



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/ES

JUL 03 2013

Mr. J. W. Murphy
Deputy Chief of Staff
Fleet Installations and Environmental Readiness
U.S. Fleet Forces Command
1562 Mitscher Avenue, Suite 250
Norfolk, Virginia 23551-2487

Dear Mr. Murphy:

On February 22, 2013, the U.S. Fish and Wildlife Service (Service) received your consultation request for Atlantic Fleet Training and Testing (AFTT) activities occurring within the Gulf of Mexico and Atlantic Ocean. Your consultation package addressed the effects of your preferred action alternative on: Bermuda petrel, roseate tern, piping plover, West Indian manatee, polar bear, American crocodile, and American alligator. In addition, the Navy included a discussion of the potential effects of the action on the red knot, a candidate species, because of its potential listing in the near future. In your consultation package, the U.S. Navy (Navy) has concluded that the proposed AFTT activities would have no effect or would not be likely to adversely affect all of the federally-listed species, candidate species, and potentially affected critical habitats considered. As a part of the proposed action, the Navy has included a number of conservation measures including standard operating procedures and mitigating measures to reduce the likelihood that listed species, candidate species or designated critical habitats would be adversely affected. Although sea turtles occur within the AFTT action area, the proposed action does not include activities above the mean high tide line where nesting occurs, therefore, sea turtles were not included as a part of your consultation request.

In response to your consultation request, the Service coordinated your consultation package with all of our affected Field Offices in the Southeast, Southwest, and Northeast Regions. Throughout the Service's coordination process, we discussed any questions or concerns that arose with Mr. David MacDuffee of your office. In every case, Mr. MacDuffee was kind enough to provide information to clarify details of the proposed action or to suggest modifications to the proposed conservation measures to address the Service's concerns.

On April 15, 2013, the Navy responded to comments and concerns about the potential effects of the proposed action on the manatee. The response proposed a modification in Section 3.4.3.3.1.6, Alternative 2, Training Activities, within the AFTT Service Consultation Supplemental Information document. This wording change would apply specifically to the last sentence on page 41, carrying over to page 42. The Navy's proposed change would be "Within the turning basin, basin entrance channel, and all other waterways adjacent to these water bodies at Naval Station (NAVSTA) Mayport, Navy vessels comply with all federal, state, and local Manatee Protection Zones and reduce speed in accordance with established operational safety

and security procedures. Pursuant to the NAVSTA Mayport INRMP, the Station provides training to Harbor Ops personnel to report manatee observations to other vessels in the basin and posts signs at select occasions alerting personnel of the potential presence of manatees and how to report sightings."

In response to North Carolina manatee concerns, the Navy developed the enclosed mitigation measures for pile driving activities at Camp Lejeune. As proposed, the measures would only apply to the pile driving activities addressed in the AFTT proposed action and only at Camp Lejeune. To develop these measures the Navy relied on the Raleigh Ecological Services Field Office's manatee protection guidelines for pile driving activities. For the other activities associated with Joint Logistics Over-the-Shore (JLOTS) training in North Carolina and Virginia, the Navy has proposed to use the same guidelines to develop additional measures and include those in the forthcoming JLOTS BA for Service review.

With regard to the Navy's planned training activities' potential impacts to the piping plover, the Service's Virginia Field Office expressed concern with the Navy's planned flights between Norfolk Naval Station and off-shore training areas. These flights would result in overflights of the southern barrier islands of the Eastern Shore of Virginia, which support the federally listed endangered piping plover. The Navy's subsequent adoption of a one nautical mile buffer between helicopter flights and the southern barrier islands is a sufficient avoidance and minimization effort that will establish an adequate protective buffer from activities which could result in negative effects to plovers. The implementation of these conservation measures allows the Service to concur with the no effect or not likely to adversely affect determinations for the federally listed piping plover within the Northeast Region.

The Service concurs with the Navy's not likely to adversely affect determination for federally endangered Northeastern population of roseate terns. Northeastern roseate terns are most likely to encounter naval training and testing activities during the breeding and post-breeding staging season when large numbers of roseate terns congregate at and near breeding islands and staging areas in New York and New England. However, the Service concurs with the Navy's determination based on impacts to roseate tern prey being negligible and insignificant (only very small numbers of fish may be killed during some exercises) and the extremely low likelihood of post-breeding roseates encountering sonar, explosives or other training exercises off of the coast of Massachusetts (we consider the likelihood for these potential effects to be discountable). The Navy provided the supporting effects assessment in the response to Service comments.

We appreciate the Navy's inclusion of effects analyses for the candidate species, red knot. For the vast majority of planned Naval activities, the Service was able to concur with the Navy's "no effect" and "not likely to adversely affect" determinations. These determinations were made based on numerous factors such as the small number of birds potentially present in the action area; the timing of actions, i.e. the bird's migratory habits don't put it in harms way during Naval exercises; the frequency of potential exposures creates only a discountable risk in most situations; and the likelihood that behavioral and physiological responses rising to an adverse level is insignificant.

Our initial concern for red knot was that the Final Environmental Impact Statement (FEIS) states that birds using wetlands, mud flats, beaches, and other shoreline habitats would be exposed to noise from nearshore helicopter training and aircraft in transit to offshore training areas, as well as intermittent aircraft noise from aircraft originating from airfields located along the coast and

vessel noise from nearshore boats. Beaches, mudflats, and coastal wetlands are the primary habitats of red knots. Disturbance is a threat to non-breeding red knots, as excessive disturbance can impact energy budgets and can preclude use of otherwise preferred habitats. Red knots are known to show disturbance responses to vessels and aircraft. Additional information that was recently provided by the Navy, however, has narrowed down high coastal traffic areas to Norfolk, Virginia, Jacksonville Florida, and Panama City, Florida. Nearshore aircraft/vessel use around Norfolk is not likely to adversely affect red knot based on: (1) Minimal records of knots in or around the station where the flights originate; (2) the 3,000-foot buffer on Fisherman's Island; and (3) aircraft do not operate along Virginia's other Atlantic barrier islands (north of Fisherman's Island).

Our response is based on our review of your consultation package received on February 22, 2013, the clarifications and conservation measures provided by the Navy throughout the consultation process. Our response represents the combined response for the Northeast, Southwest, and Southeast Regions, and is the result of review by all Service Field Offices within the area affected by your proposed action. We concur that the proposed action, and preferred alternative (as described for the Navy's proposed AFTT activities) will have no effect on, or is not likely to adversely affect the federally-listed species, candidate species or designated critical habitat as determined in your consultation package of February 21, 2013. We greatly appreciate your willingness to clarify the proposed action and include conservation measures for the protection of federally-listed species.

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

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

Please address any questions concerning this response to Janet Mizzi, Chief, Endangered Species, Southeast Region, at (404) 679-7169, Delfinia Montano, at (505) 248-6401, or Glenn Smith, at (413) 253-8627.

Sincerely yours,



Leopoldo Miranda
Assistant Regional Director
Ecological Services

Enclosures

AFTT Manatee Mitigation Measures Applicable to Elevated Causeway (ELCAS) Pile Driving at Camp Lejeune, NC

1. The project manager and/or contractor will inform all personnel associated with the project that manatees may be present in the project area, and the need to avoid any harm to these endangered marine mammals. The project manager will ensure that all construction personnel know the general appearance of the species and their habit of moving about completely or partially submerged in shallow water. All construction personnel will be informed that they are responsible for observing water-related activities for the presence of manatees.
2. The project manager and/or the contractor will advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act and the Endangered Species Act.
3. If a manatee is seen within 100 yards of the active pile driving, all appropriate precautions will be implemented to ensure protection of the manatee. These precautions will include the immediate shutdown of pile driving if a manatee comes within 60 yards of the pile driving equipment. Activities will not resume until the manatee has departed the 60-yard shutdown area on its own volition (i.e., it may not be herded or harassed from the area).
4. Any injury to a manatee will be reported immediately. The report must be made to the U.S. Fish and Wildlife Service (ph. 919.856.4520 ext. 28), the National Marine Fisheries Service (ph. 252.728.8762), and the North Carolina Wildlife Resources Commission (ph. 252.448.1546).
5. A log detailing all sightings and/or injuries to manatees during pile driving will be maintained. Upon completion of the action, the project manager will prepare a report which summarizes all information on manatees encountered and submit the report to the Service's Raleigh Field Office.