DEPARTMENT OF THE NAVY
COMMANDER
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IN REPLY REFER TO:
5090
Ser N01CE1/1203
November 10, 2010

Mr. Eric Chavez
Habitat Conservation Division
National Marine Fisheries Service,
Southwest Regional Office
501 West Ocean Boulevard
Long Beach, California 90802-4213

Dear Mr. Chavez:

In NOAA's letter dated October 13, 2010, National Marine Fisheries Service (NMFS) offered Essential Fish Habitat (EFH) conservation recommendations to further avoid, minimize, mitigate, or otherwise offset adverse effects to EFH located within the Silver Strand Training Complex (SSTC). In accordance with Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act and regulations governing conservation of EFH, the Navy provides the following response to NMFS' recommendations in the October 13, 2010 letter.

As stated in NMFS' October 13, 2010 letter, through pre-consultation discussions, the Navy and NMFS developed proposed revisions to the SSTC project that avoid, minimize and/or mitigate impacts to the EFH. These revisions are detailed in the Navy's revised EFH Assessment, dated September 2010. The conservation recommendations in NMFS' letter, however, differ somewhat from the revisions reflected in the revised EFHA. Accordingly, the Navy provides the following response to each conservation recommendation set forth in NMFS' letter. Our response includes the individual NMFS conservation recommendations (*in italics*) followed by our response and, if our response is inconsistent, an explanation of the reasons for not implementing those recommendations.

1. *The intent of the nearshore benthic habitat survey is to provide the Navy with current information regarding any sensitive habitats that may exist in the area to ensure any underwater demolition activities will be located away from these important habitats. Therefore, NMFS recommends this survey proceed as soon as possible. Specifically, the bathymetry component should occur during the fall of 2010, while the biological component could proceed in the spring of 2011.*

The Navy will follow the recommendation and conduct the survey, which will provide habitat information to NMFS as well as to Navy commands for consideration in selecting appropriate bottom-laid detonation sites. The Navy has completed a scope of work and cost estimate for the proposed survey.

The Navy's response is inconsistent with NMFS' recommendation to the extent that the Navy cannot proceed with the initial bathymetry component in the fall of 2010, due to funding cycles, logistics, and timing issues related to the Record of Decision on the SSTC EIS, which is not anticipated to be delivered until early 2011. The Navy will complete this survey in the Spring or Summer of 2011.

2. *Similar to the measures used to avoid sensitive habitats when selecting underwater explosive device detonation sites, the near shore habitat survey data should be used to ensure the OPDS system is not placed within any sensitive habitats.*

As stated, the Navy will complete the habitat survey. Upon completion of the survey, the Navy will assess the results to determine site-specific locations for the OPDS during the oceanside training activities. Bayside OPDS training would take place within the designated training lane within Bravo Beach.

The Navy's response is not, necessarily, inconsistent with NMFS' recommendation, but, as the considerations which need to be taken into account for OPDS placement and explosive activities are not the same, and since the study has not yet been conducted, the Navy is not ready to further define or designate appropriate locations for OPDS training at this time.

3. *With regard to the monitoring and reporting requirements associated with the IHA process, NMFS understands the sensitivity of location data associated with underwater explosive exercises. However, having spatial location data for detonations will allow the confirmation of compliance with the site selection protective measure and provide information to assess the effectiveness of that measure upon subsequent habitat surveys or site inspections. Therefore, the Navy should provide location data associated with underwater explosive detonation events for all explosives with charge weight >= 5 pounds NEW to the greatest extent practicable.*

The Navy's response is inconsistent with NMFS' recommendation in that the Navy cannot guarantee that it can provide the location data NMFS requests. The Navy will review the feasibility of providing more precise location data for underwater detonations within SSTC and will make efforts to follow this recommendation. However, these data are often classified and simply cannot be collected to the degree of spatial fidelity NMFS requests. Underwater detonations are scheduled within designated boat lanes, often by charge type, and only conducted over sandy bottom habitat. Operators have flexibility to move within the boat lane for optimum charge placement and sandy bottom type. However, the larger charge weights are only conducted in the center boat lanes; specifically, 15 to 29 pounds NEW charges are only used in Green 1 and Green 2.

4. *If suitable grunion spawning habitat is identified and spawning is observed during the pre-event grunion surveys, then no beach impacting activities within the spawning zone should occur until the eggs are hatched at the following two spring-tide series and no subsequent spawning activities have occurred.*

The Navy's response is inconsistent with NMFS' recommendation, but the Navy will take measures to address grunion spawning. The Navy will conduct pre-event surveys 10-14 days prior to a planned intertidal beach-impacting training activity (e.g., Causeway Pier Insertion and Retraction and ELCAS events) that must be conducted during the highest-intensity spawning months of April and May. If a significant spawning run is observed (4 or 5 on the spawning scale) coincidental with and at the same location as the beach-impacting training event, the Navy will attempt to delay the event or move to a training area of lower-density spawning or an area of no spawning.

During April and May, in the rare case where one of the specifically identified activities could not be delayed or moved from an area with observed high-density grunion spawning, the Navy will inform NMFS Southwest Region that training was conducted on that site for a specified reason. Some specific reasons may be 1) significant logistical considerations, 2) specific ocean and beach conditions to conduct realistic and

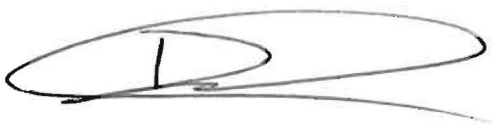
effective training, and 3) sufficient proximity to the upper beach area (beyond grunion spawning) to allow for the staging of associated support equipment and offsite access. There are only limited ocean side areas of SSTC suitable to meet these training requirements. In addition, training events have critical milestones to complete required training certifications before overseas deployments and the Navy has a very limited ability to reschedule events to later times.

5. *Prior to the removal of piles in the bay, a pre-construction survey for Caulerpa of the project area should be conducted in accordance with the Caulerpa Control Protocol (http://swr.nmfs.noaa.gov/hcd/ccpv1.html) not earlier than 90 days prior to and not later than 30 days prior to construction. The results of that survey should be transmitted to NMFS and the California Department of Fish and Game at least 15 days prior to initiation of proposed work. In the event that Caulerpa is detected within the project area, no work shall be conducted until such time as the infestation has been isolated, treated, and the risk of spread is eliminated.*

The Navy's response is inconsistent with NMFS' recommendation. The Navy is exempted from the Caulerpa survey requirement for pile driving activities in San Diego Bay according to NOAA's Caulerpa Control Protocol (part G).

We again thank you for your support of this critical project and appreciate your timely response. We also would like to reaffirm the Navy's commitment to working with your agency in support of our mutual goals. Our point of contact for the SSTC EFH consultation is Mr. Alex Stone, 619-545-8128 or Alexander.Stone@navy.mil.

Sincerely,



D. A. McNair
By direction

Copy to:
Chief of Naval Operations (N456)
Commander, Navy Region Southwest (N40)
Commanding Officer, Naval Base Coronado (N00)