

DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
(INSTALLATIONS AND ENVIRONMENT)
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

JAN 26 2004

Dr. William T. Hogarth
Assistant Administrator
National Oceanic and Atmospheric
Administration (NOAA) Fisheries
1315 East West Highway
Silver Spring, MD 20910

Dear Dr Hogarth,

The Navy is currently undertaking an Environmental Impact Statement (EIS) to study the environmental effects of installation and operation of the East Coast Shallow Water Training Range (ECSWTR). The proposed ECSWTR will be used for Anti-Submarine Warfare (ASW) training in the shallow water environment. ASW training includes the use of tactical sonar, which potentially affects marine species. In order to adequately evaluate the potential environmental impacts of the installation and operation of the ECSWTR, the Navy and NOAA Fisheries have been working together, particularly in regards to potential acoustic impacts to marine species protected under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA). It is Navy's desire to formalize this relationship as outlined in the CEQ guidelines (40 CFR Part 1501).

As defined in 40 CFR 1501.5, the Navy is the lead agency for the ECSWTR. As NOAA Fisheries has jurisdiction by law and special expertise over the protected marine species that will potentially be affected by training activities on the ECSWTR range, the Navy is requesting that NOAA Fisheries be a cooperating agency as defined in 40 CFR 1501.6.

As the Lead Agency, the Navy will be responsible for the following:

- Preparing the environmental analysis, background information and all necessary permit applications associated with the proposed East Coast SWTR.
- Working with NOAA Fisheries personnel to develop and refine the method of estimating potential impacts to protected marine species.

Circulating the appropriate NEPA documents to the public and other interested parties.

- Scheduling and supervising public meetings held in support of the NEPA process. This shall also include, without limitation, compiling and responding to comments received at these meetings

Participating, as appropriate, in public meetings hosted by the NOAA Fisheries for receipt of public comment on protected species permit applications. This shall also include assistance in NOAA Fisheries' response to comments.

- Responding to all Freedom of Information Act (FOIA) requests in relation to the environmental impact statement.

Scheduling meetings requested by NOAA Fisheries in a timely manner.

As the Cooperating Agency, NOAA Fisheries would be asked to support the Navy in the following manner:

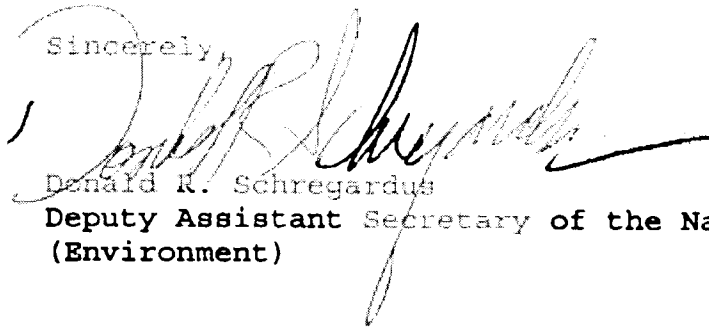
Providing timely comment to the environmental impact analyses conducted by the Navy.

- Coordinating, to the maximum extent practicable, any public comment period necessary in the MMPA permitting process with the Navy's NEPA public comment period.
- Participating, as appropriate, in public meetings hosted by the Navy for receipt of public comment on the NEPA document and environmental analysis.
- Scheduling meetings requested by Navy in a timely manner.

The Navy views this agreement as a formalization of the cooperative inter-agency relationship that has already been developed on the ECSWTR project. Input from your protected resources staff has been invaluable in determining the best course of action to take in predicting the potential effects of

acoustic sources on marine mammals. It is the Navy's goal to complete this analysis as expeditiously as possible, while utilizing the best scientific information available. NOAA Fisheries continues to be invaluable in that endeavor.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donald R. Schregardus". The signature is written in dark ink and is positioned above the typed name.

Donald R. Schregardus

Deputy Assistant Secretary of the Navy
(Environment)

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