



DEPARTMENT OF THE NAVY

COMMANDER
U.S. FLEET FORCES COMMAND
1562 MITSCHER AVENUE SUITE 250
NORFOLK, VA 23551-2487

5090
Ser N4/N7/106
April 29, 2009

Ms. Kelie Cochran
Federal Consistency Coordinator
Georgia Department of Natural Resources
One Conservation Way, Suite 300
Brunswick, GA 31520-8687

Dear Ms. Cochran:

The U.S. Navy is proposing to instrument a 1,713-square-kilometer (km²) (500 square nautical mile [NM²]) area of the ocean with undersea cables and sensor nodes and to use the area for anti-submarine warfare (ASW) training. The landward edge of the Undersea Warfare Training Range (USWTR) would be located approximately 93 km (50 NM) offshore of northeastern Florida and well outside of Georgia's coastal waters. A trunk cable connecting the range to a shore facility at Naval Station Mayport would be buried to a depth of approximately 0.3 to 0.9 meters (1 - 3 feet). The purpose of the USWTR is to enable the U.S. Navy to train effectively with mid-frequency active sonar in littoral conditions, supporting the requirements of the Fleet Readiness Training Plan, and in a location suitable for Atlantic Fleet ASW-capable units.

Pursuant to Section 307 (c)(1), 16 United States Code 1456 of the Coastal Zone Management Act of 1972, as amended, we have determined that the proposed action will: (1) be conducted in a manner consistent with the enforceable policies of Georgia's approved coastal management program; and (2) not impact natural or cultural resources of the State's coastal zone. The basis for this "Negative Determination" is detailed in Enclosure (1) based on the enforceable policies in the State's federally-approved coastal management plan¹. Enclosure (2) is a matrix that contains Georgia Department of Natural Resources comments on the Draft EIS and the U.S. Navy's responses to each.

Enclosure (3) is a CD-ROM which contains the USWTR pre-release version of the Final Environmental Impact Statement (EIS)/Overseas EIS (OEIS), and the Essential Fish Habitat Assessment, which was provided to the National Marine Fisheries Service (NMFS) in April, 2009. These two documents are provided to assist in making your determination. Note that these two documents are not for public release at this time. Further information regarding the USWTR EIS/OEIS may be obtained by visiting the project's website: <http://projects.earthtech.com/uswtr/>.

¹ See CZMA Section 304 (16 USC 1453 (6a)). An enforceable policy is a state policy that is legally binding under state law, and by which a state exerts control over private and public coastal uses and resources, and which are incorporated in the state's federally-approved coastal management plan. An enforceable policy is limited to a state's jurisdiction and must be given legal effect by state law and cannot apply to federal lands, federal waters, federal agencies, or other areas or entities outside the state's jurisdiction, unless authorized by federal law.

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In accordance with 15 Code of Federal Regulations (CFR) § 930.35, the Department of the Navy has reviewed Georgia's coastal management program and associated enforceable policies and has determined that the proposed construction of, and training on, the USWTR would have no reasonably foreseeable effects to the State's coastal zone or its resources.

In accordance with 15 CFR § 930.35(c), the State of Georgia has 60 days from the receipt of this document in which to concur with, or object to, this Negative Determination, or to request an extension under 15 CFR § 930.41(b). We are seeking your concurrence with our Negative Determination, and as a possible means to expedite this process, my staff is prepared to discuss this proposal in more detail and answer any questions you or your staff may have. Our point of contact is Ms. Lesley Leonard, Naval Facilities Engineering Command, Atlantic, (757) 322-4645.

Georgia's concurrence will be presumed if its response is not received by the U.S. Navy (Atlantic Fleet) within 60 days from receipt of this Determination. Georgia's response or other inquires should be sent to: Naval Facilities Engineering Command, Atlantic, Attn: Code EV22 (USWTR EIS/OEIS Project Manager), 6506 Hampton Boulevard, Norfolk, Virginia 23508-1278; or Facsimile (757) 322-4894. If additional information should be required, requests for such information should be requested within ten days of receipt of this Negative Determination.

Sincerely,



J. W. MURPHY
Deputy Chief of Staff
for Operational Readiness
and Training

- Enclosures:
1. Federal Agency CZMA Negative Determination for Georgia
 2. Georgia Department of Natural Resources DEIS comments and U.S. Navy responses
 3. USWTR pre-release Final EIS/OEIS and Essential Fish Habitat Assessment CD-ROM