



DEPARTMENT OF THE NAVY
NAVAL AIR WEAPONS STATION
1 ADMINISTRATION CIRCLE
CHINA LAKE, CALIFORNIA 93555-6100

IN REPLY REFER TO:
5090

Ser 8G0000E/ 3777
29 May 2001

Ms. Christina Fahy
National Marine Fisheries Service, Southwest Regional Office
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802-4213

Dear Ms. Fahy:

This letter documents recent discussions between you and Mr. Steve Schwartz of my staff regarding informal consultation under Section 7 of the Endangered Species Act. This consultation involves potential effects on listed marine mammals from various activities on the Point Mugu Sea Range described in the Point Mugu Sea Range Environmental Impact Statement (EIS).

As described in the Sea Range EIS, there are six federally listed endangered or threatened marine mammals that might be found on the Sea Range. The potential for impacts to these (and all) marine mammals was extensively analyzed in the EIS. None of the activities are likely to result in injury or mortality. In fact, the estimated probability of a listed marine mammal being struck by debris is remote, approximately 0.0003 animals per year. Potential for temporary threshold shift (TTS) from acoustic energy from missiles hitting the water was also assessed and the likelihood found to be very rare, approximately 0.063 individual animals per year for all threatened and endangered species. No harassments beyond those calculated for TTS have been predicted.

Even given the remote possibility for any effect, the Navy does, as part of its normal range clearance procedures, conduct visual low altitude aerial surveillance of predicted debris impact areas. This surveillance includes looking for surfaced marine mammals. If marine mammals are sighted in the predicted debris area the scenario will be moved or delayed.

Based on the results of the EIS analysis and the surveillance flights, the activities described in the EIS will not adversely affect listed species. We appreciate your assistance in this informal Section 7 consultation. Should you have any additional questions or concerns please contact Mr. Steve Schwartz, (805) 989-0644.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn A. Shepherd".

CAROLYN A. SHEPHERD

Head, Environmental Project Office

By direction of

the Commanding Officer



CS
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
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Ms. Carolyn Shepherd
Head, Environmental Project Office
Naval Air Weapons Station
1 Administration Circle
China Lake, California 93555-6100

Dear Ms. Shepherd:

This letter responds to your May 29, 2001, request for initiation of informal consultation with the National Marine Fisheries Service (NMFS) under section 7 of the Endangered Species Act (ESA) regarding potential effects on listed marine mammals of current and proposed actions by the Naval Air Warfare Center Weapons Division (NAWCWD) Point Mugu. These activities are described in the July 2000 Draft Environmental Impact Statement (DEIS) and further detailed in the December 1998 Marine Mammal Technical Report (Technical Report) for the Sea Range. NAWCWD Point Mugu is located in Ventura County along the Pacific coast of southern California and includes a 36,000 square mile Sea Range. Since listed sea turtles, salmonids, and invertebrates may also be found in the Sea Range and are under NMFS' jurisdiction, this consultation also includes those species. Based on the results of the DEIS analyses and the pre-operational aerial surveillance of all marine mammals during specific activities, the Department of the Navy (Navy) has concluded that current and proposed activities conducted in the Sea Range will not adversely affect listed species.

According to the DEIS, and based on a summary of operations conducted during fiscal year 1995, the Navy currently conducts approximately 2,500 tests or training activities annually in the Sea Range, many of which involve nearly 4,000 aircraft sorties, roughly 800 ship and boat activities, and the launching of approximately 350 missiles. Most of the missiles tested at the Sea Range are designed to intercept an airborne or surface target and may include air-to-air, air-to-surface, surface-to-air, surface-to-surface, and subsurface-to-surface exercises. Some missiles and airborne targets terminate in the ocean, while others may break up prior to impact, resulting in falling debris fragments.

In addition to the current test and training operations conducted on the Sea Range, the Navy proposes to accommodate theater missile defense (TMD) test and training activities and an increase in the current level of both fleet training exercises and special warfare training. The Navy proposes that the Sea Range accommodate four distinct types of TMD testing and training activities: (a) boost phase intercept (three events annually); (b) upper tier (three events annually);



(c) lower tier (three events annually); and (d) nearshore intercept (eight events annually). While the first three tests involve the interception of missiles and targets at high altitudes, the nearshore intercepts occur at very low altitudes (i.e., below 1,000 feet) and close to shore (i.e., San Nicholas Island (SNI)). Range safety procedures and protocols (described in the “Marine Mammals” section of this letter) would also apply to TMD test and training activities.

The Navy also proposes to accommodate one additional fleet training exercise per year and two additional special warfare exercises per year, adding to the current annual level of two fleet training exercises, four small-scale amphibious training exercises, and two special warfare training exercises. Lastly, facilities at Naval Air Station Point Mugu and SNI would be modernized to increase the Sea Range’s capability to support existing and future operations.

ESA Comments

The following listed species under NMFS’ jurisdiction may be found in the Sea Range:

<u>Fish</u>	<u>Status</u>
California coastal chinook (<i>Oncorhynchus tshawytscha</i>)	Threatened
Central Valley spring-run chinook	Threatened
Sacramento River winter-run chinook	Endangered
Central California coho (<i>Oncorhynchus kisutch</i>)	Threatened
California Central Valley steelhead (<i>Oncorhynchus mykiss</i>)	Threatened
Southern California steelhead	Endangered
South-central California coast steelhead	Threatened
 <u>Invertebrates</u>	 <u>Status</u>
White abalone (<i>Haliotis sorenseni</i>)	Endangered
 <u>Marine Mammals</u>	 <u>Status</u>
Blue whale (<i>Balaenoptera musculus</i>)	Endangered
Fin whale (<i>Balaenoptera physalus</i>)	Endangered
Humpback whale (<i>Megaptera novaeangliae</i>)	Endangered
Northern right whale (<i>Eubalaena glacialis</i>)	Endangered
Sei whale (<i>Balaenoptera borealis</i>)	Endangered
Sperm whale (<i>Physeter macrocephalus</i>)	Endangered
Guadalupe fur seal (<i>Arctocephalus townsendi</i>)	Threatened
Steller sea lion (<i>Eumetopias jubatus</i>) - eastern stock	Threatened

<u>Sea Turtles</u>	<u>Status</u>
Green turtle (<i>Chelonia mydas</i>)	Endangered/Threatened
Leatherback turtle (<i>Dermochelys coriacea</i>)	Endangered
Loggerhead turtle (<i>Caretta caretta</i>)	Threatened
Olive ridley turtle (<i>Lepidochelys olivacea</i>)	Endangered/Threatened

Critical habitat for the above-listed species has not been designated or proposed within the Sea Range. Therefore, critical habitat will not be considered in this consultation.

The DEIS and the Technical Report contain extensive analyses of the potential effects of current and proposed NAWCWD activities on marine species that may be found in the Sea Range. In addition, the Navy has provided additional information clarifying safety procedures and policies for the protection of listed marine mammals. The following paragraphs provide relevant details of the analyses, results of NMFS and Navy staff discussions, and describe potential effects of the action on listed species.

Fish

Based on information gathered from tag/recapture studies and southern California fisheries, listed salmonids, including chinook, coho, and steelhead are distributed throughout the Sea Range during their oceanic phase of life. However, since salmonids do not concentrate near the surface, and based on the analyses of the effects of NAWCWD activities on fish, any effects on listed salmonids are likely to be insignificant. Therefore, this action is not likely to adversely affect listed salmonids.

Invertebrates

Although white abalone are found within Sea Range waters, they dwell in fairly deep water, living on rocky substrates such as pinnacles, rock piles, and deep reefs. Currently, white abalone are rarely found in southern California waters. Recent submersible surveys in the Channel Islands found less than three white abalones per hectare, or less than one per cent of the estimated pre-exploitation size. The DEIS identifies potential impacts to marine resources (other than fish, sea turtles and marine mammals) due to current and proposed NAWCWD activities. Such impacts include debris falling and destroying or degrading sensitive habitats and debris, contaminating sediment and water quality such that concentrations may be hazardous to aquatic life. Most of the activities described in the DEIS have the potential to impact nearshore habitats near Mugu Lagoon or very deep water regions, where white abalone are not likely to occur. The nearshore intercept component of the TMD may impact sensitive marine habitats around SNI; however, given the extremely low density of white abalone, the likelihood that falling debris would strike an animal or impact its habitat is very low. Based on the above, NAWCWD activities are not likely to adversely affect white abalone.

Marine Mammals

The Navy has an established range safety policy and procedure to protect marine mammals from being struck by intact missiles, targets, or falling debris. According to the DEIS, the Technical Report, responses to DEIS comments, and based on communications between

NMFS and Navy staff, for test and training events that include materials entering the water (e.g., missiles), NP-3D aircraft assigned to Point Mugu are used to conduct a visual search of the predicted debris area. If marine mammals are observed in or near the predicted impact area, the NP-3D pilot will contact the Operations Conductor, who will then delay or move the launch. The Operations Conductor will contact the Environmental Coordinator or Environmental Project Office for additional guidance. The decision to delay or move the launch depends on the exact number, location, behavior, and movement of the marine mammals observed. According to your staff, there have been no instances of marine mammals being spotted in the predicted debris area and the test not being delayed and/or moved.

Because the DEIS lacked specific information regarding the Navy's policy and procedure for avoiding interactions and collisions between Navy aircraft and vessels and marine mammals, Navy and NMFS staff held several telephone conferences to clarify such measures. As a result of these discussions, the following marine mammal protection measures are and will be followed by the Navy when conducting exercises on the Pt. Mugu Sea Range:

- (1) Navy vessels and aircraft do not intentionally interact with marine mammals.
- (2) Navy vessels on the Sea Range use safety lookouts 24 hours a day. The duties of these lookouts include looking for any and all objects in the water, including marine mammals. All sightings are reported to the ship's bridge and tracked.
- (3) When whales have been sighted in an area, ships increase vigilance and take reasonable and practicable actions to avoid collisions and activities that might result in close interaction of naval assets and marine mammals. Actions may include changing speed and/or direction and are dictated by environmental and other conditions (e.g., safety, weather).
- (4) In the event of a collision between a Navy vessel and a marine mammal, the Navy, through Mr. Jan Larson, will notify Mr. Joe Cordaro, the NMFS' Stranding Coordinator, as soon as practicable (normally within 48 hours of the incident) and provide a follow-up written report within 30 days. If the Navy is unable to provide a written report within 30 days, the Navy will provide Mr. Cordaro with a schedule for submission.
- (5) For intercepts close to SNI (as described in the DEIS), the Navy will increase marine mammal survey efforts beyond those for normal open ocean operations.

Of the listed marine mammal species under NMFS' jurisdiction, northern right whales, Guadalupe fur seals, and Steller sea lions are very rarely seen in the Sea Range. In addition, given the low probability of injury or harm to marine mammal species that are present in much larger numbers in the project area, and due to the NP-3D aircraft surveys conducted by the Navy prior to potentially harmful exercises, the likelihood of these rare species being impacted is even less. The marine mammal protection measures established for aerial and vessel operations further reduce the potential for any harm or harassment of these species. Therefore, this action is not likely to adversely affect northern right whales, Steller sea lions and Guadalupe fur seals.

The DEIS contains estimates of the annual total “number” of listed marine mammals (including blue whales, fin whales, humpback whales, sei whales and sperm whales) that may be adversely affected by specific NAWCWD activities:

- (1) exposed to missile debris from missiles or targets hitting the water: 0.000015 animals;
- (2) exposed to shock waves resulting from intact missiles or targets hitting the water: 0.000261 animals; and
- (3) subject to temporary threshold shift as a result of intact missiles hitting the water: 0.083846 animals.

For each listed marine mammal species, the DEIS uses the average *annual* density of the population that could be found in the various strata of the Sea Range in which past operations have occurred, using aerial and shipboard surveys from 1975-1996. Based on recent stock assessment reports for the Pacific Ocean (Forney *et al.* 2001), some mysticete stocks appear to be increasing in population (e.g., blue whales), perhaps as a result of an increased use of California (and the Channel Islands area in particular) as a feeding area. During certain months of the year, large aggregations of feeding or migrating whales can be found in the Sea Range. Therefore, the *actual* estimates of the number of listed marine mammals that may be adversely affected by specific NAWCWD activities may in fact be greater than the estimates provided in the DEIS during the months whales are migrating to and from feeding areas. However, given the extremely low probability of exposure of a listed species to falling debris, any increase in these estimates is still not likely to adversely affect listed marine mammals.

In addition, the marine mammal protection measures established for aerial and vessel operations further reduce the potential for any harm or harassment of these species. Based on all of the above information, this action is not likely to adversely affect listed marine mammals under NMFS’ jurisdiction.

Sea Turtles

Although listed sea turtles have been found in the action area, sightings are rare. Based on the very low probability of injury or harm to the over 400,000 marine mammals estimated to be present in the Sea Range, the risks of listed sea turtles being harmed or injured is even lower. Given the low probability of “take” of sea turtles, this action is not likely to adversely affect listed sea turtles.

This concludes informal section 7 consultation for this proposed action. Consultation must be reinitiated if new information becomes available revealing effects of this action on listed species that were not previously considered, any components of the action (including existing exercises) are modified in a manner that causes an effect to a listed species that was not considered, or if a new species is listed that may be affected by this action.

Essential Fish Habitat (EFH) Comments

The DEIS states that the current and proposed actions by the NAWCWD Point Mugu will not adversely affect the EFH for the Coastal Pelagics and Pacific Groundfish Management Plans. NMFS concurs with this determination; therefore no consultation is required under the Magnuson-Stevens Fishery Management and Conservation Act.

Thank you for consulting with our office. If you have any questions regarding these comments, please contact Ms. Christina Fahy at (562) 980-4023.

Sincerely,



for
Rodney R. McInnis
Acting Regional Administrator

cc: F/PR – K. Hollingshead



DEPARTMENT OF THE NAVY
NAVAL AIR WEAPONS STATION
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CHINA LAKE, CALIFORNIA 93555-6100

IN REPLY REFER TO:

5090
Ser 8G0000D/802
31 Jan 02

Dr. Knox Mellon
State Historic Preservation Officer
Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001

Dear Dr. Mellon:

The Naval Air Warfare Center Weapons Division (NAWCWD) has prepared an Environmental Impact Statement to address potential environmental impacts from a variety of proposed activities on the Point Mugu Sea Range. NAWCWD proposes to accommodate Theater Missile Defense testing and training, accommodate an increase in current levels of training exercises, and install some new facilities to enhance the existing capabilities at NAWCWD.

NAWCWD Point Mugu is located in Ventura County along the Pacific Coast of southern California and includes a 36,000 square mile Sea Range (see enclosure 1). The Sea Range, operated by the Department of the Navy for more than 50 years, provides a safe, highly instrumented volume of air and sea space in which to conduct controlled tests and operational training. The Point Mugu Sea Range is used by U.S. and allied military services to test and evaluate sea, land, and air weapon systems; to provide realistic training opportunities; and to maintain operational readiness of these forces. This test and evaluation process is critical to the successful assessment, safe operation, and improvement of the capabilities of current and future weapon systems.

The majority of the proposed activities would take place at sea, more than one mile from the nearest landmass, but some facility improvements at San Nicolas Island and at Point Mugu are also addressed. The Areas of Potential Effect (APE) are the entire Sea Range, San Nicolas Island, and some portions of Naval Base Ventura County at Point Mugu.

In order to identify potential impacts to National Register listed or eligible properties, the Navy has conducted two studies which bear on the Sea Range. One study focused on the potential for shipwrecks to occur on the Sea Range and the other addresses the potential for prehistoric archaeological sites to be present.

The shipwreck assessment (Ogden Environmental Services 1999; "Shipwreck Study Point Mugu Sea Range") identifies a number of shipwrecks on the Sea Range. Further, the study's predictive model indicates that shipwrecks are most likely to occur within one-half mile of the shore and in waters less than 30 feet deep. The proposed activities addressed in the EIS take place greater than one mile offshore, and are thus located in areas with a low potential to contain shipwrecks.

In terms of prehistoric sites, our predictive model (Ogden Environmental Services 1997; "Underwater Archaeological Study Point Mugu Sea Range") models the potential for the presence of prehistoric archaeological sites to be found around San Nicolas Island. The study extrapolates from the known settlement pattern and considers changes in the shoreline over the last 11,000 years. The study identifies low, moderate, and high probability zones based upon likelihood of the occurrence of prehistoric archaeological sites. The proposed activities addressed in the EIS take place greater than one mile offshore, and are thus located in areas with a low potential to contain prehistoric archaeological site.

The EIS also addresses some new facilities construction at San Nicolas Island and some facilities improvements at Point Mugu.

The entirety of San Nicolas Island has previously been surveyed for the presence of National Register-eligible prehistoric properties. This was documented in the 1984 "San Nicolas Island Cultural Resources Survey Report" by Fred M. Reinman and Associates. The entire island was surveyed for the presence of historic properties (documented in the 1998 "Inventory and Evaluation of National Register of Historic Places Eligibility for Buildings and Structures at Naval Air Weapons Station, Point Mugu" by JRP Historical Consulting Services. In 1996-98 a new survey effort was conducted to re-map all archaeological sites on the Island using GPS technology. This survey was conducted by California State University, Los Angeles under the direction of Dr. Patricia Martz. This work provides an up-to-date assessment of site integrity and research potential of each site on the island. The new facilities envisioned in the EIS have been sited in areas where they would not impinge upon any known archaeological site. As projects progress through the planning process, they will continue to be reviewed for potential impacts to National Register Properties. If any potential impacts are identified, further appropriate steps would be taken to comply with the Section 106 of the National Historic Preservation Act.

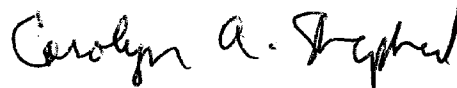
Minor facilities improvements could be made at existing launch pads Bravo and Charlie at NBVC Point Mugu. Improvements would be made to allow portable missile launchers to be located at either launch pad. Both of these launch pads have been assessed for potential National Register eligibility (JRP Historical Consulting Services 1998; "Inventory and Evaluation of National Register of Historic Places Eligibility for Buildings and Structures at Naval Air Weapons Station (NAVAIRWPNSTA), Point Mugu"). Both launch pads were established and used throughout the Cold War era. Neither launch pad was assessed as eligible, though the launch control bunker for launch pad Bravo (Building 727) was determined to be eligible. The control bunker would be used to support launches from portable launchers which would be parked on the launch pad, therefore, no effects to this structure will occur. As projects progress through the planning process, they will continue to be reviewed for potential impacts to National Register Properties. If any potential impacts are identified, further appropriate steps will be taken to comply with the Section 106 of the National Historic Preservation Act.

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Based upon the above discussion, NAWCWD has determined that the proposed activities addressed in the Point Mugu Sea Range EIS would not affect any National Register listed or eligible properties. In accordance with Section 106, we request your concurrence with this determination.

If you have any questions, please contact Mr. Steven Schwartz at (805) 989-0644.

Sincerely,



CAROLYN A. SHEPHERD
Head, Environmental Project Office
By direction of
the Commanding Officer

Enclosure: 1. Area of Potential Effects map

Blind copy to (w/o encl):
721000D
8G0000D/E (file, Schwartz)

Writer: S. Schwartz, 8G0000E, 989-0644
Typist: L. Esmeralda, 939-2750, 31 Jan 02

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