



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

1875 Century Boulevard  
Atlanta, Georgia 30345

OCT 7 2008

In Reply Refer To:  
FWS/R4/ES

Mr. R. D. Curfman  
Environmental Business Line Manager  
Naval Facilities Engineering Command  
6506 Hampton Boulevard  
Norfolk, Virginia 23508-1278

Dear Mr. Curfman:

On May 12, 2008, we received your consultation request for increased use and enhanced capabilities at three East Coast range complexes. Your consultation package addressed the effects of your preferred action alternative on: Bermuda petrel (*Pterodroma cahow*), Florida scrub-jay (*Aphelocoma coerulescens*), red-cockaded woodpecker (*Picoides borealis*), roseate tern (*Sterna dougallii*), wood stork (*Mycteria americana*), West Indian manatee (*Trichechus manatus*) (including designated critical habitat), American alligator (*Alligator mississippiensis*), eastern indigo snake (*Drymarchoncorais couperi*), sand skink (*Neoseps reynoldsi*), pondberry (*Lindera melissifolia*), clasping warea (*Warea amplexifolia*), Lewton's polygala (*Polygala lewtonii*), and scrub buckwheat (*Eriogonum longifolium* var. *gnaphalifolium*). In your original consultation package, the Navy concluded that the proposed use and enhancement of the range complexes would have no effect or would not be likely to adversely affect all of the federally-listed species and potentially affected critical habitats considered.

In response to your consultation request, the Fish and Wildlife Service (Service) coordinated your consultation package with all of our affected Field Offices in the Southeast and Northeast Regions. At that time, the Service was unable to concur with your determination and requested clarification of the proposed program or suggested conservation measures, which if incorporated into your proposed action, would ensure that effects of the proposed action would not adversely affect any federally-listed species. On July 7, 2008, the Navy responded with clarification of the proposed action and included conservation measures for the manatee, which would be included in the action to reduce the likelihood for adverse effects. Although the Navy's original consultation package did not specifically address the piping plover (*Charadrius melodus*), in response to concerns expressed by the Service, the Navy also proposed protective measures to ensure that piping plovers were not affected by the proposed action. Following the Navy's response, the Service had one remaining concern, however, about the Navy's ability to detect and conserve manatees at the Lake George Range.

On September 25, 2008, the Navy contacted our Southeast Region to discuss the results of a site visit with Mr. John Milio of the Service, to the Navy's Range Operations Center in Pinecastle, Florida. As a result of the discussion and site visit, the Service was able to concur that adverse effects to the Florida manatee are highly unlikely.

Our response is based on our review of your consultation package received on May 12, 2008, the clarifications and conservation measures provided by the Navy on July 7, 2008 (copy attached), and information given to the Service during our on-site visit to the Range Operations Center in Pinecastle, Florida, in August 2008. Our response represents both the Northeast and Southeast Regions, and is the result of review by all Service Field Offices within the area affected by your proposed action. We concur that the proposed action (preferred alternative) for increased operations and enhanced capabilities in three East Coast range complexes will have no effect on, or is not likely to adversely affect the federally-listed species or designated critical habitat as determined in your consultation package of May 12, 2008. We greatly appreciate your willingness to clarify the proposed action and include conservation measures for the protection of federally-listed species.

Please be reminded that it may be necessary for you to contact the Service for reconsideration of the effects of this proposed action if:

- (1) New information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered in your current determination;
- (2) The action is later modified in a manner that causes an effect to the listed species or critical habitat not considered in this informal consultation; or
- (3) A new species is listed or critical habitat designated that may be affected by this action.

Please address any questions concerning this response to Ken Graham at 404/679-7358.

Sincerely yours,



Franklin J. Arnold III  
Acting Assistant Regional Director

Attachment

## Section 7 Consultation for three East Coast Range Complexes

7 July 2008

	<b>FWS Request</b>	<b>Navy Response</b>
1.	<p>Aerial manatee watch immediately prior to NEPM sortie and within flight path. (Navy can combine the manatee watch with its pre-sortie aerial safety survey of watercraft that may be within the target area or flight path of the aircraft).</p> <p><u>Justification:</u>                      Lake George is a relatively shallow waterbody, manatees may occur in other areas of the lake besides its shoreline more often than in other, deeper waterbodies. There are no guarantees that the NEPM will strike the middle of the target at each sortie.                      Manatees may be attracted to splash.</p>	<p>Prior to releasing NEPM, P-3 aircraft would do a pass at 300 ft, ~200 knots as a clearing run looking for boats, fishermen, and manatees.</p> <p>To enhance the ability of the P-3 aircrew to spot a manatee near the target area, the aircrew would use the Electro Optic/Infra Red sensors which would enable the aircrew to detect surfacing manatees.</p> <p>Bombs are not dropped in close proximity of space or time. In a sortie, the four NEPM bombs are dropped one per target (4 total), seconds apart and sorties occur hours/days apart. If a manatee were attracted to the splash it would not arrive at the drop point until after all the NEPM is delivered for that sortie.</p>
2.	<p>The survey aircraft will monitor the site throughout the planned sortie and for five minutes following the last sortie to observe any manatee that may have been injured by the exercise.</p>	<p>The tower and range cameras will observe range/impact areas for 5 minutes following the sortie (after the last NEPM is dropped) to observe if any manatee was injured by the exercise.</p>
3.	<p>Survey shall consist of a pilot and aerial observer who has experience in aerial manatee observation</p>	<p>The pilot and at least one observer on board are trained to look for marine mammals and have completed the US Navy Marine Species Awareness Training.</p>
4.	<p>Rotary-winged aircraft is preferable to a fixed-winged aircraft in terms of maneuverability</p>	<p>Sorry, this is not practicable.</p>
5.	<p>Navy provide a statement in its consultation package indicating that it will adhere to the best management practices regarding manatees while within the NSM basin and channel, in accordance with that installation's 2007 INRMP</p>	<p>The Navy concurs that it will adhere to the best management practices regarding manatees while within the NSM basin and channel, in accordance with that installation's 2007 INRMP.</p>

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6.	<p>Navy add the following language to part 7 of section 6.3.2 "Operating Procedures and Collision Avoidance", of its consultation package.</p> <p>"While transiting estuarine waters associated with the St. Johns River, vessels will comply with all Federal, State, and local manatee protection speed zones".</p>	<p>Dependent upon current military operations and security threat level, the Navy concurs that during routine transit in estuarine waters associated with the St. Johns River, vessels will comply with all Federal, State, and local manatee protection speed zones as long as it is operationally safe to do so.</p>
7.	<p>If any manatees are observed within the aircraft flight path, or 500 feet on either side of the flight path, the sortie will not commence until the manatee moves out of this area under its own volition.</p>	<p>The Navy concurs.</p>
8.	<p>In case of any harassment, injury, or death involving the manatee from the action, the Navy will immediately halt all remaining sorties and report the incident, including dead or injured animals, to the Florida Fish and Wildlife Conservation Commission, Law Enforcement Division, at 1-888-404-3922. The Navy shall also report the incident to the U.S. Fish and Wildlife Service, Jacksonville Ecological Field Office, at 904-731-3336.</p>	<p>The Navy concurs.</p>
9.	<p>(For piping plovers) In other consultations, we have recommended both horizontal and vertical buffers of up to 1,000 meters or more depending on the activities proposed to avoid and minimize impacts to plovers. However, we don't have a standard buffer distance, and I don't know what buffer distances would be appropriate for the activities proposed at this time.</p> <p>Figure 2.2.3 of Appendix B of the document provided indicates that training may occur close to the shore in that region, though I understand that it won't occur directly over the beach due to water depth requirements. In addition, the configuration of training areas identified in Figure 2.2-4 creates a possibility that helicopters will travel at low altitudes near beaches en route to training areas. FWS would like additional information about the proximity of proposed helicopter flights to the shore of the Chesapeake.</p>	<p>Helicopters will not fly within 1 nautical mile (NM) of the beach.</p>