Environmental Assessment

Stand-Up and Operations of the

Maritime Safety and Security Team

New Orleans, Louisiana

Commandant
United States Coast Guard (G-OPD)

August 2004

Abbreviations and Acronyms

%HA	percent highly annoyed
°F	degrees Fahrenheit
ac	Acre
ANSI	American National Standards Institute
AQCR	Air Quality Control Region
CAA	Clean Air Act
CCC	Criterion Continuous Concentration
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CO	carbon monoxide
COMDTINST	Coast Guard Commandant Instruction
COMMSTA	Communications Station
CWA	Clean Water Act
dB	Decibel
dBA	A-weighted decibel
dBC	C-weighted decibel
DDT	dichlorodiphenyltrichloroethane
DGPS	Differential Global Positioning System
DHS	U.S. Department of Homeland Security
DNL	Day-Night Average Sound Level
DOD	U.S. Department of Defense
DOT	U.S. Department of Transportation
EA	Environmental Assessment
EEZ	Exclusive Economic Zone
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FFMZ	Federal Fishery Management Zones
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
ft	feet
ft^2	square feet
FY	fiscal year
GMFMC	Gulf of Mexico Fishery Management Council
GOM	Gulf of Mexico
GPS	Global Positioning System
GSMFC	Gulf States Marine Fisheries Commission
ha	hectare
HAPC	Habitat Area of Particular Concern
hp	horsepower
Hz	Hertz
kHz	kilo-Hertz
km	kilometer
LDEQ	Louisiana Department of Environmental Quality
Leq(24)	24-hour Equivalent Sound Level
L_{10}	greater than ten percent of the A-weighted sound level
L_{max}	maximum sound level
m	meters
m/s	meters per second
mg/m^3	milligrams per cubic meter

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Continued from front cover

mi	Miles
MHLS	Maritime Homeland Security
MLLW	mean low low water
MMPA	Marine Mammals Protection Act
MRCI	Mississippi River Corridor Initiative
MSA	Magnuson-Stevens Fisheries Conservation and Management Act
MSST	Maritime Safety and Security Team
MTS	U.S. Marine Transportation Systems
MTSA	Maritime Transportation Security Act
NAAQS	National Ambient Air Quality Standards
NERRs	National Estuarine Research Reserves
NEPA	National Environmental Policy Act
NMS	National Marine Sanctuaries
NMSA	National Marine Sanctuaries Act
NO_2	nitrogen dioxide
NOAA	National Oceanic and Atmospheric Administration
NPS	National Park Service
NRHP	National Register of Historic Places
NSA-EB	Naval Support Activity-East Bank
NSA-NO	Naval Support Activity-New Orleans
NSR	New Source Review
NWR	National Wildlife Refuge
O_3	Ozone
P.L.	Public Law
Pb	Lead
PM_{10}	Particulate Matter ≤ 10 microns in diameter
ppb	parts per billion
ppm	parts per million
ppt	parts per trillion
PSD	Prevention of Significant Deterioration
RB-S	Response Boats-Small
ROI	Region of Influence
SAE	Society of Automotive Engineers
SHPO	State Historic Preservation Office
SIP	State Implementation Plan
SP	State Park
SL-ST	Southern Louisiana-Southeast Texas
SM 2000	Kongsberg SM 2000 sonar
SO_2	sulfur dioxide
SPL	Sound Pressure Level
SVAG	Security Vehicle Acoustic Guidance
tpy	tons per year
U.S.C.	United States Code
USACE	U.S. Army Corps of Engineers
USCG	United States Coast Guard
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
VOC	Volatile Organic Compounds
$\mu g/m^3$	micrograms per cubic meter
µPa	microPascal
µPa-m	microPascal at 1 meter

ENVIRONMENTAL ASSESSMENT OF THE STAND-UP AND OPERATIONS OF THE MARITIME SAFETY AND SECURITY TEAM NEW ORLEANS, LOUISIANA

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1. Purpose of and Need for the Action

1.1 Introduction

The United States Coast Guard (USCG) is proposing to stand-up (establish and operate) a Maritime Safety and Security Team (MSST) at the Port of New Orleans, Louisiana. MSSTs provide waterborne (and a modest level of shoreside) antiterrorism force protection for strategic shipping, high interest vessels and critical infrastructure. MSSTs are a quick response force capable of rapid, nationwide deployment via air, ground or sea transportation in response to changing threat conditions and evolving Maritime Homeland Security (MHLS)[1] mission requirements. The MSST's primary missions are port safety and security, and maritime law enforcement. Secondary missions are search and rescue, and naval coastal warfare (USCG 2004). The MSST would consist of 75 active duty personnel, interior modifications to existing support buildings, six Response Boats-Small (RB-S), and other support equipment (see Section 2.1 for a detailed description of the Proposed Action).

The USCG, one of the country's five armed services, is this nation's oldest maritime agency, and is a unique agency of the Federal government. The USCG was formed on August 4, 1790, when the first Congress authorized the construction of ten vessels to enforce tariff and trade laws, prevent smuggling, and protect the collection of the Federal revenue. Known previously as the Revenue Marine and the Revenue Cutter Service, the USCG expanded in size and responsibilities as the nation grew. These added responsibilities included humanitarian duties such as aiding mariners in distress, enforcing laws against slavery and piracy, protecting the marine environment, exploring and policing Alaska, and charting the growing nation's coastlines, all well before the turn of the 20th century.

The service received its present name in 1915 when the Revenue Cutter Service merged with the Life-Saving Service. The nation then had 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.

[1] Maritime Homeland Security (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.

Today, the USCG operates in all maritime regions:

- Approximately 95,000 miles (mi) of U.S. coastlines, including inland waterways and harbors.
- More than 3.36 million square mi 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. On March 1, 2003, in response to growing national security demands, the newly formed U.S. Department of Homeland Security (DHS) assumed control of the USCG from the U.S. Department of Transportation (DOT) in the largest reorganization of the Federal government since the 1940s (Public Law [P.L.] 107-296). The USCG is the lead Federal agency for Maritime Homeland Security and has dramatically shifted its mission activity to reflect this role. The USCG's heightened maritime security posture will remain in place indefinitely.

1.2 Coast Guard Missions

The USCG is unique in that it 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.

Under the newly formed DHS, one of the USCG's primary missions is to protect the U.S. Maritime Domain[2] and the U.S. Marine Transportation System[3] (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

[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. Exclusive Economic Zone, 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. Marine Transportation Systems (MTS) consists of waterways, ports, and their intermodal connections, vessels, vehicles, and system users, as well as federal maritime navigation systems.

provisions relating to the USCG's role in MHLS. 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 required the USCG to develop national and regional area maritime transportation security plans; it also required ports, waterfront terminals, and certain types of vessels to submit security and incident response plans to the USCG for approval.

The USCG also has several additional roles:

- Protect ports, the flow of commerce, and the marine transportation system 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 multi-department, multi-agency, national team effort to protect American citizens and infrastructure while minimizing disruption to our economy and way of life. The USCG is integrating its efforts within DHS and closely coordinating its efforts with those of the U.S. Department of Defense (DOD); DOT; the Federal Bureau of Investigation (FBI); and other Federal, state, and local security and law enforcement agencies to ensure the security of national ports, waterways, and facilities. Hundreds of USCG cutters, aircraft, and small boats manned by thousands of USCG active duty and reserve members are guarding coasts, ports, and waterways around the clock during this heightened state of alert.

Overseas, the USCG is playing a crucial role supporting the other military services in the implementation of Operation Iraqi Freedom. Several USCG cutters, aircraft, 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 DOD are currently 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.

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 mi of coastline, the nation'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).

The establishment of additional MSSTs would allow the USCG to perform all of its missions, especially the newly acquired homeland security missions. The MSSTs are needed to improve existing domestic port security capabilities. While the MSSTs would be used to augment existing USCG forces in the United States, the MSSTs would not duplicate existing protective measures. They would provide complimentary, non-redundant capabilities that would be able to close significant readiness gaps in the nation's strategic ports (USCG 2002b, USCG 2002c). USCG forces must accomplish this mission without adversely impacting the environment or unduly interfering with legitimate trade and commerce.

To determine which ports require additional protection, the USCG and other agencies developed a matrix to assess and "grade" each U.S. port to aid in the selection of the most critical ports. Elements that were assessed included (USCG 2002b):

- Cargo Value
- Cargo Volume
- Domestic Cargo
- Hazardous Cargo
- Military Presence
- Population

The first eight MSSTs are in Seattle, Washington; Chesapeake, Virginia; San Pedro, California; Galveston, Texas; Staten Island, New York; Boston, Massachusetts; St. Mary's, Georgia; and San Francisco, California. The next round of ports to be assigned MSSTs are New Orleans, Louisiana; San Diego, California; Honolulu, Hawaii; Miami, Florida; and Anchorage, Alaska. In addition to these ports, the USCG is planning to stand-up MSSTs in other critical ports around the country. If additional MSSTs are established around the country, additional National Environmental Policy Act (NEPA) analysis will be prepared for future stand-ups, as necessary.

1.3.2 Need for the Action

The USCG has a broad range of environmental and geographic responsibilities throughout the EEZ. In the wake of the events of September 11, 2001, the USCG assumed homeland security duties in addition to their current missions. Unfortunately, manpower and vessels to perform all missions, including these additional operations, remained the same. Currently, USCG resources are at maximum capacity and all missions (*e.g.*, maritime border security, fisheries enforcement, and living marine resources protection) suffer, despite the USCG's attempt to maintain the previous level of effectiveness and efficiency. In some cases, current detachments of MSSTs have been temporarily assigned to other ports, leaving a detachment at the homeport to perform "double duty." When the away detachment returns, neither detachment has had the ability to rotate through a rest period, resulting in an increased demand on manpower resources. If implemented, the Proposed Action would increase port security within the Port of New Orleans and allow other USCG assets to focus on their intended missions more effectively and efficiently, since the MSST's primary responsibility would be port security and maritime law enforcement. The Proposed Action would also allow more MSSTs to remain in their homeports and maintain a regular work/rest cycle.

In 2002, under P.L. 107-87, an emergency response supplemental enacted by Congress, funds were appropriated to support USCG anti-terrorist activities, including the mandated establishment and operation of four MSSTs to be completed in Fiscal Year (FY) 2002. The establishment of MSSTs in Seattle, Washington; San Pedro, California; Galveston, Texas; and Chesapeake, Virginia, helped relieve some of the demand on USCG units. However, a number of ports require further protection. Congress strongly indicated its desire that the USCG establish MSSTs on a priority basis. P.L. 107-117 provided money for the express purpose of having the USCG (in consultation with other agencies) establish four MSSTs before FY 2003. The Senate

Appropriations Committee approved a $76 million budget for seven MSSTs in FY 2004 (Senate Report 108-086).

The first four MSSTs are located in Seattle, Washington; Chesapeake, Virginia; San Pedro, California; and Galveston, Texas. In addition to these eight ports, the USCG is planning to stand-up MSSTs in other critical ports around the country. If additional MSSTs are established around the country, additional NEPA analysis will be prepared for future stand-ups, as necessary.

1.4 Project Scope and Area

The MSST 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) (see Figure 1-1). 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 RB-S would be launched from a public boat ramp on Lakeshore Drive into Lake Pontchartrain. The Region of Influence (ROI) for the Proposed Action and the No Action Alternative 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 Gulf of Mexico (GOM), Lake Pontchartrain, and the Mississippi River north to above Baton Rouge (see Figure 1-2). The MSST would routinely patrol the Port of New Orleans, Lake Pontchartrain, and the lower portions of the Mississippi River, which are within the area that the MSST is expected to spend the majority of its operating time. The MSST can be deployed temporarily in emergencies to protect any port facility or asset outside of the ROI. The location and duration of each individual event would depend on a number of currently unknown circumstances. There are too many variables to adequately assess all potential ports that the MSST might be temporarily assigned to. Therefore, this Environmental Assessment (EA) focuses on the potential environmental impacts within the ROI.

1.5 Agency and Public Involvement Process

An advertisement published in the *New Orleans Times-Picayune* on Sunday, June 6, 2004, announced the USCG's intent to prepare an EA, giving information on the proposal and seeking comments. Letters to interested parties were also mailed to appropriate Federal, state, and local agencies on June 25, 2004 (see Appendix A [interested party letter with attachments, distribution

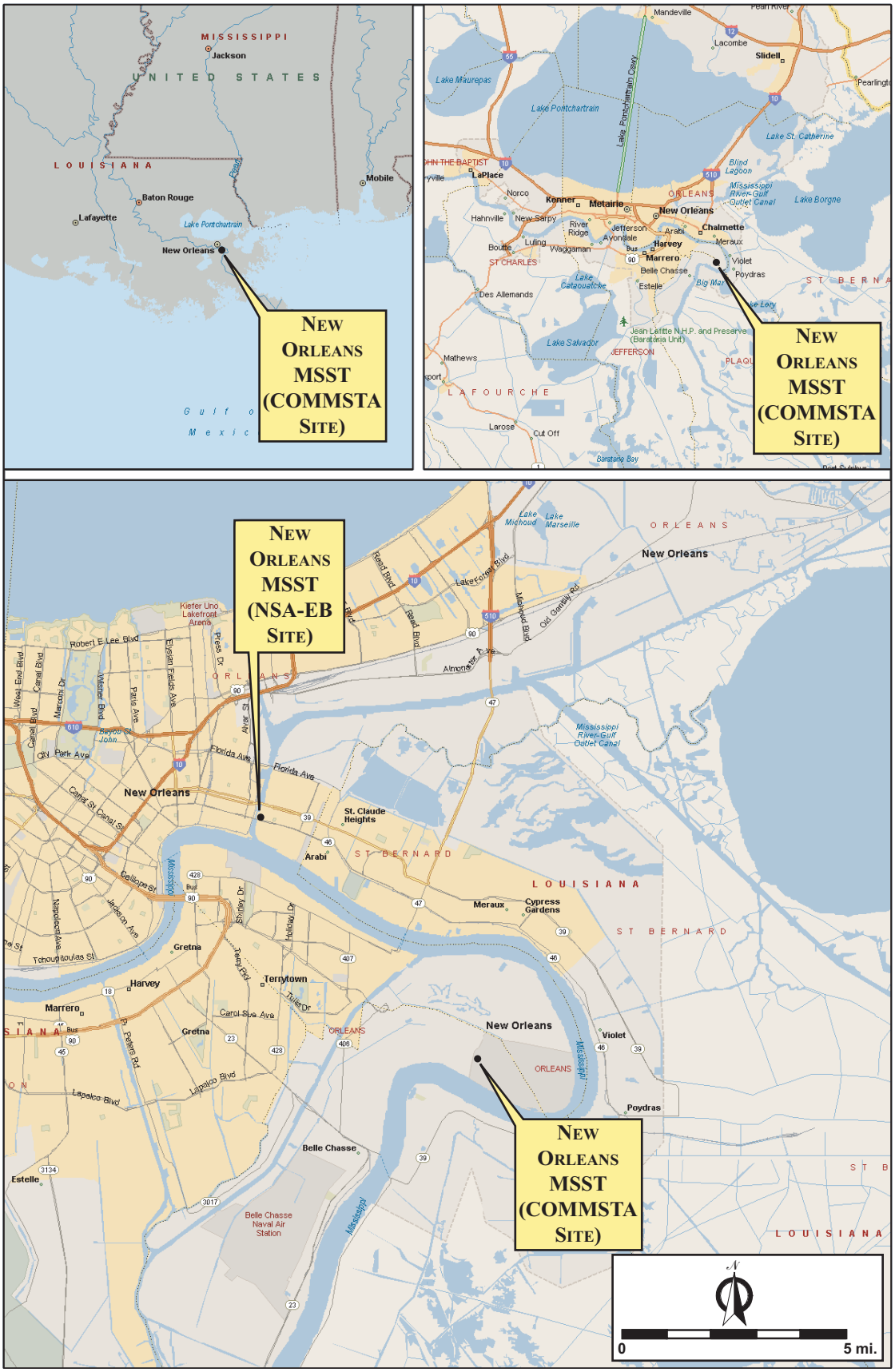

Figure 1-1. New Orleans MSST Homeport Location Map

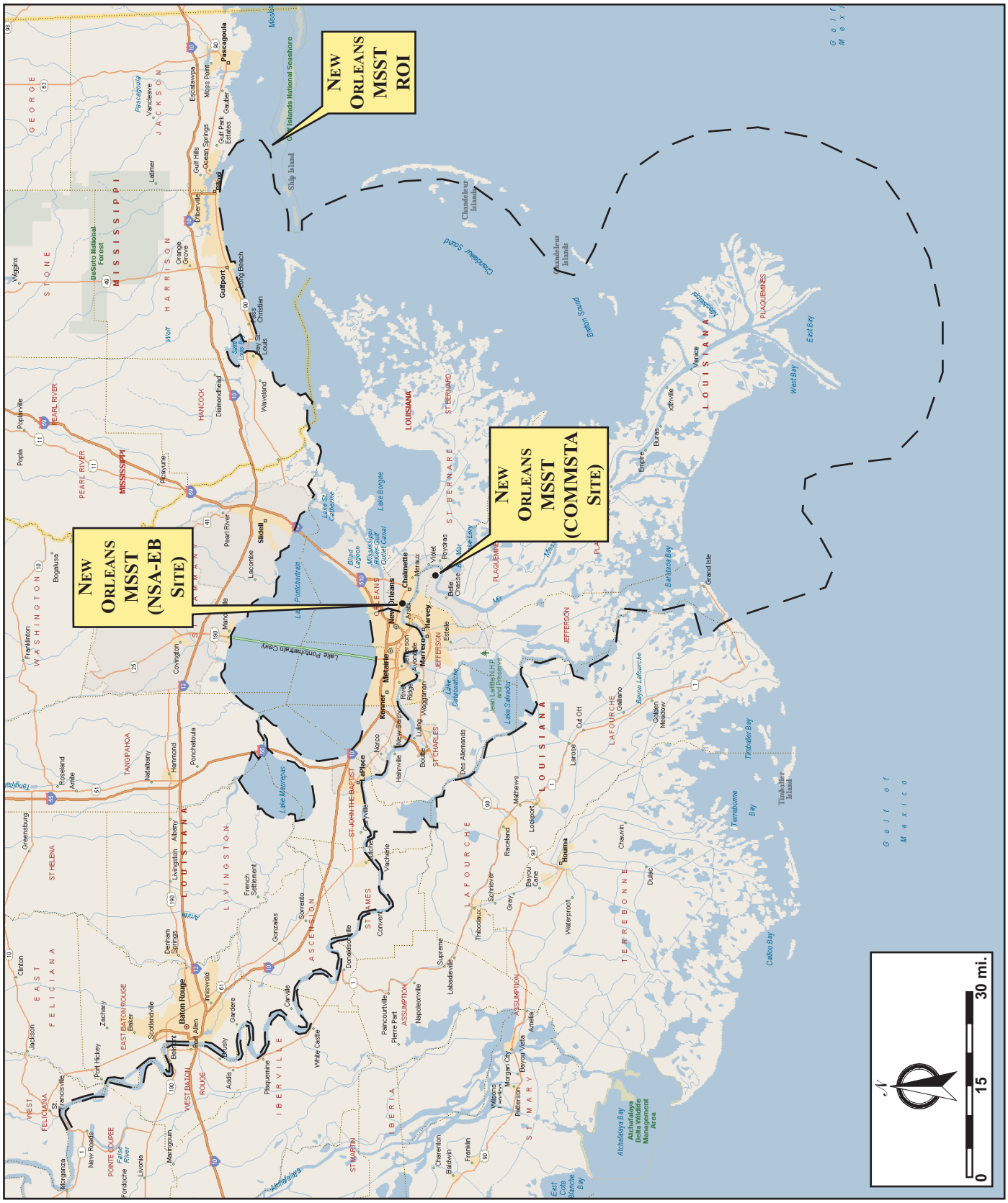

Figure 1-2. New Orleans MSST Region of Influence

list, and newspaper announcement], Appendix B [agency consultation letters]). No comments were received; however, the USCG will continue to accept comments on this Proposed Action throughout the National Environmental Policy Act (NEPA) process (discussed in Section 1.6.1). An announcement on the availability of the EA and the Draft Finding of No Significant Impact (FONSI) will also be placed in the *New Orleans Times-Picayune.*

1.6 Summary of Key Environmental Compliance Requirements

1.6.1 National Environmental Policy Act of 1969

The National Environmental Policy Act of 1969, commonly known as NEPA, is a Federal statute requiring the identification and analysis of potential environmental impacts of proposed Federal actions before those actions are taken. NEPA also established the Council on Environmental Quality (CEQ) that is charged with the development of implementing regulations and ensuring agency compliance with NEPA. CEQ regulations mandate that all Federal agencies use a systematic interdisciplinary approach to environmental planning and the evaluation of actions that might affect the environment. This process evaluates potential environmental consequences associated with a proposed action and considers alternative courses of action. The intent of NEPA is to protect, restore, or enhance the environment through well-informed Federal decisions.

The process for implementing NEPA is codified in Title 40 of the Code of Federal Regulations (CFR) Parts 1500-1508, *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act*. The CEQ was established under NEPA to implement and oversee Federal policy in this process. CEQ regulations specify that the following must be accomplished when preparing an EA:

- Briefly provide evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a FONSI.
- Aid in an agency's compliance with NEPA when an EIS is unnecessary.
- Facilitate preparation of an EIS when one is necessary.

This document has been prepared to comply with NEPA requirements, the CEQ regulations for implementing NEPA and USCG policy (Commandant's Instruction [COMDINST] M16475.1D).

1.6.2 Integration of Other Environmental Statutes and Regulations

To comply with NEPA, the planning and decisionmaking process for actions proposed by Federal agencies involves a study of other relevant environmental statutes and regulations. The NEPA

process, however, does not replace procedural or substantive requirements of other environmental statutes and regulations. It addresses them collectively in the form of an EA or EIS, which enables the decisionmaker to have a comprehensive view of major environmental issues and requirements associated with the Proposed Action. According to CEQ regulations, the requirements of NEPA must be integrated "with other planning and environmental review procedures required by law or by agency so that all such procedures run concurrently rather than consecutively." Resources that will be analyzed in the EA were those identified as being potentially affected by the Proposed Action, and include applicable critical elements of the human environment whose review is mandated by Executive Order (EO), regulation, or policy (see Appendix C).

1.7 Organization of the EA

Acronyms and abbreviations are used throughout the document to avoid unnecessary length. A list of acronyms and abbreviations can be found on the inside front and back covers of this EA.

Chapter 1: Purpose and Need for the Action. As a NEPA-required discussion, this chapter provides an overview of the action and the purpose and need of the action, describes the area in which the Proposed Action would occur, and explains the public involvement process.

Chapter 2: Proposed Action and Alternatives. This chapter describes the Proposed Action, alternatives considered, and the No Action Alternative.

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

Chapter 4: Environmental Consequences. Using the information in Chapter 3, this chapter identifies potential direct and indirect environmental impacts on each resource area under the Proposed Action and the No Action Alternative. Direct and indirect impacts that could result from the Proposed Action are identified on a broad scale as appropriate in an EA.

Chapter 5: Cumulative Impacts. This chapter discusses the potential cumulative impacts that might result from the impacts of the Proposed Action, combined with foreseeable future actions.

Chapters 6 and 7. These chapters provide references and a list of this document's preparers.

Appendices: This EA includes eight appendices that provide additional information. Appendix A is a copy of the Interested Party distribution list, letter with attachments, and a copy of the newspaper announcement. Appendix B includes the correspondence relating to Endangered Species Act (ESA) consultation, Essential Fish Habitat (EFH) consultation, National Historic Preservation Act, and Federal Coastal Zone Management Consistency determination. Appendix C is a list of those regulations, laws, and executive orders that may reasonably be expected to apply to the Proposed Action. Appendix D contains a description of the USCG's Ocean Steward Plan and COMDTINSTs regarding the Protected Living Marine Resource and National Marine Sanctuary Programs. Appendix E includes the calculations used for the air quality analysis. Appendix F contains a description of protected and sensitive habitats in the region potentially affected by the Proposed Action.

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2. Proposed Action and Alternatives

2.1 Proposed Action

2.1.1 Overview of the Proposed Action

The USCG proposes to stand-up and operate an MSST. The term "stand-up" is defined as establishing a new activity. The Proposed Action consists of the following components:

- Assignment of 75 active duty personnel to operate the MSST within the Port of New Orleans and the ROI.
- Standard MSST equipment to include six RB-Ss and trailers, eight pickup trucks, four passenger vans, and other minor support equipment.
- Interior modifications to Building 602 at the NSA-EB for the MSST temporary homeport, and interior modifications to the USCG COMMSTA as the MSST permanent homeport.

2.1.2 MSST Personnel and Operations

The MSST would consist mostly of reassigned personnel, although there might be some newly recruited personnel. MSST personnel would possess the specialized skills, capabilities, and expertise to perform a broad range of port security and harbor defense missions that might be required. The MSST would be interoperable with, and supported by, military and civilian government organizations, and commercial and nongovernmental entities.

The MSST would operate primarily within its ROI, which is defined as the Port of New Orleans within 20 mi of land, Lake Pontchartrain, and the Mississippi River north to above Baton Rouge (see Figure 1-2 and Section 3.1.2). The MSST could also be deployed temporarily in emergencies to other ports as needed. Depending on operational requirements, there could be two to six boats operating at any time. However, it is anticipated that the RB-S would operate 12 hours a day, 7 days per week, and that there would be two to three boats operating at any given period. The RB-Ss would be launched from a public boat ramp into Lake Pontchartrain (see Figure 2-1). The MSST would primarily be responsible for patrolling the established ship channels, escorting tankers and cruise ships, and patrolling around nuclear power stations.

The MSST would train at an established training range on Lake Pontchartrain. USCG personnel would follow procedures already familiar to them, including establishing port security and port

Figure 2-1. Photographs of Public Boat Ramp on Lake Pontchartrain

safety zones, moving security zones, and escorting vessels. The USCG performs these traditional port security operations on a daily basis. The MSST would have additional responsibilities as follows:

- Enhance port security and security law enforcement capabilities at economic or military significant ports.
- Deploy for specific episodic events that require an increased security posture of a limited duration.
- Exercise security contingency plans in major ports.
- Augment the Captain of the Port capabilities.

The MSST would be prepared to conduct operations through all maritime security levels, be capable of operating under the threat of chemical, biological, or radiological attack, and be able to evacuate a contaminated environment. The MSST would have the ability to conduct emergency gross decontamination of personnel and equipment. In the United States, the local emergency response agency is responsible for mitigating incidents involving chemical, biological, and radiological hazardous materials. Overseas support is provided through a Memorandum of Understanding with other service branches.

2.1.3 Standard MSST Boats and Equipment

The MSST would be equipped with six RB-S and standard support vehicles and equipment. Each RB-S is 25-feet (ft) long with an 8-foot beam and a 4-foot navigational draft and would be equipped with two 225 horsepower (hp) Honda outboard motors, radar, depth sounder, differential global positioning system (DGPS), and two mounted M60 machine guns (see Figure 2-2). The RB-Ss are highly maneuverable, capable of quickly reaching and sustaining high speeds (in excess of 40 knots), and can carry three crewmembers, plus an additional seven passengers. MSST equipment would also include boat trailers, four Ford F-350 and four F-550 stake-bed trucks with trailers, and four 15-passenger vans. When not in use, RB-S would be located on trailers at their on-shore support facility.

2.1.4 Onshore Homeport Facilities

The New Orleans MSST would be located temporarily at the NSA-EB, New Orleans, in Building 602. Establishment of the MSST would involve 19,000 square feet (ft^2) of minor interior renovations to Building 602, consisting of a 100–200 ft^2 weapons vault, modular furniture units,

Figure 2-2. Photographs of Typical RB-S

and telephone and computer cabling (see Figure 2-3). There would be no construction or alterations to the outside of Building 602. The MSST would be assigned space in an existing parking lot for the boats and trailers. There would be no maintenance or washing of the boats on the property. The location of the boat maintenance and washing has not yet been determined.

After approximately one year, the MSST would move to its permanent homeport at the COMMSTA, 4023 Main Street, Belle Chasse, LA 70037, which would be renovated for the MSST's needs (see Figure 2-4). The current COMMSTA is in a 15,500 ft^2 building that is too large for the COMMSTA function. A new facility would be constructed specifically for the COMMSTA on the existing COMMSTA property. When the COMMSTA moves into its new facility, the 15,500 ft^2 building would be modified/renovated for the MSST. That building has a garage where maintenance of the MSST boats would be performed once the MSST occupies the building. Only interior renovations to the COMMSTA building are anticipated.

2.2 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 proponent agency does not implement 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 establishing an MSST in New Orleans. 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 CEQ regulations and, therefore, will be carried forward for further analysis in this EA.

Selection of the No Action Alternative would not meet Congressional intent for increased homeland defense. Congress strongly indicated its desire that the USCG establish MSSTs on a priority basis. As stated previously, P.L. 107-117 provided money for the express purpose of having the USCG (in consultation with other agencies) establish four MSSTs before FY 2003. The Senate Appropriations Committee approved a $76 million budget for seven MSSTs in FY 2004 (Senate Report 108-086).

Figure 2-3. Photographs of Building 602 at NSA-EB

Figure 2-4. COMMSTA New Orleans

2.3 Comparison of Alternatives

The Proposed Action to stand-up and operate an MSST in New Orleans, Louisiana, has the potential for beneficial impacts to security and safety. First, the MSST would provide added security from terrorist attacks for ships entering or leaving the Port of New Orleans, numerous commercial interests, and the general population who work and live in and near the port. Second, the Proposed Action would provide additional protection from potentially significant environmental damage resulting from infrastructure damaged or destroyed in a terrorist attack. While the addition of six boats in the ROI might appear to be a large increase, this is actually a small number when compared to the number and size of vessels that visit the Port of New Orleans and the number of ferry trips that occur in the Port of New Orleans. It is unlikely that all six boats would be in use at any one time. The boats would normally cruise at 10 to 12 knots, resulting in a small wake that should not negatively impact the surrounding shores. Furthermore, the USCG has existing measures in place, such as the Ocean Steward Program to guard against adverse vessel impacts on marine protected species (see Appendix D). The purpose of Ocean Steward, the USCG's national strategic plan, is to help the recovery and maintenance of marine protected species to achieve healthy, sustainable populations. The MSST would improve existing USCG security capabilities throughout the ROI. The MSST would not duplicate existing protective measures, but would provide complimentary capabilities that would be able to close significant readiness gaps in our nation's strategic ports.

Under the No Action Alternative, the added safety and security provided by the MSST would not be available. While the USCG would continue with their current level of protection, this level has already been determined to be inadequate for the Port of New Orleans. The potential environmental damage from a terrorist attack might be adverse.

If the No Action Alternative was selected, as described above, it would not fulfill the USCG's purpose and need to provide additional port security. Under current operations, vessels and manpower are being diverted from other missions to provide additional security for the nation's ports. Under the No Action Alternative, this disruption of other missions would continue. The result would be further demand on manpower and current assets. This scenario of vessels and manpower at maximum capacity could facilitate an attack at one of the "critical" ports. The result might be a potential for significant adverse environmental impacts. Terrorists could strike at military or commercial 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) and could impact the long-term economy. Recovery time would depend on the severity and extent of the loss.

Other consequences would result from the USCG being unable to fully perform enforcement missions. For example, the USCG is responsible for drug and alien interdiction and protection of the nation's EEZ. Without adequate vessels and manpower, the USCG would not be able to maintain its high level of effectiveness in stopping illegal aliens and drugs from reaching the nation's shores. Similarly, the USCG would not be able to adequately protect fisheries resources from illegal catches, as directed by its Ocean Guardian Program. Ocean Guardian is a long-range fisheries law enforcement strategy that supports national goals for fisheries resource management and conservation. In addition, adverse impacts on threatened and endangered species could occur if the USCG is unable to maintain its current level of effectiveness in enforcing the ESA and associated regulation in U.S. waters as directed by its Ocean Steward Program. Ocean Steward is the USCG's national strategy to help the recovery and maintenance of healthy populations of marine protected species (Appendix D).

2.4 Comparison of Environmental Effects of All Alternatives

Table 2-1 summarizes the impacts of the Proposed Action and No Action Alternative.

Table 2-1. Impact Summary Matrix

Resource Area	Proposed Action	No Action Alternative
Biological Resources	Implementation of the Proposed Action would have minor adverse impacts on biological resources in the New Orleans ROI. Current USCG environmental policies, regulations, and programs designed to protect living marine species (*e.g.*, Ocean Steward in Appendix D and speed guidance designed to avoid collisions with marine mammals) would continue to be followed. Additionally, these boats are designed to be highly maneuverable. Therefore, the stand-up and operations of the MSST would not have major adverse impacts on biological protected marine resources or habitats.	Under the No Action Alternative, it would be easier for a terrorist attack to occur. Significant adverse impacts would be expected should this alternative be selected due to the increased risk of a terrorist attack and the potential for significant adverse effects on marine mammals. Recovery time would depend on the extent of loss.
Water Quality	The Proposed Action would have a negligible impact on water quality due to emissions from RB-S engines during normal operations.	Under the No Action Alternative, ambient water quality conditions would not be impacted. Significant adverse impacts would be expected should this alternative be selected due to the increased risk of a terrorist attack and the potential for significant adverse effects on the noise environment. Recovery time would depend on the severity and extent of the impact.
Air Quality	Under the Proposed Action, minor adverse impacts on air quality would occur. Calculations of air pollutant emissions from the proposed MSST operations were performed based on transporting boats from the NSA-EB or the COMMSTA to the public boat ramp, and operating two boats 24 hours a day, 365 days a year. The net change in nitrogen oxide (NO_x) and volatile organic compounds (VOC) emissions would be well below the *de minimis* threshold requirements and the regional significance requirements of the General Conformity Rule.	Under the No Action Alternative, existing conditions would remain as is and the MSST would not be stood up. Significant adverse impacts would be expected should this alternative be selected due to the increased risk of a terrorist attack and the potential for significant adverse effects on air quality. Recovery time would depend on the severity and extent of the impact.

Table 2-1. Impact Summary Matrix (cont.)

Resource Area	Proposed Action	No Action Alternative
Noise	Implementation of the Proposed Action would result in minor adverse impacts. However, due to low speed approach, docking at USCG facilities and the fact that most operations would be conducted at 10 to 12 knots, the potential noise from the addition of six RB-Ss would have minor adverse impacts on humans or marine life. Sound levels created by the RB-Ss would be well below sound intensities associated with disturbance to marine animals.	Under the No Action Alternative, existing conditions would remain as is and the MSST would not be stood up. Adverse impacts would be expected should this alternative be selected due to the increased risk of a terrorist attack and the potential for adverse effects on the noise environment.
Public Safety	Beneficial impacts might be expected from the Proposed Action. The Proposed Action would increase the USCG's ability to protect critical domestic ports and the U.S. Maritime Transportation System from warfare and terrorist attacks. While the MSST's operations would closely parallel USCG traditional port security operations, they would also provide complementary, non-redundant capabilities that would be able to close significant readiness gaps in our nation's strategic ports. The MSST would escort a variety of vessels and maintain specific security zones	Under the No Action Alternative, existing conditions would remain as is, and the MSST would not be stood up. The USCG would maintain the current level of protection, which has been determined to be insufficient. Increased demand on vessels and manpower and disruption to other missions would continue. Significant adverse impacts would 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.

2.5 Alternatives Considered but Eliminated

Other agencies besides the USCG could have been considered for the Proposed Action. However, domestic port security has been a core mission of the USCG for more than 200 years. A Memorandum of Agreement (MOA), signed in October 1995 by the Secretaries of Transportation and Defense, the Chief of Naval Operations, and the Commandant of the USCG, identified those unique national defense capabilities of the USCG as a force provider. In

addition, the USCG is the only U.S. maritime agency with regulatory and law enforcement authority that also has military capabilities. The USCG already uses the same tactics for harbor defense and port security that the MSSTs would be using. This recognition of the USCG's unique capabilities, coupled with the long-time advantage of providing security for U.S. ports, makes the USCG the natural choice to fulfill this mission.

This EA will assess the potential impacts of the USCG establishing and operating an MSST in the New Orleans region.

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3. Affected Environment

3.1 Introduction

3.1.1 Resources for Analysis

This chapter 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 and USCG regulations and guidelines, the description of the affected environment focuses on those conditions and resource areas that are potentially subject to impacts. These resources include water resources, soils and land use, socioeconomics, environmental justice, cultural and historic resources, hazardous materials and hazardous wastes, biological resources, air quality and climate, noise, and public safety. 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:

- ***Water Resources***. The Proposed Action does not involve any activities that would significantly increase the demand for water resources or affect surface water and groundwater. No physical disturbances, earth moving, or major construction activities would occur; therefore, the Proposed Action would not affect surface water flow quantity or quality. The Proposed Action could have a minor impact on water quality in the ROI as a result of the emissions of outboard engines. The overall condition of Gulf Coast estuaries is fair to poor, as defined in the U.S. Environmental Protection Agency's (USEPA) Condition of the Coast (USEPA 2001). Water resources problems in Gulf Coast estuaries include sediment contamination, wetland loss, and eutrophication. Furthermore, poor water quality Lake Pontchartrain is a result of human development in the Pontchartrain Basin. Since the opening of the Bonnet Carré Spillway to relieve flooding of the Mississippi River, Lake Pontachartrain has had an increase in suspended material. Today, the Pontchartrain Basin faces many challenges including continued loss of wetlands and estuarine habitats, pollution of water and sediments, and potential impacts on the circulation patterns of Lake Pontchartrain from freshwater diversions from the Mississippi River. Operation of the RB-Ss would have minor impacts on water resources. Compared to the high volume of boat traffic and other activities within the Port of New Orleans, potential impacts from RB-Ss operations would be relatively very small. A detailed discussion of wetlands and floodplains is in

Sections 3.2 and 4.2, Biological Resources. No significant impacts would occur as a result of the implementation and use of the MSST. Accordingly, the USCG has omitted detailed analysis of water resources.

- ***Soils and Land Use***. The Proposed Action would not involve any physical disturbance to soils, earth moving, or major construction activities. The Proposed Action would include two minor construction projects: minor interior renovations to Building 602 at NSA-EB, and minor interior renovations to the COMMSTA building. There would be no ground-disturbing activities. Implementation of the Proposed Action would not alter the existing land use at these locations. Accordingly, the USCG has omitted detailed examination of soils and land use.
- ***Socioeconomics.*** The Proposed Action would not involve any activities that would contribute to significant changes in socioeconomic resources. The majority of the 75 active duty personnel would be reassigned personnel and, therefore, are already in the Port of New Orleans region. Personnel reside primarily in the communities of Slidel, Gretna, Belle Chase, Kenner, and the Naval Air Station. It is unlikely that the reassignment of 75 personnel would have a significant adverse impact on the region, due to the relative size of the population affected and the low unemployment rate of the region. 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, in turn, be expected to affect disproportionately minority and low-income populations. There are no residences near the NSA-EB or the COMMSTA. Therefore, there are no significant impacts would be expected. Accordingly, the USCG has omitted detailed examination of environmental justice.
- ***Cultural and Historic Resources***. The Proposed Action would not involve any activities that would impact cultural resources. MSST personnel would be located in NSA-EB Building 602 until relocated to the COMMSTA building. Building 602 is one of three warehouses built by the U.S. government in 1918–1919 for a depot. The interior of Building 602 was recently renovated and is currently used as a parking garage, offices and a cafeteria. In 1992, the Louisiana State Historic Preservation Office (SHPO) found that the building did not meet eligibility criteria for the National Register of Historic Places (NRHP). However in 2000, the East Bank Historic District was determined eligible for inclusion on the NRHP with Building 602 as a contributing element to the historic district. The boats would be stored in a parking lot near Building 602. No boat maintenance would occur on the NSA-EB. In 1992, the

Louisiana SHPO found that the building did not meet eligibility criteria for the NRHP. However in 2000, the East Bank Historic District was determined eligible for inclusion on the NRHP with Building 602 as a contributing element to the historic district. Establishment of the MSST would involve 19,000 ft^2 of minor interior renovations to Building 602, consisting of a 100–200 ft^2 weapons vault, modular furniture units, and telephone and computer cabling. There would be no exterior construction or modifications to Building 602. Accordingly, the USCG has omitted detailed examination of cultural and historic resources. The USCG sent a letter to the Louisiana SHPO regarding the Proposed Action on June 25, 2004 (Appendix B

- ***Hazardous Materials and Hazardous Wastes***. The Proposed Action would occur at NSA-EB and COMMSTA. This facility has existing hazardous materials and hazardous waste management programs. No maintenance or repair work would occur at Building 602 and only minor maintenance and repair work would be performed by MSST personnel at the COMMSTA. The engines are under a 3-year maintenance agreement; therefore, all major maintenance would be done at a Honda authorized facility. The MSST armory would use only nonhazardous, orange-based cleaners. The Proposed Action would not require or add a significant amount of hazardous materials or wastes to those already generated by these facilities, primarily used oil and engine coolant. The MSST 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 waste, asbestos, polychlorinated biphenyls, fuel tanks, lead, and biohazardous waste (USCG 1992). Accordingly, the USCG has omitted detailed examination of hazardous materials and hazardous wastes.
- ***Coastal Zone Management Act***. The Federal Coastal Zone Management Act of 1972 requires Federal agency activities to be consistent with the state's federally approved Coastal Management Program. Under Louisiana's State and Local Coastal Resources Management Act (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." As assessed in this EA, no significant impacts on coastal resources in New Orleans, Louisiana are anticipated as a result of the Proposed Action. As such, the Proposed Action is deemed consistent with the guidelines that are provided under *Louisiana Administrative Code, NATURAL RESOURCES,*

Part I. Office of the Secretary, Chapter 7. Coastal Management, Subchapter B Coastal Use Guidelines, Section 701 Guidelines Applicable to All Uses, Subsection F (Subsection 701.F). The Proposed Action is also consistent with Subsection 701.H. The purpose of the project is to enhance public safety and would serve regional, state, and national interests. The coastal use is also water dependent, as its specific purpose to port security. Based upon the preceding information, data and analysis, the Coast Guard finds that the stand-up and operation of MSST New Orleans is consistent to the maximum extent practicable with the enforceable policies of the Louisiana Coastal Management Program. Since the Proposed Action is consistent with the state's Coastal Management Program, the USCG has omitted further detailed examination. The USCG sent it's Federal Consistency Determination to the Louisiana Coastal Management Division of the Louisiana Department of Natural Resources on June 25, 2004 (Appendix B).

3.1.2 Region of Influence

The MSST would be homeported temporarily at NSA-EB within the NSA-NO complex and permanently at the COMMSTA, 4023 Main Street, Belle Chasse, Louisiana 70037. The NSA-NO is home to nearly 3,900 active-duty and 2,700 civilian personnel, and spreads over both banks of the Mississippi River. The base is home to Commander, Naval Reserve Force; Commander, Naval Air Reserve Force; Commander, Naval Surface Reserve Force; Marine Forces Reserve; the 4th Marine Aircraft Wing; and the 4th Marine Division. Established in the early 1900s but inactive for long periods, the facility was reborn in 1939. Between 1944 and 1966, the base progressed from a U.S. Naval Station to the Headquarters, Support Activity, New Orleans. In 1966, the Army, which owned the property on the river's east bank, transferred ownership to the Navy, thus establishing NSA-NO.

The RB-S would be launched from an existing boat ramp into Lake Pontchartrain. The ROI for the Proposed Action and the No Action Alternative is geographically defined as the Port of New Orleans region, which is defined as the Port of New Orleans to 20 mi from shore, Lake Pontchartrain, and the Mississippi River north to above Baton Rouge. The MSST would routinely patrol the Port of New Orleans, Lake Pontchartrain, and the Mississippi River, which are within the area that the MSST is expected to spend the majority of its operating time. The MSST can be deployed temporarily in emergencies to other ports as needed.

3.1.3 Environmental Regulations, Laws, and Executive Orders

A table containing examples of regulations, laws, and EOs 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 Biological Resources

3.2.1 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), National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries), a state regulatory agency, or otherwise protected under Federal or state laws. Determining which species or habitats occur in an area affected by a proposed action can be accomplished through literature reviews and coordination with appropriate Federal and state regulatory agency representatives, resource managers, and other knowledgeable experts.

The USCG has a number of long-standing initiatives and programs relating to Living Marine Resource Protection, a primary mission of the USCG:

- **National Marine Sanctuary Law Enforcement Program**. Among other activities, this program provides routine surveillance of marine sanctuaries concurrently with other USCG operations and provides specific, targeted, or dedicated law enforcement, as appropriate.
- **Ocean Guardian.** This long-range fisheries law enforcement strategy supports national goals for fisheries resource management and conservation (see Appendix D).
- **Ocean Steward.** This is the USCG's national strategy to help the recovery and maintenance of healthy populations of marine protected species (see Appendix D).
- **Sea Partners.** This environmental and outreach program is designed to develop community awareness of maritime pollution issues and to improve compliance with marine environmental protection laws and regulations (USCG 2002d).
- **COMDTINSTs.** This is the USCG's implementation and guidance document for policy and procedures.

- **Conservation Program.** This program promotes USCG involvement with other Federal and state agencies, and public and nongovernmental organizations to conserve and protect living marine resources (USCG 1996).

Protected and Sensitive Habitats

Protected habitats are biologically sensitive marine habitats that are managed by Federal, state, or local agencies. Protected habitats in the GOM include National Marine Sanctuaries (NMSs), Federal Fishery Management Zones (FFMZ), National Wildlife Refuges (NWRs), National Estuarine Research Reserves (NERRs), coral reefs, and critical habitat. These habitats are offered varying degrees of protection from agencies such as NOAA Ocean Services, NOAA Fisheries, the Department of the Interior, the USFWS, the National Park Service (NPS), the USCG, state agencies and, in some cases, local jurisdictions.

Wetlands, Floodplains, and Seagrasses

Biological resources also include wetlands. Wetlands are an important natural system and habitat because of the diverse biologic and hydrologic functions they perform. These functions include water quality improvement, groundwater recharge and discharge, pollution mitigation, nutrient cycling, wildlife habitat provision, unique flora and fauna niche provision, storm water attenuation and storage, sediment detention, and erosion protection. Wetlands are protected as a subset of the "waters of the United States" under the Clean Water Act (CWA). The term "waters of the United States" has a broad meaning under the CWA and incorporates deepwater aquatic habitats and special aquatic habitats (including wetlands). The U.S. Army Corps of Engineers (USACE) defines wetlands as "those areas that are inundated or saturated with ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas" (33 CFR 328).

Section 404 of the CWA authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the discharge of dredged or fill materials into the waters of the United States, including wetlands. In addition, Section 404 of the CWA also grants states with sufficient resources the right to assume these responsibilities. Section 401 of the CWA authorizes states to use their water quality standards to protect wetlands. The permit provided by the state under Section 401 is generally referred to as a 401 Water Quality Certification. The Louisiana

Department of Natural Resources, Office of Coastal Resources Management, Coastal Management Division issues 401 Water Quality Certifications for the state of Louisiana.

EO 11988, *Floodplain Management,* requires Federal agencies to determine whether a proposed action would occur within a floodplain. The determination of whether a proposed action occurs within a floodplain typically involves consultation of appropriate Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), which contain enough general information to determine the relationship of the project area to nearby floodplains. EO 11988 directs Federal agencies to avoid floodplains unless the agency determines that there is no practical alternative to undertaking the action in a floodplain. Where the only practicable alternative is to site in a floodplain, a specific step-by-step process must be followed to comply with EO 11988. This "eight-step" process is detailed in the FEMA document Further Advice on EO 11988 Floodplain Management. The eight steps in Floodplain compliance are

1. Determine whether the action will occur in or stimulate development in, a floodplain.
2. Public review/input of the proposed action.
3. Identify and evaluate practicable alternatives to locating in the floodplain.
4. Identify the impacts of the proposed action (when it occurs in a floodplain).
5. Minimize threats to life, property, and to natural and beneficial floodplain values, and restore and preserve natural and beneficial floodplain values.
6. Reevaluate alternatives in light of any new information that might have become available.
7. Issue findings and a public explanation.
8. Implement the action.

Steps 1 through 6 have been undertaken as part of this EA. Step 7 will be undertaken simultaneously with public comments on this EA.

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, influence the distribution of marine mammals and sea turtles. Environmental factors include chemical, climate, or physical (those related to the characteristics of a location) factors. Biotic factors include the distribution and abundance of prey, competition for prey, reproduction, natural mortality, catastrophic events (*e.g.*, die-offs), and predation. 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. It is the interrelationships of environmental and biotic factors and human impacts that can affect the location and temporary distribution of prey species. This, in turn, influences diversity, abundance, and distribution of marine mammals and sea turtles.

The USCG has a long-standing role in protecting marine mammals and sea turtles. It enforces all U.S. laws in the EEZ, including laws protecting marine species. The USCG enforces the ESA, the Marine Mammal Protection Act (MMPA), the National Marine Sanctuaries Act (NMSA), a number of maritime EOs, and Federal and international laws, as applicable. The USCG Protected Living Marine Resources Program (COMDTINST 16475.7) includes a number of policies, directions, and procedures that outline specific rules to ensure that impacts with marine mammals and sea turtles are avoided whenever possible. The USCG's Ocean Steward and Ocean Guardian initiatives and speed guidance also support these goals (USCG 2002d). Additionally, the Ocean Steward initiative protects marine mammals by regulating incidental and intentional "takes" (harassment of marine mammals from close or repeated approach by vessels). Information about the Ocean Steward Program and applicable COMDINSTs is presented in Appendix D.

The ESA of 1973 (16 United States Code [U.S.C.] 1531-1534) establishes protection and conservation of threatened and endangered species and the ecosystems upon which they depend. The ESA is administered by USFWS and NOAA Fisheries. 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 USFWS or NOAA Fisheries, as applicable, before initiating any action that could affect a listed species. "Critical habitat" includes geographic areas "on which are found those physical or biological features essential to the conservation of the species and which require special management consideration or protection." 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."

Under the MMPA of 1972 (16 U.S.C. 1361 *et seq.*), 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 NOAA Fisheries. The Secretary of the Interior is responsible for walruses, polar bears, sea otters,

manatees, and dugongs and has delegated the responsibility of conservation and protection of these marine mammals to USFWS. These responsibilities include providing overview 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" and "harassment" is defined as any act of pursuit, torment, or annoyance that has the potential to injure marine mammal stock in the wild; or 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 notice and opportunity for public comment, if the Secretary of Commerce finds negligible impacts.

Fish

Under their Living Marine Resource Protection mission, the USCG undertakes activities, such as enforcing domestic fisheries laws, and ensuring the development of practical enforcement plans, to protect, conserve, and manage these resources. Examples of laws pertaining to fish and fisheries management that the USCG enforces are

- Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 2431 et seq.)
- Atlantic Salmon Convention Act (16 U.S.C. 971 et seq.)
- Lacey Act Amendments of 1981 (16 U.S.C. 1531 et seq.)
- Magnuson-Stevens Fisheries Conservation Act (MSA) (16 U.S.C. 1801, et seq.)
- Northwest Atlantic Fisheries Compliance Act of 1995 (16 U.S.C. 5001 et seq.)
- Tuna Conventions Act (16 U.S.C. 973 et seq.)

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

Coastal and Other Birds

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

3.2.2 Affected Environment

The ROI for the Proposed Action and the No Action Alternative is defined as the Port of New Orleans to 20 mi from shore, Lake Pontchartrain, and the lower Mississippi River to a point north of Baton Rouge (Figure 1-2).

Protected and Sensitive Habitats

The protected habitats in the coastal area of the ROI include Fairview Riverside State Park (SP), Fontainebleau SP, St. Bernard SP, Big Branch Marsh NWR, Bogue Chitto NWR, Breton NWR, Gulf Island National Seashore, and Delta NWR. A description of these protected habitats can be found in Appendix F.

Critical habitat is designated under the ESA as "a specific geographic area that is essential for the conservation of a threatened or endangered species and that may require special management or protection." Critical habitat can include an area that is not currently occupied by a species, but is needed for the recovery of that species. Critical habitat has been designated for wintering piping plovers at various locations along the Louisiana Gulf Coast, including on the Mississippi River Delta (Unit LA-1) and Breton Islands and Chandeleur Island Chain (Unit LA-7) (66 Federal Register, 132 pp. 36038-36079). Unit LA-1 is comprised of 105 hectares (ha) (259 acres [ac]) in Plaquemines Parish, Louisiana. This unit is part of the state-owned Pass a Loutre Wildlife Management Area and includes unnamed sand (spoil) islands off South Pass of the Mississippi River near Port Eads. The islands mean low low water (MLLW) are included in this unit. Unit LA-7 is comprised of 3,116 ha (7,700 ac) in Plaquemines and St. Bernard Parishes, Louisiana. This unit includes Breton, Grand Gosier, and Curlew Islands and the Chandeleur Island chain. These islands are part of the Breton NWR or are state-owned. The entire islands where primary constituent elements occur to MLLW are included in this unit.

Wetlands, Floodplains, and Seagrasses

The New Orleans area is a wetland-dominated ecosystem, which is comprised of the Deltaic Plain of the Mississippi River. The Deltaic Plain of the Mississippi River is a vast wetland area that developed as a result of delta-building processes. This build-up occurred over a 5,000-year period during which sea level conditions were relatively stable. The Deltaic Plain is shrinking in size and deteriorating in function because of natural changes and human intervention (LCWCRTF and WCRA 1998).

Each wetland type that comprises the Mississippi River Deltaic Plain is represented by certain plant species, depending on the salinity range of the habitat. Generally, the upper ends of Deltaic Plain basins are occupied by large freshwater swamps and marshes. The salinity in freshwater swamps is 0-1 parts per trillion (ppt) and the dominant vegetation is *Taxodium distichum* and *Nyssa aquatica.* The salinity in freshwater marsh is 0-3 ppt and the dominate vegetation is *Panicum hemitomon* and *Sagittaria falcate.* These wetland types can occur far inland from the shore or be completely separated from the brackish and saline marshes by natural ridges or artificial levees. Because these areas are low-energy environments, they change slowly and have thick sequences of organic soils or floating grass root mats. They are also characterized by isolated lakes and backswamp drainage channels, but water movement through the basins is largely unchannelized (LCWCRTF and WCRA 1998).

The middle and lower ends of the estuary contain lakes and bays fringed by saline and brackish marshes. These are higher energy areas that are increasingly dominated by tidal and marine processes in a seaward direction, consequently the water is brackish to saline. The salinity of intermediate marshes is 2-5 ppt and the domininant vegetation is *Sagittaria falcate* and *Spartina patens.* The salinity of brackish marsh is 4-15 ppt and the dominant vegetation is *Spartina patens* and *Scirpus americanus.* The salinity of saline marsh is 12 ppt or more and the dominant vegetation is *Spartina alterniflora* and *Distichlis spicata.* The saline grasses require a firm substrate. These conditions occur in relict natural levees, overwash on the bay side of barrier islands, rims of bays, banks of tidal streams, and firm peat deposits that have accumulated initially as fresh marshes (LCWCRTF and WCRA 1998).

More than 1 million ac, or about 20 percent of the coastal lowlands (mostly wetlands), in Louisiana, have eroded since the 1890s. It is estimated that 50 square miles of wetlands have been lost per year between the mid-1950s and 1970s. The loss of wetlands is due to sea level rise, land subsidence, and human alterations such as channelization of estuaries, canal dredging through wetlands to accommodate oil and gas production, and impoundments. The ROI (presented in Figure 1-2) contains approximately 3,350 ac of wetlands (NOAA 1990).

At least 45 percent of the metropolitan core of New Orleans is at or below sea level. Elevations vary from 10 ft below sea level in developed areas to 15 ft above sea level along the natural ridges of the Mississippi River. The Mississippi River flows through the center of the metropolitan area of New Orleans. The northern boundary of the city is Lake Pontchartrain, coastal wetlands surround the other margins. No other major city in the country is surrounded by

so many flood-prone habitats. Currently, New Orleans is protected from flooding rainwater, river water, and sea water by 520 mi of levees and floodwalls, 270 floodgates, and 92 pumping stations which connect thousands of miles of drainage canals and pipes. The amount of water that surrounds the city will increase as wetlands diminish. The wetlands act as a buffer that now partially protects New Orleans from storm surges (LCWCRTF and WCRA 1998).

Seagrass ecosystems are recognized as productive benthic habitats in estuarine and nearshore waters of the GOM coast. Seagrass meadows provide food for wintering waterfowl and important spawning and foraging habitat for several species of commercially important finfish and shellfish. Physical structure provided by seagrasses provides juvenile fish refuge from predation. It also allows for attachment of epiphytes and benthic organisms. Seagrass communities also support threatened and endangered species, including sea turtles and manatees (Handley 1995).

Coastal Louisiana has a large amount of submerged aquatic vegetation but only a small portion is seagrasses (5,657 ha [13,974 ac] in 1988) (Handley 1995). Since the mid-1950s Louisiana has lost all of its seagrass in Lake Pontchartrain and the Mississippi River Delta. The only remaining seagrass beds in coastal Louisiana exist in Chandeleur Sound behind the Chandeleur Islands. Turtle grass, shoal grass, manatee grass, widgeon grass, and star grass are present in the sandy sediments of the shallow backbarrier lagoon. These seagrass beds are virtually unaffected by human impacts because of their distance from the mainland. They are controlled by high waves from chronic frontal passages and hurricanes causing overwash, erosion, sedimentation, changes in water depth, and turbidity. The areal extent of seagrasses for the Chandeleur Islands remained fairly constant from 1978 to 1989, 6,409 ha (15,831 ac) and 5,657 ha (13,974 ac) respectively. This constitutes a loss of only 12 percent during a time that had two hurricanes, two tropical storms, and countless cold fronts that influenced these islands (Handley 1995).

Marine Mammals

There are 29 species of marine mammals in the GOM. There are 28 species from the order Cetacea (whales and dolphins): 7 species from the suborder Mysticeti (*i.e.*, baleen whales), and 21 species from the suborder Odontoceti (*i.e.*, toothed whales including dolphins); and 1 species of manatee (*Trichechus manatus*) (MMS 2001).

Six of the whale species that occur in the GOM and both subspecies of the West Indian manatee are listed as endangered. The endangered whale species are the sperm whale (*Physeter*

macrocephalus), sei whale (*Balaenoptera borealis*), blue whale (*Balaenoptera musculus*), fin whale (*Balaenoptera physalus*), northern right whale (*Eubalaena glacialis*), and humpback whale (*Megaptera novaeangliae*). It is believed that the documented occurrences of the sei, blue, northern right, fin, and humpback whales in the GOM are rare or accidental occurrences (Würsig et al. 2000). The sperm whale commonly occurs in waters greater than 180 m (590 ft) (USCG and MARAD 2003). While possible, it is not common for whales to enter the developed coastal estuarine environments where the MSST would conduct its normal operations. As such, these species of endangered marine mammals are eliminated from further consideration.

West Indian manatees occasionally enter Lakes Pontchartrain and Maurepas, as well as associated coastal waters and streams, during the months of June through September. Manatees have been reported in the Amite, Blind, Tchefuncte, and Tickfaw Rivers, as well as in canals within the adjacent coastal marshes of Louisiana. They have also been occasionally observed elsewhere along the Louisiana Gulf Coast. The manatee has declined in numbers due to collisions with boats and barges, entrapment in flood control structures, poaching, habitat loss, and pollution. Cold weather and outbreaks of red tide might also adversely affect these animals (Firmin 2003). The occurrence of the West Indian manatee in the northern GOM is considered rare (Würsig et al. 2000).

While an additional 22 species of nonthreatened and nonendangered cetaceans can occur in GOM waters, the only species that might occur within the ROI are the bottlenose dolphin (*Tursiops truncatus*), the Bryde's whale (*Balaenoptera edeni*), and the minke whale (*Balaenoptera acuturostrata*). The remaining 19 species of cetaceans are expected in the deeper waters of the continental shelf or the continental slope (Würsig et al. 2000).

The bottlenose dolphin is the most common cetacean in the GOM. Research indicates that there are two subpopulations: coastal and oceanic. In 1994, the GOM's coastal population of bottlenose dolphins was estimated to be 3,499 (NOAA Fisheries 1997). Bottlenose dolphins use echolocation signals to hunt for prey and avoid obstacles.

The Bryde's whale is the most commonly observed baleen whale in the GOM, with 12 confirmed live sightings and 12 verified strandings (Würsig et al. 2000). The population of the Bryde's whale is yet unknown. The Bryde's whale is most commonly sighted in the DeSoto Canyon region off western Florida, near the 100-m isobath.

There have been no live sightings of minke whales in the GOM, where the species is considered rare (Würsig et al. 2000). The Canadian Atlantic coast population size is unknown but the best available abundance estimate is 4,018 whales in 1999 (NOAA Fisheries 2002). Sounds produced by minke whales include grunts, pings, zips, ratchets, and clicks (USN 2001).

Sea Turtles

All five species of sea turtles that inhabit the GOM are threatened or endangered (MMS 2001). These species are the loggerhead sea turtle (*Caretta caretta*), Kemp's ridley sea turtle (*Lepidochelys kempi*), leatherback sea turtle (*Dermochelys coriacea*), hawksbill sea turtle (*Eretmochelys imbricata*), and the green sea turtle (*Chelonia mydas*).

Sea turtle life history stages include eggs, hatchling, juvenile, and adult (MMS 2002b). In general, sea turtles nest along the entire northern GOM coastline; however, specific nesting distributions by species are described below. Hatchling sea turtles move offshore in a swimming frenzy immediately after hatching. Post-frenzy, hatchling sea turtles move to areas of convergence or to sargassum mats and undergo passive oceanic migrations (Wyneken 2001). Juvenile sea turtles actively recruit to nearshore nursery habitat and move into adult foraging habitat when approaching sexual maturity. At the onset of nesting, adults move between foraging habitats and nesting beaches. Mating habitat depends on species and might occur off nesting beaches or remotely. Females reside near nesting beaches during nesting season (MMS 2002b).

There are no designated critical habitats or migratory routes for sea turtles in the northern GOM. However, NOAA Fisheries recognizes many coastal areas as preferred habitat (*i.e.*, important habitats for the species within a specific geographic area) for sea turtles. For example, nearshore or inshore areas are preferred habitat for green sea turtles, while bays, especially in Louisiana and Texas, are preferred habitat for Kemp's ridley sea turtles (MMS 2002b). Sargassum mats are also recognized as preferred habitat for hatchlings (MMS 2001). Highest sea turtle abundance in the western GOM occurs in depths from 0 to 18 m (0 to 60 ft). However, sea turtles are more abundant in the eastern part of the GOM relative to the western part of the GOM (McDaniel et al. 2000).

Loggerhead Sea Turtles. The loggerhead is the most abundant sea turtle in the GOM (MMS 2002b). It has been federally listed as a threatened species since 1978 (NMFS and USFWS 1991a, NMFS 2002). It is a species that inhabits and can be found in a wide variety of temperate and tropical waters, including estuaries and continental shelves of both hemispheres (NMFS and

USFWS 1991a, NMFS 2002). Index data indicate that between 1989 and 1998, the number of loggerhead nests laid along the U.S. Atlantic and GOM coasts ranged from 53,000 to 92,000 annually, with an average of nearly 73,000.

In the southeastern United States, loggerhead sea turtles mate from late April through early September (NMFS and USFWS 1991a). For their first 7 to 12 years, loggerhead sea turtles, referred to as pelagic immatures at this stage, inhabit the pelagic waters near the North Atlantic. When loggerhead sea turtles reach a straight-line carapace length of 40 to 60 centimeters (16 to 24 inches), they begin to recruit to coastal inshore and nearshore waters of the continental shelf throughout the U.S. Atlantic and the GOM. At this stage they are referred to as benthic immatures. Benthic immatures have been found in waters from Cape Cod, Massachusetts, to southern Texas.

Kemp's Ridley Sea Turtle. The Kemp's ridley sea turtle primarily inhabits coastal waters in the GOM and northwestern Atlantic Ocean. This species has been federally listed as endangered since 1978, and is considered the most endangered sea turtle in the world (NMFS and USFWS 1992a, NMFS 2002). Nesting is limited to beaches at Rancho Nuevo, a stretch of beach in southern Tamaulipas, Mexico. Nesting occurs from April into July. On average, individual females nest every other year (ranging from every year to every 4 years), with an average of 2.5 nests per female per season. Average clutch size is 100 eggs per nest (NMFS 2002).

Nesting data indicate a severe decline of Kemp's ridley sea turtles from more than 40,000 females when the nesting aggregation in Rancho Nuevo was first discovered. In the 1970s, the number of females ranged from 2,000 to 5,000. The number of nests increased from a low of 702 nests in 1985 to 1,930 nests in 1995 and 6,277 nests in 2000 (NMFS 2002).

Kemp's ridley sea turtles have been sighted within 15 kilometers (km) (9.3 mi) of shore and in depths less than 18 m (59 ft) (MMS 2002a). Nearshore waters of the GOM are believed to provide important developmental habitat for juvenile Kemp's ridley sea turtles (NMFS 2002). The primary subadult habitat is along the northern GOM coast from Cedar Key, Florida, to Port Aransas, Texas (NMFS 2002).

Leatherback Sea Turtle. The leatherback sea turtle has been federally listed as an endangered species since June 2, 1970 (USFWS 2002a). It is primarily a pelagic species and is distributed in temperate and tropical waters worldwide (NMFS and USFWS 1992b, USFWS 2002a). Of all sea turtles, the leatherback is the largest, deepest diving, most migratory, widest ranging, and most

pelagic sea turtle (USFWS 2002a). Nesting grounds are found circumglobaly. Leatherbacks undergo extensive migrations from feeding grounds to nesting beaches. Once they nest, they move offshore and use both coastal and pelagic waters (NMFS 2002).

U.S. nesting sites include the Florida east coast; Sandy Point Beach, U.S. Virgin Islands; and Puerto Rico. Nesting occurs from March through July. On average, individual females nest every 2 to 3 years, laying an average of five to seven nests per season. Average clutch size is 70 to 80 yolked eggs. Critical habitat has been designated for the leatherback sea turtle in the U.S. Virgin Islands and at Sandy Point Beach, St. Croix, and the waters adjacent to Sandy Point Beach (50 CFR 17.95, 50 CFR 226.207) (USFWS 2002a).

Global nesting data indicate a severe decline from more than 115,000 females estimated in 1980 to recent estimates of 26,000 to 43,000 nesting females (USFWS 2002a). Numbers of leatherback sea turtles in the western Atlantic might be declining. Recent increases in mortalities are reportedly due to interactions with fishing gear (NMFS 2002).

Leatherback sea turtles were sighted during the GulfCet I and GulfCet II surveys (MMS 1996, MMS and USGS 2000). In the GulfCet I survey, the majority of the sightings occurred from the Mississippi Canyon to the DeSoto Canyon. The GulfCet I survey indicated leatherbacks were primarily an oceanic species where depths are greater than 200 m (656 ft) (MMS 1996). These results were reiterated during the GulfCet II survey, when leatherback sea turtles were more commonly sighted on the continental slope than the shelf. The leatherback sea turtles that were sighted on the continental slope were 12 times more abundant during the summer than the winter (MMS and USGS 2000). Temporal variability in leatherback distribution and abundance suggests that specific areas might be important to this species, either seasonally or for short periods of time.

Hawksbill Sea Turtle. Although the hawksbill sea turtle is the least common sea turtle in the GOM, it has been recorded in waters of all of the states along the GOM (NMFS and USFWS 1993). Hawksbill sea turtles have been sighted near coral reefs south of Florida and only a very few have been documented as far west as Texas (NMFS 2002). The hawksbill sea turtle has been federally listed as endangered throughout its range since 1970. This species is primarily coastal and seldom seen in waters deeper than 19.8 m (65 ft). Hawksbill sea turtles inhabit rocky areas, coral reefs, shallow coastal areas, lagoons or oceanic islands, and narrow creeks and passes. The species is found in tropical and subtropical waters in the Atlantic, Pacific, and Indian Oceans.

The global population of hawksbill sea turtles has declined 80 percent over the past 100 years, with only approximately 15,000 females nesting worldwide. Only five regional populations remain with more than 1,000 females nesting annually, in the Seychelles, Mexico, Indonesia, and two in Australia (USFWS 2002b).

The highest densities of nests for the hawksbill sea turtle occur on the GOM and Caribbean coasts of the Yucatán Peninsula, Mexico. Nesting also occurs in lower densities on scattered beaches. The Caribbean populations account for 20 to 30 percent of the hawksbill population worldwide (USFWS 2002b). Historically, the Panama breeding population used to be the most important breeding population in the Caribbean; now the Mexico population is the most important. In most locations, nesting occurs between April and November, but varies depending on the area. No more than four nests were recorded annually from 1979 to 2000 in Florida. Nesting on GOM beaches is extremely rare, with only one nest on Padre Island, Texas, documented in 1998 (NMFS 2002).

Green Sea Turtle. The green sea turtle breeding colony populations in Florida and on the Pacific coast of Mexico have been federally listed as endangered since 1978; all other populations have been listed as threatened (USFWS 2002c). The green sea turtle nests in tropical and subtropical waters worldwide. The green sea turtle inhabits shallow waters (except when migrating) inside reefs, bays, and inlets and tends to be found in areas with marine grass and algae (USFWS 2002c). Green sea turtles are found in western Atlantic waters of the United States from Massachusetts to Texas, as well as in Puerto Rico and the U.S. Virgin Islands (MMS 1999).

In the United States, green sea turtles nest in North Carolina, South Carolina, Georgia, Florida, U.S. Virgin Islands, and Puerto Rico. The east coast of Florida is considered a principal nesting area for green sea turtles. Conservative estimates from 1990 through 1999 range from 470 to 1,509 nesting females per year in Florida (NMFS 2002). Since historical data on green sea turtles are sparse, it is unclear how much the nesting population has reduced. Estimates indicate that the species might be recovering. Green sea turtles rarely nest in the GOM, but nesting has been reported at Eglin Air Force Base, on the Florida Panhandle (MMS 1999). On average, individual females nest every 2 to 4 years, laying an average of 3.3 nests per season, at approximately 13-day intervals. Average clutch size is approximately 140 eggs (USFWS 2002c).

Green sea turtles are known to make extensive migrations between nesting and feeding habitats (NMFS 2002). Hatchling green sea turtles eat a variety of plants and animals (USFWS 2002c)

and forage in areas such as coral reefs, emergent rocky bottom, Sargassum mats, and lagoons and bays (MMS 2001). Feeding grounds in the GOM include inshore south Texas waters; the upper west coast of Florida; and the northwestern coast of the Yucatán Peninsula, Mexico.

Green sea turtles occur in small numbers over seagrass beds along the south Texas coast and the Florida GOM coast. However, reports of nesting along the GOM coast are infrequent and the closest important nesting aggregations are along the east coast of Florida and the Yucatán Peninsula (NMFS and USFWS 1991b). The GulfCet I and GulfCet II surveys did not identify any green sea turtles, although there were some sightings of unidentified sea turtles (MMS 1996, MMS and USGS 2000). Critical habitat is designated for the green sea turtle in the waters off Culebra Island, Puerto Rico (50 CFR 226.208).

Fish

Commercial and recreational fisheries resources in the GOM are managed by the states within the Gulf of Mexico States Marine Fisheries Commission (GSMFC) and federally by the Gulf of Mexico Fishery Management Council (GMFMC) and NOAA Fisheries. EFH has been designated for 11 species within the ROI. While the Gulf Council did not designate Habitat Areas of Particular Concern (HAPC) for individual species, they identified several HAPC to benefit all species under Gulf Council jurisdiction. Table 3-1 lists the species and their life stage(s) that are protected as part of the EFH within the ROI.

Coastal areas are essential breeding, nursery, and feeding areas for many marine fish and shellfish. Pursuant to the MSA, Federal agencies must consult with fishery managers concerning actions (including the issuance of permits for private activities) that might adversely impact EFH.

The Gulf sturgeon (*Acipenser oxyrinchus desotoi*) is listed as a threatened species and can occur in the ROI. The USFWS and GSMFC have developed a recovery plan to ensure the preservation and protection of Gulf sturgeon spawning habitat (MMS 2002a). Overfishing and habitat degradation have led to the decline of the Gulf sturgeon. Habitat degradation includes damming of coastal rivers and the degradation of water quality. Gulf sturgeons occur in the eastern portion of the GOM.

The smalltooth sawfish (*Prestis pictinata*) is listed as an endangered species and can occur in the ROI. Sawfish species inhabit shallow coastal waters of tropical seas and estuaries throughout the world. They are usually found in shallow waters very close to shore over muddy and sandy

Table 3-1. Fish and Invertebrate Species with EFH in the ROI

Common Name	Species	Protected Life Stage			
		Eggs	Larvae	Juveniles	Adults
Brown shrimp	*Penaeus aztecus*	--	X	X	--
White shrimp	*Penaeus setiferus*	--	X	X	--
Pink shrimp	*Panaeus duorarum*	--	X	X	--
Cobia	*Rachycentron canadum*	--	X	--	X
Bluefish	*Pomatomus saltatrix*	--	X	X	X
Gray snapper	*Lutjanus griseus*	--	X	X	X
Gulf stone crab	*Menippe adina*	--	--	X	X
Lane snapper	*Lutjanus synagris*	--	X	X	--
Red drum	*Sciaenops ocellatus*	--	X	X	X
Spanish mackerel	*Scomberomorus maculatus*	--	X	--	X
Spiny lobster	*Panulirus argus*	--	X	X	X

Source: GMFMC 1998

bottoms. They are often found in sheltered bays, on shallow banks, and in estuaries or river mouths. Certain species of sawfish are known to ascend inland in large river systems, and are among the few elasmobranchs known to inhabit freshwater systems in many parts of the world (NOAA Fisheries 2003).

Smalltooth sawfish has been reported in both the Pacific and Atlantic Oceans, but the U.S. population is found only in the Atlantic. Historically, the U.S. population was common throughout the GOM from Texas to Florida, and along the east coast from Florida to Cape Hatteras. The current range of this species has been reduced to peninsular Florida, and smalltooth sawfish are relatively common only in the Everglades region at the southern tip of the state. No accurate estimates of abundance trends over time are available for this species. However, available records, including museum records and anecdotal fisher observations, indicate that this species was once common throughout its historic range and that smalltooth sawfish have declined dramatically in U.S. waters over the last century (NOAA Fisheries 2003).

Two species of concern that might occur in the ROI are the sand tiger shark (*Odantaspis taurus*) and the saltmarsh topminnow (*Fundulus jenkensi*).

Coastal and Other Birds

More than 400 species of birds are known to occur in Louisiana, most of them in the coastal region. Coastal Louisiana provides habitat for numerous species of waterfowl, colonial-nesting

birds, and other resident and migratory birds. Important nonwaterfowl game species include American coot, clapper rail, king rail, sora, common moorhen, purple gallinule, American woodcock, and common snipe. Hundreds of non-game species inhabit the coastal marshes, including the wood stork; American white pelican; pied-billed grebe; magnificent frigatebird; black-necked stilt; American avocet, killdeer; black-bellied plover; willet; and various sandpipers, gulls, and terns. The coastal marshes are also of primary importance to large numbers of waterfowl, especially in winter (USGS 1995).

The threatened and endangered birds that occur in the central and western GOM and inhabit or frequent coastal areas and waters of the inner continental shelf include the bald eagle (*Haliaeetus leucocephalus*), brown pelican (*Pelicanus occidentalis*), and piping plover (*Charadrius melodus*). These species have the potential to occur in the ROI.

Bald Eagle. The bald eagle is listed as threatened. It is a terrestrial raptor that is widely distributed across the southern United States, including coastal habitats along the GOM (USCG and MARAD 2003). Bald eagles nest in Louisiana from October through mid-May. Eagles typically nest in bald cypress trees near fresh to intermediate marshes or open water in the southeastern parishes (Firmin 2003). Areas with high numbers of nests include the Lake Verret Basin south to Houma, the southern marsh ridge from Houma to Bayou Vista, the north shore of Lake Pontchartrain, and the Lake Salvador area. One hundred twenty bald eagle nests have been found in Louisiana; only three nests within 8 km (5 mi) of the coast (MMS 2002a).

Major threats to this species include habitat alteration, human disturbance, and environmental contaminants (*i.e.*, organochlorine pesticides and lead [Pb]) (Firmin 2003). Human activity near a nest late in the nesting cycle could also cause flightless birds to jump from the nest tree, decreasing their chance for survival. Populations of southern bald eagles have increased in recent years as a result of the ban of dichlorodiphenyltrichloroethane (DDT) pesticide and the efforts of intense recovery programs; however, it is still listed as threatened (MMS 2002a).

Brown Pelican. The brown pelican (*Pelicanus occidentalis*) is listed as endangered in Mississippi, Louisiana, and Texas. It is one of two pelican species in North America. Associated primarily with coastal waters, brown pelicans are currently known to nest on Raccoon Point on Isles Dernieres, Queen Bess Island, Plover Island (Baptiste Collette), Wine Island, Rabbit Island (Calcasieu Lake), and islands in the Chandeleur chain. Pelicans change nesting sites as their habitats change. Thus, pelicans might also be found nesting on mud lumps at the mouth of South

Pass (Mississippi River Delta) and on small islands in St. Bernard Parish. In winter, spring, and summer, nests are built in mangrove trees or other shrubby vegetation, although occasional ground nesting might occur (Firmin 2003).

Brown pelicans feed in shallow estuarine waters, using sand spits and offshore sand bars as rest and roost areas along coastal Louisiana. They are known to forage as far as 32 km (20 mi) off the shore of the Louisiana Gulf Coast, and it is possible that they could range slightly farther than 32 km (20 mi) offshore if they become lost or disoriented (Firmin 2003).

Major threats to this species include chemical pollutants, colony site erosion, disease, and human disturbance (Firmin 2003). Following the ban of DDT, this species has successfully recolonized much of its former range and has been delisted from its endangered status for most of its range; however, it is still listed as endangered in Louisiana (USFWS 1995).

Piping Plover. The piping plover (*Charadrius melodus*) is listed as endangered. The piping plover and its designated critical habitat occur along the GOM shoreline. Piping plovers winter in Louisiana, and are generally present for 8 to 10 months; they arrive from the breeding grounds as early as late July and remain until late March or April. Piping plovers feed extensively on intertidal beaches, mud flats, sand flats, algal flats, and wash-over passes with no or very sparse emergent vegetation; they also require unvegetated or sparsely vegetated areas for roosting. Roosting areas have debris, detritus, or microtopographic relief offering refuge to piping plovers from high winds and cold weather. In most areas, wintering piping plovers are dependant on a mosaic of sites distributed throughout the landscape, as the suitability of a particular site for foraging or roosting is dependent on local weather and tidal conditions. Piping plovers move among nesting sites as environmental conditions change (Firmin 2003).

Designated piping plover critical habitat includes those specific areas that are essential to the conservation of that species. The primary constituent elements for piping plover wintering habitat are those that support foraging, roosting, and sheltering, and have the physical features necessary for maintaining the natural processes that support those habitat components. Constituent elements are found in geologically dynamic coastal areas that contain intertidal beaches and flats between annual low tide and annual high tide, and associated dune systems and flats above annual high tide. Important components (or primary constituent elements) of intertidal flats include sand flats or mud flats with no or very sparse emergent vegetation. Adjacent unvegetated or sparsely vegetated sand, mud, or algal flats above high tide are also

important, especially for roosting plovers. Major threats to this species include the loss and degradation of habitat due to development, disturbance by humans and pets, and predation (Firmin 2003).

3.3 Air Quality and Climate

3.3.1 Definition of the Resource

The air quality in a given region is measured by the concentration of various pollutants in the atmosphere. The Clean Air Act (CAA) National Ambient Air Quality Standards (NAAQS) have been established by the USEPA for six criteria pollutants: ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter less than 10 microns (PM_{10}), and lead (Pb). The measurements of these "criteria pollutants" are expressed in units of parts per million (ppm) or in units of micrograms per cubic meter ($\mu g/m^3$). The CAA directed USEPA to develop, implement, and enforce strong environmental regulations that would ensure cleaner and healthier ambient air quality. To protect public health and welfare, USEPA developed numerical concentration-based primary and secondary standards for these criteria pollutants. NAAQS represent maximum levels of background pollution that are considered safe, with an adequate margin of safety to protect public health and welfare. O_3 is not emitted directly from stationary, mobile, or area pollution sources. Rather, it is a product of photochemically reactive compounds such as nitrogen oxides (NO_x) and volatile organic compounds (VOCs). These compounds are inventoried and quantified as precursors of O_3. Air quality in a region is a result of not only the types and quantities of atmospheric pollutants and pollutant sources in an area, but also surface topography, the size of the air basin, and the prevailing meteorological conditions.

Federal regulations (40 CFR Part 81) have defined Air Quality Control Regions (AQCRs), or airsheds, for the entire United States. AQCRs are based on population and topographic criteria for groups of counties within a state, or counties from multiple states that share a common geographical or pollutant concentration characteristic.

CAA Section 176 I (1) prohibits Federal agencies from undertaking projects that do not conform to USEPA-approved State Implementation Plan (SIP) in nonattainment areas. In 1993, the USEPA developed the General Conformity Rule, which specifies how Federal agencies must determine CAA conformity for sources of nonattainment pollutants in designated nonattainment and maintenance areas. A maintenance area is one that has met Federal air quality standards, thus removing it from nonattainment status. This rule and all subsequent amendments can be found in

40 CFR 51 Subpart W and 40 CFR 93 Subpart B. Through the Conformity Determination process specified in the final rule, any Federal agency must analyze increases in pollutant emissions directly or indirectly attributable to a proposed action. In addition, they might need to complete a formal evaluation that could include modeling for NAAQS impacts, obtaining a commitment from the state regulatory agency to modify the SIP to account for emissions from a proposed action, and/or provision for mitigation for any significant increases in nonattainment pollutants. SIPs are the regulations and other materials for meeting CAA standards and requirements. The homeports for the New Orleans MSST are within Orleans and Jefferson Parishes, which are within the Southern Louisiana-Southeast Texas (SL-ST) Interstate AQCR. The SL-ST Interstate AQCR has been designated as a maintenance area for O_3. In addition, the SL-ST Interstate AQCR is designated as an unclassifiable/attainment area for all other criteria pollutants. Therefore, the General Conformity Rule applies and a conformity analysis is required.

3.3.2 Affected Environment

Air Quality

The Louisiana Department of Environmental Quality (LDEQ) has primary jurisdiction over air quality in the state of Louisiana. Table 3-2 presents the current air emissions inventory data for SL-ST Interstate AQCR. Table 3-3 presents the primary and secondary NAAQS.

Climate

The New Orleans MSST area is in a humid, subtropical climate, where summers are long and hot and winters are short and mild. The average yearly high temperature is 82.7 degrees Fahrenheit (°F) and the average low is 52.6 °F. Annual precipitation for New Orleans is approximately 64.16 inches with precipitation occurring evenly throughout the year. Table 3-4 presents the average monthly temperature and precipitation data for New Orleans.

Table 3-2. Current AQCR Annual Emissions Inventory Data for SL-ST Interstate AQCR

	NO_x (tpy)	VOC (tpy)	CO (tpy)	SO_2 (tpy)	PM_{10} (tpy)
Area Sources	419,306	267,343	1,638,944	90,563	242,590
Point Sources	349,373	102,770	299,314	304,020	65,628
Total Emissions Inventory (tpy)	768,679	370,113	1,938,944	394,583	308,218

Source: USEPA 1999
Note: tpy - tons per year

Table 3-3. National Ambient Air Quality Standards

Pollutant	Standard Value		Standard Type
Carbon Monoxide (CO)			
8-hour Average	9 ppm [a]	(10 mg/m^3) [b, c]	Primary and Secondary
1-hour Average	35 ppm	(40 mg/m^3) [c]	Primary
Nitrogen Dioxide (NO_2)			
Annual Arithmetic Mean	0.053 ppm	(100 µg/m^3) [b, d]	Primary and Secondary
Ozone (O_3)			
1-hour Average	0.12 ppm	(235 µg/m^3) [d]	Primary and Secondary
8-hour Average	0.08 ppm	(157 µg/m^3) [d]	Primary and Secondary
Lead (Pb)			
Quarterly Average		1.5 µg/m^3 [d]	Primary and Secondary
Particulate ≤ 10 microns (PM_{10})			
Annual Arithmetic Mean		50 µg/m^3 [d]	Primary and Secondary
24-hour Average		150 µg/m^3 [d]	Primary and Secondary
Sulfur Dioxide (SO_2)			
Annual Arithmetic Mean	0.03 ppm	(80 µg/m^3) [d]	Primary
24-hour Average	0.14 ppm	(365 µg/m^3) [d]	Primary
3-hour Average	0.50 ppm	(1300 µg/m^3) [d]	Secondary

Notes: [a] ppm – parts per million
[b] Parenthetical value is an approximately equivalent concentration.
[c] mg/m^3– milligrams per cubic meter
[d] µg/m^3– micrograms per cubic meter

Table 3-4. Local Climate Summary for New Orleans, Louisiana

Month	Mean Temperature (°F)	Median Precipitation (Inches)
January	52.6	5.87
February	55.7	5.47
March	62.4	5.24
April	68.2	5.02
May	75.6	4.62
June	80.7	6.83
July	82.7	6.20
August	82.5	6.15
September	78.9	5.55
October	70.0	3.05
November	61.4	5.09
December	55.1	5.07
Annual	68.8	64.16

Source: NOAA 2004

Notes: Temperature and precipitation data obtained from average of 1971 to 2000, and are from the New Orleans International Airport.

3.4 Noise

3.4.1 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" to 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, the properties of noise in air and water, and describes the existing noise in the ROI (ambient noise level). To understand the impact of noise on humans and marine animals 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 decibels (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 might vary considerably over the course of the day and throughout the week, due in part to changing weather conditions.

Airborne Noise

To evaluate the total community noise environment (above-water noise), two measurements are used by some Federal agencies to relate the time-varying quality of environmental noise to its known effect on people, the 24-hour equivalent sound level (Leq(24)) and the day-night average sound level (DNL). The Leq(24) is the level of steady sound with the same total (equivalent) energy as the time-varying sound of interest, averaged over a 24-hour period. DNL is the average acoustical energy during a 24-hour period with a 10-dB penalty added to nighttime levels (*i.e.*,

hours between 10 p.m. and 7 a.m.) to account for people's greater sensitivity to sound during nighttime hours. When measuring sound to determine its effects on the human population, A-weighted sound levels (dBA) are typically used to account for the response of the human ear. A-weighted sound levels represent adjusted sound levels. The adjustments are made according to the frequency content of the sound. Another sound scale is the C-weighted scale (dBC). In contrast to the A-weighted scale, the C-weighted scale provides no adjustment to the noise signal over most of the audible frequency range. The C-weighted scale is generally used to measure impulsive noise such as airblasts from explosions, sonic booms, and gunfire.

Waterborne Noise

Waterborne (underwater) sound measurements are different from airborne sound measurements. 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 micro-Pascal (μPa) at 1 meter (1μPa-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 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 seawater, 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 Noise and Standard Operating Procedures

USCG NEPA Implementing Procedures (COMDTINST M16475.1-D) require a discussion of the existing conditions in the surrounding communities, including noise regulations. USEPA, DOD, and other Federal agencies having nonoccupational noise regulations use the DNL as their principal noise descriptor for community assessments (Cowan 1994).

The USCG Safety and Environmental Health Manual (COMDTINST M5100.47) establishes requirements for noise, which include compliance with local noise ordinances and the identification and assessment of hazardous noise sources. USCG defines a hazardous noise as continuous sound levels exceeding 84 dBA or impact noises exceeding 140 dBA. Noise produced by USCG watercraft or by other USCG facility activities should comply with USCG, state, and local noise guidelines. Using the Society of Automotive Engineers (SAE) J34 method, USCG recommends 86 dBA as the maximum noise level that watercraft may generate while operating at full speed at a distance of 50 feet from a receiver (PWIA 2002).

Most states and territories have developed land use plans and regulations that incorporate noise thresholds and standards in accordance with the Federal Noise Control Act of 1972 (42 U.S.C. 4901, 4918). According to the USCG's *Reference Guide to State Boating Laws, 6th edition*, 2000, the State of Louisiana has established operational noise regulations for watercraft, which requires boat noise to be adequately muffled. USEPA has determined DNL 75 dB at 50 ft as an acceptable noise level to protect public health and welfare (PWIA 2002). For analysis purposes of this EA, the USEPA standard will be used.

The USCG also cooperates with local governments or host agencies to ensure that the facilities comply with local noise standards and land use regulations. The City of New Orleans has a general noise ordinance that prohibits any noise disturbance or noise in excess of approved levels (within residential areas). Another consideration for these sensitive areas is the density and zoning of the areas and the time of day the event occurs.

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 different frequency-weighting metrics have been developed using different

dB adjustment values. The most commonly used decibel-weighting schemes are the A-weighted and C-weighted scales, as described above.

Most people are exposed to sound levels of DNL 50 to 55 dB or higher on a daily basis. Studies specifically conducted to determine noise impacts on various human activities show that about 90 percent of the population is not significantly bothered by outdoor sound levels below DNL 65 dB (USDOT 1980). Studies of community annoyance in response to numerous types of environmental noise show that DNL correlates well with impact assessments and that there is a consistent relationship between DNL and the level of annoyance. The methodology employing DNL and annoyance level has been successfully used throughout the United States in a variety of settings, ranging from urban to rural.

Marine Animals' Response to Noise

Increasing attention is being paid to the impacts of anthropogenic (human-generated) noise sources on marine animals, 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 animals. Information on species response to noise is presented in Section 4.2.2 of this EA.

3.4.2 Affected Environment

Airborne Noise

The NSA-EB and COMMSTA are located adjacent to compatible use areas. Airborne ambient sound levels are not available for the ROI. The City of New Orleans regulates noise in the Code of Ordinances. Section 66-201 mandates use of the A-weighted system based on American National Standards Institute (ANSI) standards. Section 145-1474 requires the use of a muffler on all motor-driven vehicles, and Section 66-202 establishes the maximum noise level limits by receiving land use (see Table 3-5).

In addition, Jefferson Parish has several noise regulations in the Code of Ordinances. Chapter 36 Article X Section 36-304 states, "the exhaust of internal combustion engine used on any air boat shall be muffled in such a manner that the noise levels generated by said engine do not exceed levels prohibited by Section 20-102." The ordinance also generally prohibits excessive noise. It further states that no person shall make, continue, or cause to be made or continued any loud unnecessary or excessive noise, which unreasonably interferes with the comfort and repose of

others within the jurisdiction of the parish. Furthermore, maximum permissible sound limits are established. Noise limits are established according to the receiving land use category (see Table 3-6).

Airborne ambient sound levels vary based upon the setting in which they are measured. For example, in a wilderness setting, ambient sound levels range from DNL 20 to 30 dB; in residential areas, they range between DNL 30 to 50 dB; and in urban residential areas, they range between DNL 60 to 70 dB (FICON 1992). When sound levels are DNL 55 dB or less in outdoor areas, where the absence of noise is important for functional land use, there is no reason to suspect that the general population would be at risk from any of the identified effects of noise (*i.e.*, activity interference or annoyance) (USEPA 1978).

Table 3-5. Sound Level Limits in the City of New Orleans

Receiving Land Use Category	Time	Sound Level Limit	
		L_{10} dBA[a]	L_{max} dBA[b]
Resident, public space	7:00 AM to 10:00 PM	60 dBA	70 dBA
	10:00 PM to 7:00 AM	55 dBA	60 dBA
Two-family or multiple-family dwelling (intra dwelling)	7:00 AM to 10:00 PM	50 dBA	60 dBA
	10:00 PM to 7:00 AM	45 dBA	55 dBA
Business and commercial	7:00 AM to 10:00 PM	65 dBA	75 dBA
	10:00 PM to 7:00 AM	60 dBA	65 dBA
Industrial	All times	75 dBA	85 dBA

Source: City of New Orleans 2004

Notes: [a] L_{10} is the A-weighted sound pressure level which is exceeded 10 percent of the time in any measurement period.

[b] L_{max} is the maximum sound level that should not be exceeded.

Table 3-6. Sound Level Limits in Jefferson Parish

Receiving Land Use Category	Time	Sound Level Limit
Residential, noise-sensitive area, and public space	7:00 AM to 9:59 PM	60 dBA
	10:00 PM to 6:59 AM	55 dBA
Multi-family dwelling	7:00 AM to 9:59 PM	50 dBA
	10:00 PM to 6:59 AM	45 dBA
Commercial and convention	7:00 AM to 9:59 PM	65 dBA
	10:00 PM to 6:59 AM	60 dBA
Industrial	All times	75 dBA

Source: Jefferson Parish 2004

Waterborne Noise

Anthropogenic noise sources in ROI include shipping, recreational boating, dredging, shoreline construction (bulkheads, revetments, and docks, and pile-driving), urban and industrial development, helicopters, and sonars. Noise generated from these activities can be generated through water or air, and may 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 3-7. Helicopters generate sounds with frequencies generally below 0.5 kHz (USCG and MARAD 2003). The sounds are usually transient.

Ships and boats are a prominent source of waterborne noise in the GOM because of the relatively large numbers (*e.g.*, approximately 315,000 service vessel trips and 1.7 million helicopter trips per year) and Gulf-wide distribution of vessels (MMS 2002a). The Port of New Orleans is also one of the largest cargo ports in the U.S., which can accommodate 2,000 vessels a year. It is estimated 6,000 ocean vessels move on the Mississippi River through the Port of New Orleans each year (PONO 2003). Underwater noise generated by industry is variable and largely unquantifiable.

Table 3-7. Underwater Sound Pressure Levels for Various Vessels

Vessel (length) and Description	Frequency	Source Level (dB re 1µPa-meter)
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	1000,1/3 octave	125–135 (at 50 meters)
Freighter - 443 feet	41, 1/3 octave	172

Source: Richardson, et al. 1995

Note: USCG cutters range from 110 to 387 feet. These underwater sound pressure levels cannot be directly compared to airborne decibel levels.

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, as the USCG is the prominent overseer of the safety of the MTS. Major members of the U.S. maritime transportation system 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 (DOT 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

The MSST would be located at NSA-EB and COMMSTA in New Orleans. The ROI for the Proposed Action and the No Action Alternative is the Port of New Orleans region defined geographically as the Port of New Orleans to 20 mi from shore, Lake Pontchartrain, and the lower Mississippi River to a point north of Baton Rouge (see Section 3.1.2 and Figure 1-2).

The Port of New Orleans, ideally located at the mouth of Mississippi River, is America's gateway to the global market. New Orleans has been a center for international trade since 1718 when it was founded by the French. Today, the Port of New Orleans is at the center of the world's busiest port complex—Louisiana's Lower Mississippi River. Its proximity to the American Midwest via a 14,500-mi inland waterway system makes New Orleans the port of choice for the movement of cargo such as steel, grain, containers, and manufactured goods. The Port of New Orleans is the only port in the United States served by six class one railroads. This gives port

users direct and economical rail service to or from anywhere in the country. New Orleans is one of America's leading general cargo ports. A productive and efficient private maritime industry has helped produce impressive results, including the top market share in the United States for import steel, natural rubber, plywood, and coffee. In the past 10 years, the Port of New Orleans has invested more than $400 million in new state-of-the-art facilities. Improved breakbulk and container terminals feature new multipurpose cranes, expanded marshalling yards, and a new roadway to handle truck traffic (PONO 2003).

The Port of New Orleans is a diverse general cargo port, handling containerized cargo such as apparel, food products, and consumer merchandise. The Port's general cargo volume has averaged 11.2 million tons (1998–2002), with a record 14.1 million tons in 1998. Maritime activity within the Port of New Orleans is responsible for more than 107,000 jobs, $2 billion in earnings, $13 billion in spending, and $231 million in taxes statewide (PONO 2003).

In addition, the Port of New Orleans services a thriving cruise industry. More than 700,000 passengers sail through the Port of New Orleans each year. Carnival and Royal Caribbean cruise lines sail weekly to destinations in the Caribbean and Mexico. The Delta Queen Steamboat Company offers excursions along the nation's inland river system. RiverBarge Excursions' hotel-on-barge River Explorer features a New Orleans to Memphis itinerary (PONO 2003).

The MSST would be temporarily located in Building 602 at NSA-EB, within the NSA-NO complex. The NSA-NO is home to nearly 3,900 active-duty and 2,700 civilian personnel, and spreads over both banks of the Mississippi River. The base is home to Commander, Naval Reserve Force; Commander, Naval Air Reserve Force; Commander, Naval Surface Reserve Force; Marine Forces Reserve; the 4th Marine Aircraft Wing; and the 4th Marine Division. Established in the early 1900s but inactive for long periods, the facility was reborn in 1939. Between 1944 and 1966, the base progressed from a U.S. Naval Station to the Headquarters, Support Activity, New Orleans. In 1966, the Army, which owned the property on the river's east bank, transferred ownership to the Navy, thus establishing NSA-NO.

4. Environmental Consequences

4.1 Introduction

This chapter presents the potential environmental impacts of the Proposed Action and the No Action Alternative.

As described in Section 2.1, the Proposed Action is the stand-up and operation of the New Orleans MSST. Currently, vessels and manpower are being diverted from other missions in order to provide the additional security for the nation's ports, including the Port of New Orleans. The No Action Alternative fails to meet the purpose and need of the USCG mission. Under the No Action Alternative, disruption to other missions would continue to result in further demand on manpower and current assets. This scenario of vessels and manpower at maximum capacity would possibly make it easier for a terrorist attack to occur. The result might be a potential for adverse environmental impacts. Terrorists could strike at military or commercial facilities in these ports, creating health and safety hazards for the surrounding populace, 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 impact the long-term economy). Recovery time would depend on the severity and extent of the loss.

Potential impacts are addressed in the context of the scope of the Proposed Action as described in Section 2.1, and in consideration of the potentially affected environment as characterized in Section 3.0.

4.2 Biological Resources

4.2.1 Significance Criteria

This section evaluates the potential impacts on biological resources under the Proposed Action and the No Action Alternative. The significance of impact on biological resources is based on the following four factors:

- Importance (*i.e.*, legal, commercial, recreational, ecological, or scientific) of the resource
- Proportion of the resource that would be affected relative to its occurrence in the region
- Sensitivity of the resource to proposed activities
- Duration of ecological ramifications

Impacts on biological resources are significant if species or habitats of high concern are adversely affected over relatively large areas. Impacts are also considered significant if disturbances cause reductions in population size or distribution of a species of importance. Threatened or endangered species, if present, will be discussed under each biological resource area.

There is no scientific consensus regarding absolute thresholds for significance regarding noise (MMS 2000a). 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 MSST activities resulted in any of the following outcomes:

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

Wetlands, Floodplains, Seagrass

The significance of impacts on wetland resources is proportional to the functions and values of the wetland complex. Wetlands function as habitat for plant and wildlife populations, including threatened and endangered species that depend on wetlands for their survival. Wetlands are valuable to the public for flood mitigation, storm water runoff abatement, aquifer recharge, water quality improvement, and aesthetics. Quantification of wetlands functions and values, therefore, is based on the ecological quality of the site as compared with similar sites, and the comparison of the economic value of the habitat with the economic value of the proposed activity that would modify it. A significant adverse impact on wetlands would occur should either the major function or the value of the wetland be significantly altered.

Significance criteria for impacts on floodplains is based on EO 11988 and the protection of public health and safety. Impacts on floodplains would be significant if the Proposed Action involved

major construction in a floodplain that would substantially damage floodplain resources or would risk public health and safety due to flooding.

Significance criteria for impacts on seagrass are based on the temporary or permanent loss of seagrass and the impact on species that seagrass in the ROI supports.

Marine Mammals

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

- Temporary or permanent loss of any habitat.
- Direct loss (take) of a substantial number of a specific species that would affect the species' ability to survive.
- Level A Harassment, defined in the MMPA as pursuit, torment, or annoyance that has the potential to injure.
- Permanent loss of breeding areas and habitat.
- Substantial interference with movement of any resident species.

Marine mammal hearing varies among species; however, as a group, marine mammal hearing ranges from 0.01 – 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). Models indicate that baleen whales (mysticetes) have lower frequency hearing and cannot hear frequencies above 20-30 kHz (NRC 2003). It is predicted that blue, fin, and bowhead whales are predicted to hear best in the range of 0.01 to 0.015 kHZ and Bryde's whales vocalize using frequencies ranging from 0.07-0.245 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. General consensus is that 180 dB re 1 μPa is the threshold above which some potentially serious problems in marine mammals' hearing capability could occur (USN 2002). The Navy concluded that a sound in the 0.1 to 0.5 kHz frequency band could cause serious problems in marine mammal's 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

Sea Turtles

Impacts on sea turtles would be significant if the stand-up and operation of the MSST resulted in any of the following outcomes:

- Temporary or permanent loss of critical habitat.
- Direct loss (take) of a substantial number of a specific species that would affect the species' ability to survive.
- Permanent loss of breeding and nesting areas and habitat.
- Substantial interference with movement of any species.

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 indicates 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

Fisheries impacts could result primarily from impacts on fish habitat changes to fish populations. Impacts on fisheries would be significant if stand-up and operation of the MSST resulted in any of the following outcomes:

- Overfishing resulting in the species' inability to survive.
- Permanent loss of breeding areas, EFH and/or HAPC.
- Substantial interference with movement of any resident species or migration of anadromous species (i.e., species that migrate from saltwater to freshwater).

Generally, fish hearing ranges from 0.5 to 1 kHz, although some fish can hear frequencies as high as 200 kHz.

Coastal and Other Birds

Impacts on coastal and other birds from MSST operations would not be significant.

4.2.2 Potential Impacts

Under the Proposed Action, minor adverse impacts on protected and sensitive habitats, wetlands and floodplains, marine mammals, sea turtles, EFH, fisheries, and threatened and endangered species and their critical habitat would be expected. This assessment is based on the proposed stationing and operation of an MSST in the New Orleans ROI.

Protected and Sensitive Habitats

Proposed Action. No significant adverse impacts on protected and sensitive habitats would occur as a result of the Proposed Action. Proposed construction would be short-term and would consist only of interior renovations to two buildings. The public boat ramp on Lake Ponchertrain is not within protected or sensitive habitats. The proposed onshore construction would not occur in protected and sensitive habitats.

The RB-Ss are similar to other boats in the highly trafficked areas which they patrol. The RB-Ss are also designed to be highly maneuverable. While the purpose of the MSST is not to provide marine resource protection, laws relating to protected and sensitive habitats, including the Marine Protection, Research, and Sanctuaries Act; the MSA; the Oil Pollution Act; the ESA, and USCG programs, Ocean Steward and Ocean Guardian, would continue to be enforced.

Based on the purpose of and projected operations of the MSST, normal patrol operations would not disturb these areas. An exception to normal operations would be in the case of an unusual occurrence, such as when pursuing a threat. Under a normal operational scenario, the Proposed Action has no potential to significantly impact sensitive habitats.

No Action Alternative. Under the No Action Alternative, existing conditions would remain as is, and the MSST would not be stood up. The USCG would maintain the current level of protection, which has been determined to be insufficient. Increased demand on vessels and manpower and disruption to other missions would continue. Also 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 would possibly make it easier for an attack to occur. Significant adverse impacts would be expected should this alternative be selected due to the increased risk of a terrorist attack and the potential for significant adverse effects to protected and sensitive habitats. Recovery would depend on the extent and type of damage.

Wetlands, Floodplains, and Seagrass

Proposed Action. No significant adverse impacts on wetlands, floodplains, or seagrass would be expected as a result of the Proposed Action. Onshore construction associated with the Proposed Action would be short-term and would consist of interior renovations to two buildings. The proposed onshore construction would not occur in wetlands and would not affect seagrass. However, the proposed temporary and permanent homeports are within 100-year and 500-year floodplains. Because New Orleans is located entirely within a floodplain and the Proposed Action includes only interior renovations to existing facilities the Proposed Action would not stimulate further development in a floodplain and is consistent with EO 11988. The 8-step process for compliance with EO 11988 was conducted in conjunction with the USCG's public involvement process for this EA (see Section 1.5). The USCG will issue its findings and a public explanation pursuant to the EO in conjunction with the Decision Record for this EA.

The RB-Ss are similar to other boats in the highly trafficked areas which they patrol. Wetlands would not be used during MSST operations, due to the shallow water depth in these areas. Operations in proximity to estuarine wetland areas would be conducted at low speeds due to the shallow nature of the water and the high likelihood of submerged obstacles.

No Action Alternative. Under the No Action Alternative, existing conditions would remain as is and the MSST would not be stood up. The USCG would maintain the current level of protection, which has been determined to be insufficient. Increased demand on vessels and manpower and disruption to other missions would continue. 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 would possibly make it easier for an attack to occur. Significant adverse impacts would be expected should this alternative be selected, due to the increased risk and potential of a terrorist attack, with the potential for loss of wetlands and their unique ecosystems. Recovery would depend on the extent of loss.

Marine Mammals

Proposed Action. Although the threatened manatee and three species of nonendangered or nonthreatened marine mammals might use the Port of New Orleans, no significant adverse impacts on marine mammals are expected to occur as a result of the Proposed Action. Proposed construction would be short-term and would consist only of interior renovations to two buildings, and therefore would have no impact on marine mammals.

The USCG has protocols in place for protecting the right whale, other marine mammals, and sea turtles and avoiding ship strikes. These strategies allow for generally protecting and conserving marine animals and their habitats, including protocols and collaborations with various Federal and state agencies to implement major actions (USCG 2003). The USCG's current COMDTINSTs, regulations, and procedures to avoid marine mammals would continue under the Proposed Action. While the purpose of the MSST is not to provide marine resource protection and law enforcement, the MSST would continue to comply with all federal and state environmental laws and USCG protocols, including Ocean Steward.

The RB-Ss are similar to other boats in the highly trafficked areas which they patrol. The RB-S are designed to be highly maneuverable, which would assist them in avoiding collisions with marine mammals. To guard against any adverse impacts of the RB-S operation on marine mammals, the USCG would continue to adhere to the protective measures in place including the policies and goals stated in the Ocean Steward, COMDTINST 16475.7 Protected Living Marine Resources Program, and COMDTINST 16004.3A USCG Participation in the Marine Sanctuaries Program (Appendix D). Because of the USCG marine mammal policies, the small number and size of vessels, the boats' high level of maneuverability, and their low level of speed during normal operations. Minor adverse impacts on marine mammals would be expected from the addition of the RB-Ss and their operations.

The six new RB-Ss would be a negligible addition to the large number of commercial and recreational vessels that utilize the Port of New Orleans on a daily basis. It is likely that only two to four RB-Ss would be utilized under normal operations. Even though the RB-Ss are capable of 40 knots, this speed would not be used on a continuous basis and would usually be reserved for emergency security operations which necessitate high speed. Normal transit speeds would be in the range of 10 to 15 knots. Additionally, the RB-Ss would be highly maneuverable. This maneuverability is a necessity for carrying out the MSST homeland security mission.

The operation of the IAS would not result in significant adverse impacts on marine mammals. Animals will only respond to noise if they can hear it. Responses 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). Short-term responses of marine mammals to audible sound could range from swimming away from the source; changes in surfacing, breathing, and diving patterns; changes in group composition; changes in vocalization; or changes

in behaviors such as breeding, feeding, sheltering, or nursing. Long-term responses could include abandonment of a portion of a habitat or tolerance to a noise. A general increase in ambient noise could reduce an animal's ability to hear important sounds, such as communication and the sound of prey. Additional indirect effects of ocean noise could result from changes in the distribution of prey. Noise might also cause direct acoustic trauma. For example, mid-frequency (1-10 kHz) sonar have been implicated as the cause of mass strandings of beached whales. Pursuant to Section 7 of the ESA, USCG initiated informal consultation with NOAA Fisheries, Protected Resources Division and USFWS on June 25, 2004. All correspondence relating to the Section 7, ESA consultation is presented in Appendices A and C.

No Action Alternative. Under the No Action Alternative, existing conditions would remain as is and the MSST would not be stood up. The USCG would maintain the current level of protection, which has been determined to be insufficient. Increased demand on vessels and manpower and disruption to other missions would continue. 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 would possibly make it easier for an attack to occur. Significant adverse impacts would be expected should this alternative be selected, due to the increased risk of a terrorist attack and the potential for significant adverse impacts on marine mammals that such an attack could cause. Recovery would depend on the extent of loss.

Sea Turtles

Proposed Action. Although all five species of sea turtles that occur in the GOM have the potential to occur in the ROI, no significant adverse impacts on sea turtles are expected to occur as a result of the Proposed Action. Proposed construction would be short-term and would consist only of interior renovations to two buildings. Proposed construction would not directly or indirectly alter sea turtle nesting habitat or impact nesting sea turtles.

The RB-Ss are similar to other boats in the highly trafficked areas which they patrol. The RB-Ss are designed to be highly maneuverable which would assist them in avoiding collisions with protected sea turtles. To guard against any adverse impacts of the RB-S operation on protected species, the USCG would continue to adhere to the protective measures in place, including the policies and goals stated in the Ocean Steward, COMDTINST 16475.7 Protected Living Marine Resources Program, and COMDTINST 16004.3A USCG Participation in the Marine Sanctuaries Program (Appendix D). While the purpose of the MSST is not to provide marine resource protection and law enforcement, the MSST would continue to comply with these regulations.

Because of the policies, the small number and size of vessels, the boats' high level of maneuverability, and their low level of speed during normal operations, the addition of the RB-Ss and their operations would not result in significant adverse impacts on sea turtles. An exception to these normal operations would be in the case of an unusual occurrence (*e.g.*, pursuit).

No Action Alternative. Under the No Action Alternative, existing conditions would remain as is and the MSST would not be stood up. The USCG would maintain the current level of protection, which has been determined to be insufficient. Increased demand on vessels and manpower and disruption to other missions would continue. 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 would possibly make it easier for an attack to occur. Significant adverse impacts would be expected should this alternative be selected due to the increased risk of a terrorist attack and the potential for significant adverse impacts on sea turtles that such an attack might cause. Recovery would depend on the extent of loss.

Fish

Proposed Action. No significant adverse impacts on EFH, fisheries, or threatened and endangered species of fish are expected to occur as a result of the Proposed Action. Proposed construction would be short-term and would consist only of interior renovations to two buildings, and therefore would have no impact on fish. The RB-Ss are similar to other boats in the highly trafficked areas which they patrol. The RB-Ss are not expected to result in more than minor disruptions in behavior of fish species (including threatened and endangered fish species) in the ROI. Additionally, while the purpose of the MSST is not to provide marine resources protection and law enforcement, the USCG would continue to enforce fisheries laws under Ocean Guardian, Ocean Steward, and COMDTINST 16475.7 Protected Living Marine Resources Program, (Appendix D). Proposed onshore construction includes only interior renovations in buildings and would not directly or indirectly impact EFH.

The operations of the MSST would not be expected to affect the threatened Gulf sturgeon; the endangered smalltooth sawfish; or the species of concern that might occur in the ROI, the sand tiger shark or saltmarsh topminnow.

Pursuant to Section 305(b) of the MSA, the USCG initiated an EFH consultation with NOAA Fisheries' Habitat Conservation Division on June 25, 2004. NOAA Fisheries concluded that the Proposed Action would not have an adverse impact on EFH. All correspondence relating to EFH

and ESA Section 7 consultation is included in Appendices A and C. Pursuant to Section 7 of the ESA, USCG initiated informal consultation with NOAA Fisheries Protected Resources Division and the USFWS, all correspondence related consultation is presented in Appendices A and C.

No Action Alternative. Under the No Action Alternative, existing conditions would remain as is and the MSST would not be stood up. The USCG would maintain the current level of protection, which has been determined to be insufficient. Increased demand on vessels and manpower and disruption to other missions would continue. 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 would possibly make it easier for an attack to occur. Significant adverse impacts would be expected should this alternative be selected, due to the increased risk of a terrorist attack and the potential for significant adverse effects due to the potential of a terrorist attack that might result in a loss or degradation of fishing areas. The potential for loss of EFH and fish species could also impact the nation's economy. Recovery would depend on the extent of the loss.

Coastal and Other Birds

Proposed Action. The Proposed Action would have no significant adverse impacts on Federally endangered or threatened birds (*i.e.*, brown pelican, piping plover, and bald eagle) or other bird species that occur in the ROI. Proposed construction would be short-term and would consist only of interior renovations to two buildings, and therefore would have no impact on coastal or other bird species.

Implementation of the Proposed Action would result in minor adverse impacts on coastal and other birds resulting from localized, short-term increases in airborne and waterborne noise.

The MSST normal operations would not be within nesting and foraging habitat for threatened, endangered, coastal, or migratory birds. It is anticipated that only temporary, minor adverse impacts, if any, would occur.

Pursuant to Section 7 of the ESA, USCG initiated consultation with USFWS on June 25, 2004. All correspondence relating to the ESA consultation is presented in Appendix B.

No Action Alternative. Under the No Action Alternative, existing conditions would remain as is and the MSST would not be stood up. The USCG would maintain the current level of protection, which has been determined to be insufficient. Increased demand on vessels and manpower and

disruption to other missions would continue. 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 would possibly make it easier for an attack to occur. Significant adverse impacts would be expected should this alternative be selected due to the increased risk of a terrorist attack and the potential for significant adverse effects on coastal and migratory birds. Recovery would depend on the extent of loss.

4.3 Air Quality and Climate

4.3.1 Significance Criteria

The potential impacts on local and regional air quality conditions near a proposed Federal action are determined based on the increases in regulated pollutant emissions relative to existing conditions and ambient air quality. Impacts on air quality in NAAQS "attainment" areas are considered significant if the net changes in project-related emissions result in one of the following situations:

- Violation of any national or state ambient air quality standards
- Exposure of sensitive receptors to substantially increased pollutant concentrations
- An increase of 10 percent or more in an affected AQCR

Impacts to air quality in NAAQS "nonattainment" areas are considered significant if the net changes in project-related emissions result in one of the following situations:

- Violation of any national or state ambient air quality standards
- Increase in the frequency or severity of a violation of any ambient air quality standard
- Exceedance of any significance criteria established in a SIP
- Delay of the attainment of any standard or other milestone contained in the SIP

With respect to the General Conformity Rule, impacts on air quality would be considered significant if the Proposed Action would result in an increase of a nonattainment or maintenance area's emissions inventory by 10 percent or more for one or more nonattainment pollutants, or if such emissions exceed *de minimis* threshold levels established in 40 CFR 93.153(b) for individual nonattainment pollutants or for pollutants for which the area has been designated as a nonattainment or maintenance area. The General Conformity Rule applies since the Proposed Action occurs in a maintenance area for O_3.

Federal Prevention of Significant Deterioration (PSD) regulations also define air pollutant emissions to be "significant" if: 1) a proposed project is within 10 km of any Class I area; and 2) regulated pollutant emissions would cause an increase in the 24-hour average concentration of 1 $\mu g/m^3$ or more of any regulated pollutant in the Class I area (40 CFR 52.21(b)(23)(iii)). PSD regulations also define ambient air increments – limiting the allowable increases to any area's baseline air contaminant concentrations, based on the area's designation as Class I, II, or III (40 CFR 52.21(c)). Local and regional pollutant impacts of direct and indirect emissions from stationary emission sources from the Proposed Action are addressed through Federal and state permitting program requirements under the New Source Review (NSR) and PSD regulations (40 CFR Parts 51 and 52).

4.3.2 Potential Impacts

The potential sources of increased criteria pollutant emissions under the Proposed Action would be from: 1) watercraft operations, 2) personnel commuter travel, 3) maintenance and support activities; and 4) fuel storage and handling emissions.

Watercraft Operations

Proposed Action. The vessels and engines that would be used for the RB-S must meet specific requirements, including the capability of sustaining speeds of 40+ knots in calm seas. The proposed engines that would be used would be Honda 225 hp engines. These four-stroke engines would meet the speed requirements of the USCG and would fulfill Federal USEPA 2006 emission requirements. The Proposed Action will be assessed on impacts to the AQCR current emissions inventory.

Under the Proposed Action, minor impacts on air quality would be realized. The EA used conservative calculations of air pollutant emissions from the proposed MSST operations: two boats operating 24 hours a day, 365 days a year, at approximately 20 hp (see Appendix E).

No Action Alternative. Under the No Action Alternative, existing conditions would remain as is and the MSST would not be stood up. The USCG would maintain the current level of protection, which has been determined not to be sufficient. Under this alternative, disruption to other missions would continue.

This scenario of vessels and manpower at maximum capacity would possibly make it easier for an attack to occur. Impacts of selecting this alternative would be considered significantly adverse

due to the potential of a terrorist attack. Terrorists could strike at military or commercial facilities in these ports creating the potential for impacts to the environment. The impacts could be immediate or long lasting. Recovery time would be dependent on the severity and extent of the impact.

Personnel Commuter Travel

Proposed Action. The number of proposed additional personnel is comparatively small (75 active duty) and would result in minor adverse impacts on air quality. Calculations of air pollutant emissions from the proposed personnel commuter travel operations were performed based on an average fleet model from 1995, commuting an average of 20 mi each way to the New Orleans MSST facility, 365 days a year (see Conformity discussion below and Appendix E).

No Action Alternative. Under the No Action Alternative, existing conditions would remain as is and the MSST would not be stood up. The USCG would maintain the current level of protection, which has been determined not to be sufficient. Under this alternative, disruption to other missions would continue.

This scenario of vessels and manpower at maximum capacity would possibly make it easier for an attack to occur. Impacts of selecting this alternative would be considered significantly adverse due to the potential of a terrorist attack. Terrorists could strike at military or commercial facilities in these ports creating the potential for impacts to the environment. The impacts could be immediate or long lasting. Recovery time would depend on the severity and extent of the impact.

Maintenance and Support Activities

Proposed Action. Under the Proposed Action, no maintenance would occur at NSA-EB site, and only minor maintenance would be performed at the permanent MSST facility at the COMMSTA. All major maintenance and repair would occur at authorized Honda repair facilities. Since the maintenance schedule is not known, it is anticipated that there would be minor adverse impacts on air quality in the region. No additional support facilities (beyond the minor modifications to the administration building) would be required to support the MSST.

No Action Alternative. Under the No Action Alternative, existing conditions would remain as is and the MSST would not be stood up. The USCG would maintain the current level of protection, which has been determined not to be sufficient. Under this alternative, disruption to other missions would continue.

This scenario of vessels and manpower at maximum capacity would possibly make it easier for an attack to occur. Impacts of selecting this alternative would be considered significantly adverse due to the potential of a terrorist attack. Terrorists could strike at military or commercial facilities in these ports creating the potential for impacts to the environment. The impacts could be immediate or long lasting. Recovery time would be dependent on the severity and extent of the impact.

Fuel Storage and Handling Emissions

Proposed Action. No new fuel storage or dispensing facilities would be required under the Proposed Action. Response boats would be refueled at existing marina facilities or gas stations. All dispensing facilities would have regulated vapor controls to reduce evaporative emissions. It is anticipated that there would be minor adverse impacts on air quality in the region.

No Action Alternative. Under the No Action Alternative, existing conditions would remain as is and the MSST would not be stood up. The USCG would maintain the current level of protection, which has been determined not to be sufficient. Under this alternative, disruption to other missions would continue.

This scenario of vessels and manpower being stretched to their limit would possibly make it easier for an attack to occur. Impacts of selecting this alternative would be considered significantly adverse due to the potential of a terrorist attack. Terrorists could strike at military or commercial facilities in these ports creating the potential for impacts on the environment, as well as loss of petroleum storage tanks and delivery systems, thus impacting the economy. The impacts could be immediate or long lasting. Recovery time would depend on the severity and extent of the impact.

Conformity

Since a USEPA-designated nonattainment area is affected by this Proposed Action, the USCG must comply with the Federal General Conformity Rule (40 CFR Part 93). To do so, an analysis has been completed to ensure that, given the changes in direct and indirect emissions of the O_3 precursors (NO_x and VOCs), PM_{10}, and CO, the Proposed Action would be in conformity with applicable CAA requirements. The Conformity Determination requirements specified in this rule can be avoided if the project-related nonattainment pollutant emissions rate increases are below *de minimis* thresholds levels for each pollutant and are not considered regionally significant. For purposes of determining conformity in this nonattainment area, projected regulated pollutant

emissions associated with the Proposed Action were estimated using available construction emissions and other nonpermitted emissions source information. The emissions calculations and *de minimis* threshold comparisons are collectively presented in Appendix E.

With respect to the General Conformity Rule, impacts on air quality would be considered significant if the proposed Federal action would result in an increase of a nonattainment or maintenance area's emissions inventory by 10 percent or more for one or more nonattainment pollutants, or if such emissions exceed *de minimis* threshold levels established in 40 CFR 93.153(b) for individual nonattainment pollutants or for pollutants for which the area has been designated as a nonattainment or maintenance area.

The *de minimis* threshold emissions rates were established by the USEPA in the General Conformity Rule to focus analysis requirements on Federal actions with the potential to have "significant" air quality impacts. Table 4-1 presents these thresholds by regulated pollutant. These *de minimis* thresholds are similar, in most cases, to the definitions for major stationary sources of criteria and precursors to criteria pollutants under the CAA's NSR Program (CAA Title I). As shown in Table 4-1, *de minimis* thresholds vary depending on the severity of the nonattainment area designation by USEPA.

Based on the emissions calculations and analyses completed for the Proposed Action, it is clear that the net change in NO_x and VOC, emissions would be well below the *de minimis* threshold requirements and the regional significance requirements of the General Conformity Rule. As such, this Federal action is exempt from a Conformity Determination and all other requirements that are specified under the General Conformity Rule and applicable regulations (40 CFR Part 93).

Table 4-2 presents total air quality emissions from the Proposed Action. Table 4-3 compares the Proposed Action emissions to the total SL-ST Interstate AQCR emissions inventory.

No Action Alternative. Under the No Action Alternative, existing conditions would remain as is and the MSST would not be stood up. The USCG would maintain the current level of protection, which has been determined not to be sufficient. Under this alternative, disruption to other missions would continue.

The result would put further demand on manpower and current assets. This scenario of vessels and manpower at maximum capacity would possibly make it easier for an attack to occur.

Impacts of selecting this alternative would be considered significantly adverse due to the potential 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 depend on the severity and extent of the impact.

Table 4-1. General Conformity Rule *de minimis* Emission Thresholds

Pollutant	Status	Nonattainment Classification	*de minimis* Threshold (tpy)
Ozone (measured as precursors: Nitrogen Oxides or Volatile Organic Compounds)	Nonattainment	Extreme Severe Serious Moderate/marginal (inside ozone transport region) All others	10 25 50 50 (VOCs)/100 (NO_x) 100
	Maintenance	Inside ozone transport region Outside ozone transport region	50 (VOCs)/100 (NO_x) 100
Carbon Monoxide (CO)	Nonattainment/ Maintenance	All	100
Particulate Matter <10 microns	Nonattainment Maintenance	Serious Moderate Not Applicable	70 100 100
Sulfur Dioxide	Nonattainment/ maintenance	Not Applicable	100
Nitrogen Dioxide	Nonattainment/ maintenance	Not Applicable	100

Source: 40 CFR 93.153(b)
Note: tpy – tons per year

Table 4-2. USCG MSST–New Orleans MSST Emissions from Proposed Action

Vehicle Category	VOC Emissions (tpy)	NO_x Emissions (tpy)	CO Emissions (tpy)	SO_2 Emissions (tpy)	PM_{10} Emissions (tpy)
Watercraft Operations	5.04	11.52	50.39	0.45	0.48
Commuter, Tow Vehicles, and 15-Passenger Vans	1.42	1.34	14.87	0.12	1.70
Total Emissions:	6.46	12.86	65.26	0.57	2.18

Note: tpy – tons per year

Table 4-3. Net Emissions for SL-ST Interstate AQCR Under the Proposed Action

	NO_x	VOC	CO	SO_2	PM_{10}
SL-ST Interstate AQCR Inventory (tpy)	768,679	370,113	1,938,944	394,583	308,218
Proposed Action Net Change (tpy)	6.46	12.86	65.26	0.57	2.18
Percent (%) of SL-ST Interstate AQCR Inventory	0.0008%	0.0035%	0.0034%	0.0001%	0.0007%

Source: USEPA 1999
Note: tpy – tons per year

4.4 Noise

4.4.1 Significance Criteria

This section addresses the noise impacts from the Proposed Action and the No Action Alternative. Examples of noise impacts from the Proposed Action include noise from vessels, construction equipment (temporary), and traffic. Noise produced by water vessels and supporting facilities while homeported or in transit can combine with other noise sources to affect nearby communities and natural resources. Noise impacts were only considered within the ROI. The impacts of noise on marine animals are discussed in section 4.2.2.

The USCG establishes guidelines and develops cooperative agreements to mitigate impacts on neighboring communities. Federal and state laws and local ordinances establish standards and limitations for noise output from ports, airfields, heliports, helipads, power-generating plants, and motor vehicles. USCG activities are operated in accordance with all Federal and state laws and local ordinances.

Noise impact criteria normally are based on a combination of land use compatibility guidelines and factors related to duration and magnitude of the noise level, including the time of day and the conduct of operations.

Airborne Noise

The significance of above-water noise impact criteria normally is based on a combination of land use compatibility guidelines and factors related to duration and magnitude of the noise level, including the time of day and the conduct of operations. USEPA has determined that a DNL of 75 dB at 50 ft is an acceptable noise level to protect public health and welfare (PWIA 2002).

Waterborne Noise

The significance of waterborne (underwater) noise is based on the duration and magnitude of the noise level and is relative to the existing ambient noise level. The significance criteria of impacts of waterborne noise on marine organisms and other biological resources are discussed in Section 4.2.1.

4.4.2 Potential Impacts

The Proposed Action would result in minor adverse noise impacts on human health and welfare under normal operating conditions. A detailed description of the analysis is presented below.

Airborne Noise

Proposed Action. The Proposed Action would result in minor adverse noise impacts on human health and welfare under normal operating conditions. It is anticipated that the MSST would operate 12 hours a day, seven days per week and that there would be two to three boats operating at any given period. All operations of the MSST would be in accordance with all Federal and state laws and local noise ordinances.

There are no identified noise sensitive areas in the ROI, therefore, sound exposure levels were not calculated. The ROI is a large geographic area comprising the Port of New Orleans, Lake Pontchartrain, and the Mississippi River to a point north of Baton Rouge (see Figure 1-2). Airborne noise impacts from marine vessel operations is rarely an issue of concern because the majority of the population lives near waterways and has become familiar with the sound of passing boats and ships. Speeds in the waterways would be expected to continue to be generally low (10 to 12 knots) except during an unusual event (*i.e.*, pursuit). It is anticipated that the proposed USCG operations within the ROI would be indistinguishable from existing vessel activity and the ambient noise environment. Noise impacts during unusual events would be minor adverse within the port dependent upon the specific location of the unusual event to a sensitive noise receptor.

Additionally, the RB-S would be equipped with the quieter four-stroke engine (compared to the two-stroke engine). These engines are quieter because of the incorporation of muffling devices into design and the reduced number of combustion cycles (Evinrude 2002).

Minor noise impacts may result from the interior renovations of the COMMSTA and Building 602. These impacts would be very localized and would be short-term in nature.

No Action Alternative. Under the No Action Alternative, existing conditions would remain as is and the MSST would not be stood-up. Because of the economic importance that the Port of New Orleans has on the local, state, and regional economy, the Port will continue in its major economic duties. Since there are thousands of ships and helicopters leaving and entering the Port, noise created by the ships and helicopters will persist within the limits created by the City of New Orleans and Jefferson Parish under the No Action Alternative. The USCG would maintain the current level of protection, which has been determined to be insufficient. Under this alternative, disruption to other missions would continue and the utilization of vessels and manpower at miximum capacity could possibly make it easier for an attack to occur. Short-term, temporary noise impacts could occur if selection of the No Action Alternative resulted in a terrorist attack on military or commercial facilities in the Port. Recovery time would depend on the severity and extent of the impact.

Waterborne Noise

Proposed Action. No significant impact on existing ambient noise levels would result from the Proposed Action. Increase in vessel traffic from the addition of six RB-Ss would be negligible relative to the existing traffic. Underwater noise generated by existing vessels is variable and pervasive. Speeds in the waterways would be expected to continue to be generally low (10 to 12 knots) except during an unusual event (*i.e.*, pursuit). It is anticipated that the proposed USCG operation within the ROI would be indistinguishable from existing vessel activity and the ambient noise environment. Noise impacts during unusual events would be minor adverse within the ROI dependent upon the specific location of the unusual event to a sensitive noise receptor. Additionally, the RB-Ss would be equipped with the quieter four-stroke engine.

No Action Alternative. Under the No Action Alternative, existing conditions would remain unchanged and the MSST would not be stood-up. It is estimated 6,000 ocean vessels move on the Mississippi River through the Port of New Orleans each year (PONO 2003). Underwater noise generated by the shipping industry is variable and largely unquantifiable. Because of the economic importance that the Port of New Orleans has on the local, state, and regional economy, the Port would continue to function unchanged. Since thousands of ships enter and leave the Port each year, noise created by the ships would persist in their existing state. The USCG would maintain the current level of protection, which has been determined to be insufficient. Under this alternative, disruption to other missions would continue. This scenario of vessels and manpower at maximum capacity would possibly make it easier for an attack to occur. Short-term temporary

noise impacts would occur if selection of this alternative results in a terrorist attack on military or commercial facilities in the Port. Recovery time would depend on the severity and extent of the impact.

4.5 Public Safety

4.5.1 Significance Criteria

This section addresses the impacts on public safety as a result of the Proposed Action. If implementation of the Proposed Action were to substantially increase risks associated with the safety of USCG personnel (including MSST personnel), workers and visitors, or the local community, or substantially hinder the USCG's ability to respond to an emergency, it would represent a significant impact. Furthermore, if implementation of the Proposed Action would result in incompatible land use with regard to safety criteria, impacts on safety would be significant. This document assumes that the loss of one or more ships or the loss of life would be significant.

4.5.2 Potential Impacts

The establishment of the MSST would provide beneficial impacts to public safety through additional security to the military and commercial assets within the ROI.

Proposed Action. The Proposed Action would increase the USCG's ability to protect the critical Port of New Orleans, lower Mississippi River, and the U.S. Maritime Transportation System from warfare and terrorist attacks. The MSST's operations would closely parallel USCG traditional port security operations, and would provide complementary, nonredundant capabilities that would be able to close significant readiness gaps in our nation's strategic ports. The MSST would escort a variety of vessels and maintain specific security zones in each port. It is capable of operating seven days a week, 24 hours a day, in all weather conditions. It would operate with and be supported by both military and civilian government organizations and commercial and nongovernmental entities. Beneficial impacts would be expected from implementation of the Proposed Action.

No Action Alternative. Under the No Action Alternative, the USCG would continue to provide security at the current level, existing conditions would remain as is, and the MSST would not be stood up. The USCG would maintain the current level of protection, which has been determined to be insufficient. Additional boats and personnel would only be assigned to the New Orleans

MSST under unusual circumstances. Under this alternative, disruption to other missions would continue. This scenario of vessels and manpower at maximum capacity would possibly make it easier for an 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 the ROI creating health and safety hazards for the surrounding populace, impacting appropriate emergency responses, and creating the potential for impacts on the environment. The impacts could be immediate or long lasting. Recovery time would depend on the severity and extent of the impact.

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5. Cumulative Impacts

5.1 Cumulative Impacts Methods

Cumulative impacts on environmental resources result from incremental effects of proposed actions, when combined with other past, present, and reasonably foreseeable future projects in the area. Cumulative impacts can result from individually minor, but collectively substantial actions undertaken over a period of time by various agencies (Federal, state, and local) or individuals. Informed decisionmaking is served by consideration of cumulative impacts resulting from projects that are proposed, under construction, recently completed, or anticipated to be implemented in the reasonably foreseeable future

Other projects evaluated in this section include planned or reasonably foreseeable projects by the USCG, other agencies, and businesses. Planned or reasonably foreseeable projects were identified through a review of public documents, Internet searches, other NEPA documents, and local newspaper articles.

5.2 Cumulative Impacts Analysis

The New Orleans metropolitan area spans 10 Parishes and accounts for about one-third of Louisiana's economy. The Greater New Orleans Regional Economic Alliance has an initiative under way to create 30,000 new jobs and $1 billion in new payroll over the next five years (GNO 2004).

The Port of New Orleans is one of the United States' busiest cargo ports. It is a diverse general cargo port with average volume of 11.2 million tons of cargo per year (1998-2002). More than 6,000 ocean vessels move through the port each year (PONO 2003). Over the past ten years more than $400 million has been invested in state-of-art terminal features, including new wharves, terminals, marshalling yard, cranes, and transportation infrastructure. An on-going Federal dredging project maintains three sections of channel with depths ranging from 17 to 40 ft (Globalsecurity 2003).

Numerous maritime development projects have recently been completed, are underway, or planned within the Port of New Orleans. For example, in December 2000 the first section of a new $300 million cargo terminal opened at the Port of New Orleans (Site Selection 2004). The Millennium Port project, characterized as a super containerized cargo port, will be a series of new port facilities. The project is planned by the state of Louisiana with the participation of the Port of

New Orleans and other ports in the southeast Louisiana region for development over the next 10 years. The project could cost $1 billion to build and another $1 billion in new highway and railroad infrastructure (Site Selection 2004). An interim facility designed to meet the immediate and short-term needs for expansion of containerized cargo handling and storage capacity is under development in the Port of New Orleans. This project will greatly impact the region's economy and influence economic development for many decades into the future (GNO 2004). The Mississippi River Corridor Initiative (MRCI) is a joint venture under which the port authorities of the lower Mississippi River will work together to maximize customer service and market development.

When compared to other ongoing activities in the Port of New Orleans, the Proposed Action is a relatively small initiative that would constitute a negligible increase in boating traffic in the Port of New Orleans and the lower Mississippi River. The Proposed Action would not stimulate additional growth within the region.

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Years of Experience: 1

7. List of References

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Appendix A

INTERESTED PARTY LETTER, MAILING LIST, NEWSPAPER ANNOUNCEMENT, AND SUPPLEMENT

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-OT
Phone: (202) 267-1162
Fax: (202) 267-1171

Dear Interested Party:

The United States Coast Guard (USCG) is announcing its intent to prepare an Environmental Assessment (EA) for the stand-up and operations of a Maritime Safety and Security Team (MSST) and operation of an Integrated Anti-Swimmer System (IAS) at New Orleans, Louisiana. Preparation of the EA 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), Department of Transportation (DOT) Order 5610.1C and USCG policy (Commandant's Instruction M16475.1D, *Procedures for Considering Environmental Impacts*).

The MSST is being established to increase the USCG's ability to protect critical domestic ports and the U.S. Maritime Transportation System from illegal activity, sabotage, and other subversive acts, including terrorism. While the MSST's operations will closely parallel USCG traditional port security operations, they also will provide complementary, non-redundant capabilities that will be able to close significant readiness gaps in our nation's strategic ports. The MSST would consist of 75 active duty personnel, six new Response Boat-Small (RB-S), trailers, support trucks and passenger vans, and an Integrated Anti-swimmer System (IAS). It is anticipated that the RB-Ss would operate 12 hours per day, 7 days per week and that there would be two to three boats operating at any one time, although all six boats may operate under specific threat scenarios. RB-Ss are 25-foot boats with outboard engines. The RB-Ss can carry 3 crewmembers plus up to 7 passengers. They are equipped with radar, depth sounder, differential Global Positioning System and defensive weaponry. The MSST is expected to operate in the Port of New Orleans, into the Mississippi River, and Lake Pontchartrain (see enclosure). However, the MSST may be deployed to other ports or harbors to provide additional protection for specific targets throughout the region.

The IAS is designed to detect and track a combat swimmer/diver at such a range as to maintain general awareness and allow security forces sufficient time to react and counter the threat. The IAS has five primary components: the Kongsberg SM 2000 sonar (SM 2000), the WQX-2 ACAP processor, the Security Vehicle Acoustic Guidance (SVAG) system, the Dual High Frequency Identification Sonar (DIDSON), and the underwater loud hailer. The SM 2000 and components of the SVAG would be based onshore. The DIDSON, underwater loud hailer, and remaining components of the SVAG are designed for use on an MSST response boat. The IAS is also transportable and may be deployed to other ports to provide additional protection for specific targets throughout the region. The IAS is not generally expected to deploy outside of a harbor or port.
It is anticipated that each MSST would have only one IAS. The IAS is a portable system that would be operated on a temporary, as-needed basis and would be deployed when and where additional protection for vulnerable infrastructure is necessary. The IAS would be

transported by the MSST as part of its mission requirements. It is anticipated that the IAS would be transported approximately 1.5 times per month and would operate approximately 180 days per year. Other MSST and IAS are operating at major ports around the country.

Public input is important to the preparation of the EA. Your concerns and comments regarding the stand-up and operations of the MSST and operation of the IAS and the possible environmental impacts are important to the USCG. You are invited to submit comments by June 25, 2004 using only one of the following means:

By mail to:

Commandant (G-OT)
2100 Second Street, SW
Washington, DC 20593
Attn: Captain S. D. Austin

Or by fax to LCDR K. Schilling at (202) 267-1171 (MSST)
Or by fax to Mr. Bill Nagy at (202) 267-4278 (IAS)
Or by E-mail to KSchilling@comdt.uscg.mil (MSST)
Or by E-mail to Bnagy@comdt.uscg.mil (IAS)

In choosing from these means, please give due regard to the continuing difficulties and delays associated with delivery of mail through the U.S. Postal Service to federal facilities. Written comments should include your name address. The USCG will consider all comments received by the close of business June 25, 2004 in the development and completion of the EA.

Sincerely,

S. D. AUSTIN
Captain, U.S. Coast Guard
Director, Maritime Homeland Security Operations
& Tactics

Enclosures:
Supplemental Information
ROI map

FACT SHEET

Environmental Assessment (EA) of the Stand-Up and Operations of a Maritime Safety & Security Team (MSST) and Operation of an Integrated Anti-Swimmer System (IAS) at New Orleans, Louisiana

Background

On November 25, 2002, the President signed into law the Homeland Security Act of 2002, P.L. 107-296, which created the new Department of Homeland Security (DHS). Under this legislation, the USCG was transferred from the Department of Transportation (DOT) to the DHS. In the wake of the events of September 11, 2001, emerging threats to the U.S. homeland has prompted an increased USCG focus on protecting domestic ports and the U.S. Maritime Transportation System from warfare and terrorist threats.

To meet its increasing mission needs and challenges, the USCG is establishing Maritime Safety and Security Teams (MSSTs). MSSTs are specifically organized, trained, and equipped to counter current and emerging threats to our nation's seaports. The MSST would normally conduct operations in protected waters such as a harbor or port. 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 American's foreign trade and military cargo to overseas locations. The 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. They would operate with, and be supported by, both military and civilian government organizations, commercial, and non-governmental entities. The MSST would be transportable via land transportation, USCG cutter, and USCG or other military aircraft worldwide. In summary, the MSST would:

- Augment a USCG Group or the Captain of the Port (COTP) as a force multiplier; enhancing port safety and security, and law enforcement capabilities at economic or military significant ports.
- Deploy for specific episodic events that require an increased security posture for a limited duration. Transport all equipment and material via aircraft or ground or cutter transportation.
- Exercise security contingency plans in major ports.
- Detachments may also augment COTPs to conduct Port State Control Boardings and deploy for port familiarization and training.

The USCG is preparing an Environmental Assessment (EA) to comply with the National Environmental Policy Act (NEPA), and other related environmental laws, regulations, and Executive Orders.

Maritime Safety and Security Teams

The stand-up (establishment and operations) of the MSST at New Orleans, Louisiana, would consist of 75 active duty personnel (these would consist of mostly reassigned personnel although

there may be some new personnel), interior modifications to existing support buildings, an Integrated Anti-Swimmer System (IAS) (described below), six Response Boats-Small (RB-Ss), trailers, six pickup trucks, and four passenger vans.

RB-Ss are 25-foot boats with outboard engines. They are highly maneuverable, capable of quickly reaching and sustaining high speeds (in excess of 40 knots), and can carry three crewmembers, plus an additional seven passengers. The RB-Ss are equipped with radar, differential Global Positioning System (DGPS), and defensive weaponry. The MSST would also include boat trailers, four Ford F-350 pickup trucks, four Ford F-550 stakebed trucks, and three 15-passenger vans. When not in use, RB-Ss would be located on trailers at its on-shore support facility. The RB-S would be launched from a public boat ramp on Lakeshore Drive.

The MSST would be capable of operating 24 hours per day, seven days per week. However, it is anticipated that the RB-Ss would operate 12 hours per day, 7 days per week and that there would be two to three boats operating at any one time.

The Region of Influence (ROI) for the MSST and IAS, presented in Attachment 1, is defined as the area where the MSST would conduct its operations under normal circumstances. Geographically, the ROI is the Port of New Orleans within 20 nautical miles of land, into the Mississippi River, and Lake Pontchartrain. The MSST would launch the RB-Ss from a public boat ramp on Lake Pontchartrain (see Attachment 1). This region is expected to be limited to existing harbor infrastructure and adjacent waters within the MSSTs primary operating area.

<u>On-shore MSST Support Facilities</u>
Each MSST and IAS would be located at or near an existing USCG Group in the vicinity of a regionally significant economic or military port. Co-locating the MSST and IAS with or near existing USCG Groups maximizes the use of existing infrastructure (i.e., electric, water and communications) and already assigned personnel. The criteria used to select these ports and the priority in which the MSST and IAS are stood up is based on a number of factors, including, but not limited to, the level of current protection, the amount and type of cargo and the concentration of critical Department of Defense facilities.

The New Orleans MSST would be located temporarily at the Navy Support Activity, East Bank, New Orleans, in Building 602 (see Attachment 2). Establishment of the MSST would involve 19,000 square feet (ft^2) of interior renovations to Building 602. There would be no construction or alterations to the outside of Building 602. Modification to the inside of the building would include adding furniture, cables, and a 100-200 ft^2 weapons vault. The MSST would be assigned space in an existing parking lot for the boats and trailers. There would be no maintenance or washing of the boats on the property. The location of the boat maintenance and washing is currently unknown.

Building 602 is one of three warehouses built by the U.S. government in 1918-1919 for a depot. The interior of Building 602 has been modified and is currently used as a parking garage, offices and a cafeteria. In 1992, the Louisiana State Historic Preservation Officer (SHPO) found that the building did not meet eligibility criteria for the National Register of Historic Places. In 2000, the

East Bank Historic District was determined eligible for inclusion on the NRHP with Building 602 as a contributing element to the historic district.

In approximately one year, the MSST would move to its permanent home at the current location of the New Orleans Communications Station (COMMSTA), located at 4023 Main Street, Belle Chasse, LA 70037. The current COMMSTA is a 15,500 ft^2 building that is too large for the COMMSTA function. A new facility would be constructed specifically for the COMMSTA on the existing COMMSTA property. When the COMMSTA moves into its new facility, the 15,500 ft^2 building would be modified/renovated for the MSST. That building currently has a garage where maintenance of the MSST boats would be performed once the MSST occupies the building. Only interior renovations to the COMMSTA building are anticipated.

Integrated Anti-Swimmer System (IAS)

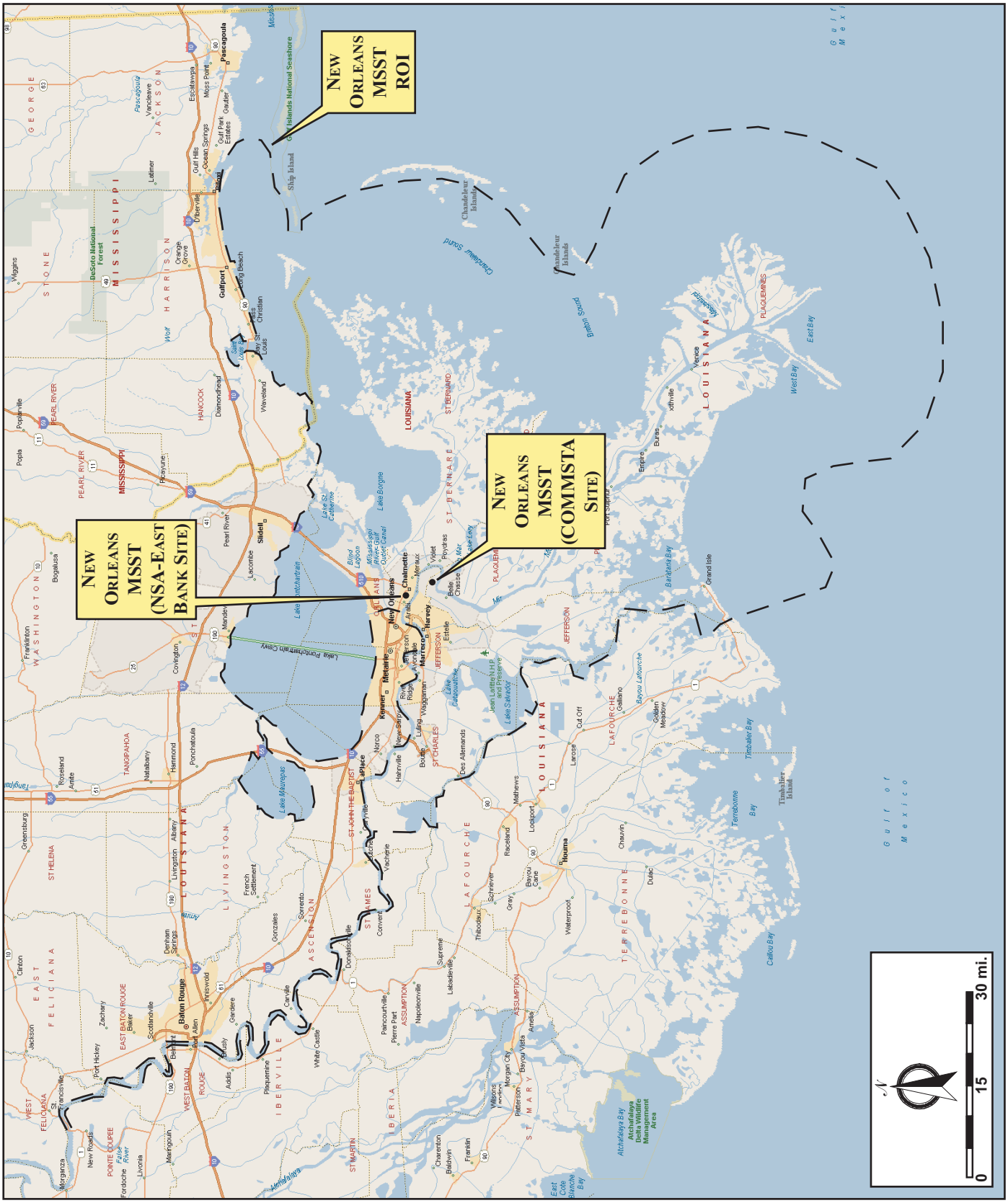
In addition to the stand-up and operations of the MSST, the EA will also address the overall environmental impacts of establishing and operating an IAS with the MSST. The purpose of the IAS is to increase the USCG's ability to detect, track and interdict, if necessary, potential underwater threats and as a result, protect personnel, ships, and property from sabotage and or other subversive acts.

The IAS includes three components that may cause waterborne noise, the Kongsberg SM 2000 sonar (SM 2000), the Dual High Frequency Identification Sonar (DIDSON), and the underwater loud hailer. No additional personnel (above those required for the MSST) would be required to support the IAS. Under normal circumstances, the IAS would be used to protect specific existing port infrastructure adjacent to the shore for temporary periods of time. The SM 2000 and components of the SVAG would be based onshore. The sound pressure level (SPL) would drop below 180 decibels (dB) between 9.8 and 328 ft (3 and 100 meters) from the sound head of the SM 2000, probably less. This area would be considered the zone of potential impact. The underwater loud hailer would only be used in the event a suspected human intruder was detected. Table 1 presents the frequency and source levels for these sources.

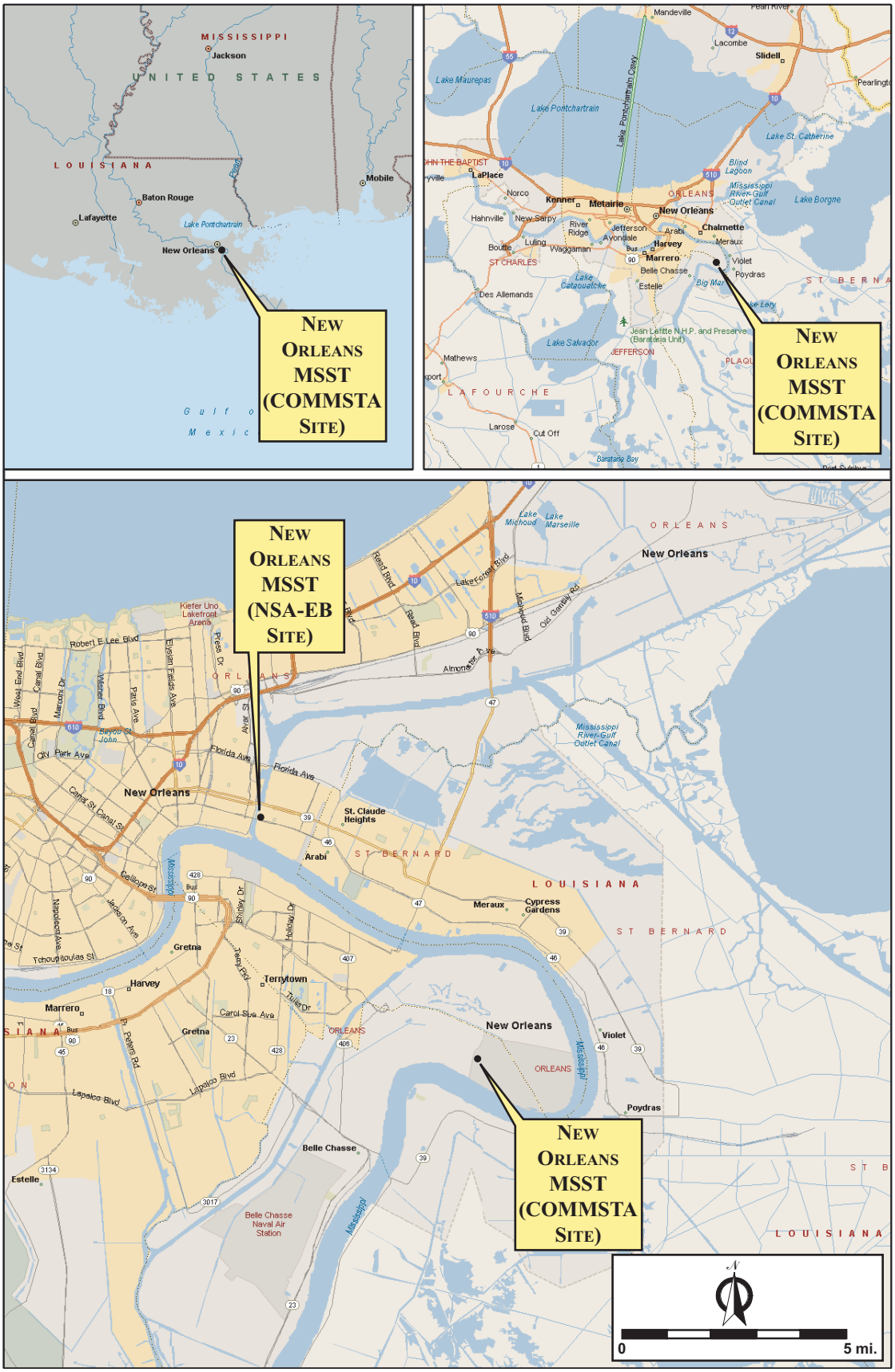
Table 1. Frequency and Source Level for each Source of Waterborne Noise in the IAS

Source	Frequency (kHz)	Source Level (1 dB re μ at 1 m)
Kongsberg SM 2000	90	206
DIDSON	1,000-1,800	202
Underwater Loud Hailer	0.5-4	180 at 1 kHz

The IAS is transportable and would be deployed to provide additional protection for specific targets throughout the region. The IAS is not expected to deploy outside ports or harbors.



Attachment 1. New Orleans Maritime Safety and Seccurity Team Region of Influence (ROI)



Attachment 1. New Orleans Maritime Safety and Security Team (MSST) Homeport Location Map

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PUBLIC NOTICE

Environmental Assessment for Maritime Safety Security Team (MSST) and Integrated Anti-swimmer System (IAS)
US Coast Guard

The United States Coast Guard (USCG) is announcing its intent to prepare an Environmental Assessment (EA) for the establishment of a Maritime Safety and Security Team with an Integrated Anti-swimmer System in New Orleans, LA. Preparation of the EA is being conducted in accordance with the National Environmental Policy Act (NEPA) of 1969 (Section 102[2][c]) and its implementing regulations at 40 Code of Federal Regulations, Part 1500. The MSST is being established to increase the USCG's ability to protect critical domestic ports and the U.S. Maritime Transportation System from illegal activity, sabotage, and other subversive acts including terrorism. In addition, MSSTs with underwater swimmer detection capabilities would allow the USCG to perform all of its missions, especially the newly acquired homeland security missions. This includes protection from underwater threats such as swimmers and divers potentially using a variety of weapons, gear, and vehicles.

The EA will address the overall environmental impacts of establishing and operating the New Orleans MSST and IAS including minor interior renovations to Navy Support Activity-New Orleans (NSA-NO) Building 602 and the New Orleans Communications Station (COMSTA) building to accommodate MSST personnel and equipment and the operation of approximately 6 new Response Boats-Homeland Security (RB-HS). The RB-HSs and personnel would be temporarily homeported at NSA-NO until permanently located at COMSTA. The RB-HS and IAS would operate in Lake Pontchartrain, the Mississippi River, and the Port of New Orleans. Public input is important in the preparation of this EA. Your concerns and comments regarding the implementation of this MSST and the possible environmental impacts are important to the USCG. You are invited to submit comments by June 25, 2004 using only one of the following means:

(1) By mail to: Commandant (G-OT)
2100 Second Street, SW
Washington, DC 20593
Attn: Capt S. D. Austin

(2) Or, by fax to LCDR Kirk Schilling at (202) 267-1171

(3) Or by E-mail to kschilling@comdt.uscg.mil.

In choosing among the above means for submitting your comments, please give due regard to the recent difficulties and delays associated with delivery of mail through the U.S. Postal Service to Federal facilities.

Written comments should include your name, address, and the specific port(s) to which the comment relates. The USCG will consider all comments received by June 25, 2004 in the development and completion of this EA.

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MSST 91112 – NEW ORLEANS, LA
INTERESTED PARTY MAILING LIST

Mr. Stephen R. Spencer
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Albuquerque, NM 87103

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NEPA Coordinator
U.S. Army Corps of Engineers
Office of Environmental Policy (CECW-AR-E)
20 Massachusetts Avenue
Washington, DC 203141000

Ms. Anne Norton Miller
Director
U.S. Environmental Protection Agency
Office of Federal Activities
Federal Liason Division, 2251-A
401 M Street, SW
Washington, DC 20460

Ms. Nancy Gloman
Director
U.S. Fish and Wildlife Service
Division of Endangered Species
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Arlington, VA 22203

Head, Environmental Planning & NEPA Compliance
Office of Chief of Naval Operations/N456
Dept. of the Navy, US Dept. of Defense
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2211 S. Clark Place
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Mr. Robert Lawrence
Chief, Office of Planning and Coordination
U.S. Environmental Protection Agency Region 6
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Mr. Keith Taniguchi, Chief
U.S. Fish and Wildlife Service Region 4
Division of Habitat Conservation
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Sam Hamilton
Regional Director
U.S. Fish and Wildlife Service Region 4
1875 Century Blvd., Suite 400
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Mr. David Frugé
USFWS -Lafayette LA
Endangered Species
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Lafayette, LA 70506

Mr. Ron Castleman
Regional Director
Federal Emergency Management Agency Region 6
Federal Regional Center
800 N. Loop 288
Denton, Texas 76209

Dr. Roy Crabtree
Regional Administrator
National Marine Fisheries Service
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, FL 33702

Honorable John Breaux
Senator
503 Hart Senate Office Building
Washington, D.C. 20510-1803

The Honorable Mary Landrieu
U.S. Senator
724 Hart Senate Office Building
Washington, DC 20510

The Honorable William Jefferson
Representative
240 Cannon House Office Builiding
Washington, DC 20515-1802

The Honorable Mike Foster, Jr.
Governor of Louisiana
State of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804-9004

Ms. Laurel Wyckoff
Louisiana State Historic Preservation Officer
1051 N 3rd St
Baton Rouge, LA 70804

Mr. Greg DuCote
Program Manager
Lousiana Department of Natural Resources
Coastal Management Division
625 North Fourth Street P.O. Box 44487
Baton Rouge, LA 70804-4487

Mr. Jack Caldwell
Secretary of Department
Louisiana Department of Natural Resources
Secretary
P.O. Box 94396
Baton Rouge, LA 70804-9396

Mr. J. Dale Givens
Secretary
Louisiana Department of Environmental Quality
P.O. Box 82263
Baton Rouge, LA 70884-2263

Mr. C. Ray Nagin
Mayor's Office
1300 Perdido, Room 2E04
New Orleans, LA 70112

Edwin P. Compass III
Superintendent of Police
715 S. Broad Ave.
New Orleans, La. 70119

Charles Parent
Superintendent of Fire Department
New Orleans Fire Department
317 Decatur Street
New Orleans, Louisiana 70130

Mayor's Office of Environmental Affairs
City Hall
1300 Perdido Street, Suite 8E06
New Orleans, LA 70112

Aaron F. Broussard,
Jefferson Parish President
1221 Elmwood Park Blvd., Suite 1002
Jefferson, LA 70123

Marnie Winter, Director
Department of Environmental and Developmental Control
1221 Elmwood Park. Blvd., Suite 703
Jefferson, LA 70123

Ed Durabb, Director
Jefferson Parish Planning Department
1221 Elmwood Park Blvd., Suite 601
Jefferson, LA 70123

New Orleans City Planning Commission
1300 Perdido Street, Suite 9W
New Orleans, LA 70112-2123

Mr. Walter R. Brooks
Executive Director
Regional Planning Commission
1340 Poydras Street, Suite 2100
New Orleans, LA 70112

Mr. Earl Barbry, Jr.
Tribal Preservation Officer
Tunica-Biloxi Indians of Louisiana
P.O. Box 331
Marksville, LA 71351

Ms. Cynthia Swain; Director
Port Security and Safety
Port of New Orleans
P.O. Box 60046
New Orleans, LA 70160

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Commander, Atlantic Area
U.S. Coast Guard
4000 Coast Guard Blvd
Portsmouth, VA 23703

Eighth Coast Guard District
Hale Boggs Federal Building
500 Poydras Street, Room 1328
New Orleans, LA 70130

Sean P. Regan, LCDR
Commanding Officer
Maritime Safety & Security Team 91112
New Orleans, LA

David Gutierrez
Planner
Civil Engineering Unit (CEU) Miami
15608 SW 117th Ave
Miami, FL 33177

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Appendix B

AGENCY CONSULTATION LETTERS

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-OT
Phone: (202) 267-1162
Fax: (202) 267-1171

Mrs. Gerri J. Hobdy
Assistant Secretary
Office of Cultural Development
P.O. Box 44247
Baton Rouge, Louisiana 70804

RE: Finding of No Historic Properties Affected for Establishing a US Coast Guard Maritime Safety and Security Team (MSST) in New Orleans, Louisiana.

Dear Mrs. Hobdy:

The U.S. Coast Guard (USCG) is preparing an Environmental Assessment (EA) for the establishment and operation of a Maritime Safety and Security Team (MSST) operating out of New Orleans, Louisiana. This undertaking is subject to Section 106 of the National Historic Preservation Act, as amended in 1992 (16 USC 470 *et seq*.). This letter is to fulfill the U.S. Coast Guard's obligation under Section 106 by providing the information required for Title 36 Code of Federal Regulations (CFR) Part 800.11 to make a determination under 800.4(d)(1), *Finding of No Historic Properties Affected.*

The EA will address the overall environmental impacts of establishing and operating the MSST including the implementation of shore side infrastructure support to accommodate 75 active duty personnel and MSST equipment in New Orleans, LA. MSST equipment would include an Integrated Anti-swimmer System (IAS) and six new Response Boats-Small (RB-S). It is anticipated that the RB-Ss would operate 12 hours per day, 7 days per week and that there would be two to three boats operating at any one time, although all six boats may operate under specific threat scenarios.

Description of the Undertaking and Area of Potential Affect

The MSST is being established to increase the USCG's ability to protect critical domestic ports and the U.S. Maritime Transportation System from illegal activity, sabotage, and other subversive acts, including terrorism. While the MSST's operations would closely parallel USCG traditional port security operations, they also would provide complementary, non-redundant capabilities that would be able to close significant readiness gaps in our nation's strategic ports. RB-Ss are 25-foot boats with outboard engines. The RB-Ss can carry 3 crewmembers plus up to 7 passengers. They are equipped with radar, depth sounder, differential Global Positioning System and defensive weaponry. The MSST is expected to operate in the Port of New Orleans, into the Mississippi River, and Lake Pontchartrain (see enclosure). However, the MSST may be deployed to other ports or harbors to provide additional protection for specific targets throughout the region. Operations associated with the MSST are similar to on-going Coast Guard operations.

The IAS is designed to detect and track a combat swimmer/diver at such a range as to maintain general awareness and allow security forces sufficient time to react and counter the threat. The IAS has five primary components: the Kongsberg SM 2000 sonar (SM 2000), the WQX-2 ACAP processor, the Security Vehicle Acoustic Guidance (SVAG) system, the Dual High Frequency Identification Sonar (DIDSON), and the underwater loud hailer. The SM 2000 and components of the SVAG would be based onshore. The DIDSON, underwater loud hailer, and remaining components of the SVAG are designed for use on an MSST response boat. The IAS is also transportable and maybe deployed to other ports to provide additional protection for specific targets throughout the region. The IAS is not generally expected to deploy outside of a harbor or port.

The IAS would operate on an as-needed basis and would be deployed when and where additional protection is necessary. The IAS is designed to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port infrastructure. Potential threats include combat swimmers and divers, whether moving or still, who may or may not be using a propulsion device, and who may 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. It is anticipated that the IAS would be transported 1.5 times per month and would operate approximately 180 days per year.

Enclosed for your review is a brief description of the Proposed Action (including figures showing the location). The establishment of the MSST would require 19,000 square feet (ft^2) of interior renovations to Building 602 at the Navy Support Activity, East Bank, New Orleans, within the East Bank Historic District. There would be no construction or modification to the outside of Building 602. Modification to the inside of the building would include adding furniture, cables, and a 100-200 ft^2 weapons vault.

Please provide comments on our determination of no historic properties affected. If your comment indicates a difference of opinion on this determination, please feel free to contact Ms. Kebby Kelley at 202-267-6034 in order to continue consultation and hopefully resolve the difference of opinion. Please provide your comments within 15 days from the date your office receives this letter.

Thank you in advance.

Sincerely,

Kirk Schilling
Lieutenant Commander, U. S. Coast Guard

Enclosures:
Supplemental Information
ROI map

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-OT
Phone: (202) 267-1162
Fax: (202) 267-1171

Mr. Jeff Harris
Federal Consistency Section
Coastal Management Division
Louisiana Department of Natural Resources
P.O. Box 44487
Baton Rouge, La 70804

Subject: Environmental Assessment of the Establishment and Operation of a Maritime Safety and Security Team in New Orleans, LA

Dear Mr. Harris:

The U.S. Coast Guard (USCG) is preparing an Environmental Assessment (EA) for the establishment and operation of a Maritime Safety and Security Team (MSST) New Orleans, LA. Preparation of the EA 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. The MSST is being established to increase the USCG's ability to protect critical domestic ports and the U.S. Maritime Transportation System from illegal activity, sabotage, and other subversive acts including terrorism. While the MSST's operations will closely parallel USCG traditional port security operations, it also will provide complementary, non-redundant capabilities that will be able to close significant readiness gaps in our nation's strategic ports.

The EA will address the overall environmental impacts of establishing and operating the MSST including the implementation of shore side infrastructure support to accommodate 75 active duty personnel and MSST equipment in New Orleans, LA. MSST equipment would include an Integrated Anti-swimmer System (IAS) and six new Response Boat-Small (RB-S). It is anticipated that the RB-Ss would operate 12 hours per day, 7 days per week and that there would be two to three boats operating at any one time, although all six boats may operate under specific threat scenarios.

RB-Ss are 25-foot boats with outboard engines. The RB-S can carry 3 crewmembers plus up to 7 passengers. They are equipped with radar, depth sounder, differential Global Positioning System and defensive weaponry. The MSST is expected to operate in the Port of New Orleans, into the Mississippi River, and Lake Pontchartrain (see enclosure). However, the MSST may be deployed to other ports or harbors to provide additional protection for specific targets throughout the region. Operations associated with the MSST are similar to on-going Coast Guard operations.

The IAS is designed to detect and track a combat swimmer/diver at such a range as to maintain general awareness and allow security forces sufficient time to react and counter the threat. The IAS has five primary components: the Kongsberg SM 2000 sonar (SM 2000), the WQX-2 ACAP processor, the Security Vehicle Acoustic Guidance (SVAG) system, the Dual High Frequency Identification Sonar (DIDSON), and the underwater loud hailer. The SM 2000 and components of the SVAG would be based onshore. The DIDSON, underwater loud hailer, and remaining components of the SVAG are designed for use on an MSST response boat. The IAS is also transportable and may be deployed to other ports to provide additional protection for specific targets throughout the region. The IAS is not expected to deploy outside of a harbor or port.

The IAS would operate on an as-needed basis and would be deployed when and where additional protection is necessary. The IAS is designed to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port infrastructure. Potential threats include combat swimmers and divers, whether moving or still, who may or may not be using a propulsion device, and who may 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. It is anticipated that the IAS would be transported 1.5 times per month and would operate approximately 180 days per year.

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. We believe that the Proposed Action is consistent to the maximum extent practicable with the enforceable policies of the Louisiana Coastal Management Program. As stated above, we are currently preparing an EA, and we intend to fully assess the potential impacts associated with the Proposed Action on environmental resources within the region of influence (ROI). Your concerns and comments regarding the implementation of the MSST and its possible impacts are important to the USCG.

We look forward to working with your office on this project. Please send any comments/correspondence to the USCG through one of the following methods:

(1) By mail to:
Commandant (G-OT)
2100 Second Street, SW
Washington, DC 20593
Attn: Captain S. D. Austin

(2) Or, by fax to LCDR Kirk Schilling at (202) 267-1171
(3) Or by E-mailto Kschilling@comdt.uscg.mil

Thank you for your assistance. If you have questions about the proposed establishment of the MSST, please contact LCDR Kirk Schilling, or about the EA, please contact Ms. Kebby Kelley at (202) 267-6034.

Sincerely,

S. D. Austin
Captain, U.S. Coast Guard
Director, Maritime Homeland Security Operations & Tactics

Enclosures:
Consistency Determination
Supplemental Information
ROI map

U.S. Department of Homeland Security
United States Coast Guard

Commandant
United States Coast Guard

2100 Second Street, S.W.
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Mr. David Bernhart
Assistant Regional Administrator for Protected Resources
U.S. Department of Commerce
National Oceanic and Atmospheric Administration F/SER
9721 Executive Center Drive North
St. Petersburg, FL 33072

Subject: Environmental Assessment of the Establishment and Operation of a Maritime Safety and Security Team New Orleans, LA

Dear Mr. Bernhart:

The U.S. Coast Guard (USCG) is preparing an Environmental Assessment (EA) for the establishment and operation of a Maritime Safety and Security Team (MSST) New Orleans, LA. Preparation of the EA 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. The MSST is being established to increase the USCG's ability to protect critical domestic ports and the U.S. Maritime Transportation System from illegal activity, sabotage, and other subversive acts including terrorism. While the MSST's operations will closely parallel USCG traditional port security operations, it also will provide complementary, non-redundant capabilities that will be able to close significant readiness gaps in our nation's strategic ports.

The EA will address the overall environmental impacts of establishing and operating the MSST including the implementation of shore side infrastructure support to accommodate 75 active duty personnel and MSST equipment in New Orleans, LA. MSST equipment would include an Integrated Anti-swimmer System (IAS) and six new Response Boats-Small (RB-S). It is anticipated that the RB-Ss would operate 12 hours per day, 7 days per week and that there would be two to three boats operating at any one time, although all six boats may operate under specific threat scenarios.

The MSST is being established to increase the USCG's ability to protect critical domestic ports and the U.S. Maritime Transportation System from illegal activity, sabotage, and other subversive acts, including terrorism. While the MSST's operations would closely parallel USCG traditional port security operations, they also would provide complementary, non-redundant capabilities that would be able to close significant readiness gaps in our nation's strategic ports. RB-Ss are 25-foot boats with outboard engines. The RB-Ss can carry 3 crewmembers plus up to 7 passengers. They are equipped with radar, depth sounder, differential Global Positioning System and defensive weaponry. The MSST is expected to operate in the Port of New Orleans, into the Mississippi River, and Lake Pontchartrain (see enclosure). However, the MSST may be deployed to other ports or harbors to provide additional protection for specific targets throughout the region. Operations associated with the MSST are similar to on-going Coast Guard operations.

The IAS is designed to detect and track a combat swimmer/diver at such a range as to maintain general awareness and allow security forces sufficient time to react and counter the threat. The IAS has five primary components: the Kongsberg SM 2000 sonar (SM 2000), the WQX-2 ACAP processor, the Security Vehicle Acoustic Guidance (SVAG) system, the Dual High Frequency Identification Sonar (DIDSON), and the underwater loud hailer. The SM 2000 and components of the SVAG would be based onshore. The DIDSON, underwater loud hailer, and remaining components of the SVAG are designed for

use on an MSST response boat. The IAS is also transportable and maybe deployed to other ports to provide additional protection for specific targets throughout the region. The IAS is not generally expected to deploy outside of a harbor or port.

The IAS would operate on an as-needed basis and would be deployed when and where additional protection is necessary. The IAS is designed to detect, track, classify, and alert security forces of potential underwater threats to designated high value vessels and/or critical port infrastructure. Potential threats include combat swimmers and divers, whether moving or still, who may or may not be using a propulsion device, and who may 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. It is anticipated that the IAS would be transported 1.5 times per month and would operate approximately 180 days per year.

Enclosed for your review is a brief description of the Proposed Action (including figures showing the location). In order to fully assess the potential impacts associated with the Proposed Action on protected resources we are requesting a list of species of concern that occur within the region of influence (ROI) and a list of any additional concerns that you may have regarding the potential impacts of the Proposed Action on federally listed species.

We will also consult with the U.S. Fish and Wildlife Service regarding the presence of threatened and endangered species under their jurisdiction and NOAA Fisheries' Habitat Conservation Division regarding essential fish habitat within the ROI.

We look forward to working with your office on this project. Please send any comments/correspondence to the USCG through one of the following methods:

(1) By mail to:
Commandant (G-OT)
2100 Second Street, SW
Washington, DC 20593
Attn: Captain S. D. Austin

(2) Or, by fax to LCDR Kirk Schilling at (202) 267-1171
(3) Or by E-mail to Kschilling@comdt.uscg.mil

Thank you for your assistance. If you have questions about the proposed establishment of the MSST, please contact LCDR Kirk Schilling, or about the EA, please contact Ms. Kebby Kelley at (202) 267-6034.

Sincerely,

S. D. Austin
Captain, U.S. Coast Guard
Director, Maritime Homeland Security Operations & Tactics

Enclosures:
Supplemental Information
ROI map

U.S. Department of Homeland Security

United States Coast Guard

Commandant
United States Coast Guard

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Washington, DC 20593-0001
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Mr. Miles Croom
Assistant Regional Administrator for Habitat Conservation
U.S. Department of Commerce
National Oceanic and Atmospheric Administration F/SER
9721 Executive Center Drive North
St. Petersburg, FL 33072

Subject: Environmental Assessment of the Establishment and Operation of a Maritime Safety and Security Team in New Orleans, LA

Dear Mr. Croom:

The U.S. Coast Guard (USCG) is preparing an Environmental Assessment (EA) for the establishment and operation of a Maritime Safety and Security Team (MSST) New Orleans, LA. Preparation of the EA 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. The MSST is being established to increase the USCG's ability to protect critical domestic ports and the U.S. Maritime Transportation System from illegal activity, sabotage, and other subversive acts including terrorism. While the MSST's operations will closely parallel USCG traditional port security operations, it also will provide complementary, non-redundant capabilities that will be able to close significant readiness gaps in our nation's strategic ports.

The EA will address the overall environmental impacts of establishing and operating the MSST including the implementation of shore side infrastructure support to accommodate 75 active duty personnel and MSST equipment in New Orleans, LA. MSST equipment would include an Integrated Anti-swimmer System (IAS) and six new Response Boats-Small (RB-S). It is anticipated that the RB-Ss would operate 12 hours per day, 7 days per week and that there would be two to three boats operating at any one time, although all six boats may operate under specific threat scenarios.

The MSST is being established to increase the USCG's ability to protect critical domestic ports and the U.S. Maritime Transportation System from illegal activity, sabotage, and other subversive acts, including terrorism. While the MSST's operations would closely parallel USCG traditional port security operations, they also would provide complementary, non-redundant capabilities that would be able to close significant readiness gaps in our nation's strategic ports. RB-Ss are 25-foot boats with outboard engines. The RB-Ss can carry 3 crewmembers plus up to 7 passengers. They are equipped with radar, depth sounder, differential Global Positioning System and defensive weaponry. The MSST is expected to operate in the Port of New Orleans, into the Mississippi River, and Lake Pontchartrain (see enclosure). However, the MSST may be deployed to other ports or harbors to provide additional protection for specific targets throughout the region. Operations associated with the MSST are similar to on-going Coast Guard operations.

The IAS is designed to detect and track a combat swimmer/diver at such a range as to maintain general awareness and allow security forces sufficient time to react and counter the threat. The IAS has five primary components: the Kongsberg SM 2000 sonar (SM 2000), the WQX-2 ACAP processor, the Security Vehicle Acoustic Guidance (SVAG) system, the Dual High Frequency Identification Sonar (DIDSON), and the underwater loud hailer. The SM 2000 and components of the SVAG would be based onshore. The DIDSON, underwater loud hailer, and remaining components of the SVAG are designed

for use on an MSST response boat. The IAS is also transportable and maybe deployed to other ports to provide additional protection for specific targets throughout the region. The IAS is not expected to deploy outside of a harbor or port.

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Enclosed for your review is a brief description of the Proposed Action (including figures showing the locations). We do not believe that the Proposed Action, the establishment and operations of the MSST in New Orleans, LA would have an adverse impact on essential fish habitat. As such, and in accordance with Section 305(b) of the Magnuson-Stevens Act, as amended, we do not believe an EFH consultation is required at this time. As stated above, we are currently preparing an EA, and we intend to fully assess the potential impacts associated with the Proposed Action on EFH within the region of influence (ROI). Your concerns and comments regarding the implementation of the MSST and its possible impacts on EFH are important to the USCG.

We will also consult with the U.S. Fish and Wildlife Service and NOAA Fisheries Protected Resources Division regarding the presence of threatened and endangered species under their respective jurisdictions.

We look forward to working with your office on this project. Please send any comments/correspondence to the USCG through one of the following methods:

(1) By mail to:
Commandant (G-OT)
2100 Second Street, SW
Washington, DC 20593
Attn: Captain S. D. Austin
(2) Or, by fax to LCDR Kirk Schilling at (202) 267-1171
(3) Or by E-mail to Kschilling@comdt.uscg.mil

Thank you for your assistance. If you have questions about the proposed establishment of the MSST, please contact LCDR Kirk Schilling, or about the EA, please contact Ms. Kebby Kelley at (202) 267-6034.

Sincerely,

S. D. Austin
Captain, U.S. Coast Guard
Director, Maritime Homeland Security Operations & Tactics

Enclosures:
Supplemental Information
ROI map

FACT SHEET

Environmental Assessment (EA) of the Stand-Up and Operations of a Maritime Safety & Security Team (MSST) and Operation of an Integrated Anti-Swimmer System (IAS) at New Orleans, Louisiana

Background

On November 25, 2002, the President signed into law the Homeland Security Act of 2002, P.L. 107-296, which created the new Department of Homeland Security (DHS). Under this legislation, the USCG was transferred from the Department of Transportation (DOT) to the DHS. In the wake of the events of September 11, 2001, emerging threats to the U.S. homeland has prompted an increased USCG focus on protecting domestic ports and the U.S. Maritime Transportation System from warfare and terrorist threats.

To meet its increasing mission needs and challenges, the USCG is establishing Maritime Safety and Security Teams (MSSTs). MSSTs are specifically organized, trained, and equipped to counter current and emerging threats to our nation's seaports. The MSST would normally conduct operations in protected waters such as a harbor or port. 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 American's foreign trade and military cargo to overseas locations. The 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. They would operate with, and be supported by, both military and civilian government organizations, commercial, and non-governmental entities. The MSST would be transportable via land transportation, USCG cutter, and USCG or other military aircraft worldwide. In summary, the MSST would:

- Augment a USCG Group or the Captain of the Port (COTP) as a force multiplier; enhancing port safety and security, and law enforcement capabilities at economic or military significant ports.
- Deploy for specific episodic events that require an increased security posture for a limited duration. Transport all equipment and material via aircraft or ground or cutter transportation.
- Exercise security contingency plans in major ports.
- Detachments may also augment COTPs to conduct Port State Control Boardings and deploy for port familiarization and training.

The USCG is preparing an Environmental Assessment (EA) to comply with the National Environmental Policy Act (NEPA), and other related environmental laws, regulations, and Executive Orders.

Maritime Safety and Security Teams

The stand-up (establishment and operations) of the MSST at New Orleans, Louisiana, would consist of 75 active duty personnel (these would consist of mostly reassigned personnel although

there may be some new personnel), interior modifications to existing support buildings, an Integrated Anti-Swimmer System (IAS) (described below), six Response Boats-Small (RB-Ss), trailers, six pickup trucks, and four passenger vans.

RB-Ss are 25-foot boats with outboard engines. They are highly maneuverable, capable of quickly reaching and sustaining high speeds (in excess of 40 knots), and can carry three crewmembers, plus an additional seven passengers. The RB-Ss are equipped with radar, differential Global Positioning System (DGPS), and defensive weaponry. The MSST would also include boat trailers, four Ford F-350 pickup trucks, four Ford F-550 stakebed trucks, and three 15-passenger vans. When not in use, RB-Ss would be located on trailers at its on-shore support facility. The RB-S would be launched from a public boat ramp on Lakeshore Drive.

The MSST would be capable of operating 24 hours per day, seven days per week. However, it is anticipated that the RB-Ss would operate 12 hours per day, 7 days per week and that there would be two to three boats operating at any one time.

The Region of Influence (ROI) for the MSST and IAS, presented in Attachment 1, is defined as the area where the MSST would conduct its operations under normal circumstances. Geographically, the ROI is the Port of New Orleans within 20 nautical miles of land, into the Mississippi River, and Lake Pontchartrain. The MSST would launch the RB-Ss from a public boat ramp on Lake Pontchartrain (see Attachment 1). This region is expected to be limited to existing harbor infrastructure and adjacent waters within the MSSTs primary operating area.

<u>On-shore MSST Support Facilities</u>
Each MSST and IAS would be located at or near an existing USCG Group in the vicinity of a regionally significant economic or military port. Co-locating the MSST and IAS with or near existing USCG Groups maximizes the use of existing infrastructure (i.e., electric, water and communications) and already assigned personnel. The criteria used to select these ports and the priority in which the MSST and IAS are stood up is based on a number of factors, including, but not limited to, the level of current protection, the amount and type of cargo and the concentration of critical Department of Defense facilities.

The New Orleans MSST would be located temporarily at the Navy Support Activity, East Bank, New Orleans, in Building 602 (see Attachment 2). Establishment of the MSST would involve 19,000 square feet (ft^2) of interior renovations to Building 602. There would be no construction or alterations to the outside of Building 602. Modification to the inside of the building would include adding furniture, cables, and a 100-200 ft^2 weapons vault. The MSST would be assigned space in an existing parking lot for the boats and trailers. There would be no maintenance or washing of the boats on the property. The location of the boat maintenance and washing is currently unknown.

Building 602 is one of three warehouses built by the U.S. government in 1918-1919 for a depot. The interior of Building 602 has been modified and is currently used as a parking garage, offices and a cafeteria. In 1992, the Louisiana State Historic Preservation Officer (SHPO) found that the building did not meet eligibility criteria for the National Register of Historic Places. In 2000, the

East Bank Historic District was determined eligible for inclusion on the NRHP with Building 602 as a contributing element to the historic district.

In approximately one year, the MSST would move to its permanent home at the current location of the New Orleans Communications Station (COMMSTA), located at 4023 Main Street, Belle Chasse, LA 70037. The current COMMSTA is a 15,500 ft^2 building that is too large for the COMMSTA function. A new facility would be constructed specifically for the COMMSTA on the existing COMMSTA property. When the COMMSTA moves into its new facility, the 15,500 ft^2 building would be modified/renovated for the MSST. That building currently has a garage where maintenance of the MSST boats would be performed once the MSST occupies the building. Only interior renovations to the COMMSTA building are anticipated.

Integrated Anti-Swimmer System (IAS)

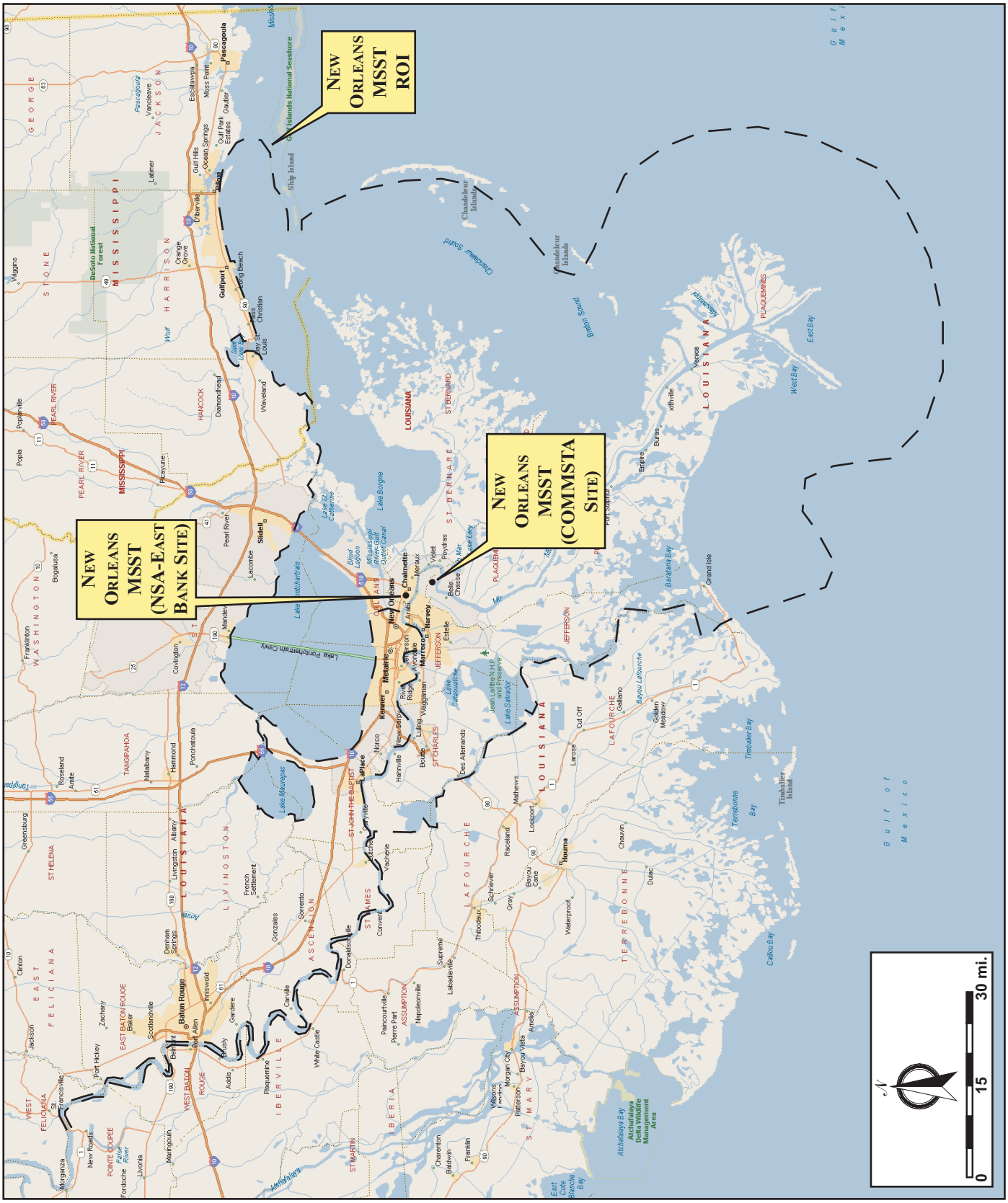
In addition to the stand-up and operations of the MSST, the EA will also address the overall environmental impacts of establishing and operating an IAS with the MSST. The purpose of the IAS is to increase the USCG's ability to detect, track and interdict, if necessary, potential underwater threats and as a result, protect personnel, ships, and property from sabotage and or other subversive acts.

The IAS includes three components that may cause waterborne noise, the Kongsberg SM 2000 sonar (SM 2000), the Dual High Frequency Identification Sonar (DIDSON), and the underwater loud hailer. No additional personnel (above those required for the MSST) would be required to support the IAS. Under normal circumstances, the IAS would be used to protect specific existing port infrastructure adjacent to the shore for temporary periods of time. The SM 2000 and components of the SVAG would be based onshore. The sound pressure level (SPL) would drop below 180 decibels (dB) between 9.8 and 328 ft (3 and 100 meters) from the sound head of the SM 2000, probably less. This area would be considered the zone of potential impact. The underwater loud hailer would only be used in the event a suspected human intruder was detected. Table 1 presents the frequency and source levels for these sources.

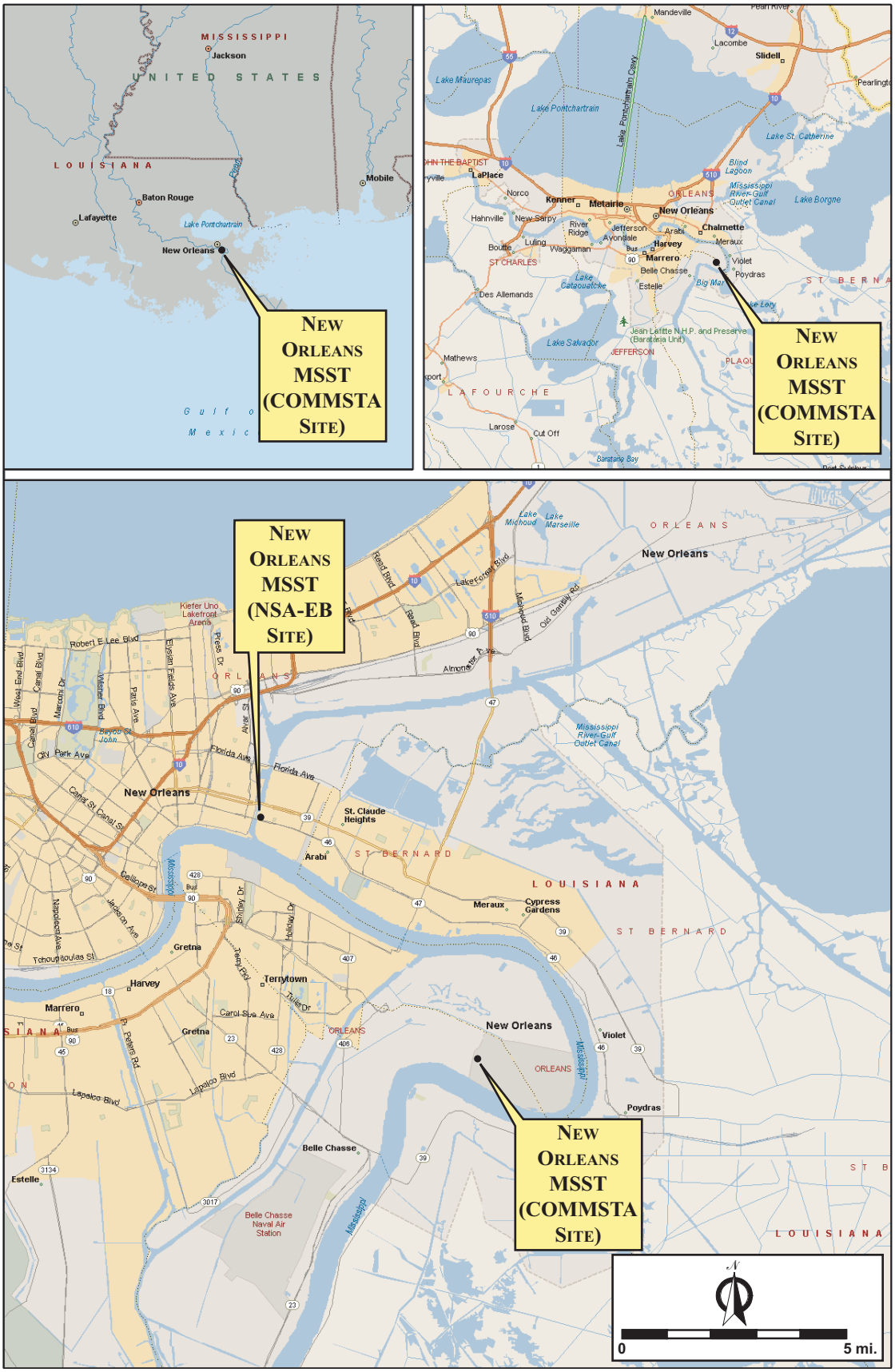
Table 1. Frequency and Source Level for each Source of Waterborne Noise in the IAS

Source	Frequency (kHz)	Source Level (1 dB re μ at 1 m)
Kongsberg SM 2000	90	206
DIDSON	1,000-1,800	202
Underwater Loud Hailer	0.5-4	180 at 1 kHz

The IAS is transportable and would be deployed to provide additional protection for specific targets throughout the region. The IAS is not expected to deploy outside ports or harbors.



Attachment 1. New Orleans Maritime Safety and Seccurity Team Region of Influence (ROI)



Attachment 1. New Orleans Maritime Safety and Security Team (MSST) Homeport Location Map

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Appendix C

ENVIRONMENTAL REGULATIONS, LAWS, AND EXECUTIVE ORDERS

Table C-1. Applicable Regulations, Laws, and Executive Orders

Executive Orders	
Executive Order (EO) 11593, Protection and Enhancement of the Cultural Environment	All Federal agencies are required to locate, identify, and record all cultural and natural resources. Cultural resources include sites of archaeological, historical, or architectural significance. Natural resources include the presence of endangered species, critical habitat, and areas of special biological significance.
EO 11990, Protection of Wetlands	Requires Federal agencies to avoid undertaking or providing assistance for new construction located in wetlands unless there is no practicable alternative, and all practicable measures to minimize harm to wetlands has been implemented.
EO 11988, Floodplain Management	Provides direction regarding actions of Federal agencies in floodplains, and requires permits from state and Federal review agencies for any construction within a 100-year floodplain.
EO 12372, Intergovernmental Review of Federal Programs (as amended by EO 12416)	Requires Federal agencies to consult with state and local governments when proposed Federal financial assistance or direct Federal development has an impact on interstate metropolitan urban centers or other interstate areas.
EO 12856, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements	Requires Federal agencies to plan for chemical emergencies. Facilities that store, use, or release certain chemicals are subject to various reporting requirements. Reported information is made available to the public.
EO 12898, Environmental Justice	Requires certain Federal agencies, including the Department of Defense (DoD), 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.
EO 13007, Indian Sacred Sites	Requires Federal agencies to accommodate access to, and ceremonial use of, sacred sites by practitioners and avoid adversely affecting the physical integrity of such sites.

Table C-1. Applicable Regulations, Laws, and Executive Orders (continued)

Executive Orders	
EO 13045, Protection of Children from Environmental Health and Safety Risks	Makes it a high priority to identify and assess environmental health and safety risks that may disproportionately affect children. It also directs agencies to ensure that policies, programs, activities, and standards address such risks if identified.
EO 13158, Marine Protected Areas	Requires Federal agencies whose actions affect the natural and cultural resources protected by a marine protected area (MPA) to identify such actions, and, to the extent practicable and permitted by law, to avoid harming the natural and cultural resources that are protected by an MPA.
EO 13175, Consultation and Coordination with Indian Tribal Governments	Requires Federal agencies to have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.
EO 13186, Responsibilities of Federal Agencies to Protect Migratory Birds	Requires Federal agencies to take steps to protect migratory birds, including restoring and enhancing habitat, preventing or abating pollution affecting birds, and incorporating migratory bird conservation into agency planning processes whenever possible.
American Indian Religious Freedom Act, 42 United States Code (U.S.C.) 1996, Public Law (P.L). 95-341	Protects and preserves the rights of American Indians, Eskimos, Aleuts, and Native Hawaiians to exercise the traditional religions. These rights include, but are not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremony and tradition rites.
Antiquities Act of 1906, 16 U.S.C. 431-433, P.L. 59-209	Provides for the protection of historic and prehistoric ruins and objects of antiquity on lands owned or controlled by the Federal government. Authorizes scientific investigation of antiquities on Federal lands. Authorizes the establishment of national landmarks.
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 their actions.

Table C-1. Applicable Regulations, Laws, and Executive Orders (continued)

Executive Orders	
Archaeological Resources Protection Act of 1979, 16 U.S.C. 470 et seq., P.L. 96-95	Enacted to preserve and protect resources and sites on Federal and Indian lands. Fosters cooperation between governmental authorities, professionals, and the public. Prohibits the removal, sale, receipt, and interstate transportation of archaeological resources obtained illegally from public or Indian lands.
Clean Air Act, 42 U.S.C. 7401-7671q, July 14, 1955, as amended	This Act, as amended, is known as the Clean Air Act (CAA) of 1970. The amendments made in 1970 established the core of the clean air program. The primary objective is to establish Federal standards for air pollutants. It is designed to improve air quality in areas of the country, which do not meet Federal standards and to prevent significant deterioration in areas where air quality exceeds those standards.
Coastal Zone Management Act of 1972, 16 U.S.C. 1451-1464, P.L. 92-583	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 through the development and implementation of coastal zone management programs.
Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601-9675, P.L. 96-510, amended by Superfund Amendments and Reauthorization Act of 1986 (SARA), P.L. 99-499	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. Also established a fund financed by hazardous waste generators to support cleanup and response actions.
Department of Transportation Act, Section 4(f)	Requires the Department of Transportation (DOT) to avoid or mitigate impacts to public parks and wildlife areas when approving transportation programs or projects.
Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq., P.L. 93-205	Protects threatened, endangered, and candidate species of fish, wildlife, and plants and their designated critical habitats. Under this law, no Federal action is allowed to jeopardize the continued existence of an endangered or threatened species. The Endangered Species Act also requires consultation with USFWS and the National Marine Fisheries Service (NMFS) and the preparation of a biological assessment when such species are present in an area that is affected by government activities.
Federal Property and Administrative Services Act of 1949	Guides the process for transferring government property.

Table C-1. Applicable Regulations, Laws, and Executive Orders (continued)

Executive Orders	
Federal Records Act	Requires Federal agencies to preserve Federal records of potential historic value.
Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. 1251-1387	The Clean Water Act is a comprehensive statute aimed at restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. Primary authority for the implementation and enforcement rests with the U.S. Environmental Protection Agency (EPA).
Fish and Wildlife Conservation Act Coordination Act, 16 U.S.C. 661 et seq., P.L. Chapter 55	The purpose of this Act is to ensure that wildlife conservation receives equal consideration and be coordinated with other features of water-resources development programs.
Historic Sites Act of 1935, 16 U.S.C. 461-467, P.L. Chapter 593	Establishes a national policy to preserve for public use, historic sites, buildings, and objects of national significance.
Historical and Archaeological Data-Preservation, 16 U.S.C. 469 et seq., P.L. 93-291	Protects and preserves historical and archaeological data caused as a result of Federal construction projects. Directs Federal agencies to notify the Secretary of the Interior when the construction project may cause irreparable loss or destruction of significant resources or data. Provides a mechanism through which resources can be salvaged from a construction site.
Lacy Act of 1900, 16 U.S.C. 701, 702; 31 Stat. 187, 32 Stat. 285	Under this law, it is unlawful to import, export, sell, acquire, or purchase fish, wildlife, or plants taken, possessed, transported, or sold: 1) in violation of U.S. or Indian law, or 2) in interstate or foreign commerce involving any fish, wildlife, or plants taken, possessed, or sold in violation of state or foreign law.
Magnuson-Stevens Fishery Conservation and Management Act, as amended through October 11, 1996, 16 U.S.C. 1801 et seq., P.L. 94-265	Establishes regional fisheries councils that set fishing quotas and restrictions in U.S. waters. Federal agencies must consult with NMFS on all actions, authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH)
Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 et seq., 1401-1407, 1538, 4107	Establishes a moratorium on the taking and importation of marine mammals including harassment, hunting, capturing, collecting, or killing or attempting the above actions. Requires permits for taking marine mammals. Requires consultations with USFWS and NMFS if impacts to marine mammals are possible.

Table C-1. Applicable Regulations, Laws, and Executive Orders (continued)

Executive Orders	
Marine Protection, Research, and Sanctuaries Act of 1972, 33 U.S.C. 1401-1445, P.L.92-532	Regulates the dumping of materials into ocean waters. Provides for a permitting process to control the ocean dumping of dredged materials. Establishes the marine sanctuaries program.
Migratory Bird Treaty Act 16 U.S.C. 703-712	The Migratory Bird Treaty Act implements various treaties and is for the protection of migratory birds. Under the Act, taking, killing, or possessing migratory birds is unlawful.
National Environmental Policy Act of 1969 (NEPA), as amended; P.L. 91-190, 42 U.S.C. 4321 et seq.	Requires Federal agencies to utilize a systematic approach when assessing environmental impacts of government activities. NEPA 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 et seq.	Requires Federal agencies to take account of the effect of any federally assisted undertaking or licensing on any district, site, building, structure, or object eligible or listed for inclusion in the NRHP. Provides for the nomination, identification (through listing on the National Register), and protection of historical and cultural properties of significance.
National Invasive Species Act of 1996, 16 U.S.C. 4701 et seq., P.L. 104-332	Reauthorizes and amends the Nonindigenous Aquatic Nuisance Prevention Control Act of 1990. Establishes ballast water information and requires guidelines to be issued for the Great Lakes.
Noise Control Act of 1972, 42 U.S.C. 4901-4918, P.L. 92-574	Establishes a national policy to promote an environment free from noise that jeopardizes their health and welfare. Authorizes the establishment of Federal noise emissions standards and provides information to the public.
Nonindigenous Aquatic Nuisance Prevention Control Act of 1990, 16 U.S.C. 4701 et seq., P.L. 101-646	Establishes aquatic nuisance species.
Northwest Atlantic Fisheries Convention Act	Implements provisions of international conventions and establishes regulatory framework.
Occupational Safety and Health Act	Establishes standards to protect workers, including standards on industrial safety, noise, and health standards.
Port and Waterways Safety Act	Sets vessel operating and towing safety requirements and sets out enforcement provisions.

Table C-1. Applicable Regulations, Laws, and Executive Orders (continued)

Executive Orders	
Resource Conservation and Recovery Act, 42 U.S.C. 6901, P.L. 94-580	Establishes requirements for safely managing and disposing of solid and hazardous waste and underground storage tanks. Federal agencies must comply with waste management requirements.

Appendix D

USCG PROTECTED 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
Phone: (202) 267-2041
FAX: (202) 267-4082

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.

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

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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**

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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

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

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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U.S. Department of Homeland Security
United States Coast Guard

Command
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-OPL-5
Phone: (202) 267-2085
Fax: (202) 267
Email:

COMDTINST 16475.7
MAY 27 2003

COMMANDANT INSTRUCTION 16475.7

Subj: PROTECTED LIVING MARINE RESOURCES PROGRAM

Ref:
(a) National Environmental Policy Act, 42 U.S.C. Sections 4321-4335
(b) Endangered Species Act of 1973, 16 U.S.C., Sections 1531-1544
(c) Marine Mammal Protection Act of 1972 16 U.S.C., Sections 1361-1421
(d) National Sanctuaries Act, 16 U.S.C. 1431 et seq.
(e) Migratory Bird Treaty Act, 16 U.S.C. Sections 703-712
(f) National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts Manual, COMDTINST M16475 (series)
(g) Maritime Law Enforcement Manual, COMDTINST M16247.1 (series)
(h) Final Environmental Impact Statement for the U.S. Coast Guard Atlantic Protected Living Marine Resources (APLMR) Initiative (NOTAL)
(i) Ocean Steward, Protected Living Marine Resources Strategic Plan
(j) COMDT COGARD (G-OPL) Washington DC 261302Z Sep 02 (NOTAL)
(k) COMDT COGARD (G-OPL) Washington DC 251923Z Oct 02 (NOTAL)
(l) Final Baseline Assessment of U.S. Coast Guard Operations in the Gulf of Mexico of 15 Dec 97
(m) Final Baseline Assessment of U.S. Coast Guard Operations in Alaska of 27 Apr 01
(n) Final Endangered Species Act Biological Assessment for the U.S. Atlantic Coast of 1 Aug 95
(o) COMPACAREA COGARD (PO) Alameda CA 031922Z Jul 02 (NOTAL)

1. PURPOSE. Outline Coast Guard actions, during Coast Guard operations, to support the recovery of protected living marine resources through internal compliance with and enforcement of Federal, State and international laws designed to preserve marine protected species. District Commanders are required, as part of the Coast Guard wide effort, to establish, maintain and update their Protected Living Marine Resources Program (PLMRP). The PLMRP will ensure Coast Guard operations

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A	1	1				1	1		1	1			1	1												
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NON-STANDARD DISTRIBUTION:

comply with references (a) thru (h) and other applicable Federal regulations and guidance such as Executive Orders. Additionally, to supplement the general enforcement guidance provided by reference (g) the PLMRP will provide specific enforcement guidance, when appropriate, that will address the unique environment and population of protected species of the District. The PLMRP focuses on Coast Guard cutter, boat and aircraft operations; not on the activities involved in construction, maintenance and repair of shore facilities.

2. ACTION. District Commanders shall establish and maintain a Protected Living Marine Resources Program. Internet release is authorized.

3. DIRECTIVES AFFECTED. None.

4. BACKGROUND. Reference (h) is the Coast Guard Environmental Impact Statement (EIS) delineating the potential threat of Coast Guard operations to protected species in the Atlantic Ocean, which includes the preferred alternative to mitigate negative interactions between Coast Guard units and marine protected species. One of the EIS mitigation measures contained in the preferred alternative requires the establishment of a Commandant Instruction on Protected Living Marine Resources and the development of District protected living marine resources programs. In addition, the Marine Protected Species Division (G-OPL-5) was established within the Office of Law Enforcement (G-OPL) and the Commandant issued reference (i): the Coast Guard's Strategic Plan for Marine Protected Species (Ocean Steward). Ocean Steward is a vital element in the Coast Guard's strategic goal of protecting our natural resources.

5. DISCUSSION. In recent years, there has been a dramatic increase in public and governmental concern about the state of our oceans and their living resources. The Coast Guard already has effective, coordinated plans for enforcing our nation's fisheries management regulations, protecting the marine environment from oil pollution, and responding to maritime disasters. There is a need to adapt the same approach to marine protected species, specifically those species and geographic areas that are protected under the Endangered Species Act, the Marine Mammal Protection Act, the National Marine Sanctuaries Act, and similar regulations or executive orders.

6. PROCEDURES. Ocean Steward's goal is to help the nation recover and maintain healthy populations of marine protected species. Baseline Assessments (BA) for all oceanic environments in which the Coast Guard operates will be prepared and updated to assist the process of identifying possible interactions with protected species. Thereafter, Environmental Assessments (EA) and EISs will be prepared as appropriate. Headquarters, working with the affected Area, will prepare BAs, EAs and EISs, with assistance of field units, as needed. These documents will serve to support each District PLMRP. Consistent with these documents Districts shall:

   a. Identify local and migratory/seasonal populations of protected species and take action as appropriate to reduce potential opportunities for conflict between the protected species and Coast Guard vessel or aircraft operations.

      (1) In identifying populations of indigenous and migratory protected species, districts should consider guidance provided in Biological Assessments (references l thru n), local knowledge, National Marine Sanctuaries, and any formally designated and/or candidate Marine Protected Areas. (Enclosure (1) is a current list of marine protected species)

Districts should also consider partnering or coordinating with the local offices of the Fish and Wildlife Service and National Oceanic and Atmospheric Administration Fisheries in identifying populations of indigenous and migratory protected species in the area.

(2) In striving to reduce potential opportunities for conflict between protected species and operations, districts should encourage area avoidance, promulgate speed/approach guidance similar to reference (o), ensure the posting of properly trained lookouts aboard cutters, and other similar measures where appropriate.

b. Participate in multi-agency planning groups to identify potential for non-regulatory cooperative efforts designed to lessen or eliminate future impact upon regional and migratory protected and candidate species. Planning groups appropriate for district participation might include take reduction teams, sanctuary advisory committees, and stranding networks.

c. Record PLMR efforts in appropriate databases (i.e., AOPS, MISLE) and message traffic (i.e., LMR Enforcement Summary, SITREPs) to ensure accurate archiving of Coast Guard activities and Auxiliary response.

(1) AOPS - Record resource hours dedicated to activities involving protected living marine resources. Additional guidance is provided in reference (j) and the AOPS Users Guide. The latter is available on the intranet at http://aops.osc.uscg.mil.

(2) MISLE – Record boardings and enforcement actions involving protected living marine resources. Additional guidance is provided in reference (k) and the MISLE Users Guide. The latter is available on the intranet at http://mislenet.osc.uscg.mil/user_guides.aspx.

(3) LMR Enforcement Summary – Record significant events involving protected living marine resources, including assistance to other agencies and incidents where other operational commitments prevented Coast Guard units from responding to legitimate requests for assistance involving marine protected species recovery activities. Additional guidance is provided in reference (k) and enclosure (4) to reference (g).

(4) SITREP – Law Enforcement SITREPS for events involving protected living marine resources should be prepared in accordance with and when prescribed by enclosure (4) to reference (g).

d. Protected living marine resources programs that support the Coast Guard's Strategic Plan and meet the objectives delineated in reference (i) shall include:

(1) Description of areas of special interest, including designated critical habitats and marine sanctuaries;

(2) Enforcement procedures; Districts should develop specific guidance, taking into account the particularities of the natural environment in which they operate, to supplement the general enforcement guidance already provided in chapter 8, paragraph 3 of reference (g);

(3) Marine animal stranding response protocols to include Area Contingency Plan for Oil and Hazardous Waste Spill Control;

(4) Operational control (OPCON) and monitoring responsibilities;

(5) Procedures for disposition of dead or injured protected species; and

(6) Forms for reporting boat collisions with marine animals, entangled turtles or whales as well as the names and telephone numbers for stranding network personnel. Generic forms, enclosure (2), can be downloaded from the G-OPL-5 website (http://cgweb.uscg.mil/g-o/g-opl/) and customized to meet District specific needs.

Note: (Enclosure (3) is a sample PLMRP instruction, that is illustrative only, and can be downloaded from the G-OPL-5 website (http://cgweb.uscg.mil/g-o/g-opl/) to assist the development of a District instruction tailored for the particular environment)

7. ENVIRONMENTAL ASPECT and IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this directive. This document falls under categorical exclusion number 33 (figure 2-1) of reference (f) as it is a guidance document that implements applicable statutory, regulatory and other guidance documents without substantive change.

8. FORMS/REPORTS. None.

//S//

D. S. BELZ
Assistant Commandant for Operations

Encl: (1) Listing of Protected Species
(2) Sample Forms
(3) Sample PLMRP Instruction (based on D17 Instruction)

LISTING OF PROTECTED SPECIES

(Current as of 3 April 2003)

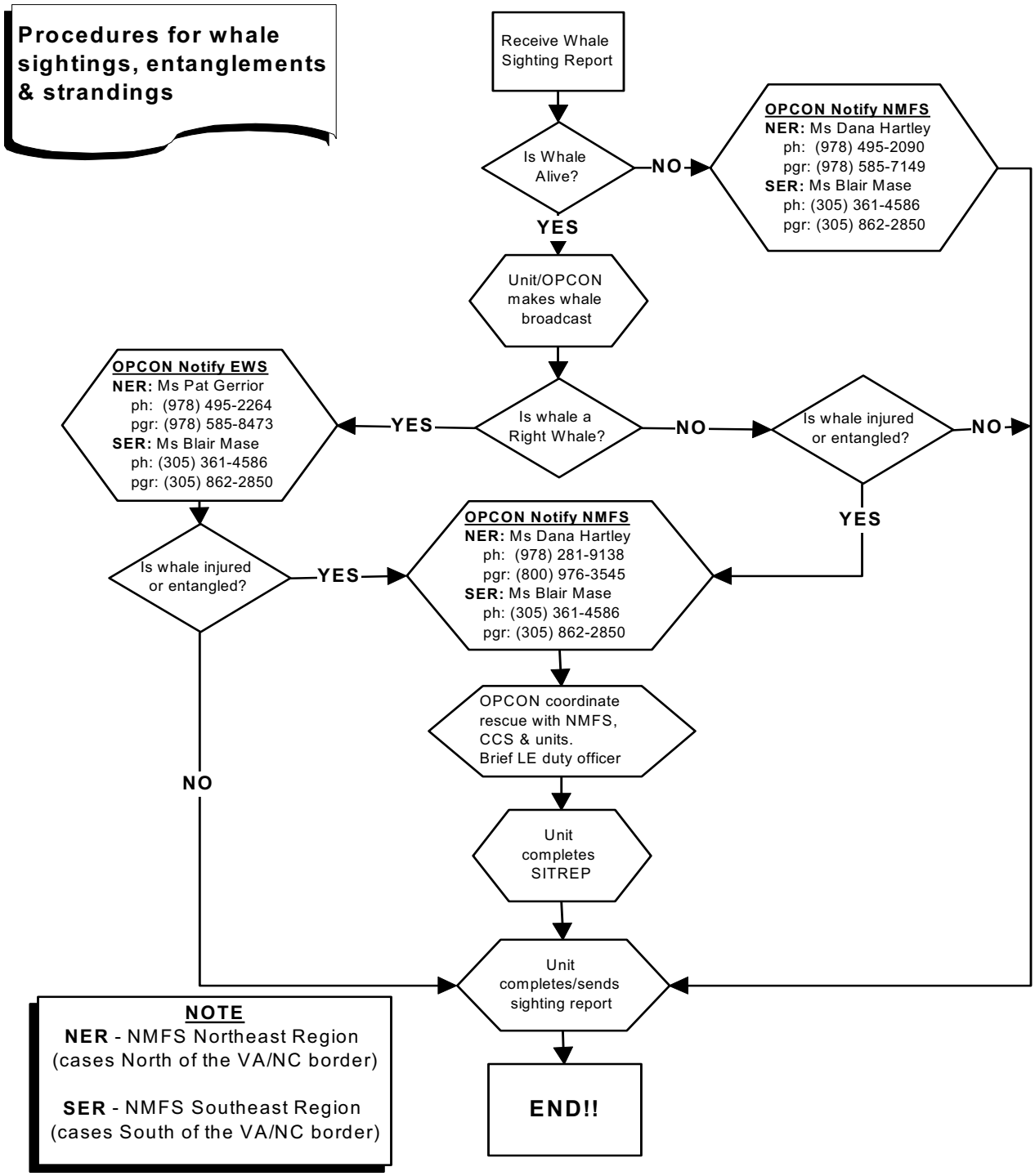
Sea Turtles
Green Turtle
Hawksbill Turtle
Kemp's Ridley Turtle
Leatherback Turtle
Loggerhead Turtle
Olive Ridley Turtle

Cetaceans
Blue Whale
Sei Whale
Fin Whale
Gray Whale
Sperm Whale
Northern Right Whale
Humpback Whale
Beluga Whale
Spinner Dolphin
Spotted Dolphin
Bottlenose Dolphin
Harbor Porpoise

Pinnipeds
Caribbean Monk Seal
Guadalupe Fur Seal
Hawaiian Monk Seal
Steller Sea Lions

* The most current list of protected species is available at <http://www.nmfs.noaa.gov/prot_res/overview/es.html>

Whale Sighting, Entanglement, Stranding Procedures



Whale Sighting Form

Name of Reporter:_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

Vessel Name or Aircraft Number:__ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

Date and time of sighting:__ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

Position (Lat/Long):_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

Species observed:_ _

ID Certainty: ☐ Definite ☐ Probable ☐ Possible

Number identified:__ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

Distinguishing Characteristics:
[Key features - size, body shape, color, blow, natural markings, (spots, blazes) dorsal fin and flippers (size and shape)]

Comments:
[calf present, injuries/wounds, behavior, other species present]

Photos taken:
[roll & frame numbers, tape number]

After completing form mail to:

New Jersey through Virginia
Protected Species Branch
National Marine Fisheries Service
166 Water Street
Woods Hole, MA 02543
(508) 495-2087 Fax: (508) 495-2258

North Carolina
Blair Mase
SouthEast Fisheries Science Center
75 Virginia Beach Drive
Miami, FL 33149
(305) 361-4586 Fax: (305) 361-4562

ENTANGLEMENT AND BOAT COLLISION REPORTING FORM

I. REPORTING SOURCE

Time/Date: _____

Reporting Source: _____

Vessel Name: _____

Doc/Reg Number: _____

Radio Call: _____

Cell Phone: _____

1st or 2nd hand Report: _____

How long can R/S remain O/S?: _____

II. DETAILS OF INCIDENT

Position: _____

Geographic Desc: _____

O/S Wx: Winds _____T/_____KTS,

Swell _____T/_____FT

Seas _____T/_____FT, Vis _____NM, Temp _____F, Baro_____._____(R/F/S)

Species: _____

Number of Animals: _____

Dorsal Fin: _____

Color: _____

Size: _____

Dead/Alive: _____

Distinguishing Marks: _____

Photo/Video Taken: _____

Type of Entanglement: _____

Nature of Injury: _____

Traveling or Anchored by Gear: _____

Course/Speed: _____

III. ENTANGLEMENT

Type of Gear & Identifying Features (color, reg #, etc) _____

Type of Line (Dia, color, material) _____

Mesh Visible?: YES/NO

Float/Other Gear Trailing?: _____

Part of Body Entangled?: _____

Wraps around Tail/Body: _____

Life Threating?/Describe: _____

IV. ANIMAL'S APPEARANCE

First Impression of Condition: _____

Skin Condition (peeling, color, whale lice, etc): _____

Obvious Bleeding/Wounds: _____

Marks Fresh or Healing?: _____

Weight (robust, emanciated, ribs or vertebrae showing): _____

V. ANIMAL'S BEHAVIOR

General Description: _____

Breathing (pattern, sound, smell?): _____

Struggling to Breathe?: _____

Lifting Head/Flukes above water?: _____

Effects on movement (flexibility, bouyancy, surfacing angle, ability to dive, appendage movement, etc):

_____

_____

VI. COLLISION

Type of Wound (prop wound, part cut off, etc)?: _____

Location: _____

Severity: _____

Vessel Involved: _____

Doc/Reg #: _____

Operator: _____

Homeport: _____

COAST GUARD DISTRICT INSTRUCTION 16XXX.X

Subj: PROTECTED LIVING MARINE RESOURCES PROGRAM

Ref: (a) 50 CFR Part 216 - Regulations Governing the Taking and Importing of Marine Mammals
(b) 50 CFR Part 222 - Endangered Fish and Wildlife
(c) 50 CFR Part 226 - Designated Critical Habitats
(d) 50 CFR Part 227 - Threatened Fish and Wildlife
(e) Maritime Law Enforcement Manual, COMDTINST 16247.1 (series)

1. PURPOSE. This instruction directs Coast Guard units within XXXXXX District waters to further federally mandated protection and recovery objectives for marine mammals and endangered marine species. It is intended to minimize the impact of Coast Guard operations on such species and to prevent, detect, and initiate enforcement action on, violations of those U.S. laws protecting Marine Mammals and Endangered Species.

2. ACTION. All XXXXX District units, cutters, and aircraft operating within the XXXXX District shall comply with the provisions of references (a) through (e) and enclosure (1) of this instruction.

3. DIRECTIVES AFFECTED. None

4. DISCUSSION. The National Oceanic and Atmospheric Administration (NOAA) Fisheries is the primary federal agency responsible for the conservation and management of Living Marine Resources (with the exception of sea otters, polar bears and walrus which are under the jurisdiction of the U.S. Fish and Wildlife Service). The Coast Guard has authority to perform law enforcement activity upon the high seas and waters subject to U.S. Jurisdiction for the prevention, detection, and suppression of violations of U.S. Law, as well as to provide support to NOAA Fisheries to meet management goals for protected marine mammals. The Coast Guard and NOAA Fisheries are both responsible for enforcing violations of the Endangered Species Act (ESA).

5. ENVIRONMENTAL ASPECT and IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this directive, and have been determined not to be applicable.

6. FORMS/REPORTS. None.

XXXXXXXXXXX
Chief of Staff

Encl: (1) Marine Mammal & Endangered Species Protection Program

PROTECTED LIVING MARINE RESOURCES PROGRAM
(Enclosure (1) to Sample DISTINST)

1. AREAS OF SPECIAL INTEREST. The XXXXX District Protected Living Marine Resources Program applies to littoral and offshore waters. However, designated critical habitats are of special importance. Units should review reference (c) to become familiar with those habitats designated as critical to endangered and threatened species under Section 7 of the Endangered Species Act (ESA). Within the XXXXX District, specific areas of concern include steller sea lion rookeries, haulouts and associated areas as listed in part 226.12(a) and 227.12, and three proposed special aquatic foraging areas as listed in part 226.12(c).

2. CUTTER TRANSITS. Whales can be expected to be encountered in inshore and offshore waters of the XXXXX District throughout the year.

   A. During the course of non-emergent operations all vessels will incorporate the following speed guidance:
      Reductions in vessel speed should be considered when a whale is sighted, known to be in the immediate area, or known to have been sighted within five nautical miles. In these situations, vessels shall use those courses and speeds as appropriate, yet navigationally prudent, to avoid a collision with a whale, and if necessary, reduce speed to a minimum at which the vessel can be kept on course or come to all stop.

   B. During the course of non-emergent operations all vessels will incorporate the following approach guidance:
      Do not approach whales head-on, nor approach within 100 yards. Approach distances may vary if the Coast Guard vessel is assisting in the rescue of an endangered whale or performing duties to enforce the Endangered Species Act or Marine Mammal Protection Act.

   C. These guidelines should not influence the conduct of emergency operations: those that require rapid response such as SAR to avoid loss of life and property, urgent law enforcement incidents, and situations involving national security.

3. UNIT RESPONSIBILITIES:

A. NOTIFICATIONS:

(1) ENTANGLEMENTS, BOAT COLLISIONS, AND STRANDINGS - In cases of entanglement, boat collisions or strandings units shall complete the appropriate form and pass the information to the command center immediately. A copy of the Entanglement & Boat Collision Reporting Form is provided as enclosure (2). Coast Guard units should not attempt to remove debris from entangled whales. A Marine Mammal Stranding Report is provided as enclosure (3). The Command Center shall notify the appropriate authorities as outlined below:

(a) Entangled or stranded whales. The DXX Command Center shall immediately notify the NOAA Fisheries Protected Resource Management Division's Stranding Coordinator at (907)586-7235 (fax: 586-7012).

(b) Stranded/entangled Steller Sea Lions. Steller Sea Lion stocks west of 144° W longitude have recently been listed on the endangered species list. The DXX Command Center shall immediately notify the NOAA Fisheries Protected Resource Management Division's Stranding Coordinator at (907)586-7235 (fax: 586-7012).

B. LOGISTICAL SUPPORT. Units are authorized and may be tasked by OPCON to provide logistical support for NOAA Fisheries-approved disentanglement and stranding teams and their equipment.

C. SITREP. All cases involving protection of endangered species will be documented via SITREP.

D. LETTER REPORT. Units which assist in the salvage, rescue or disposal of a marine mammal shall submit a letter report to the U.S. Fish and Wildlife Service in accordance with chapter 8 of the Maritime Law Enforcement Manual, with an information copy to CGDXX (moc).

4. DISPOSAL OF PROTECTED SPECIES. There is no specific U.S. Coast Guard responsibility for the salvage or disposal of dead whales. Only situations that pose a safety, health or navigation hazard, or involve significant public affairs interest should be pursued. Units shall not tow or attempt to sink dead marine mammals without OPCON concurrence. If there is no follow-up determined to be necessary by appropriate organizations after having been notified about the location of a dead whale or other protected species, abandon the

carcass and continue with normal operations.

5. DXX WHALE SIGHTING PROGRAM:

A. UNIT PREPARATIONS. Units operating in the DXX AOR should review references (a) through (d) and follow the guidelines outlined in this instruction to establish an effective unit sighting program. The program will include reporting sightings to the National Marine Mammal Laboratory (NMML) for inclusion in their national data base. NMML distributed sighting forms to all cutters in PACAREA in June 1996. Additional forms may be obtained by calling the NMML at 206-526-4030. They will also answer any questions about the national sighting program.

B. IDENTIFICATION GUIDES. Units should ensure that appropriate personnel are able to identify protected species. The Guide to Marine Mammals of Alaska is available from the Alaska Sea Grant College Program at the University of Alaska Fairbanks for $15.00. This publication has pages which are water resistant in spiral bound format. NMML also recommends the Sierra Club Handbook of Whales and Dolphins and the Sierra Club Handbook of Seals and Sirenians, both available from the Sierra Club Bookstore, San Francisco (415)977-5600.

C. COLLATERAL DUTY ASSIGNMENT. Units should identify a person onboard that has primary responsibility for photographing, videotaping and submitting completed sighting forms for endangered marine mammals.

D. SIGHTING PRIORITIES. All sightings of marine mammals should be documented on the NMML Marine Mammal Sighting form. The specific priorities of the DXX sighting program are:

(1) Entangled or injured whales;

(2) "Floaters" - dead whales;

(3) Large groups of whales.

E. PROBABLE LOCATIONS OF WHALES. Historical sighting data from aerial and shipboard surveys indicates whales are normally found in the vicinities of:

(1) West Coast of Alexander Archipelago (March-June) - gray whale seasonal migrants seen close to shore on the northbound transit.

(2) Shelikof Bay (Kruzof Island) (July-August) - a few gray whales are seen in and near this bay.

(3) Davidson Bay (Chichagof Island) (July-August) - a few gray whales are seen in and near this bay.

(4) West coasts of Prince of Wales Island, Baranof Island and Chichagof Island (March-September) - humpback whales are found in scattered distribution. (September-early February) - humpback whales are found in clumped distribution in areas where herring overwinter (Ullola Channel, Sitka Sound, Tenakee Inlet and sometimes Salisbury Sound and Lisianski Inlet).

(5) Ketchikan Area (Revillagigedo Channel and lower Clarence Strait) (December) - a few humpback whales, with increasing sightings in the past 2-3 years.

(6) Seymour Canal (October-early February) humpback whales.

(7) Lower Lynn Canal and upper Stephens Passage (May-September and January) - humpback whales in increasing numbers in the past 2-3 years.

(8) Upper Lynn Canal (May) - humpback whales.

(9) Frederick Sound and Stephens Passage (late July-September) - humpback whales.

(10) Chatham Strait (May-October) - humpback whales. Tenakee Inlet has sightings into October most years.

(11) Icy Strait and Glacier Bay (May-September) humpback whales.

(12) Coastal corridor Cape St. Elias to Unimak Pass (March-June) - migrating gray whales.

(13) Middleton Island to shelf edge SE of Kodiak (Summer) - sperm whales.

(14) Stevenson Entrance (between Afognak and Barren Islands) and Marmot Bay (June-October) - humpback and fin whales.

(15) Unimak Pass (Spring-Fall) - migrating gray whales. (Summer and possibly year-round) - humpback whales.

(16) Western Aleutians (Buldir, Seguam Pass) (Summer) - sperm whales and beaked whales.

(17) Shelikof Strait to Chirikof Is. (spring-fall) - humpback and fin whales.

(18) Upper Cook Inlet (May-September) - beluga whales.

(19) Kenai River (September-October) - beluga whales.

(20) Kachemak Bay (May) - beluga whales.

(21) Kotzebue (June-July) - beluga whales.

(22) Point Lay (July) - beluga whales.

(23) Yakutat (Winter) - beluga whales.

(24) Norton Sound beluga whales follow the icepack north.

(25) Bowhead whales are found on the North Slope and also in the North/Northwestern Bering Sea.

F. FORWARDING OF SIGHTING REPORTS. Whale sighting information shall be documented on the NMML Marine Mammal Sighting form, and forwarded to the address on the form at the end of patrol. Use of 35-mm photographs and VHS video to supplement reports is encouraged.

6. ENFORCEMENT OF MMPA AND ESA VIOLATIONS

A. PHILOSOPHY. Enforcement of Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA) regulations will target significant violators. The MMPA prohibites the take of all marine mammal species in U.S. waters. "Take" is defined as "to harass, hunt, capture, collect or kill, or attempt to harass, hunt, capture, collect or kill any marine mammal." Education is recognized as being a fundamental part of enforcement efforts.

B. HARASSMENT DEFINITIONS. The term "harassment" is an element of taking under the MMPA and includes two levels:

(1) LEVEL A - An act of pursuit, torment, or annoyance that has the potential to injure a marine mammal or marine mammal stock in the wild.

(2) LEVEL B - An act of pursuit, torment, or annoyance that has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns including, but not limited to, migration, breathing, nursing, breeding, feeding or sheltering, but which does not have the potential to injure a marine mammal or marine mammal stock in the wild.

C. EXAMPLES OF HARASSMENT:

(1) Human Interactions - Diving or swimming, throwing objects, human feeding (disrupts natural eating habits), high speed approaches by a vessel, and deliberately maneuvering a vessel close to a whale are clear examples of harassment.

(2) More Subtle Violations - Units should also be aware of more subtle violations.

Persistent engagement of a vessel in a manner that results in a recognizable and articulable disturbance of the marine mammal or endangered marine species is also a violation. Detailed narratives, videotapes, and/or photographs are essential in thoroughly documenting these cases.

D. STANDARD FOR DOCUMENTING VIOLATIONS. Evidence of the following elements of a violation should be obtained to establish a violation of the MMPA or ESA:

(1) Personal knowledge of the guidelines contained in references (a) through (d) (this can be assumed of whale watching boat operators).

(2) Refusal to observe the guidelines contained in references (a) through (d) once advised/reminded.

(3) Documented behavior (observed, photographed, videotaped, etc.) fitting the harassment definition above.

(4) Distances between the violator and whale before, during, and after the incident.

(a) Buffer Zone. There is a buffer zone surrounding all whales which consists of an area outward from the whale a distance of 100 yards in all directions. Northern right whales have a 500 yard buffer zone.

(b) Approaches. Vessels may not approach a whale or turn in any manner to intercept a whale within a buffer zone.

(c) Interference. No vessel may disrupt the behavior of a whale within a buffer zone.

(d) Exceptions. Any person issued a federal scientific research permit may conduct scientific research, observation or management as authorized under the permit.

(e) Commercial Fishing. Commercial fishing vessels hauling back, towing gear or fishing at anchor within a buffer zone created by a surfacing whale may complete the haul, tow or fishing operation, provided it does so with minimum disruption to the whale, does so in a direction away from the whale and departs the buffer zone immediately after the haul, tow or fishing operation.

E. ISSUING A VIOLATION

(1) Standards Present - If "harassment" as discussed in paragraph 6 is observed, board the vessel (if weather/operations permit) and attempt to educate the vessel

operator. Issuing a written warning for minor infractions is authorized at the boarding officer's discretion if it is deemed that the mariner's actions were unintended or due to ignorance of the law and will be corrected.

(2) Persistence - If the master of the vessel persists in harassment, or the actions of the vessel are plainly dangerous or involve a significant act of harassment, issue a violation to the master.

(3) Documentation - In documenting a violation, it is critical to identify distances as well as marine mammal behavior before, during, and after the incident. Submit the Enforcement Action Report (EAR) and documentation in the same manner as MFCMA violations to the local NMFS agent. A list of all witnesses to the incident with phone numbers and/or addresses is also very important. Identify individuals or other vessels who are potential witnesses in your Offense Investigation Report (OIR) statements.

F. SPECIAL CIRCUMSTANCES INVOLVING WHALE WATCHING BOATS. Commercial whale watching boats need not be boarded for all perceived violations. If apparent violations are observed, document the suspected violations (obtain necessary information via radio) and forward the completed case package (if appropriate) to NMFS, with a copy to the appropriate MSO for possible licensing sanctions.

U.S. Department of Homeland Security
United States Coast Guard

Commandant
United States Coast Guard

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COMDTINST 16004.3A
OCT 15 2003

COMMANDANT INSTRUCTION 16004.3A

Subj: COAST GUARD PARTICIPATION IN THE MARINE SANCTUARY PROGRAM

Ref: (a) Abstract of Operations Reports, COMDTINST M3123.7 (series)
(b) Maritime Law Enforcement Manual (MLEM), COMDTINST M16247.1 (series)
(c) COMDT COGARD Washington DC 261302Z SEP 02

1. PURPOSE. To provide policy guidance for Coast Guard participation in the National Marine Sanctuary Program.

2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, assistant commandants for directorates, Chief Counsel, and special staff offices at Headquarters shall ensure compliance with the provisions of this Instruction. Internet release is authorized.

3. DIRECTIVES AFFECTED. Coast Guard Participation in the National Marine Sanctuary Program, COMDTINST 16004.3, and National Marine Sanctuary Law Enforcement Program, COMDTINST 16214.2, are cancelled.

4. BACKGROUND.

a. In 1972, in response to a growing awareness of the intrinsic environmental and cultural value of our coastal waters, Congress passed the Marine Protection, Research, and Sanctuaries Act (16 U.S.C. 1431, et seq.). The Marine Protection, Research, and Sanctuaries Act (NMSA) authorizes the Secretary of Commerce to designate discrete areas of the marine environment as national marine sanctuaries to promote comprehensive management of their unique ecological, historical, recreational and aesthetic resources.

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	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A	1	1				1	1		1	1			1	1												
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b. The National Marine Sanctuary Program (NMS) is administered by the Secretary of Commerce through the National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service (NOS). The program provides a coordinated and comprehensive approach to identify, designate and manage areas of the maritime environment of special national significance.

c. The goals of the NMS program are:

(1) To enhance resource protection through the implementation of a comprehensive, long-term management plan tailored to specific resources;

(2) To promote and coordinate research to expand the scientific knowledge of significant marine resources and improve interagency decision making;

(3) To enhance public awareness, understanding, and wise use of the marine environment through public interpretive and recreational programs; and

(4) To provide, to the extent compatible with the primary objective of resource protection, the optimum public and private use of special marine areas.

d. NOS is responsible for carrying out these goals through cooperative partnerships between Federal, state and local agencies, educational and research institutions, and nongovernmental organizations. The Coast Guard contributes to this effort through waterways management responsibilities, marine environmental protection activities, and the enforcement of sanctuary regulations as a part of its law enforcement activities.

e. Thirteen national marine sanctuaries are currently designated and a fourteenth is proposed. The contact information for each of these sanctuaries is listed in enclosure (1).

5. DISCUSSION.

a. Enforcement Authority.

(1) Where marine sanctuaries lie in state waters, NOS primarily coordinates enforcement with state enforcement agencies. In waters beyond state jurisdiction, the Coast Guard is the primary maritime enforcement agency.

(2) The Coast Guard has authority to enforce the NMSA under 14 U.S.C. 2 and 14 U.S.C. 89. Section 1437(h) of the NMSA specifically states that nothing shall be considered to limit the Coast Guard's authority to enforce the NMSA or any other Federal law. The Coast Guard may enforce all applicable Federal laws within the boundaries of national marine sanctuaries.

(3) Violations of marine sanctuary regulations are prosecuted by the NOAA General Counsel.

b. Enforcement Philosophy. NOS's sanctuary management philosophy is based primarily upon an educational approach. Their objective is to foster voluntary compliance by those who use the Nation's marine sanctuaries, and to promote a feeling of stewardship toward the various living and cultural resources these sanctuaries were created to protect. The Coast Guard supports this philosophy. Nevertheless, sanctuaries require routine presence of law enforcement resources to deter and detect violations.

c. Sanctuary Management Plans. Each marine sanctuary is unique and is managed and regulated by NOS with regard to its location and the specific nature of, and threats to, its resources. Individual sanctuary management plans establish the framework to achieve long term resource protection by tailoring management programs to the needs of the particular site.

6. PROCEDURES.

a. Effective coordination of waterways management issues, marine environmental protection issues, and the enforcement of sanctuary regulations are important components of the National Marine Sanctuary Program. To that end, the Coast Guard will work closely with NOS to ensure the comprehensive and coordinated conservation and management of these special areas of the marine environment. Particularly, the Coast Guard will work with NOS to ensure its enforcement efforts complement those of other Federal, state and local agencies.

b. The Coast Guard will actively participate at all levels with NOS and other Federal, state and local agencies in evaluating proposals for new sanctuaries, developing management plans and regulations for designated sanctuaries, and coordinating Coast Guard operations within sanctuary boundaries. The Coast Guard's early involvement in the development stage of management plans is particularly important to effectively integrating Coast Guard programs within the sanctuaries.

c. The Coast Guard will assist NOS in its efforts to educate the boating public with regard to marine sanctuary regulations by involving the Coast Guard Auxiliary. By incorporating information provided by NOS on the sanctuary program, the Auxiliary can significantly contribute to the goal of enhancing public awareness of sanctuary regulations and promoting public stewardship of these unique national resources.

d. Area commanders shall:

(1) Designate an appropriate office to coordinate area and district participation in the National Marine Sanctuary Program.

(2) Ensure units under their command properly document marine sanctuary enforcement efforts per reference (a).

e. District commanders shall:

(1) Establish close liaison with the regional NOAA Fisheries Special Agent in Charge and local sanctuary managers to determine appropriate levels of enforcement activity and ensure timely analysis of enforcement needs. Procedures for coordinating enforcement activity shall be set out in a Memoranda of Agreement (MOA). Copies of such agreements shall be provided to Commandant (G-OPL) and the cognizant area commander.

(2) Provide routine surveillance of the marine sanctuaries concurrently with other Coast Guard operations, and provide specific, targeted or dedicated law enforcement as appropriate. Sanctuary surveillance and enforcement should be incorporated into routine patrol orders where feasible.

(3) Keep NOAA Fisheries and the local sanctuary managers informed of Coast Guard operations occurring within sanctuary boundaries.

(4) Participate with NOS and other Federal, state and local agencies in the development of sanctuary management plans and regulations to provide advice on the enforceability and safety of regulatory proposals and impacts on Coast Guard operations within sanctuary boundaries.

(5) Assist NOAA Fisheries and the local sanctuary managers in assessing the level and nature of user activity in the sanctuaries through coordinated surveillance patrols.

(6) Review violations of sanctuary regulations as documented by Coast Guard units on Enforcement Action Reports and Offense Investigation Reports. Forward completed enforcement case documentation to NOAA Fisheries for processing and final adjudication by NOAA General Counsel per reference (b).

(7) Coordinate cooperation of the Auxiliary with the local sanctuary managers in providing NOS educational material to the boating public during Auxiliary boating safety courses, courtesy safety examinations, and other activities as deemed appropriate.

f. The Assistant Commandant for Operations (G-O) shall, through the Office of Law Enforcement (G-OPL):

(1) Participate at the national level as the central headquarters point of contact for the National Marine Sanctuary Program and law enforcement issues.

(2) Coordinate with the Office of Response (G-MOR) for marine environmental protection and contingency planning issues.

(3) Coordinate with the Office of Aids to Navigation (G-OPN) and the Office of Vessel Traffic Management (G-MWV) for navigation and waterways management issues.

7. ENVIRONMENTAL ASPECT and IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this directive. This Instruction falls under categorical exclusion number 33 (figure 2-1) of National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts Manual COMDTINST M16475.1 (series) as it is a guidance document that implements applicable statutory, regulatory and other guidance documents without substantive change.

8. FORMS/REPORTS.

   a. Marine sanctuary enforcement effort shall be documented as ELT-PLMR mission/employment category in aircraft, boat and cutter abstract of operation reports per references (a) and (c).

   b. Violations of marine sanctuary regulations shall be documented on the Enforcement Action Report (CG-5201) and the Fisheries Boarding Investigation Report (FBIR four page form) or Offense Investigation Report (CG-5202) per reference (b), and reported in MISLE.

D. S. BELZ/s/
Assistant Commandant for Operations

Encl: (1) List of designated and proposed National Marine Sanctuaries

LIST OF DESIGNATED AND PROPOSED NATIONAL MARINE SANCTUARIES

CHANNEL ISLAND NATIONAL MARINE SANCTUARY

Santa Barbara Office
113 Harbor Way, Suite 150
Santa Barbara, CA 93109
Phone: (805) 966-7107
Fax: (805) 568-1582

Southern Office
Channel Islands Harbor
3600 S. Harbor Blvd., Suite 217
Oxnard, CA. 93035
Phone: (805) 382-6149
Fax: (805) 382-9791
Sanctuary Manager: Chris Mobley
E-mail: Chris.Mobley@noaa.gov
Web: http://channelislands.noaa.gov/

CORDELL BANK NATIONAL MARINE SANCTUARY

1 Bear Valley Rd.
Point Reyes Station, CA 94956
Mailing address:
PO Box 159
Olema, CA 94950
Phone: (415) 663-0314
Fax: (415) 663-0315
Sanctuary Manager: Dan Howard
E-mail: cordellbank@noaa.gov
Web: http://cordellbank.noaa.gov/

FAGATELE BAY NATIONAL MARINE SANCTUARY

Fagatele Bay National Marine Sanctuary
P.O. Box 4318
Pago Pago, American Samoa 96799
Phone: (684) 633-7354
Fax: (684) 633-7355
Sanctuary Coordinator: Nancy Daschbach
E-mail: fagatelebay@noaa.gov
Web: http://fagatelebay.noaa.gov/

FLORIDA KEYS NATIONAL MARINE SANCTUARY

P.O. Box 500368
Marathon, FL 33050
Phone: (305) 743-2437
Fax: (305) 743-2357
Sanctuary Superintendent: Billy Causey
E-mail: billy.causey@noaa.gov
Web: http://floridakeys.noaa.gov/

FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

1200 Briarcrest, Suite 4000
Bryan, TX 77802
Phone: (979) 846-5942
Fax: (979) 846-5959
Sanctuary Manager: George Schmahl
E-mail: george.schmahl@noaa.gov
Web: http://flowergarden.noaa.gov/

GRAY'S REEF NATIONAL MARINE SANCTUARY

10 Ocean Science Circle
Savannah, GA 31411
Phone: (912) 598-2345;
Fax: (912) 598-2367
Sanctuary Manager: Reed Bohne
E-mail: graysreef@noaa.gov
Web: http://graysreef.noaa.gov/

GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY

Fort Mason, Bldg. 201
San Francisco, CA 94123
Phone: (415) 561-6622
Fax: (415) 561-6616
Sanctuary Manager: Ed Ueber
E-mail: farallones@noaa.gov
Web: http://farallones.nos.noaa.gov

HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY

Maui Headquarters Office
726 South Kihei Road
Kihei, Hawaii 96753
Phone: (800) 831-4888 or (808) 879-2818
Fax: (808) 874-3815
Sanctuary Manager: Naomi McIntosh
E-mail: hihumpbackwhale@noaa.gov
Web: http://hawaiihumpbackwhale.noaa.gov/

MONITOR NATIONAL MARINE SANCTUARY

The Mariners' Museum
100 Museum Drive
Newport News, VA 23606
Phone: (757) 599-3122
Sanctuary Manager: John Broadwater
E-mail: monitor@noaa.gov
Web: http://monitor.noaa.gov/

MONTEREY BAY NATIONAL MARINE SANCTUARY

MBNMS Main Office
299 Foam Street
Monterey, California 93940
Phone: (831) 647-4201
Fax: (831) 647-4250
Sanctuary Superintendent: William Douros
E-mail: william.douros@noaa.gov
Web: http://montereybay.noaa.gov/

(Proposed 14th sanctuary) NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF ECOSYSTEM RESERVE

6700 Kalanianaole Hwy, #215
Honolulu, HI 96825
Phone: (808) 397-2668
Sanctuary Designation Coordinator: Sean Corson
E-mail: sean.corson@noaa.gov

OLYMPIC COAST NATIONAL MARINE SANCTUARY

115 East Railroad Ave
Suite 301
Port Angeles WA 98362
Phone: (360) 457-6622
Sanctuary Superintendent: Carol Bernthal
E-mail: olympiccoast@noaa.gov
Web: http://olympiccoast.noaa.gov/

STELLWAGEN BANK NATIONAL MARINE SANCTUARY

175 Edward Foster Road
Scituate, MA 02066
Phone: (781) 545-8026
Fax: (781) 545-8036
Sanctuary Superintendent: Craig MacDonald, Ph.D.
E-mail: craig.macdonald@noaa.gov
Web: http://stellwagen.nos.noaa.gov/welcome.html

THUNDER BAY NATIONAL MARINE SANCTUARY AND UNDERWATER PRESERVE

145 Water Street
Alpena, Michigan 49707
Phone: (989) 356-8805
Fax: (989) 354-0144
Sanctuary Manager: Jeff Gray
E-mail: jeff.gray@noaa.gov
Web: http://thunderbay.noaa.gov/

Appendix E

AIR QUALITY ANALYSIS

New Orleans MSST

Scenario

Based on estimates from San Pedro Coast Guard Facility (11/27/02)

2 boats in harbor, 12 hrs/day 7 days/wk
3 boats on trailers for remote assignments; assume maximum of two in water 12 hrs/day, all outside Southern Louisiana-Southeast Texas (SL-ST) Interstate AQCR.
1 spare boat
4 F-350 Ford gasoline pickups with tow trailers. Used about 15 days per month.
4 F-550 Ford gasoline stake-bed trucks with tow trailers. Used about 15 days per month.
3 15-person passenger vans. Used about 15 days per month.

During military load-outs, the Harbor boats will patrol 12 hr/day for 1-2 days. The frequency of such events is dependent on world events, but will be at least 1-2 per month for the near future.

The trailered boats could be deployed to any location on the southern coast of the United States (including Gulf of Mexico), but their duties will be primarily located in the Mississippi River, Lake Maurepas, Lake Pontcartrain, Lake St. Charles, and Lake Borgue.

The 12 knot speed mentioned in the Description of Proposed Action is an average speed rather than an actual speed. The boats would rarely actualy travel at 10-12 knots because that is a transition speed between displacement and planing for a boat of this size. As a result, that speed generates a significant wake, and results in unnecessary fuel consumption and emissions.

Boats will patrol at 7-8 knots in the harbor, with occasional periods of travel of approximately 35 knots to relocate, or to go out or return from escort assignments. Staff estimate 80% of the time is spent at low speed, and 20% of the time is spent a cruising speed. There are also occasional momentary bursts of up to 50 knots to intercept other watercraft. Boats patroling within the main ROI will spend most of their time at cruising speed (approximately 35 knots) with a smaller fraction of time at low speed.

No new construction would be needed to support the MSST equipment and administration. All construction work would be interior and exterior renovations. Therefore, these emissions will not be included in this calculation.

There will be a total of 71 active duty and 33 reservists associated with the Proposed Action. These will all be new staff (104) to the New Orleans Coast Guard facility. The reservists will come to New Orleans only one weekend per month for exercises.

Assumptions:

Assume that the two harbor patrols will be in SL-ST Interstate AQCR 100% of the time, running 12 hr/day, 329 days/yr.
Assume that the two harbor patrols will be on 12 hour Military Load-out patrols the other 36 days/yr

Assume that the boats that while patroling the coastline they will operate primarily in Orleans and Jefferson Parishes; and sometimes in Gulf of Mexico
Assume that all commuter vehicles are in SL-ST Interstate AQCR 100% of the time.
Assume that pickups with boat trailers will commute out of SL-ST Interstate AQCR 15 days per month.

No historical data on fuel use for comperable Coast Guard watercraft were available for New Orleans. However according to Chief Petty Officer Mark Wilkins (telecon 11/26/02) Coast Guard MSST patrols use about 45 gal in a 12-hour day.

Based on mileage data from comperable engines, see "Power Requirements" worksheet, these outboard motors have a thermal efficiency of approximately 22.6%.

$$\frac{(3.75\ \text{gal/hr})\ (130{,}000\ \text{Btu/gal})\ (22.6\%\ \text{thermal efficiency})}{3413\ \text{Btu/kW-hr}} = 32\ \text{kW}$$

Based on tests of outboard boat efficiency, see "Power Requirements" worksheet, a 24 foot boat uses approximately 10.3 gal/hr at a cruising speed of 32 MPH. If we assume 80:20 ratio of cruising to idle speed for the deployed boats, as opposed to 20:80 for the Harbor Patrol boats, then the deployed boats would be expected to consume approximately 8.75 gallons per hour.

$$\frac{(8.75\ \text{gal/hr})\ (130{,}000\ \text{Btu/gal})\ (22.6\%\ \text{thermal efficiency})}{3413\ \text{Btu/kW-hr}} = 75\ \text{kW}$$

Assume that the average total power demand for patrol boats over their 12-hour shifts will be:

50 HP avg. engine load to patrol harbor =	37 kW
100 HP avg. engine load to cruise along coast =	75 kW

Boat Activity in SL-ST Interstate AQCR:

	Two harbor patrol boats, 12 hr/day, 329 days/yr	
	Two harbor patrol boats, 12 hr/day, 36 days/yr	
Totals	8,760 boat-hrs in NYSDEC Region 2, Metropolitan AQCR or:	**326,529 kW-hrs**

On-Road Motor Vehicles

This analysis will compute emissions associated with 71 active duty staff vehicles commuting an average of 40 miles per day (20 miles each way), one person per car, 240 days per year.
Reservists will be assumed to originate outside of SL-ST Interstate AQCR, so their mileage will be based on 12 round trips per year from the edge of the air basin (approximately 200 miles in the SL-ST Interstate AQCR each round trip)
The four Ford F-350 pickups, four F-550 stake-bed trailers, and three 15-passenger vans will be assumed to travel to the edge of SL-ST Interstate AQCR 15 times per month (approximately 200 miles in the SL-ST Interstate AQCR each round trip).
Fleet makup and age assumptions are listed and emission factors are computed on the "Commute" sheet in this workbook.

Motor Vehicle Activity in SL-ST Interstate AQCR:

71 active duty staff, 40 mi/day, 240 days/yr.	681,600 vehicle miles traveled
4 Ford F-350s, 200 miles/trip, 180 trips/yr	144,000 vehicle miles traveled
33 reservists, 200 miles/trip, 12 trips/yr	79,200 vehicle miles traveled
4 Ford F-550s, 200 miles/trip, 180 trips/yr	144,000 vehicle miles traveled
3 15-Passenger Vans, 200 miles/trip, 180 trips/year	108,000 vehicle miles traveled

Motor vehicle activity in air basins outside of SL-ST Interstate AQCR will be negligible and has not been evaluated.

Emissions From Watercraft

The specification for the Proposed Action motor procurement requires that current and future MSST engines meet federal 2006 model year emission standards for outboard motors (= California 2001-2003 MY standards).

Emission Factors **Not** Used in This Analysis - Presented for Comparison Purposes Only

Emission Factors from U.S. EPA NonRoad Model Version 2.2.0
For 4-Stroke Inboard Engines, Technology M3

Exhaust Emissions				Refuel	Diurnal
NOx g/kW-hr	VOC g/kW-hr	CO g/kW-hr	PM10 g/kW-hr	VOC g/day	VOC g/day
10.36	5.41	173.75	0.08	1.8	3.0

The NonRoad Model does not include emission factors for 4-stroke outboard motors. Furthermore, the NonRoad Model emission factors do not anticipate the federal MY2006 outboard engine emission standards (which the Proposed Action motors must meet). These factors are moderatly lower than the factors used in this analysis for NOx and HC, and moderately higher than the factor used in this analyis for CO. This PM10 factor is significantly lower than the factor used in this analysis, and may be more representative of a 4-stroke outboard than the factor used in this analysis. However, if the currently-selected engines were to be replaced by 2-stroke engines at some time during the life of the Proposed Action, the NonRoad Model PM10 factor listed above would likely underestimate 2-stroke outboard engine emissions.

Emission Certification Data Submitted by Honda Motor Corp. to USEPA and CARB for the BF200A/BF225A Series engines.

NOx g/kW-hr	VOC g/kW-hr	CO g/kW-hr
6.39	3.54	139.05

These factors are representative of the engines selected this year for the MSST watercraft. However, they may not be representative of any future engines that may replace these engines.

The emission factors to be used for this analysis are generic factors which are higher than the engine certification factors for the particular engines selected for the Proposed Action. The generic factors are computed to correspond to the federal 2006 emission standards, as discussed on the following page.

Federal 2006 Outboard Engine Emission Standard (Ref: 40 CFR 91.104

$$NO_x \& HC\ (g/kW\text{-}hr) = [0.25 \times (151 + 557/Ptx^{0.9})] + 6$$

where Ptx = engine rated output in kW

The emission standard is a NOx+HC standard that is expressed by an exponential formula based on the engine horsepower rating. For a 200 HP engine, the formula works out to 46 g/kW-hr NOx+HC.
The ratio of NOx to HC used to allocate this 46 g/kW-hr to individual pollutant emission factors is based on the measured emissions from seven MY2002 engine families in the 140 kW+ (200 HP+) size range that meet California 2001-2003 (same as federal 2006) emission standards. The CO factor is based on the highest three CO measurements out of the seven engine families that meet the standard.

Emission Factors Used for Outboard Motors

NOx g/kW-hr	VOC g/kW-hr	CO g/kW-hr	PM10 g/kW-hr	SOx g/kW-hr
14	32	140	1.3	1.2

A comparison of these default 'compliant' emission factors to the actual certification data for the engines selected for these boats indicates that this estimate will conservatively over-estimate NOx, HC and CO for these new engines, and should be conservatively high for any future engines that may replace these engines during the life of the Proposed Action.
Available references documenting emission factors for outboard motors generally provide data for NOx, HC, and CO only. For this analysis, PM10 and SOx factors for gasoline engines were taken from USEPA AP-42 Table 3.3-1 dated 10/96.

Estimated Emissions From Watercraft

	NOx ton/yr	VOC ton/yr	CO ton/yr	PM10 ton/yr	SOx ton/yr	
Annual SL-ST Interstate AQCR	5.04	11.52	50.39	0.48	0.45	Note (1)

(1) 326,529 kW-hrs per year in SL-ST Interstate AQCR, see Assumptions section of this worksheet.

Diurnal and refueling emissions for these watercraft are estimated to be only 17 lbs per year.

Emissions From Commuter, Tow Vehicles, and 15-Passenger Vans

Emission Factors Used for the Commuter Fleet

	NOx g/mi	VOC g/mi	CO g/mi	PM10 g/mi	SOx g/mi	
Commuter Vehicles	1.0	1.2	14.7	1.06	0.1	Note (1)
Tow Vehicles	1.3	0.7	1.7	1.59	0.157	Note (2)
15-Passenger Vans	1.2	1.2	16.9	2.58	0.098	Note (3)

(1) These are national average emission factors using a fleet mix that is typical of commuter traffic.
These factors have not been refined to reflect local smog check programs, etc.
The fleet mix and emission factor calculation is done on the "Commute" sheet in this workbook.
(2) These are emission factors for Light-duty diesel trucks (LDDT) 1 and were taken from AFIERA (July 2001).
(3) These are emission factors for LDDT2 and were taken from AFIERA (July 2001).

Estimated Emissions From Commuters in SL-ST Interstate AQCR

	NOx ton/yr	VOC ton/yr	CO ton/yr	PM10 ton/yr	SOx ton/yr	
Commuter Vehicles	0.87	0.98	12.31	0.89	0.06	(active duty and reservists)
Tow Vehicles	0.41	0.22	0.54	0.50	0.05	(F-350 and F-550)
15-Passenger Vans	0.14	0.14	2.01	0.31	0.01	
Totals	1.42	1.34	14.87	1.70	0.12	

See Assumptions section of this worksheet for discussion of vehicle miles traveled.

Total Estimated Annual Emissions From Proposed Action

	NOx ton/yr	VOC ton/yr	CO ton/yr	PM10 ton/yr	SOx ton/yr
Annual SL-ST Interstate AQCR	6.46	12.86	65.26	2.18	0.57

General Conformity De Minimis Thresholds

	NOx ton/yr	VOC ton/yr	CO ton/yr	PM10 ton/yr	SOx ton/yr	
Annual SL-ST Interstate AQCR	100.00	100.00	--	--	--	Maintenance for O3

Cells with "--" in them indicate federal attainment for this pollutant in this area. No conformity determination is necessary for this pollutant in this air basin.

General Conformity Regional Significance Thresholds (10% of regional budget)

Since future year budgets were not readily available, actual 1999 air emissions inventories for the counties were used as an approximation of the regional inventory. Because the Proposed Action is several orders of magnitude below significance, the conclusion would be the same, regardless of whether future year budget data set were used.

SL-ST Interstate AQCR Target Year Emissions Budgets

	Point and Area Sources Combined				
Year	**NOx (tpy)**	**VOC (tpy)**	**CO (tpy)**	**PM10 (tpy)**	**SO2 (tpy)**
1999	768,679	370,113	1,938,258	308,218	394,583

Source: USEPA-AirData NET Tier Report (http://www.epa.gov/air/data/nettier.html). Site visited on 6/2/04

Determination Significance (Significance Threshold = 10%)

Minimum -1999	768,679	370,113	1,938,258	308,218	394,583
Proposed Action %	**0.0008%**	**0.0035%**	**0.0034%**	**0.0007%**	**0.0001%**

ASSUMPTIONS Based on estimates from San Pedro Coast Guard Facility (11/27/02)

Staff: 72 Active duty staff supporting the MSST will all be new staff.
33 Reservists will come in only one weekend per month for exercises.

Commute: Active duty staff live anywhere from 5 to 40 miles from the station.
An estimate of 20 miles cummute each way should be conservative.

Boats: Six Safeboats International 25' Response Boat Small (RBS)

Motors: twin 225 HP Honda outboard motors

Fuel Use: Not enough experience to estimate daily fuel consumption, but they know that these boats consume 15 gal/hr when cruising at 35 knots. They expect to cruise at 35 knots up to 20% of the time as they go out to pick up escorts or return from escort missions, and as they relocate within the harbor area.
The boat holds 125 gallons of fuel.

Duty: Two boats on harbor duty. Lt Cooper says that 6 hr/day each would be a realistic estimate of how much time they will be running, rather than 12 hr/day.
Patrols may increase to 8-12 hours per day during military loadouts, but he would not anticipate a patrol of 48 consecutive hours (as previously assumed)
Two or three boats will be subject to deployment anywhere on east coast.
These boats will generally NOT cruise to their assignments but will be trailered to their assignments behind Ford F-350 gasoline pickups. I should assume that the trucks with boat trailers will travel out and back 15 days per month.

Appendix F

PROTECTED AND SENSITIVE HABITATS IN THE REGION

Description of Protected and Sensitive Habitats in the Region

Fairview Riverside State Park (SP) is 2 mi east of Madisonville in St. Tammany Parish. This state park occupies 99 acres (ac) along the Tchefuncta River, just north of Lake Pontchartrain. The Tchefuncta River is home to fish species such as bass, bluegill, white perch, bream, catfish, speckled trout, redfish, and crab.

Fontainebleau SP occupies 2,800 ac along the shoreline of Lake Pontchartrain, southeast of the city of Mandeville. There are approximately 160 designated campsites and 200 undesignated campsite areas available at the park. Fontainbleau has a mixture of habitats including marsh, pines, mixed hardwoods, and open fields. The wildlife at the park consists of more than 400 different species of animals and birds, including the endangered red woodpecker, turkey, opossum, and squirrel (LOSP 2004).

St. Bernard SP is located 18 mi southeast of New Orleans, just south of the Lake Borgne shoreline. The park comprises 358 ac along the Mississippi River with two man-made lagoons and provides diverse habitat for wildlife such as rabbits, raccoons, opossums, squirrels, turtles, alligators, and various bird species (LOSP 2004).

Big Branch Marsh NWR was established in 1994 and comprises 17,904 ac within St. Tammany Parish. It is on the north shore of Lake Pontchartrain between Slidell and Mandeville, Louisiana. Threatened and endangered species that nest on the refuge are the red-cockaded woodpecker, bald eagle, and brown pelican. Other wildlife that can be found on the refuge include rabbit, turkey, various neotropical migrant birds, deer, squirrel, and wading birds. Habitats on the refuge range from sandy beaches, brackish marshes, a high-water-level zone, and an upland zone that contains pine hardwood trees (USFWS 2004a).

Bogue Chitto NWR was established in 1981 and comprises 37,600 ac of St. Tammany and Washington Parishes in Louisiana and Pearl River County in Mississippi. It is located 9 mi north of Slidell, Louisiana, and the Mississippi border. Threatened and endangered species found on the refuge include the bald eagle, ringed-sawback turtle, gopher tortoise, inflated heelsplitter mussel, and Gulf sturgeon. The swallow-tailed kite is a state species of special concern on the refuge. Other wildlife that can be found on the refuge include deer, turkey, various neotropical migrant birds, rabbit, raccoon, various species of snakes, skunks, wading birds, and waterfowl. The habitat of Bogue Chitto NWR is hardwood forest with sloughs and bayous (USFWS 2004b).

Breton NWR was established in 1904 and is the second oldest wildlife refuge in the United States. It consists of barrier islands in the GOM and is comprised of 18,000 ac, 5,000 ac of which are classified as

Class I PSD Wilderness Areas. The threatened and endangered species found on the refuge include the brown pelican, least tern, and piping plover. The Breton NWR has the largest concentrations of nesting brown pelicans in Louisiana and the largest tern colony in the United States. There are 23 species of seabirds that use the islands and 13 species of seabirds that nest on the islands. Other wildlife that can be found on the refuge are nutria, rabbits, raccoons, and loggerhead sea turtles (USFWS 2004c).

Gulf Island National Seashore, established in 1971, is a group of barrier islands along the coastline of Mississippi. The islands have more than 260 bird species, land and marine mammals, fish, reptiles, and invertebrates inhabiting the islands' various ecosystems. Some of the birds that use the islands for resting, feeding, wintering, or migratory rest stops are songbirds, waterfowl, wading birds, birds of prey, marine birds, and shorebirds. Mammals that live on the islands include marsh rabbit, eastern cottontail, rats, and raccoons. The Atlantic bottlenose dolphin and the spotted dolphin are commonly seen in the area (NPS 2004). There are more than 200 species of fish in the waters around Gulf Islands National Seashore, including sea trout, flounder, silverfish, anchovies, sharks, and stingrays. There are also various species of snakes, turtles, and lizards. There are five sea turtles that inhabit the GOM, all of which are endangered. The loggerhead sea turtle (Caretta Caretta) nests at the Gulf Island seashore, usually from May through September.

Delta NWR consists of 48,800 ac and was established in 1935 as a bird sanctuary (USFWS 2004d). It is in Lower Plaquemines Parish, 45 mi southeast of New Orleans. Delta NWR was formed by sediment deposition from the Mississippi River. The threatened and endangered species found on the refuge include the American alligator, brown pelican, Arctic peregrine falcon, and piping plover. There are also thousands of shorebirds, waterfowl, wading birds, and songbirds that use the refuge as a wintering area, and resting or staging area during migration (USFWS 2004e). Other animals that can be found in the refuge are deer, swamp rabbits, raptors, and a variety of fish species. The Delta NWR habitat is a palustrine emergent wetland. Approximately 60 percent of the refuge is freshwater marsh (nearest to the Mississippi River's tributaries) and 40 percent is brackish water marshes (near the GOM) (USFWS 2004e).