

DEPARTMENT OF DEFENSE
DEPARTMENT OF THE NAVY

FINDING OF NO SIGNIFICANT IMPACT (FONSI)/FINDING OF NO
SIGNIFICANT HARM (FONSH) FOR CONTRACT AWARD TO DISMANTLE THE
AIRCRAFT CARRIER EX-CONSTELLATION (CV 64)

Pursuant to the Council on Environmental Quality regulations (40 Code of Federal Regulations §§ 1500-1508) implementing procedural provisions of the National Environmental Policy Act (NEPA), and E.O. 12114, Environmental Effects Abroad of Major Federal Actions, the Department of the Navy (DON) gives notice that an Environmental Assessment/Overseas Environmental Assessment (EA/OEA) and Finding of No Significant Impact (FONSI)/Finding of No Significant Harm (FONSH) has been prepared for the award of a contract to a technically acceptable domestic ship dismantling company which will tow ex-CONSTELLATION to its facility in order to dismantle and recycle her in accordance with applicable Federal, state and local laws and regulations. Ex-CONSTELLATION is currently moored at the NAVSEA Inactive Ships On-Site Maintenance Office (INACTSHIPMAINTO), Bremerton, WA. Because the DON has reached a FONSI and FONSH, an Environmental Impact Statement (EIS/OEIS) is not being prepared.

Proposed Action:

Ex-CONSTELLATION is a decommissioned post-World War II aircraft carrier that has been inactive for over 11 years and designated for disposal. There are no Navy requirements for the ship, as ex-CONSTELLATION is not needed for the defense of the country.

The Proposed Action is to award a contract to a technically acceptable domestic ship dismantling company which will then tow ex-CONSTELLATION to its facility in order to dismantle and recycle her in accordance with applicable Federal, state, and local laws and regulations.

The domestic ship dismantling facility must have the capability to dismantle an aircraft carrier of this size without construction of any new facilities or dredging. The vessel is non-operational (no propeller rotation or water intakes/discharges); therefore, due to the size of the ship, the use of several assist tug boats will be required to tow the vessel. The towing operator will be required to meet the requirements for safety, navigation, environmental, and other safeguards.

The purpose for the proposed dismantlement of this vessel is to execute Chief of Naval Operations (CNO) policy for the disposal

of inactive ships stricken from the Naval Vessel Register and designated for disposal. The Proposed Action is needed to reduce the Navy's inactive ship inventory and eliminate costs associated with continuing to maintain the deteriorating ship in safe stowage.

The aircraft carrier, ex-CONSTELLATION is currently moored on the west side of Pier/Mooring F of INACTSHIPMAINTO Bremerton, for berthing. INACTSHIPMAINTO Bremerton is located in southern Bremerton, WA, on the north side of the Sinclair Inlet in southern Puget Sound and is a tenant on the western end of Naval Base Kitsap - Bremerton.

INACTSHIPMAINTO has been in continual use for inactive ships for over sixty years. It is located in a developed area and has restricted access.

Alternatives Analyzed: This EA/OEA evaluates the potential environmental impacts of the Proposed Action at a location in or near Brownsville, TX including the towing of the ship to this location. There are three facilities in or near Brownsville, TX, capable of dismantling a vessel the size of ex-CONSTELLATION. The Navy is not aware of any other qualified location within the United States where the dismantling of a vessel the size of ex-CONSTELLATION could be achieved. The facilities are in developed areas along waterfronts and have restricted access.

The EA/OEA analyzes the Proposed Action Alternative and the No-Action Alternative. All technically acceptable contractors will be considered at the time of potential contract award.

If the Federal Government is unable to award a dismantling contract, the No-Action Alternative will result by default. The No-Action Alternative includes continued berthing of ex-CONSTELLATION at INACTSHIPMAINTO Bremerton, WA. INACTSHIPMAINTO Bremerton will continue to maintain the ship in safe stowage (i.e., fire and flooding protection).

The No-Action Alternative does not meet the Navy's operational need to remove the vessel from the Navy's inactive ship inventory.

Alternatives Considered but Eliminated: Five other possible methods of ship disposal were considered. Fleet training sinking exercises (SINKEX) results in the destruction of the ship during at-sea, live-fire training exercises. However, current policy does not include the use of aircraft carriers for SINKEX,

thus this alternative is not an option for ex-CONSTELLATION. Artificial reefing of the vessel is not feasible due to the extensive presence of regulated PCB-containing solid materials onboard which exceed U.S. Environmental Protection Agency limits for ocean disposal. A Foreign Military Sale Transfer alternative is not feasible as there has been no foreign country interest in this class of ship for the past thirty years and because the vessel is inoperable and obsolete. Title transfer to the Department of Transportation, Maritime Administration, is only applicable to merchant-type ships pursuant to the Merchant Marine Act of 1936. Ex-CONSTELLATION was not designated for donation as a museum or memorial. There has been increased difficulty in recent years for potential donees to raise adequate funds to satisfy the donation requirements. Attempts to donate three sister ships, ex-FORRESTAL (AVT 59), ex-SARATOGA (CV 60) and ex-RANGER (CV 61), have failed. Thus, this alternative is not an option for ex-CONSTELLATION.

Environmental Effects: The EA/OEA presents a review and analysis of the potential environmental impacts associated with the Proposed Action Alternative. Impacts to relevant resources that were evaluated include cultural resources; water resources, including coastal zone resources; biological resources; and air quality.

The Navy notified and/or consulted with, the following regulatory agencies: the State of Washington for a coastal negative determination; the State of Texas for a coastal consistency negative determination; and the Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service an Endangered Species Act informal consultation. The Navy also notified the National Conference of State Historic Preservation Officers about its determination under the Program Comment that ex-CONSTELLATION is eligible for listing on the National Register of Historic Places.

Coastal Resources. The removal of the ship was discussed with the Washington Department of Ecology and concurrence was reached (via email on July 14, 2011) that the Proposed Action would not have an impact on any coastal use or natural resource of the coastal zone. The transit of ex-CONSTELLATION will enter into the coastal zone of Texas. None of the enforceable policies of the Texas Coastal Management Plan are affected by the Proposed Action. Following a discussion with the State of Texas, the Navy received written concurrence for a negative determination in

April 2014. The two negative determinations are appended to the EA/OEA.

Cultural Resources. Ex-CONSTELLATION is eligible for listing in the National Register of Historic Places (NRHP). Artifacts were removed from ex-CONSTELLATION upon decommissioning by the Navy Curator in accordance with OPNAVINST 4770.5H; this is a standard procedure for every decommissioned ship. Prior to dismantling the vessel, the Navy will shall follow the ACHP Program Comment procedures to mitigate the adverse effect resulting from the Federal undertaking.

The removal of the vessel will not impact any historic districts at or near INACTSHIPMAINTO Bremerton, as the removal of this vessel would not affect the context or integrity features of any properties and is not a contributing element of the historic districts. Furthermore, there would be no effect on Indian fishing rights that are farther out in Sinclair Inlet. The Proposed Action does not require dredging, so there would be no impact on any submerged maritime archaeological sites. The Navy is not aware of any historic or cultural resources located at the Brownsville, TX, disposal facilities.

The Navy has determined that the Proposed Action will have an adverse effect on the ship, a historic property; however, the Proposed Action will not affect other cultural or historic property. Further, the Proposed Action will not have a significant impact on cultural resources, nor will the Proposed Action result in significant harm to historic or cultural resources.

Water Resources. The Proposed Action does not require dredging or a discharge permit; thus, the impact on water resources will be minimal and temporary. Potential impacts include localized and temporary increases in suspended solids or turbidity in shallow water. No permanent impacts are expected to water and sediment quality. Ex-CONSTELLATION will be towed in deep water in accordance with the Navy Tow Manual to reduce sediment disturbance. Thus, the Proposed Action will not have a significant impact on water resources.

Biological Resources. The removal of ex-CONSTELLATION from INACTSHIPMAINTO Bremerton and her dismantling may result in potential impacts on biological resources from tow vessel propeller wash and exposure to contaminants from the vessel dismantling. Given the high level of existing boat traffic near the facilities, the very slow speed of tug-assisted transport of

the vessel near shore, and the unlikely presence of sensitive species in vicinity of the industrial dismantling facilities, any potential impacts from propeller wash were determined to be less than significant. Dismantling activities are considered routine operations at these facilities and compliance with Federal and state permits and regulations will prevent discharge of contaminants into the environment.

On 10 August 2012, the Inactive Ships Office initiated informal consultation with the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, pursuant to Section 7 (a) (2) of the Endangered Species Act to evaluate the level of risk to biota that would be associated with towing ex-CONSTELLATION, through the waters of the United States and overseas. This initial consultation had been preceded by research conducted by the Navy's subject matter experts on towing and the potential injuries to whales and other biota that could occur during the towing of ex-CONSTELLATION. (See "Biological Analysis for Species Listed Under the Endangered Species Act in the Atlantic Ocean, Gulf of Mexico and Pacific Ocean," September 2012, prepared by Naval Undersea Warfare Center Division, Environmental Division, Mission Environmental Planning Program, Newport, RI, included in the Appendix to the EA/OEA.)

The threatened or endangered species for which the Navy initiated consultation included marine mammals (Blue whale, *Balaenoptera musculus*, Fin whale *Balaenoptera physalus*; Humpback whale, *Megaptera novaeangliae*; North Atlantic Right Whale, *Eubalaena glacialis*; Sei whale, *Balaenoptera borealis*; Sperm whale, *Physeter macrocephalus*); and sea turtles (Green turtle, *Chelonia mydas*; Hawksbill turtle, *Eretmochelys imbricate*; Kemp's ridley turtle, *Lepidochelys kempii*; Loggerhead turtle, *Caretta caretta*; Olive ridley turtle, *Lepidochelys olivacea*).

On 12 October 2012, NMFS concurred with the Navy's finding that the Proposed Action of this EA/OEA may affect, but is not likely to adversely affect the threatened or endangered species for which the Navy initiated consultation.

Tow vessels will follow the National Marine Fisheries Service (NMFS) "Vessel Strike Avoidance Measures and Reporting for Mariners" document to reduce the potential of vessel strikes to marine species. Pursuant to the informal consultation held between the Navy and NMFS under Section 7 of the ESA, to further reduce the potential for a vessel strike to protected species,

the Navy will employ mitigation measures that were specified in the consultation.

The NFMS 12 October 2012 concurrence letter also requests that, should it be determined during towing that unanticipated behavioral harassment or injury of threatened or endangered species has occurred, NAVSEA shall re-initiate consultation with NMFS Office of Protected Resources, Endangered Species Act Interagency Cooperation Division, to develop and implement mitigation to avoid additional take or initiate formal consultation in accordance with ESA Section 7(a)(2).

Thus, the Navy has concluded in this EA/OEA that the Proposed Action may affect, but is not likely to adversely affect, threatened or endangered species during towing, specifically those species of marine mammals, sea turtles, and sturgeon species for which the Navy consulted with NMFS, as listed above. The Proposed Action will have no effect on other threatened or endangered species which were not consulted upon or included in the NMFS consultation response to the Navy: (In the vicinity of INACTSHIPMASINTO Bremerton)—Puget Sound Chinook, *Onchorhynchus tsawtscha*; Puget Sound Steelhead, *Onchorhynchus mykiss*; Georgia Basin/Puget Sound Bocaccio DPS, *Sebastes paucispinis*; Georgia Basin/Puget Sound Yelloweye Rockfish DPS, *Sebastes ruberrimus*; Georgia Basin/Puget Sound Canary Rockfish DPS, *Sebastes pinniger*; Coastal/Puget Sound Bull Trout, *Salvelinus confluentus* (In the vicinity of Brownsville, TX)—West Indian manatee, *Trichechus manatus*. Under the Magnuson-Stevens Act, the Proposed Action will have no effect on Essential Fish Habitat. Under the Marine Mammals Protection Act, no reasonably foreseeable takes of marine mammals are expected.

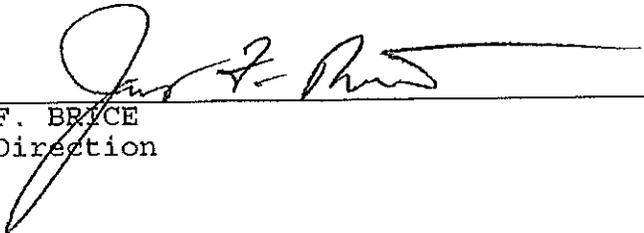
Air Quality. Both the existing berthing location for ex-CONSTELLATION, in Bremerton, WA, and the representative dismantling location, Brownsville, TX, are in Air Quality Control Districts designated in attainment for all criteria pollutants and not subject to the Clean Air Act General Conformity Rule. There would be no increase in the air quality impacts at INACTSHIPMAINTO Bremerton from the Proposed Action as the vessel would be removed from the site. As ex-CONSTELLATION is non-operational, no emissions would be generated by the vessel during towing. In general, ship recycling activities could result in temporary minor, localized impacts to air quality. However, ship dismantling activities that comply with applicable rules and regulations will not significantly impact air quality; dismantling facilities have all required permits.

Tugboats used during towing operation would cause minor but temporary increases of marine vessel air emissions. These increases would be expected to quickly dissipate.

Cumulative Impacts. Cumulative effects of the Proposed Action in combination with other past, present, or reasonably foreseeable future actions were analyzed and determined not to be significant.

Finding: Based on information gathered during preparation of this EA/OEA, the Department of the Navy finds that the Proposed Action will not significantly impact the quality of the human environment pursuant to the National Environmental Policy Act, and will not result in significant harm to the environment in international waters pursuant to Executive Order 12114. The EA/OEA addressing this action may be obtained by interested parties by contacting Mr. James Poles, Environmental Project Manager, Navy Inactive Ships Office, at (202) 781-0149.

6/11/2014
Date



J. F. BRICE
By Direction