

APPENDIX C
AGENCY COORDINATION LETTERS



THE Louis Berger Group, INC.

2300 N Street, NW, Washington, DC 20037 U.S.A.
Tel 202 912 0200 Fax 202 293 0787 www.louisberger.com

December 3, 2003

Mr. Timothy Goodger, Fishery Biologist
National Marine Fisheries Service
904 South Morris Street
Oxford, MD 21654

RE: James River Reserve Fleet (JRRF) Vessel Sale

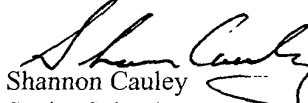
Dear Mr. Goodger:

On behalf of the U.S. Department of Transportation, Maritime Administration (MARAD), the Louis Berger Group, Inc. is preparing an Environmental Assessment (EA) for the transfer of approximately nine obsolete vessels from the National Defense Reserve Fleet (NDRF) – James River Reserve Fleet (JRRF) to Post-Service Remediation Partners (PRP) for dismantling and scrapping at the Able U.K. facility, located in Teesside, United Kingdom. The vessels are inactive and obsolete vessels and Congress has directed their disposal under the National Defense Authorization Act for FY 2001. Under the Proposed Action, a tow company would tow approximately nine designated obsolete vessels, currently managed by the JRRF, to the Able UK facility for dismantling, recycling, and scrapping. Under a pilot program, four such vessels have already been towed to Able UK. The Proposed Action evaluated in the EA addresses towing nine additional vessels under the pilot program.

As shown on the attached figure, the study area includes the waterway and adjacent shoreline from the JRRF near Fort Eustis (southeast of Williamsburg, VA) out through U.S. territorial waters. The towing activity would not disturb river bottom or the sea floor or adversely impact Essential Fish Habitat (EFH). The vessel transit and towing will be conducted in an area that experiences frequent ship movements. Towing will meet maritime practice standards to ensure tows are in full compliance with appropriate standards. The project will follow requirements under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA). In particular, NMFS guidelines will be followed with respect to approach distances if Northern Right Whales are sighted. We seek confirmation from NMFS that no additional or formal consultation under the MMPA or Section 7 of the ESA is required.

Please send correspondence regarding this matter to my attention at the address indicated above. In addition, we would be available to meet to discuss the project if warranted. Please feel free to call me at (202) 912-0306 if you should have any questions.

Sincerely,
The LOUIS BERGER GROUP, INC.


Shannon Cauley
Senior Scientist

cc: Debbie Aheron (MARAD)
Ed Cherian (LBG)

**THE Louis Berger Group, INC.**

2300 N Street, NW, Washington, DC 20037 U.S.A.
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December 3, 2003

Ms. Karen Mayne, Supervisor
Virginia Field Office
U.S. Fish & Wildlife Service
6669 Short Lane
Gloucester, VA 23061

RE: James River Reserve Fleet (JRRF) Vessel Sale

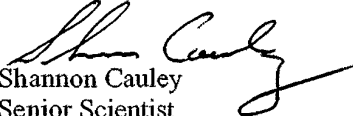
Dear Ms. Mayne:

On behalf of the U.S. Department of Transportation, Maritime Administration (MARAD), the Louis Berger Group, Inc. is preparing an Environmental Assessment (EA) for the transfer of approximately nine obsolete vessels from the National Defense Reserve Fleet (NDRF) – James River Reserve Fleet (JRRF) to Post-Service Remediation Partners (PRP) for dismantling and scrapping at the Able U.K. facility, located in Teesside, United Kingdom. The vessels are inactive and obsolete and Congress has directed their disposal under the National Defense Authorization Act for FY 2001. Under the Proposed Action, a tow company would tow approximately nine designated obsolete vessels, currently managed by the JRRF, to the Able UK facility for dismantling, recycling, and scrapping. Under a pilot program, four such vessels have already been towed to Able UK. The Proposed Action evaluated in the EA addresses towing nine additional vessels under the pilot program.

As shown on the attached figure, the study area includes the waterway and adjacent shoreline from the James River Reserve Fleet near Fort Eustis (southeast of Williamsburg, VA) out through U.S. territorial waters. The towing activity would not disturb river bottom or the sea floor or impact threatened or endangered species under the jurisdiction of USFWS. Towing will meet maritime practice standards to ensure tows are in full compliance with appropriate standards. We seek confirmation from USFWS that no additional or formal consultation under Section 7 of the Endangered Species Act is required.

Please send correspondence regarding this matter to my attention at the address indicated above. In addition, we would be available to meet to discuss the project if warranted. Please feel free to call me at (202) 912-0306 if you should have any questions.

Sincerely,
The LOUIS BERGER GROUP, INC.


Shannon Cauley
Senior Scientist

cc: Debbie Aheron (MARAD)
Ed Cherian (LBG)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
6669 Short Lane
Gloucester, VA 23061



January 5, 2004

Shannon Cauley
The Louis Berger Group, Inc.
2300 N. Street, NW
Washington, DC 20037

Re: James River Reserve Fleet Vessel
Sale, Project # Sec7-3208, Newport
News, Virginia

Greetings:

The U.S. Fish and Wildlife Service (Service) received your request for concurrence on the need for consultation on behalf of the U.S. Maritime Administration as they prepare an Environmental Assessment for the transfer of obsolete vessels from the James River Reserve Fleet (JRRF) in Newport News, Virginia. Our comments are provided in accordance with provisions of the Clean Water Act (33 U.S.C. 1321); the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*); the Migratory Bird Treaty Act, as amended (16 U.S.C. 703 *et seq.*); the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661 *et seq.*); the Oil Pollution Act (33 U.S.C. 2701 *et seq.*), and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300).

As you indicated in your December 3, 2003 letter to us, the proposed action involves towing approximately nine obsolete vessels to the United Kingdom for dismantling, recycling, and scrapping. The Service remains concerned about the potential for significant injury to natural trust resources to occur in the event of a catastrophic oil spill from vessels in the reserve fleet. Trust resources for which the Service provides management authority within the vicinity of the JRRF include endangered species, migratory birds, inter-jurisdictional fish, and their supporting habitat. National Oceanic and Atmospheric Administration Fisheries should also be contacted, as they also have authority for endangered species that may be impacted by a release of oil or hazardous materials. Mr. Pat Schida is the contact, and he can be reached at 978-281-9208.

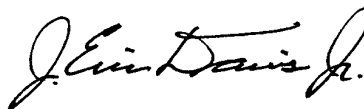
The Service believes that formal consultation under Section 7 of the Endangered Species Act is not required if no oil or other hazardous material is discharged from any of the vessels. However, we also believe that the chance of a ship breaking up and releasing oil is more than discountable. Therefore, the Service requests additional information concerning contingency plans and proposed measures designed to minimize the likelihood of spills.

Shannon Cauley

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If you have any questions or need further assistance, contact Susan Lingenfelter of this office, at (804) 693-6694, extension 113.

Sincerely,

A handwritten signature in cursive script that reads "J. Eric Davis Jr.".

for Karen L. Mayne
Supervisor
Virginia Field Office



THE Louis Berger Group, INC.

2300 N Street, NW, Washington, DC 20037 U.S.A.
Tel 202 912 0200 Fax 202 293 0787 www.louisberger.com

January 26, 2004

Ms. Karen Mayne, Supervisor
Virginia Field Office
U.S. Fish & Wildlife Service
6669 Short Lane
Gloucester, VA 23061

RE: James River Reserve Fleet (JRRF) Vessel Transfer – Requested Additional Information

Dear Ms. Mayne:

On behalf of the U.S. Department of Transportation, Maritime Administration (MARAD), the Louis Berger Group, Inc. is preparing an Environmental Assessment (EA) for the transfer of approximately nine obsolete vessels from the National Defense Reserve Fleet (NDRF) – James River Reserve Fleet (JRRF) to Post-Service Remediation Partners (PRP) for disposal at the Able UK facility, located in Teesside, United Kingdom. The vessels are inactive and obsolete and Congress has directed their disposal under the National Defense Authorization Act for FY 2001. Under the Proposed Action, a tow company would tow approximately nine designated obsolete vessels, currently managed by the JRRF, to the Able UK facility for dismantling, recycling, and disposal.

The purpose of this letter is to respond to a request in your correspondence dated January 5, 2004 for additional information concerning contingency plans and measures that will be implemented to minimize the potential for discharges of oil or hazardous materials from vessels being towed. A number of documents, studies, approvals, and plans will be developed prior to the commencement of any proposed vessel tows. These plans and approvals provide for a comprehensive review of the proposed vessel tows by a number of agencies and authorities, to ensure the soundness of the vessels for tow, the safety of the proposed tow procedures, and the ability of Able UK facilities to dispose of the vessels in full compliance with appropriate environmental and safety regulations. Following is a summary of these key measures that will be taken prior to and during the proposed tow operations to ensure that the potential for oil or hazardous material discharges from the towed vessels is minimized to the greatest extent possible. This summary of measures is excerpted from the *Draft Environmental Assessment*, which is currently under internal review and will be published in the near term.

As stated, a number of approvals, inspections, licenses, and other procedures are required prior to removing a vessel from the JRRF and towing it to an approved disposal facility. These procedures are dictated by MARAD, the U.S. Coast Guard (USCG), U.S. EPA, foreign authorities, private insurers, and local governments to ensure that tows are accomplished in full compliance with safety, navigation, environmental, and other safeguards.



The waterways of concern for this proposed action are the James River, Hampton Roads, southern portions of the Chesapeake Bay and the waters of the Atlantic Ocean offshore of Virginia and Maryland (Delmarva Peninsula). The USCG Captain of the Port (COTP), Marine Safety Office (MSO) Hampton Roads has federal jurisdiction for the Virginia Coastal Area, defined as the coastal areas from the Virginia-North Carolina border to the Virginia-Maryland border. This includes navigable portions of the James River, Hampton Roads, Virginia waters of the Chesapeake Bay, and the waters of the Atlantic Ocean offshore of Virginia and Maryland (Delmarva Peninsula).

The procedures and actions – followed for the transfer of four previous vessels and for all dead ship tows from the JRRF – collectively provide for detailed and careful planning by a number of agencies and parties to the proposed action in the waterways of concern. They are designed to ensure that: (1) the vessels are properly evaluated and prepared prior to tow; (2) the tow operations are conducted under established and recognized safety standards; (3) the vessels are disposed of in accordance with environmental and safety requirements; and (4) participants throughout the process – preparation, tow, and disposal – are properly trained, licensed, and approved.

MSO Hampton Roads has primary responsibility for marine safety, pollution prevention, vessel certifications and inspections, control of anchorages, enforcement of regulated navigational areas and enforcement of U.S. and international maritime regulations. Under these responsibilities, MSO Hampton Roads reviews and approves dead-ship tows, a common maritime practice for moving vessels. Through November 2003, there were 50 dead-ship tows (11 of which were for the JRRF) approved by MSO Hampton Roads (Lieutenant Mike Dolan, MSO Hampton Roads, personal communication, December 5, 2003), in which the towed vessel exceeded 400 feet in length. Additionally, the COTP, MSO Hampton Roads is also the pre-designated Federal on Scene Coordinator for planning and responding to oil spills or releases of hazardous materials in these waterways. As required by Section 4202 of the Oil Pollution Act (OPA) of 1990 (as amended, 33 U.S.C. §2702), the USCG, along with other federal, state and local trustees, is responsible for developing an Area Contingency Plan (ACP) for such events. The ACP for this region is the Mid-Atlantic Coastal ACP and is the primary document governing planning for, and responding to, pollution emergencies. The ACP contains information on agency points of contact, areas of particular environmental concern, response organization, availability of response equipment, and other related issues. Furthermore, MSO Hampton Roads has a marine environmental response section that reviews and approves oil spill contingency plans. In some cases, MSO Hampton Roads also requires a tow contractor to have on-water response boats during the tow as an added precaution. Based on this level of review, the effects of the proposed tows on navigation safety are expected to be negligible.

Based on the professional experience and judgment of the agencies listed, we conclude that potential environmental effects of the proposed action – specifically, the potential for release of hazardous materials into the environment during tow activities – are negligible and have been adequately considered, mitigated, and planned for.



Summary of Approvals Required Prior to Vessel Towing

Approval/Document	Agency/Responsible Party	Purpose
Vessel Surveys <ul style="list-style-type: none"> • MARAD • PRP/Able UK • Tow company • Tow company insurance underwriters • Independent surveyor 	Multiple	Each survey, conducted by a recognized and approved Marine Surveyor, assesses complete vessel for hull condition, equipment, and materials on-board. Surveys include recommendations for vessel preparation prior to tow, removal of materials, securing items, sealing holds and hatches, etc.
Communications Plan	Tow contractor	Details communications gear and protocols during tow.
Oil Spill Contingency Plan	Contractor	Details safeguards and procedures during tow; Provides list of responsible individuals and contact information.
Dead-Ship Tow Proposal Form	MARAD/Contractor	Includes tank layout with types, amounts, and locations of hazardous and other materials aboard vessel.
Weather contingency plans	James River Reserve Fleet Tow contractor	<ul style="list-style-type: none"> • Addresses weather-related procedures and contingencies at the JRRF. • Addresses weather-related procedures and contingencies during the vessel tow.
Tow Survey Certificate	Issued by approved Marine Surveyor to: USCG, MARAD, Contractor, tow company	Lists detailed towing arrangements – lines, bridles, stowage.
Towage Manual	Tow contractor	Summarizes towage arrangements, tow route, navigational aids, lists all relevant contact personnel, weather conditions expected and contingencies. Provides for daily situation report.
Marine Environmental Risk Assessment	Produced for Able UK and tow contractor (required by UK Maritime & Coastguard Agency (MCA))	Includes summary of materials onboard vessels and risk assessment for oceanic tow.
International Loadline Exemption Certificate	Issued by USCG Marine Safety Office (MSO) Hampton Roads – Marine Inspector	One for each vessel - this is the formal approval to tow. Also includes required safety and tow operations measures.
Transfrontier Movement of Waste Authorizations	Transfrontier Movement of Waste Authorization (No. USDC 170603) (Issued by United Kingdom Environmental Authority [UKEA] to MARAD)	Formal approval of trans-Atlantic transfer of vessels.

The *Draft Environmental Assessment* will provide greater detail and analysis that addresses navigation safety and hazardous materials management and safety. See in particular Sections 3.7 and 4.7 (Navigation) and 3.8 and 4.8 (Hazardous Materials) when you receive the *Draft Environmental Assessment*. To reiterate, the COTP Hampton Roads has oversight authority for any commercial vessel movement within their Area of Operation, which includes the James River, the Chesapeake Bay and offshore to 200 nautical miles. For dead-ship tows and operations of this nature there are a series of requirements necessary for the COTP to approve the tow. The typical steps leading up to an approved operation include:

- Independent marine survey(s) to determine the vessel's seaworthiness.



- Dead-Ship Tow Proposal.
- Towage Manual.
- Identification of QI and the submittal of an Oil Spill Contingency Plan.
- Review of the above.
- Dead-Ship Tow Approval.
- Pre-tow conference.
- Issuance of the International Load-Line Exemption Certificate.

In the case of a dead-ship tow, the COTP issues two formal documents: an approved Dead-Ship Tow Proposal, and an International Load-Line Exemption Certificate. The Dead-Ship Tow Proposal must describe in detail the towing operation including the lead tug's horsepower plus any assist tugs and their horsepower. The proposal includes a listing of the type and amount of any oil products on board, a drawing or description of where the oil is located, and the name and 24-hour number of the responsible party. The responsible party is the organization (typically a 24-hour on-call specialty contractor) that will take initial actions to prevent, mitigate or respond to an accidental oil spill or hazardous chemical release.

If you have any questions regarding the information provided or have additional questions or concerns, please contact Mr. Shannon Cauley at (202) 912-0306, by facsimile at (202) 293-0787, or by e-mail at scauley@louisberger.com. Please send correspondence regarding this matter to my attention at the address indicated above. Thank you in advance for your assistance.

Sincerely,
The LOUIS BERGER GROUP, INC.

Shannon Cauley
Senior Scientist

cc: Debbie Aheron (MARAD)
Ed Cherian (LBG)
Pat Schida (NMFS)