



## DEPARTMENT OF THE NAVY

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

5090  
Ser N4/N7/105  
April 29, 2009

Ms. Lauren P. Milligan  
Florida State Clearinghouse  
Department of Environmental Protection  
3900 Commonwealth Blvd., M.S. 47  
Tallahassee, FL 32399-3000

Dear Ms. Milligan:

The U.S. Navy is proposing to instrument a 1,713-square-kilometer (km<sup>2</sup>) (500 square nautical mile [NM<sup>2</sup>]) 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 Florida coastal waters. Within Florida's coastal zone, 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 (USC) 1456 of the Coastal Zone Management Act (CZMA) of 1972, as amended, we have determined that the proposed action will be conducted in a manner consistent with the enforceable policies of Florida's approved coastal management program. The basis for this "Coastal Consistency Determination" is detailed in Enclosure (1) based on the enforceable policies in the State's federally-approved coastal management plan<sup>1</sup>. Enclosure (2) is a matrix that contains Florida Department of Environmental Protection's comments on the Draft Environmental Impact Statement (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 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 this document is 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/>.

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<sup>1</sup> 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.

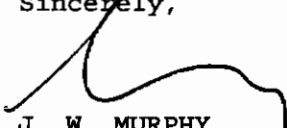
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In accordance with 15 Code of Federal Regulations (CFR) Section 930.32, the Department of the Navy has reviewed Florida's coastal management program and associated enforceable policies and has determined that the construction activities associated with installation of the trunk cable within Florida's coastal zone are consistent to the maximum extent practicable.

In accordance with 15 CFR Section 930.41(a), the State of Florida has 60 days from the receipt of this document in which to concur with, or object to, this Consistency Determination, or to request an extension under 15 CFR Section 930.41(b). Given the critical nature of this training, we are seeking your concurrence with our Consistency Determination. 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.

Florida'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. Florida's response or other inquiries should be sent to: Naval Facilities Engineering Command, Atlantic, Attn: Code EV22 (USWTR OEIS/EIS Project Manager), 6506 Hampton Blvd., 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 Consistency Determination.

Sincerely,



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

Enclosures: 1. Florida USWTR Coastal Consistency Determination  
2. Florida Department of Environmental Protection DEIS comments and U.S. Navy responses  
3. USWTR pre-release Final EIS/OEIS and Essential Fish Habitat Assessment CD-ROM