when flying over wildlife habitat. G-OCA will revise this portion of the Air Ops Manual to bring it in line with FAR to maintain an altitude of 2000 feet. This will not obviate the need for increased sensor capabilities or increased number of platforms if we are to ID vessels that are in wildlife habitats.

### GROUP/STATION/ANT

#### D1:

56,250 small boat resource hours currently expended on all missions other than emergent SAR.

With a 50% speed reduction imposed for these missions, small boat resource hours will increase to 112,500 hours.

#### D5

50,226 small boat resource hours currently expended on all missions other than emergent SAR.

With a 50% speed reduction imposed for these missions, small boat resource hours will increase to 100,452 hours.

#### D7

52,503 small boat resource hours currently expended on all missions other than emergent SAR.

With a 50% speed reduction imposed for these missions, small boat resource hours will increase to 105,006 hours.

Total increase in small boat resource hours for D1, D5 and D7: 158,979.

**ENCLOSURE(3)**

- Current fleet of small boats can provide this higher number of resource hours.
- Increased maintenance costs: \$1.65 million.
- 160 additional boats crew will be needed to operate the additional hours at a cost of \$13.64 million.

A two hour course of instruction in marine mammal training for all boat crew personnel will result in 4272 hours initial training and 1424 hours in annual recurring training as new personnel are rotated to stations.

## CUTTER RESOURCES

Based on overall decreases in effective patrol time:

D1 WHEC/WMEC 10% = 1311 hrs

D5 WHEC/WMEC 5% = 274 hrs

D7 WHEC/WMEC 1% = 470 hrs

Total resource shortfall: 2055 hrs or 86 cutter days = 0.47 WHEC/WMEC replacement needed (operating target is 185 DAFHP/YR).

Each additional WHEC/WMEC: AC&I \$ 100 million  
 OE \$ 14.4 million  
 WHEC/WMEC Personnel 100

Based on overall decreases in effective patrol time:

D1 WPB 10% = 1976 hrs

D5 WPB 5% = 603 hrs

D7 WPB 1% = 104 hrs

Total resource shortfall: 2683 hrs.= 1.8 cutters (operating target for new Coastal Patrol Boat is 1500 resource hrs)

Each additional Coastal WPB: AC&I \$ 4.5 million  
 OE \$ 0.8 million  
 Personnel 10

Based on overall decreases in effective patrol time:

D1 WLM/WLB 10% = 888 hrs

D5 WLM/WLB 10% = 736 hrs

D7 WLM/WLB 10% = 368 hrs

Total resource shortfall: 1922 hrs = 1.54 cutters (operating target 1250 resource hrs).

Each additional WLM: AC&I \$ 15 million  
 OE \$ 1.9 million  
 Personnel Cutter Crew 18

Additional Personnel For Maintenance Assist Team Per WLM: 06

Each additional WLB: AC&I \$ 25 million

OE \$ 4.2 million  
Personnel Cutter Crew 40  
Addition Personnel For Maintenance Assist Team Per WLB: 08

Based on overall decreases in effective patrol time:

D1 WLIC/WLI - no cutters in D1

D5 WLIC/WLI 10% = 526 hrs

D7 WLIC/WLI 10% = 793 hrs

Total resource shortfall: 1319 hrs = 1 cutter.

Each additional WLIC/WLI: AC&I \$ 5 million  
OE \$ 0.5 million  
Personnel 14

**CUTTER RESOURCE NEEDED TO MAKE UP FOR LOST AIRCRAFT SURVPAT  
EFFECTIVENESS IF AIRCRAFT NOT ALLOWED TO FLY BELOW 2000 FT AND  
IF ADEQUATE SENSORS CANNOT BE OBTAINED/INSTALLED:**

2 WHEC/WMECs and 5 Coastal WPBs

Each additional WHEC/WMEC: AC&I \$ 100 million  
OE \$ 14.4 million  
Personnel 100

Each additional Coastal WPB: AC&I \$ 4.5 million  
OE \$ 0.8 million  
Personnel 10

### **COAST GUARD AUXILIARY AND PUBLIC EDUCATION ROLE**

It is estimated that increased training, travel and publication costs will require as much as \$100,000 to allow the Auxiliary to effectively implement this program.

## MISSION IMPACTS

### **Protected Species Program Impacts**

#### **PERSONNEL COSTS**

- CGHQ staff assigned/dedicated to head-up, administer and assess protected species program: one O-6, one O-4, one GS-8 = \$ 210K.
- O-3 Program mngr at each district to assess/manage protected species issues: 3 @ \$76.9K = \$230.7K.
- One time marine mammal training for all boat crew personnel: 4272 hrs @ std rate \$17/hr = \$72.6K.
- One time marine mammal training for cutter bridge watch personnel: 2368 hrs @ std rate \$17/hr = \$40.3K.
- Recurring marine mammal training for all boat crew personnel: 1424 hrs @ \$17/hr = \$24.2K.
- Recurring marine mammal training for cutter bridge watch personnel: 1184 hrs @ \$17/hr = \$20.1K.
- Marine mammal training instructor travel: \$7.5K (incl 3 districts).

## MISSION IMPACTS

### **Protected Species Program Impacts**

**(if additional resources are not [or until they are] obtained)**

#### **LAW ENFORCEMENT**

##### **D1 Impacts:**

- Loss of 4000 F/V identifications by aircraft (not able to ID from 2000 ft).
- Loss of up to 198 boardings made in whale habitat areas.
- Loss of up to 1700 boardings made in the Georges Bank and Gulf of Maine
- The Coast Guard averages 544 domestic fisheries violations/yr. A 10% reduction in fisheries law enforcement due to reduced speed mandates or inability to enter a fisheries area could result in 54 significant violations going undetected at a time when fish stocks in the New England fisheries region are becoming seriously depleted.

##### **LANTAREA:**

- COMLANTAREA estimates that 21 cutter days will be lost due to reduced speeds of advance during transits. These cutter days represent approx 1% of cutter patrol days in D7. A 1% reduction of cutter days in D7 theater of operations could result in 1,200 lbs of cocaine reaching the US (based on FY-95 patrol days/cocaine seizures/loss of deterrence factor) and 253 illegal migrants reaching US territory (based on FY91-

**ENCLOSURE(4)**

FY95 interdiction averages). In *The Costs of Immigration* by Dr. Donald Huddle, 1992 public assistance and displacement costs per illegal migrant totaled \$2103. Dr. Huddle estimates that this cost will increase by 56% during the next decade.

**D7 Impacts:**

- Group Mayport's stations will not be able to perform 340 UTB ELT hrs Oct-Mar due to whale habitat area.

**AIDS TO NAVIGATION**

**Assumption:**

- Program workload reductions equivalent to 1.54 WLB/WLM required to meet resource hour shortfall (shortfall based on G- OCU input). This closely coincides with Aids to Navigation Service Force Mix 2000 Project Study (June 1992) where reducing WLB/WLM transit speeds to 9 kts resulted in 2.0 WLB/WLMs needed to meet D1/D5/D7 resource hour shortfalls.
- Program workload reductions equivalent to one WLI/WLIC required to meet resource hour shortfall (shortfall based on G-OCU input).
- Program workload reductions equivalent to 5 ANTs required to meet resource hour shortfall (shortfall based on G-OCS estimated increased boat hour requirements reduced by 20% for resource hours accrued while alongside an aid & further reduced for units with few or no resource hours accrued in critical habitat areas)

**Impacts:**

- Restoration of ports after natural disasters would take longer. Extra resources sortieing from other districts would take much longer to arrive. Commercial shipping would be delayed from delivering and receiving cargo costing shipping companies many extra dollars. For example, the AtoN in New York Harbor took several days to repair/replace after Hurricane Bob in 1991 to allow full, unrestricted use of the port (2 tenders were homeported there). Equivalent damage from a future storm could restrict port usage for up to twice as long due to the transit times to reach New York from the new fleet's home ports.
- Extended servicing intervals would be used for routine maintenance for many more aids than are now on such a schedule (some aids would be left unserviced until failure), increasing the potential for failure before the servicing unit arrives. Increases in discrepancies would reduce transit safety in some ports. COTPs might have to restrict traffic to certain hours, impose one-way traffic schemes or close ports depending on the criticality of aids discrepant. The cost to the shipping industry due to such delays would be significant.
- Response time to discrepant aids would increase. Aids discrepant for longer periods would mean more opportunity for marine casualties. More casualties means potentially more release of hazardous cargoes into the environment.
- More discrepancies and more time delay before repair means the Coast Guard would not be able to meet the IALA standard of 99.7% availability of AtoN, a standard we have agreed to attempt to meet.

- Multi-mission hours would be rededicated to AtoN. Hours currently available for other mission areas would be needed to reduce the shortfall of hours for AtoN. This would increase the burden on other programs to meet required missions.
- Lighthouse maintenance by the AtoN cutters in D1 and D5 would be reduced or eliminated. This would lead to further deterioration of these historic structures or increased contracting costs for maintenance. Maintenance of these structures is required under the National Historic Preservation Act. Failure to maintain these structures has given the Coast Guard a “black eye” many times in the past; such bad publicity would increase.
- The unfilled need for an additional WLB/WLM equates to approximately 200 aids unable to receive routine servicing and 50 discrepancies to be repaired by other units.
- The unfilled need for an additional (partial) WLI/WLIC equates to approximately 100 aids unable to receive routine servicing and 50 discrepancies to be repaired by other units.
- The unfilled need for an additional 5 ANTs’ boat resource hours equates to approximately 2700 aids unable to receive routine servicing and 500 discrepancies to be repaired by other units.
- Reduced transit speeds will require evaluation of homeporting issues. The AtoN fleet is being congregated in a few homeports to facilitate maintenance. Reduced transit speeds, with no additional AtoN cutters, may require dispersal of the AtoN fleet to minimize transit times and facilitate safe use of the waterways. Fleet dispersal would increase cutter maintenance and travel costs negating some of the Maintenance Assist Team and minimal crewing benefits.

## SEARCH AND RESCUE

Non-emergent cutter/small boat SAR responses in FY-95:

	• D1 - 238 non-emergent cases	4,423 sorties	9,414 sortie hrs
	• D5 - 1,059 non-emergent cases	4,182 sorties	8,697 sortie hrs
	• D7 - 1,728 non-emergent cases	4,008 sorties	11,449 sortie hrs
Total	3,025 non-emergent cases	12,613 sorties	29,560 sortie hrs

CG small boats’ transit speeds en route non-emergent SAR cases is usually between 17-23 kts. Reducing transit speeds by 50% or avoiding critical habitats could increase sortie times by 100%.

Impacts:

- No additional small boats are needed.
- Additional boat crews will be needed as listed in enclosure (3).
- Small boats will have reduced opportunities to perform multi-mission roles.
- Increased sortie times will reduce CG SAR services to the public: it will take longer to get the mariner safely to port and there is increased opportunities for overlapping non-emergent SAR cases.

- Longer sortie times could result in non-emergent cases becoming emergency/distress cases especially if non-emergent SAR cases overlap. As an example: one CG small boat needs to prosecute 2 non-emergent cases. Increased sortie time for the first case means sunset or bad weather will arrive before the CG small boat can get on scene with the second disabled mariner...will the first case then become emergent?

#### **WHEC/270 WMEC REFRESHER TRAINING**

- COMLANTAREA should attempt to schedule WHEC/270 WMEC REFTRAs at Mayport, FL before or after the whale calving season.

**FY-95 ABSTRACT OF OPERATIONS RESOURCE HOURS**

**FIRST COAST GUARD DISTRICT (ALL CUTTERS)**

CUTTER CLASS	D1 ELT	D1 SAR		D1 ATON	D1 OTHER	TOTAL RH	
		10% ELT	10% SAR				
WHEC 378	383	38.3	11	1.1	0	281	675
WIX		0		0	1		889
WMEC 270	9179	917.9	716	71.6	36	317	10248
WMEC 210	2003	200.3	72	7.2	0	111	2186
WLB 180	896	89.6	82	8.2	2367	591	3936
WLIC 100	0	0	0	0	0	0	0
WLIC 160	0	0	0	0	0	0	0
WLM 157	0	0	13	1.3	1639	496	2148
WTGB 140	307	30.7	3	0.3	253	2126	2689
WLM 133	0	0	1	0.1	2440	361	2802
WPB 110	10061	1006.1	1310	131	43	1216	12630
WPB 82	5724	572.4	603	60.3	136	665	7128
WLIC 75	0	0	0	0	0	0	0
WYTL 65	324	32.4	43	4.3	1836	2885	5088
WLI 65	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>28877</b>	<b>2887.7</b>	<b>2854</b>	<b>285.4</b>	<b>8751</b>	<b>9049</b>	<b>50419</b>

ENCLOSURE(5)

FIFTH COAST GUARD DISTRICT (ALL CUTTERS)

CUTTER CLASS	D5 ELT	D5 SAR		D5 ATON	D5 OTHER	TOTAL RH
		5% ELT	10% SAR			
WHEC 378	209	10.5	2	0.2	285	496
WIX		0		0		533
WMEC 270	2798	139.9	10	1	521	3392
WMEC 210	658	32.9	55	5.5	870	1583
WLB 180	176	8.8	102	10.2	2176	3999
WLIC 100	0	0	2	0.2	1378	1408
WLIC 160	0	0	0	0	1380	1456
WLM 157	0	0	2	0.2	2956	3357
WTGB 140	0	0	7	0.7	146	957
WLM 133	0	0	0	0	0	0
WPB 110	3145	157.3	524	52.4	15	5038
WPB 82	3680	184	1024	102.4	13	7028
WLIC 75	0	0	0	0	1380	1456
WYTL 65	1126	56.3	45	4.5	128	2435
WLI 65	0	0	0	0	749	929
<b>TOTAL</b>	<b>11792</b>	<b>589.7</b>	<b>1773</b>	<b>177.3</b>	<b>10384</b>	<b>34067</b>

SEVENTH DISTRICT (INCL 75% WMEC 210 RH & 25% WPB 110 RH; 82' WPB & GULF COAST ATON CUTTERS EXCLUDED)

CUTTER CLASS	D7 ELT	D7 SAR		D7 ATON	D7 OTHER	TOTAL RH		
	1% ELT	1% SAR	10% ATON CUTTERS ONLY					
WHEC 378	5436	54.4	10.4	1	0	1446.6	6893	
WIX	2	0	0	0	0	356	358	
WMEC 270	19755	197.6	587	5.9	4	5023	25369	
WMEC 210	12637	126.4	324.8	3.2	0	1740	14701.8	
WLB 180	303	3	90	9	2660	266	629	3682
WLIC 100	0	0	0	0	3311	331.1	49	3360
WLIC 160	0	0	0	0	1738	173.8	84	1822
WLM 157	0	0	0	0	0	0	0	0
WTGB 140	0	0	0	0	0	0	0	0
WLM 133	0	0	0	0	0	0	0	0
WPB 110	7881	78.8	496	5	3	1987	10367	
WPB 82	0	0	0	0	0	0	0	
WLIC 75	0	0	0	0	1738	173.8	84	1822
WYTL 65	0	0	0	0	0	0	0	
WLI 65	0	0	0	0	749	74.9	180	929
<b>TOTAL</b>	<b>46014</b>	<b>460.2</b>	<b>1508.2</b>	<b>24.1</b>	<b>10203</b>	<b>1019.6</b>	<b>11578.6</b>	<b>69303.8</b>

U.S. Department of Transportation

United States Coast Guard



Commander U.S. Coast Guard Atlantic Area

431 Crawford Street Portsmouth, VA 23704-5004 Staff Symbol: (AG) Phone: (757) 398-6676

16000 AM OCT 1996

From: Commander, Coast Guard Atlantic Area To: Commandant (G-O)

Subj: IMPACTS OF IMPLEMENTING THE USCG ATLANTIC PROTECTED LIVING MARINE RESOURCES INITIATIVE

Ref: (a) COMDT ltr 16000 of 1 Aug 96 (b) DEIS for USCG Atlantic Living Marine Resource Initiative, dtd 31 July 1996 (c) My ltr 16000 of 13 Aug 96

1. As requested by reference (a) my staff has reviewed the Draft Environmental Impact Statement (DEIS) and specifically focused on the expected impacts of the U.S. Coast Guard Atlantic Protected Living Marine Resources Initiative on the Fifth District and assets under Atlantic Area OPCON. The elements of the initiative leave considerable room for interpretation making specific impacts on operations, personnel and the budget difficult to quantify. Specific comments on the impacts of implementing each element of the initiative in the categories of operations, personnel, and budget are contained in enclosure (1). The most critical impacts are on aircraft and non-emergency operations.

2. To properly address the definition of emergency operations, we should not limit the Coast Guard to emergent SAR as is implied by the DEIS. The definition should include high priority law enforcement response and pollution response at a minimum.

3. We must be strong in our resolve to maintain a balance between our duty to protect endangered species and our duty to serve the citizens of the United States on a multitude of other fronts.

V/R J. S. Carmichael By direction

Encl: (1) Potential impact of Coast Guard Atlantic Protected Living Marine Resources Initiative

Copy: CCGD1 (d) CCGD7 (d)

OPTIONAL FORM 99 (7-93) FAX TRANSMITTAL # of pages = 7 To: CAP ZOUTH From: USCG REMANS Dept/Agency Phone: 757 398 6266 Fax #

## POTENTIAL IMPACT OF COAST GUARD

## ATLANTIC PROTECTED LIVING MARINE RESOURCES INITIATIVE

1. Develop and update MMPA and ESA programs:

## a. Operations - minimal impact

- Law Enforcement Bulletins and vessel speed guidance in place and current
- requires conversion to Area/District instruction

## b. Personnel - minimal impact

## c. Budget - minimal impact

2. Lookouts, with marine mammal training, would be posted during all emergency and non-emergency transits within 20 nautical miles of shore. Trained lookouts would be posted during transits in all seasonal high-use areas; areas of known whale concentrations; and critical habitats in Cape Cod Bay, the Great South Channel, and in the calving grounds off the Florida coast and other special use areas off Florida and Georgia that are delineated in the conservation recommendations of the 15 September 1995 BO:

## a. Operations - moderate impact

- person currently performing lookout duties would also act as the whale lookout
- significant impact if dedicated lookout is required
- lack of a whale lookout could prevent a unit from getting underway for emergency and non-emergency ops; real possibility for small unit or Auxiliary
- availability of trained whale lookout poses a problem at small units and Auxiliary units

## b. Personnel - moderate impact

- Loss of personnel while in lookout training ("train the trainer course")
- Area and Fifth District units are customers of the New England and Southeast Regional Fisheries Training Centers
- train bridge watch personnel on Area's 35 cutters
- train Fifth District boat crews at 28 stations

## c. Budget - minimal impact

- Formal lookout training for units in Fifth District geographical area: 35 cutters, 28 stations \$2.5K
- Northeast and Southeast Regional Fisheries Training Centers to provide training.
- follow on unit training conducted by personnel who have received training

3. Vessel speed guidance: appropriate speed guidance has been issued (COMLANTAREA 152157Z AUG 96)

a. Operations - moderate impact on cutters based on above guidance is:

- reduced time on task for cutters (21 cutter days for transits to/from New England)
- increased transit time
- reduced asset availability
- possible need for more assets

b. Personnel - moderate impact

- lower quality of life due to longer patrols
- retention problems with cutter crews

c. Budget - moderate impact

- increased operating costs

4. Minimum Approach Distances:

a. Operations - minimal impact

- compounds the cost of current speed guidance
- informal and unscientific survey of operators estimates an additional 3-5% increase in transit time
- responses to traditional Law Enforcement, Aids to Navigation, and non-emergent Search and Rescue operations would be delayed

b. Personnel - minimal impact

c. Budget - potential significant impact

- compounds the impact of speed guidance on the budget due to increased resource requirements
- presents a potentially heavy economic impact due to traffic lane, harbor, or waterway restrictions
- impediment to commerce
- any action which substantially restricts navigation in a major port would have significant economic and political impacts

5. Target Marine Mammal Protection Act/Endangered Species Act Violators:

a. Operations - minimal impact

- Area Fisheries Enforcement Strategy currently requires the detection of Living Marine Resource violators

b. Personnel - minimal impact

c. Budget - minimal impact

6. Educating the public about proper boat handling techniques around whales, sea turtles, and manatees would be a fundamental part of the USCG-enhanced compliance efforts.

a. Operations - minimal impact

- develop a pamphlet for distribution during the normal boarding process and by the Auxiliary

b. Personnel - minimal impact

c. Budget - minimal impact

7. Train VTS/Group personnel on endangered species:

a. Operations - moderate impact

- for Fifth District units operations watch training would be required for 5 Group/Activities and 28 boat stations  
- establishes a continuing training requirement

b. Personnel - moderate impact

- Loss of personnel while undergoing endangered species training

c. Budget - minimal impact

- Conducted in conjunction with lookout training

8. Whale sighting and information broadcast:

a. Operations - moderate impact

- loss of operational security for cutters and small boats  
- potential for exhausting our communications surge capacity on routine whale reports in certain geographic areas

b. Personnel - moderate impact

- additional broadcast requirements may require additional communications watchstanders

c. Budget - moderate impact

- Cost of additional communications watchstanders billets  
- Cost of upgrading communications systems to handle heavier traffic load

9. Plot critical habitat:

- a. Operations - minimal impact
  - time required to update unit charts
- b. Personnel - minimal impact
- c. Budget - no impact

10. Avoid seal rookeries:

- a. Operations - no impact
  - No seals are endangered within Atlantic Area
  - No seal rookeries are located within Fifth District
- b. Personnel - no impact
- c. Budget - no impact

11. Aircraft operating limitations:

- a. Operations - heavy impact
  - loss of ability to conduct effective law enforcement overflights
  - loss of ability to conduct helicopter/vessel operations or training normally conducted within 20 nautical miles of shore
  - Marine Mammal Protection Act flights will no longer divert to identify whales due to possibility of a "take"
  - results in a loss of information for the National Marine Fisheries Service
  - seriously degrades mission performance

Personnel - heavy impact

- loss of helo/small boat qualifications

Budget - heavy impact

- cost of identifying and implementing alternate training strategy

12. Cooperate with other agencies to develop a Mid-Atlantic Implementation Team and develop Memorandums of Understanding with various agencies regarding the protection of the Right Whale:

- a. Operations - moderate impact
  - Staff time to develop Memorandum of Understanding with the National Marine Fisheries specifically for right whale protection

b. Personnel - moderate impact

- coordination of Memorandum of Understanding development with various agencies, coupled with the requirement to develop the Mid-Atlantic Implementation Team and notification systems, will create increased demands on the law enforcement staff
- One additional officer (O-3) will be required to supervise these programs
- more demands on staff time in an already streamlined situation

c. Budget - moderate impact

- Estimated cost 77K annually for O-3 billet

13. Develop a plan to provide timely information to commercial vessels on current whale locations by 1 January 1997:

a. Operations - minimal impact

- Commandant initiative and best addressed at the headquarters level

b. Personnel - minimal impact

c. Budget - minimal impact

14. Control of Non-Coast Guard vessels and Critical habitat and high use areas designation as Particularly Sensitive Sea Areas (PSSA):

a. Operations - moderate impact, potential heavy impact

- COTPs must designate enforcement areas
- whale sighting in or near a traffic lane, harbor, or waterway could stop the flow of all traffic
- requirement to enforce whale exclusion zones
- coordination and review of these proposed areas with the fishing industry will require extensive consultations
- these areas can be expected to have an economic impact on each port
- traffic routes or speed limits result in ship delays, translates into increased costs for shipping industry
- ships will probably go elsewhere
- loss of jobs and a negative impact on the local economy will result
- Coast Guard should expect to bear the brunt of strong political opposition to any measure that will reduce the competitiveness of ports

b. Personnel - moderate impact

- additional staff time required to consult with industry
- c. Budget - heavy impact on local economy
  - possible political fallout affecting CG competitiveness during the budget process

U.S. Department  
of Transportation

United States  
Coast Guard



# Memorandum

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Subject: COMMENTS ON DRAFT ENVIRONMENTAL  
IMPACT STATEMENT AND RESOURCE IMPACT  
ASSESSMENT

Date: OCT 11 1996  
16000

From: G-MO

Reply to: G-MOV-3  
Attn. of: E. J. LaRue Jr.  
7-0416

To: G-O-1

1. Attached are G-M comments on the Draft Environmental Impact Statement for the Coast Guard Atlantic Protected Living Marine Resources Initiative. To aid in drafting the Final Environmental Impact Statement, the comments are grouped by cognizant office and a point of contact is provided for each.

  
G. N. NECCIERA

Encl: (1) G-MOC comments  
(2) G-MOR comments  
(3) G-MOV comments

**G-MOC COMMENTS ON THE NEPA DRAFT ENVIRONMENTAL IMPACT  
STATEMENT FOR THE COAST GUARD ATLANTIC PROTECTED LIVING  
MARINE RESOURCES (APLMR) INITIATIVE**

DEIS Recommendation: Develop a plan to provide timely information to commercial vessels on current whale locations by 1 January 1997.

The DEIS states that COTP's are aware of incoming ship locations. Under the Advance Notice of Arrival requirements (33 CFR 160, Subpart C), this is only true of vessels carrying certain dangerous cargoes. Vessels carrying certain dangerous cargoes must provide, as part of the 24 advance notice, the location of the vessel at the time of the report (33 CFR 160.211(a)(2)). However, this would not be useful in providing information on current location of whales as by the time the vessel reached the area, any whales in the area will likely have moved on. In addition, COTP's are seldom in direct contact with vessels, they receive advance notice information by message or fax, and often from the shipping agent, not the ship.

The other USCG service that monitors the location of commercial vessels is AMVER (this only applies to vessels enrolled in AMVER). Whether or not the AMVER staff could notify their vessels that they may be transiting an area where endangered species may be present should be discussed with the AMVER staff. Additionally, AMVER could include information on endangered species and protected areas in their AMVER bulletins. This also should be discussed with the AMVER staff.

Concur with the analysis done by CGDONE on the cost/impact of enforcing minimum approach and distance regulations to keep vessels and aircraft separated from protected species.

**Control of non-USCG vessels:**

Several comments recommended the USCG initiate programs to regulate and control the movement of non-USCG vessels. The DEIS is correct in stating Coast Guard authority to control vessel movements does not extend beyond three miles from shore. The Port and Waterways Safety Act (33 U.S.C. 1221 et seq), as amended by the Port and Tanker Safety Act, provides broad authority to control vessel movements. However, jurisdiction is limited to three miles from shore. Legislative change proposals have been submitted to extend PWSA jurisdiction out to 12 miles, but, as of yet, they have not been acted upon by Congress. The comments submitted by Foley, et al, reference the Presidential Proclamation 5928, dated December 27, 1988, as extending the "territorial sea" to 12 miles. This is correct only for international purposes and does not apply for domestic law.

These comments also support the imposition of speed limits and minimum approach distances for commercial vessels. While these may be realistic for Coast Guard vessels,

**ENCLOSURE (1)**

they do not take into account the realities of the maneuverability and manning limitations on commercial vessels. Coast Guard vessels are manned and equipped differently than commercial vessels. Commercial vessels underway do not have the crew complement to maintain the same bridge watch and lookouts as USCG vessels. Generally commercial vessels will only have one, or at most, two people available on the bridge to serve as lookouts, except for limited visibility conditions or in restricted areas. Additionally, large commercial vessels do not have the maneuverability of Coast Guard vessels. Imposing speed and minimum approach distances on a vessel that can take several miles to slow down may not be feasible and may be difficult to enforce. If a whale were to "suddenly appear" or surface in front of a large commercial vessel, it would be unlikely the vessel's crew would be able to see it, let alone maneuver clear.

#### Commercial Fishing Vessels:

Each district and MSO now has a Fishing Vessel Coordinator for the Commercial Fishing Vessel Safety Program. Each district and field unit has an active outreach program with the commercial fishing industry in their AOR. Through newsletters, regional and national fishing vessel conferences, information on actions and initiatives to help protect endangered species could be transmitted to the commercial fishing industry. However, any USCG/NMFS actions that would impact or limit commercial fishing would ultimately lead to similar confrontations to those resulting from the Turtle Exclusion Device (TED) regulations experienced in the Eighth District.

LCDR J. Farthing (G-MOC-3) X7-0505

**G-MOR COMMENTS ON THE NEPA DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE COAST GUARD ATLANTIC PROTECTED LIVING MARINE RESOURCES (APLMR) INITIATIVE**

In general, the resource and cost impact on G-MOR is negligible, as shown below. These areas which imply tasking for my staff are already routinely accomplished through various aspects of the planning process.

The framework for protected living marine resource consultations is currently in place for pollution response efforts under the Area Contingency Plans. This is accomplished at the local level on an informal basis as necessary depending on the incident. A procedure formalizing this process is under final review. Special areas which have not been previously identified would be considered during contingency plan reviews and if necessary during actual incident responses would necessitate the modification of review procedures which are currently in use. This constitutes no additional resource commitment.

Review procedures for environmental assessments and environmental impact statements may require modification as additional areas are identified for living marine resource protection. This is expected to require an additional twelve (12) hours per each addition to sensitive areas or modification to listed species and habitats. This would cover all related reviews currently accomplished.

However, for the following two areas, impacts are significant

It is impossible to determine resource implications for the extra effort in the coordination of initiating or modifying Particularly Sensitive Sea Areas (PSSA). Likewise it is impossible to determine resource implications for other International Maritime Organization (IMO) activities as a routine function of IMO's Safety of Navigation Subcommittee or the Marine Environmental Protection Committee. Such committee involvement is often lengthy and protracted for even the most simple uncontroversial issues

Since program DoD funding is no longer available for Sea Partners, a completely new funding source would need to be identified to resume such a public education program. Costs of such a program could easily top \$2 million per year. This would include the cost of maintaining one Reservist on active duty status to maintain the program. In addition, each marine safety office maintained a collateral duty coordinator; other Reservists and volunteers could be utilized at the local unit level. The opportunity cost of such an arrangement represents lost Reservists and junior officer collateral duty time from other missions.

Specific comments regarding the DEIS are provided below (suggested changes are indicated in **bold type**)

**ENCLOSURE (2)**

- page xi, paragraph 3: Add to end of paragraph ; **The Coast Guard is nearing completion of a COMMANDANT NOTICE addressing, “Endangered Species Act and Marine Mammal Protection Act Consultation on Response Activities”.**
- page 3-2, paragraph 2: Should be changed to read, “...(1) a description of areas of special interest (including designated critical habitats and marine sanctuaries) (**note: Environmental Sensitivity Index Maps have been developed NOAA, USCG and/or cognizant state agencies for Area Contingency Plans, and are available at all USCG Marine Safety Offices**)”
- page 3-2, paragraph 2: Add to end of paragraph ; **The Coast Guard is nearing completion of a COMMANDANT NOTICE addressing, “Endangered Species Act and Marine Mammal Protection Act Consultation on Response Activities”. The notice will require consultation with USFWS or NMFS when pollution response activities could affect species protected by ESA and/or MMPA, and will require changes to Area Contingency Plans to include special spill-response protocols to be used when operating in critical habitats or near endangered species. This instruction will apply to all Coast Guard units including those in LANTAREA.**
- page 5-1, paragraph 3: **Delete or change** the sentence that reads, “Other missions and operations of the U.S. Coast Guard ... marine environmental protection, ... do not ordinarily lead to direct physical alteration of the coastal and offshore marine environment.” This statement is not true with respect to pollution response and clean-up. These operation have significant impacts on the physical environment. The purpose of pollution response is to improve environmental quality by removing contaminants.
- page 5-3, paragraph 2 (before *Maintaining a Marine...*): Add to end of paragraph ; **Under the Coast Guard’s nearly completed COMMANDANT NOTICE addressing, “Endangered Species Act and Marine Mammal Protection Act Consultation on Response Activities”, ACPs will be changed to include guidance on MMPA and ESA Section 7 consultation procedures. DEIS INFO**
- page v, paragraph 8, item b and page 3-5, last paragraph: **SEA PARTNERS - remove as written.**

Although the U.S. Coast Guard (USCG) has provided some funding to assist the Sea Partners, it has relied primarily on funding from the Department of Defense’s (DOD) Innovative Readiness Training program. Without DOD funding, Sea Partners would not be a reality today.

Unfortunately, DOD’s funding was limited to two years with expectations for the institutionalization of the funded program by the agency administering it. While the

USCG recognizes the merits of Sea Partners, tightening budget demands have precluded this from happening.

The USCG has included sea turtle conservation information in Sea Partners outreach material and did anticipate incorporating whale conservation information, however, the limited funding approved for the FY97 Spend Plan will not allow for it. Unless other funding sources are located, the Sea Partners program will no longer exist in its present form.

#### PSSAs

- page vi, paragraph 9 and page 3-8, next to the last paragraph: The USCG would participate in providing input on any proposal for a PSSA with regard to issues relating to USCG mission areas. The proposal of a PSSA would not likely originate from the USCG.

#### MMC Ltr to G-C, page 5:

- The establishment of a separate conservation program element is a significant action with budgetary and staffing implications that would delay implementation of the USCG's initiatives as outlined in the DEIS. Accordingly, we cannot agree with this recommendation. Your proposal to submit an information paper to the International Maritime Organization's Safety of Navigation Subcommittee and Marine Environmental Protection Committee outlining the problem and actions being contemplated by the United States (U.S.) has merit. Although the USCG is the lead agency to meetings of these Committees, we normally circulate drafts of all major U.S. papers among interested parties in order to ensure the views being expressed reflect the majority view. The USCG invites you to submit a draft paper.
- In general; G-MOR-3 believes that the current response organizational structure, the inclusion of resource trustees in consultations, and the formal recognition of the Scientific Support Coordinator role in the organization, meet the intent of the ESA as well as NEPA. Furthermore, we believe that environmental response is, and should be specifically identified as, an emergency operation/conditions (in at least one reference {pg. 3-4, paragraph 5}, only SAR is mentioned).
- **While never specifically spelled out, several places {pg. vi, paragraph 7; pg. 3-8 paragraph 2} allude to the possible use of COTP orders to protect whales after sightings have been made. We believe COTP orders are the wrong mechanism.**
- Appropriate alternative: create legislative authority for NMFS to issue threat specific orders. Protocol for potential conflicts with the Federal On-Scene Coordinator and Captain of the Port authority should be resolved prior to implementation.

LT Pittman ((G-MOR-1) X70426

**G-MOV COMMENTS ON THE NEPA DRAFT ENVIRONMENTAL IMPACT  
STATEMENT FOR THE COAST GUARD ATLANTIC PROTECTED LIVING  
MARINE RESOURCES (APLMR) INITIATIVE**

DEIS Recommendation: The USCG would work with other U.S. agencies (e.g., Department of State) to develop proposals to designate critical habitat and high use areas as Particularly Sensitive Sea Areas (PSSAs) and/or Areas To Be Avoided (ATBA) that protect species habitats through the United Nations International Maritime Organization.

PSSAs are defined as areas which need special protection through action by IMO because of their significance for recognized ecological or socio-economic or scientific reasons and which may be vulnerable to damage by marine activity. Being designated as a PSSA does not have any practical effect on the marine activity in an area; it is simply an identification of an area in which some IMO measure may have a positive effect.

An ATBA is defined as a routing measure comprising an area within defined limits in which either navigation is particularly hazardous or it is exceptionally important to avoid casualties and which should be avoided by all ships or certain classes of ships. The U.S. (Coast Guard) has created five ATBAs in U.S. coastal waters; each was designed to provide some measure of environmental protection. The common theme of the ATBAs, whether primarily for casualty prevention or environmental protection, is that they define a specific geographic area. There are no ATBAs which are intended to protect migrating marine life and it is difficult to envision how one might be instituted without creating confusion, if not chaos, in the marine community. The Coast Guard will investigate whether seasonal ATBAs would meet the IMO criteria, and will initiate a Port Access Route Study (PARS) if it appears to be feasible.

There are also a number of other IMO adopted routing measures, for the most part traffic separation schemes (TSSs) with associated with precautionary areas, which guide mariners in the approaches to many of our ports. They are intended to separate opposing streams of traffic and require vessels to operate with particular caution where they must converge. There is presently a TSS in the approach to Boston. Although there appears to be no way to completely avoid the whale habitat while entering the Port of Boston, the Coast Guard will investigate whether any modification to the TSS would be beneficial. The Coast Guard will conduct similar investigations in other areas of the coast considered high use areas or critical habitat and, if warranted, initiate a PARS to determine whether an IMO adopted routing measure would aid in the protection of endangered marine life.

In order to create or change a routing measure, the Coast Guard is required by the Ports and Waterways Safety Act to consult with appropriate Federal agencies and states to ensure other uses of the area under consideration are taken into account. This is done by initiating a PARS, which also gathers information from any other interested party. PARS generally take about 18 months to complete. Once the information is gathered, a proposal is developed for submission to IMO. If the proposal is for a TSS, rulemaking is also required, but can be done in parallel with the IMO process. A proposal is submitted to

**ENCLOSURE (3)**

the IMO Subcommittee on Safety of Navigation (NAV), which normally meets annually. If approved at NAV, it is then submitted to the subsequent session of the Maritime Safety Committee (MSC), which meets three times each biennium. The routing measure may enter into force six months after adoption by the MSC.

E. J. LaRue Jr. (G-MOV-3) X70416

## U.S. COAST GUARD SEA PARTNERS CAMPAIGN Information Sheet

Over 200 Coast Guard Reserve members participate in the Sea Partners Campaign. A team of reservists is assigned to each of the 47 USCG Marine Safety Offices, located in port communities around the nation, including Puerto Rico and Guam. The primary objective of the Sea Partners Campaign is to educate communities at large in developing awareness of marine pollution issues and improving compliance with marine environmental protection laws and regulations. The Sea Partners program has been funded by the Department of Defense Civil-Military Program during fiscal years 1994-1996 due to its reserve training value.

Since June 1994, Sea Partners teams have conducted over **4,800 activities** involving **20,500 contact hours** with the public. These teams have **reached over 1,035,000 individuals** in personal contacts and many thousands more through print media, radio and television coverage. They have distributed over a million pieces of printed literature on various marine pollution topics.

The Sea Partners Campaign's education messages cover:

1. Effects of oil, hazardous chemicals, waste and debris on the marine environment.
2. How marine environmental protection laws and regulations apply to various marine users.
3. Ways groups and individuals can take action to protect the marine environment.

The Sea Partners Campaign has targeted a wide range of audiences, including state, local and federal officials, merchant mariners, offshore industry personnel, ferry operators, recreational boaters, sport and commercial fishermen, seafood processors, local business owners, marina operators, students, scouts and teachers.

Although these efforts seek to prevent marine pollution, many of the outreach materials used in the Campaign also encourage citizen reporting of marine pollution incidents through use of the National Response Center's 1-800 phone number, which increases the chances of timely detection, reporting, and cleanup of pollution incidents which do occur.

Through the Sea Partners Campaign, the Coast Guard has been able to launch a public education and outreach program with the potential to make a substantial contribution to protecting the marine environment, and at the same time, has broadened Coast Guard Reserve training opportunities to enhance military readiness and ability to respond to contingencies.

# **IMPACT OF 50% REDUCTION IN BOAT HOURS TO MARINE ENVIRONMENTAL PROTECTION, RESPONSE, COMPLIANCE AND PORT SAFETY/SECURITY MISSIONS**

## **MEP RESPONSE OPERATIONS**

- Reduced ability to transport pollution response personnel to scene to conduct preliminary assessment or to conduct pollution investigation.
- Reduced ability to transport Coast Guard or civilian personnel to scene to deploy pollution containment equipment or mitigate the discharge/release.
- Reduced capacity to transport and deploy unit or Strike Team oil spill containment equipment (inflatable boom, OWOCRS).

## **MEP ENFORCEMENT & MARPOL OPERATIONS**

- Reduced ability to detect the accidental or intentional discharge of oil, hazardous substances, plastic, sewage or other sources of marine pollution in the coastal zone.
- Fewer pollution investigators will be able to go to the sites of pollution discharges resulting in fewer enforcement actions and civil penalty proceedings against maritime polluters. Without swift and meaningful enforcement, polluters will not be deterred.

## **PORT SAFETY/SECURITY OPERATIONS**

- Reduction in the number of Port State Control boardings that must be conducted offshore or at anchorage. If boardings must be conducted, inspectors will have to use expensive commercial alternatives.
- Reduced ability to manage waterways and enforce safety zones established around routine maritime events (regattas, hi-speed boat races) and emergency surge operations (vessel casualties, cleanup operations, isolating sources of pollution).
- Fewer port safety harbor patrols reducing the ability to detect potentially hazardous conditions in ports, at bridges and at anchorages.
- Reduced ability to detect port security violations/intrusions in security zones established for national security (explosive loadings, Secret Service support, terrorist threats).