

**APPENDIX F
POINT MUGU SEA RANGE FINAL EIS/OEIS
RESPONSE TO COMMENTS
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APPENDIX F RESPONSES TO COMMENTS

INTRODUCTION

The following pages contain responses to comments submitted during the public review period on the Point Mugu Sea Range Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS). The official public review period was extended from 45 days to 75 days, between July 28 - October 11, 2000. Five public hearings were held at the following California locations: August 14, 2000 at the Oxnard Performing Arts Center; August 15, 2000 at the Orchid Professional Building in Camarillo; August 16, 2000 at the Ventura Holiday Inn; August 21, 2000 at the Fess Parker Hotel in Santa Barbara; and August 22, 2000 in Santa Monica at the Santa Monica Place shopping mall. At each meeting location, information poster stations were available from 6:00 to 7:00 p.m., followed by the official hearing commencing at 7:00 p.m. At each public hearing, representatives from the Navy provided a short presentation (approximately 20 minutes) describing the proposed action and alternatives evaluated in the Draft EIS/OEIS and summarizing its findings. Copies of the Point Mugu Sea Range Draft EIS/OEIS were available for public review at eight information repositories located throughout Ventura County, and in Malibu, Santa Barbara, and Santa Monica. Copies of the Draft EIS/OEIS were also available by request in hard copy or CD-ROM format by calling the Point Mugu Sea Range EIS Information Line or via the EIS Web Page.

Responses to public comments are divided into subject-area categories, for example, air quality, noise, NEPA issues, etc. Specific resource categories are listed in the order that they appeared in the Draft EIS/OEIS. Since no public comments were received on the subject areas of geology and soils or public safety, they are not included as categories. The subject areas with their corresponding code and total number of comments received are displayed in the table below.

Table F-1. Category Codes for Responses to Comments

Subject Area	Category Code	Number of Public Comments Received
Project Description	PD	8
Air Quality	AQ	11
Noise	NS	1
Water Quality	WQ	2
Marine Biology	MB	3
Fish and Sea Turtles	FS	1
Marine Mammals	MM	20
Terrestrial Biology	TB	4
Cultural Resources	CR	1
Land Use	LU	5
Traffic	TR	1
Socioeconomics	SE	1
Hazardous Materials, Hazardous Wastes, and Non-Hazardous Wastes	HM	1
Cumulative	CUM	17
Plans and Policies	PP	6
NEPA Issues	NEPA	4
General & Miscellaneous	GM	14
Scope Issues	SCOPE	6



In order to facilitate locating the response to a specific comment, a Comment Response Matrix is included in this appendix. This matrix lists the author or agency submitting the comment and is organized as follows: Federal Agencies, State Agencies, Local Agencies, Local Groups, Individuals, and Public Hearing Comments. The first column of the matrix lists the comment date. The second column lists the title of the agency, group, or individual, and the name of the person who signed the letter or spoke at the public hearing. The third column indicates the general issue areas raised in the comment (e.g., air quality, noise, etc.). The fourth column provides the response category code and number associated with the comment (e.g., "AQ-1"). The responses to comments are organized by subject area and are provided following the compilation of public and agency letters and testimony. Please note that the response category code and number are listed directly on each of the comments included in the "Comments" section of this appendix. To find the appropriate response to a comment, simply identify the appropriate resource category and numeric code listed in the Public Comment Matrix or directly on the comment, then refer to the section titled "Responses to Comments" and locate the appropriate response.

In some cases, revisions were made to the Draft EIS in response to a comment; these are all noted within the individual responses. In addition to revisions made in response to public comments, revisions also have been made to clarify information included in the Draft EIS. These revisions do not affect the environmental impact findings contained in the Final EIS, but were made solely to clarify existing information or to provide additional details relevant to ongoing agency coordination that were not available at the time the Draft EIS was released. Areas of the Final EIS where text and/or graphics have been revised include:

- Air quality permitting information for San Nicolas Island and Santa Cruz Island (sections 3.2.4 and 3.2.5, respectively) has been updated to reflect the current status of stationary source permits on these islands.
- Figure 3.10-1, "Average Number of Commercial and Naval Vessels in the Sea Range at any One Time," has been replaced with a more accurate depiction of Sea Range vessel traffic. In the land use, traffic, and public safety impact sections of the EIS (sections 4.10, 4.11, and 4.14, respectively), it is stated that "about three commercial shipping vessels " might be in various clearance areas prior to Navy operations. This number is consistent with recent shipping data that indicate that fewer than three commercial shipping vessels transit the Sea Range per day. The original Figure 3.10-1 was determined to be misleading as it does not correctly portray this information. A new figure has therefore been included in the Final EIS and the text clarified as necessary. These minor revisions do not change the conclusions as stated in the Draft EIS but were made to clarify the information provided in the document.
- As noted in various responses to comments (e.g., MM-5, MM-8, PP-5, etc.), the Final EIS has been updated to include summaries of the Navy's ongoing coordination efforts with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). Specifically, updated information regarding compliance with the Endangered Species Act has been included in Section 4.8.5 and updated information regarding compliance with the Marine Mammal Protection Act has been included in Section 4.7.6 and Appendix E of the Final EIS. Table 6-1 (Possible Conflicts Between the Action and the Objectives of Federal, State, and Local Land Use Plans, Policies, and Controls) has also been updated accordingly.

Finally, it should be noted that the terminology "Naval Air Station" (NAS) Point Mugu has been changed. On 11 October 2000, Naval Base Ventura County (NBVC) was established. NBVC includes what was formerly referred to as "NAS Point Mugu," as well as the Naval Construction Battalion Center, Port Hueneme. As noted in the response to GM-7, this organizational change has no impact on the proposed action or the analysis included in the EIS. The action proponent is still the Naval Air Warfare Center Weapons Division. Since this change in terminology has no affect on the EIS analysis, the term "NAS Point Mugu" was retained in the Final EIS for consistency with the Draft EIS and to avoid potential confusion.

COMMENT RESPONSE MATRIX

Federal Agency Comments

Page Number	Date	Organization	General Issues	Comment Response Number (Page)
F-25	15 September 2000	U.S. Dept. of Interior/Patricia Sanderson Port	Cultural Resources	CR-1 (p. F-17)
F-26	18 September 2000	U.S. Dept. of Interior/Patricia Sanderson Port	Land Use Cultural Resources	LU-1 (p. F-17) CR-1 (p. F-17)
F-29	27 September 2000	U.S. Dept. of Interior/Patricia Sanderson Port	Plans and Policies..... Cumulative Terrestrial Biology Project Description..... Noise Water Quality Marine Biology..... Marine Mammals Land Use Socioeconomics.....	PP-1 (p. F-21) CUM-1 (p. F-18) TB-1 (p. F-16) TB- -2 (p. F-16) PD-1, -2 (p. F-7) NS-1 (p. F-10) WQ-1 (p. F-11) MB-1 (p. F-11) MM-1 (p. F-11) MM-2 (p. F-11) LU-2 (p. F-17) LU-3 (p. F-17) SE-1 (p. F-18)
F-32	4 October 2000	U.S. Environmental Protection Agency/David J. Farrel	Terrestrial Biology Marine Mammals General/Miscellaneous	TB-3 (p. F-16) MM-3 (p. F-11) GM-1 (p. F-21)
F-35	11 October 2000	U.S. Dept. of Commerce, NOAA, National Ocean Service/Matthew Pickett	Water Quality Terrestrial Biology Marine Mammals Cumulative Plans and Policies..... General/Miscellaneous	WQ-2 (p. F-11) TB-4 (p. F-16) MM-4 (p. F-11) CUM-2 (p. F-18) CUM-3 (p. F-18) PP-2 (p. F-21) PP-3 (p. F-21) GM-2 (p. F-22)
F-37	11 October 2000	U.S. Dept. of Commerce, NOAA/Susan Fruchter	Plans and Policies.....	PP-6 (p. F-21)

State Agency Comments

Page Number	Date	Organization	General Issues	Comment Response Number (Page)
F-39	17 August 2000	State Clearinghouse/ Acknowledgment of Receipt		
F-40	5 September 2000	Dept. of Transportation/Steven J. Buswell	Traffic.....	TR-1 (p. F-18)
F-41	12 September 2000	State Clearinghouse/Terry Roberts		
F-43	6 October 2000	California Coastal Commission/ Mark Delaplaine	Land Use Project Description..... Marine Mammals Marine Biology	LU-4 (p. F-17) PD-3 (p. F-7) MM-5 (p. F-12) MM-6 (p. F-12) MM-7 (p. F-12) MB-2 (p. F-11) MB-3 (p. F-11)
F-45	2 November 2000	Department of Toxic Substances Control/Harlan R. Jeché	Hazardous Materials, Hazardous Wastes, and Non-Hazardous Wastes ...	HM-1 (p. F-18)



Local Agency Comments

Page Number	Date	Organization	General Issues	Comment Response Number (Page)
F-47	21 August 2000	Southern California Association of Governments/ Sylvia Patsouras		
F-48	9 October 2000	Ventura County Air Pollution Control District/Chuck Thomas	Air Quality.....	AQ-1 (p. F-8) AQ-2 (p. F-9) AQ-3 (p. F-9) AQ-4 (p. F-9) AQ-5 (p. F-9) AQ-6 (p. F-9) AQ-7 (p. F-9) AQ-8 (p. F-10) AQ-9 (p. F-10)
F-52	10 October 2000	Santa Barbara County Air Pollution Control District/ Vijaya Jammalamadaka, AICP	Air Quality.....	AQ-10 (p. F-10)

Local Group Comments

Page Number	Date	Organization	General Issues	Comment Response Number (Page)
F-53	15 August 2000	The Beacon Foundation/Lee Quaintance	General/Miscellaneous	GM-3 (p. F-22)
F-54	25 September 2000	The Humane Society of the United States/Naomi A. Rose, Ph.D.	General/Miscellaneous Marine Mammals	GM-4 (p. F-22) GM-5 (p. F-22) GM-6 (p. F-22) MM-8 (p. F-13) MM-9 (p. F-13) MM-10 (p. F-13)
F-56	10 October 2000	Natural Resources Defense Council/Joel Reynolds and Michael Jasny	Project Description	PD-4 (p. F-7)
			Cumulative	CUM-4 (p. F-18)
			Marine Mammals	MM-11 (p. F-13) MM-12 (p. F-13) MM-13 (p. F-13) MM-14 (p. F-14) MM-15 (p. F-14) MM-16 (p. F-14) MM-17 (p. F-15)
			NEPA Issues.....	NEPA-1 (p. F-21)
F-62	11 October 2000	The Beacon Foundation/Lee Quaintance	General/Miscellaneous Project Description	GM-7 (p. F-22) PD-5 (p. F-7) PD-6 (p. F-8)
			Air Quality.....	AQ-11 (p. F-10)
			Cumulative	CUM-5 (p. F-18) CUM-6 (p. F-19) CUM-7 (p. F-19) CUM-8 (p. F-19) CUM-9 (p. F-19) CUM-10 (p. F-20)
			Scope	SCOPE-1 (p. F-23)
			Plans and Policies.....	PP-4 (p. F-21)
			NEPA Issues.....	NEPA-2 (p. F-21)

Local Group Comments (continued)

Page Number	Date	Organization	General Issues	Comment Response Number (Page)
F-72	11 October 2000	Environmental Defense Center/ John T. Buse	Project Description	PD-7 (p. F-8)
			Cumulative	CUM-11 (p. F-20) CUM-12 (p. F-20)
			NEPA Issues.....	NEPA-3 (p. F-21)
			Land Use	LU-5 (p. F-17)
F-75	11 October 2000	People for the Ethical Treatment of Animals/Lori E. Kettler	General/Miscellaneous	GM-8 (p. F-22)
			Marine Mammals	MM-18 (p. F-16) MM-19 (p. F-16) MM-20 (p. F-16)
			Plans and Policies.....	PP-5 (p. F-21)
			NEPA Issues.....	NEPA-4 (p. F-21)

Individual Comments

Page Number	Date	Organization	General Issues	Comment Response Number (Page)
F-77	16 August 2000	Weinstock, Robert M.	General/Miscellaneous	GM-9 (p. F-22)
F-79	10 October 2000	Giusti-Cordero, Juan	Scope	SCOPE-2 (p. F-23) SCOPE-3 (p. F-23)

Public Hearings Comments

Page Number	Date	Organization	General Issues	Comment Response Number (Page)
F-87	14 August 2000	Rountree, Jean	Cumulative	CUM-13 (p. F-20)
			Scope	SCOPE-4 (p. F-23)
			General/Miscellaneous	GM-10 (p. F-22)
F-87	14 August 2000	Geesink, Peggy	Fish and Sea Turtles	FS-1 (p. F-11)
F-88	15 August 2000	Finan, Vickie	General/Miscellaneous	GM-11 (p. F-22)
F-88	15 August 2000	Quaintance, Lee	General/Miscellaneous	GM-12 (p. F-22)
			Cumulative	CUM-14 (p. F-20) CUM-15 (p. F-20)
F-89	16 August 2000	Dodd, Don	Cumulative	CUM-16 (p. F-20)
			Scope	SCOPE-5 (p. F-23)
F-89	16 August 2000	Spiegel, Les	Project Description	PD-8 (p. F-8)
			General/Miscellaneous	GM-13 (p. F-22)
F-90	16 August 2000	Spiegel, Helen	General/Miscellaneous	GM-14 (p. F-23)
			Cumulative	CUM-17 (p. F-20)
			Scope	SCOPE-6 (p. F-23)
	21 August 2000	None		
	22 August 2000	None		



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POINT MUGU SEA RANGE DRAFT EIS

RESPONSE TO COMMENTS

PROJECT DESCRIPTION

- PD-1** Text has been corrected in the Final EIS/OEIS to reflect comment.
- PD-2** The EIS/OEIS includes information regarding the use of Becher's Bay for inert mine training events. During the baseline year, 49 inert mine shapes were dropped (see EIS Page 3.0-29). Other resource sections also quote this number (e.g., the marine mammal section notes that "about 50 inert mine shapes are dropped per year" [Section 4.7.2.7-D]). In addition, Section 4.11, Traffic, states that this activity occurs "four times per year" (EIS page 4.11-3). All resource sections have been checked and clarification added if necessary to ensure consistency. It is assumed that future inert mine drop training would occur at historical levels (approximately 49 per year). However, Becher's Bay is used very infrequently during recent operations, and would not be affected by the proposed operations.
- PD-3** As addressed in Section 2.1.4 of the EIS, Fiscal Year 1995 (FY95) was carefully selected as the baseline because it best reflects the typical Sea Range level and types of operations. Although the tempo and types of operations fluctuate, the operational activity conducted during FY95 is representative of the broad range of test and training activity that has historically occurred on the Sea Range and is projected in the future. For example, during the past decade operations on the Sea Range have ranged from approximately 1,600 to 3,800. The FY95 tempo was chosen because it approximates the average number of operations on the Sea Range over the last 10 years.
- PD-4** Please see the response to PD-3 for additional information; the FY95 tempo plus the proposed action represents the maximum amount of activity that could be conducted on the Sea Range and therefore, the high end of environmental risk. Further, the conclusions of the environmental analysis of the proposed action are not derived through a comparison to the baseline impacts. Rather, the full magnitude of the impacts of the new proposed activities and the baseline operations are both fully assessed. Specifically, the environmental impacts of the proposed action are comprised of both the impacts of the baseline plus the impacts of the proposed activities. Thus, the baseline conclusions do not influence or drive the analysis of the proposed action, but rather are included in their entirety, thereby providing a complete analysis. Consider, for example, the Fleet Exercise portion of the proposed action. The impacts of the proposed additional Fleet Exercise are fully evaluated and then summed with the impacts of the annual two baseline Fleet Exercises to analyze potential impacts. The proposed additional Fleet Exercise is not evaluated solely on the basis of level of change from existing conditions.
- PD-5** (Please refer to the responses to PD-3 and PD-4 for additional clarification on the use of FY95 as the baseline year.) Use of FY95 provides the decision maker the best depiction of the historical and future use of the Sea Range from which to understand the impacts of the proposed new activities. Further, the environmental impacts of the proposed new activities are evaluated in their entirety and added to the impacts of the baseline operations. Together, these impacts were not determined to be significant. This conservative and comprehensive approach to the analysis provides the most complete and accurate information on environmental impacts to the decision maker as possible.



The commentor notes that FY95 was a period of exceptional intensity compared to the four preceding fiscal years. This conclusion is based on a comparison of the data in Tables 2-4 and 3.0-4. However, the data in Table 2-4 represent all aircraft sorties and missile launches on the Sea Range while Table 3.0-4 reflects only those activities associated with testing. It does not include activities associated with training events. The actual comparison is as follows:

Activity	Annual Average FY91 – FY95	Baseline FY95
Aircraft Sorties	5,057	3,934
Launch Operations	350	300

- PD-6** The sentences included in Chapter 5 that note that the aircraft operations are “included within the analysis of the No Action Alternative” are simply meant to inform the reader that aircraft operations associated with these proposals would not be flights above and beyond flights that are currently conducted on the Sea Range. The No Action Alternative includes aircraft operations associated with ongoing training exercises. Both the proposed Tomahawk landings at San Nicolas Island and the aircraft operations associated with use of the proposed inert ordnance delivery area on San Nicolas Island that are discussed in the cumulative impacts section (Chapter 5) would occur as part of a training event. For example, the number of Tomahawk missiles used on the Sea Range would not change under the Tomahawk soft landing proposal, and nor would the number of supporting aircraft flights; the proposal only addresses landing the missile at a different location. However, the Navy agrees that this wording is confusing and can easily be misinterpreted; therefore, these sentences have been removed from the Final EIS. (Please also see the response to comment PD-3 for additional clarification on baseline issues.)
- PD-7** Please refer to the responses to PD-3, PD-4, and PD-5 for clarification on the use of FY95 as the baseline year.
- PD-8** Point Mugu Sea Range customers are shown in Figure 3.0-3 of the EIS. As depicted in this figure, foreign military sales (FMS) contribute a very small percentage of overall range use. Since the EIS does not address specific Theater Missile Defense (TMD) proposals but evaluates the potential of accommodating certain types of TMD testing and training at the Sea Range, there is no way of knowing if this percentage will change in the future. Regarding charges for range utilization, foreign nations are charged the full cost of the test or training event.

AIR QUALITY

- AQ-1** As noted in Section 4.2.1 of the EIS, the evaluation of potential air quality impacts pursuant to NEPA included two separate analyses: 1) assessing potential impacts from proposed Sea Range operations; and 2) performing a Clean Air Act General Conformity Analysis. As noted in Section 4.2.3.4, and as discussed in Section 4.2.6, all Ventura County emissions were included in the conformity analysis and the proposed action’s emissions were found to be below both the *de minimis* levels and below 10 percent of the emissions budget in the Ventura County State Implementation Plan (SIP). For the analysis of proposed Sea Range operations, an emissions transport model was used to determine how emissions from Sea Range operations may impact onshore areas. As discussed in Appendix C of the EIS and summarized in Section 4.2, emissions generated offshore in the Sea Range were found to impact onshore areas south of Ventura County. Therefore, emissions with the potential to impact Ventura County are those included in the Conformity Analysis. As shown in Table 4.2-13 (page 4.2-14), these emissions

are below Ventura County's air quality significance thresholds of 25 pounds per day of reactive organic compounds and nitrogen oxides (3.3 and 9.7 pounds per day, respectively).

- AQ-2** As discussed above in AQ-1, all Ventura County emissions have been recalculated in pounds per day and were included in the conformity analysis. The proposed action's emissions were found to be below both the *de minimis* levels and below 10 percent of the emissions budget in the Ventura County SIP. Consistent with the provisions of the Federal General Conformity Rule, tons per year is the standard measure used to address conformity issues.
- AQ-3** Please see the responses to AQ-1 and AQ-2 above for additional information. The analysis addressed all Ventura County emissions resulting from the proposed action and found air quality impacts to not be significant based on established standards and goals included in the SIP. Even given implementation of the proposed action, military activities (including the E-2 realignment) would not exceed the 1990 emission baseline year used for the 1994 Air Quality Management Plan (AQMP). As shown in Table 4.2-13 of the EIS, emissions associated with the proposed action would contribute an additional 0.60 and 1.77 tons per year (3.3 and 9.7 pounds per day) of reactive organic hydrocarbons and nitrogen oxides, respectively.
- AQ-4** The commuter aircraft (i.e., the CV-440 and CV-580) were mistakenly omitted from the baseline Sea Range emissions estimates. Please note, however, that, except for an occasional landing on San Nicolas Island, emissions from the C-130 aircraft are included in the Sea Range emissions estimates. Further, emissions from all these aircraft were included in the baseline estimates for Point Mugu (refer to Table 3.2.5 of the EIS/OEIS). As indicated in Table 3.2.5, the UH-1 would not contribute to baseline emissions at Point Mugu; this is because the UH-1 is no longer used and therefore would not produce emissions at San Nicolas Island either. As is also evident from this table, the CV-340 replaced the CV-440, and emissions from the CV-340 are used in the baseline emissions estimates. Since the commuter aircraft fly above 3,000 feet AGL while transiting the Sea Range, the only emissions omitted from the Sea Range baseline estimates are those associated with takeoff and landing operations on San Nicolas Island. These emissions are assumed to be identical to those calculated for Point Mugu, since these aircraft typically fly back and forth from the base to the island. As can be seen from the Point Mugu emissions estimates provided in Table 3.2-5, emissions from these aircraft are a very minor contribution to baseline emissions (a total of 6.5 tons per year of CO, 3.0 tons per year of NO_x, 1.17 tons per year of ROG/HC, 0.24 tons per year of SO_x, and 0.96 tons per year of PM₁₀) and would not significantly increase the overall emissions estimates for the Sea Range. Further, and more importantly, none of these aircraft operations would increase under the proposed action, and thus would not contribute to air quality impacts evaluated for the Preferred Action or the Minimum Components Alternative. Therefore, there would be no change to the conclusion that the proposed activities would not significantly affect air quality.
- AQ-5** The term "sortie" is defined on page 10-2 in the glossary and is also described in Section 3.0.2.1.B.
- AQ-6** Aircraft operations associated with the Landing Platform Dock and Aircraft Carrier were included in Sea Range emission estimates (please refer to Table C.6-3 in Appendix C).
- AQ-7** To most accurately account for baseline emissions, the most complete emissions inventory for the base was used (1996). However, since it was recognized that the realignment of the E-2 aircraft to Point Mugu would affect base emissions, projected emissions from the realignment were added to the 1996 inventory amounts. These estimates therefore represent the best available emissions inventory available when the analysis was conducted. Further, detailed



spreadsheets for these baseline emissions were included in the E-2 Final EIS and incorporated by reference in the Sea Range EIS. In accordance with the CEQ Regulations for implementing NEPA (Section 1502.21), material is incorporated by reference to cut down on the bulk of the document. It should also be noted that these emission estimates have been used to characterize the baseline and they do not affect the emissions calculated for the proposed action.

- AQ-8** Since the region of influence (ROI) for conformity is a subset of the ROI for NEPA, emissions from range and support boat activities within 3 NM of shore are included in both tables (C.6-5 and C.6-10).
- AQ-9** Navy vessels use shore power while berthed at Port Hueneme and therefore contribute minimal emissions. As noted in the footnote to Table C.6-10, emission factors for ships and craft are based on Navy ship profiles underway. However, very conservative amounts of times for operations were assumed (i.e., 1 hour to go 3 nautical miles offshore) and overall emissions are well below the 25 tons per year *de minimis* levels (i.e., 0.91 tons per year of NO_x and 0.12 tons per year of ROG/HC). Use of various mode-based emission factors would not change the conclusions reached in the analysis.
- AQ-10** We agree that southeasterly winds do occur, as do other wind and climate conditions. However, it is not reasonable to model every single possible scenario so the most representative, prevailing wind conditions were modeled. Please note that the assumptions used for the air quality analysis tended to overestimate rather than underestimate emissions (e.g., it was assumed that all emissions generated offshore in the Sea Range would be transported onshore). Further, given results from the transport model that indicate that approximately 34 percent of the offshore Sea Range emissions may be transported to the South Coast Air District, the much more stringent thresholds from this air basin were used in the evaluation and impacts were found to not be significant. If these same emissions were assumed to be transported to Santa Barbara, impacts would clearly not be significant.
- AQ-11** In all cases the air quality analysis relied on the best data available. For the airfield at Point Mugu, the most complete emissions inventory for the base was used (1996). However, since it was recognized that the realignment of the E-2 aircraft to Point Mugu would affect base emissions, projected emissions from the realignment were added to the 1996 inventory amounts to accurately portray baseline airfield emissions. In the case of the Sea Range, emission estimates for FY95 were used because they best characterize baseline Sea Range activities.

NOISE

- NS-1** As Figure 3.3-1 depicts, average noise levels near all the northern Channel Islands are below 65 dB, and below 60 dB for all but San Miguel Island. The noise metric used in this figure is L_{dnmr} which incorporates a 10 dB penalty for noise events occurring between 10:00 p.m. and 7:00 a.m., and represents average noise levels dominated by the loudest noise events occurring throughout the averaging period (see EIS Section 3.3.2). As noted in Section 4.3 (page 4.3-1), proposed activities would result in very minor increases in noise (i.e., only fractions of 1 dB), and average Sea Range noise levels would thus be identical to those for baseline conditions. Noise exposure greater than 65 dB day-night average sound level over recreational areas is considered generally unacceptable by the Federal Interagency Committee on Urban Noise (FICUN). Noise levels at the Channel Islands are thus below the 65-dB threshold for compatibility with recreational areas. While noticeable, depending on ambient noise levels near the observer and local wind conditions, an aircraft overflight event is short-lived and occurs infrequently. Although perhaps annoying to those who particularly value their solitude

while recreating, the overall impacts to recreation are considered not significant and there would be no increase in sound proposed over historic operations.

WATER QUALITY

- WQ-1** The ecological reserves designated within the Channel Islands National Park have been added to Figure 3.5-1.
- WQ-2** The EIS addresses all discharges into the Sea Range resulting from current and proposed Sea Range activities (please refer to Section 4.4).

MARINE BIOLOGY

- MB-1** Figure 3.5-1 has been updated to reflect the recent expansion of NPS ownership of the eastern portion of Santa Cruz Island.
- MB-2** No significant impacts to kelp beds were identified; therefore, monitoring is not proposed. It should be noted that commercial kelp harvesting is currently done around San Nicolas Island and, as noted in the EIS, kelp beds exhibit natural fluctuations as well.
- MB-3** The sentence has been corrected in the Final EIS.

FISH AND SEA TURTLES

- FS-1** It is not expected that the short closure of areas to fishing would result in any impacts to fish, either adverse or beneficial.

MARINE MAMMALS

- MM-1** It will be noted in the EIS/OEIS that sea otters are regularly sighted around San Miguel and Santa Rosa islands. However, this specific information is more appropriate in the Other Channel Islands section where these islands are specifically discussed (Section 3.7.5).
- MM-2** The information cited in the Draft EIS came from the DoI (U.S. Fish and Wildlife Service [USFWS]) and, as noted, it is not known for certain if the otters observed at San Miguel Island were the same animals translocated to San Nicolas Island. The ability to see tags on moving animals is very difficult, and confirmation typically requires capturing the animal.
- MM-3** Please note that an appendix has been included in the Final EIS that summarizes the contents of the Incidental Harassment Authorization (IHA) Application, including monitoring and mitigation measures. As noted in the response to TB-3, Navy has made a formal commitment to the final mitigation measures. The analysis conducted for the EIS indicates that FLEETEXs conducted on the Sea Range do not significantly impact marine mammals and for operational reasons, the Navy cannot commit to avoiding FLEETEX operations during any particular time of year. However, standard range clearance procedures include looking for marine mammals. If marine mammals are observed in or near a predicted debris or impact area, activities are suspended or moved.
- MM-4** The EIS addresses potential impacts to marine mammals resulting from current and proposed Sea Range activities (please refer to Section 4.7). (Please also see responses to more specific comments on this topic submitted by California Coastal Commission [CCC] [MM-7], Humane



Society of the United States [MM-9, MM-10], and National Resources Defense Council [MM-14, MM-15, MM-16]).

MM-5 The Navy applied for and received Incidental Harassment Authorization from the National Marine Fisheries Service (NMFS). The Navy has also prepared two programmatic Biological Assessments (BAs), one addressing all base activities and the other addressing all activities on San Nicolas Island. Both of the BAs have been coordinated through the U.S. Fish and Wildlife Service (USFWS) who has issued Final No Jeopardy Biological Opinions (BOs). A summary of the monitoring plans and mitigation measures from the IHA Application and both the BOs is included within the Coastal Consistency Determination (CCD) and the Final EIS.

MM-6 The Marine Mammal Technical Report (MMTR) has been provided to the CCC.

MM-7 As recently as 11 June 1999, NMFS published a notice in the Federal Register stating that

“NMFS has long considered that the maximum SPLs to which marine mammals should be exposed from impulse sounds are 180 dB re 1 $\mu\text{Pa}_{\text{rms}}$ for mysticetes and sperm whales, and 190 dB re 1 $\mu\text{Pa}_{\text{rms}}$ for odontocetes and pinnipeds.” (from *FR* 64(112):31551)

NMFS announced a change in its position on this matter in a notice published on 28 March 2000—see *FR* 65(60):16377. This notice was published after the impact analysis for marine mammals was completed. The specific statement by NMFS in the 28 March 2000 notice was as follows:

“While NMFS in the past considered that the maximum SPLs, from impulse sounds, to which marine mammals should be exposed are 180 dB re 1 $\mu\text{Pa-m}$ RMS for mysticetes (baleen whales) and sperm whales, and 190 dB re 1 $\mu\text{Pa-m}$ RMS for odontocetes (toothed whales, dolphins and porpoises) and pinnipeds (seals and sea lions), recent workshops have recommended a more precautionary approach be taken and, accordingly, NMFS now recommends that odontocetes be limited to an SPL no greater than 180 dB re 1 $\mu\text{Pa-m}$ RMS. However, based on statements and recommendations made at NMFS’ Acoustic Criteria Workshop in 1998, NMFS has not increased its recommended safety zone for pinnipeds to this same level.”

Note that NMFS is referring to received levels, not source levels at 1 m range, so the correct units are dB re 1 μPa , not re 1 $\mu\text{Pa-m}$. Also note that the approach mentioned by NMFS is taking account of other potential effects additional to Temporary Threshold Shift (TTS). In fact, a detailed study of two species of small – moderate sized odontocetes (bottlenose dolphin and beluga whale) exposed to single 1-second pulses of underwater sound has shown that the onset of mild TTS generally occurs at a received level of 192 dB re 1 μPa or above (Ridgway et al. 1997; Schlundt et al. 2000). Because these results were based on 1 s exposure, the reported received levels are equivalent to Sound Exposure Levels, as defined on p. 4.7-5 of the Point Mugu Draft EIS. The Draft EIS assumed that the minimum level of transient sound that might elicit mild TTS in toothed whales (except sperm whales) is 190 dB re 1 μPa SEL. The best available scientific data remain consistent with that criterion.

Ridgway, S.H., D.A. Carder, R.R. Smith, T. Kamolnick, C.E. Schlundt and W.R. Elsberry. 1997. Behavioral responses and temporary shift in masked hearing threshold of bottlenose dolphins, *Tursiops truncatus*, to 1-second tones of 141 to 201 dB re 1 μPa . Tech. Rep. 1751. NRaD, RDT&E Div., Naval Command, Control & Ocean Surveillance Center, San Diego, CA. 27 p.

Schlundt, C.E., J.J. Finneran, D.A. Carder and S.H. Ridgway. 2000. Temporary shift in masked hearing thresholds of bottlenose dolphins, *Tursiops truncatus*, and white whales, *Delphinapterus leucas*, after exposure to intense tones. **J. Acoust. Soc. Am.** 107(6):3496-3508.

- MM-8** As described in Section 4.7 of the Draft EIS, no significant impacts on marine mammals were predicted and therefore no mitigation measures are required (please note that there are mitigation measures associated with the IHA). (Please also see the response to GM-4).
- MM-9** The Draft EIS does indeed analyze the potential impacts of baseline conditions without assuming that the present level of activity has no impact. The Draft EIS is based on comprehensive and in some cases unprecedented efforts to analyze, in an unbiased way, the number of marine mammals that might be affected by or exposed to sounds from a wide variety of Navy activities (refer to Section 3.7.2.B of the EIS and Appendix A of the MMTR for a description of the methods used to estimate marine mammal densities; refer to Section 4.7 of the EIS and MMTR for a description of the methods used to evaluate potential effects on marine mammals). Non-acoustic impacts are also addressed. Additional details concerning these analyses are given in the MMTR that is incorporated into the Draft EIS by reference. All available and relevant scientific data known to the Navy and its biological and acoustical contractors for this project have been considered.
- MM-10** As noted in the EIS (e.g., Section 2.1.2.1, Section 2.2.1), sonar operation does not fall within the range of activities administered by NAWCWPNS (Naval Air Warfare Center Weapons Division) Point Mugu and therefore are not considered in this EIS.
- MM-11** Because the actions addressed in the EIS do not involve use of underwater active sonar, it is not evaluated in this Draft EIS. In particular, operation of low-frequency active (LFA) sonars is not a part of any activity managed by NAWCWPNS Point Mugu, and is the subject of another EIS being prepared by the U.S. Navy.
- MM-12** Because the actions addressed in the EIS do not involve use of underwater active sonar, it is not evaluated in this Draft EIS. (Please also see responses to additional comments on this topic submitted by the California Coastal Commission and the Humane Society of the United States).
- MM-13** The Navy believes that its definition of significance is appropriate and consistent with NEPA. Many types of impacts on marine mammals that are ultimately judged non-significant are analyzed in detail in the Draft EIS and the accompanying MMTR that is incorporated by reference. The Draft EIS and MMTR included comprehensive and in some cases unprecedented efforts to analyze, in an unbiased way, the number of marine mammals that might be affected by or exposed to sounds from a wide variety of Navy activities. Non-acoustic impacts are also addressed. Only after these analyses were completed and presented are the impacts judged not to have substantial long-term biological consequences. This is an appropriate threshold for the determination of significance under NEPA.

The Navy believes that compliance with the Marine Mammal Protection Act (MMPA) requires consideration of additional issues. For example, based on observed pinniped stampedes, the Navy has applied for and received Incidental Harassment Authorization from NMFS associated with some of the Navy's activities on San Nicolas Island.



Most of the information needed by NMFS and the CCC is, the Navy believes, provided in the Draft EIS and MMTR. Additional analysis concerning potential “takes” of marine mammals are described in the Navy’s application to NMFS for an incidental take authorization. That additional analysis is also summarized in the Final EIS (see Appendix E) and is available to the CCC.

- MM-14** The pinniped study quoted by NRDC (Kastak et al. 1999) was published after the MMTR and impact analysis were completed. However, the Draft EIS writers were aware of the then-unpublished data, and the analysis in the Draft EIS and MMTR was consistent with those TTS data. The Kastak et al. study involved exposure for 20-22 minutes, and showed TTS thresholds on the order of 135 - 150 dB re 1 μ Pa. This range of values is derived by adding the “sensation levels” (dB above hearing threshold) to the hearing thresholds reported by Kastak et al. (1999).

These results from 20-22 minutes of exposure to sound from coherent sources are not directly relevant to the brief exposures to intense sounds (e.g., sonic booms; impacts of objects with the water’s surface) that pinnipeds may receive during the Navy activities analyzed in this EIS.

- MM-15** The results of the odontocete study mentioned by NRDC¹ are (appropriately) used in the Draft EIS to establish a criterion for TTS in small- and medium-sized odontocetes exposed to brief transients. The results of that study are not used to establish a disturbance criterion for small odontocetes exposed to either brief transients or to prolonged sounds. They are also not used to establish any type of criterion for baleen whales. For baleen whales, the assumed TTS criterion for transient sounds (180 dB re 1 μ Pa SEL) is based on assumptions and extrapolations from a variety of sources; the 180 dB figure has been discussed and accepted by NMFS in numerous Federal Register notices published from 1995 to 2000 (see response to comment MM-7 for a quotation of NMFS’ position on this issue as of March 2000).

- MM-16** The wording listed by NRDC is not the same as the definition of behavioral habituation given in the Draft EIS (p. 4.7-2): “Behavioral habituation is the gradual waning of behavioral responsiveness as the animal learns that a repeated or ongoing stimulus lacks adverse consequences for the animal.” The word “as” should have been “if”; this has been corrected in the Final EIS. Otherwise, the definition stated in the Draft EIS accurately describes this phenomenon.

The belief cited in the quoted sentence (“*especially when the animals are motivated to remain in the area to feed.*”) pertains to intensive, long-term exposure, e.g., for whales whose preferred feeding ground is an area of intensive and ongoing trawling. There are no examples of such prolonged exposure to strong sounds on the Point Mugu Sea Range. In fact, almost all exposures there are very brief, and are repeated (for an individual animal) only infrequently if ever.

Regarding the portion of the comment “*As W.J. Richardson noted in 1995: “[If marine mammals] are subject to ongoing stress within that area, there could be long-term effects on individuals and the population.*”:

The specific quotation from Richardson et al. (1995, p. 396) was

¹ Ridgway et al. (1997), updated as Schlundt et al. (2000); full citation for each is given earlier re CCC comment #MM-7.

“...prolonged disturbance, as might occur if a stationary and noisy human activity were established near a marine mammal concentration area, likely is a more important concern [than brief disturbance]. The long-term implications would depend in part on habituation. If the animals fail to habituate and, as a consequence, are excluded from an important concentration area or are subject to ongoing stress while in that area, there could be long-term effects on individuals and the population.”

As reviewed in the Draft EIS and MMTR, the activities on the Point Mugu Sea Range do not include any “stationary and noisy human activities” near marine mammal concentration areas. There is no reason to expect either long-term exclusion from a concentration area, or prolonged exposure to stress-inducing noise in a concentration area. Furthermore, it is often speculated that prolonged noise exposure may cause stress in marine mammals, but in fact there is no specific evidence of this (for review, see Richardson et al. 1995, p. 404-5).

On the Point Mugu Sea Range there are few “prolonged activities” at fixed sites where marine mammals concentrate. (The harbor seal colony at Mugu Lagoon, within Point Mugu, is one possibility; however, seals using that colony are breeding and the colony is apparently growing—see MMTR p. 126-130.)

MM-17 Numbers of marine mammals present at sea in different geographic strata within the Sea Range during each of four different seasons were calculated separately. Those estimated numbers are summarized in the Draft EIS (p. 3.7-12 et seq.) but listed in more detail (by stratum and season) in Appendix 1 of the MMTR. For impacts at sea, calculations were done separately for the different geographic strata (see Appendix 2 in the MMTR). Impact calculations for any given geographic stratum were indeed based on average densities across the different seasons. This approach, rather than separate calculations for each season, was done because the Sea Range operates year-round. Thus, it was of more relevance to estimate the overall numbers that might be affected per year than to break the numbers down by season. Also, for mammals at sea, using the average for all seasons yielded impact probability estimates that were exceedingly low (often out more than 4 significant digits). To re-calculate these based on seasonal differences would not change the conclusions regarding impact (e.g., even if the Navy changed the probabilities or numbers experiencing TTS in Table 4.7-2 by an order of magnitude). Furthermore, if estimates of numbers affected in a particular season and area are required, these can be obtained by pro-rating the overall annual estimates affected in that area based on relative densities estimated to occur there in different seasons (from MMTR Appendix 1).

Numbers of pinnipeds on land at San Nicolas Island that might be affected by launches of targets or missiles from San Nicolas Island are not estimated in the Draft EIS. At the time the MMTR and Draft EIS were written, there were insufficient data on pinniped reactions to launches of the types occurring at San Nicolas Island to allow accurate estimates. However, the numbers of animals present on different parts of San Nicolas Island at different times of year are stated in those documents. Based on recent observations, the Navy applied for and received Incidental Harassment Authorization (IHA) from NMFS for missile launches from San Nicolas Island. Conservative (high) estimates of numbers of pinnipeds that might react adversely to launches from San Nicolas Island have been derived and included in the IHA. Also, a monitoring program is in effect to quantify the actual responses to launches from San Nicolas Island. The IHA and monitoring plan are summarized in the Final EIS (see Appendix E).

The tendency of marine mammals to concentrate inevitably increases the uncertainty of estimated numbers of mammals that might be exposed to or affected by any single Navy



operation. Actual numbers affected by any single operation could be considerably higher or lower than predicted numbers. However, the estimates will be more precise for the combined effects of a given activity over the course of a year or longer (per Central Limit Theorem). Furthermore, many of the estimates incorporate conservative assumptions, and are more likely to overestimate than to underestimate the numbers affected.

- MM-18** Because the actions addressed in the EIS do not involve use of underwater active sonar, it is not evaluated in this Draft EIS. (Please also see responses to more specific comments on this topic submitted by California Coastal Commission, Humane Society of the United States, and National Resources Defense Council).
- MM-19** The Draft EIS provides a comprehensive analysis of numbers of individual marine mammals that are expected to be affected in various specified ways, as well as assessing the consequences for their populations. However, the Navy does believe that it is the population effects that are of most importance in assessing overall impact, at least for species not listed as threatened or endangered. See response to NRDC (comment MM-13), which is similar.
- MM-20** As noted in the response to comment CUM-4, the Navy agrees that a comprehensive review of Sea Range activities is critical and was one of the purposes of developing the EIS. The Draft EIS is, in fact, a comprehensive review of all activities that takes a fresh look at existing and proposed uses of the Sea Range and analyses the environmental impacts of various alternatives. In addition to evaluating the proposed action, the EIS includes a thorough, range-wide analysis of current and proposed Sea Range activities. As noted in Section 1.3 of the EIS, “rather than focusing on specific operations that may occur within a limited part of the Point Mugu Sea Range, this EIS/OEIS provides a range-wide, comprehensive evaluation of proposed, as well as current, activities conducted on the Sea Range.” This approach is reflected in the analysis of every resource area addressed in the EIS, including marine mammals. As noted in MM-19 above, the Draft EIS provides a comprehensive analysis of numbers of individual marine mammals that are expected to be affected in various specified ways, as well as assessing the consequences for their populations. (Please also refer to the response to MM-13.)

TERRESTRIAL BIOLOGY

- TB-1** Please note that Becher’s Bay is used for training, not testing activities. The training area is overwater and does not include terrestrial habitat where Western snowy plovers may be nesting. The incident cited in the comment was accidental and resulted in a change in procedures; there now has to be visual clearance by the aircraft to the surface before an inert mine can be dropped. Becher’s Bay would not be affected by the proposed operations.
- TB-2** The statement indeed focuses specifically on the instrumentation sites controlled by the Navy and is not meant to characterize any other portions of these islands.
- TB-3** The Navy has made a formal commitment to the mitigation measures reflected in the final Biological Opinions issued by the U.S. Fish and Wildlife Service.
- TB-4** The EIS addresses potential disturbance to wildlife from air and vessel traffic resulting from current and proposed Sea Range activities (please refer to Section 4.8).

CULTURAL RESOURCES

CR-1 A paleontological review of San Nicolas Island was recently completed and is available to the public. There is no indication that fossils of significance are found within the formations where new construction has been proposed on the island. Construction of the instrumentation sites will not require excavation but will be built upon foundations using soils from existing borrow pits. Very little ground disturbance is expected to occur. Due to the lack of potential significance, a mitigation sampling program prior to construction is not proposed.

LAND USE

LU-1 Figure 2-2a is incorrect in the Draft EIS and is revised in the Final EIS. For all test and training events conducted on the Sea Range, there are specific and documented safety procedures in place to ensure that non-participants, including offshore oil and gas platforms, are not endangered by Navy actions.

LU-2 The EIS/OEIS includes analyses that indicate that the use of Becher's Bay does not cause significant environmental impacts (see sections 4.1.2.2, 4.4.2.2, 4.5.2.2, 4.6.2.5, 4.7.2.7.D, 4.8.2.2, 4.9.2.2, 4.10.2.2, 4.11.2.2, and 4.14.2.2). Further, Becher's Bay would not be affected by the proposed operations.

LU-3 The focus of the EIS is on Navy activities within the Sea Range and thus the analysis primarily addresses ocean activities. Fishing activities are a major use of these waters and are therefore addressed in detail in the EIS. Although the Channel Islands National Park is included within Sea Range boundaries, Navy activities within the park are extremely limited, as described in the EIS. Recreational activities are described in the EIS (please see Section 3.10.2.4 and Section 3.10.2.5). Further, the EIS notes that "the coastal and offshore marine environments are ideal locations for tourism" (please see the first paragraph in Section 3.10.2.4).

LU-4 The Navy has submitted a Consistency Determination (CD) to the California Coastal Commission. The Commission found the project to be consistent to the maximum extent practicable with the California Coastal Management Program.

LU-5 As noted in the response to CUM-2, the only current Navy test or training activity taking place within Channel Island National Marine Sanctuary (CINMS) boundaries is the Inert Mine Drop in Becher's Bay, Santa Rosa Island. The only other Navy activities taking place within current sanctuary boundaries are the maintenance of facilities, occasional aircraft overflights, and occasional vessel traffic transiting the area. None of the proposed activities addressed in the EIS would take place within sanctuary boundaries aside from associated aircraft and vessel traffic transiting the area.

As noted in the response to CUM-6, the CINMS has not officially proposed management changes for the sanctuary, and they are currently preparing a Draft EIS.

Regarding altitude restrictions, although activities necessary for national defense are exempt from the current altitude restriction of 1,000 feet, the Navy does comply with this limitation whenever possible.



TRAFFIC

- TR-1** Our analysis indicates that the proposed action does not involve significant amounts of truck traffic. When practicable, contractors will be directed to avoid truck traffic on State highways during peak commute periods.

SOCIOECONOMICS

- SE-1** Tourism is addressed in Section 4.12 and includes tourism in the Channel Islands National Park. As noted in Section 4.12.1, the region of influence for socioeconomic impacts includes “affected Channel Islands,” thus including the park. However, as noted in a response to another comment (see LU-3), Navy activities within the park are extremely limited, and socioeconomic impacts are not predicted to be significant.

HAZARDOUS MATERIALS, HAZARDOUS WASTES, AND NON-HAZARDOUS WASTES

- HM-1** Issues related to hazardous materials, hazardous wastes, and non-hazardous wastes are thoroughly addressed in Sections 3.13 and 4.13 of the EIS. The analysis performed for the EIS evaluated potential environmental impacts from all sources of materials used during current Sea Range operations as well as those associated with proposed activities, including proposed construction projects, and found no significant impacts.

CUMULATIVE

- CUM-1** The EIS has been revised to reflect MMS’ recent proposal to conduct exploratory drilling activities in offshore water (refer to Chapter 5 of the Final EIS).
- CUM-2** The only current Navy Sea Range activities taking place within sanctuary boundaries are the Inert Mine Drop in Becher’s Bay (Santa Rosa Island), maintenance of facilities, aircraft overflights, and vessel traffic transiting the area. None of the proposed activities would take place within sanctuary boundaries aside from associated aircraft and vessel traffic transiting the area.
- CUM-3** The Navy will continue to work with the Sanctuary.
- CUM-4** We agree that a comprehensive review of Sea Range activities is critical and was one of the purposes of developing the EIS. The Draft EIS is, in fact, a comprehensive review of all activities that takes a fresh look at existing and proposed uses of the Sea Range and analyses the environmental impacts of various alternatives. In addition to evaluating the proposed action, the EIS includes a thorough, range-wide analysis of current and proposed Sea Range activities. As noted in Section 1.3 of the EIS, “rather than focusing on specific operations that may occur within a limited part of the Point Mugu Sea Range, this EIS/OEIS provides a range-wide, comprehensive evaluation of proposed, as well as current, activities conducted on the Sea Range.” Since the EIS provides a comprehensive range-wide review of current and proposed activities, it will not allow for incrementalism. Rather, the EIS provides a baseline to assess the potential effects of future programs. If something substantially different is proposed, it would require additional NEPA review and thus need to be addressed and analyzed in additional documentation. This process ensures that no incrementalism will occur.
- CUM-5** Geographical considerations are germane to the analysis of potential cumulative impacts since the region of influence (ROI) for cumulative effects is defined based on the concept of shared

resources. The ROI can be different for different resource areas. In the case of the Sea Range EIS, the ROI for the majority of resources is limited to the area of the Sea Range and the base at Point Mugu. Air quality is a notable exception to this as it is recognized that emissions created in one area can be transported to other regions (the air quality analysis performed for the EIS recognizes the transport issue and addresses the potential for air quality impacts off-range; please see Section 4.2 of the EIS). The key issue to consider when evaluating the potential for cumulative effects is the degree of resource overlap (i.e., are the same resources being affected by different projects). The projects included in the cumulative impact analysis in the EIS that occur onshore primarily affect terrestrial resources, while the proposed activities addressed in the EIS primarily affect marine resources located offshore. It is reasonable to use this measure in the analysis to conclude that the potential for cumulative impacts is limited. For projects proposed to occur offshore or within the Sea Range, discussion is provided within Chapter 5 that describes specifically why significant cumulative impacts would not occur.

- CUM-6** As noted in the response to CUM-2, the only current Navy Sea Range activities taking place within Channel Island National Marine Sanctuary (CINMS) boundaries are the Inert Mine Drop in Becher's Bay (Santa Rosa Island), maintenance of facilities, aircraft overflights, and vessel traffic transiting the area. None of the proposed activities addressed in the EIS would take place within sanctuary boundaries aside from associated aircraft and vessel traffic transiting the area. The CINMS has not officially proposed management changes for the sanctuary, and, as the commentor notes, they are currently completing a Draft EIS.
- CUM-7** Although some aircraft used by the Surface Warfare Engineering Facility (SWEF) operate on the Sea Range, the SWEF is not part of the proposed action for the Sea Range EIS. The relationship between the SWEF and NAWCWPNS is described in Section 5.2.1.2 of the Sea Range Draft EIS. The environmental impacts of SWEF operations are analyzed in the Virtual Test Capability (VTC) EA, which is incorporated by reference into the Sea Range Draft EIS. As noted in the VTC EA, the No Action Alternative includes ten aircraft and ten surface craft operations annually. Under the proposed action, both aircraft and surface operations will increase to a total of twenty operations annually in each category. Although this is a doubling of SWEF operations, it is a very small percentage of the total operations on the Sea Range (less than 0.3% of aircraft sorties and less than 1.3% of ship and boat operations). Given the normal fluctuation in Sea Range operational tempo and type, the proposed increase in SWEF operations will not increase the number of aircraft or boat operations beyond the baseline used in the analysis. Therefore, there will be no change in the environmental impacts identified in the Draft EIS.
- CUM-8** Please see the response to CUM-7. As noted in the VTC EA, there are exercises that are conducted outside the Sea Range. The environmental impacts of those exercises are analyzed in the EA. Since the number of exercises is negligible compared to the total number of Sea Range operations, and the number of exercises conducted off range is a portion of the total number of SWEF exercises, the cumulative impact is not significant.
- CUM-9** The statement contained in the Sea Range EIS *Post Scoping Update* dated December 1997 regarding the SWEF was based on information available to the preparers at the time. Subsequently, additional information became available. The descriptions of the relationship between the Point Mugu Sea Range and the SWEF contained in Section 5.2.1.2 of the EIS and the *Virtual Test Capability Environmental Assessment*, which is incorporated by reference into the EIS, reflect current information.



- CUM-10** The Self Defense Test Ship is used on the Sea Range and any potential impacts associated with its use have been analyzed (e.g., see Section 3.2.2.3 and Table C.6-5 in Appendix C). Both the SWEF and Self Defense Test Ship are assets of the Naval Surface Warfare Center, Port Hueneme Division. However, the Self Defense Test Ship is not part of the SWEF.
- CUM-11** As noted in the responses to PD-3, PD-4 and PD-5, Fiscal Year 1995 (FY95) was used as the baseline to reflect the typical Sea Range level of operations and against which relative impacts of the proposed action could be measured. Although the tempo and types of operations fluctuate, the operational activity conducted during FY95 reflects the broad range of test and training activity occurring on the Sea Range with respect to aircraft and ship operations, including those operations associated with the SWEF. Further, as noted in the VTC EA, there are exercises that are conducted outside the Sea Range. The environmental impacts of those exercises are analyzed in the EA.
- CUM-12** We agree that different commands do not make a difference to the impact analysis, and this was not used as a factor in the evaluation of potential impacts. The analysis revealed that the actions addressed do not contribute to cumulative impacts, regardless of command authority.
- CUM-13** Please see the responses to CUM-7 and CUM-8.
- CUM-14** As noted in the response to CUM-9, the statement contained in the Sea Range EIS *Post Scoping Update* dated December 1997 regarding the SWEF was based on information available to the preparers at the time. Subsequently, additional information became available. The descriptions of the relationship between the Point Mugu Sea Range and the SWEF contained in Section 5.2.1.2 of the EIS and the *Virtual Test Capability Environmental Assessment*, which is incorporated by reference into the EIS, reflect current information. Although some aircraft and surface vessels used by the SWEF operate on the Sea Range, the SWEF is not part of the proposed action for the Draft EIS.
- CUM-15** As noted in the response to CUM-6, the CINMS has not officially proposed management changes for the sanctuary, and they are currently preparing a Draft EIS.
- CUM-16** As noted in the response to CUM-7, the SWEF is not part of the proposed action for the Sea Range Draft EIS, although some aircraft used by the SWEF operate on the Sea Range. The environmental impacts of SWEF operations are analyzed in the VTC EA, which is incorporated by reference into the Draft EIS. The No Action Alternative addressed in the VTC EA includes ten aircraft operations annually. Under the proposed action, aircraft operations will increase to a total of twenty operations annually. Although this is a doubling of SWEF aircraft operations, it is a very small percentage of the total operations on the Sea Range (less than 0.3% of aircraft sorties). Given the normal fluctuation in Sea Range operational tempo and type, the proposed increase in SWEF operations will not increase the number of aircraft operations beyond the baseline used in the analysis. Therefore, there will be no change in the environmental impacts identified in the Draft EIS.
- CUM-17** As noted in the response to CUM-8, Sea Range operations associated with the SWEF were included in the EIS analysis in the evaluation of current activities although the SWEF is not part of the proposed action. Further, as noted in the VTC EA, there are exercises that are conducted outside the Sea Range. The environmental impacts of those exercises are analyzed in the VTC EA, which is incorporated by reference into the Draft EIS. Since the number of exercises is negligible compared to the total number of Sea Range operations, and the number of exercises conducted off range is a portion of the total number of SWEF exercises, the

cumulative impact is not significant. As also noted in the VTC EA, aircraft operating outside the Sea Range "...would fly in FAA-controlled airspace under FAA-authorized flight profiles..."

PLANS AND POLICIES

- PP-1** The Navy agrees that the Channel Islands National Park (CINP) has a higher standard of protection, but the operations proposed are primarily within Sea Range airspace and would not affect land-based resources. As described in the EIS/OEIS, the analysis showed that there would be no impacts on the CINP. Furthermore, changes to the boundaries of the Sea Range are outside the scope of the EIS.
- PP-2** The National Marine Sanctuaries Act has been added to Chapter 6.
- PP-3** Executive Order 13158 has been added to Chapter 6.
- PP-4** As noted in the response to PP-3, Executive Order 13158 has been added to Chapter 6.
- PP-5** The Navy has complied with all relevant policies, including the Marine Mammal Protection Act, the Endangered Species Act, and the Coastal Zone Management Act (please see the summary in Chapter 6 and refer to specific discussions in Sections 4.7, 4.8, and 4.10, respectively).
- PP-6** The Navy has submitted a Consistency Determination (CD) to the California Coastal Commission. The Commission found the project to be consistent to the maximum extent practicable with the California Coastal Management Program.

NEPA ISSUES

- NEPA-1** The Draft EIS identifies and develops conservative assumptions to account for data gaps, areas of scientific disagreement, and qualifications.
- NEPA-2** The Record of Decision will identify the environmentally preferred alternative. However, note that no significant impacts were identified for any of the alternatives under consideration.
- NEPA-3** The purpose and need for the proposed action is specific to the Sea Range; off-site alternatives do not meet the purpose and need and are therefore not considered reasonable alternatives.
- NEPA-4** The EIS includes a thorough, range-wide analysis of current Sea Range activities. As noted in Section 1.3 of the EIS, "rather than focusing on specific operations that may occur within a limited part of the Point Mugu Sea Range, this EIS/OEIS provides a range-wide, comprehensive evaluation of proposed, as well as current, activities conducted on the Sea Range." The best available data were used and impacts were quantified if possible. The EIS provides decision-makers with adequate information to understand the potential effects of each alternative.

GENERAL/MISCELLANEOUS

- GM-1** All RCRA requirements are reflected in the Navy's construction contracts. Further, all construction on San Nicolas Island and Point Mugu using appropriated funds is procured in accordance with the Federal Acquisition Regulations (FAR) and Defense FAR (DFAR)



Supplement. Requirements for the use of recycled materials are included in construction contracts as directed by the FAR and DFAR.

- GM-2** Thank you for recognizing the Navy's efforts to minimize impacts to the Sanctuary. The Navy will continue to work with the Sanctuary to address relevant issues.
- GM-3** The comment period was extended until October 11, 2000.
- GM-4** An extensive, thorough analysis was conducted for the EIS using the best available data coupled with conservative assumptions to quantify impacts. While the commentor cites the Executive Summary, please note that detailed descriptions of the analytical methods and results are included in each resource section in Chapter 4, Environmental Consequences. After careful analysis was performed for every issue area, no significant environmental impacts were predicted and therefore no mitigation measures are required. However, as noted in the EIS, mitigation measures have been proposed for marine mammals, terrestrial biology, and cultural resources. Since many of these measures were being coordinated with relevant resource agencies (e.g., the USFWS, NMFS) at the time the Draft EIS was prepared, they were not described in much detail. The Final EIS has been updated to include more detailed descriptions of these measures.
- GM-5** In addition to evaluating the proposed action, the EIS includes a thorough, range-wide analysis of current Sea Range activities. As noted in Section 1.3 of the EIS, "rather than focusing on specific operations that may occur within a limited part of the Point Mugu Sea Range, this EIS/OEIS provides a range-wide, comprehensive evaluation of proposed, as well as current, activities conducted on the Sea Range." In fact, a majority of the document is dedicated to characterizing and analyzing the potential environmental impacts from current activities (please refer to each of the "No Action Alternative – Current Operations" discussions throughout Chapter 4).
- GM-6** The Final EIS addresses all comments made on the content of the Draft EIS. We believe that the Final EIS provides a thorough and accurate analysis of potential impacts using the best available data.
- GM-7** The action proponent has always been and still is the Naval Air Warfare Center Weapons Division. The organizational changes noted in the comment have no impact on the proposed action of the action proponent.
- GM-8** The document complies with all relevant requirements.
- GM-9** Thank you for your expression of support. Throughout the EIS process people have expressed their recognition of Point Mugu's critical role in managing sensitive environmental resources in this area.
- GM-10** The comment period was extended until October 11, 2000.
- GM-11** The comment period was extended until October 11, 2000.
- GM-12** The comment period was extended until October 11, 2000.
- GM-13** Please refer to the list of preparers of the EIS provided in Chapter 9.

GM-14 The comment period was extended until October 11, 2000.

SCOPE

SCOPE-1 The Virtual Test Capability Coastal Consistency Determination is beyond the scope of the Sea Range EIS.

SCOPE-2 The EIS is not a programmatic document about BMDO TMD. There are other documents about testing for specific TMD programs. The Sea Range EIS evaluates the accommodation of four types of testing and training activities on the range. For those specific activities proposed on the Sea Range, we have incorporated relevant NEPA documents by reference (please see Chapter 4.0).

SCOPE-3 As mentioned above in the response to SCOPE-2, the EIS does not address specific TMD programs. In any case, specific contractors and their roles are not relevant to the environmental impact analysis.

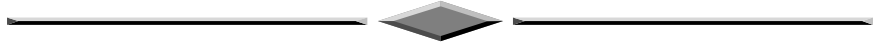
SCOPE-4 Special Warfare Group One, Detachment 219, a reserve unit that provides logistics support for Sea-Air-Land (SEAL) teams is located in building 1463, which is adjacent to but not associated with the Surface Warfare Engineering Facility (SWEF). This unit, along with SEAL teams stationed outside Ventura County, periodically conduct exercises at Point Mugu, San Nicolas Island, and Port Hueneme. The exercises that are conducted at Point Mugu and San Nicolas Island are included and evaluated in the Sea Range EIS. The exercises at Port Hueneme, including the helicopter incident Ms. Rountree refers to in her comment at the 14 August 2000 public meeting, are outside the scope of the Sea Range EIS.

The helicopter incident Ms. Rountree referred to occurred on 24 February 2000. In a letter dated 2 May 2000, the Navy responded to letters from Ms. Rountree.

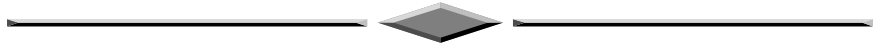
SCOPE-5 The helicopters Mr. Dodd refers to in his comment at the 16 August 2000 public meeting are outside the scope of this EIS. The area Mr. Dodd refers to is outside the boundaries of the Sea Range. It is also outside the areas for which the Navy is responsible for air traffic control - the Sea Range and Point Mugu airfield. The Navy tower is only responsible for a 5-mile radius around the airfield at Point Mugu. Normally, any aircraft, including helicopters, on the Sea Range or in the airspace surrounding the airfield are under Navy control. Once they depart those areas and enter the Silver Strand area, the Federal Aviation Agency (FAA) assumes control, normally from the tower at Oxnard Airport. The FAA does not impose any greater restriction on military aircraft over civilian aircraft. Furthermore, military helicopters associated with Sea Range operations proceed directly from the airfield at Point Mugu over water to the Sea Range and do not fly over the area in question. Military helicopters that do fly over this area are not associated with Sea Range operations. In many cases, those helicopters are simply transiting the area and do not stop at Point Mugu. These aircraft flying along the beach are in compliance with Navy and FAA regulations.

SCOPE-6 As noted in the response to SCOPE-5, the helicopters Ms. Spiegel referred to in her comment at the 16 August 2000 public meeting are outside the scope of this EIS.





DRAFT EIS/OEIS COMMENTS





FEDERAL AGENCY COMMENTS





United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
600 Harrison Street, Suite 515
San Francisco, California 94107-1376

Rec'd
9/27/00
cef

September 15, 2000

ER 00/580

U.S. Department of Defense
Department of the Navy, Naval Air Systems Command
Naval Air Warfare Center Weapons Division (Attn: Ms. Cora Fields)
EIS Public Involvement Department - Code 529600E
521 Ninth Street
Point Mugu, California 93042-5001

Dear Ms. Fields:

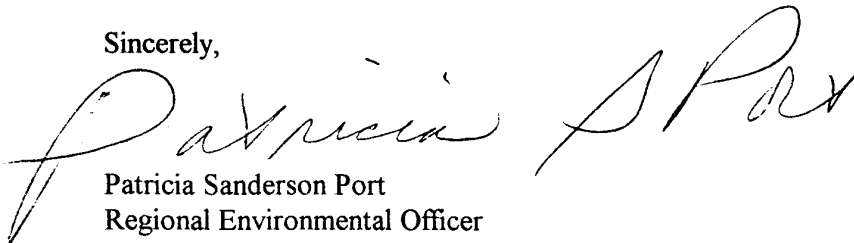
The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement for the Point Mugu Sea Range, Ventura, Los Angeles, Santa Barbara, Orange, San Diego, and San Luis Obispo Counties, California and has the following comments to offer for your consideration when preparing the Final Environmental Impact Statement (FEIS).

CR-1

Page 4.1-14, Support Facilities: The paleontological resources on San Nicolas Island are "unique in their completeness" (page 3.1-8). The launch site, vertical launch system, support building, and four of the five multiple-purpose instrumentation sites will most likely not impact these resources. However, the instrumentation site on the southern edge of the mesa on consolidated tertiary deposits could impact the fossils there. Mitigation sampling of the 15,000 square-foot area of the instrumentation site should be conducted. In addition, it would be helpful, as part of the mitigation plan, if the data and any analysis were made available to the public.

We appreciate the opportunity to comment on this project.

Sincerely,



Patricia Sanderson Port
Regional Environmental Officer

cc:

Director, OEPC, w/original incoming
Regional Director, FWS, Portland
Manager, California/Nevada Office, FWS, Sacramento
Director, USGS, Western Region



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
600 Harrison Street, Suite 515
San Francisco, California 94107-1376

Reid
9/27/00
cf

September 18, 2000

ER 00/0580

U.S. Department of Defense
Department of the Navy, Naval Air Systems Command
Naval Air Warfare Center Weapons Division (Attn: Ms. Cora Fields)
EIS Public Involvement Department - Code 529600E
521 Ninth Street
Point Mugu, California 93042-5001

Dear Ms. Fields:

The Department of the Interior (Department) has further reviewed the Draft Environmental Impact Statement (DEIS) for the Point Mugu Sea Range, Ventura, Los Angeles, Santa Barbara, Orange, San Diego, and San Luis Obispo Counties, California (ER 00/580). The following comments are in addition to those in our letter of September 15, 2000.

GENERAL COMMENTS

LU-1

The Department (through the Pacific OCS Region of the Minerals Management Service) has a regulatory responsibility for offshore oil and gas operations in Federal waters in Southern California - the area of coverage for this project DEIS. Currently, there are 23 offshore oil and gas platforms with associated subsea pipelines in the Southern California area.

One platform, Platform Irene, appears to be in very close proximity to the Navy's proposed debris pattern and hazard area of the TMD element, as shown in the Representative Boost Phase Intercept Scenarios, Figure 2-2a, of the draft EIS. Three other platforms, located in the point Arguello Unit, appear to be near the debris pattern area.

We have attached a table showing the coordinates of the platforms and we refer you to Maurice Hill of the Minerals Management Service for a map depicting the platform and pipeline locations. Mr. Hill can be reached at (805) 389-7815.

Mr. Alex Stone, coordinator of the EIS, informed us that Figure 2-2a is erroneous, and proposed debris intercept areas are actually further offshore. We request Navy revise this Figure, and related text in the EIS, to show clear and safe avoidance of all offshore platforms and pipelines.

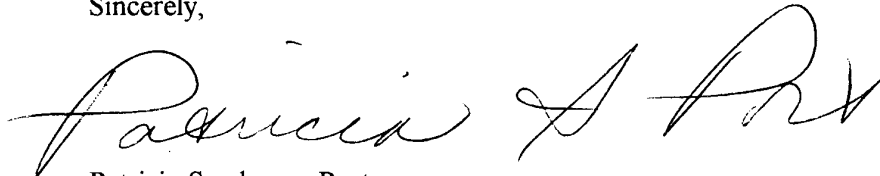
SPECIFIC COMMENTS

CR-1

Page 4.1-14, Support Facilities: The paleontological resources on San Nicolas Island are "unique in their completeness" (page 3.1-8). The launch site, vertical launch system, support building, and four of the five multiple-purpose instrumentation sites will most likely not impact these resources. However, the instrumentation site on the southern edge of the mesa on consolidated tertiary deposits could impact the fossils there. Mitigation sampling of the 15,000 square-foot area of the instrumentation site should be conducted. In addition, it would be helpful, as part of the mitigation plan, if the data and any analysis were made available to the public.

Thank you for the opportunity to review and comment on this DEIS. We are available to meet with the Navy representatives (through the Minerals Management Service) and provide additional information, if necessary. Please contact Maurice Hill at (805) 389-7815 or Cathy Hoffman at (805) 389-7575 if you have any questions.

Sincerely,



Patricia Sanderson Port
Regional Environmental Officer

Attachment

cc:
Director, OEPC, w/original incoming
Regional Director, FWS, Portland
Manager, CNO, FWS, Sacramento
Regional Director, MMS, Camarillo

Platform Information
Pacific OCS Region

Attachment 2

Lease	Name	X	Y	Longitude W	Latitude N	Date Installed	Water Dep. ft.	Operator	Field/Unit	No. Slots	Initial Spud	Date 1st Prod.	Land Dist. mi.
0166	Hogan	1,006,354	805,646	119 32 29.35	34 20 15.63	09/01/87	154	Pacific Operators	Carpiñena	66	04/29/68	06/10/68	3.7
0166	Houchin	1,003,115	804,772	119 33 7.62	34 20 5.97	07/01/68	163	Pacific Operators	Carpiñena	60	01/30/69	04/28/69	4.1
0182	Heritage	783,935	818,089	120 16 45.06	34 21 1.41	10/07/89	1075	Exxon	Pescador/Santa Ynez	60	09/03/93	12/18/93	8.2
0188	Hondo	832,341	830,947	120 7 13.91	34 23 26.63	06/23/76	842	Exxon	Hondo/Santa Ynez	28	09/15/77	04/02/81	5.1
0188	OS&T **	838,727	835,892	120 5 59.95	34 24 17.84	03/03/81	500	Exxon	Hondo/Santa Ynez	n/a	n/a	n/a	3.9
0190	Harmony	817,978	826,364	120 10 3.09	34 22 36.03	08/21/89	1198	Exxon	Hondo/Santa Ynez	60	07/23/93	12/30/93	6.4
0202	Gina	1,084,073	723,121	119 16 34.53	34 7 2.99	12/11/80	95	Nuevo	Huenueme/Pl. Huenueme	15	10/27/81	02/11/82	3.7
0205	Gail	1,046,650	726,990	119 24 0.78	34 7 30.29	04/05/87	739	Venoco	Sockeye/Santa Clara	36	06/16/88	08/08/88	9.9
0216	Gilda	1,041,733	747,989	119 25 6.83	34 10 56.43	04/06/81	205	Nuevo	Santa Clara/Santa Clara	96	10/20/81	12/19/81	8.8
0216	Grace	1,026,807	747,437	119 28 4.18	34 10 46.46	07/30/79	318	Venoco	Pitas Point/Pitas Point	24	01/19/80	07/25/80	10.5
0234	Habitat	991,694	787,520	119 35 17.14	34 17 11.82	10/08/81	290	Nuevo	Carpiñena	24	01/16/82	12/15/83	7.8
0240	Henry	1,000,596	804,219	119 33 37.43	34 19 59.72	08/31/79	173	Nuevo	Dos Cuadradas	60	02/08/80	05/15/80	4.3
0240	Hillhouse	987,842	803,937	119 36 11.69	34 19 52.84	11/26/69	190	Nuevo	Dos Cuadradas	57	05/25/70	07/21/70	5.5
0241	A	984,865	804,224	119 36 44.89	34 19 54.79	09/14/68	188	Nuevo	Dos Cuadradas	63	11/19/68	03/03/69	5.8
0241	B	982,134	804,478	119 37 17.53	34 19 56.43	11/08/68	190	Nuevo	Dos Cuadradas	60	06/23/69	07/19/69	5.7
0241	C	979,355	804,781	119 37 50.76	34 19 58.53	02/28/77	192	Nuevo	Dos Cuadradas	60	07/09/77	08/01/77	5.7
0296	Edith	1,424,274	525,198	118 8 26.47	33 35 44.83	01/12/83	161	Nuevo	Bela/Bela	72	11/05/83	01/21/84	8.5
0300	Elien	1,427,981	520,247	118 7 41.60	33 34 56.52	01/15/80	265	Aera Energy	Bela/Bela	80	08/09/80	01/13/81	8.6
0300	Ely	1,428,333	520,618	118 7 37.52	33 35 0.25	03/12/80	255	Aera Energy	Bela/Bela	n/a	n/a	n/a	9.0
0301	Eureka	1,431,431	513,421	118 6 59.38	33 33 49.61	07/08/84	700	Aera Energy	Pl. Arguello/Pl. Arguello	50	12/29/84	03/17/85	6.7
0315	Harvest	664,632	866,189	120 40 50.94	34 28 8.89	06/12/85	675	Arguello, Inc.	Pl. Arguello/Pl. Arguello	48	11/12/86	06/03/91	6.8
0316	Hermosa	674,783	860,793	120 38 47.00	34 27 19.83	10/05/85	603	Arguello, Inc.	Pl. Arguello/Pl. Arguello	72	01/30/87	06/09/91	4.7
0441	Irene *	708,195	831,989	120 43 45.94	34 36 37.51	08/07/85	242	Torch	Pl. Pedernales/Pl. Ped.	56	04/25/86	04/13/87	4.7
0450	Hidalgo *	710,975	3,819,245	120 42 8.24	34 29 42.05	07/02/86	430	Arguello, Inc.	Pl. Arguello/Pl. Arguello	56	11/27/87	05/27/91	5.9

* Irene and Hidalgo are in UTM 10 (meters).
All others are Lambert Zone 8 (feet).

** Removed on June 3, 1994.

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revised csm 4/28/00 pdlcc2.mdb2

FROM : MMS

FAX NO. :

Sep. 18 2000 01:07PM P1

Post-It™ brand fax transmittal memo 7671 # of pages 1

To	From
Tracie	MARICE Hill
Co.	Co.
MMS	MMS
Dept.	Phone #
	805 389 7815
Fax #	Fax #
415 744 4121	



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
600 Harrison Street, Suite 515
San Francisco, California 94107-1376

September 27, 2000

ER 00/580

U.S. Department of Defense
Department of the Navy, Naval Air Systems Command
Naval Air Warfare Center Weapons Division (Attn: Ms. Cora Fields)
EIS Public Involvement Department – Code 529600E
521 Ninth Street
Point Mugu, CA 93042-5001

Dear Ms. Fields:

The National Park Service (NPS) has provided our office with further comments on the Draft Environmental Impact Statement for Point Mugu Sea Range, Ventura, Los Angeles, Santa Barbara, Orange, San Diego, and San Luis Obispo Counties, California. Please consider these comments which follow as part of a package of Department of the Interior comments on this EIS. Copies of our two previous letters are attached for your convenience.

PP-1

As an overall comment, the Environmental Impact Statement (EIS) does not recognize a higher standard for protection of natural, cultural, and recreation resources within Channel Islands National Park than what is required outside of park boundaries. However, Congress and the President, in establishing Channel Islands National Park, did establish an elevated standard “In order to protect the nationally significant natural, scenic, wildlife, marine ecological, archaeological, cultural, and scientific values of the Channel Islands...”

We request Department of Defense revise boundaries of Point Mugu Sea Range to delete northern Channel Islands. Many significant natural and cultural resources are concentrated in and around park islands. Additionally, this area is the focus of recreational activities for thousands of people. Modification of Sea Range boundaries to delete Warning Areas W-289N and W-412 and section 3F of Warning Area W-289 would significantly reduce direct interactions between Navy activities and park resources or visitors.

LU-2

The analysis of activities that occur within park boundaries, particularly test mining of Beecher’s Bay at Santa Rosa Island, should evaluate environmental effects in relation to high public purpose identified for these islands and surrounding marine waters. To do any less will not provide decision-makers with an adequate understanding of consequences of management actions.

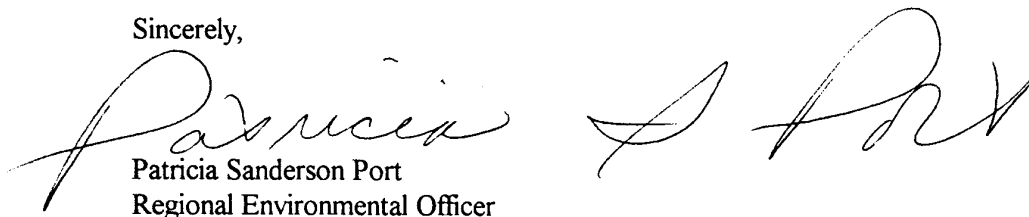
Following are specific comments regarding the Draft EIS for Point Mugu Sea Range:

	Page	Comments
CUM-1	ES-21	Add potential development of oil drilling leases under MMS.
TB-1	2-1	Should move inert mine testing that is currently done at Beecher's Bay to a site outside of Channel Islands National Park. Test mining poses potential impact to threatened Western Snowy Plovers, which nest and overwinter on Skunk Point. In a past mining exercise, a test marker was accidentally dropped on the island, illustrating potential for adverse effects to western snowy plovers or their habitat.
PD-1	3.0-5	Need to correct text to reflect that Santa Cruz Island is owned in part by National Park Service (NPS). NPS owns the eastern 14,733 acres of the island. One nautical mile of water surrounding the park is within Channel Islands National Park Boundaries. The Channel Islands National Marine Sanctuary includes 6 nautical miles surrounding the northern 5 islands.
PD-2	3.0-27	The document should state how often Inert Mine testing is done near Santa Rosa Island.
NS-1	3.3-5	Elevated subsonic sound levels, which occur at northern Channel Islands (Fig 3.3-1), should be assessed for impact to visitors seeking solace in a National Park.
WQ-1	3.4-8	Areas of Special Biological Significance. The ecological reserves designated within Channel Islands National Park should be depicted on a map.
MB-1	3.5-3	The land ownership map for Santa Cruz Island should be updated to include the recent land transfer between The Nature Conservancy and NPS.
MM-1	3.7-8	Should indicate that sea otters are regularly sighted around San Miguel and Santa Rosa Islands.
MM-2	3.7-57	Since all otters translocated to San Nicolas Island were tagged, it should be known whether the otters on San Miguel in 1990 were from that group.
TB-2	3.8-19	The statement characterizing San Miguel and Santa Rosa Islands is absolutely incorrect. The statement regarding Santa Cruz Island is correct only if limited to land leased and developed by the Navy. Both San Miguel and Santa Rosa Islands have extensive habitats of great value to marine and terrestrial species.
LU-3	3.10-5	Inadequate characterization of recreational activities. There is a considerable number of visitors to park islands who do not engage in harvest of marine resources. The value of recreational activities/tourism is given very short shrift (not at all comparable to treatment of commercial fishing)
SE-1	4.12-1	Public use of Channel Islands National Park is completely ignored in the socioeconomic analysis.

Please contact Kate Faulkner, Chief of Natural Resources Management, Channel Islands National Park, at 805/658-5709 if you have any questions or wish further information.

Thank you for the opportunity to comment on this document.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia Sanderson Port".

Patricia Sanderson Port
Regional Environmental Officer

Attachments

cc:

Director, OEPC, w/original incoming
Regional Director, FWS, Portland
Manager, CNO, FWS, Sacramento
Director, USGS, Western Region
Regional Director, NPS, San Francisco



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

OCT 4 2000

Naval Air Warfare Center Weapons Division
Point Mugu Sea Range EIS
Attention: Ms. Gina Smith, Code 8G0000E
521 9th Street
Point Mugu, CA 93042-5001

Dear Ms. Smith:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement/Overseas Environmental Impact Statement (DEIS/DOEIS) for the **Point Mugu Sea Range Naval Air Warfare Center Weapons Division**, Ventura County, California (CEQ #000257). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act (CAA).

The proposed action includes three components: 1) accommodate Theater Missile Defense testing and training, 2) accommodate an increase in current levels of training exercises, and 3) modernize facilities at Point Mugu and on San Nicolas Island. These actions would occur in addition to the current test and training operations at Naval Air Warfare Center Weapons Division (NAWCWPNS) Point Mugu. The three proposed alternatives are the No Action Alternative – Current Operations, Minimum Components Alternative, and Preferred Alternative. The Preferred Alternative includes four types of Theater Missile Defense training, an increase in fleet training exercises and special warfare exercises, new launch locations on NAS Point Mugu and construction of a vertical missile launcher, vertical launcher, range support building, and 5 multi-purpose instrumentation sites on San Nicolas Island. The Minimum Components Alternative and the Preferred Alternative differ primarily in terms of the degree of activity in each of the project components.

In our review, we found this document to be excellently prepared. Potential areas of environmental concern are described in detail and are thoroughly analyzed for significant impacts. In addition, we commend the Navy for the aspects of the project that are designed to minimize environmental impacts and improve environmental quality. The JATO (jet assisted take off) bottle recovery program at Mugu Lagoon, the stormwater monitoring program for the new instrumentation sites on San Nicholas Island, and the monitoring and nest protection program for cormorant and snowy plover populations on the San Nicholas Island are good examples of environmental protection efforts in this project. We have rated this document LO, *Lack of Objections*.

Our rating of LO reflects our overall view of the adequacy of the document. While we believe the document is well done, we have three specific recommendations to further ensure environmental protection in this project:

TB-3 Terrestrial Biology Mitigation Measures
We recommend a formal commitment to the monitoring and mitigation measures for impacts to cormorant and snowy plover populations on San Nicholas Island. Specifically, EPA requests that the Record of Decision (ROD) outline Navy's commitment to monitoring and mitigation as laid out in Chapter 4.8.

MM-3 Marine Mammal and Sea Turtle Mitigation Measures
Mitigation measures for marine mammals includes application for an Incidental Harassment Authorization from NMFS and a monitoring program for pinnipeds on San Nicholas Island (Chapter 4.7). Again, we request a formal commitment to monitoring in the ROD. We also recommend that, to the extent possible, the Navy consider scheduling the large fleet exercises (FLEETEX) so that they do not coincide with the migration of sensitive species, such as whales and sea turtles, through the Sea Range.

GM-1 Buy Recycled for Construction
The Resource Conservation & Recovery Act (RCRA) Section 6002 requires federal, state, local agencies, and their contractors, that use appropriated federal funds to purchase EPA-designated recycled materials, including EPA-designated construction and landscaping products. For the construction of the missile launcher, the Range Support Building, and the multi-purpose instrumentation sites, use EPA-designated construction and landscaping products. Please see attached materials or visit our web site, <http://www.epa.gov/cpg>.

We appreciate the opportunity to review this DEIS/DOEIS. When the Final EIS/OEIS is complete, please send me two copies at the address above. If you have any questions or comments, please feel free to contact me or Nova Blazej, the primary staff person working on this project. Nova Blazej can be reached at 415-744-2089 or blazej.nova@epa.gov.

Sincerely,



David J. Farrel, Chief
Federal Activities Office

Attachments: Summary of EPA Rating Definitions
 Buy Recycled brochures

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Channel Islands National Marine Sanctuary
113 Harbor Way
Santa Barbara, CA 93109

October 11, 2000

Naval Air Warfare Center
Weapons Division
Point Mugu Sea Range EIS
Attn: Gina Smith, Code 8G0000E
521 Ninth St.
Pt. Mugu, CA 93042-5001

Re: Point Mugu Sea Range Draft EIS/OEIS

Dear Ms. Smith:

Thank you for the opportunity to comment on the above referenced Draft Environmental Impact Statement (DEIS). We appreciate the Navy's effort to detail current and future activities in the Pacific Missile Test Range that include, Theater Missile Defense testing and training, an increase in Fleet and special warfare training exercises, and modernization of facilities at NAS Pt. Mugu. Our comments below stem from the primary mandate of the Channel Islands National Marine Sanctuary (Sanctuary) - to protect nationally significant living and non-living resources (National Marine Sanctuaries Act 16 U.S.C. 1431 et seq.).

WQ-2

The Sanctuary is particularly interested in the Navy activities in the Pacific Missile Test Range areas that overlap Sanctuary waters. Specifically, the following range areas: W1, 3B W2, W289N, W290, W412, 3D, 3E, 3F, 4B.

TB-4

The Sanctuary's major concerns with the current and proposed Navy activities include: discharges into Sanctuary waters and disturbance to the seafloor from weapons testing debris associated with nearshore intercept events and the Fleet training exercises;

MM-4

potential disturbance to wildlife from air and vessel traffic; and potential impacts to marine mammals from underwater sound emissions. Sanctuary regulations are detailed in 15 CFR 922.70.

CUM-2

Additionally, under the DEIS Cumulative Impacts Review it states "(n)one of the proposed activities addressed in this EIS/OEIS would be located within CINMS boundaries" (Chapter 5, p. 5-9). Yet, current and proposed activities, such as the projected debris fields for missile testing, Fleet training exercises, aerial mining operations (i.e. Bechers Bay, Santa Rosa Island), and aircraft and vessel traffic routes, to the best of our assessment are located within CINMS boundaries. We would appreciate clarification on this issue.



PP-2

We also noted that the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and Sanctuary regulations (15 CFR 920.70) are not addressed in Table 6-1, titled - Possible Conflicts Between the Action and the Objectives of Federal, State, and Local Land Use Plans, Policies, and Controls (Chapter 6, p. 6-1). We would appreciate consideration in this section.

PP-3

In addition to the Sanctuary's concerns, the President's Executive Order 13158 for Marine Protected Areas (MPA) directs all federal agencies to avoid causing harm to the resources protected by MPAs in the course of federally approved, funded, or conducted actions.

CUM-3

On a related matter, the Sanctuary is preparing a Draft Management Plan/Draft Environmental Impact Statement (DMP/DEIS) for the revision of its management plan; the DMP/DEIS is expected later this fall. As discussed with our Sanctuary Advisory Council, which includes a Navy representative, alternatives likely to appear in the DMP/DEIS include expansion of the Sanctuary boundaries seaward and toward the mainland coast, thus increasing exposure of Sanctuary resources to Navy activities. Also, a suite of regulatory changes and additions will be proposed that may effect military, commercial and recreational uses in the Sanctuary. We look forward to continuing our work with the Navy as the Sanctuary's DMP/DEIS evolves.

GM-2

We appreciate the Navy's efforts to minimize impacts to the Sanctuary's living and non-living resources. To the maximum extent possible, we request that Navy activities that might result in discharges and disturbance to the seabed and wildlife avoid Sanctuary waters. If these activities are unavoidable in Sanctuary waters, we request prior notification of the events so that we may track and monitor potential impacts to the Sanctuary environment. Navy activities that result in impacts to Sanctuary resources will require clean up or mitigation measures.

Thank you for your attention to these comments. Please call me at (805) 966-7107 if you have any questions.

Sincerely,



Matthew H. Pickett
Sanctuary Manager

Cc:

Helen Golde, MSD
Mark Delaplaine, CCC
Tim Setnicka, CINP
Alex Stone, NAWC



UNITED STATES DEPARTMENT OF COMMERCE
Office of the Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

FORWARD
TO
ALEX STONE

October 11, 2000

Mr. Paul D. Knight
Associate for Test Programs, PR&FD
DON, Naval Air Warfare Center Weapons Division
521 9th Street
Point Mugu, CA 93042-5001

Dear Mr. Knight:

PP-6

NOAA'S Office of Ocean and Coastal Resource provided the following comment on NAWCWPNS Point Mugu Sea Range Point, Mugu, California. OCRM notes that the document does not reference or include a Federal Consistency determination describing how the Federal action is consistent with the California Coastal Management Program. Such determinations are required by the Federal Coastal Zone Management Act of 1972, as amended, and 15 CFR 930. We hope our comments can assist you. Thank you for giving us an opportunity to review this document.

Sincerely,

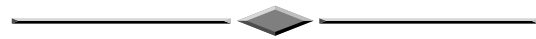
Susan B. Fruchter
NEPA Coordinator

Enclosure

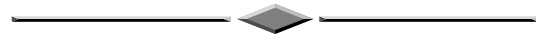


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STATE AGENCY COMMENTS





Gray Davis
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse



Steve Nissen
ACTING DIRECTOR

ACKNOWLEDGEMENT OF RECEIPT

DATE: August 17, 2000

TO: Ms. Gina Smith
U.S. Navy
521 9th Street
P.o. Box 727
Point Mugu, CA 93042-5001

RE: Point Mugu Sea Range-Deis
SCH#: 2000084005

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: August 11, 2000
Review End Date: September 11, 2000

We have distributed your document to the following agencies and departments:

- Air Resources Board, Airport Projects
- California Coastal Commission
- California Highway Patrol
- Caltrans, District 7
- Caltrans, Division of Aeronautics
- Department of Conservation
- Department of Fish and Game, Marine Region
- Department of Fish and Game, Region 4
- Department of Parks and Recreation
- Department of Toxic Substances Control
- Department of Water Resources
- Native American Heritage Commission
- Regional Water Quality Control Board, Region 4
- State Lands Commission

The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process.

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
916-445-0613 FAX 916-323-3018 WWW.OPR.CA.GOV/CLEARINGHOUSE.HTML

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION & HOUSING AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 7, ADVANCE PLANNING
IGR OFFICE 1-10C
120 SO. SPRING ST.
LOS ANGELES, CA 90012
TEL: (213) 897-0486 ATSS: 8- 647-0486
FAX: (213) 897-8906
E-mail: NoraPiring/CAGOV@DOT



September 5, 2000

MR. PAUL D. KNIGHT
Department of the Navy
521 9th Street
Point Mugu, CA 93042-5001

**Re: IGR/CEQA #000811/NP
DEIS, Point Mugu Sea Range
Located at Ventura County along
the Pacific Coast of southern California**

Dear Mr. Knight:

We have received and reviewed the above-referenced Point Mugu Sea Range project. The project is a proposal to modernize facilities at NAS Point Mugu and San Nicolas Island to increase the Sea Range's capability to support existing and future operations.

TR-1

Our review of the document recommends, related truck trips on State highways be limited to off-peak commute periods.

Thank you for including the State of California Department of Transportation (Caltrans) in the environmental review of the project. If you have any questions, please feel free to contact the undersigned at (213) 897-4429 and refer to our IGR/CEQA #000811/NP.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen J. Buswell".

STEPHEN J. BUSWELL
Program Manager
IGR/CEQA



Gray Davis
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse



Steve Nissen
ACTING DIRECTOR

September 12, 2000

Ms. Gina Smith
U.S. Navy
521 9th Streer
P.o. Box 727
Point Mugu, CA 93042-5001

Subject: Point Mugu Sea Range-Deis
SCH#: 2000084005

Dear Ms. Gina Smith:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on September 11, 2000, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
916-445-0613 FAX 916-323-3018 WWW.OPR.CA.GOV/CLEARINGHOUSE.HTML

**Document Details Report
State Clearinghouse Data Base**

SCH# 2000084005
Project Title Point Mugu Sea Range-Deis
Lead Agency U.S. Navy

Type EIR Draft EIR
Description Conduct weapons system testing and, evaluation by providing a safe, operationally realistic training environment.

Lead Agency Contact

Name Ms. Gina Smith
Agency U.S. Navy
Phone 415-244-2537 **Fax**
email
Address 521 9th Streer
P.o. Box 727
City Point Mugu **State** CA **Zip** 93042-5001

Project Location

County Ventura
City
Region
Cross Streets
Parcel No.

Township	Range	Section	Base
-----------------	--------------	----------------	-------------

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use Military Base

Project Issues

Reviewing Agencies California Coastal Commission; Department of Conservation; Department of Fish and Game, Marine Region; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 7; Air Resources Board, Airport Projects; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission; Department of Fish and Game, Region 5; Resources Agency

Date Received 07/28/2000 **Start of Review** 08/11/2000 **End of Review** 09/11/2000

Note: Blanks in data fields result from insufficient information provided by lead agency.

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE AND TDD (415) 904-5200



October 6, 2000

Naval Air Warfare Center
 Weapons Division
 Point Mugu Sea Range EIS
 Attn: Gina Smith, Code 8G0000E
 San Clemente Island EIS Office
 521 Ninth St.
 Pt. Mugu, CA 93042-5001

Re: Point Mugu Sea Range Draft EIS/OEIS

Dear Ms. Smith:

LU-4

Thank you for the opportunity to comment on the above-referenced Draft EIS. We appreciate your efforts to provide a comprehensive baseline providing reviewers and decisionmakers a context and a cumulative impact discussion of past, present, and anticipated future Navy test activities on the Sea Range. We also appreciate the acknowledgement in the document of the need for a consistency determination for future Sea Range activities. Page 6-1 of the document indicates such a document has been prepared; however we have not seen a copy of any such determination. As the Navy is aware, this regulatory requirement arises under Section 307 of the federal Coastal Zone Management Act¹. The consistency determination should include a finding as to whether the activities are consistent to the maximum extent practicable with the California Coastal Management Program and the necessary information to support that conclusion, including an analysis of the project's consistency with Chapter 3 of the Coastal Act. (See CFR Section 930.39 for a full listing of the information required for a complete consistency determination.)

In addition, we have the following comments and questions on the Draft EIS.

PD-3

1. The Navy uses 1995 operations for a baseline (the explanation for this is on p. 2-17.) It is not clear that this year is representative of current conditions. How representative is this year's activity level in terms of activities over the past 10 years? Is it close to an average? It might be helpful to provide a 10-year range of high to low levels of activities for the 1990s to see what degree of variation occurs from year to year.

MM-5

2. The Draft EIS indicates the Navy will be coordinating with NMFS and USFWS concerning incidental take of threatened and endangered species and marine mammals. We would like to be kept apprised of the status of these agencies' reviews, and any monitoring, avoidance, and mitigation measures they deem necessary. Furthermore, we would appreciate this information prior to the time the Coastal Commission would be asked to render a decision on a Navy consistency determination for these activities.

¹ 16 U.S.C. Section 1456, with implementing regulations at 15 CFR Part 930.

MB-2

3. Pages 4.5-10-12 discuss impacts to kelp beds around San Nicolas Island. Will kelp impacts be monitored? Also, page 4.5-12, Section 4.5.3.2, discussing battery constituents, second paragraph, line 4, appears to have words missing (or too many words). The sentence ends "...additional FLEETEX represent only 0.0007 percent of collective these surface areas." Please clarify.

MB-3

MM-6

4. Page 4.7-1 references a "Marine Mammal Technical Report" containing a more comprehensive review of marine mammal activities on the Sea Range and other impact analyses. We would appreciate being sent a copy of that report.

MM-7

5. Page 4.7-7, discussing acoustic impacts, cites "NMFS 1995" for a conclusion that the TTS for odontocetes is 190 dB re 1 μ Pa. We do not believe this threshold has been conclusively established by NMFS, and we have seen recent NMFS federal register notice analyses using 180 dB for both mysticetes and odontocetes (we would be happy to provide you those on request). In addition, the Coastal Commission, as well as an interagency task force convened by the Department of the Interior², have relied on a 180 dB threshold for both mysticetes and odontocetes. We would appreciate further dialogue between the Navy, NMFS, and our agency on this point. The events in the Bahamas in March of this year concerning whale strandings and Navy acoustic testing activities underscore what little confidence exists in terms of understanding marine mammal acoustic thresholds. We understand the Navy and NMFS are continuing to study the Bahamas events and plan to issue a report sometime next year. Please keep us apprised as to the status of that report and its implications for Sea Range activities and for marine mammals in general.

Finally, if you have any questions about preparation of a consistency determination, please contact James Raives, federal consistency coordinator for the Commission, at (415) 904-5292.

Sincerely,



MARK DELAPLAINE
Federal Consistency Supervisor

cc: Ventura Area Office
James Raives
Gina Smith, FAX # (805) 989-0143

² "High Energy Seismic Survey Review Process and Interim Operational Guidelines for Marine Surveys Offshore Southern California," the High Energy Seismic Survey Team (HESS), for the California State Lands Commission and the U.S. Minerals Management Service Pacific OCS Region, September 1996 – February 1999.



Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Department of Toxic Substances Control

Edwin F. Lowry, Director
1011 N. Grandview Avenue
Glendale, California 91201



Gray Davis
Governor

November 2, 2000

Ms. Gina Smith
Department of the Navy
521 7th Street
Point Mugu, California 93042-5001

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE POINT MUGU SEA RANGE
DEIS (PROJECT), SCH 2000084005

Dear Ms. Smith:

The Department of Toxic Substances Control (DTSC) has received your draft
Environmental Impact Report (EIR) for the above mentioned Project.

Based on the review of the document, the DTSC comments are as follows:

- 1) The draft EIR needs to identify and determine whether current or historic uses at the project site have resulted in any release of hazardous wastes/substances at the Project area.
- 2) The draft EIR needs to identify any known or potentially contaminated site within the proposed Project area. For all identified sites, the draft EIR needs to evaluate whether conditions at the site pose a threat to human health or the environment.
- 3) The draft EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may require remediation, and which government agency will provide appropriate regulatory oversight.
- 4) If during construction of the project, soil contamination is suspected, construction in the area should stop and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil exists, the draft EIR should identify how any required investigation and/or remediation will be conducted, and which government agency will provide appropriate regulatory oversight.

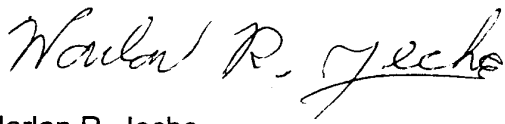
HM-1

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Ms. Gina Smith
November 2, 2000
Page 2

DTSC provides guidance for Preliminary Endangerment Assessment (PEA) preparation and cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP or to meet/discuss this matter further, please contact Mr. Bob Krug, Project Manager, at (818) 551-2866 or me at (818) 551-2877.

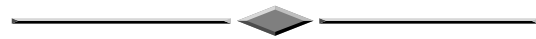
Sincerely,



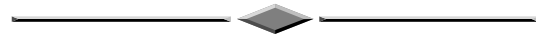
Harlan R. Jeche
Unit Chief
Southern California Cleanup Operations - Glendale Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

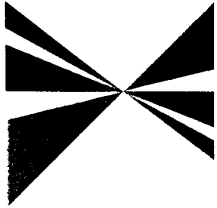


LOCAL AGENCY COMMENTS



Rec'd 8/24/00
H.R.

SOUTHERN CALIFORNIA



ASSOCIATION OF GOVERNMENTS

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818 West Seventh Street
12th Floor
Los Angeles, California
90017-3435

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www.scag.ca.gov

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San Bernardino County: Kathy Davis, San Bernardino County • Bill Alexander, Rancho Cucamonga • Jim Bagley, Twentynine Palms • David Eshleman, Fontana • Lee Ann Garcia, Grand Terrace • Gwenni Norton-Perry, Chino Hills • Judith Valles, San Bernardino

Ventura County: Judy Mikels, Ventura County • Donna De Paola, San Buenaventura • Glen Becerra, Simi Valley • Toni Young, Port Hueneme

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Bill Davis, Simi Valley

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August 21, 2000

Ms. Gina Smith
Code 8G0000E
Department of the Navy
521 9th Street
Point Mugu, CA 93042-5001

RE: SCAG Clearinghouse I20000410 Point Mugu Sea Range Draft Environmental Impact Statement

Dear Ms. Smith:

We have reviewed the above referenced document and determined that it is not regionally significant per Areawide Clearinghouse criteria. Therefore, the project does not warrant clearinghouse comments at this time. Should there be a change in the scope of the project, we would appreciate the opportunity to review and comment at that time.

A description of the project was published in the **August 15, 2000** Intergovernmental Review Report for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1806.

Sincerely,

SYLVIA PATSAOURAS
Interim Manager
Performance Assessment and Implementation



October 9, 2000

Naval Air Warfare Center Weapons Division
Point Mugu Sea Range EIS
Attention: Ms. Gina Smith
Code 8G0000E, 521 9th Street
Point Mugu, CA 93042-5001

Re: Point Mugu Sea Range Draft EIS

Dear Ms. Smith:

The Ventura County Air Pollution Control District (APCD) appreciates the opportunity to review and provide comments of the draft EIS for the Point Mugu Sea Range. The draft EIS analyzes potential environmental impacts that may result from new activities in the Sea Range proposed by the Naval Air Warfare Center Weapons Division (NAWCWPNS) Point Mugu. As summarized in the draft EIS, the purpose of the proposed action is: 1) to accommodate Theater Missile Defense testing and training at NAWCWPNS Point Mugu; 2) to accommodate an increase in current levels of training exercises at NAWCWPNS Point Mugu; and 3) to modernize facilities to enhance the existing testing and training capabilities at NAWCWPNS Point Mugu.

Overall, the air quality sections of the draft EIS were detailed, comprehensive, and well done. APCD staff found the following few items that should be addressed for the Final EIS:

1) Page 4.2-4, Section 4.2.3.4, Potential Air Quality Impacts

AQ-1

This section provides an air quality significance analysis and determination for the South Coast Air Quality Management District (SCAQMD) and the San Diego Air Pollution Control District (San Diego APCD). These analyses are based on comparing project-related emissions in the U.S. Territory region of the Sea Range with the stationary new source review thresholds for the South Coast AQMD and the San Diego APCD.

This section does not contain an air quality significance determination for Ventura County. This section should be revised to contain an analysis and determination of whether project-related emissions will have a significant impact on air quality in Ventura County. As for the SCAQMD and San Diego County APCD, the analysis should consider project-related emissions in the U.S. Territory, as emissions in this area can impact air quality in Ventura County. The significance determination should be based on comparing project-related emissions within the U.S. Territory with

**AQ-1
(cont.)**

Ventura County's air quality significance thresholds of 25 pounds per day of reactive organic compounds and nitrogen oxides. The Ventura County Air Pollution Control Board has determined that emissions from development projects of 25 pounds or more per day of either reactive organic compounds or nitrogen oxides will have a significant adverse impact on air quality in Ventura County. These thresholds are contained in Ventura County Air Pollution Control District document *Guidelines for the Preparation of Air Quality Impact Analyses*.

AQ-2

The project-related emission estimates provided in the draft EIS are presented in tons per year. Therefore, for the Ventura County air quality impact analysis, project-related emissions within the U.S. Territory region of the Sea Range will have to be recalculated based on pounds per day. The analysis should be based on the greatest amount of emissions associated with project activities that might occur on any one day within U.S. Territory region of the Sea Range and which may impact onshore Ventura County.

AQ-3

Another method that could be used to determine whether project-related emissions would have a significant effect on air quality in Ventura County is to determine whether such emissions can be accommodated within the emission forecasts for military activities in the 1994 Ventura County Air Quality Management Plan (AQMP). However, the 1994 Ventura County AQMP does not project an increase in military activities over the level that was occurring in the county in 1990, the emission base year used for the 1994 AQMP. Therefore, the air quality significance finding that would result from this method is that the project would have a significant adverse impact on air quality in Ventura County.

2) Page 3.2-7, Section 3.2.2.2, Emissions from Airborne Sources, A – Aircraft Operations

AQ-4

In the second sentence of this section the author states that only the F-4 takes off and lands on San Nicolas Island (SNI). Table 3.3-7 lists CV-440 commuter, CV-580 commuter, C-130, and UH-1 helicopter as arriving and departing daily on SNI. Nowhere in the Draft EIS are these aircraft emissions shown. The air emissions from these aircraft need to be calculated and included in the Final EIS.

3) Page 3.2-7, Table 3.2-1, Baseline Aircraft Operations on the Sea Range

AQ-5

In this table, one of the columns is labeled "No. of Sorties." This term should be defined in more detail in the Final EIS since this is one of the main parameters used to calculate project-related emissions.

4) Page 3.2-10, Table 3.2-4, Summary of Sea Range Emissions

AQ-6

Table 3.2-3 shows emissions for Landing Platform Dock and Aircraft Carrier in the Point Mugu Sea Range. If there are aircraft landing and takeoffs (LTO), or touch and goes (T&G) occurring on the listed project ships, the associated emissions should be presented with more detailed spreadsheets in the Final EIS.

5) Page 3.2-11, Table 3.2-5, Aircraft Operations Emissions at NAS Point Mugu.

AQ-7

This table is referenced from Table D-66 of the Final Environmental Impact Statement for the Realignment of E-2 Squadrons. It appears that when these emissions were calculated, the takeoff mode was not included in the emission factors for the T&G cycles. The following is the correct emissions, including takeoff mode (E-2 is excluded):

<u>Annual Emissions (tons per year)</u>				
CO	NOx	ROG	SOx	PM10
108.78	73.27	34.26	6.04	23.50

Also in Table D-66, the annual LTO and T&G were listed for each type of aircraft. Since this information is one of the main parameters for calculating project-related emissions, it is important to provide it in Table 3.2-5 in the Final EIS. The aircraft emissions were based on 1996 emissions estimates in addition to emissions associated with the realignment of four E-2 squadrons to NAS Point Mugu (Southwest Divisions 1998). The E-2 aircraft emissions are presumably for 1998, and make up approximately 25 percent of the entire aircraft operations emissions at Naval Air Station Point Mugu during 1996. However, this annual inventory does not correctly represent 1996 or 1998. The aircraft emissions inventory should therefore be updated to 1998 or 1999, and provided in the Final EIS. Detailed spreadsheets should be included in Appendix C, as was done for the marine vessels and missile target activities.

6) Page C-39, Appendix C - Air Quality Technical Appendix, Table C.6-5, Point Mugu Sea Range Marine Vessel Emissions – No Action

AQ-8

Assumption #6 indicates range and support boat activities include travel time from Port Hueneme to the operations area within the Sea Range. Are emissions occurring during the transit time from Port Hueneme to three nautical miles offshore included in the emission estimates in Table C.6-5, or are they represented in the conformity applicability analysis discussed in section C.5.1, and shown in Table C6-10? This issue should be clarified in the final EIS.

7) Page C-59, Appendix C, Table C.6-10 Point Mugu Sea Range Marine Vessel Emissions /Conformity Applicability

AQ-9

The method used for estimating marine vessel emissions explained in section C.3.4 – “Marine Vessel Emissions” involves determining time-in-mode of operation, number of operations, and application of an appropriate emission factor for each vessel type. Since the range and support vessels depart from and return to Port Hueneme, vessel operations would include emissions occurring in maneuvering and cruise modes, and possibly emissions while in port, if the vessels do not utilize shore power while berthed in Port Hueneme. However, Table C 6-10, assumption #1, indicates that emission factors are based only on underway ship profiles. Thus, emissions appear to be based on an entire trip/event basis using a composite emission factor encompassing all modes of vessel operation for all engines on a particular vessel. It is not clear from the documentation provided how these composite emission factors were derived. It would therefore be preferable to show separate operational-mode emission factors and time in mode by vessel type.

Emissions occurring while range and support vessels are berthed at Port Hueneme are not explicitly addressed and should be included in total project-related emissions.

Thank you again for the opportunity to review this draft EIS. If you have any questions, please call me at 805/645-1427 or by e-mail at chuck@vcapcd.org.

Sincerely,



Chuck Thomas
Planning and Evaluation Division

c. D. Baldwin, APCD
S. Johnson, APCD



Santa Barbara County
Air Pollution Control District

October 10, 2000

Naval Air Warfare Center Weapons Division
Point Mugu Sea Range EIS
Attention: Ms. Gina Smith, Code 8G0000E
521 9th Street
Point Mugu, CA 93042-5001

RE: Point Mugu Sea Range DEIS, August, 2000

Dear Ms. Smith,

The Santa Barbara County Air Pollution Control District (SBCAPCD) appreciates the opportunity to comment on the Draft EIS for the above-mentioned project.

AQ-10

The SBCAPCD notes that the transport issue is acknowledged in the DEIS for South Coast and San Diego based upon "prevailing" meteorological conditions. In Santa Barbara County, we experience high ozone concentrations during episodes that have more anomalous conditions. More specifically, the westerly (northwesterly) winds that prevail during the year offshore can certainly bring pollutants toward South Coast and San Diego. However, our ozone episodes often occur with southeasterly surface winds (and aloft) that can bring pollutants generated at the offshore sea range into our area. If the EIS is going to acknowledge the prevailing transport, it should also address the conditions in which Santa Barbara County sees high ozone concentrations.

Again, thank you for the opportunity to comment on the Draft EIS for this important project. Please call me at 961-8893 or contact me by e-mail at vlj@sbcapcd.org, if you have questions.

Sincerely,

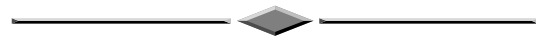
Vijaya Jammalamadaka, AICP
Air Quality Specialist
Technology and Environmental Review Division

cc: Tom Murphy, SBCAPCD
Project File (U.S. Navy Point Mugu Sea Range)
TEA Chron File

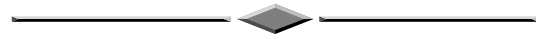
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Douglas W. Allard Air Pollution Control Officer
26 Castilian Drive B-23, Goleta, CA 93117 Fax: 805-961-8801 Phone: 805-961-8800

Our Vision: Clean Air



LOCAL GROUP COMMENTS





The Beacon
Foundation

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A Nonprofit Public Benefit Corporation

Rec'd. 8/17/0
A.S.

August 15, 2000

Naval Air Warfare Center Weapons Division
Point Mugu Sea Range EIS
Attention: Ms. Gina Smith, Code 8G000E
521 9th Street
Point Mugu, CA 93042-5001

Dear Ms. Smith:

GM-3


This letter is a request for an extension of at least thirty days in the time allowed for written public comment on the Point Mugu Sea Range Draft Environmental Impact Statement.

The Beacon Foundation is a non-profit environmental organization focused on coastal Ventura County, California. We participated in the August 1997 scoping meetings regarding this proposed action. We also submitted written comments into the scoping process dated September 5, 1997.

In view of the complex nature of the proposed action, the length of the draft environmental document, and the amount of time that has elapsed since the scoping meetings we request this extension beyond the closing date for comments now set for September 11, 2000. It should also be considered that the three public meeting held on the DEIS in Ventura County are during the Democratic Convention in Los Angeles and this event may limit attendance by local interested persons at these meetings. An extension in the comment period may improve the extent and quality of public participation in the process.

We would appreciate a response to this extension request at your earliest opportunity.

Sincerely yours,
For The Beacon Foundation


Lee Quaintance
Secretary

THE HUMANE SOCIETY OF THE UNITED STATES

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September 25, 2000

Naval Air Warfare Center Weapons Division
Point Mugu Sea Range EIS
Attn: Ms. Gina Smith, Code 8G0000E
521 9th Street
Point Mugu, CA 93042-5001
FAX: 805/989-0143

Dear Ms. Smith:

On behalf of the 7.3 million members and constituents of The Humane Society of the United States (HSUS), I am submitting these brief comments on the Draft Environmental Impact Statement/Overseas Environmental Impact Statement (DEIS/OEIS) on proposed new U.S. Naval activities on the Point Mugu Sea Range. The HSUS would also like to endorse and incorporate by reference the comments submitted by the Natural Resources Defense Council on this same issue.

GM-4

The HSUS requests that the DEIS/OEIS be withdrawn and substantially revised before being resubmitted. Overall, The HSUS finds the DEIS/OEIS to be a cursory, speculative, and non-precautionary document. Although the proposed new activities would involve "increased air emissions, increased noise, increased air and vessel traffic, and increased deposition of weapons testing debris into the Sea Range" (DEIS/OEIS, p. ES-21) in an area off the southern California coast with a rich and diverse marine flora and fauna and a high degree of human use, the Navy concludes almost across the board (Table ES-4) that no mitigation measures to minimize impacts on the environment will be necessary. The mitigation measures proposed for marine mammals, terrestrial biology, and cultural resources are minimal and appear to rely heavily on monitoring rather than on any pro-active action by the Navy.

MM-8

GM-5

The HSUS believes the optimism regarding impacts of this proposed increase in training and testing activity on the Point Mugu Sea Range is misplaced and unsubstantiated. In addition, the assumption that the current level of activity is having no significant impact on the environment and requires no mitigation is non-precautionary and outdated. As this conclusion was undoubtedly reached some years ago and given the new data that almost daily become available on the effect of anthropogenic noise on marine life, this DEIS/OEIS appears to provide the perfect opportunity for the impact of the current level of activity to be re-evaluated. Yet throughout the document, the Navy never questions its base-line assumption that the present level of activity has had no impact. This outdated assumption heavily influences the subsequent analysis of the potential impact of the proposed increase in activities.

MM-9

Promoting the protection of all animals

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MM-10

The HSUS wishes to state for the administrative record our opinion that the Navy's historic approach to evaluating the environmental impact of its acoustic activities has been inadequate and based almost entirely on unsubstantiated conclusions. To maintain this status quo approach in the face of emerging evidence that established and new acoustic activities, including the use of various types of sonar, may be having a significant negative impact on marine life, particularly some species of marine mammals, indicates a lack of progressive thinking that is not in keeping with the Navy's 21st century desire to be seen as stewards of the seas.

GM-6

The HSUS requests that the DEIS/OEIS for the Point Mugu Sea Range be withdrawn and substantially revised. It is our belief that the proposed increase in activities will in fact have a significant impact on the environment of the Point Mugu Sea Range and that at the least substantial mitigation will be necessary to avoid serious harm to resident and migratory stocks of marine life.

Thank you for the opportunity to comment on this important matter and for your attention to our views.

Sincerely,



Naomi A. Rose, Ph.D.
Marine Mammal Scientist
Wildlife and Habitat Protection

Cc: Michael Jasny, Natural Resources Defense Council



NATURAL RESOURCES DEFENSE COUNCIL

By Facsimile and Overnight Courier

October 10, 2000

Naval Air Warfare Center Weapons Division
Point Mugu Sea Range EIS
Attention: Ms. Gina Smith, Code 8G0000E
521 9th Street
Point Mugu, CA 93042-5001
FAX 805-989-0143

Re: Draft Environmental Impact Statement/ Overseas Environmental Impact Statement Point Mugu Sea Range

Dear Ms. Smith:

On behalf of the Natural Resources Defense Council (“NRDC”) and its over 400,000 members nationwide, over 80,000 of whom reside in California, we submit these comments in response to the Notice of Availability, issued by the U.S. Navy, on the Draft Environmental Impact Statement/ Overseas Environmental Impact Statement (“DEIS”) for the Point Mugu Sea Range. See Notice of Availability, 65 Fed. Reg. 46454 (July 28, 2000).

PD-4

Given the public’s growing interest in the problem of ocean noise, particularly as it pertains to Navy programs, we will limit our comments to the DEIS’ treatment of that issue; but it is first necessary for us to state a few of our more general concerns about the Navy’s methodology. First, we are troubled by the Navy’s use of a single operation year (FY 1995) as a baseline for its subsequent analysis. The year was chosen for its exhibition of a “broad range of test and training activity currently occurring on the Sea Range” and for its reflection of the range’s “historical operational tempo”—yet it is unclear whether that year’s activities represent the low, middle, or high end of environmental risk.¹ While choosing an average year is useful, it is also necessary to

¹ Naval Air Warfare Center Weapons Division, Draft Environmental Impact Statement/ Overseas Environmental Impact Statement Point Mugu Sea Range at 2-17 (July 2000). Further citations to this document will appear in the text as “DEIS.”

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PD-4
(cont.)

indicate the variation that may occur from year to year, the maximum amount of activity that has occurred in a single year, and the maximum amount of activity that the Sea Range would be allowed to conduct under current permits and mandates, so that reviewers may take the full measure of the Navy's reasonably foreseeable impacts.

CUM-4

Second, we are troubled about the possibility of incrementalism: a slow but inexorable increase in activity on the Sea Range without the benefit of programmatic review. A programmatic EIS that takes a fresh look at existing uses (as well as proposed uses) for the purposes of alternatives analysis, risk assessment, and mitigation may be legally necessary where, as here, addressing the cumulative impacts of a program would otherwise be difficult or impossible. See, e.g., City of Tenakee Springs v. Clough, 915 F.2d 1308, 1313 (9th Cir. 1990). Certainly it would be useful in confronting the growing problem of ocean noise.

MM-11

As you know, there has been mounting concern within the environmental, scientific, and regulatory communities about the adverse impacts of active sonar and other military acoustic systems on marine mammals and other marine life. A mass stranding of Cuvier's beaked whales off the west coast of Greece in 1996 was strongly correlated with the movements of a low- to mid-frequency active sonar system operated by NATO.² More recently, a mass stranding of cetaceans along the Bahamian coast, which involved two species of beaked whale and at least one and perhaps two baleen whale species as well, has been associated with auditory trauma whose most likely cause is a standard, mid-frequency active sonar system operated by Navy vessels transiting through the area.³ Of course, strandings represent but one impact that sonar systems and other active acoustic sources are known or believed to have. For example, the Navy's Low-Frequency Active Sonar system ("LFA") has been shown to cause avoidance in migrating gray whales and to disrupt vocalization in fins, blues, and humpbacks;⁴ other anthropogenic sounds have been linked to disturbances ranging from agonistic behavior and habitat abandonment to threshold shift.⁵

² See SACLANT Undersea Research Center, Summary Record, La Spezia, Italy, 15-17 June 1998, SACLANTCEN Bioacoustics Panel (1998) (SACLANTCEN M-133); see also A. Frantzis, "Does Military Acoustic Testing Strand Whales?" Nature (Mar. 5, 1998) ("Scientific Correspondence").

³ The Navy itself, recognizing the "significance" of this event, is engaged in a "thorough review of the transit through the [Bahamas] Northeast and Northwest Providence Channels." See Letter from Mr. Robert B. Pirie, Jr., Assistant Secretary of the Navy for Installations and Environment, to Ms. Penelope D. Dalton, NOAA Assistant Administrator for Fisheries (June 9, 2000).

⁴ See C. Clark, P. Tyack, & W. Ellison, Low Frequency Sound Scientific Research Program Technical Report 1: Responses for Four Species of Whales to Sounds of SURTASS LFA Sonar Transmissions at 10 (Feb. 1999).

⁵ For a review of research on biological and physiological impacts of undersea noise, see, e.g., W. John Richardson, Charles R. Greene, Jr., Charles I. Malmé, and Denis H. Thomson, Marine Mammals and Noise (1995); Jonathan Gordon and Anna Moscrop, "Underwater Noise Pollution and Its Significance for Whales and Dolphins," in The Conservation of Whales and Dolphins (M.P. Simmons and J.D. Hutchinson eds. 1996); W. John Richardson, Darlene Ketten, Ron Schusterman, and others, Presentations

NEPA-1

The Navy is required by the National Environmental Policy Act (“NEPA”) to produce a “full and fair” discussion of environmental impacts. 40 C.F.R. § 1502.1. Yet in assessing the impact of ocean noise at Point Mugu, the Navy disregards enormous gaps that exist in the scientific record and extrapolates from data in a way that masks the potential for harm. In general, no effort is made to identify data gaps, to describe areas of scientific disagreement or controversy, or to qualify conclusions regarding biological significance in light of either—an approach that undermines the integrity of the Navy’s entire analysis. To take just a few important instances:

MM-12

(1) The DEIS fails to take account of the multi-species mass stranding of cetaceans off the Bahamas last March, an event that (as noted) has been strongly linked to Naval operations of ship-based active sonar. In light of this new evidence, the Navy may be required by law to revisit projects that have already gone through formal environmental review. Under NEPA, it must prepare a supplemental environmental assessment for projects that make use of similar systems. Oregon Natural Resources Council v. Lyng, 882 F.2d 1417, 1421 (9th Cir. 1989). Under National Marine Fisheries Service (“NMFS”) regulations for the Endangered Species Act, it must reinitiate formal consultation whenever “new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered.” 50 C.F.R § 402.16. The Navy, in preparing its Final EIS for the Point Mugu expansion, will have to modify its analysis of acoustic impacts accordingly.

MM-13

(2) In determining what impacts are significant enough to analyze, the Navy sets an unprecedented and unjustifiably high bar. Apparently, impacts that do not carry “substantial long-term biological consequences” for entire marine mammal populations do not rise to the level of significance, except where endangered or threatened species are concerned. DEIS at 4.7-1. It is on this basis that the DEIS discounts the impacts of pinniped stampedes, such as those recently precipitated by Vandal missile launches (DEIS at 4.7-52), arguing that while some pups and others might be injured or killed, the number involved would not threaten the long-term viability of the population. This constricted view of environmental impact may be relevant to certain advanced stages of review under the Marine Mammal Protection Act or Endangered Species Act, but is not supported by any plausible reading of NEPA. It does not relieve the Navy of fulfilling its obligations under NEPA to assess the reasonably foreseeable impacts of its proposed expansion (40 C.F.R. §§ 1502.16, 1508.8) or, for that matter, its implied duties under the Marine Mammal Protection Act, Endangered Species Act, and Coastal Zone Management Act to provide NMFS and the California Coastal Commission with information adequate

and Discussion at the National Marine Fisheries Service's Acoustic Criteria Workshop (Sept. 9-11, 1997); D. Croll, B. Tershy, A. Acevado, & P. Levin, *Marine Vertebrates and Low-Frequency Sound: Technical Report for LFA EIS* (Feb. 28, 1999).

for their review. To fulfill its statutory responsibilities, the Navy must expand its analysis.

MM-14

(3) In assessing impacts of ocean noise on the auditory systems of marine mammals, the DEIS relies on thresholds that are not precautionary and are often not scientifically warranted. Perhaps the most glaring instance is its assertion of a 190 dB threshold for pinnipeds in water, for which it cites a number of incidental harassment authorizations issued by NMFS in 1995 and 1997 for seismic surveys off the California coast (DEIS at 4.7-7)—and, to this end, fails even to mention the one extant peer-reviewed study of threshold shift in pinnipeds, which was conducted by researchers at the University of California, Santa Cruz and sponsored by the Navy's Office of Naval Research.⁶ This study found that "noise of moderate intensity and duration"—just 60-75 dB above sensation level after non-continuous exposures of 20-22 minutes—was sufficient to induce temporary threshold shift in three pinniped species (the harbor seal, California sea lion, and elephant seal).⁷ Given these findings, the blanket threshold established for pinnipeds in the current EIS is simply not justifiable.

MM-15

Other thresholds provided by the Navy, such as those for mysticetes and odontocetes, are based upon extrapolations from a study of one toothed whale species. In such a way, data obtained on one species of odontocete have been extended to cover numerous other odontocete species as well as species from a different suborder of mammal (about which no data on hearing loss exist); single exposures to one-second tones have been extended to cover the longer exposures to broadband noise that proposed operations risk; and trained, disciplined animals have been made to stand in for animals in the wild, whose responses to environmental disturbance and injury are likely to differ.⁸ The Navy's analysis in this case can hardly be called conservative, and the standards of practice it has developed in consequence cannot be called precautionary.

MM-16

(4) The DEIS appears confused in its treatment of "behavioral habituation." While correctly noting the tendency of some marine mammals, especially pinnipeds, to habituate to intense sounds, the authors erroneously characterize the process as a successful sort of environmental adaptation, whereby an animal learns

⁶ See D. Kastak, R.J. Schusterman, B.L. Southall, & C.J. Reichmuth, "Underwater Temporary Threshold Shift Induced by Octave-Band Noise in Three Species of Pinniped," 106 *J. Acoust. Soc. Am.* 1142-48 (1999). Please note that decibel levels quoted in these comments refer to sound pressure calculated logarithmically to a reference unit of 1 μ Pa.

⁷ *Ibid.* at 1148.

⁸ Compare S.H. Ridgway and D.A. Carter, Behavioral Responses and Temporary Shift in Masked Hearing Threshold of Bottlenose Dolphins, *Tursiops truncatus*, to 1-Second Tones of 141 to 201 dB re 1 μ Pa (1997) (NOSC Tech. Rep. 1751) with DEIS at 4.7-6 to 4.7-9.

MM-16
(cont.)

that a repeated or ongoing stimulus lacks adverse consequences.” DEIS at 4.7-2.⁹ In doing so, they disregard the long-standing belief of the scientific community that animals might remain in biologically productive areas or continue biologically important activities despite the presence of harmful noise; and, furthermore, raise questions about some of the statements they make on subsequent pages, as when they remark on the tendency of pinnipeds to tolerate high levels of sound, “especially when the animals are motivated to remain in the area to feed.” DEIS at 4.7-7. That animals remain nearby does not suggest they do not suffer harm; on the contrary, it means the risk of harm is increased. (As W.J. Richardson noted in 1995: “[If marine mammals] are subject to ongoing stress within that area, there could be long-term effects on individuals and the population.”)¹⁰ From the text alone, it is difficult to determine how heavily the Navy relied on this assumption in preparing its analysis; the Navy’s relative lack of attention to auditory impacts from prolonged activities (see, e.g., DEIS at 4.7-6 to 4.7-9) may be a reflection of this misunderstanding.

MM-17

(5) In calculating the numbers of marine mammals that at least some of its proposed alternatives would impact, the Navy appears to have taken the average annual number of marine mammals in the Sea Range and apportioned it to cover the estimated areas of effect. DEIS at 4.7-47. Of course, this method ignores seasonal variability (as, for example, the presence of migrating gray whales in winter), geographic variability (the large numbers of pinnipeds in the vicinity of San Nicolas Island), and the tendency of many species to concentrate in schools or pods—all of which may lead to a substantial underestimation of risk for some of the proposed operations. The gross nature of this analysis precludes the reasonable, thorough discussion of geographic and seasonal alternatives that NEPA requires. See Natural Resources Defense Council, Inc. v. U.S. Department of the Navy, 857 F. Supp. 734 (C.D. Cal. 1994).

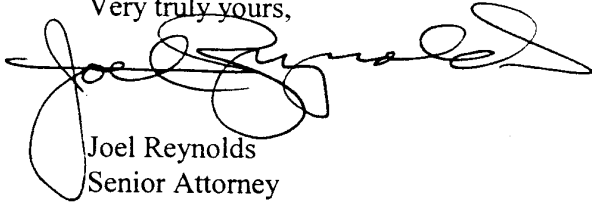
⁹ The DEIS continues: “Habituation is common among cetaceans and especially pinnipeds exposed repeatedly to noisy activities that are not associated with any negative consequences for the animal.” Ibid. (emphasis added).

¹⁰ W. John Richardson et al., Marine Mammals and Noise at 396.

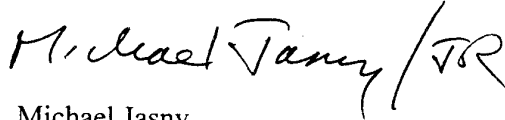
Ms. Gina Smith
October 10, 2000
Page 6

We would welcome the opportunity to discuss these matters with you or your staff, as you revise your analysis for the Final EIS. Thank you for the opportunity to comment.

Very truly yours,

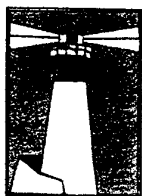
A handwritten signature in black ink, appearing to read "Joel Reynolds". The signature is fluid and cursive, with a large loop at the end.

Joel Reynolds
Senior Attorney
Director, Marine Mammal Protection Program

A handwritten signature in black ink, appearing to read "Michael Jasny" followed by a large flourish that looks like "JR".

Michael Jasny
Project Associate

Cc: Mr. Mark Delaplaine (California Coastal Commission)
Ms. Lori Kettler (People for the Ethical Treatment of Animals)
Dr. Naomi Rose (Humane Society of the United States)



The Beacon
Foundation

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A Nonprofit Public Benefit Corporation

Naval Air Warfare Center Weapons Division
Point Mugu Sea Range EIS
Attention: Ms. Gina Smith, Code 8G0000E
521 9th Street
Point Mugu, CA 93042-5001

October 11, 2000
Via FAX and Mail

Dear Preparer of the Point Mugu Sea Range DEIS:

The Beacon Foundation is a non profit environmental group focused on coastal Ventura County, California. We have participated throughout the scoping process for this proposed action. We appreciate that significant effort was expended by the Preparer in analysing a complex agglomeration of proposed actions but, regretablely, we believe the resulting lengthy document leaves essential National Environmental Policy Act (NEPA) requirements unfulfilled.

1. Effects on the proposed Action and on the Action Proponent of major Navy Reorganizations is not considered in the Point Mugu Sea Range Draft Environmental Impact Statement (DEIS).

During the preparation of the DEIS there have been two major Navy organizational changes affecting the Action Proponent, Naval Air Warfare Center Weapons Division (NAWCWPNS) Point Mugu. In December 1998 the Naval Air Station (NAS) at Point Mugu, that is the mainland base portion of the Action Proponent, was redesignated under the cognizance of the Navy Pacific Fleet (CINCPACFLT). In September, 2000 the Navy announced a further reorganization that will combine NAS and the Naval Construction Battalion Center (CBC) Point Mugu into a single command and a new entity to be named Naval Base Ventura County (NBVC). This reorganization, scheduled to be effective October 11, 2000, will result in the disestablishment of NAS.¹ The DEIS does not consider the effects of these re-organizations on the proposed action. Among issues that should be addressed is whether the Action Proponent is still the lead agency with decision making power over the proposed action

GM-7

2. The DEIS arbitrarily adopts the period of October 1, 1994 through September 30, 1995 as the baseline for consideration of incremental impacts of the proposed action.

No analytical basis is offered for the Preparer's choice (page 2-17) of "fiscal year 1995 (FY 95)" as "the period being the most representative of baseline operations on the Point Mugu Sea Range." The selected baseline year is the period of October 1, 1994 to through September 30, 1995.²

PD-5

1. See attached two articles from The Navy Channel: the Official Newspaper of the Ventura County Navy Community, 9/28/00
2. The calendar dates for "FY 95" obtain by telephone inquiry of Alex Stone, EIS Project Manager, 10/6/00.

PD-5
(cont.)

The DEIS preparer states (page 2-17) that "tempo and types of operations have fluctuated" on the range and that they reached a high during the cold war. The fluctuations are influenced by budgetary considerations, "changing world situations." and by "advances in warfighting doctrine" defined "most recently" as a focus on "longer-range and highly-accurate standoff weapons, including guided missiles."

No comparative data is presented for any fiscal year after FY 95. Some data is provided for an average of the five fiscal years 1991 through 1995. We have created the table below from the data provided in the DEIS:

<u>Activity</u>	<u>Annual Average FY 91-FY95³</u>	<u>Baseline FY 95⁴</u>	<u>Percent Increase of Baseline over Average</u>
Aircraft Sorties	1,922	3,934	+95%
Launch Operations	165	300	+81%

FY 95 was a year of exceptional intensity compared to the four preceding fiscal years. Over 40% of all Aircraft Sorties and over 36% of all Launch Operations in this five year period occurred in FY 95 alone.

The DEIS omits comparative data for any fiscal year subsequent to FY 95. It simply dismisses such data with the assertion (page 2-17) that "the most recent recorded data is not representative of long-term operations." The logical assumption is that the most recent data should be the most representative because it reflects the current Navy strategic focus on "longer-range and highly accurate standoff weapons, including guided missiles" that the proposed action is designed to enhance.

The preparer needs to provide data on fiscal year periods subsequent to FY 1995. If this data discloses a lower level of activity than in FY 95, the preparer has chosen an unrepresentative high intensity period as its baseline. Use of an intense period as the baseline would be a fatal analytical flaw causing the entire analysis to understate impacts of incremental activities of the proposed action.

The choice by the DEIS preparer of a single twelve month period six years in the past as the baseline for analysis is unsupported and deprives the decision maker of a basis for an objective evaluation of impacts of the proposed action.

3. DEIS Table 2-4, page 2-18.

4. DEIS Table 3.0-4, page 3.0-24.

3. For the DEIS "No Action Alternative" analysis, unquantified and indefinite "current actions" are added to the FY 95 baseline.

PD-6

Pursuant to NEPA, it is required to consider a "no action" alternative in an EIS analysis. For an on-going action such as the Sea Range, the "no action" alternative should depict "...no change' from current management direction or level of management intensity." The "no action" alternative serves as a benchmark "enabling decisionmakers to compare the magnitude of environmental effects of the action alternatives."⁵

The No Action" Alternative analysis in the Sea Range DEIS combines what may be (see point 2 above) an unrepresentative baseline of FY 95 with later existing or proposed actions in the project area. This additive approach overstates "current" operations of the "no action" alternative. As a consequence, comparison of the "no action" alternative to the other alternatives understates the impacts of the other alternatives.

The additions to the FY95 baseline are not quantified or clearly defined in the DEIS. They are illustrated by the following examples:

- Aircraft operations related to a proposed new Tomahawk missile "soft-landing missile recovery area at San Nicholas Island" are "included within the analysis of the No Action Alternative." (page 5-5).
- All aircraft operations ("typically F-14s and F-18s") with regard to a new proposed "Inert Ordnance Delivery Area (i.e. bombing area) on San Nicholas Island are "included within the analysis of the No Action Alternative." (Page 5-5).

AQ-11

- In the air quality technical analysis the No Action Alternative baseline for emissions from stationary sources, was "calculated by summing 1996 estimates" of operations plus the stationary source contribution of 16 E-2 aircraft first based at NAS in 1998. For Aircraft operations the No Action Alternative baseline is comprised of the sum of two parts: one for NAS based on an estimate of 1996 operations plus the E-2's and the second for the Sea Range based on FY 1995. (see DEIS Appendix C)

4. The DEIS fails to provide analysis of cumulative Impacts of an array of significant Projects and Actions on the Sea Range or in the immediate vicinity of NAS Point Mugu.

CUM-5

The DEIS fails to keep the promise made in its Executive Summary (ES-8) to consider in its cumulative impacts analysis "... the effects of the proposed action in combination with other past, present, and reasonably foreseeable future actions taking place in the project area, regardless of what agency or person undertakes such other action."

5. 46 Fed Reg 18026, as amended. 40 Questions, number 3.

CUM-5
(cont.)

DEIS Table ES-5 (Page ES-21) arrays eighteen "Projects and Actions on the Point Mugu Sea Range or in the Immediate Vicinity of NAS Point Mugu that were Evaluated for Cumulative Impacts." In a DEIS of some seven hundred pages just eleven pages are devoted to analysis of the eighteen identified "relevant" projects and the following conclusion (page ES-8) is reached:

"Upon examination of the potential environmental impacts of these projects in consideration of the potential for additive effects when combined with the proposed activities addressed in the EIS/OEIS, the Navy determined that no cumulative impacts would occur between the proposed action and these relevant projects."

In support of its determination, the Navy observes (page ES-8) that, "The potential for cumulative impacts is minimized because most of the relevant projects considered for analysis primarily affect onshore resources while the proposed actions ... primarily affect offshore resources in the Sea Range." Because of these "differing characteristics" the position is taken that, "the potential for cumulative impacts is limited." The preparer also deems it to be relevant to the Navy determination of no cumulative impacts that for "most" of the relevant projects environmental documentation "addressing direct and indirect effects either has been or will be conducted separately."

The DEIS Proposed Action entails expanded activity at the Point Mugu land base as well as on the sea range. Cumulative impacts are not "minimized" by a relevant project being primarily on the base or on the sea range. This distinction is not germane to the cumulative impact analysis. The issue is whether the relevant project when considered with the proposed action affects resources, ecosystems, or human communities of concern.

Of the eighteen relevant projects included in the treatment of cumulative impacts (DEIS Chapter 5) at least seven that primarily affect range resources also pose the most significant potential for cumulative impacts. These are:

- Channel Islands National Marine Sanctuary potential expansion.
- Establishment on San Nicholas Island of a new bombing area for "Inert Ordnance Delivery."
- Adjacent and Overlapping expansion of the San Clemente Island Range Complex.
- Proposed new use of the Range for "low-level flight maneuvers at supersonic speeds" by the new F-22 and by F-15 and F-16 military jet aircraft.
- "Virtual Test Capability" expansion and on-going activities of the Surface Warfare Engineering Facility (SWEF) at Port Hueneme.

- New Tomahawk testing and training.
- Expanded Vandenburg interaction with Range resources.

CUM-5
(cont.)

No meaningful cumulative analysis is presented of any of these relevant projects. Some of these operations are or will be coordinated and controlled by the lead agency for the Range, while others will not. The preparer fails to recognize its own obligation to analyse each of these projects for cumulative impacts. Instead the DEIS preparer relies on environmental documents by others either done in the past or promised in the future for segments of these projects. The DEIS portrays the relevant projects as a proliferation of independent operations when they are in fact interrelated closely related connected actions. Since no analysis is provided, there is no way to assess the true cumulative impact of these relevant projects, singly or in concert.

We will illustrate in greater detail the deficiencies in the DEIS cumulative impact analysis with two examples, the treatment of the Channel Islands National Marine Sanctuary and the treatment of the Surface Warfare Engineering Facility at Port Hueneme.

CUM-6

1. The Channel Islands National Marine Sanctuary (CINMS). The Sanctuary is currently completing a Draft EIS. A Sanctuary Advisory Council (SAC) was established with a voting Navy representative to aid development of this EIS. The SAC has recommended that four Sanctuary expansion scenarios be analysed in addition to a no action alternative. The Mugu Sea Range overlies the entire present boundaries of the Marine Sanctuary with the exception of a portion of the Sanctuary's six mile ocean radius of Santa Barbara Island. The Proposed Action may impact resources under Sanctuary protection if any of the Sanctuary expansion concepts are proposed in the Sanctuary EIS. The Preparer erroneously states that "none of the proposed activities" in the Range DEIS "would be located within CINMS boundaries." Navy activities may occur in all expanded areas of the Sanctuary unless the Navy specifically precludes these areas from its activities -- a mitigation not contemplated by the Range DEIS. The Preparer erroneously suggests that the potentially expanded boundaries and regulations of the Sanctuary are too speculative for cumulative impact analysis because "it is difficult to determine precisely what changes may occur." The boundary expansion alternatives have been finalized in the Sanctuary EIS review process. The Range DEIS needs to provide an analysis of cumulative impacts.

SCOPE-1

2. The Surface Warfare Engineering Facility (SWEF) at Port Hueneme. The treatment of the SWEF in the cumulative impacts section of the DEIS (Page 5-2) consists of just two paragraphs. It notes that the SWEF Command recently issued a Finding of No Significant Impact on an Environmental Assessment (EA) "addressing current operations and proposed implementation of the Virtual Test Capability at the SWEF." Not noted is that the California Coastal Commission declined to concur in a consistency determination for the proposed Virtual Test Capability expansion based on the Commission's unanimous finding that the proposal does not comply to the maximum extent practicable with the Federal Coastal Zone Management Act (CZMA).

- In the DEIS the interface of the SWEF with the Range is described (Page 5-2) as follows:
- CUM-7 "Aircraft used by the SWEF to test radar detection and tracking capabilities fly from, to and/or through the Sea Range and use its range operations and air controllers to assist in directing aircraft. All aircraft operations scheduled and controlled by NAWCWPNS Point Mugu are included within the analysis of the No Action Alternative addressed in this EIS/OEIS."
- Entirely Omitted from the DEIS cumulative impact analysis is the increased SWEF actions contemplated by its Virtual Test proposed action. That action contemplates, among other things, a doubling of SWEF air operations utilizing the Sea Range (Virtual Test EA table 2-1, page 2-8).
- CUM-8 As to existing SWEF operations, The preparer has include in its "No Action Alternative" only "aircraft operations scheduled and controlled" by the Range. There may be many activities of the SWEF that involve aircraft not "scheduled and controlled" by the Range and these may occur on or in immediate proximity to the Range. In description of its own operations in the Virtual Test EA, the SWEF command states merely that (page3-10) "All SWEF operations involving the use of aircraft are conducted in coordination and/or cooperation with Point Mugu Sea Range Control and the Oxnard/Camarillo airports."
- The decision maker reading the DEIS is led to believe that all SWEF operations that may involve or affect the Range are included when only a selected part of existing air operations are included and the future doubling of aircraft activities pursuant to the Virtual Test Capability SWEF expansion is omitted entirely.
- The preparers of the Range EIS issued a "Post Scoping Update" dated December, 1997 (bound into the DEIS in Appendix A) that set out the following question and answer:
- CUM-9 Will the draft EIS evaluate the impacts of the Surface Warfare Engineering Facility (SWEF) at Port Hueneme?
- Point Mugu does not use SWEF in any of its current testing nor does it propose to use it in future testing. Therefore, the EIS will not address issues directly relating to SWEF construction or operations, except as they impact the Sea Range."
- The mind set of this Question and Answer runs contrary to the NEPA obligations of the DEIS preparer to analyze cumulative impacts. Its responsibility is not merely limited to direct actions of the lead agency.
- CUM-10 Also, in contradiction of the statement that Point Mugu does not use the SWEF in its current testing, the DEIS includes operations of the SWEF's Self Defense Test Ship (SDTS) in its portrayal of present uses of the Range. It is included in a table of drawings (Fig3.0-8) of "Targets Used at Point Mugu Sea Range." It is also included in

Table 3.0-14 titled "Baseline Number of Activities for Project Ships, Project Boats, and Support Boats Used on the Point Mugu Sea Range."

The SDTS is described as follows in the Virtual Test EA (page2-12):

CUM-10
(cont.)

"The ship is designed primarily for unmanned operations on the Sea Range. Its mission is to provide the Navy with an at-sea, remotely controlled, weapons engineering, and test and evaluation platform for conducting advanced weapons evaluation without risk to personnel. During remote operations, the SDTS is controlled by NAWCWD, Point Mugu, and the combat systems installed aboard the ship are controlled remotely by the PHD NSWC."

The above paragraph not only makes it obligatory that all impacts of operations of the SDTS in the Range be considered in an analysis of cumulative impacts but also demonstrates that overall SWEF operations are "connected actions" to the Range as this phrase is defined by NEPA. This should require inclusion in the DEIS of an environmental analysis of SWEF operations overall. This includes an obligation to rectify the non-compliance of the SWEF virtual test expansion with the Coastal Zone Management Act. These obligation may be heightened by the Navy reorganization described in the first section of these comments.

5. The DEIS Fails to Consider Compliance With Executive Order 13158.

PP-4

Chapter 6 of the DEIS considers "Possible Conflicts Between the Action and the Objectives of Federal, State, and Local Land Use Plans, Policies, and Controls." This Chapter describes the Status of Compliance with various statutes and with Executive Orders of the President of the United States. Omitted from this analysis is Executive Order 13158 of May 26, 2000.⁶ This Order is to help protect "the Nation's system of marine protected areas (MPAs)." MPA's are areas of the marine environment reserved by Federal, state or local laws or regulations "to provide lasting protection for part or all of the natural and cultural resources therein."

This Executive Order creates an affirmative obligation for consultations and joint actions by and between various federal agencies including specifically the Department of Defense "to further enhance and expand protection of existing MPAs and to establish or recommend new MPA's ..." and to, among other things, aid:

"identification of emerging threats and user conflicts affecting MPAs and appropriate, practical, and equitable management solutions, including effective enforcement strategies, to eliminate or reduce such threats and conflicts."

An affirmative obligation is placed on each federal agency whose actions affect the natural or cultural resources protected by an MPA to both identify such actions and, to the maximum extent practicable, to avoid harm to these resources.

6. Federal Register, Vol. 65, No. 105/Presidential Documents

PP-4
(cont.)

Compliance with this Executive Order is not shown in the DEIS. MPA's affected by the proposed action include the Channel Islands National Marine Sanctuary, The Channel Islands National Park and the State of California San Miguel Island Ecological Reserve and the State of California Anacapa Island Ecological Reserve. The absence of an affirmative indication of compliance in the DEIS is, in our view, non-compliance with the Executive Order.

6. The DEIS Should Designate the Minimum Component Alternative as the Environmentally Preferable Alternative.

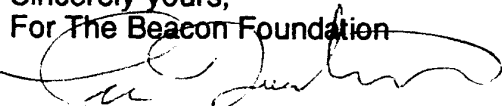
NEPA-2

NEPA regulations require that a Record of Decision for an EIS identify the alternative or alternatives that are "environmentally preferred." This means the alternative that causes the least damage and is the most protective of biological and physical resources. Although not mandatory, EIS Preparers are encouraged to identify the Environmentally Preferable Alternative in the EIS.

The Range DEIS describes a Minimum Components Alternative (Page ES-6) that limits the number of incremental uses of the Range and minimizes additional construction. The DEIS states that "... this alternative meets the purpose and need for the proposed action"

Clearly, the less intense Minimum Component Alternative poses less impacts to the environment and as such should be designated as the Environmentally Preferable Alternative. Indeed, it should also be the Preferred Alternative for it accomplishes the purposes and needs of the proposed action. The unrestrained alternative presently designated as the Preferred Alternative not only meets the purpose and needs but also satisfies (ES-3) "... the needs and desires of NAWCWPNS Point Mugu to attract more testing and training activity to the Sea Range." This desire for "new business" suggest a "rent-a-range" approach where the decision maker is asked to approve an over broad Preferred Alternative as an environmental clearance umbrella for future uses and users unknown at this time to the Action proponent.

Sincerely yours,
For The Beacon Foundation



Lee Quaintance
Secretary

Attachment.



NBVC establishment ceremony set

By **JO2 Alex Carfrae**
Channel Staff

VENTURA COUNTY, Calif. - The establishment ceremony for Naval Base Ventura County is scheduled for 10 a.m., Wednesday, Oct. 11 at NAS Point Mugu Hangar 34. All employees, military and civilian are invited to attend the historic ceremony. The guest speaker for the event is Adm. Thomas Fargo, Commander-in-Chief, U.S. Pacific Fleet (CINCPACFLT).

The event will formally establish NBVC with one commander charged with the operation and management of an Aviation Major Shore Command, and major Naval Construction Force mobilization base with operational airport and seaport facilities. NBVC encompass combining both sites, Port Hueneme and Point Mugu under a single Commander and will provide a comprehensive range of base services for operating forces and shore activities. Services include aviation, aviation maintenance and logistics for all DoD and non DoD activities at Point Mugu and Port Hueneme sites.

"This is simply another step in the regionalization process," said Capt. James Rainwater, prospective commander, Naval Base

See Stand-Up Ceremony, page 6

Stand-Up, from page 1

Ventura County. "Our mission and goals remain the same, to provide world class base operating support to our customers. This consolidation will allow for more efficient and effective service. We will continue to provide the professional, quality support we are respected for."

This action will also disestablish the Seabee Logistic Center (SLC) and realign the mission of CBC to focus on Seabees. CBC will become a tenant of NBVC.

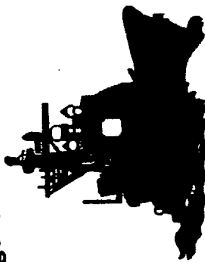
This change is very necessary. "There are an awful lot of people who believe that after this election, there will be additional pressure on DoD (Department of Defense) to look at their shore infrastructure," said Capt. Jim McConnell, CBC commanding officer, at a recent all-hands briefing. "And I think our future is right here, by consolidating, and by ensuring we don't have two competing interests here in Ventura County, and by having one single entity under single leadership."

Taking on this major responsibility, Rainwater has set goals for success. "I'd like to focus toward refining our team approach to business," he said. "One objective is to progress towards a cultural change in attitudes—for all NBVC employees to view themselves as part of one team. I support our employees in continuing their excellent work and in providing the best services we can to the Fleet."

BOS serviced first combined in 1998 as part of a Navy-wide system to eliminate redundancy and overlapping services. At that time, CBC and NAS were redesignated under the cognizance of CINCPACFLT with regional control by Commander, Navy Region Southwest (CNRSW).

The proposal for establishing Naval Base Ventura County was first endorsed by 3rd Naval Construction Brigade in 1998. Since then, the proposal has been through the offices of CNRSW, Naval Facilities Engineering Command (NAVFAC), and CINCPACFLT, who forwarded it on to the Chief of Naval Operations for approval. Each step in the endorsement process had issues that had to be worked out before forwarding the package on the next higher authority. Plans were made to establish NBVC in October 1999, but there were still issues to address, and the stand up was delayed.

"I appreciate everyone's patience over the past year," said Rainwater. "It's a testament to the kind of employees we have that they have been able to dedicate themselves to working hard and well in their jobs and excelled in keeping our status as a model base for the region."



The Navy Around You

McConnell says regionalization here to stay

By Sarah E. Burford
Channel Editor

CBC PORT HUENEME, Calif. The message was clear and the future is on the horizon as Capt. Jim McConnell, commanding officer of the Naval Construction Battalion Center (CBC) Port Hueneeme, took the stage at the Needham Theater Sept. 21, and quoted Bill Gates; "Everything is in a state of flux including the status quo."

With building anticipation surrounding the final endorsement of the Facts and Justification (F&J), the document which will officially establish Naval Base Ventura County, McConnell took the time to present the facts to the assembly, made up of military and civilian personnel from CBC, the 31st Naval Construction Regiment (31st NCR) and the Seabee Logistic Center.

"Everything is in a state of flux including the status quo. This statement is just as true as it was 28 months ago when I took command," McConnell reiterated in his opening remarks.

Looking back over the time since taking command, McConnell recapped information he has presented in previous All-Hands briefs regarding the signing of the F&J. He explained that over the past year, the military community in Ventura County has shown an outstanding effort of completing a series of consolidation projects which consisted of cutting costs and setting up for a full integration with Commander Naval Region Southwest (CNRSW).

Looking forward, McConnell explained the current status of the F&J, projecting its final endorsement in the immediate future and an official establishment ceremony for NBVC

started for Oct. 11.

McConnell outlined the changes that will occur following the stand-up of NBVC.

- * NAS will be disestablished.
- * Capt. Jim Rainwater will take command of NBVC
- * NBVC will provide all base operating support (BOS) services for all DoD and non DoD activities at Point Mugu and Port Hueneeme
- * CBC will become a tenant command at Port Hueneeme with Capt. Jim McConnell as commanding officer. All Seabee functions will align under this command.
- * SLC will be disestablished and all functions will fall under the CBC command

In addition the changes that will take place in the command structure and the day-to-day business functions of the new organization, McConnell highlighted some of the on going projects that will continue. One of the largest is the \$10 million dollar port upgrade. Other projects included the over \$85 million dollars in facility improvement projects to the Family Service Center, the galley and the barracks. McConnell stated that projects such as these have made CBC the showcase base for the region.

Stating that, "We can't go back," McConnell focused his energy on looking deeply into the future, explaining some of the things that will be coming for the local Navy community:

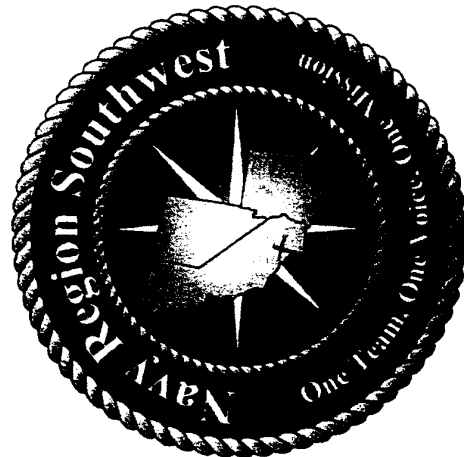
- * Regionalization is here to stay
- * Completing the cultural journey (full regionalization)
- * CA/FA Studies
- * Budget Pressure
- * Navy Marine Corps Internet (NMCI)

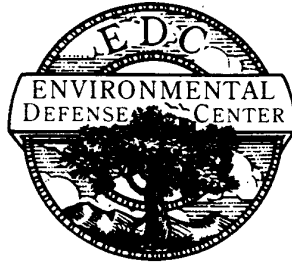
- * Dispatch Improvements
- * Port Agreement

In concluding his remarks, McConnell offered a few words of wisdom from "a wizened old man."

- * Maintain your positive attitude
- * Take care of your customers
- * Ask questions
- * Keep doing great things.

"Thank you for your outstanding efforts. You're all heroes to me," McConnell said in closing.





October 11, 2000

Naval Air Warfare Center Weapons Division
Point Mugu Sea Range EIS
Attn: Ms. Gina Smith, Code 8G0000E
521 9th Street
Point Mugu, CA 93042-5001

BY MAIL AND FAX
(805) 989-0143

RE: Point Mugu Sea Range Draft Environmental Impact Statement

Dear Ms. Smith:

Please accept the following comments regarding the Point Mugu Sea Range Draft Environmental Impact Statement (EIS) on behalf of the Environmental Defense Center.

Baseline Conditions

The EIS indicates that FY 1995 operations are used as the baseline conditions for evaluating environmental effects of the proposed actions. (2-17). This choice is problematic for several reasons.

PD-7

Based on the evidence described in the EIS, FY 1995 operations are not representative of current range operations. Current operations differ in many respects due to diminished and changed threats, mission priorities, and funding priorities. For example, FY 1995 operations include dropping of inert mine shapes offshore of Santa Rosa Island, an activity that has not occurred or occurred with diminished frequency in recent years. According to cases interpreting the National Environmental Policy Act, the EIS must evaluate the absolute quantitative environmental effects of the proposed actions in comparison to existing conditions. The use of the FY 1995 operational baseline, however, improperly distorts the "existing conditions" for the purposes of evaluating the proposed actions' environmental effects.

CUM-11

In addition, the EIS omits analysis of certain pending range activities on the ground that these activities are already considered as part of the No Action Alternative. For the purposes of this EIS, however, the No Action Alternative is not identical to the baseline for environmental analysis. Nonetheless, the EIS states that "[e]valuation of the No Action Alternative . . . provides a credible baseline for assessing environmental impacts of the Minimum Components Alternative and the Preferred Alternative." (2-20). Based on this assumption, the EIS concludes that proposed actions such as expanded operations at the Surface Warfare Engineering Facility (SWEF) need not be evaluated as direct or



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CUM-11 (cont.) | cumulative impacts. Such activities are not part of the operational baseline (either current or FY 1995), however, and must therefore be analyzed in the EIS.

Alternatives

NEPA-3 | NEPA requires that the EIS contain an analysis of a reasonable range of alternatives to the proposed actions. The EIS, however, merely contains a single alternative to the proposed actions (other than the No Action Alternative). A wider range of alternative should be considered, including, at a minimum, a range of off-site alternatives for each of the components of the proposed actions.

Marine Sanctuary

LU-5 | The EIS contends that “none of the proposed activities addressed in the EIS/OEIS would be located within CINMS [Channel Island National Marine Sanctuary] boundaries.” Since past and current range activities, including overflights and target dropping off Santa Rosa Island, have and do occur within CINMS boundaries, it is difficult to understand how parts of the Training Element activities, among other components of the proposed action, will not occur within CINMS boundaries. The EIS should be clarified to provide a precise account of baseline activities within the CINMS, together with an accurate description of the elements of the proposed action that will occur within the CINMS.

Moreover, the EIS wholly omits consideration of the range of CINMS boundary expansions that are being considered in conjunction with the CINMS management plan update. The EIS thus fails to consider whether any of the proposed actions will occur within the expanded boundaries of the CINMS. While the ultimate choice among the boundary expansion alternatives cannot be predicted, it is reasonably foreseeable that boundary expansion will occur. The expansion alternatives should therefore be considered in detail in the EIS. The statement in the EIS that the changes in the CINMS management plan are expected to be mostly regulatory in nature is not accurate, as the non-regulatory boundary expansion alternatives are central to the management plan update process.

Finally, the EIS fails to consider the effect of potential altitude limitations that are under review in CINMS management plan update process. The EIS should consider alternatives that incorporate more restrictive altitude limitations for overflights of the CINMS.

Cumulative Effects

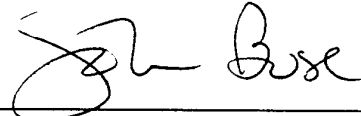
CUM-12 | NEPA requires that “[p]roposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single

CUM-12
(cont.)

impact statement.” 40 CFR § 1502.4(a). Several proposed range operational expansions that are closely related to the proposed action are briefly discussed in the cumulative effects section of the EIS, but are not analyzed. These activities, such as the “Inert Ordnance Delivery Area” at San Nicholas Island (5.2.1.6), are no less related to the proposed action as the various components of the proposed action are related to each other. All such proposed range activities should therefore be evaluated together in a single programmatic EIS for proposed range activities. It is irrelevant for the purposes of NEPA that these activities may be carried out under the authority of different commands.

Thank you for your consideration of these comments. Should you have any questions, please do not hesitate to contact this office.

Sincerely,



John T. Buse
Senior Staff Attorney
Environmental Defense Center

cc:

By Facsimile

October 11, 2000

Naval Air Warfare Center Weapons Division
Point Mugu Sea Range EIS
Attn: Ms. Gina Smith, Code 8G0000E
521 9th Street
Point Mugu, CA 93042-5001

Re: Draft Environmental Impact Statement / Overseas Environmental Impact
Statement on Proposed New U.S. Navy Activities at Point Mugu Sea
Range

Dear Ms. Smith:

GM-8

People for the Ethical Treatment of Animals (PETA) is a nonprofit organization with over 700,000 members dedicated to the protection of animals. PETA appreciates this opportunity to submit comments on the Draft Environmental Impact Statement/Overseas Environmental Impact Statement (DEIS/OEIS) for increased military activity proposed by the Naval Air Warfare Center Weapons Division, Point Mugu. Please note that these comments incorporate by reference the comments submitted by the Natural Resources Defense Council and The Humane Society of the United States. We have reviewed the DEIS/OEIS and we find the document to be legally inadequate in its analysis of acoustic impacts on marine mammals. Therefore, PETA requests that the document be withdrawn and revised to fully comply with the requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq.

MM-18

The DEIS/OEIS fails to analyze the issue of acoustic impacts on marine mammals in a manner that satisfies the requirements of NEPA. For example, the document blatantly ignores an abundance of recent data available on this issue. Regulations issued by the Council on Environmental Quality require that NEPA documents provide environmental information of "high quality" to public officials and citizens before decisions are made and actions taken. 40 C.F.R. § 1500.1(b). To that end, the regulations state that "accurate scientific analysis . . . [is] essential." *Id.* Further, the U.S. Navy's own regulations explicitly state that when there is new evidence that the environmental impacts of an ongoing activity -- including existing training activity -- are either qualitatively or quantitatively different than predicted in an earlier NEPA document, a new document should be prepared. 32 C.F.R. § 775.6(c)(2). Yet, the DEIS/OEIS fails to report -- much less analyze -- the potential impacts of the proposed actions in light of an emerging body of scientific evidence that indicates that sonar systems and other acoustic systems are

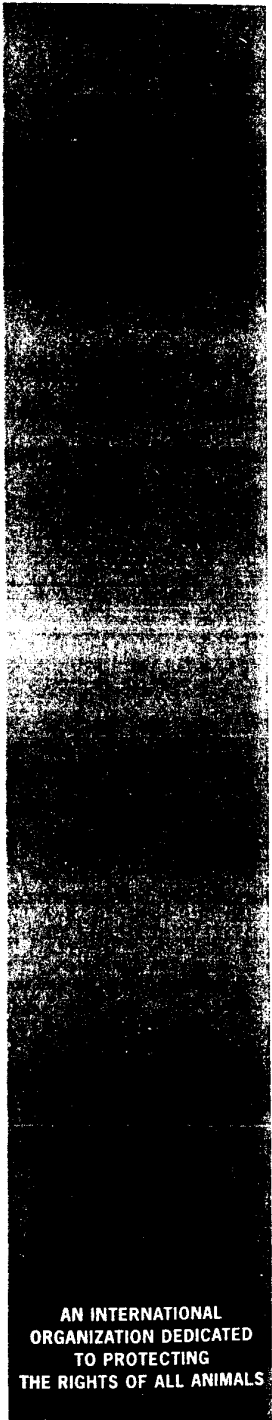


PETA

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MM-18
(cont.)

detrimental to the well-being of marine mammals. This failure compromises the validity of the baseline assumptions used in the studies, and thus impermissibly skews subsequent analyses of the direct, indirect, and cumulative impacts of the proposed actions in clear violation of the mandates of NEPA. Under these circumstances, the Navy has no choice but to prepare and circulate a revised DEIS. 40 C.F.R. § 1502.9(a).

MM-19

Moreover, the DIES/OEIS dismisses impacts that do not result in “substantial long-term biological consequences” for entire marine mammal populations as insignificant and thus unnecessary to the analysis of the proposed actions. DEIS/OEIS at 4.7-1. As you know, NEPA requires the preparation of an EIS for all “major federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(2)(C). CEQ regulations expressly state that in determining what constitutes a significant impact, both short-term and long-term effects are relevant. 40 C.F.R. § 1508.27(a). Nor is there any support in the statute or regulations for the position that only impacts to an entire population, rather than to individuals, need be addressed in an environmental document.

MM-20

CEQ regulations specify additional considerations that should be weighed in evaluating the significance of environmental impacts. See 40 C.F.R. § 1508.27. The considerations include, but are not limited to, “the degree to which the actions may establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.” 40 C.F.R. § 1508.27(b)(6). PETA believes that the defects in this DEIS/OEIS will lend unjustified support to future incremental increases in activities at Point Mugu Sea Range and other similar facilities without the benefit of an analysis of the cumulative impacts of these actions on marine mammals, as required by NEPA. See 40 C.F.R. § 1508.25(a)(2); 40 C.F.R. § 1508.25(c). A programmatic EIS may be the most effective way to address this concern and, in fact, may be only way to address this concern and remain in compliance with the requirements of NEPA. See, e.g., City of Tenakee Springs v. Clough, 915 F.2d 1308, 1313 (9th Cir. 1990).

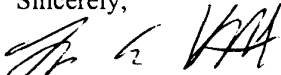
PP-5

As a final comment, we note that the above-discussed inadequacies in the DEIS/OEIS also have implications for the sufficiency of compliance with the Marine Mammals Protection Act, 16 U.S.C. §§ 1361 et seq., the Endangered Species Act, 16 U.S.C. §§ 1531 et seq., and the Coastal Zone Management Act, 16 U.S.C. §§ 1451 et seq.

NEPA-4

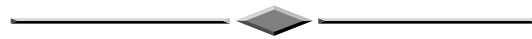
Absent a reevaluation of *existing* training and testing activity at Point Mugu Sea Range followed by a revised evaluation of the proposed actions and cumulative impacts, the Navy lacks the information necessary to make the reasoned decision envisioned by NEPA. For the above-mentioned reasons, PETA requests that the DEIS/OEIS be withdrawn and revised to address the above-discussed inadequacies. If you have questions or would like to discuss our concerns in more detail, please do not hesitate to contact me at (757) 622-7382.

Sincerely,

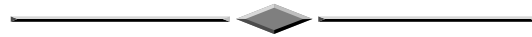


Lori E. Kettler
Counsel

Research, Investigations, and Rescue Department



INDIVIDUAL COMMENTS



Rec'd 8/17/00
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August 16, 2000

Point Mugu Sea Range EIS
Ms. Gina Smith, Code 8g0000e
521 9th Street
Point Mugu, CA 93042-5001

Re: Support for increased use of Pt. Mugu NAS

Dear Ms. Smith:

I am a resident of Camarillo and live directly in the flight path for aircraft coming into Pt. Mugu NAS. I am also a student at Cal. State Channel Islands which is somewhat impacted by the proposal. I write you this letter in support of permitting the increases proposed for Pt. Mugu NAS and the Sea Range.

If an increase in aircraft would be an irritant to anyone it would be me. Nonetheless, I approve of the proposed increase for the following reasons:

1. The increase requested is very nominal and would be a minor imposition, at best, to anyone.
2. The pilots flying into the airport are very courteous, keeping high altitude over our house and not running their engines until well past the 101 freeway. Thus, noise is minimized.
3. My kids love watching the military aircraft on approach.
4. I understand that this location is unique to the Navy in that it provides a perfect location to test armament.
5. The economic benefits to the community are significant.

If Pt. Mugu NAS was closed down, there would be a number of very detrimental impacts including:

1. Wetlands on the base would be open to the public, likely ruining them within a short time frame.

GM-9

GM-9
(cont.)

2. Conversion of the airport into a commercial airport with increased traffic and less consciences pilots.
3. Loss of economic impacts and opportunities in the county.
4. Development of the land into some less desirable function.

In summary, my family and I support the proposed changes. Any such burden to the community is substantially outweighed by the benefits which are provided.

Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Weinstock', written over a horizontal line.

Robert M. Weinstock

Naval Air Warfare Center Weapons Division
Point Mugu Sea Range EIS
Att: Ms. Gina Smith, Code 8G0000E
521 9th Street
Point Mugu, CA 93042-5001
Fax (805) 989-0143

Dear Sir/Madam:

I am writing to comment certain aspects of the Draft Environmental Impact Statement on the NAWCWPNs Point Mugu Sea Range expansion. The U.S. Navy is proposing to expand present Point Mugu test and training range operations to accommodate Theater Missile Defense (TMD) testing and training. At present there is no specific commitment to conduct TMD testing in the Point Mugu range, but it is expected that such testing will be conducted in the future.

TMD is a "family of systems" of atmospheric and exo-atmospheric defensive missile programs, involving all services within the Department of Defense as well as several foreign countries.¹ TMD systems are mobile rather than fixed and are designed for rapid deployment anywhere in the world. Different types of TMD are designed for varying distances and altitudes. The total cost of the TMD program is an estimated \$47.3 billion.²

The U.S. Navy is proposing that four types of TMD testing and training be conducted at Point Mugu:

- nearshore intercept events (under 1,000 ft.)
- boost phase intercept (1-50,000 ft.)
- lower tier (50-100,000 ft.)
- upper tier (over 100,000 ft.)

Evidently, these four types of test and training cover the entire range of altitudes from below 1,000 feet to over 100,000 feet. The Navy is proposing a total of twenty test and training events per year at Point Mugu.

The Point Mugu expansion EIS is quite comprehensive in its coverage of significant environmental aspects, but omits two major areas of concern to citizens.

SCOPE-2

(a) The EIS does not address the TMD program in the context of the DOD's

¹ See "Theater Missile Defense", <http://www.fas.org/spp/starwars/program/tmd.htm>

² Charles Peña, "Theater Missile Defense: a Limited Capability is Needed", Cato Policy Analysis No. 309, June 22, 1999 <http://www.cato.org/pubs/pas/pa-309.htm>

SCOPE-2
(cont.)

global organization; in particular, there is only passing mention of the Ballistic Missile Defense Organization, a DoD unit whose "highest priority" is the Theater Missile Defense (TMD). On the BMDO, see

<http://www.acq.osd.mil/bmdo/bmdolink/html/>; on TMD in particular, see <http://www.acq.osd.mil/bmdo/bmdolink/html/tmd.htm>. Besides TMD, BMDO has two other programs: National Missile Defense (NMD)³ and advanced ballistic missile defense technologies.⁴ The TMD program, in turn, has several divisions:

- **Theater High Altitude Area Defense System (THAAD):** the Army upper-tier program; THAAD "addresses critical warfighter requirements to intercept longer-range theater-class ballistic missiles at high altitudes and further downrange from the intended target".⁵
- **Navy Theater Wide Defense:** the Navy upper-tier system, also building on the AEGIS weapon system and STANDARD missiles. The upper-tier Navy Theater Wide system "will further modify the missile for ascent, midcourse, and descent phase exoatmospheric intercepts. In addition, BMDO will work with the Navy to modify the AEGIS Weapon System to support the increased battlespace required for the improved, longer range interceptor."⁶
- **PATRIOT Advanced Capability-3 (PAC-3):** lower-tier, Army, builds on the Patriot missiles systems used extensively in the Gulf War;⁷ on the Patriot TMD, see <http://www.fas.org/spp/starwars/program/patriot.htm>
- **Navy Area Defense:** lower-tier, Navy; entails modifications to AEGIS and Standard missiles (modified Standard Missile II, Block IV).⁸
- **Medium Extended Air Defense System (MEADS):** lower tier, Army and Marine Corps; cost-sharing with the governments of Germany and Italy.

A Cato Institute study has proposed that half of these systems, and most of the TMD budget, is unnecessary:

³ <http://www.acq.osd.mil/bmdo/bmdolink/html/nmd.html>

⁴ "The TMD program consists of three sequential efforts. First, the BMDO is making near term improvements to existing air and missile defense systems (Talon Shield/Joint Tactical Ground system, HAWK Air Defense System, PATRIOT Guidance Enhanced Missile) to enhance their abilities to defend against shorter range tactical ballistic missiles. Second, is a set of three "core" TMD programs (PATRIOT Advanced Capability (PAC-3), Navy Area Defense, Theater High Altitude Area Defense (THAAD), and Battle Management / Command, Control & Intelligence) Third, is the development of advanced TMD capabilities (Navy Theater Wide Defense, Medium Extended Air Defense System and Boost Phase Intercept) that currently are in the concept exploration phase." <http://www.acq.osd.mil/bmdo/bmdolink/html/tech.html>.

⁵ <http://www.acq.osd.mil/bmdo/bmdolink/html/thaad.html>

⁶ <http://www.acq.osd.mil/bmdo/bmdolink/html/navywide.html>

⁷ <http://www.acq.osd.mil/bmdo/bmdolink/html/pac3.html>

⁸ <http://www.acq.osd.mil/bmdo/bmdolink/html/navyarea.html>

Theater High-Altitude Area Defense is intended to be a forward-deployed, ground-based, wide-area defense system designed primarily to protect allies and other friendly nations. Medium Extended Air Defense System--a mobile defense for ground forces--is plagued with fiscal uncertainty. The Airborne Laser--a system designed to attack missiles just after launch--is fraught with technical uncertainty. Eliminating those systems would save an estimated \$30 billion.

While the Cato Institute study favors the Navy systems, part of the rationale for expanding the Point Mugu Sea Range operations concerns Army Air Defense and BMDO operations generally (p. 1-3). These considerations are, germane to the No Action and to the Minimum Components alternatives (p. 2-20, 2-21). This, in a wider context of failed tests of TMD systems... not unlike the experience with National Missile Defense.

**SCOPE-2
(cont.)**

It is actually rather stunning to contemplate, but there is simply no precedent in the annals of Pentagon waste for a program consuming over fifty billion dollars over fifteen years and producing not a single workable weapon. At least the forty billion dollars spent on the Stealth bomber produced 21 planes, and aircraft carriers are selling for a measly four billion. All this missile defense money has produced a grand total of fourteen actual attempts to intercept strategic missile targets since 1982, of which only two have actually succeeded, with the most recent nine tests failing. These experimental results closely match the actual combat experience of Patriot in Desert Storm -- which was impressive on television but was later determined to have missed far more often than it hit. Clearly, we are nowhere close to having a reliable shield against missiles aimed at American cities, though not for want of trying.⁹

Contrary to what the EIS might suggest, TMD deployment in Point Mugu is quite imminent, partly because of competition with the Army's ground-based, high-tier Theater High Altitude Area Defense System (which has had repeated flight test failures). On February 1999, the Navy announced that it was speeding up its own high-tier project, Theater Missile Defense, with significantly increased funding.¹⁰

⁹ John Pike, "Wrong Answer, Wrong Question". <http://www.mail-archive.com/fukuzawa@ucsd.edu/msg01987.html>

¹⁰ "The new budget will request additions of \$6.6 billion to current NMD funding levels for a total of \$10.5 billion for NMD through fiscal year 2005. No decision to deploy a national missile defense system will be made before 2000. In theater missile defense, the new budget will continue flight testing of the Theater High Altitude Area Defense (THAAD) program and add money to the Navy Theater Wide program in order to allow accelerated deployment of an upper tier system by 2007". Department of Defense news release, Jan. 20, 1999. <http://www.smhc.army.mil/CommandGroup/Vision/NMDTMD/NMDTMD.html>.

SCOPE-2 (cont.)

Headquarters for the TMD Testing Team are at Eglin AFB, in Florida.¹¹ The TMD team includes Air Force, Army, and Navy, along with the Federal Aviation Administration, Department of Interior, and U.S. Coast Guard as Cooperating Agencies. **The lead agency is the Ballistic Missile Defense Organization (BMDO).** Only the actual execution of tests at the Eglin Gulf Range are conducted under Eglin's Air Force Development Test Center (AFDTC). **In this regard, it is unclear why BMDO is an absent party to the Point Mugu EIS/OEIS.**

SCOPE-3

(b) The EIS describes the proposed test and training activities as if they were an exclusively *military* operation. In fact, the testing of the TMD components is part of the production process of major *corporate* military contractors who stand to earn hundreds of millions --if not billions--of dollars from the sale of TMD components to the U.S. Navy, to other branches of the U.S. Armed Forces, and to foreign governments. In the interest of adequate disclosure, central to the EIS process, the EIS should contain the names of the contractors whose TMD products will foreseeably be tested in the Point Mugu Sea Range. The public-opinion process requires all information that bears on the less visible reasons for the production --and testing-- of proposed weapons systems, and particularly the profit considerations at stake. As the *Washington Post* noted, "War may be hell, but in Washington, it's also a lobbying opportunity."¹²

The corporations in question are manufacturers of missiles, radar systems, and other equipment for nearshore intercept, boost phase, and lower and upper tier TMD. This would seem to a wild-goose hunt until one realizes that, essentially, only two corporations are involved: Lockheed Martin and, particularly, Raytheon Systems Corporation.

- **Theater High Altitude Area Defense System:** the prime contractor for the Army's THAAD system is **Lockheed Martin**. Estimated cost: \$14.5 billion.¹³
- **Navy Theater Wide Defense** is centered on the **AEGIS** air and missile defense radar and on the **Standard** missiles (modified Standard Missile 2

¹¹ <http://www.eglin.af.mil/46tw/46mtd/players.htm>;

<http://www.eglin.af.mil/46tw/46mtd/tmd.htm>

¹² April 17, 1999, p. A16.

¹³ The estimated cost for the Theater High Altitude Area Defense (THAAD) weapon system is \$14.5 billion. The Pentagon plans to buy 1,422 THAAD missiles, 99 launchers, and 18 radars. The THAAD demonstration/validation contracts were awarded in 1992, and the program is scheduled to begin engineering and manufacturing development in 1996 and begin low-rate initial production in 1999. THAAD, the upper tier of a two-tier theater defense system, is intended to defend against medium- to long-range theater ballistic missiles. In developing countries, more than 30 types of theater ballistic missiles are either operational or in development. The number of countries with longer range theater missiles is expected to increase."

<http://www.fas.org/spp/starwars/gao/gao94107.htm>

SCOPE-3
(cont.)

Block IV). Both are manufactured by **Raytheon** (Standard missiles unit cost, \$409,000).¹⁴ On the Standard missile, see <http://www.chinfo.navy.mil/navpalib/factfile/missiles/wep-stnd.html>

- **PATRIOT Advanced Capability-3 (PAC-3)** is centered on Patriot missiles; **Raytheon** is the prime contractor for PAC-2 Patriot Missiles, and Lockheed Martin is currently developing PAC-3's.¹⁵ <http://www.fas.org/spp/starwars/program/patriot.htm>
- **Navy Area Defense** relies on **AEGIS** systems and **Standard** missiles

Raytheon (1999 revenues: \$19.8 billion) also manufactures the HAWK (Homing All the Way Killer) missiles. HAWKS are currently being upgraded for TMD tasking, reaching deep into the upper tier and up to 500,000 ft.¹⁶ HAWKS have been the US Marine Corps' primary air defense since the 1960s. Raytheon sells HAWK missiles for \$250,000 each; \$15 million per fire unit, and \$30 million per battery.

Raytheon also operates a number of U.S. armed forces weapons ranges. Its Training Services holds management and operations responsibilities at the Army's **Kwajelein Missile Range**,¹⁷ one of the two launching sites for the July 2000 NMD test. Raytheon also manages and operates the Navy's Atlantic Undersea Test and Evaluation Center (AUTC) (8-year, \$235 million contract). Raytheon is already privatizing Navy bases: the company was selected by the U.S. Navy to privatize the **Naval Air Warfare Center** in Indianapolis, the largest Department of Defense privatization initiative to date.

Regarding Lockheed Martin¹⁸ (larger than Raytheon, though less important in Navy contracting) the Arms Trade Resource Center recently reported:

¹⁴ "The primary role of the Standard Missile-2 is to provide area defense against enemy aircraft and anti-ship missiles. The SM-2 Block IIIB is the latest version to enter the fleet, and incorporates a side-mounted infrared seeker to aid in endgame guidance. The STANDARD Missile is operational on guided missile cruisers, destroyers and frigates in the U.S. Navy and is in operation with more than 13 allied navies." For more information about Standard missiles, <http://www.raytheon.com/es/esproducts/dssstnd/dssstnd.htm>. On Navy missiles generally, see <http://www.chinfo.navy.mil/navpalib/factfile/ffiletop.html#missiles>.

¹⁵ <http://www.army-technology.com/projects/patriot/index.html>

¹⁶ The most prominent upgrade to the HAWK system includes modifying the Marine Corps primary air surveillance radar, the TPS-59. The AN/TPS-59 Radar Set is a Marine Air Command & Control System which serves as the primary sensor for the Marine Air Ground Task Force (MAGTF), providing air target information and raw video to the Tactical Air Operations Module (TAOM). It can also be forward-deployed as a stand-alone remote sensor and air traffic controller. The improved radar will detect theater ballistic missiles out to 400 nautical miles and up to 500,000 feet in altitude. These improvements will give the radar the sort of surveillance and tracking ability needed for theater ballistic missile defense (TBMD). The first units were equipped with upgraded TPS-59s in FY98. <http://www.fas.org/spp/starwars/program/hawk.htm>

¹⁷ <http://www.smdc.army.mil/kmr.html>

¹⁸ Lockheed Martin Space Systems Company <http://lmms.external.lmco.com/index.html>

Lockheed Martin is the nation's (and the world's) largest weapons manufacturer. The company received over \$18 billion in U.S. government contracts in F.Y. 1999, including \$12.6 billion from the Pentagon and more than \$2 billion from the Department of Energy for nuclear weapons-related activities. To put this in some perspective, it should be noted that ONE COMPANY -- Lockheed Martin-- receives more federal funding each year than the ENTIRE BUDGET for the nation's largest welfare program, Temporary Assistance for Needy Families, which is meant to help tens of millions of Americans living in poverty.¹⁹

Both Raytheon and Lockheed Martin, as they stand today, are much larger than they were a decade ago. Much of their growth is the result of Pentagon-subsidized mergers.²⁰

**SCOPE-3
(cont.)**

Lockheed Martin has made over \$1.6 million in Political Action Committee (PAC) contributions since 1997, plus another \$500,000 in soft money contributions to Democratic and Republican party committees. Surprisingly, the company's political spending has favored Republican candidates by almost a two-to-one margin, 66% to 34%. The company also spent \$10.2 million on lobbying during 1997 and 1998, second only to Boeing among military/aerospace firms (Boeing spent \$18.4 million on lobbying in 1997/98).²¹

Moreover, on Lockheed's specific relationship with the TMD and NMD programs:

Lockheed Martin is in the unique position of deriving a double benefit from the current push to deploy a National Missile Defense system. For 1998/1999, Lockheed Martin ranks second to Boeing in total missile defense contracts with a total of \$617 million in contracts. Lockheed Martin's major missile defense contracts include the Payload Launch Vehicle for the National Missile Defense interceptor system; the Space Based Infrared System (SBIRS) "High" component, which is

¹⁹ <http://www.worldpolicy.org>. See also William D. Hartung and Frida Berrigan, "Lockheed Martin and the GOP: Profiteering and Pork Barrel Politics with a Purpose", an Arms Trade Resource Center Issue Brief, July 2000.

<http://www.worldpolicy.org/projects/arms/reports/lockheedgop.htm>.

²⁰ "In the late 1980s and early 1990s, there were 10 to 15 major weapons producing firms in the United States. In the 1990s, that number has shrunk to just three major producers -- Lockheed Martin, Boeing, and Raytheon-- plus a few smaller niche players like Northrop Grumman, United Defense, TRW, and Northrop Grumman. The consolidation of the weapons industry was strongly pushed by Norman Augustine, then CEO of Martin Marietta, and was shepherded through the bureaucracy by William Perry and John Deutch, major policy makers in the Pentagon during the early years of the Clinton Administration who also happened to be paid consultants to Martin Marietta before joining the administration."

²¹ Ibid.

**SCOPE-3
(cont.)**

supposed to improve the tracking of incoming ballistic missiles; **the Theater High Altitude Area Defense (THAAD) system**, a medium range ballistic missile defense system which recently yielded Lockheed Martin a \$4 billion long-term contract from the Pentagon; the Airborne Laser (ABL) --in a partnership with Raytheon and Boeing-- an aircraft-based laser system that is designed to achieve the capability for destroying medium-range missiles as they leave their silos; **the Navy Theater Wide system**, which is based in part on Lockheed Martin's AEGIS anti-tactical missile system, which is produced at the company's Moorestown, New Jersey facility; and the **Medium Extended Air Defense System (MEADS)**, the major U.S.-European missile defense system which is being produced by Lockheed Martin in partnership with Alenia of Italy and Daimler Chrysler Aerospace of Germany.²²

These are the less visible actors, and less tangible forces, in the Point Mugu expansion project. I trust that my comments will be of some value during the EIS review process.

Yours,

Juan Giusti-Cordero
Associate Professor
History Department
College of the Humanities
University of Puerto Rico
San Juan PR 00926

²² Ibid.



PUBLIC HEARING COMMENTS



1 MR. MICHAELSON: Jean, you're first.
 2 MS. ROUNTREE: Good evening. My name is Jean Rountree.
 3 I live at 215 Ocean Drive, Oxnard.
 4 There will be several things, but I will speak
 5 only to two issues. I'm sure the rest will be covered
 6 in writing.
 7 The failure of this document to consider in any
 8 way the cooperative efforts of the Surface Warfare
 9 Engineering Facility at Port Hueneme is troublesome.
 10 If you speak to the people at the SWEF
 11 facility, they feel that they are an integral part of
 12 range operations and that they supplement and support
 13 your activities at Point Mugu to a high degree.
 14 Since this facility sits in the midst of a very
 15 intensive population, unbuffered by any land, we are
 16 concerned with the increase in your operations because
 17 we see it or we fear we will see it reflected in
 18 theirs.
 19 For instance, one point is where are SEALS
 20 based in our vicinity? Are they at Mugu? Where are
 21 they?
 22 MR. MICHAELSON: Actually, during this period
 23 we don't do a Q and A. We need you to give all of your
 24 comments.
 25 MS. ROUNTREE: I would be happy to tell you

CUM-13

SCOPE-4

18

1 Thank you.
 2 MR. MICHAELSON: Thank you very much. Peggy
 3 Geesink.
 4 MS. GEESINK: Good evening.
 5 MR. MICHAELSON: Why don't you pull that way
 6 up.
 7 MS. GEESINK: Good evening. How is that. My
 8 name is Peggy Geesink. I live at 112 East Pearl Street,
 9 Port Hueneme district. I just had one question.
 10 You talked about the socioeconomic impact of
 11 the closing of the range to fishery. Did you also see
 12 what the benefit of it is to the fish being able to
 13 recuperate from no man fishing in the area?
 14 Is that included in there, sir?
 15 MR. MICHAELSON: Just make sure that that
 16 aspect be looked at in the documents as well.
 17 MS. GEESINK: Thank you very much.
 18 MR. MICHAELSON: Well, it might be
 19 socioeconomic and biological.
 20 MS. GEESINK: I'm looking at the biological,
 21 the recuperation of the ocean.
 22 MR. MICHAELSON: That exhausts the list of
 23 speakers that I have tonight.
 24 Has anyone been inspired by those comments to
 25 come forward? If not, we will go into recess. We

FS-1

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1 where they are, since I know where they are. They are
 2 based at the Surface Warfare Engineering facilities, and
 3 if they will be participating in your operation we may
 4 have a repetition of a very serious incident that we had
 5 with two large helicopters in our own SWEF facility,
 6 that Mr. Parisi can fill you in with at a later date.
 7 For this reason, we have great concern in our
 8 community. We feel that the time limit is extremely
 9 short to digest a six-inch thick document. It was very
 10 late in coming, more than a year and a half, and we
 11 would very much like an extension of time in order to
 12 seriously analyze and compose reasonable questions for
 13 you.
 14 I'm sure that that should be given some
 15 consideration. That won't be the only request you'll
 16 hear, I'm sure, because the size of the document and the
 17 importance of this expansion and what it will mean to
 18 our marine resources needs far more careful analysis.
 19 So we hope that that will be done. And I would
 20 wish that you had included the SWEF facility, because I
 21 am sure they will be supporting your efforts. If not,
 22 that's a terrible waste of American tax dollars.
 23 So we hope you will take that into
 24 consideration and please respond to that issue in a more
 25 complete manner.

GM-10

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1 advertised these meetings as being from 7:00 to 9:00.
 2 In case someone else does come along who is counting on
 3 that, we'll be available to take more comments for the
 4 record.
 5 In the meantime, the people who are staffing
 6 the poster displays have agreed to go back to those and
 7 answer more questions and have more conversation with
 8 you, if you would like.
 9 With that, we will go into recess. Thank you
 10 very much.
 11 (Public hearing recessed.)
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1 Vickie Finan and Lee Quaintance.
 2 MS. FINAN: Thank you. My name is Vickie
 3 Finan. I'm here on behalf of The Beacon Foundation.
 4 We're a nonprofit environmental organization involved
 5 with issues on the coast of Ventura County. Tonight the
 6 purpose -- I appreciate the opportunity to speak. I
 7 think that this forum is -- should be commended for
 8 doing this and allowing the public to have an
 9 opportunity to comment. There are a lot of other
 10 proposals that aren't handled this way, and I do
 11 appreciate it.
 12 I am going to request on behalf of The Beacon
 13 Foundation that an extension of at least 30 days be
 14 granted because the volume of size of the document is
 15 seven hundred pages. It has only been released
 16 recently, and in order to give a thorough evaluation and
 17 have some meaningful contribution, I believe that that
 18 would be warranted.
 19 Also, right now we are here in the middle of
 20 the Democratic Convention in Los Angeles, and there are
 21 possibly people who haven't had an opportunity to speak
 22 because of that.
 23 I'm not going to take any more time, but I
 24 would appreciate it if we could have more time to
 25 comment.

GM-11

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1 MR. MICHAELSON: Thank you.
 2 MR. QUAINANCE: Thank you. I'm Lee
 3 Quaintance. I'm here on behalf of The Beacon
 4 Foundation.
 5 Again, I would also personally like to commend
 6 you for the great deal of effort that has gone into
 7 putting together both the document and this meeting, and
 8 I wish that there was greater public participation in
 9 the opportunity that you have offered. Perhaps there
 10 will be more at the other scoping meetings.
 11 The extension that we have requested is for the
 12 written comment period, which would now end on September
 13 11. We would request that that be extended at least a
 14 month. We are not prepared to give our comments on the
 15 document this evening.
 16 I will just mention two areas, that when we
 17 have had an opportunity to study it more thoroughly will
 18 be included in our written comments.
 19 One of these is the treatment of the Naval
 20 Surface Warfare Center at Port Hueneme. We have
 21 previously submitted comments in the scoping process
 22 which I don't think are fully reflected in the draft
 23 document regarding the need, we feel, to reflect
 24 activities of that facility in your document.
 25 You allude in your document to an environmental

GM-12

CUM-14

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CUM-14

1 assessment done for a proposed expansion of activities (cont.)
 2 by the Surface Warfare Generating Facility, but these do
 3 not call out treatment of their underlying activities.
 4 We think there is an obligation to do that.
 5 I specifically want to mention this evening the
 6 comment that you included in your December, 1997 post-
 7 scoping newsletter that you provided regarding treatment
 8 of the Surface Warfare Engineering facility.
 9 The comment was made, quote: "Point Mugu does
 10 not use SWEF in any of its current testing, nor does it
 11 propose to use it in any future testing," end of quote.
 12 I would ask whether that is still the position
 13 of Point Mugu, especially in view of the virtual test
 14 capability proposal with this expansion, particularly in
 15 the area of AEGIS capabilities.
 16 Secondly, last in terms of an area of concern
 17 that we may raise in concern comments, written comments,
 18 is the treatment of the marine sanctuary and its
 19 relation to the range under both present and proposed
 20 action.
 21 Under this document there is a process now
 22 under study to consider additional boundaries for marine
 23 sanctuary. The Navy is a participant, a voting
 24 participant in the sanctuary advising counsel that is
 25 reviewing this.

CUM-15

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1 There are currently five proposed concepts to
 2 expand the facility, some of which would come into
 3 existing range areas.
 4 In the quick reading of the document, it seems
 5 that what I read in there was that it did not appear
 6 sufficiently definite for the Navy to include it in the
 7 Draft EIS.
 8 We would urge you to look at those concepts as
 9 fairly well developed and would ask that you provide
 10 information in this document on whether any of them
 11 would pose problems for the Navy.
 12 It would be unfortunate to have those comments
 13 delayed only until a final marine sanctuary document is
 14 prepared.
 15 We think the Navy should make its views known
 16 early on as to any of the sanctuary problems for proposed
 17 or present Navy operations.
 18 MR. MICHAELSON: Thank you. That exhausts the
 19 number of speaker cards I have.
 20 Has anyone been inspired by those comments to
 21 make comments of their own tonight? This is your
 22 opportunity to do that.
 23 We will enter this into the record. Thank you
 24 for handing that to us.
 25 What we are doing at all of these hearings is

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1 anything you'll please excuse me, are Don or Dan Dodd,
2 Leslie Spiegel and Ellen Spiegel.

3 Mr. Dodd.

4 MR. DODD: I'm Don Dodd. I represent The
5 Beacon Foundation. I am interested in Page 5-2 of your
6 document, where he's talking about the SWEF. It says
7 that the SWEF is a separate organization of the Navy,
8 which I understand. It also says that the Navy has
9 recently published an environmental assessment issuing
10 funding for the virtual testing.

11 They may have done that, but it hasn't been
12 approved yet by the Coastal Commission. One of the
13 things that we're concerned about is if SWEF is not
14 controlling those aircraft, who is?

15 And a while ago, in your document here, it says
16 you're going to increase the number of flights. But we
17 don't know how high those flights are from the water.
18 We don't know the speed they are.

19 We have information from Point Mugu that
20 they'll come within 2000 feet of the beach. And that
21 was some time ago. That was before this was published.
22 That was one of the things we had to find out, how close
23 they're coming to the beach and what type of aircraft
24 they are.

25 Because that's kind of significant too, because

CUM-16

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1 the military aircraft can make a lot more noise than a
2 Lear jet.

3 We would like to know the number of flights per
4 week, per month, per year they're going to fly according
5 to SWEF, their altitude, their direction, their speed
6 and where they're going to turn when they get close to
7 the beach, because we're concerned about those right
8 next to that SWEF organization. There's a bunch of
9 houses, and we discussed this a number of years ago in
10 great detail with Point Mugu and the Navy, and we
11 figured out and agreed and figured out that within
12 17 seconds they could be in one school if something
13 happens like that. We just want to find out what it
14 is.

15 The other thing I'm going to point out a little
16 bit are, are the number of helicopters going to be
17 increased flying up and down in front of us on the beach
18 or are they going to be decreased by this thing?

19 MR. SWANEY: We'll take the question on that,
20 sir.

21 MR. DODD: The other thing is can those
22 helicopters be moved out further from the ocean away
23 from the beach? And the other thing is where the heck
24 are they going, five of them fly up there almost every
25 morning? They even raise the seagulls off the beach. I

SCOPE-5

19

1 don't think that the pelicans are up high enough to get
2 them. I think maybe you should look at that to see if
3 you can do it.

SCOPE-5
(cont.)

4 One minute?

5 MR. MICHAELSON: Yes. I would sure appreciate
6 that. We would like to discuss that further with you.

7 MR. DODD: It is kind of connected with this
8 thing, but it is not really connected with it unless
9 you're talking about increasing it. We would like the
10 helicopters to be moved further out from the beach and
11 also maybe fly higher and find out why they keep flying
12 that way all the time. I have no idea. Then I got
13 thinking maybe San Nicolas is closer than Santa Barbara,
14 but it's not. Having been in the Navy a number of
15 years, I saw it said San Nicolas.

16 That's all I have.

17 MR. MICHAELSON: Thank you, Mr. Dodd.
18 Les Spiegel.

19 MR. SPIEGEL: Good evening and thank you for
20 the opportunity. I'm Leslie Spiegel, and I live in the
21 Channel Islands beach area. I really have questions
22 rather than comments.

23 MR. MICHAELSON: Just to clarify for the
24 speakers, this is the four minutes for you to speak and
25 the panel doesn't respond. We take that on the record

20

1 and then that's responded to in the Final EIS. PD-8

2 Go ahead and ask all the questions you want,
3 but just don't wait for a response.

4 MR. SPIEGEL: I understand. The question I
5 have is -- the first one is the portion of projected
6 increase in the range use. What portion is to be
7 allocated to the use of American forces and what portion
8 of the increase to foreign nations?

9 Are the foreign nations going to be charged for
10 the utilization of the range? If yes, what percentage
11 of the increase of that cost will be recovered by those
12 fees?

13 My other question is as to the creation of the
14 EIS. What was the distribution of military or DOD
15 personnel and what percentage of civilian personnel were
16 used in writing of the EIS draft?

17 In other words, did you go outside of the GM-13
18 military, and if so, approximately how much of the
19 percentage of personnel used was submitted?

20 That's my question.

21 MR. MICHAELSON: Thank you very much.
22 Helen Spiegel.

23 MS. SPIEGEL: Thank you so much. I have
24 certain concerns.

25 MR. MICHAELSON: State your name, please.

21

1 MS. SPIEGEL: Helen Spiegel. I live at Channel
 2 Islands Beach. I have several concerns. **GM-14**
 3 When I first noticed the newspaper article
 4 telling about the expansion, they gave a number to call
 5 if we wanted to have an individual draft sent to us, and
 6 I am happy to say that within a week's period I did get
 7 the packet, which was rather large.
 8 I dutifully started to explore exactly what was
 9 taking place. Now, I did not get to everything, so --
 10 and I did not understand everything except that I felt
 11 that being an elected official of the area, it was my
 12 responsibility to know what would be done and to be able
 13 to understand it.
 14 I have a request for the document to be
 15 increased to 90 days before it is stopped, so that
 16 there's a reasonable amount of time that I can prepare
 17 whatever questions I have and to go to other people that
 18 I know who are involved in this area to get some
 19 clarification. I would appreciate it being extended to
 20 90 days.
 21 The other thing that I did not seem to find or
 22 it might be in the document was that it seemed to
 23 exclude all of the SWEF information from the EIS.
 24 That seemed ludicrous to me, because in dealing
 25 with certain issues about SWEF, the Navy has stated, and

CUM-17

1 military helicopters. I understand that. **SCOPE-6**
 2 But, in fact, if there's going to be an **(cont.)**
 3 increase, it would be well appreciative for not only the
 4 people in the recreational area, but for the harbor area
 5 which is not doing well, we're not bankrupt yet but
 6 we're trying to go ahead and make it a focal point for
 7 people to come to for tourism, and this really
 8 interferes, this will interfere.
 9 It would be appreciative if this could go
 10 further out, beyond the island as opposed to between the
 11 island and the coastline.
 12 Thank you.
 13 MR. MICHAELSON: That exhausts the list of
 14 speakers that I have.
 15 Is there anyone else who has been inspired by
 16 the three previous ones that would like to take
 17 advantage?
 18 This is your opportunity. If not, we will go
 19 into recess. We will stay a bit longer around here just
 20 to make sure that in case anyone comes in a little bit
 21 late, we can go ahead and go back on the record and take
 22 their comments if they show up.
 23 In the meantime, feel free to go back to the
 24 poster displays. If you have any other questions that
 25 have been raised by the comments that have been made

24

1 I am quoting now from I think it was Captain Bail, I'm
 2 not sure, I just know he's no longer involved as the
 3 contact person, he had said that the purpose of the SWEF
 4 was to support the range expansion in the Mugu range.
 5 Now, if that was the purpose of the SWEF, which
 6 was stated, then why would it not be in the EIS document
 7 that is before us now. It just is incongruous.
 8 So I would like to have that included rather
 9 than excluded. Even though it is different, it does tie
 10 in. They work upon one another. That was very
 11 systematically told to a group of us who had questions
 12 beforehand.
 13 There was another one I forgot. Oh, yes, the
 14 increased helicopters that Mr. Dodd had talked about.
 15 I have the opportunity to be on the beach the
 16 last couple of weeks because I had my grandchildren with
 17 me, and I'm telling you that anywhere from at least two,
 18 closer to five, every single day, low, noisy, almost
 19 like -- I mean low enough where you can really see -- it
 20 was low, it was not high.
 21 MR. SWANEY: Excuse me. Helicopters, is that
 22 what you're referring to?
 23 MS. SPIEGEL: Yes, helicopters. I don't know
 24 where they were coming from or going, but they're
 25 military. I know you're not in charge of all the

SCOPE-6

1 here?
 2 With that, we'll go to recess. Thank you very
 3 much.
 4 (Public hearing recessed.)
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