

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Disposal of Decommissioned, Defueled Ex-Enterprise (CVN 65) and its Associated Naval Reactor Plants Environmental Impact Statement/Overseas Environmental Impact Statement

AGENCY: Department of the Navy, Department of Defense

ACTION: Record of Decision

SUMMARY: The United States (U.S.) Department of the Navy (Navy), after carefully weighing the environmental, strategic, and operational consequences of the Proposed Action, announces its decision to select and implement Alternative 3 (Commercial Dismantlement), the Preferred Alternative, from the Disposal of Decommissioned, Defueled Ex-Enterprise (CVN 65) and its Associated Naval Reactor Plants Final Environmental Impact Statement/ Overseas Environmental Impact Statement (EIS/OEIS). This alternative includes commercial dismantlement of ex-Enterprise, including its defueled naval reactor plants, and disposal of low-level radiological waste and other hazardous waste at authorized commercial or Department of Energy (DOE) waste disposal facilities. This alternative safely disposes of the ex-Enterprise, including its hazardous materials, in approximately 5 years as compared to 15 years or more for other analyzed alternatives. Additionally, this alternative will have the lowest greenhouse gas emissions, will not require in-water construction work to expand the capacity of Port of Benton barge slip in Washington State, and will be executed at approximately half the cost to the taxpayer as compared with other alternatives. Finally, this alternative supports the Navy mission by allowing the Navy to focus limited public shipyard resources on priority fleet maintenance.

The Navy's action proponent is the Director, Naval Nuclear Propulsion Program.

The Final EIS/OEIS for Disposal of Decommissioned, Defueled Ex-Enterprise (CVN 65) and its Associated Naval Reactor Plants contains detailed information and analysis supporting the Navy's selected alternative. The Navy's selected alternative implements protective standard operating procedures, best management practices, and mitigation measures as described in the Final EIS/OEIS and this Record of Decision (ROD) to avoid or reduce potential environmental impacts.

FOR FURTHER INFORMATION CONTACT: Office of Congressional and Public Affairs, ATTN: Adrienne Burns, Puget Sound Naval Shipyard and Intermediate Maintenance Facility, 1400 Farragut Avenue, Stop 2072 Bremerton, WA 98314-2072, 360-476-7111. Website: www.carrierdisposaleis.com.

A. SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Sections 4321 et seq. of Title 42 United States Code; Council on Environmental Quality regulations (Parts 1500–1508 of Title 40 Code of Federal Regulations [CFR]); Department of Navy regulations (32 CFR part 775); and Executive Order 12114, *Environmental Effects Abroad of Major Federal Actions*, the Navy announces its decision to implement Alternative 3 (Commercial Dismantlement - Preferred Alternative), including the protective standard operating procedures, best management practices, and mitigation measures as described in the Final EIS/OEIS and this ROD. A detailed description of the activities that comprise Alternative 3 (Commercial Dismantlement - Preferred Alternative) is provided in Chapter 2 (Description of Proposed Action and Alternatives) of the Final EIS/OEIS. This decision will enable the Navy to reduce the inactive ship inventory, eliminate costs associated with maintaining the ship in a safe stowage condition, and dispose of legacy radiological and

hazardous wastes in an environmentally responsible manner, while meeting the operational needs of the Navy.

B. BACKGROUND: The U.S. Navy commissioned the Ex-Enterprise, the first U.S. Navy nuclear-powered aircraft carrier, in 1961, operated it for over 50 years, and decommissioned it in 2017. Ex-Enterprise contains eight defueled reactor plants housed in four reinforced compartments inside the ship. The Navy removed nuclear fuel from the eight reactor plants as part of the decommissioning process and disposed of it in accordance with standing National Environmental Policy Act documents for spent naval nuclear fuel. The spent fuel now resides within the DOE Idaho National Laboratory. Ex-Enterprise is currently stored pier-side at Newport News Shipbuilding in Newport News, Virginia.

Purpose and Need

The disposal of ex-Enterprise is needed to comply with Chief of Naval Operations policy for inactive ships stricken from the Naval Vessel Register and with the Naval Nuclear Propulsion Program's statutory responsibilities under 50 United States Code 2406 and 2511. The purpose of the Proposed Action is to reduce the U.S. Navy inactive ship inventory, eliminate costs associated with maintaining the ship in a safe stowage condition, and dispose of legacy radiological and hazardous wastes in an environmentally responsible manner, while meeting the operational needs of the U.S. Navy.

DOE is a cooperating agency in the preparation of the Final EIS/OEIS as it pertains to DOE low-level radiological waste disposal sites.

Alternatives Considered

The Navy identified reasonable alternatives meeting the purpose and need for the Proposed Action based on screening criteria, as identified in Section 2.2 (Screening Criteria) of the Final EIS/OEIS.

The Navy evaluated and then eliminated from detailed study several alternatives that did not meet the purpose of and need for the Proposed Action. In accordance with Office of the Chief of Naval Operations Instruction 4770.5J, General Policy for the Inactivation, Retirement, and Disposition of U.S. Naval Vessels, dismantling is the only method approved for the disposition of nuclear-powered ships stricken from the Naval Vessel Register and is required to be accomplished in the United States or its territories in accordance with existing laws and regulations. Any non-dismantling or non-United States alternatives were eliminated from analysis as they would not follow this policy. See Section 2.5 (Alternatives Considered but Not Carried Forward for Detailed Analysis) of the Final EIS/OEIS for a description of alternatives considered but not carried forward for detailed analysis.

The Navy held several industry events to gauge the capabilities and willingness of the commercial and nuclear decommissioning service industries to partially or fully dismantle ex-Enterprise. The information gathered during these events helped inform the alternatives in the Final EIS/OEIS. Through market research, industry events, and scoping, the Navy identified commercial dismantlement facilities with the capability to perform dismantlement of ex-Enterprise in the Hampton Roads Metropolitan Area, Virginia; Brownsville, Texas; and Mobile, Alabama. These areas were included in the Study Area for the EIS/OEIS. The commercial location for complete dismantlement will be determined through a competitive bidding process. If a feasible commercial location outside the Study Area for this EIS/OEIS is selected, appropriate environmental analysis will be completed.

The range of alternatives includes a No Action Alternative and other reasonable alternatives that meet the purpose and need of the proposed action. Direct, indirect, cumulative, short-term, long-term, irreversible, and irretrievable impacts were evaluated.

The Navy analyzed three action alternatives and a No Action alternative in the Final EIS/OEIS.

No Action Alternative: Under the No Action Alternative, ex-Enterprise would not be dismantled or disposed of, but rather remain in waterborne storage for an indefinite time at its current location in Newport News Shipbuilding in Newport News, Virginia. This alternative would require periodic maintenance to ensure that storage continues in a safe environmentally acceptable manner. The No Action Alternative only delays the ultimate permanent disposal of ex-Enterprise.

Alternative 1 (Single Reactor Compartment Packages): Alternative 1 would include towing the entire ex-Enterprise from Newport News Shipbuilding, to an authorized commercial dismantlement facility for partial commercial dismantlement. Partial commercial dismantlement would be managed under a Navy contract process. The commercial dismantlement facility would remove portions of the ship outside of reactor compartments, leaving a propulsion space section (about one-third of the aircraft carrier's original weight and length) and would recycle or dispose of waste in accordance with applicable local, state, and federal laws.

The propulsion space section, which contains the eight defueled reactor plants, would then be transported by heavy-lift ship around the southern tip of South America to Puget Sound Naval Shipyard and Intermediate Maintenance Facility (PSNS&IMF) in Washington State for processing and disposal. Once at PSNS&IMF, qualified shipyard personnel would construct eight single reactor compartment packages for disposal at the DOE Hanford Site.

Reactor compartment packages built at PSNS&IMF would be transported by barge to the Port of Benton barge slip on the west bank of the Columbia River at Richland, Washington. Each package would then be loaded onto a multiple-wheel, high-capacity transporter and hauled to Trench 94 at the DOE Hanford Site. Trench 94 is designed for land disposal of Navy reactor compartment packages.

Under Alternative 1 (Single Reactor Compartment Packages), each reactor compartment package would contain one reactor plant, for a total of eight single reactor compartment packages. Temporary docking aids such as rubber bumpers and moored barges could be required at PSNS&IMF under Alternative 1. Low-level radioactive waste (LLRW) not contained in the reactor compartment packages would be disposed according to PSNS&IMF and Naval Nuclear Propulsion Program waste management procedures and state and federal waste regulations. Modifications to the barge slip or the transport route at the DOE Hanford Site would not be required.

Alternative 2 (Dual Reactor Compartment Packages): Alternative 2, similar to Alternative 1, would include towing the ship to an authorized commercial dismantlement facility for partial dismantlement. The remainder of the ship containing the propulsion space section would then be transported to PSNS&IMF to prepare the reactor compartment packages for disposal at Trench 94 at the DOE Hanford Site. Under Alternative 2, each reactor compartment package constructed at PSNS&IMF would contain two reactor plants. The four dual reactor compartment packages would be transported by barge to the Port of Benton barge slip for disposal in Trench 94 at the DOE Hanford Site.

Alternative 2 (Dual Reactor Compartment Packages) would require modifications to the Port of Benton barge slip and improvements to the transport route to Trench 94 at the DOE Hanford Site due to the heavier weight and larger size of the dual reactor compartment packages. Modifications would involve excavation and fill to allow the widening of the barge slip (including in-water excavation), inland pile driving and concrete work, and improving portions of the transport route.

Alternative 3: (Commercial Dismantlement - Preferred Alternative). Under Alternative 3 (Commercial Dismantlement - Preferred Alternative), the Navy will have ex-Enterprise towed from Newport News Shipbuilding to an authorized commercial dismantlement facility for complete dismantlement of the ship by an authorized ship dismantlement contractor. The commercial ship dismantlement contractor will disassemble the eight defueled reactor plants into segments and package in several hundred

containers that meet applicable Nuclear Regulatory Commission (NRC), Department of Transportation, and DOE transportation requirements. LLRW will be disposed of at DOE, NRC, or NRC agreement state commercial LLRW facilities. The contractor will recycle or dispose of non-radioactive portions of the ship in accordance with applicable local, state, and federal laws.

Dismantlement will be managed under a Navy contract process. Under this alternative, the contractor will prepare reactor plant dismantlement and disposal planning documents associated with areas such as radiological controls, radiation safety, and environmental protection to conform to NRC standards. The Navy will hold the contractor to NRC standards for the accomplishment of radiological work. The Navy will contractually invoke NRC standards and obtain NRC oversight via an interagency support agreement. The NRC will review project planning and engineering documents, conduct oversight of project execution, and provide the Navy recommendations for Navy enforcement.

The Navy's selected alternative implements protective operating procedures, best management practices, and mitigation measures identified in the Final EIS/OEIS and this ROD to avoid, minimize, and reduce potential environmental impacts of the proposed action.

Public Involvement

Scoping

The Navy published a Notice of Intent to prepare an EIS/OEIS in the Federal Register (FR) on May 31, 2019 (84 FR 25243), initiating a public scoping comment period through July 15, 2019. The Navy published advertisements in 11 newspapers (*The Virginian-Pilot*, *The Daily Press*, *Augusta Chronicle*, *Aiken Standard*, *Brownsville Herald*, *El Nuevo Herald* [Spanish], *The Seattle Times*, *The Kitsap Sun*, *Tri-City Herald*, *The Oregonian*, and *The Portland Tribune*), distributed press releases, and mailed notification letters to 45 tribal leaders of federally recognized tribes and 137 federal, state, and local elected officials and government agencies.

From May 28 to 31, 2019, the Navy mailed postcards to 455 individuals, community groups, tribal staff, and nongovernmental organizations previously expressing an interest in this project. The Navy also notified the public of intent to prepare an EIS/OEIS via the project website (www.carrierdisposaleis.com).

The Navy held four public meetings in Newport News, VA; Brownsville, TX; Bremerton, WA; and Richland, WA between June 18, 2019, and June 27, 2019. Each public meeting was held in an open-house-style format, with informational poster stations staffed by Navy representatives and an opportunity to provide written and oral comments.

As a result of comments received during the public scoping period, the Navy added the Mobile, Alabama, area to the Study Area for this EIS/OEIS. In compliance with the National Environmental Policy Act, the Navy held an additional public scoping period, from August 12, 2020 through September 11, 2020, to address the expansion of the Study Area to include Mobile, Alabama. Due to COVID-19 pandemic and associated public health guidance advising against holding in-person meetings, the Navy established a project email address and responded to questions from the public. The public was able to submit comments by mail or through the project website during the 30-day scoping period.

The Navy published display advertisements three times in the *Mobile Press-Register* in Mobile, Alabama. On August 10, 2020, the Navy sent letters, along with a fact sheet booklet, to 19 leaders of federally recognized tribes in the Mobile, Alabama area. On August 10, 2020, the Navy also sent letters, along with a fact sheet booklet, to 135 federal, state, and local elected officials and government agencies, non-federally recognized tribes, and certain nongovernmental organizations in the Mobile, Alabama area. On August 12, 2020, the Navy distributed a news release to the previously contacted local, regional, and

national print and broadcast (radio and television) media outlets. The Navy posted project information, including a fact sheet booklet and poster displays, on the project website and sent an email notification to 114 website subscribers.

The Navy received 120 comments during the 2019 public scoping phase and 34 comments during the 2020 public scoping phase. Of those, 1 comment was received from the Suquamish Tribe, 4 from federal agencies, 10 from state and local agencies, 5 from non-governmental organizations, and 134 from the public. The Navy considered all substantive comments received during preparation of the Draft EIS/OEIS.

Draft EIS/OEIS

The Navy published a Notice of Availability and Notice of Virtual Public Meetings (87 FR 51068) for the ex-Enterprise Draft EIS/OEIS in the FR dated August 19, 2022, initiating a public review and comment period through October 3, 2022. Concurrent with the publication of the Notice of Availability and Notice of Virtual Public Meetings (87 FR 51068) in the FR, the Navy uploaded the Draft EIS/OEIS to the project website for public access and made copies available at six regional information repositories (Kitsap Regional Library, Richland Public Library, Hampton Public Library, Brownsville Public Library [Main and Southmost Branches], and Ben May Main Library).

The Navy also published advertisements in 14 newspapers (*The Seattle Times*, *The Kitsap Sun*, *Tri-City Herald*, *Tu Decides* [Spanish], *The Oregonian*, *The Portland Tribune*, *El Latino de Hoy* [Spanish], *The Virginian-Pilot*, *The Daily Press*, *Tidewater Hispanic News* [Spanish], *Brownsville Herald*, *Brownsville Herald* [Spanish, online only], *Mobile Press Register*, *Latino News* [Spanish]).

On August 18, 2022, the Navy mailed letters, including a CD-ROM of the Draft EIS/OEIS to 70 leaders of federally recognized tribes. From August 16-18, 2022, the Navy mailed letters, including a CD-ROM of the Draft EIS/OEIS, to 411 federal, state, and local elected officials; government agencies; and non-federally recognized tribes. The Navy included a Spanish version of the letter in the mailing to local elected officials in Texas.

The Navy made copies of the Draft EIS/OEIS available for public review at six regional information repositories (Kitsap Regional Library, Richland Public Library, Hampton Public Library, Brownsville Public Library [Main and Southmost Branches], and Ben May Main Library). On August 19, 2022, the Navy distributed a news release to local, regional, and national print and broadcast (radio and television) media outlets. On September 14, 2022, the Navy distributed a second news release and a public service announcement to media outlets. The Navy distributed both English and Spanish versions of the news releases to the media outlets.

The public comment period ran from August 19, 2022, to October 3, 2022. The Navy provided two virtual public meetings, on September 20, 2022, and September 22, 2022, for the public to learn more about the project and to have their questions answered. Each meeting was scheduled for one hour. The virtual public meetings consisted of a slide presentation and a question-and-answer session. A Spanish-language interpreter was available at each virtual public meeting to provide instructions in Spanish and to translate any questions received during the question-and-answer session. In total, 150 members of the public, media, elected officials or staffers, nongovernmental organizations, contractors, and Navy employees attended the two virtual public meetings.

The Navy received comments from 45 commenters. Commenters included federal agencies, nongovernmental organizations, the Suquamish Tribe, and private individuals. The Navy's responses to public comments on the Draft EIS/OEIS are included in the Final EIS/OEIS in Appendix C (Public Comments and Responses). In total, the Navy identified and considered all 186 substantive comments from the 45 submissions during preparation of the Final EIS/OEIS.

Final EIS/OEIS

The Navy published the Notice of Availability for the Final EIS/OEIS in the FR dated June 30, 2023 (88 FR 42360), initiating a 30-day wait period. The Navy also published advertisements in 14 newspapers (*The Seattle Times*, *The Kitsap Sun*, *Tri-City Herald*, *Tu Decides* [Spanish], *The Oregonian*, *The Portland Tribune*, *El Latino de Hoy* [Spanish], *The Virginian-Pilot*, *The Daily Press*, *Tidewater Hispanic News* [Spanish], *Brownsville Herald*, *Brownsville Herald* [Spanish, online only], *Mobile Press Register*, *Latino News* [Spanish]).

On June 29, 2023, the Navy mailed notification letters to 70 tribal chairpersons, presidents, or chiefs of federally recognized tribes, and 410 federal, state, and local elected officials, government agencies, tribal groups, and organizations. The Navy also mailed postcards to 687 individuals, community and business groups, tribal staff, and nongovernmental organizations. The Navy distributed a news release to local and regional media. The Navy sent emails to individuals who subscribed on the project website to receive project announcements. The Navy also made the Final EIS/OEIS available on the project website, and mailed printed copies and CD-ROMS to the aforementioned information repositories.

The Navy received one comment submittal from EPA Region 6 in a letter dated July 26, 2023. EPA's comments and the Navy's responses are provided later in this ROD. The Navy also received one comment from the Alabama Historical Commission and one comment from the Texas State Historic Preservation Office, dated 20 July and 4 August, 2023, respectively, that are adequately addressed in the Final EIS/OEIS.

Environmental Impacts

The Final EIS/OEIS addressed the potential environmental impacts on the following resource areas: public and occupational health and safety, hazardous and radioactive waste management, American Indian protected tribal resources and tribal rights, socioeconomics and environmental justice, biological resources, air quality (including greenhouse gases and climate change), cultural resources, and noise. The Navy identified there would be no significant environmental impacts on the resource areas analyzed. Implementation of the established protective standard operating procedures, best management practices, and mitigation measures included in Alternative 3 (Commercial Dismantlement - Preferred Alternative) will result in minimal or no effect on the resource areas analyzed. Where appropriate, the Navy consulted with designated resource agencies in accordance with applicable statutes. The results of those consultations are included in the Agency and Consultation and Coordination subsection of this ROD. The discussion below summarizes only the analysis and determination of impacts on biological resources resulting from the implementation of Alternative 3 (Commercial Dismantlement - Preferred Alternative), due to the relationship between biological resources and the applicable statutes requiring consultations and mitigation.

Biological Resources. The Navy analyzed impacts on biological resources from the project. If the selected destination port is outside the Hampton Roads Metropolitan Area, the Navy will clean the hull of the ex-Enterprise prior to towing to reduce the potential for species attached to the hull to be transported and introduced to areas outside of their natural range. In accordance with the Uniform National Discharge Standards (85 FR 43465), in scenarios where hull cleaning mitigation is required, dry docking would be the first method considered. However, the Navy will only implement this method if a sufficiently sized dry dock were available during the required timeframe that is in close enough proximity to the origination port to preclude risk of invasive species transfer. If dry dock hull cleaning is not feasible, the Navy will conduct in-water hull cleaning of the ex-Enterprise at the current mooring location. The Navy has determined that in-water hull cleaning may affect Atlantic sturgeon, green sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, and loggerhead sea turtle. Endangered Species Act (ESA) and Essential Fish Habitat (EFH) impacts are anticipated to be localized and temporary, with

protective standard operating procedures, best management practices, and mitigations further minimizing potential impacts. Pursuant to Section 7 of the ESA, the Navy consulted on Alternative 3 (Commercial Dismantlement - Preferred Alternative) with the National Marine Fisheries Service (NMFS) to determine the effect of in-water hull cleaning on species in Virginia, as discussed above. Additionally, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, the Navy consulted on the Preferred Alternative with NMFS to determine the effect of the hull cleaning on EFH in Virginia as discussed above. The Navy concluded that the Preferred Alternative is not likely to adversely affect ESA-listed species, and impacts to EFH are expected to be minor in severity, short term in duration, and limited in spatial extent to the area immediately under the adjacent footprint of the vessel. NMFS concurred with these conclusions (refer to Agency Consultation and Coordination below).

The Navy evaluated impacts for areas with known commercial capability to perform this work. These areas are Brownsville, Texas; Mobile, Alabama; or the Hampton Roads Metropolitan Area, Virginia. Techniques and processes for performing the proposed action may vary slightly among facilities; however, the framework for assessing impacts are common to all locations. Because the Navy's dismantling contracts require that the dismantling facility obtain all applicable environmental permits prior to commencing the dismantling project, and because of the anticipated low density of marine organisms in the immediate vicinity of this activity, the Navy has determined that the impacts on biological resources resulting from potential water quality degradation are minimal. As for potential impacts of sound introduced in the marine environment during complete dismantlement activities, noise from dismantlement activities would likely be detectable to marine organisms if they are in close proximity to the ship dismantlement facility. However, due to the nature of the required activities, ship dismantlement would occur at highly industrialized locations, with baseline noise conditions elevated well above typical background levels. It is unlikely that dismantlement activities associated with the Proposed Action would greatly increase underwater noise levels above baseline levels at these high-traffic, industrialized ports. Therefore, the Navy has determined that the potential impacts on biological resources are minimal under Alternative 3 (Commercial Dismantlement - Preferred Alternative).

Agency Consultation and Coordination

The Navy consulted and coordinated with other federal and local agencies, including NMFS and the U.S. Fish and Wildlife Service (USFWS) for Alternative 3 (Commercial Dismantlement - Preferred Alternative), as described in the EIS/OEIS. A summary of the results from each consultation and coordination process is included below:

NMFS ESA. In 2019, NMFS issued the Programmatic Biological and Conference Opinion on the Towing of Inactive U.S. Navy Ships from their Existing Berths to Dismantling Facilities or other Inactive Ship Site. In the 2019 Biological Opinion, NMFS evaluated towing of inactive Navy ships from several origin and destination ports and concluded that the towing of inactive Navy ships would not likely adversely affect ESA-listed species and designated critical habitat potentially occurring at Port of Brownsville. In accordance with Section 7 of the ESA (50 CFR section 402), on October 13, 2022, the Navy submitted an informal consultation document for the proposed towing of the ex-Enterprise from its current location in Newport News, Virginia, to Mobile, Alabama.

NMFS issued a Letter of Concurrence on March 15, 2023, for the Navy's determination that the Proposed Action may affect, but is not likely to adversely affect, the federally ESA-listed Atlantic sturgeon – Gulf of Maine Distinct Population Segment (DPS); Atlantic sturgeon – New York Bight DPS; Atlantic sturgeon – Chesapeake DPS; Atlantic sturgeon – Carolina DPS; Atlantic sturgeon – South Atlantic DPS; shortnose sturgeon; Gulf sturgeon; giant manta ray; oceanic whitetip shark; scalloped hammerhead shark – Central and Southwest Atlantic DPS; green sea turtle - North Atlantic DPS;

hawksbill sea turtle; Kemp's ridley sea turtle; leatherback sea turtle; loggerhead sea turtle –Northwest Atlantic Ocean DPS; blue whale; fin whale; North Atlantic right whale; Rice's whale; sei whale; and sperm whale.

NMFS also concurred with the Navy that the proposed action may affect, but is not likely to adversely affect designated critical habitat in the action area for the following species: loggerhead sea turtle – Northwest Atlantic Ocean DPS critical habitat; and Atlantic sturgeon – Chesapeake DPS critical habitat.

USFWS ESA. The Navy previously consulted with USFWS for the West Indian manatee (Florida subspecies) in 2018 for towing and dismantlement activities. On May 15, 2018, USFWS provided concurrence with the Navy's determination that a similar proposed action involving towing inactive ships from Mayport, Florida, was not likely to adversely affect the West Indian manatee and its critical habitat. In accordance with Section 7 of the ESA (50 CFR section 402), on October 13, 2022, the Navy submitted an informal consultation document analyzing potential impacts to the West Indian manatee from the proposed towing of ex-Enterprise from its current location in Newport News, Virginia, to a commercial dismantling facility in Mobile, Alabama. USFWS signed their concurrence with the Navy's determination on October 25, 2022, that the Proposed Action may affect, but is not likely to adversely affect, the ESA-listed West Indian manatee or West Indian manatee critical habitat.

Magnuson-Stevens Fishery Conservation and Management Act. According to 50 CFR section 600.920(a), a supplemental consultation for EFH is required for renewals, reviews, or substantial revisions of actions if these actions may adversely affect EFH. On October 13, 2022, the Navy submitted an EFH Assessment to NMFS Greater Atlantic Region, which analyzed the effects of the Proposed Action on designated EFH. The Navy concluded that the in-water hull cleaning at Newport News Shipbuilding may adversely affect designated EFH, but, adverse effects would be minor in severity, short term in duration, and limited in spatial extent to the area immediately under and adjacent to the footprint of the vessel. On November 28, 2022, NMFS provided their letter concurring and thus concluding consultation. NMFS concluded that "Provided the hull cleaning is conducted as described in the EFH assessment, we concur with your determination that the Proposed Action will not substantially adversely affect EFH and have no additional conservation recommendations to provide."

Coastal Zone Management Act (CZMA). In accordance with the CZMA of 1972, the Navy conducted a review of the Proposed Action (specifically towing of inactive Navy ships) for consistency with the enforceable policies of Virginia and Alabama's Coastal Management programs. The Navy previously consulted with the Texas Coastal Resources Program on the general action of towing one or more inactive ships in the Texas coastal zone, and obtained concurrence from the Texas Coastal Resources Program that this action would have no effect. Therefore, no additional CZMA consultation with Texas was required. On October 13, 2022, the Navy submitted a General Negative Determination for towing of inactive Navy ships through state coastal waters to both Alabama's Department of Environmental Management and Virginia's Department of Environmental Quality. On October 20, 2022, Alabama's Department of Environmental Management concurred with the General Negative Determination. Virginia's Department of Environmental Quality issued their concurrence with the Negative Determination on November 22, 2022.

National Historic Preservation Act. The National Historic Preservation Act requires the Navy to take into account the effects of the Navy's undertakings on historic properties in the United States and abroad.

Ex-Enterprise is eligible for listing in the National Register of Historic Places. Section 3.7.2.1 (Ex-Enterprise [CVN 65]) in the Final EIS/OEIS describes the Navy's implementation of the Advisory Council on Historic Preservation Program Comment for the Department of the Navy for the Disposition of Historic Vessels for this undertaking. Upon designating final disposition, the Navy will deposit the

required materials with the National Archives and Records Administration, fulfilling the remaining requirements of the Advisory Council on Historic Preservation Program Comment, and thereby satisfying Navy's responsibilities under Section 106 to take into account the effect of the Proposed Action on the National Register of Historic Places-eligible ex-Enterprise.

Alternative 3 (Commercial Dismantlement - Preferred Alternative) does not include the type of activities with the potential to affect historic properties, therefore consultation under Section 106 would not be required for contracting the complete dismantlement of the ship by an authorized ship dismantlement contractor.

Environmentally Preferable Action Alternative

The alternatives analyzed in the Final EIS/OEIS would result in minimal or no impacts to human health and the environment. Under the No Action Alternative, the environmental impacts from eventual ship dismantlement would be expected to be similar to impacts associated with the action alternatives but delayed in time. Comparing the remaining alternatives, Alternative 2 would have some impact on Biological Resources, Air Quality, and Noise as a result of the proposed modifications to the Port of Benton barge slip and improvements to the transport route to Trench 94 at the DOE Hanford Site. Those impacts would be reduced as a result of project design and implementation of best management practices. Alternative 3 (Commercial Dismantlement - Preferred Alternative) will be completed in a shorter duration (5 years) than the other action alternatives (15 years or more). Additionally, while air emissions would be below *de minimis* levels for all alternatives, the projected contribution of greenhouse gases resulting from Alternative 3 (Commercial Dismantlement - Preferred Alternative) will be more than 13 times lower than those resulting from either Alternative 1 or Alternative 2. Therefore, based on comparison of potential impacts from each of the action alternatives, the Navy concludes that Alternative 3 (Commercial Dismantlement - Preferred Alternative) is the Environmentally Preferable Action Alternative.

Mitigation Measures

The Navy will take practicable means to avoid or minimize environmental harm by implementing protective standard operating procedures, best management practices, and mitigation measures specific to activities conducted under the Proposed Action. Further, activities are performed to comply with applicable laws and regulations. The Navy worked collaboratively with the appropriate regulatory agencies through the consultation processes to develop and finalize the mitigation measures included in the Final EIS/OEIS. Given the minimal impacts of the Preferred Alternative, the Navy identified only one mitigation measure. Towing of inactive Navy ships has the potential to transport potentially invasive species between origin ports and destination ports. The Navy agreed over the course of ESA Section 7 consultation with NMFS to implement hull cleaning of ex-Enterprise as a mitigation measure at the current mooring location of ex-Enterprise (Newport News Shipbuilding, Virginia) to reduce the potential for transportation and introduction of potentially invasive species at towing destinations outside of the Hampton Roads Metropolitan Area.

Responses to Comments Received on the Final EIS/OEIS

The Navy received one comment from Alabama Historical Commission during the 30-day wait period and one comment from the Texas State Historic Preservation Officer just after the 30-day wait period following publication of the Notice of Availability of the Final EIS/OEIS. Both comments are already adequately addressed in the FEIS/OEIS, sections 3.7 (Cultural Resources) and Appendix C (Public Comments and Responses).

The Navy received one comment submittal, from EPA, Region 6, during the 30-day wait period following publication of the Notice of Availability of the Final EIS/OEIS. The comment submittal contained recommendations to minor EPA concerns identified in the Final EIS related to Water Quality Protection, Air Quality and Environmental Justice. The Navy's response to EPA's comments are provided below.

Comment 1 (Water Quality Protection): EPA recommends that a post-revegetation monitoring schedule be included to help better gauge the effectiveness of current revegetation efforts, specifically near riparian, floodplain, or other surface water habitats.

Response to Comment 1: Alternative 2 (Dual Reactor Compartment Packages) is the only alternative with ground disturbing activities requiring revegetation (in relation to the land transportation route upgrade between Port of Benton barge slip and Trench 94 at the DOE Hanford Site). Alternative 3 (Commercial Dismantlement - Preferred Alternative) does not include ground disturbing activities that require revegetation. Therefore, a post-revegetation monitoring plan is not applicable for the selection and implementation of Alternative 3 (Commercial Dismantlement - Preferred Alternative).

Comment 2 (Air Quality): In Table 3.6-3: Nonattainment and Maintenance Areas Along Vehicle Transit Routes (pg. 3.6-13), EPA recommends revising the "Attainment Status" and "de minimis Threshold" values listed for the Houston-Galveston-Brazoria (HGB) counties (Chambers, Harris, Ft. Bend), as they are inaccurate. The currently applicable de minimis threshold for the HGB area is 25 tons/year for Nitrogen Oxides (NOx) and Volatile Organic Compounds (VOCs). The HGB 2008 8-hour Ozone National Ambient Air Quality Standards (NAAQS) nonattainment area was reclassified from "Serious" to "Severe" by operation of law on the effective date of EPA's October 7, 2022, final action finding that the area failed to attain the 2008 8-hour ozone NAAQS by the applicable attainment date for Serious areas. 87 FR 60926 (October 7, 2022).

Response to Comment 2: Table 3.6-3 (Nonattainment and Maintenance Areas along Vehicle Transit Routes) has been comprehensively reviewed and an updated table is provided below.

These corrections do not affect any values, compliance status, or results of the air quality impacts analysis in the Final EIS/OEIS as Table 3.6-3 (Nonattainment and Maintenance Areas along Vehicle Transit Routes) is for information only.

**Table 3.6-3: Nonattainment and Maintenance Areas along Vehicle Transit Routes
(Updated 1 August 2023)**

Pollutant	County	Area Name	Attainment Status	<i>de minimis</i> Threshold (TPY)
8-Hour Ozone (2015)	Davis County	Northern Wasatch Front, Utah	Moderate	NO _x : 100 VOC: 100
	Salt Lake County	Northern Wasatch Front, Utah	Moderate	NO _x : 100 VOC: 100
	Tooele County	Northern Wasatch Front, Utah	Moderate	NO _x : 100 VOC: 100
	Utah County	Southern Wasatch Front, Utah	Marginal	NO _x : 100 VOC: 100
	Weber County	Northern Wasatch Front, Utah	Moderate	NO _x : 100 VOC: 100
	Fort Bend County	Houston-Galveston-Brazoria, Texas	Moderate	NO _x : 100 VOC: 100
	Harris County	Houston-Galveston-Brazoria, Texas	Moderate	NO _x : 100 VOC: 100
	Chambers County	Houston-Galveston-Brazoria, Texas	Moderate	NO _x : 100 VOC: 100
8-Hour Ozone (2008)	Fort Bend County	Houston-Galveston-Brazoria, Texas	Severe 15	NO _x : 25 VOC: 25
	Harris County	Houston-Galveston-Brazoria, Texas	Severe 15	NO _x : 25 VOC: 25
	Chambers County	Houston-Galveston-Brazoria, Texas	Severe 15	NO _x : 25 VOC: 25
Carbon Monoxide (1971)	Salt Lake County	Salt Lake City, Utah	Maintenance	100
	Utah County	Provo, Utah	Maintenance	100
	Weber County	Ogden, Utah	Maintenance	100
PM ₁₀ (1987)	Salt Lake County	Salt Lake City, Utah	Maintenance	100
	Utah County	Utah County, Utah	Maintenance	100
	Weber County	Ogden, Utah	Maintenance	100
PM _{2.5} (2006)	Box Elder County	Salt Lake City, Utah	Serious	70
	Cache County	Logan, UT-ID	Maintenance	100
	Davis County	Salt Lake City, Utah	Serious	70
	Salt Lake County	Salt Lake City, Utah	Serious	70
	Tooele County	Salt Lake City, Utah	Serious	70
	Utah County	Provo, Utah	Serious	70
	Weber County	Salt Lake City, Utah	Serious	70
Sulfur Dioxide (1971)	Salt Lake County	Salt Lake Co, Utah	Primary, Secondary	100
	Tooele County	Tooele Co, Utah	Primary, Secondary	100

Notes: PM₁₀ = particulate matter ≤ 10 microns in diameter, PM_{2.5} = particulate matter ≤ 2.5 microns in diameter, TPY = tons per year, VOC = volatile organic compounds, NO_x = nitrogen oxides.

References:

U.S. Environmental Protection Agency. *Texas Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants*. Retrieved from https://www3.epa.gov/airquality/greenbook/anayo_tx.html.

U.S. Environmental Protection Agency. *Utah Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants*. Retrieved from https://www3.epa.gov/airquality/greenbook/anayo_ut.html.

Comment 3 (Environmental Justice): EPA commends the Navy for their community engagement efforts. We recommend that the details and results of the public outreach meetings be included in an appendix to the Final EIS. EPA also recommends that as the project moves ahead communities within the Region of Influence be kept up to date on the progress and informed of any unexpected issues should they arise from the transportation, dismantlement and disposal of the ex-Enterprise.

Response to Comment 3: Appendix B (Public Involvement and Distribution) of the Final EIS/EIS includes descriptions of the Navy efforts to involve the public in the EIS/OEIS preparation. Summaries of public outreach meetings associated with the public scoping process and Draft EIS/OEIS release are included the appendix. This ROD provides a description of the public involvement efforts for the publication of the Final EIS/OEIS in the Public Involvement section. Additional details related to public outreach meetings are available on the project website. Once the Navy has selected a dismantlement location following contract competition, the Navy will publish a press release indicating location details. Finally, as stated in Appendix C (Response to Comments), the Navy will ensure coordination and outreach with local emergency responders and community stakeholders.

C. CONCLUSION: Based on factors analyzed in the Final EIS/OEIS, I have determined that the Final EIS/OEIS Alternative 3 (Commercial Dismantlement - Preferred Alternative) best meets the needs of the Navy.

I certify that the Navy has considered all the alternatives, best available science, potential environmental impacts, input and expertise of federal agencies, tribal governments and tribal leaders, non-governmental organizations, and comments from the public in developing the EIS.

Implementation of Alternative 3 (Commercial Dismantlement - Preferred Alternative) allows the Navy to dispose of ex-Enterprise, including its hazardous materials, in the shortest duration and in a manner protective of human health and the environment. Alternative 3 (Commercial Dismantlement - Preferred Alternative) also supports the Navy prioritizing limited public shipyard resources on active fleet maintenance while realizing cost benefits to the U.S taxpayer. By implementing protective standard operating procedures, best management practices, and mitigation measures identified in the Final EIS/OEIS, this ROD, and in associated regulatory documents, the Navy has adopted all practicable means to avoid or minimize environmental harm. In addition, the Navy assessed the effects of Alternative 3 (Commercial Dismantlement - Preferred Alternative) in accordance with Executive Order 12114 and concluded that there will be no significant harm to the environment in areas outside the United States and possessions.

20 AUG 23

Date


Robert E. Thompson
Principal Deputy Assistant Secretary of the Navy
(Energy, Installations and Environment)