

Navy/Acoustic Research Viewgraphs:

Environmental Policy – All Federal Government

National Environmental Protection Act (NEPA)

- applies within US territorial waters

Executive Order 12114

- applies within global commons or in other nations territorial waters

Endangered Species Act

Marine Mammal Protection Act

Coastal Zone Management Act

ONR At Sea Mitigation Procedures

Site experimentation outside regions of marine mammal habitats or apart from migrations

Provide trained lookouts

- avoid collisions

- visual surveys

Maintain ZOI's

Ramp up acoustic sources (30 min)

Suspend operations until out of ZOI of and sited animal

Methodology

1. Source level and transmission loss establish receive level at range

2. Receive level ranges and threshold shift level for animals define zone of influence (ZOI)

3. Density of animals in operations area

4. All above lead to number of animals (or probability) affected within ZOI.

Underwater Sound Considerations

Source character (frequency, exposure level, duration)

Environment (propagation loss)

Frequency sensitivities of species

Hearing threshold shifts

- 190 dB rel (1 sq microPa-sec) at 1 m

Animal Zones of Influence

NEPA / EO 12114 Documentation

Categorical Exclusions

Environmental Assessments (EA) or overseas

Environmental Assessments (OEA)

Finding No Significant Impacts (FONSI)

Environmental Impact Statement (EIS, DEIS, FEIS)

- name changes during public comment phase

Environmental Review (for overseas)

Coastal Zone Management Act

Covers federal actions “reasonably likely to affect...”

Effects: direct, indirect, and cumulative

Applicable within 3 nmi, except Gulf states (10nmi)

Consistency determination by state requires 90 days before final agency action

MMPA vs. ESA

MMPA

All marine mammals
Worldwide application

ESA

Limited species
worldwide application

“Takes”

“Likely to be affected”

Marine Mammal Protection Act

Defines “TAKE”

“...harass, hunt, capture or kill, or attempt to harass, hunt, capture, or kill...”

Level A – potential to injure

Level B – potential to disturb

Navy determines if action has potential to disturb, then works with NMFS if incidental takes are likely

Endangered Species Act

Ensures actions

“...not likely to jeopardize the continued existence of any endangered species or threatened species or result in destruction of or adverse modification of habitat...”

Navy consults (informally or formally) with NMFS if Navy determines proposed action may affect species or habitats

Navy Specific Policy

SECNAVINST 5000.1, 5000.2

OPNAVINST 5090.1B

ONR Interm Policy 01 Oct 1999

For ONR, policy follows the funding

- must get certification that delegated project management has complied with all above laws and instructions