DEPARTMENT OF THE NAVY
U.S. FLEET FORCES COMMAND
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5090
Ser N46/407
December 13, 2024

Ms. Erin Wilson
Federal Consistency Coordinator
Maine Coastal Program
Maine Department of Marine Resources
21 State House Station
Augusta ME, 04333-0021

Dear Ms. Wilson:

As is required by the Coastal Zone Management Act (CZMA), the United States (U.S.) Department of the Navy (including both the U.S. Navy and the U.S. Marine Corps) in cooperation with the U.S. Coast Guard as Joint Lead Agency (hereinafter jointly referred to as the Action Proponents) requests concurrence with its Coastal Consistency Determination for proposed activities in the Atlantic Fleet Training and Testing (AFTT) Study Area. This Phase IV CZMA consultation supplements the AFTT Phase III Coastal Consistency Determination to account for changes in the Action Proponents' proposed training and testing activities necessary to meet mission needs. These proposed activities are generally consistent with those analyzed in prior Navy consultations and are representative of the activities the Action Proponents have been conducting in the AFTT Study Area for decades.

In 2013, the Navy analyzed the potential environmental effects of its pierside and at-sea training and testing activities in the western Atlantic Ocean and the Gulf of Mexico in the AFTT Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS) (termed "AFTT Phase II"). To account for changes in training and support renewed permits and authorizations, the Navy completed an additional EIS/OEIS with associated consultations in 2018 (termed "AFTT Phase III"), and these permits expire in 2025. Each phase of review has further refined the Navy's analysis and supported issuance of permits and authorizations issued in compliance with the Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA). A Supplemental EIS/OEIS is being prepared (termed "AFTT Phase IV"), which supplements the Navy's AFTT Phase III EIS/OEIS. In addition, AFTT Phase IV incorporates U.S. Coast Guard training activities. This current consultation is supported by the 2024 Draft AFTT Supplemental EIS/OEIS, and accounts for some modifications in the training and testing activities, as well as changes in the types, frequency, and locations of those activities.

Most training and testing activities discussed in the AFTT Phase III version of the AFTT EIS/OEIS are similar to the proposed AFTT Phase IV activities, with the resulting effects remaining unchanged from the previous consultations. Some activities have either increased or decreased in scope, been reclassified, or been modified slightly since the previous consultation. In addition, some training activities are proposed for selected inshore locations that were not included in past consultations.

This AFTT Phase IV CZMA consultation supplements the AFTT Phase III Coastal Consistency Determination to account for changes in the Action Proponents' proposed training and testing activities necessary to meet mission needs. This consultation includes those activities

that are new to AFTT Phase IV or have increased in frequency, intensity, or possible effects since AFTT Phase III. In 2018, the Navy conducted a CZMA consultation with the Maine Department of Marine Resources and received concurrence with the Navy's Coastal Consistency Determination (letter of May 18, 2018).

The Draft AFTT Phase IV Supplemental EIS/OEIS and the AFTT website (www.nepa.navy.mil/aftteis/) contain detailed information and analyses of potential effects. The Action Proponents reviewed the Maine Coastal Program in preparation of the enclosed Coastal Consistency Determination. Based on the analyses, the Action Proponents have determined that the proposed action will be fully consistent with the enforceable policies of the Maine Coastal Program.

We request that you provide your concurrence with our findings within 60 days of receipt of this letter. If a response has not been received by that time, concurrence with this finding will be assumed. My point of contact for this matter is Laura Busch who may be reached at (757) 836-8471 or at laura.m.busch2.civ@us.navy.mil.

Sincerely,

CUADROS.JORGE.RICARDO.1186806162

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J. R. CUADROS
Director, Fleet Installations & Environment
and Deputy Chief of Staff

Enclosure: Coastal Consistency Determination

ENCLOSURE

COASTAL CONSISTENCY DETERMINATION

SUPPORTED BY

ATLANTIC FLEET TRAINING AND TESTING DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT

Prepared for

The State of Maine

INTRODUCTION

This document provides the State of Maine the United States (U.S.) Department of the Navy (including both the U.S. Navy and the U.S. Marine Corps) in cooperation with the U.S. Coast Guard as Joint Lead Agency (hereinafter jointly referred to as the Action Proponents) Coastal Consistency Determination under section 307(c)(1) of the Coastal Zone Management Act (CZMA) of 1972, as amended, and 15 Code of Federal Regulations [C.F.R.] part 930, subpart C, for the proposed activities in the Atlantic Fleet Training and Testing (AFTT) Study Area.

The Action Proponents analyzed the environmental impacts of proposed training and testing activities along the East Coast of the United States, the Gulf of Mexico, and portions of the Caribbean Sea. This includes activities occurring at Navy and Coast Guard pierside locations; port transit channels, bays, harbors, inshore waterways, and civilian ports; during transits between homeports and operating areas; and on the high seas.

This Coastal Consistency Determination updates the 2018 Coastal Consistency Determination to reflect changes in the proposed training and testing activities needed to meet mission requirements. The 2018 Final AFTT EIS/OEIS was used as the foundation for the original Coastal Consistency Determination.. The activities in that document were similar to what was described in the 2013 Final AFTT EIS/OEIS. The 2024 Draft AFTT Supplemental EIS/OEIS analyzes new activities and those that have increased or decreased since the 2018 analysis. Activities that were not included in the 2018 Coastal Consistency Determination, activities that have changed location, and activities that have increased in tempo or number of expended materials are included in the analysis for this Coastal Consistency Determination, even if the increase in activities or expended materials would be considered minor. In addition, some training activities have been proposed in selected inshore locations that were not included in the scope of the 2018 Coastal Consistency Determination. All U.S. Coast Guard activities are new to this analysis since the 2018 Coastal Consistency Determination.

CONSULTATION HISTORY

In 2018, the Navy consulted with the Maine Department of Marine Resources on these activities. The Navy received concurrence from Maine Department of Marine Resources through a letter dated May 18, 2018. This consultation includes those activities that are new to the proposed action, did not previously occur in or near Maine state waters, or have changed in frequency, intensity, or potential effects since 2018.

DESCRIPTION OF THE PROPOSED FEDERAL AGENCY ACTION

The Action Proponents prepared the 2024 Draft AFTT Supplemental EIS/OEIS to assess the environmental impacts associated with conducting training and testing activities in the AFTT Study Area. These training and testing activities are generally consistent with those analyzed in the 2018 Final AFTT EIS/OEIS and are representative of essential training and testing that has been conducted in the AFTT Study Area for decades. The Preferred Alternative in the 2024 Draft AFTT Supplemental EIS/OEIS, and the alternative evaluated in this Coastal Consistency Determination is Alternative 1. The Action Proponents propose to continue the majority of activities without substantial changes, and the effects of these activities are expected to be similar to those addressed in the 2018 Consistency Determination. The Action Proponents recognize that under 15 C.F.R. section 930.31(e), re-consultation is required when the potential effects to coastal resources may be substantially different than what was reviewed in past consultations. Although the potential effects are expected to remain the same or differ only slightly, the Action Proponents are initiating consultation with the state regarding activities that are either new to the area or have increased since the 2018 Final AFTT EIS/OEIS.

PROJECT LOCATION

The AFTT Study Area begins at the mean high water mark and extends seaward, including airspace, sea, and undersea space. The locations of training and testing activities proposed to occur off the coast of Maine (Figure 1) include the following:

- Northeast Range Complexes, including the Boston Operating Area (OPAREA);
- Portsmouth Naval Shipyard in Kittery, Maine;
- Navy contractor-owned shipyard in Bath, Maine
- U.S. Coast Guard Station in Southwest Harbor, Maine

Not all activities listed as occurring in the Northeast Range Complexes would take place in the Boston OPAREA and associated special use airspace. However, because it is not known which activities would occur in the Boston OPAREA or its special use airspace, all activities occurring in the Northeast Range Complexes that were determined to have the potential to affect coastal resources are considered in this consistency review. A few activities do occur at specific locations (e.g., harbors or piers). These activities and their locations are identified in Tables 2.2-1 through 2.2-5 in Chapter 2 (Description of Proposed Action and Alternatives) of the 2024 Draft AFTT Supplemental EIS/OEIS.

Proposed training and testing activities are typically identified at the range complex or testing range level because activities are not tied to specific locations and must adhere to operation requirements (e.g., certain depths) and safety considerations. Depending on the mission, some activities are conducted within or near the coastal zone and may have reasonably foreseeable effects on coastal use or resources, while other activities occur outside of 12 nautical miles and are not expected to affect any coastal use or resource. These activities and their locations are identified in Tables 2.2-1 through 2.2-5 in Chapter 2 (Description of Proposed Action and Alternatives) of the 2024 Draft AFTT Supplemental EIS/OEIS. In the 2024 Draft AFTT Supplemental EIS/OEIS, the category "Other AFTT Areas" refer to activities that generally occur outside of 12 nautical miles and therefore would not be expected to adversely impact coastal resources.

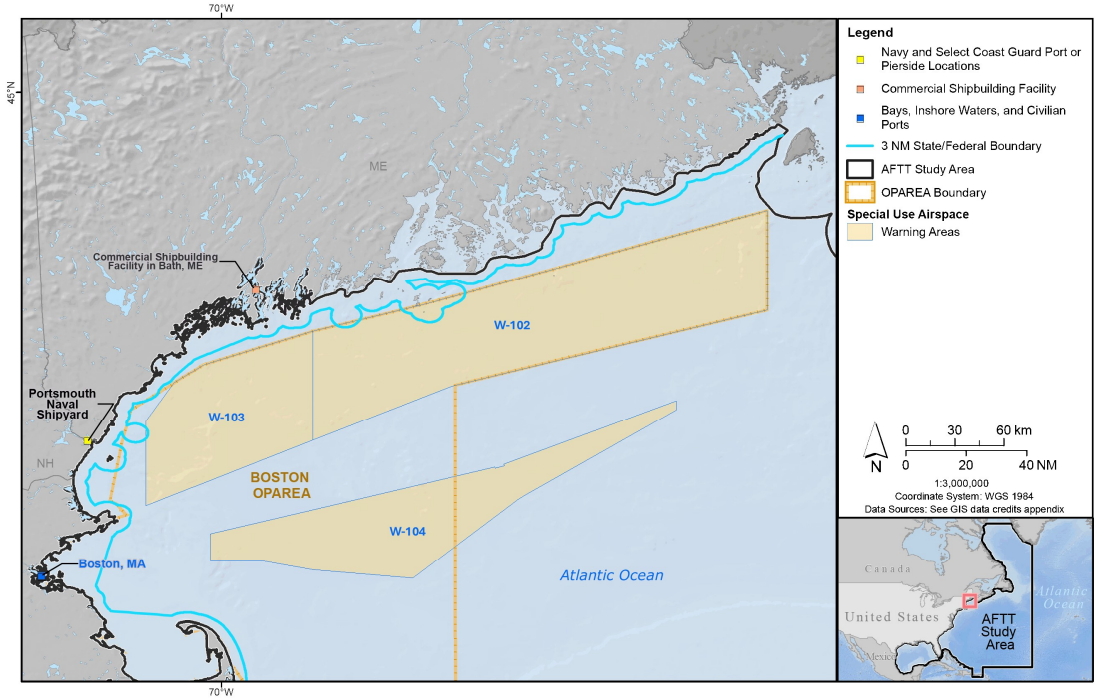

Figure 1: Atlantic Fleet Training and Testing Study Area near Maine's Coastal Zone

DETERMINATION OF POTENTIAL EFFECTS

In accordance with 15 C.F.R. part 930, subpart C, the Action Proponents have determined that certain activities that may be conducted as part of the Proposed Action may have an effect on a coastal use or resource of the State of Maine. The Action Proponents reviewed the proposed activities to determine if they had previously been analyzed in the 2018 Final AFTT EIS/OEIS and the previous Coastal Consistency Determination, where they would typically occur in relation to the coastal zone, as well as whether the activities may result in impacts to coastal uses or resources even in cases where the activities may occur outside of three nautical miles.

The Action Proponents used a screening process to identify stressors[1] to environmental resources found in the AFTT Study Area. Subject matter experts then evaluated the training and testing activities to identify specific stressors associated with each activity that could have direct or indirect impacts on the environment. Not all stressors affect every resource, nor do all proposed activities produce all stressors. Since the activities proposed are similar to the activities analyzed previously, the stressors considered are also similar. The analyses in Appendix B (Activity Stressor Matrices) of the 2024 Draft AFTT Supplemental EIS/OEIS were then used to determine if there would be effects to coastal zone resources.

The resources that were evaluated fall into three broad categories: Physical Resources (including air quality and sediment and water quality), Biological Resources (including threatened and endangered species of vegetation, invertebrates, fishes, marine mammals, reptiles, and birds and bats), and Human Resources (including national register eligible cultural resources, socioeconomic resources, and public health and safety).

Table 1 lists the broad categories of environmental resources analyzed in the 2024 Draft AFTT Supplemental EIS/OEIS and the stressors and sub-stressors that could affect them. Details of the stressors associated with each of the proposed activities can be reviewed further in Appendix B (Activity Stressor Matrices) of the 2024 Draft AFTT Supplemental EIS/OEIS.

Table 1: Stressors Analyzed in the AFTT Environmental Impact Statement/Overseas Environmental Impact Statement

Stressors and Sub stressors that may affect Physical Resources		
Resources	***Stressors***	
Sediments and Water Quality	• Explosives • Metals • Chemicals • Other materials	
Air Quality	• Criteria air pollutants	
Stressors and Sub stressors that may affect Biological Resources		
Resources	***Stressors***	***Sub stressors***
Habitats	**Explosive Stressors**	• Explosions in water
	Physical Disturbance and Strike Stressors	• Vessels and in-water device strike • Military expended materials • Seafloor devices • Pile driving
Vegetation	**Explosive Stressors**	• Explosions in water

[1] Stressors are components of naval activities that could serve as stimuli or pose an opportunity to stress or otherwise affect different biological, physical, or human resources evaluated in the 2024 Draft AFTT Supplemental EIS/OEIS.

Table 1: Stressors Analyzed in the AFTT Environmental Impact Statement/Overseas Environmental Impact Statement

Stressors and Sub stressors that may affect Physical Resources		
	Physical Disturbance and Strike Stressors	• Vessels and in-water device strike • Military expended materials • Seafloor devices • Pile driving
Invertebrates	**Acoustic Stressors**	• Sonar and other transducers • Pile driving • Weapons noise • Vessel noise • Aircraft noise
	Explosive Stressors	• Explosions in water
	Energy Stressors	• In-water electromagnetic devices
	Physical Disturbance and Strike Stressors	• Vessels and in-water device strike • Military expended materials • Seafloor devices • Pile Driving
	Entanglement Stressors	• Wires and cables • Decelerators/parachutes • Biodegradable polymer
	Ingestion Stressors	• Military expended materials
Resources	***Stressors***	***Sub stressors***
Fishes	**Acoustic Stressors**	• Sonar and other transducers • Air guns • Pile driving • Vessel noise • Aircraft noise • Weapons noise
	Explosive Stressors	• Explosions in water • Explosions in air
	Energy Stressors	• In-water electromagnetic devices
	Physical Disturbance and Strike Stressors	• Vessels and in-water devices • Military expended materials • Seafloor devices • Pile Driving
	Entanglement Stressors	• Wires and cables • Decelerators/parachutes • Biodegradable polymer
	Ingestion Stressors	• Military expended materials
Marine Mammals	**Acoustic Stressors**	• Sonar and other transducers • Air guns • Pile driving • Vessel noise • Aircraft noise • Weapons noise
	Explosive Stressors	• Explosions in water • Explosions in air
	Energy Stressors	• In-water electromagnetic devices • High-energy lasers

Table 1: Stressors Analyzed in the AFTT Environmental Impact Statement/Overseas Environmental Impact Statement

Stressors and Sub stressors that may affect Physical Resources		
	Physical Disturbance and Strike Stressors	• Vessels and in-water devices • Military expended materials • Seafloor devices • Pile Driving
	Entanglement Stressors	• Wires and cables • Decelerators/parachutes • Biodegradable polymer
	Ingestion Stressors	• Military expended materials
Reptiles	**Acoustic Stressors**	• Sonar and other transducers • Air guns • Pile driving • Vessel noise • Aircraft noise • Weapons noise
	Explosive Stressors	• Explosions in water
	Energy Stressors	• In-water electromagnetic devices • High-energy lasers
Resources	***Stressors***	***Sub stressors***
Reptiles	**Physical Disturbance and Strike Stressors**	• Vessels and in-water devices • Military expended materials • Seafloor devices • Pile Driving
	Entanglement Stressors	• Wires and cables • Decelerators/parachutes • Biodegradable polymer
	Ingestion Stressors	• Military expended materials
Birds & Bats	**Acoustic Stressors**	• Sonar and other transducers • Air guns • Pile driving • Vessel noise • Aircraft noise • Weapons noise
	Explosive Stressors	• Explosions in water • Explosions in air
	Energy Stressors	• In-water electromagnetic devices • In-air electromagnetic devices • High-energy lasers
	Physical Disturbance and Strike Stressors	• Vessels and in-water devices • Aircraft and aerial targets • Military expended materials
	Entanglement Stressors	• Wires and cables • Decelerators/parachutes
	Ingestion Stressors	• Military expended materials
Stressors and Sub stressors that may affect Human Resources*		
Resource	***Stressor***	
Cultural Resources	• Explosives • Physical disturbance and strikes	
Socioeconomic	• Accessibility • Airborne acoustics	

Table 1: Stressors Analyzed in the AFTT Environmental Impact Statement/Overseas Environmental Impact Statement

Stressors and Sub stressors that may affect Physical Resources	
	• Physical disturbance and strikes
Public Health and Safety	• Underwater energy • In-air energy • Physical interactions

*Resources were fully analyzed in the 2018 Final AFTT EIS/OEIS

Table 2 includes activities from the Preferred Alternative (Alternative 1) of the Proposed Action as detailed in Chapter 2 (Description of Proposed Action and Alternatives) of the 2024 Draft AFTT Supplemental EIS/OEIS to include activities new to the Proposed Action or new to state waters. These activities were not included in the 2018 Final AFTT EIS/OEIS consultation and have the potential to affect coastal zone uses and resources as defined by the Maine Coastal Program. For more information on individual activities see Appendix A (Activity Descriptions) of the 2024 Draft AFTT Supplemental EIS/OEIS. While some activities described in Appendix A could have an effect on coastal waters generally, further analysis has shown that those activities do not occur in the vicinity of Maine state waters.

Table 2. New Training and Testing Activities to Occur off the Coast of Maine with the Potential to Affect Maine's Coastal Resources

Activity	*Description*	*Typical Location*[a]	*Annual Activities in Phase IV*[b]	*Coastal Resources Potentially Affected*[c]
New Navy and Marine Corps Training Activities Occurring Inside or Outside State Waters				
Unmanned Underwater Vehicle Training - Certification and Development	Unmanned underwater vehicle certification involves training with unmanned platforms to ensure submarine crew proficiency. Tactical development involves training with various payloads, for multiple purposes to ensure that the systems can be employed effectively in an operational environment.	Northeast RC	12	Biological, physical, and human resources
New U.S Coast Guard Training Activities Occurring Inside or Outside State Waters				
Gunnery Exercise Air-to- Surface Medium Caliber	Fixed-wing and helicopter aircrews fire medium-caliber guns at surface targets.	Northeast RC	25	Biological, physical, and human resources
Gunnery Exercise Surface-to-Surface Boat Medium-Caliber	Small boat crews fire medium-caliber guns at surface targets.	Northeast RC	11	Biological, physical, and human resources
Maritime Security Operations	Helicopter, surface ship, and small boat crews conduct a suite of maritime security operations.	Northeast RC	50	Biological, physical, and human resources

Table 2. New Training and Testing Activities to Occur off the Coast of Maine with the Potential to Affect Maine's Coastal Resources

Activity	*Description*	*Typical Location*[a]	*Annual Activities in Phase IV*[b]	*Coastal Resources Potentially Affected*[c]
Waterborne Training	Small boat crews conduct a variety of training, including launch and recovery, mooring to buoys, anchoring, and maneuvering. Small boats include rigid hull inflatable boats, and riverine patrol, assault and command boats up to approximately 50 feet in length.	Northeast RC	185	Biological, physical, and human resources
New NAVSEA Testing Activities Occurring Inside or Outside State Waters				
Acoustic and Oceanographic Research	Research using active transmissions from sources deployed from ships, aircraft, and unmanned underwater vehicles. Research sources can be used as proxies for current and future Navy systems	Northeast RC	3	Biological, physical, and human resources
		Other AFTT Areas	0-1	
At-Sea Sonar Testing	At-sea testing to ensure systems are fully functional in an open ocean environment.	Northeast RC	8-15	Biological, physical, and human resources
Anti-Submarine Warfare Mission Package Testing	Ships and their supporting platforms (e.g., rotary-wing aircraft and unmanned aerial systems) detect, localize, and prosecute submarines.	Northeast RC	1-2	Biological, physical, and human resources
New ONR Testing Activities Occurring Inside or Outside the Coastal Zone				
Mine Countermeasure Technology Research	Test involves the use of broadband acoustic sources on unmanned underwater vehicles.	Northeast RC*	4-5	Biological, physical, and human resources

Notes: [a] Locations given are areas where activities are proposed to occur. However, activities could be conducted in other locations within the AFTT Study Area.

[b] For activities where the maximum number of events varies between years, a range is provided to indicate the "representative–maximum" number of events. For activities where no variation is anticipated, only the maximum number of events within a single year is provided.

[c] Refer to Appendix B of the 2024 Draft AFTT Supplemental EIS/OEIS for full details regarding the stressors associated with each activity.

* This activity could be conducted in several locations within the AFTT Study Area, with the Northeast Range Complexes being one of the locations. This total represents the maximum number of activities that could occur in the Northeast Range Complexes, assuming no other location is used. More information is provided in the 2024 Draft AFTT Supplemental EIS/OEIS. Activity numbers without an asterisk are planned to occur only in the Northeast Range Complexes

Legend: AFTT: Atlantic Fleet Training and Testing; RC: Range Complex; NAVSEA: Naval Sea Systems Command; ONR: Office of Naval Research

Table 3 includes activities that are ongoing and were consulted on in the 2018 Coastal Consistency Determination that have increased in tempo, or increased in the amount of military expended material and have the potential to affect resources and uses of the coastal zone. For activities occurring outside the coastal zone, the likelihood that there will be an effect on resources of the coastal zone decreases with the distance of the activity from the coastal zone. An effect on a coastal resource has to be more than merely speculative, it must be reasonably foreseeable. Thus, even if certain activities have an effect on certain

species, the distance of the activity from the coastal zone makes any effect to resources of the coastal zone highly speculative. The activities and locations where the activities typically occur are listed and grouped according to where they could occur in relation to the coastal zone. Activities that only occur in the coastal zone are listed first. Next are activities that could occur either inside or outside the coastal zone but have the potential to affect coastal zone resources. Listed last are activities that only occur outside of the coastal zone but have reasonably foreseeable potential to affect coastal zone resources. Training and testing activities would typically occur in portions of the range complexes where they have historically occurred. Appendix A (Activity Descriptions) of the 2024 Draft AFTT Supplemental EIS/OEIS should be reviewed for further details on each activity. Pursuant to guidance issued by the National Oceanographic and Atmospheric Administration, activities that temporarily affect a coastal resource while that resource is outside of the coastal zone such that resource impacts are not felt within the coastal zone are not included.

Table 3. Ongoing Training and Testing Activities Increasing in Tempo or Military Expended Materials Potentially Affecting Maine's Coastal Resources

Activity	*Description*	*Typical Location*[a]	*Annual Activities in Phase III*[b]	*Annual Activities in Phase IV*[b]	*Coastal Resources Potentially Affected*[c]
Ongoing Navy and Marine Corps Training Activities Occurring Inside or Outside State Waters					
Waterborne Training	Personnel launch, operate, and recover a variety of small boats to achieve certifications such as coxswain, crewman, and safety observer.	Northeast RC*	141	185	Biological, physical, and human resources
Personnel Insertion/Extraction – Surface and Subsurface	Personnel are inserted into and extracted from an objective area by small boats or sub-surface platforms.	Northeast RC	2	48	Biological, physical, and human resources
Ongoing NAVSEA Testing Activities Occurring Inside or Outside State Waters					
Undersea Warfare Testing	Ships demonstrate capability of countermeasure systems and underwater surveillance, weapons engagement and communications systems. This tests ships ability to detect, track, and engage undersea targets.	Northeast RC*	0-2	6-24	Biological, physical, and human resources
Pierside Sonar Testing	Pierside testing to ensure systems are fully functional in a controlled pierside environment prior to at-sea test activities and complete any required troubleshooting.	Bath, ME	11	10-20	Biological, physical, and human resources
Radar and Other Systems Testing	Test may include use of military or commercial radar, communication systems (or simulators), passive and active EW systems, electro-optical / infrared systems,	Northeast RC*	6-13	5-15	Biological, physical, and human resources

Table 3. Ongoing Training and Testing Activities Increasing in Tempo or Military Expended Materials Potentially Affecting Maine's Coastal Resources

Activity	*Description*	*Typical Location*[a]	*Annual Activities in Phase III*[b]	*Annual Activities in Phase IV*[b]	*Coastal Resources Potentially Affected*[c]
	or high and low-energy lasers. Testing may occur aboard a ship against drones, small boats, rockets, missiles, or other targets.	Northeast RC	2	17-34	
Submarine Sea Trials – Weapons System Testing	Submarine weapons and sonar systems are tested at-sea to meet the integrated combat system certification requirements.	Northeast RC*	6	3-7	Biological, physical, and human resources
Undersea Warfare Testing	Ships demonstrate capability countermeasure systems, underwater surveillance, weapons engagement, and communications systems. This tests ships' ability to detect, track, and engage undersea targets. Testing also includes assessing equipment vulnerability and ordnance lethality.	Northeast RC*	4-6	6-24	Biological, physical, and human resources
Ongoing ONR Testing Activities Occurring Inside or Outside State Waters					
Acoustic and Oceanographic Research	Research involving passive acoustic and oceanographic sensing, as well as active transmissions from sources deployed from ships, aircraft, and unmanned underwater vehicles. Research sources serve as proxies for current and future Navy systems.	Northeast RC*	9	12-15	Biological, physical, and human resources

Notes: [a] Locations given are areas where activities are proposed to occur. However, activities could be conducted in other locations within the AFTT Study Area.

[b] For activities where the maximum number of events varies between years, a range is provided to indicate the "representative–maximum" number of events. For activities where no variation is anticipated, only the maximum number of events within a single year is provided.

[c] Refer to Appendix B of the 2024 Draft AFTT Supplemental EIS/OEIS for full details regarding the stressors associated with each activity.

* This activity could be conducted in several locations within the AFTT Study Area, with the Northeast Range Complexes being one of the locations. This total represents the maximum number of activities that could occur in the Northeast Range Complexes, assuming no other location is used. More information is provided in the 2024 Draft AFTT Supplemental EIS/OEIS. Activity numbers without an asterisk are planned to occur only in the Northeast Range Complexes

Legend: AFTT: Atlantic Fleet Training and Testing; RC: Range Complex; ME: Maine; NAVSEA: Naval Sea Systems Command; ONR: Office of Naval Research; EW: Electronic Warfare

ANALYSIS OF APPLICABILITY OF POLICIES OF THE MAINE COASTAL PROGRAM

The Action Proponents reviewed each of Maine's enforceable policies and determined that only two of the policies are applicable to the Proposed Action. Table 4 represents each of the policies the Actions Proponents deemed not applicable to the Proposed Action with a rationale for dismissing them from further analysis.

Table 4: Enforceable Policies of Maine's Coastal Program Not Applicable to the Proposed Action

Enforceable Policy	Reason Policy is Not Applicable
Policy 3 (Protection of Coastal Resources). Regulate the mining of sand and gravel resources in offshore and onshore locations so as to ensure protection of submerged lands, and marine and estuarine life. Ensure adherence to minimum standards for restoring natural resources impacted from onshore sand and gravel removal operations.	The policy is directing state management of coastal resources.
Policy 4 (Protection of Coastal Resources). Undertake oil spill prevention measures, safe oil handling procedures and, when necessary, expedite the cleanup of oil spillage that will contaminate public waters. Institute legal action to collect damages from liable parties in accordance with state law.	The proposed activities do not involve oil-related activities.
Policy 7 (Recreation And Public Access). Provide a wide range of outdoor recreational opportunities including public access in the seacoast through the maintenance and improvement of the existing public facilities and the acquisition and development of new recreational areas and public access.	The policy is directing state management of coastal resources.
Policy 8 (Managing Coastal Development). Preserve the rural character and scenic beauty of the Great Bay estuary by limiting public investment in infrastructure within the coastal zone in order to limit development to a mixture of low and moderate density.	The policy is directing state management of coastal resources.
Policy 9 (Managing Coastal Development). Reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to preserve the natural and beneficial value of floodplains, through the implementation of the National Flood Insurance Program and applicable state laws and regulations, and local building codes and zoning ordinances.	The proposed activities will not increase flood risk.
Policy 12 (Managing Coastal Development). Ensure that the siting of any proposed energy facility in the coast will consider the national interest and will not unduly interfere with the orderly development of the region and will not have an unreasonable adverse impact on aesthetics, historic sites, coastal and estuarine waters, air and water, the natural environment and the public health and safety.	The proposed activities are not a proposed energy facility.
Policy 13 (Coastal Dependent Uses). Allow only water dependent uses and structures on state properties in Portsmouth-Little Harbor, Rye Harbor, and Hampton-Seabrook Harbor, at state port and fish pier facilities and state beaches (except those uses or structures which directly support the public recreation purpose). For new development, allow only water dependent uses and structures over waters and wetlands of the state. Allow repair of existing over-water structures within guidelines. Encourage the siting of water dependent uses adjacent to public waters.	The policy is directing state management of coastal resources.
Policy 14 (Coastal Dependent Uses). Preserve and protect coastal and tidal waters and fish and wildlife resources from adverse effects of dredging and dredge disposal, while ensuring the availability of navigable waters to coastal-dependent uses. Encourage beach renourishment and wildlife habitat restoration as a means of dredge disposal whenever compatible.	The proposed activities do not involve dredging.
Policy 16 (Marine And Estuarine Research And Education). Promote and support marine and estuarine research and education that will directly benefit coastal resource management.	The policy is directing state management of coastal resources.

MAINE ENFORCEABLE POLICIES APPLICABLE TO THE PROPOSED ACTION

The following two policies of the Maine Coastal Program are applicable to the Proposed Action. The analysis of the policies below is only for those parts of the policies that are relevant to the Proposed Action.

Maine Endangered Species Act (12 MRSA §§12801-12810)

This law seeks to conserve various species of fish and wildlife that are in danger of being rendered extinct within the State of Maine. Only the inland species component of this law is enforceable under the CZMA.

Consistency Analysis

Some of the proposed activities that occur outside of the coastal zone have the potential to impact birds within Maine's coastal zone. Aircraft overflights would usually occur near airfields, installations, and in special use airspace within AFTT range complexes. Sound from aircraft overflights has the potential to affect bird populations in Maine's coastal zone but few overflights are expected within these nearshore areas. Most helicopter training would occur adjacent to fleet concentration areas that do not occur in the vicinity of Maine's coastal zone. If a bird responds to aircraft noise, only short-term behavioral responses such as startle responses, head turning, or avoidance responses would be expected (Section 3.9.3 [Birds and Bats – Environmental Consequences] of the 2024 Draft AFTT Supplemental EIS/OEIS). Repeated exposures would be limited due to the transient nature of aircraft use and regular movement of birds. Because impacts to individual birds, if any, are expected to be minor and limited, no long-term consequences to individuals are expected. Accordingly, there would be no consequences to any bird populations, and aircraft overflight noise will not have a measurable effect on populations of migratory bird species.

The Action Proponents will be fully consistent with this policy.

Protection and Improvement of Air Law (38 M.R.S. §§581 to 610-A, -B)

The purpose of this policy is to control present and future sources of emissions of air contaminants to the end that air polluting activities of every type shall be regulated in a manner that reasonably insures the continued health, safety and general welfare of all of the citizens of the State. The policy also seeks to protect property values and to protect plant and animal life.

Consistency Analysis

The proposed activities have the potential to temporarily impact air quality in localized areas of the coastal zone. Effects could result from the use of explosive munitions (which are typically not used in coastal zone areas) and ship and aircraft activity. Emissions from aircraft and surface vessels and byproducts from the use of explosive munitions could introduce contaminants into the air, temporarily degrading air quality. Analysis in Section 3.1 (Air Quality) of the 2024 Draft AFTT Supplemental EIS/OEIS considers the potential for impacts to air quality to occur as a result of the Proposed Action. A significant portion of activities in the AFTT Study Area that would include criteria pollutant emissions would occur well offshore. While pollutants emitted in the AFTT Study Area may at times be carried ashore by winds, most training and testing activities would occur more than 12 nautical miles offshore, and natural mixing would substantially disperse pollutants before they reach the coastal land mass. The contributions of air pollutants generated in the AFTT Study Area to the air quality in onshore areas are unlikely to measurably add to existing onshore pollutant concentrations due to the distances these offshore pollutants would be transported and their substantial dispersion during transport. Additionally, the primary wind pattern moves from shore to offshore.

Analysis in the 2024 Draft AFTT Supplemental EIS/OEIS concluded that changes in criteria air pollutant concentrations may be detectable but would not lead to a violation of air quality standards. Changes in hazardous air pollutant concentrations would not be measurable and would be within air quality standards. Potential impacts on air quality are expected to be localized and temporary (Section 3.1 [Air Quality] of the 2024 Draft AFTT Supplemental EIS/OEIS). Therefore, the proposed activities would not cause substantive impacts on air quality in the coastal zone. The proposed activities would not violate air quality standards.

The Action Proponents will be fully consistent with this policy.

CONCLUSION

The Action Proponents have reviewed Maine's Coastal Zone Management Program and determined that two policies are applicable to the Proposed Action, as analyzed above. As described in Table 4, all other policies do not apply to the proposed activities.

The Action Proponents reviewed its proposed activities for how and to what degree the activities in or near the coastal zone could affect Maines's coastal uses and resources. Potential impacts could result from activities occurring in the Northeast Range Complexes; the Portsmouth Naval Shipyard in Kittery, Maine; a contractor-owned shipyard in Bath, Maine; and Other AFTT Areas. The Action Proponents would reduce the impacts from proposed activities on coastal zone uses and resources by adhering to standard operating procedures (Section 2.3.3 [Standard Operating Procedures] of the 2018 Final AFTT EIS/OEIS) and implementing environmental mitigation measures (Chapter 5 [Mitigation] of the 2024 Draft AFTT Supplemental EIS/OEIS). Analysis in Chapter 3 (Affected Environment and Environmental Consequences) of the 2024 Draft AFTT Supplemental EIS/OEIS addresses potential impacts on environmental resources in greater detail.

The Action Proponents will be fully consistent with the applicable policies of the Maine Coastal Program.